

## DETERMINATION AND STATEMENT OF REASONS

### SOUTHERN REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	28 February 2024
<b>DATE OF PANEL DECISION</b>	27 February 2024
<b>DATE OF PANEL BRIEFING</b>	31 January 2024
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Grant Christmas, Clare Brown
<b>APOLOGIES</b>	Juliet Grant
<b>DECLARATIONS OF INTEREST</b>	Brent Livermore - Pecuniary interest (financial donation received from applicant to Tumbarumba Campdraft Club) & non pecuniary interest (acting as applicant for Tumbarumba Equine Club on adjacent Racecourse Reserve)

Papers circulated electronically on 31 January 2024 and 8 February 2024.

#### MATTER DETERMINED

PPSSTH-205 – Snowy Valleys - DA2022/0110 –at 71 MURRAYS CROSSING ROAD TUMBARUMBA 2653 – Proposed expansion of the existing Murray's Crossing Quarry including the construction, operation and rehabilitation of a quarry extension proposing to extract up to 100,000 tonnes per annum (tpa) with peak volumes of 200,000 tpa, over approximately 25 years.

#### PANEL CONSIDERATION AND DECISION

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

#### Development application

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

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment and Addendum Assessment Reports. In doing so, the Panel was satisfied that:

- The prerequisites for the grant of consent had been met;
- Key issues of concern raised by the Panel in relation to the determination had been addressed in Council's Addendum Assessment Report, including the need to impose a contemporary instrument of consent to ensure the proper ongoing management and regulation of the development (refer to commentary below).
- The development would result in positive economic benefits including local employment, capital expenditure in the economy, and the supply of construction material for the local, regional, and state road network;
- The development is unlikely to result in any unacceptable amenity, environmental or land use safety impacts;
- The instrument of consent as imposed reflects a contemporary regulatory framework and will address any residual impacts; and
- A thorough assessment in terms of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* had been undertaken.

Given the above, the Panel was satisfied that the development was in the public interest.

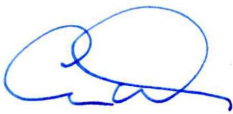


## CONDITIONS

The Development Application was approved subject to the conditions in the Council's Assessment and Addendum Assessment Reports with several fundamental changes included in Schedule 2 attached. These changes involved the following:

- Providing a legally binding description to which the consent applies;
- The inclusion of key operational parameters in the instrument of consent relating to extraction rates, extraction limits, the extent of extraction, and haulage rates;
- The need to surrender any former consents to ensure there would be one contemporary consent applicable to ongoing operations at the site;
- The requirement for road pavement monitoring and rectification to ensure road pavement damage attributable to quarry operations were appropriately rectified;
- The inclusion of key acoustic, blasting and air quality criteria to assist in due diligence and regulatory compliance;
- Clear separation of requirements applicable to the commencement of extraction in the new disturbance area vis a vis the relocation and construction of the amenities building and other built structures;
- A suite of environmental management plans relating but not limited to noise, blasting, air, water, transport, waste and rehabilitation;
- The requirement for a rehabilitation bond to ensure rehabilitation objectives are achieved post closure;
- Additional procedures relating to reporting and independent and annual reviews, and independent auditing; and
- A range of administrative amendments to ensure the conditions were certain, reasonable, and relevant to the development as approved.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Grant Christmas
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-205 – Snowy Valleys - DA2022/0110
2	PROPOSED DEVELOPMENT	Proposed expansion of the existing Murray's Crossing Quarry including the construction, operation and rehabilitation of a quarry extension proposing to extract up to 100,000 tonnes per annum (tpa) with peak volumes of 200,000 tpa, over approximately 25 years.
3	STREET ADDRESS	71 MURRAYS CROSSING ROAD TUMBARUMBA 2653
4	APPLICANT/OWNER	Bald Hill Quarry Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resources and Energy) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazard) 2021</li> <li>State Environmental Planning Policy (Primary Production) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conversation) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Tumbarumba Local Environmental Plan 2010</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Snowy Valleys Development Control Plan 2019</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 31 January 2024</li> <li>Council Addendum Report: 7 February 2024</li> <li>Written submissions during public exhibition: Nil</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 5 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li><u>Council assessment staff</u>: Nicholas Wilton, Bradley Allen</li> <li><u>Council Consultant Assessment Planner</u>: Jeremy Swan (The Planning Hub)</li> <li><u>Other</u>: Amanda Moylan (DPE)</li> </ul> </li> <li>Site inspection: 5 April 2023 <ul style="list-style-type: none"> <li><u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li><u>Council assessment staff</u>: Nicholas Wilton, Bradley Allen</li> <li><u>Council Consultant Assessment Planner</u>: Jeremy Swan (The Planning Hub)</li> <li><u>Applicant representatives</u>: Belinda Fourie, John Wilkinson</li> <li><u>Other</u>: Amanda Moylan (DPE)</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Briefing: 28 July 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li>○ <u>Council Consultant Assessment Planner</u>: Jeremy Swan (The Planning Hub)</li> <li>○ <u>Other</u>: Amanda Moylan (DPE)</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 31 January 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Clare Brown</li> <li>○ <u>Council Consultant Assessment Planner</u>: Jeremy Swan (The Planning Hub)</li> <li>○ <u>Applicant representatives</u>: Belinda Fourie, John Wilkinson</li> <li>○ <u>Other</u>: Timothy Mahoney (DPHI)</li> </ul> </li> <li>• Briefing to discuss conditions of consent: 16 February 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Grant Christmas, Clare Brown</li> <li>○ <u>Council</u>: Nicholas Wilton</li> <li>○ <u>Council Consultant Assessment Planner</u>: Jeremy Swan (The Planning Hub)</li> <li>○ <u>Applicant representatives</u>: Belinda Fourie, John Wilkinson</li> <li>○ <u>Other</u>: Amanda Moylan, Timothy Mahoney (DPHI)</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Addendum Report as amended

