

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

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

APPLICANT DETAILS

Applicant: Orana Quarries and Crushing Pty Ltd
Address: 502 Dandaloo Road
NARROMINE NSW 2821

APPLICATION DETAILS

Development Application Number: 2021/36
PAN: PAN-91482
Description of Development: Extractive Industry (quarry and onsite processing of extractive materials)
plans, specifications and supporting documentation stamped with reference to this consent

LAND TO BE DEVELOPED

Address: 515 Tantitha Road, NARROMINE NSW 2821
Property Description: Lot 71 DP 755119

DETERMINATION DETAILS

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

OTHER APPROVALS

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

A. GENERAL CONDITIONS

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

Table 1 Approved reference documents

Plan/Doc Title	Plan/Doc Reference No.	Issue No.	Prepared by	Date
Proposed Site Layout	-	-	RW Corkery & Co. Pty Ltd	16/11/2021
North Extraction Area Design	-	-	RW Corkery & Co. Pty Ltd	12/11/2020
West Extraction Area Design	-	-	RW Corkery & Co. Pty Ltd	12/11/2020
South Extraction Area Design	-	-	RW Corkery & Co. Pty Ltd	12/11/2020
Proposed Final Landform	-	-	RW Corkery & Co. Pty Ltd	12/11/2020

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

Notes:

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

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

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

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

Limits of approval

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

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

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

Material extraction

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

Table 2 Approved limits (Life of Quarry)

Extraction area	Area (ha)	Depth (m AHD)	Volume (m3)	Tonnes
North (Granite)	4.75	250	869,728	2,348,266
West (Granite)	5.26	239	920,292	2,484,788
South (Clay)	3.07	265	57,823	109,863
TOTAL	13.08		1,847,843	4,942,917

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

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

5. The operation of the extractive industry must not extract more than 500,000 tonnes of extractive materials from the site in any 12-month period or 4,942,917 tonnes in total over the life of the quarry.

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

Extractive material transport

6. The pavement of the haulage route is to be rejuvenated prior to commencement of operations in accordance with this consent. The access route is to meet the relevant standard as per Council's Roads Management Strategy (Road Manual) – Part 3: Asset Planning Road Hierarchy.

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

Note: Tantitha Road is considered a 'hierarchy 3 road' in accordance with Table 17 Road Hierarchy at the time of Determination.

7. The quarry operations must not commence operations' production causing increase to the average annual daily traffic (AADT), until such time as the approved haulage/access route is upgraded to the relevant standard as per Council's Roads Management Strategy (Road Manual) – Part 3: Asset Planning Road Hierarchy. The upgrade to the road network is to be at no cost to Council.

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

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

8. The operation of the extractive industry must not:
- transport more than 500,000 tonnes of extractive material from the site in any 12 month period;
 - dispatch more than 56 and an average of 18 laden trucks from the site on any day; or
 - dispatch more than 6 and an average of 2 laden trucks from the site in any hour.

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

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

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

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

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

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

10. Prior to commencing haulage from the quarry in accordance with this consent, the Webbs Siding / Tantitha Road intersection is to be upgraded. The upgrade is to be designed and constructed in accordance with Austroads Guide to Road Design and able to accommodate the largest vehicle using the intersection, as follows:
- Provision of a Channelised Right (CHR) eastbound turn treatment
 - Provision of an Auxiliary (AUL) westbound turn treatment

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

NOTE: No works are to occur within the railway corridor without the separate approval of the ARTC.

11. Transport of extractive material from the site may only occur on the designated haulage routes, specified in the EIS, except in circumstances where the final destination of the transported quarry products can only be accessed by other roads. Where alternative routes utilise Council roads, these should be documented for calculation of contributions payable.

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

Revision of strategies, plans and programs

12. 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:
- the submission of an incident report under condition 76;
 - the submission of an Annual Review under condition 74;
 - the submission of an Independent Environmental Audit under condition 75; or
 - the approval of any modification of the conditions of this approval (unless the conditions require otherwise).

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

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

Evidence of consultation

13. Where conditions of this approval require consultation with an identified party, the following is required:
- consult with the relevant party prior to submitting the subject document; and
 - provide details of the consultation undertaken including:
 - 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.

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

National Construction Code of Australia

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

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

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

Payment of section 7.11 contributions

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

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

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

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

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

Compliance

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

B. REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Payment of building and construction industry long service levy

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

REASON: To ensure the long service levy is paid.

