





Determination Report - Development Application 2022/31

Bakers Quarry

Narromine Shire Council

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Executive summary

Macquarie Valley Rock and Sand Pty Ltd (the proponents) propose to continue and extend the operations of Bakers Quarry, split between the “Granite Pit” which is located at Lot 142 DP1083899, 1185 Tantitha Road, Narromine and the “Diorite Pit” which is located at Lot 271 DP606418, 1186 Tantitha Road, Narromine (the site).

The Proposal would comprise:

- Extraction of up to 100 000 tonnes per annum (tpa) of granite and diorite material at an average rate of 80 000tpa for a period of up to 30 years
- Crushing, screening and blending of the extracted material using mobile plant to produce hard rock products used for road construction and maintenance, stabilisation and drainage works, and other construction projects
- Transportation of the extracted material from the Project Site via the public road network
- Ancillary activities, including construction and use of stockpile areas, water management structures and site infrastructure

The site is zoned RU1 Primary Production under the *Narromine Local Environment Plan 2011* and extractive Industries are permissible with development consent in this zone.

The proposal is considered Designated Development under Section 26 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), because it will:

- Disturb a total surface area of more than 2 hectares of land
- Extract and process more than 30,000 m³ of extractive material per year

Clause 7(1)(a) of Schedule 7 of the *State Environmental Planning Policy (Planning Systems) 2021* identifies that designated development for the purpose of an extractive industry is Regional Development. As Regional Development, the development application must be accepted, exhibited and assessed by Narromine Shire Council (NSC) and determined by the Western Regional Planning Panel.

The proposed quarry is also Integrated Development, requiring:

- General Terms of Approval (GTA) under the Protection of the Environment Operations Act 1997
- Section 138 Permit under the *Roads Act 1993*

The Environmental Impact Statement (EIS) was placed on public display by NSC as required by Division 5 of the *EP&A Regulation* from 08 July 2022 to 05 August 2022. One public and three agency submissions were received. The issues raised have been considered.

The preparation and public exhibition of the EIS is considered to have satisfactorily addressed the relevant matters in Section 4.15 of the EP&A Act. The EIS and supporting documentation are also considered to adequately address the SEARs issued for the proposal.

The proposal is in a relatively isolated location, with the topography and vegetation screening it from sensitive receivers. The distance to sensitive receivers also means the impact from noise and dust is expected to be minimal. The proposal is not anticipated to intercept groundwater and surface water is proposed to be managed appropriately. The proposal has been designed to minimise clearing of native vegetation and no heritage sites were identified on site. Some improvements to the site access intersection with Tantitha Road are proposed and the conditions of approval require the Mitchell Highway and Tantitha Road intersection to be upgraded, in accordance with TfNSW advice.

Benefits of the proposal include employment opportunities and the supply of quality materials for local construction projects.

Having regard to the assessment in the EIS and consideration of the submissions received, it is concluded that the proposal be approved pursuant to Section 4.16(1)(a) of the EP&A Act, subject to the proposed mitigation measures in the EIS, and the recommended conditions of approval provided in Appendix A.

Contents

1.	Introduction	1
1.1	Overview	1
1.2	Purpose of this report	1
1.3	Structure of this report	2
1.4	Scope and limitations	2
2.	Site description	3
2.1	Site location	3
2.2	Site features	3
2.3	Site history	3
3.	The proposal	6
3.1	Proposal summary	6
3.2	Need and justification for the proposal	6
4.	Statutory context	11
4.1	Environmental Planning and Assessment Act 1979	11
4.1.1	Objectives of the <i>EP&A Act</i>	11
4.1.2	Development consent under Part 4 of the <i>EP&A Act</i>	11
4.1.3	Environmental Planning and Assessment Regulation 2021	12
4.2	Environmental Planning Instruments	13
4.2.1	Narromine Shire Council Development Control Plan 2011	14
4.3	Other NSW legislation	15
4.4	Commonwealth legislation	16
4.5	Other relevant plans and policies	17
4.5.1	Central West and Orana Regional Plan 2036	17
4.6	Licencing and approvals	17
5.	Consultation and assessment of submissions	18
5.1	EIS exhibition	18
5.2	Public submissions	18
5.3	Agency submissions	18
5.4	Future consultation	19
6.	Assessment of issues	20
6.1	Biodiversity	20
6.2	Noise	20
6.3	Surface water	20
6.4	Groundwater	22
6.5	Traffic	22
6.6	Air quality	22
6.7	Aboriginal Heritage	22
6.8	Historic Heritage	23
6.9	Visual amenity	23
6.10	Land resources	23
6.11	Waste	23

6.12	Hazards	23
6.13	Rehabilitation	23
6.14	Socioeconomic	24
7.	Conclusion/recommendation	25

Table index

Table 3.1	Extraction area summary	6
Table 4.1	Consideration of the objects of the EP&A Act	11
Table 4.2	Matters for consideration	12
Table 4.3	Relevant EPI	13
Table 4.4	Relevant provisions of the Narromine Shire Council Development Control Plan 2011	14
Table 4.5	Summary of other state legislation	15
Table 5.1	Summary of public submissions	18
Table 5.2	Summary of agency submissions	18

Figure index

Figure 2-1	Narromine LEP areas	4
Figure 2-2	Existing site layout	5
Figure 3-1	Proposed site layout	7
Figure 3-2	Proposed Diorite extraction area	8
Figure 3-3	Proposed Granite extraction area	9
Figure 3-4	Proposed final landform	10
Figure 6-1	Biodiversity summary	21

Appendices

Appendix A	Recommended conditions of approval
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Glossary

Term	Definition
AQIA	Air Quality Impact Assessment
BC Act	NSW Biodiversity Conservation Act 2016
BCD	Biodiversity and Conservation Division of DPIE (now known as BCD)
BCS	Biodiversity, Conservation and Science Directorate
BDAR	Biodiversity Development Assessment Report
DPI	NSW Department of Primary Industries
DPE	NSW Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	NSW Environmental Planning and Assessment Act 1979
EP&A Regulation	NSW Environmental Planning and Assessment Regulation 2021
EPA	NSW Environment Protection Authority
EPBC Act	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
EPL	Environment protection licence
ESD	Ecologically sustainable development
GHD	GHD Pty Ltd
GTA	General Terms of Approval
LEP	Local Environmental Plan
NIA	Noise Impact Assessment
NSC	Narromine Shire Council
POEO Act	NSW Protection of the Environment Operations Act 1997
RFS	NSW Rural Fire Service
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
WRPP	Western Regional Planning Panel

1. Introduction

1.1 Overview

Macquarie Valley Rock and Sand Pty Ltd (the proponents) propose to continue and extend the operations of Bakers Quarry, split between the “Granite Pit” which is located at Lot 142 DP1083899, 1185 Tantitha Road, Narromine and the “Diorite Pit” which is located at Lot 271 DP606418, 1186 Tantitha Road, Narromine (the site). The site is located approximately 17 kilometres east of Narromine and 30 kilometres west of Dubbo, in central New South Wales.

The Proposal would comprise:

- Extraction of up to 100 000 tonnes per annum (tpa) of granite and diorite material at an average rate of 80 000tpa for a period of up to 30 years
- Crushing, screening and blending of the extracted material using mobile plant to produce hard rock products used for road construction and maintenance, stabilisation and drainage works, and other construction projects
- Transportation of the extracted material from the Project Site via the public road network
- Ancillary activities, including construction and use of stockpile areas, water management structures and site infrastructure

The site is zoned RU1 Primary Production under the *Narromine Local Environment Plan 2011* and extractive Industries are permissible with development consent in this zone.

The proposal is considered Designated Development under Section 26 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), because it will:

- Disturb a total surface area of more than 2 hectares of land
- Extract and process more than 30,000 m³ of extractive material per year

With designated development, Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires the preparation of an Environmental Impact Statement (EIS) to accompany the development application lodged with Council.

Clause 7(1)(a) of Schedule 7 of the *State Environmental Planning Policy (Planning Systems) 2021* identifies that designated development for the purpose of an extractive industry is Regional Development. As Regional Development, the development application must be accepted, exhibited and assessed by Narromine Shire Council (NSC) and determined by the Western Regional Planning Panel.

The proposal is also Integrated Development under Section 4.46 of the EP&A Act, requiring the General Terms of Approval (GTA) from the Environment Protection Authority (EPA) for an Environment Protection Licence (EPL) under Section 43(b) the *Protection of the Environment Operations Act 1997*.

All relevant State authorities who have an interest in the proposed quarry expansion were provided notice of the development in accordance with Division 4.8 of the EP&A Act. The proposed development was also publicly exhibited and notified to neighbouring land owners from 08 July 2022 to 05 August 2022 as required by Division 5 of the *EP&A Regulation*.

1.2 Purpose of this report

The purpose of this report is to evaluate the proposal in accordance with Clause 4.15 of the EP&A Act to allow for a determination of the proposal in accordance with Clause 4.16 of the EP&A Act. This has been achieved by considering the following:

- Any relevant environmental planning instruments
- The likely impact of the development
- The suitability of the site for the development
- Any submissions made
- The public interest

1.3 Structure of this report

This report is structured as follows:

- Section 1 – Introduction
- Section 2 – Description of the proposal including the options considered and the overall need
- Section 3 – A review and consideration of the legislative and policy requirements
- Section 4 – Overview of the consultation completed to date including the exhibition of the EIS, submissions received and the response to submissions
- Section 5 – Identification of the key issues and an assessment of those issues relative to the proposal
- Section 6 – Conclusion

Recommended conditions of approval are provided in Appendix A.

1.4 Scope and limitations

This report has been prepared by GHD for Narromine Shire Council and may only be used and relied on by Narromine Shire Council for the purpose agreed between GHD and Narromine Shire Council as set out in Section 1.2 of this report.

GHD otherwise disclaims responsibility to any person other than Narromine Shire Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

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The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this Report to account for events or changes occurring subsequent to the date that the report was prepared.

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2. Site description

2.1 Site location

The site is located at Lot 142 DP1083899, 1185 Tantitha Road, Narromine and Lot 271 DP606418, 1186 Tantitha Road, Narromine, which is within the Narromine Shire Council Local Government Area (LGA) and approximately 17 kilometres east of Narromine and 30 kilometres west of Dubbo, in central New South Wales.

The surrounding area is dominated by agricultural land uses with the nearest sensitive receiver a residence greater than 1 km away from the site.

2.2 Site features

The area surrounding the site is relatively flat to gently undulating with an elevation of around 240 mAHD draining towards the Macquarie River which is located approximately 13km to the north of the site.

The site and surrounding area is zoned RU1 Primary Production under the *Narromine Local Environment Plan 2011*.

The site has limited vegetation and is not mapped on the Native Vegetation Regulatory map or the Biodiversity Values map.

2.3 Site history

It is reported that extraction operations at the Granite Pit and Diorite Pit commenced in 2010, with material extracted using traditional free dig and drill and blast methods to a depth of approximately 12m below the natural surface. Disturbance associated with the “Diorite Pit” and “Granite Pit” is approximately 8.1ha and 4.5ha respectively.

Extraction and processing operations are currently conducted on a campaign basis with a production rate of approximately 35 000tpa from the Granite Pit and 25 000tpa from the Diorite Pit since 2017.