## SCHEDULE 2

### SCHEDULE 1

<b>Development Application:</b>	DA2022/0110
<b>Applicant:</b>	Bald Hill Quarry Pty Ltd
<b>Consent Authority:</b>	Southern Regional Planning Panel
<b>Land:</b>	Lot 1 DP1150973, Lots 20, 172, 452, 659 and 732 DP755892
<b>Proposed Development:</b>	Expansion of the existing Murray's Crossing Quarry including the construction, operation and rehabilitation of a quarry extension proposing to extract up to 100,000 tonnes per annum (tpa) with peak volumes of 200,000 tpa, over 20 years.
<b>Designated Development:</b>	<p>The proposal is classified as designated development under Clause 26 of Schedule 3 the Environmental Planning and Assessment Regulation 2021, as it involves:</p> <ul style="list-style-type: none"><li>• Obtaining more than 30,000 cubic metres of basalt per year;</li><li>• Disturbing an area greater than 2ha;</li><li>• Located on land that slopes at more than 18 degrees to the horizontal.</li><li>• Within 40 metres of a natural waterbody and within an environmentally sensitive area.</li><li>• Blasting, within 1,000 metres of a residential zone and within 500 metres of a dwelling not associated with the development.</li></ul>
<b>Integrated Development:</b>	<p>The proposal is classified as integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as:</p> <ul style="list-style-type: none"><li>• The proposal requires an Environmental Protection License (EPL) under the Protection of the Environment Operations Act 1997.</li><li>• The proposal requires a permit under the Fisheries Management Act 1994.</li><li>• The proposal requires a controlled activity approval under the Water management Act 2000.</li></ul>

## SCHEDULE 2 – ADMINISTRATIVE CONDITIONS

1. The development shall be carried out in accordance with the plans, specifications and Environmental Impact Statement and Appendices bearing the Snowy Valleys Council approval stamp or as otherwise modified by the conditions of this consent. The plans and documents referenced by this approval are as follows:

