

Draft Conditions of Consent

**NOTICE TO APPLICANT OF DRAFT DETERMINATION
OF A DEVELOPMENT APPLICATION**

Mr James A. Allbut
The Yarragrove Family Trust
8-14 Irving Place
BATHURST NSW 2795

being the applicant in respect of **Development Application No 2018/115**.

Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, notice is hereby given of the determination by Council of Development Application No 2018/55, relating to the land described as follows:

LOT: 241 DP: 1185616, 1329 MID WESTERN HIGHWAY, EVAN PLAINS

The Development Application has been determined by GRANTING consent to the following development:

CONTINUED AND EXPANDED USE OF AN EXTRACTIVE INDUSTRY

Building Code of Australia building classification N/A.

IMPORTANT NOTICE TO APPLICANT

If this consent relates to a subdivision or to the erection of a building, one of the conditions listed below will require you to obtain a construction certificate prior to carrying out any work. **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE**, even if you made an application for a construction certificate at the same time as you lodged this development application. Due to changes in the law relating to planning and building approvals, Council is unable to issue the construction certificate with the development consent. If there are no conditions in this development consent which need to be met before Council issues the construction certificate, and if your plans comply fully with the Building Code of Australia, the construction certificate will be forwarded to you shortly.

This consent is issued subject to the following conditions and reasons:

GENERAL

1. The development shall be generally in accordance with development application number DA2018/115 submitted by the applicant on 9 April 2018 and in accordance with the submitted supporting documentation.

Drawing No.	Page	Name of Plan	Date
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Drawings prepared in association with Environmental Impact Statement of Environmental for the Swan Pond Quarry - prepared by R.W. Corkery & Co Pty Limited - dated April 2018.			
Figure 1.1	1-4	Locality Plan	
Figure 1.4	1-11	Existing Project Site Layout	
Figure 2.1	2-4	Proposed Project Site Layout	
Figure 2.2	2-5	Proposed Extraction Area Layout	
Figure 2.3	2-10	Site Access Road and Entrance	
Swan Ponds Quarry, Evans Plains NSW. Intersection Design Report Prepared by Barnson – dated 04-09-2018 Reference 27955_CR01_A.docx			
Environmental Impact Statement of Environmental for the Swan Pond Quarry - prepared by R.W. Corkery & Co Pty Limited - dated April 2018.			
Additional information for the Swan Ponds Quarry - prepared by R.W. Corkery & Co Pty Limited dated 9 November 2018			
Further Response to Submissions for the Swan Ponds Quarry - prepared by R.W. Corkery & Co Pty Limited dated 4 March 2019			

- a. except where amended by any conditions below.
- b. Except as expressly provided by any conditions of consent granted by the JRPP/Bathurst Regional Council or the conditions of any in-force authorisation, approval or licence issued by any controlling authority works and activities must be carried out in accordance with the proposal contained in:
 - the Development Application 2018/115 submitted to Bathurst Regional Council; and
 - any additional information provided to Council.

Reason: To ensure the development is carried out in accordance with the approved plans and documentation in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

2. **In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail to the extent of the inconsistency.**

Reason: To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended) in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

3. **Compliance with NSW Environmental Protection Authority General Terms of Approval as follows:**
 - Except as expressly provided by these General Terms of Approval (GTAs) or by any conditions of consent granted by Bathurst Regional Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority, works and activities must be carried out in accordance with the proposal contained in:

- the Development Application 2018-115 submitted to Bathurst Regional Council; and
 - any other additional information provided to Council.
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- Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by JRPP or the conditions of an in-force environment protection licence issued by the Environment Protection Authority.
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- An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted and prior to the commencement of any surface disturbance related to the Project. The plan must include, but not be limited to:
 - i. The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document *"Managing Urban Stormwater: Soils and Construction (Landcom, 2004)"* and *"Managing Urban Stormwater: Soils and Construction - Volume 2E - Mines and Quarries (DECC, 2008)"*;
 - ii. Air quality (dust) management measures;
 - iii. Waste handling measures; and
 - iv. Noise management measures.
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- Hours of Operation:

Construction Activities: Construction activities related to the Proposal must only be undertaken during the following hours:

7 am to 5 pm, Monday to Friday;
 8 am to 12 pm, Saturday; and
 At no time on Sundays or Public Holidays.

