

NOTES RELATING TO DRAFT CONDITIONS DA 29/2019

Mr Alex Eddy and I met with representatives of Groundwork Plus at the Council's Warialda Office on Wednesday 11 March 2020 to discuss the draft conditions for the subject Development Application and in particular the submission from Groundwork Plus to the draft DA conditions - see attachment 1.

The concerns expressed in the correspondence from Groundwork Plus were dealt with in sequence:

Condition 7

A generator was assessed as part of the proposal at it is necessary to provide power and lighting to the site. The noise impact assessment deems this item of plant to be compliant when assessed individually and cumulatively with all other plant and equipment listed.

Applicant request: Include generator as a permissible item of plant to be used on site.

Council response: Addition agreed

Condition 8

A Biodiversity Development Assessment Report (BDAR) assessing the clearing for the including the quarry footprint, access tracks and ancillary area has been assessed and the draft conditions identify the BDAR as an approved document (BDAR Rev 3). The BDAR confirms that no further clearing outside the assessed and approved areas is required.

Applicant request: This condition should be deleted. This condition is irrelevant and unnecessary as this matter has already been assessed throughout the development application. The applicant is aware of the legislative triggers for when further biodiversity assessments are triggered.

Council Response: Deletion agreed as reasonable

Condition 11 (b)

The Aboriginal Cultural Heritage Assessment which the draft conditions identify as an approved document notes that the scar tree find has been recorded in the Aboriginal Heritage Information Management System.

Applicant request: This condition should be deleted. The requirement has already been fulfilled as part of the approved Aboriginal Cultural Heritage Assessment.

Condition 11 (c)

The draft conditions of approval identify the Aboriginal Cultural Heritage Assessment as an approved document. The assessment report concludes that the relevant consultation with registered Aboriginal Parties has been completed, appropriate mitigation measures are to be adopted and no further reporting is required in accordance with the requirements of NSW Aboriginal Cultural Heritage Consultation requirements for proponents 2010. The scar tree itself is not reported to have gender based cultural significance. Given this, it is considered that this condition exceeds the requirements of the legislation which is also outside the jurisdiction of Gwydir Shire Council.

The applicant is committed to inclusive and appropriate consultation with relevant stakeholders. Therefore, it is proposed that should any unexpected finds occur during the construction or operations of the quarry that a female representative of a registered aboriginal group be invited to site to assist in assessing the significance of the find and follow-up actions. However, the representatives attending site are

ultimately the choice of the registered aboriginal party and is not a matter for Council to dictate.

Applicant request: Amend the condition to read as follows, 'If any Aboriginal archaeological relics are found or uncovered during the course of work and investigations lead to further archaeological assessment involving the registered aboriginal parties, a female representative of the registered aboriginal parties is to be invited to attend the site.'

Condition 11 (d)

The Aboriginal Cultural Heritage Assessment is listed as an approved document which provides an unexpected finds procedure that meets the requirements of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (ECCW 2010). Condition 11(d) does not meet the legislative requirements outlined in the due diligence code of practice. The condition should refer to the procedure included within the approved Aboriginal Cultural Heritage Assessment which does comply with the code of practice.

Applicant request: Amend the condition to read as follows, 'The unexpected finds procedure outlined in the approved Aboriginal Cultural Heritage Assessment is to be followed'.

Council Response: After discussion agreed to the deletion of the entire Clause 11 relating to Heritage and Archaeology as unnecessary due to the Aboriginal Cultural Heritage Assessment Report.

Condition 14

The condition refers to the requirement to obtain any necessary approvals, leases and licences under the Mines Act 1992. The correct name of the legislation is the Mining Act 1992 and it regulates mines and the mining of minerals. Minerals are defined by Schedule 1 of the Mining Regulation 2016. The quarry is not extracting a mineral identified in Schedule 1 of the Mining Regulation 2016. That is why the quarry is an extractive industry assessed by Council under the Environmental Planning and Assessment Act 1979 and is not a mine.

Applicant request: Delete the condition as it is not relevant.

Council Response: Deletion agreed as reasonable

Part B – Prior to commencement of works

Condition 1 – Item '3 a) and b)'

The draft conditions of approval identify the Environmental Management Plan (EMP) as an approved document. During the development assessment process, the EMP was publicly notified as part of the EIS package and it is understood that the relevant agencies assessed it as part of the EIS and provided advice to enable Gwydir Shire Council to reach a decision to approve this document. It is therefore unclear why further updates of the EMP need to be sent to 'the relevant agencies' that have been consulted throughout the development assessment process. It is also unclear from the wording of the condition which agencies the updated plans would need to be sent to.

The public display of an EMP normally only applies to developments of State Significance. The applicant has no objection in providing information normally required to be displayed under the EPAs administration requirements for the Environmental Protection License. However, it is considered unreasonable for Council to impose the requirement to publicly display the EMP online when only one community submission was received, and the site has an acceptable level of environmental risk.

Applicant request: The condition should be deleted as it is irrelevant and unnecessary.

Council Response: Deletion agreed as reasonable

Condition 4 Pearlman Quarry Access Road Requirements

We have sought the advice of Peter Taylor of SMK regarding this condition (refer Attachment 1 – SMK Advice regarding Condition 4). SMK are of the view that operation of the quarry intersection with Croppa Creek Road at more than 15 laden trucks exiting the site does not warrant upgrading to a CHR/CHL. Should Council have safety concerns with both quarries operating at this level, SMK have advised that minor extensions of the intersection shoulder would still exceed the level of design required by the relevant guidelines.

Applicant request: This condition should be deleted, or if Council maintains that the condition is warranted, it should be amended for clarity and certainty as follows – “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 number of laden trucks exiting the site from both quarries must not exceed 15 per hour”.

Council Response: After reviewing the submission from SMK Consulting the changed wording was agreed to as appropriate.

Condition 6 Ecosystem Credit Retirement and Condition 7 Species Credit Retirement

Since November 2019 discussions have been held with Gwydir Shire Council and the Biodiversity Conservation Trust proposing to make staged payments to retire the biodiversity offset credit obligation. The proposed staged payment method is clearly stated in the approved document listed as BDAR Rev 3. Council indicated on several occasions that staged payments would be acceptable and has further approved this concept in the approved BDAR Rev 3. However, the proposed conditions as currently written require retirement of credits upfront in total prior to commencement of the development. This would require the applicant to pay approximately \$1,200,000 upfront prior to commencement of the development. As recently as the 4 February 2020, the applicant wrote to Council about this matter (refer to Attachment 1 – Clarification of Proposed Staged Retirement of Biodiversity Offset Obligations).

Applicant request: That condition 6 and 7 be amended as per the proposed wording outlined in the letter dated 4th February 2020 (refer to Attachment 2 – Clarification of Proposed Staged Retirement of Biodiversity Offset Obligations).

Council Response: Agreed to support the staged payment of the levy. See Groundwork Plus letter Attachment 2.

Condition 8 (d)

The extent of vegetation clearing required for the development is well documented in the approved BDAR and EIS. These documents and the approved Environmental Management Plan document the measures to be implemented to ensure that clearing limits are not exceeded without further assessment. Based on the approval of these documents the information being requested by this condition is already available.

Applicant request: This condition should be deleted because the appropriate measures are documented in the EIS and EMP.

Council Response: Deletion agreed as reasonable

Part C – During operations

Condition 3 Section 94 Plan – Traffic Generating Development

The s94 contribution rate is significantly higher than the rate levied for the Tikitere Quarry which was approved only 18 months ago which utilises the same haulage routes as the proposed development. Gwydir Shire Council has not provided the details of how the proposed rate of contribution has been calculated therefore it is unclear if the proposed rate is fair and reasonable and consistent with Council's own policies. Given this lack of clarity the applicant has undertaken their own calculations based on the relevant council policies which results in a contribution rate of 39c per tonne.

As Council is consulting with ARTC during the planning of the Narrabri to North Star Inland Rail Project (IRP) it is understood that Council would have been informed by the ARTC that ARTC will take on the burden of maintaining the local road network during delivery of the IRP. For example, under the Parkes to Narromine Section of IRP the approval (SSI 7475) provides the local road authorities with assurance that all road maintenance will occur / or compensation be provided based on the following condition:

E40 - If damage to roads occurs as a result of the construction of CSSI, the Proponent must either (at the landowner's discretion):

- (a) rectify the damage so as to restore the road to at least the condition it was in pre— construction; or*
- (b) compensate the relevant road authority(ies) and/or landowner for the damage so caused.*

The amount of compensation may be agreed with the relevant road authority(ies) and landowner, but compensation must be paid even if no agreement is reached.