Document Title	Author	Reference	Date
Environmental Impact Statement (and attached supporting information except where superseded below)	NGH Pty Ltd	Project Number: 21-416	19 July 2022
Civil Drawings	Xeros Piccolo Consulting Engineers	Ref. 210864, Sheet 1-11, Revision C.	15 July 2022
Murrays Crossing Quarry Flooding Investigation	Lyall and Associates	Job No. FX545	17 June 2022
Aboriginal Heritage Due Diligence Assessment	NGH Pty Ltd	Project No. 21-416	March 2022
Biodiversity Assessment	NGH Pty Ltd	Project No. 21-416	8 May 2023
Tumbarumba Quarry Blast Management and Explosives Control Plan	Bald Hill Quarry	-	October 2021
Air Quality Impact Assessment	SLR Consulting	SLR Ref: 640.30286.00000-R01	13 April 2022
Noise and Blasting Assessment	SLR Consulting	SLR Ref: 640.30286.00100-R01	28 April 2022
Response to EPA – Noise Impact Assessment	GHD	12624455	6 December 2023
Response to EPA – Air Quality Assessment	GHD	12624455	5 December 2023

Traffic Impact Assessment	NGH Pty Ltd	243 rep 211109 final	9 November 2021
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2. The mitigation and management measures recommended in the approved documents referenced in Condition 1, must be implemented throughout the construction, operational and rehabilitation phase of the development.

#### **TERMS OF CONSENT**

3. The Applicant shall carry out the development:
  - (a) in accordance with the approved documents outlined in Condition 1; and
  - (b) in accordance with the conditions of this consent.
4. The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below. In the event of any inconsistency between the consent documentation and the consent conditions, the conditions of this consent prevail.
5. The Applicant shall comply with any reasonable requirement/s of Council arising from the assessment of:
  - (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent; or
  - (b) any reviews, reports or audits undertaken or commissioned by Council regarding compliance with this consent; or
  - (c) the implementation of any actions or measures contained in these documents.

#### **OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

6. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.

#### **LAPSING OF CONSENT**

7. If the development has not been physically commenced within 5 years of the date of this consent, then this development consent shall lapse.

#### **LIMITS ON APPROVAL**

8. The Applicant may carry out quarrying operations on the site for a maximum of 20 years from the date of this consent.

*Note: Under this consent, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of Council. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.*

9. The Applicant shall not produce or transport more than 200,000 tonnes of material in any 1

calendar year from the site.

10. The Applicant shall not extract more than 2.4 million tonnes of material from the site under the terms of this consent.
11. The maximum depths for extraction shown on the approved plans are not to be exceeded.
12. The Applicant shall not permit more than a maximum of 60 trucks movements (Ingress and egress) per day.
13. Consent is not granted to any works on Lot 623 in DP 755892 and Lot 7028 in DP 96852.

#### **SURRENDER OF CONSENTS**

14. Within 6 months of the date of this consent or once the relevant management plans required by this consent are endorsed by Council, whichever is sooner, the Applicant shall surrender all existing development consents (including development consent 91/23 and existing use rights associated with the site) in accordance with sections 67 and 68 of the EP&A Regulation 2021.
15. Prior to the surrender of the existing development consent/s, the conditions of this consent shall prevail to the extent of any inconsistency with the conditions of the existing development consent/s.

#### **STRUCTURAL ADEQUACY**

16. The Applicant shall ensure that any new or relocated buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the NCC.

Note:

*Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for any building works.*

17. Detailed plans for the relocation of the existing buildings onsite are to be submitted to Council or the Principal Certifying Authority prior to the issue of a construction certificate.
18. A Construction Management Plan must be prepared by a suitably qualified person for the construction and relocation of buildings onsite and submitted to Council's Director of Planning and Compliance for approval prior to the issue of a construction certificate.

#### **DEMOLITION**

19. The Applicant shall ensure that all demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.

#### **OPERATION OF PLANT AND EQUIPMENT**

20. The Applicant shall ensure that all plant and equipment at the site, or used in connection with the development, is:
  - a) maintained in a proper and efficient condition; and
  - b) operated in a proper and efficient manner.



## **PRODUCTION OF DATA**

21. The Applicant shall:
- (a) provide annual quarry production data to Mining, Exploration and Geoscience and Council using the standard form for that purpose; and
  - (b) include a copy of this data in the Annual Review required by Condition 8 of Schedule 5 of this consent.

