

RECOMMENDED CONDITIONS OF CONSENT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-311 – DA29/2025
PROPOSAL	Expansion of an existing extractive industry (sand quarry)
ADDRESS	Lot 175 DP750908, Kidman Way, Darlington Point
APPLICANT	EB Mawsons & Sons
APPLICATION TYPE	Development Application

PART A – GENERAL CONDITIONS

CONDITIONS					REASON													
1.	Approved plans and supporting documentation				To ensure that all parties with an interest in the application are aware of the approved plans and supporting documentation that has been approved as part of the development.													
Development consent has been granted for the expansion of an existing extractive industry (sand quarry) from 2ha to up to 40ha (at any one time) and increase the maximum production rate from 30,000m ³ to 300,000 tonnes per annum at Lot 175 DP750908, Kidman Way, Darlington Point.																		
Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Murrumbidgee Council), except where the conditions of this consent expressly require otherwise.																		
<table><tr><th>Plan Reference</th><th>Plan Title</th><th></th><th>Prepared by</th><th>Date uploaded</th></tr><tr><td>2833.DRG.005</td><td>Conceptual layout</td><td>site</td><td>Groundwork (part of SLR)</td><td>13.09.2024</td></tr><tr><td>2833.DRG.008</td><td>Pit Design</td><td></td><td>Groundwork (part of SLR)</td><td>29.11.2024</td></tr></table>				Plan Reference		Plan Title		Prepared by	Date uploaded	2833.DRG.005	Conceptual layout	site	Groundwork (part of SLR)	13.09.2024	2833.DRG.008	Pit Design		Groundwork (part of SLR)
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Document	Reference No	Prepared by	Date	
Environmental Impact Statement	630.032035.00001	Groundwork (part of SLR)	09.07.2025	05.12.2022
Resource Assessment	2833_220_001	Groundwork (part of SLR)	12.2024	
Traffic Impact Assessment	630.032035.00001	SLR	21.03.2025	
Noise Assessment (Revision 2)	630.032035.00002	SLR	26.05.2025	
Air Quality Impact Assessment	630.032035.00007	SLR	26.03.2025	
Biodiversity Test of Significance (Version 1.1)		Red-Gum Environmental Consulting Pty Ltd	22.05.2025	
Surface & Groundwater Assessment	630.032035.00006	SLR	03.06.2025	
Aboriginal Cultural Due Diligence Assessment (Version 3)		Red-Gum Environmental Consulting Pty Ltd	13.06.2025	
Waste Management Plan	ENV-PLA-006	Mawsons Concrete Quarries &	24.06.2022	
Quarry Rehabilitation Strategy	ENV-PLA-007	Mawsons Concrete Quarries &	06.12.2022	
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. Note 1: 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.				

2. Limitations

The following conditions apply to the operational limits of the approved sand quarry:

- a. The quantity of sand to be extracted from the site is to be less not to exceed 300,000 tonnes per annum.
- b. The area of the sand quarry operations is not to exceed 40ha at any one point in time.
- c. The finished quarry floor level is restricted to a maximum depth of RL114.0m AHD.

Note 2: Any increase to the operational limitations prescribed above will require the submission of a modification application.

To ensure operational aspects of the development does not exceed the quantities and area set down in the Environmental Impact Statement.

3. Environmental Planning & Assessment Act, 1979

Any alteration to the approved development, or expansion of activities, changes to the operating hours or variation of operation conditions and the like will require the submission of a further development application or a modification application under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, to amend the consent.

To ensure that the requirements of the EP&A Act, 1979 are met.

4. Lapsing of Consent

In accordance with Section 4.53 of the Environmental Planning and Assessment Act, 1979 this consent is valid for a period of five (5) years from the date of consent.

To ensure that the requirements of the EP&A Act, 1979 are met.

5. Life of Consent

Consent for the purposes of extraction, processing and haulage of material is limited to a period of 25 years from the date of this consent. Should quarrying operations cease prior to this 25-year period, written advice of the date on which quarrying operations ceased is to be provided to Council's Director Community and Development. This consent will continue to apply for a five (5) year period after cessation of quarrying operations, to ensure the effective completion of the establishment and implementation periods for rehabilitation works.

Note 3: Any extension to the life-time of the quarry prescribed above will require the submission of a modification application.