We are confident these arrangements will be confirmed if Council speaks with either the ARTC or staff at Parkes Shire Council and Narromine Shire Council.

It is noted that the publicly available ARTC project documentation on the ARTC website, identifies the following roads of the Gwydir LGA are to be used during the delivery of the IRP;

- Crooble Road - Unsealed*
- Croppa Moree Road - Sealed*
- Buckie Road - Sealed*
- Tumba Road - Unsealed*
- Boonery Park Road - Unsealed*
- Croppa Creek Road - Sealed*
- I B Bore Road – Sealed*

The Pearlman Quarry proposes to deliver materials to the IRP using the same haulage network that ARTC will be maintaining. It would be inappropriate for Council to receive payment of contributions from Pearlman Quarry if ARTC is taking on the burden to maintain the same roads for the duration of the IRP. If Council levy contributions from Pearlman Quarry whilst ARTC bears the cost of maintaining the road network, Council would be receiving a double payment for the same road usage.

It is acknowledged that Council does not have final certainty that a condition like E40 above would be imposed until the Narrabri to North Star section of the IRP is approved by the State. In the interim it is understood that Council will wish to reserve the right to apply a heavy haulage road contribution condition to the Pearlman Quarry, however it is felt that the rate levied is unreasonable given that Tikitere Quarry is paying \$0.39 to use the same haulage network. The applicant has previously discussed the appropriate rate of contribution with Council and proposed that \$0.80 per tonne was more than adequate to cover the level of road usage for the Pearlman Quarry.

It is expected that once Narrabri to North Star Section of the IRP is approved it will feature a similar condition to E40 of SSI 7475 (outlined above). Therefore, the applicant reserves the right to apply for a modification to the development consent for

the Tikitere Quarry and Pearlman Quarry to remove the obligation to pay contributions for haulage on roads that will be maintained by ARTC under the IRP. Applicant request: The s94 contribution should be \$0.80 per tonne and only applied to truck movements delivering product to projects where local road maintenance is not an obligation of the Inland Rail Project.

Council Response: The Shire Engineer provided detailed justification for the \$1.12 per tonne levy and it was agreed that this contribution will remain. It was also agreed that an additional condition 3.1 d would be added stating (See attachment3):

On the sections of local road network where ARTC (or their primary contractors) are obligated to carry out maintenance works to manage impacts generated by the Inland Rail Project (IRP), the applicant will not be required to pay a contribution when hauling construction materials to the IRP on these identified sections of road. This will be agreed with Council based on the approved haulage routes shown in the Traffic, Transport and Access Management Plan for the IRP.

Condition 6 Visual impact

The visual impact of the proposed development was assessed in the EIS as being minimal as the closest residence facing the main aspect of the quarry is 4.3km from the site. Vegetation clearing beyond what was assessed in the EIS and approved BDAR is not permitted for the development. Therefore, because additional clearing is not permitted the development is unlikely to lead to a loss of existing vegetation screens that would expose nearby residences to visual impacts.

Applicant request: This condition should be deleted because the perceived risk is addressed by other conditions restricting the development to the approved areas and extent of clearing identified in the EIS and the approved BDAR.

Council Response: Deletion agreed as reasonable

Condition 7 Lighting emissions

The closest residential receptors are located considerable distance from site. Based on the orientation and buffer distance it is clear that the Australian Standard will be met. Based on the low level of risk of lighting impacts the condition should be revised to trigger investigation only in the event of complaints.

Applicant request: This condition should be amended to trigger assessment against the relevant standards following Council receiving a complaint in relation to light spill impacts at a private residence.

Council Response: Deletion agreed as reasonable

Part E – Post commencement

Condition 2 (iii) Maintaining of holding ponds

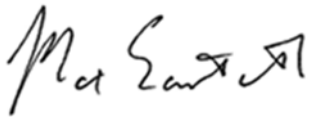
The purpose of this condition is not clear. Quarries are not like cattle feedlots or other large rural industry development which may result in chemical waste or contaminated water and as such no holding ponds are proposed. The development does include sediment basins for the management of sediment laden overland flow from the development. The sediment collected in the sediment basins is no different to sediment runoff from the farming being conducted on the balance of the site. All sediment basins and associated drains for the development will be designed and constructed in accordance with the provision of the relevant guidelines ie. the 'Blue

Book'. All sediment basins will be constructed and maintained to prevent any risk of failure.

Applicant request: This condition should be deleted because the perceived risk is addressed by Condition L1 and L2 of the EPA General Terms of Approval which will be converted into an Environment Protection Licence which will be administered by the EPA.

Council Response: Deletion agreed as reasonable

Apart from the attachments mentioned above there is also one copy of the original draft conditions with the changes tracked (Attachment 4) and a clean copy of the revised draft conditions (Attachment 5)

A handwritten signature in black ink, appearing to read 'Max Eastcott', with a stylized flourish at the end.

Max Eastcott
General Manager
Gwydir Shire Council
13th March 2020

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Gwydir Shire Council
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Via email: mail@gwydir.nsw.gov.au

Dear Sir/Madam,

DA29/2019 PEARLMAN QUARRY – REVIEW OF DRAFT CONDITIONS OF CONSENT

Groundwork Plus continue to act on behalf of Alan Pearlman (the proponent) in relation to the proposed Pearlman Quarry located at 1135 Croppa Creek Rd, North Star, New South Wales, formally described as Lot 5 and 17 DP755984.

Draft conditions for the Pearlman Quarry were received from Gwydir Shire Council (Council) by email dated 10 February 2020. We understand the draft conditions were provided to the Joint Regional Planning Panel (JRPP) before we had opportunity to review and discuss them with Council.

It is requested that Council review the following conditions as a matter of urgency.

Part A – General

Condition 7

A generator was assessed as part of the proposal at it is necessary to provide power and lighting to the site. The noise impact assessment deems this item of plant to be compliant when assessed individually and cumulatively with all other plant and equipment listed.

Applicant request: *Include generator as a permissible item of plant to be used on site.*

Condition 8

A Biodiversity Development Assessment Report (BDAR) assessing the clearing for the including the quarry footprint, access tracks and ancillary area has been assessed and the draft conditions identify the BDAR as an approved document (BDAR Rev 3). The BDAR confirms that no further clearing outside the assessed and approved areas is required.

Applicant request: *This condition should be deleted. This condition is irrelevant and unnecessary as this matter has already been assessed throughout the development application. The applicant is aware of the legislative triggers for when further biodiversity assessments are triggered.*

Condition 11 (b)

The Aboriginal Cultural Heritage Assessment which the draft conditions identify as an approved document notes that the scar tree find has been recorded in the Aboriginal Heritage Information Management System.

Applicant request: *This condition should be deleted. The requirement has already been fulfilled as part of the approved Aboriginal Cultural Heritage Assessment.*

Condition 11 (c)

The draft conditions of approval identify the Aboriginal Cultural Heritage Assessment as an approved document. The assessment report concludes that the relevant consultation with registered Aboriginal Parties has been completed, appropriate mitigation measures are to be adopted and no further reporting is required in accordance with the requirements of *NSW Aboriginal Cultural Heritage Consultation requirements for proponents 2010*. The scar tree itself is not reported to have gender based cultural significance. Given this, it is considered that this condition exceeds the requirements of the legislation which is also outside the jurisdiction of Gwydir Shire Council.

The applicant is committed to inclusive and appropriate consultation with relevant stakeholders. Therefore, it is proposed that should any unexpected finds occur during the construction or operations of the quarry that a female representative of a registered aboriginal group be invited to site to assist in assessing the significance of the find and follow-up actions. However, the representatives attending site are ultimately the choice of the registered aboriginal party and is not a matter for Council to dictate.

Applicant request: *Amend the condition to read as follows, 'If any Aboriginal archaeological relics are found or uncovered during the course of work and investigations lead to further archaeological assessment involving the registered aboriginal parties, a female representative of the registered aboriginal parties is to be invited to attend the site.'*

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Applicant request: *Amend the condition to read as follows, 'The unexpected finds procedure outlined in the approved Aboriginal Cultural Heritage Assessment is to be followed'.*

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The condition refers to the requirement to obtain any necessary approvals, leases and licences under the Mines Act 1992. The correct name of the legislation is the Mining Act 1992 and it regulates mines and the mining of minerals. Minerals are defined by Schedule 1 of the Mining Regulation 2016. The quarry is not extracting a mineral identified in Schedule 1 of the Mining Regulation 2016. That is why the quarry is an extractive industry assessed by Council under the Environmental Planning and Assessment Act 1979 and is not a mine.

Applicant request: *Delete the condition as it is not relevant.*

Part B – Prior to commencement of works**Condition 1 Environmental Management Plan**

The subsequent clauses within this condition should be renumbered to ensure clarity of cross referencing. It is currently 1. 1. a) and should be changed to 1. a) i).

