

DATE OF DETERMINATION	5 May 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Robert Kneale
APOLOGIES	None
DECLARATIONS OF INTEREST	Cameron Staine declared a conflict of interest as his company, Crawney Investments has sub-contracted to the proponent in the past.

Papers circulated electronically on 19 April 2021.

MATTER DETERMINED

PPSNTH-56 – Narrabri Shire Council – DA2020/0085 at 975 Wave Hill Road, Tarriaro – quarry expansion (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

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

Development application

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

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons given below:

1. The proposed use is permissible in the RU1 Primary Production zone, is consistent with relevant zone objectives and is also considered consistent with the relevant provisions of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Use of the site's resources as proposed will also facilitate infrastructure development (the 'Inland Rail' corridor) of national significance.
2. Clarification was provided at the Council briefing that the applicant had completed works required for Wave Hill Road under the current consent for the quarry operation, with Council to complete the sealing of an unsealed section of the road approximately 1.4km long, to the west of the site. Subject to these road upgrading works and a road safety audit as identified in the amended conditions, a suitable haulage route will be available for transportation of quarry products.
3. Subject to the conditions proposed and the General Terms of Approval issued by the NSW Environment Protection Authority, impacts on the natural or built environments including neighbouring land uses will be acceptable.
4. Subject to the rehabilitation conditions proposed, including a bond, satisfactory site rehabilitation will occur. As such, the consent will be consistent with clause 17 of the Mining SEPP.
5. The panel has carefully considered all issues raised in public submissions and considers that they have been addressed by either safeguards incorporated into the proposal or conditions imposed and that there are no residual issues warranting refusal of the application.
6. For the reasons given above approval of the application is in the public interest.

CONDITIONS

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

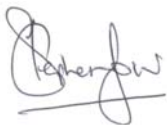
- Condition 3 – amended to relate transport movements to the approved tonnage and maximum truck movements permitted under the General Terms of Approval for the development issued by the NSW Environment Protection Authority.
- New Condition 4 (with subsequent conditions renumbered sequentially) - to require no increase in current truck movements from the quarry (34 in/out per day) until the completion of sealing of Wave Hill Road to the west of the site by Council and a road traffic safety audit of Wave Hill Road, with implementation of any recommendations by the Narrabri Local Traffic Committee arising from that audit.
- Condition 5 (formerly 4) – provision of the required management system for compliance to Council for approval.
- Condition 19 (formerly 18) – the Planning Agreement is to be registered on title.
- Condition 23 (formerly 22) – references added to several additional environmental management plans required under the consent.
- New Condition 43 (with subsequent conditions renumbered sequentially) - requiring periodic independent compliance audits of the quarry operation.
- New condition 44 (with subsequent conditions renumbered sequentially) – to reinforce the Hours of Operation allowed under the General Terms of Approval for the development issued by the NSW Environment Protection Authority.
- Condition 57 (formerly 54) – adding reference to the required stockpile bund for noise mitigation to neighbouring Receiver 2.
- New Condition 73 – requiring progressive lodgement of a bond with Council for site rehabilitation.

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:

- Traffic safety
- Incorrect information
- Existing development issues
- Consultation
- Noise impacts
- Dust impacts
- Water quality
- Visual privacy
- Hours of operation
- Quarry footprint
- Fencing
- Extent of notification

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. The panel also notes that in addressing these issues appropriate conditions have been imposed addressing matters of concern.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Stephen Gow	 Robert Kneale

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-56 – Narrabri Shire Council – DA2020/0085
2	PROPOSED DEVELOPMENT	Wave Hill Quarry Expansion to 500,000tpa
3	STREET ADDRESS	975 Wave Hill Road, Tarriaro
4	APPLICANT/OWNER	Johnstone Concrete and Landscape Supplies/Johnstone Family Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No 33 – Hazardous & Offensive Development - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Koala Habitat Protection) 2020 - State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007 - State Environmental Planning Policy (State & Regional Development) 2011 - Narrabri Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Development Control Plan Parking Code No. 1 - Development Control Plan Building Line - Drainage to Buildings Development Control Plan - Planning agreements: - Existing Voluntary Planning Agreement associated with DA 60/2013 - Proposed Voluntary Planning Agreement offered to entered into - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: - Clause 92(d) – Dark Sky Planning Guidelines - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 19 April 2021 - Written submissions during public exhibition: seven (7)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 28 April 2021 <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Robert Kneale <u>Council assessment staff</u>: Michelle Henry, Shane Burns and Donna Ausling - Final briefing to discuss council's recommendation: 28 April 2021 <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Robert Kneale

