

Annexure 2 – Draft Schedule of Conditions

PART A - GENERAL

1. Obligation to Minimise Harm to the Environment

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.

2. Scope of Approval

- i. The Applicant/Owner shall carry out the development generally in accordance with:
- a) DA No 29/2019;
 - b) Conditions of this consent; and
 - c) The following documents & plans

Item	Council's Stamp No/Date	Drawing/Job No	Drawn by	Dated
Environmental Impact Statement	29/2019 - TBA	Booklet called 'Pearlman Quarry Environmental Impact Statement' – 2289.DA1.310.001	Groundwork Plus	August 2019
Environmental Impact Statement - Attachment 1	29/2019 - TBA	Secretary's Environmental Assessment Requirements – EAR 1331 – Sht's 30/30	NSW Planning & Environment	8/05/2019
Environmental Impact Statement - Attachment 2	29/2019 - TBA	Pearlman Quarry Environmental Management Plan – 2291_600_001 - Sht's 25/25	Quarry Solutions Pty Ltd	August 2019
Environmental Impact Statement - Attachment 3	29/2019 - TBA	Biodiversity Development Assessment Report Pearlman's Quarry – Rev 3 (Final) – J0191023 – Sht's 49/19	Advitech Environmental	23 12/2019
Environmental Impact Statement - Attachment 4	29/2019 - TBA	Aboriginal Cultural Heritage Assessment Pearlman's Quarry – Rev 0 (Final) – J0191023 – Sht's 42/42	Advitech Environmental	21/08/2019
Environmental Impact Statement - Attachment 5	29/2019 - TBA	Archaeological Report Historic Heritage Assessment Pearlman's Quarry – Rev 2 (Final Issue) – J0191023 – 12/12	Advitech Environmental	17/07/2019
Environmental Impact Statement - Attachment 6	29/2019 - TBA	"Pearlman" Quarry Soil and Water Management Plan – Rev 0 - 17/172 – Sht's 16/16	SMK Consultants	August 2019

Environmental Impact Statement - Attachment 7	29/2019 - TBA	Air Quality Impact Assessment Report Pearlman's Quarry – Rev 1 (Final) – J0191023 – Sht's 35/35	Advitech Environmental	14/08/2019
Environmental Impact Statement - Attachment 8	29/2019 - TBA	Noise Impact Assessment Report Pearlman's Quarry – Rev 0 (Final) – J0191023 – Sht's 31/31	Advitech Environmental	12/08/2019
Environmental Impact Statement - Attachment 9	29/2019 - TBA	"Pearlman" Quarry Traffic Impact Assessment – Rev 0 - 19-172 – Sht's 119/119	SMK Consultants	August 2019
Environmental Impact Statement - Attachment 10	29/2019 - TBA	Inland Rail Project: Preliminary Resource Investigation – Tikitere – Ref 1 – 2033_220_008 – Sht's 19/19	Troy Lowien	August 2018
Response to Submission related to Proposed Development of the Pearlman Quarry	29/2019 - TBA	Response to Landholder Submission – DA 29/2019 Pearlman Quarry – 2291.DA1.320.002 - Sht's 2/2	Groundwork Plus	17/10/2019

ii. If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.

3. The Applicant/Owner/Operator shall comply with any reasonable requirement/s of the Council or authorised Officer of Council arising from the Council's assessment of:

- a) Any reports, plans or correspondence that are submitted by the Applicant/Owner in accordance with this consent; and
- b) The implementation of any actions or measures contained in these reports, plans or correspondence.

4. Limits on Production

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 490,000 tonnes of material, including hard rock, gravel, fines and sand from the development site in any year.
- b. This consent expires 10 years from the date of consent or when the material to be extracted has been exhausted, whichever occurs first.
- c. The Applicant shall not import material, other than additive type products, onto the site, without prior consent.
- d. The Applicant shall notify the Council, within three (3) months of the end of the calendar year, the audited total quantity of material quarried, transported by public road and provide details of final output in terms of product.

5. Limits on Area

The Applicant/Owner shall not develop/extract material from outside the areas as detailed in the Conceptual Site Layout (Figure 4 –Environmental Impact Statement – Groundwork plus).

6. To confirm and clarify the terms used in this approval, the following definitions are provided:

“Extraction Operations means the removal of overburden, the extraction, processing, handling, storage of extracted material onsite and the transportation of extracted material off site in relation to this consent”

7. Only the plant and equipment detailed in the EIS shall be used in the carrying out/operation of the development, namely:

- Truck or Truck and Dog Haulage Vehicles (loaded /unloaded)
- Bulldozers
- Mobile Crushing/Screening Plant
- Rear Dump Trucks
- Front End Loaders
- Excavators
- Light service vehicles
- Drilling Equipment associated with blasting

8. Vegetation Management/Clearing - not requiring a development consent

Under the Biodiversity Conservation Act 2016, prior to undertaking any vegetation management/removal on rural lands which fall outside of the allowable activities or the Land Management Code of Practice as prescribed by the Local Land Services Act - a Biodiversity Assessment Report (prepared by an accredited assessor) may be required to be submitted to the Native Vegetation Panel for assessment.

For further information see attached LLS guideline “Allowable Activities for Landholders” and/or visit www.lls.nsw.gov.au and /or contact LLS – North West Region on 02 6790 7600 (Narrabri) or 02 6750 9000 (Moree).

Reason: To secure sustainable vegetation management whilst preserving the native ecological systems, habitat, flora and fauna for the region.

9. Change of Building Use

Any change of use/classification in relation to the use of the building or site shall not be made until approval in writing by this Council is first obtained.

10. Compliance

- a. 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.
- b. The Applicant must be responsible for the works the subject of this consent and the environmental impacts that may result from those works, and must

put in place an environmental management system governing the conduct of all persons on the site, including contractors, subcontractors and visitors.

- c. Prior to the commencement of each of the events listed from a) to b) below, or within such period as otherwise agreed by Council, the Applicant must certify in writing, to the satisfaction of the Council, that it has complied with all conditions of this consent applicable prior to the commencement of that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Council, stage the submission of compliance with conditions certification consistent with the staging of activities relating to that event. The events referred to in this condition are as follows:
 - a) construction of the development; and
 - b) operation of the development.
- d. Notwithstanding condition 10c. (above) of this consent, the Council may require an update on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the reasonable requirements of the Council and be submitted within such period as the Council may agree.

11. *Heritage and Archaeology*

- a. The scar tree discovered during the field survey performed as part of the Aboriginal Cultural Heritage Assessment is to be protected by a 15 metre fenced and sign posted no-go area.
- b. The location of the scar tree is also to be registered with Aboriginal Heritage Information Management System as a site/object of Aboriginal Heritage significance.
- c. Prior to the commencement of works the site of the scar tree shall be surveyed by a registered Aboriginal female representative or representatives, as is cultural appropriate, to ascertain if any further relevant cultural reporting needs to be made or mitigation measures put in place to protect the site.
- d. Impact of Works – Aboriginal Relics

If any Aboriginal archaeological relics are found or uncovered during the course of the work, then all works shall cease immediately in that area and the applicant shall contact the Department of Environment Climate Change and Water and Council. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the *National Parks & Wildlife Act 1974* may be required before further works can be considered in that area. The applicant shall comply with any request made by the Department of Environment & Heritage and/or Council to cease work for the purposes of archaeological recording.

12. General Terms of Approval – NSW Environment Protection Authority

The development shall be carried out in accordance with the General Terms of Approval issued by the Environmental Protection Authority, attached in Attachment A to this consent.

13. Rural Addressing

The applicant/owner shall make application for a separate Rural Address number/s for the quarry in order to accurately direct emergency services. The application shall be accompanied by the requisite fee to Council's GIS Officer.

14. Mining Lease

The Applicant/Owner shall, prior to the commencement of any work on the site of the proposed quarry, obtain from the DPI all statutory approvals, leases and licences required under the Mines Act 1992. Within thirty (30) days of receiving a license or approval, the Applicant/Owner shall furnish copies to Council.

15. Protection of Public Infrastructure

The Applicant/Owner shall:

- a) Repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the development; and
- b) Relocate, or pay the full costs associated with relocating any public infrastructure that needs to be relocated as a result of the development.

16. Haulage Movement Plan

A haulage movement plan for materials leaving and returning to the quarry must be provided for movements exceeding 10 individual heavy vehicle trips per day. Any adjustment to the haul routes must be submitted to Council prior to the change of haul route.

PART A – HEALTH

1. Hours of Operation

The hours of operation are restricted to the following:

Activity	Monday to Saturday	Sunday	Public Holidays
Loading of trucks to haul produce	6:00am to 6:00pm	Nil	Nil
Light Vehicle traffic associated with employees, or light service vehicles entering or leaving the site	24 hours a day		
Maintenance of plant and equipment including repairs/alterations to processing equipment and unloaded test runs	6:00am to 6:00pm	Nil	Nil
Drilling	7:00am to 6:00pm	Nil	Nil
Blasting	9:00am to 5:00pm		
Operation of associated equipment with the confines of the excavated quarry area	6:00am to 6:00pm	Nil	Nil

Operation of loaders, excavators, trucks, screening & crushing equipment with the property	6:00am to 6:00pm	Nil	Nil
Exceptional circumstances – all crushing, loading and product haulage activities within the site to enable manufacture and delivery to high priority ARTC projects only.	24 hours with written notification and approval from Gwydir Shire Council and the Environment Protection Authority and notification of affected residents		

Note: Any requirements for extended work hours to service short term increases in demand shall not be undertaken without prior Council approval and the notification of effected residence.

2. All covered outdoor areas that permit smoking must comply with the *Smoke Free Environment Act, 2000* and the *Smoke Free Environment Amendment (Enclosed Places) Regulation, 2006*.

PART A - BUILDING

1. Structural Adequacy

The Applicant shall ensure that all new buildings, structures, and transportable buildings/structures are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under the EP&A Act, the Applicant/Owner is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the detailed requirements for the certification of development.*

PART B – PRIOR TO COMMENCEMENT OF WORKS

1. Environmental Management Plan

1. The Applicant/Owner shall prepare and implement an Environmental Management Plan for the development which will govern the quarries construction, operation and rehabilitation. This Plan must:
 - 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) 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:
 - Keep the local community and relevant agencies informed about the operation and environmental performances of the development;
 - Receive, handle, respond to, and record complaints;

- Resolve any disputes that may arise during the course of the development;
 - Respond to any non-compliance;
 - Education of contractors and employees;
 - Manage cumulative impacts;
 - Response to emergencies;
 - Manage waste;
 - Prevent damage to vegetation outside the quarry sites;
 - Manage the discovery unexpected Aboriginal Heritage;
 - Manage weeds and vegetation;
 - Manage traffic onsite and offsite;
 - Manage pollution incidents
 - Manage rehabilitation
- e) Describe the roles, responsibility, authority, and accountability of all the key personnel involved in environmental management of the development.
- f) Include a site layout and the following strategies, protocols, procedures and management plans (including all the management and mitigation measures stated in the EIS and Attachments as submitted as with the Development Application DA 29/2019 in September 2019:
- Noise Management Plan/Strategy
 - Blasting Management Plan
 - Air Quality Management Plan
 - Soil and Water Management Strategy including an Erosion and Sediment Control Plan
 - Rehabilitation Management Plan – Rehabilitation Strategy
 - Ground Water Management Procedures
 - Pest and Weed Management Strategy
 - Biodiversity Management Strategy
 - Cultural Heritage Management Strategy including Unexpected Finds Protocols, training and reporting processes
 - Bushfire Management Strategy
 - Emergency Evacuation Plan
 - Traffic Management Plan including a Driver Code of Conduct
 - Waste Management Strategy
 - Hazardous Chemicals Management Strategy
 - Pollution Incident Response Plan
 - Weeds and Pest Management Strategy
 - Incidents and Complaints Procedure
 - Records and Reporting Management Strategy
- g) The Quarry Environmental Management Plan is to contain all the management and mitigations measured identified in the EIS, being Pearlman Quarry Environmental Impact Statement (File Ref: 2289.DA1.310.001), by Groundwork Plus, dated August 2019, and associated attachments.
2. The Applicant/Owner shall not carry out any development at the development site before Council has approved the Quarry Environmental Management Plan referred to in Condition B1.1.

3. Within 14 days of receiving Council approval for the environmental management plan, the Applicant/Owner shall;
 - a) Send copies of the approved environmental management plan to the relevant agencies, and
 - b) Ensure the approved environmental management plan is publicly available.

2. Traffic Management Plan and Truck Driver Code of Practice

Prior to commencement of quarry operations, the applicant shall submit a 'Traffic Management Plan and Truck Driver Code of Practice' for assessment and approval by Council. The plan shall document:

- a. The road maintenance program;
 - b. Surrounding environment, existing conditions and road safety;
 - c. Existing private property driveways and farm access points;
 - d. Dust suppression methods including water supply management, monitoring, reporting, source, licencing and drought;
 - e. Noise suppression methods including monitoring and reporting;
 - f. Road inspection activities to be implemented for the life of the quarry;
 - g. Approved haulage routes highlighting specific locations for consideration such as school zones, school bus routes, residential areas or potential risk locations (including map);
 - h. Induction process for staff and sub-contractors outlining clear expectations and consequences for any breach of the code; and
 - i. Instruction on all operational and safety requirements related to the quarry operations.
3. The quarry is to operate in accordance with the approved Traffic Management Plan and Truck Driver Code of Practice.

4. Pearlman Quarry Access Road Requirements

The intersection of the quarry access road and Croppa Creek Road is to be upgraded to CHR/CHL Austroads standard. Until such time as the upgrade has been undertaken, total combined vehicle movements from both quarries must not exceed 15 per hour.

5. Haulage Routes

- a. Both the Boonery Park and Tumba Roads are to be upgraded to Arterial gravel road standard (8m crushed rock formation, 200mm thick) and the intersections of both roads be upgraded to Austroad standards to the nominated haulage configuration and predicted volumes at the cost of the proponent. Side tracks

should be eliminated or blocked off due to potential conflict between vehicles merging between the two formations.

- b. IB Bore Road is to be upgraded to a sealed formation. Approval to use IB Bore Road as a haulage route will not be granted until the upgrade has been completed to the relevant standards.
- c. The use of all unsealed roads must be avoided during adverse weather conditions.

6. Ecosystem Credit retirement

- a) Prior to issue of a construction certificate (or in the absence of the requirement for a construction certificate than the operational commencement of the development) the class and number of ecosystem credits in the Table 1 below must be retired to offset the residual biodiversity impacts of the development.
- b) The requirement to retire credits referred to in a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C)

Note: Prices of credits in the BAM-C are subject to change. The amount payable to discharge on offset obligations will be determined at the time of payment.

- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of a) must be provided to the consent authority prior to construction certificate (or in the absence of the requirement for a construction certificate than the operational commencement of the development).

<i>Impacted plant community type</i>	<i>Number of ecosystem credits</i>	<i>IBRA subregion</i>	<i>Plant community type(s) that can be used to offset the impacts from development</i>
147: Mock Olive – Wilga – Peach Bus – Carissa semi-evergreen vine thicket (dry rainforest)	68	Brigalow Belt South Bioregion	147: Mock Olive – Wilga – Peach Bus – Carissa semi-evergreen vine thicket (dry rainforest)
418: White Cypress Pine – Silver-leaved Ironbark – Wilga shrub grass woodland of the Narribri-Yetman region	178	Brigalow Belt South Bioregion	418: White Cypress Pine – Silver-leaved Ironbark – Wilga shrub grass woodland of the Narribri-Yetman region

Table 1 – Ecosystem credits to be retired – like for like

7. Species Credit retirement

- a) Prior to issue of a construction certificate (or in the absence of the requirement for a construction certificate than the operational commencement of the development) the class and number of species credits in the Table 2 below must be retired to offset the residual biodiversity impacts of the development.
- b) The requirement to retire credits referred to in a) may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C)

Note: Prices of credits in the BAM-C are subject to change. The amount payable to discharge on offset obligations will be determined at the time of payment.

- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to the consent authority prior to construction certificate (or in the absence of the requirement for a construction certificate than the operational commencement of the development).

<i>Impacted species credit species</i>	<i>Number of species credits</i>	<i>IBRA subregion</i>
<i>Homopholis belsonii (Belson's Panic)</i>	152	<i>All IBRA subregions</i>

Table 2 – Species credits to be retired – like for like

8. Biodiversity Management Plan

- a) Prior to issue of a construction certificate (or in the absence of the requirement for a construction certificate than the operational commencement of the development), a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. The Biodiversity Management Plan may form part of an Environmental Management Plan;
- b) The Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report (BDAR) and approved plans;
- c) The Biodiversity Management Plan must identify areas of land that are to be retained as outlined in the BDAR;
- d) Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR;
- e) The Biodiversity Management Plan must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity as outlined in the table below, including performance measures for each commitment.

Impact	Measure	Risk of failure ¹	Responsibility
Pre-Construction			
General	<p>A Flora and Fauna Management Plan will be prepared in and implemented as part of the CEMP. It will include, but not be limited to:</p> <ul style="list-style-type: none"> Plans showing areas to be cleared and areas to be protected, including exclusion zones, protected habitat features and weed management areas; Pre-clearing survey requirements; Procedures for unexpected threatened species finds and fauna handling; and Protocols to manage weeds and pathogens. 	Low	Contractor
Fauna handling	Before on ground works commence, contact an animal rescue agency/wildlife care group or vet before works start to ensure they are willing and available to be involved in fauna rescue and assist with injured animals. If any fauna handling is required, it must be undertaken by a licenced wildlife carer or ecologist.	Low	Contractor
Vegetation clearing	The limits of clearing including where isolated trees are to be retained within areas of existing native vegetation will be delineated using appropriate signage and barriers, identified on site construction drawings and during construction staff induction.	Low	Contractor
Vegetation protection	Where feasible, areas of vegetation to be retained surrounding the extraction area or along haul roads are to be fenced off to help prevent unintentional damage to these areas.	Low	Contractor
Habitat connectivity	A minimum 50m buffer of vegetation (between the boundary of the quarry and the edge of a farm access track) must be retained along the northern boundary of the proposal area to support the dispersal and movement of fauna across the proposal area.	Low	Contractor
Disturbance to fallen timber and dead wood	All woody debris are not to be mulched or chipped but will be re-used on site for habitat improvement. Woody debris will not be dragged but lifted and placed appropriately outside the construction footprint in an adjacent area of project sites to enhance habitat. If long logs are required to be cut to assist relocation, logs must be cut away from hollow ends.	Low	Contractor
Invasion and spread of pathogens and disease	Pathogen control protocols shall be developed and implemented in accordance with the requirements of the <i>Biosecurity Act 2015</i> .	Low	Contractor
Invasion and spread of weeds	Weed control protocols shall be developed and implemented as part of the CEMP quarry operation plan. For example, any regeneration of African Boxthorn (e.g. along disturbed edges of the quarry/ in the corridor area to be retained) should be controlled before plants reach maturity and set seed.	Low	Contractor

During operation

Water quality	Potential water quality impacts to farm dams arising from run off are to be managed through appropriate sediment control measures specified in the CEMP quarry operation plan.	Low	Contractor
Threatened species protection	If unexpected threatened fauna or flora species are discovered, works must stop immediately until threatened flora or fauna species are reviewed and assessed by ecologists.	Low	Contractor
Fauna protection	Due care should be made by all vehicle operators to take care and avoid any potential collision with fauna, such as macropods (Kangaroos) that may transverse the project site. A site speed limit of 40 km/h should be observed.	Low	Contractor
Pest Animal monitoring/ control	Pest animals such as rodents, foxes, rabbits, wild dogs, feral cats and pigs are controlled on a needs basis.	Moderate Biophysical risk: Pest animals may continue to colonise the proposal site from surrounding areas	Contractor
<i>Post operation</i>			
Preparation of a site rehabilitation plan	A rehabilitation plan in accordance with the land manager needs to be prepared prior to quarry shut down.	Low	Contractor

9. Workcover

The Applicant/Owner's attention is drawn to the Workcover Authority's requirements under the Factories, Shops and Industries Act 1962, particularly in respect to amenities. It is recommended that the Workcover Authority be consulted to ensure requirements will be complied with prior to commencement of activities.

10. Surface Water Management

Run-off and erosion controls must be implemented before construction to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- a) divert uncontaminated run-off around cleared or disturbed areas,
- b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- c) prevent tracking of sediment by vehicles onto roads,
- d) stockpile topsoil, excavated material, construction, landscaping supplies and debris within the site.
- e) construction of the sediment pond to the relevant standards.

11. Advisory Note 1**Dial before you Dig**

Underground assets may exist in the area that is subject to this application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you Dig at www.1100.com.au or telephone on 1100 before

excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you Dig service in advance of any construction or planning activities.

12. *Advisory Note 2*

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

13. *Advisory Note 3*

Disturbance or Impact on Telecommunications Infrastructure

1. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing.
2. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

PART C – DURING OPERATIONS

1. Operation of Plant and Equipment

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

2. Bunding and Spill Management

The Applicant/Owner shall store and handle all hazardous chemicals, dangerous goods, fuels and oils, strictly in accordance with;

- a) All relevant Australian Standards; and

- b) 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.

3. Section 94 Plan – Traffic Generating Development

3.1 Section 94 Contribution – Gwydir Shire Council

- a. The quarry operator/owner shall pay a contribution to Gwydir Shire Council for the movement of trucks on Council's roads in accordance with Council's Section 94 Plan – Traffic Generating Development.
- b. The contribution shall commence at \$1.12 per tonne. This rate shall be reviewed periodically in accordance with the Gwydir Shire Council Section 94 Contribution Plan No. 1 – Traffic Generating Development. The review will ensure that the contributions rate is not eroded over time by movements in the Consumer Price Index (CPI), the capital costs of administration of this plan or through changes in the costs of studies used to support this plan.
- c. The contribution rate is payable for all materials removed from the 'Pearlman' quarry, using heavy vehicle transport via Croppa Creek Road, and is to be calculated and paid to Council quarterly (every 3 months). A copy of the heavy vehicle movements and tonnages hauled during each 3 monthly period is also to be provided for Council's records to ensure compliance with the s94 Contributions plan and the 500,000 tonnes per year limit. In addition, the total tonnages hauled are to be independently audited yearly and a copy of the audit report provided to Council as soon as possible after completion.

3.2 Section 94 Contribution – Moree Plains Shire Council

The applicant / owner shall negotiate a suitable s94 contribution agreement with the Moree Plains Shire Council prior to the commencement of works. Once an agreement has been reached, the applicant/owner is to provide a copy of that agreement or a statement in writing (endorsed by the Moree Plains Shire Council) that provides evidence that an agreement has been made.

Reason: To ensure that an agreement with the Moree Plains Shire Council has been brokered to compensate the community for any impacted roads prior to the commencement of works.

4. Transport & Traffic

4.1 Road Works

- i) The Applicant/Owner shall ensure that all the road works associated with the development in the road reserve comply with current RMS and Austroads Design Standards, and the RMS's Quality Assurance Specifications.
- ii) The Applicant/Owner shall bear all the costs associated with the design, survey, construction, upgrade, maintenance, and removal of any development in the road reserve.

- iii) To ensure all works are completed in accordance with the appropriate specifications and approved plans compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
 - Final inspection of completed road works prior to commencement of quarry operations – including all disturbed areas revegetated.

4.2 Operating Conditions

- a) The Applicant/Owner shall ensure that all vehicles, before they are allowed to leave the site, are cleaned of materials that may fall on the road.
- b) The Applicant/Owner shall ensure that trucks operating on, entering and leaving the site that are carrying loads are covered at all times, except during loading and unloading.
- c) All vehicles shall leave the site in a forward direction.

4.3 All heavy vehicles travelling to and from the quarry are to be driven at no more than 80km/hr during school bus times.

4.4 A heavy vehicle travelling to and from the quarry, following a school bus, must not overtake the school bus and therefore must remain behind the school bus until the school bus pulls off the road.

4.5 To comply with the Australian Road Rules relating to School Bus Speed Zones, a heavy vehicle travelling to and from the quarry must reduce speed to 40km/hr when a school bus is pulling over and has the flashing lights on. This requirement also applies to the heavy vehicles travelling in the opposite direction to the school bus

5. Waste Management

Except as expressly permitted by Council, the Applicant/Owner shall not cause, permit or allow any waste generated outside the development site to be received at the development site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the development site to be disposed of at the development site.

6. Visual Impact

The Applicant/Owner shall carry out all practical measures to maintain existing natural vegetation screens so as to prevent and/or minimises the visual impacts of the development.

7. Lighting Emissions

- 1 The Applicant/Owner shall take all practicable measures to prevent and/or minimise any off-site lighting impacts including light spill and prevent contribution to sky glow from the development.
- 2 All external lighting associated with the development shall comply with *Australian Standard AS4282(INR) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

8. Hazards Management

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

9. Fire Management

The Applicant/Owner shall:

- a) Ensure that the development is suitably equipped to respond to any fires on-site.
- b) Assist the Rural Fire Service and emergency services as much as possible if there is a fire on-site.

The developer is to manage bushfire risks by preparing and adopting a Bushfire Management Plan for the site.

10. Greenhouse Gas Management

The developer shall:

- a. Implement measures to reduce the consumption of fuel through optimisation of operational activities and logistics, the use of more efficient plant and vehicles and a fuel management strategy, and
- b. Investigate opportunities for the use of biodiesel and implement any recommendations as a result of the investigation.

PART D – PRIOR TO COMMENCEMENT FOR QUARRY OPERATIONS

1. Compliance with Conditions

The increased use of the approved development shall not commence until such time as all conditions of this development consent have been complied with, failure to comply may make the applicant/developer liable to legal proceedings.

PART E – POST COMMENCEMENT

1. School Bus Traffic Management – Review of Operations

- a. Council, the quarry operator and the local School Bus Drivers shall review the procedures in respect to the proximity of School Buses at 3 and 6 months after the commencement of quarry operations.
- b. The quarry operator is to provide Council access to the traffic data, relevant to the truck movements in the vicinity of School Buses and School Zones for the first 6 months after the commencement of quarry operations.
- c. Council reserves the right to negotiate “Geo-fencing” as a condition on any particular road in consultation with the quarry operator, if the community or the Bus Operator/s identify a valid issue/s.

2. Operating Conditions

Dust

- i. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- ii. The developer shall take appropriate measures to assist in the mitigation of potential dust nuisance which may arise including from vehicular movements on the subject site.

Maintaining of holding ponds

- iii. All holding ponds, evaporation ponds and associated drains must be maintained to prevent infiltration.

Activities must be carried out in a competent manner

- iv. Development activities must be carried out in a competent manner.

This includes:

- processing, handling, movement and storage of materials and substances used to carry out the activity; and
- the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

3. Site Rehabilitation

At cessation of the quarry operation or expiration of the consent the owner/operator shall remove all buildings and facilities associated with the development from the land and rehabilitate the site in accordance with the Rehabilitation Plan (s3.9 of Attachment 9 of the Environmental Impact Statement, dated August 2019, prepared by Groundwork Plus).

4. Environmental Management, Monitoring, Auditing and Report.

i Annual Reporting

The Applicant/Owner shall submit an Annual Environmental Management Report to the Council and the relevant agencies. This report must:

- a) Identify the standards and performance measures that apply to the development;
- b) Include a 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 summary of the monitoring results on the development during the past year;
- d) Include an analysis of these monitoring results against the relevant:

- Impact assessment criteria;
 - Monitoring results from previous years; and
 - Predictions in the EIS
- e) Identify any trends in the performance of the development shown by monitoring over the life of the development;
- e) Identify any non-compliance during the previous year; and
- f) Describe what actions were, or are being taken to ensure compliance.

ii Complaints Procedure

Throughout the life of the development, the Applicant/Owner shall ensure that the following contacts are available for community complaints;

- a) A telephone number on which complaints about the development may be registered;
- b) A postal address to which written complaints may be sent; and
- c) An email address to which electronic complaints may be transmitted.

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. These details shall also be provided on the Applicant/Owner's internet site.

iii Complaints Register

The Applicant/Owner shall record details of all complaints received in a Complaints Register. The Register shall record, but not necessarily be limited to:

- a) The date and time, where relevant of the complaint;
- b) The means by which the complaint was made (telephone, mail or email);
- c) Any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) The nature of the complaint;
- e) Any action(s) taken by the Applicant/Owner in relation to the complaint, including any follow-up contact with the complainant;
- f) If no action was taken by the Applicant/Owner in relation to the complaint, the reason(s) for no action being taken; and
- g) A sign shall be erected at the site boundary giving contact details.

The Complaints Register shall be made available for inspection by the Council or the Environmental Services Manager upon request. The Applicant/Owner shall

also make summaries of the Register, without details of the complainants, available for public inspection.

PART F – OTHER APPROVALS

There are no other approvals issued with this consent.

REASONS FOR CONDITIONS:

- (a) to ensure compliance with the terms of the Environmental Planning Instrument and/or Development Control Plan;
- (b) having regard to Council's duties of consideration under *Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (as amended)* as well as Section 80A of the Act which authorises the imposing of consent conditions.
- (c) to protect the existing and likely future amenity of the locality;
- (d) prevent, minimise, and/or offset adverse environmental impacts;
- (e) set standards and performance measures for acceptable environmental performance;
- (f) require regular monitoring and reporting;
- (g) to protect the structure from bushfire and comply with Planning for Bushfire Protection 2006.
- (h) provide for the on-going environmental management of the development;
- (i) having regard to the circumstances of the case and the public interest; and
- (j) to ensure compliance with the *Building Code of Australia* and referenced standards.

Annexure A.

1. NSW EPA – General Terms of Approval

Administrative Conditions

A1. *Information supplied to the EPA*

A1.1 Except as expressly provided by the general terms of approval, works and activities must be carried out in accordance with the proposal contained in

- The development application DA 29/2019 submitted to Gwydir Shire Council on 19 August 2019;
- Environmental impact statement titled *Pearlman Quarry Environmental Impact Statement* dated August 2019; and
- All additional documents supplied to the EPA in relation to the development.

A2. *Fit and Proper Person*

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. *Pollution of waters*

L1.1 Except as may be expressly provided by the licence under the *Protection of the Environment Operations Act 1997* in relation to the development, section 120 of the *Protection of the Environment Operations Act 1997* must be complied with in and in connection with the carrying out of the development.

L2. *Concentration limits*

L2.1 The only discharge point in is the spillway of the sediment dam to the premises. The exact location and coordinates must be provided after construction.

L2.2 For each discharge point, the concentration of a pollutant specified in Table 1 below, the concentration discharged at that point, must not exceed the concentration limits specified for that pollutant table.

L2.3 Where a pH quality limit is specified in Table 1, the specified percentage of samples must be within the specified ranges.

L2.4 To avoid any doubt, Conditions L2.1, L2.2 and L2.3 inclusive do not authorise the discharge or emission of any other pollutants.

L2.5 The total suspended solids concentration limits specified in Table 1 may be exceeded for water discharged from the sediment basins provided that:

- a) the discharge occurs solely as a result of rainfall measured at the premises exceeding 36.3 millimetres over any consecutive 5 day period immediately before the discharge occurred, and
- b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall so they have sufficient capacity to store runoff from a 36.3 millimetre, 5-day rainfall event.

Note: 36.3 millimetres in the 5-day 90th percentile rainfall depth for Moree in Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.

Table 1 – DISCHARGE POINT: Overflow from the spillway of sediment dam (exact location to be confirmed)

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
Oil & grease	mg/L	-	-	-	10
pH		-	-	-	6.5-8.5
Total suspended solids	mg/L	-	-	-	50

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside of the premise to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the *Protection of the Environment Operations Act 1997*.

Note: Condition L3 ensures that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L4. Noise limits

L4.1 Noise from the premise must not exceed the noise limits in the table below:

Location	NOISE LIMITES dB(A)			
	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LAmax
1137 Croppa Creek Road (1500m W)	40	35	35	52
473 Birralee Road (3700m W)	40	35	35	52
1176 Oaklands Road (2900m N)	40	35	35	52
1835 Croppa Creek Road (4300m N)	40	35	35	52
391 Boonery Park Road (Lot 1 DP 1080910) (3400m SSW)	40	35	35	52

1216 Croppa Creek Road (3400m ESE)	40	35	35	52
391 Boonery Park Road (Lot 54 DP 751116) (3400m S)	40	35	35	52
141 Bonnery Park Road (3500m S)	40	35	35	52
391 Boonery Park Road (Lot 1 DP 751134) (4200m SSW)	40	35	35	52

L4.2 For the purpose of the table above:

- a) Day is the period from 7am to 6pm Monday to Saturday, and 8am to 6pm Sunday and Public Holidays.
- b) Evening is the period from 6pm to 10pm.
- c) Night is the period from 10pm to 7am Monday to Monday to Saturday, and 10pm to 6am Sunday and Public Holidays.

L4.3 The noise limits in Condition L4.1 apply under all meteorological conditions except for:

- a) Wind speeds greater than 3 metres per second at 10 metres above ground level
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres per second at 10 metres above ground level, or
- c) Stability category G temperature inversion conditions.

L4.4 For the purposes of Conditions L4.3:

- a) Data recorded by a Bureau of Meteorology meteorological station at Moree must be used to determine meteorological conditions, and
- b) Temperature inversion conditions (stability category) must be determined by the sigma-theta method referred to in Fact Sheet D of the Noise Policy for Industry.

L4.5 To determine compliance:

- a) with the Leq(15 minute) noise limits in Condition L4.1, the noise measurement equipment must be located:
 - approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises, or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the noise limits in Condition L4.1, the noise measurement equipment must be located:
 - at the most affected point at a location where there is no dwelling at the location, or
 - at the most affected point within an area at a location prescribed by Condition L4.5(a).

- L4.6** A non-compliance of Condition L4.1, will still occur where noise generated from the premises in excess of the appropriate limit is measured:
- at a location other than an area prescribed by conditions L4.5(a) and L4.5(b), and/or
 - at a point other than the most affected point at a location.
- L4.7** For the purposes of determining the noise generated at the premises the modification factors in Fact Sheet C of the Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Additions to Definition of Terms of the licence

- Noise Policy for Industry – the document entitled “Noise Policy for Industry” published by the Environment Protection Authority in October 2017.”
- Noise – ‘sound pressure levels’ for the purpose of conditions L4.1 to L4.7.

L5. Hours of operation

- L5.1** Unless otherwise approved in writing by the EPA, the hours of operation must be limited to 6am to 6pm, Monday to Saturday. No work is to be carried out on Sunday or public holidays. For the purpose of this licence, "work" includes all construction activities on the premises associated with the project and movement of materials and substances used to carry out his licensed activity. This condition does not apply to activities which are inaudible at all non-project related residences or other noise sensitive locations.
- L5.2** **Conditions L5.1 does not apply to the** delivery of materials outside of hours of operation permitted by condition L5.1, if that delivery is required by the police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.
- L5.3** The hours of operation specified in condition L5.1 may be varied with the written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L6. Blasting

Overpressure

- L6.1** The overpressure level from blasting operations at the premises must not:
- a) exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
 - b) exceed 120dB (Lin Peak) at any time.

Note: The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be assess to the measure value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

- L6.2** Ground vibration peak particle velocity from blasting operations at the premises must not;
- a) exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
 - b) exceed 10 mm/s at any time at any,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Time of blasting

- L6.3** Blasting operation on the premises may only take place between 9am and 5pm, Monday to Saturday inclusive.. Blasting must not take place on public holidays
- L6.4** The hours of operation for blasting operations specified in this conditions may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Frequency of blasting

- L6.5** Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

Note: The restrictions on times and frequency of blasting referred to above are based on the ANZEC guidelines – “Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration” September 1990.

L7. Production Limit

- L7.1** Extraction from the premises must not exceed 500,000 tonnes during any consecutive 12 month period.
- L7.2** For the purposes of determining compliance with this condition, a tally of trucks and trailers carrying loads from the quarry must be maintained by the applicant, to enable production to be calculated for any consecutive 12 month period by multiplying the number of truck and trailer loads for each vehicle type by the known capacity of each relevant vehicle.

Operating conditions

O1. Odour

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

02. Dust

- 02.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- 02.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

03. Stormwater/sediment control - Construction Phase

- 03.1** A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and waters during construction activities. The SWMP should be prepared in accordance with the requirements of such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

04. Stormwater/sediment control - Operation Phase

- 04.1** A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

Note: This condition would normally only be used where a SWMP is required and stormwater management would be incorporated into EPA's licence. For other proposals the EPA may suggest that the consent authority include a similar condition where appropriate. Information relating to structural and non-structural options for managing site stormwater is provided in the "Managing Urban Stormwater: Source Control: and "Managing Urban Stormwater: Treatment Techniques" documents respectively.

05. Emergency Response

- 05.1** The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

06. Noise

Blast Management Protocol

- O6.1** A Blasting/Vibration Management Protocol must be prepared in relation to the development and implemented. The protocol must include, but need not be limited to, the following matters;
- a) *compliance standards;*
 - b) *mitigation measures;*
 - c) *remedial action;*
 - d) *monitoring methods and program;*
 - e) *monitoring program for flyrock distribution*;*
 - f) *measures to protect underground utilities (eg rising mains, subsurface telecommunications and electric cables) and livestock nearby;*
 - g) *notification of procedures for neighbours prior to detonation of each blast;*
 - h) *measures to ensure no damage by flyrock to people, property, livestock and powerlines.*

Monitoring and recording conditions

M1 Monitoring records

- M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.
- M1.2** All records required to be kept by the licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3** The following records must be kept in respect of any samples required to be collected:
- a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and
 - d) the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

- M2.1** For each monitoring/ discharge point or utilisation area specified below, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Table 2 - DISCHARGE POINT: Overflow from the spillway of water sediment basin (exact location to be confirmed)

Pollutant	Units of measure	Frequency	Sampling Method
Oil & Grease	mg/L	Special frequency 1	Representative sample
pH	pH	Special frequency 1	Representative sample

Total suspended solids	mg/L	Special frequency 1	Representative sample
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Note: For the purposes of this condition, "Special frequency 1" means as soon as practicable after overflow commences and in any case not more than 12 hours after overflow commences and prior any controlled discharge from the sediment basin to demonstrate compliance with the concentration limits defined at conditions L2.

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication, by the general terms of approval or by the licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

M4 Noise Monitoring

M4.1 Noise monitoring requirements may be added to the licence for the premises if the EPA receives complaints in relation to noise emissions from the premises.

M5 Blast Monitoring

M5.1 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at the nearest residence that is not owned by the applicant or subject to a private agreement relating to airblast overpressure and ground vibration levels.

R1 Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.