**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION**

**BY THE SOUTHERN REGIONAL PLANNING PANEL**

**DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979  
RA20/1001

**TO:**

Soilco Pty Ltd

UNANDERRA NSW 2526

**being the applicant(s) for RA20/1001 relating to:**

135 Wogamia Rd, LONGREACH - Lot 2 DP 865094

**APPROVED USE AND OR DEVELOPMENT:**

Designated and Integrated development to continue with and increase the current operations of a quarrying and composting facility (waste or resource management facility) to import up to 98,000 tonnes per annum (tpa) of materials to undertake the following activities:

* Receipt, processing, composting and storage of up to 78,000 tpa of waste material, such as food waste, organics, manure and biosolids.
* Receipt, processing, storage and blending of up to 20,000 tpa of Virgin Excavated Natural Material (VENM).
* Receipt and processing of drilling mud (15,000 tpa). The combined total of imported VENM and drilling muds is not to exceed 20,000 tpa.
* Construct and operate new infrastructure to support the increased operations.
* Continued quarrying of up to 15,000 tpa of sands and soils.

**DETERMINATION DATE:**

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

**DETAILS OF CONDITIONS:**

The conditions of consent and reasons for such conditions are set out as follows:

|  |  |
| --- | --- |
| **PART A: GENERAL CONDITIONS** | |
|  | General  The consent relates to a waste or resource management facility, to continue with and increase the current operations of a quarrying and composting facility to import up to 98,000 tonnes per annum (tpa) of materials to undertake the following activities:   * Receipt, processing, composting and storage of up to 78,000 tpa of waste material, such as food waste, organics, manure and biosolids. * Receipt, processing, storage and blending of up to 20,000 tpa of Virgin Excavated Natural Material (VENM). * Receipt and processing of drilling mud (15,000 tpa). The combined total of imported VENM and drilling muds is not to exceed 20,000 tpa. * Construct and operate new infrastructure to support the increased operations. * Continued quarrying of up to 15,000 tpa of sands and soils.   as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.   |  |  |  |  | | --- | --- | --- | --- | | Stamped plans/documents | Ref/sheet no. | Prepared by | Dated | | Proposed Site Layout Plan | - | SOILCO Pty Ltd | 04/06/2021 | | General Site Layout Plan | Job No. TW20003  Drawing No. C-101 | Talis Consultants | 15/04/2020  (Revision A) | | Concept road widening plans | Reference No. TC21005 | Talis Consultants | 10/03/2021, 12/03/2021 & 10/05/2021  (Revision A & B) | | Proposed Amenities Building Plan and Elevations | Job No. 2104  Drawing No. 2100 & 4000 | Stuart Mason Designs | 18/06/2021  (Revision 04) | | Proposed Amenities Building Floor Plan | Reference No. 63tcq 723 Soilco | Leased Portable Buildings NSW Pty Ltd | - | | Environmental Impact Statement – Wogamia Quarry and Composting Facility | - | SOILCO Pty Ltd | 03/11/2020  (Version 3) | | Environmental Noise Impact Assessment Report | Reference No. 1903014E-R | Harwood Acoustics | 29/10/2020  (Revision A) | | Odour and Dust Assessment Report | Project No. 0503963 | ERM Australia Pacific Pty Ltd | 29/10/2020  (Revision R4) | | Traffic Impact Report | Reference No. CRPT-19010305.01B | Jones Nicholson Pty Ltd | 28/05/2019  (Revision B) | | Arboricultural Impact Assessment Report | - | Tree Management Strategies | 18/05/2021 |   *Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.* |
|  | Prescribed Conditions  The development must comply with the [Prescribed Conditions of Development Consent](https://www.legislation.nsw.gov.au/#/view/regulation/2000/557/part6/div8a?SRTITLE=Environmental%20Planning%20and%20Assessment%20Regulation%202000&autoquery=(Content%3D((%22prescribed%20conditions%22)))&display=Environmental%20Planning%20and%20Assessment%20Regulation%202000&dq=Within%20Title), Division 8A, *Environmental Planning and Assessment Regulation 2000*, as applicable. |
|  | Occupation / Use  The development must not be occupied or used before an Occupation Certificate has been issued by the Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e. a security). |
|  | Surrender of Consent  Prior to the commencement of the use, the person having benefit of this consent must surrender the consent relating to DA95/3205 (as modified) for “Sand and soil quarry and processing, stockpiling, distribution of sand, soil and associated materials and composting of materials” by submitting an application for [Surrender of Consent or Existing Use Right – Voluntary Application](http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=FM18/161" \t "_blank) to Council in accordance with the *Environmental Planning and Assessment Regulation 2000*. |
|  | Native Vegetation and Habitat  The removal and/or disturbance of native vegetation and habitat on the property, including canopy trees, understorey and groundcover vegetation, is restricted to that required to construct and maintain the development in accordance with the approved plans. |