Except where superseded by the condition above, construction activities must be undertaken in accordance with the "Interim Construction Noise Guidelines" (DECC, 2009) or any revision.

Operational Activities: Operational activities related to the Proposal may only be undertaken during the following hours:
 7 am to 5 pm, Monday to Friday;
 8 am to 12 pm, Saturday; and
 at no time on Sundays or Public Holidays.
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- Construction and soil stripping operations must only be undertaken when the prevailing wind direction is from the north-west to south-west quadrant.
 - Disturbed sections of the Project Site must be progressively rehabilitated throughout the life of the Proposal. The Proponent is required to prepare and submit to Council a Rehabilitation Plan within 3 months of the date of the granting of development consent.
 - Any dirty water collected in either the Extraction Area Dirty Water Pond or the Processing and Stockpile Area Dirty Water Pond and irrigated on adjacent lucerne fields must be done so in a way that prevents excess water runoff from the irrigation area to Evans Plains Creek.

- Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.
- The internal quarry access/haulage road must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
- The first 100 m of the site access road must be sealed to reduce tracking of mud onto the Mid-western Highway within 6 months of the date of the granting of development consent.
- All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum (frequency modulated) reversing alarms.
- The Proponent must apply for and hold an in-force environment protection licence issued by the Environment Protection Authority prior to the Proponent carrying out any scheduled activities under the *Protection of the Environment Operations Act 1997* as proposed.

REASON: Because of the representations made by that body to that effect. Section 4.15(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

4. **Compliance with NSW Office of Environment and Heritage General Terms of Approval as follows:**

- **SPQ1/PAD must be registered on the Aboriginal Heritage Information Management System (AHIMS) database as soon as practicable, if this has not already happened.**
- **A section 90 Aboriginal Heritage Impact Permit (AHIP) under the National Parks and Wildlife Act 1974 must be sought and granted by OEH for harm to Aboriginal site SPQ1.**
- **The AHIP application must consider the archaeological and cultural significance of the Aboriginal objects at SPQ1 and provide reasonable and proportionate mitigation strategies to offset harm to SPQ1. Equally, the application must describe how Aboriginal objects are to be managed if it is the Aboriginal community preference to have them collected.**
- **The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of Applying for an Aboriginal Heritage Impact Permit.**
- **Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with section 90N of the NPW Act 1974 as described in the Aboriginal cultural heritage community consultation requirements for proponents (DECCW 2010)**

REASON: Because of the representations made by that body to that effect. Section 4.15(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

5. Compliance with the requirements of the NSW Roads and Maritime Services being:

- The vehicular access servicing the land from the Mid Western Highway is to be constructed and maintained to the following standards:
 - A sealed Basic Left (BAL) turn treatment as shown in Part 4A Figure 8.2 of the *Austroads Guide to Road Design 2017*.
 - A sealed Basic Right (BAR) turn treatment as shown in Part 4 Figure A.28 of the *Austroads Guide to Road Design 2017*. As noted in the TIA in order to meet this *Austroads* requirement the following works will need to be undertaken by the proponent:
 - Shoulder widening to the northern side of road for approximately 120m.
 - Consideration of laden heavy vehicles exiting the site towards Bathurst as part of the shoulder widening treatments to accommodate this right turn manoeuvre should be undertaken.
 - Lengthening of the existing culvert.
 - Relocation of existing guard rail for approximately 53m.
 - A copy of construction plans are to be submitted and approved by Roads and Maritime for the proposed works prior to them commencing.
 - Vehicular access sealed a minimum of twenty (20) metres from the edge of the travel lane in the Mid Western Highway.
 - 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 Mid Western Highway. As noted in the TIA removal and/or height maintenance of vegetation growth within the road corridor is to be undertaken to ensure growth is less than 0.9m to enable 262m SISD in each direction at all times.
 - For a 100km/h speed environment, the required SISD on a State Road is 262 metres.
- Vehicular access to the development from the Mid Western Highway is to be via the approved vehicular access only.
- Consideration of elevating the access driveway to assist with achieving a greater level of SISD.
- Installation of Advance Truck warning signs (W5-22 Size B) with a distance plate (W8-5 Size B) under, located 250 metres in advance of the access in each direction of the Mid Western Highway.
- The Mid Western Highway is a State Road and the developer will be required to undertake private financing and construction of 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 Services prior to works commencing in the Mid Western Highway.

