

<b>DATE OF DETERMINATION</b>	9 June 2023
<b>DATE OF PANEL DECISION</b>	9 June 2023
<b>DATE OF PANEL MEETING</b>	1 May 2023
<b>PANEL MEMBERS</b>	Clare Brown (Acting Chair), Chris Wilson, Kris Dunstan
<b>APOLOGIES</b>	Terrey Kiss
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 11 April 2023.

#### **MATTER DETERMINED**

PPSSTH-84 – Coolamon Shire Council – DA 2021/44 - 1 Seberrys Lane, Walleroobie NSW (Lot: 1, DP: 1225817) - Continued operation and extension of an existing Quarry (Walleroobie Quarry) and an increase of extraction to a maximum of 300,000 tonnes per annum (as described in Schedule 1) for a 25 year extraction period.

#### **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 Development Application for the reasons outlined in the Council Assessment Report circulated to the Panel on 11 April 2023.

#### **CONDITIONS**

The Development Application was approved subject to the conditions in Schedule 2. The Council provided a final set of conditions for the panel consideration on 12 May 2023 which are published on the Planning Portal. Various administrative corrections were made within the conditions from those circulated. The following conditions were amended as a result of the Panel's final deliberations;

- Condition 1- amended to include a reference to Agency requirements in Schedule C of the conditions
- Condition 1 Schedule A (b)(iv) – replacement of dot point references to detailed plans with a reference to the detailed plans specified in Condition 1 Schedule A (c).
- Conditions 1 Schedule A (c) and (d) – renumbered to Condition 1 Schedule A (d) and (e)
- Condition 1 Schedule A (c) – inserted as a new condition specifying the required details and plans for the EMS.
- Condition 1 Schedule A (d) – amended to clarify the intended use of survey data with subsequent surveys
- Condition 2 Schedule B – correction of reference to relevant documents for the purpose of clarifying which conditions and documents prevail
- Condition 5 Schedule B – amended to include “written” before satisfaction




- Condition 6 Schedule B - amended to include an additional sentence at the end of the condition requiring the planting to be maintained for the life of the development.
- Order of Condition 8 and Condition 9 Schedule B switched
- Condition 1 in RFS Conditions in Schedule C moved and inserted as condition 15 Schedule B - to clarify the condition has not been imposed by the RFS and to ensure a FMP is prepared as follows:  
15. *A draft Fire Management Plan (FMP) must be prepared and provided to the NSW Rural Fire Service for comment. The final FMP must be submitted to Coolamon Shire Council which addresses comments provided by the RFS District Office on the draft, within 28 days of receipt of comments.*
- Renumber condition 15 to condition 16 Schedule B
- Move position of condition 20 – Use of site to condition 17 Schedule B.
- Renumber condition 16 to condition 18 Schedule B
- Renumber Condition 17 to condition 19 Schedule B and amend 19 (a) to reference Schedule A Condition (a) and (f)
- Renumber condition 18 to condition 20 Schedule B
- Renumber condition 19 to condition 21 Schedule B and clarify the timing of the installation of the traffic monitoring system in subsection c)
- Renumber remaining conditions sequentially from condition 21 Schedule B
- Condition 34 Schedule B – Amended to include a reference to Transport for NSW
- Condition 36 Schedule B – amended to include the following text;  
*“and must be undertaken in accordance with condition L6.3 of the Environment Protection Licence for the premises. The nearest sensitive receivers not associated with the development (R19, R8, R5, R7 and R2A, as identified in the EIS) must be notified in writing prior to any blast being undertaken.”*
- Condition 43 Schedule B – Amended to specify the table relates to hours of operation
- Creation of new section heading for Agency Conditions (Schedule C)

The final conditions, including the above amendments, can be found in Schedule 2.

#### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Clare Brown (Acting Chair)	 Chris Wilson
 Kris Dunstan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-84 – Coolamon Shire Council – DA 2021/44
2	PROPOSED DEVELOPMENT	Continued operation and extension of Quarry (Wallerroobie Quarry) increase of extraction to a maximum of 300,000 tonnes per annum for a 25 year period
3	STREET ADDRESS	Lot: 1, DP: 1225817 - 1 Seberrys Lane, Walleroobie NSW
4	APPLICANT/OWNER	Geoff Pigram obo Milbrae Quarries Pty Ltd / PA Woods Co Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 Hazards) 2021</li> <li>○ State Environmental Planning Policy (Primary Production) 2021</li> <li>○ Coolamon Local Environmental Plan 2011</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Coolamon Development Control Plan 2015</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</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: 6 April 2023</li> <li>• List any council memo or supplementary report received: 7 November 2022, 1 December 2022 and 5 April 2023</li> <li>• Written submissions during public exhibition: 2</li> <li>• Total number of unique submissions received by way of objection: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Tuesday, 28 September 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Kris Dunstan, Terrey Kiss</li> <li>○ <u>Council assessment staff</u>: Colby Farmer</li> <li>○ <u>Applicant representatives</u>: Geoff Pigram, Caidan O'Connor, Tracy Cotter, Tara Cassidy</li> </ul> </li> <li>• Site Inspection and Briefing: Tuesday, 29 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Clare Brown (Acting Chair), Andrew Hutton, Chris Wilson, Kris Dunstan</li> <li>○ <u>Council assessment staff</u>: Colby Farmer, Tony Donoghue</li> <li>○ <u>Applicant representatives</u>: Geoff Pigram, Brett Woods, P Bell, Peter Richardson</li> </ul> </li> <li>• Council and Applicant briefing: Tuesday, 23 August 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Clare Brown (Acting Chair), Andrew Hutton, Chris Wilson, Kris Dunstan</li> <li>○ <u>Council assessment staff</u>: Colby Farmer</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Applicant representatives:</u> Geoff Pigram – Milbrae Quarries Pty Ltd, Caiden O'Connor – RW Corkery, Travis Johnston – Kell Moore, Tracey Cotter – PA Woods DEFERRED 23.8.22</li> <li>• Briefing to discuss council's recommendation: 7 December 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members:</u> Clare Brown (Acting Chair), Andrew Hutton, Chris Wilson, Kris Dunstan</li> <li>○ <u>Council assessment staff:</u> Colby Farmer, Tony Donoghue DEFERRED 15.12.22</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 1 May 2023 <ul style="list-style-type: none"> <li>○ <u>Panel members:</u> Clare Brown (Acting Chair), Chris Wilson, Kris Dunstan</li> <li>○ <u>Council assessment staff:</u> Colby Farmer</li> <li>○ <u>Council Consultant Assessment planner:</u> Nicole Armit</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Provided to the Panel on 12 May 2023

