

Mr S Waters & Mr S Waters  
222 Burgmanns Lane  
CALALA NSW 2340

**DEVELOPMENT APPLICATION  
NOTICE OF DETERMINATION**

Issued under the *Environmental Planning and Assessment Act 1979*  
Sections 4.16, 4.17 & 4.18 (1)(a) and Schedule 1, Clause 20(2)

|                                                                               |                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Tamworth Regional Council<br/>Development Consent No:</b>                  | DA2025-0114                                                                                                                                                                                                                |
| <b>NSW Government Portal<br/>Application Number (PAN):</b>                    | PAN-474531                                                                                                                                                                                                                 |
| <b>Property Address:</b>                                                      | Lot 1 DP 755321, Callendale 51 Gowrie Road WARRAL NSW<br>2340<br>Lot 102 DP 1288693, 5498 Duri Road WARRAL NSW 2340                                                                                                        |
| <b>Description of Development:</b>                                            | Establish and operate a hard rock quarry (Strathmore Quarry) to<br>extract up to 240,000 tonnes per annum and 1,600 tonnes per day<br>for up to 30 years, with a maximum disturbance area of<br>approximately 12 hectares. |
| <b>Determination:</b>                                                         | Approved – Development consent granted subject to the<br>conditions specified in this notice and in accordance with the<br>stamped approved plans.                                                                         |
| <b>Determination Date:</b>                                                    |                                                                                                                                                                                                                            |
| <b>Consent to operate from:</b>                                               |                                                                                                                                                                                                                            |
| <b>Consent to lapse on:</b><br>(unless physical commencement has<br>occurred) |                                                                                                                                                                                                                            |

**Information contained in this decision:**

- Schedule 1 – Conditions of consent
- Schedule 2 – Reasons for determination and reasons for conditions
- Schedule 3 – Approvals under Section 4.46 (if applicable)
- Schedule 4 – Rights of appeal and review

**SIGNED** on behalf of Tamworth Regional Council

## **SCHEDULE 1 – CONDITIONS OF CONSENT**

### **General Conditions of Consent**

- 1) Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.
  - a) Strathmore Quarry Environmental Impact Statement prepared by Quarry Plan NSW, Version 1.3 dated 12 August 2025;
  - b) Plan Set prepared by Quarry Plan NSW, Plan 1, Plan 9, Plan 10, Plan 11, Plan 13, Plan 14 received 12 August 2025;
  - c) Traffic Impact Assessment Additional Information letter prepared by Kelley Covey dated 4 November 2025; and
  - d) Biosecurity Risk Management Plan prepared by Quarry Plan NSW, Version 1.0 dated 3 January 2025.

If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

- 2) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents unless otherwise as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 3) The consent is for hard rock quarry with the following maximum limits:
  - a) Period of 30 years;
  - b) Annual extraction rate of 240,000 tonnes;
  - c) Daily extraction rate of 1,600 tonnes;
  - d) Annual processing rate of 240,000 tonnes;
  - e) Daily processing rate of 2,500 tonnes; and
  - f) Disturbance area of 12 Hectares which includes an extraction area of 9.35 Hectares.
- 4) The maximum daily number of heavy vehicle movements must not exceed 68 vehicle movements (34 in, 34 out) at the site.
- 5) Extraction operations will not exceed a depth of 430 metres AHD (Australian Height Datum).
- 6) No activities of a blasting or explosive nature are permitted to be carried out as part of the approved extractive operations.
- 7) All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- 8) The development shall be constructed wholly within the confines of the property boundary. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties or upon the road reserve area.
- 9) It is the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

- 10) Any existing State Survey Mark or Cadastral Survey Mark shall be preserved during construction and not disturbed unless authority has been obtained from the Surveyor-General in accordance with the Surveyor-General's Directions published by the NSW Land and Property Information Service. In this regard, the Principal Contractor is responsible for the protection of the mark.
- 11) The Applicant shall consult with, as required:
  - a) Essential Energy
  - b) Natural Gas Company
  - c) A Telecommunications carrier

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by the proposed works, either on site or on the adjacent public road(s).