|  | Crown Land  No approval is granted as part of this consent to: Encroach upon the adjacent Crown land;Remove any vegetation from the adjacent and adjoining Crown land;Stockpile materials, equipment or machinery on the adjacent or adjoining Crown land,Use the adjacent and adjoining Crown land as access;Direct stormwater discharges, septic or contaminated waste on the adjacent and adjoining Crown land; orUse the adjacent and adjoining Crown land as effluent management zones or as asset protection zones. |
|  | Amenities Building and Awning  No approval is granted as part of this consent for the construction of any building or structure other than the referenced amenities building and awning to be attached to the existing site office. |
|  | Environmental Impact  To ensure that minimal environmental impact occurs from the activities associated with the quarry: A comprehensive Erosion and Sediment Control and Rehabilitation Plan must be prepared for the site. The plan must be submitted to and approved by Council within three (3) months from the date of this consent.Prior to the commencement of works, the plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) in accordance with the Landcom Manual – Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition March 2004. The plan must include but not be limited to: erosion and sediment control of the site, topsoil stripping, stockpiling, respreading for final rehabilitation, progressive rehabilitation of the site in stages including batter grades, berms, drainage and stabilisation, runoff diversion and treatment, haul road erosion and sediment protection and stabilisation and sediment control ponds.  All implemented measures must: prevent water pollution as defined by the [Protection of the Environment Operations Act](https://www.legislation.nsw.gov.au/#/view/act/1997/156) (POEO).be maintained at all times.not be decommissioned until at least 70% revegetation cover has been established.The quarry and stockpile area must not drain offsite and must drain into an appropriate area such as the leachate pond. Perimeter diversion banks may be required to achieve this result for the whole specified area. Details including site levels must be provided with the Erosion and Sediment Control and Rehabilitation Plan for approval.All works associated with the Erosion and Sediment Control and Rehabilitation Plan must be completed within 12 months of the commencement of operations.All operational and rehabilitation works must be undertaken in accordance with Section 3.6 of the Environmental Impact Statement – Wogamia Quarry and Composting Facility by SOILCO Pty Ltd (Version 3, dated 03/11/2020) and the Erosion and Sediment Control and Rehabilitation Plan as approved by Council.Adequate topsoil must be stockpiled, vegetated and protected from erosion, for re-use in the progressive rehabilitation of the site, and must not be re-sold. Details of the volume and location of the topsoil stockpile must be indicated in the Erosion and Sediment Control and Rehabilitation Plan, while landscape stabilisation of the topsoil stockpile must be indicated in the Landscape Plan to be submitted for Council approval. |
| ****PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS**** | |
|  | NSW Environment Protection Authority  The conditions of the General Terms of Approval issued by the NSW Environment Protection Authority, Reference No: 1599328, dated 1 December 2020, are included as conditions of this consent (as attached) and must be complied with. |
| ****PART C: PRIOR TO THE COMMENCEMENT OF WORKS**** | |
|  | Design Approvals and Completion of Works  Prior to the commencement of increased production on the site as approved by this consent or within 12 months from the date of this consent (whichever occurs first), certified engineering design plans and specifications for upgrades to Wogamia Road and Longreach Road must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor in accordance with this consent, Council’s Engineering Design and Construction Specifications, and approved by Council.  The approved works must be completed to the satisfaction of Council before the increased production and importation of material for composting to the site can commence or within 12 months from the date of this consent (whichever occurs first). |
|  | Air Quality and Odour Management Plan  Prior to the commencement of increased production on the site as approved by this consent, the proponent must prepare, implement and maintain (in consultation with a recognised odour control specialist) an Air Quality and Odour Management Plan describing measures to minimise odour impacts associated with the operation.  The Plan must include, but not necessarily be limited to: objectives and targets;key performance indicators;identification of all sources of odour associated with the operation;a detailed description of the odour mitigation methods and management practices to ensure offensive odour impacts do not occur off-site. Mitigation and management measures identified in Section 9 of the Odour and Dust Assessment Report by ERM Australia Pacific Pty Ltd (Project No. 0503963, Revision R4, dated 29/10/2020).benchmarking of the plant design and management practices at the premises against industry best practice for minimising odour emissions;a detailed description of the methods used for monitoring the effectiveness of the odour mitigation methods and management practices for all sources of odour associated with the operation;location, frequency and duration of monitoring;details of proposed contingency measures should odour impacts occur;a communications strategy for handling potential odour complaints that includes recording, investigating, reporting and actioning;system and performance review for continuous improvementan odour complaints register must document investigations undertaken to identify the cause(s) of odour and action(s) to rectify the complaints. |