## SCHEDULE 2

### CONDITIONS

#### Deferred Commencement

1. This is a 'Deferred Commencement Consent' under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* (as amended). This consent does not become operative until the Coolamon Shire Council (Council) has given written notice that the requirements listed in Schedule A of this consent have been satisfied. The Applicant must produce evidence to Council that those conditions have been met within a period of 12 months from the 'Determination Date' that is shown on this consent.

Upon compliance with the requirements/conditions listed under Schedule A, and written confirmation from Council to that effect, the consent shall become operative subject to the conditions listed in Schedule B and Agency requirements in Schedule C. The 'Date of Endorsement' is to be included on the written notification.

#### Schedule A

- a) The applicant shall enter into a Voluntary Planning Agreement (VPA) with Council, consistent with the letter of offer from the Rockwoods Investment Group Pty Ltd dated 16 June 2022 and ensure that the VPA is formally registered on the title of the land.
- b) The applicant shall prepare an Environmental Management Strategy (EMS) for the development to the satisfaction of the Executive Manager of Planning and Environmental Services at Council. This strategy must be prepared by suitably qualified personnel and:
  - i. Provide the strategic context for environmental management of the development
  - ii. Identify the statutory requirements that apply to the development
  - iii. Describe how the environmental performance of the development will be monitored and managed throughout the life of the development.
  - iv. Include the detailed plans specified in Schedule A Condition (c)
  - v. Describe the procedures that will be implemented to:
    - Keep the local community and relevant agencies informed about the operation and environmental performance of the development;
    - Receive, handle, respond to, and record complaints;
    - Resolve any disputes that may arise during the course of the development;
    - Respond to any non-compliance;

- Manage cumulative impacts; and
  - Respond to emergencies.
- vi. Describe the role, responsibility, authority, and accountability and qualifications of the key personnel involved in environmental management of the development.
- vii. Each part of the EMS (including the required management plans, reports and programs) shall include a list identifying all relevant conditions of consent (including General Terms of Approval) specific to that section and how those requirements have been satisfied/addressed within the document.

c) The EMS must include the following detailed management plans:

- i. a Transport Management Plan. The Transport Management Plan must:
  - Describe the traffic management measures that will be implemented during construction of the roadworks described in Schedule A Condition (d), and in accordance with the *Traffic Control at Work Sites* (Transport for NSW (2022) or latest version) to ensure impacts on the public road network are minimised during the carrying out of these works;
  - Describe the systems in place to ensure compliance with the traffic movements described in Schedule B, Condition 19; and
  - Include a Drivers Code of Conduct.
- ii. an Air Quality Management Plan. The Management Plan must:
  - Include the measures which will be implemented to ensure the development will not create unacceptable or non-compliant emissions of dust that will impact upon neighbouring properties;
    - Include an air quality monitoring program, outlining locations and schedule for monitoring; and
    - Include a protocol for identifying any air-quality related exceedances, incidents or non-compliance and notifying Coolamon Shire Council of these events.
- iii. a Noise Management Plan. The Noise Management Plan must:
  - Describe the measures to ensure the development complies with the relevant noise criteria:
    - during construction activities, as per the criteria specified in the *Environmental Impact Statement* (EIS) (R.W Corkery and Co Pty Ltd, 2021); and
    - during operations, as specified in the Environment Protection Licence (EPL) for the development.
  - Describe complaint handling procedures relating to noise, including commissioning an independent noise assessment to establish noise levels and compliance with the relevant criteria in the event of a noise complaint; and
  - Include a protocol for identifying and responding to noise related incidents or non-compliances and notifying Coolamon Shire Council of these events.
- iv. a Rehabilitation Plan. The rehabilitation plan must:
  - Identify and describe the final landform and land use of the site;
  - Identify species to be used in revegetation that appropriately corresponds to PCT 185;

- Consider the recommendations of the South West Slopes Revegetation Guide;
  - Describe the measures to rehabilitate areas following the completion of construction activities, that are no longer required to be disturbed;
  - Describe the short, medium and long term measures that will be implemented to progressively rehabilitate the site during stage 1, 2, 3 and 4 (as defined in the EIS) of the development;
  - Define measurable completion criteria for biodiversity values in rehabilitated areas;
  - Detail the monitoring methods and site management that will maintain biodiversity values throughout the life of the development; and
  - Include weed and pest animal control strategies.
- v. a Soil and Water Management Plan. The Soil and Water Management Plan must include:
- The erosion control measures that will be installed during both construction and operations, which must be in accordance with *Managing Urban Stormwater: Soils and Construction – Volume 2E Mines and Quarries (DECC, 2008)* and approved plans;
  - Overland flow paths of flood liable areas present on the land and existing surface contours (expressed as Reduced Levels (RLs) or levels to AHD);
  - The proposed method of collection of roof and surface stormwater including the general location and levels of proposed drains, stormwater pipes, drainage pits and proposed finished surface contours (expressed as RLs or levels to AHD);
  - The proposed building locations and finished floor levels (expressed as RLs or levels to AHD);
  - The location of infiltration measures (such as swales, landscaping, and permeable pavements);
  - The location of on-site detention basins or tanks, including stored water levels and emergency spillways, noting that sediment basin for stages 1 and 2 must be constructed in accordance with the approved plans;
  - The location of discharge points to stormwater drainage system (show levels at these locations) and the method of connection; and
  - The location of stormwater easements (existing or proposed)
- vi. a Waste Management Plan. The Waste Management Plan must:
- Describe measures to minimise and manage waste, including:
    - General domestic waste must be placed in skip bins kept on site and removed from the Quarry Site no less than every three weeks by a licensed contractor, and more frequently if required;
    - Waste oil must be stored within the Ancillary Components Area in a bunded area containing 8 x 1000L pods with a combined capacity of 8000L. This oil is to be removed from the Quarry Site as required by a licenced contractor;
    - Used batteries must be stored on a pallet within the workshop area and removed from the Quarry Site by a licenced contractor no less frequently then every six months; and