## **IDENTIFICATION OF BOUNDARIES**

22. Within 6 months of the date of this consent, or before works commence in accordance with this consent whichever is sooner, the Applicant shall:
- (a) engage a registered surveyor to mark out the boundaries of the approved limits of extraction;
  - (b) submit a survey plan of these boundaries and the proposed timing of extraction to Council; and
  - (c) ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify these limits.

## **PROTECTION OF PUBLIC INFRASTRUCTURE**

23. The Applicant shall:
- (d) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - (e) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

## **ROAD PAVEMENT MONITORING AND RECTIFICATION**

24. Three (3) months prior to the extraction of any new material beyond that authorised under Development Consent DA 91/23 issued on 10 March 1992, an initial pre-dilapidation inspection report must be undertaken by a suitably qualified engineer and be submitted to Council for approval. That report must cover the haulage route from the quarry gate along Murray Crossing Road, Booth Street, Clara Street, Winton Street to the Winton/Regent Street intersection and set out the current road conditions and any road or intersection rectification works required to ensure road standards are maintained.
25. Pending agreement from Council on the pre-dilapidation inspection report, a subsequent dilapidation report for the route identified in Condition 24, must be prepared by a suitably qualified consultant every 12 months with the results provided to Council for review and agreement.
26. If Council or the applicant, upon review and acting reasonably, are unable to agree on the rectification works required for the past 12 months, then an independent suitably qualified consultant is to be engaged by both parties to resolve any disagreement and if no agreement can be reached, make a decision on the rectification works required to be undertaken.
27. All rectification works required by the agreement/decision above are to be carried out within 3 months of the agreement/decision.

## TRANSPORT FOR NSW CONDITIONS

28. All vehicle movements associated with the development shall be via the haulage routes identified in Section 4.2 of the Traffic Impact Assessment referred to in Condition 1 of this consent.
29. All access to and from the quarry shall be via the existing driveway on Murrays Crossing Road.

## NSW RFS CONDITIONS

30. A Bush Fire Emergency Management and Evacuation Plan is to be prepared (or updated) and be consistent with the following:
  - a) The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
  - b) include provisions for the safe use of flammable fuels and/or explosives within the site; and
  - c) detailed plans of all emergency assembly areas, including on-site and off-site arrangements as stated in AS 3745 'Planning for emergencies in facilities', are clearly displayed, and an annually emergency exercise/evacuation is conducted.
31. The Safeguard and Mitigation Measures identified in Table 6-29 of the Environmental Impact Statement prepared by NGH Project Number 21-416 July 2022 shall be implemented.

## BIODIVERSITY AND CONSERVATION DEPARTMENT OF COUNCIL OF PLANNING AND ENVIRONMENT CONDITION

32. The recommendations from Section 6 of the Biodiversity Assessment (NGH, Version 2.0 08/05/2023) be applied as environmental protection and management conditions.

## GENERAL TERMS OF APPROVAL

33. The development shall be carried out in accordance with the General Terms of Approval issued by the NSW Environment Protection Authority (Notice No: 1628797) attached in **ATTACHMENT A**.
34. The development shall be carried out in accordance with the General Terms of Approval issued by Department of Planning and Environment—Water dated 14 March 2023 (Reference: IDAS-2022-10591) attached in **ATTACHMENT B**.
35. The development shall be carried out in accordance with the General Terms of Approval issued by Department of Primary Industries (Fisheries) dated 14 July 2023 (Reference: FE23/398 OUT23/10954) attached in **ATTACHMENT C**.

*Note: The Applicant may seek a modification to this consent if any Terms of Approval when issued are ultimately inconsistent with the terms of this consent (i.e. the ability to operate on Sundays).*

## SCHEDULE 3 – ENVIRONMENTAL PERFORMANCE CONDITIONS

### NOISE

#### Hours of Operation

1. The hours of operation are restricted to:

- Monday to Friday – 7:00am to 6.30pm;
- Saturday– 8.00am to 4.00pm; and
- No work on Sundays or Public holidays.

*Note: The Applicant may carry out other activities e.g. maintenance, on the site provided that these activities are conducted in a manner that is inaudible at all privately-owned residences.*

### Noise Impact Assessment Criteria

- The Applicant shall ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence on privately-owned land.