|  | The development must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emissions controls and management measures and any best practice or contingency measures identified in the Air Quality and Odour Management Plan as not currently implemented at the site. |
|  | Traffic Noise Management Strategy  A Traffic Noise Management Strategy (TNMS) must be developed by the proponent, prior to commencement of construction and operation activities, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following: driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;best noise practice in the selection and maintenance of vehicle fleets;movement scheduling where practicable to reduce impacts during sensitive times of the day;communication and management strategies for non licensee/proponent owned and operated vehicles to ensure the provision of the TNMS are implemented;a system of audited management practices that identifies non conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the TNMS;specific procedures for drivers to minimise impacts at identified sensitive receivers;clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures. |
|  | **Environmental Management Plan** Prior to the commencement of works, an Environmental Management Plan (EMP) prepared in accordance with the Environmental Impact Statement – Wogamia Quarry and Composting Facility by SOILCO Pty Ltd (Version 3, dated 03/11/2020) must be submitted to Council for approval and include:Noise controls and attenuation measures as recommended by the Environmental Noise Impact Assessment Report by Harwood Acoustics (Reference No. 1903014E-R, Revision A, dated 29/10/2020).Dust and odour suppression management as recommended by the Odour and Dust Assessment Report by ERM Australia Pacific Pty Ltd (Project No. 0503963, Revision R4, dated 29/10/2020).A biosecurity (pests, weeds and disease) risk assessment outlining the likely plant, animal and community risks as per the following NSW DPI Agriculture guidelines:  |  |  | | --- | --- | | **Title** | **Location** | | Land Use Conflict Risk Assessment Guide | <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra> | | Agricultural Issues for Extractive Industry Development | <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/extractive-industries> | | Agricultural Issues for Landfill Developments | <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/landfill-developments> | | Infrastructure Proposals on Rural Land | <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/infrastructure-proposals> |  A biosecurity response plan to deal with identified risks as well as contingency plans for any failures, including monitoring and mitigation measures in weed and pest management plans.A report must be provided to Council annually to demonstrate compliance with the approved EMP to ensure adequate management and monitoring. |
|  | Construction Traffic Management Plan  Prior to the commencement of works within the road reserve, a Construction Traffic Management Plandetailing the proposed method of dealing with construction traffic and parking must be approved by Council.  Details must include, but are not limited to: Ongoing management of heavy vehicles accessing the development site during road construction activitiesStabilised site construction access locationProposed haulage routes for delivery of materials to the siteProposed haulage routes for spoil disposal from the siteTraffic control planning for each of the various phases of construction and/or vehicle movements associated with constructionParking arrangements for construction employees and contractorsProposed maintenance of the haulage routes and the name of the person responsible for such maintenanceLoading / unloading areasRequirements for construction or work zonesPedestrian and cyclist safetySpeed zone restrictions. |
|  | Run-off and Erosion Controls  Prior to the commencement of site works, run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by: diverting uncontaminated run-off around cleared or disturbed areas.erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.preventing the tracking of sediment by vehicles onto roads.stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot. |
|  | Existing Infrastructure  Prior to the commencement of works in the road reserve, all infrastructure, existing and proposed, is to be shown accurately on the engineering plans including longitudinal sections with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. Any required alterations to infrastructure will be at the developer’s expense. |
