

DETERMINATION AND STATEMENT OF REASONS

SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	13 April 2023
DATE OF PANEL DECISION	13 April 2023
DATE OF PANEL MEETING	6 April 2023
PANEL MEMBERS	Clare Brown (Acting Chair), Chris Wilson, Stephen Gow
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on prior to and following the panel meeting on 25 November 2022 and 13 December 2022.

MATTER DETERMINED

PPSSTH-90 – Hilltops - DA2021/0133 at Lot 9 DP439146, Lot 7002 DP1031310, Crown Reserve, Lot 148 DP753592 and Lot 11 DP133540, 5423 Hume Highway, Berremangra – Extractive Industry - quarry expansion and associated infrastructure, earthworks and tree removal. (as described in Schedule 1).

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 made following a briefing meeting with the Council and applicant on 6 December 2022, an invitation from the Panel to the Applicant to submit comments on the Council report and conditions as the applicant was unaware that the report and draft conditions had been published.

The applicant's submission of 12 December and revised draft conditions set were circulated electronically, and the panel then determined the application by way of approval.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

The Panel was satisfied that the initial objections raised by Crown Lands had been resolved and that owner's consent for the lodgement of the development application had been issued.

The Panel noted the comments of relevant agencies consulted during the assessment of the development application and the additional information submitted by the Applicant in response to the issues raised. In this regards the Panel noted the comments and requested conditions of Transport for NSW, NSW Rural Fire Service, Department of Planning and Environment – Biodiversity Conservation Division, Geological Survey of NSW – Mining, Exploration & Geoscience, and also the GTAs issued by the NSW EPA.

The Panel was satisfied subject to compliance with the amended conditions that the potential environmental impacts of the proposal could be managed and mitigated. In this regard the Panel notes the requirements for the preparation of a Biodiversity Management Plan and Rehabilitation Management Plan. The Panel understand the interrelationship between the proposed quarry operations and the North Ridge Quarry.

The Panel is satisfied that the threshold questions posed by the following provisions have been considered and met in the assessment of the development application:

- The proposal is a class of development included within Section 7 of Schedule of SEPP Planning Systems 2021, being an extractive industry, which meets the requirements for designated development under the EP&A Act and is to be determined by the Panel.
- Sections 2.17, 2.19, 2.20, 2.21, 2.22 and 2.23 of State Environmental Planning Policy (Resources and Energy) 2021
- Sections 2.48 and 2.118 of State Environmental Planning Policy (Transport and Infrastructure) 2021
- Part 3 and section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021


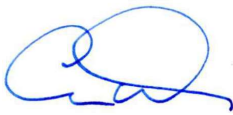
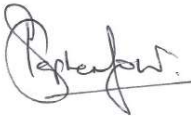
The Panel is satisfied that the site does not contain core Koala habitat.

CONDITIONS

The Panel was provided with conditions in the Council Assessment Report and revised conditions of consent prior to determination.

The Development Application was approved with conditions with the Panel considering the conditions provided, the Applicant's comments and approved the Development Application with amendments to the draft conditions.

A final set of conditions of consent as by approved by the Panel is in Attachment A.

PANEL MEMBERS	
 Clare Brown (Acting Chair)	 Chris Wilson
 Stephen Gow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-90 – Hilltops - DA2021/0133
2	PROPOSED DEVELOPMENT	Extractive Industry - quarry expansion and associated infrastructure, earthworks and tree removal.
3	STREET ADDRESS	Lot 9 DP439146, Lot 7002 DP1031310, Crown Reserve, Lot 148 DP753592 and Lot 11 DP133540, 5423 Hume Highway, Berremangra.
4	APPLICANT/OWNER	Applicant: Bald Hill Quarry Pty Ltd Owners: Bald Hill Quarry Pty Ltd, T.A. Field Estates Pty Ltd, Crown Lands, NSW Aboriginal Land Council and Young Local Aboriginal Land Council (consent provided 22 May 2022).
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Koala Habitat Protection) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 Harden Local Environmental Plan 2011 Draft Hilltops Local Environmental Plan 2021 Development control plans: Nil Planning agreements: Nil Harden Contributions Plan for Heavy Haulage Developments Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> Rural Fire Service Planning for Bush Fire Protection Guidelines, dated November 2019 Coastal zone management plan: N/A The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 25 November 2022 Written submissions during public exhibition: 7 Seven submissions from public authorities including one objection from Crown Lands (landowners consent and land claim). Total number of unique submissions received by way of objection: 1 Written Submission of the Applicant dated 12 December 2022 regarding conditions Amended condition set prepared by Council dated 13 December 2022
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 16 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Clare Brown (Acting Chair), Andrew Hutton, Stephen Gow