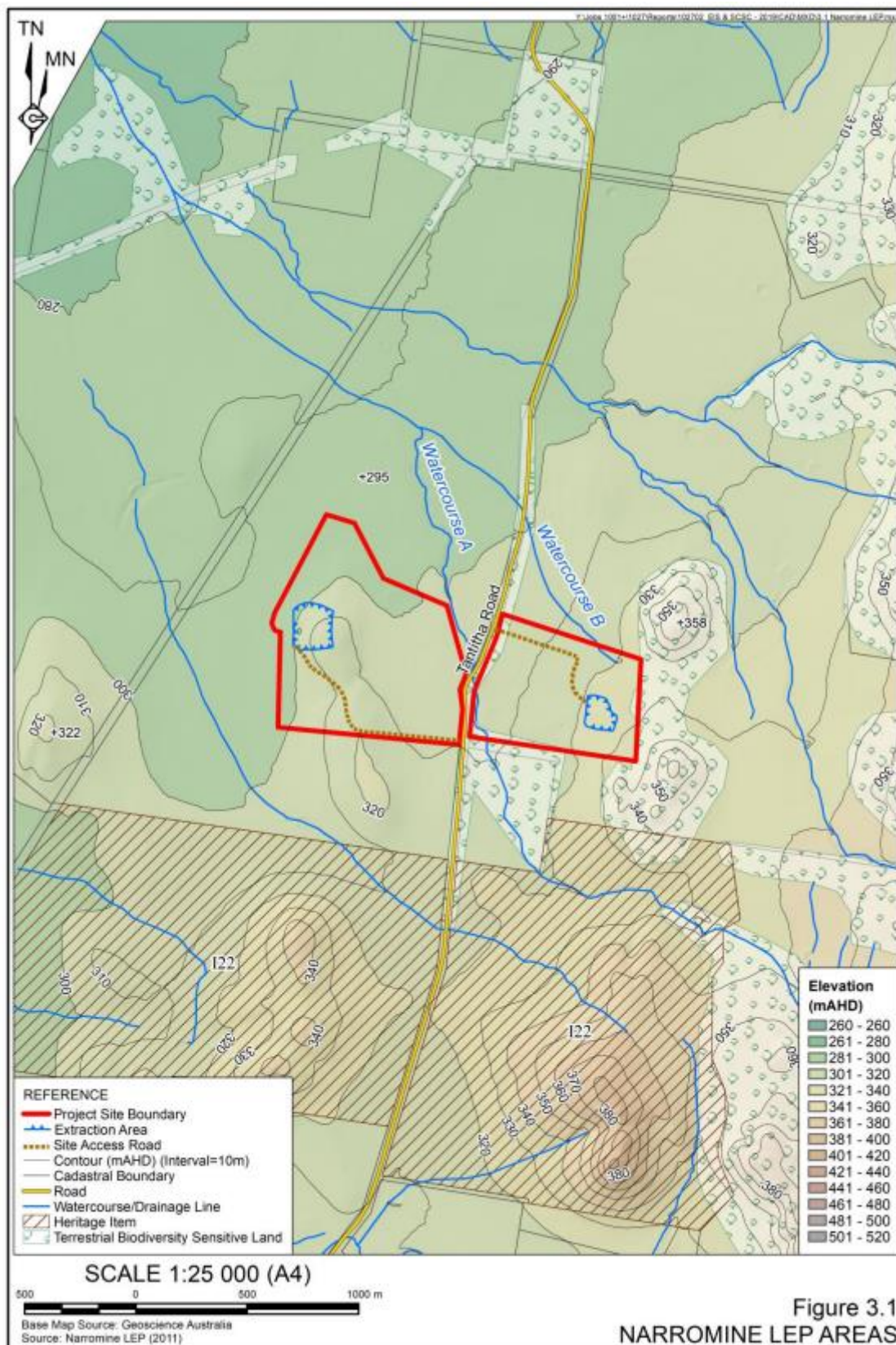


Figure 2-1 Narromine LEP areas

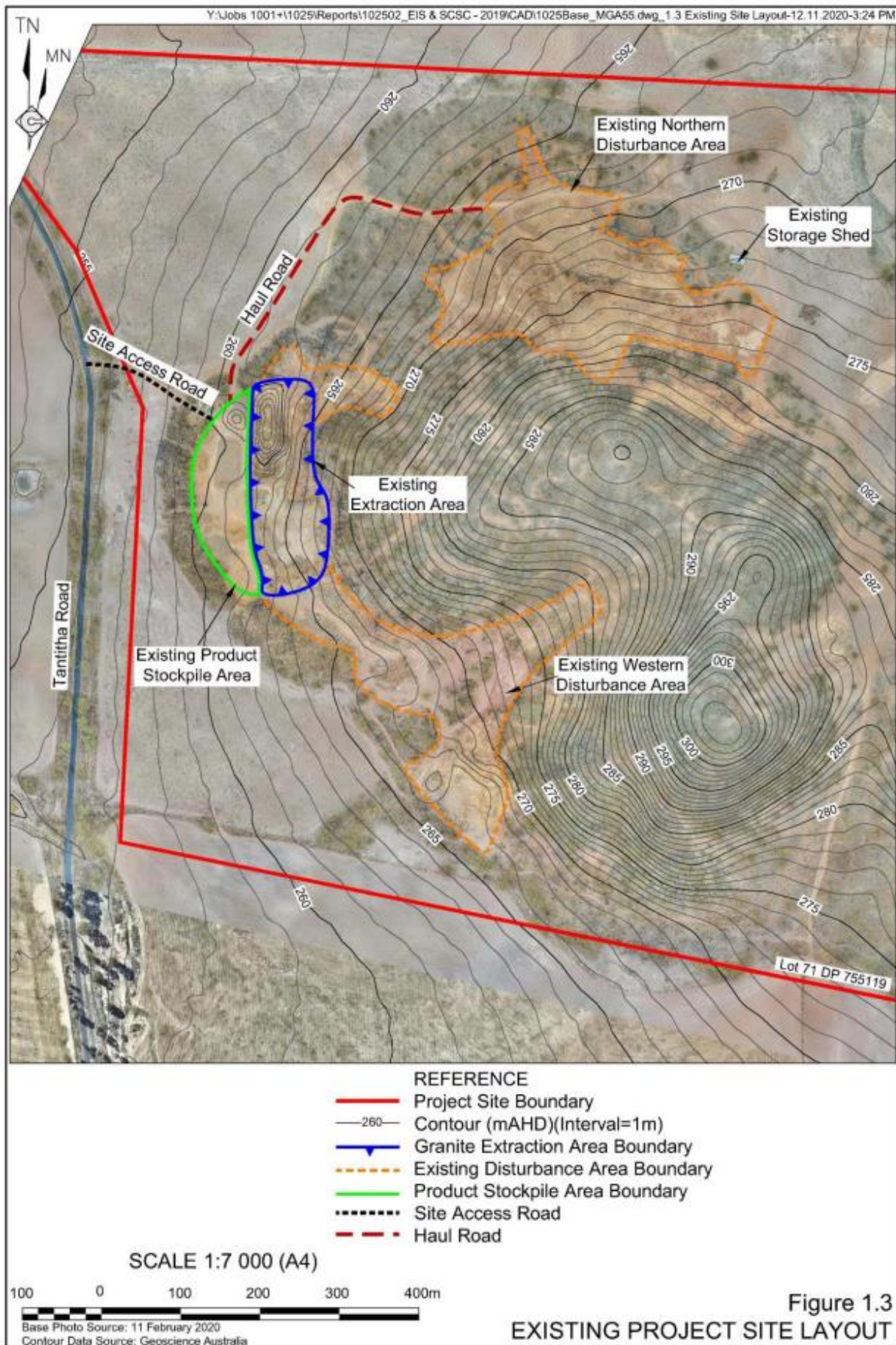


Figure 2-2 Existing site layout

3. The proposal

3.1 Proposal summary

The Proposal would produce material for rail ballast, road construction and maintenance and drainage works within the Narromine Shire Council LGA.

The proposal would include the following activities:

- Extraction of an average of 40 000tpa and a maximum of 50 000tpa from both the Granite and Diorite pits, using conventional drill and blast techniques, for a period of up to 28 years.
- The details of each extraction area is provided in Table 3.1 and illustrated in Figure 3-1 to Figure 3-4.

Table 3.1 Extraction area summary

Extraction area	Area (ha)	Floor (mAHD)	Volume (m ³)
Diorite	3.4	280	730,000
Granite	1.7	290	404,000
Total	5.1		1,134,000

- Crushing, screening and blending of extracted material using mobile plant to produce a range of quarry products, including aggregates, railway ballast, road base and general fill.
- Continued use of the existing Stockpiling Area adjacent to the Diorite Pit for storage and blending of materials extracted from both areas.
- Loading and transportation of extracted and stockpiled material from the Project Site via the existing Site Access Roads, Tantitha Road and the Mitchell Highway, using truck and dog combinations with minor use of B-double trucks and Type 1 A-double road trains. Daily heavy vehicle movements would include approximately 9 laden vehicle movements (18 movements) on average, with a maximum of 11 laden vehicle movements (22 movements) for limited periods.
- Construction and use of surface water management structures, including sediment basins and diversion banks.
- Continued use of ancillary infrastructure, including site office, ablutions, facility, storage shed, water tanks and a parking area.
- Progressive rehabilitation of the site to achieve a final land use of agriculture and/or nature conservation.

3.2 Need and justification for the proposal

Extractive resources are site specific, limited in occurrence by geological conditions and are finite. Extractive resources underpin all urban and infrastructure development and make a major contribution to the ongoing economic growth of the community through direct and indirect employment opportunities. By establishing Bakers Quarry in close proximity to the demand, it enables the cost of raw construction materials to be minimised, impacts on traffic networks to be reduced and the local communities disrupted from construction activities to benefit from local employment opportunities and spending in the local community that might not otherwise be the case should construction materials be hauled from further afield.

Due to the operations already existing, no other options were considered in the EIS, however it is claimed that several extraction area designs were considered with the objective of maximising the quantity of material that could be extracted whilst minimising surface disturbance.

