

DATE OF DETERMINATION	1 April 2021
PANEL MEMBERS	Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Mike Montgomery
APOLOGIES	Stephen Ritchie
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 March 2021.

MATTER DETERMINED

PPSNTH-10 – Moree Plains Shire Council – DA2019/37 at 73 Wilgaroi Rd, Gurley – hard rock quarry (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

1. The proposal is permissible in the RU1 Primary Production zone and is consistent with relevant zone objectives.
2. The site of the proposed development is suitable for the intended use.
3. Subject to the road upgrading works provided in the conditions, a suitable haulage route is available for transportation of quarry products.
4. The proposal is an appropriate use of valuable geological resources and is therefore consistent with aims “a” and “b” of the Mining SEPP. Use of these resources as proposed will also facilitate infrastructure development (the ‘Inland Rail’) of national significance.
5. Subject to the ecological offsets incorporated into the proposal, its impacts on the natural environment will be acceptable. As such, the proposal is consistent with clause 14 of the Mining SEPP.
6. Subject to the rehabilitation conditions incorporated into the proposal, satisfactory rehabilitation will occur. As such, the proposal is consistent with clause 17 of the Mining SEPP.
7. For the reasons given above, approval of the application is in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 1 is deleted by the Panel
- Add part c to Condition 3, to read as set out in Schedule 2.
- Amend Condition 4 to read as set out in Schedule 2.
- Amend Condition 8 to read as set out in Schedule 2.
- Amend Condition 12 to read as set out in Schedule 2.



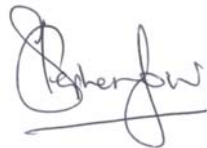

- Add new condition 14, to read as set out in Schedule 2, affecting subsequent condition numbering
- Amend Condition 15 to read as set out in Schedule 2.
- Amend Condition 16 to read as set out in Schedule 2.
- Amend Condition 21 to read as set out in Schedule 2.
- Amend Condition 23 to read as set out in Schedule 2.
- Amend Condition 25 to read as set out in Schedule 2.
- Amend Condition 29 to read as set out in Schedule 2.
- Amend Condition 30 to read as set out in Schedule 2.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Water usage and groundwater impacts
- Traffic increase and road condition
- Dust suppression
- Blasting
- Bushfire hazard

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment have been raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Stephen Gow	 Mike Montgomery

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-10 – Moree Plains Shire Council – DA2019/37
2	PROPOSED DEVELOPMENT	Extractive industry - quarry
3	STREET ADDRESS	73 Wilgaroi Rd, Gurley (Lot 10 DP 751753, Lot 110 DP 257328)
4	APPLICANT/OWNER	John Meppem
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 44 – Koala Habitat Protection State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Mining , Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (State and Regional Development) 2011 New England North West Regional Plan 2036 Moree Plains Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Moree Plains Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 17 March 2021 Written submissions during public exhibition: five (5)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 24 March 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Mike Montgomery <u>Council assessment staff</u>: Murray Amos and Lila Fisher Applicant Briefing: 24 March 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow, Penny Holloway and Mike Montgomery <u>Council assessment staff</u>: Murray Amos <u>Applicant representatives</u>: Jim Lawler, Scott Lancaster and Richard Tomkins <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE A ADMINISTRATIVE CONDITIONS

2. Development Description

Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule A.

3. Development in Accordance with Plans

The Applicant shall carry out the development generally in accordance with the:

- a) Environmental Impact Statement prepared by Groundwork Plus dated February 2021;
- b) Environmental Planning and Assessment Act and Environmental Planning Instruments (where applicable), the Local Government Act, the Plumbing and Drainage Act and other applicable statutory codes or legislation

Architectural (or Design) Drawings prepared by SMK Consultants			
Drawing No.	Revision	Name of Plan	Date
2519.DRG.003		Site & Surrounds	11/09/2020
2519.DRG.004	1	Conceptual site layout plan	15/02/2021
2519.DRG.005	1	Conceptual quarry development plan	15/02/2021
2519.DRG.006		Conceptual final landform	11/09/2020
2519.DRG.006A		Conceptual final landform – Cross sections	11/09/2020
2519.DRG.006B		Conceptual final landform – Cross sections	11/09/2020
2519.DRG.011		Haul route to Newell Highway	14/09/2020
2519.DRG.012		Proposed vegetation clearing stages	15/02/2021