|  | Road Design Standards Rural – Existing  Prior to the commencement of works in the road reserve, certified road design engineering plans must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by Council. The road design must comply with the following: The existing road pavement on Wogamia Road must be upgraded to a bitumen sealed standard within the road reserve from the intersection of Longreach Road to the access point of the site, generally in accordance with the concept road widening plans by Talis Consultants (Job No. TC21005, Revision A & B, dated 10/03/2021, 12/03/2021 & 10/05/2021).The seal must be generally 6m wide, with widening to 7m where site conditions allow and as shown on the approved concept plans.The pavement and seal must be designed to an industrial standard to cater for the anticipated heavy vehicle traffic, in accordance with Council’s Engineering Design Specifications - Section D2 - Flexible Pavement Design having a compacted pavement depth of 200mm minimum, subject to geotechnical testing.Where the 6m road width cannot be achieved due to existing culverts, the plans should demonstrate the maximum achievable road width between the existing culverts, and include commentary on safe sight distance/stopping/passing opportunities at the constricted locations to demonstrate ongoing heavy vehicle management. Where the constricted areas are considered safe by Council, local narrowing at the culverts is permissible.Where the road widening between Ch. 450-730 results in the road carriageway being brought closer to existing power poles, the widening should be provided on the opposite side of the road to the power poles, with suitable tapers to transition between the alignments. Where this is not possible due to existing vegetation or other constraints, the plans should demonstrate the maximum achievable road width without reducing clearance to the poles and include commentary on safe sight distance/stopping/passing opportunities at the constricted locations to demonstrate ongoing heavy vehicle management. Where the constricted areas are considered safe by Council, local narrowing at the power pole locations is permissible.Where road widening encroaches upon or requires adjustment to any existing batters, the slope must be certified as safe by a professional Geotechnical Engineer (as defined in the National Construction Code). Where the slopes are identified as unsafe, recommendations for stabilisation by the Geotechnical Engineer must be submitted to Council for approval prior to implementation.The intersection of Longreach Road and Wogamia Road must be upgraded generally in accordance with the civil design plans by Jones Nicholson Pty Ltd (Reference No. 17010086, Amendment A, dated 24/11/2017), with the following amendments:Realignment of Pit A01 to be relocated to the bottom of the proposed batter with shaping/grading of the surrounding landscape to ensure increased pit efficiency.The gravel shoulder is to be tapered to join with the proposed widening works to Wogamia Road.The pavement and seal must be designed to an industrial standard to cater for the anticipated heavy vehicle traffic, in accordance with Council’s Engineering Design Specifications - Section D2 - Flexible Pavement Design having a compacted pavement depth of 200mm minimum, subject to geotechnical testing. These works must be completed to the satisfaction of Council before the increased production and importation of material for composting to the site can commence or within 12 months from the date of this consent (whichever occurs first). |
|  | Tree Removal  Prior to the commencement of any works, a tree removal plan must be submitted to Council for approval, confirming the location of the individual trees and native vegetation to be removed within the property and any adjacent trees to be retained and protected. |
|  | Prior to the commencement of any works, all trees to be removed for the proposed works, including road widening works and works within the property, are to be clearly identified onsite using flagging tape. |
|  | Tree and Vegetation Protection  Prior to the commencement of any works, the dripline (outer edge of the leaf canopy) surrounding trees to be retained must be clearly identified and protected with temporary barrier fencing to prevent mechanical damage of the tree trunk, mechanical disturbance to roots, or soil build-up around the base of the tree during and after clearing worksin accordance with *AS 4970: Protection of trees on development sites.*  All trees identified as being retained in the Arboricultural Impact Assessment by Tree Management Strategies (dated 18 May 2021) are to be protected with temporary barrier fencing during any adjacent works. |
|  | Landscape Plan  Prior to the commencement of any works, a landscape plan prepared by a suitably qualified landscape professional is to be submitted to Council for approval showing the locations and species to be used in the offset tree planting. The trees to be planted are local native species from the native vegetation community that would have occurred at the site. |
