

## **DRAFT CONDITIONS OF CONSENT**

### **1. DEVELOPMENT IN ACCORDANCE WITH PLANS**

#### **Objective**

To ensure the development proceeds in the manner assessed by council.

#### **Performance**

Development is to take place in accordance with the attached stamped plans (Ref: DA 2018/0093), associated documentation including the Environmental Impact Statement prepared by RW Corkery & Co Pty Ltd and dated January 2018 and the Response to Submissions prepared April 2018, as submitted with the application, and subject to the conditions below, to ensure the development is consistent with council's consent.

NOTE: Any alterations to the approved development application plans must be clearly identified with the application for a construction certificate.

The Principal Certifying Authority for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made. An application to modify the development consent under s4.55 of the Environmental Planning and Assessment Act, 1979, as amended and will be subject to a separate fee.

### **2. ANNUAL EXTRACTION AND PRODUCTION RATE**

#### **Objective**

To ensure the proposal operates in accordance with the proposed, assessed and determined proposal.

#### **Performance**

The total amount of material extracted from the site in accordance with this consent shall not exceed 815,000 tonnes. The total annual extraction from the site shall not exceed 50,000 tonnes.

### **3. HOURS OF OPERATION**

#### **Objective**

To ensure the proposed hours of operation are in accordance with the proposed, assessed and determined proposal.

#### **Performance**

Construction and operational activities relating to the development must only be undertaken during the following hours:

<b>Activity</b>	<b>Monday to Friday</b>	<b>Saturday</b>	<b>Sunday &amp; Public Holidays</b>
Site establishment, Extraction Crushing & screening, stockpiling and blending	7am to 6pm	7am to 12 noon	Nil
Loading and transportation	7am to 6pm	7am to 12 noon	Nil
Rehabilitation	7am to 6pm	7am to 12 noon	Nil

The hours of operation specified above may be varied with written consent, if the EPA is satisfied that the amenity of surrounding properties in the locality will not be adversely affected, or in the event of an emergency when instructed by council or an appropriate authority.

#### **4. ENVIRONMENTAL PROTECTION AUTHORITY GENERAL TERMS OF APPROVAL**

##### **Objective**

To ensure the proposal operates in a manner not detrimental to the environment or locality.

##### **Performance**

The proposal shall comply with the General Terms of Approval issued by NSW Environment Protection Authority in correspondence referenced as 'Notice No: 15555782, Attachment A'. (Copy attached).

#### **5. COMPLIANCE WITH ROAD AND MARITIME SERVICES REQUIREMENTS**

##### **Objective**

To ensure that all Roads and Maritime Services requirements are complied with.

##### **Performance**

The vehicular access servicing the land from The Escort Way is to be constructed and maintained to the following standards:

- A sealed basic right (BAR) turn treatment as shown in Part 4 Figure A.28 of the Austroads *Guide to Road Design 2017*. (Copy enclosed)
- A sealed basic left (BAL) turn treatment as shown in Part 4A Figure 8.2 of the Austroads *Guide to Road Design 2017*. (Copy enclosed)

- Vehicular access sealed from the edge of the travel lane in The Escort Way and in accordance with the submitted documentation
- Any gate or grid in the vehicular access is to be setback a minimum of thirty (30) metres from the edge of the travel lanes in The Escort Way.
- Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads *Guide to Road Design* is to be provided and maintained at the vehicular access servicing the land from The Escort Way. For a 100km per hour speed zone, SISD is 262m.
- The Escort Way is a state road and the developer will be required to undertake private financing and construction works on a road in which Roads and Maritime Services has a statutory interest. A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and Roads and Maritime prior to works commencing on The Escort Way.
- Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Field Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in The Escort Way.

Pursuant to section 16 of *State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007*

- Haulage operations coinciding with local student school bus pick up/drop off times are to be avoided.
- In accordance with clause 16(1) of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.
- All activities including loading and unloading of goods associated with the development are to be carried out on-site and all loads are to be adequately covered before vehicles exit the quarry.

## **6. ACCESS ROAD UPGRADE**

### **Objective**

It is in the public interest that environmental impacts be identified and effects mitigated.

### **Performance**

The applicant is to deliver all road upgrades as deemed necessary by RMS and Cabonne Council, and to the satisfaction of those authorities, prior to transporting any products off-site from the quarry site.

## **7. APPLICATION OF BITUMEN SEAL TO THE INTERNAL SITE ACCESS ROAD**

### **Objective**

To ensure a suitable all weather, non-dust generating internal access road is provided.

### **Performance**

The applicant is required to provide a bitumen sealed surface to the internal access road for a minimum length of 200m from the property entrance. The unsealed section of the quarry internal access road is to be maintained at all times by regular grading, re-sheeting with gravel, compaction, and the road be watered to reduce the potential of dust emissions.

## **8. DRIVER CODE OF CONDUCT**

### **Objective**

In the interest of public safety.

### **Performance**

The Driver's Code of Conduct outlined in the EIS must be implemented and abided to by all employees and contractors from the time the development commences.

## **9. ADEQUATE ONSITE TRUCK PARKING**

### **Objective**

To provide an adequate onsite truck parking area.

### **Performance**

The proponent shall ensure that:

- (a) All vehicle parking is contained within the site,
- (b) No vehicles associated with the development shall be parked in the public road system, and
- (c) Vehicles do not queue on public roads at any time.

## **10. TRAFFIC MANAGEMENT PLAN**

### **Objective**

To ensure that arrangements are made for all traffic movements associated with the development.

### **Performance**

The Traffic Management Plan is to detail all vehicle movements within the site including loading areas, truck parking/waiting areas, re-fueling zones and travel routes that are used during operation of the gravel quarry.