- c) The conceptual site layout plan (2519.DRG.004) is to be amended to show parking areas and access roads for light and heavy vehicles. The internal roads are to be arranged to enable segregation of light and heavy vehicle movements to the greatest practical extent. Once completed the revised layout plan is to be submitted to Council's Director of Planning for approval.

4. Supporting Document Recommendations

All recommendations made in the EIS and supporting documents are to be implemented as part of the development. Compliance with the EPA's General Terms of Approval must occur.

5. Inconsistency between Documents

If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. In addition, the conditions of this approval prevail to the extent of any inconsistency with other approved plans and documents.

6. Limits of Approval

This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

SCHEDULE B PERFORMANCE CONDITIONS

GENERAL CONDITIONS

7. Commencement of Operations

The quarry operator is required to inform Council of the commencement date of extraction operations approved under this consent.

(Reason: To ensure that the impacts of the development are appropriately managed and that the development will comply with statutory requirements).

8. Limits of works

The proposed works are to be limited in the following ways:

- a) The maximum annual extraction from the site shall be 495,000 tonnes;
- b) Site area shall remain consistent with the approved amended conceptual site layout plan; and
- c) Operations are limited to a period of 13 years from the date of this consent and rehabilitation works are to be completed within 3 years after the cessation of quarry extraction or as provided for in the approved rehabilitation plan for the quarry.
- d) Apart from materials required for road upgrades specified in Conditions 12 and 13, extraction of material from the quarry is to be limited to no more than can be hauled in 34 truck movements per day (ie a maximum daily production limit of 646 tonnes (38 tonne haulage capacity per trip x 17 loaded trips)) until all road upgrading works specified in conditions 12 and 13 have been completed to the satisfaction of Council's Director of Engineering and Transport for NSW respectively.

(Reason: To ensure compliance with the requirements for local development and to minimise amenity and other impacts.)

BEFORE COMMENCEMENT OF WORKS

9. Utility Services

Prior to the commencement of work the Applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of any services affected by the development. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council.

(Reason: Protection of infrastructure.)

10. Complaints Register

The operator shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The operator shall notify all residents along Manamoi Road, Boo Boo Road and Gurley Creek Road and those within a 1.0 kilometre distance of the boundary of the development site of the contact details and associated information.

(Reason: To ensure that complaints are recorded and addressed.)

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

11. Long Service Levy

For work costing \$25,000 or more, a Long Service Leave Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 131 441.

(Reason: Statutory requirement.)

12. Public road upgrades

The applicant shall be responsible for upgrading the public road network along the haul route in accordance with the following:

- a) Manamoi Road - Haul route area of unsealed road to be constructed to a 7m formation with 200mm minimum depth gravel road surface. Driveway access from Manamoi Road into the site is to be formed and constructed.
Note: Alternatives to this design may be considered in conjunction with a related Traffic Management Plan. Reason this road is a very low use, local road.
- b) Boo Boo Road unsealed portion- A full gravel re-sheeting 7m wide with **minimum** depth of 200mm is required.
- c) Boo Boo Road sealed section requires road widening to 9m formation excluding the table drains and with a minimum 7.5m wide bitumen seal.
- d) Boo Boo Road causeway crossing of Little Bumble Creek shall be upgraded to a concrete slab crossing with a minimum length of 80m in accordance with Council's standards.
- e) Gurley Creek Road the shoulder of this road is to be widened to provide a formation width of 9m and bitumen-sealed width of 7.5m including resealing the full road width.
- f) Gurley Creek intersection with Boo Boo shall be reconstructed as a channelised right turn (CHR) on a two-lane rural road, with associated road widening in accordance Austroads 2017 specifications or equivalent.