- 12) The General Terms of Approval from the Environmental Protection Authority (Notice No: 1645283, dated 20 December 2024) must be complied with prior to, during, and at the completion of the development. A copy of the General Terms of Approval is attached to this determination notice.

#### *External Roads*

- 13) The access to the development shall be via Gowrie Road between the intersection of Spains Lane and Duri Road.
- 14) The Gowrie Road vehicular access to the development shall be constructed and designed as a sealed BAR/BAL format intersection capable of accommodating the largest design vehicle anticipated to access and egress the site.
- 15) Gowrie Road shall be widened from the access to the development to the intersection of Gowrie Road and Werris Creek Road to a pavement width of not less than 9 metres with a seal with of 8 metres.
- 16) The existing pavement condition on Gowrie Road from the development access to the intersection with Duri Road shall be assessed via beam testing and test pits with a report supplied to Council by a practising Geotechnical engineer of expected performance under development traffic loading.
- 17) A contribution amount for future upgrade/maintenance of the pavement between the development access and Werris Creek road will be determined by Council based on the Report supplied by the Geotechnical Engineer.
- 18) The intersections of Gowrie Road with the development access and Werris Creek Road shall be provided with lighting to AS/NZS 11581.1 Category V.

#### *Vehicular Access and Egress*

- 19) All internal driveways and parking areas shall be constructed with a base course of adequate depth to accommodate design vehicle loading. The internal access road shall be sealed for a distance of no less than 50m from the edge of Gowrie Road.

#### *Parking*

- 20) All visitor and staff parking areas shall be designated, sign posted and designed to comply with Australian Standard AS2890.1 'Off-street Car Parking' and AS 2890.6 Parking Facilities – Off-street parking for people with disabilities.

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- 21) To provide for the safety and security of employees and users of the facility, outdoor lighting in accordance with AS 1158.3.1 (as amended) Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – performance and design requirements shall be provided to all off-street parking areas. The lighting installed must comply with AS 4282 Control of Obtrusive Effects of Outdoor Lighting.

#### *Stormwater*

- 22) A stormwater servicing strategy for the development site shall be prepared and submitted to Council for approval in accordance with the requirements of Minimum Standards for Stormwater Drainage of Council's current version of Engineering Design Minimum Standards. The stormwater servicing strategy for this development must also include calculations and associated commentary for the following: -

- Stormwater collection and conveyance for the range of 1:1 to 1:100-year ARI events to ensure that runoff from all reasonably foreseeable storm events can be adequately managed.
- Q100 overland flow paths.
- Where access roads cross stormwater flow paths, culverts shall be provided to convey flows under roadways for storms up to and including the critical 5% AEP event.

The stormwater servicing strategy shall be approved by Council prior to works for the project.

- 23) Any building stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum: -
- All plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage and the National construction code of Australia Volume 3 The Plumbing Code of Australia.

#### *Electrical Easement*

- 24) The ground height within Essential Energy's easements must not change during and at the completion of the construction of the quarry's access track.
- 25) No structures are to be placed in the Essential Energy easement without a request to encroach being submitted.
- 26) No rights are given over the Essential Energy Easement to the proponent.
- 27) The minimum clearance from 'Power Poles' stated in the Environmental Impact Statement (10 metres) prepared for Strathmore Quarry, must be maintained during the life of the quarry.
- 28) Any plant or trucks operating within Essential Energy's easement must not exceed 4.6 metres in height.
- 29) It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities as per the *Code of Practice – Work near Overhead Power Lines*. A request for safety advice may need to be lodged to Essential Energy.
- 30) Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of Part 5E (*Protection of Underground Electricity Power Lines*) of the *Electricity Supply Act 1995 (NSW)*.
- 31) Any activities within the easement, or in proximity to Essential Energy's infrastructure, must be undertaken in accordance with the latest industry guideline currently known as ISSC 20

Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

*Advisory Note: A copy of this guideline can be located at:*

*[www.resourcesandenergy.nsw.gov.au/data/assets/pdf\\_file/0004/466816/ISSC-20-Electricity-Easements.pdf](http://www.resourcesandenergy.nsw.gov.au/data/assets/pdf_file/0004/466816/ISSC-20-Electricity-Easements.pdf).*

### **Prior to the Commencement of Works**

- 32) An approval pursuant to Section 138 of the *Roads Act 1993*, must be obtained from Council to construct the vehicle accesses and pavement upgrades on Gowrie Road for this development. Construction plans shall be provided to Council for approval.