|  | Roadkill Monitoring Plan  Prior to the commencement of any works, a roadkill monitoring plan for Wogamia Road and the southern end of Longreach Road is to be prepared by a suitably qualified person and submitted to Council for approval. The plan is to include regular monitoring and recording of all roadkill, regular reporting of data to Council, signage including recommended reduced speed limits between dusk and dawn and signage to report roadkill incidents, adaptive mitigation measures and triggers for the adaptive mitigation including significant increase in roadkill incidents or impact to Threatened species.  The plan is to be implemented for a minimum period of three (3) years from the completion of road works approved by this consent. |
| ****PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**** | |
|  | Evidence  A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works. |
|  | Local Infrastructure Contributions  This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Project** | **Description** | **Calculation** | | **Amount** | | | CWFIRE2001 | Citywide Fire & Emergency services | | $138.13 \* 0.11 | | $15.19 | | CWFIRE2002 | Shoalhaven Fire Control Centre | | $202.07 \* 0.11 | | $22.23 | | CWMGMT3001 | Contributions Management & Administration | | $574.39 \* 0.11 | | $3.74 | | **$41.16** | | | | | |   The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Construction Certificate. Evidence of payment must be provided to the Certifying Authority.  Contributions Plan 2019 can be accessed on Councils website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla. |
|  | Long Service Levy  Prior to the issue of a Construction Certificate any long service levy payable under the [*Building and Construction Industry Long Service Payments Act 1986*](https://www.legislation.nsw.gov.au/#/view/act/1986/19) and prescribed by the [*Building and Construction Industry Long Service Payments Regulation 2017*](https://www.legislation.nsw.gov.au/#/view/regulation/2017/476) must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority. |
|  | Shoalhaven Water – Prior to the Issue of a Construction Certificate  Prior to the issue of a Construction Certificate, all conditions listed on the Shoalhaven Water Notice of Requirements (as attached) under the heading “Prior to the Issue of a Construction Certificate” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier. |
|  | Section 68 Application  Prior to the issue of a Construction Certificate, an application to carry out water supply works, sewerage works, and stormwater drainage works must be obtained from Council under section 68 of the *Local Government Act 1993.* |
| ****PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE**** | |
| NIL | |
| ****PART F: DURING WORKS**** | |
|  | Hours for Construction  Construction may only be carried out between 7.00am and 5.00pm on Monday to Friday, 7.00am and 1.00pm on Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing. |
|  | Excavation  Excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-78544-2)* published by Safe Work Australia in October 2018. |
|  | Noise  The noise from all construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver. |
|  | Aboriginal Objects Discovered During Excavation  If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:  All excavation or disturbance of the area must stop immediately.  Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.  Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).  The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](https://legislation.nsw.gov.au/#/view/act/1974/80)*.* |
|  | Archaeology Discovered During Excavation  If any object having interest due to its age or association with the past is uncovered during the course of the work:  All work must stop immediately in that area.  Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).  In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery. |
|  | Maintenance of Site and Surrounds  During works, the following maintenance requirements must be complied with: All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.Waste materials (including excavation and construction waste materials) must be managed on the site.Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.The developer must maintain the approved erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.During construction:all vehicles entering or leaving the site must have their loads covered, andall vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.At the completion of the works, the work site must be left clear of waste and debris. |
|  | Tree Removal  To rescue any fauna using the vegetation to be removed and protect adjacent native vegetation to be retained, all clearing works are to be guided and supervised on site by a suitably qualified environmental consultant with wildlife handling experience. |
|  | All trees and native vegetation are to be retained and protected unless they are shown as being removed on the approved tree removal plan or as specified as requiring removal in the approved Arboricultural Impact Assessment Report. |