*Table 1: Noise criteria dB(A)*

Receiver	<i>L<sub>Aeq</sub>(15 min)</i>
139 Murrays Crossing Road, Tumbarumba (Lot 543 DP 755892) (R03)	43
100 Murrays Crossing Road, Tumbarumba (Lot 252 DP 755892) (R20)	45
Murrays Crossing Road, Tumbarumba (Lot B DP 327105) (R21)	50
Any other residential receiver	40

Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the *NSW Noise Policy for Industry*.

### Operating Conditions

- The Applicant shall:
  - implement best practice management to minimise the operational and road transportation noise of the development;
  - minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply;
  - carry out noise monitoring annually to determine whether the development is complying with the relevant conditions of this consent; and
  - regularly assess noise monitoring data and modify and/or stop operations on site to ensure compliance with the relevant conditions of this consent, to the satisfaction of Council.

### Noise Management Plan

- The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of Council. This plan must:
  - be submitted to Council for approval within 6 months of the date of this consent, unless otherwise agreed by Council;
  - describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions of this consent;

- c) describe the proposed noise management system in detail; and
- d) include a monitoring program to be implemented to measure noise from the development against the noise criteria and which evaluates and reports on the effectiveness of the noise management system on site.

## BLASTING

### Blasting Impact Assessment Criteria

5. The Applicant shall ensure that blasting on site does not cause any exceedance of the criteria in Table 2.

*Table 2: Blasting Criteria*

<b>Location</b>	<b>Airblast overpressure (dB(Lin Peak))</b>	<b>Ground vibration (mm/s)</b>	<b>Allowable exceedance</b>
Any residence on privately-owned land	120	10	0%
	115	5	5% of the total number of blasts over a period of 12 months

### Blasting Frequency

6. The Applicant may carry out a maximum of 2 blasts per week unless an additional blast is required following a blast misfire. This condition does not apply to blasts required to ensure the safety of the quarry or workers on site.

*Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the quarry.*

7. Blasting operations on the premises may only take place between 10am and 3pm Monday to Saturday and not during periods of inversions. Blasting is not permitted on Public Holidays, or Sundays.

### Operating Conditions

8. During blasting operations, the Applicant shall:
  - a) implement best management practice to:
    - protect the safety of people and livestock in areas surrounding blasting operations;
    - protect public or private infrastructure/property in the surrounding area from damage from blasting operations; and
    - minimise dust and fume emissions from blasting;
  - b) operate a suitable system to enable the local community to get up-to-date information on the proposed blasting schedule on site; and
  - c) carry out regular monitoring to determine whether the development is complying with the relevant conditions of this consent, to the satisfaction of Council.

### Blast Management Plan

9. The Applicant shall prepare and implement a Blast Management Plan for the development to the satisfaction of Council. This plan must:
  - a) be submitted to Council for approval within 6 months of the date of this consent, unless otherwise agreed by Council;
  - b) describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions in conditions 6 and 7 above;
  - c) include a monitoring program for evaluating and reporting on compliance with the blasting

- criteria in this consent;
- d) include community notification procedures for the blasting schedule; and
- e) include a protocol for investigating and responding to complaints.

## AIR QUALITY

### Air Quality Impact Assessment Criteria

10. The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 3 at any residence on privately-owned land.

*Table 3: Air Quality Criteria*

<b>Pollutant</b>	<b>Averaging Period</b>	<b>Criterion</b>
Particulate matter < 10 µm (PM10)	Annual	a, b 25 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM10)	24 hour	a, b 50 µg/m <sup>3</sup>

*Notes to Table 3:*

- a. *Cumulative impact (ie increase in concentrations due to the development plus background concentrations due to all other sources).*
- b. *Incremental impact (ie increase in concentrations due to the development alone, with zero allowable exceedances of the criteria over the life of the development).*
- c. *Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.*
- d. *"Reasonable and feasible avoidance measures" includes, but is not limited to, the operational requirements in conditions 10 and 11 to develop and implement an air quality management system that ensures operational responses to the risks of exceedance of the criteria.*

### Operating Conditions

11. The Applicant shall:
  - a) implement best practice management to minimise the dust emissions of the development;
  - b) regularly assess meteorological and air quality monitoring data and relocate, modify and/or stop operations on site to ensure compliance with the air quality criteria in this consent;
  - c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
  - d) monitor and report on compliance with the relevant air quality conditions in this consent;
  - e) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site; and
  - f) minimise the area of surface disturbance and undertake progressive rehabilitation of the site, to the satisfaction of Council.