Applicant request: *Amend the numbering of this condition for clarity and ease of cross referencing.*

Condition 1 – Item '3 a) and b)'

The draft conditions of approval identify the Environmental Management Plan (EMP) as an approved document. During the development assessment process, the EMP was publicly notified as part of the EIS package and it is understood that the relevant agencies assessed it as part of the EIS and provided advice to enable Gwydir Shire Council to reach a decision to approve this document. It is therefore unclear why further updates of the EMP need to be sent to 'the relevant agencies' that have been consulted throughout the development assessment process. It is also unclear from the wording of the condition which agencies the updated plans would need to be sent to.

The public display of an EMP normally only applies to developments of State Significance. The applicant has no objection in providing information normally required to be displayed under the EPAs administration requirements for the Environmental Protection License. However, it is considered unreasonable for Council to impose the requirement to publicly display the EMP online when only one community submission was received, and the site has an acceptable level of environmental risk.

Applicant request: *The condition should be deleted as it is irrelevant and unnecessary.*

Condition 4 Pearlman Quarry Access Road Requirements

We have sought the advice of Peter Taylor of SMK regarding this condition (refer **Attachment 1 – SMK Advice regarding Condition 4**). SMK are of the view that operation of the quarry intersection with Croppa Creek Road at more than 15 laden trucks exiting the site does not warrant upgrading to a CHR/CHL. Should Council have safety concerns with both quarries operating at this level, SMK have advised that minor extensions of the intersection shoulder would still exceed the level of design required by the relevant guidelines.

Applicant request: *This condition should be deleted, or if Council maintains that the condition is warranted, it should be amended for clarity and certainty as follows –*

*“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 **number of laden trucks exiting the site** ~~vehicle movements~~ from both quarries must not exceed 15 per hour”.*

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Since November 2019 discussions have been held with Gwydir Shire Council and the Biodiversity Conservation Trust proposing to make staged payments to retire the biodiversity offset credit obligation. The proposed staged payment method is clearly stated in the approved document listed as BDAR Rev 3. Council indicated on several occasions that staged payments would be acceptable and has further approved this concept in the approved BDAR Rev 3. However, the proposed conditions as currently written require retirement of credits upfront in total prior to commencement of the development. This would require the applicant to pay approximately \$1,200,000 upfront prior to commencement of the development. As recently as the 4 February 2020, the applicant wrote to Council about this matter (refer to **Attachment 1 – Clarification of Proposed Staged Retirement of Biodiversity Offset Obligations**).

Applicant request: *That condition 6 and 7 be amended as per the proposed wording outlined in the letter dated 4th February 2020 (refer to **Attachment 2 – Clarification of Proposed Staged Retirement of Biodiversity Offset Obligations**).*

Condition 8 (d)

The extent of vegetation clearing required for the development is well documented in the approved BDAR and EIS. These documents and the approved Environmental Management Plan document the measures to be implemented to ensure that clearing limits are not exceeded without further assessment. Based on the approval of these documents the information being requested by this condition is already available.

Applicant request: *This condition should be deleted because the appropriate measures are documented in the EIS and EMP.*

Part C – During operations

Condition 3 Section 94 Plan – Traffic Generating Development

The s94 contribution rate is significantly higher than the rate levied for the Tikitere Quarry which was approved only 18 months ago which utilises the same haulage routes as the proposed development. Gwydir Shire Council has not provided the details of how the proposed rate of contribution has been calculated therefore it is unclear if the proposed rate is fair and reasonable and consistent with Council's own policies. Given this lack of clarity the applicant has undertaken their own calculations based on the relevant council policies which results in a contribution rate of 39c per tonne.

As Council is consulting with ARTC during the planning of the Narrabri to North Star Inland Rail Project (IRP) it is understood that Council would have been informed by the ARTC that ARTC will take on the burden of maintaining the local road network during delivery of the IRP. For example, under the Parkes to Narromine Section of IRP the approval (SSI 7475) provides the local road authorities with assurance that all road maintenance will occur / or compensation be provided based on the following condition:

E40 - If damage to roads occurs as a result of the construction of CSSI, the Proponent must either (at the landowner's discretion):

- (a) rectify the damage so as to restore the road to at least the condition it was in pre—construction; or*
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The amount of compensation may be agreed with the relevant road authority(ies) and landowner, but compensation must be paid even if no agreement is reached.

We are confident these arrangements will be confirmed if Council speaks with either the ARTC or staff at Parkes Shire Council and Narromine Shire Council.

It is noted that the publicly available ARTC project documentation on the ARTC website, identifies the following roads of the Gwydir LGA are to be used during the delivery of the IRP;

- Crooble Road - Unsealed
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The Pearlman Quarry proposes to deliver materials to the IRP using the same haulage network that ARTC will be maintaining. It would be inappropriate for Council to receive payment of contributions from Pearlman Quarry if ARTC is taking on the burden to maintain the same roads for the duration of the IRP. If Council levy contributions from Pearlman Quarry whilst ARTC bears the cost of maintaining the road network, Council would be receiving a double payment for the same road usage.

It is acknowledged that Council does not have final certainty that a condition like E40 above would be imposed until the Narrabri to North Star section of the IRP is approved by the State. In the interim it is understood that Council will wish to reserve the right to apply a heavy haulage road contribution condition to the Pearlman Quarry, however it is felt that the rate levied is unreasonable given that Tikitere Quarry is paying \$0.39 to use the same haulage network. The applicant has previously discussed the appropriate rate of contribution with Council and proposed that \$0.80 per tonne was more than adequate to cover the level of road usage for the Pearlman Quarry.

It is expected that once Narrabri to North Star Section of the IRP is approved it will feature a similar condition to E40 of SSI 7475 (outlined above). Therefore, the applicant reserves the right to apply for a modification to the development consent for the Tikitere Quarry and Pearlman Quarry to remove the obligation to pay contributions for haulage on roads that will be maintained by ARTC under the IRP.

Applicant request: *The s94 contribution should be \$0.80 per tonne and only applied to truck movements delivering product to projects where local road maintenance is not an obligation of the Inland Rail Project.*

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The visual impact of the proposed development was assessed in the EIS as being minimal as the closest residence facing the main aspect of the quarry is 4.3km from the site. Vegetation clearing beyond what was

assessed in the EIS and approved BDAR is not permitted for the development. Therefore, because additional clearing is not permitted the development is unlikely to lead to a loss of existing vegetation screens that would expose nearby residences to visual impacts.

Applicant request: *This condition should be deleted because the perceived risk is addressed by other conditions restricting the development to the approved areas and extent of clearing identified in the EIS and the approved BDAR.*

Condition 7 Lighting emissions

The closest residential receptors are located considerable distance from site. Based on the orientation and buffer distance it is clear that the Australian Standard will be met. Based on the low level of risk of lighting impacts the condition should be revised to trigger investigation only in the event of complaints.

Applicant request: *This condition should be amended to trigger assessment against the relevant standards following Council receiving a complaint in relation to light spill impacts at a private residence.*

Part E – Post commencement

Condition 2 (iii) Maintaining of holding ponds

The purpose of this condition is not clear. Quarries are not like cattle feedlots or other large rural industry development which may result in chemical waste or contaminated water and as such no holding ponds are proposed. The development does include sediment basins for the management of sediment laden overland flow from the development. The sediment collected in the sediment basins is no different to sediment runoff from the farming being conducted on the balance of the site. All sediment basins and associated drains for the development will be designed and constructed in accordance with the provision of the relevant guidelines ie. the 'Blue Book'. All sediment basins will be constructed and maintained to prevent any risk of failure.

Applicant request: *This condition should be deleted because the perceived risk is addressed by Condition L1 and L2 of the EPA General Terms of Approval which will be converted into an Environment Protection Licence which will be administered by the EPA.*

Conclusion

Draft conditions of approval were issued to the JRPP without opportunity for review or comment by the applicant. We have identified certain conditions are irrelevant, unnecessary or should be amended for clarity. We request that Council work with us to resolve these matters prior to the JRPP meeting currently scheduled for the 19th March 2020 so that a revised set of conditions can be submitted to the JRPP for consideration.

If you have any questions regarding these matters, please contact Rowan McKay or myself on 07 3871 0411.

Yours faithfully

Groundwork Plus



Jim Lawler
Associate

Attachments:

Attachment 1 – SMK Advice regarding Condition 4

Attachment 2 – Clarification of Proposed Staged Retirement of Biodiversity Offset Obligations

Pearlman Quarry

Our reference: 19-172

Review of Draft Condition 4

Pearlman Quarry Access Road Requirements

Background

Gwydir Shire Council released draft development conditions for the proposed Pearlman Quarry located on Croppa Creek Road on the property of “Tikitere”. The proposal involves development of a second quarry on the property that will utilise an intersection which has been purposely constructed for the existing quarry.