|  | Trees to be cleared must be felled into the development area carefully so as not to damage trees or vegetation to be retained in or beyond the development footprint. Tree removal must not damage surrounding trees and native understory to be retained. The removal of trees is not to leave any areas of bare soil that could result in erosion, establishment of weed or sediment runoff into adjacent waterways. |
|  | Fenced areas around the dripline of trees and all areas of native vegetation to be retained must be managed as exclusion zones during works. No storage of materials, tools, machinery, waste, disposal of liquid waste or washing of tools or equipment is to occur within areas of native vegetation to be retained. There is to be no additional clearing for materials storage or site access. |
|  | No sediment, waste or materials from the development are to enter adjacent waterways during construction. |
|  | Works (including tree removal and construction works) adjacent to the rock cliff and crevices on the northern side of Wogamia Road are to be restricted to outside of the summer months (being November-February) to avoid disturbing any Threatened microbats that may be breeding during that time. |
| ****PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**** | |
|  | Shoalhaven Water – Certificate of Compliance  Prior to the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the *Water Management Act 2000* must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Notice of Requirements (as attached).  If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development. |
|  | Damage to Public Assets  Prior to the issue of an Occupation Certificate, any infrastructure within the road reserve, along the frontage of the subject site, or in proximity, which has been damaged as a result of construction works, must be repaired by the developer to the satisfaction of Council. |
|  | Landscaping Compliance  Prior to the issue of an Occupation Certificate, the developer must provide the Certifier with written evidence from a suitably qualified landscape professional that all landscape works have been completed in accordance with the approved landscape plan. The approved works are to be maintained to the satisfaction of Council at all times. |
|  | Upgrading of Flood Bund Wall  Prior to the issue of an Occupation Certificate, the upgrading of the existing flood bund wall, the subject of DA15/1259, must be completed and certification from a qualified structural engineer provided to Council, along with a bund inspection and maintenance program. |
|  | Compliance  The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with council (i.e. a security). |
|  | Negotiated Agreement  Prior to issue of an Occupation Certificate, the applicant is to demonstrate that a negotiated agreement has been entered into with receptor R1, being the occupiers of Lot 1 DP 865094 (known as 154 Wogamia Road, Longreach) with regard to odour and that the occupiers were provided with all odour and dust impact assessments (including revisions) commissioned by the applicant. |
| ****PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE**** | |
| NIL | |
| ****PART I: ONGOING USE OF THE DEVELOPMENT**** | |
|  | Hours of Operation – Reviewable Conditions  Hours of operation of the quarry and stockpile processing operations are limited to: 6:00am to 6:00pm Monday to Friday; and6:00am to 4:00pm on Saturdays.The only operations permitted on Sundays and Public Holidays are limited to the turning of windrows and composting stockpiles. These operations are limited to a maximum of 25 Sundays or Public Holidays between the hours of 9:00am and 3:00pm. In this regard, a record is to be kept of all such operations on Sundays and Public Holidays and such records are to be available for inspection by Council staff on request. A copy of these records is required to be submitted as part of the Environmental Management Plan as required by Condition 14 of this consent. This condition is imposed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 for a period of 12 months after which the hours are to revert to the existing reduced hours (as below) unless otherwise applied for. Council may review this condition at any time. 6:30am to 6:00pm Monday to Friday; and6:30am to 4:00pm on Saturdays.The only operations permitted on Sundays and Public Holidays are limited to the turning of windrows and composting stockpiles. These operations are limited to a maximum of 10 Sundays or Public Holidays between the hours of 9:00am and 3:00pm. Loading is permitted on a further 25 Sundays or Public Holidays between the hours of 1:00pm and 3:00pm. In this regard, a record is to be kept of all such operations on Sundays and Public Holidays and such records are to be available for inspection by Council staff on request. A copy of these records is required to be submitted as part of the Environmental Management Plan as required by Condition 14 of this consent. *Note: An application for review or appeal under Part 8 of the Act may be made in relation to a decision to change this condition.*  *Note: The finishing hours of operation are consistent with the General Terms of Approval issued by the NSW Environment Protection Authority.* |
