



## **NOTICE OF DETERMINATION OF A MODIFICATION APPLICATION**

*issued under the Environmental Planning and Assessment Act, 1979  
Section 81 (1) (a)*

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*Issued to:*

**Applicants Name:** Cudal Lime

**Applicants Address:** C/- Geolyse Pty Ltd  
PO Box 1963  
ORANGE NSW 2800

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**Development Consent No:** DA12097

**Description of Development:** Gravel Quarry

**Subject Land:** Lot 32 DP 816454 'Limestone' 1105 Bogan Street,  
Goonumbla

**Consent to Operate from:** 16 April 2013

**Consent to Lapse on:** 16 April 2018

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**Determination:** The development application has been determined by granting of consent pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 on 16 April 2013 and now modified pursuant to Section 96 of the said Act, subject to the conditions specified in this notice. These conditions replace the original conditions specified in Development Consent No DA12097.

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### **Conditions:**

#### **Approved Plans and Documentation**

1. Development shall take place in accordance with the Parkes Shire Council stamped plan(s) and supporting documentation lodged in respect of Development Application No: DA12097 except where varied by the following conditions.
2. The General Terms of Approval issued by the Environment Protection Authority on the 28 March 2013 as outlined in Notice No. 1511683 and included herein, must be adhered to.

#### **Road-Works**

3. The property access from Wyatt's Lane shall meet the requirements of Figure 7.4 of the *Austroads Guide to Road Design-Part 4: Intersections and Crossings-General* as an entry for articulated vehicles off a high speed rural road. The access shall be sealed at least 15m from the edge of carriageway on Wyatt's Lane. Full engineering details of the roadworks and the exact location of the access shall be submitted for approval by Parkes Council's Director Engineering Services prior to the issue of a Construction Certificate.
4. Traffic operations associated with this consent will be limited to four vehicle movements per day between 8:30am and 3:45pm on weekdays, and between 8:30 and 3:00pm Saturdays, for a duration no longer than three months from commencement of operations under an approved traffic control regime. Traffic operations will continue up to a maximum of 30 vehicle movements per day, between 8:30am and 3:45pm on weekdays and between 8:30am and 3:00pm Saturdays, upon Wyatts Lane being upgraded to cater for the additional vehicular load generated by the development. This will be done at no cost to Council. The roadway will be expanded to two 3.5m lanes (7m carriageway) with a 3.7m wide central seal designed and constructed in accordance with AUS-SPEC#1/Parkes Shire Council. A detailed design for the road will be submitted to council for approval prior to the issue of a Construction Certificate.
5. Traffic operations associated with this consent will be limited to four vehicle movements per day between 8:30am and 3:45pm on weekdays, and between 8:30 and 3:00pm Saturdays, for a duration no longer than three months from commencement of operations under an approved traffic control regime. Traffic operations will continue up to a maximum of 30 vehicle movements per day, between 8:30am and 3:45pm on weekdays and between 8:30am and 3:00pm Saturdays, upon the upgrade of the intersection of Bogan Road and Wyatts Lane with CHR(S) and AUL treatments in accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. This requirement is due to the existing Safe Intersection Sight Distance deficiency on Bogan Road and additional traffic generated by the development. The treatment will include all required pavement widening and markings designed and constructed in accordance with AUS-SPEC#1/Parkes Shire Council. A detailed design for the road will be submitted to council for approval prior to the issue of a Construction Certificate.
6. Introduce and effectively maintain measures to suppress and control dust at all times during the construction. Details of the proposed dust control measures, including procedures for the implementation of such measures, shall be submitted to Council for approval prior to commencement of construction works.
7. All road-works, including drainage infrastructure, must be constructed and completed in accordance with AUS-SPEC#1/Parkes Shire Council. The road works must be inspected by Council or an Accredited Certifying Authority at the times specified below:
  - (a) **Earthworks:** Prior to any road works and when all sediment controls have been placed in position.
  - (b) **Road Drainage:** When all drainage work and structures are installed and prior to backfilling.
  - (c) **Road Pavement:** When the road-base is properly formed and compacted and prior to sealing.
  - (d) **Completion:** When all roadworks are completed, including sealing, directional signage, street lighting and street furniture.
8. Signage will be installed on Wyatts Lane, in accordance with AS1742.2, in the form of W5-22 signs indicating trucks entering the road. This will be done at no expense to Council.
9. All trucks leaving the quarry will be covered to prevent dust and to stop material from falling upon the road.