- **Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Field Traffic Manager on 1300 656 371 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 Mid Western Highway.**

REASON: Because of representations to that effect made by that body (those bodies). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

6. **The applicant is to obtain a controlled activity approval from the Natural Resource Access Regulator prior to any works being carried out on waterfront land (within 40m of the high bank of Evans Plains Creek).**

REASON: Because of representations to that effect made by that body (those bodies). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

7. **The external boundary of the extraction areas are to be clearly identified by way of readily identifiable survey markers within 3 months of the date of this consent.**

NOTE: The survey markers may be offset by up to 10m to avoid damage through movement of equipment and placement of stockpiles beyond the extraction area.

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

8. **Prior to any work the applicant is to submit to Council for approval an Operational Management Plan that includes the following components**
 - a. **A detailed rehabilitation Plan submitted within three months of the date of this consent showing that the active extraction area is a maximum of 5.0ha;**
 - b. **A detailed Soil and Water Management plan (including dust management and mitigation to prevent sediment laden water from entering Evans Plains Creek north of the extraction area and all no go areas);**
 - c. **A complaints management procedure;**
 - d. **A road transport code of conduct that includes but not limited to:**
 - i. **Details of transportation hours pursuant to the approval of the development application.**
 - ii. **Procedure for transport of hazardous materials.**

- iii. **Details of local school bus routes, operating hours and pick-up and drop-off points along the transportation routes. Haulage operations on school bus routes during student pickup/drop-off times are prohibited.**
- iv. **Requirement for drivers to operate in a safe and courteous manner.**
- v. **Maintenance of Safe Intersection Sight Distances.**

e. Protocols for dealing with any fuel spills or leaks.

REASON: To ensure the impact of the work on the environment and surrounding properties is considered and appropriately mitigated. Section 4.15C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended

9. Prior to any work the applicant is to submit to Council for approval:

- i. **A revegetation and stabilization Plan addressing the matters in the applicants further response submission dated 4 March 2019; and**
- ii. **A Surface Water Management Plan addressing those matters in the applicants further response to submission dated 4 March 2019**

REASON: To ensure that progressive rehabilitation works are undertaken in line with the active extraction activities. Section 4.15C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended

10. The payment to Council of \$300.00 for the issuing of access levels.

These bonds/fees must be paid at the time of lodgement of any Construction Certificate.

All monetary conditions are reviewed annually and may change as of 1 July each year.

REASON: Because it is in the public interest that such fees be paid in accordance with Council's Management Plan. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

11. The vehicular access within the property is to be constructed in accordance with Part 4.1.3(2) Property Access of the Planning for Bush Fire Protection Guidelines 2006 and any requirements of the NSW Office of Water.

a) Construction is to achieve the following minimum standards:

- i) **a gate or stock grid set back a minimum distance of sixteen (16) metres from the boundary of the land with the public road.**
- ii) **A minimum carriageway width of 4 metres;**

- iii) **Passing bays every 200 metres that are 20 metres long by 2 metres wide making a minimum trafficable width of 6 metres at the passing bay;**
- iv) **Minimum vertical clearance of 4 metres to any overhanging obstructions;**
- v) **Curves are to have a minimum inner radius of 6 metres;**
- vi) **A cross fall not exceeding 10 degrees; and**
- vii) **A maximum grade of not more than 10 degrees.**
- viii) **Any category 1 or 2 watercourse crossings are to be constructed in accordance with:**
 - a) **'Guidelines for Watercourse Crossings on Waterfront Land' NSW office of Water, July 2012; and**
 - b) **'Guidelines for Riparian Corridors on Waterfront Land' NSW office of Water, July 2012.**

such that the access is traversable in any weather by an ordinary two-wheel drive vehicle.

NOTE: Any proposed alteration to the access across Evans Plains Creek will need to be authorised by NSW Water as potentially a controlled activity approval and advice should be sought and obtained and provided to Council prior to any such works being undertaken.