The draft conditions included Condition 4 within Part A Building. The condition states:

“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”.

The condition refers to traffic leaving the site and therefore does not include traffic entering the site. The condition primarily refers to a limit of up to 15-vehicles leaving the site in any one-hour period. Based on the Proponent’s prediction that truck movements will occur over an 11-hour period, this is equivalent to 165-trucks per day which would move a potential 6,270 tonnes of material from the two quarries.

The condition states, “total combined vehicle movements” and therefore may include light vehicles.

The following report provides a review of these draft design requirements prepared on behalf of the Applicant.

Proposed Traffic

According to Traffic Impact Assessments, the existing Tikitere quarry would potentially generate peak truck movements of 48-trucks per day leaving the site with a 38-tonne load. (48-movements in and 48-movements out) This is calculated over an 11-hour day and therefore the predicted peak rate of truck movements from the site is in the order of 4.4 trucks per hour.

For the proposed Pearlman quarry, peak truck movements have been stated at 94-two-way truck trips or 47-trucks leaving the site over an 11-hour period. The rate of movement is therefore 4.3-trucks per hour.

The combined total truck movements as per proposal will involve 8.7 truck movements per hour. This is not a specific number as the rate of movements per hour may vary during the day and the requirements of various contracts may vary in the demanded daily delivery volumes. A discussion with the applicant suggests a peak rate of traffic movement including a combination of all vehicles would be in the order of 174 for both quarries at peak delivery periods. This would occur over a 12-hour period during a peak delivery period and therefore involve approximately 14.5 vehicle movements per hour.

Austroad Design Standards Review

The existing intersection was designed in accordance with Austroads Guide to Road Design Part 4 Section 7.2.3 (Figure 7.4 in particular). The intersection is consistent with a “rural property access specifically designed for articulated vehicles”. The intersection has been designed to allow for the turning path of road trains.

Figure 7.4 is suitable for single carriageway roads with AADT < 2000. The AADT for Croppa Creek Road provided by Council is 150 and therefore the intersection that has been constructed is considered suitable for the road access to the quarry sites. Council approved the intersection design and construction works which was completed prior to operation of the Tikitere Quarry. The same intersection onto Croppa Creek Road is to be used by the Pearlman quarry. The addition of the 2nd quarry will potentially double the traffic moving from the site but will not alter the truck size. The potential exists that the AADT on Croppa Creek Road will double during the period of Inland Rail construction.

The intersection is designed for road trains, however the basic truck to be used onsite for the majority of quarry work will be a smaller truck. The draft Council condition has identified a concern that the intersection will require an upgrade to meet a higher standard. The following provides calculations to assess the required standard for this intersection.

Austroad designs base their calculations on traffic flow along the road which is being accessed by the traffic generating development. The design calculations for selection of a standard for an intersection include hourly traffic volumes on the road being accessed.

Croppa Creek Road is a 100 km/h speed limited road. The intersection is located on a straight section of road. Croppa Creek Road is a two-lane road in good condition. No peak hourly traffic data is available and therefore it is assumed peak traffic is between 11 and 16 percent of the AADT. (between 16.5 and 24 vehicles per hour at present) This is the method adopted by Austroads.

Calculations based on Austroads Guide to Traffic Management Part 6 Section 2.3.6 and are provided below:

- Existing through traffic AADT = 150 vehicles
- Existing through traffic per hour, in both directions (assuming peak hourly traffic of 16%) = 24 vehicles
- Assuming equal traffic in both directions $Q_{T1} = Q_{T2} = 12$ vehicles moving south and 12 vehicles moving north

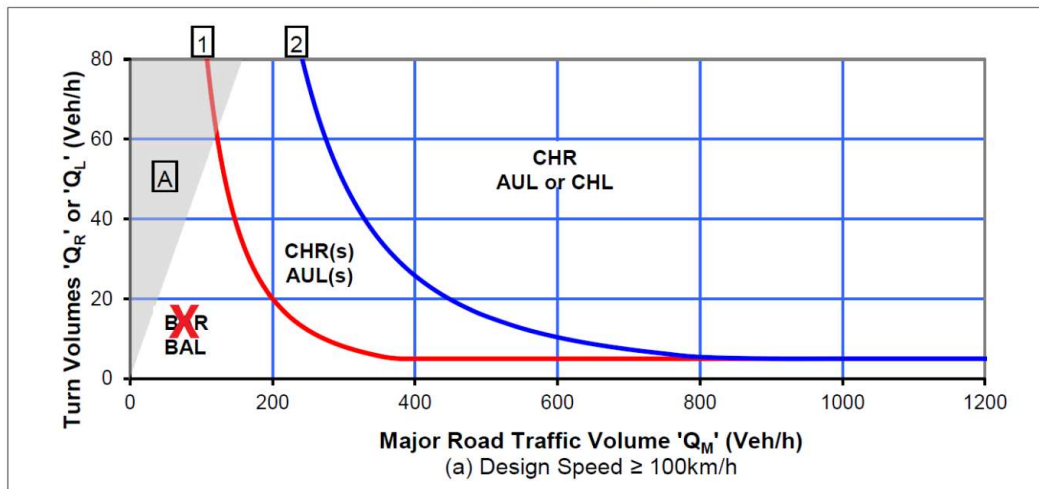
The proposed development with the two quarries operating involves an average of 14.5 vehicles leaving the site per hour. Allowing for averages over the life of the quarries, half will turn left, and half will turn right. At peak times, all 14.5 vehicles may turn right or may turn left. This would be considered as the worst-case condition. The following calculation rounds up the 14.5 vehicles per hour to 15 which is the number used for the draft condition prepared by Council.

- For a right turn: $Q_M = Q_{T1} + Q_{T2} + Q_L = 12 + 12 + 7.5 = 31.5$
- For a left turn: $Q_M = Q_{T2} = 12$

Figure 2.25(b) in Part 6 of the Austroads Guide to Traffic Management presents a graph to select the appropriate design for treatment of a rural road intersection from a minimum to standard to the highest standard being a CHR, AUL or CHL.

Figure 2.25 from the Austroad Design Guidelines is presented below.

Figure 2.25: Warrants for turn treatments on major roads at unsignalised intersections



Allowing for a Q_R or Q_L of 15 and a Q_M of 31.5, the treatment for the existing intersection with the addition of a second quarry on this site remains well within the requirement that is satisfied by a BAR and BAL treatment. The design calculations are approximately marked by an “X” on the above graph.

The current intersection has been designed to meet this standard.

If the through traffic along Croppa Creek Road is doubled to 300 per day, Q_M for a right turn becomes 63 if all 15 quarry trucks turn right into the site. The BAR/BAL treatment of the intersection remains in accordance with Austroad designs.

Using the above graph and adopting 80 vehicles per hour turning into the site, the BAR/BAL treatment for the intersection remains appropriate.

For 20 trucks turning into the site per hour, through traffic on Croppa Creek Road would need to reach approximately 200 vehicles per hour before a channelised turn treatment (CHR, AUL or CHL) would be required for this intersection to meet the Austroad guidelines.

Variability Option for Determining Authority

Section 7.2.3 (page 40) of the contains a statement indicating:

“At locations where there is a high demand for articulated vehicles (e.g. timber mill, quarry, transport facility) a road intersection layout should be adopted”

The guide does not provide a definition for “high demand” and therefore this statement cannot be quantified. In general terms, a quarry is referred to and it will generate a high demand for articulated vehicles.

The term “Road intersection” relates to construction of lanes or channelizing the traffic at the intersection. On this basis, Austroad Guidelines allow for some discretion to upgrade an intersection to meet a higher standard where an authority such as Council, consider that the development will create a “high demand” for use of an intersection.

The following figures A2 and A8 show the difference between Basic rural intersections and Channelised Rural intersections respectively. The difference is significant in relation to the dimensions of the intersection.

If Council request an upgrade of this intersection when hourly rate of traffic leaving this site exceeds 15-trucks at peak times, any upgrade will exceed the standard required by design guidelines. A review of options available to satisfy Council's concerns has identified that the primary difference between the intersection type identified by Council (CHR/CHL) relates to the potential to create a separate lane for trucks to slow before entering the quarry road by creating an extended passing lane for the right hand turn lane and a extended left hand turn lane for trucks to slow and enter the site, allowing for through traffic to continue with only limited requirements to slow down.