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Andrew Raines ○ <u>Other</u>: Amanda Moylan (DPE) <ul style="list-style-type: none"> ● Site inspection: 16 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Acting Chair), Andrew Hutton, Stephen Gow ○ <u>Council assessment staff</u>: Andrew Raines ○ <u>Applicant representatives</u>: John Wilkinson, Belinda Fourie, Tony Willsallen ○ <u>Other</u>: Amanda Moylan (DPE) ● Final briefing to discuss council's recommendation: 6 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Acting Chair), Andrew Hutton, Stephen Gow ○ <u>Council assessment staff</u>: Bill Vanry, Jaime Dyhrberg ○ <u>Applicant representatives</u>: Belinda Fourie, Tony Willsallen; John Wilkinson, Matt Fox ○ <u>Other</u>: Sung Pak (DPE) ● Determination meeting: 6 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Clare Brown (Acting Chair), Andrew Hutton, Stephen Gow, Chris Wilson ○ <u>Other</u>: Amanda Moylan (DPE)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Amended conditions submitted on 13 December 2022 and follow up clarifications

Attachment A: Approved Final Conditions of Consent

PANEL REFERENCE & DA NUMBER	PPSSTH-90 – DA2021/0133
PROPOSAL	Development of a quarry pit – Extractive Industry (Quarry) and associated infrastructure, earthworks, and tree removal
ADDRESS	Lot 9 DP439146, Lot 7002 DP1031310, Crown Reserve, Lot 148 DP753592 and Lot 11 DP133540, 5423 Hume Highway, Berremangra
APPLICANT	Bald Hill Quarry Pty Ltd
APPLICATION TYPE	Development Application

TERMS AND DEFINITIONS

DEVELOPMENT SITE - Is the land nominated as Development Site on Figures 1-1, 1-2 ,1-3, 1-4 and 3-5 of the EIS prepared by NGH Pty Ltd dated May 2021

EXTRACTION FOOTPRINT – Is the Pit Staging and Indicative layout for the Mount Bundarbo Quarry as shown in Figure 3-6 of the EIS prepared by NGH Pty Ltd dated May 2021 and Figure 3-3 and Figure 3-4 of the Biodiversity Assessment Report dated October 2022 prepared by NGH

COMBINED QUARRY OPERATIONS – Means the quarry approved by this development consent (Mount Bundarbo Quarry) and the quarry approved under Development Consent No. T98/027 (North Ridge Quarry).

REASON FOR IMPOSITION OF CONDITIONS

The reason for the imposition of the consent conditions is as follows:

1. To achieve the objectives of section 1.3 of the Environmental Planning and Assessment Act, 1979, having regard to the relevant matters for consideration contained in section 4.15 of the Act and the Environmental Planning Instruments applying to the land;
2. To ensure compliance with the Building Code of Australia, to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety, health and amenity, for the benefit of the community now and in the future;
3. To confirm the details of the application and plans submitted by the applicant;
4. To ensure compliance with relevant planning controls;
5. To ensure the demolition, excavation and building works are carried out within the required standards, with minimal impact to the locality;
6. To ensure that appropriate environmental protection measures are in place;
7. To protect the amenity of the local environment, residents and adjoining landowners;
8. To ensure the development complies with the requirements of Council policies; and
9. To protect existing trees located on site and adjoining areas.

