

4 July 2024

Ms Joanne Tarbit
Development Assessment Planner
1 Benerembah Street
GRIFFITH NSW 2680

Sent by email to:
joanne.tarbit@griffith.nsw.gov.au

Dear Joanne

Re: Modification to DA 78/2023(1) – Warburn Quarry

This correspondence has been prepared by R.W. Corkery & Co. Pty Ltd (RWC) on behalf of E.B. Mawson & Sons Pty Ltd (“Mawsons”) to support an application to modify Development Application (DA) 78/2023(1) (**Attachment 1**) for the Warburn Quarry (“the Quarry”).

Mawsons is seeking the following modifications to DA 78/2023(1).

- Amend Condition 1B to reference the correspondence dated 4 July 2024 prepared by RWC (this document).
- Remove Conditions 23, 24, 44 and 45.

The proposed modifications are being made under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It is considered that, should the modification application be approved, the development, as modified, would remain substantially the same development as that originally approved under DA 78/2023(1) and that the proposed modification would have no additional environmental impact compared to what is currently approved.

Proposed Modification

Figure 1 (see Attachment 2) displays the approved routes to transport Quarry products from the Quarry Site. Mawsons proposes to restrict transport of products to “Route 2” with no product transport to be undertaken via “Route 1”. This would effectively remove the need for road upgrades to Brown Road north of its intersection with Stevenson Road.

Table 1 presents a comparison of key components of the Project as currently approved against the modified Project.

**Table 1
Modified Project Summary Table**

Element	Approved Project	Modified Project
Project Components		
Disturbance Area	42.7ha	No change
Total Resource	4.9Mt	No change
Activities and Equipment		
Duration of Approval	30 years	No change
Method of Extraction	Drill and blast	No change
Maximum Annual Sales Level	250,000t	No change
Maximum Daily Truck Loads	60	No change
Maximum Annual Truck Loads	7,812	No change
Transport Route	Route 1 and Route 2	Route 2 only
Processing Operations	Fixed plant	No change

Required Approvals

Modifications to the wording or removal of the following conditions would be required as a result of the proposed modification (changes in red).

1. 1B. *Approved Development*

Development consent has been granted for expansion of existing quarry activities (Extractive Industry) which comprises the extraction and processing of 250,000 tonnes per annum of basalt and product transport at Lot 1 DP 1290213, Stevenson Road THARBOGANG.

It is advised that the proposed development has been assessed in regards to the provisions of the Griffith Local Environmental Plan 2014 and is considered to be an extractive industry, which is defined as:

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note— *Extractive industries are not a type of industry*

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.

The development must be implemented in accordance with Development Application No. 78/2023(1) accepted by Council on 15 May 2023 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn B
Quarry Site Layout Figure 2.1 (Page 2-4) Environmental Impact Statement for Warburn Quarry	15 May 2023	R.W. Corkery & Co. Pty. Ltd

Document	Date Accepted by Council	Prepared or Drawn B
Environmental Impact Statement for Warburn Quarry	15 May 2023	R.W. Corkery & Co. Pty. Ltd
Appendix 2 Coverage of Secretary's Environmental Assessment Requirements and Requirements of Consulted Government Agencies	15 May 2023	R.W. Corkery & Co. Pty. Ltd
Appendix 3 Traffic Impact Assessment	15 May 2023	The Transport Planning Partnership
Appendix 4 Air Quality Impact Assessment	15 May 2023	Northstar Air Quality Pty Ltd
Appendix 5 Noise and Vibration Impact Assessment	15 May 2023	Muller Acoustic Consulting Pty Ltd
Appendix 6 Groundwater Impact Assessment	15 May 2023	Larry Cook Consulting Pty Ltd
Appendix 7 Sediment Basin Storage Requirement Calculations	15 May 2023	R.W. Corkery & Co. Pty. Ltd
Appendix 8 Biodiversity Development Assessment Report	15 May 2023	AREA Environment and Heritage Consultants Pty Ltd
Appendix 9 Aboriginal Cultural Heritage Assessment	15 May 2023	AREA Environment and Heritage Consultants Pty Ltd
Attachment F TTPP Memo Vehicle Sweep Paths	31 August 2023	TTPP Transport Planning
Correspondence dated 4 July 2024	[Council to Confirm]	R.W. Corkery & Co. Pty. Ltd

If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

~~23. Road upgrade – Brown Road north of Stevenson Road~~

~~Brown Road is to be upgraded to an all-weather road from the intersection of Brown Road and Stevenson Road to the intersection of Brown Road and White Road. **Prior to the issue of a Construction Approval for Civil Works**, detailed engineering design drawings for the roadworks shall be submitted to Council for approval. Such plans shall include design and specifications for all proposed work as required for approval by Council.~~