10. On haulage days, dust levels are to be monitored on Wyatts Lane and the internal access road. If these levels become such that the driver's sight distance is inhibited then dust suppression is to be conducted.
11. As per conditional B-Double access approval on Wyatt's Lane, B-Double trucks are not permitted to travel 8:00-9:00am and 3:30-4:30pm on school days. The speed of all haulage vehicles from the quarry is to be restricted to 80 km/hr. The supervisor of haulage operations will be responsible for informing the drivers of this restriction to provide a safer environment for the general public using the road.
12. The Applicant will be responsible for both the maintenance of Wyatt's Lane and the intersection of Bogan Road and Wyatts Lane to Council's satisfaction. Wyatts Lane will be subject to a 2 year inspection interval and be maintained to a "Local Access" level of service as defined in Council's Transport Asset Management Plan. All maintenance work shall comply with Council Aus-Spec standards and all work will be completed at no cost to Council.

Note: Within Council's nominated inspection interval Wyatts Lane will be assessed according to the criteria stipulated for level of service "Local Access". Should the condition assessment at inspection nominate a deficiency identified within the roadway, the applicant shall be contacted by Council with instructions to repair or maintain the road back to "Local Access" standard.

#### **Driver Code of Conduct**

13. The Applicant shall introduce and implement a Driver's Code of Conduct which will be required to be abided by all operators to and from the site. The Code shall include clauses requiring the driver to obey all Australian and NSW road rules and licensing requirements. It shall also stipulate the maximum speed to be travelled on Wyatt's Lane and Bogan Road being 100km/h and restrictions on B-Double vehicles to travel at a maximum of 80km/h and not between 8:00-9:00am and 3:30-4:30pm on school days.

Note: The intent of this condition is to create a form of enforcement if a driver is operating dangerously on a public roadway endangering themselves or other road users.

#### **Septic**

14. The applicant must obtain approval to operate a system of sewage management on the site from Parkes Shire Council under Section 68 of the Local Government Act 1993.

#### **Rehabilitation**

15. Prior to works commencing on site, a final plan identifying the proposed end use and landform of the land once rehabilitated, shall be lodged with and approved by Council.

#### **General Terms of Approval - Environment Protection Authority**

##### **Administrative conditions**

##### ***A1. Information supplied to the EPA***

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- Development application DA12097 submitted to the EPA on 9 January 2013;

- Statement of Environmental Effects, Proposed Quarry, prepared by Geolyse for Cudal Lime products, dated December 2012;
- All additional documents supplied to the EPA on 14 March 2013 in relation to the development, including:
  - Additional Information Report
  - Revised drawing set
  - Acoustic Assessment, dated 7 March 2013

## **A2. Fit and Proper Person**

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## **Discharges to Air and Water and Applications to Land**

**P1.1** The following points referred to in the table are identified in this licence for the purpose of the monitoring and/or the setting of limits for discharges of pollutants to waters from the point.

### **Water and land**

<b>EPA identification no.</b>	<b>Types of Monitoring Point</b>	<b>Type of Discharge Point</b>	<b>Location Description</b>
Sediment Basin Overflow (location TBA)	Surface quality monitoring	Surface water discharge	TBC

**Note:** The monitoring requirements may be modified by the EPA subject to ongoing review of licence conditions and monitoring results.

**Note:** A licence application will need to define the sediment basin on the premises.

**Note:** Discharge of pollutants to waters from the sediment basin is only permitted when the discharge occurs solely as a result of rainfall that exceeds the minimum design criteria for sediment control measures in *Managing Urban Stormwater: Soils and Construction - Volume 2E Mines and Quarries*.

Limit conditions

## **L1. Pollution of waters**

**L.1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

## **L3. Concentration limits**

**L3.1** For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

**L3.2** Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

**L3.3** To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

### **Water and Land**

#### **Monitoring Point 1 - Sediment Basin Overflow**

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Total Suspended Solids	mg/L			-	50

Note: Discharge of pollutants to waters from the sediment basin is only permitted when the discharge occurs solely as a result of rainfall that exceeds the minimum design criteria for sediment control measures in *Managing Urban Stormwater: Soils and Construction - Volume 2E Mines and Quarries*.

