

CONDITIONS OF DEVELOPMENT CONSENT DA43/2017

1.0 - General Conditions of Consent

1. General

Development being carried out generally in accordance with the Environmental Impact Statement dated June 2017 prepared by NGL environmental and documents listed below:

Document	Prepared by	Job Number	Issue	Date
Appendix B - Threatened Species Evaluation	NGL environmental	16-214 Draft	-	-
Appendix C - Species List Appendix	NGL environmental	16-214 Draft	-	-
Appendix F – Clause 228 Checklist	NGL environmental	16-214 Draft	-	-
Appendix G – Matters of National Environmental Significance	NGL environmental	16-214 Draft	-	-
Appendix H – Emergency Spill Response Plan	NGL environmental	16-214 Draft	Version 2	26/05/2017
Aboriginal Cultural Heritage Assessment Mallee Sands	NGL environmental	16-421	Final	28/06/2017

except as modified by any condition in this consent.

2. Commencement of occupation or use

Use of the site for the purposes authorised by this consent shall not commence until all appropriate conditions of this consent have been complied with.

3. Total extraction

This consent authorises a total extraction of 11,000 cubic meters of sand per year across an area of approximately 14Ha and permits quarrying for not more than twenty-five (25) years.

4. Permanent buildings

No fixed building, plant or machinery shall be erected or installed on the site without the prior approval of Council.

5. Potable water

An adequate supply of potable water is to be provided on site for workers and visitors. Worker's amenities shall be provided in accordance with the requirements of WorkCover NSW or equivalent.

6. Destruction of trees or native vegetation

The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.

7. Damage to Council infrastructure

Damage to any utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted via telephone at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

8. General Office of Environment and Heritage Conditions

Ground disturbance activities must be confirmed to areas assessed and in accordance with the stamped construction certificate plans.

All necessary steps as outlined in accordance with the recommendations of the approved Aboriginal Cultural Heritage Assessment Report (section 8) are to be carried out on site.

9. General EPA NSW Conditions

The proponent shall take all necessary precautions and implement measures to prevent pollution of waterways during the proposed works.

Under section 120 of the *Protection of the Environment Operations Act 1997* it is an offence to pollute waters.

Waste water (if any) proposed be managed and irrigated in accordance with the Environmental Guideline: Use of Effluent by Irrigation. This is currently available at <http://www.environment.nsw.gov.au/water/effluent.htm>."

10. General RMS Conditions

1. The quarry operator shall maintain accurate records of the extraction quantities and associated traffic movement to and from the subject site (on a monthly basis). These records shall be made available at the request of either the Consent Authority or Roads and Maritime Services.
2. Any driveway to the public road network is to be located and maintained so as to comply with the required Sight Distance requirements on the road network in accordance with the Austroads Publications for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
3. As a minimum any driveway to the public road network is to be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
4. Where the driveway is to a sealed road any access driveway shall be sealed for at least 10m from the edge of seal of the carriageway in accordance with the Austroads Guide to Road Design. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway.
5. Any entry gate to the site shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
6. Any damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
7. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway of the public road. If a culvert is to be located within the clear zone of the carriageway for the prevailing speed zone it is to be constructed with a traversable type headwall.

8. When the quarry is in operation “Truck Entering” signs shall be installed on both approaches to the driveway along La Rose Lane and the intersection of La Rose Lane with the Swan Hill – Barham Road to warn motorists of the possible truck movements.

2.0 – Prior to Commencement of Works

The following conditions in this section of the consent must be complied with prior to commencement of construction works relating to the approved development.

1. Staging and Extraction Plan

A Staging and Extraction Plan that clearly identifies the specific area of quarrying as labeled in EIS noted as proposal areas A, B, C & D is prepared and submitted for the approval of Council.

The Staging plan to demonstrate the numerical order of proposed extraction, site areas, setbacks to site boundaries to ensure development area does not exceed a total site area of 14Ha. Staging and Extraction Plan to note vehicular access routes to proposal areas vehicular entry off La Rose Lane.