Design plans for these works shall be submitted to and endorsed by Council's Engineering Department prior to the issue of a Construction Certificate for Civil Works.

A bond or bank guarantee of \$250,000 is to be provided to Council's Director of Engineering to ensure completion of the upgrade works required in this condition. The bond or guarantee is to be retained until all of the required roadworks specified in this condition have been completed to the satisfaction of Council's Director of Engineering.

(Reason: Road adequacy)

13. Newell Highway intersection upgrades

At the intersection of Gurley Creek Road and Newell Highway, the applicant is to construct:

- a) A Rural Basic Left-turn (BAL) Treatment (*see Figure 8.2 of Part 4A of AGTRD*) and;
- b) A Basic Right-turn (BAR) Treatment (*see Figure 7.6 of Part 4A of AGTRD*)

A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and TfNSW for the developer to undertake "private financing and construction" of any works on the Newell Highway. This agreement is necessary for works in which TfNSW has a statutory interest and is to be undertaken prior to any works commencing on the State Classified Road.

Prior to commencement of construction works, the proponent is to contact the TfNSW Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event a ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes of the Newell Highway.

A detailed design of the intersection treatment will need to be submitted to TfNSW for approval under the Works Authorisation Deed.

The intersection treatments is to be designed to accommodate the largest design vehicle (i.e. a truck and dog configuration) required to access this intersection.

Swept path analysis identifying the manoeuvring of the design vehicle through the intersection treatments is to be submitted to TfNSW for review.

The works described in this condition must be completed to the satisfaction of TfNSW prior to the commencement of quarry haulage.

(Reason: Road safety and suitability)

14. Traffic and Parking Layout

- a) Plans are to identify the following traffic and parking details:
 - i) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage. (Note: Parking should be provided for any staff regularly or permanently on-site travelling by motor vehicle. Such parking may consist of unsealed areas);
 - ii) The swept path of the longest vehicle manoeuvring through the Subject Site, shall be in accordance with AUSTROADS;
- b) Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate.

(Reason: To ensure that access is in compliance with Australian Standards and would meet the needs of the development.)

15. Stormwater and Drainage Management

Stormwater and drainage management shall address stormwater in association with the extraction areas, operational areas and the internal haul road. The design shall minimise the possibilities of erosion and sedimentation. Final design plans of the stormwater drainage systems shall be submitted to the certifier for assessment prior to issue of a Construction Certificate. (Note: Any necessary hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff).

(Reason: To ensure appropriate management of management.)

16. Water Budget

A comprehensive water budget is required for the development. The water budget shall contain details of the proposed water cycle and water management measures and how water resources required to meet the needs of the development will be obtained. The development shall not utilise any groundwater resources.

The water budget shall be submitted to and approved of by the certifier prior to the issue of a Construction certificate.

(Reason: To ensure that practical access is available to water supplies to service the needs of the development.)

17. Dilapidation Report

A Dilapidation Report for the haul route along Manamoi Road, Boo Boo Road and Gurley Creek Road is to be undertaken on all public infrastructure such as road pavement, drainage structures, and utilities fronting the development, which in the opinion of a suitably qualified engineer, could be potentially affected by the development. The Dilapidation Report shall be carried out prior to the issue of the Construction Certificate.

The Dilapidation Report is to be prepared by a suitably Qualified Structural and/or Geotechnical Engineer with current Corporate Membership with the Institution of Engineers, Australia.

The Report shall cover structural and geotechnical factors likely to arise from the development.

A copy of this Report shall be submitted to Council as a record.

The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the construction of the project.

(Reason: To protect Council infrastructure)

18. Biodiversity Offsets

In accordance with the Biodiversity Development Assessment Report (BDAR) prepared by Advitech, dated 25 September 2020, for the development, the class and number of species credits as detailed in the tables below, must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire a total of 54 Species credits as detailed in the table below, may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of Species credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits and payment to the Biodiversity Conservation Fund in satisfaction of this condition, must be provided to the Certifying Authority prior to the release of a Construction Certificate for each stage of the development.