Figure A 2: Rural basic BA turn treatments

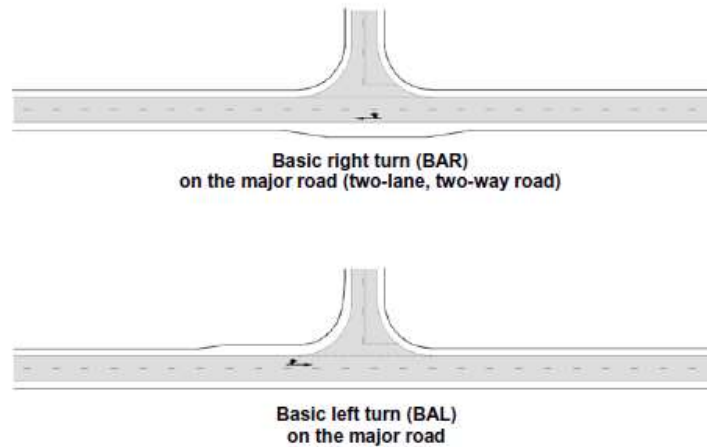
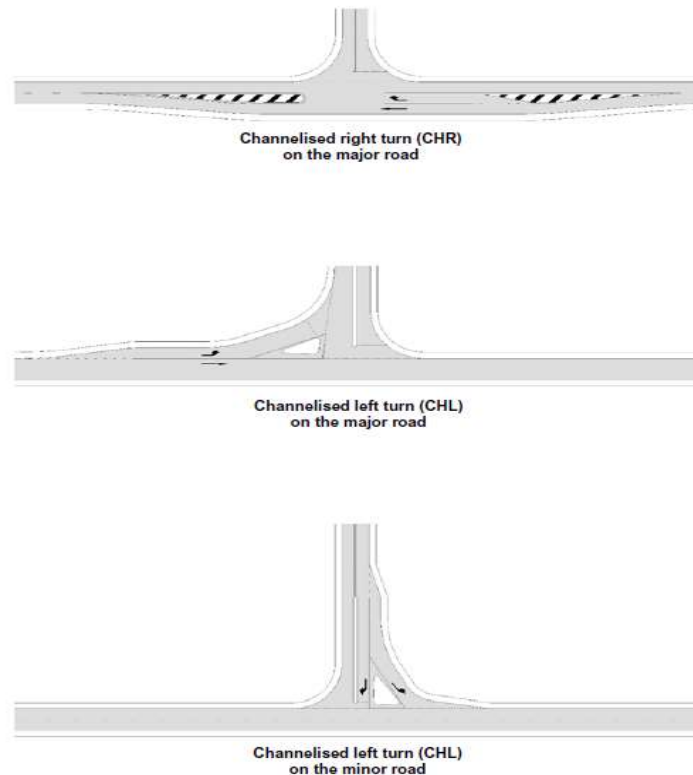


Figure A 8: Rural channelised (CH) Intersection turn treatments



Based on this review, the intersection of the quarry access and Croppa Creek Road would continue to operate in accordance within the design parameters of the Australian Standard as a BAL/BAR if the total combined number of laden trucks exiting the site from both quarries exceed 15 per hour.

If Council are concerned with road safety for a scenario where the increased laden truck movements from Tikitere Quarry and Pearlman Quarry combine with an with an assumed significant increase in AADT on Croppa Creek Road (>300), it is recommended that an appropriate requirement would involve improving the slow lane for trucks to turn in to the site from the south and extending the passing lane on the eastern side of the road to reduce the necessity for southerly travelling vehicles to slow down as a truck is turning right into the quarry road. If this is adopted, the works required would involve minor extensions of the shoulder sealing for the existing intersection. The result would exceed design guidelines.

However, if Council maintains that a CHR/CHL is warranted, for clarity and certainty the wording of the condition should be as follows:

“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 number of laden trucks exiting the site vehicle movements from both quarries must not exceed 15 per hour”.

Prepared By:

Peter Taylor BSc MELANZ LAA

Director

SMK Consultants

27th February 2020

Department Principal:
Tegan Smith
Project Contact:
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4/02/2020
Ref: 2291.DA1.340.002

Gwydir Shire Council
Locked Bag 5
33 Maitland Street
BINGARA NSW 2404

Via email: mail@gwydir.nsw.gov.au

Dear Sir/Madam

DA29/2019 PEARLMAN QUARRY - CLARIFICATION OF PROPOSED STAGED RETIREMENT OF BIODIVERSITY OFFSET OBLIGATIONS

Groundwork Plus continue to act on behalf of Alan Pearlman (the proponent) in relation to the proposed Pearlman Quarry located at 1135 Croppa Creek Rd, North Star, New South Wales, formally described as Lot 5 and 17 DP755984. This letter provides clarity on the proposed staged retirement of biodiversity credits generated by the Pearlman Quarry.

The legislative framework

Section 7.13 of the *Biodiversity Conservation Act 2016* (BCA) is the relevant section used to regulate projects seeking approval under part 4 of the *Environmental Planning and Assessment Act 1979*, such as the Pearlman Quarry. Of most relevance are Clause 3 and 5 reproduced below for ease of reference.

7.13

(3) If the consent authority decides to grant consent and the biodiversity offsets scheme applies to the proposed development, the conditions of the consent must require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values of the number and class specified in the report (subject to subsection (4)). The residual impact is the impact after the measures that are required to be carried out by the terms or conditions of the consent to avoid or minimise the impact on biodiversity values of the proposed development (being measures on which the report was based).

*(5) **A condition to retire biodiversity credits is required to be complied with before any development is carried out that would impact on biodiversity values.** However, a consent to a concept development application may provide for a corresponding staged retirement of biodiversity credits before each stage of development is carried out and without the need for a further biodiversity development assessment report in connection with development applications for the subsequent stages of the development.*

The BCA prescribes that conditions of consent must require the applicant to retire biodiversity credits and the condition to retire biodiversity credits is to be complied with before the development is carried out.

The BCA does not require that full retirement of biodiversity credits occur before the development is carried out.

The BCA only requires that the condition about retiring the biodiversity credits is complied with before the development is carried out. Therefore, the BCA allows flexibility such that the wording in the condition of consent can prescribe how and when the credits are to be retired. We believe that this provides for negotiation to occur on a case by case basis about the retirement of credits rather than assumed upfront payment of the credit obligation.

We anticipate the intent of the staged development concept referred to in *Clause (5)* is to assist urban developers with cashflow requirements so that payments can be made over the lifecycle of a project. Logically, this would be in stages based on a certain number of lots or dwellings. Extractive Industry such as the Pearlman Quarry face similar upfront cash flow issues but produce tonnes of extracted material per year rather than lots or dwellings per year.

It is clear this is the mechanism by which flexibility is provided to tailor the BCA requirements to the individual circumstances of each development within the overall standard framework required for the assessment process.

The proposed staged retirement of biodiversity credits generated by the Pearlman Quarry

As Council is aware, the Pearlman Quarry will occur over 5 years at a maximum of 490,000 tonnes per year. Advitech prepared the Biodiversity Assessment Report for the Pearlman Quarry and have advised that the biodiversity credits generated by the development are estimated to be approximately \$1,043,949.78 as at 8/01/20. This is a significant amount of money to pay before generating any income from sales of material from the quarry.

Pursuant to *Clause (5)* a condition of consent can prescribe how and when the biodiversity credits generated by the Pearlman Quarry would be retired. We propose that a condition as shown below would provide an economically viable, transparent and enforceable approach to the matter which would satisfy the objectives of the proponent, Council and the State.

Proposed Condition – Retirement of Biodiversity Credits

- 1) *Under the Biodiversity Offset Scheme, the total biodiversity credits generated for the site are 245 including 69 credits for PCT 147 and 176 credits for PCT 418.*
- 2) *The biodiversity credits must be retired in 5 stages aligning with the 5 year life of the quarry.*
- 3) *Each stage will consist of:*
 - a) *14 credits for PCT 147; and*
 - b) *36 credits for PCT 418.*
- 4) *If the life of the quarry is less than 5 years any remaining credits must be paid before the cessation of the development.*
- 5) *Before the development is carried out the biodiversity credits for the first stage must be retired.*
- 6) *Before the development is carried out submit a letter to Council which:*
 - a) *confirms the total monetary value of the biodiversity credits generated for the site pursuant to the Biodiversity Offset Scheme; and*
 - b) *provides evidence that a bank bond for that total monetary value is held; and*
 - c) *provides a statutory declaration that the bank bond is available for the relevant authority to draw upon if the staged retirement of credits does not occur; and*
 - d) *provides evidence that the biodiversity credits for the first stage have been retired; and*
 - e) *identifies the anniversary date by which the remaining stages will be retired.*

It is intended that the bank bond provides assurance to the relevant authority that monies are held to cover the full obligation but provides liquidity of capital for the proponent that would otherwise be lost if the full amount had to be paid in cash before the development is carried out. The bank bond would be reduced each year as each staged payment is made.