- Scrap metal and tyres must be stored within a dedicated area within the Processing and Northern Stockpiling Area and removed from the Quarry Site once per year.
    - Classify waste in accordance with the *Waste Classification Guidelines* (EPA, 2014) (or latest version); and
    - Describe how waste will be disposed of at appropriately licensed facilities.
  - vii. a Biodiversity Management Plan. The Biodiversity Management Plan must:
    - identify all measures proposed in the Biodiversity Development Assessment Report (BDAR) (OzArk Environment and Heritage Pty Ltd, 11 March 2021) to mitigate and manage impacts on biodiversity, as outlined in Table T 6-2 of the BDAR; and
    - Include a Biodiversity Offset Strategy.
  - viii. a Pollution Incident Response Management Plan.
  - ix. a Landscape Management Plan. The Landscape Management Plan must:
    - Describe the landscaping to be undertaken on the site boundaries to Doyles land, Seberrys Lane and Walleroobie Road, including the establishment of tree screens;
    - Describe the measures to adequately maintain landscaping, including tree screens; and
    - Describe how landscaping measures would be integrated with similar measures within the Biodiversity Management Plan.
- d) A quantitative/volumetric survey of the site shall be undertaken by a practicing registered surveyor at the cost of the applicant. The survey shall be undertaken and submitted to the requirements and satisfaction of Council. An electronic copy of the survey data shall be provided in a format that can be used with subsequent surveys to;
- i. update the estimated the volume of material to be extracted under this consent, in the areas approved under the consent;
  - ii. determine the volume of material extracted from the site;
  - iii. the areas from which material has been extracted;
  - iv. the volume of extracted material stockpiled on the site;
  - v. the areas on which material is stockpiled.
- e) Provide and obtain, the Executive Manager of Planning and Environmental Services at Council, approval of detailed plans for the following roadworks;
- i. The new proposed sealed access to the site from Seberrys Lane adequate to cater for all proposed vehicle types. The proposed access design must demonstrate that all Austroads turning circles/radius's can be achieved at the entry/exit point onto Seberrys Lane and provide for adequate drainage. The access is required to include a 2 coat bitumen seal from property boundary to end of splay on road verge.
  - ii. the 50 metre upgrade on Seberrys Lane from the new quarry exit.

*[Note, approval to undertake works on a Council road is also required under the Roads Act 1993]*

## **Schedule B**

## Approved Plans and Documentation

1. The period during which quarry operations permitted by this consent may be carried out ends at midnight on the anniversary of the commencement date of this consent in 2048. This condition does not prevent rehabilitation works from continuing to be carried out after that date.

*REASON: The consent period should be limited and consistent with the application documents to minimise environmental and social impacts. Section 4.17(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.*

2. The development must be carried out in accordance with the plans and specifications provided and approved under Schedule A and Schedule B as well as the following documents provided with the development application (as modified by the conditions of this consent).

Plan/Doc. Title	Prepared by
Environmental Impact Statement (EIS) for Walleroobie Quarry and Annexures	R.W Corkery and Co. Pty. Ltd March 2021
New Office and Amenities Building (Drawings No. 20067 -1 to 20067 – 5)	J Stewart, 21.08.2021
Walleroobie Quarry (DA 2021/44) – Applicants Response to Request for Information	R.W Corkery and Co. Pty. Ltd November 2022
Walleroobie Quarry (DA 2021/44) - Response to Request for Information and Deferral	R.W Corkery and Co. Pty. Ltd March 2023

If there is any inconsistency between the documents referred to in Schedule A or this Schedule B then, to the extent of the inconsistency,

- a. A document approved by the Council prevails over other documents;
- b. Otherwise, the most recent document is to prevail.

*REASON: It is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

3. Before increased extraction is undertaken under this consent as described in the EIS, the approved roadworks referred to in Schedule A Condition (e) must be completed in full in accordance with an agreed schedule with Council, and to the satisfaction of the Executive Manager of Planning and Environmental Services at Council.
4. No business identification or advertising signage is approved as part of the application. No such signs or advertising material (other than those classed as exempt development) shall be erected on or in conjunction with the proposed occupation / use of the site without a subsequent application being approved by Council.

*REASON: Advertising structures and signs may require a development application to assess the impact on the amenity and safety of the area. Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.*

5. Within 28 days of the completion of the roadworks specified in Schedule A Condition (e) to the written satisfaction of the Executive Manager of Planning and Environmental Services at Council, the following development consents must be surrendered by the submission of a document in accordance with Clause 97(1) of the Environmental Planning and Assessment Regulation 2021:
  - a) DA1/92 issued by Council on 8 April 1992; and
  - b) DA21/95 issued by Council on 18 September 1995

*REASON: Council is of the opinion that, having determined this Development Application by granting consent, it is not appropriate to permit the continuation of the consent or right referred to in the condition. Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

6. Tree planting on the site boundaries to Doyles Lane, Seberrys Lane and Walleroobie Road must be carried out in accordance with the approved landscape plan within 12 months of the date of operation of the consent. The planting is to be maintained for the life of the development.

*REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

#### **Prior to the Removal of Any Native Vegetation**

7. Prior to the removal of any native vegetation under this consent, the class and number of ecosystem credits set out in Table 1 to this consent (see below) must be retired to offset the residual biodiversity impacts of the development, and in accordance with the Biodiversity Management Plan described in Schedule A.

The requirement to retire credits in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C) 1.

This condition may also be satisfied via the establishment of a Biodiversity Stewardship Site (BSS) that offsets all ecosystem credits.

If the applicant seeks to satisfy this condition via staged offsetting or retirement of credits as the site is cleared, Council requires written confirmation from the Biodiversity Conservation Fund of the suitability of any such proposal.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund or registration of a stewardship agreement establishing a BSS in satisfaction of this condition must be provided to Coolamon Shire Council prior to the commencement of works under this consent.

- Note: If the applicant satisfies this condition via the establishment of a biodiversity stewardship site, then all biodiversity obligations identified under this consent and applying to the stewardship site in perpetuity shall be outlined on the certificate of title via 88b Instrument.

**Table 1:**

Vegetation zone name	Habitat condition (Vegetation Integrity)	Change in habitat condition	Area (ha)/Count (no. individuals)	BC Act Listing status	EPBC Act listing status	Biodiversity risk weighting	Potential SAI	Species credits
<b><i>Chalinolobus dwyeri</i> / Large-eared Pied Bat ( Fauna )</b>								
185_Fair	53.5	53.5	3.9	Vulnerable	Vulnerable	3	True	155
185_Poor	21.7	21.7	4.8	Vulnerable	Vulnerable	3	True	79
							<b>Subtotal</b>	<b>234</b>
<b><i>Lophochroa leadbeateri</i> / Major Mitchell's Cockatoo ( Fauna )</b>								
185_Fair	53.5	53.5	3.3	Vulnerable	Not Listed	2	False	88
185_Poor	21.7	21.7	0.5	Vulnerable	Not Listed	2	False	5
							<b>Subtotal</b>	<b>93</b>
<b><i>Myotis macropus</i> / Southern Myotis ( Fauna )</b>								
185_Fair	53.5	53.5	3.3	Vulnerable	Not Listed	2	False	88
185_Poor	21.7	21.7	0.5	Vulnerable	Not Listed	2	False	5
							<b>Subtotal</b>	<b>93</b>
<b><i>Senecio garlandii</i> / Woolly Ragwort ( Flora )</b>								
185_Fair	53.5	53.5	3.9	Vulnerable	Not Listed	1.5	False	77
185_Poor	21.7	21.7	4.8	Vulnerable	Not Listed	1.5	False	39
							<b>Subtotal</b>	<b>116</b>

**REASON:** Because it is in the public interest that the development complies with the requirements of the Biodiversity Conservation Act 2016. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

#### Prior to Works Commencing

8. Prior to the works referred to in Schedule B Condition 3 commencing within the road reserve, approval under the *Roads Act 1993* is required from Council and the applicant shall arrange a Pre-Start meeting with Council's Engineering Department. Please contact Council's Engineering Department on 6930 1800 to book inspections.
9. A construction certificate must be obtained pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979 (as amended) from either Council or an accredited certifying authority certifying that the proposed building and civil works are in accordance with the Building Code of Australia and approved civil works plans PRIOR to any works commencing.

- NOTE 1: No building, engineering, or excavation work must be carried out in relation to this development until the necessary Construction Certificate has been obtained.
- NOTE 2: You must not commence building or physical engineering work until you have received the construction certificate, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.
- NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

**REASON:** To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

**REASON:** It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic

*management standards and the terms and conditions of the Roads Act 1993. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

10. The applicant must ensure that prior to any building works commencing, that if Council is appointed as the principal certifying authority, that a 'Performance Certification Work Contract Agreement' form is completed and returned to Council. The form can be accessed at:

[https://www.coolamon.nsw.gov.au/f.ashx/Development/200707-Performance Certification Work Contract Agreement 2020 21.pdf](https://www.coolamon.nsw.gov.au/f.ashx/Development/200707-Performance%20Certification%20Work%20Contract%20Agreement%2020%2021.pdf)

*REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

11. At least two days prior to the commencement of any building works, a 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority' in accordance with the form approved by the Council, must be submitted to Council.

The form can be accessed at:

[https://www.coolamon.nsw.gov.au/f.ashx/Environment/181009-Notice of Commencement of Work PCA-Form-Nov-18.pdf](https://www.coolamon.nsw.gov.au/f.ashx/Environment/181009-Notice%20of%20Commencement%20of%20Work%20PCA-Form-Nov-18.pdf)

*REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the Environmental Planning and Assessment Act 1979, as amended. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

12. Prior to the carrying out of any works on the site in relation the new office/amenities building, the applicant shall provide to Council details of the proposed On-Site Sewage Management System to be utilised to service the building. Such details include proposed system location and specifications (size and type of tank and specifications for disposal area).

Note: The applicant shall ensure that an application under Section 68 of the *Local Government Act 1993* is lodged and approved by Council for any plumbing and drainage works required as part of the subject development.

*REASON: As the development cannot be connected to the Council's reticulated sewerage system, and because it is in the public interest to comply with the provisions of the Local Government Act 1993 Part 1 Approvals and the Local Government (General) Regulation 2005 Section 4.15 (1)(b) and (e) of the Environmental Planning Assessment Act 1979, as amended.*

#### **Prior to Occupation Certificate**

13. Prior to the issue of Occupation Certificate, all buildings must comply with the Fire Safety Schedule, attached.

NOTE: The Fire Safety Schedule supersedes any earlier Fire Safety Schedule and will cease to have effect when any subsequent Fire Safety Schedule is issued.