~~24. Road Widening – Bend in Brown Road north of Stevenson Road~~

~~Road works will be required to Brown Road at the bend approximately 1.3km north of the intersection of Stevenson Road and Brown Road. The bend will be widened to ensure the simultaneous two-way movement of the largest size vehicle to access the development through the bend in accordance with the approved turning path diagram (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 3). Drawings for the works (including design and road building material as well as revised turning path diagrams) are to be submitted to Council for approval prior to the issue of a Construction Approval for Civil Works. Design and details are to comply with Council's Engineering Guidelines for Subdivisions and Development Standards and Austroads specifications. All costs are to be borne by the developer.~~

~~44. Road upgrade – Brown Road north of Stevenson Road~~

~~Prior to the Increase in Capacity of the Warburn Quarry, Brown Road is to be upgraded to an all-weather road from the intersection of Brown Road and Stevenson Road to the intersection of Brown Road and White Road. Road construction shall be in accordance with the approved drawings and as outlined in Council's Engineering Guidelines – Subdivisions and Development Standards.~~

~~45. Road Widening – Bend in Brown Road north of Stevenson Road~~

~~Road works will be required to Brown Road at the bend approximately 1.3km north of the intersection of Stevenson Road and Brown Road. The bend will be widened to ensure the simultaneous two-way movement of the largest size vehicle to access the development through the bend in accordance with the approved turning path diagrams (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 3). All works associated with the required road upgrade is to be completed prior to the Increase in Capacity of the Warburn Quarry. Works are to be completed in accordance with Council's Engineering Guidelines for Subdivisions and Development Standards and Austroads specifications. All costs are to be borne by the developer.~~

Planning Context

The following legislation and planning instruments are relevant to the assessment of the proposed modification and is referenced throughout this document, where relevant.

Environmental Planning and Assessment Act 1979

Section 4.55(1A) of the EP&A Act permits modification to approved development under Part 4 of the EP&A Act as long the requirements of that subsection of the Act are satisfied. It is considered that the proposed modifications satisfy Section 4.55(1A) of the EP&A Act. A detailed evaluation of the proposed modifications against the provisions of Section 4.55(1A) of the EP&A Act is provided later in this document.

In accordance with Section 275 of the *Environmental Planning and Assessment Regulation (2021)* the determination of an application to modify a development consent under Section 4.55 of the EP&A Act, is prescribed as a function of a regional planning panel that must be exercised on behalf of the panel by the council of the area i.e. Griffith City Council.

Griffith Local Environmental Plan 2014

The Griffith Local Environmental Plan (LEP) was gazetted in 2014 and guides development in the Griffith LGA by encouraging the proper management, development and conservation of natural resources and the built environment. The Quarry Site is located on land zoned RU1 – Primary Production. The objectives of this zone are as follows.

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base
- To encourage diversity in primary industry enterprises and systems appropriate for the area
- To minimise the fragmentation and alienation of resource lands
- To minimise conflict between land uses within this zone and land uses within adjoining zones

- To permit a range of activities that support the agricultural industries being conducted on the land and limit development that may reduce the agricultural production potential of the land
- To permit tourist facilities that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land

The proposed modification would not limit the achievement of these objectives.

Griffith Development Control Plan No.1 Non-urban Development

The *Griffith Development Control Plan (DCP) No.1 Non-urban Development* provides development controls for development in rural areas within the Griffith LGA. Objectives relevant to the Proposal are as follows.

- To position developments in the most suitable location to achieve site integration, efficiency in the operation of the development, physical comfort and sustainable natural resource management
- To ensure residential and non-residential development is of a type, scale and character, which will maintain an acceptable level of amenity in the urban-rural fringe
- To ensure residential and non-residential development does not impact adversely on adjoining properties in terms of noise, air and water emissions, traffic movements and visual impact

The proposed modification would not limit the achievement of these objectives, as operations would remain consistent with existing approved operations. Existing management measures and operational controls would continue to ensure that potential environmental impacts are avoided or mitigated as much as practically possible.

Environmental Impacts

Table 2 presents a summary of the objectives, safeguards and potential environmental effects for the general features of the environment.

Table 2
Summary of Environmental Safeguards and Effects

Objectives	Safeguards / Procedures	Environmental Effects
Air Quality		
Activities are undertaken without exceeding the nominated air quality criteria	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	Given that no changes to existing activities are proposed it is anticipated that impacts to the existing air quality environment would continue to be negligible.
Noise		
All activities are undertaken in a manner such that noise emissions do not exceed intrusiveness criteria nor significantly impact on neighbouring landowners and/or residents	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	Given that no changes are proposed to existing activities or operating hours, the proposed modification would not result in any additional impacts on local amenity.