Therefore the proposed condition removes the risk that the biodiversity credit obligations are not paid.

Conclusion

This proposal complies with the intent of the BCA because the condition of consent provides how and when the credits are to be retired and what actions must be complied with before the development is carried out.

We look forward to continuing to work with the GSC and DPIE to complete this project. If you have any questions regarding the information included in this response, please do not hesitate to contact me on 07 3871 0411 or via email jlawler@groundwork.com.au.

Yours faithfully

Groundwork Plus



Jim Lawler
Associate

Department Principal:
Tegan Smith
Project Contact:
Jim Lawler

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12/02/2020
Ref: 2291.DA1.340.004

Gwydir Shire Council
Locked Bag 5
33 Maitland Street
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Via email: mail@gwydir.nsw.gov.au

Dear Sir/Madam,

DA29/2019 PEARLMAN QUARRY – REVIEW OF DRAFT CONDITIONS OF CONSENT

Groundwork Plus continue to act on behalf of Alan Pearlman (the applicant) in relation to the proposed Pearlman Quarry located at 1135 Croppa Creek Rd, North Star, New South Wales, formally described as Lot 5 and 17 DP755984.

On the 12/03/20 Gwydir Shire Council issued revised draft conditions following the meeting held at Warialda between Council and the applicant (11/03/20). To complete the final draft of these conditions the applicant provides Council with the following proposal in relation to the retirement of the biodiversity credit obligation as per draft Condition 6. The strategy described and agreed upon during the recent meeting is provided in more detail below for Council's review and approval. Based on the enclosed information it is requested that Council update the draft conditions in accordance with the agreed concept and submits this to the JRPP prior the determination meeting currently scheduled for 18th of March 2020.

Condition 6 Ecosystem Credit Retirement.

The applicant's submission dated 28/02/20 included information relating to the retirement of biodiversity credits using a rate per tonne of quarry material sold while securing the total biodiversity credit obligation in bank bonds as an interim measure. As discussed, and agreed at our recent meeting, the revised strategy for the retirement of biodiversity credits will be completed by way of a Concept Development seeking to retire credits over 6 separate stages comprised of relatively equal land areas. The method of retirement would abandon the rate per tonne concept and now rely on the retirement of biodiversity credits generated for each area land included in each stage with a separate payment being made prior to the commencement of each stage.

It is understood that staged development is permissible under the same provision previously referred to under Section 7.13 (5) of the *Biodiversity Conservation Act 2016* (BC Act). The BC Act states the following.

*(5) A condition to retire biodiversity credits is required to be complied with before any development is carried out that would impact on biodiversity values. However, a **consent to a concept development application may provide for a corresponding staged retirement of biodiversity credits before each stage of development is carried out and without the need for a further biodiversity development assessment report in connection with development applications for the subsequent stages of the development.***

Based on this applicant requests that Council consider and determined the Pearlman Quarry proposal as a *Concept Development Application* as defined under Part 4 Division 4.4 of the Environmental Planning and Assessment Act 1979. Approval is being sought for Extractive Industry land use over the area identified in the EIS as 'the site', however approval for each land clearing component across the site would only apply in stages. Approval for all stages of land clearing would rely upon the existing Biodiversity Development Assessment Report which forms the current Pearlman Quarry EIS application being assessed by Council. Vegetation clearing would be completed in 6 stages which forms the concept development. The total area that the Extractive Industry land use applies to is 9.25 Ha. For ease of understanding of the concept development please refer to

the stages identified in the attached staging plan (refer **Attachment 1. 2291.DRG.009 Vegetation Clearing Stages**). Table 1 is intended to be read in conjunction with the staging plan for reference as to how the total biodiversity obligation has been allocated to each individual stages of the development. The number of credits to be retired per stage provided. (refer **Table 1: Retirement of Biodiversity Obligation Per Stage**).

Stage	Area	Credits Retirement Per Stage
1	1.5 Ha	40
2	1.55 Ha	41
3	1.55 Ha	41
4	1.55 Ha	41
5	1.55 Ha	41
6	1.55 Ha	41
Total	9.25 Ha	245

Table 1. Retirement of Biodiversity Obligation Per Stage.

The process to be followed prior to the commencement of each stage of vegetation clearing would include the following process.

1. Applicant to nominate to Council each stage to be opened. This would include the applicant providing council with a survey plan showing the area and the subsequent costs to retire the credit obligation for each area to be cleared.
2. Council would acknowledge this and provide a letter of confirmation approving the stage.
3. The applicant would then provide this correspondence to the Biodiversity Conservation Trust (BCT) and make the relevant payment to the trust.
4. Once payment is acknowledged by BCT evidence of payment would be provided to Council and retained on file. Clearing of the approved stage(s) would then commence.
5. Following completion of the clearing for the approved stage(s) the applicant would provide a survey plan showing the extent of clearing against the staging plan. All information relating to staged clearing would be submitted to Council as part of the Annual Environmental Management Report required by the consent.
6. The applicant reserves the right to open any stage, in any sequence to meet timing of operational requirements. Clearing will occur once approval has been obtained and biodiversity credits retired.

This process would be repeated until all 6 stages of the site have been approved, paid, cleared and verified to allow the Extractive Industry to become fully operation across the site.

The suggested wording for Council to permit the staged approach to vegetation clearing is provided as follows.

Ecosystem Credit Retirement

The applicant is to retire the total number of Ecosystem Credits over the 6 stages of vegetation clearing. Prior to the commencement of any vegetation clearing for each stage, the respective number of Ecosystem Credits allocated for that stage are to be retired in full. Table 1 below details the allocation of Ecosystem Credits per stage.

Stage	Area	Credits Retirement Per Stage
1	1.5 Ha	40
2	1.55 Ha	41
3	1.55 Ha	41
4	1.55 Ha	41
5	1.55 Ha	41
6	1.55 Ha	41
Total	9.25 Ha	245

Table 1. Retirement of Biodiversity Obligation Per Stage.

The applicant is to apply to council to activate each stage of clearing as per the areas shown in the approved staging plan 2291.DRG.009 *Vegetation Clearing Stages prepared by Groundwork Plus* (refer to appendix 1). The process for the applicant to apply to council to activate each stage of the development is to include the following process.

1. Applicant to nominate to Council the stage(s) to be opened. This would include the applicant providing council with a survey plan showing the area and the subsequent costs to retire the Ecosystem Credit Obligation for each area to be cleared in accordance with table 1.
2. Council would acknowledge the opening of the stage(s) and provide a letter of confirmation approving each area.
3. The applicant would then provide this correspondence and relevant payment to the Biodiversity Conservation Trust (BCT).
4. BCT are to provide receipt of payment to the applicant that can be provided to Council and retained on record at the site. Following confirmation of payment of the approved stage(s) vegetation clearing in the approved stage would commence.
5. Following completion of vegetation clearing in the approved stage(s) the applicant would provide a survey plan showing the extent of clearing against the staging plan. All information relating to staged clearing would be submitted to Council as part of the Annual Environmental Management Report as required by this consent.
6. The applicant can apply to open any stage, in any sequence to meet the timing of operational requirements of the Pearlman Quarry. Vegetation clearing will only occur once approval has been obtained for the stage and the Ecosystem Credits Obligation for that stage has been confirmed to have been retired.

This process would be repeated until all 6 stages of the site have been approved, paid, cleared and verified to allow the Pearlman Quarry to become fully operation across the site. No other vegetation clearing is permitted under this consent.

Conclusion

We thank Gwydir Shire Council for the opportunity to consult with the applicant in relation to the draft conditions. We request that Council work with us to resolve these matters prior to the JRPP meeting currently scheduled for the 18th March 2020 so that the revised draft conditions can be submitted to the JRPP for consideration.

If you have any questions regarding these matters, please contact Rowan McKay or myself on 07 3871 0411.