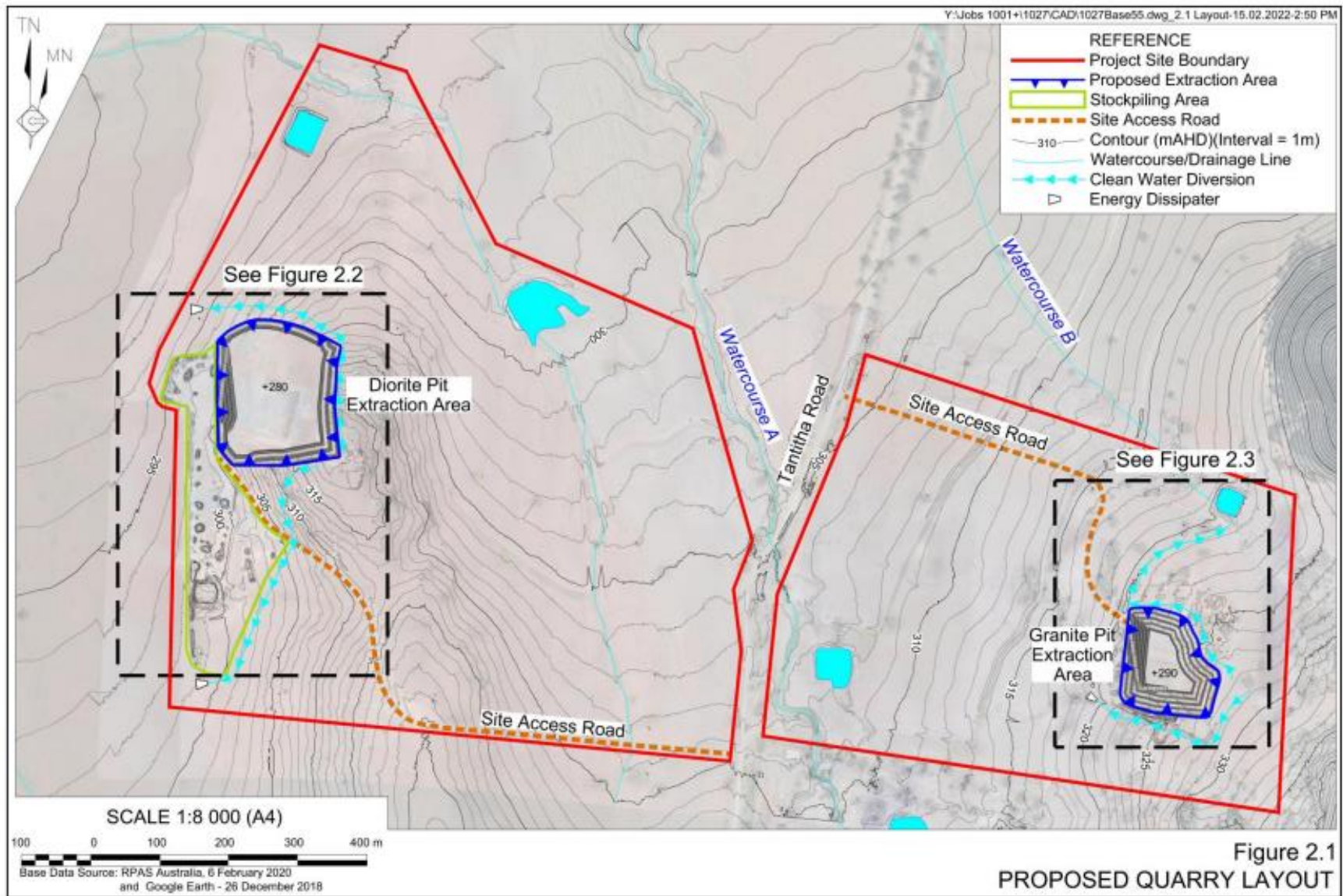


Figure 3-1 Proposed site layout

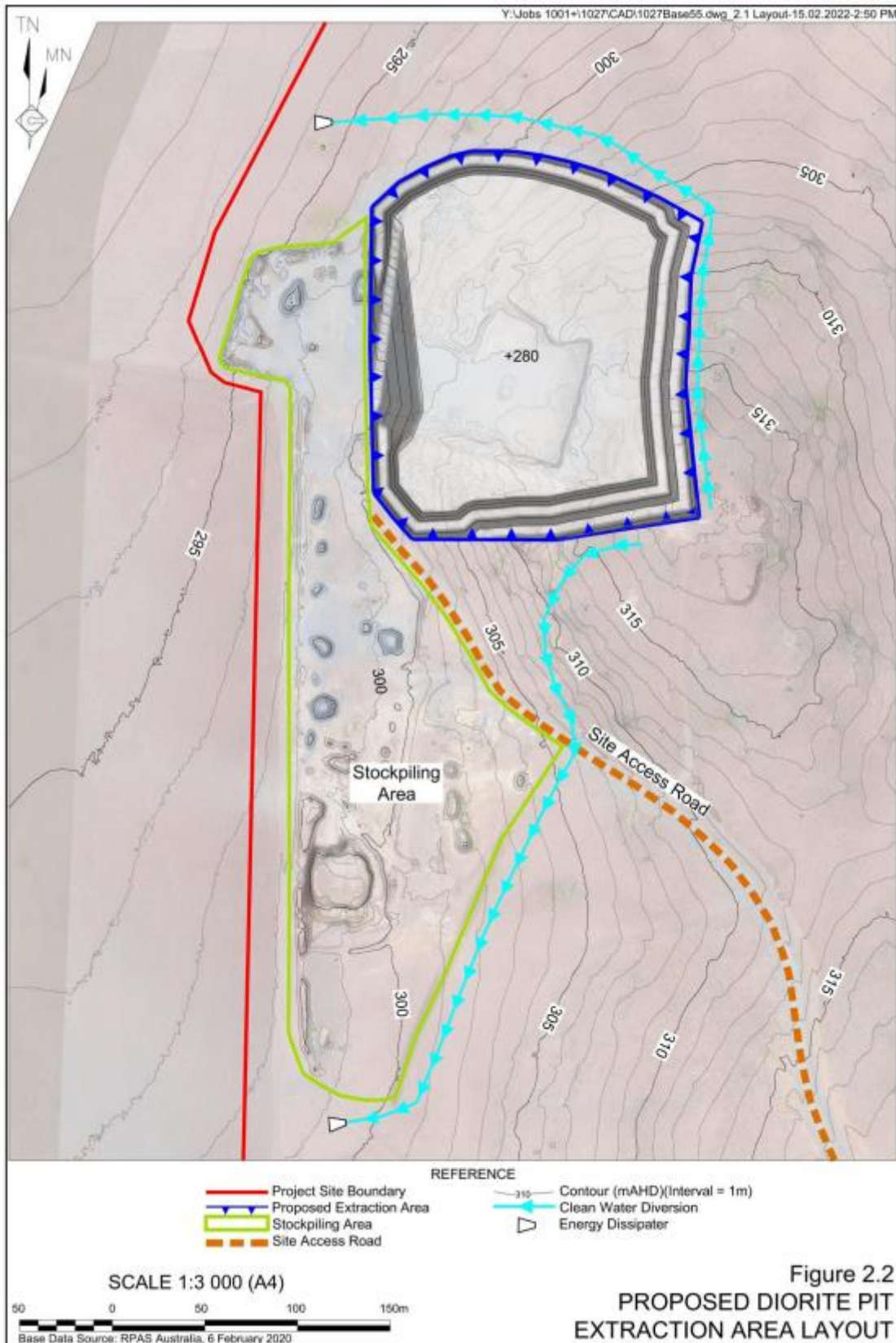


Figure 3-2 Proposed Diorite extraction area

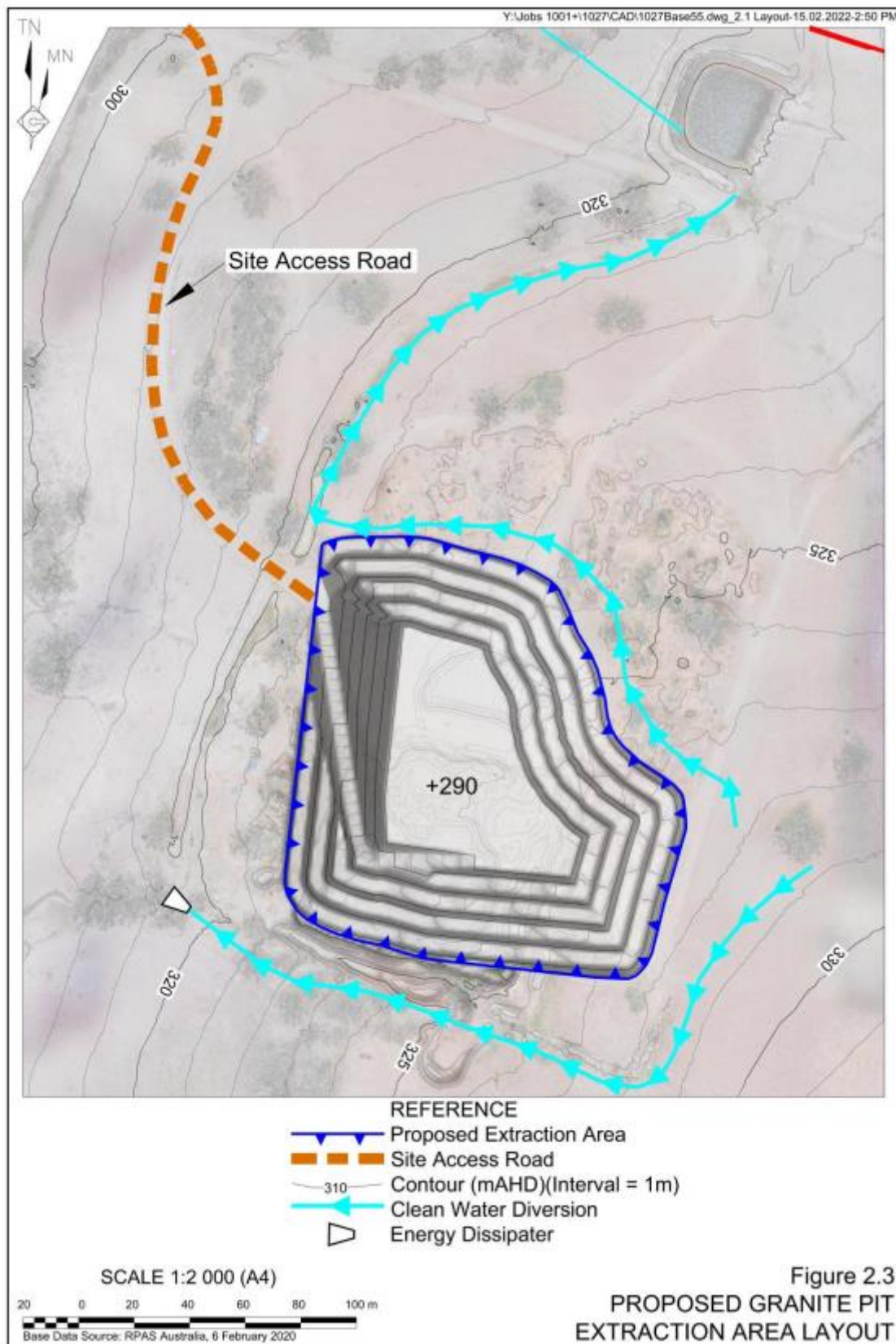


Figure 3-3 Proposed Granite extraction area

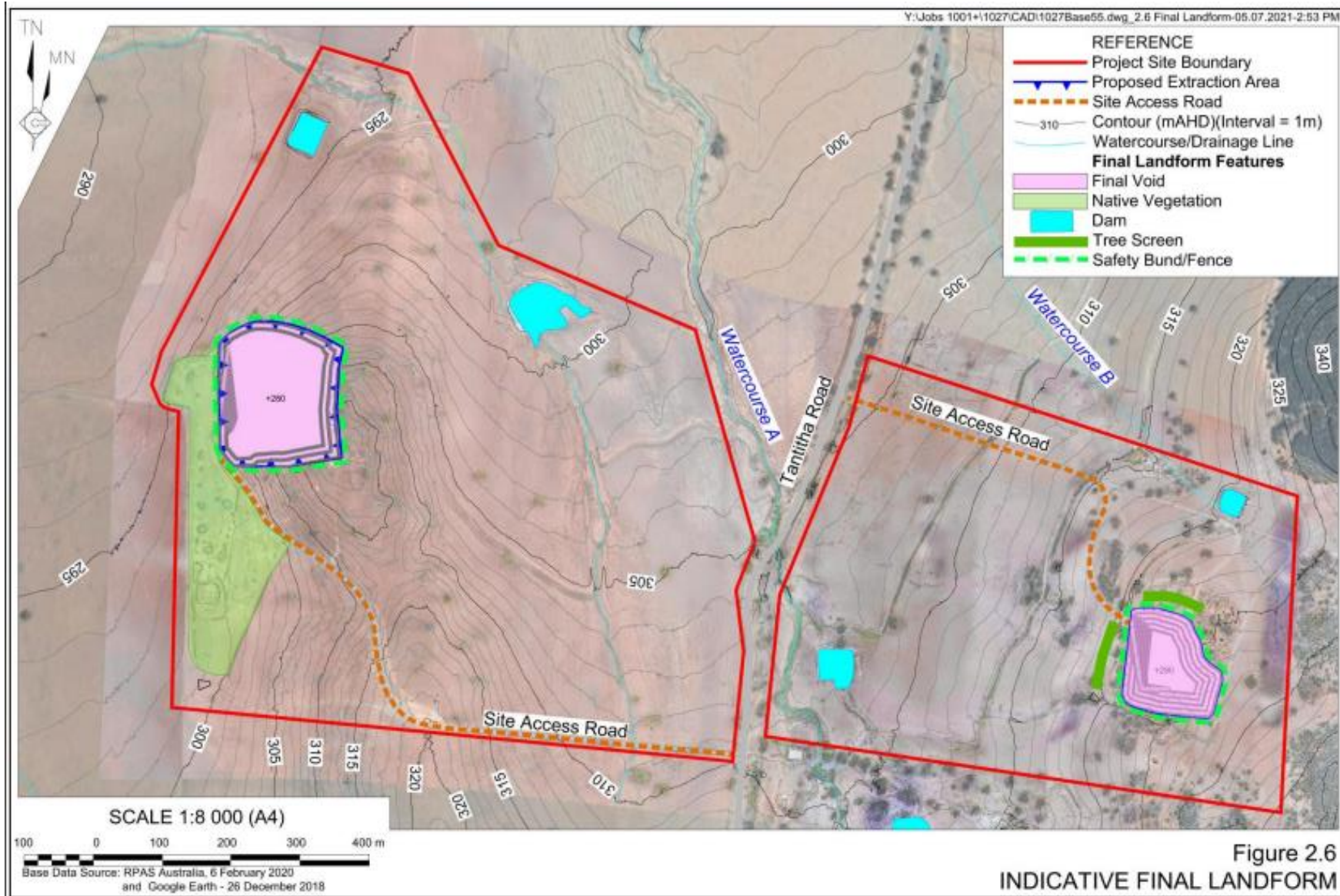


Figure 3-4 Proposed final landform

4. Statutory context

4.1 Environmental Planning and Assessment Act 1979

The *EP&A Act* provides the framework for the assessment and approval of development in NSW.

4.1.1 Objectives of the *EP&A Act*

The objects of the *EP&A Act* are listed in Section 1.3 of the Act. Table 4.1 outlines the current objects of the Act with consideration of the proposal.

Table 4.1 Consideration of the objects of the *EP&A Act*

Object	Consideration of the proposal
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;	The proposal would provide for the continuing use of the site for extraction and processing operations while ensuring the necessary approvals and environmental controls are in place.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;	On the basis that the EIS indicates the proposal has minimal impact on the environment and appropriate mitigation measures will be implemented, it is considered to be consistent with the principles of ecologically sustainable development
c) to promote the orderly and economic use and development of land;	The proposal would result in a beneficial use of land for extractive activities without limiting surrounding land uses.
d) to promote the delivery and maintenance of affordable housing;	Not applicable to the proposal.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;	The proposal would not involve significant impacts to threatened species, populations and ecological communities, and their habitats.
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage);	No Aboriginal sites or sites of historic heritage significance were identified during surveys of the site.
g) to promote good design and amenity of the built environment;	Not applicable to the proposal.
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants;	Not applicable to the proposal.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State;	As integrated development, the different levels of government in the State are required to exercise their functions.
j) to provide increased opportunity for community participation in environmental planning and assessment.	The application has been advertised as required and submissions from the community considered, as discussed in Section 5.

4.1.2 Development consent under Part 4 of the *EP&A Act*

The proposal requires development consent and is therefore subject to Part 4 of the *EP&A Act*. In determining a development application, the consent authority is required to take into account the matters for consideration listed under section 4.15 of the *EP&A Act* insofar as are relevant to the development. How these matters have been considered in this assessment report is outlined in Table 4.2.

Table 4.2 *Matters for consideration*

Matters for consideration	Comment
The provisions of—	
(i) any environmental planning instrument, and	Discussed in Section 4
(ii) any development control plan, and	Discussed in Section 4.2.1
(iii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not relevant, no proposed instruments have been subject to public consultation
(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not relevant, no planning agreements are relevant to the proposal
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Discussed in Section 4.1.3
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Discussed in Section 6
(c) the suitability of the site for the development,	The suitability of the site has been assessed by considering the planning instruments and environmental impacts associated with the development
(d) any submissions made in accordance with this Act or the regulations,	Discussed in Section 5
(e) the public interest.	Discussed in Section 5

4.1.3 Environmental Planning and Assessment Regulation 2021

Under Section 26 of Schedule 3 of the EP&A Regulation 2021, the proposal is considered designated development, as it would extract more than 30,000 m³ per annum and the total disturbance area would exceed 2 hectares.

As designated development, the Clause 4.12(8) of the EP&A Act requires the Development Application to be accompanied by an Environmental Impact Statement (EIS) in accordance with the EP&A Regulations. An EIS has been provided.

4.2 Environmental Planning Instruments

An assessment of the relevant environmental planning instruments (EPI) is summarised in Table 4.3 below.

Table 4.3 *Relevant EPI*

EPI	Comment
State Environmental Planning Policy (Planning Systems) 2021	<p>For a development for the purpose of extractive industry to be classified as State Significant, the proposal must either:</p> <ul style="list-style-type: none"> – Extract more than 500,000 tonnes of material per year – Have a total resource (the subject of the development application) of more than 5 million tonnes, and/or – Extract from an environmentally sensitive area of state significance <p>The proposal does not exceed or trigger any of these thresholds, therefore it is not of State significance.</p> <p>However, Clause 7(1)(a) of Schedule 7 of the Planning Systems SEPP identifies that designated development for the purpose of an extractive industry is Regional Development.</p> <p>As Regional Development, the development application must be accepted, exhibited and assessed by NSC and determined by the Western Regional Planning Panel.</p>
State Environmental Planning Policy (Resources and Energy) 2021	<p>Clauses 2.17 to 2.23 of the Resources and Energy SEPP sets out several matters that a consent authority must consider when assessing a development application for mining, petroleum production or extractive industry. It is considered the proposal satisfactorily demonstrates how it:</p> <ul style="list-style-type: none"> – Is compatible with other land uses – Considers voluntary land acquisition – Is compatible with mining, petroleum production or extractive industry – Considers the natural resource and environmental management – Addresses resource recovery – Minimises transportation issues – Proposes rehabilitation
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The Transport and Infrastructure SEPP identifies, amongst other things, the matters to be considered in the assessment of development adjacent to particular types of infrastructure.</p> <p>Clause 2.97 requires concurrence of the rail authority for development involving access via level crossing. ARTC have provided a response not objecting to the proposal.</p> <p>The site is not adjacent to a classified road or within a road corridor, it also does not exceed the threshold of 200 vehicles per hour to be classified as traffic-generating development and therefore the Transport and Infrastructure SEPP is not relevant to the proposal.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>The proposal would not store hazardous substances that exceed the relevant thresholds. The potential for contamination is also considered to be low.</p>
State Environmental Planning Policy (Primary Production) 2021	<p>The proposal is not mapped as regionally significant agricultural land but Schedule 1 of the Primary Production SEPP. Nor would it remove any land currently managed for intensive agriculture or be incompatible with the agricultural use of surrounding land.</p>
State Environmental Planning Policy– Biodiversity and Conservation) 2021	<p>Narromine Local Government Area is identified in Schedule 2 of the Biodiversity and Conservation SEPP so the potential impacts to koalas associated with the proposal are addressed in the EIS and Ecological Assessment (Area 2021). In summary, there was no evidence of Koala, or core or potential Koala habitat within the site and it was determined that the Proposal would not significantly impact koalas.</p>

EPI	Comment
Narromine Local Environmental Plan 2011	<p>The site is located within land zoned as Zone RU1 – Primary Production under the Narromine Local Environment Plan 2011 (LEP). Extractive industries are permissible with consent in this zone.</p> <p>Other relevant provisions in the LEP, include:</p> <ul style="list-style-type: none"> – Flood planning – Groundwater vulnerability – Terrestrial biodiversity – Sensitive watercourses <p>The site is not mapped in the flood planning, groundwater vulnerability or sensitive watercourses areas. Part of the site is mapped as terrestrial biodiversity. Biodiversity issues are discussed in more detail in Section 6.1 but it is considered the proposal would not have a significant impact on biodiversity.</p>

4.2.1 Narromine Shire Council Development Control Plan 2011

The objectives of the Narromine Shire Council Development Control Plan 2011 (DCP) are:

- “To manage development such that it encourages planned and sustainable growth, whilst having regard to the local character, amenity, agricultural productivity and environmental values associated with the local government area;
- To provide the basis for future development; and
- To provide confidence to the community about the quality of development within the LGA.”

Table 4.4 below identifies the relevant provisions of the DCP and their relevance to the proposal.

Table 4.4 Relevant provisions of the Narromine Shire Council Development Control Plan 2011

Chapter	Section of DCP	Relevant	Comment
3	Integrated Development	Y	As discussed in Section 4.1.2, the Proposal is classified as and is being assessed as Integrated Development under Section 4.46 of the EP&A Act.
	Designated Development	Y	As discussed in Section 4.1.3, the Proposal is classified as and is being assessed as Designated Development under Clause 19 of Schedule 3 of the EP&A Regulation.
	Certificates	N	No building or subdivision works are proposed.
	Pre-Lodgement Meetings	Y	The Applicant held a pre-lodgement meeting with Council in July 2021.
	Developer Contributions	Y	The Applicant would make contributions to the Council under Section 7.11 of the EP&A Act.
	Environmental Impact Statement/Environmental Assessment	Y	The required information specified in the DCP is provided throughout the EIS.
	Heritage Impact Statement	N	The proposal is not in the vicinity of and would not have impacts on any locally listed heritage items or items of heritage interest.
	Development Assessment	Y	The matters for consideration listed in Section 4.15 of the EP&A Act are addressed throughout the EIS.
4	Notification and Advertising Requirements	Y	As a Designated Development, the Proposal is required to be publicly notified and/or advertised for at least 28 calendar days.
5a	Residential Development	N	Development is not within Zone R1 of the Narromine LEP.
5b	Rural Residential Development	N	Development is not within Zone R5 of the Narromine LEP.

Chapter	Section of DCP	Relevant	Comment
5c	Rural Development	Y	Development is within zone RU1 of the Narromine LEP.
	Rural Development Objectives	Y	Considered throughout the EIS.
	Building Envelopes	Y	All structures on the site would be set back 50 metres from any local road, 100 metres from any arterial or main road and 40 metres from any side or rear property boundary.
	Dual Occupancy (Attached) or Rural Workers Dwellings	N	No dwellings are proposed.
	Building Design	N	No dwellings are proposed.
	Rural Subdivision	N	No subdivision is proposed.
	Rural Activities	N	No rural activities or industries are proposed.
	Other Development	N	No development within this category is proposed.
	Extractive Industries	N	The DCP requires extractive industry proposal to consider amenity issues on dwellings and the community. The safe and suitable access also needs to be considered. Both of these issues are considered throughout this assessment report.
	Offensive, Heavy or Hazardous Industries in Rural Areas	N	The proposal is not classified as an offensive, heavy or hazardous industry.
5d	Commercial Development	N	Development is not within Zone B2 of the Narromine LEP.
5e	Industrial Development	N	Development is not within Zone IN1 of the Narromine LEP.
5g	Heritage Development	N	The proposal is not in the vicinity of, and would not have impacts on any locally listed heritage items or items of heritage interest.
5h	Other Development	N	No development within this category is proposed.