To limit the impact of quarrying activities to those parameters that formed part of the development assessment and to provide a timeframe for the commencement of rehabilitation.

6. Uncovering relics or Aboriginal objects

To ensure that the requirements of the NP&W Act, 1974 are met.

Should any Aboriginal artefacts, other cultural artefacts, archaeological relics, or any object having interest due to its age or association with the past be located during quarrying activities, all works are to cease immediately, and notification shall be provided to the Office of Environment and Heritage in accordance with the National Parks and Wildlife Act 1974. Work shall not recommence in the area until this is authorised by the Office of Environment and Heritage. Specifically,

- a. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - i. Not further harm the object.
 - ii. Immediately cease all work at the particular location.
 - iii. Secure the area so as to avoid further harm to the Aboriginal object.
 - iv. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
 - v. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.
- b. In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and the Department of Planning, Industry and Environment contacted.

In this condition:

“relic” means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

7. Discovery of contamination

To ensure any contamination found during quarry operations is dealt with as quickly as possible and to protect the health

Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority is notified and

that such material is contained, encapsulated, sealed, handled, or otherwise disposed of to the requirements of such Authority.

of the community and the environment.

8. **Services & Assets**

The applicant is to be responsible for all amplification, extension and adequate provision for connection to and any alteration to services at their own expense. The work is to be in accordance with Council's and other relevant authorities' specification.

To ensure the development is adequately serviced and that there is no cost to Murrumbidgee Council

9. **Traffic Works**

The person or entity with the benefit of the consent shall install "Truck Turning" signs in accordance with the AS1742 along the Kidman Way.

To ensure adequate road safety and maintenance.

10. **Clearing under the Local Land Services Act 2013**

Clearing of native vegetation for the purpose of quarrying activities (other than that approved at Condition 2 that would be authorised under Schedule 5A and Division 5 of the Local Land Services Act 2013 (LLS Act) is not permitted to be carried out without development consent under Part 4 of the Environmental Planning and Assessment Act 1979 on any part of Lot 1 DP 1265657.

To prevent the clearing of native vegetation other than that approved in the site plan.

Note: In accordance with the Objects of the Environmental Planning and Assessment Act 1979 (EP&A Act), section 1.3(e) of that Act, the purpose of this condition is "to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats".

Section 60Q(2) of the LLS Act provides that:

"Schedule 5A does not permit clearing or any other activity—

- a) *without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or*
- b) *in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act."*

Similarly, section 60S(4) of the LLS Act provides that:

"A land management (native vegetation) code does not permit clearing or any other activity—

- a) *without an approval or other authority required by or under another Act or another Part of this Act, or*

b) in contravention of any provision of or made under another Act or another Part of this Act”

As this condition is imposed under section 4.17 of the EP&A Act, sections 60Q and 60S of the LLS Act apply and the clearing of native vegetation under Schedule 5A and Division 5 of the LLS Act is not permitted.

PART B – REQUIREMENTS OF EXTERNAL AGENCIES

11. NSW Environmental Protection Authority

The following conditions have been imposed by the NSW Environmental Protection Authority as part of their general terms of approval issued on 19 September 2025 (Notice No: 1652357)

Note 2: The numbering corresponds with that of the NSW EPA GTA dated 19 September 2025.

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 DA29-2025 submitted to Murrumbidgee Council on 13 August 2025;
- Environmental Impact Statement Darlington Point Sand Quarry - Extension dated 9 July 2025 relating to the development; and
- All additional documents supplied to the EPA in relation to the development, including:
 - Noise and Vibration Impact Assessment
 - Air Quality Impact Assessment
 - Surface and Groundwater Assessment
 - Waste Management Plan

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

L.1.1 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

To satisfy the requirements of the NSW EPA for the purposes of an environmental protection licence.

Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2 Hours of operation

L2.1 All construction work at the premises must only be conducted between 8am - 5pm Monday to Friday, 9am to 4pm Saturday, no work on Sunday or Public Holidays.

L2.2 Activities at the premises, other than construction work, may only be carried on between 7am and 6pm Monday to Friday, 8am and 4pm Saturday, no work on Sunday or Public Holidays.

L2.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L2.1 or L2.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L2.4 The hours of operation specified in conditions L2.1 and L2.2 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.

L3. Blasting

L3.1 No blasting is to occur on the Premises at any time.

L4. Potentially offensive odour

L4.1 No condition of this licence identifies a potentially offensive odour for the purposes of Section 129 of the Protection of the Environment Operations Act 1997.

Note: The Protection of the Environment Operations Act 1997 states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted.

L5. Other limit conditions

L5.1 The licensee must not extract or process more than 300,000 tonnes of material at the premises in each annual return reporting period.

OPERATING CONDITIONS

O1. Dust

O1.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O1.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O1.3 All areas must be maintained in a condition that minimises the generation of dust.

All areas include, but are not limited to:

- a. sealed and unsealed trafficable areas;
- b. stockpile areas
- c. material handling areas; and
- d. rehabilitated and vegetated areas.

O2. Stormwater/sediment control - Construction Phase

O2.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction (available from the Department of Housing).

O3. Stormwater/sediment control - Operation Phase

O3.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA).

REPORTING CONDITIONS

R2. Noise Compliance Assessment Report

R2.1 Should the EPA or licensee receive noise complaints regarding operations at the premises, the EPA may require the licensee to submit a noise compliance assessment report. The assessment must be prepared by a suitably qualified and experience acoustic consultant and include:

1. An assessment of compliance with noise limits present Condition L2.1;
2. Details of recommended management actions and/or noise pollution controls required to address any exceedances of the limits contained in Condition L2.1; and
3. Using the outcomes of point 2, nominate a timeframe for the implementation of recommendations.

The noise compliance assessment report must be completed on request and provided to the EPA within an agreed timeframe via electronic mail at info@epa.nsw.gov.au

R3 Air Quality Impact Assessment

R3.1 In the event that a verified dust complaint is made by an impacted receptor, the EPA may request the licensee to undertake a comprehensive air quality impact assessment (AQIA), in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (NSW EPA, 2016).

The AQIA must:

1. Identify all sensitive receptors likely to be impacted by dust from the licensed activity;
2. Provide details on proposed dust control measures to be implemented at the premises to ensure compliance with Conditions O1.1 - O1.3; and
3. Be prepared by a suitably qualified and experienced person/company that is approved in writing by the EPA prior to being engaged by the licensee.

The AQIA must be completed on request and provided to the EPA within an agreed timeframe via electronic mail at info@epa.nsw.gov.au.

MANDATORY CONDITIONS FOR ALL EPA LICENCES (Attachment B to General Terms of Approval)

ADMINISTRATIVE CONDITIONS

Other activities

This licence applies to all other activities carried on at the premises, including:

- Extractive activities
- Crushing, grinding or separating

OPERATING CONDITIONS

Activities must be carried out in a competent manner

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.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity must be maintained in a proper and efficient condition; and must be operated in a proper and efficient manner.

MONITORING AND RECORDING CONDITIONS

Recording of pollution complaints

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.

The record must include details of the following:

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

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

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

Telephone complaints line

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.

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.

This condition does not apply until 3 months after this condition takes effect.

REPORTING CONDITIONS

Annual Return documents

What documents must an Annual Return contain?

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

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. 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

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.

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.

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

The Annual Return for the reporting period must be supplied to the EPA by 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').

Licensee must retain copy of Annual Return

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.

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.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

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

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

Written report

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

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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.

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.

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

General conditions

A copy of licence kept at the premises or on the vehicle or mobile plant.

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

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

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.

PART C – PRIOR TO THE COMMENCEMENT OF FURTHER QUARRYING ACTIVITIES & ONGOING REQUIREMENTS

CONDITIONS	REASON
12. Other Approvals The following approvals are required where relevant: a. Roads Act 1993 approval - The applicant is to submit an application to Murrumbidgee Council for any work within the road reserve (e.g. vehicle crossings, access, road improvement and pavement works for local roads, pursuant to Section 138 of the <i>Roads Act 1993</i>. b. Section 68 of the Local Government Act 1993 – Any approvals required under Section 68, Parts A to F, including (but not limited to) waste management. Applications are to be made to Council a minimum of six (6) weeks prior to the proposed activity being undertaken	To ensure that the legislative and regulatory requirements of the Roads Act, 1993 and the LG, Act, 1993 are met.
13. Payment of section 7.12 contributions In accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (former S94A) and Council's Development Contribution Plan 2017, this development requires the payment of a 7.12 contribution. The Section 7.12 Contribution is required towards the provision of public amenities and services in accordance with Councils adopted Section 7.12 Contributions Plan (copy of this policy is publicly available from Council's website www.murrumbidgee.nsw.gov.au). Total payment shall be \$750.00 (1% of the proposed cost of carrying out the development). Note: the required contribution will be indexed in accordance with the Contribution Plan at the date of payment. The contribution is to be paid prior to the issue of the Construction Certificate, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash, bank cheque or EFTPOS.	To ensure development contributions are paid to address the increased demand for local community facilities.