Staging and Extraction Plan to reflect Condition 1.12 General RMS Condition, of this consent.

2. Erosion and sediment control

To ensure measures are taken during the course of development to manage sediment control and to ensure satisfactory stabilisation of exposed areas to prevent soil erosion. Details of proposed erosion and sediment control measures are to be prepared and submitted to Council.

3. Fuel & Machinery storage area

The location of the Fuel and Machinery storage area is to be indicated with full written details and plans are to be provided to and approved by Council prior to the commencement of works. The provisions for this area must comply with the requirements specified in Australian Standard 1940-2004 “The Storage and Handling of Flammable and Combustible Liquids.

4. Emergency Spill Response Plan

A copy of an Emergency Spill Response Plan is to be submitted to Private Certifying Authority prior to the commencement of works

5. Long service payment

Prior to the commencement of works confirmation that long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 if applicable has been paid.

6. Staging works

The staging of extraction of the proposal areas is to be carried out in numerical order as detailed in EIS prepared by NGH Environmental commencing with proposal area A.

On commencement of proposal area B, proposal area A is to be rehabilitated within 6 months of commencement of proposal area B, in accordance with the measures detailed in EIS prepared by NGH Environmental. Once rehabilitation of the exhausted area is completed, an inspection of rehabilitation works is required by council.

On commencement of proposal area C, proposal area B is to be rehabilitated within 6 months of commencement of proposal area C, in accordance with the measures detailed in EIS prepared by NGH Environmental. Once rehabilitation of the exhausted area is completed, an inspection of rehabilitation works is required by council.

On commencement of proposal area D, proposal area C is to be rehabilitated within 6 months of commencement of proposal area D, in accordance with the measures detailed in EIS prepared by NGH Environmental. Once rehabilitation of the exhausted area is completed, an inspection of rehabilitation works is required by council.

At the exhaustion of area D, rehabilitation works are to be carried out and an inspection of areas A, B, C & D is to be carried out by the Private Certifying Authority ensuring works have been completed in accordance with measures detailed in EIS prepared by NGH Environmental.

7. Quantitative / Volumetric Survey

A quantitative / volumetric survey of the site shall be undertaken by a practicing registered surveyor at the cost of the applicant / operator prior to the commencement of any site works or excavations. The survey shall be undertaken and submitted to the required satisfaction of Council. An electronic copy of the survey data shall be provided in a format that be used with subsequent surveys to determine the volume of material extracted.

8. DIAL BEFORE YOU DIG (ADVISORY NOTE ONLY)

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

3.0 - Conditions of Use During Operation

1. Erosion and sediment control

To prevent the pollution of waterways, the applicant/developer is to ensure the sediment and erosion controls put in place prior to construction commencing are maintained during the construction and operation phase of the project until the site has been rehabilitated.

All battered mounds surrounding active quarry areas are required to contain sediment and erosion controls.

Failure to comply with this requirement may result in an on-the-spot fine being issued by an Authorised Officer of Council.

2. Signage

The applicant is to erect a clearly visible sign to the site stating:

- a) Unauthorised entry is prohibited;
- b) Street number or lot number;

- c) Business name and licence number;
- d) Contact telephone number/after hours number;

3. Hours of operation

Works may only be carried out on the site between the following hours:

Monday – Friday 7:00am to 6:00pm

Saturday - 8:00am to 1:00pm

Sunday & Public Holiday - No work

Note: This includes site works and delivery of materials

4. Extraction rate

The annual rate of extraction shall not exceed 11,000 cubic metres a year over or not more than twenty-five (25) years, whichever is achieved first. Details of the actual extraction rates are to be submitted to Council on a quarterly basis (3 monthly).

Prior formal development consent is to be obtained from Council for any proposed extraction in excess of this amount.

5. Section 7.11 Contributions (Formally S94 Contributions) – Road Maintenance

A contribution shall be paid in accordance with Wakool Section 94 Contributions Plan 2005 current at the time of payment on a quarterly basis within one month of the end of the quarter. The quarters shall comprise 1 January – 31 March, 1 April – 30 June, 1 July – 30 September, 1 October – 31 December unless otherwise notified by Council. NOTE At the time of the consent this requires a payment of \$0.07 (7 cents) per tonne of material hauled from the site. This rate is subject to indexing and amendment in accordance with a subsequently adopted heavy haulage contribution plan.