*REASON: It is in the public interest that the building provides an adequate level of fire protection. Section 4.15C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

14. Prior to the issue of an Occupation Certificate, the owner must submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:

- a) has been assessed by a properly qualified person; and
- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current Fire Safety Schedule for the building.

Further, the assessment must be carried out within a period of three months of the date on which the final Fire Safety certificate was issued. The owner of the building must forward a copy of the certificate to the New South Wales Fire Brigades and must prominently display a copy in the building.

NOTE: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.

*REASON: To ensure the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2021, as amended. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.*

15. A draft Fire Management Plan (FMP) must be prepared and provided to the NSW Rural Fire Service for comment. The final FMP must be submitted to Coolamon Shire Council which addresses comments provided by the RFS District Office on the draft, within 28 days of receipt of comments.

#### **Prior to commencement of Quarry operations and use of buildings**

16. An Occupation Certificate, pursuant to Section 6.9 of the Environmental Planning and Assessment Act 1979, must be obtained from Council, prior to use of the building (new amenities / office building).

NOTE: In order to obtain the Occupation Certificate, it will be necessary to:

- (1) Complete the "Final Occupation Certificate" form and submit it to Council with all required attachments - failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake an Occupation Certificate inspection.
- (2) Contact Council to arrange the required Occupation Certificate inspection. The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

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*REASON: It is in the public interest that an Occupation Certificate be issued prior to operations commencing on the site. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

#### **General**

17. Use of site

- a) The carrying out of the respective elements of the development must be in accordance with the locations shown on the approved plans.
- b) Construction impacts must be restricted to the approved development site (as assessed and defined in the BDAR) and must not encroach into areas of retained native vegetation and habitat.
- c) All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must also be located within the areas for which biodiversity impacts were assessed in the BDAR.

*REASON: Because it is in the public interest that the development complies with the supporting documentation and does not have impacts on heritage or biodiversity beyond those assessed. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

18. The Applicant is to give no less than 7 days' notice and accommodate inspections by Council of the approved road works to check compliance with Council's Engineering Requirements at the following hold points:

- Pre-start inspection and inspection of traffic management and soil & erosion control measures.
- Subgrade proof roll. Survey levels and compaction results.
- Sub-base proof roll. Compaction results.
- Base course proof roll. Survey levels and compaction results.
- Prior to sealing
- Into Maintenance inspection.

19. Security for road works

- a) At the completion of the upgrade works required on public roads and associated stormwater structures, pursuant to the condition listed in Schedule A Condition (e) and Condition (c) as it relates to stormwater, and within 7 days of the Into Maintenance Inspection, the Applicant shall;
  - i. Pay a maintenance bond (by way of deposit, insurance bond or bank guarantee) equal to 5% of the total cost of those works to Council; and
  - ii. Submit written authorisation to the Council giving irrevocable consent to the Council accessing and using that security to complete or remedy any defect in those works.
- b) The bond shall be held for the duration of the maintenance period (6 months), following which it (or any remainder of it) shall be released.

*REASON: It is in the public interest to ensure that civil works are carried out in accordance with approved plans and Council's Engineering Standards. Section 4.15(1)(e); s4.17(6) of the Environmental Planning and Assessment Act 1979, as amended.*

20. Heavy vehicle traffic

- a) No more than 12 laden trucks are permitted to enter or leave the site per hour.
- b) No more than 104 laden truck are permitted to enter or leave the site per day.
- c) Laden vehicles must only use the haulage routes identified in the approved documentation.
- d) Only unladen vehicles are permitted to travel along Methul Rd.

*REASON: Because it is in the public interest that the development complies with the supporting documentation and does not have impacts on amenity or the road network beyond those assessed. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

## 21. Signage and traffic counters

- a) traffic and road related safety signage must be installed in accordance with the approved transport management plan.
- b) signs must be erected that clearly indicate to drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.
- c) a traffic monitoring system, in the form of traffic counter, must be installed at the northern end of Seberrys Lane at completion of the Seberrys lane / Walleroobie Road intersection upgrade works and prior to use of the road for the purposes of works approved under this consent. The traffic counter must record vehicle type, speed, time and direction and be able to distinguish between laden trucks and unladen ones.

*REASON: To ensure the development functions in a safe and efficient manner and to reduce the likelihood of traffic conflict being promoted as a result of the development, to ensure the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

## 22. Reporting

Within the 12th month from the date of operation of this consent, and annually thereafter, the applicant shall submit an Annual Report (AR) to Council which;

- a) Identify the standards and performance measures that apply to the development;
- b) Describe the works carried out in the last 12 months;
- c) Describe the works that will be carried out in the next 12 months;
- d) Include a summary of the complaints received during the past year, and compare this to the complaints received in the previous 12 months ;
- e) Include a summary of the monitoring results for the development during the past year;
- f) Include an analysis of these monitoring results against the relevant:
  - Impact assessment criteria/limits
  - Monitoring results from previous years; and
  - Predictions in the EIS
- g) Identify any trends in the monitoring results over the life of the development;
- h) Identify any non-compliance with the conditions of consent during the previous year;
- i) Describe what actions were, or are being, taken to ensure compliance; and
- j) The AR shall be placed on the applicant's website. If no such site exists, the AR shall be made available on Council's website.

*REASON: To ensure the proposed development complies with conditions of consent. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

- 23. In the 3rd year of operation, and every 5 years thereafter, the applicant shall commission and pay the full cost of an Independent Environmental Audit, to be prepared by an environmental auditor approved by the Council, of the development and submit this audit to Council within 3 months of its completion. This audit must:

- (a) Be conducted by a suitably qualified, experienced, and independent person.
- (b) Be consistent with relevant guidelines and standards for Environmental Auditing
- (c) Assess the environmental performance of the development, and its effects on the surrounding environment
- (d) Assess whether the development is complying with the relevant standards, performance measures and statutory requirements
- (e) Review the adequacy of any strategy/plan/program required under this consent.

*REASON: It is in the public interest that the development complies with all conditions of development consent. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

- 24. All hydrocarbons shall be stored in accordance with Australian Standards AS 1940:2004 – The Storage and Handling of Flammable and Combustible Liquids.

*REASON: It is in the public interest that the development does not create adverse impacts on the amenity of the area and complies with the requirements of Australian Standards AS 1940:2004. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

- 25. The development must be carried out in accordance and comply with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

*REASON: To ensure the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2021, as amended, and Section 4.15 (11) of the Environmental Planning and Assessment Act 1979, as amended.*

- 26. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued.

*REASON: It is in the public interest that the development provides an Annual Fire Safety Statement. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

- 27. Quantitative/volumetric surveys of the site shall be undertaken periodically by a practicing registered surveyor at the cost of the applicant/operator upon written request by Council. The surveyor shall use the methodology supplied by Council to determine the weight of the extracted material and reconcile such with quarterly and annual returns. Where the survey indicates that more material has been extracted than that indicated by returns, the applicant/operator shall pay a contribution in respect of the outstanding amount.

*REASON: The Development is subject to a VPA for Haulage in accordance with the Environmental Planning and Assessment Act 1979, as amended, and it is in the public interest that accurate quantities of materials be established to inform contribution rate on an annual basis.*

- 28. All buildings shall be treated against termites in accordance with AS 3660-1 2000 Termite Management:

- a) NON CHEMICAL – where a non-chemical treatment (physical barriers) is to be used the applicant shall submit details to Council prior to any work commencing.
- b) CHEMICAL RETICULATION – where a chemical method of treatment is to be used by way of reticulation, details shall be provided to Council for approval prior to

installation accompanied by a signed maintenance contract with a Pest Control Operator.

- c) An annual inspection is undertaken to determine need for treatment.
- d) CHEMICAL TREATMENT – where a chemical method of treatment is to be used by way of hand spray treatment before laying the slab, details shall be provided to the Council for approval prior to installation.

Warning – Applicants and owners are warned that the expected life of the under floor barrier (Chemical Treatment) is only 10 years and the external barrier (Chemical Treatment) is only five years. The actual protection will depend on factors such as termite hazards, climate and soil conditions.

Council recommends in all cases of chemical treatment including reticulation that regular annual inspection be carried out by a licensed Pest Control Operator to determine the need for re-treatment.

- e) Upon installation of the method of treatment, a Certificate shall be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with AS 3660-1 and in accordance with any specific requirements of the Council.
- f) A durable notice must be permanently fixed to the building in the electricity meter box indicating:
  - i. The method of protection
  - ii. The date of installation of the system
  - iii. Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label
  - iv. The need to maintain and inspect the system on a regular basis.

*REASON: It is in the public interest that where appropriate termite management treatments are used in compliance with AS 3660.1.2000 Termite Management New Building Work. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.*

29. If Council is appointed as the Principal Certifying Authority for the purpose of this development, the applicant shall ensure that an inspection(s) is undertaken by Council to ensure that the work as identified in the table below has been installed in accordance with the approved plans, relevant specifications, codes and standards.

COLUMN 1	COLUMN 2
Site Inspection	When all earthworks (cut and fill) approved under this consent are completed (excluding earthworks that are exempt development) and prior to any footings being excavated on the subject site. The applicant shall contact Council to arrange for this inspection.
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.

Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Wet Area	When waterproofing has been applied to all wet areas, prior to tiling or finishing of surface.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building.

*REASON: It is in the public interest that the works are inspected to ensure compliance with the approved plans and relevant specifications, codes and standards.*

30. All Plumbing and Drainage Works must be carried out by a licensed plumber and In accordance with the *Plumbing and Drainage Act 2011* and the regulations thereunder. The person responsible for the plumbing and drainage works is required to submit the following documentation to Council:

- a. A Notice of Work prior to commencement;
- b. A Certificate of Compliance upon completion of the work; and
- c. A Sewer Service Diagram upon completion of the work and prior to a final inspection being carried out by Council.

NOTE: The Act also requires that a copy of the Certificate of Compliance and the Sewer Service Diagram be supplied to the owner of the premises upon completion of the works.

*REASON: It is in the public interest that plumbing and drainage work is carried out with the relevant approvals required under the Local Government Act 1993 and the Plumbing Code of Australia. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

31. A Compliance Certificate for the plumbing and drainage work identified in Column 1 at the times specified in Column 2 must be obtained from Council.

COLUMN 1	COLUMN 2
Internal Drainage	When all internal drainage work is installed and prior to concealment.
External Drainage	When all external drainage work is installed and prior to concealment.
Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
Plumbing	When all internal Plumbing work is installed and prior to concealment.
Septic System and Disposal Area	When the Septic System is installed and prior to covering and when disposal area/trenches are excavated and prior to covering.
Final plumbing and drainage inspection	Prior to occupation of the building or structure.

*REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500.2003 and Plumbing Code of Australia.*

32. Restriction on operations

- (a) The extraction and processing of quarry product from the site is limited to 300,000 tonnes per annum.
- (b) The applicant must supply Council with a certified quantity surveyors report at the end of each financial year that clearly certifies the amount of material processed in that financial year and states whether or not the approved extraction / processing limit has been exceeded.
- (c) At the end of each financial year the applicant must supply Council with a hard and electronic copy of the weighbridge receipts for the previous 12 months.
- (d) Importation of concrete washout and any other material is limited to a maximum of 1500 tonnes per annum (inclusive);
- (e) This consent does not authorise the importation of fill to the site.

*REASON: to limit the development to what was proposed and assessed in the supporting material. It is in the public interest that the development complies with all the conditions of the development consent. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

- 33. All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time, will any ponding of stormwater occur on adjoining land as a result of this development.

*REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 4.15(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.*

- 34. The applicant shall maintain accurate records of the extraction/processing quantities and traffic movement to and from the site.

These records shall be kept on site and be available for inspection at the request of either Coolamon Shire Council or Transport for NSW.

*REASON: To ensure traffic related impacts associated with the development are minimised. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

- 35. A certified traffic count report is to be provided to Council on a quarterly basis from the commencement of operations. The report is to identify laden vehicle movements to and from the site.

The traffic count device is to be maintained in an operational condition for the life of the development.

*REASON: To ensure traffic related impacts associated with the development are minimised. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

- 36. Blasting is limited to a maximum of 12 blasts per year within the approved development footprint and must be undertaken in accordance with condition L6.3 of the Environment Protection Licence for the premises. The nearest sensitive receivers not associated with the development (R19, R8, R5, R7 and R2A, as identified in the EIS) must be notified in writing prior to any blast being undertaken.

*REASON: To limit the development to what was proposed and assessed in the supporting material and ensure impacts associated with the development on the amenity of the area are minimised. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

37. No process water from the activities of the proposed development shall be discharged onto adjoining land.

*REASON: To ensure impacts associated with the development on the environment are minimised. Part 5.3 of the Protection of the Environment Operations Act 1997.*

38. If any Aboriginal object is discovered and / or harmed in, or under the land, while undertaking development activities, the applicant must:

- Not further harm the object
- Immediately cease all work at the particular location
- Secure the area to avoid further harm to the Aboriginal object
- Notify the Office of Heritage NSW as soon as practical on 131555, providing details of the Aboriginal object and its location, and
- Not commence any work at the particular location unless authorised in writing by OEH.

In the event that any skeletal remains are unexpectedly encountered during an activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Office of Heritage NSW is contacted.

*REASON: It is in the public interest that the any items of Aboriginal Cultural Heritage Value be protected and preserved. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

39. The applicant shall ensure that all recommendations of the Aboriginal Archaeological and Historic Heritage Impact Assessment prepared by OzArk Environment and Heritage Pty Ltd, included within the EIS and dated February 2021 are implemented.

*REASON: to give effect to the representations in the supporting material and it is in the public interest that the any items of Aboriginal Cultural Heritage Value be protected and preserved. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

40. The applicant is not to clear any vegetation outside the development footprint as assessed in the BDAR.

*REASON: It is in the public interest that threatened species known to occur on the site are not harmed by the proposal and that site rehabilitation results in improved biodiversity values. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

41. Any repairs, upgrades or alterations to Council infrastructure required as a result of the development shall be carried out by the applicant at the full cost of the applicant. The applicant must contact Council's Engineering Department to confirm what approval is required prior to commencing work on any Council infrastructure.

*REASON: It is in the public interest that all costs associated with upgrading Public Infrastructure as a result of the development are borne by the applicant. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.*

42. All trucks leaving the site are to be loaded so as to prevent material spilling from the trucks during transportation. Any material spilt during transportation is to be removed.

*REASON: To ensure that building and development works do not have adverse impact on the amenity of the area. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.*

43. The approved use must only be conducted in accordance with hours of operation in the following Table;

<b>Proposed Hours of Operation</b>				
<b>Activity</b>	<b>Monday to Friday</b>		<b>Saturdays</b>	
	<b>Core</b>	<b>Contingency<sup>1</sup></b>	<b>Core</b>	<b>Contingency<sup>1</sup></b>
Construction activities	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Extraction operations	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Blasting operations	10:00am – 3:00pm	10:00am – 3:00pm	Nil	Nil
Processing operations	7:00am – 5:00pm	6:00am – 8:00pm	7:00am – 4:00pm	7:00am – 6:00pm
Product despatch	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Maintenance	24 hours / day	24 hours / day	24 hours / day	24 hours / day
Note 1: Contingency hours would only be used during peak production periods to meet specific project demands. During the extended hours of operation (i.e. from 6:00am to 7:00am and 5:00pm to 8:00pm from Monday to Friday and 4:00pm to 6:00pm on Saturdays) activities would be restricted to the operation of the pugmill and precoat plant, loading products onto trucks and stockpile management.				

REASON: To ensure development does not reduce the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

## **Schedule C - Agency Conditions**

### ***Regional NSW – Mining, Exploration and Geoscience (MEG) – Geological Survey of NSW***

1. The applicant shall supply (or continue to supply) annual production data to MEG. Production data may be provided in an aggregated form and will remain confidential to this Department.

### ***Heritage NSW***

1. No Aboriginal objects may be harmed without an approval from Heritage NSW.
2. All staff and contractors involved in the proposed work should undergo a cultural heritage induction and be made aware of the legislative protection requirements for all Aboriginal sites and objects.
3. If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
  - Not further harm the object(s),
  - Immediately cease all work at the particular location,
  - Secure the area so as to avoid further harm to the Aboriginal object(s),
  - Notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location, and
  - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
4. If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
5. In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

### ***NSW Rural Fire Service***

1. A draft Fire Management Plan (FMP) shall be prepared for the proposed development and provided to the local NSW RFS District Office for comment. Any return comment from the District shall be adopted into an amended FMP

As a minimum, the FMP shall include:

- 24-hour emergency contact details including alternative telephone contact;
  - Site infrastructure plan;
  - Firefighting water supply plan;
  - Site access and internal road plan;
  - Construction of asset protection zones and their continued maintenance;
  - Location of hazards (physical, chemical, and electrical) that will impact on the firefighting operations and procedures to manage identified hazards during the firefighting operation;
  - Mitigation measures designed to prevent a fire occurring within the site, and prevent a fire escaping the site and developing into a bush/grass fire risk to the surrounding area; and
  - Such additional matters as required by the NSW RFS District Office.
2. To allow emergency service personnel to undertake property protection activities, a minimum 10-metre defendable space, managed as an asset protection zone, shall be provided around all buildings and built assets and the outside perimeter of the development footprint.

