

RECOMMENDED DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

1. The development is to be carried out in substantially in accordance with the following:

- Environmental Impact Statement for Western Riverina Quarry dated June 2024 prepared by R W Corkery and Co. Pty Ltd, including commitments given in writing by the Applicant, except where amended by the following conditions of this consent.
- Biodiversity Development Assessment Report dated June 2024 prepared by OzArk Environment and Heritage.
- Aboriginal Cultural Heritage and Historic Heritage Assessment Report, **Revision 3**, for Western Riverina Quarry Expansion dated March 2024, prepared by OzArk Environment and Heritage.
- Plan of Management for Koomaringa Aboriginal Place dated June 2024, prepared by OzArk Environment and Heritage.
- In accordance with the conditions of this consent

Any modification to the approved documents, other than as required by following conditions, will require the lodgement and consideration of a modification application by Council.

REASON – To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council.

REASON – To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

3. For clarity, this development consent provides approval for the continued operation and expansion of the Western Riverina Quarry for a period of **30 years** from the date of commencement of this consent.

The date of the commencement of the 30-year period is to be confirmed in writing by Council.

Note: *The Applicant is required to rehabilitate the site in stages as the development permits and carry out additional undertakings to the satisfaction of Council and the Department of Planning and Environment following the 30-year operational period. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.*

REASON – To correctly describe what has been approved and ensure quarry operations are in accordance with updated environmental requirements

4. The Applicant shall not:

- (a) transport more than 250,000 tonnes of quarry products from the site during any financial year;
- (b) process more than 250,000 tonnes of quarry products during any financial year.

REASON – To correctly describe what has been approved

5. This development consent does not include approval to import waste material, including soil for rehabilitation of the project site. Separate development consent may be required for the importation of fill material, if it is not identified as exempt development.

REASON – To correctly describe what has been approved

6. No building work is to commence on the site until a Construction Certificate has been obtained from either Council or a Registered Private Certifier certifying that the proposed works are in accordance with the relevant National Construction Code-Building Code of Australia Volume One.

REASON – To ensure the design of the proposed work may be assessed in detail and complies with the appropriate construction standards before work commences

7. The Applicant shall ensure that all the plant and equipment used at the site is:

- (a) maintained in a proper and efficient condition; and,
- (b) operated in a proper and efficient manner.

REASON – To ensure the safety of all people on site

8. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

REASON – To protect Council infrastructure

9. All rehabilitation works shall be completed within 24 months following the completion of quarry extraction and processing activities.

REASON – To protect ensure the future integrity of the natural environment

10. Flammable materials stored on-site are to be stored in banded areas or storage areas and in accordance with *Australian Standard 1940:2017- The Storage and Handling of Flammable and Combustible Liquids*.

REASON – To comply with Australian Standards for the storage and handling of flammable and combustible liquids

PRIOR TO COMMENCEMENT OF OPERATIONS

11. The Applicant is to submit to Council evidence that the required Biodiversity Offset credits, namely, 62 Ecosystem Credits and 6 Species credits, have been purchased and retired to offset the residual biodiversity impacts of the development, as per the Environmental Impact Statement dated June 2024 prepared by R W Corkery and Co. Pty Ltd and the Biodiversity Development Assessment Report dated June 2024 prepared by OzArk Environment and Heritage.

REASON - To ensure that biodiversity impacts are appropriately offset through the retirement of ecosystem credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur

12. The requirement to retire credits in Condition 11 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits and species credits, as calculated by the BAM Credit Calculator and established by the BDAR.

REASON - To ensure that biodiversity impacts are appropriately offset through the retirement of ecosystem credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur

13. Evidence of the retirement of the credits or payment to the Biodiversity Conservation Fund in satisfaction of Conditions 11 and 12 must be provided to Council prior to operational commencement.

REASON - To ensure that biodiversity impacts are appropriately offset through the retirement of ecosystem credits (or payment to the Biodiversity Conservation Fund) before biodiversity impacts occur

14. Prior to commencement of quarry activities the applicant shall provide Council with a procedure that will be implemented for the life of the project to:

(a) Keep the local community and relevant agencies informed about the operation and environmental performance of the development.

(b) Receive, handle, respond to and record complaints.

(c) Resolve any disputes that may arise.

(d) Respond to any non-compliance.

(e) Respond to emergencies.

(f) Monitor environmental impacts.

REASON – To monitor the performance of the development

15. Prior to commencement of quarry activities, the boundaries of the approved quarry footprint shall be clearly marked on site by a Registered Surveyor. The Applicant shall also ensure that:

(a) the location of the quarry footprint boundaries is confirmed by Survey and a copy of the Survey Report is submitted to Council prior to commencement;

- (b) the markers are easily identifiable and sufficiently durable;
- (c) the markers remain in place for the life of the consent;
- (d) all contractors and employees on the site are made aware of the quarry boundaries and that no works extend beyond the markers.