PCT	Vegetation Zone and Condition Class	Area Impacted	Credits required
147: Mock Olive - Wilga - Peach Bush - Carissa semi-evergreen vine thicket (dry rainforest) mainly on basalt soils in the Brigalow Belt South Bioregion	Zone 1 - Disturbed thicket, (low to moderate condition)	5.33 ha	53
	Zone 2 - Intact thicket, (moderate to good condition)	0	0
	Zone 3 - Disturbed thicket (low condition)	3.82 ha	0
	Paddock trees	1 tree	1
Total		9.15 ha / 1 tree	54

The staged retirement of credits shall be in accordance with the table below.

Ecosystem / Species Type	Credits Required			Total Credits Required
	Stage 1	Stage 2	Stage 3	
147: Mock Olive - Wilga - Peach Bush - Carissa semi-evergreen vine thicket (dry rainforest) mainly on basalt soils in the Brigalow Belt South Bioregion	1	26	27	54

(Reason: Biodiversity management)

19. Construction Management Plan

A construction management plan (CMP) shall be submitted to Council for endorsement prior to the issue of a Construction Certificate. The CMP shall address, at minimum, the following issues:

- a) Construction:
 - i) Traffic management
 - ii) Road maintenance – private and public (in consultation with Council's Engineering Department)
 - iii) Disposal of wastes
 - iv) Dust management
 - v) Noise management
 - vi) Erosion and sedimentation controls

vii) Complaints management

All required management plans are to be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources' Guideline for the Preparation of Environmental Management Plans (2004).

(Reason: Environmental protection)

BEFORE OCCUPATION CERTIFICATE / COMMENCEMENT OF USE

20. Occupation Certificate Required

Occupation or use of the whole or any part of a new building shall not commence unless an occupation certificate has been issued by the Certifying Authority. The Occupation Certificate shall not be issued until such time as all relevant conditions of the development consent have been complied with.

(Reason: Statutory requirement.)

21. Operations Management Plan

An Operations Management Plan (OMP) is to be prepared and submitted to Council; the OPM must be approved by Council's Director of Planning & Community Development prior to the issue of any Occupation Certificate. This plan shall be based on the operational management recommendations lodged with the application together with the requirements of this consent (which take precedence) and shall describe how those recommendations will be implemented and policed. The plan shall address all operational matters including noise, dust monitoring at the site and along the haul route, traffic generation, road management, driver code of conduct, drainage, soil management, flooding, enhancement of vegetation at the site, unexpected heritage discovery protocol, site rehabilitation and neighbour notification strategy for blasting activities (including address of stock management on neighbouring lands). The OPM is to also contain a complaint's management process that is to include procedures for recording complaints received and the actions taken in response, and how public and Council accesses to the register is to be provided for.

(Reason: To ensure appropriate management of the development.)

22. Soil Management

A Soil Management Plan is to be prepared and approved by Council, prior to the commencement of site works which includes the availability and suitability of top soil and subsoil, a soil balance for rehabilitation purposes and stock piling location and management plan. The Plan shall also include details of erosion and sediment control and final void management.

The Soil Management Plan will form part of the Operations Management Plan.

(Reason: To ensure compliance with application and plans.)

23. Site Rehabilitation

Progress or temporary rehabilitation can occur at any time during quarry operations.

At least 3 years prior to the completion of extraction operations the applicant is to submit to Council a draft final rehabilitation and closure plan for the quarry site (draft plan). The draft plan is to be prepared by a suitably qualified and experienced rehabilitation specialist who is to be approved off by Council's Director of Planning (or equivalent) before being commissioned by the applicant. The draft plan is to be submitted to Council for assessment and any necessary amendments are to be included in the final plan for Council's approval. Once approved, the final rehabilitation plan is to be

implemented according to the schedule given in the plan and the final works are to be approved by the rehabilitation specialist before the security bond is repaid to the applicant.

(Reason: To ensure appropriate site remediation.)

24. Traffic Management Plan

A Traffic Management Plan detailing the proposed signage and speed limits for the internal haul road and proposed code of conduct for employees and truck operators, shall be prepared and submitted to Council for approval prior to the commencement of extraction operations.

