

<b>DATE OF DETERMINATION</b>	20 December 2022
<b>DATE OF PANEL DECISION</b>	17 December 2022
<b>PANEL MEMBERS</b>	Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Ian Tiley and Greg Clancy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 5 December 2022.

#### **MATTER DETERMINED**

PPSNTH-151 – Clarence Valley – DA2022/0152 at 255 Orchard Road, Mountain View- resource recovery facility (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 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 reasons given below:

1. The proposal is permissible in the RU2 zone and is generally consistent with the applicable zone objectives.
2. The proposal, as conditioned by this approval, satisfies the relevant provisions of the applicable SEPPs.
3. The site of the proposed development is well suited to the intended use. It is on disturbed land within a quarry, is adequately separated from sensitive uses in the locality and is serviced by a major road giving ready access and avoiding the need for trucks to travel on local streets.
4. The potential environmental impacts from the proposed development have been properly examined and found to be within acceptable limits, including that the proposal will have no adverse effects on the natural environment nor increase noise levels at any sensitive receptor location. The proposal will facilitate more effective and sustainable use of materials that would otherwise enter the waste stream and so is environmentally beneficial in this respect.
5. From a socio-economic perspective the proposal will be positive because it will generate greater local expenditure and employment.
6. The Panel has carefully considered all issues raised in submissions and believes they have been resolved by the design of the proposal and management measures to be adopted by the proponent and/or conditions imposed by this approval. With respect to safety issues along Orchard Road, the Panel noted two points. First, that the proposal involves installation of new weighbridges at the intersection with the entry to the project site and that this will slow vehicles making this turning movement. Second, that the operator's truck drivers accessing the facility will be obliged to comply with a driver code of conduct and any material breaches of the code will result in access being denied to those drivers.

## CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Remove the 'Advices' subheading, and move the 'Conditions' sub-heading to above Condition Number 1, creating Conditions 1 to 9.
- Amend wording of Condition 6.
- Amend wording of Condition 7.
- Deleted advice "A check of Council's records indicates development approval has not been obtained for some recent building work on the property that does not meet the criteria for exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, so development approval was required. This building work includes the weighbridge office. A separate development application, engineer's certification and building information certificate application shall be submitted for this building work within 4 months of the date of this development consent."
- Amend wording of Condition 9.
- Delete advice about mandatory inspections.
- Delete advice "The proposed building will be 40m x 30m=1200m<sup>2</sup> and have a volume of 15,600m<sup>3</sup> which exceeds the maximum volume of 12,000m<sup>3</sup> for Type C construction under Clause C2.2 of the BCA. Unless Type B construction is proposed the building may need to meet the large isolated building requirements of C2.3 and C2.4 of the BCA which requires a 18m wide area around the building with perimeter vehicular access."
- Delete advice "No construction of new buildings/structures is to be commenced until a Construction Certificate has been issued."
- Correct date reference in Condition 9.
- Amend wording of Condition 10.
- Amend wording of Condition 12.
- Amend wording of Condition 13.
- Amend wording of Condition 15.
- Amend wording of Condition 18.
- Amend wording of Condition 19.
- Amend wording of Condition 20.
- Amend wording of Condition 24.
- Amend wording of Condition 25.
- Amend wording of Condition 29.
- Amend wording of Condition 38.
- Amend wording of Condition 40.
- Amend wording of Condition 45.
- Insert Condition 48.
- Insert Condition 49.
- Delete additional condition about Aboriginal Heritage, as it is replaced by Condition 48.

The approved conditions are attached at Schedule 2. All references to condition numbers are to the numbering in the final set of approved conditions.