4.3 Other NSW legislation

Table 4.5 below assesses the application of other NSW legislation to the proposal.

Table 4.5 Summary of other state legislation

Legislation	Comment
Heritage Act 1977	A historic heritage assessment for the proposal concluded that no listed places or objects would be disturbed by the proposal.
Protection of the Environment Operations Act 1997	<p>The <i>Protection of the Environment Operations Act 1997</i> (POEO Act) is administered by the Environment Protection Authority (EPA), which issues Environment Protection Licences (EPLs) for scheduled activities, including extractive industries.</p> <p>An EPL would be required as the proposal would extract more than 30,000 tonnes per annum, as specified in Clause 19 of Schedule 1 of the POEO Act.</p> <p>The EPA have issued their General Terms of Approval for the proposal.</p>
Water Management Act 2000	<p>Section 56 of the <i>Water Management Act 2000</i> provides arrangements for access licences.</p> <p>As per Clause 35(a) of the Water Management (General) Regulation 2018, a person is exempt from the requirement to hold a Water Use Approval if the use of the water is for a purpose for which development consent is in force under the EP&A Act.</p> <p>The proposal is also not expected to intercept groundwater, so an aquifer interference permit is not required.</p>
National Parks and Wildlife Act 1974	The <i>National Parks and Wildlife Act 1974</i> protects Aboriginal places and objects. An Aboriginal Heritage Assessment (AREA 2021) for the proposal did not locate any Aboriginal objects or potential archaeological deposits on the site.

Legislation	Comment
NSW Biodiversity Conservation Act 2016	A Biodiversity Assessment Report (AREA 2021) indicated the proposal did not trigger any of the thresholds for a Biodiversity Development Assessment Report, nor did it expect the proposal would have a significant impact on any species, populations or communities.
Roads Act 1993	Section 138 of the <i>NSW Roads Act 1993</i> requires that all activities undertaken within Council's road reserve be approved by Council prior to the activities being undertaken. The proposal will require a Section 138 Permit under this Act for the upgrade of the intersection of the access road and Tantitha Road. A Section 138 permit will also be required for the upgrade of the intersection of Mitchell Highway and Tantitha Road.
Rural Fires Act 1997	The proposal is located on bushfire prone land. The applicant has committed to a range of management and mitigation measures relating to the potential for bushfires. As a result, it is anticipated the proposal can manage the threat of bush fire.

4.4 Commonwealth legislation

The key Commonwealth Act relating to the proposal is the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the EPBC Act as matters of national environmental significance. The nine matters of national environmental significance to which the EPBC Act applies are:

- World heritage properties
- National heritage places
- Wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- Nationally threatened species and ecological communities
- Migratory species
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mining)
- A water resource, in relation to coal seam gas development and large coal mining development

Under the Act referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The Biodiversity Assessment Report (AREA 2021) concluded the proposal is unlikely to significantly impact on relevant MNES or on Commonwealth land. Accordingly, the proposal has not been referred under the EPBC Act.

4.5 Other relevant plans and policies

4.5.1 Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan 2036 includes Direction 8: Sustainably manage mineral resources which provides five actions. DPE indicated actions 8.1, 8.2 and 8.3 are particularly relevant (refer to Table 5.2), which include:

- Consult with the Division of Resources and Geosciences when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new development or expansions
- Protect areas with potential mineral and energy resources extraction through local land use strategies and local environmental plans
- Protect infrastructure that facilitates mining from development that could affect current or future extraction

The Division of Resources and Geosciences (now Department of Regional NSW – Mining, Exploration and Geoscience (MEG)) have not been consulted in regards to this application but have provided comment on previous recent applications.

In regards to the other two actions, the site and surrounds are zoned RU1 which permits extractive industries with consent. It is also considered this is the most appropriate zone to protect the area from land uses that are not compatible with the proposal.

4.6 Licencing and approvals

The development requires the following licences and approvals:

- Development consent in accordance with Section 4.16(1)(a) of the EP&A Act
- EPL under Clause 19 of Schedule 1 of the POEO Act
- Section 138 Permit under the Roads Act 1993

5. Consultation and assessment of submissions

5.1 EIS exhibition

The EIS was placed on public display by NSC as required by Division 5 of the *EP&A Regulation* from 8 July 2022 to 5 August 2022 at the following locations:

- Narromine Shire Council, 124 Dandaloo Street, Narromine, NSW
- NSW Planning Portal

Community consultation activities undertaken for the EIS exhibition comprised:

- Public display of the EIS in the foyer of Narromine Shire Council, 124 Dandaloo St, Narromine, NSW
- Placement of information on the NSC website with a link to the NSW Planning Portal
- Advertising in the local paper, the Northern Star
- A notice on site

All agencies which responded to the SEARs together with those that did not provide a response were advised by email of the EIS exhibition and provided with a download link. All neighbours within 1 km of the development were also notified.

5.2 Public submissions

One public submission was received by NSC. The key issues raised in the public submission and how they have been considered is presented in Table 5.1.

Table 5.1 Summary of public submissions

Issue	Response
Traffic safety at the Mitchell Highway and Tantitha Road intersection	TfNSW have required the intersection of the Mitchell Highway and Tantitha Road is upgraded to an Auxiliary Short (AUL(S)) turn treatment for westbound traffic.

5.3 Agency submissions

A summary of the agency submissions and how they have been considered is presented in Table 5.2.

Table 5.2 Summary of agency submissions

Agency	Summary of submission	Response
TfNSW	<p>TfNSW comments related to:</p> <ul style="list-style-type: none">– Mitchell Highway / Tantitha Rd intersection is to be upgraded to include an Auxiliary Short (AUL(S)) westbound turn treatment. The upgrade is to be designed and constructed in accordance with Austroads Guide to Road Design and able to accommodate the largest vehicle using the intersection– the developer is required to enter a formal agreement in the form of a Works Authorisation Deed (WAD) with TfNSW prior to works commencing	<p>The Applicant responded to TfNSW comments claiming the intersection upgrade was not required but this is consistent with previous conditions for other quarries using the intersection.</p> <p>The TfNSW recommendations have been adopted in the recommended conditions in Appendix A.</p>

Agency	Summary of submission	Response
	<ul style="list-style-type: none"> – A Road Occupancy Licence (ROL) is required prior to any works commencing within three (3) metres of the travel lanes of the Mitchell Highway – A Traffic Management Plan (TMP) including Driver Code of Conduct is to be prepared and implemented 	
Department of Planning, Industry and Environment - Crown Lands	<p>Crown Lands were notified as an adjacent landholder rather than in a regulatory capacity. Regardless they have raised the issue that a section of Tantitha Road traverses R94924 and there are two options:</p> <p>1 Council to pursue compulsory acquisition of Crown land for the purpose of creating a new Public Road (note that such a development would require (at a minimum) a Crown Land Management Act 2016 Licence for Road and Access); or</p> <p>2 Council to re-align Tantitha Road within the Local Government Authority road corridor to the east and north of Lot 57 DP 153713</p>	NA
ARTC	ARTC advised they have no objection to the proposal. ARTC also confirmed that the level crossing is rated for B-doubles and Road Trains, so the proposal is not expected to have an adverse impact on this level crossing.	NA

5.4 Future consultation

Interested parties will be notified of the WRPP meeting to consider the application. Should the proposal receive Development Approval, consultation activities would continue in accordance with the requirements of the consent.

6. Assessment of issues

The EIS was prepared in accordance with the *EP&A Act* and DPE SEARs (No. EAR 1434) issued on 27 May 2020. Attachment 4 of the EIS identifies where each SEAR is addressed in the EIS. Section 4 of the EIS assesses these environmental issues.

In addition to the mitigation and management measures provided in the EIS, recommended conditions of approval are included in Appendix A of this report.

6.1 Biodiversity

The EIS includes a Biodiversity Assessment Report (AREA 2021) the assessment describes the biodiversity values present within and immediately adjacent to the site and assesses the potential impacts of the proposal on ecological values. It has identified that approximately 0.93ha of previously disturbed PCT185 (Dwyer's Red Gum – White Cypress Pine) would be cleared at the Diorite Pit, see Figure 6-1. No threatened flora or fauna species were detected.

It concludes that the proposal will not have a significant impact on species, populations or communities. It also indicates the proposal does not trigger the requirement for a BDAR or offsetting under the BC Act.

It is considered the assessment adequately assess biodiversity impacts and addresses the SEARS.

6.2 Noise

The Noise and Vibration Impact Assessment (Spectrum Acoustics 2021) was prepared for the proposal and indicated:

- Operational noise levels associated with the proposal are not anticipated to exceed the relevant criteria at any residence.
- The maximum noise levels of the proposal are not anticipated to exceed sleep disturbance criteria at any residence.
- The maximum heavy vehicle movements associated with the proposal are not anticipated to exceed road noise criteria at any residence.
- The proposal is not anticipated to exceed relevant overpressure and vibration levels at any residence.

The EPA have not raised any concerns with the assessment, it is therefore considered the assessment is adequate and addresses the SEARs related to noise and vibration.

6.3 Surface water

The EIS includes a water budget which indicates the operations would have sufficient water, however if there is insufficient water, it is proposed to purchase water from an appropriately licenced source under a commercial arrangement.

A range of mitigations measures in accordance with Landcom (2004) have been proposed to control water runoff and it is predicted that if these are implemented there is a low risk of water quality impacts from the operations.

The site is not mapped within the Flood Planning Area by the Narromine LEP.

The assessment is therefore considered adequate and addresses the SEARs related to surface water.

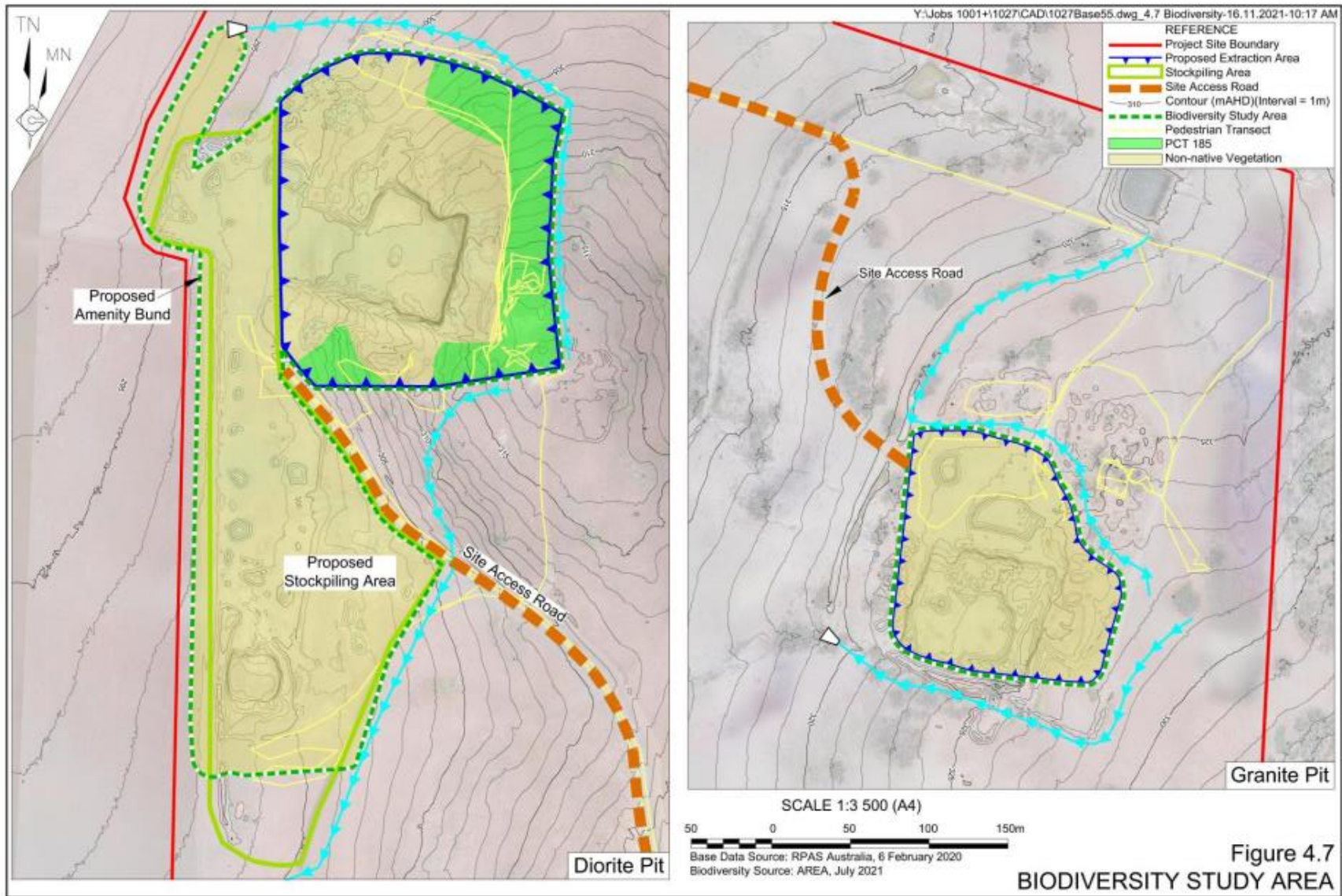


Figure 6-1 Biodiversity summary

6.4 Groundwater

The EIS indicated there are four registered bores within 3km of the site installed in the Fractured Rock Aquifer. It also highlights that the base of the quarry is above the level of the Macquarie River and there are no groundwater dependent ecosystems or culturally significant groundwater sites within 2 km of the site. Based on this, it was concluded the proposal would not result in significant groundwater impacts.

Further information was requested and while no detailed groundwater investigations were provided, based on the evidence it is considered unlikely that the proposal would impact groundwater. Regardless, a condition has been included in Appendix A to require an aquifer interference licence if groundwater is intercepted.

The assessment is considered adequate and addresses the SEARs related to groundwater.

6.5 Traffic

The EIS included a Traffic Impact Assessment (TTPP 2020). This assessed the existing road and intersection conditions of the proposed haulage route and the impact the proposed additional traffic would have. The report concluded the proposal would be accommodated with acceptable impacts on the capacity, efficiency and safety of the surrounding road network. The mitigation measures proposed included a Drivers Code of Conduct and Traffic Management Plan.

Due to the number of truck movements Council considered a basic (BAL) upgrade for both site access locations and Tantitha Road intersection was necessary. As mentioned in Section 5.3, TfNSW also raised some traffic related issues, which resulted in the following recommendations:

- Provision of an Auxiliary Short (AUL(S)) westbound turn treatment at the intersection of Mitchell Highway and Tantitha Road.
- Traffic Management Plan including Driver Code of Conduct is to be prepared.

The Applicant has provided a submission indicating the above AUL(S) upgrade is not required but it is consistent with the conditions imposed on other quarries recently approved that use the same intersection.

The above recommendations have therefore been adopted in the recommended conditions in Appendix A.

The assessment is considered adequate and addresses the SEARs relating to traffic.

6.6 Air quality

An Air Quality Impact Assessment (Todoroski 2021) was prepared for the proposal. In summary:

- A variety of activities on site have the potential to generate particulate emissions and greenhouse gas emissions.

The EIS also claimed that due to the relatively small scale of the proposed operations, the Proposal would not have a significant impact on greenhouse gas emissions.

The EPA have reviewed the assessment and have issued their GTAs. The assessment is therefore considered adequate and addresses the SEARs.

6.7 Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment Report (AREA 2021) was prepared for the proposal. In summary:

- No sites of significance have been registered on the property.
- Two representatives of the Narromine Local Aboriginal Land Council visited the site.
- The site survey did not locate any Aboriginal objects or potential archaeological deposits.

The assessment is considered adequate and addresses the SEARs related to Aboriginal Heritage.

6.8 Historic Heritage

The EIS indicates a desktop review of the relevant databases did not identify any sites of historic significance within the site. The EIS concluded that no sites of historic heritage significance occur within the site.

The assessment is considered adequate and addresses the SEARs related to heritage.

6.9 Visual amenity

The EIS assesses visual amenity impacts of the proposal by showing the distance, topography and vegetation between the site and sensitive receivers. Based on relative isolation of the site and the proposed landscape and visual amenity related controls, the EIS concludes that the proposal would not impact significantly on local visual amenity. Site observations support this conclusion.

The assessment is considered adequate and addresses the SEARs related to visibility.

6.10 Land resources

The EIS assesses land resources impacts of the proposal and includes management and mitigation measures. While the claim that the proposal would have minimal impact to soils and land capability is not supported, it is acknowledged that the site has already been significantly modified. Furthermore, the proposal would not limit agricultural activities within undisturbed sections of the site or surrounding lands. The EIS proposes some mitigations measure that if implemented would reduce the impacts on land capability.

The Diorite pit is located within an area of geology with a high-risk potential for naturally occurring asbestos. This was addressed by the Applicant in a response to a Request for Information dated 12 January 2023, which included a desktop based assessment of the risk of naturally occurring asbestos. This indicated the diorite is not consistent with material that typically contain naturally occurring asbestos.

The assessment is considered adequate and addresses the SEARs related to land resources.

6.11 Waste

The EIS predicted there would be less than 25 kg per week of general solid waste generated by the proposal. A recycling bin would be provided. Any waste oil would be stored separately and collected by a licensed contractor. Additionally, the EIS acknowledges no waste would be accepted on site.

The assessment is considered adequate and addresses the SEARs related to waste.

6.12 Hazards

The EIS assesses the hazards associated with public access, hazardous chemicals and bushfire risk. A number of mitigation measures are proposed with the EIS concluding the risks associated with public access, hazardous chemicals and bushfire from the proposal are negligible.

The assessment is considered adequate and addresses the SEARs related to hazards.

6.13 Rehabilitation

The EIS contains details of the progressive rehabilitation of the quarry and commits to preparing a detailed Quarry Closure Plan within five years of the consent. Regardless, rehabilitation objectives, proposed final landform and rehabilitation methods are provided. A requirement in relation to rehabilitation has been provided in Appendix A.

The assessment is considered adequate and addresses the SEARs related to rehabilitation.

6.14 Socioeconomic

Considering the predicted impacts on local noise, traffic, heritage, visual amenity and air quality, the proposal would be unlikely to have an unacceptable impact on residents or the environment within or surrounding the site. The proposal would also provide employment opportunities and provide a high quality products for local construction projects. As a result, adverse socio-economic impacts are likely to be negligible.

The assessment is considered adequate and addresses the SEARs related to socioeconomic impacts.

7. Conclusion/recommendation

The preparation and public exhibition of the EIS is considered to have satisfactorily addressed the relevant matters in Section 4.15 of the EP&A Act. The EIS and supporting documentation are also considered to adequately address the SEARs issued for the proposal.

The proposal is in a relatively isolated location, with the topography and vegetation screening it from sensitive receivers. The distance to sensitive receivers also means the impact from noise and dust is expected to be minimal. The proposal is not anticipated to intercept groundwater and surface water is proposed to be managed appropriately. The proposal has been designed to minimise clearing of native vegetation and no heritage sites were identified on site. Some improvements to the site access intersection with Tantitha Road are proposed and the conditions of approval require the Mitchell Highway and Tantitha Road intersection to be upgraded, in accordance with TfNSW advice.

Benefits of the proposal include employment opportunities and the supply of quality materials for local construction projects.

Having regard to the assessment in the EIS and consideration of the submissions received, it is concluded that the proposal, with the implementation of the identified mitigation and management measures and the recommended conditions of approval (provided in Appendix A to this report), is not likely to significantly affect the environment (including critical habitat) or threatened species, populations of ecological communities, or their habitats.

The proposal is recommended to be approved pursuant to Section 4.16(1)(a) of the EP&A Act, subject to the proposed mitigation measures in the EIS, and the recommended conditions of approval provided in Appendix A.

Appendices

Appendix A

Recommended conditions of approval

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICANT DETAILS

Applicant: Macquarie Valley Rock and Sand Pty Ltd
Address: PO Box 39
NARROMINE NSW 2821

APPLICATION DETAILS

Development Application Number: 2022/31
PAN: PAN-230029
Description of Development: Extractive Industry (quarry and onsite processing of extractive materials)
plans, specifications and supporting documentation stamped with reference to this consent

LAND TO BE DEVELOPED

Address: 1185 Tantitha Road, NARROMINE NSW 2821
Property Description: Lot 142 DP 1083899 and Lot 271 DP606418

DETERMINATION DETAILS

Decision: Approved subject to conditions
Determination Date: {[granted], "d MMMM yyyy"}
Approval to operate from: {[granted], "d MMMM yyyy"}
Approval to lapse on: {[granted + 1824], "d MMMM yyyy"}

OTHER APPROVALS

Section 68 Local Government Act Nil
Roads Act Nil
EPA General Terms of Approval refer Part H of this consent

A. GENERAL CONDITIONS

1. Approved plans and supporting documentation Development of the Extractive Industry being a continued operation of the quarry (Bakers Quarry) and expansion must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Table 1 Approved reference documents

Plan/Doc Title	Prepared by	Date
Proposed Quarry Layout	RW Corkery & Co. Pty Ltd	24/01/2023
Proposed Diorite Pit Extraction Area Layout	RW Corkery & Co. Pty Ltd	24/01/2023
Proposed Granite Pit Extraction Area Layout	RW Corkery & Co. Pty Ltd	24/01/2023
Indicative Final Landform	RW Corkery & Co. Pty Ltd	05/07/2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Notes:

- an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.
- Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior written approval of Council.

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

2. The Extractive Industry must not commence operation under this consent until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).

REASON: To ensure the development proceeds in accordance with the approval conditions.

Limits of approval

3. The quarry operator may carry out extractive industry operations on the site for 28 years from the date of commencement. The operator is required to rehabilitate the site and carry out related undertakings to the satisfaction of Council and to the agreed final land use criteria. Consequently, the approval will continue to apply in all other respects, other than the right to conduct extractive industry and processing operations, until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard in accordance with the Rehabilitation and Closure Plan.

Note: The final land use criteria is to be consistent with the RU1 Primary Production zone objectives and include consultation with the landowner.

REASON: To ensure the limits and timeframe permitted for extractive operations are clearly applied.

Material extraction

4. The quarry operator must not exceed the limits in Table 2.

Table 2 Approved limits

Extraction area	Area (ha)	Depth (m AHD)	Volume (m3)	Tonnes
Diorite Pit	3.4	280	730,000	2,044,000
Granite Pit	1.7	290	404,000	1,090,800

Extraction area	Area (ha)	Depth (m AHD)	Volume (m3)	Tonnes
TOTAL	5.1		1,134,000	3,134,800

REASON: To ensure the limits permitted for extractive operations are clearly applied.

Note: This condition does not apply to the construction of any bores approved by Water NSW or pollution and sediment control structures.

5. The operation of the extractive industry must not extract more than 50,000 tonnes of extractive materials from each pit or 100,000 tonnes in total from the site in any 12-month period or 3,134,800 tonnes in total over the life of the quarry.

REASON: To ensure the limits and timeframe permitted for extractive operations are clearly applied.

6. Extraction is not to occur simultaneously at the Diorite and Granite pits.

Extractive material transport

7. The pavement of the haulage route is to be rejuvenated prior to commencement of operations in accordance with this consent. The access route is to meet the current relevant standard as per Council's Roads Management Strategy. Application to Work within a Public Road in terms of Section 138 of the Roads Act, 1993 must be made for approval to Council as the Roads Authority prior the rejuvenation of the haulage route.

REASON: To ensure the existing roads are upgraded to the relevant standard to ensure road safety and public infrastructure is adequate for the development.

Note: Tantitha Road is considered a 'Hierarchy 3 road' at the time of Determination.

8. The quarry operations must not commence operations' production causing increase to the average annual daily traffic (AADT), until such time the approved haulage/access route is upgraded to the relevant standard as per Council's Roads Management Strategy. The upgrade to the road network is to be at no cost to Council.

REASON: To ensure the haulage route is upgraded to the relevant standard as the quarry production and haulage increases from the quarry site, and to ensure road safety and public infrastructure is adequate for the life of the development.

Note: AADT is to be calculated in accordance with Austroads Guidelines.

9. The operation of the extractive industry must not:
 - a. transport more than 100,000 tonnes of extractive material from the site in any 12 month period;
 - b. dispatch more than 10 and an average of 8 laden trucks from the site on any day; or
 - c. dispatch more than 2 laden trucks from the site in any hour.

REASON: To ensure the limits for transport / haulage from the site is clearly defined.

10. Prior to commencing haulage from the quarry in accordance with this consent, the Mitchell Highway / Tantitha Road intersection is to be upgraded as follows:

- a. Provision of an Auxiliary Short (AUL(S)) westbound turn treatment

The upgrade is to be designed and constructed in accordance with Austroads Guide to Road Design and able to accommodate the largest vehicle using the intersection.

REASON: To provide adequately designed and safe road conditions for the project and existing road users.

NOTE: To undertake the upgrade, widening of the existing road reserve may be required. Given the above works may require widening of the road corridor, to understand the potential land acquisition and environmental impacts of the upgrade consultation with TfNSW will be required.

11. Prior to commencing haulage from the quarry in accordance with this consent, the Webbs Siding / Tantitha Road intersection is to be upgraded. The upgrade is to be designed and constructed in accordance with

Austrorads Guide to Road Design and able to accommodate the largest vehicle using the intersection, as follows:

- a. Provision of a Channelised Right (CHR) eastbound turn treatment
- b. Provision of an Auxiliary (AUL) westbound turn treatment

REASON: To provide adequately designed and safe road conditions for the project and existing road users.

NOTE: No works are to occur within the railway corridor without the separate approval from ARTC. Application to Work within a Public Road in terms of Section 138 of the Roads Act, 1993 must be made for approval to Council as the Roads Authority prior the rejuvenation of the haulage route

12. Vehicles leaving the site shall pass through/over sediment and dust control infrastructure to prevent dust and other contaminants leaving the site. This infrastructure shall be maintained by the proponent in an acceptable manner that is in accordance to design or manufacturer's specifications.

REASON: To ensure measures are in place to protect council road infrastructure from transfer of sediment and to reduce potential for dust.

13. Transport of extractive material from the site may only occur on the designated haulage routes, specified in the EIS, except in circumstances where the final destination of the transported quarry products can only be accessed by other roads. Where alternative routes utilise Council roads, these should be documented for calculation of contributions payable, and relevant Traffic Management Plans updated and submitted to Council for approval. The intersection of Tantitha Road with the Newell Highway or any other road (i.e. Pinedean Road) must be upgraded by the proponent and at no cost to Council, in the event of transport routes being altered. Application to Work within a Public Road in terms of Section 138 of the Roads Act, 1993 must be made for approval to Council as the Roads Authority prior the commencement of any road works.

REASON: To ensure the transport / haulage routes are limited to those adequate for heavy vehicle movements.

Revision of strategies, plans and programs

14. A review, and if necessary, revision of the strategies, plans and programs required under this approval, to the satisfaction of Council, is triggered within three (3) months of the following:
 - a. the submission of an incident report under condition 70;
 - b. the submission of an Annual Review under condition 68;
 - c. the submission of an Independent Environmental Audit under condition 69; or
 - d. the approval of any modification of the conditions of this approval (unless the conditions require otherwise).

Any revised plans shall be submitted to Council for approval within six weeks of the review.

REASON: To ensure management measures are updated and adaptive to site conditions and circumstances.

Evidence of consultation

15. Where conditions of this approval require consultation with an identified party, the following is required:
 - a. consult with the relevant party prior to submitting the subject document; and
 - b. provide details of the consultation undertaken including:
 - i. the outcome of that consultation, matters resolved and unresolved; and
 - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

REASON: To ensure adequate consultation is carried out and relevant matters addressed.

National Construction Code of Australia

16. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

REASON: This condition is prescribed under the *Environmental Planning and Assessment Regulation 2021*.

NOTE: *Building Code of Australia*, Volumes 1 and 2 of the *National Construction Code*, referred to as the *Building Code of Australia*, published by the Australian Building Codes Board, as in force from time to time.

Payment of section 7.11 contributions

17. Pursuant to section 7.11 of the Environmental Planning and Assessment Act 1979, monetary contribution is to be paid to Council. The contribution is to be levied in accordance with the adopted Section 7.11 Contributions Plan. The payment of a monetary contribution is to be ongoing for the life of the operation in accordance with the provisions of this Plan.

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Plan. Time of payment of contributions shall be:

Within 28 days of receipt of a quarterly notice from the Council stating the contribution amount pursuant to the previous quarter's heavy haulage vehicle activity.

REASON: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development, and road maintenance due to heavy vehicle impacts.

Note: The current Plan is Narromine Shire Council Section 7.11 Contributions Plan 2020 – Heavy Vehicles. Contribution amounts will be adjusted by Council each quarter.

Compliance

18. The operator of the quarry must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.

B. REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Long Service Levy Payment

Payment of building and construction industry long service levy

19. Before the issue of a Construction Certificate, the operator of the quarry is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The final revised cost estimate and proof of payment is required to be provided to the certifier prior to issue of construction certificate.

REASON: To ensure the long service levy is paid.

NOTE: The levy rate will be 0.25% of the cost of building and construction works and will only be payable if the cost of works is \$250,000 and above (inclusive of GST). *This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986.*

Design amendments and Development Plans

20. The Development Plans are to be revised prior to issue of construction certificate as required. Before the issue of a Construction Certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the required amendments to the approved plans and supporting documentation stamped by Council and are in accordance with the approval conditions. Any amendments due to conditions are to be reflected on Construction plans.
- Plans are to demonstrate fulfilment of the commitments in Management Plans;
 - Show required water tanks for water supply and firefighting; and
 - Any requirements pertaining to compliance with other approvals required for the Project.
 - Form detailed construction plans of any buildings, including site office and amenities.

REASON: To address conditions of approval.

Engineering Plans – Building Work

21. Engineering plans, showing details of all proposed construction works and adhering to any conditions of development consent, must be submitted to, and approved by, Council or an Accredited Certifier prior to issuing of the Construction Certificate.

REASON: To address conditions of approval.

NOTE: Footing details for transportable structures will need construction approval.

Requirement for Approval - Section 68 Local Government Act

22. Prior to issue of a Construction Certificate for building work an approval/s pursuant to Part A, Part B and Part C of section 68 Local Government Act 1993 are to be issued as relevant, including:
- Install a manufactured home, moveable dwelling or associated structure on land (such as a transportable office and the like)
 - Approval to carry out Sewerage, Plumbing and Stormwater Drainage work.
 - Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
 - Operate a system of sewage management (within the meaning of section 68A).

REASON: To ensure the appropriate approvals are in place for moveable structures, sewerage and plumbing related works.

23. Prior to issue of Construction Certificate submit a design for a dust and sediment control facility, such as a rumble grid, within the property entrance for approval by Council. The installation, ongoing maintenance and operations of such a facility shall be at no cost to Council.

REASON: To ensure measures are in place to protect council road infrastructure from transfer of sediment and to reduce potential for dust.

C. PRIOR TO COMMENCEMENT OF ROAD WORK

Section 138 Roads Act – Council Roads

24. Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a separate Section 138 Roads Act Approval will need to be obtained from Council. The conditions of a s138 approved by Council are to be complied with prior to works commencing in the road reserve. (A consent may not be given with respect to a classified road except with the concurrence of TfNSW).

REASON: To ensure compliance with the Roads Act 1993 and Council policy.

25. Detailed design for the upgrade of both quarry site access locations at Tantitha Road to a basic (BAL) intersection treatment must be submitted to Council for approval. The intersection works must be designed for a 110 km/h speed zone and able to accommodate the largest vehicle accessing the intersection and site.

REASON: To ensure safe quarry site access is constructed to Council standards.

Section 138 Roads Act – Approval for Work on Mitchell Highway

26. To undertake private financing and construction works on the Mitchell Highway, in which TfNSW has a statutory interest, the developer is required to enter a formal agreement in the form of a Works Authorisation Deed (WAD) with TfNSW prior to works commencing.

REASON: To ensure compliance with the requirements of Transport for NSW (TfNSW).

27. A Road Occupancy Licence (ROL) is required prior to any works commencing within three (3) metres of the travel lanes of the Mitchell Highway. A Traffic Control Plan prepared by a SafeWork NSW accredited person is to be submitted as part of the ROL application.

NOTE: Please contact TfNSW 1300 656 371 for further information regarding a ROL.

Engineering Plans – Civil Construction

28. Detailed design of road upgrades and construction works must be prepared in accordance with the relevant road works specifications, or to Council's satisfaction.

REASON: To ensure compliance with the Roads Act and Council policy.

Dilapidation survey

29. Before any operations, site or road work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the condition of adjoining buildings, structures or works, roads and public land to the satisfaction of the Principal Certifier or Council. The site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, is to occur prior to commencement of work and document evidence of any damage to existing assets and a copy of the report must be provided no less than 7 days before any site work commences. Failure to identify existing damage will result in all damage detected after completion of the building/road work being repaired at no expense to Council.

REASON: To establish and document structural condition of adjoining properties and document condition of existing assets on public land for comparison as site work progresses and is completed.

Pipe Backfill

30. All pipe backfill designs and construction must be in accordance with AS/NZ 3725:2007 Design for installation of buried concrete pipes or current Australian Standard for that particular product.

REASON: To ensure adequate design standards are adopted.

D. REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

Notice of Commencement

31. Prior to the commencement of any building work on the site, the person having the benefit of this consent:
- shall appoint a Principal Certifying Authority (PCA).
 - shall ensure a Construction Certificate is issued by the PCA.
 - shall notify Council of their intention to commence the site works, at least 2 days prior to commencement of work.

REASON: To ensure statutory obligations are met.

Signs on site

32. A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifier for the work, and
 - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

REASON: Prescribed condition EP&A Regulation, clause 70.

NOTE: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Project Plans & Testing

33. Prior to any works commencing, a project construction plan must be submitted to Council for review and approval to ensure all requirements are met. All documentation required for submission should follow Aus-spec 0161 Quality Management - Construction including road works and other services. This should include the following:
- Sequence of operations
 - Documented procedures and work instructions
 - Types of equipment required, capability, maintenance and calibration certificates
 - Any special working environment requirements
 - Personnel competency and skills required
 - Criteria for workmanship and tolerances
 - Materials required
 - Safety requirements
 - Reference documents
 - Records produced
 - Planning
 - Verification measures
 - Inspection, test and control points
 - Monitoring of continuous suitability
 - Responsibility for implementing and monitoring work process controls and rectifying any deficiencies.

REASON: To ensure construction requirements are met and quality management measures implemented.

Service location

34. Prior to carrying out any works, a "Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW). Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

REASON: To safeguard against impact to assets and ensure the safety when working near electricity lines.

Erosion and Sediment Control

35. Prior to the commencement of works, erosion and sediment control measures must be in accordance with the approved soil erosion and sediment management control plan and must be installed and maintained until all disturbed areas have been revegetated and restored.

REASON: To ensure runoff and site debris do not impact local stormwater systems and waterways.

Temporary Onsite Toilet

36. Prior to the commencement of works, a temporary on-site toilet must be provided and maintained on-site throughout the construction of the project or until an alternative facility meeting Council's requirement is available on-site. Sewage must be disposed of at a licensed disposal facility. The Narromine Sewage Treatment Plant does not accept septic or pan waste.

REASON: To ensure amenities are available.

E. REQUIREMENTS DURING CONSTRUCTION WORKS

Approved hours of Construction

37. Unless otherwise approved by Council, construction work may only be undertaken in during the following hours:

- Monday to Friday - 7:00 am to 8:00 pm
- Saturday - 8:00 am to 1:00 pm
- Sunday & Public Holidays – Nil

The principal certifier must ensure building work or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

REASON: To protect the amenity of the surrounding area.

NOTE: Any variation to the hours of work requires Council's approval.

Works Near Electricity Infrastructure

38. There is overhead electricity infrastructure located within vicinity of the property. Any activities within these locations must be undertaken in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

REASON: To ensure the safety when working near electricity lines.

Building Materials, Plant and Equipment

39. During construction works, all building materials, plant and equipment must be placed on site to ensure that pedestrian and vehicular access in public places is not restricted.

REASON: To preserve access and protect public infrastructure.

Dust Abatement

40. During construction works, a water cart is required to be readily available to suppress dust during construction. During dry periods or high wind, construction works must be delayed or postponed. Dust suppressant additives are also encouraged during construction works.

REASON: To ensure dust suppression is implemented during construction.

Fill

41. During construction works, fill material must not be placed in such a manner that:

- a. natural drainage from adjoining land will be obstructed; and
- b. surface water will be diverted to adjoining land.

REASON: To prevent fill causing stormwater impacts.

Uncovering relics or Aboriginal objects

42. While any associated construction work and quarry operations are being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- a. the work in the area of the discovery must cease immediately;
- b. the following must be notified
 - i. for a relic – the Heritage Council; or
 - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- a. for a relic – the Heritage Council; or
- b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

REASON: To ensure the protection of objects of potential significance during works.

F. REQUIREMENTS PRIOR TO COMMENCEMENT OF OPERATIONS

Repair of infrastructure

43. Before the issue of an occupation certificate or certificate of completion (for S68 approvals), the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

REASON: To ensure any damage to public infrastructure is rectified.

Note: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.

Completion of Road Work

44. Council must be satisfied that all road works required have been completed in accordance with approved plans and documents and relevant conditions of this consent and any s138 Roads Act approval.

Following completion of all engineering works with a final satisfactory inspection report, and prior to commencement of operations in accordance with this approval (and haulage), a defects bond of 5% of the value of works (not carried out by Council) shall be lodged with Council. The bond may be provided by way of monetary deposit with Council or via Bank Guarantee, which will be held to remedy any defects in public work that arise within 6 months after the work is completed. The maintenance bond period commences from the date of Council's written acceptance of the final inspection report and WAE drawings. If defects are not satisfactorily remedied, Council may use bond money to carry out rectification works. Any unspent bond money will be returned to the developer at the end of the defects period, less the cost of any rectification works carried out by Council.

REASON: To ensure road work is satisfactorily completed.

WAE Drawings

45. Prior to commencement, a design report (printed and bound) and three (3) copies of which 1 x A0 size and 2 x A3 size of works-as-executed (WAE) drawings of the road works must be submitted to Council in hard copy format. The certified WAE drawings must be prepared by a registered surveyor and must indicate the following:

- Subgrade surface level
- Sub-base pavement level
- Pavement base level
- Invert levels of all pits, pipes and orifice plates
- Nominal diameter (DN) and class of pipe(s)
- Surface levels of pits and surrounding ground levels.

The plans must be accompanied by a report from the designer stating the conformance or otherwise of the as constructed works in relation to the approved design.

The WAE plan and design report must be in both CAD and PDF format and must be submitted for approval to Council prior to commencement.

REASON: To ensure road work is satisfactorily completed and documented.

Post – Construction Dilapidation report

46. After the completion of all site establishment work and road work, a post-construction dilapidation report must be prepared by a suitably qualified engineer to the satisfaction of the Principal Certifier or Council, detailing whether:
- a. After comparing the pre-construction dilapidation report (Condition 29) to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, structures or works, roads and public land.

- b. Where there has been structural damage to any adjoining buildings that is the result of the work approved under this development consent.

REASON: To identify any damage to adjoining properties and infrastructure resulting from development work.

Release of Securities

47. Prior to the release of any securities:

- a. Any public infrastructure damaged as result of the carrying out of work approved under this consent must be fully repaired to the written satisfaction of Council and at no cost to Council, or
- b. If the works in (a) are not carried out to Council's satisfaction Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.

48. When a maintenance bond or other security under this consent is required, an application may be lodged to release the securities held by Council, after the relevant period.

REASON: To allow release of securities where terms and conditions for the securities have been met to Council's satisfaction.

Identification of Quarry Boundaries

49. Prior to the commencement of land clearing and quarry operations, or as otherwise agreed by Council, the Applicant must:

- a. engage an independent registered surveyor to survey the boundaries of the approved limit of extraction as per plan labelled Proposed Quarry Layout;
- b. submit a survey plan of these boundaries to the Council; and
- c. ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

REASON: To ensure the area of disturbance is limited to that approved.

Preservation of survey marks

50. Before the commencement of operations, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

REASON: To protect the State's survey infrastructure.

Notice of Commencement

51. Notice of commencement of operations (at least 48 hours prior) is to be given to Council in writing, with record of compliance with any commitments in the EIS and conditional requirements prior to commencement of operations.

REASON: To advise Council of commencement date and document compliance.

Signage

52. Prior to commencement, the installation of advance warning signage is required, and must be designed with the current Australian Standard with details submitted to Council with the section 138 Roads Act application. Signage size and location must be installed 250 metres in advance of the intersection of Tantitha Road at no cost to Council and approved to ensure advanced warning of the entrances to both Pits.

REASON: To ensure road safety signage is installed.

Note: Signage installation may have site specific requirements to be included in the approval pursuant to s138 Roads Act.

Environmental management plan

53. An Environmental Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. provide the strategic framework for environmental management of the project;
 - b. identify the statutory approvals that apply to the project;
 - c. set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - d. set out the procedures to be implemented to:
 - i. keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - ii. receive record, handle and respond to complaints;
 - iii. resolve any disputes that may arise during the course of the project;
 - iv. respond to any non-compliance and any incident; and
 - v. respond to emergencies.
 - e. a protocol for periodic review of the plan
 - f. include plans for the management and monitoring to ensure the operations comply with the relevant criteria and conditions of this approval for the following:
 - i. Noise
 - ii. Blasting
 - iii. Air quality
 - iv. Surface water and Groundwater
 - v. Traffic
 - vi. Aboriginal cultural heritage
 - vii. Biodiversity
 - viii. Bushfire
 - g. a summary of all the monitoring to be carried out under the conditions of this approval.

REASON: To ensure management details and mitigation measures are documented and adopted for the project.

Drivers Code of Conduct

54. A Drivers' Code of Conduct must be prepared to the satisfaction of Council and TfNSW that includes:
- a. toolbox meetings to facilitate continuous improvement initiatives and incident awareness;
 - b. drivers to adhere to posted speed limits or other required travelling speeds;
 - c. haul route restrictions under this development consent and the National Heavy Vehicle Regulator scheme for the classes of trucks being used, including the Narromine town centre bypass;
 - d. drivers implement safe and quiet driving practices;
 - e. measures to discourage operating heavy machinery including trucks while under the influence of alcohol and/or drugs;
 - f. safety measures at the level rail crossing;
 - g. truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard;
 - h. measures to manage haulage movements during school bus pick up / drop off times (both on rural roads and through towns) to minimise potential interactions between haulage vehicles and buses or children, and
 - i. the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

Rehabilitation and Closure Plan

55. A Rehabilitation and Closure Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. outline the final land use and landform options considered, and justification of the preferred option;
 - b. detail any rehabilitation methods to be implemented for both planned and unplanned closure of the site, including the testing of imported material to confirm it is suitable for rehabilitation;
 - c. suitable completion criteria;
 - d. a risk assessment to demonstrate that post-closure risks associated with the proposed final landform and land use are acceptable; and
 - e. an estimate of the closure costs prepared in accordance with the current industry recognised guidelines. This estimate is to be updated annually.

The rehabilitation and closure plan must be prepared in accordance with any applicable legislation and the principles of the Strategic Framework for Mine Closure produced by the Australian and New Zealand Minerals and Energy Council and Minerals Council of Australia (ANZMEC, 2000).

REASON: To ensure Narromine Shire Council does not incur a financial liability as a result of quarry operations. To ensure rehabilitation management measures and end of life procedures are documented and adopted for the project.

G. OPERATIONAL REQUIREMENTS

Environmental Management Plans

56. The Environmental Management Plans and adopted measures must be implemented for all phases of the Project.
- The Environmental Management Plans are to be available at the site office at all times.
 - The Management Plans required by this consent may be combined/consolidated where practical for improved implementation.
 - Management Plans are to be updated with changes to legislation, approval conditions and review processes to ensure management and mitigation measures are kept up to date.

REASON: To ensure adopted site management measures are implemented at all times.

Environment Protection Licence

57. The operator of the quarry must ensure a fit and proper person holds an Environment Protection Licence required pursuant to Protection of the Environment Operations Act 1997. Works and activities must comply with the requirements of the Environment Protection Authority (EPA) General Terms of Approval, issued pursuant to section 4.46 *Environmental Planning and Assessment Act 1979*.

REASON: To ensure NSW EPA general terms of approval and mandatory EPL conditions are adopted.

Note: General Terms of Approval are provided in Part H of this consent. The Proponent will need to make separate application to the EPA to obtain this licence.

Water Supply

58. A legal and sufficient water supply is required for all stages of the project, and if necessary, the operator is to adjust the scale of operations on site to match its available water supply, to the satisfaction of Council.

REASON: To ensure the project has sufficient volume of water for dust suppression and processing obtained through legal sources.

Transport

59. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design must be provided and maintained at the vehicular access servicing the land from Tantitha Road.

REASON: To maintain a safe driveway access into the quarry site.

Monitoring of Product Transport

60. By the use of a weighbridge (or other means as agreed by Council), records are to be made:
- Product Transport Details - retained for at least 12 months, records of the - time of dispatch, weight of load, route and vehicle identification for each laden truck dispatched from the development. These records must be made available to Council on request and a summary included in the Annual Review.
 - Product Volumes – tonnages of product leaving the site is to be recorded quarterly and provided to Council for calculation of the s7.11 contributions.

REASON: To ensure records of extraction and processing activity are kept for the Project and obligations to pay s7.11 contributions are met.

Parking

61. The Applicant must provide sufficient parking on-site for all project-related traffic in a dedicated area away from active quarry areas.

REASON: To ensure adequate parking is provided on site.

Visual

62. Visual amenity is to be maintained:

- a. all reasonable steps are to be taken to minimise the visual and off-site lighting impacts of the project;
- b. revegetate overburden emplacements, emplacement extensions and bunds as soon as practicable;
- c. not erect or display any advertising structure(s) or signs on the site without the written approval of Council.

REASON: To ensure impacts to visual amenity are mitigated.

Note: This does not include business identification, traffic management and safety or environmental signs.

Waste

63. Waste management measures are to be implemented:

- a. manage on-site sewage treatment and disposal in accordance with the requirements of the Environmental Protection Licence (EPL), and to the satisfaction of the EPA and Council;
- b. minimise the waste generated by the development;
- c. ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and
- d. monitor the amount of waste generated by the project.

REASON: To ensure waste is managed.

64. Except as expressly permitted in an EPL, the quarry site must not receive waste for storage, treatment, processing, reprocessing or disposal.

REASON: To prevent the quarry from accepting waste products without the necessary approvals.

NOTE: The only waste derived material that may be received at the development site must be:

- a. virgin excavated material, within the meaning of Protection of the Environment Operations Act 1997; and
- b. Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Storage of Liquids, Chemicals & Petroleum Products

65. All liquids, chemicals and/or petroleum products on site are to be stored in accordance with the relevant Australian Standard. During construction works and for the life of the operation, the storage of fuel, chemicals or any hazardous substances and dangerous goods must be secured and stored in accordance with the manufacturers' specifications. Safety Data Sheets (SDS) must be kept on site along with a manifest.

REASON: To ensure safe storage of hazardous substances.

Safety

66. The quarry site must be secured to ensure public safety. Appropriate signage, fencing, bunding or the like must be installed to prevent visitor and unauthorised vehicle access to working areas of the quarry.

REASON: To ensure safety of public and visitors to site.

Annual survey

67. At the anniversary of the commencement of operations, or other timeframe agreed by Council, an independent registered surveyor or other independent practitioner as agreed with Council is required to:

- a. survey the extent of the extraction areas;
- b. survey the depth of the extraction areas;
- c. calculate the volume extracted since the previous survey; and

- d. confirm the boundary markers clearly mark the approved limit of extraction.

The survey must be provided to Council within six weeks of the anniversary date.

REASON: To ensure approved extraction and disturbance limits are not exceeded.

Annual Review

68. At each anniversary of the commencement of operations, or other timeframe agreed by Council, a report reviewing the environmental performance of the project over the past year, is to be compiled to the satisfaction of Council. This review must:
- a. describe the activities (including any rehabilitation) that was carried out in the previous 12 months, and the activities that are proposed to be carried out over the current 12 months;
 - b. include a survey of the extraction area showing the depth and extent of the extraction and the volume of material extracted in the past 12 months;
 - c. include a comprehensive review of the monitoring results and complaints records of the project over the previous 12 months, including a comparison of these results against the:
 - i. relevant statutory requirements, limits or performance measures/criteria;
 - ii. requirements of any plan or program required under this approval;
 - iii. monitoring results of previous years; and
 - iv. relevant predictions in the EIS.
 - d. identify any non-compliance or incident which occurred in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence.

Copies of the Annual Review must be submitted to Council within six weeks of the anniversary of the commencement date, or other timeframe agreed by Council, and made available on the Project's website.

REASON: To ensure approval requirements are implemented and monitored for improvement.

Independent Environmental Audit

69. Once 150,000 tonnes of material has been extracted, or after 3 years of operations under this consent whichever is sooner or at the request of Council, an Independent Environmental Audit of the project must be commissioned to assess compliance.. The audit must:
- a. be led by a suitably qualified, experienced and independent auditor;
 - b. be carried out in consultation with the relevant agencies;
 - c. assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval, any relevant EPL, permits or leases for the project (including any assessment, strategy, plan or program required under these approvals);
 - d. review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this approval;
 - e. recommend appropriate measures or actions to improve the environmental performance of the project and any assessment, strategy, plan or program required under the abovementioned approvals and this approval; and
 - f. be conducted and reported to the satisfaction of Council.

Within three months of the Independent Environmental Audit, a copy of the audit report is to be submitted to Council, NSW EPA, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of Council.

REASON: To implement a requirement for an independent environmental audit for the purpose of ensuring satisfactory environmental performance.

Incident and Complaint Reporting

70. An Incident and Complaint Register is to be established. Council and any relevant agencies are to be provided with a detailed report on complaint, incident or non-compliance, as a component of the Annual Review and such further reports as may be requested.

REASON: To ensure incident and complaint records are kept.

Note: The recording of pollution complaints should be in accordance with EPL conditions.

H. EPA General Terms of Approval

General Terms of Approval - Issued



Notice No: 1627426

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2022/31 submitted to Narromine Shire Council in May 2022;
- the environmental impact statement titled "*Environmental Impact Statement for the Baker's Quarry*" (EIS), prepared by R.W. Corkery & Co. Pty Ltd and dated May 2022 (Ref No. 1027/02) relating to the development; and
- any additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

L2. Concentration limits

L2.1 The EPA will determine discharge limits following submission of the report required by Condition L2.2

L2.2 Before quarrying is commenced, the licensee must provide a report to the EPA at info@epa.nsw.gov.au which:

- a. identifies, for each pollutant which may be discharged from the premises' sediment basins, the concentration that will maintain or restore the environmental values of receiving waters, in accordance with the *NSW Water Quality Objectives and Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCAN Z, 2000)*.
- b. identifies all practicable measures that can be used to maintain or restore the environmental values of receiving waters; and
- c. nominates discharge quality limits based on the outcomes of points a and b above.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

General Terms of Approval - Issued



Notice No: 1627426

Note: Condition L3.2 is included to ensure that a premises based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).

L4. Noise limits

L4.1 Noise from the premises must not exceed:

- an LA10 (15 minute) noise emission criterion of 40 dB(A) (7am to 6pm) Monday to Saturday; and
- an LA10 (15 minute) noise emission criterion of 35ddB(A) during the evening (6pm to 10pm) Monday to Friday; and
- an LA10 (15 minute) noise emission criterion of 35ddB(A) during the night (10pm to 7am) Monday to Saturday, and 10pm to 8am Sundays and Public Holidays.

L4.2 The noise limits set out in L4.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A,B,C,D and E with wind speeds up to and including 3m/s at 10m AGL
Evening	Stability Categories A,B,C,D and E with wind speeds up to and including 3m/s at 10m AGL
Night	Stability Categories A,B,C,D and E with winds speeds up to and including 3m/s at 10m AGL; and/or Stability Category F with wind speeds up to and including 2m/s

L4.3 Noise from the premises must not exceed the limits in Condition L4.1 positively adjusted by 5dB during all meteorological conditions stated in Condition L4.2

L4.4 For the purposes of condition L4.2 and L4.3:

- data recorded by the onsite weather station must be used to determine meteorological conditions; and
- Stability category must be determined using the igma-theta method referred to in "Fact Sheet D: Accounting for noise-enhancing weather conditions" contained within the "NSW Noise Policy for Industry" (EPA, 2017).

L4.5 To determine compliance with the noise limits in condition L4.1 and L4.3, the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 meters or less from the property boundary closest to the premises;
- within 30 meters of a dwelling facade, but not closer than 3 meters, where any dwelling on the property is more than 30 meters from the property boundary closest to the premises, or, where applicable,
- within 50 meters of the boundary of a National Park or Nature Reserve.

L5 Hours of operation

L5.1 All construction work at the premises must only be conducted during the following time periods.

- 7am to 6pm Monday to Friday;
- 8am to 1pm Saturdays; and

General Terms of Approval - Issued



Notice No: 1627426

c) at no time on Sundays or Public Holidays.

L5.2 The above condition does not apply to the delivery of material outside the hours of the permitted timeframes if that delivery is required by police or other authorities for safety reasons and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within 24 hours in the case of emergency.

L6. Blasting

Airblast Overpressure Level

L6.1 The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.2 The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Ground Vibration (ppv)

L6.3 The ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

L6.4 The ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Time of blasting

L6.5 Blasting at the premises may only take place between 9:00am-5:00pm Monday to Friday. Blasting is not permitted on Sundays or public holidays.

L6.6 Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.

L6.7 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Operating conditions

Note: Conditions O1 and O2 are mandatory on all environment protection licences and are included in Attachment B

O3. Dust

O3.1 The premises must be maintained in a condition which prevents or minimises the emission of air impurities, including dust, from the premises.

General Terms of Approval - Issued



Notice No: 1627426

O3.2 All operations and activities occurring at the premises must be carried out in a manner that prevents or minimises the emission of air impurities, including dust, from the premises.

O3.3 Trucks entering and leaving the premises that are carrying loads of materials which have the potential to cause emissions of air impurities, including dust, must be covered at all times, except during loading and unloading.

O4. Other operating conditions.

O4.1 A *Soil and Water Management Plan (SWMP)* must be prepared for the development and must be implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The *SWMP* should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (Landcom 2004)

O4.2 An erosion and sediment control plan must be prepared for the development and must be implemented. The plan must describe the measures that will be used to minimise soil and erosion and the discharge of sediment and other pollutants to land and waters for the life of the project, and be prepared in accordance with *Managing Urban Stormwater: Soils and Construction, particularly Volume 2E: Mines and Quarries* (DECC 2008).

Monitoring and recording conditions

M1 Monitoring records

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

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

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

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

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

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each monitoring/ discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

General Terms of Approval - Issued



Notice No: 1627426

Discharge points (sediment basins - exact locations to be confirmed)

Pollutant	Units of measure	Frequency	Sampling Method
Total Suspended Solids (TSS)	mg/L	Daily during any discharge	Representative sample
Oil & Grease	mg/L	Daily during any discharge	Representative sample
pH	pH	Daily during any discharge	Representative sample

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition M2 must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,
- unless otherwise expressly provided in the licence.

M4 Blast Monitoring

M4.1 To determine compliance with conditions L6.1 to L6.4:

- airblast overpressure and ground vibration levels must be measured and recorded, for all blasts carried out at the premises, at the nearest residence that is not owned by the licensee or subject to a private agreement relating to airblast overpressure and ground vibration levels.
- Instrumentation used to measure and record airblast overpressure and ground vibration levels must meet the requirements of Australian Standards AS2187.2-2006.

M4.2 The airblast overpressure and ground vibration levels in conditions L6.1 to L6.4 do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and landowner.

Reporting conditions

Note: Conditions R1, R2 and R3 are mandatory on all environment protection licences and are included in Attachment B

Special Conditions

E1 Air Quality Management Plan

E1.1 Before commencing operations, the Licensee must prepare and implement an Air Quality Management Plan (AQMP) that includes proactive and reactive management measures for the operational activities at the premises to ensure that particulate emissions are minimised as far as reasonably practicable.

General Terms of Approval - Issued



Notice No: 1627426

E1.2 The AQMP required by condition E1.1 must include:

- a. Key performance indicator(s) for emission controls;
- b. Ongoing real-time particulate monitoring;
- c. Real-time weather monitoring;
- d. Monitoring method(s) including location, frequency and duration;
- e. Response mechanisms;
- f. Responsibilities;
- g. Record keeping;
- h. Compliance reporting;
- i. A protocol to benchmark the emission controls adopted at the site against best practice every 3 years. This includes, each time controls are benchmarked, setting timelines to implement all additional identified feasible and reasonable controls.

E1.3 The AQMP required by condition E1.1 must include a Trigger Action Response Plan for dust. The plan must include but not be limited to:

- a. Defined dust trigger levels;
- b. A monitoring program;
- c. Proposed dust controls and management measures; and
- d. actions to be taken when specific trigger levels are exceeded, including responses to an escalation in dust emissions

General Terms of Approval - Issued



Notice No: 1627426

Attachment – Mandatory Conditions for all EPA licences

Operating conditions

01 Activities must be carried out in a competent manner

01.1 Licensed activities must be carried out in a competent manner. This includes:

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

02 Maintenance of plant and equipment

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

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

Monitoring and recording conditions

M5 Recording of pollution complaints

M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M5.2 The record must include details of the following:

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

M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

General Terms of Approval - Issued



Notice No: 1627426

M6.3 Conditions M6.1 and M6.2 do not apply until 3 months after the licence is issued.

Reporting conditions

R1 Annual Return documents

What documents must an Annual Return contain?

R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. a Statement of Compliance; and
- b. a Monitoring and Complaints Summary.
- c. a Statement of Compliance - Licence Conditions,
- d. a Statement of Compliance - Load based Fee,
- e. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,
- f. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
- g. a Statement of Compliance - Environmental Management Systems and Practices.

Before the end of each reporting period, the EPA will provide to the Proponent a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

R1.2 An Annual Return must be prepared in respect of each reporting, except as provided below.

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

R1.3 Where this licence is transferred from the licensee to a new licensee,

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

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

R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

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

Deadline for Annual Return

R1.5 The Annual Return for the reporting period must be supplied to the EPA by using eConnect EPA or registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

General Terms of Approval - Issued



Notice No: 1627426

Licensee must retain copy of Annual Return

R1.6 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

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

R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

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

R2 Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

R2.1 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3 Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

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

General Terms of Approval - Issued



Notice No: 1627426

- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

G1 Copy of licence kept at the premises or on the vehicle or mobile plant

G1.1 A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

G2 Contact number for incidents and responsible employees

G2.1 The licensee must operate 24-hour telephone contact lines for the purpose of enabling the EPA to:

- a) to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to the premises; and
- b) to contact the licensee's senior employees or agents authorised at all times to:
 - i) speak on behalf of the licensee; and
 - ii) provide any information or document required under this licence.

G2.2 The licensee is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.

G3 Signage

G3.1 Each monitoring and discharge point must be clearly marked by a sign that indicates the EPA point identification number.

I. REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - (a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant environmental planning instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

J GENERAL ADVICE

LAPSING OF DEVELOPMENT CONSENT

8. Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

RIGHT OF APPEAL

9. If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months of the date of this notice (section 8.7 of the *Environmental Planning and Assessment Act, 1979*).

REVIEW OF DETERMINATION

10. An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.
- (a) If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.
 - (b) A Review cannot be requested for:
 - (i) a determination to issue or refuse to issue a complying development certificate, or
 - (ii) a determination in respect of designated development, or
 - (iii) a determination made by Council under Section Division 4.6 in respect of an application by the Crown.

Date of notice:

Phil Johnston
Director Community and Economic Development

K ADVISORY NOTES

Electrical and Telecommunication Services

DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

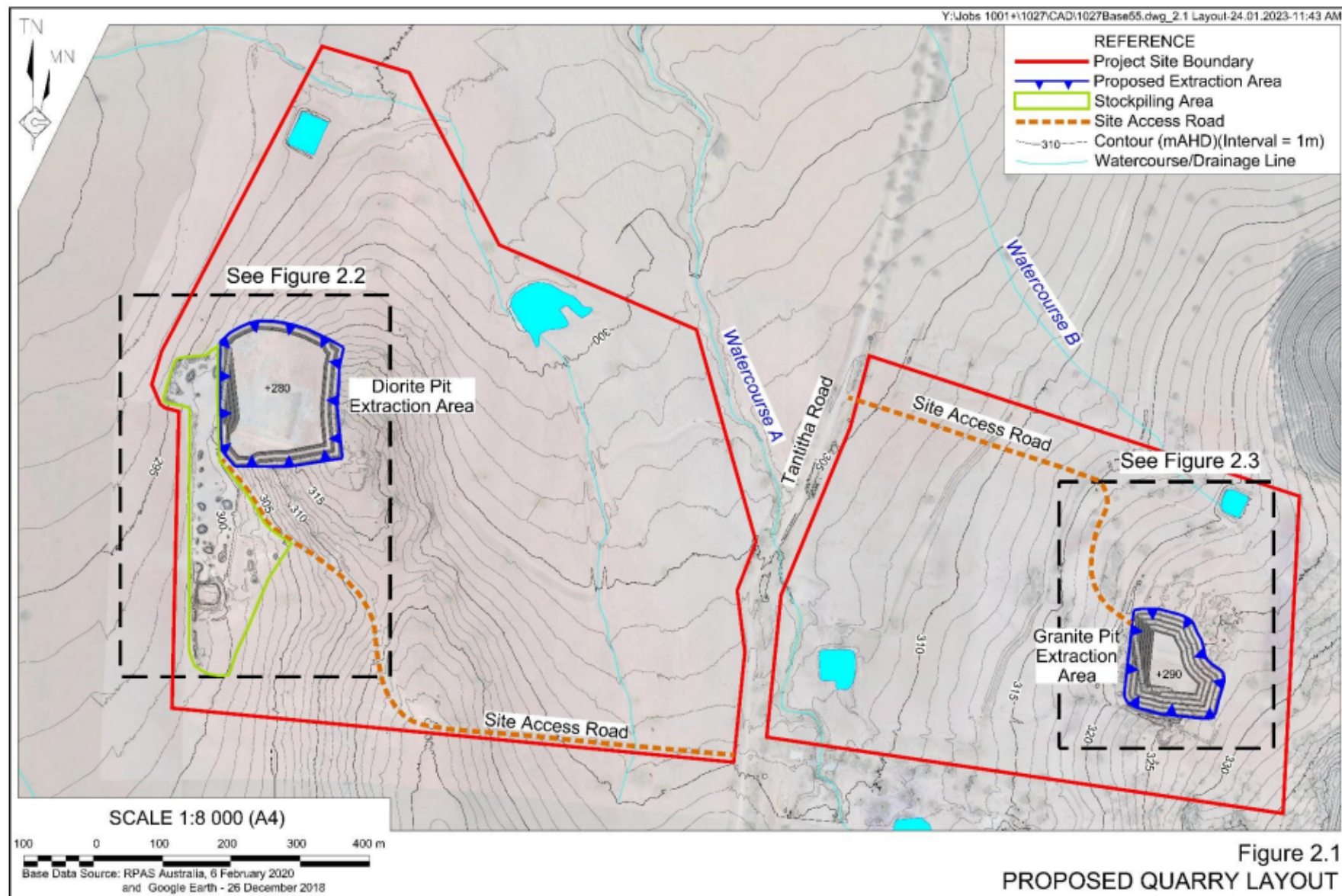
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on phone number 1800 810 443.

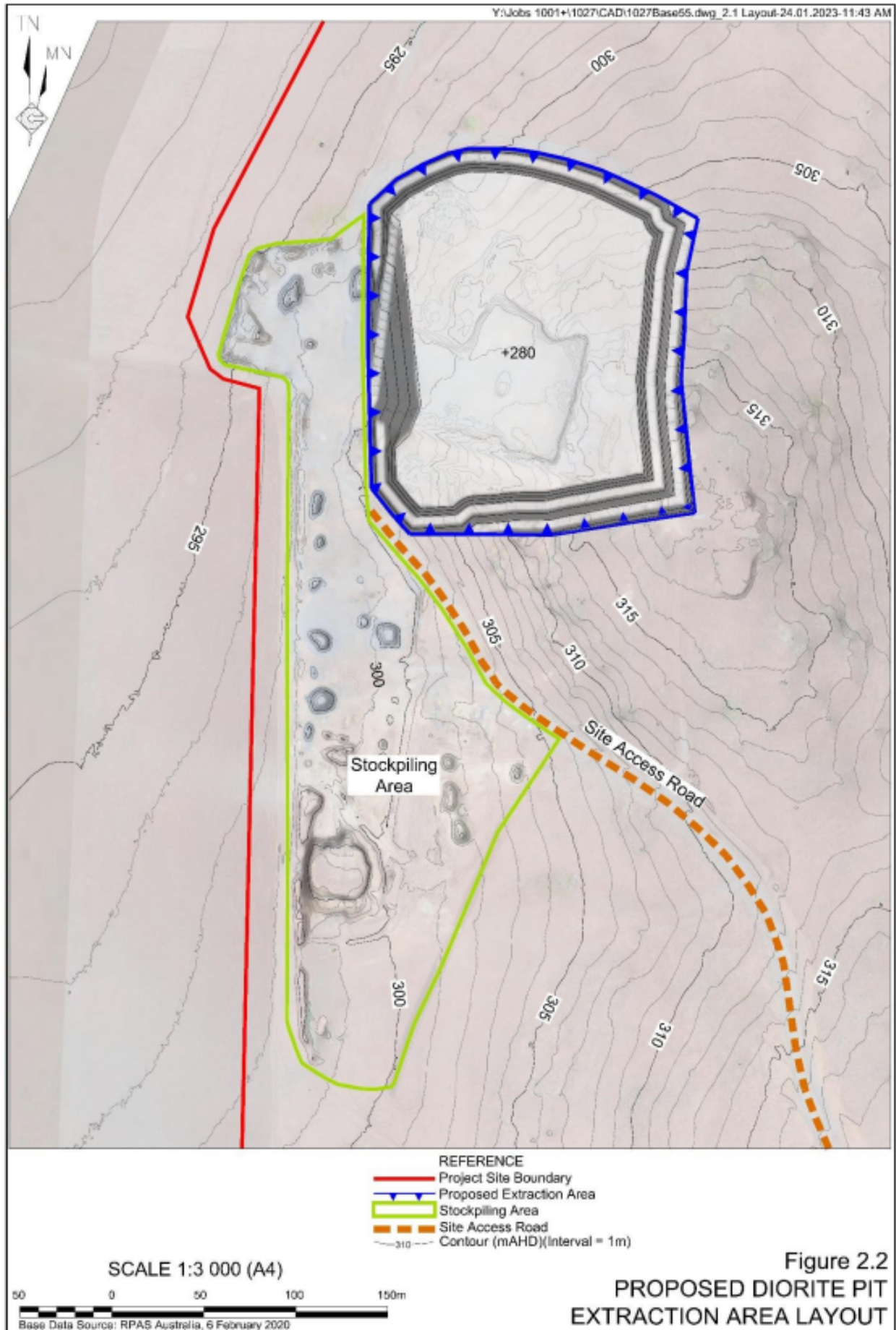
National Broadband Network

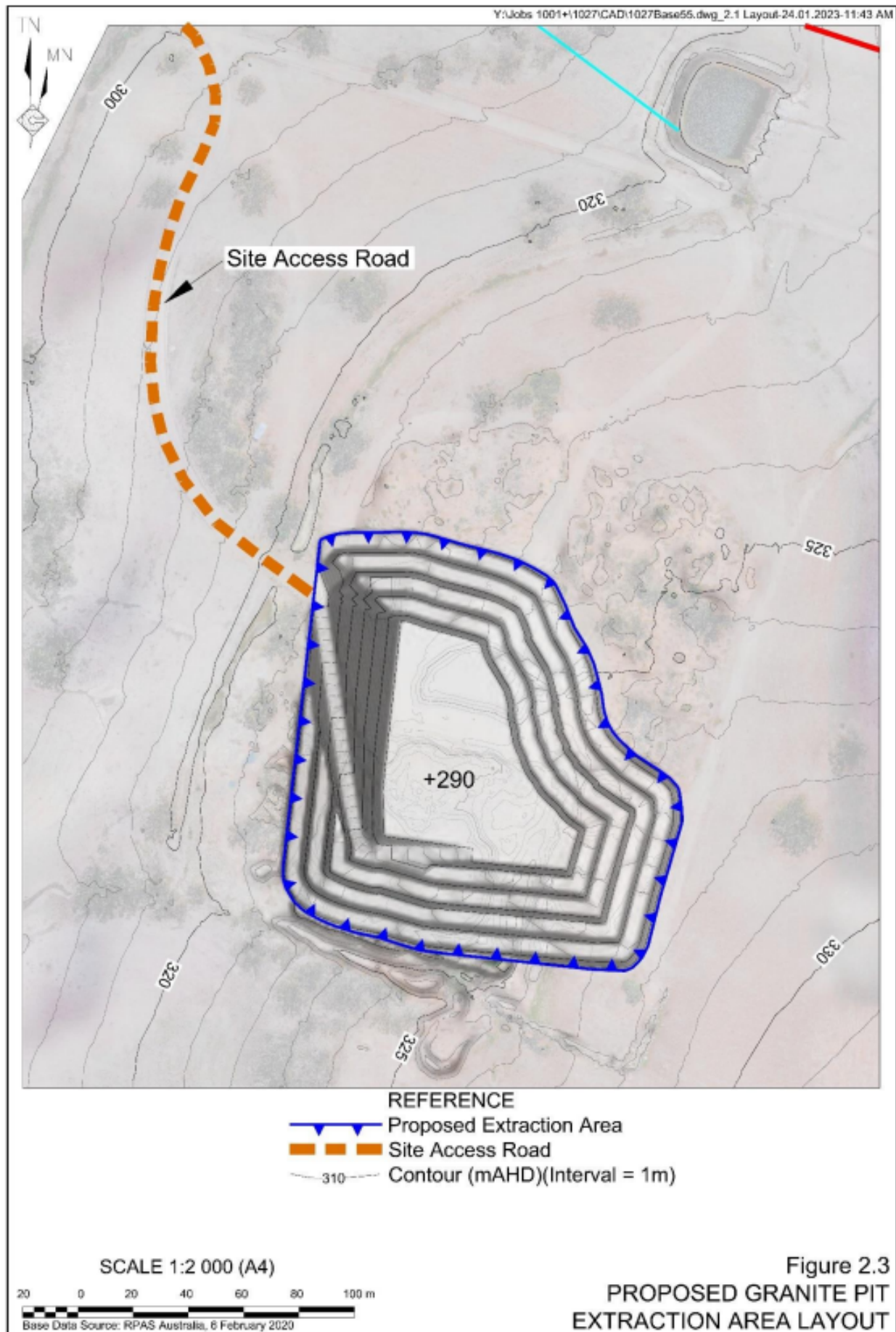
If, as a result of this approval, you wish to connect to the NBN (National Broadband Network), you must do so online via:

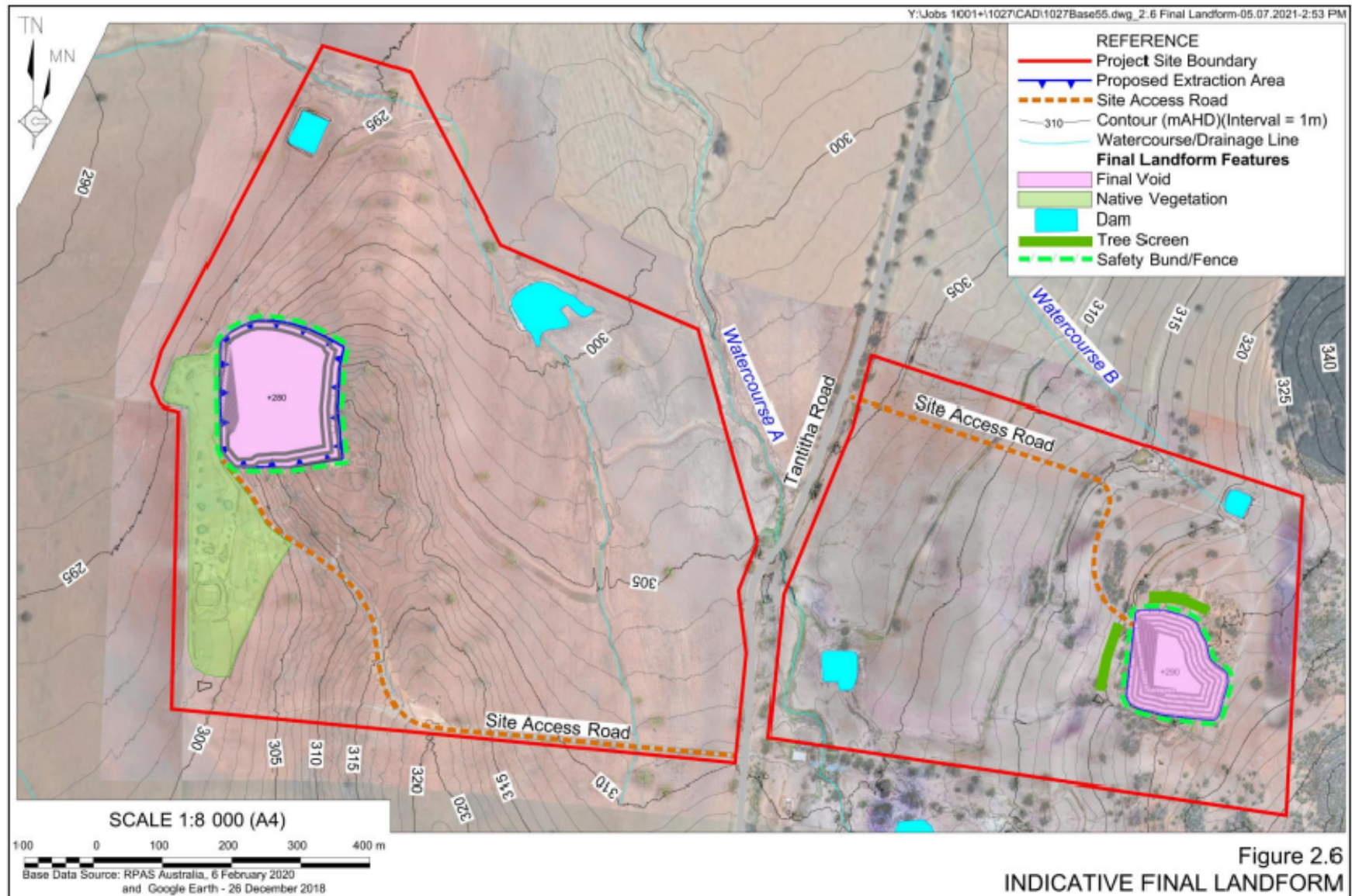
<http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html>

L APPROVED PLANS











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