All persons involved in the quarry operations shall be issued with a copy of the Traffic Management Plan. The Traffic Management Plan shall be prepared by the applicant and then submitted for approval by council **prior** to the transporting of any extractive material from the site.

## **11. ENTRANCE / EXIT POINTS**

### **Objective**

To ensure on-site traffic flows in the manner assessed by council.

### **Performance**

Entrance / exit point to The Escort Way is to be clearly signposted and visible from both the main road and the site access road intersection at all times.

## **12. LOADING / UNLOADING**

### **Objective**

To ensure loading / unloading does not interfere with the amenity of the roadway.

### **Performance**

All loading and unloading operations are to take place at all times wholly within the confines of the site.

## **13. EROSION AND SEDIMENTATION CONTROL PLANS**

### **Objective**

To prevent sediment and erosion from leaving the site, and any watercourse contamination, during construction of the internal access road and access point.

### **Performance**

Prior to the commencement of extractive operations, appropriate sediment and erosion controls are to be implemented and functional. The sediment and erosion control measures must remain in place and be functional during the life of the activity.

#### **14. EXTRACTION AREA BUND**

##### **Objective**

To ensure adequate environmental management of the development.

##### **Performance**

The bund surrounding the extraction area workings shall be a minimum of 2m in height.

#### **15. DUST SUPPRESSION**

##### **Objective**

To ensure that dust does not become a nuisance to neighbouring properties or passing motorists.

##### **Performance**

The applicant is responsible to water down all area within the development where nuisance dust may arise from the development caused by machinery and traffic movements. The quarry site supervisor is to alter or cease dust emitting activity should weather conditions direct dust to, and potentially impact, the closest residence. The applicant will ensure to water down any nuisance dust that may arise from the internal access road.

#### **16. STORAGE OF CHEMICALS, FUELS AND OILS**

##### **Objective**

To identify and manage adverse environmental and water quality impacts

##### **Performance**

All chemicals, fuels and oils shall be stored in appropriate bounded areas with impervious flooring and have sufficient capacity to hold 110% of the largest container stored within the bund area. The bund shall be designed and installed in accordance with the requirements of all relevant Australian Standards.

#### **17. BUILDING CONTROL**

##### **Objective**

To ensure compliance with statutory provisions.

##### **Performance**

No building or structure may be erected without prior gaining the appropriate approvals or permits, unless the development is considered exempt development under SEPP (Exempt and Complying Development Codes) 2008 or SEPP (Infrastructure) 2007.

## **18. PROVISION OF AMENITIES**

### **Objective**

To ensure adequate facilities are provided for workers.

### **Performance**

Toilet facilities are to be provided at the work site at all times at the rate of one closet for every 20 persons employed at the site. If temporary closet accommodation is proposed, each closet must:

- (a) Be at least 1050 mm wide, 1350 mm long and 2100 mm high (measured internally),
- (b) Have a hinged door capable of being fastened from both inside and outside,
- (c) Have sufficient walls and a roof to ensure privacy, each constructed of material that is weatherproof,
- (d) Have a floor constructed of a material that is rigid and impervious,
- (e) Be provided with a suitable receptacle for, and adequate supply of, deodorizing or fly repelling fluid, and
- (f) Comply with any relevant requirements of the Building Code of Australia.

## **19. LIMIT OF CLEARING AND QUARRY OPERATION**

### **Objective**

To ensure that the development is contained within the approved area of operations.

### **Performance**

No works, activities or vegetation clearing shall occur outside of the extraction area and access road as identified within the approved Environmental Impact Statement.

## **20. PROGRESSIVE REHABILITATION**

### **Objective**

To ensure environmental management of the site.

### **Performance**

The proponent shall carry out all surface disturbing activities (eg Pre-stripping in advance of quarry operations) in a manner that, as far is reasonably practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable.

## **21. ANNUAL REPORT**

### **Objective**

To respond to the public interest in identifying and mitigating environmental impacts associated with the development proceeding.

### **Performance**

The proponent is required to submit to Cabonne Council on or before the 30 June yearly an Annual Report that includes (but is not limited to) the following:

- (a) Total extraction volume for the year
- (b) Total volume of material transported from the site for the year
- (c) A record of any complaints received, including time / date of complaint, details of the complaint, and any action to rectify the complaint

## **22. COMPLAINTS LINE - TELEPHONE HOT LINE**

### **Objective**

To ensure the impact of the development on the environment and surrounding properties is considered.

### **Performance**

The proponent is required to establish a telephone complaints hot line, for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site, or by vehicles and plant associated with the site activity. The proponent must notify the public of the complaints telephone line so that the impacted community is aware of the service.

## **23. PROTECTION OF ABORIGINAL HERITAGE**

### **Objective**

To protect Aboriginal sites and relics.

### **Performance**

If any previously undetected Aboriginal sites or relics are uncovered or unearthed during any activity, work at that location must cease immediately and an appropriate action obtained from the relevant Local Area Land Council in conjunction with the NSW Department of Environment and Heritage.



## **24. SCALE (GENERAL)**

### **Objective**

To ensure the scale of the activity does not increase beyond the scope of this approval without the further assessment of possible impact.

### **Performance**

This approval enables the applicant to operate at a scale as submitted in the proposal. Any increase in the scale of the activity as submitted, will require the further approval of council.

## **25. PROJECT APPROVAL DOCUMENTATION**

### **Objective**

To ensure the relevant approval documents are available for inspection.

### **Performance**

A copy of the approved documents and plans relating to this consent are to be kept by the quarry operator at all times and shall be made available for inspection upon request by council or an authorized government agency.

## **ADVISORY NOTES**

No advertising signage has been approved as part of this development consent. Any signage not complying with the exempt development provisions will require separate development consent.