NOTE: The levy rate until 31 December 2022 is 0.35% of the cost of building and construction works of \$25,000 and above (inclusive of GST). From 1 January 2023 the levy rate will change to 0.25% of the cost of building and construction works and will only be payable if the cost of works is \$250,000 and above (inclusive of GST). *This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986.*

Design amendments and Development Plans

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

REASON: To address conditions of approval.

Engineering Plans – Building Work

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

REASON: To address conditions of approval.

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

Requirement for Approval - Section 68 Local Government Act

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

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

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

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

C. PRIOR TO COMMENCEMENT OF ROAD WORK

Section 138 Roads Act – Council Roads

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

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

23. Detailed design for the upgrade of the quarry site access at Tantitha Road to a basic (BAL) intersection treatment must be submitted to Council for approval. The intersection works must be designed for a 100 km/h speed zone and able to accommodate the largest vehicle accessing the intersection.

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

Section 138 Roads Act – Approval for Work on Mitchell Highway

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

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

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

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

Engineering Plans – Civil Construction

26. Detailed design of road upgrades and construction works must be prepared in accordance with Austroads Guidelines and RMS QA Road works specifications, or to Council's satisfaction.

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

Pipe Backfill

27. All pipe backfill designs and construction must be in accordance with AS/NZ 3725:2007 Design for installation of buried concrete pipes.

REASON: To ensure adequate design standards are adopted.

D. REQUIREMENTS PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

Notice of Commencement

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

REASON: To ensure statutory obligations are met.

Signs on site

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

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

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

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

Project Plans & Testing

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

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

Dilapidation Report

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

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

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

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

Erosion and Sediment Control

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

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

Temporary Onsite Toilet

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

REASON: To ensure amenities are available.

E. REQUIREMENTS DURING CONSTRUCTION WORKS***Approved hours of Construction***

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

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

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

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

REASON: To protect the amenity of the surrounding area.

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

Works Near Electricity Infrastructure

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

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

Building Materials, Plant and Equipment

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

REASON: To preserve access and protect public infrastructure.

Dust Abatement

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

REASON: To ensure dust suppression is implemented during construction.

Fill

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

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

REASON: To prevent fill causing stormwater impacts.

Uncovering relics or Aboriginal objects

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

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

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

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

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

F. REQUIREMENTS PRIOR TO COMMENCEMENT OF OPERATIONS***Repair of infrastructure***

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

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

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

Completion of Road Work

42. 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.

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

REASON: To ensure road work is satisfactorily completed.

WAE Drawings

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

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

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

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

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

Post – Construction Dilapidation report

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

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

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

Release of Securities

45. Prior to the release of any securities:

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

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

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

Identification of Quarry Boundaries

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

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

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

Preservation of survey marks

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

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

REASON: To protect the State's survey infrastructure.

Notice of Commencement

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

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

Signage

50. Prior to commencement, the installation of "Advance Truck" warning signs (W5-22 Size B) with a distance plate (W8-5 Size B) below the warning sign, must be installed 250 metres in advance of the intersection of Tantitha Road at no cost to Council.

REASON: To ensure road safety signage is installed.

Note: Signage installation is to be included in the approval pursuant to s138 Roads Act.

Environmental management plan

51. An Environmental Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. provide the strategic framework for environmental management of the project;
 - b. identify the statutory approvals that apply to the project;
 - c. set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - d. set out the procedures to be implemented to:
 - i. keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - ii. receive record, handle and respond to complaints;
 - iii. resolve any disputes that may arise during the course of the project;
 - iv. respond to any non-compliance and any incident; and
 - v. respond to emergencies.
 - e. a protocol for periodic review of the plan
 - f. include:
 - i. references to any strategies, plans and programs approved under the conditions of this approval; and
 - ii. a clear plan depicting all the monitoring to be carried out under the conditions of this approval.

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

Noise Management Plan

52. A Noise Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. be prepared by a suitably qualified and experienced person/s;
 - b. be prepared in consultation with the EPA;
 - c. include a summary of relevant background or baseline data;
 - d. describe the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - e. outline the relevant limits or performance measures and criteria;
 - f. describe the measures to be implemented to ensure:
 - i. compliance with the noise criteria and operating conditions in this approval;
 - ii. best practice management is being employed;
 - iii. noise impacts of the project are minimised during noise-enhancing meteorological conditions under which the noise criteria in this approval do not apply;
 - g. include a procedure for attended noise monitoring in the event of a noise related complaint or request by Council.
 - h. include a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
 - i. detail who would be responsible for monitoring, reviewing and implementing the plan.

