



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 Panel
Date of determination	17/12/2024
Date from which the consent operates	17/12/2024
Date on which the consent lapses	17/12/2029
OTHER APPROVALS	
EPA General Terms of Approval	refer below
DPE – Water General Terms of Approval	refer below

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 ancillary 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,



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																						
	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.																						
	<p><i>Table 1 Approved reference documents</i></p> <table> <tr> <th>Plan/Doc Title</th><th>Prepared by</th><th>Date</th></tr> <tr> <td>Environmental Impact Statement for the Browning Sand Quarry</td><td>RW Corkery & Co. Pty Ltd</td><td>July 2022</td></tr> <tr> <td></td><td></td><td></td></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	Environmental Impact Statement for the Browning Sand Quarry	RW Corkery & Co. Pty Ltd	July 2022				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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	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 or statutory GTA, the condition or statutory GTA prevails.																						
	<p>NOTES:</p> <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:																						

Condition								
	To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.							
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> NOTE: This condition does not apply to the construction of any bores approved by Water NSW or pollution and sediment control structures.	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					
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:							

Condition	
	<ul style="list-style-type: none"> a. transport more than 50,000 tonnes of extractive material from the site in any 12-month period; b. dispatch more than 6 and an average of 4 laden trucks from the site on any day; or c. dispatch more than 1 laden trucks from the site in any hour.
	<p>Condition Reason: To ensure the limits for transport / haulage from the site is clearly defined.</p>
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"> a. the submission of an incident report under condition 66; b. the submission of an Annual Review under condition 64; c. the submission of an Independent Environmental Audit under condition 65; or d. 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>

Condition	
	<p>Where conditions of this approval require consultation with an identified party, the following is required:</p> <ol style="list-style-type: none"> consult with the relevant party prior to submitting the subject document; and provide details of the consultation undertaken including: <ol style="list-style-type: none"> the outcome of that consultation, matters resolved and unresolved; and 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>
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:</p>

Condition	
	To ensure all staff are aware of their obligations in relation to the approval.

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> <ol style="list-style-type: none"> Plans are to demonstrate fulfilment of the commitments in Management Plans; Show required water tanks for water supply and firefighting; and Any requirements pertaining to compliance with other approvals required for the Project. Form detailed construction plans of any buildings, including site office and amenities. <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> <ol style="list-style-type: none"> Install a manufactured home, moveable dwelling or associated structure on land (such as a transportable office and the like) Approval to carry out Sewerage, Plumbing and Stormwater Drainage work.

Condition	
	<p>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.</p> <p>d. Operate a system of sewage management (within the meaning of section 68A).</p>
	<p>Condition Reason: 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: 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

Condition	
	<ul style="list-style-type: none"> m. Inspection, test and control points n. Monitoring of continuous suitability o. Responsibility for implementing and monitoring work process controls and rectifying any deficiencies.
	Condition Reason: To ensure construction requirements are met and quality management measures implemented.
28	Service location <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>
	Condition Reason: To safeguard against impact to assets and ensure the safety when working near electricity lines.
29	Erosion and Sediment Control <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>
	Condition Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.
30	Temporary Onsite Toilet <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>
	Condition Reason: To ensure amenities are available.

REQUIREMENTS DURING CONSTRUCTION WORKS

Condition	
31	<p>Approved hours of Construction</p> <p>Unless otherwise approved by Council, construction work may only be undertaken during the following hours:</p> <ul style="list-style-type: none"> – Monday to Friday - 7:00 am to 6:00 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> <ol 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</p>

Condition	
	<p>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; b. the following must be notified <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.

Condition	
	<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> <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;

Condition	
	<ul style="list-style-type: none"> b. submit a survey plan of these boundaries to the Council; and c. ensure that these boundaries are clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.
	<p>Condition Reason: To ensure the area of disturbance is limited to that approved.</p>
44	<p>Preservation of survey marks</p> <p>Before the commencement of operations, a registered surveyor must submit documentation to the principal certifier which demonstrates that:</p> <ul style="list-style-type: none"> a. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b. the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
	<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> <ul style="list-style-type: none"> a. provide the strategic framework for environmental management of the project; b. identify the statutory approvals that apply to the project; c. set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; d. set out the procedures to be implemented to: <ul style="list-style-type: none"> i. keep the local community and relevant agencies informed about the operation and environmental performance of the project; ii. receive record, handle and respond to complaints; iii. resolve any disputes that may arise during the course of the project;

Condition	
	<ul style="list-style-type: none"> iv. respond to any non-compliance and any incident; and v. respond to emergencies. e. a protocol for periodic review of the plan f. include plans for the management and monitoring to ensure the operations comply with the relevant criteria and conditions of this approval for the following: <ul style="list-style-type: none"> i. Noise ii. Blasting iii. Air quality iv. Surface water and Groundwater v. Traffic vi. Aboriginal cultural heritage vii. Biodiversity viii. Bushfire g. a summary of all the monitoring to be carried out under the conditions of this approval.
	<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. appropriate measures 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>

Condition	
	<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. <p>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>
	<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	Approved hours of operation <p>Unless otherwise approved by Council and EPA, operations may only be undertaken during the following hours:</p> <ul style="list-style-type: none"> – Monday to Friday - 7:00 am to 6:00 pm – Saturday - 8:00 am to 1:00 pm – Sunday & Public Holidays – Nil <p>The above condition does not apply to the delivery of material outside the hours of the permitted timeframes if that delivery is required by police or other authorities for safety reasons and/or the operation of personnel or equipment are endangered. In such circumstances, prior notification must be provided to the Council, EPA and affected residents as soon as possible, or within 24 hours in the case of emergency.</p> <p>NOTE: Any variation to the hours of work requires Council's and EPA's approval.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
52	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 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>
53	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</p>

Condition	
	<p>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 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>
54	<p>Water Supply</p> <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>
55	<p>Monitoring of Product Transport</p> <p>By the use of a weighbridge (or other means as agreed by Council), records are to be made:</p> <ol style="list-style-type: none"> 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. 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>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>
56	<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>
57	<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>

Condition	
58	<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>
59	<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; c. ensure that the waste generated by the development is appropriately stored, handled, and disposed of; and d. monitor the amount of waste generated by the project. <p>Condition Reason: To ensure waste is managed.</p>
60	<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> <ul style="list-style-type: none"> a. virgin excavated material, within the meaning of Protection of the Environment Operations Act 1997; and b. Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material. <p>Condition Reason: To prevent the quarry from accepting waste products without the necessary approvals.</p>
61	<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:</p>

Condition	
	To ensure safe storage of hazardous substances.
62	<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>
63	<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> <ul style="list-style-type: none"> a. survey the extent of the extraction areas; b. survey the depth of the extraction areas; c. calculate the volume extracted since the previous survey; and d. confirm the boundary markers clearly mark the approved limit of extraction. <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>
64	<p>Annual Review</p> <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> <ul style="list-style-type: none"> a. describe the activities (including any rehabilitation) that was carried out in the previous 12 months, and the activities that are proposed to be carried out over the current 12 months; b. include a survey of the extraction area showing the depth and extent of the extraction and the volume of material extracted in the past 12 months; c. include a comprehensive review of the monitoring results and complaints records of the project over the previous 12 months, including a comparison of these results against the: <ul style="list-style-type: none"> i. relevant statutory requirements, limits or performance measures/criteria; ii. requirements of any plan or program required under this approval; iii. monitoring results of previous years; and iv. relevant predictions in the EIS. d. identify any non-compliance or incident which occurred in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence. <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>
65	Independent Environmental Audit

Condition	
	<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> <p>To implement a requirement for an independent environmental audit for the purpose of ensuring satisfactory environmental performance.</p>
66	<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:</p> <p>To ensure incident and complaint records are kept.</p>

General Terms of Approval - Issued



Notice No: 1627925

Administrative conditions

A1. Information supplied to the EPA

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

- the development application DA2022/38 submitted to Narromine Shire Council in May 2022;
- any environmental impact statement titled "*Environmental Impact Statement for the Browning Sand Quarry*" (EIS), prepared by R.W. Corkery & Co. Pty Ltd for Macquarie Valley Rock & Sand Pty Ltd and dated July 2022 (Ref No.1026/02) relating to the development; and
- any additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

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

Limit conditions

L1. Pollution of waters

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

L2. Concentration limits

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

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

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

nominates discharge quality limits based on the outcomes of points a and b above.

L3. Waste

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

General Terms of Approval - Issued



Notice No: 1627925

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

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

L4. Noise limits

L4.1 Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{AFmax}
Any residential receiver	40	35	35	52

L4.2 For the purposes of condition L4.1:

- Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- Evening means the period from 6pm to 10pm.
- Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

L4.3 Noise-enhancing meteorological conditions

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

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

- For those meteorological conditions not referred to in condition L4.3(a), the noise limits that apply are the noise limits in condition L4.1 plus 5dB.

General Terms of Approval - Issued



Notice No: 1627925

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

- a) The meteorological conditions are to be determined from meteorological data obtained from the on-site meteorological weather station
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
 - i. Use of sigma-theta data (section D1.4).

L4.5 To determine compliance:

- a) with the $L_{Aeq}(15 \text{ minutes})$ or the L_{Amax} noise limits in condition L4.1 and L4.3, the noise measurement equipment must be located:
 - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,

L4.6 A non-compliance of conditions L4.1 and L4.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L4.5 (a).

NOTE to L4.5 and L4.6: *The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.*

L4.7 Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

L4.8 The noise limits identified in the L4.1 do not apply at privately owned residences that are subject to a private agreement, relating to the noise levels, between the licensee and the land owner, and the licensee has advised Narromine Shire Council and the EPA in writing of the terms of this agreement.

Blasting

L5.1 Blasting is not permitted at the premises.

Hours of operation

L6.1 All activities at the premises must only be conducted during the following time periods.

- a. 7am to 6pm Monday to Friday;
- b. 8am to 1pm Saturdays; and
- c. at no time on Sundays or Public Holidays.

L6.2 The above condition does not apply to the delivery of material outside the hours of the permitted timeframes if that delivery is required by police or other authorities for safety reasons and/or the operation or personnel or equipment are

General Terms of Approval - Issued



Notice No: 1627925

endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within 24 hours in the case of emergency.

L6.3 The hours of operation specified in conditions L6.41 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

Operating conditions

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

O3. Dust

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

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

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

4. Other operating conditions

O4.1 An erosion and sediment control plan must be prepared and implemented for the development in consultation with the EPA and prior to submission of the plan to Narramine Shire Council for approval. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during activities. The plan must describe the measures that will be used to:

- a. mitigate the impacts of stormwater run-off from and within the premises;
- b. minimise soil and erosion and the discharge of sediment and other pollutants to land and waters for the life of the project, and
- c. include a detailed site water balance.

The erosion and sediment control plan must be prepared in accordance with Managing Urban Stormwater: Soils and Construction, particularly Volume 2E: Mines and Quarries (DECC 2008b)

O4.3 Bunding Requirements. All above-ground storage facilities containing flammable and combustible liquids must be banded in accordance with Australian Standard AS 1940-2004

Monitoring and recording conditions

M1 Monitoring records

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

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

- a. in a legible form, or in a form that can readily be reduced to a legible form;
- b. kept for at least 4 years after the monitoring or event to which they relate took place; and

General Terms of Approval - Issued



Notice No: 1627925

- c. produced in a legible form to any authorised officer of the EPA who asks to see them.

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

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

M2. Testing methods - concentration limits

M2.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:

- a. any methodology which is required by or under the POEO Act to be used for the testing of the concentration of the pollutant; or
- b. if no such requirement is imposed by or under the POEO Act, any methodology which a condition of this licence requires to be used for that testing; or
- c. if no such requirement is imposed by or under the POEO Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

M2.2 The Protection of the Environment Operations (Clean Air) Regulation 2021 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

M3 Weather Monitoring

M3.1 The licensee must install a meteorology station at the Premises in accordance with AS/NZS 3580.14:2014 with the exact location to be negotiated with the EPA if approval is granted and prior to undertaking any site activities related to DA2022/38.

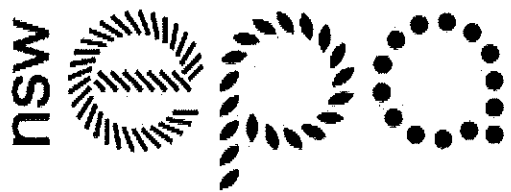
M3.2 At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

Point <EPA Identification points and locations to be confirmed >

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction at 10 metres	Degrees	Continuous	15 minute	AM-2 & AM-4
Wind speed at 10 metres	Meters per second	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	Millimetres per hour	Continuous	1 hour	AM-4

General Terms of Approval - Issued

Notice No: 1627925



Reporting conditions

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

General Terms of Approval - Issued



Notice No: 1627925

Attachment – Mandatory Conditions for all EPA licences

Operating conditions

01 Activities must be carried out in a competent manner

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

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

02 Maintenance of plant and equipment

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

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

Monitoring and recording conditions

M4 Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:

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

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

General Terms of Approval - Issued



Notice No: 1627925

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 Conditions M5.1 and M5.2 do not apply until 3 months after the licence is issued.

Reporting conditions

R1 Annual Return documents

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

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

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

Period covered by Annual Return

R1.2 An Annual Return must be prepared in respect of each reporting, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

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

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

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

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

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

Deadline for Annual Return

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

General Terms of Approval - Issued



Notice No: 1627925

R1.6 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA. Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a. the licence holder; or b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

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

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

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

R3 Written report

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

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

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

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

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

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

General Terms of Approval - Issued



Notice No: 1627925

General conditions

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

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

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

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

G2 Contact number for incidents and responsible employees

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

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

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

G3 Signage

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

Reference Number:	IDAS-2022-10537
Issue date of GTA:	20 June 2023
Type of Approval:	Controlled Activity
Location of work/activity:	224 Warren Rd Narromine 2821
Waterfront Land:	Macquarie River
DA Number:	DA2022/38
LGA:	Narromine Shire Council

The GTA issued by Department of Planning and Environment—Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment—Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment—Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2022/38 provided by Council to Department of Planning and Environment—Water.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment—Water, must be notified in writing to determine if any variations to the GTA will be required.</p>
TC-G005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none"> Site plans indicating the demarcation of waterfront land, designated riparian corridors, and identifying any areas of encroachments and offsets Erosion and sediment control plans; Vegetation management plan detailing a rehabilitation proposal for the area required to be offset. Further, outside of the processing area, the VMP shall include management strategies for removal of vehicle turning circles, redundant plant, stockpiles and waste materials from the riparian corridor. Itemised VMP costings; <p>B. The plan(s) must be prepared in accordance with Department of Planning and Environment—Water's guidelines located on the website https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines</p>

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment—Water for integrated development associated with IDAS-2022-10537 as provided by Council:

- Statement of Environmental Effects, Browning Sand Quarry prepared by RWCorkery & Co July 2022
- Browning Sand Quarry Submission Report, prepared by RWCorkery & Co May 2023

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.