The Traffic Management Plan shall form part of the Operations Management Plan and shall incorporate provisions relating to:

- a) Signage within the site and on public roads on the haul route;
- b) Management of vehicle speeds both internal to the site and on public roads;
- c) Protocols when approaching other heavy vehicles, including school buses and the like;
- d) General good driving practices; and e) The covering of loads.

(Reason: To ensure appropriate traffic management so as to minimise amenity impacts and enhance public safety.)

25. Heritage Discovery Protocol

The applicant is to prepare and implement an Unexpected Heritage Discovery Protocol for possible finds relevant to Aboriginal cultural heritage and historic archaeology. The Unexpected Heritage Discovery Protocol shall form part of the Operations Management Plan.

(Reason: Cultural heritage management)

26. Extraction Quantities

The applicant shall develop a method to verify extraction quantities from the site. The method shall be submitted to and approved of by Council prior to the commencement of operations. The method will inform the applicant's Section 7.11 Plan reporting for road maintenance contributions and will demonstrate compliance with this consent.

(Reason: Verification of extraction quantities)

27. Bushfire risk management

- a) A Fire Management Plan (FMP) shall be prepared in consultation with NSW RFS Namoi-Gwydir Fire

Control Centre. The FMP shall include:

- i) 24 hour emergency contact details including alternative telephone contact;
- ii) Site infrastructure plan;
- iii) Fire fighting water supply plan;
- iv) Site access and internal road plan;
- v) Construction of Asset Protection Zones (APZ) and their continued maintenance;

- vi) Location of hazards (Physical, Chemical and Electrical) that will impact on fire fighting operations and procedures to manage identified hazards during fire fighting operations;
 - vii) Such additional matters as required by the NSW RFS District Office (FMP review and updates).
- b) The property access road including two (2) metres on either side, is to be managed as an Asset Protection Zone as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.
- c) A 20,000 litre water supply (tank) fitted with a 65mm storz fitting shall be located adjoining the internal property access road within the quarry site.
 - d) To allow for emergency service personnel to undertake property protection activities, a 10 metre defensible space (APZ) that permits unobstructed vehicle access is to be provided around the perimeter of the quarry site.

The requirements in this condition shall be met prior to the issue of an Occupation Certificate.

(Reason: Rural Fire Service requirements)

28. Environmental licence

The applicant shall obtain an Environment Protection Licence from the NSW Environment Protection Authority (EPA) prior to the issue of an Occupation Certificate.

(Reason: Environmental licencing)

29. Rail authority concurrence

The applicant shall obtain concurrence from the Australian Rail Track Corporation (ARTC) with respect to heavy vehicle use of the Gurley Creek Road level crossing prior to the issue of an Construction Certificate.

Any upgrade requirements of the ARTC shall be at no cost to Council and shall be designed to Council's satisfaction as well as to ARTC requirements.

(Reason: Rail authority concurrence)

30. Blasting impacts

Blasting programs are to be designed and conducted so that groundwater reserves on and surrounding the site are not disturbed. The applicant must establish monitoring and reporting procedures to demonstrate that blasting activities at the quarry are not disrupting or adversely affecting groundwater quality or quantity on any adjoining property. The monitoring records are to be kept by the operator and be made available to Council on request.

(Reason: Preservation of the groundwater table)

ONGOING USE OF THE DEVELOPMENT / LAND

31. Operational Hours

Operational hours for the development shall be limited in accordance with the table below:

Activity	Monday to Friday	Saturday	Sunday	Public Holiday
Arrival and loading of trucks to haul product	6am to 6pm	6am to 1pm	Nil	Nil