14. Protection and Maintenance of Jim Cattanach Road

To ensure that the frequent heavy vehicle movements along Jim Cattanach Road, does not have an adverse impact on the Council's road network the following requirements are to be met:

- a. There be no heavy vehicle movement during wet weather;
- b. Heavy vehicle movements are not to commence until a minimum of 48 hours after rain has ceased;
- c. Heavy Vehicles are to be limited to 25m long B-Doubles.
- d. **Prior to the commencement of further quarrying activities** person or entity with the benefit of the consent shall enter into an agreement with Murrumbidgee Council that they are to maintain Jim Cattanach Rd used by heavy vehicles associated with the quarry that are deemed necessary and go beyond Council's regular rural road maintenance schedule. Assessment of the road condition that will trigger maintenance works will be undertaken by Council using its Road Asset Condition Assessment System (RACAS). All maintenance work, required as a consequence of heavy vehicle traffic generated by the development, will be undertaken by Council at the full cost of the Developer.

The section of Jim Cattanach Road to be maintained is that part from the end of the bitumen seal at the intersection with the Kidman Way to a point 25m west of the existing access to the site.

Note: Should the access point be repositioned further west of its current location a modification application will be required.

15. Quarry Rehabilitation Management Plan

Prior to the commencement of the operations, a Quarry Rehabilitation Management Plan is to be prepared by a suitably qualified expert and submitted to and approved by Council's Director Planning & Infrastructure.

- a. The Quarry Rehabilitation Manage Plan (QRMP) is to be based on:
 - i. A 1-year establishment period that consists of a contamination investigation and any required remediation works as set out in Condition 29, decommissioning and removal of all plant and equipment, earthworks (including levelling of all stockpiles) to establish post rehabilitation levels, stabilization of quarry benches, weeding and planting of trees, shrubs and groundcover from tube stock, followed by;
 - ii. A 5-year implementation period of maintenance (including watering, weeding and replacement of dead vegetation),

To mitigate the impact of the development on Murrumbidgee Council's road assets and reduce maintenance costs borne by Council

monitoring and reporting.

b. The QRMP is to include suitable measures to achieve the following aims:

- i. Minimise erosion and sedimentation
- ii. Long-term stabilisation of quarry benches
- iii. Avoidance of public safety risks during and post rehabilitation
- iv. Avoid the risk of falls by livestock and fauna
- v. Enhance the biodiversity and landscape values of the site.
- vi. That only material sourced from the quarry site is to be achieved the final landform and that no fill is to be imported to the site for this purpose. This condition does not restrict the import of Virgin Excavated Natural Material (VENM) required for replanting (versus land shaping) purposes, should the stockpiling of topsoil obtained from the site be insufficient.
- vii. That the site is rehabilitated to a minimum standard that would allow basic agricultural activities including the keeping and grazing of livestock.

16. **Safety Requirements**

The person or entity with the benefit of the consent shall ensure that all operations associated with the quarry and rehabilitation are carried out in accordance with the Work Health and Safety (Mining and Petroleum Sites) Regulation, 2022.

To ensure that work, health and safety regulations are met.

17. **Compliance with Requirements of Environment Protection Authority**

An Environment Protection License (EPL) pursuant to the Protection of the Environment Operations Act 1997 from the NSW EPA is required for the proposal. A separate application must be made to the EPA to obtain this EPL prior to the commencement of operations. The applicant shall comply with the General Terms of Approval Notice No 165235 issued on 19 September 2025 set out in Condition 10.

A copy of the Environmental Protection License is to be provided to Council's Director of Planning & Infrastructure prior to the commencement of operations.

To ensure that the legislative and regulatory requirements of the Roads Act, 1993 and the LG, Act, 1993 are met.

18. **Minimise Harm to the Environment**

The applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment or to the amenity of the area that may result from the construction,

To ensure that operational aspects of the development cause minimal environmental harm.

operation or decommissioning of the development, including weed control.

19. Hours of Operation

The quarry activities including rehabilitation works are limited to the following hours:

7.00am to 6.00pm - Monday to Friday

8.00am to 4.00pm - Saturday

No work or activity is permitted on Sundays or Public Holidays.

There shall be no truck movements associated with the operation of the premises outside the operating hours as outlined in this condition.

20. Protection of the Amenity of the Locality

To mitigate the impact on the amenity of the locality the following measures must be implemented:

a. Dust Suppression

- i. Avoid excavation in adverse weather.
- ii. Cover loads transported away from the site.
- iii. Rehabilitate the site in stages to reuse any top soils and soils and aggregate to limit stockpiling.
- iv. All vehicles and plant will be regularly serviced, be in good working order and emissions will be kept within manufacturers' standards.
- v. Avoid unnecessary disruption of soil stockpiles.
- vi. Haulage roads will be maintained to a high standard, allowing efficient and safe operation.
- vii. Wet dusty surfaces during dry conditions using a water cart. Staff will undertake visual inspections of dust generation to ensure dust does not spread beyond the site's boundaries.
- viii. Provide neighbours with the manager's contact details to divulge any dust impacts.
- ix. Staff will receive training on methods to reduce dust generation.
- x. Quarrying/carting operations will cease if severe wind conditions are present.

The detailed emission estimation calculations identified in the AQIA prepared by SLR are not to be exceeded.

b. Surface and groundwater mitigation measures

To mitigate nuisance on nearby residential receptors.

To ensure specific operational aspects of the development are carried out in a manner that would not impact on the amenity of the locality.

- i. To prevent pollution from sedimentation, oil/chemical spills and gross pollutants, there shall be:
 - No storage of chemicals or fuels onsite.
 - Plant and equipment to be regularly inspected and serviced to limit the potential for oil loss.
 - All staff to be appropriately trained in spill management and response plan for the minimisation and management of accidental spills.
 - All reasonable and practicable measures are to be undertaken to prevent pollution of any existing nearby waterways as a result of silt, oil or other spills from plant and equipment.
 - Trucks are not to be cleaned onsite.
 - ii. Clean stormwater is to be diverted around the excavation pit and operational area of the quarry.
 - iii. The entire facility is to be bunded to main overland flows around the quarry.
 - iv. That operations cease immediately and NSW Water notified of any interception of groundwater, and rectification works be carried out in accordance with any direction of NSW Water.
- c. Protection of native vegetation
- i. Avoid the removal of any native vegetation, outside the operations of the quarry.
 - ii. Monitor the land for any invasive weed species and non-native vegetation and undertake appropriate eradication processes.

Note: The should the General Terms of Approval of the NSW EPA dated 19 September 2025 (Notice No: 1652357) be duplicated in this condition, the terms of the GTA shall prevail.

21. **Amenity**

The use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, wastewater, waste products or grit, oil or otherwise.

To ensure that there is no impact on nearby residential receptors as a result of the use of the subject site.

22. **Records of extracted material**

The quarry is to have, maintain and utilise on-board weighing systems installed on all front-end loaders, excavators and all other loading machinery in order to keep accurate records of annual extraction rates. Records are to include the date and time of departure of all quarry haulage vehicles. The stored weighing data and records of haulage truck movements are to be retained and

To ensure that extraction from the quarry does not exceed the annual limits.

submitted to Murrumbidgee Council annually and utilised for the purpose of preparing the Annual Return required by the NSW EPA.

23. Landscape Maintenance

All landscaping currently planted along the perimeter of the site shall be maintained for the lifetime of the development. Where and when necessary trees and shrubs that have perished shall be replaced and the landscaping buffer re-established.

To ensure that landscaping is maintained for the lifetime of the development.

24. External lighting

Any lighting used on the site in connection with the development is to comply with *AS 4282 – Control of the obtrusive effects of Outdoor lighting*. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.

To mitigate nuisance from light on the natural environment and nearby residential receptors.

25. Noise Control During Operation

Any noise generated from the operation of the solar farm, including noise from the quarrying activities, must not be intrusive or constitute offensive noise as defined by the Protection of the Environment Operations Act 1997 at any residential receiver. The operation of the quarry must satisfy the EPA maximum noise criteria pursuant to the EPA's Noise Policy for Industry (2017). If, at any time, these levels are exceeded, operation of the quarry shall immediately be modified, including suspension of operations if necessary, to ensure compliance.

To mitigate nuisance from noise on nearby residential receptors.

Note: The should the General Terms of Approval of the NSW EPA dated 19 September 2025 (Notice No: 1652357) be duplicated in this condition, the terms of the GTA shall prevail.

26. Access, loading and unloading

The person or entity with the benefit of the development consent shall ensure the following requirements are adhered to for the lifetime of the development:

To minimise nuisance from the development as a result of vehicle movement.

- a. The turning path of the largest sized vehicle to access the site is to be clear of obstructions at all times.
- b. All vehicles are required to enter and leave the development in a forward direction to ensure traffic/pedestrian safety.
- c. All vehicular loading and unloading and parking are to be carried out within the site to prevent interference with the use of the public road.

27. Protection of Trees

All trees are to be retained other than:

- a. those within the vegetation removal area identified on the approved site plan under Condition 1, and
- b. Trees to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.
- c. Stockpiles, equipment, machinery, and materials must not be located within the tree protection zone (i.e. 3m) of trees that are required to be retained and protected.

To ensure that vegetation outside the nominated quarry area, including associated roads is protected and preserved.

28. Bushfire Management

During occupation of the development, the applicant must ensure the site is managed, in accordance with *Planning for Bushfire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

To ensure the protection of human life, the environment and adjoining property in the event of fire or other emergency generated by the development.

29. Final Rehabilitation and decommissioning of quarry

Upon cessation of quarry activities in accordance with Condition 5, unless otherwise modified, the person or entity with the benefit of the consent undertake the following works:

- a. Remediation of the land

On the cessation of quarry activities, the quarry operator will commission the preparation of a Contamination Assessment Report for those areas of the site which are likely to be at risk from contamination. The report is to be prepared by an NSW EPA certified contaminated land specialist and any recommended remediation actions identified within the report are to be completed by the quarry operator within six months of the cessation of quarry activities and prior to the commencement of rehabilitation works.

To ensure the the final rehabilitation and decommissioning of the development occurs in an orderly and sustainable manner, that the amenity of the area is maintained these works are undertaken.

- b. Implementation of Quarry Rehabilitation Management Plan

The site must be rehabilitated in accordance with the approved QRMP required under Condition 15 and commence immediately upon the completion of any remediation works required by condition 29a.

Despite any other condition of this consent, replanting and restoration works must be continued beyond the envisaged 5-year rehabilitation period if required until all completion criteria

have been achieved in accordance with the approved Quarry Rehabilitation Management Plan. Annual Progress Reports will continue and will outline appropriate remedial actions to be taken until it is demonstrated that all completion criteria have been met.

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APPENDIX A

Dictionary

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

Applicant means the applicant for development consent or any person having the benefit of the consent (including, but not limited to, the owner of the property from time to time).

Approved plans means the plans endorsed by Council and specified in Part A of this consent.

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

BCA means the Building Code of Australia published by the Australian Building Codes Board.

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* and principal certifier means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.

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.

Council means Murrumbidgee Council.

Court means the NSW Land and Environment Court.

Emergency means an actual or imminent occurrence which endangers or threatens to endanger the safety or health of any person(s), property or the environment above the normal state of affairs.

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 2000*.

LG Act means the *Local Government Act 1993*.

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.

Owner-builder means a person who does 'owner-builder work' as defined in section 29(1) of the *Home Building Act 1989* under an owner-builder permit issued to the person for that work.

Owner means the registered proprietor of the property from time to time.

Principal contractor means the person responsible for the overall co-ordination and control of the carrying out of the building works or the owner where a principal contractor has not been appointed by the owner of the site.

Property means the land to which the development application relates, upon which the development is to be carried out, as set out on page 1 of this consent.

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.

Suitably qualified means a person with at least a degree and 5 years' experience carrying out the type of work that is the subject of the relevant condition.