|  | Hours of Operation – Truck Haulage   |  |  | | --- | --- | | Hours of operation | Movement cap & additional requirements | | Truck haulage to and from the site associated with the quarry, processing and distribution activities | | | * 6:00am to 6:00pm Monday to Friday * 6:00am to 4:00pm on Saturdays. | Nil. | | Additional hours of operation for truck haulage | | | * 6:00pm and 10:00pm Monday to Saturday * 8:00am to 6:00pm Sunday and Public Holiday | A maximum of 20 heavy vehicle movements per week. A record is to be kept of all such vehicle movements within these hours and such a record is to be provided to Council every three (3) months | | * 10:00pm and 6:00am Sunday to Friday evening; * except between 10:00pm and 8:00am on a Saturday evening or the night preceding a Public Holiday | A maximum of five (5) heavy vehicle movements per week. A record is to be kept of all such vehicle movements within these hours and such a record is to be provided to Council every three (3) months |   *Note: These hours of operation will be reviewed as outlined at Condition 52.*  *Note: Total number of heavy vehicle movements must comply with the annual daily average of 50 set by Condition 51.* |
|  | Review Period – Intersection Works  A 12-month review period from the date of this consent will apply during which traffic volume monitoring on Wogamia Road can be undertaken by an independent consultant or Council, to determine the adequacy of the intersection upgrades. Where actual traffic counts warrant additional upgrades as required under AUSTROADS guidelines, additional upgrade works must be undertaken to comply. Design plans for any additional upgrade works must be submitted to and approved by Council with the works to be completed within 12 months of the end of the review period. |
|  | Dilapidation Report – Condition of Wogamia Road  Every 12 months commencing from the date of the commencement of increased production on the site as approved by this consent, a report is to be provided by a competent person to Council detailing the condition of Wogamia Road from the site up to and including the intersection with Longreach Road.  The report is to detail any remedial action to be undertaken to upgrade deteriorated portions and the time period in which to commence and complete the works as specified in the report. All repairs must be completed by the operator at their cost. |
|  | Traffic Impact Report – Compliance  The number of annual heavy vehicle movements to and from the site must not exceed an average of 50 heavy vehicle movements per day, as identified within the Traffic Impact Report by Jones Nicholson Pty Ltd (Reference No. CRPT-19010305.01B, Revision B, dated 28/05/2019). Weighbridge records to confirm the compliance with the limit on heavy vehicle movements must be retained and provided to Council every three (3) months. |
|  | Independent Review of Truck Haulage Movements  Within 12 months of the commencement of operations, the applicant must undertake an independent review of truck haulage movements by a suitably qualified person as agreed to by Council. The independent review must assess the effectiveness of strategies to mitigate noise, odour and safety impacts including by considering:   1. the implementation of the code of conduct; 2. the effectiveness of the daily average cap and out of hours limits set out in Condition , 48 and 51 ; 3. the effectiveness of backloading; 4. weighbridge receipts; 5. measures to limit odour emissions from trucks 6. community safety measures; 7. compliance with the approved Traffic Noise Management Strategy; and 8. consultation with the community.   The results of the review must be made publicly available, and any recommendations for improvements or alternative approaches be considered and implemented by Council where appropriate including any recommended changes to out of hours truck haulage at Condition 48. |
|  | Pollution Incident Response Management Plan  The proponent must review the existing Pollution Incident Response Management Plan (PIRMP) for the premises and update it as required, by the NSW Environment Protection Authority and/or Council. |
|  | Environmental Management Plan  Activities on the subject property must be in accordance with the approved Environmental Management Plan (EMP). The owner and occupier must comply with the actions and requirements of the approved EMP. |
|  | Mitigation Measures  The mitigation measures detailed in Sections 8.4.4 (p. 88) and 8.11.4 (p. 106) of the Environmental Impact Statement – Wogamia Quarry and Composting Facility by SOILCO Pty Ltd (Version 3, dated 03/11/2020) must be implemented and complied with at all times. |
|  | **Habitat Modification, Removal and Management** There must be no removal or disturbance of indigenous vegetation on the property, including canopy trees, understorey, and groundcover vegetation, without the prior written consent of the Council or as specified in an approved consent. |
| ****PART J: OTHER COUNCIL APPROVALS AND CONSENTS**** | |