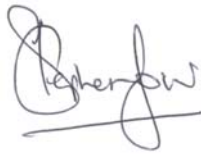



## CONSIDERATION OF COMMUNITY VIEWS

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:

- Noise generation
- Traffic access onto Orchard Road and Summerland Way
- Traffic control
- Air quality, air borne contaminants and dust

- Vibration
- Noise from cement recycling on site

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Stephen Gow
 Penny Holloway	 Greg Clancy
 Ian Tiley	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-151 – Clarence Valley – DA2022/0152
2	PROPOSED DEVELOPMENT	Resource Recovery Facility (processing up to 99,000 tonnes per annum of building demolition and solid organic materials)
3	STREET ADDRESS	Lot 2 DP 1058903 [255 Orchard Road, Mountain View NSW 2460]
4	APPLICANT OWNER	State Road Quarry Products Pty Ltd Markenzo Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - waste management facility or works
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Resources and Energy) 2021</li> <li>○ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>○ Clarence Valley Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Rural Zones Development Control Plan</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 5 December 2022</li> <li>• Written submissions during public exhibition: four</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 20 July 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Ian Tiley and Greg Clancy</li> <li>○ <u>Council assessment staff</u>: Patrick Ridgway, Randall Evans and Adam Cameron</li> <li>○ <u>Department staff</u>: Carolyn Hunt</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 12 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Ian Tiley and Greg Clancy</li> <li>○ <u>Council assessment staff</u>: Patrick Ridgway, Ben Bancroft, Murray Lane and James Hamilton</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> </ul> </li> <li>• Submitter Briefing: 12 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Ian Tiley and Greg Clancy</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Patrick Ridgway, Ben Bancroft, Murray Lane and James Hamilton</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> <li>○ <u>Submitters</u>: Margaret Bertalli and Corey Bertalli</li> <li><u>Note</u>: Submitter briefing was requested to respond to the recommendation in the council assessment report</li> </ul> <ul style="list-style-type: none"> <li>● Applicant Briefing: 12 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Ian Tiley and Greg Clancy</li> <li>○ <u>Council assessment staff</u>: Patrick Ridgway, Ben Bancroft, Murray Lane and James Hamilton</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley</li> <li>○ <u>Applicant representatives</u>: Garry Salvestro, Alan Dyer, Patrice McMullen, Amy Alessi and Josh Xuereb</li> <li><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Provided on 9 December 2022

## Definitions

**NRDC** the current civil engineering standards in accordance with the relevant parts of the following guidelines

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access to Property (AUS-SPEC)
- e Clarence Valley Council 'MUSIC' Guidelines (Draft)

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage.

For 'MUSIC' guidelines and policy documents contact Council's development engineer.

**WSUD** means Water Sensitive Urban Design

Clarence Valley Council Development Control Plans include Sustainable Water Controls which identify the measures required in the various land use zones. Council endorses the Queensland 'Water By Design - Healthy Waterways' reference and technical guidelines for the design and construction of WSUD drainage systems.

The **WSUD** documents may be accessed via the 'Water-By-Design' web-site.

**Civil Works may include -**

- a Earthworks
- b Roadworks (including car parking and/or driveways)
- c Flood, Drainage works including **WSUD**
- d Structures

**Code MDef05**

**TfNSW** means Transport for New South Wales

**WAD** means Works Authorisation Deed, an agreement with **TfNSW** for works to be carried out on roads managed by **TfNSW**.

**TCP** means Traffic Control Plan in accordance with the **TfNSW** 'Traffic Control at Worksites' Technical Manual.

**NorBE** means the control and mitigation of developed stormwater quality and flow-rate quantity to achieve a neutral or beneficial outcome for post-development conditions when compared to pre-development conditions, in accordance with **NRDC**.

**PWC** means Public Works Certificate and includes Section 138 approval under the *Roads Act 1993* and Section 68 approval under the *Local Government Act 1993*.

## Conditions

1. Council does not support the use of portable toilets for onsite wastewater management. An onsite wastewater management system must be applied for either as a new system or upgrading of the existing onsite wastewater management systems to cater for additional loading.
2. A **WAD** is required for the Summerland Way/Orchard Road intersection upgrade works and a **PWC** is required for pavement upgrade works to Orchard Road.
3. No civil construction works, including the removal of vegetation or topsoil, are to be undertaken in any road reservation until a WAD/PWC has been issued by Council/TfNSW and/or accredited private certifier.

A private certifier who issues a **PWC** must forward a copy of the Certificate along with a copy of the approved plans to Council two days before work commences on the development.