#### **L4. Hours of operation**

**L4.1** All loading activities at the premises must only be conducted between:

- 0700 - 1800 - Monday to Friday
- 0700 - 1500 - Saturdays
- Never on Sundays or Public Holidays

**L4.2** All extraction and processing work at the premises must only be carried on between:

- 0900 - 1700 - Monday to Friday
- Never on Saturdays, Sundays or Public Holidays

**L4.3** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L4.1 or L4.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L4.4** The hours of operation specified in conditions L4.1 and L4.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

#### **L5. Waste**

**L5.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

**L5.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

## **L6. Noise limits**

**L6.1** Noise generated at the premises must not exceed the noise limits in the table below.

Location	Day Noise Limits – LAeq (15 minute)
Any residential receiver	35 dB(A)

Note:

**L6.2** For the purpose of condition L6.1 and L6.5;

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- LAeq(15minute) is defined as the equivalent continuous 'A' weighted sound pressure level- the energy average of the noise measured over a 15 minute period, and LA1 (1 minute) is defined as the sound pressure level exceeded for one percent of a 1 minute measurement period.

**L6.3** The noise limits set out in condition L6.1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level.
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

**L6.4** For the purposes of condition L6.3:

- a) Data recorded by a meteorological station installed on site must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

**L6.5** To determine compliance:

- a) with the Leq(15 minute) noise limits in condition L6.1, the noise measurement equipment must be located:
  - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the LA1(1 minute) noise limits in condition L6.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.
- c) with the noise limits in condition L6.1, the noise measurement equipment must be located:
  - at the most affected point at a location where there is no dwelling at the location; or
  - at the most affected point within an area at a location prescribed by conditions L6.5(a) or L6.5(b).

- L6.6** A non-compliance of condition L6.1 will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed by conditions L6.5(a) and L6.5(b); and/or
  - at a point other than the most affected point at a location.
- L6.7** For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

**Additions to Definition of Terms of the licence**

- NSW Industrial Noise Policy - the document entitled "New South Wales Industrial Noise Policy published by the Environment Protection Authority in January 2000."
- Noise - sound pressure levels' for the purposes of conditions L6.1 to L6.7.

***L7. Blasting***

**L7 Blasting Limits**

- L7.1** The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L7.2** The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L7.3** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L7.4** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
- L7.5** Blasting at the premises may only take place between 9:00am-5:00pm Monday to Friday. Blasting is not permitted on weekends or public holidays.
- L7.6** Blasting outside of the hours specified in L7.5 can only take place with the written approval of the Environment Protection Authority (EPA).

NOTE: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L7.1 to L7.4 at any "noise sensitive locations" other than the locations identified in the above condition.

## ***Operating conditions***

### ***01. Odour***

**01.1** The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of the licence directed at minimising odour.

No condition of this licence identifies a potentially offensive odour for the purpose of Section 129 of the Protection of the Environment Operations Act 1997

### ***02. Dust***

**02.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

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

**02.3** All dust control equipment must be operable at all times with the exception of shutdowns required for maintenance.

### ***03. Stormwater/sediment control - Construction Phase***

**03.1** An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

### ***04. Stormwater/sediment control - Operation Phase***

**04.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

### ***07. Blast management protocol***

**07.1** A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters:

- compliance standards;
- mitigation measures;
- remedial action;
- monitoring methods and program;
- monitoring program for flyrock distribution\*;



- measures to protect underground utilities (eg: rising mains, subsurface telecommunication and electric cables) and livestock nearby;

notification of procedures for neighbours prior to detonation of each blast;

- measures to ensure no damage by flyrock to people, property, livestock and powerlines.\*

## ***O8. Noise Barrier***

**O8.1** The noise barrier referred to below Table 5 of the Acoustic Assessment prepared by Blackett Acoustics, dated 7 March 2013, must be of solid construction, without gaps and extend to ground level in order to be effective.

## ***Monitoring and recording conditions***

### **M1 Monitoring records**

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

### ***M2. Requirement to monitor concentration of pollutants discharged***

**M2.1** For each monitoring/ discharge point or utilisation area specified below (by a point number), the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

**Point 1 - Sediment Basin Overflow** Water and Land

Pollutant	Units of measure	Frequency	Sampling Method
Total Suspended Solids	mg/L	during any discharge	Grab Sample