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

Blast Management Plan

53. A Blast Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. be prepared by a suitably qualified and experienced person/s;
 - b. be prepared in consultation with the EPA;
 - c. include a summary of relevant background or baseline data;
 - d. outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);

- e. Include relevant limits or performance measures and criteria;
- f. describe the measures that would be implemented to ensure compliance with the blast criteria and operating conditions of this consent;
- g. include a monitoring program for evaluating and reporting on compliance with the blasting criteria in this consent;
- h. include community notification procedures for the blasting schedule;
- i. provide a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- j. detail who would be responsible for monitoring, reviewing and implementing the plan.

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

Note: Temporary road closure procedures for blast events will require s138 Roads Act approval.

Air Quality and Greenhouse Gas Management Plan

54. An Air Quality Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. be prepared by a suitably qualified and experienced person/s;
 - b. be prepared in consultation with the EPA;
 - c. include the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - d. outline the relevant limits or performance measures and criteria;
 - e. describe the measures to be implemented to ensure:
 - i. compliance with the air quality criteria and operating conditions in this approval, including along haulage routes;
 - ii. best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and
 - iii. air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events;
 - f. include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), that:
 - i. is capable of evaluating the performance of the project against the air quality criteria;
 - ii. provides for the use of real-time monitoring measures, if directed by Council.
 - g. provide a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible
 - h. detail who would be responsible for monitoring, reviewing and implementing the plan.

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

Note: Weather monitoring requirements of an EPL are to be detailed.

Water Management Plan

55. A Water Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. be prepared by suitably qualified and experienced person/s;
 - b. be prepared in consultation with the EPA and DPIE-Water;
 - c. provide a summary of relevant background or baseline data;
 - d. outline the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - e. include the relevant limits or performance measures and criteria;
 - f. include a:
 - i. Site Water Balance that includes details of:
 - sources and security of water supply;

- water use and management on site;
 - any off-site water transfers;
 - reporting procedures;
 - measures that would be implemented to minimise clean water use on site.
- ii. Surface Water Management Plan, that includes:
- baseline data on surface water flows and quality in water bodies that could potentially be affected by the development;
 - a detailed description of the surface water management system on site including the:
 - clean water diversion system;
 - erosion and sediment controls;
 - dirty water management system; and
 - water storages.
- iii. a program to monitor and report on:
- any surface water discharges;
 - the effectiveness of the water management system; and
 - surface water flows and quality in local watercourses.
- iv. Groundwater Management Plan, that includes:
- baseline data on groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
 - a program to monitor and report on groundwater levels, inflows to the pit (if any) and the impacts of the development on surrounding aquifers and privately-owned groundwater bores.
- v. Surface and Ground Water Contingency Strategy, that includes:
- a protocol for the investigation, notification and mitigation of identified impacts on surface water flows and quality in water bodies and/or groundwater levels, yield and quality in local aquifers and privately-owned groundwater bores that could be potentially affected by the development; and
 - the procedures that would be followed if any unforeseen impacts are detected during the development.
- g. detail who would be responsible for monitoring, reviewing and implementing the plan.

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

Note: The requirements of an EPL should be included in this Plan.

Traffic Management Plan

56. A Traffic Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. be prepared by suitably qualified and experienced person/s;
 - b. be prepared in consultation with TfNSW;
 - c. provide a summary of relevant background or baseline data;
 - d. include the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - e. outline the relevant limits or performance measures and criteria;
 - f. include details of all transport routes and traffic types to be used for project-related traffic;
 - g. describe the processes in place for the control of truck movements entering and exiting the site;
 - h. include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school buses and stock movements;
 - i. include and consider Chain of Responsibility requirements under the Heavy Vehicle National Law;
 - j. include a Drivers' Code of Conduct that includes:
 - i. toolbox meetings to facilitate continuous improvement initiatives and incident awareness;

- ii. drivers to adhere to posted speed limits or other required travelling speeds;
- iii. haul route restrictions under the National Heavy Vehicle Regulator scheme for the classes of trucks being used, including the Narromine town centre bypass;
- iv. drivers implement safe and quiet driving practices;
- v. measures to discourage operating heavy machinery including trucks while under the influence of alcohol and/or drugs;
- vi. safety measures at the level rail crossing;
- vii. 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;
- viii. 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
- ix. the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.
- k. a program to monitor and report on the effectiveness of the management measures to achieve the relevant criteria and conditions of this consent;
- l. a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
- m. detail who would be responsible for monitoring, reviewing and implementing the plan.

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

Note: Documentation of triggers for road upgrades relevant to conditions of approval are to be addressed.

Aboriginal Cultural Heritage Management Plan

57. An Aboriginal Cultural Heritage Management Plan must be prepared for the project to the satisfaction of Council. This plan must include:
- a. provide a summary of relevant background or baseline data;
 - b. describe the measures to be implemented on the site to:
 - i. ensure all workers on the site receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;
 - ii. protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the project;
 - iii. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places (unexpected finds), including provisions for burials, over the life of the project; and
 - c. detail who would be responsible for monitoring, reviewing and implementing the plan.

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

Biodiversity Management Plan

58. A Biodiversity Management Plan must be prepared for the project to the satisfaction of Council. This plan must:
- a. be prepared in consultation with Biodiversity and Conservation Division of DPE;
 - b. contain a description of the measures that would be implemented for:
 - i. minimising the amount of native vegetation clearing within the approved development footprint;
 - ii. minimising the loss of key fauna habitat, including tree hollows;
 - iii. minimising the impacts on fauna on site, including undertaking pre-clearance surveys;
 - iv. rehabilitating and revegetating temporary disturbance areas;
 - v. protecting native vegetation and key fauna habitat outside the approved disturbance area;

- vi. maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse (including fauna habitat enhancement) during the rehabilitation and revegetation of the site;
 - vii. collecting and propagating seed (where relevant);
 - viii. controlling weeds, feral pests and pathogens;
 - ix. controlling erosion; and
 - x. bushfire management.
- c. contain a detailed program to monitor and report on the effectiveness of these measures.
 - d. identify the potential risks to successful rehabilitation of the site, and include a description of the contingency measures that would be implemented to mitigate against these risks; and
 - e. include details of who would be responsible for monitoring, reviewing, and implementing the plan.

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

Rehabilitation and Closure Plan

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

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

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

Bushfire Management Plan

60. A Bushfire Emergency Management and Evacuation Plan consistent with '*Guidelines for the Preparation of Emergency/Evacuation Plan*', must be prepared, to the satisfaction of Council.

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

G. OPERATIONAL REQUIREMENTS

Environmental Management Plans

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

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

Environment Protection Licence

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

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

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

Blasting

63. At least 14 days prior to any blast and in accordance with the Blast Management Plan, the operator must submit a Section 138 Roads Act application to Council for the approval to temporarily close Tantitha Road. Blasting operations shall not commence until the Section 138 Roads Act application for the temporary closure of Tantitha Road has been approved.

REASON: To ensure safety protocols are in place for blast events, and to ensure the temporary closure of a public road is carried out with Council approval.

Water Supply

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

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

Transport

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

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

Monitoring of Product Transport

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

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

Parking

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

REASON: To ensure adequate parking is provided on site.

Visual

68. Visual amenity is to be maintained:

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

REASON: To ensure impacts to visual amenity are mitigated.

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

Waste

69. Waste management measures are to be implemented:

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

REASON: To ensure waste is managed.

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

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

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

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

Storage of Liquids, Chemicals & Petroleum Products

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

REASON: To ensure safe storage of hazardous substances.

Safety

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

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

Annual survey

73. 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 to is required to:
- survey the extent of the extraction area;
 - survey the depth of the extraction;
 - calculate the volume extracted since the previous survey; and
 - confirm the boundary markers clearly mark the approved limit of extraction.

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

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

Annual Review

74. 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 report must:
- describe the activities (including any rehabilitation) that was carried out in the previous 12 months, and the activities that are proposed to be carried out over the current 12 months;
 - include a survey of the extraction area showing the depth and extent of the extraction and the volume of material extracted in the past 12 months;
 - include a comprehensive review of the monitoring results and complaints records of the project over the previous 12 months, including a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this approval;
 - monitoring results of previous years; and
 - relevant predictions in the EIS.
 - identify any non-compliance or incident which occurred in the previous year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence.

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

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

Independent Environmental Audit

75. 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:
- 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.

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

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

Incident and Complaint Reporting

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

REASON: To ensure incident and complaint records are kept.

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

H. EPA General Terms of Approval

As outlined in the attachment *PPSWES-84 – NSW EPA GTA Reids Pit*.

Notice number 1610850 issued 20/7/2022.

I. REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

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

J GENERAL ADVICE

LAPSING OF DEVELOPMENT CONSENT

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

RIGHT OF APPEAL

9. If you are the applicant:

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

REVIEW OF DETERMINATION

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

Date of notice:

Phil Johnston
Director Community and Economic Development

K ADVISORY NOTES**Electrical and Telecommunication Services****DIAL BEFORE YOU DIG**

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

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

National Broadband Network

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

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

L APPROVED PLANS









