

ATTACHMENT 1: DRAFT CONSENT CONDITIONS

APPROVED DEVELOPMENT

1. The development shall be generally in accordance with Development Application number DA2021/0133 submitted by the Applicant with the supporting documentation submitted with that application, including, but not limited to, the following:

Drawings			
Drawing No.	Rev.	Name of Plan	Date
2016.dwg	2	Site Plan Quarry Crosssections	9/6/2022
2016.dwg	1	Proposed Road Design Typicals Proposed Quarry	7/5/2021
2016.dwg	1	Proposed Road Design Layout Proposed Quarry	6/5/2021
2016.dwg	-	Proposed Road Design Proposed Quarry	31/3/2021
119-S01B	-	Bald Hill Quarry Modification Site Access / Hume Highway Intersection	15/2/2021
Sheet 2	A	Pavement Marking and Signposting Plan (Site Access / Hume Highway Intersection)	Undated
<ul style="list-style-type: none">• Environmental Impact Statement "Mt Bundarbo Quarry EIS", prepared by NGH Pty Ltd, dated 26 May 2021.• Air Quality Impact Assessment, prepared by SLR Consulting Australia Pty Ltd, dated 29 January 2021.• Aboriginal Due Diligence Assessment, prepared by NGH Pty Ltd, dated 6 May 2021.• Traffic Impact Assessment, prepared by Amber Organisation Pty Ltd, dated 10 May 2021.• Response to Submissions, prepared by NGH Pty Ltd, dated 15 October 2021.• Noise and Blasting Assessment, prepared by SLR Consulting Australia Pty Ltd, dated 9 November 2021.• Additional information request for clarification, prepared by Bald Hill Quarry Pty Ltd, dated 10 June 2022.• Biodiversity Development Assessment Report, prepared by NGH Pty Ltd, dated 10 October 2022.• Additional information Mt Bundarbo Quarry request for further clarification of a potential ring tree, prepared by NGH Pty Ltd, dated 27 October 2022.			

as modified by any conditions of this consent.

2. Quarrying operations may be carried out on the site for 20 years from the date of this consent.

Note: Under this consent, the person having the benefit of this consent is required to decommission and rehabilitate the site and carry out other requirements in relation to the quarry. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of quarrying operations until the rehabilitation of the site and other requirements have been carried out to the required standard.

3. Quarrying activities on the site shall not exceed any of the following limits:
 - a) Extraction of more than 450,000 tonnes of extractive materials in any 12 month period or 4,000,000 tonnes in total over the life of the quarry; and
 - b) Quarrying to a depth greater than 540 metres AHD.
4. The maximum extraction rate from the combined quarry operations and haulage of material from the combined quarry operations on the site shall not exceed 450,000 tonnes per annum. In this condition, combined quarry means the quarry approved by this consent and the quarry approved under Development Consent No. T98/027 (North Ridge Quarry).
5. Access between the site and the Hume Highway shall be via its intersection with the Old Hume Highway and be restricted to vehicles with a maximum size up to general access (19 metres) vehicles.
6. A maximum of sixteen (16) laden heavy vehicles are permitted to leave the quarry site via the Hume Highway in any given hour.
7. The person having the benefit of this consent shall keep accurate records of the amount of material transported on the public road network and associated traffic movement numbers to and from the site (on a monthly basis). These records shall be made available on the operator's website at the end of each calendar year or at the request of either the Hilltops Council or Transport for NSW.
8. No approval is granted by this consent for any alterations and/or expansion or intensification of the existing Bald Hill Quarry processing plant, workshop, office and amenities at Lot 7 DP133540, 5423 Hume Highway, Berremangra.

9. No construction works, vegetation removal, visual shields, stockpiles or earthworks are permitted outside of the development footprint as defined by the Biodiversity Development Assessment Report, prepared by NGH Pty Ltd, dated 10 October 2022. This condition prevails in the event any inconsistency exists with the conditions of this consent (i.e. management plans prepared under this consent).
10. All work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the land.
11. All building work must be carried out in accordance with the requirements of the Building Code of Australia.
12. A copy of the stamped approved plans and documentation must be kept onsite for the duration of the development and be made available upon request to either Hilltops Council or Transport for NSW.

General Terms of Approval – Integrated Development

13. The following General Terms of Approval have been integrated with this consent and must be adhered to by the person having the benefit of this consent and respective Approval Body in the carrying out of this development:
 - a) General Terms of Approval – Protection of the Environment Operations Act 1997 for the granting of an Environmental Protection Licence, issued by the NSW Environment Protection Authority on the 24 December 2021.
14. In the event any inconsistency exists between the approved documents listed in condition 1 of this consent, the most recent document or revision supersedes the inconsistency, except where superseded by any conditions of this consent or the conditions of an in-force Environment Protection Licence issued by the NSW Environment Protection Authority.