Yours faithfully

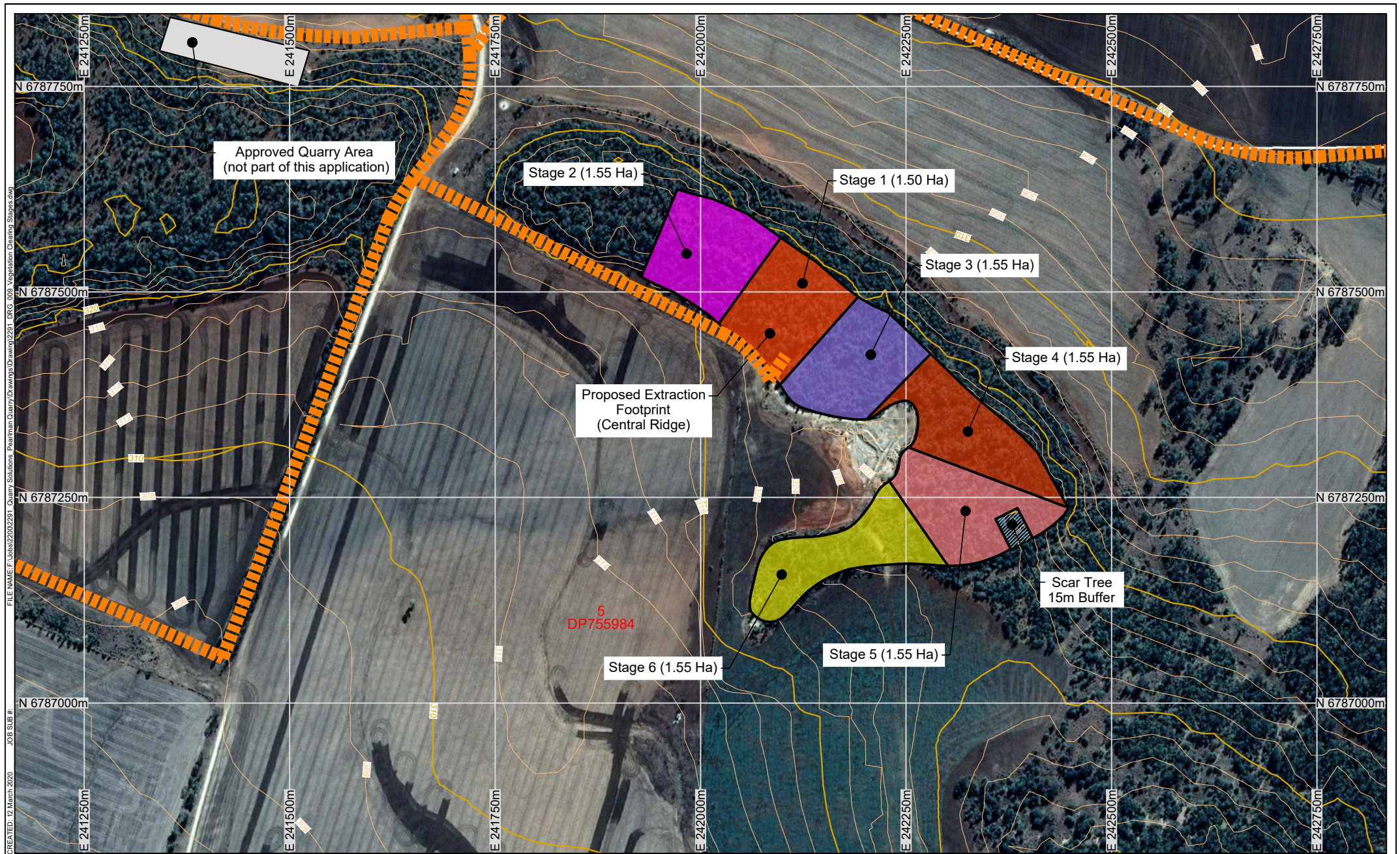
Groundwork Plus



Jim Lawler
Associate

Attachments

Attachment 1 – 2291.DRG.009 Vegetation Clearing Stages



REV	DESCRIPTION	DATE	BY
1	Proposed Eastern Ridge removed	09-Apr-19	MR
2	Proposed Central Ridge revised	16-Jul-19	MR


Data Sources:
Photography: Google Earth Image Capture 2018-06-22
Topography: Lidar DEM 5m Extract 2018-10-04
Cadastral: NSW Spatial Services Extract 2018-07-30
Ecosystem:
Other:

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Legend:	
	Cadastral Boundary
	Site Boundary
	Haul Road
	Site Area
	Proposed Extraction Footprint (Central Ridge)
	- 1695.43 ha
	- 9.25 ha



PROJECT:	Pearlman Quarry
CLIENT:	Quarry Solutions Pty Ltd

TITLE:		Vegetation Clearing Stages			
 PH: +61 7 3871 0411 WWW.GROUNDWORK.COM.AU		SCALE: 1:6000 0 120m When Printed On A4		DRAWING NUMBER: 2291.DRG.009	
		DATE: 12 March 2020 PRINTED: 12 March 2020		REVISION:	
		DRAWN: MR CHECKED: JL		DATUM: HORIZONTAL / VERTICAL / ZONE MGA / AHD / 55	

Max Eastcott

From: Rowan McKay <rmckay@groundwork.com.au>
Sent: Friday, 13 March 2020 4:58 PM
To: Max Eastcott
Cc: Jim Lawler; Terry Woods
Subject: RE: Revised Draft

Hi Max,

To finalise the road user conditions, could you please include the following wording to create a new condition in Part B Section 3.1

d. On the sections of local road network where ARTC (or their primary contractors) are obligated to carryout maintenance works to manage impacts generated by the Inland Rail Project (IRP), the applicant will not be required to pay a contribution when hauling construction materials to the IRP on these identified sections of road. This will be agreed with Council based on the approved haulage routes shown in the Traffic, Transport and Access Management Plan for the IRP.

Kind regards

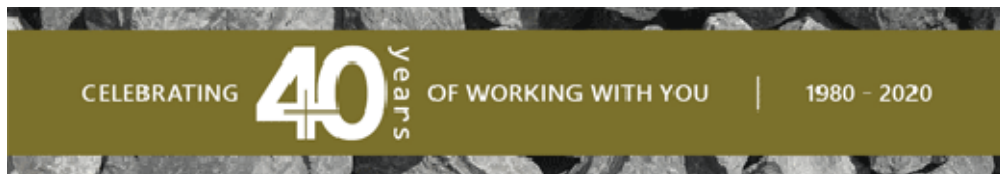
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From: Max Eastcott <meastcott@gwydir.nsw.gov.au>

Sent: Friday, 13 March 2020 2:48 PM

To: Rowan McKay <rmckay@groundwork.com.au>

Subject: Revised Draft

Please check it over before I submit it to the Panel to make sure I have missed any agreed changes. Alex tells me you guys were going to submit a suggested wording for changes brought about by any future ARTC road improvements.

Max Eastcott
General Manager
Gwydir Shire Council

-----Safe Stamp-----

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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
- Generators

~~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.~~

~~98. 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.

~~409. 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.

Field Code Changed

- 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.

41. — Heritage and Archaeology

- ~~a. The scar tree discovered during the field survey preformed 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.~~
- ~~b. 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.~~

c. 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.~~

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4210. 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.

4311. 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.~~

4514. 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.

4615. 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~~ number of laden trucks exiting the site 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

~~—) 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.~~

~~—) 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.~~

~~—) 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).~~

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Impacted plant community type	Number of ecosystem credits	IBRA subregion	Plant community type(s) that can be used to offset the impacts from development
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 Narriabri-Yetman region	178	Brigalow Belt South Bioregion	418: White-Cypress Pine—Silver-leaved Ironbark—Wilga shrub-grass woodland of the Narriabri-Yetman region

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

The applicant is to retire the total number of Ecosystem Credits over the 6 stages of vegetation clearing. Prior to the commencement of any vegetation clearing for each stage, the respective number of Ecosystem Credits allocated for that stage are to be retired in full. Table 1 below details the allocation of Ecosystem Credits per stage.

<u>Stage</u>	<u>Area</u>	<u>Credits retirement Per Stage</u>
<u>1</u>	<u>1.5 Ha</u>	<u>40</u>
<u>2</u>	<u>1.55 Ha</u>	<u>41</u>
<u>3</u>	<u>1.55 Ha</u>	<u>41</u>
<u>4</u>	<u>1.55 Ha</u>	<u>41</u>
<u>5</u>	<u>1.55 Ha</u>	<u>41</u>
<u>6</u>	<u>1.55 Ha</u>	<u>41</u>
<u>Total</u>	<u>9.25 Ha</u>	<u>245</u>

Table 1. Retirement of Biodiversity Obligation Per Stage.