Notwithstanding the requirements of the Engineering Design Minimum Standards, items to be addressed as part of the Section 138 Application shall include but not be limited to: -

- a) All works in the public road reserve associated with intersection upgrades, provision of driveways and any associated stormwater infrastructure, and;
- b) Any other incidental supporting infrastructure that may need to be constructed within the road reserves.

*Advisory Note 1: Council requires works-as-executed (WAE) plans to be prepared and submitted in accordance with Council's Engineering Design Minimum Standards for infrastructure adjusted or gifted as part of this development.*

*Advisory Note 2: All plans are to include details of the location of all existing utility services.*

*Advisory Note 3: Any line marking and/or regulatory signage shown on any plan is required to be reviewed and approved by the Local Traffic Committee.*

*Advisory Note 4: The Section 138 will not cover works outside the road reserve that encroach into an adjoining Crown Reserve. A separate licence may be required.*

- 33) a) In accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013, **\$20,018.93** shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:
- b) If the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

- \\$C<sub>PY</sub>** Is the amount of the contribution at the date of Payment
- \\$C<sub>DC</sub>** Is the amount of the contribution as set out in this development consent
- CPI<sub>PY</sub>** Is the latest release of the Consumer Price Index (Sydney - All Groups) for the financial year at the date of Payment as published by the ABS
- CPI<sub>DC</sub>** Is the Consumer Price Index (Sydney - All Groups) for the financial year at the date of this development consent

- c) The monetary contributions shall be paid to Council prior to the commencement of works.

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au) <<http://www.tamworth.nsw.gov.au>> or a copy may be inspected at Council's Administration Centre during normal business hours.

*Advisory Note: please contact [development@tamworth.nsw.gov.au](mailto:development@tamworth.nsw.gov.au) to request a tax invoice for payment of these fees.*

- 34) The contractors engaged on the development must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.
- 35) A Traffic Management Plan (TMP) detailing how movements in and out of the site during the construction phase of the development will be adequately managed so as not to adversely impact the safe operation of the road network shall be submitted to Council for approval. This TMP shall consider both vehicular and pedestrian movements. Where the TMP is of a level of complexity that Traffic Guidance Schemes (TGS's) are required, the TGS's shall be prepared by a person with the applicable certification from Transport for New South Wales (TfNSW) in accordance with AS 1742.3 (as amended) and the TfNSW current version of the "Traffic Control at Worksites" manual. Works cannot commence until the TMP has been approved by Council.
- 36) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").
- 37) Mark the limits of clearing around the quarry site and along the site access prior to the commencement of works to avoid unnecessary vegetation and habitat removal/ disturbance.
- 38) A Bush Fire Emergency Management and Evacuation Plan must be prepared prior to the commencement of works and submitted to Council for approval prior to the commencement of works. It should be consistent with the NSW Rural Fire Service document *A guide to developing a bush fire emergency management and evacuation plan*. Works cannot commence until the Bush Fire Emergency Management and Evacuation Plan has been approved by Council.

**Prior to the Commencement of Building Works (Site Office, Weighbridge, Business Identification Signage)**

- 39) The proposed work on a building which is the subject of this development consent must not be commenced until:
  - a) A construction certificate for the building work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited Certifier, and
  - b) The person having the benefit of the development consent has;
    - i) Appointed a Principal Certifier for the building work, and
    - ii) Notified the Principal Certifier that the person will carry out the building work as an owner-builder, if that is the case, and;
  - c) The Principal Certifier has, no later than 2 days before the building work commences;
    - i) Notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
    - ii) Notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has

- i) Appointed a principal contractor for the building work who must be the holder of a contractor license if any residential building work is involved, and
- ii) Notified the Principal Certifier of any such appointment, and
- iii) Unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- iv) Give at least 2 days notice to the council of the persons intention to commence the erection of the building.