PRIOR TO WORKS COMMENCING

15. The person having the benefit of this consent must retire credits of a number and class specified in the following tables in accordance with the Biodiversity Conservation Act 2016 to offset the residual biodiversity impacts of the development.

Table 1: Ecosystem credits required to be retired

Plant community type	Impact area	Credits required
PCT 266 White Box grassy woodland in the upper slopes sub-region of	6.83 ha	70

the NSW South Western Slopes Bioregion		
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Table 2: Species credits required to be retired

Species	Credits required
Brush-tailed phascogale (Phascogale tapoatafa)	70

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 or number of species credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment into the Biodiversity Conservation Fund is to be provided to Hilltops Council prior to commencement of works.

16. Prior to the commencement of works, a Biodiversity Management Plan must be prepared in consultation with Department of Planning, Industry and Environment - Biodiversity Conservation Division and Hilltops Council. The Biodiversity Management Plan may form part of the Construction Environmental Management Plan.

The Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report (BDAR), prepared by NGH Pty Ltd, dated 10 October 2022 and approved plans.

The Biodiversity Management Plan must identify areas of land that are to be retained as outlined in the BDAR.

Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.

The Biodiversity Management Plan must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity, including performance measures for each commitment.

17. Prior to the commencement of works, a Rehabilitation Plan must be prepared in consultation with Department of Planning, Industry and Environment - Biodiversity Conservation Division and Hilltops Council. The plan must address:
 - a) Weed management and feral animal control;
 - b) Replanting and regeneration of native vegetation;
 - c) Location of hollows from tree removal and logs;

- d) installation of nest boxes to compensate for removal of hollow bearing trees; and
 - e) Maintenance and monitoring timing, frequency and corrective actions.
- 18. Prior to the commencement of works, the person having the benefit of this consent shall engage a Registered Surveyor to mark out the boundaries of the development footprint as defined by the Biodiversity Development Assessment Report, prepared by NGH Pty Ltd, dated 10 October 2022, and submit such details on a plan of survey to Hilltops Council.
- 19. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) is to be prepared in accordance with the approved plans and documentation under condition 1 of this consent. A copy of the CEMP shall be submitted to Hilltops Council.
- 20. Prior to any works commencing within the road reserve, approval under Section 138 of the Roads Act, 1993 must be obtained from appropriate road authority (Hilltops Council and Transport for NSW). The person having the benefit of this consent is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.
- 21. Prior to the commencement of any works, erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained for the life of the operations in accordance with Managing Urban Stormwater, Soils and Construction Volume 2E Mines and Quarries. A copy of the Soil and Water Management Plan detailing these measures shall be submitted to Hilltops Council.
- 22. A sign must be erected at the property access in a position visible from the entrance of the property during quarry operations. The sign is to:
 - a) State that unauthorised entry to the quarry work area is prohibited; and
 - b) Show the name of the person in charge of the quarry operations and a contact number for that person.
- 23. The date of commencement of each of the following phases of the development must be notified to Hilltops Council in writing:
 - a. Construction;
 - b. Quarrying operations; and
 - c. Cessation of quarrying operations.

DURING WORKS

24. Building activities and excavation and/or earthworks involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7:00 am and 6:00 pm on weekdays and 7:00 am and 1:00 pm on Saturdays (standard construction hours). No work on Sundays or Public Holidays is permitted.
25. The carrying out of work during the construction of the development shall be done in such a manner as to not to interfere with the amenity of the locality by reason of the emission of noise, vibration, dust, smell, fumes, smoke vapour, steam, soot, ash, wastewater, waste products or grit, oil or otherwise.
26. The development shall provide for adequate on-site vehicle parking for all tradesmen, plant and equipment and the storage of materials at all times during construction phase of the development. No materials, goods, etc. shall be stored in the road reserve or roadway, unless associated with a separate approval under the Road Act, 1993.
27. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at a lawful waste facility. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the development.
28. Toilet facilities are to be provided during construction, on the work site, at the rate of one (1) toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.
29. Any damage caused to roadways, utilities and alike by reason of works associated with the development shall be made good and repaired to a standard equivalent to that existing prior to commencement of works. The full cost of restoration/ repairs of property or services damaged during the works shall be met by the person having the benefit of this consent.
30. Trees not approved for removal by this consent must be protected from damage during construction works in accordance with Australian Standard AS4970:2009 Protection of Trees on Development Sites.
31. Vegetation removal shall be limited to vegetation identified to be removed in the Biodiversity Development Assessment Report, prepared by NGH Pty Ltd, dated 10 October 2022.
32. All earthworks, filling, driveways or other works, are to 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.