		- o <u>Council assessment staff</u>: Michelle Henry, Shane Burns and Donna Ausling - o <u>DPIE representatives</u>: Sung Pak and Lisa Foley • Submitter Briefing: 28 April 2021 - o <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Robert Kneale - o <u>Council assessment staff</u>: Michelle Henry, Shane Burns and Donna Ausling - o <u>DPIE representatives</u>: Sung Pak and Lisa Foley - o <u>Submitters</u>: Kristian Bogdanoff and Peter Bogdanoff <u>Note</u>: Submitter briefing was requested so that Panel members could be briefed on concerns • Applicant Briefing: 28 April 2021 - o <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow and Robert Kneale - o <u>Council assessment staff</u>: Michelle Henry, Shane Burns and Donna Ausling - o <u>DPIE representatives</u>: Sung Pak and Lisa Foley - o <u>Applicant representatives</u>: Brock Johnstone, Clint Johnstone, Peter Taylor and Marie Duffy <u>Note</u>: Applicant briefing was requested to respond to the recommendations in the council assessment report
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2				
General Conditions				
Approved Plans & Documents				
1. The development being carried out in accordance with the development application, the documents referenced below, except where amended by the following conditions.				
TITLE	REFERENCE	PREPARED BY	REVISION	DATE
Environmental Impact Statement	17-173	SMK Consultants	0	June 2020
Additional information letter	17-173	SMK Consultants	Nil	8/7/2020
Additional information letter	17-173	SMK Consultants	Nil	31/7/2020
Additional information letter	17-173	SMK Consultants	Nil	18/1/2021
Additional information letter	17-173	SMK Consultants	Nil	22/2/2021
Proposed Quarry Extent to Weighbridge Level	17-173	SMK Consultants	A	6/7/2020
Plan Showing Proposed Surface of Quarry Down to Weighbridge Level	17-173	SMK Consultants	A	7/7/2020
Landscape Plan	Nil	SMK Consultants	Nil	18/3/2019

Wave Hill Quarry 5 Year Plan	17-173	SMK Consultants	A	6/7/2020
Wave Hill Quarry Rehabilitation Map	17-173	SMK Consultants	A	6/7/2020

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Plans on Site

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Limitations to Approval

3. To confirm and clarify the terms of this approval, consent is given for the following:
- (a) The Applicant/Owner shall not extract and/or transport more than:
 - (i) 500,000 tonnes of material, including hard rock, gravel, fines and sand from the development site in any calendar year; and
 - (ii) 2,000 tonnes of material including rock, gravel, fines and sand from the development site in any day; and
 - (iii) subject to the requirements of Condition 4 and the maximum truck movements permitted under L7.2 of the General Terms of Approval in Appendix 1, at no time shall daily truck movements result in the movement of loads exceeding the tonnage limitations in (ii) above, with a maximum of five (5) truck movements inbound and five (5) truck movements outbound in any hourly period.
 - (b) This consent is time limited to 20 years from the date of consent or when the material to be extracted has been exhausted, whichever occurs first.
 - (c) The largest vehicle permitted to be used in association with the development is a Type 1 A Double vehicle only once the entire haul route is reclassified on both the RAV and Road Train maps.
 - (d) The Applicant shall not import material, other than additive type products, onto the site.
 - (e) The Applicant shall notify the Council, within three (3) months of the end of the calendar year, the total quantity of material quarried and provide details of final output in terms of product.
 - (f) The designated haul route is comprised of Wave Hill Road – Maules Creek Road – Turrawan Road – Kamilaroi HW29, and then to the receiving sites via approved routes shown on the NSW Restricted Access Vehicle (RAV) and Road Train maps.

(Reason: To clarify the scope of the approval)

4. Any increase in truck movements to and from the quarry along Wave Hill Road from the pre-consent level of 17 trucks in and 17 trucks out (maximum 38t truck and dog vehicles) shall not occur until:
- (a) The remaining unsealed section of Wave Hill Road to the west of the subject site has been upgraded by/for Narrabri Shire Council and sealed to the relevant standard required by Council as the roads authority, and
 - (b) A road traffic safety audit to take account of the quarry's ongoing and proposed use of Wave Hill Road has been prepared by a Senior Road Safety Auditor accredited by Transport for NSW and submitted to the Narrabri Local Traffic Committee for consideration; and the related recommendations of the Committee have been implemented. The road safety audit is to have regard to such matters as:
 - (i) Sight distances at the quarry site entrance and on bends along Wave Hill Road west of the site;
 - (ii) The use of Wave Hill Road by School Buses;
 - (iii) The need for any special speed limits;
 - (iv) Any other issues including augmentation or alteration of road signage.

See also Conditions 9, 16 and 17 below.

(Reason: Road safety)

Compliance

5. The Applicant must put in place a management system, and take reasonable steps, to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities. A copy of the management system is to be submitted to Council within three (3) months of the date of commencement of development under this consent.

(Reason: To ensure all workers on site are aware of approval obligations)

Obligation to Minimise Harm to the Environment

6. The Applicant/Owner/Operator shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the operation and/or rehabilitation of the development.

(Reasons: To ensure the development is carried out in an environmentally responsible manner)

Surrender of Existing Consent

7. Within three (3) months of the date of commencement of development under this consent, the following development consent is to be surrendered in accordance with the *Environmental Planning & Assessment Regulation 2000*:

- (a) Development Consent for DA 60/2013.

Upon the date of commencement of development under this consent, and before the surrender of the exiting development consent listed above, the conditions of this consent prevail to the extent of any inconsistency.

(Reason: To clarify the scope of the approval)

General Terms of Approval Pursuant to section 4.46 of the Environmental Planning and Assessment Act 1979

8. The following General Terms of Approval have been integrated with this consent and must be adhered to by the Applicant and respective Approval Body in the carrying out of this development:

- a) General Terms of Approval – NSW Environment Protection Authority (EPA), for the granting of an Environmental Protection Licence (EPL), issued by the NSW EPA on 24 February 2021 (Appendix 1).

(Reason: Statutory requirement)

Conditions that Must Be Addressed Prior to Construction Works Commencing

Note: this section of the consent relates to construction works associated with the required road works and not quarrying activities.

Road Works

9. The property access driveway from Wave Hill Road is to be upgraded in accordance with Figure 7.4 of the Austroads *Guide to Road Design Part 4: Intersections and Crossings – General* and to accommodate the largest vehicle accessing the site being a A-Double (Road Train) type vehicle

Full engineering details of the roadworks and the exact location of the access shall be submitted to Council for approval. All civil works are to comply with the Narrabri Shire Council Engineering Standards.

Prior to any road works occurring, a Section 138 Approval (*Roads Act 1993*) is required to be obtained from Council as the roads authority for any road works.

(Reason: Statutory requirement)

Conditions That Must Be Addressed During Construction Works

Note: this section of the consent relates to construction works associated with the required road works and not quarrying activities.

Protection of Aboriginal relics

10. Should Aboriginal relics be discovered work shall cease immediately and application be made for an Aboriginal Heritage Impact Permit under the provisions of the *NSW National Parks and Wildlife Act 1974*.

(Reason: To ensure compliance with the NSW *National Parks and Wildlife Act 1974*)

Cost associated with Council property/infrastructure

11. The applicant shall bear the cost of all restoration works to Council's property damaged by the applicant or his/her contractors during the course of this development and the cost of all works associated with the development that occur on Council property.

(Reason: To ensure protection of public infrastructure)

12. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to Council or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred public authorities)

Construction Hours

13. Unless otherwise approved by Council any person acting on this consent shall ensure that construction works involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours:

- | | | |
|-----|--------------------------------|-------------------|
| (a) | Monday to Saturday (inclusive) | 7.00am to 6.00pm, |
| (b) | Sunday | Nil |
| (c) | Public Holidays | Nil |

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Sediment and Erosion Control

14. Adequate measures for erosion and sediment control shall be provided for the road construction works. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Protection of Survey Infrastructure

15. Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying and Spatial Information Act 2002 (SSI Act) must be submitted to Council verifying whether or not any survey marks (as defined by the SSI Act) will be impacted by the development. If any survey marks are to be removed, damaged, destroyed, displaced, obliterated or defaced (in accordance with section 24 of the SSI Act) as a result of the development, evidence is to be provided to Council prior to any works commencing that authority has been obtained from the Surveyor-General of NSW, in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

(Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying and Spatial Information Act 2002*.)

Conditions That Must Be Addressed Prior To Commencement of Quarrying Operations

Road Works

16. Prior to the commencement of quarrying operations, the:

- (a) property access driveway from Wave Hill Road intersection upgrade;

as required by this consent, is to be completed and operational to the satisfaction of the roads authority.

(Reason: Road safety)

17. Prior to the commencement of quarrying operations, advance warning 'trucks turning' signage (W5-22 Size B) with distance plate under (W8-5 Size B) are to be installed at a distance of 300m on the Kamilaroi Highway southbound approach to the Turrawan Road intersection.

Note: TfNSW concurrence is required pursuant to section 138(2) of the Roads Act 1993 for the installation of these signs. Please contact development.western@rms.nsw.gov.au in this regard to determine approval requirements.

(Reason: Road safety)

Payments & Fees

Long Service Levy

18. Prior to the commencement of any works on site evidence is to be provided demonstrating that payment of the prescribed Long Service Levy fee has been made. Noting that estimated engineering works greater than \$25,000 require payment of a long service levy.

(Reason: To ensure that the requirements of the Long Service Levy Corporation are satisfied).

Voluntary Planning Agreement

19. Prior to the commencement of any quarrying works associated with this consent the applicant must enter into a Planning Agreement (PA) with Narrabri Shire Council (NSC) in accordance with:

- (a) Division 7.1 of Part 7 of the EP&A Act; and
- (b) The terms of the Applicant's offer to Narrabri Shire Council in Appendix 2.

The Applicant must comply with the terms of the PA that is entered into with NSC and the PA is to be registered on the relevant land titles as provided for under s.7.6 of the Environmental Planning and Assessment Act 1979.

(Reason: Statutory)

Quarry Boundary Delineation

20. Prior to the commencement of any quarrying operations, the extent of the quarry area as approved under this DA is to be pegged by a Registered Land Surveyor. The pegs delineating the approved quarry area are to be maintained for the life of the quarry operations. A Plan is to be prepared by the Registered Surveyor of the delineated area and is to be submitted to Council prior to the commencement of any quarrying operations in accordance with this consent.

(Reason: To clarify the extent of the approval)

Lot Consolidation

21. Prior to the commencement of any quarrying operations, evidence shall be provided to the Principal Certifying Authority that Lots 77 DP 754937 and 89 DP 821255 have been consolidated and the plan of consolidation has been registered with the NSW Land Registry Service (LRS).

(Reasons: To provide legal access to the eastern part of the development)

Right of Carriageway to Trig Station

22. Either:

- (a) an Easement for Public Access (20 Wide); or
- (b) a Right of Carriageway (20 wide),

is to be provided from Wave Hill Road to Lot 88 DP 821255 to provide legal access to Trig Station 6956 Eulah. The easement/right of carriageway is to replace the existing right of carriageway (as shown on Deposited Plan 821255) that has been severed by the quarry operations. Evidence is to be provided to demonstrate that the route of the new easement/right of carriageway is to the satisfaction of the Office of the Surveyor General of NSW. The route of the new easement/right of carriageway is to provide for the easiest and most practical route for access from the road to the Trig Station.

Prior to the commencement of any quarrying operations, evidence shall be provided to the Principal Certifying Authority that the easement/right of carriageway has been registered with the NSW Land Registry Service (LRS).

Note: All survey marks of this nature are important parts of the State's geodetic infrastructure; they are also protected marks under the Surveying and Spatial Information Act 2002 which has penalties for disturbance of such marks.

If any survey marks within Lot 88 in DP 821255 are proposed to be disturbed or destroyed, a formal application to the OSG must be submitted. For all requests to remove a survey mark please use the Application for Surveyor General Approval - Survey Mark Removal form on our website under Surveyor Generals Directions No.11

https://www.spatial.nsw.gov.au/surveying/surveying_services/forms_and_applications/survey_marks_removal

(Reasons: To retain legal access to Lot 88 DP 821255)

Environmental Management Plan

23. Prior to the commencement of any construction or operational works on site, an Environmental Management Plan (EMP) shall be submitted to and approved by Council. The EMP is to govern the development's construction, operation and rehabilitation. The EMP must incorporate the following:

- (a) Provide the overall strategic context for environmental management of the development, including for the environmental monitoring program and the various management plans required by this development consent;
- (b) It must be consistent with any Environmental Protection Licence (EPL) issued by the NSW EPA;
- (b) Identify the statutory requirements that apply to the development;
- (c) Describe in general how the environmental performance of the development would be monitored and managed;
- (d) Describe the detailed procedures that would be implemented to:
 - (i) Keep the local community and relevant agencies informed about the operation and environmental performances of the development;
 - (ii) Receive, handle, respond to, and record complaints;
 - (iii) Resolve any disputes that may arise during the course of the development;
 - (iv) Respond to any non-compliance;
 - (v) Education of contractors and employees;
 - (vi) Manage cumulative impacts;
 - (vii) Response to emergencies;
 - (viii) Manage waste;
 - (ix) Prevent damage to vegetation outside the quarry sites;
 - (x) Manage the discovery unexpected Aboriginal Heritage;
 - (xi) Manage weeds and vegetation;
 - (xii) Manage traffic onsite and offsite;
 - (xiii) Manage pollution incidents;
 - (xiv) Manage impacts on/incursion into the groundwater;
 - (xx) Manage rehabilitation
- (e) Describe the roles, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
- (f) Include the following site plans and management plans as required by other conditions of this consent:
 - (i) Rehabilitation Plan
 - (ii) Erosion and Sediment Control Plan
 - (iii) Soil and Water Management Plan
 - (iv) Vegetation Management Plan
 - (v) Spill Management Plan
 - (vi) Weeds, feral animal activity, vermin and disease management plan
 - (vii) Complaints Management Plan

- (viii) Blast Management Plan
- (ix) Air Quality Management Plan
- (x) Dust Control Plan
- (xi) Waste Management Plan
- (xii) Traffic Management Plan/Driver Code of Conduct
- (xiii) Rehabilitation Plan.

(Reason: To protect the amenity and environment from the effects of construction works from development sites)

Dust Control Plan

24. Prior to the commencement of any works on site, a Dust Control Plan is to be prepared and submitted to Council that details the management of all dust generating activities associated with the construction of the development. The plan shall include techniques to minimise dust, such as the watering of internal roads, speed limit signage, covering of loads when leaving the site, cessation of operations during high wind periods, landscaping and rehabilitation of ground cover.

(Reason: To protect the amenity and environment from the effects of construction works from development sites)

Soil & Water Management Plan

25. A Soil & Water Management Plan (SWMP) is to be prepared by a consultant suitably qualified and experienced in the preparation of SWMPs and in accordance with Landcom's Managing Urban Stormwater: Soils and Construction Volume 1 and Volume 2E Mines and Quarries. The SWMP is to be submitted to and approved by Council prior to the commencement of any works on site.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Traffic Management Plan and Truck Driver Code of Practice

26. Prior to the commencement of quarrying operations, evidence is to be provided to Council to demonstrate that approval has been obtained for reclassification of the entire haul route to authorise trucks up to Type 1 A-Doubles on both the RAV and Road Train maps.

(Reason: Road safety and Statutory requirement)

27. Prior to the commencement of any construction or operational works on site, a 'Traffic Management Plan and Truck Driver Code of Practice' (TMP) shall be submitted to and approved by Council in consultation with TfNSW. The TMP is to be prepared in consultation with TfNSW, Narrabri Shire Council, principal contractor(s) and other relevant stakeholders. The plan is to include consideration of the following:

- (a) Details of the designated haul route between the site and the State Road network, and any other DA conditions which are to be communicated to site management and haulage operators.
- (b) Permitted times for the various aspects of operation of the development.
- (c) Existing and projected background traffic, peak hour volumes and types and their interaction with projected development related traffic.
- (d) Loads, weights, lengths and number of movements of haulage vehicles.
- (e) The management and coordination of haulage and staff vehicle movements to/from the site and measures to limit disruption to other motorists.
- (f) Scheduling of haulage vehicle movements to occur outside of daily commuter peak periods, local special event times, school bus (both in rural and town areas) and school zone operating hours where warranted.
- (g) Active communication procedures for traffic such as school buses or haulage vehicles from other quarries, or near potential safety hazards.
- (h) Scheduling of heavy vehicle movements to minimise convoy or platoon lengths.
- (i) Consideration to minimise the route length for road transport.
- (j) Mitigation of local climate conditions that may affect road safety for vehicles used during operation of the facility (e.g. scheduling during daylight hours, or outside of fog, wet weather, ice or snow).

- (k) Transport of hazardous materials in accordance with the relevant transport codes.
- (l) Specific mitigation measures along the approved transport routes. Road and intersection improvement works are to be completed prior to the commencement of haulage beyond that approved under the previous DA consent, unless specifically approved otherwise in these conditions of consent.
- (m) Ongoing consultation and engagement with affected stakeholders, including regulatory authorities, landowners, businesses, bus operators and so forth.
- (n) Policies and procedures for addressing concerns raised by the community on project related matters.
- (o) Dust suppression and mitigation measures on public roads and within the site boundaries.
- (p) Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
- (q) Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
- (r) Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.

The development is to be carried out in accordance with the approved TMP at all times. The TMP and Driver Code of Conduct is to be reviewed and updated in response to any changes in operating conditions. A copy of the TMP is to be provided to contractors and employees as a part of the site induction and a copy is to be made available to TfNSW with each major update.

(Reason: Road safety)

Rehabilitation Plan

28. Prior to the commencement of quarrying operations, a Rehabilitation Plan is to be submitted to and approved by Council. The Rehabilitation Plan is to document on-going rehabilitation of the quarry site during operation including perimeter bunding and final rehabilitation of the site suitable to return it to previous agricultural land uses.

(Reason: Environmental protection)

Weed Management Plan

29. Prior to the commencement of quarrying operations, a management plan is to be submitted to and approved by Council that documents the management of weeds, feral animal activity, vermin and disease on site.

(Reason: Environmental protection)

Spill Management

30. Prior to the commencement of any quarrying operations, a Spill Management Plan (SMP) is to be submitted to and approved by Council. The SMP is detail the management of potential contaminants on site and shall include:

- (a) No contaminants, including fuel, would be stored on site.
- (b) Repairs or oil changes would not be undertaken on-site.
- (c) No effluent would be disposed of at the quarry site.
- (d) Spill kits will be provided at the quarry site.
- (e) Sediment and erosion controls would be implemented to ensure that surface water directed to water storages does not have a high sediment load.

The SMP shall ensure that storage and handling of all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with:

- (f) All relevant Australian Standards; and
- (g) The EPA's Environment Protection Manual Technical Bulletin Bunding and Spill Management.

In the event of an inconsistency between the requirements listed in a) and b) above, the most stringent requirement shall prevail to the extent of the inconsistency.

(Reason: Environmental protection)

Complaint Management

31. Prior to the commencement of quarrying operations, a Complaints Management Plan (CMP) is to be submitted to and approved by Council. The CMP is to outline how complaints can be received and managed. In particular the plan is to include the following:
- (a) Contact Details for the operator of the quarry including:
 - (i) A telephone number on which complaints about the development may be registered;
 - (ii) A postal address to which written complaints may be sent
 - (iii) An email address to which electronic complaints may be transmitted
 - (b) The telephone number, the postal address and the email address shall be advertised in at least one appropriate local newspaper prior to the commencement of work at the development site.
 - (c) These details shall also be provided on the Applicant/Owner's internet site.
 - (d) These contact details are to be provided on a sign located at the boundary of the site with Gulgo Lane. The sign is to be maintained in a legible manner at all times whilst the quarry is operating.

(Reason: Public interest and amenity)

Blast Management Plan

32. Prior to the commencement of quarrying operations, a Blast Management Plan (BMP) is to be submitted to and approved by Council in consultation with the NSW EPA. The BMP, as a minimum, is to include appropriate blast management practices and the analysis of representative meteorological data to identify sub-optimal dispersion conditions during which blasting should not be undertaken.

(Reason: Environmental protection)

Air Quality Management Plan

33. Prior to the commencement of quarrying operations, an Air Quality Management Plan (AQMP) is to be submitted to and approved by Council in consultation with the NSW EPA. The AQMP, as a minimum, is to include the following parts:
- (a) Objectives and targets;
 - (b) Risk assessment;
 - (c) Proactive and reactive mitigation measures of all significant, and potentially significant, emissions sources
 - (d) Key performance indicator(s);
 - (e) Monitoring method(s);
 - (f) Location, frequency and duration of monitoring;
 - (g) Record keeping;
 - (h) Response mechanisms and contingency measures,
 - (i) System and performance review for continuous improvement
 - (j) Compliance reporting.

(Reason: Environmental protection)

Effluent Management System

34. Prior to the commencement of quarrying operations, evidence is to be provided to demonstrate that the existing on-site effluent management system is suitable for the development and complies with current legislation. The evidence can be provided in either of the following manners:
- (a) The proponent may invite Council's Officer to the site to conduct a compliance inspection and comply with any recommendations required (Council inspection fee applies)
 - (b) The proponent may engage a suitably qualified consultant to conduct an audit on the system and deliver a report to Council detailing the suitability of the systems use.

If it is determined from (a) or (b) that the existing on-site effluent management system is not suitable for the development or does not comply with current legislation, the system will be required to be upgraded/replaced. A separate Section 68 Application may be required for the upgrade/replacement works.

(Reason: Statutory requirement)

Bush Fire Protection Measures

Asset Protection Zone

35. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that an Asset Protection Zone has been established for the entire approved quarry area. The APZ is to be established in accordance with the requirements of Appendix 4 of *Planning for Bushfire Protection 2019*. The APZ is to be maintained in accordance with these requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

Property Access Road

36. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that the Property Access Road complies with the following requirements:
- (a) A two-wheel drive all-weather access road is provided from the public road to the quarry site. The road is to be a minimum width that enables the passing in opposite directions of a Category 1 fire appliance and the largest heavy vehicle permitted to access the site as part of the development.
 - (b) The access road is to provide suitable turning areas in the quarry area in accordance with Appendix 3 of PBP2019.
 - (c) Traffic management devices are constructed to not prohibit access by emergency services vehicles.
 - (d) The capacity of road surfaces and any bridges/ causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes). Bridges and causeways are to clearly indicate load rating.
 - (e) Suitable access for a Category 1 fire appliances is to be provided within 4m of the static water supply.
 - (f) Parking is provided outside of the carriageway width.
 - (g) Curves of roads have a minimum inner radius of 6m.
 - (h) The maximum grade road is 15 degrees and average grade of not more than 10 degrees.
 - (i) The road crossfall does not exceed 3 degrees.
 - (j) A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

The Property Access Road are to be maintained in accordance with these requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

Water Supply

37. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that water supply complies with the following requirements:
- (a) A 10,000 litres minimum static water supply for firefighting purposes is provided each for the quarry.
 - (b) A connection for firefighting purposes is located within the IPA or non hazard side and away from the structure;
 - (c) 65mm Storz outlet with a ball valve is fitted to the outlet;
 - (d) ball valve and pipes are adequate for water flow and are metal;
 - (e) supply pipes from tank to ball valve have the same bore size to ensure flow volume;
 - (f) underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;
 - (g) a hardened ground surface for truck access is supplied within 4m of the access hole;
 - (h) above-ground tanks are manufactured from concrete or metal;
 - (i) raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959);
 - (j) unobstructed access is provided at all times;
 - (k) tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;
 - (l) underground tanks are clearly marked,

- (m) all exposed water pipes external to the building are metal, including any fittings;
- (n) where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack;
- (o) Any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels, and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.

The water supply is to be maintained in accordance with these requirements at all times and in good working order for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

Electricity Supply

38. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that electricity supply complies with the following requirements:

- (a) Where practicable, electricity is provided by an underground supply; or
- (b) Where overhead electrical transmission lines are proposed:
 - (i) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - (ii) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

The electricity supply is to be maintained in accordance with these requirements at all times and in good working order for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

Gas Services

39. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that any gas supply complies with the following requirements:

- (a) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- (b) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- (c) connections to and from gas cylinders are metal;
- (d) if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;
- (e) polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used; and
- (f) above-ground gas service pipes external to the building are metal, including and up to any outlets.

The gas supply is to be maintained in accordance with these requirements at all times and in good working order for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

Emergency Management

40. Prior to the commencement of quarrying operations, evidence shall be provided to demonstrate that a Bush Fire Emergency Management, Evacuation and Operations Plan has been prepared by a suitably qualified and experienced bushfire consultant and prepared in accordance with the following requirements:

- (a) The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan; and
- (b) Australian Standard AS 3745:2010 Planning for emergencies in facilities.
- (c) The Bush Fire Emergency Management, Evacuation and Operations Plan should include planning for the early relocation of occupants and management of goods and equipment on site that may add to the bushfire risk (as outlined in section 8.3.5 of PBP).
- (d) A copy of the Bush Fire Emergency Management, Evacuation and Operations Plan is to be provided to the Local Emergency Management Committee for its information prior to commencement of the development.

The development is to be carried out in accordance with these requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

Fencing

41. Prior to commencement of quarrying operations, the quarry site must be fenced to restrict access by unauthorised persons or animals.

(Reason: To ensure safety)

Dilapidation Report

42. Prior to the commencement of any quarrying operations in accordance with this consent, a Dilapidation Report shall be prepared by a practicing Structural Engineer on all properties, which in the opinion of the engineer, could be potentially affected by the operation of the project and shall include 939 Wave Hill Road. The report shall record current structural conditions and cover structural and geotechnical factors likely to arise from the development. A copy of the report shall be submitted to the owners of all properties inspected and Council as a record. The person having the benefit of the development consent must, at their own cost, rectify any damage caused to other properties during the operation of the project.

(Reasons: To ensure adjoining properties are appropriately protected)

Conditions That Must Be Complied with During Quarrying Operations

Independent Compliance Audits

- 43.
- (a) On the third anniversary of the date of this consent the applicant is to commission an independent compliance audit to assess compliance with these conditions of consent. The audit is to be undertaken by a suitably qualified person/s who is to be approved by Council's Director of Planning (or equivalent) beforehand. The auditor's report is to be completed within three months of the date of commissioning and is to be provided to Council within one month of its completion along with a response by the applicant. The audit report along with the applicant's response including how and when it will implement any recommendations is to be placed on Council's website. The applicant is to then implement any recommendations required by Council.

- (b) Subsequently, at 5 yearly intervals, further independent compliance audits are to be prepared following the procedure given in part (a) above.

(Reason: To ensure compliance with the conditions of this consent)

44. Hours of Operation The quarry must operate at all times within the Hours of Operation specified in detail in Part L.6 of the General Terms of Approval (GTAs) issued for the development by the NSW Environmental Protection Authority as appended to this consent, unless varied as provided in the GTAs Part L.6.3

(Reason: To protect the amenity of the area/Statutory requirement)

Access and Parking

45. Vehicle access to the proposed development is to be taken from Wave Hill Road.

(Reason: To ensure appropriate and safe access to the site)

46. All traffic movements in and out of the development site are to be in a forward direction. All vehicles (regardless of size) must only access the site from the western portion of Wave Hill Road.

(Reason: To ensure appropriate and safe access to the site)

47. The development is to be carried out in accordance with the approved Traffic Management Plan and Truck Driver Code of Practice at all times.

(Reason: To ensure appropriate and safe access to the site)

48. No vehicles associated with the development are to be parked or queue along Wave Hill Road.

(Reason: To ensure appropriate and safe access to the site)

49. Provision for ten car parking spaces is to be made available on site in accordance with Australian Standard AS.2890.1 2004 Parking Facilities. All vehicles accessing the carpark are to enter and exit the site in a forward direction. Stormwater from the carpark is to be drained in accordance with the approved Soil and Water Management Plan.

(Reason: Ensure provision of proper parking and vehicle access facilities, and compliance with Council's DCP – Car Parking Code No 1)

Reporting and Monitoring

50. The quarry operator shall maintain and operate a dedicated weighbridge onsite and electronically record details of all inbound and outbound truck movements, including gross vehicle or load mass, arrival and departure times. Such records shall be provided upon request to an authorised representative of any regulatory authority (such as TfNSW).

(Reason: To assist effective management and demonstrate compliance)

51. Within three (3) month of the end of each calendar year, the Applicant/Owner shall submit an Annual Environmental Management Report to the Council. This report must:

- (a) Identify the standards and performance measures that apply to the development;
- (b) Include a detailed summary of the complaints received during the past year, and over time compare this to the complaints received in previous years since the development commenced;
- (c) Include a detailed summary of the monitoring results on the development during the past year (if required);
- (d) Include a detailed analysis of these monitoring results (if required) against the relevant:
 - (i) Impact assessment criteria;
 - (ii) Monitoring results from previous years; and
 - (iii) Predictions in the EIS,
- (e) Identify any trends in the performance of the development shown by monitoring over the life of the development (if required);
- (f) Identify any non-compliance during the previous year; and
- (g) Describe what actions were, or are being taken to ensure compliance.

(Reasons: To protect the amenity of the area and the environment)

Environmental Management

52. The development is to be carried out in accordance with the approved EMP at all times. All measures required by the EMP are to be installed prior to operations commencing and remain in good working order for the duration of the operation of the development. The EMP is taken to include all subordinate plans as specified in the consent.

(Reason: To protect the amenity and environment from the effects of works from development sites)

53. All holding ponds, evaporation ponds and associated drains must be maintained to prevent infiltration and pollution.

(Reason: To protect the amenity and environment from the effects of works from development sites)

Bush Fire Protection Measures

54. All Bush Fire Protection Measures specified by this consent are to be maintained in accordance with the specified requirements at all times and for the life of the development.

(Reason: To ensure compliance with *Planning for Bush Fire Protection*)

Electricity Infrastructure

55. The site is encumbered by existing overhead powerlines and electricity easement on the properties.

- (a) No stockpiling is permitted to occur under the existing powerlines or within the easement;
- (b) All works around Essential Energy's powerlines must comply with relevant SafeWork NSW requirements;

- (c) Access to the powerlines and easement must be maintained and available 24 hours a day, 7 days a week; and
- (d) Ground levels within the easement / around the powerlines must not be altered/change, unless relevant information has been provided first to Essential Energy for review, comment and approval.

(Reasons: Statutory Requirements)

56. Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties.

- (a) Any activities within these locations 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. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- (b) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- (c) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

(Reasons: Statutory Requirements)

Noise

57. To minimise adverse noise impacts on Sensitive Receiver R2 (Brenowen, 1092 Wave Hill Road), the development shall be carried out in the following manner:

- (a) A stockpile bund of minimum height 5 metres must be maintained along the south-eastern edge of the crushing pad. The stockpile bund must be maintained so as to block line of sight to Receiver R2 at all times when the crushing plant is in use.
- (b) Orienting the drill rig such that the noisiest part of the machine is oriented away from Receiver R2 when in use. If this is not possible, all plant involved in fixed quarry operations is not to operate while drilling is underway.
- (c) Drilling operations are to progress in a direction to increase the distance to Receiver R2, and schedule concurrent drilling and quarrying operations to occur during less sensitive, noisier times of the day.

(Reason: To protect the amenity of the locality)

Operation of Plant and Equipment

58. The Applicant/Owner shall ensure that all plant and equipment at the site, haulage vehicles, or used in connection with the development are:

- (a) Maintained in a state of sound mechanical repair; and
- (b) Operated in a proper and efficient manner.

(Reason: To protect the amenity of the locality)

Dust Management & Water Supply

59. Should insufficient water supply be available in order to meet dust suppression obligations of the development, all works (including transportation) shall cease until such a time as an adequate water supply can be secured and made available on site.

(Reason: To protect the amenity of the locality)

Lighting

60. Prior to the installation of any new lights on site, a Lighting Plan is to be submitted to and approved by Council in consultation with the Director of the Siding Springs Observatory. The plan is to:

- (a) be generally consistent with section 4.3.2 of the EIS submitted with this application;
- (b) be generally consistent with the design principles outlined in the Dark Sky Planning Guideline 2016; and

(c) include an estimate of the total number of lumens.

The development is to be carried out in accordance with the approved Lighting Plan at all times.

(Reason: To protect the Siding Spring Observatory from increased and adverse light spill)

61. All external lighting shall comply with the provisions of *Australian Standard 4282-1997 – 'Control of the obtrusive effects of outdoor lighting'*.

(Reason: To protect the amenity of the area)

Site Management

62. The area of disturbance shall be kept to the absolute minimum necessary and shall comply with the following:

- (a) All works associated with construction of the access track shall be confined to the approved construction area and approved access corridor.
- (b) No works are permitted outside of the construction area unless associated with the approved rehabilitation plan.
- (c) All materials, stockpiles, vehicles, machinery and the like shall be confined to the approved construction area and the approved construction access corridor.

unless otherwise approved by the Council.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

Dangerous Goods/Hazards Management

63. The Applicant/Owner shall ensure that the storage, handling, and transport of dangerous goods is carried out in accordance with the relevant *Australian Standards*, particularly *AS1940* and *AS1596*, and the *Dangerous Goods Code*.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

64. All above ground storage facilities containing flammable and combustible liquids must be banded in accordance with *AS 1940-2004 The storage and handling of flammable and combustible liquids* and the *Occupational Health and Safety Regulation 2001*.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

65. Hazardous or toxic materials or dangerous goods shall not be stored or processed on the site at any time.

(Reason: To minimise environmental impacts and protect the amenity of the locality)

Site Amenities

66. Staff amenities shall be provided in accordance with the requirements of Work Cover Authority and the Building Code of Australia. Separate approvals are required to be obtained for such buildings if not determined to be exempt development.

(Reason: To ensure compliance legislative requirements)

Vegetation Removal/Management

67. There is to be no storage of materials, stockpiling of excavated material or parking of plant/machinery within the drip line of the crown of any retained trees.

(Reason: To minimise environmental impacts)

68. No vegetation is permitted to be removed outside of the area identified on the quarry boundary delineation plan as required by this consent.

(Reason: To minimise environmental impacts)

Site Rehabilitation

69. The site is to be progressively rehabilitated in accordance with the approved Rehabilitation Plan.

(Reason: To minimise environmental and visual impacts)

Unexpected Finds

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

All workers on the site are to be made aware of this condition.

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

(Reason: To ensure compliance legislative requirements)

Conditions which must be satisfied at Completion of Use

71. At cessation of the development or expiration of the consent (whichever occurs first) the owner/operator shall remove all buildings and facilities associated with the development from the land.

(Reason: To ensure the land is returned to an appropriate land use)

Rehabilitation

72. Within three months of cessation of the development, the site must be rehabilitated in accordance with the approved Rehabilitation Plan.
73. The applicant is to implement all actions identified in the approved Site Rehabilitation Plan during or upon the cessation of quarry operations. In this regard, rehabilitation of disturbed areas is to occur as soon as practicable thereafter. A bond, to ensure rehabilitation occurs, of \$100,000 (indexed by CPI from the date of commencement of the operation) is to be progressively lodged with the Council. Such bond is to be paid at the rate of \$0.17c per tonne of extracted material, up to this monetary limit and is to be paid quarterly. In this regard the applicant is to provide evidence, either from a registered surveyor, or photogrammetry or other verifiable means of such extraction rates. Such bond will be placed in Council's trust fund, and would only be called upon in the event of a partial or full default in rehabilitation. Any monies not required to rehabilitate the site in the event of a default would be returned to the person paying the bond, or other person on their written instruction. Council may, on application, reduce the quantum of the bond held, if it is satisfied about the operation of the site, and of partial rehabilitation conducted at the time.

(Reason: To ensure appropriate site rehabilitation.)

Advisory Notes

General

- Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.
- Information on Bushfire hazard reduction and requirements of Asset Protection Zones can be obtained from the NSW Rural fire service website www.rfs.nsw.gov.au
- All advertising signs which are not exempt development specified by an Environmental Planning Instrument shall be subject to a separate development application which is to be submitted to and approved by Council.
- Access gates must be hung so they do not encroach on the footpath or roadway.
- It is brought to your attention that standards exist under the Discrimination Act 1992 and property owners must take them into consideration when upgrading the access and amenity facilities within the premises. The objective of this legislation is to provide equal access for both disabled and non-disabled patrons.
- It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.

Right of Review

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request. Section 8.2 review does not apply to designated or integrated development.

Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Signed on behalf of the Consent Authority

Yours faithfully,

Name

Title

Appendix 1 – EPA General Terms of Approval

Appendix 2 – Terms of Voluntary Planning Agreement

I provide the following to clarify that the current VPA is made up of two figures as per the below:

- \$1.23 per tonne of product for Upgrade Works (indexed in accordance with cl.5.3 of executed VPA); and
- \$0.22 per tonne of product for ongoing maintenance works (indexed in accordance with cl.5.3 of executed VPA)

The first bullet point is funding for the initial capital upgrade for the road; which has the 15 year sunset/capital contribution.

The second bullet point is an ongoing contribution for maintenance of the section of the road upgraded.

As we have discussed, the portion for upgrade (\$1.23/tonne + annual CPI) would continue for the remaining balance of the 15 years (as per the existing VPA) and the maintenance contribution (\$0.22/tonne + annual CPI) would be payable for the lifetime of the quarry.