PART A: GENERAL

1. The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Drawings submitted with the application

Drawing No.	Revision	Title	Date
2016.dwg	2	Site Plan Quarry Crosssections	9/6/2022
2016.dwg	3	Proposed Road Design Typicals Proposed Quarry	7/5/2021
2016.dwg	1	Proposed Road Design Layout Proposed Quarry	6/5/2021
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
Staging Plans As detailed in Appendix B of the EIS		Pit Development & Blasting Arrangement Stage 1 - Plan View	
		Pit Development & Blasting Arrangement Stage 1 - Profile View NTS	
		Pit Development & Blasting Arrangement Stage 2 - Plan View (Approx 18-24 Months)	
		Pit Development & Blasting Arrangement Stage 2 - Profile View NTS (Approx 18-24 Months)	
		Pit Development & Blasting Arrangement Stage 3 - Plan View (Approx 3-4 Years)	
		Pit Development & Blasting Arrangement Stage 3 - Profile View NTS (Approx 3-4 Years)	
		Pit Development & Blasting Arrangement Stage 4 - Plan View (Approx 10-15 Years)	
		Pit Development & Blasting Arrangement Stage 4 - Profile View NTS (Approx 10-15 Years)	
		Pit Development & Blasting Arrangement Stage 5 - Plan View (Approx 15-20 Years)	
		Pit Development & Blasting Arrangement Stage 5 - Profile View NTS (Approx 15-20 Years)	
		Pit Development & Blasting Arrangement Stage 6 - Plan View (Approx 25-30 Years)	
		Pit Development & Blasting Arrangement Stage 6 - Profile View NTS (Approx 25-30 Years)	
<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.

In the event of any inconsistency between the conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Note: The extent of works approved under this development consent is generally shown in the plan included at **Attachment B**.

2. Quarrying operations approved under this development consent may be carried out for a maximum period of 20 years from the date of commencement of quarry operations as notified to Council in accordance with condition 14 of this development consent.

Note: The person having the benefit of this development consent is required to decommission and rehabilitate the site and carry out other requirements in relation to the quarry operations and closure. The terms of this development 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 in accordance with this development consent.

3. Quarrying activities on the site within the Extraction Footprint shall not exceed any of the following limits:
 - a. 4,000,000 tonnes in total over the life of the Mt. Bundarbo Quarry; and
 - b. Quarrying to a depth lower than RL 540 metres AHD.
4. The maximum extraction rate from the combined quarry operations of all material from the combined quarry operations shall not exceed 450,000 tonnes per annum.
5. Vehicular access to the proposed quarry shall be by the existing access driveway to the Hume Highway. A right of way is to be created over the existing access where the access traverses private lands for the benefit of Lot 9 DP439146, Lot 7002 DP1031310, Lot 148 DP753592 and Lot 11 DP133540 to provide practical and legal access to the proposed Mount Bundarbo Quarry in perpetuity. The right of way is to be created prior to any works commencing.

The intersection of the haulage road and the Hume Highway is to be upgraded in the area shown within the EIS prepared by NGH Pty Ltd dated May 2021. Truck access to the quarry shall be restricted to vehicles with a maximum size up to general access (19 metres) vehicles in accordance with the approved Traffic Impact Assessment, prepared by Amber Organisation Pty Ltd, dated 10 May 2021.

The intersection works are to be completed prior to the commencement of quarry operations the subject of this development consent.