## ***Reporting conditions***

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence

fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

## **Pollution Studies and Reduction Programs**

### **Soil Erosion and Sediment Control Plan**

**U1.1** The Proponent must prepare and implement a Soil Erosion and Sediment Control Plan. This Plan must:

- (a) ensure that soil erosion and sediment pollution will be managed consistent with the guidelines, principles and minimum design standards Volume 1 of *Managing Urban Stormwater: Soils and Construction (Landcom 2004)* (the Blue Book);
- (b) ensure that the sediment basin will be designed and managed consistent with the guidelines, principles and minimum design standards in *Managing Urban Stormwater: Soils and Construction - Volume 2E Mines and Quarries (DECC 2008)*;
- (c) ensure that the haul roads and access roads will be managed consistent with the guidelines, principles and minimum design standards in *Managing Urban Stormwater: Soils and Construction - Volume 2C Unsealed Roads (DECC 2008)*;
- (d) provide plan drawings showing the locations for best management practices for the site during development of the extraction area;
- (e) include written text detailing the installation, monitoring and maintenance requirements for each of the recommended BMPs for erosion and sediment control; and
- (f) include detailed drawings of any engineering structures such as sediment and evaporation ponds and the clear water diversion structures, including design standards and management regimes to return the erosion and sediment control system to design capacity following rainfall events.

### **Particulate Matter Control Best Practice**

**U2.1** The proponent must conduct a site specific Best Management Practice (BMP) determination to identify the most practicable means to reduce particle emissions.

**U2.2** The proponent must prepare a report which includes, but is not necessarily limited to, the following:

- identification, quantification and justification of best practice measures that could be used to minimise particle emissions;
- evaluation of the practicability of implementing these best practice measures; and
- a proposed timeframe for implementing all practicable best practice measures.

In preparing the report, the proponent must utilise the document entitled *Coal Mine Particulate Matter Control Best Practice – Site Specific Determination Guideline – November 2011* (<http://www.environment.nsw.gov.au/resources/air/20110813coalmineparticulate.pdf>).

It is noted the site specific Best Management Practice (BMP) determination findings could alternatively be documented in the Air Quality Management Plan (refer below).

**U2.3** The report required by condition U2.2 must be submitted by the proponent to the Environment Protection Authority's Head of Operations Dubbo, at PO Box 2111 Dubbo NSW 2830 prior to an application for an environment protection licence for the project.

## **Air Quality Management Plan**

**U2.4** Based on the information contained in the site specific BMP (refer to condition U2.2 above) and the project EA, the proponent must develop and implement an air quality management plan for the project in consultation with the EPA. As a minimum the air quality management plan must include the following information for each emission source:

- *Key performance indicator(s);*
- *Monitoring method;*
- *Location, frequency and duration of monitoring;*
- *Record keeping;*
- *Response mechanisms; and*
- *Compliance reporting.*

If consent is granted by Parkes Shire Council the EPA will be unable to issue a Scheduled Development or Scheduled Activity Licence until the documentation referred to above is prepared and approved.

## Reasons for Conditions:

Development Application No: DA12097 was assessed using current procedures developed by the Parkes Shire Council and other resource information. This includes:

- the requirements of Section 79C(1) of the *Environmental Planning and Assessment Act 1979* which states:

***Section 79C(1) Matters for consideration – general***

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

- (a) *the provisions of:*
    - (i) *any environmental planning instrument, and*
    - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
    - (iii) *any development control plan, and*
    - (iv) *any matters prescribed by the regulations that apply to the land to which the development application relates*
  - (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality,*
  - (c) *the suitability of the site for the development,*
  - (d) *any submissions made in accordance with this Act or the regulations,*
  - (e) *the public interest.*
- the requirements of the Parkes Local Environmental Plan 2012.
- the requirements of the following Development Control Plans and Council Policies:
  - (i) Carparking Code, Development Control Plan 1998
  - (ii) Rural Development, Development Control Plan 1998
- field inspection and liaison between officers of the Parkes Shire Council as well as the following government authorities:
  - (i) Environment Protection Authority
  - (ii) Roads and Maritime Services

**Other Approvals:**

**Local Government Act,  
1993 approvals granted  
under Section 78A (5):**

**General Terms of Other  
Approvals Integrated as  
Part of the Consent:**

Environmental Protection Authority - Notice No. 1511683

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**Right of Review:**

Section 82A of the Environmental Planning and Assessment Act, 1979 confers the right for an applicant to request the Council to review its determination within twelve months after the date of determination. Any requests for a review are required to be accompanied by a fee as set by the Environmental Planning and Assessment Regulation, 1994.

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**Right of Appeal:**

Section 97 of Environmental Planning and Assessment Act, 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

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**Signed:**

On behalf of the consent authority:

**Signature:**

**Name:**

Steven Campbell  
**DIRECTOR PLANNING AND ENVIRONMENT**

**Date:**

16 July 2013

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