4. Any activity to be carried out on any part of the road reservation requires the prior approval of Council for local roads or TfNSW for classified main or regional roads under the NSW Roads Act 1993.
5. A long service levy is to be paid prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
6. The Earthworks Management Plan must be prepared and is to include an initial site inspection report. This report should include:
  - a Inspection and verification of an appropriate preparation of the foundation for placement of fill, including the provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site. This is to be provided by a competent Geotechnical Authority.
  - b Certification that the land created by the development will be suitable for its intended purpose (e.g. residential, commercial or industrial buildings) including any parts of the land that will be left in its natural state or modified by the development.
  - c Identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.

Where relevant to the project, the following will also be required

- a Details on the selection of fill type(s), the source/s of the fill, including suitability for the intended use, its appropriate handling, placement and compaction, and the area of the development to be filled including depth to be filled. Fill imported to the site must be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.
- b Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of each fill type.
- c Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.
- d The acid sulfate status of the development land. Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements

The Earthworks Management Plan must be prepared and satisfy the following :

- a Include details of how the works will comply with the Protection of the Environment Operations Act 1997.
- b Provide a concept for the full site as a minimum with details of the earthworks for a particular stage lodged with the construction certificate application for that stage.
- c Be compatible with the works plans and the approved Stormwater Management Plan.

The following information will be required, where relevant, for earthworks undertaken:

- a Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- b Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- c Certification by a suitably qualified and experienced geotechnical engineer that the completed earthworks (including cut, fill, earth retaining structures as far as the geotechnical aspects) are suitable for the intended use.
- d Certification that excavated materials have been reused or disposed of in accordance with the Protection of the Environment Operations Act 1997 and copies of receipts for disposal provided where the earthworks involve reuse or disposal..

Should there be any change in the source of fill material from that previously approved for the development, the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

- 7. The weighbridge office and another 50m<sup>2</sup> building near a dam have been erected without development approval and this is to be rectified by lodgement of a separate ~~an~~ application for assessment ~~approval~~. No occupation certificate for any component of this application is to be issued until development consent or approval to modify, including engineer's certification and building information certificate, is obtained for the weighbridge office and 50m<sup>2</sup> building mentioned above is obtained.
- 8. Details of the proposed methods of achieving compliance with the Building Code of Australia are to be submitted with the construction certificate application



9. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following plan(s) as amended in red, or where modified by any conditions of this consent.

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Sheets</b>
Site Location Plan	InSitu Advisory	11/08/2019	Figure 1
Site/Lot Boundary, Quarry Extraction Areas & RRF Location	InSitu Advisory	19/08/2019	Figure 2
Existing Quarry Operation Layout	InSitu Advisory	8/09/2019	Figure 3
Current Site Survey	InSitu Advisory	8/09/2020	Figure 4
Proposed RRF Operational Boundary	InSitu Advisory	15.7.2021	Figure 5
Proposed RRF Footprint	InSitu Advisory	15.7.2021	Figure 6
Cross Section Details – Proposed RRF	InSitu Advisory	15.7.2021	Figure 7
Proposed Inbound Weighbridge	InSitu Advisory	06.09.2021	Figure 8
Proposed Operational Traffic Flow	InSitu Advisory	25.10.2021	Figure 9
Proposed Run-Off Water Pond 1 Layout	InSitu Advisory	26.08.2021	Figure 10
Proposed Run-Off Water Pond 2 Layout	InSitu Advisory	26.08.2021	Figure 11
Proposed Run-Off Water Pond 3 Layout	InSitu Advisory	26.08.2021	Figure 12
Proposed Run-Off Water Ponds – Cross Section Detail	InSitu Advisory	26.08.2021	Figure 13
Proposed Quarantine Area Layout	InSitu Advisory	15.07.2021	Figure 14

10. Compliance with the conditions and advice of the NSW Environmental Protection Authority as contained in the General Terms of Approval, dated 25/8/2022, (Notice No. 1621829, consisting of 13 pages as appended to this document) is to be achieved at all times.

Prior to issue of an Occupation Certificate and/or commencement of operation , an Environmental Protection Licence shall be obtained from the EPA.