6. A maximum of sixteen (16) laden heavy vehicles are permitted to leave the site of the Combined Quarry Operations via the Hume Highway in any given hour during the approved hours of operation.
7. The person having the benefit of this development consent shall keep accurate records of the amount of material transported from the Mount Bundarbo Quarry 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 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, earthworks or quarry operations are approved outside of the development site as detailed in the plan at **Attachment B**.
10. All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant construction certificate.
11. 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.
12. All works associated with the development shall be at no cost to Hilltops Council and Transport for NSW.
13. Existing trees and vegetation within the development site, with the exception of the trees located within the development footprint, are to be retained and protected from damage during works and operations carried out under this development consent.
14. The person having the benefit of this development consent shall notify Hilltops Council in writing of each of the following:
 - i. Prior to any works commencing under the terms of this development consent details of the transfer of ownership of the Crown Land to the Young Local Aboriginal Land Council and owners consent of the Young Aboriginal Land Council to the undertaking of works within the Crown Road Reserve being Lot 7002 in DP1031310.
 - ii. Seven days prior to the commencement of any construction works under this development consent;
 - iii. Seven days prior to the commencement of the Quarrying operations;
 - iv. Seven days prior to the undertaking of any blasting;
 - v. Four weeks prior to the cessation of quarrying operations.
15. All works and restrictions proposed as per the submitted Traffic Impact Assessment, prepared by Amber Organisation Pty Ltd, dated 10 May 2021 shall be constructed and implemented prior to the extraction of any material from the proposed Mount Bundarbo Quarry.
16. Detailed design plans including pavement design (for the intersection upgrade identified in condition 5 of this development consent) shall be submitted to Transport for NSW for approval prior to commencement of any work associated with the recommendations of the Traffic

Impact Assessment, prepared by Amber Organisation Pty Ltd, dated 10 May 2021. An updated line marking and signposting plan shall be developed in consultation with Transport for NSW and submitted for approval in conjunction with the required application under Section 138 of the Roads Act 1993.

Note: As the Hume Highway is part of 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 to be approved under Section 138 of the Roads Act 1993.

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

17. All internal roads shall comply with the design and construction specifications for site access outlined in Appendix 3 of Planning for Bush Fire Protection 2019.

PART B: GENERAL TERMS OF APPROVAL

18. The following General Terms of Approval have been integrated with this consent (Schedule A) 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. **Schedule 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.

PART C: PRIOR TO WORKS COMMENCING

19. Prior to any works commencing under the terms of this development consent the person having the benefit of this development consent must retire credits of a number and class specified in Tables 1 and 2 of this condition 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	6.83 ha	70

Table 2: Species credits required to be retired

Species	Credits required
Brush-tailed phascogale (<i>Phascogale tapoatafa</i>)	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 any works.

20. Prior to the commencement of works, a Biodiversity Management Plan must be prepared in consultation with and the approval of the Department of Planning and Environment - Biodiversity Conservation Division and Hilltops Council.
21. 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 nominated 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.

The Biodiversity Management Plan is to form part of the Construction Environmental Management Plan.

22. Prior to the commencement of any works, a Rehabilitation Plan including a Vegetation Management Plan (VMP) must be prepared in consultation with Department of Planning and Environment - Biodiversity Conservation Division and Hilltops Council, and the final document approved by Hilltops Council. The VMP and Rehabilitation Plan must reflect the Development Site and Extraction Footprint in the approved documents listed in Condition 1 and the VMP must include the following details
- 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;
 - e. Fencing to protect remaining areas of Box-Gum Woodland,
 - f. Management objectives and actions to improve natural regeneration, habitat connectivity and increased diversity of native shrubs and understory; and
 - g. Maintenance and monitoring timing, frequency and corrective actions.
23. Prior to the commencement of any works, the person having the benefit of this development consent shall engage a Registered Surveyor to mark out the boundaries of the Development Site and the Extraction Footprint as defined by Figure 1-1 Site Map, development locality and Figure 1-2 Site Map, development site Mt Bundarbo 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.
24. Prior to the commencement of any works, a Construction Environmental Management Plan (CEMP) is to be prepared for the development detailed approved plans and documentation under condition 1 of this development consent. A copy of the CEMP shall be submitted to and approved by Hilltops Council and at a minimum, the CEMP shall address:
- (a) hours of construction work (i.e. not quarrying operations), as follows:
 - (i) Mondays to Fridays – 7:00 am to 6:00 pm
 - (ii) Saturdays – 8:00 am to 5:00 pm
 - (iii) Sundays and public holidays – Nil
 - (iv) Any other times – only with the prior written consent of Council;
 - (b) noise management – including minimising noise emissions from plant and equipment, by installing and maintaining, wherever practicable, efficient silencers and low-noise mufflers;