*Advisory Note: Separate Construction Certificates can be obtained for each separate building.*

- 40) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided:

- a) Must be a standard flushing toilet, and
- b) Must be connected to a public sewer, or
- c) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- 41) The applicant must ensure that a sign containing the following information is erected in a prominent position and maintained on the site at all times:

- a) The name, address and telephone number of the principal certifying authority for the work, and
- b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) A statement that unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed

- 42) The developer must install water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").

- 43) The contractors engaged on the development must maintain public liability insurance cover to the minimum value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to Council prior to the commencement of work and upon request, during the progress of the work.

- 43)44) Access for persons with disabilities must be provided direct to the site, including to all common areas, foyers, retail areas, carpark and required sanitary facilities in accordance with the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application. If full compliance cannot be achieved, the services of an accredited access consultant is to be obtained to determine alternative methods of compliance. Such a report must be submitted to and endorsed by the Certifying Authority before the issue of the Construction Certificate.

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#### **Prior to the Commencement of Excavation**

##### *Future Residential*

- 44)45) Prior to excavation, a Restriction as to User (Building Exclusion) pursuant to Section 88B of the *Conveyancing Act 1919* shall be created on Lot 101 DP 1288693 and Lot 102 DP

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1288693 to restrict the construction of new dwellings within 500 metres of the 'Proposed Quarry Site' as shown on Plan 1 of the Plan Set prepared by Quarry Plan NSW received 12 August 2025. The final wording to be confirmed by Council.

#### **Prior to Truck Haulage**

~~45~~46) Prepare a Driver Code of Conduct for the quarry to ensure all drivers of vehicles utilising the quarry are aware of their roles and responsibilities to ensure road safety as part of quarry operations. This must include:

- a) Safety requirements,
- b) Hours of operation,
- c) A 20km/h internal speed limit,
- d) Noise requirements,
- e) Haulage route is Gowrie Road and Duri Road. Entering and exiting the site to Spains Lane is prohibited.
- f) In the event of floodwater inundating the intersection of the Gowrie and Duri Roads, haulage of quarry product will cease, pending advice from Tamworth Regional Council that the road is open,
- g) Trucks entering and leaving the premises must have their loads covered, except during material inspection unloading and loading, and
- h) Load sizes must be limited to ensure material is not above the level of truck sidewalls.

~~46~~47) The developer must produce written evidence that an agreement can be put in place with Council's Water and Waste Directorate or a waste collection contractor for the collection of rubbish bins from private property.

~~47~~48) The required road upgrades ~~have been completed~~ on Gowrie Road must be completed to Council's satisfaction.

~~48~~49) The proponent shall install a 3 metre bund along the northern and eastern edges of the proposed quarry prior to excavation for the purposes of safety, noise, dust and visual impact.

#### **During Works**

##### *General*

~~49~~50) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

- a) Construction:  
Monday to Friday – 7:00am to 6:00pm and Saturday 8:00am to 1:00pm. No construction works are to undertaken on Sunday or Public Holidays.
- b) Extraction, crushing and screening, loading trucks and shipping, and maintenance:  
Monday to Friday – 7:00am to 6:00pm and Saturday 7:00am to 2:00pm
- c) Cleaning, security and administration:  
All hours.
- d) Light maintenance:  
All hours if inaudible on residential premises.

The applicant shall be responsible to instruct and control any sub-contractors regarding the hours of work.

~~50~~51) All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the National Construction Code (NCC).

~~51~~52) The public way (outside of any construction works zone) must not be obstructed by any materials, construction fencing, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

~~52~~53) Any damage caused to Council infrastructure during building operations shall be rectified by the owner or the builder to the satisfaction of Council to ensure the integrity of Council's infrastructure is maintained to an acceptable standard.

~~53~~54) If the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Development Engineering Division is required.

~~54~~55) In the event that any contamination (a concentration of substances above that naturally present that poses, or is likely to pose an immediate or long-term risk to human health or environment) is discovered work must immediately cease and the Council's Team Leader Compliance must be contacted to arrange an inspection.

~~55~~56) The Traffic Management Plan (inclusive of any resultant Pedestrian Management Plans and the Traffic Control Plans) shall be implemented and any associated barriers, signage and controls shall be maintained in a functional state at all times.

~~56~~57) The developer must ~~install~~ ~~maintain~~ water pollution, erosion and sedimentation controls in accordance with the "Managing Urban Stormwater - Soils and Construction" published by the NSW Department of Housing ("The Blue Book").