11. Payment to Council of the contributions pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Clarence Valley Contributions Plan 2011:

\$10,409.14

GL S94ACVCOthResAcco

This amount is based on the following calculation

Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01

b The value of development stated in the application was \$1,040,913.75

12. The facility is to operate in accordance with an approved Driver Code of Conduct (DCC) for all truck drivers accessing the facility. The DCC should include but not be limited to:

- A vehicle movement plan highlighting critical locations within and in the vicinity of the site, between the site access and Summerland Way.
- Confirmation of operational speed limits.
- An induction process for vehicle operators and regular toolbox meetings.
- Procedures for travel through / past residential locations, school zones and/or bus route/s.
- Evidence of consultation with bus service providers.
- A complaint resolution and disciplinary procedure.
- Community consultation measures proposed, especially for peak operation periods.
- Work, health and safety requirements under the NSW Work Health and Safety Regulation 2017.

The DCC is to be submitted to Council for approval prior to the commencement of operation of the facility and should be updated as necessary from time to time to reflect any approved change in operations.

13. All trucks carrying products to and from the site shall ensure their loads are fully covered by a suitable tarpaulin to prevent spillage or dust falling from the truck.
14. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
15. The volume of materials received at the Resource Recovery Facility, including all construction and demolition waste, soils, heavy waste, light waste and residual waste, is not to exceed 99,000 tonnes per annum. A record of the volume of wastes received at the facility in each calendar year is to be certified by the operating company's CEO or equivalent and is to be provided to the Council by then end of January in each year.
16. Waste entering the site which cannot be recycled or recovered will bypass the majority of processing activities and be collected as residual waste during early processing. The residual waste is to be collected, transported and disposed of at the Grafton Regional Landfill or other licenced facility.
17. All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Clarence Valley Council on request.
18. No washing of vehicles or mechanical parts is to be carried out on site. The installation of a wash bay, parts washing station, or truck wheel wash bay will require a separate consent.
19. All waste materials stored on-site during works are to be contained within a designated quarantine area on site designed to ensure that no waste materials are allowed to discharge to the environment.
20. **Working/Construction Hours and Operational Hours** shall be limited to the following:

**7.00 am to 6.00 pm Monday to Friday**

**8.00 am to 1.00 pm Saturdays**, noting that this period is intended to be set aside for community access to the facility once operational. No concurrent access or use by commercial operators for the quarry and/or resource recovery facility is to occur at such times to eliminate the potential for traffic conflicts.

**No work permitted on Sundays and public holidays**

The builder and operator is responsible to instruct and control sub-contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

21. The following noise mitigating measures are to be adhered to during the operational phase of the development:
  - No truck deliveries are to be accepted on to the property during the evening and night-time periods between 6:00pm and 7:00am, and
  - No heavy vehicles including front-end loader movements are to occur inside of the facility between 6:00pm and 7:00am.
22. All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning. Details are to accompany the application for a Construction Certificate.
23. Waste oil shall be stored in a covered and bunded area and regularly removed to a waste oil recycle operation.

24. In the event of future noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a Noise Impact Assessment on the development to address the concerns of the complainant.

Any such Noise Impact Assessment report is to be prepared and provided to Council within 45 days of being requested. Council may then issue a notice requiring mitigation works to be undertaken and the mitigation works specified are to be undertaken within 30 days from the date of notice from Council, unless otherwise specified.

25. To comply with the aim and objectives of Planning for Bushfire Protection 2019 the development shall comply with recommendations 1-5 of the Bushfire Hazard Assessment Report prepared by Blackash Bushfire Consulting dated 17 November 2021 prior to issue of an occupation certificate. The asset protection zone shall be maintained in the recommended condition for the whole life of the approved development. A copy of the bushfire management plan shall be submitted to Council and the RFS office at Ulmarra for their records.
26. The development shall not be used or occupied until an Occupation Certificate has been issued.
27. A Construction Certificate shall be obtained prior to commencement of building works.
28. The developer must design and construct all civil works, in accordance with **NRDC** and the approved Public Works Certificate. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Occupation Certificate. The Council will hold a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.
29. A traffic construction management plan (**TCP**) must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve during construction works. This plan must be prepared by a person authorised by the **TfNSW** to prepare **TCPs** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
30. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited;
  - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
  - c Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign is to be removed when the work has been completed.

31. The existing sealed pavement of Orchard Road shall be extended west, approximately in line with the crest at the frontage of Lot 431 DP 830174. Any necessary upgrades or reshaping of the roadside drainage in this area shall also be completed to protect the pavement from water ingress.

These works are to be completed under a **PWC** and accepted by Council prior to the issue of the Occupation Certificate.

32. Preliminary road pavement design, in accordance with **NRDC**, must be submitted to Council as part of the **PWC** approval. Final pavement design will be subject to in-situ CBR tests. Bitumen spray-seal surfacing must be a 2 coat seal 14 mm / 7 mm. Details of the bitumen spray-seal designs are to be submitted to Council for approval prior to sealing.

40mm Asphaltic Concrete pavement, Stabilised pavement and concrete road pavement suitable for the intended design loadings may be used subject to submission of alternative designs for the approval of Council.

33. Prior to the release of a **Building Construction Certificate** for any stage, evidence is to be provided that a **WAD** has been entered into with **TfNSW**.
34. Evidence of Practical Completion as required by works associated with the **WAD** shall be provided to Council prior to issue of the **Occupation Certificate**.
35. All stormwater falling on the property is to be collected within the property and discharged in accordance with the Rhelm Water Assessment Report RR-01-1519-02, relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**.
36. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works subject to the Public Works Certificate approval.

Certification is to be provided by the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.

37. Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development

All work is subject to a maintenance period of six (6) months from the date of Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended due to material or construction work compliance reasons or should the application for a Subdivision Certificate be delayed beyond the maintenance period. The maintenance period and bond amounts for WSUD components must be in accordance with the Council approved stormwater management plan.

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if a Subdivision Certificate approval is delayed beyond the maintenance period.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with **NRDC**.

Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection. The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.

38. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a **PWC**.
39. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and **NRDC**. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued or the development is accepted 'Off Maintenance'.

40. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage to a roadway is to be rectified by the contractor immediately and notice of completion of the rectification works is to be provided to Council.
41. During dry weather, standard dust suppression methods are to be used as often as it necessary to ensure that adjoining properties are not adversely affected by undue dust.
42. **Site Safety Management Building** equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
43. All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
44. **Toilet Facilities** - are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a A standard flushing toilet, connected to a public sewer, or
  - b An approved temporary chemical closet.
- The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
45. Attention is directed to the NSW Heritage Act 1977 and the provisions in relation to exposure of relics.
- a If a relic is suspected or there are reasonable grounds to suspect a relic in the ground, that is likely to be disturbed, damaged or destroyed by excavation; and/or,
  - b Any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation; those responsible for the discovery must notify nominated personnel who will in turn notify Heritage NSW of the Department of Premier and Cabinet and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied. (ss 139,146).
46. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
47. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
48. **Aboriginal heritage:**
- a All land and ground disturbance activities must be confined to within the study area. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment will be required to ascertain whether any artefacts are present. If none are present work can proceed but if any artefacts are found permission to relocate or destroy must be obtained from the relevant authority.
  - b All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal sites and objects.
  - c This assessment has concluded that there is low likelihood that the proposed work will adversely harm Aboriginal cultural heritage sites. However, if Aboriginal objects are identified during the construction and operation of the Proposal, all work should cease and the procedures in the Unanticipated Finds Protocol (Appendix 3) should be followed.

- d In the event of skeletal remains being identified during the construction and operation of the Proposal, the Unanticipated Skeletal Remains Protocol (EIS Appendix 4) should be followed.
- e Inductions for work crews should include a cultural heritage awareness procedure to ensure they recognise Aboriginal artefacts (EIS Appendix 5) and are aware of the legislative protection of Aboriginal objects under the NPW Act and the contents of the Unanticipated Finds Protocol.

49. On closure of the facility, the Operator must remove all plant and equipment from the site and rehabilitate the site in a manner that is generally consistent with the conceptual final landform for the overall rehabilitation of the quarry and provides a safe, stable and non-polluting environment which is fit for the future permissible land use/s. The rehabilitation work should integrate with surrounding natural environment using native endemic vegetation and existing landforms as far as is reasonable and minimise the visual impact of the former activity when viewed from surrounding land.