- (c) management of dust to protect the amenity of the neighbourhood - all activities on the site shall be undertaken with the objective of preventing visible emissions of dust from leaving the site, including wind-blown and traffic-generated dust, in accordance with Part 6 of Council's *Engineering Guidelines for Subdivision and Development*. Should such visible dust emissions occur at any time, the Developer shall identify and implement all practicable dust mitigation measures, including cessation of relevant works or dampening of site roads and work areas, as appropriate, such that emissions of visible dust cease;
- (d) soil erosion and sediment control measures shall be designed in accordance with the approved plans and Council's *Engineering Guidelines for Subdivision and Development*.
- (e) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site,
- (f) construction waste management – including:
 - (i) storage of waste shall occur within the boundaries of the development site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin/skip;
 - (ii) any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
 - (iii) the Developer shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the development, to minimise the need for treatment or disposal of those materials outside the site;
- (g) tree protection measures - all trees on the site (not approved for removal), and that may be threatened by the works, are to be suitably protected in accordance with AS 4970-2009 *Protection of trees on development sites*, by way of tree guards, barriers or other measures as necessary in order to protect tree root systems, trunks and branches, during construction;
- (h) 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;
- (i) Site security;
- (j) Unexpected finds protocol; and
- (k) Biodiversity Management Plan

In the event of any inconsistency between the conditions of this consent and the Construction Environmental Management Plan, the conditions shall prevail.

25. Prior to any works commencing within the road reserve of the Old Hume Highway as shown on Figure 1-3 of the EIS prepared by NGH Pty Ltd dated May 2021, 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.
26. 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 (Department of Environment and Climate Change, 2008). A copy of the Soil and Water Management Plan detailing these measures shall be submitted to Hilltops Council for approval prior to installation.
27. A sign must be erected within the site adjacent to the haulage road at the site access point in a position visible from the entrance of the site during quarry operations. The sign is to:
 - a. State that unauthorised entry to the quarry work area is prohibited;
 - b. State a link to the Operators Website; and
 - c. Show the name of the person in charge of the quarry operations and a contact number for that person.

Note: The information is to be posted to the operators website for access by the public to provide transparency of the nature of the operations

PART D: DURING CONSTRUCTION AND SITE ESTABLISHMENT

28. All measures contained in the approved Construction Environmental Management Plan (CEMP) shall be adhered to and maintained throughout the construction and site establishment phase of the development. The CEMP measures do not apply to quarrying operations which are subject to separate approvals.
29. Any damage caused to public roadways, utilities and alike by reason of works associated with the development during construction, operation and decommissioning phases 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. 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.
31. Alterations to the natural surface contours must not impede, increase or divert natural surface water runoff, so as to cause a nuisance to adjoining properties, including road reserves.
32. Topsoils must be stored to allow for rehabilitation of the quarry at the cessation of quarry activities. The soils are to be stored in such a manner to prevent their erosion, such as by water or wind.
33. 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.
34. In the 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.

PART E: PRIOR TO COMMENCEMENT OF QUARRY OPERATIONS

35. Prior to the commencement of quarrying operations under this development consent, the person having the benefit of this consent shall engage a Registered Surveyor to mark out the boundaries of the approved limits of extraction the subject of this development consent (lateral extension of the extraction operation) as shown on staging drawings identified in condition to this development consent 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.
36. An Operational Environmental Management Plan (OEMP) must be prepared by a suitably qualified and experienced person and be approved by Hilltops Council prior to the commencement of quarrying operations and implemented during operation. The OEMP must be consistent with the General Terms of Approval from the Environmental Protection Authority (Schedule A of this development consent dated 21 December 2021) and shall address but not be limited to:

- a. Hours of operation
- b. Dust management
- c. Noise management
- d. Stockpile management
- e. Transport management according with the recommendations of the approved Traffic Impact Assessment (including Driver Code of Conduct), prepared by Amber Organisation Pty Ltd, dated 10 May 2021
- f. Soil and water management
- g. Tree protection measures
- h. pest and weed management
- i. waste management
- j. Environmental monitoring
- k. Contingency plans to respond to emergencies or incidents
- l. Procedures to receive, handle, respond to and record complaints
- m. Matters identified in the Environmental Impact Statement and any management plans or conditions of this consent

37. A Fire Management Plan (FMP) must 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 for information prior to the commencement of quarrying operations.