REASON: To provide an all-weather vehicular access clear of the public roadway and to minimise the impact of the development on the environment, and to provide appropriate access for emergency vehicles. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

12. **The access road into the quarry is to be paved in two coats of bitumen seal, a minimum of 4 metres wide from its intersection with the Mid-Western Highway to a minimum distance of not less than 100 metres inside the property boundary, in accordance with Bathurst Regional Council's Guidelines for Engineering Works. The access road is to be completed prior to any extraction activities.**

NOTE 1: The bitumen seal shall conform with the Roads and Maritime Services sprayed sealing guide.

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

13. **Annual extraction is not to exceed 50,000 tonnes per annum.**

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

14. **The site shall be managed so that:**

- a) No additional filling shall be placed on the land which may impede the flow of the water;
- b) Any clearing or drainage activities shall ensure that water from disturbed areas is discharged to treatment areas prior to being discharged in accordance with the Environmental Protection Licence;
- c) No landscaping or similar type structures shall be installed which will inhibit the flow of water;
- d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of any surface water flows;
- e) Any actions taken upon the site will minimise the effect of such action on surface water flows.

REASON: The allotment is within a recognised flood zone. Development is to reduce adverse environmental impacts. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

15. **Within the 14 days of the receipt of a written complaint received from an adjoining owner, the applicant is to provide a written response to the complainant. A copy of the complaint and response is to be provided to Council.**

REASON: To ensure the impacts on adjoining properties are appropriately mitigated. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

16. **All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre or other facility that can lawfully be used as a waste facility for that type of waste. The container shall be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway without Council approval.

NOTE 1: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land without Council approval.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

17. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

18. **During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.**

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Division, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics.

REASON: To record and preserve historic details of previous uses of the site. Section 4.15 of the Environmental Planning and Assessment Act 1979.

- 19. By the end of August each year the applicant shall review the environmental performance of the development for the preceding financial year (reporting period) and provide a copy of the report to Council. This review must:**
- a) describe the development carried out in the reporting period inclusive of the volume of material extracted;**
 - b) demonstrate compliance with each condition imposed upon the development consent;**
 - c) review and report on progress against the active Environmental Management Plan, Extraction and Rehabilitation Plan, Revegetation and Stabilisation Plan and Surface Water Management Plan confirming areas of active extraction, rehabilitation under maintenance and completed rehabilitation during the reporting period;**
 - d) include a comprehensive review of the monitoring results and complaints records of the development over the reporting period, which includes a comparison of these results against the:**
 - (i) the relevant statutory requirements, limits or performance measures/criteria;**
 - (ii) the monitoring results of previous years; and**
 - (iii) the relevant predictions in the EIS;**
 - e) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;**
 - f) identify any trends in the monitoring data over the life of the development;**
 - g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and**
 - h) describe what measures will be implemented over the next year to improve the environmental performance of the development; and**
 - i) provide a record of any complaints received inclusive of the time and date of the complaint, details of the complainant and complaint and any action taken to rectify the complaint.**

The review is to be conducted, or audited by a suitably qualified, experienced and environmental consultant.

As part of the environmental performance review the applicant and/or consultant is to consult with all adjoining properties.

REASON: Because it is within the public interest that work is carried out in accordance with the approved plans. Section 4.15 (1)(b)(e) of the Environmental Planning and Assessment Act 1979, as amended.

20. **The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

COLUMN 1	COLUMN 2
Road construction	* Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of subbase; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength).
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
New gate – rural crossing	* Prior to commencement of excavation works. * After compaction of base and prior to sealing * Road pavement surfacing
Erosion and sediment control	* Prior to the installation of erosion measures.
All development works	* Practical completion.

Quarry operations shall not commence until these works are completed to Council's satisfaction.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

21. **The applicant is to arrange an inspection of the development works by Council's Environmental Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

Soil and Water Management	* After the installation of erosion and sediment control measures.
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Quarry operations shall not commence until these works are completed to Council's satisfaction.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

22. **All stormwater runoff from the proposed development is to be collected on site and treated prior to discharge in accordance with the Environmental Protection Licence.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

23. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

24. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Essential Energy. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

25. **The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) format (MGA co-ordinates and AHD levels, with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for any drainage infrastructure, the intersection and road design and vehicular accessway.**

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

USE OF THE SITE

26. **Compliance with any requirements of the NSW Department of Industry – Natural Resource Access Regulator Water, NSW Department of Primary Industry**

– Agricultural Land Use Planning Unit, NSW Department of Primary Industries – Fisheries, Office of Environment and Heritage, NSW Resources and Geoscience – Division of Resources and Energy and Division of Mine Safety, NSW Environment Protection Authority and the NSW Roads and Maritime Services.