~~57~~58) All haulage to and from the site shall utilise the portion of Gowrie Road between Duri Road and Spains Lane. No haulage shall utilise Spains Lane between Gowrie Road and the New England Highway intersection.

#### *Aboriginal Heritage*

~~58~~59) While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a) the work in the area of the discovery must cease immediately;
- b) the following must be notified:
  - (i) for a relic – the Heritage Council; or
  - (ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a) for a relic – the Heritage Council; or
- b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, Section 85.

#### Future Residential

~~59)~~60) All quarry extraction shall cease:

- a) within 12 months of any proponent owned land within 500 metres of the quarry site being rezoned for residential land use and a subdivision plan being registered with NSW Land Registry Services that enables such use; or
- b) a period 30 years after commencement, whichever comes first.

Rehabilitation shall be finalised within 18 months of cessation.

#### Threatened Fauna

- ~~60)~~61) a) If threatened fauna is encountered, then work would stop immediately and a plan would be formulated by the ecologist to determine the most appropriate course of action.
- b) Works shall not recommence until Council has approved the course of action.

#### Dangerous Goods

~~61)~~62) The Proponent shall ensure that the storage, handling, and transport of fuels and dangerous goods are conducted in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.

#### Inspections for Building Works

~~62)~~63) It is required that a Principal Certifier (PC) be appointed to undertake all critical stage inspections as prescribed under the *Environmental Planning and Assessment (Development Certificate and Fire Safety) Regulation 2021*. The owner may appoint either the Council or an accredited certifier to be the PCA.

#### Bushfire

~~63)~~64) Grass and weed fuel loads in the vicinity of the quarry will be managed by herbicide, grazing or slashing to reduce bushfire risk.

~~64)~~65) Any work with a significant fire ignition risk, such as grinding and welding, will only be undertaken on cleared operational areas with suitable fire protection equipment present (e.g. fire extinguishers).

#### Annual Reporting

~~65)~~66) Within 12 months of the date of this approval, and annually thereafter, the Proponent shall submit an annual report to Council. This report must:

- a) describe the works carried out in the last 12 months, and the works that will be carried out in the next 12 months;
- ~~b)~~ include a summary of the complaints received during the past year, and compare this to the
- ~~b)~~ complaints received in previous years;
- c) explain how any complaints have been addressed;
- d) include a summary of the monitoring results for the project during the past year;
- e) address compliance of each condition in this consent;
- f) identify any non-compliance during the previous year; and
- g) describe what actions were, or are being, taken to ensure compliance.

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The Proponent shall provide a copy of the report to members of the general public upon request.

#### *Decommissioning and Rehabilitation*

~~66)~~67) Within 5 years of the commencement of works, or immediately if the trigger in Condition ~~60(a59a)~~ is activated, the Applicant must prepare a Decommissioning and Rehabilitation Plan. The Plan shall be updated by the Applicant within 2 years prior to decommissioning. The plan must:

- a) include detailed completion criteria for evaluating compliance with the rehabilitation objectives in Table 1 ~~below of Condition 68~~; and
- b) describe the measures that would be implemented to decommission the development and rehabilitate the site in accordance with the objectives in Table 1; and
- c) include a program to monitor and report on the implementation of these measures against detailed completion criteria.

~~67)~~68) Within 18 months of the cessation of operations, unless Council agrees otherwise, the Applicant must rehabilitate the site to the satisfaction of Council. This rehabilitation must comply with the objectives in Table 1.

**Table 1 Rehabilitation Objectives**

| Element                 | Rehabilitation Objective                                                                                                                                  |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Waste and machinery     | All machinery removed.                                                                                                                                    |
|                         | All recycling and waste removed for appropriate disposal.                                                                                                 |
|                         | No evidence of significant fuel or oil spills.                                                                                                            |
| Quarry void             | Vertical edges of quarry battered to no steeper than 3H:1V.                                                                                               |
|                         | A minimum veneer of 0.3m of red "soil" is applied to the quarry benches, floor and access ramp.                                                           |
|                         | No evidence of significant quarry related erosion on site or adjoining areas.                                                                             |
|                         | Quarry product stockpiles removed.                                                                                                                        |
|                         | Soil compacted by quarry related activities is contour ripped to facilitate plant growth.                                                                 |
| Access track            | Where ongoing use is not required by land owner, removal of gravelled access tracks and rehabilitation with soil, consistent to landowner's requirements. |
| Ecosystem establishment | No significant weed species present on former quarry site.                                                                                                |
|                         | Significant endemic shrub and tree regrowth on rehabilitated quarry walls and floor.                                                                      |