PART F: DURING QUARRY OPERATIONS

- 38. 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.
- 39. Activities at the site must be carried out in a manner that will minimise the emission of dust from the premises.
- 40. The person having the benefit of this development 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.
- 41. The person having the benefit of this development 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*.

42. All stormwater runoff from the development is to be collected on site and treated prior to discharge in accordance with the Environmental Protection Licence.
43. All excavation shall be executed in a safe manner in accordance with the appropriate professional standards and the requirements of the relevant statutory authority.
44. 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.
45. Vehicles leaving the site are to be in a clean condition and not result in dirt being tracked onto public roads.
46. 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.
47. All fuels and the like used in the development are to be stored and used in a manner so as to prevent spills, or these substances entering the soil or watercourses.
48. 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.
49. The person having the benefit of this development 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.
50. No unreasonable negative impact 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.
51. Within three (3) years of the commencement of quarrying operations, or as directed by Council, the applicant must commission and pay the full cost of an Independent Environmental Audit (Audit) of the development. The Audit must:
 - a. Be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Council;
 - b. Assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent for the development including any assessment, strategy, plan or program required under these approvals;
 - c. Recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy plan or program required under the abovementioned approvals and this consent; and
 - d. Be conducted and reported to the satisfaction of the Council.

An Independent Environmental Audit (Audit) shall be undertaken every three (3) years from the date of the first Audit in accordance with the requirements set out in this condition.

Contributions

52. 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.

53. 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

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

Rehabilitation

55. 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 Figure 3-6 Pit staging and the indicative layout for Stage 1.
56. Within six months of the approval of the Rehabilitation Management Plan required by condition 22, the Operator must lodge with Council a Rehabilitation Bond in a form suitable to the Council (cash or bank guarantee) to ensure that the rehabilitation outcomes for the site are implemented in accordance with the performance and completion criteria set out in the Rehabilitation Management Plan.

The sum of the bond must be determined by:

- (a) calculating the cost of rehabilitating the site, taking into account the likely surface disturbance over the next three years of quarrying operations; and
- (b) engage a suitably qualified quantity surveyor or other expert to verify the calculated costs, to the satisfaction of the Council.

Notes:

- If capital and other expenditure required by the Rehabilitation Management Plan is largely complete, the Council may waive the requirement for lodgement of a bond in respect of the remaining expenditure.
- If the rehabilitation of the site area is completed to the satisfaction of the Council, then the Council will release the bond.
- If the rehabilitation of the site is not completed to the satisfaction of the Council, then the Council will call in all or part of the bond, and arrange for the completion of the relevant works.
- The Resources Regulator rehabilitation estimate tool <https://www.resourcesregulator.nsw.gov.au/news-articles/updated-rehabilitation-cost-estimate-tool> is a useful resource to calculate the necessary bond.

57. Within three months of each Independent Environmental Audit (see condition 54 of this consent), the Operator must engage a suitably qualified quantity surveyor or other expert to review, and if necessary revise, the sum of the Rehabilitation Bond to the satisfaction of the Council. This review must consider the:

- (a) effects of inflation;
- (b) likely cost of rehabilitating the site (taking into account the likely surface disturbance over the next three years of the development); and
- (c) performance of the implementation of the rehabilitation of the site to date.

Note: In the event of sale of the land or change of operator, the bond must be transferred to the party liable for rehabilitation of the site and retained for the nominated purpose.

58. Within 10 years of the commencement of extraction, the person having the benefit of this consent must prepare a Detailed Quarry Closure Plan for the development, for the approval of Hilltops Council and subsequent implementation on closure. 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.

SCHEDULE A

A copy of Environmental Protection Authority GTA to be inserted here

SCHEDULE B

Development Site drawing/ figure from BDAR to be inserted here

SCHEDULE C

Development site plans and drawings (16 pages) to be inserted here