The applicant is to apply to council to activate each stage of clearing as per the areas shown in the approved staging plan 2291.DRG.009 Vegetation Clearing Stages prepared by Groundwork Plus (refer to appendix 1). The process for the applicant to apply to council to activate each stage of the development is to include the following process:

1. Applicant to nominate to Council the stage(s) to be opened. This would include the applicant providing council with a survey plan showing the area and the subsequent costs to retire the Ecosystem Credit Obligation for each area to be cleared in accordance with table 1.
2. Council would acknowledge the opening of the stage(s) and provide a letter of confirmation approving each area.
3. The applicant would then provide this correspondence and relevant payment to the Biodiversity Conservation Trust (BCT).
4. BCT are to provide receipt of payment to the applicant that can be provided to Council and retained on record at the site. Following confirmation of payment of the approved stage(s) vegetation clearing in the approved stage would commence.
5. Following completion of vegetation clearing in the approved stage(s) the applicant would provide a survey plan showing the extent of clearing against the staging plan. All information relating to staged clearing would be submitted to Council as part of the Annual Environmental Management Report as required by this consent.
6. The applicant can apply to open any stage, in any sequence to meet the timing of operational requirements of the Pearlman Quarry. Vegetation clearing will only occur once approval has been obtained for the stage and the Ecosystem Credits Obligation for that stage has been confirmed to have been retired.

This process would be repeated until all 6 stages of the site have been approved, paid, cleared and verified to allow the Pearlman Quarry to become fully operation across the site. No other vegetation clearing is permitted under this consent.

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).~~

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Impacted species credit species	Number of species credits	IBRA subregion
Homopholis belsonii (Belson's Parrot)	152	All IBRA subregions

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

87. 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)d) 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

Post operation

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
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98. 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.

409. 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:

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

4410. 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

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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.

4211. 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.

4312. 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.
- d. On the sections of local road network where ARTC (or their primary contractors) are obligated to carryout maintenance works to manage impacts generated by the Inland Rail Project (IRP), the applicant will not be required to pay a contribution when hauling construction materials to the IRP on these identified sections of road. This will be agreed with Council based on the approved haulage routes shown in the Traffic, Transport and Access Management Plan for the IRP.
- e.

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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.

5. Visual Impact

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

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6. Lighting Emissions

~~0 — 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 The Applicant/Owner shall ensure that any~~ external lighting associated with the development shall comply with *Australian Standard AS4282(INR) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

7. 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*.

8. 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.

9. 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~~iii. 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

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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

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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:
- 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
 - 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

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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 LIMITS 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

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▲ 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

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L4.2 For the purpose of the table above:

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

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

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

- Data recorded by a Bureau of Meteorology meteorological station at Moree must be used to determine meteorological conditions, and
- 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:

- 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.
- 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

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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

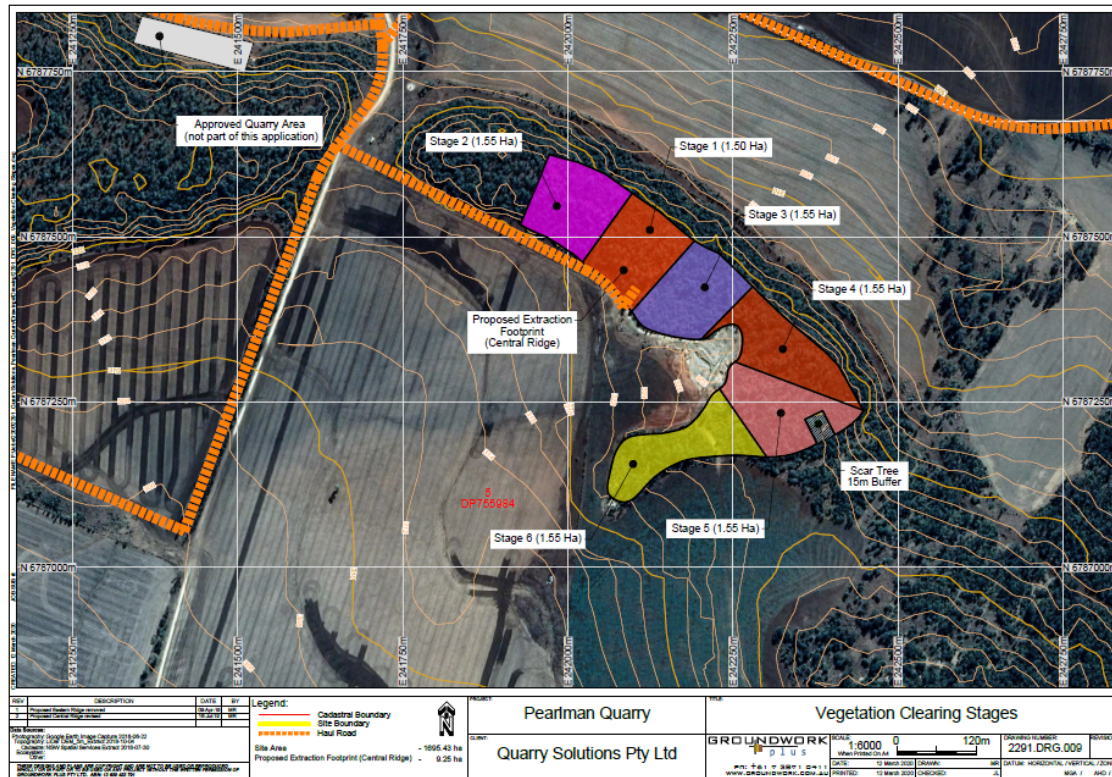
- M5.1** For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at the nearest residence that is not owned by the applicant or subject to a private agreement relating to airblast overpressure and ground vibration levels.

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.

|

Appendix 1



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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
- Generators

8. 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.

9. 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.

10. 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.

11. 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. 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.

15. 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.

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 number of laden trucks exiting the site 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 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

The applicant is to retire the total number of Ecosystem Credits over the 6 stages of vegetation clearing. Prior to the commencement of any vegetation clearing for each stage, the respective number of Ecosystem Credits allocated for that stage are to be retired in full. Table 1 below details the allocation of Ecosystem Credits per stage.

Stage	Area	Credits retirement Per Stage
1	1.5 Ha	40
2	1.55 Ha	41
3	1.55 Ha	41
4	1.55 Ha	41
5	1.55 Ha	41
6	1.55 Ha	41
Total	9.25 Ha	245

Table 1. Retirement of Biodiversity Obligation Per Stage.

The applicant is to apply to council to activate each stage of clearing as per the areas shown in the approved staging plan 2291.DRG.009 *Vegetation Clearing Stages prepared by Groundwork Plus* (refer to appendix 1). The process for the applicant to apply to council to activate each stage of the development is to include the following process:

1. Applicant to nominate to Council the stage(s) to be opened. This would include the applicant providing council with a survey plan showing the area and the subsequent costs to retire the Ecosystem Credit Obligation for each area to be cleared in accordance with table 1.
2. Council would acknowledge the opening of the stage(s) and provide a letter of confirmation approving each area.
3. The applicant would then provide this correspondence and relevant payment to the Biodiversity Conservation Trust (BCT).
4. BCT are to provide receipt of payment to the applicant that can be provided to Council and retained on record at the site. Following confirmation of payment of the approved stage(s) vegetation clearing in the approved stage would commence.
5. Following completion of vegetation clearing in the approved stage(s) the applicant would provide a survey plan showing the extent of clearing against the staging plan. All information relating to staged clearing would be submitted to Council as part of the Annual Environmental Management Report as required by this consent.
6. The applicant can apply to open any stage, in any sequence to meet the timing of operational requirements of the Pearlman Quarry. Vegetation clearing will only occur once approval has been obtained for the stage and the Ecosystem Credits Obligation for that stage has been confirmed to have been retired.

This process would be repeated until all 6 stages of the site have been approved, paid, cleared and verified to allow the Pearlman Quarry to become fully operation across the site. No other vegetation clearing is permitted under this consent.

7. 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) 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

Post operation

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
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8. 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.

9. 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.

10. 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.

11. *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.

12. *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.
- d. On the sections of local road network where ARTC (or their primary contractors) are obligated to carryout maintenance works to manage impacts generated by the Inland Rail Project (IRP), the applicant will not be required to pay a contribution when hauling construction materials to the IRP on these identified sections of road. This will be agreed with Council based on the approved haulage routes shown in the Traffic, Transport and Access Management Plan for the IRP.

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. Lighting Emissions

The Applicant/Owner shall ensure that any external lighting associated with the development shall comply with *Australian Standard AS4282(INR) 1995 – Control of Obtrusive Effects of Outdoor Lighting*.

7. 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*.

8. 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.

9. 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.

Activities must be carried out in a competent manner

- iii. 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:
- 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
 - 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 Birrahlee 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:

- Day is the period from 7am to 6pm Monday to Saturday, and 8am to 6pm Sunday and Public Holidays.
- Evening is the period from 6pm to 10pm.
- 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:

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

O2. Dust

- O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
- O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Stormwater/sediment control - Construction Phase

- O3.1** 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).

O4. Stormwater/sediment control - Operation Phase

- O4.1** 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

06.1 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

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.

Appendix 1