### Air Quality Management Plan

12. The Applicant shall prepare and implement an Air Quality Management Plan for the development to the satisfaction of Council. This plan must:
  - a) be submitted to Council for approval within 6 months of the date of this consent, unless otherwise agreed by Council;
  - b) describe the measures that would be implemented to ensure compliance with the air quality

- criteria and operating conditions of this consent;
- c) describe the proposed air quality management system;
- d) include an air quality monitoring program that:
  - is capable of evaluating the performance of the development;
  - includes a protocol for determining any exceedances of the relevant conditions of consent;
  - effectively supports the air quality management system; and
  - evaluates and reports on the adequacy of the air quality management system.

### **Meteorological Monitoring**

13. For the life of the development, the Applicant shall ensure that there is a suitable meteorological station operating in the vicinity of the site that complies with the requirements in the *Approved Methods for Sampling of Air Pollutants in New South Wales* guideline.

### **SOIL AND WATER**

#### **Water Supply**

14. The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of operations under the consent to match its available water supply, to the satisfaction of Council.

#### **Water Pollution**

15. Unless an Environment Protection License authorises otherwise, the Applicant shall comply with Section 120 of the Protection of the Environment Operations Act 1997.

#### **Water Management Plan**

16. The Applicant shall prepare and implement a Water Management Plan for the development to the satisfaction of Council. This plan must:
- a) be prepared by suitably qualified person/s approved by Council;
  - b) be prepared in consultation with the EPA and DPE Water;
  - c) be submitted to Council for approval within 6 months of the date of this consent, unless otherwise agreed to by Council;
  - d) include a:
    - (i) Site Water Balance that includes:
      - details of:
        - sources and security of water supply;
        - water use and management on site;
        - any off-site water transfers; and
        - reporting procedures.
      - measures that would be implemented to minimise clean water use on site;
    - (ii) Surface Water Management Plan, that includes:
      - detailed baseline data on surface quality in water bodies that could potentially be affected by the development;
      - a detailed description of the surface water management system on site including the:
        - clean water diversion system;
        - erosion and sediment controls;
        - dirty water management system; and
        - water storages; and
      - a program to monitor and report on:
        - any surface water discharges;
        - the effectiveness of the water management system;
        - maintaining sufficient dirty water storage capacity to avoid discharges of sediment-laden water; and
        - surface and quality in local watercourses;

## **TRANSPORT**

### **Monitoring of Product Transport**

17. The Applicant shall keep accurate records of all truck movements to and from the site (hourly, daily, weekly, monthly and annually) and ensure access to these records is available for Council on request, and ensure these records are included in the Annual Review Report required by Schedule 5, Condition 8 of this consent.

### **Operating Conditions**

18. The Applicant shall ensure that:
- a) all reasonable measures are taken such that laden trucks have appropriate signage, including a contact phone number, so they can be easily identified by road users;
  - b) all laden trucks entering or exiting the site have their loads covered;
  - c) all laden trucks exiting the site are cleaned of material that may fall on the road, before leaving the site;
  - d) There are no more than 60 truck movements a day associated with the development; and
  - e) no trucks queue at the entrance to the site before 7am.

### **Transport Management Plan**

19. The Applicant shall prepare and implement a Transport Management Plan for the development to the satisfaction of Council. This plan must:
- a) be submitted to Council for approval within 6 months of the date of this consent, unless otherwise agreed by Council;
  - b) include a Drivers' Code of Conduct to minimise the impacts of development-related trucks on local residences and road users;
  - c) describe the measures that would be put in place to ensure compliance with the Drivers' Code of Conduct; and
  - d) Include management and mitigation measures to minimise impacts on the surrounding road network (including measures to avoid morning and afternoon school pickup and drop offs as far as practicable).

## **LANDSCAPE AND REHABILITATION**

### **Rehabilitation Objectives**

20. The Applicant shall rehabilitate the site to the satisfaction of Council. This rehabilitation must be consistent with the Landscape and Rehabilitation Management Plan specified in Condition 22 below.

