

RECOMMENDED CONDITIONS FOR APPLICANT'S REVIEW

- **DRAFT – 20260617**
- **UPDATED – 20260623 (V1)**
- **FINAL – 20260623 (V3)**

DEVELOPMENT APPLICATION: **2025/0357**

NSW PLANNING PORTAL PAN-576082

WESTERN REGIONAL PLANNING PANEL PPSWES-400

FOR: Extractive Industry – Increase in extraction volume of up to 100,000 tonnes per annum and the extraction activity area to 100 ha.

ZONE: RU1 Primary Production

ADDRESS: 4920 Noorong Road, Tullakool

PROPERTY Lot 32 DP 756510, Lot 58 DP 756510 and Lot 33 DP 756510

OWNERS: Peter Norman Chalmers and Rhiannon Louise Chalmers

APPLICANT: Rodney Harold Chalmers

GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Approved plans and supporting documents

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plans	Prepared by	Reference	Date
Site Plan (including overview)	Progressive Rural Solutions	J386-V1R3	4 Dec 2025
Rehabilitation Plan (Sheets 1 to 2)	Progressive Rural Solutions	J386-V1R3	4 Dec 2025
Monitoring Plan	Progressive Rural Solutions	J386-V1R3	5 Dec 2025
Biosecurity Management Plan	Progressive Rural Solutions	J386-V1R3	12 Nov 2025

Reports	Prepared by	Reference	Date
Environmental Impact Statement	Progressive Rural Solutions	J386-EIS-V1R4	4 Dec 2025
Aboriginal Cultural Heritage Assessment	Landskape	-	24 Nov 2025
Biodiversity Values and Threshold Report	Department of Planning and Environment	-	13 Nov 2025
Biosecurity Management Plan	Progressive Rural Solutions	J386-Biosecurity Management Plan-V1R4	4 Dec 2025
Land Use Conflict Risk Assessment	Progressive Rural Solutions	J386-LUCRA-V1R4	12 Nov 2025

Protected Matters Report	Department of Climate Change, Energy, the Environment and Water	-	9 Aug 2025
Rehabilitation Plan	Progressive Rural Solutions	J386-RMP-V1R4	4 Dec 2025
Site and Geotechnical Investigation	South East Soil and Water	-	26 Mar 2025
Traffic Impact Assessment	Traffix Group	G33690L-02B	16 Sep 2025

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail.

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Separate approval required from approval bodies that have given general terms of approval

No works or operations authorised under this development consent may commence until separate approvals are obtained from the NSW Environment Protection Authority (EPA) in accordance with the General Terms of Approval attached to this consent.

Reason: To ensure compliance with the requirements of relevant regulatory authorities before the commencement of development activities.

3. Statutory requirements

The applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the applicant to obtain, renew or comply with such licences, permits or approvals.

Reason: To ensure the development meets legislative requirements.

COMPLIANCE WITH GOVERNMENT DEPARTMENT CONDITIONS OF CONSENT

4. NSW Environmental Protection Authority (NSW EPA)

The Applicant must comply with all NSW EPA comments and general terms of approval dated 23 April 2026, attached to this Development Consent as **Appendix 1**.

Reason: To ensure compliance with EPA requirements.

5. Transport for NSW (TfNSW)

The Applicant must comply with all comments and requirements outlined in TfNSW correspondence dated 10 April 2026, attached to this Development Consent as **Appendix 2**.

Reason: To ensure compliance with TfNSW requirements.

CONDITIONS WHICH MUST BE FULFILLED ON APPROVAL OF THIS CONSENT

6. Operations Environmental Management Plan

An Operations Environment Management Plan (OEMP) shall be prepared and approved by Council, and thereafter implemented for the duration of the activity.

The OEMP shall include the following:

- a) Procedures, reporting and the allocation of responsibilities designed to minimise environmental impacts, particularly traffic, air quality, soil and water management;
- b) General maintenance and operation of the site e.g. inspection times, contact details of the site manager/maintenance staff;
- c) Addressing complaints relating to the operation of the premises including a complaints register;
- d) Access arrangements to the site;
- e) Drivers code of conduct;
- f) Noise control and mitigation measures;
- g) Emergency, safety and security;
- h) Bush fire risks and response;
- i) Weed management and biosecurity;
- j) Monitoring and mitigation measure for future rehabilitation remedial actions and rehabilitation management;
- k) Incident reporting and pollution incident response management; and
- l) Reviews, amendments, and updates to the plan.

Reason: To ensure environmental protection throughout the operation of the development.

PRIOR TO COMMENCEMENT OF WORKS WITHIN THE EXTENSION

7. Identification of new/extended/amended approved extraction area

Prior to the commencement of quarrying operations within the extension area, unless otherwise agreed in writing by Council:

- (a) A registered surveyor must be engaged to conduct the survey and clearly mark the boundaries of the updated/amended approved extraction area within the site.
- (b) A survey plan prepared by the registered surveyor, showing the surveyed boundaries with coordinates using geodetic coordinate system must be submitted to Council.
- (c) Where the development is to be undertaken in stages, the boundaries of the approved extraction area for each stage must be separately surveyed and identified in accordance with (a) and (b) above prior to the commencement of that stage.

The approved extraction area boundaries must be clearly delineated on site in a durable manner that ensures they are always readily identifiable during quarrying operations.

Reason: To ensure operations do not extend outside of the approved extraction area.

8. Protection of Public Infrastructure

Unless the applicant and the applicable authority agree otherwise, the applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by payment of contributions required by this consent.

Reason: The protection of public infrastructure during works.