#### **Prior to Issue of an Occupation Certificate for Building Works**

~~68)~~69) All conditions of consent relevant to the subject building must be satisfied prior to the release of an Occupation Certificate for the building.

#### **Ongoing Use**

~~69)~~70) All signage shall be maintained in good structural condition, kept clean, neatly painted and to be of professional standard of design and appearance. Should any signage become redundant, such signage shall be removed immediately.

~~70)71)~~ With the approval of Council, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

~~74)72)~~ If the results of monitoring required in the General Terms of Approval in Condition 12 identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent shall notify Council and affected landowners and tenants, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria.

~~72)73)~~ Provide an annual report as required by Condition ~~65~~66.

~~73)74)~~ ~~The sealing to all vehicular parking, manoeuvring and loading areas is to be maintained at all times.~~ The Bush Fire Emergency Management and Operations Plan shall be adhered to at all times.

~~74)75)~~ All vehicle movements into and out of the development site shall be in a forward direction.

~~75)76)~~ The integrity of vehicle crossovers is to be maintained at all times.

#### **Advice Note(s)**

- Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.

## **SCHEDULE 2 – REASONS FOR DETERMINATION AND REASONS FOR CONDITIONS**

### **REASONS FOR THE DETERMINATION AND CONSIDERATION OF COMMUNITY VIEWS**

The determination decision was reached for the following reasons:

- The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being; *Tamworth Regional Local Environmental Plan 2010* (TRLEP) and applicable State Environmental Planning Policies.
- The proposed development is, subject to the recommended conditions, consistent with the aims of the *Tamworth Regional Council Development Control Plan 2010* (TRDCP).
- Subject to the recommended conditions the proposed development will be provided with adequate essential services required under the TRLEP.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development is a suitable and planned use of the site and its approval is within the public interest.
- The application was required to be placed on public exhibition in accordance with Council's Community Participation Plan 2019. 133 unique submissions were received and were considered as part of the assessment.

### **REASONS WHY THE CONDITIONS HAVE BEEN IMPOSED**

The conditions in Schedule 1 are applied to:

1. Confirm and clarify the terms of Council's approval;
2. Identify modifications and additional requirements that will result in improved compliance,

- 
- development and environmental outcomes;
  - 3. Prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
  - 4. Set standards and performance measures for acceptable environmental performance; and,
  - 5. Provide for the ongoing management of the development.

#### **SCHEDULE 3 – APPROVALS UNDER SECTION 4.46**

The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority, Notice Number 1645283, dated 20 December 2024 and contained in Annexure 1.

#### **SCHEDULE 4 – RIGHT OF APPEAL AND REVIEW**

##### **RIGHT OF REVIEW**

Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the Applicant may request the Council to review the determination for a development consent or modification of a development consent, provided this application is not made in respect to designated or Crown development. The request must be made in writing (or on the review application form) within six (6) months after the date as specified in this notice of determination, together with payment of the appropriate fee. A determination or decision reviewed under this Division is not subject to a further review.



## **RIGHT OF APPEAL**

If you are dissatisfied with this decision Section 8.7 of the *Environmental Planning and Assessment Act 1979* (Act) gives you the right to appeal to the Land and Environment Court. In accordance with Section 8.10 of the Act, your appeal must be made within six (6) months after the date on which you receive this notice; or, the date on which that application is taken to have been determined under Section 8.11 of the Act.

Section 8.8 of the Act does not give a right of appeal to an objector who is dissatisfied with the determination of Council to grant consent to a Development Application, unless the application is for designated development (including designated development that is integrated development). The objector may, within twenty-eight (28) days after the date on which the notice of the determination was given in accordance with the Regulations, and in accordance with the rules of the Court, appeal to the Court.