- A “Remittance form” as issued by Council shall be submitted to Council for each quarter either accompanying the required payment or as a “nil” return. The information required includes applicable quarter, quantities of material, tonnage rate, contribution payment and the like and be certified by a company officer.
- A quantity / volumetric survey shall be undertaken by a practicing registered surveyor prior to the commencement of the quarry and stock piles on an annual basis and submitted to Council that provides an estimate of material removed from the site. The annual cycle shall be the financial year unless otherwise notified by Council.
- An annual audit of quarry sales by volume and weight shall be undertaken by an independent auditor and submitted to Council on an annual basis. This audit shall also provide a reconciliation between the sales and the contributions that were payable under the Wakool Contributions Plan to demonstrate compliance with the terms of the Consent. The annual cycle shall be the financial year unless otherwise notified by Council.
- Quantitative / volumetric surveys of the site shall be undertaken periodically by a practicing registered surveyor at the cost of the applicant /operator upon written request by Council. The surveyor shall use the methodology supplied by Council to determine the weight of the extracted material and reconcile such with quarterly and annual returns. Where the survey indicates that more material has been extracted than indicated by the returns, the applicant / operator shall pay a contribution in respect of the outstanding amount.

6. Access

Vehicular entry to and exit from the site shall be in a forward direction at all times.

7. Cover stockpiles

Any stockpile of sand which is to stand undisturbed on the site for more than one week is to be covered with an appropriate cover or treated with other appropriate measures such as watering to prevent sand from being blown from the site.

8. Dust control measures

Dust control measures must be implemented at all times in traffic areas, processing and loading areas and on stockpiles.

9. Sand on road

Any sand which falls on La Rose Lane from trucks servicing the site is to be swept and collected from the roadway. The sand is not to be hosed onto the adjoining road reserve.

10. Noise

The site and quarry operations is to be conducted at all times in accordance with the approved Noise levels listed in Environmental Impact Statement prepared by NGH environmental.

11. Environmental Emergency Spill Response

The procedures as per the Environmental Emergency Spill Response plan prepared by NGH environmental version 2 dated 23/05/2017 will be carried out on site with a copy of this plan kept on site during operating hours.

12. Control works

All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.

13. Trucks leaving the site

Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

14. Sand extraction plan

No sand extraction is to occur outside the area shown on the proposed extension areas of the Mallee Sands Quarry figure 2-1 in Environmental Impact Statement prepared by NGH environmental.

15. Telephone complaints line

The operator must notify adjoining property owners and occupants and erect a sign clearly visible from the roadway. The notice and sign must contain information advising that any complaints relating to the operation of the quarry including truck movements, should be made to the nominated telephone number.

The operator must log all complaints in a log book, including actions taken in relation to the complaint. The log book must be provided to Council's Development and Environmental Health Group on an annual basis.

16. Rehabilitation

At the completion of the extraction process, the site shall be rehabilitated in accordance with the Plan of Management. All rehabilitation work shall be completed

in accordance. with the Rehabilitation measured detailed in Environmental Impact Statement prepared by NGH environmental

Rehabilitation works are to be completed prior to the commencement of the subsequent proposal area. The operator of the quarry is to notify the Private Certifying Authority of work ceasing of the cessation date of quarry activities and the commencement date of rehabilitation works. An inspection is to be carried out by the Private Certifying Authority of the rehabilitated works.

17. Loading & unloading

All loading and unloading of trucks is to be carried out off-street and wholly within the site.

18. Vegetation protection

Native vegetation located outside the area shown on the proposed extension areas of the Mallee Sands Quarry figure 2-1 in Environmental Impact Statement prepared by NGH environmental is to be protect and undisturbed.

Vehicular Access to the designated areas 1,2,3 and 4 is to avoid areas of surrounding native vegetation and to be carried out in accordance with traffic control plan.