REASON – To provide visual identification of the approved development area

16. At the conclusion of the extraction activities, the boundaries of the extraction footprint area shall be clearly identified by a Registered Surveyor and a copy of the Survey Report is to be submitted to Council.

REASON – To provide visual identification of the approved development area

17. Prior to the commencement of quarry activities, the Applicant must submit to Council a Transport Management Plan that provides details and procedures for the following matters:

- (a) notification of all internal and external cartage / haulage operators of the approved haul route for access to and egress from the site.
- (b) regular inspection of the haul route for identification of defects and rectification and repair of any identified requirements in a timely manner.
- (c) compliant investigation procedure and procedure for dealing with non-compliant drivers
- (d) method of monitoring truck speeds by the operator
- (e) a driver training and induction procedure. This shall include a requirement for drivers to sign a Code of Conduct acknowledgement that they agree to comply with the requirements and ongoing education about the requirements.
- (f) record keeping including any proposal to keep log books of truck journeys and complaints. Such records are to date and time of any complaints or monitoring; name of person making the complaint, if given; outcome and steps taken to remediate any investigation relating to a complaint or monitoring. The record book is to be kept on site at all times and made available to authorised officers of Council or the EPA as required. Carrathool Shire Council is to be notified of the outcome of any investigations or breaches.
- (g) a Driver Code of Conduct that applies to all employees of the quarry, not only relating to heavy vehicle operators, is to be prepared and submitted to Council. The Code is to include, but not be limited to, matters such as use of mobile phones, driving in adverse weather conditions, awareness of animal strikes on roads, driver fatigue and the restriction of haulage being only approved via the Quarry Access Road and Munro's Road to the Mid-Western Highway.
- (h) the maximum haulage truck payload is to be 38 tonnes and is to be a vehicle of no more than 26 metres in length.
- (i) truck movements are to be limited to sixty (60) per day and twelve (12) per hour regardless of any wet weather out-loading delays.

- (j) all truck access is to cease whenever road conditions are deemed to be unsuitable in accordance with the "Approved Area with Travel Conditions" for vehicles of type GML Type 1 A-double published by Carrathool Shire Council.
- (k) installation of a "GIVE WAY" sign facing drivers exiting the Quarry Access Road at its intersection with Munro's Road.
- (l) continued dust suppression within the site.

The Quarry operator shall ensure all drivers adhere to the Code of Conduct, promptly address any complaints or community issues and shall implement any reasonable mitigation measures as required.

REASON – To protect the amenity of the area, traffic safety, ensure management of truck speed limits and noise impacts from transport operations

18. TRANSPORT FOR NSW CONDITIONS

Attachment 1

General Conditions

1. Works to the intersection of the Mid Western Highway and Munros Road shall be located, designed and constructed in accordance with the Austroads Guide to Road Design to the satisfaction of Transport for NSW to provide the following:
 - a) As a minimum the intersection shall be constructed as a sealed Basic Right Turn (BAR) treatment in accordance with the Austroads Guide to Road Design for the posted speed limit as per (attachment 2)
 - b) Works within the road reserve of the Mid Western Highway shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway.
 - c) As a minimum the pavement design on the Mid Western Highway shall be in accordance with Austroads standards and to the satisfaction of Transport for NSW.
 - d) The works to the Mid Western Highway shall be line marked in accordance with the Austroads Guide to Road Design for the posted speed limit.
 - e) The design vehicle for the works shall be a Road Train heavy vehicle.
2. Works associated with the development shall be at no cost to Transport for NSW.

Prior to the commencement of works on Mid Western Highway or the issuing of a Construction Certificate, the developer must:

1. Enter into a Works Authorisation Deed (WAD) with the TfNSW, or other suitable arrangement as agreed to by TfNSW, for all works on the Mid Western Highway.

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.southern@rms.nsw.gov.au.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website at: www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html
- More information on WADs can be found at: www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf

Prior to the commencing works within the road reserve, the developer must:

1. Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

Notes:

- TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
2. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

1. Provide evidence to Transport for NSW to demonstrate that all works within the road reserve have been completed in line with the approved plans and documentation.

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19. Prior to the commencement of use, the Applicant must provide Council with copies of all Management Plans that may include, but not limited to:

- (a) A detailed Site Management Plan including the arrangement and control measures for areas where storage of fuels, lubricants and maintenance of vehicles is to be carried out.
- (b) Soil and Water Management Plans
- (c) Waste Management Plans

- (d) Site Rehabilitation and Vegetation Management Plans.
- (e) Transport Management Plan
- (f) Bush Fire Emergency Management and Operations Plan

These Plans are required for Council records only.