### **Progressive Rehabilitation**

21. The Applicant shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active, and which are not ready for final rehabilitation.

*Note: It is accepted that parts of the site that are progressively rehabilitated may be subject to further disturbance in future.*

## **Landscape and Rehabilitation Management Plan**

22. The Applicant shall prepare and implement a Landscape and Rehabilitation Management Plan for the development to the satisfaction of Council. This plan must:
- a) be submitted to Council for approval within 15 years of the date of this consent or 3 years prior to cessation of quarrying activities, whichever is the sooner;
  - b) provide details of the conceptual final landform and associated land uses for the site;
  - c) describe the measures that would be implemented to ensure compliance with the rehabilitation objectives and progressive rehabilitation obligations in this consent;
  - d) include a detailed description of the measures that would be implemented for:
    1. Rehabilitation Management Plan:
      - i. Rehabilitation and revegetation
      - ii. Topsoil management
      - iii. Surface preparation
      - iv. Scheduling of works
      - v. Final landform
      - vi. controlling weeds and feral pests;
      - vii. controlling erosion;
      - viii. controlling access;
    2. Final Void Management:
      - ix. Void design criteria and specifications
      - x. Void slope stability
      - xi. Control of surface inflow
      - xii. Final void rehabilitation.
  - e) include a program to monitor and report on the effectiveness of these measures, and progress against the performance and completion criteria; and
  - f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.

## **Rehabilitation Bond**

23. Within 6 months of the approval of the Landscape and Rehabilitation Management Plan, the Applicant shall lodge a Rehabilitation Bond with Council to ensure that the rehabilitation of the site is implemented in accordance with the performance and completion criteria set out in the plan and relevant conditions of this consent. The sum of the bond shall be determined by:
- a) calculating the cost of rehabilitating the site, taking into account the likely surface disturbance over the quarrying operations; and
  - b) employing a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of Council.

### *Notes:*

- *If capital and other expenditure required by the Landscape and Rehabilitation Management Plan is largely complete, Council may waive the requirement for lodgement of a bond in respect of the remaining expenditure.*
- *If the rehabilitation of the site is completed to the satisfaction of Council, then Council will release the bond. If the rehabilitation of the site is not completed to the satisfaction of Council, then Council will call in all or part of the bond, and arrange for the completion of the relevant works.*

## **VISUAL**

24. The Applicant shall implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development to the satisfaction of Council.



## **WASTE**

25. The Applicant shall prepare and implement a Waste Management Plan for the construction and operation of the development to the satisfaction of Council. This plan must:
- a) be submitted to Council for approval within 6 months of the date of this consent;
  - b) include a detailed description of the measures that would be implemented for waste management including:
    - Identification of opportunities to avoid, reuse and recycle, in accordance with the waste hierarchy;
    - Quantification and classification of all waste streams;
    - Provision for recycling management onsite;
    - Provision of toilet facilities for onsite workers and how sullage will be disposed of;
    - Tracking of all waste leaving the site;
    - Disposal of waste at facilities permitted to accept the waste; and
    - Requirements for hauling waste (such as covered loads).
26. The Applicant shall:
- a) manage waste in accordance with the approved waste management plan;
  - b) minimise the waste generated by the development;
  - c) ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
  - d) report on waste management and minimisation in the Annual Review, to the satisfaction of Council.

## **LIQUID STORAGE**

27. The Applicant shall ensure that all tanks and similar facilities for storage of liquids (other than for water) are protected by appropriate bunding, which must exceed 110% of the stored volume of the liquid.

## **DANGEROUS GOODS**

28. The Applicant 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*.

## **BUSHFIRE**

29. The Applicant shall:
- a) ensure that the development is suitably equipped to respond to any fires on site; and
  - b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site.

## **SCHEDULE 4 – ADDITIONAL PROCEDURES**

### **INDEPENDENT REVIEW**

1. If Council has evidence that the development is exceeding the relevant criteria in Schedule 3, then they may ask for an independent review. Should Council be satisfied that a review is warranted, then within 2 months of Council's decision, the Applicant shall:
  - (a) commission a suitably qualified, experienced, and independent person, whose appointment has been approved by Council, to:
    - review any evidence submitted in support of Council's decision for the review;
    - where relevant conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and
    - if the development is not complying with these criteria, then identify measures that

- could be implemented to ensure compliance with the relevant criteria; and
- (b) give Council a copy of the independent review.