3. All internal roads shall comply with the design and construction specifications for property access outlined in Appendix 3 of Planning for Bush Fire Protection 2019.
4. A minimum 20,000-litre water supply (tank) fitted with a 65mm Storz fitting shall be located adjoining the internal access road within the required asset protection zone.

## **General Terms of Approval**

### **NSW EPA**

#### **Administrative conditions**

##### ***A1. Information supplied to the EPA***

- A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
- the development application DA 2021/44 submitted to Coolamon Shire Council on *30 April 2021*;
  - the environmental impact statement titled "Wallerroobie Quarry" *dated March 2021* and prepared by *R.W. Corkery & Co Pty Ltd* relating to the development.

##### ***A2. Fit and Proper Person***

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

##### ***A3. Premises to which the General Terms of Approval applies***

- A3.1 These General Terms of Approval apply to the following premises:

The Walleroobie Quarry Lot 1, DP 1225817 as depicted in Figure 2.1 of the environmental impact statement titled "Wallerroobie Quarry" *dated March 2021* and prepared by *R.W. Corkery & Co Pty Ltd* kept on EPA file DOC21/347682.

## **Limit conditions**

### ***L1. Pollution of waters***

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

### ***L2. Waste***

- L2.1 The applicant must not cause, permit or allow any waste to be received at the premises, except for the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

**This approval condition does not limit any other condition included in an environment protection licence.**

Code	Waste	Description	Activity	Other Limits
NA	Construction waste	Concrete and similar materials and excluding metals, plastic, timber and paper.	Resource recovery	A maximum of 1,500 tonnes received at the premises each year.

### **L3. Extraction and processing limits**

- L3.1** The applicant must not extract or process more than 301,500 tonnes of material at the premises in any annual return reporting period.

### **L4. Noise limits**

- L4.1** Noise from the premises must not exceed and Leq (15 minute) noise emission criterion of 40 dB(A) during the daytime (7am to 6pm) and a noise criterion of 35 dB(A) at any other time, except as expressly provided by these General Terms of Approval.
- L4.2** Noise from the premises is to be measured at the nearest sensitive receptor not associated with the development to determine compliance with the noise limits.

### **L5. Hours of operation**

- L5.1** Activities at the premises are restricted to the following times.

#### **Proposed Hours of Operation**

Activity	Monday to Friday		Saturdays	
	Core	Contingency <sup>1</sup>	Core	Contingency <sup>1</sup>
Construction activities	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Extraction operations	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Blasting operations	10:00am – 3:00pm	10:00am – 3:00pm	Nil	Nil
Processing operations	7:00am – 5:00pm	6:00am – 8:00pm	7:00am – 4:00pm	7:00am – 6:00pm
Product despatch	7:00am – 5:00pm	7:00am – 5:00pm	7:00am – 4:00pm	7:00am – 4:00pm
Maintenance	24 hours / day	24 hours / day	24 hours / day	24 hours / day

Note 1: Contingency hours would only be used during peak production periods to meet specific project demands. During the extended hours of operation (i.e. from 6:00am to 7:00am and 5:00pm to 8:00pm from Monday to Friday and 4:00pm to 6:00pm on Saturdays) activities would be restricted to the operation of the pugmill and precoat plant, loading products onto trucks and stockpile management.

### **L6 Blasting**

#### **Overpressure**

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

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a

higher cut-off frequency then a correction of 5 Db should be added to the measurement value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

### **Ground vibration (ppv)**

- L6.2** Ground vibration peak particle velocity from blasting operations level from blasting operations on the premises must not:

Exceed 5 mm/sec for more than 5% of the total number of blasts over a period of 12 months;  
and Exceed 10 mm/sec at any time.

- L6.3** The premises must only undertake 1 blast per week between Monday to Friday and 10am to 3pm.

- L6.4** Blast monitoring must be in accordance with conditions at Section M3 of these GTA's.

### **Operating conditions**

#### ***01. Odour***

- O2.1** No condition of this Approval identifies a potentially offensive odour for the purposes of Section 129 of the *Protection of the Environment Operations Act 1997* (POEO Act).

*Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.*

#### ***02. Dust***

- O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

- O2.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### ***O3. Contaminated stormwater***

**O3.1** All rainfall falling on the active or disturbed quarry areas must be captured and detained on the premises in dams or retention basins. This condition applies to rainfall events up to but not exceeding the regional 1 in 20 year 24 hour average recurrent interval event.

#### **Monitoring and recording conditions**

##### ***M1 Monitoring records***

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected:

- the date(s) on which the sample was taken;
- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

##### ***M2. Requirement to monitor volume or mass***

**M2.1** The applicant must monitor:

- the volume of material extracted and processed at the premises, and
- the volume of construction waste received at the premises

at the frequency and using the method of units of measures, specified below:

Frequency	Units of measure	Sampling method
Daily	Tonnes	Weighbridge

##### ***M3. Blast Monitoring***

**M3.1** One blast undertaken at the premises must be monitored in each annual return reporting period.

**M3.2** For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at the nearest affected premises not associated with the development and must be:

*At the residential boundary; or*

*30 metres from residences in rural situations where the boundary is more than 30 metres from residences.*

*Airblast overpressure levels should not be measured within 3.5 metres of any building.*

*Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.*

## **Reporting conditions**

### **R1. Annual returns**

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

## **Attachment 'B' – Mandatory Conditions for all EPA licences**

### **Administrative conditions**

#### **Other activities**

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- Waste processing (building and demolition waste)

### **Operating conditions**

#### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

This includes:

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

### **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

#### **Telephone complaints line**

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

### **Reporting conditions**

#### **Annual Return documents**

*What documents must an Annual Return contain?*

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### ***Period covered by Annual Return***

An Annual Return must be prepared in respect of each reporting, except as provided below:

*Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

### ***Deadline for Annual Return***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

### ***Notification where actual load cannot be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee’s control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

### ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### ***Notification of environmental harm***

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### **General conditions**

Copy of licence kept at the premises or on the vehicle or mobile plant.

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.