9. Compliance with consent and approved documents

The applicant 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 consent relevant to activities they carry out in respect of the development.

Reason: To ensure compliance with consent and approved documents

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO USE OF THE DEVELOPMENT

10. Government Agencies

Prior to the use of the quarry at the increased extraction rate, evidence must be provided to Council outlining how relevant conditions from Government Agencies listed in the subject DA have been complied with. The evidence must be to the satisfaction of Council and the relevant Government authority.

Reason: To ensure Government Department requirements are met.

11. Notification of commencement

The date of commencement of the quarry operations must be notified to adjoining properties, at least seven (7) days before that date unless otherwise agreed upon with Council in writing.

Reason: To keep adjoining property owners and nearby residents informed of key activities, minimise potential impacts and facilitate effective communication.

12. Access – Sealed Pavement at Road Interface

The quarry access road must be sealed from the edge of the existing carriageway for a sufficient distance within the site to prevent the tracking of sand, dirt, and debris onto the public road network. The extent of sealing must be designed in accordance with relevant engineering standards and be to the satisfaction of Council.

Reason: To minimise the tracking of material onto the public road and ensure the safety and amenity of the road network.

CONDITIONS WHICH MUST BE COMPLIED WITH FOR THE DURATION OF CONSENT

13. Complaints handling

In event of complaints registered with the EPA, details of the matter and actions arising must be submitted to Council via email to: admin@murrayriver.nsw.gov.au

Reason: To enable awareness of any active complaints.

14. Records of Extracted Material

The applicant must maintain accurate records of the volume of material extracted under this consent. Copies of these records must be submitted to Council annually, within one (1) month of the anniversary of the commencement of extraction unless otherwise agreed by Council in writing.

Reason: To enable verification of extraction volumes and ensure compliance with the conditions of this consent

15. Extraction Volume and Footprint

The total volume of material extracted under this consent must not exceed 100,000 tonnes per year over a 100 ha area with a supporting area of 35 ha.

Reason: To ensure extraction remains within the approved limits and footprint, and to minimise environmental and operational impacts.

16. Processing of extracted material

No processing of extracted materials shall occur under this consent.

Reason: To ensure the operation remains compliant with this application and approval.

17. Hours of work

Site work must only be carried out between the following times –

- 6:00am to 6:00pm Monday to Friday
- 8:00am to 4:00pm Saturday, and
- No operations are permitted on Sunday and Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Reason: To protect the amenity of the surrounding area.

18. Scope of quarrying

- a) Materials shall not be removed within 20m of the boundary of the property.

- b) The depth of the pit shall not exceed 4 meters.
- c) An extraction period of 30 years from date of commencement of this consent.

Reason: To ensure the development is carried out as assessed.

19. Operation of Plant and Equipment

All plant and equipment used on site, or to monitor the performance of the development must be maintained and operated in a proper and efficient manner.

Reason: To ensure plant and equipment are properly maintained and operated so as to minimise environmental impacts and ensure the safe and efficient operation of the development.

20. Stormwater Management

All stormwater runoff generated by the development must be managed on site and controlled such that it does not result in nuisance, damage, or adverse impacts to adjoining or downstream properties.

Reason: To ensure stormwater is appropriately managed and does not negatively affect neighbouring land.

21. Rehabilitation

The long-term rehabilitation programme shall provide a low maintenance, geotechnically stable and safe landform with minimal erosion; and establish native vegetation or pasture / crops similar to that currently within and surrounding the Quarry Site, as far as practicable.

Specifically, these should include:

- reshaping and stabilisation of worked areas;
- resspreading of topsoil;
- re-establishment of agricultural production or groundcover vegetation; and
- removal of temporary infrastructure as extraction areas are completed.

Reason: To ensure the development allows for future maintenance, reduce risks and suitably rehabilitated.

22. Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- (a) the work in the area of the discovery must cease immediately;
- (b) the area must be secured to avoid further harm to the Aboriginal object(s);
- (c) the following must be notified

- i. for a relic – the Heritage Council by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location; 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.

(d) Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the applicant to ensure the development is consistent with the Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. All reasonable precautions must be taken to prevent damage to Aboriginal objects.

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

ADVICE TO APPLICANT

It is the responsibility of the Applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent. Please contact Murray River Council on 1300 087 004 or admin@murrayriver.nsw.gov.au if there is any difficulty in understanding or complying with any of the above conditions.

Reason: To ensure the Applicant is aware of their obligations.

The development must be in accordance with the relevant provisions and Regulations of the Biodiversity Conservation Act 2016, the Fisheries Management Act 1994, the Heritage Act 1977, the Local Government Act 1993, the National Parks and Wildlife Act 1974, the Protection of the Environment Operations Act 1997, the Roads Act 1993, the Rural Fires Act 1997, the Water Management Act 2000 and all other applicable legislation.

Reason: To comply with relevant legislation.

The Applicant should be aware that under Section 120 of the *Protection of the Environment Operations Act 1997* it is an offence to pollute waters.

Reason: To comply with NSW Environment Protection Authority requirements.

Reason: To protect Aboriginal heritage and to ensure compliance with the National Parks and Wildlife Act 1974.

In accordance with Section 4.17(1) of the Environmental Planning and Assessment Act 1979 and the Murray River Council Development Contributions Plan 2026, developments under the value of \$100,000 are exempt from contributions. With the development cost estimate being \$87,150.000 no contributions are required.

Reason: Compliance with Murray River Council Development Contributions Plan 2026.

RIGHT OF APPEAL

If you are dissatisfied with this decision Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court of NSW within 6 months after the date on which you receive this notice.