33. Topsoils must be stored to allow for rehabilitation of the quarry at the cessation of use. The soils are to be stored in such a manner to prevent their erosion, such as by stormwater or wind.
34. If any items suspected of being Aboriginal in origin are discovered during works, all work in the immediate vicinity must stop and Heritage NSW must be notified. The find will need to be assessed and if found to be an Aboriginal object an Aboriginal Heritage Impact Permit (AHIP) may be required.
35. In the unlikely event that human remains are identified during works, all work must cease in the immediate vicinity and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, Heritage NSW must be notified.

Access and Traffic – Transport for NSW & NSW Rural Fire Services

36. All works and restrictions proposed as per the submitted documentation including the Road Safety Audit shall be constructed and implemented prior to the extraction of any material from the proposed Mount Bundarbo Quarry.
37. Detailed design plans including pavement design details shall be submitted to Transport for NSW for approval prior to commencement of any work associated with the recommendations of the submitted supporting documentation. An updated line marking and signposting plan shall be developed in consultation with Transport for NSW and submitted for approval.
38. Continued compliance with previous development consents issued for the quarry and landfill operations on the site that utilise the existing access driveway to the Hume Highway. All works and restrictions proposed as per the submitted documentation for the modification of Development Application T98/027 to increase the extraction rate from 300,000 tonnes to 450,000 tonnes per annum and those required by the Notice of Consent, dated 23 June 202, for T98/027.2 shall be complied with prior to the extraction of any material from the proposed Mount Bundarbo Quarry.
39. The Hume Highway is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) or other suitable arrangement as agreed to with Transport for NSW before finalising the design or undertaking any construction work within or connecting to the road reserve. The

applicant is to contact the Team Leader for the South Region (Wagga Office) on Ph. 02 69236611 for further details.

40. Vehicular access to the development shall be by the existing access driveway to the Hume Highway. A right of way is to be created over the existing access for the benefit of Lot 9 DP439146, Lot 7002 DP1031310, Lot 148 DP753592 and Lot 11 DP133540 to provide legal access to the proposed Mount Bundarbo Quarry.
41. 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.
42. All works associated with the development shall be at no cost to Hilltops Council and Transport for NSW.

PRIOR TO COMMENCEMENT OF QUARRY OPERATIONS

43. Prior to the commencement of quarrying operations, the person having the benefit of this consent shall engage a Registered Surveyor to mark out the boundaries of the approved limits of extraction within the site and submit such details on a plan of survey to Hilltops Council. The survey markers for external boundary of the extraction area are to be maintained until rehabilitation has been completed.
44. A legally binding agreement between Hilltops Council and the person having the benefit of this consent for the purpose of site rehabilitation shall be entered into prior to commencement of works. All legal costs involved in this agreement shall be borne by the applicant. Site rehabilitation is to be carried out in accordance with the conditions of this consent.
45. The Operational Environmental Management Plan must be prepared by a suitably qualified and experienced person prior to the commencement of quarrying operations and implemented during operation. The Plan must address but not be limited to:
 - a) Dust management
 - b) Noise management
 - c) stockpile management
 - d) transport management
 - e) Soil and water management
 - f) Tree protection measures
 - g) pest and weed management
 - h) waste management
 - i) Environmental monitoring
 - j) Contingency plans to respond to emergencies or incidents
 - k) Procedures to receive, handle, respond to and record complaints

- l) Matters identified in the Environmental Impact Statement and any management plans or conditions of this consent
- m) Matters identified in the General Terms of Approval of the Environment Protection Authority

The Operational Environmental Management Plan shall be submitted to Hilltops Council.

- 46. A Quality Assurance Plan (QAP) for the potable water supply must be developed in accordance with the NSW Department of Health Private Water Supply Guidelines (2014) and the National Health and Medical Research Council Australian Drinking Water Guidelines (2011). The QAP shall be submitted to Hilltops Council prior to the commencement of quarrying operations.
- 47. A Fire Management Plan (FMP) shall be prepared for the proposed development and provided to the local NSW Rural Fire Services District Office for comment. Any return comment from the District shall be adopted into the FMP. As a minimum, the FMP shall include:
 - a) 24-hour emergency contact details including alternative telephone contact;
 - b) Site infrastructure plan;
 - c) Fire fighting water supply plan;
 - d) Site access and internal road plan;
 - e) Location of hazards (physical, chemical, and electrical) that will impact on the fire fighting operations and procedures to manage identified hazards during the fire fighting operations;
 - f) 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
 - g) Such additional matters as required by the NSW Rural Fire Services District Office.

The FMP shall be submitted to Hilltops Council prior to the commencement of quarrying operations.

QUARRY OPERATIONS

- 48. All reasonable and feasible measures must be implemented to prevent and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.
- 49. Activities at the site must be carried out in a manner that will minimise the emission of dust from the premises.

50. The person having the benefit of this consent must ensure there is sufficient water for the quarrying operations, and if necessary, adjust the scale of operations to match available water supply and licensed water entitlements.
51. Noise generated at the site must not exceed the noise limits at the locations contained in the in-force Environment Protection Licence.
52. The person having the benefit of this consent must apply for and hold an in-force Environment Protection Licence issued by the NSW Environment Protection Authority prior to carrying out any scheduled activities under the Protection of the Environment Operations Act 1997.
53. All stormwater runoff from the development is to be collected on site and treated prior to discharge in accordance with the Environmental Protection Licence.
54. All excavation shall be executed in a safe manner in accordance with the appropriate professional standards and SafeWork NSW requirements.
55. All activities including loading and unloading of materials associated with the development are to be carried out onsite. All loads are to be adequately covered and managed to include dust reduction strategies which may include the use of water carts.
56. Vehicles leaving the site are to be in a clean condition and not result in dirt being tracked onto public roads.
57. All plant and equipment used on site, or to monitor the performance of the development must be maintained in a proper and efficient condition and operated in a proper and efficient manner.
58. All fuels and the like used in the development is to be stored and used in a manner so as to prevent spills, or these substances entering the soil or watercourses.
59. All fuel must be stored in an impervious bunded area that meets the relevant Australian Standard AS4452B-1997 The Storage and Handling of Toxic Substances. The volume of the bunded area must be capable of holding 110% of the volume of the largest container being stored.
60. The person having the benefit of this consent must take all reasonable steps to minimise the visual and off-site lighting impacts of the development and revegetate overburden and bunds as soon as practicable.
61. No injury must be caused to the amenity of the area by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate

matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Contributions

62. Pursuant to Section 7.11 of the *Environmental Planning and Assessment Act 1979*, a quarterly monetary contribution of \$0.26 per Equivalent Standard Axles per kilometre of road used must be paid to Hilltops Council for road infrastructure upgrading and maintenance in accordance with the Harden Contributions Plan for Heavy Haulage Development, adopted on 16 November 2011, which may be viewed on Council's website: www.hilltops.nsw.gov.au.

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic. The contribution is to be paid within a month of the completion of the quarter and evidence of the tonnage of all material leaving the quarry and its destination is to accompany the payment to verify the contribution.

63. A traffic classifier to be installed at a suitable location to classify and count the number of loaded heavy vehicles that enter or exit the site over a set period. The classifier will be used to determine the number of Equivalent Standard Axles that leave the development and are subject to contributions.

Responsibility for keeping the traffic classifier in good working order throughout the life of the development rests with the operator of development. Council officers are to be provided access to the traffic classifier data on a regular basis i.e. quarterly. In the event of the traffic data being corrupted, then Council at its discretion may determine the contributions for the preceding period.

Annual Report - NSW Mining, Exploration and Geoscience

64. From the commencement of quarrying operations, the person having the benefit of this consent must provide annual quarry production data to Geological Survey of NSW - Mining, Exploration & Geoscience (MEG) annually.

Rehabilitation

65. Quarrying activities shall occur as per the staging nominated in the Environmental Impact Statement "Mt Bundarbo Quarry EIS", prepared by NGH Pty Ltd, dated 26 May 2021. The site is to be rehabilitated

progressively, that is, as soon as reasonably practicable following disturbance.

66. The person having the benefit of this consent must establish a rehabilitation bond account and deposit \$0.05 per tonne of quarry product sold for the life of the development, to ensure that rehabilitation is completed, as detailed in the Environmental Impact Statement "Mt Bundarbo Quarry EIS", prepared by NGH Pty Ltd, dated 26 May 2021 and Biodiversity Development Assessment Report, prepared by NGH Pty Ltd, dated 10 October 2022.
67. At least 3 years prior to the cessation of quarry operations, the person having the benefit of this consent must prepare a Detailed Quarry Closure Plan for the development. This Plan must:
 - a) define the objectives and criteria for quarry closure;
 - b) investigate options for the future use of the site, including final void;
 - c) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and
 - d) describe how the performance of these measures would be monitored over time.