REASON – To ensure compliance with the plans, ensure site management measures are implemented during the carrying out of site work and to protect the overall amenity of the development site

20. Prior to the commencement of use, the Applicant must prepare and submit to Council a Bush Fire Emergency Management and Operations Plan identifying all relevant risks and mitigation measures associated with the operation of the Extractive Industry including the following:

- a) Measures to prevent or mitigate fires igniting;
- b) Work that should not be carried out during total fire bans;
- c) Availability of fire-suppression equipment, access and water;
- d) Storage and maintenance of fuels and other flammable materials;
- e) Notification processes to be implemented of works that have the potential to ignite surrounding vegetation during the bush fire danger period;
- f) Appropriate bush fire emergency management planning protocols.

REASON – To ensure ongoing protection from bush fires

21. Implementation of a Driver Code of Conduct (CoC) to apply to all employees of the quarry, not only relating to heavy vehicle operators, is to be prepared and submitted to Council. The CoC must include, but not be limited to, the use of mobile phones, driving in adverse weather conditions (fog and icy road conditions), awareness of animal strikes on roads, driver fatigue and the restriction of haulage being only approved via the Quarry Access Road and Munro's Road to the Mid-Western Highway. The CoC must be provided to all employees or contractors prior to entry to the site or during each site induction.

REASON – To ensure that all drivers are aware of their environmental responsibilities, traffic safety, truck speed limits and noise impacts from transport operations

22. An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted. The plan must include, but not be limited to:

- (a) The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom, 2004) and "Managing Urban Storm water: Soils and Construction - Volume 2E - Mines and Quarries (DECC, 2008);
- (b) Air quality (dust) management measures; and
- (c) Noise management measures.
- (d) Blasting operations

REASON – To ensure compliance with the plans, ensure site management measures are implemented during the carrying out of site work and to protect the overall amenity of the development site

23. The existing consent (DA 2/91) approved on 19 July 1991 is to be surrendered prior to the commencement of operations under this consent.

REASON - To ensure only relevant consents are valid for the subject land and to protect the environment

DURING OPERATIONS

24. General operation of the extractive industry is to be restricted to the following times:

- Monday to Friday - 7.00am to 7.00pm
- Saturdays – 7.00am to 3.00pm

Articulated trucks and water carts are restricted to the following times:

- Monday to Saturday - 7.00am to 6.00pm

Blasting operations are to be restricted to between 10am to 3.00pm Monday to Friday and no more than once per day.

No quarrying activities (including extraction, crushing, screening, blasting washing and transport) are permitted on Sundays or Public Holidays.

REASON – To minimise the effect of noise from the quarry operations on the surrounding area

25. The Driver Code of Conduct shall be implemented and adhered to by the operator, staff and contactors at all times.

REASON – To ensure that all drivers are aware of their environmental responsibilities, traffic safety, truck speed limits and noise impacts from transport operations

26. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.

REASON – To ensure a safe work environment

27. The internal Quarry Access/Haulage Road is to be maintained so that it is trafficable to all vehicles including fire-fighting trucks and emergency services (two-wheel drive traffic), at all times. This road is to be speed-limited to 20km/h.

REASON – To ensure the site can be accessed at all times

28. The internal Quarry Access/Haulage Road must be **bitumen** sealed from the front entrance of the Quarry site for an internal distance of **2km** and must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (e.g. dust) at all times.

REASON – To prevent or minimise the emission of air pollutants

29. The Applicant must obtain a “controlled activity approval” under the Water Management Act 2000 to allow for a specified controlled activity on waterfront land for any proposed inverts and other drainage works to be constructed at each crossing over the existing Quarry Access Road to ensure adequate cross drainage and maintenance of flow regimes as a result of the Quarry Access Road being crossed by several non- perennial watercourses.

REASON – To satisfy the representations made by WaterNSW

30. Trucks entering and leaving the premises that are carrying loads on public roads must be covered at all times, except during loading and unloading.

REASON – To prevent loss of load and ensure the safety of all road users

31. Haulage operations coinciding with local school bus pick up/drop off times are to be avoided.

REASON – To ensure truck movements avoid times of high traffic flow

32. The development site is to be managed for the life of the project in the following manner:

- (a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- (b) Appropriate dust control measures;
- (c) All equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- (d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. 41. All waste, with the exception of topsoil to be re-used, generated on site shall be disposed of to a licensed waste disposal facility.