Light vehicle traffic associated with employees, or light service vehicles entering or leaving the site	24 hours per day			
Maintenance of plant and equipment including repairs/alterations to processing equipment and unloaded test runs	6am to 10pm	6am to 5pm	7am to 5pm	7am to 5pm
Operation of the crushing and processing plant.	7am to 6pm	7am to 1pm	Nil	Nil
Operation of vehicles, plant and equipment other than the crushing and processing plant.	6am to 6pm	6am to 1pm	Nil	Nil
Blasting	9am to 3pm	Nil	Nil	Nil
Exceptional circumstances – all crushing, screening, loading and product haulage activities within and from the site to enable manufacture and delivery to high priority RMS or Shire Projects. Haulage outside normal operating hours is to be limited to four (4) trucks only.	24 hours in emergencies, only with written concurrence from Moree Plains Shire Council. Council will notify such activities to neighbours by phone or email, prior to commencement. The applicant is responsible for providing current neighbour contact details to Council as part of each application for exceptional circumstances activities.			Nil

(Reason: To ensure acoustic impacts are managed.)

32. Independent Compliance Audits

- a). On the third anniversary of the date of this consent the applicant is to commission an independent compliance audit to assess compliance with these conditions of consent. The audit is to be undertaken by a suitably qualified person/s who is to be approved by Council's Director of Planning (or equivalent) beforehand. The auditor's report is to be completed within three months of the date of commissioning and is to be provided to Council within one month of its completion along with a response by the applicant. The audit report along with the applicant's response including how and when it will implement any recommendations is to be placed on Council's website. The applicant is to then implement any recommendations required by Council.
- b). Subsequently, at 5 yearly intervals, further independent compliance audits are to be prepared following the procedure given in Condition part (a).

33. Road Maintenance Levy – Section 7.11 Plan – Traffic Generating Development

From the date of commencement of the development consent the developer shall pay a financial contribution to Council at the rate determined under Council's Draft Section 7.11 Plan – Traffic Generating Development (indexed as described below) for heavy vehicle movements to and from the quarry site and in accordance with the following:

- a) Payment of annual contributions are to be accompanied by the submission of annual returns to Council specifying the amount of material in tonnes transported within each 12 month period. The annual returns and contribution are to be submitted to Council within 21 days from the end of each 12 month period. The return is to take the form of a Statutory Declaration given by the developer (or if the developer is a Corporation, by a Director of that Corporation) and is to include:-
 - i) Copies of company records relating to the amount received.

ii) Records of the weights recorded at the weight bridge, or by any other approved method for weighing;

iii) Payment of the required contribution.

Declarations/returns are to be audited annually and a copy of the auditor's verification provided to

Council within 60 days from the end of each 12 month period.

b) Any payments received after the specified periods shall accrue interest at a daily rate equivalent to

10% per annum, or equivalent to Council's current interest rate for late payment of annual Council rates, whichever is the lesser, unless prior agreement has been reached with Council.

c) The contribution rate shall be subject to indexation in accordance with the BITRE Road Construction and maintenance Price, as published by the Australian Bureau of Statistics or other approved system of indexation as may be adopted by Council from time to time.

d) Council shall have the right to request and inspect all relevant records detailed above at any time, subject to prior written notice being provided by Council.

(Reason: Road maintenance funding)

34. Obligation to Minimise Harm to the Environment

The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or decommissioning of the Development.

(Reason: Environmental protection.)

35. Operation of Plant and Equipment

The Applicant shall ensure that all plant and equipment used for the Development is:

a) Maintained in a proper and efficient

condition; and b) Operated in a proper

and efficient manner. *(Reason: Neighbourhood amenity.)*

36. Dust Management

The Applicant shall carry out all reasonable and feasible measures to minimise dust generated by the Development. Dust management and mitigation measures including a monitoring plan for the quarry site and haul route shall be detailed in the Operations Management Plan.

(Reason: Environmental protection and neighbourhood amenity.)

37. Public Road and Driveway Access

The constructed public roads and driveway shall be inspected at the required intervals specified in Council's policies and endorsed by Council's Engineering Department prior to the issue of an Occupation Certificate. Alternatively, Council's Engineering Department is willing to accept a bond or bank guarantee of \$250,000 for completion of the required upgrade works. The bond/guarantee shall be for a maximum period of 5 months from the commencement of haulage of materials from the quarry site.