REASON: Because of representations to that effect made by that body (those bodies). Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

27. **All activities including loading and unloading of materials associated with the project are to be carried out onsite. All loads are to be adequately covered and managed to include dust reduction strategies which may include the use of water trucks.**

REASON: to ensure compliance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979, as amended

28. **Vehicles leaving the site are to be in a clean condition and not result in dirt being tracked onto the public road.**

REASON: to ensure compliance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979, as amended

29. **Haulage operations coinciding with local student school bus pick up/ drop off times are to be avoided.**

REASON: to ensure compliance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended

30. **The applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.**

REASON: to ensure compliance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended

31. **Scheduling of haulage vehicle movements to minimise convoy lengths or platoons.**

REASON: to ensure compliance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

32. **The area of stockpiling and processing is not to exceed 3 ha.**

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

33. **The area of active extraction is not to exceed 5ha and be limited to a single area within the quarry site. The active extraction area is to be clearly identified by way of readily identifiable markers prior to commencement of disturbance within this area.**

NOTE 1: The markers may be offset by up to 10m to avoid damage through movement of equipment and placement of stockpiles beyond the extraction area.

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

34. **The survey markers for external boundary of the extraction area are to be maintained until rehabilitation has been completed.**

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

35. **Areas of disturbance within the extraction area additional to the 5ha active extraction area are to be actively rehabilitated in accordance with an Extraction and Rehabilitation Plan (ERP).**

REASON: Because Council is of the opinion that this consent should be so limited. Section 80A(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

36. **The mitigation measures recommended by Muller Acoustic Consulting, prepared November 2017 are to be adhered to during the life of the development.**

REASON: To ensure the proposed development does not have an adverse impact on the amenity. Section 4.15(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

37. **Clearing of native vegetation outside the boundary of the extraction area is prohibited unless it is in accordance with the provisions of the Biodiversity Conservation Act 2016, as amended and the Local Land Services Act 2013, as amended.**

REASON: To ensure that the impact of the proposed development on identified and potentially threatened species is minimal or negligible. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

38. **Harvesting of firewood for commercial purposes and removal of bush rock is not permitted.**

REASON: To minimise the impacts of the proposal on the environment. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRESCRIBED CONDITIONS

The following conditions are known as “Prescribed Conditions” and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.

39. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

40. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:**

- a) **in the case of work done by a licensee under the Act:**
 - i) **has been informed in writing of the licensee’s name and contractor license number, and**
 - ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) **in the case of work to be done by any other person:**
 - i) **has been informed in writing of the person’s name and owner-builder permit number, or**
 - ii) **has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,**

and is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE 1: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

41. **For development that involves any building work, subdivision work or demolition works:**

- a) **A sign must be erected in a prominent position:**
 - i) **showing the name, address and telephone number of the principal certifying authority for the work, and**
 - ii) **showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
 - iii) **stating that unauthorised entry to the work site is prohibited.**
- b) **Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.**
- c) **This condition does not apply in relation to work that is carried out inside an existing building that does not affect the external walls of the building.**
- d) **This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.**

REASON: Because it is in the public interest that the persons responsible for the site can be contacted. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

42. **The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

43. **If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**

- a) **protect and support the building, structure or work from possible damage from the excavation; and**
- b) **where necessary, underpin the building, structure or work to prevent any such damage.**

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected.

Section 4.15(1) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

Endorsement date of determination and operative date:

.....

NOTES:

1. **Lapsing of consent.** Unless a shorter period is specified in this notice, this consent will lapse if the development is not physically commenced within five years of the date endorsed on this notice.

2. **Right of Review:** If you are dissatisfied with this determination, section 8.2 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.

The review must be undertaken within 6 months of the date endorsed on this notice.

3. **Right of appeal:** If you are dissatisfied with this determination, section 8.7 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court.

The appeal must be lodged within 6 months of the date endorsed on this notice.

4. See **attached** sheet for explanatory notes.

5. All monetary conditions are reviewed annually and may change as of 1 July each year.

Endorsement.

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