## **SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING**

### **ENVIRONMENTAL MANAGEMENT STRATEGY**

1. The Applicant shall prepare and implement an Environmental Management Strategy for the development to the satisfaction of Council. This strategy must:
  - (a) be submitted to Council for approval within 6 months of the date of this consent;
  - (b) provide the strategic framework for environmental management of the development;
  - (c) identify the statutory approvals that apply to the development;
  - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
  - (e) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - receive, record, handle and respond to complaints;
    - resolve any disputes that may arise during the course of the development;
    - respond to any non-compliance;
    - respond to emergencies; and
  - (f) include:
    - copies of any strategies, plans and programs approved under the conditions of this consent; and
    - a clear plan depicting all the monitoring to be carried out under the conditions of this consent.

### **STAGED SUBMISSION OF STRATEGIES, PLANS OR PROGRAMS**

2. With the approval of Council, the Applicant may submit any strategies, plans or programs required by this consent on a progressive basis.

*Note: If the submission of any strategy, plan or program is to be staged; then the Applicant must ensure that the existing strategy, plan or program clearly describes the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.*

### **REVISION OF STRATEGIES, PLANS & PROGRAMS**

3. Within 3 months of the submission of an:
  - (a) incident report under condition 5 below;
  - (b) annual review under condition 6 below;
  - (c) audit report under condition 7 below; or
  - (d) any application to modify this consent.

The Applicant shall review the strategies, plans and programs required under this consent, to the satisfaction of Council. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval of Council.

*Note: The purpose of this condition is to ensure that strategies, plans and programs are regularly updated to incorporate any measures recommended to improve environmental performance of the development.*

### **ADAPTIVE MANAGEMENT**

4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.

Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:

- (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur.
- (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the relevant governing body describing those options and any preferred remediation measures or other course of action; and
- (c) implement remediation measures as directed by the relevant authority.

#### **INCIDENT REPORTING**

5. Within six months of the date of this consent the Applicant shall:

- (a) provide Council with copies of the applicant's emergency response plans relevant to the operation of the development; and
- (b) as soon as practical after an incident occurs the applicant shall notify relevant authorities (including Council) of any relevant incident (identified and covered by the emergency response plans).

#### **ANNUAL REVIEW**

6. By the end of March each year, or other timing as may be agreed to by Council, the Applicant shall review the environmental performance of the development to the satisfaction of Council. This review must:

- (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
- (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:
  - relevant statutory requirements, limits or performance measures/criteria;
  - requirements of any plan or program required under this consent;
  - monitoring results of previous years; and
  - relevant predictions in the EIS;
- (c) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance;
- (d) identify any trends in the monitoring data over the life of the development;
- (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

7. Within 2 years of the date of this consent, and every 5 years thereafter, unless Council directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by Council;
- (b) include consultation with the relevant agencies;
- (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or necessary water licenses for the development (including any assessment, strategy, plan or program required under these approvals);
- (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
- (e) recommend appropriate measures or actions to improve the environmental performance of

the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals.

*Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by Council.*

8. Within 6 weeks of completion of this audit, or as otherwise agreed by Council, the Applicant shall submit a copy of the audit report to Council, together with its response to any recommendations contained in the audit report.
9. The Applicant shall make available on site access to the audit reports on request from a member of the public or public authority.

#### **ACCESS TO INFORMATION**

10. (a) Within 6 months of commencements of work under this consent, the Applicant shall make the following information publicly available on:
  - all approved strategies, plans and programs required under the conditions of this consent;
  - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
  - the annual reviews of the development;
  - any other matter required by Council; and
- (b) keep this information up to date.

**ATTACHMENT A** – NSW Environment Protection Authority – General Terms of Approval

**ATTACHMENT B** – Department of Planning and Environment – Water – General Terms of Approval

**ATTACHMENT C** – Department of Primary Industries (Fisheries) – General Terms of Approval