(Reason: To ensure compliance with the approved design)

38. Operational Noise

The Applicant shall ensure that the noise generated by the operations on-site does not exceed the NSW Environment Protection Authority's (EPA) Noise Policy for Industry 2017 (Table 2.1 levels) at any time. If, at any time, these levels are exceeded, operation of the development shall immediately be modified, including suspension of operations if necessary, to ensure compliance with this condition.

Noise management will form part of the Operations Management Plan and would need to include information relating to the equipment to be used, its location, any necessary training of staff etc. *The Plan should utilise the noise control treatments on page 7 of the Environmental Noise Impact Assessment by Advitech dated 11 February 2021.*

(Reason: To protect Neighbourhood amenity.)

39. Traffic Generation

Traffic generation is to be consistent with the Traffic Impact Assessment by SMK Consultants dated October 2020. This includes the following:

- a) Average operational circumstances – 8 truck movements per hour (94 truck movements per day over a 12 hour day)
- b) Peak operational circumstances – 22 truck movements per hour (264 truck movements per day over a 12 hour day)

Prior to the commencement of haulage the proponent is to prepare and implement a Driver Code of Conduct for the task of transporting materials on public roads, this is to also apply to any haulage undertaken via contractors. This is to be submitted and approved to the satisfaction of Council.

Haulage operations coinciding with local student school bus pick up/drop off times and locations is to be avoided. Relevant consultation with local schools and local school bus operators should be undertaken and demonstrated in any subsequent Driver Code of Conduct.

Heavy vehicle movements from the development shall be in accordance with the hours of operation outlined earlier in this consent.

(Reason: Traffic management)

40. Pest, Vermin and Noxious Weed Management

The Applicant shall:

- a) Implement suitable measures to manage pests, vermin and declared noxious weeds on site; and
- b) Inspect the site on a regular basis to ensure that these measures are working effectively, and that pests, vermin or noxious weeds are not present on site in sufficient numbers to pose an environmental hazard, or cause the loss of amenity in surrounding area.

Note: For the purposes of this condition, noxious weeds are those species subject to an order declared under the Noxious Weed Act 1993.

(Reason: Environmental protection.)

41. Bunding

The Applicant shall store any chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Environmental Protection Manual: Technical Bulletin Bunding and Spill Management.

(Reason: Environmental protection.)

42. Waste Collection

Wastes generated on the site shall be collected, transported and disposed of in to an appropriate licenced facility.

(Reason: Environmental protection.)

43. Road Maintenance

The applicant shall maintain all internal access roads to an all-weather standard for the life of the development.

(Reason: Road adequacy and dust minimisation.)

44. Tree / Shrub Removal

The applicant shall obtain any necessary approvals prior to the removal of any trees, shrubs or other vegetation from the site. Further, land exposed and free of vegetation shall be minimised at all times, consistent with the operational needs of the development.

(Reason: Statutory requirement and minimisation of impacts.)

AT COMPLETION OF USE OF THE DEVELOPMENT / LAND

45. Site Rehabilitation Security Plan

The applicant is to implement all actions identified in the approved Site Rehabilitation Plan during or upon the cessation of quarry operations. In this regard, as each area of extraction occurs, rehabilitation of disturbed areas is to occur as soon as practicable thereafter. A bond, to ensure rehabilitation occurs, of

\$100,000 (indexed by CPI from the date of commencement of the operation) is to be progressively lodged with the Council. Such bond is to be paid at the rate of \$0.17c per tonne of extracted material, up to this monetary limit and is to be paid quarterly. In this regard the applicant is to provide evidence, either from a registered surveyor, or photogrammetry or other verifiable means of such extraction rates. Such bond will be placed in Council's trust fund, and would only be called upon in the event of a partial or full default in rehabilitation. Any monies not required to rehabilitate the site in the event of a default would be returned to the person paying the bond, or other person on their written instruction. Council may, on application, reduce the quantum of the bond held, if it is satisfied about the operation of the site, and of partial rehabilitation conducted at the time.

(Reason: To ensure appropriate site rehabilitation.)