REASON – To ensure the provision of adequate dust and sediment controls, sanitary facilities and waste disposal, and to prevent the quarry and its operations from impacted the surrounding area

33. The development must ensure that a static water supply, of a minimum 20,000 litres, is accessible and reliable for firefighting purposes for the life of operations and provided in accordance with Planning for Bush Fire Protection 2019.

REASON – To ensure that adequate water supply is available to protect the development from bushfire

34. The development must ensure that all bush fire management objectives are complied with by ensuring that all bush fire management and mitigation measures listed in Sections 5.9.2.3, 5.9.2.4 and Table 5.25 of the Environmental Impact Statement dated June 2024 prepared by R W Corkery and Co. Pty Ltd, are complied with.

REASON – To ensure ongoing protection from bush fires

35. The Asset Protection Zones in accordance with Table 5.24 of the Environmental Impact Statement dated June 2024 prepared by R W Corkery and Co. Pty Ltd and Appendix 4 of Planning for Bush Fire Protection 2019 are to be provided and maintained at all times around built assets within the Ancillary Components Area and surrounding vegetation of the site.

REASON – To ensure the development is protected from bush fire

36. All proposed access roads around the perimeter of the site shall be constructed and maintained to a standard suitable for a Category 1 fire-fighting vehicle.

REASON – To ensure fire-fighting vehicles can access the site in an emergency

37. The Applicant must apply to Water NSW to attach a Water Access Licence to the works prior to any water being taken through the existing bore.

REASON – To satisfy the representations made by WaterNSW

38. A Complaints Register is to be maintained by the operator of the quarry. Details of the date, time, complainant contact details (if offered), nature of the complaint and adopted corrective actions are to be recorded in the complaints register. A copy of the complaints register is to be given to Council upon request.

REASON – To ensure residents have a contact for the quarry operations

39. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and NSW Department of Climate Change, Energy, the Environment and Water-Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the Heritage Branch of the Department.

REASON - To ensure the protection of objects of potential significance during works

40. Measures should be taken to ensure that quarry activities do not contribute to the spread of noxious weeds.

REASON – To prevent the spread of noxious weeds within the development area or to the surrounding area

41. No materials are permitted to be disposed of or stored on crown land, roads or waterways.

REASON – To restrict the quarry operations to the development area, protect the surrounding amenity and ensure appropriate disposal of materials

42. The vehicular entrance and exit to the site and the direction of traffic movement within the site shall be clearly indicated by means of signage to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises at all times.

REASON – To ensure suitable vehicle access to the site

43. Any servicing, repair or maintenance of plant required on-site must be undertaken by a suitably qualified employee or contractor with all waste to be disposed of in a suitable manner and transported to a licensed waste facility.

REASON – To ensure the safety of all people on site

44. An Annual Return detailing the amount of material extracted and area of extraction shall be provided to Council.

REASON – To ensure compliance with the development consent and plans

45. Prior to any blasting event occurring, the quarry operator shall notify Carrathool Shire Council Customer Service and adjoining neighbouring property owners at least 24 hours in advance.

REASON – To ensure Council is aware of any proposed blasting operations

46. Following the extraction and processing of not more than 50% of material, the operator of the quarry must prepare a Quarry Closure Plan. The Quarry Closure Plan must be submitted to and approved by Council and the Resources Regulator (as relevant). The Quarry Closure Plan must describe:

- (a) The final land use and landform options considered, and justification of the preferred option selected;
- (b) Rehabilitation methods to be implemented;
- (c) Completion criteria; and
- (d) Post-closure risk assessment to demonstrate that risks associated with the proposed final landform and land use are acceptable.

The quarry closure plan be prepared in accordance with any applicable legislation and best practice industry standard at that time.

REASON – To ensure that at the cessation of quarry operations the site will be rehabilitated to a state that will not cause any environmental issues and that the impact of any vegetation clearing will be rectified

47. The Applicant is to comply with the requirements of the Koomaringa Quarry Construction and Maintenance Agreement for Munro's Road dated 29 June 2000 whilst the Quarry remains active for the 30-year Quarry expansion of operations period.

REASON – To ensure the continuation of road maintenance in accordance with the agreement

INTEGRATED DEVELOPMENT GENERAL TERMS OF APPROVAL

48. NSW Environment Protection Authority
Compliance with General Terms of Approval in Attachment F.

REASON – To satisfy the representations made by NSW Environment Protection Authority

49. NSW Department of Climate Change, Energy, the Environment and Water- Heritage NSW
Compliance with General Terms of Approval in Attachment G.

REASON – To satisfy the representations made by NSW Department of Climate Change, Energy, the Environment and Water- Heritage NSW