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| NIL |

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| ****PART K: REASONS FOR CONDITIONS**** |
| The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.  Statutory requirements  The development proposal, subject to the recommended conditions, is consistent with: the objects of the Environmental Planning and Assessment Act, 1979.the aims, objectives and provisions of the applicable environmental planning instruments,the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).the aims, objectives and provisions of relevant Council policies. Public notification  The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council’s Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).  Submissions  Any submissions received during the public notification period are available on [DA Tracking](http://www3.shoalhaven.nsw.gov.au/masterviewUI/modules/ApplicationMaster/Default.aspx)  Community views  Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.  Suitability of the Site  The application has been approved because the development proposal is considered to be suitable for the site.  The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.  Impacts of the Development  The application was considered to be suitable for approval. Conditions have been imposed to ensure that: the development will not result in unacceptable adverse impacts on the natural and built environments.the amenity and character of land adjoining and in the locality of the development is protected.any potential adverse environmental, social or economic impacts of the development are minimised.all traffic, car parking and access arrangements for the development will be satisfactory.the development does not conflict with the public interest. |
| ****PART L: RIGHTS OF REVIEW AND APPEAL**** |
| Determination under Environmental Planning and Assessment Act, 1979  Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.  Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.  An appeal under Division 8.3 of the EP&A Act, 1979 by an objector may be made only within the prescribed period. |
| ****PART M: GENERAL ADVICE**** |
| In this consent the term developer means any person or corporation who carries out the development pursuant to that consent. |
| Scheduled Waste Facility  The proponent should also be aware that, as this development application seeks to undertake scheduled waste activities other than composting, a waste levy liability and additional responsibilities may be applicable to the premises in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* (Waste Regulation). Prior to the licence being varied to permit the proposed changes to the facility, the proponent will need to negotiate an authorised amount with the NSW Environment Protection Authority to be included on the licence. |
| Use of drilling mud wastewater in composting process  The NSW Environment Protection Authority notes that the proponent is proposing to use wastewater from the dewatering of drilling mud in the composting process. The NSW Environment Protection Authority has included requirements to ensure this wastewater can be stored appropriately so it can be sampled, held prior to reuse and, if required, removed from the premises for lawful disposal. In addition the proponent is reminded that prior to this wastewater being added to the composting process they will need to apply for a specific Resource Recovery Order for the output material under Clause 93 of the Waste Regulation. |
| Consultation on updated air impact assessment  It is essential to confirm that the owners and occupiers at receptor R1 are aware of the revised air modelling results. The NSW Environment Protection Authority requests that the proponent discuss and present the results of the updated modelling with the residents at receptor R1. The proponent must provide written evidence of the following: The owners and occupiers of this property (receptor identified as R1 in the Odour and dust impact assessment) has received and reviewed the updated air quality and odour impact assessment. Whilst the results are similar to those previously presented, it should be noted that a results analysis has now been included. This analysis shows additional information that can help better understand the level of risk related to the modelling as well as the times and hours during the day when the predicted odours will be above the adopted criterion at each assessed receptor.Apart from stating that the owners and occupiers of this property (R1) support the proposed operations, demonstrates that there is a negotiated agreement with regard to acceptable odour performance (from the proposed operations) between the receptor (R1) and the proponent. |
| Disability Discrimination Act 1992  This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992.*  The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.  The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - “Design for Access and Mobility”*. |
| Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land  The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.  Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved. |
| **DBYD Enquiry - ‘Dial Before You Dig’**  In order to avoid risk to life and property it is advisable that an enquiry be made with “Dial Before You Dig” on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au/) prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains. |

**SIGNED** on behalf of Shoalhaven City Council: