



Uralla Shire Council

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NOTICE OF DETERMINATION

Issued under *Environmental Planning and Assessment Act 1979* Section 4.18(1)(a)

DEVELOPMENT APPLICATION

APPLICANT		Application No: DA-4-2023			
Applicant Name:	Mr D P Carlon				
Applicant Address:	13 Dangar Street, URALLA NSW 2358				
OWNER					
Owner Name:	Mr D P Carlon				
Owner Address:	13 Dangar Street, URALLA NSW 2358				
LAND TO BE DEVELOPED					
Property Details:	1033 Kingstown Road, BALALA NSW 2358				
Legal Description:	Lot: 3 DP: 834359				
Land Use Zone:	RU2 – Rural Landscape				
DEVELOPMENT					
Description:	Expand Size and Increase Production of Existing Quarry				
DETERMINATION – APPROVAL					
Decision Date:	TBA	Operational Date:	TBA	Lapse Date:	TBA
CONDITIONS					
Please read all conditions carefully. The applicant/developer may arrange to meet with Council to clarify, if necessary, the precise requirements of the conditions of this consent.					

GENERAL CONDITIONS

1. Approved plans and supporting documentation

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development, the development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Rev No.	Plan Title	Drawn By	Dated
Carlton's Quarry Expansion Project - Figure 2	A	Proposed Site Layout	Onward Consulting	Undated

Document Title	Rev No.	Prepared by	Dated
Environmental Impact Statement	0	Onward Consulting	28 October 2022
Biodiversity Assessment	4	Stringybark Ecological	September 2022
Erosion and Sediment Control Plan	2	WRM Water & Environment Pty Ltd	18 August 2022
Surface Water Assessment	2	WRM Water & Environment Pty Ltd	18 August 2022
Air Quality Assessment	2	Zephyr Environmental	5 August 2022
Noise Impact Assessment	3	Muller Acoustic Consulting	5 August 2022
Archaeological Technical Report	3	OzArk Environment & Heritage	1 August 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

ADVISING: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. **Production Limits**

To confirm and clarify the terms of this approval, consent is given subject to the following:-

- a. Extraction of material from the quarry shall not exceed 120,000m³ (216,000 ton) during any consecutive 12 month period.
- b. The applicant shall not extract material from outside the designated area as shown in "Carlton's Quarry Expansion Project, Proposed Site Layout, prepared by Onward Consulting"
- c. This consent expires 30 years from the date of consent or when the material to be extracted has been exhausted, whichever occurs first.
- d. The applicant shall not import material, other than products that are essential for quarrying operations, onto the site without prior consent.
- e. The applicant shall not dispatch more than 30 laden trucks from the site per day.
- f. The applicant shall not dispatch more than 10 laden trucks from the site per hour.
- g. The applicant shall maintain a record of each load from the premises to enable production to be calculated for any consecutive 12 month period by multiplying the number of loads for each vehicle type by the known capacity of each vehicle.
- h. The applicant shall notify council within two (2) months of the end of the financial year, the total quantity of material quarried, transported by public road and provide details of final output in terms of product.

3. **Hours of Operation**

The hours of operation of all activities associated with the quarry are limited to 7am and 6pm, Monday to Friday and 7am to 6pm Saturday. No activities are permitted on Sundays or Public Holidays.

ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.

4. **Section 7.11 Development Contributions Plan 2021 (Heavy Haulage)**

A developer contribution is to be paid to Council towards the provision of local road maintenance and upgrades (as per Uralla Shire Council Section 7.11 Development Contributions Plan 2021).

Each payment is due before the end of each financial year and is calculated based on the total sum of all loads of quarry products transported from the site. Contribution calculations will be based on the submission to Council of returns from weighbridge or other suitable records for the year. Annual returns must be lodged to Council within two (2) months of the end of the financial year.

* the last two (2) months before the end of the financial year are estimated based on an average monthly return.

Section 7.11 contributions will be ongoing throughout the operational period of the project, and calculated and invoiced by Council on an annual basis.

ADVISING: The current Plan is Uralla Shire Council Section 7.11 Development Contributions Plan – Heavy Vehicles. Contribution rates are indexed annually at the beginning of each new financial year.

BEFORE EARTHWORKS COMMENCE (CONSTRUCTION OF DRAINAGE & UPGRADE SEDIMENT BASIN)

5. Environmental Management Plan

Prior to any excavation activities associated with this consent, an Environmental Management Plan (EMP) must be prepared and shall be submitted to Council for approval. This plan must provide the following (at a minimum):-

- a. provide the strategic framework for environmental management of the project;
- b. identify the statutory approvals that apply to the project;
- c. set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
- d. set out the procedures to be implemented to:
 - i. keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - ii. receive record, handle and respond to complaints;
 - iii. resolve any disputes that may arise during the course of the project;
 - iv. respond to any non-compliance and any incident; and
 - v. respond to emergencies.
- e. a protocol for periodic review of the plan if required;
- f. include plans for the management and monitoring to ensure the operations comply with the relevant criteria and conditions of this approval for the following:
 - i. Noise
 - ii. Blasting
 - iii. Air quality
 - iv. Surface water and Groundwater
 - v. Traffic
 - vi. Aboriginal cultural heritage
 - vii. Biodiversity
 - viii. Bushfire
- g. a summary of any environmental monitoring to be carried out under the conditions of this approval and EPL.

ADVISING: The current Environmental Management Plan (EMP) is to be available at the Site at all times.

6. Stormwater/sediment control – Construction Phase

Prior to any excavation activities associated with this consent, a Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the project must be prepared and shall be submitted to Council for approval.

The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and waters during construction activities and be prepared in accordance with the guidance in Managing Urban Stormwater: Soils and Construction (available at <http://www.environment.nsw.gov.au/stormwater/publications.htm>)

7. **Air Quality Control**

Prior to any excavation activities associated with the project, an Air Quality Management Plan (AQMP) must be prepared and shall be submitted to Council for approval.

The approved AQMP controls shall be implemented, inspected and approved prior to the commencement of any excavating activities and maintained for the life of the project. The AQMP shall include, but not be limited to:

- a. Site specific benchmarking of emissions controls with best management practice;
- b. Key performance indicator(s);
- c. Monitoring methods;
- d. Location, frequency and duration of monitoring;
- e. Details of record keeping;
- f. Response mechanisms; &
- g. Compliance reporting.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

PRIOR TO OPERATION (QUARRY)

8. **Erosion and Sediment Control Plan**

Prior to commencement of quarrying activities associated with the project, an Erosion and Sediment Control Plan (ESCP) must be prepared and shall be submitted to Council for approval.

The ESCP must describe the measures that will be used to minimise soil erosion and the discharge of sediment and other pollutants to lands and water for the life of the project, and be prepared in accordance with the guidance in *Managing Urban Stormwater: Soils and Construction, particularly Volume 2E: Mines and quarries*

The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any extraction activities associated with this approval and must be maintained for the life of the project or until revegetation measures have taken effect.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

9. **Archaeological Heritage**

The Archaeological Technical Report, prepared by Ozark Environment & Heritage, identified that a modified tree (Aboriginal scarred tree) was present on the northern portion of the project study area. In this regard, this consent does not provide approval for relocation of the subject tree from the site and it must be retained and protected from harm.

A minimum 5m buffer around the tree is to be provided by stock proof fence so that its position is known and to ensure it is protected from harm at all times. The modified tree will be marked on any future site plans so that its position is known at the site.

10. For any construction work required on Council road reserves the Applicant is to submit an application to Council as the roads authority pursuant to s138 of the Roads Act 1993 and obtain approvals for all such proposed work.

This application must be approved prior to any such works commencing, to ensure that pedestrian and vehicular safety during construction has been addressed and that the work meets Council's design standards for work in road reserves.

Advising: Where a proposal involves work/activity over public land, the activity is to be protected by public liability insurance with a minimum cover of \$20 million.

11. **Road Signage (Kingstown Road)**

Prior to commencement of quarrying activities associated with the project, the installation of advance warning signage is required, and must be designed to meet the current Australian Standard. Road signage must be installed 250 metres in advance of the intersection of Kingstown Road to ensure advanced warning of the entrance to the quarry.

ADVISING: Signage installation may have site specific requirements to be included in the approval pursuant to s138 Roads Act.

12. **Traffic Management Plan**

Prior to commencement of quarrying activities associated with the project, a Traffic Management Plan (TMP) must be prepared and submitted to Council for approval. The TMP must describe the processes in place for the management of trucks entering and exiting the site. Any TMP must also include a Driver Code of Conduct to incorporate the following:-

- a. Identification of the haulage route and speed limits;
- b. A map of the vehicle movement plan highlighting critical locations;
- c. An induction process for vehicle operators and regular toolbox meetings;
- d. Procedures for travel through residential areas, school zones and bus routes;
- e. Obligations to minimise dust at all times;
- f. A complaint register and resolution/disciplinary procedure;
- g. Community consultation measures proposed for peak extraction periods; &
- h. Obligations under the Work Health and Safety Regulation 2017 (or equivalent).

ADVISING: It is the responsibility of the applicant to induct all drivers to the site and provide them with a copy of the Driver Code of Conduct to ensure they are aware of their obligations under this approval.

13. Transport Route Upgrades

Prior to commencement of quarrying activities associated with the project, the access from Kingstown Road is to be upgraded to the following requirements:-

- The surface of the haulage access route from Kingstown Road to the existing cattle grid to be bitumen sealed. The access route is to meet the current relevant standard as per Council's Engineering Design Codes.
- Construction of sealed BAL/BAR turn treatments on Kingstown Road. The works are to be designed in accordance with the current version of Austroads Guide to Road Design and relevant Australian Standards (with Transport for NSW supplements) to the satisfaction of Council.

ADVISING: Application to Work within a Public Road under Section 138 of the Roads Act, 1993 must be made to Council as the Roads Authority prior to commencement of any works.

14. Rehabilitation Plan

Prior to commencement of quarrying activities associated with the project, a Rehabilitation and Closure Plan must be prepared and submitted to Council for endorsement. At a minimum, a rehabilitation plan must:-

- a. outline the final land use and landform options considered, and justification of the preferred option;
- b. detail any rehabilitation methods to be implemented for both planned and unplanned closure of the site, including the testing of imported material to confirm it is suitable for rehabilitation;
- c. list suitable completion criteria;
- d. include a risk assessment to demonstrate any post-closure hazards associated with the proposed final landform and land use are acceptable; and
- e. provide an estimate of the closure costs prepared in accordance with the current industry recognised guidelines.

ADVISING: The rehabilitation and closure plan must be prepared in accordance with any applicable legislation and the principles of the Strategic Framework for Mine Closure produced by the Australian and New Zealand Minerals and Energy Council and Minerals Council of Australia (ANZMEC, 2000).

OCCUPATION & ONGOING USE

15. Extractive Material Transport

Transport of extractive material from the site may only occur on the designated haulage routes, specified in the EIS, except in circumstances where the final destination of the transported quarry products can only be accessed by other roads. Where alternative routes utilise Council roads, these should be documented for calculation of contributions payable, and relevant Traffic Management Plans updated and submitted to Council for approval.

16. Safety and Security

The quarry site must be secured to ensure public safety. Appropriate signage, fencing, bunding or the like must be installed to prevent visitor and unauthorised vehicle access to working areas of the quarry.

Business identification signage and the rural address of the site is to be provided in a visible place near the entrance for the convenience of contractors and emergency services.

ADVISING: An application for a new rural address sign post can be made via councils website www.uralla.nsw.gov.au

17. Incident and Complaint Reporting

An Incident and Complaint Register is to be established for the life of the quarry. Council and any relevant agencies are to be provided with a detailed report on any complaints, incidents or non-compliance, as a component of the annual return and such further reports as may be requested.

ADVISING: The applicant must provide an annual return in accordance with EPL conditions in relation to the development. In the return the applicant must report on the annual monitoring undertaken (during a pollution incident), provide a summary of complaints relating to the development and report on any compliance matters.

18. Compliance

The operator of the quarry must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.

ADVISING: This includes any current Drivers Code of Conduct for the quarry.

19. Dust Control

Effective dust control measures to be maintained at all times during the construction and operational phases of the project.

Trucks entering and existing the premises that are carrying loads must be covered at all times and unsealed access roads are to be watered to prevent the emission of nuisance dust.

When undertaking crushing of extracted material, wet suppression must be applied to prevent the emission of dust.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

20. Uncovering relics or Aboriginal objects

While excavation work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

21. Parking/Truck Queuing

The Applicant must provide sufficient parking on-site for all project-related traffic in a dedicated area away from active quarry areas.

No storage of excavated materials, vehicles or equipment is to occur on Council's property or roads. No unauthorized transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted at any time.

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

These conditions are in accordance with Section 4.46 of the Environmental Planning & Assessment Act 1979.

22. General terms of approval (Notice No. 1629679) for the NSW Environment Protection Authority (EPA) issued pursuant to section 4.46 of the Environmental Planning and Assessment Act 1979.

REASONS FOR THE ABOVE CONDITIONS

Given Council's duty to consider the matters set out in Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (as amended), the above conditions have been placed on the consent in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 (as amended).

RIGHT OF APPEAL

If you are dissatisfied with this decision, Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Note: Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development

that has been the subject of a Commission of Inquiry.

Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a Review of Determination. Upon payment of the prescribed fees, Council will review the determination under the provisions of Sections 8.2, 8.3, 8.4 and 8.5.

Note: Sections 8.2, 8.3, 8.4 and 8.5 of the Environmental Planning and Assessment Act 1979 do not apply to the determination of a Designated Development, Integrated Development or Crown Applications.

Kate Jessep
GENERAL MANAGER

Per: _____

Date: