





Determination Report - Development Application 2022/38

Browning Sand 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 Browning Sand Quarry, which is located at Lot 2 DP733282, 224 Warren Road, Narromine (the site).

The Proposal would comprise:

- Extraction of up to 50 000 tonnes per annum (tpa) of sand and gravel material at an average rate of 30,000 tpa for a period of up to 25 years.
- Processing of extracted material using the on-site processing plant.
- Transportation of extracted material from the 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 2021* (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 (Council) and determined by the Western Regional Planning Panel.

The proposed quarry is also Integrated Development, requiring:

- An Environment Protection Licence (EPL) under Section 43(b) the *Protection of the Environment Operations Act 1997*.
- A water use approval under Section 89 and an activity approval under Section 91 of the *Water Management Act 2000*.
- A Section 138 Permit under the *Roads Act 1993* for works within a public road reserve.

The Environmental Impact Statement (EIS) was placed on public display by Council as required by Division 5 of the *EP&A Regulation* from 19 August 2022 to 16 September 2022. Four public and four 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 acceptable. While the proposal may intercept groundwater this is only during extreme circumstances and is proposed to be managed appropriately. Impacts on water quality are also able to be managed. The proposal has been designed to minimise clearing of native vegetation and appropriate mitigation measures provided.

While a heritage site was originally identified on site and an Aboriginal Heritage Impact Permit (AHIP) recommended, further investigations confirmed that no Aboriginal objects remain due to previous quarrying activities and the AHIP is not required.

Some improvements to the site access are proposed and the conditions of approval require the intersection with Warren Road be upgraded to a BAL/BAR, in accordance with Council 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 recommended the project 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.

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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)
BDAR	Biodiversity Development Assessment Report
DPI	NSW Department of Primary Industries
DPE	NSW Department of Planning and Environment (now known as DPHI)
DPHI	NSW Department of Planning, Housing and Infrastructure
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
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 Browning Sand Quarry, which is located at Lot 2 DP733282, 224 Warren Road, Narromine (the site). The site is located to the north of Narromine on the outskirts of the town, in central New South Wales.

The Proposal would comprise:

- Extraction of up to 50 000 tonnes per annum (tpa) of sand and gravel material at an average rate of 30,000 tpa for a period of up to 25 years.
- Processing of extracted material using the on-site processing plant.
- Transportation of 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 2021* (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 Narromine Shire Council (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 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, because it requires

- An Environment Protection Licence (EPL) under Section 43(b) the *Protection of the Environment Operations Act 1997*.
- A water use approval under Section 89 and an activity approval under Section 91 of the *Water Management Act 2000*.
- A Section 138 Permit under the *Roads Act 1993* for works within a public road reserve.

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 19 August 2022 to 16 September 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.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

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.

Where this report is relied on or used without obtaining this further advice from GHD, to the maximum extent permitted by law, GHD disclaims all liability and responsibility to any person in connection with, arising from or in respect of this report whether such liability arises in contract, tort (including negligence) or under statute.

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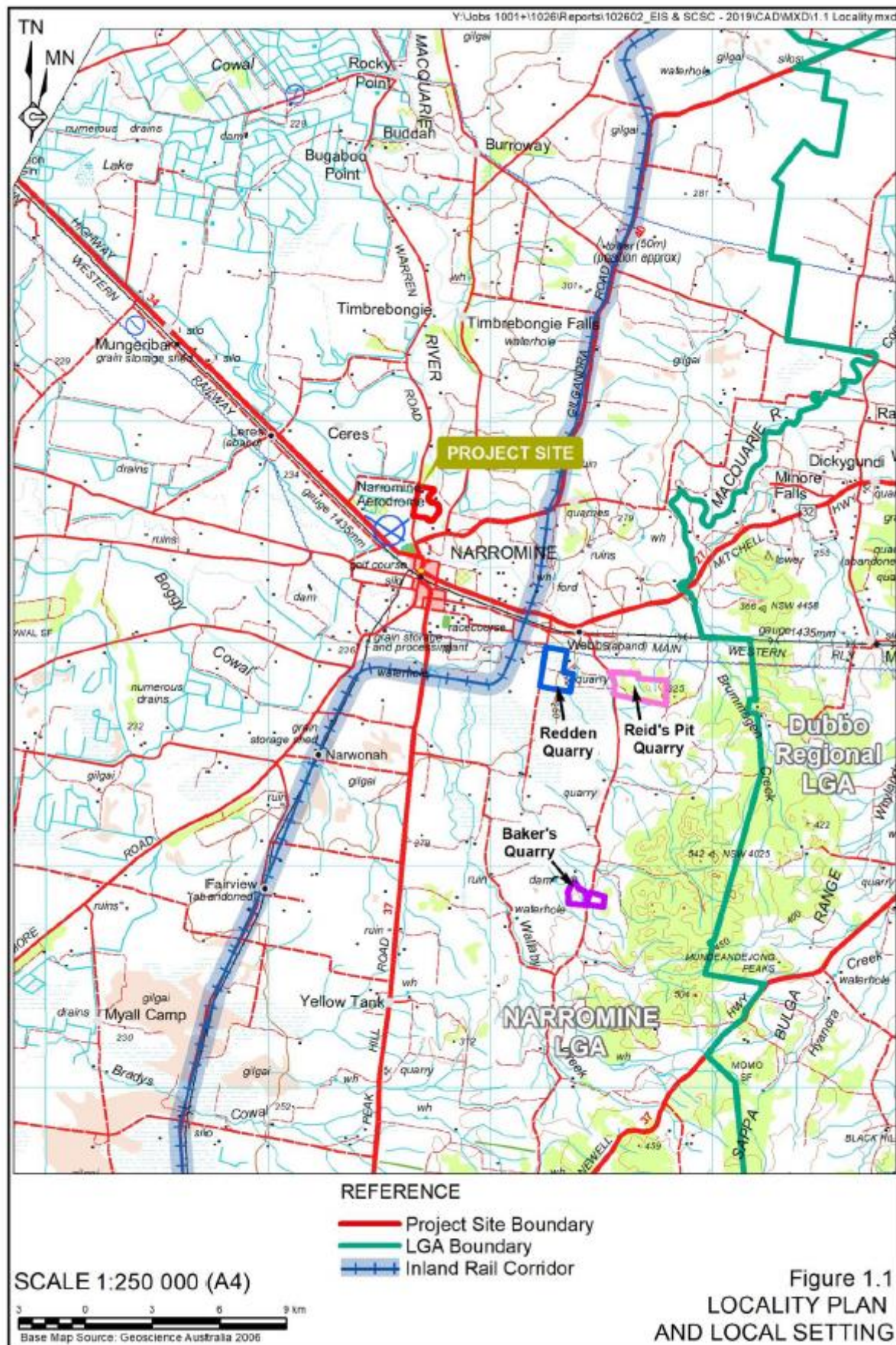


Figure 1.1 Site location (R W Corkery & Co 2022)

2. Site description

2.1 Site location

The site is located at Lot 2 DP733282, 224 Warren Road, Narromine, which is within the Narromine Shire Council Local Government Area (LGA) and is to the north of Narromine on the outskirts of town, in central New South Wales.

As shown by Figure 2.1, the surrounding area is dominated by agricultural land uses but there is a residential receiver within 300 m to the south and a residential area approximately 500 m to the south.

2.2 Site features

The area surrounding the site is relatively flat to gently undulating with an elevation of around 230-236 mAHD draining towards the Macquarie River which is located to the west, adjacent to the site. The existing processing site is within the riparian corridor of the Macquarie River and the site is subject to flooding.

The site and the majority of the surrounding area is zoned RU1 Primary Production under the *Narromine Local Environment Plan 2011*. To the south there is also R5 Large Lot Residential, R1 Low Density Residential, SP2 Infrastructure associated with the Narromine Aerodrome and W2 Recreational Waterway associated with a portion of the Macquarie River.

The site has limited vegetation and is not mapped on the Native Vegetation Regulatory map or the Biodiversity Values map, however the riparian vegetation along the Macquarie River to the west is mapped.

2.3 Site history

It is reported that extraction operations commenced in 1952 and the current owner has continued the extraction since 2017. The site currently consists of several pits, shallow excavations, vehicle tracks, a processing area and stockpiles.

Extraction since 2017 was done on a campaign basis with an annual extraction rate of approximately 30,000 tonnes, however extraction has ceased since the application was lodged in August 2022.

2.4 Existing approvals and licences

The existing operations hold four works approvals under the *Water Management Act 2000* for groundwater bores and pumps, as well as the associated water access licences.

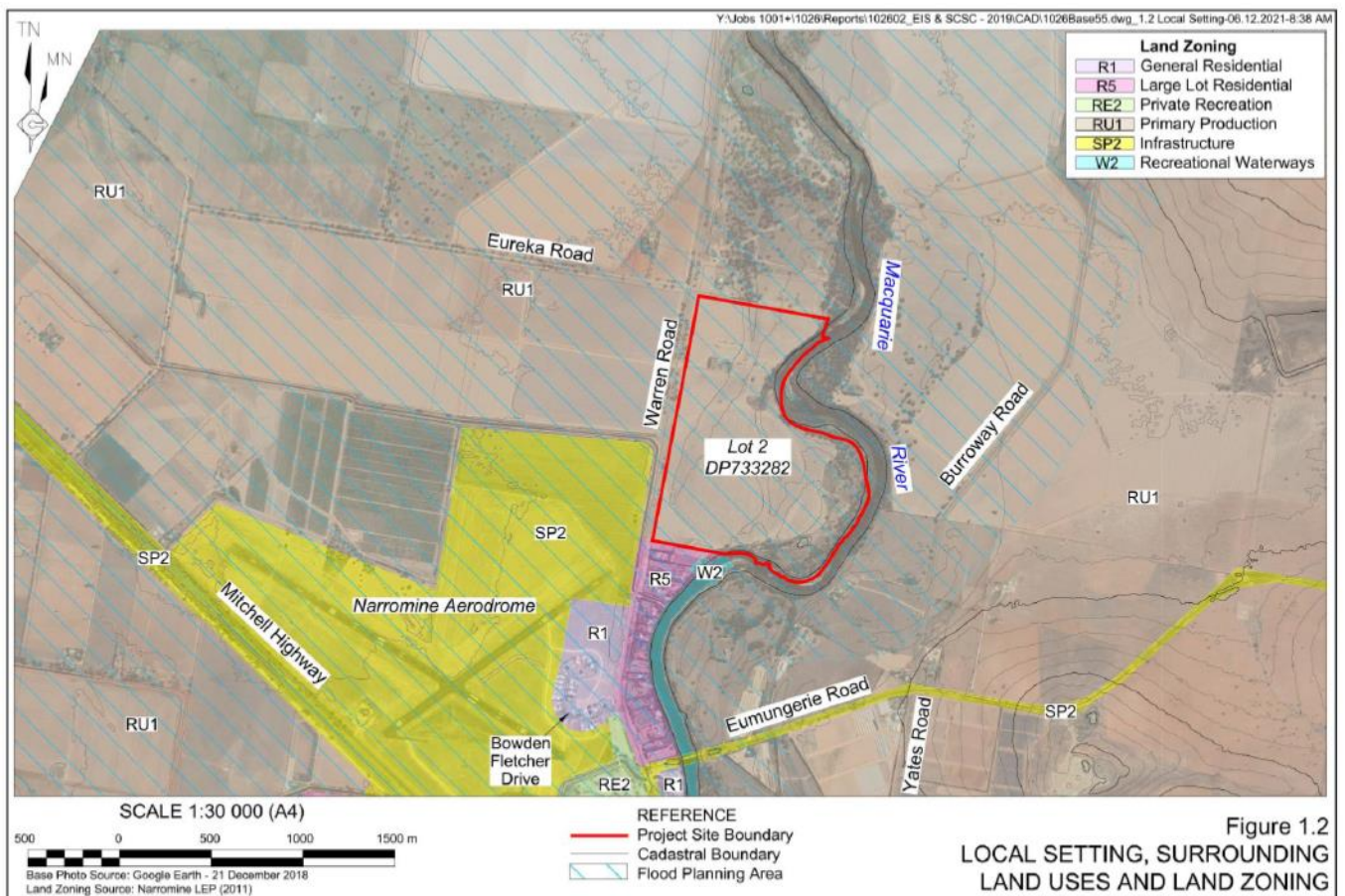


Figure 2.1 Surrounding land uses (R W Corkery & Co 2022)



Figure 2.2 Existing site layout (R W Corkery & Co 2022)

3. The proposal

3.1 Proposal summary

The Proposal would produce high quality sand and gravel products for construction projects. This would include:

- Extraction of an average of 30 000 tpa, up to a maximum of 50 000 tpa, of in situ sands and gravels using excavators and loaders, for a period of up to 25 years.
- The extraction area would be approximately 10.3 hectares in area, be a maximum of depth of 12 m or 224 m AHD.
- The total volume of material to be extracted is estimated to be 968,400 m³ or 1,646,280 tonnes.
- Construction and use of surface water management structures, including sediment basins and diversion bunds.
- Processing of extracted materials using the existing processing plant, which includes the following.
 - Hopper.
 - Two deck wet screen with grizzly bin.
 - Four concrete-lined settling cells.
 - Two 0.3 ML process water ponds.
- Continued use of the Processing and Stockpiling Area for storage and blending of extracted materials.
- Stripping and stockpiling of extracted growth medium and overburden material and progressive replacement onto the floor of the extraction area following completion of extraction operations.
- Loading and transportation of processed material from the site via the existing Quarry Access Road, Warren Road and the Mitchell Highway using truck and dog combinations, semi-trailers and B-double trucks.
- A maximum number of truck movements of 12 per day and 2 per hour.
- Sealing of the Quarry Access Road for a distance of approximately 50 m from the intersection with Warren Road.
- Operation hours of 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday, with the allowance for maintenance works between 7 am and 2 pm on Sunday. No work on public holidays.
- Site infrastructure and amenities, including:
 - Site office.
 - Ablutions facilities.
 - Lunchroom and amenity facilities including a potable water supply.
 - Concrete floored storage shed.
 - Fuel storage and delivery systems.
- Progressive rehabilitation of the site to achieve a final land use of agriculture and/or nature conservation.

The proposed site layout is presented in Figure 3.1, Figure 3.2 and Figure 3.3.

3.2 Alternatives

The location is dictated by where the resources are. The adopted location was selected because it has been disturbed previously and contains limited vegetation, which was preferred to establishing a new site that has not been disturbed and require clearing of vegetation.

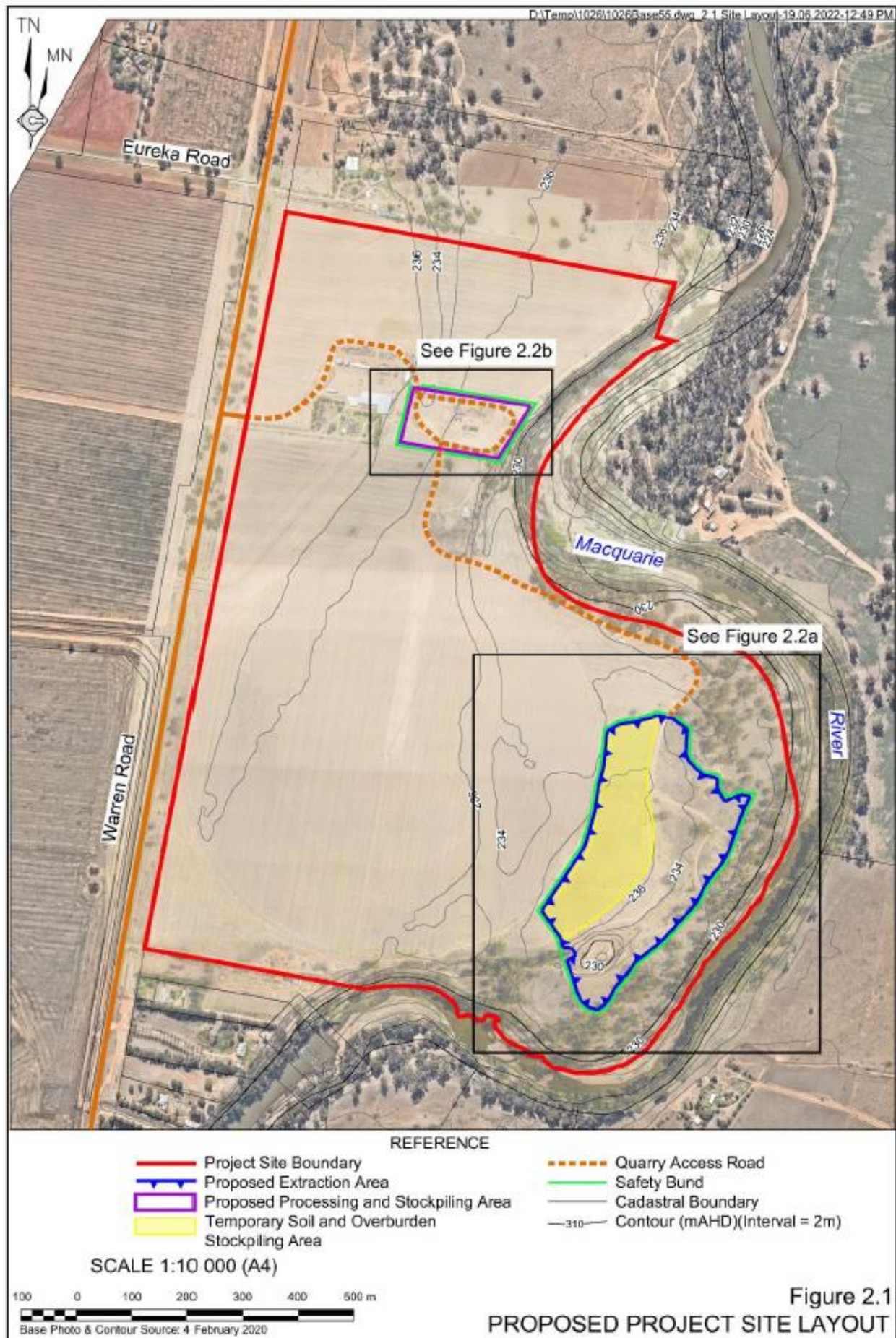


Figure 3.1 Proposed site layout (R W Corkery & Co 2022)

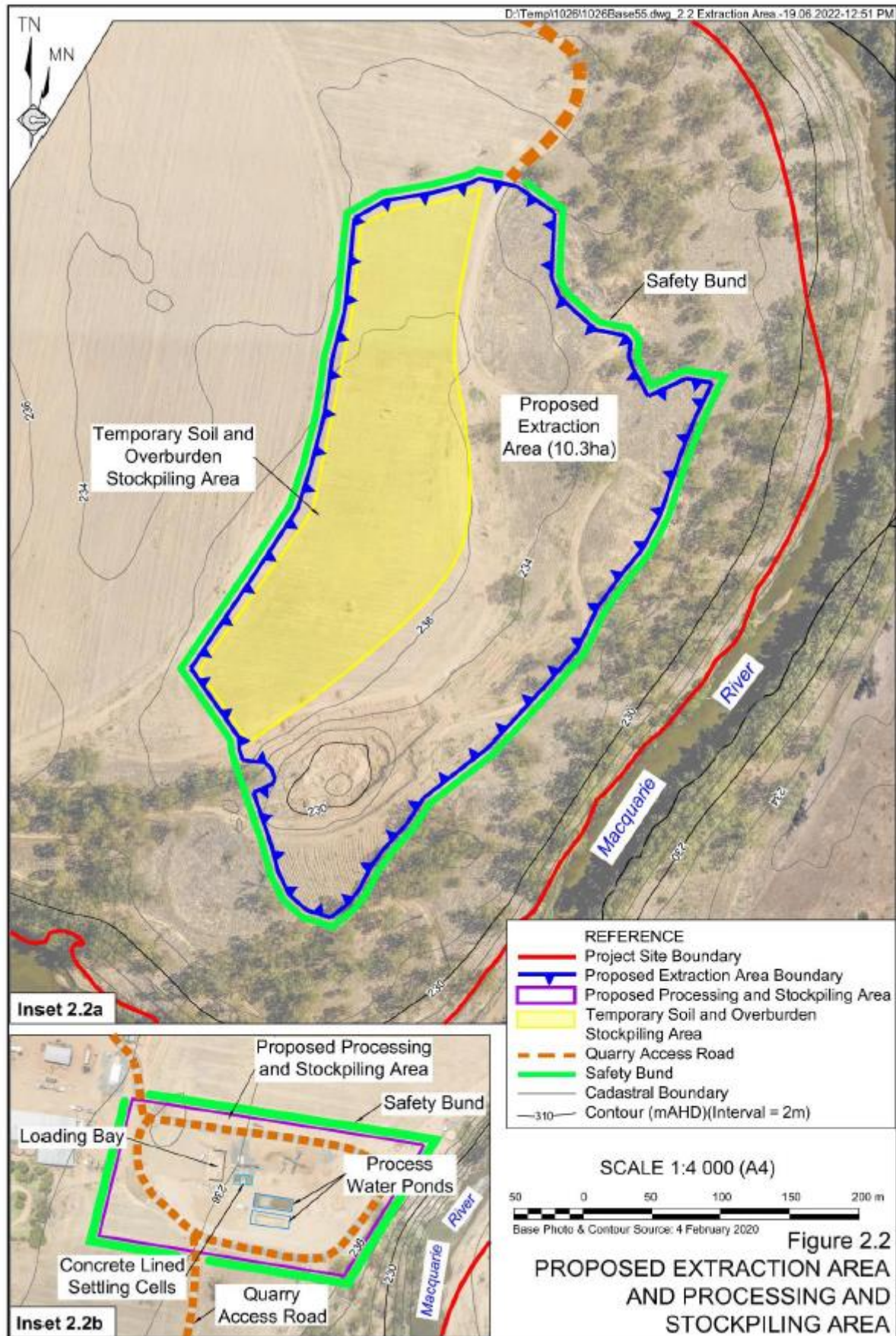


Figure 3.2 Proposed site layout detail (R W Corkery & Co 2022)

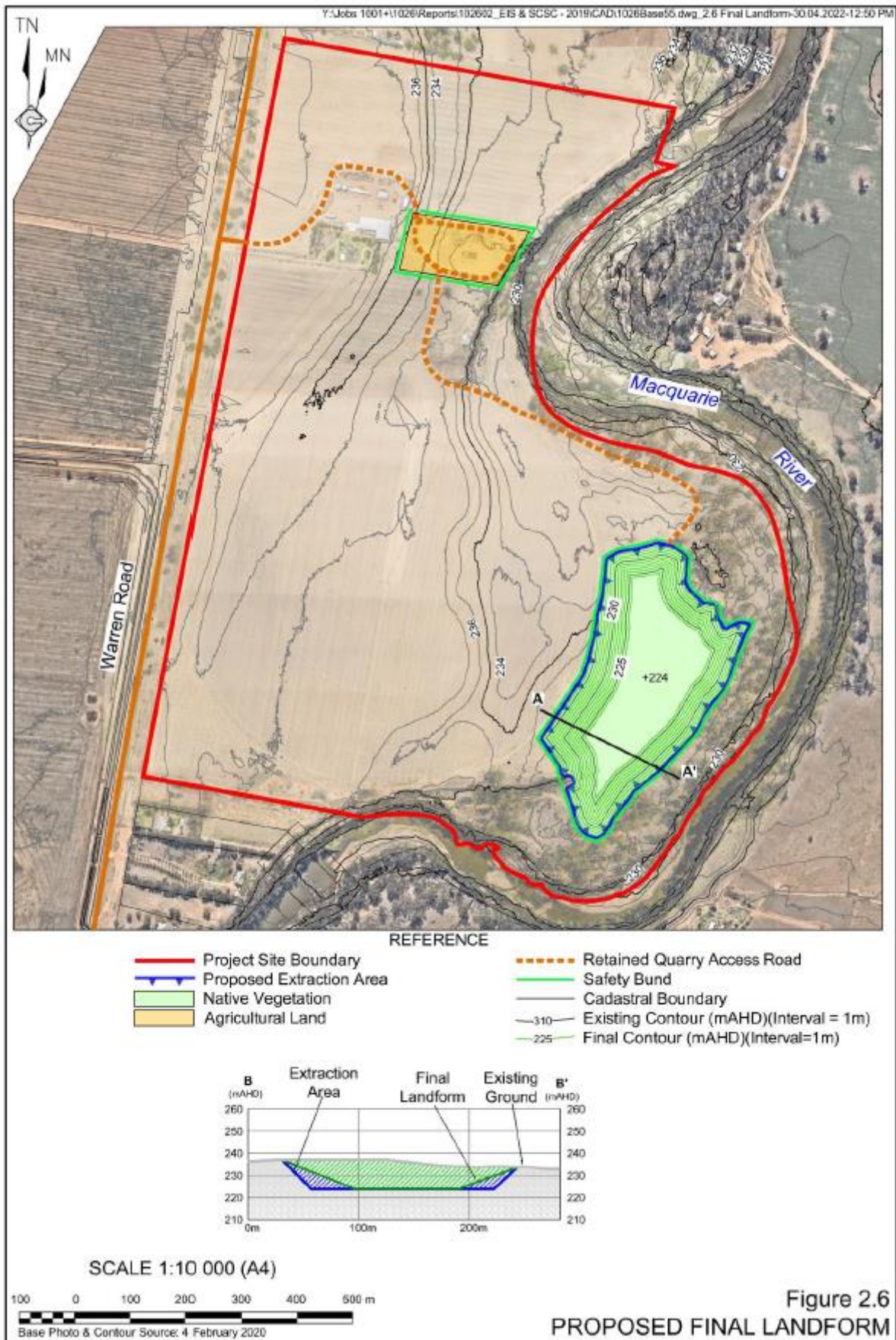


Figure 3.3 Proposed final landform (R W Corkery & Co 2022)

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
(iia) 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 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>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 widespread or significant 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 by 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 2022). 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 mapped in the flood planning, groundwater vulnerability, sensitive watercourses and terrestrial biodiversity. Each of these issues are discussed in more detail in Section 6 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 met with Council in July 2022.
	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.
5c	Rural Development	Y	Development is within zone RU1 of the Narromine LEP.
	Rural Development Objectives	Y	Considered throughout the EIS.
	Building Envelopes	Y	No buildings are proposed.

Chapter	Section of DCP	Relevant	Comment
	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 proposals 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>The proposal is expected to intercept groundwater and will require extraction of groundwater for the operations. Part of the site is also within waterfront land.</p> <p>The extraction of groundwater would be done under an existing water use approval issued under Section 89 of the Act, which would need to be amended to allow extraction for the proposal but the water allocation is not proposed to change.</p> <p>An activity approval under Section 91 of the Act would also be required for the works within waterfront land.</p> <p>DPE – Water have issued General Terms of Approval for the proposal.</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 Report (ACHAR) (AREA 2022) for the proposal did not locate any Aboriginal objects or potential archaeological deposits on the site.
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.

Legislation	Comment
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 Warren Road.
Rural Fires Act 1997	The proposal is located adjacent bushfire prone land, which is within the same lot. The application does not assess the bushfire risk but 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 (MNES). 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 MNES or the environment of Commonwealth land. The Biodiversity Assessment Report (AREA 2022) concluded the proposal is unlikely to significantly impact on relevant species or communities. The proposal does not impact on any of the other MNES either, therefore the proposal has not been referred under the EPBC Act.

4.5 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.
- An activity approval under Section 91 of the WM Act and a modification to a water use approval under Section 89 of the WM 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 Council as required by Division 5 of the *EP&A Regulation* from 19 August 2022 to 16 September 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 Narromine 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

Four public submission were received by Council and the Applicant provided a response to each. 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
Noise and dust	While noise and dust are potential impacts, the assessments included in the EIS suggest the impacts will be within acceptable limits. Regardless, the Conditions of Approval in Appendix A include requirements for mitigation measures to be implemented. The EPA have also issued their GTA and will be responsible for ensuring these impacts are managed appropriately.
Impacts on the river	Impacts on water quality, flooding, river position and water levels were raised. The EIS was provided to DPE – Water for comment, as the relevant authority in relation to water issues, and they have provided their GTA. The Conditions of Approval in Appendix A include requirements for mitigation measures to be implemented to manage the potential impacts.
Groundwater	Impacts on groundwater were raised. This was assessed in the EIS and additional information provided. The application was also provided to DPE – Water for comment, as the relevant authority in relation to water issues, and they have provided their GTA. The Conditions of Approval in Appendix A include requirements for mitigation measures to be implemented to manage the potential impacts.
Planning pathway	It was questioned if the application should be considered State Significant Development (SSD). The Applicant confirmed there was an error in the EIS in relation to the total resource and that the total volume to be extracted is less than the State Significant Development trigger.
Need/justification for the proposal	The Applicant has indicated there is a demand for quarry materials in the area and they expect to supply and average of about 30,000 tonnes per year.

Issue	Response
Traffic	Concerns regarding traffic safety, speed, road condition and noise were raised. Road noise was assessed and determined to be within the required criteria. The Traffic Impact Assessment determined the proposal would not impact road safety. The Conditions of Approval in Appendix A include requirements associated with the maintenance of roads and for mitigation measures to be implemented to manage potential traffic impacts.
Rehabilitation	The proposal outlines the intended outcome of the rehabilitation, which will be further developed closer to the closure of the quarry. The Conditions of Approval in Appendix A include the requirement for a bond to be paid that will be used for the rehabilitation, if it's not completed by the Applicant.

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 and response	Comment
Heritage NSW	<p>20 March 2023 – Heritage NSW issued a request for additional information, with specific issues associated with:</p> <ul style="list-style-type: none"> – Aboriginal objects being identified and not registered on AHIMS. – Archaeological test excavation has been recommended but the results have not been presented. <p>A response was provided by the applicant dated 8 March 2024.</p> <p>15 March 2024 – Heritage NSW issued a request for the ACHAR to be revised.</p> <p>A revised ACHAR was provided by the applicant on 1 November 2024.</p> <p>6 November 2024 – Heritage NSW advised the development is not integrated for the purposes of the <i>National Parks and Wildlife Act 1974</i> and so general terms of approval have not been issued. However, a recommended condition of consent for Aboriginal cultural heritage matters has been provided.</p>	The recommended condition has been adopted in the Conditions of Approval
TfNSW	<p>TfNSW comments in their letter dated 16 September 2022 related to:</p> <ul style="list-style-type: none"> – A swept path analysis. – An assessment of the Mitchell Highway intersection. <p>The Applicant responded to TfNSW comments with a swept path analysis and claiming that while improvements of the Mitchell Highway intersection are required, the upgrade should not be the responsibility of the Applicant.</p> <p>On 18 May 2023, TfNSW indicated they support the development subject to consideration of a Drivers Code of Conduct.</p>	The requirement for a Drivers Code of Conduct has been included in the Conditions of Approval.
DPE - Water	<p>On 10 February 2023, DPE – Water requested additional information in relation to:</p> <ul style="list-style-type: none"> – Site plans that identify water front land – Water extractions <p>The Applicant provided a response dated 14 March 2023.</p> <p>DPE - Water issued their General Terms of Approval in June 2023, with a recommended condition.</p>	The condition and General Terms of Approval have been included in the Conditions of Approval in Appendix A.

Agency	Summary of submission and response	Comment
EPA	<p>On 6 September 2022, EPA requested further information in relation to:</p> <ul style="list-style-type: none"> – Surface water – Air quality – Groundwater <p>The Applicant provided a response dated 14 March 2023.</p> <p>The EPA issued their General Terms of Approval in April 2023.</p>	<p>The General Terms of Approval have been included in the Conditions of Approval in Appendix A.</p>

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 1435) issued on 27 May 2020. Appendix 2 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 2022) 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 0.28 ha of previously disturbed PCT36 (River Red Gum tall to very tall open forest / woodland wetland on rivers on floodplains mainly in the Darling Riverine Plains Bioregion) would be cleared, see Figure 6.1, including three hollow bearing trees. No threatened ecological communities or threatened flora species were recorded at the site. Four insectivorous bat species listed under the BC Act.

- *Chalinolobus picatus* (Little pied bat).
- *Miniopterus schreibersii oceanensis* (Eastern bentwing bat).
- *Miniopterus australis* (Little bentwing bat).
- *Vespadelus troughtoni* (Eastern cave bat).

The assessment also assessed impacts on EBPC Act MNES and Koalas. This indicated there were no significant impacts to MNES and the proposal was unlikely to impact habitat critical to the survival of the Koala.

It concludes that the proposal will not have a significant impact on threatened 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 2022) was prepared for the proposal and indicated:

- Operational noise levels associated with the proposal, shown in Figure 6.2, are not anticipated to exceed the relevant criteria at any residence not associated with the proposal.
- The maximum heavy vehicle movements associated with the proposal are not anticipated to exceed road noise criteria at any residence.

The EPA have issued their GTA's, it is therefore considered the assessment is adequate and addresses the SEARs related to noise and vibration.

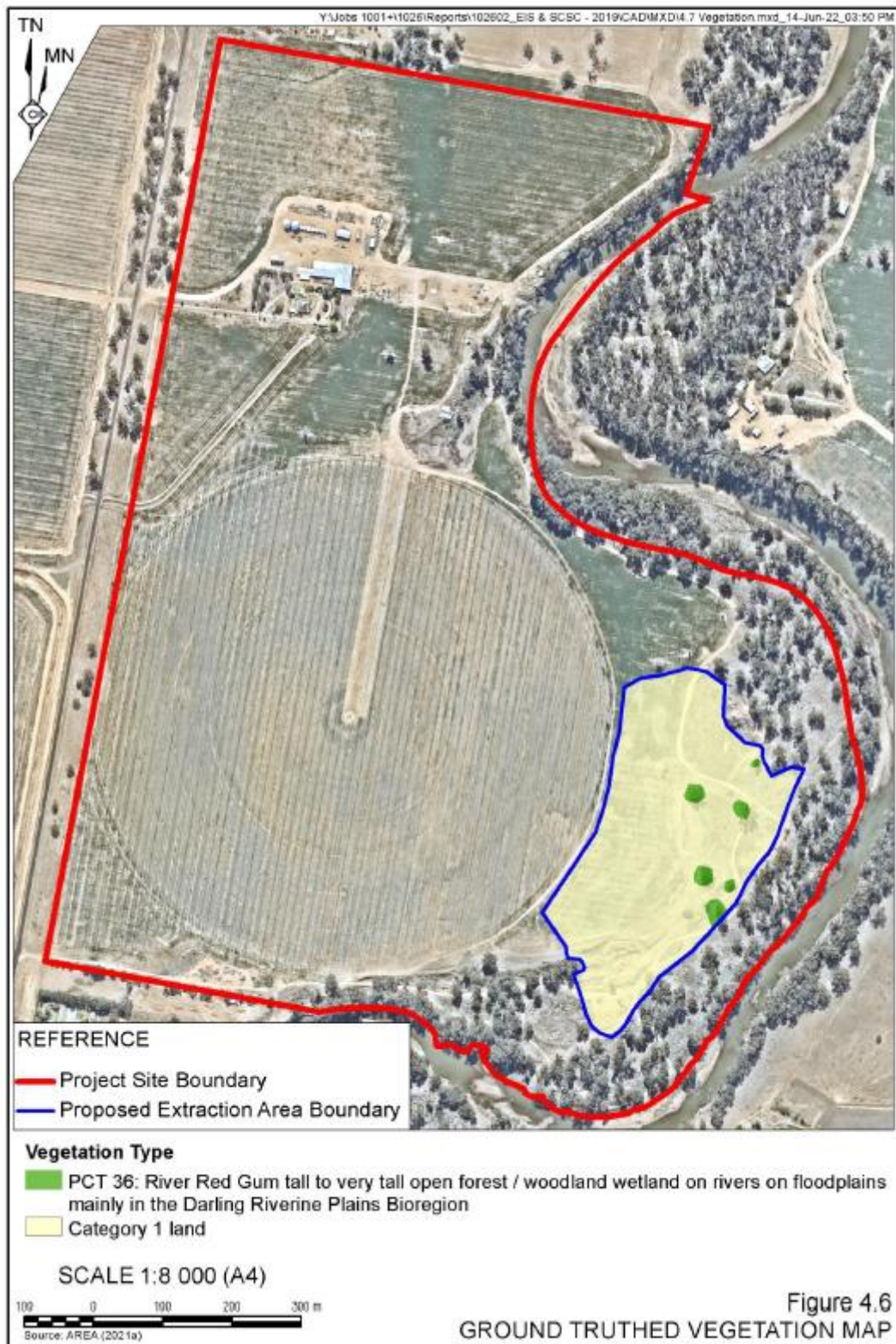


Figure 6.1 Vegetation (R W Corkery & Co 2022)

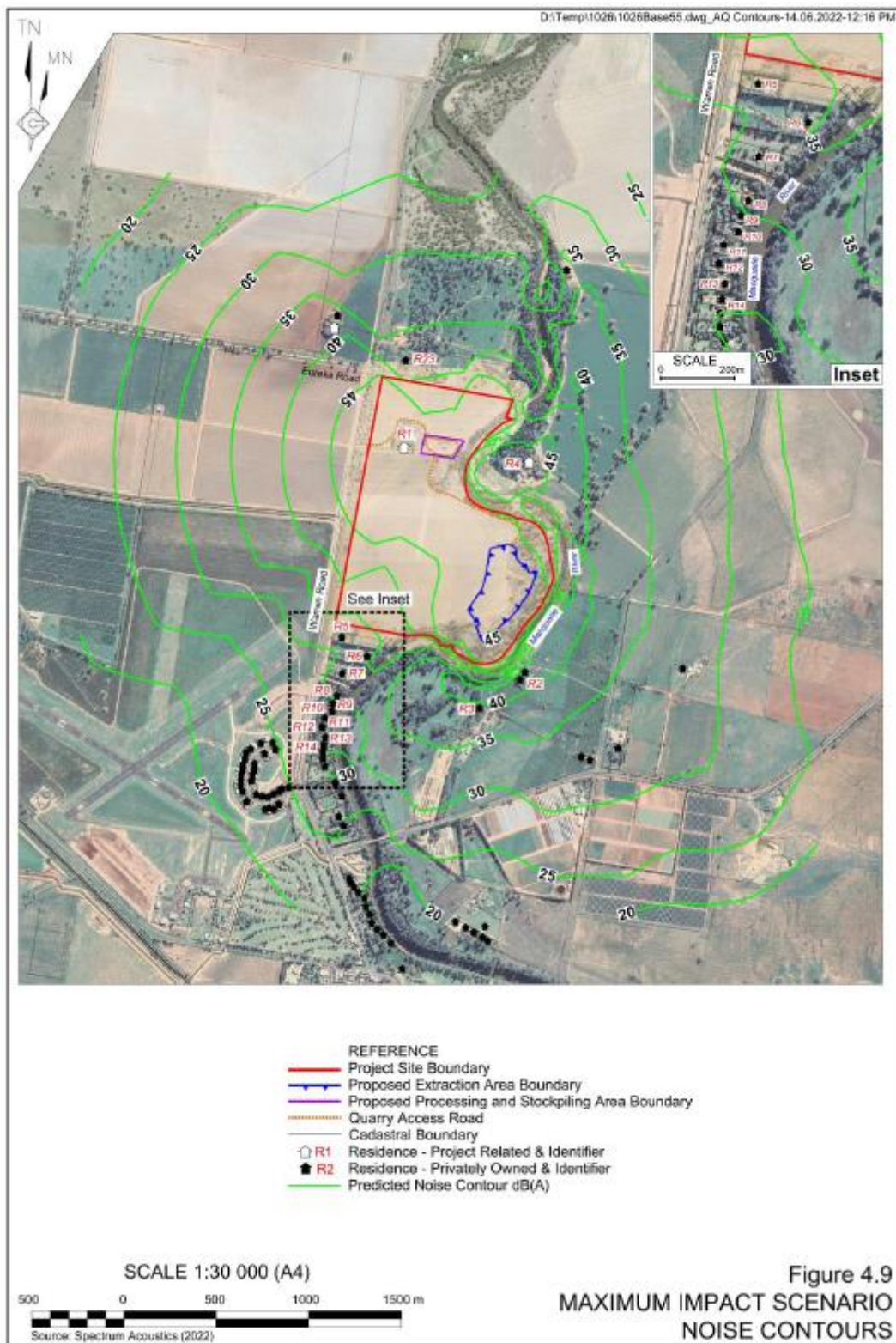


Figure 6.2 Noise contours (R W Corkery & Co 2022)

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 Flood Impact Assessment (Torrent Consulting 2022) concluded that the proposal would not directly or indirectly increase erosion or siltation on the floodplain, contribute to increased destruction of riparian vegetation, or reduce the stability of the river bank or watercourse. Additionally, the proposal would not adversely impact beneficial inundation of the floodplain.

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

6.4 Groundwater

A Groundwater Assessment (Ground Doctor 2022) indicated the groundwater level would be higher than the maximum depth of extraction during periods of significant flooding events along the Macquarie River. However, the depth of extraction would be above the “typical climatic” elevation of the water table and so the proposal would not cause drawdown during these periods. Based on this, the Ground Doctor (2022) also predicts that groundwater dependent ecosystems or culturally important groundwater sites would not be impacted.

As there is not proposed to be any change to the volume extracted from the groundwater than is currently licenced, no additional impacts are expected.

The proposal presents some minor risks to groundwater quality but these can be managed by implementing appropriate mitigation measures.

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

6.5 Traffic

The EIS included a Traffic Impact Assessment (TTPP 2022). 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/BAR) upgrade for the site access is necessary. This recommendation and the requirement for a Traffic Management Plan and Drivers Code of Conduct 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 2022) was prepared for the proposal. This concluded that the proposal would not result in exceedance of the relevant air quality assessment criteria at any surrounding residence.

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 ACHAR (AREA 2021) was prepared for the proposal. One aboriginal site, a stone artefact scatter was recorded, as shown on Figure 6.3. The site would be directly impacted by the proposal and it was outlined that a Aboriginal Heritage Impact Permit (AHIP) would be required to permit disturbance of the Aboriginal objects at the site.

As explained in Section 5.3, Heritage NSW had concerns with the level of assessment and recording of sites. A revised ACHAR was prepared and Heritage NSW advised general terms of approval were not required but did provide a recommended condition of consent for Aboriginal cultural heritage matters. This recommendation has been adopted in the Appendix A.

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

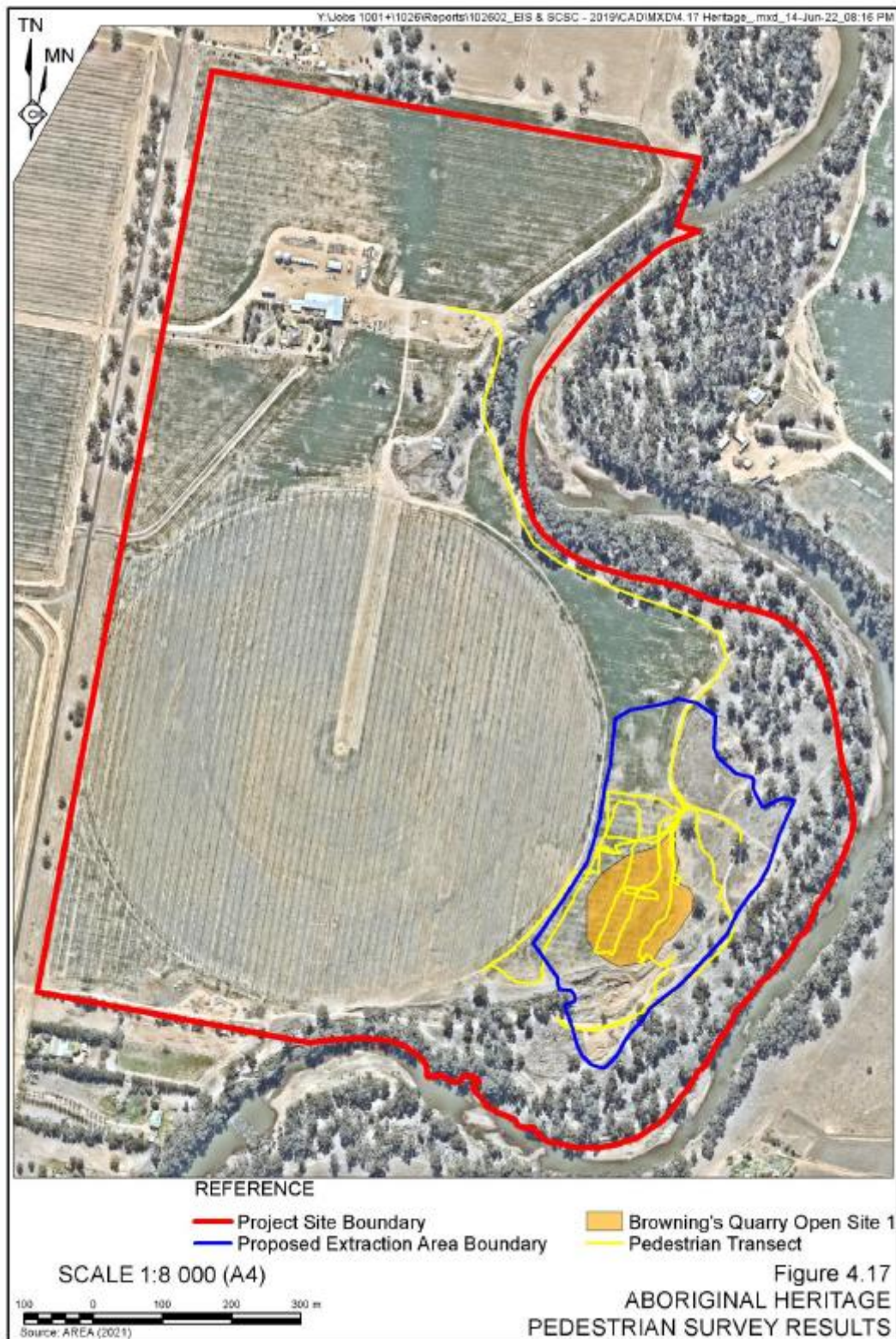


Figure 6.3 Aboriginal heritage site (R W Corkery & Co 2022)

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

Due to the topography and vegetation, no sensitive receivers would have an unobstructed view of the operations. 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 assessment is considered adequate and addresses the SEARs related to land resources.

6.11 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.

6.12 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.

6.13 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 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 acceptable. While the proposal may intercept groundwater this is only during extreme circumstances and is proposed to be managed appropriately. Impacts on water quality are also able to be managed. The proposal has been designed to minimise clearing of native vegetation and appropriate mitigation measures provided.

While a heritage site was originally identified on site and an AHIP recommended, further investigations confirmed that no Aboriginal objects remain due to previous quarrying activities and the AHIP is not required. Some improvements to the site access are proposed and the conditions of approval require the intersection with Warren Road be upgraded to a BAL/BAR, in accordance with Council 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 A DEVELOPMENT APPLICATION

Application number	2022/38 PAN-230029
Applicant	Macquarie Valley Rock and Sand Pty Ltd PO Box 39 Narromine NSW 2821
Description of development	Extractive Industry (quarry and onsite processing of extractive materials) plans, specifications and supporting documentation stamped with reference to this Consent
Property	224 Warren Road, NARROMINE NSW 2821 Lot 2 DP 733282
Determination	Approved Consent Authority ○ Western Regional Planning Pannel
Date of determination	DATE
Date from which the consent operates	DATE
Date on which the consent lapses	DATE
OTHER APPROVALS	
EPA General Terms of Approval	refer Part H
DPE – Water General Terms of Approval	refer to Part I

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

Can be approved as ancilliary residential development subject to Conditions.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination.

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

For further information, please contact Council's Planning department on 02 6889 9999.

Kind Regards,

A handwritten signature in black ink, appearing to read 'E Yule', written in a cursive style.

Emma Yule

Manager Planning

Signed on behalf of the consent authority.

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

Condition																	
1	Approved plans																
	Approved plans and supporting documentation Development of the Extractive Industry being a continued operation of the quarry (Browning Sand 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.																
	<i>Table 1 Approved reference documents</i>																
	<table><tr><th>Plan/Doc Title</th><th>Prepared by</th><th>Date</th></tr><tr><td>Proposed Project Site Layout</td><td>RW Corkery & Co. Pty Ltd</td><td>19/06/2022</td></tr><tr><td>Proposed Extraction Area and Processing and Stockpiling Area</td><td>RW Corkery & Co. Pty Ltd</td><td>19/06/2022</td></tr><tr><td>Extraction Area Design</td><td>RW Corkery & Co. Pty Ltd</td><td>30/04/2022</td></tr><tr><td>Proposed Final Landform</td><td>RW Corkery & Co. Pty Ltd</td><td>30/04/2022</td></tr></table>	Plan/Doc Title	Prepared by	Date	Proposed Project Site Layout	RW Corkery & Co. Pty Ltd	19/06/2022	Proposed Extraction Area and Processing and Stockpiling Area	RW Corkery & Co. Pty Ltd	19/06/2022	Extraction Area Design	RW Corkery & Co. Pty Ltd	30/04/2022	Proposed Final Landform	RW Corkery & Co. Pty Ltd	30/04/2022	
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Extraction Area Design	RW Corkery & Co. Pty Ltd	30/04/2022															
Proposed Final Landform	RW Corkery & Co. Pty Ltd	30/04/2022															
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:																	
<ul style="list-style-type: none">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.																	
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																	

Condition								
2	Commence operations							
	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).							
	Condition Reason: To ensure the development proceeds in accordance with the approval conditions.							
3	Limits of approval							
	The quarry operator may carry out extractive industry operations on the site for 25 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.							
	Condition Reason: To ensure the limits and timeframe permitted for extractive operations are clearly applied.							
4	Material extraction							
	The quarry operator must not exceed the limits in Table 2.							
	<p><i>Table 2 Approved limits</i></p> <table><tr><th>Extraction area (ha)</th><th>Depth (m AHD)</th><th>Volume (m3)</th><th>Tonnes</th></tr><tr><td>10.3</td><td>224</td><td>968,400</td><td>1,646,280</td></tr></table>	Extraction area (ha)	Depth (m AHD)	Volume (m3)	Tonnes	10.3	224	968,400
Extraction area (ha)	Depth (m AHD)	Volume (m3)	Tonnes					
10.3	224	968,400	1,646,280					
	NOTE: This condition does not apply to the construction of any bores approved by Water NSW or pollution and sediment control structures.							
	Condition Reason: To ensure the limits permitted for extractive operations are clearly applied.							
5	Limit of extraction							
	The operation of the extractive industry must not extract more than 50,000 tonnes of extractive materials in total from the site in any 12-month period or 1,646,280 tonnes in total over the life of the quarry.							
	Condition Reason: To ensure the limits and timeframe permitted for extractive operations are clearly applied.							
7	Truck movements							
	The operation of the extractive industry must not:							
	<div><div>a.</div><div>transport more than 50,000 tonnes of extractive material from the site in any 12 month period;</div></div> <div><div>b.</div><div>dispatch more than 6 and an average of 4 laden trucks from the site on any day; or</div></div> <div><div>c.</div><div>dispatch more than 1 laden trucks from the site in any hour.</div></div>							
	Condition Reason:							

Condition	
	To ensure the limits for transport / haulage from the site is clearly defined.
8	<p>Sediment control</p> <p>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.</p> <p>Condition Reason: To ensure measures are in place to protect council road infrastructure from transfer of sediment and to reduce potential for dust.</p>
9	<p>Haulage routes</p> <p>Transport of extractive material from the site may only occur on the designated haulage routes, specified in the EIS. Any changes to the designated haulage route must first be approved by Council and may require road upgrade works.</p> <p>An Application to Work within a Public Road under 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.</p> <p>Condition Reason: To ensure the transport / haulage routes are limited to those adequate for heavy vehicle movements.</p>
10	<p>Revision of strategies, plans and programs</p> <p>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:</p> <ul style="list-style-type: none"> d. the submission of an incident report under condition 66; e. the submission of an Annual Review under condition 64; f. the submission of an Independent Environmental Audit under condition 65; or g. the approval of any modification of the conditions of this approval (unless the conditions require otherwise). <p>Any revised plans shall be submitted to Council for approval within six weeks of the review.</p> <p>Condition Reason: To ensure management measures are updated and adaptive to site conditions and circumstances.</p>
11	<p>Evidence of consultation</p> <p>Where conditions of this approval require consultation with an identified party, the following is required:</p> <ul style="list-style-type: none"> h. consult with the relevant party prior to submitting the subject document; and i. provide details of the consultation undertaken including: <ul style="list-style-type: none"> 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. <p>Condition Reason: To ensure adequate consultation is carried out and relevant matters addressed.</p>

Condition	
12	<p>National Construction Code of Australia</p> <p>All building work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>.</p> <p>NOTE: <i>Building Code of Australia</i>, Volumes 1 and 2 of the <i>National Construction Code</i>, referred to as the <i>Building Code of Australia</i>, published by the Australian Building Codes Board, as in force from time to time.</p> <p>Condition Reason: This condition is prescribed under the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>
13	<p>Payment of section 7.11 contributions</p> <p>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.</p> <p>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:</p> <p>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.</p> <p>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.</p> <p>Condition 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.</p>
14	<p>Compliance</p> <p>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.</p> <p>Condition Reason: To ensure all staff are aware of their obligations in relation to the approval.</p>

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
15	<p>Long Service Levy Payment</p> <p>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.</p> <p>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). <i>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.</i></p> <p>Condition Reason: To ensure the long service levy is paid.</p>
16	<p>Design amendments and Development Plans</p> <p>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.</p> <ul style="list-style-type: none"> a. Plans are to demonstrate fulfilment of the commitments in Management Plans; b. Show required water tanks for water supply and firefighting; and c. Any requirements pertaining to compliance with other approvals required for the Project. d. Form detailed construction plans of any buildings, including site office and amenities. <p>Condition Reason: To address conditions of approval.</p>
17	<p>Engineering Plans – Building Work</p> <p>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.</p> <p>NOTE: Footing details for transportable structures will need construction approval.</p> <p>Condition Reason: To address conditions of approval.</p>
18	<p>Requirement for Approval - Section 68 Local Government Act</p> <p>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:</p> <ul style="list-style-type: none"> a. Install a manufactured home, moveable dwelling or associated structure on land (such as a transportable office and the like) b. Approval to carry out Sewerage, Plumbing and Stormwater Drainage work. c. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility. d. Operate a system of sewage management (within the meaning of section 68A).

Condition	
	<p>Condition Reason:</p> <p>To ensure the appropriate approvals are in place for moveable structures, sewerage and plumbing related works.</p>
19	<p>Rumble grid</p> <p>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.</p> <p>Condition Reason:</p> <p>To ensure measures are in place to protect council road infrastructure from transfer of sediment and to reduce potential for dust.</p>

PRIOR TO COMMENCEMENT OF ROAD WORK

Condition	
20	Section 138 Roads Act – Council Roads <p>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).</p> <p>Condition Reason: To ensure compliance with the Roads Act 1993 and Council policy.</p>
21	Site access <p>Unless Council agrees otherwise, detailed design for the upgrade of the quarry site access location at Warren Road to a basic (BAL/BAR) 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.</p> <p>Condition Reason: To ensure safe quarry site access is constructed to Council standards.</p>
22	Engineering Plans – Civil Construction <p>Detailed design of road upgrades and construction works must be prepared in accordance with the relevant road works specifications, or to Council's satisfaction.</p> <p>Condition 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.</p>
23	Pipe Backfill <p>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.</p> <p>Condition Reason: To ensure adequate design standards are adopted.</p>

REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

Condition	
25	<p>Notice of Commencement</p> <p>Prior to the commencement of any building work on the site, the person having the benefit of this consent:</p> <ol style="list-style-type: none"> 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. <p>Condition Reason: To ensure statutory obligations are met.</p>
26	<p>Signs on site</p> <p>A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:</p> <ol style="list-style-type: none"> 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. <p>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</p> <p>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.</p> <p>Condition Reason: Prescribed condition EP&A Regulation, clause 70.</p>
27	<p>Project Plans & Testing</p> <p>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:</p> <ol style="list-style-type: none"> 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

Condition	
	<p>o. Responsibility for implementing and monitoring work process controls and rectifying any deficiencies.</p> <p>Condition Reason: To ensure construction requirements are met and quality management measures implemented.</p>
28	<p>Service location</p> <p>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 <i>Electricity Supply Act 1995</i> (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.</p> <p>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.</p> <p>Condition Reason: To safeguard against impact to assets and ensure the safety when working near electricity lines.</p>
29	<p>Erosion and Sediment Control</p> <p>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</p> <p>Condition Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.</p>
30	<p>Temporary Onsite Toilet</p> <p>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.</p> <p>Condition Reason: To ensure amenities are available.</p>

REQUIREMENTS DURING CONSTRUCTION WORKS

Condition	
31	<p>Approved hours of Construction</p> <p>Unless otherwise approved by Council, construction work may only be undertaken in during the following hours:</p> <ul style="list-style-type: none"> - Monday to Friday - 7:00 am to 8:00 pm - Saturday - 8:00 am to 1:00 pm - Sunday & Public Holidays – Nil <p>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.</p> <p>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.</p> <p>NOTE: Any variation to the hours of work requires Council’s approval.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
32	<p>Works Near Electricity Infrastructure</p> <p>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.</p> <p>Condition Reason: To ensure the safety when working near electricity lines.</p>
33	<p>Building Materials, Plant and Equipment</p> <p>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.</p> <p>Condition Reason: To preserve access and protect public infrastructure.</p>
34	<p>Dust Abatement</p> <p>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.</p> <p>Condition Reason: To ensure dust suppression is implemented during construction.</p>
35	<p>Fill</p> <p>During construction works, fill material must not be placed in such a manner that:</p> <ul style="list-style-type: none"> a. natural drainage from adjoining land will be obstructed; and b. surface water will be diverted to adjoining land. <p>Condition Reason: To prevent fill causing stormwater impacts.</p>
36	<p>Uncovering relics or Aboriginal objects</p> <p>While any associated construction work and quarry operations are being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ul style="list-style-type: none"> a. the work in the area of the discovery must cease immediately;

Condition	
	<p>b. the following must be notified</p> <ul style="list-style-type: none"> 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. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> c. for a relic – the Heritage Council; or d. 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.
	<p>Condition Reason:</p> <p>To ensure the protection of objects of potential significance during works.</p>

REQUIREMENTS PRIOR TO COMMENCEMENT OF OPERATIONS

Condition	
37	<p>Repair of infrastructure</p> <p>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.</p> <p>NOTE: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.</p> <p>Condition Reason: To ensure any damage to public infrastructure is rectified.</p>
38	<p>Completion of Road Work</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Condition Reason: To ensure road work is satisfactorily completed.</p>
39	<p>WAE Drawings</p> <p>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:</p> <ul style="list-style-type: none"> - 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. <p>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.</p>

Condition	
	<p>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.</p> <p>Condition Reason: To ensure road work is satisfactorily completed and documented.</p>
40	<p>Post – Construction Dilapidation report</p> <p>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:</p> <ol style="list-style-type: none"> After comparing the pre-construction dilapidation report (Condition 23 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. <p>Where there has been structural damage to any adjoining buildings that is the result of the work approved under this development consent.</p> <p>Condition Reason: To identify any damage to adjoining properties and infrastructure resulting from development work.</p>
41	<p>Release of Securities</p> <p>Prior to the release of any securities:</p> <ol style="list-style-type: none"> 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 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. <p>Condition Reason: To ensure the public infrastructure is maintained to Council's satisfaction.</p>
42	<p>Maintenance bond</p> <p>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.</p> <p>Condition Reason: To allow release of securities where terms and conditions for the securities have been met to Council's satisfaction.</p>
43	<p>Identification of Quarry Boundaries</p> <p>Prior to the commencement of land clearing and quarry operations, or as otherwise agreed by Council, the Applicant must:</p> <ol style="list-style-type: none"> engage an independent registered surveyor to survey the boundaries of the approved limit of extraction as per plan labelled Extraction Area Design; submit a survey plan of these boundaries to the Council; and 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. <p>Condition Reason: To ensure the area of disturbance is limited to that approved.</p>
44	<p>Preservation of survey marks</p>

Condition	
	<p>Before the commencement of operations, a registered surveyor must submit documentation to the principal certifier which demonstrates that:</p> <ol style="list-style-type: none"> no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or 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.
	<p>Condition Reason: To protect the State's survey infrastructure.</p>
45	<p>Notice of Commencement</p> <p>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.</p>
	<p>Condition Reason: To advise Council of commencement date and document compliance.</p>
46	<p>Signage</p> <p>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 must be installed 250 metres in advance of the site access intersection with Warren Road at no cost to Council.</p> <p>NOTE: Signage installation may have site specific requirements to be included in the approval pursuant to s138 Roads Act.</p>
	<p>Condition Reason: To ensure road safety signage is installed.</p>
47	<p>Environmental management plan</p> <p>An Environmental Management Plan must be prepared for the project to the satisfaction of Council. This plan must:</p> <ol style="list-style-type: none"> provide the strategic framework for environmental management of the project; identify the statutory approvals that apply to the project; set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; set out the procedures to be implemented to: <ol style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the project; receive record, handle and respond to complaints; resolve any disputes that may arise during the course of the project; respond to any non-compliance and any incident; and respond to emergencies. a protocol for periodic review of the plan include plans for the management and monitoring to ensure the operations comply with the relevant criteria and conditions of this approval for the following: <ol style="list-style-type: none"> Noise Blasting Air quality

Condition	
	<ul style="list-style-type: none"> 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.
	<p>Condition Reason:</p> <p>To ensure management details and mitigation measures are documented and adopted for the project.</p>
48	<p>Drivers Code of Conduct</p> <p>A Drivers' Code of Conduct must be prepared to the satisfaction of Council and TfNSW that includes:</p> <ul style="list-style-type: none"> 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.
	<p>Condition Reason:</p> <p>To ensure truck drivers are aware of their obligations in relation to the development.</p>
49	<p>Rehabilitation and Closure Plan</p> <p>A Rehabilitation and Closure Plan must be prepared for the project to the satisfaction of Council. This plan must:</p> <ul style="list-style-type: none"> 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.

Condition	
	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).
	<p>Condition Reason:</p> <p>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.</p>

OPERATIONAL REQUIREMENTS

Condition	
50	Environmental Management Plans <p>The Environmental Management Plans and adopted measures must be implemented for all phases of the Project.</p> <ol style="list-style-type: none"> The Environmental Management Plans are to be available at the site office at all times. The Environmental Management Plans required by this consent may be combined/consolidated where practical for improved implementation. Environmental 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. <p>Condition Reason: To ensure adopted site management measures are implemented at all times.</p>
51	Environment Protection Licence <p>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.</p> <p>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.</p> <p>Condition Reason: To ensure NSW EPA general terms of approval and mandatory EPL conditions are adopted.</p>
52	Controlled Activity approval <p>The attached GTA issued by the Department of Planning and Environment—Water (DPE-Water) do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.</p> <p>NOTE: General Terms of Approval are provided in Part I of this consent. The Proponent will need to make separate application to the DPE - Water to obtain this approval.</p> <p>Condition Reason: To ensure DPE - Water general terms of approval are adopted.</p>
53	Water Supply <p>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.</p> <p>Condition Reason: To ensure the project has sufficient volume of water for dust suppression and processing obtained through legal sources.</p>
54	Monitoring of Product Transport <p>By the use of a weighbridge (or other means as agreed by Council), records are to be made:</p>

Condition	
	<p>a. 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 project. These records must be made available to Council on request and a summary included in the Annual Review.</p> <p>b. Product Volumes – tonnages of product leaving the site is to be recorded quarterly and provided to Council for calculation of the s7.11 contributions.</p> <p>Condition Reason: To ensure records of extraction and processing activity are kept for the project and obligations to pay s7.11 contributions are met.</p>
55	<p>Heritage</p> <p>If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:</p> <ul style="list-style-type: none"> – Not further harm the object(s) – Immediately cease all work at the particular locations – Secure the area so as to avoid further harm to the Aboriginal object(s) – Notify NSW Environment Line as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal objects(s) and its location – Not recommence any work at the particular location unless authorised in writing by Heritage NSW <p>Condition Reason: To protect any items of Aboriginal heritage uncovered during the development.</p>
56	<p>Parking</p> <p>The Applicant must provide sufficient parking on-site for all project-related traffic in a dedicated area away from active quarry areas.</p> <p>Condition Reason: To ensure adequate parking is provided on site.</p>
57	<p>Visual</p> <p>Visual amenity is to be maintained:</p> <ul style="list-style-type: none"> 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. <p>NOTE: This does not include business identification, traffic management and safety or environmental signs.</p> <p>Condition Reason: To ensure impacts to visual amenity are mitigated.</p>
58	<p>Waste</p> <p>Waste management measures are to be implemented:</p> <ul style="list-style-type: none"> 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;

Condition	
	<p>c. ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and</p> <p>d. monitor the amount of waste generated by the project.</p>
	<p>Condition Reason: To ensure waste is managed.</p>
59	<p>Waste storage</p> <p>Except as expressly permitted in an EPL, the quarry site must not receive waste for storage, treatment, processing, reprocessing or disposal.</p> <p>NOTE: The only waste derived material that may be received at the development site must be:</p> <p>a. virgin excavated material, within the meaning of Protection of the Environment Operations Act 1997; and</p> <p>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.</p>
	<p>Condition Reason: To prevent the quarry from accepting waste products without the necessary approvals.</p>
60	<p>Storage of Liquids, Chemicals & Petroleum Products</p> <p>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.</p>
	<p>Condition Reason: To ensure safe storage of hazardous substances.</p>
61	<p>Safety</p> <p>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.</p>
	<p>Condition Reason: To ensure safety of public and visitors to site.</p>
62	<p>Annual survey</p> <p>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:</p> <p>a. survey the extent of the extraction areas;</p> <p>b. survey the depth of the extraction areas;</p> <p>c. calculate the volume extracted since the previous survey; and</p> <p>d. confirm the boundary markers clearly mark the approved limit of extraction.</p> <p>The survey must be provided to Council within six weeks of the anniversary date.</p>
	<p>Condition Reason: To ensure approved extraction and disturbance limits are not exceeded.</p>
63	<p>Annual Review</p>

Condition	
	<p>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:</p> <ol style="list-style-type: none"> 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; 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; 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: <ol style="list-style-type: none"> relevant statutory requirements, limits or performance measures/criteria; requirements of any plan or program required under this approval; monitoring results of previous years; and relevant predictions in the EIS. 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. <p>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.</p>
	<p>Condition Reason: To ensure approval requirements are implemented and monitored for improvement.</p>
64	<p>Independent Environmental Audit</p> <p>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:</p> <ol style="list-style-type: none"> be led by a suitably qualified, experienced and independent auditor; be carried out in consultation with the relevant agencies; 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); review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this approval; 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 be conducted and reported to the satisfaction of Council. <p>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.</p>
	<p>Condition Reason:</p>

Condition	
	To implement a requirement for an independent environmental audit for the purpose of ensuring satisfactory environmental performance.
65	<p>Incident and Complaint Reporting</p> <p>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.</p> <p>NOTE: The recording of pollution complaints should be in accordance with EPL conditions.</p> <p>Condition Reason: To ensure incident and complaint records are kept.</p>

EPA GENERAL TERMS OF APPROVAL

Condition	
	Condition Reason:
	Condition Reason:
	Condition Reason:
	Condition Reason:
	Condition Reason:
	Condition Reason:

DPE - Water General Terms of Approval

Condition	
	Condition Reason:
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	Condition Reason:

GENERAL ADVISORY NOTES

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work must not be carried out until a construction certificate has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

DICTIONARY

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Narromine Shire Council

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Local Planning Panel

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Western Regional Planning Panel.



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