Objectives	Safeguards / Procedures	Environmental Effects
Traffic		
Transport operations are undertaken with minimal impact on other road users and residents.	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	As transport would be limited to Route 2 only, it is considered that any environmental impacts relating to Route 1 would be avoided. No additional impacts would occur to Route 2.
Water Resources		
Separate clean water and sediment-laden water catchments.	The Applicant would progressively develop erosion and sediment control infrastructure prior to the removal of any vegetation.	Given that no changes to existing activities are proposed it is anticipated that impacts to the existing water resources would continue to be negligible.
Capture of sediment-laden water flows from Proposal-related disturbance and prevention of uncontrolled discharge of sediment-laden water from the Site.		
Ecology		
Avoid impacts on native flora and fauna	The Applicant would progressively clear vegetation in accordance with existing management and mitigation strategies.	The total area of vegetation / habitat to be disturbed would remain unchanged as a result of the modification.
Minimise or mitigate unavoidable impacts on native flora and fauna.		
Heritage		
Minimise the potential for adverse Proposal-related impacts on Aboriginal and non-Aboriginal heritage values.	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse effects upon heritage values are anticipated.
Land Capability and Soils		
Prevent excessive soil deterioration during stripping and transportation.	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse effects upon surrounding land uses are anticipated.
Maximise the viability of soil resources for site rehabilitation.		
Visual Amenity		
Reduce the impact of the Proposal on the visual amenity from public vantage points.	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse effects upon visual amenity are anticipated.
Social and Economic		
Minimise impacts on members of the local community.	The Applicant would continue to operate in accordance with all consent conditions and maintain existing management and mitigation strategies.	No adverse social or economic effects are anticipated.

Evaluation and Justification

Introduction

Evaluation of the proposed modification is presented through consideration of:

- Section 4.55(1A) of the EP&A Act in relation to the permissibility of modifications to development consent which involve minimal environmental impact; and
- Section 4.15(1) of the EP&A Act in relation to evaluation of applications for development in general.

The Project is then evaluated as a whole against the principles of Ecologically Sustainable Development (ESD) in order to provide further guidance as to the acceptability of the modification.

Section 4.55(1A) Considerations

The proposed modification is being made under Section 4.55(1A) of the EP&A Act. Section 4.55(1A) of the EP&A Act is provided in full below.

(1A) ***Modifications involving minimal environmental impact***

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) *it has notified the application in accordance with—*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The following subsections provide an evaluation of the proposed modification against these provisions.

Minimal Environmental Impact

There would be no additional environmental impacts as a result of the modification.

Substantially the Same Development

Under the proposed modification, the Project would remain “substantially the same development” for the following reasons.

- There would be no additional environmental impacts.
- There are no proposed changes to the approved extraction or processing methods or volumes. Transportation rates would remain consistent with approved operations.
- The life of the Quarry would remain as currently approved.
- Operating hours would not change.
- Environmental management of the Quarry Site and community engagement would remain consistent with approved operations.

Notification of the Application

This is a matter for Council to consider.

Submissions Regarding the Proposed Modification

This is a matter for Council to consider. However, Mawsons would be pleased to respond to any submissions that may be received by Council during the assessment process.

Section 4.15(1) Considerations

Section 4.15(1) of the EP&A Act sets out the matters for consideration by a consent authority when determining an application for development consent.

(1) ***Matters for consideration—general***

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *(Repealed)*
- that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The following subsections provide an evaluation of the proposed modification against these provisions.

Environmental Planning Instruments, Plans and Regulations (Section 4.15(1a))

All relevant environmental planning instruments, plans and regulations have been addressed in this document. In summary, the proposed modification is permissible under the relevant local and State environmental legislation.

Likely Impacts of the Development (Section 4.15(1b))

The modification would not generate adverse environmental impacts beyond those already approved for the Quarry.

Suitability of the Site (Section 4.15(1c))

Quarrying has been undertaken at the location of the Quarry Site since the 1960s and the existing operation is approved to continue operating for 30 years.

Submissions (Section 4.15(1d))

It is anticipated that Council will take any submissions into consideration during the assessment of this application.

The Public Interest (Section 4.15(1e))

The proposed modification is in the public interest through the continued operation of the Quarry in a safe and environmentally responsible manner, with the provision of ongoing local economic benefits.

Ecologically Sustainable Development

Sustainable practices by industry, all levels of government and the community are recognised to be important for the future prosperity and well-being of the world. The principles of Ecologically Sustainable Development (ESD), recognised for over two decades, are based upon meeting the needs of the current generation while conserving our ecosystems for the benefit of future generations. In order to achieve sustainable development, recognition needs to be placed upon the integration of both short-term and long-term environmental, economic, social and equitable objectives.

The four principles of sustainable development are as follows.

- The precautionary principle.
- The principle of intergenerational equity.
- The principle of the conservation of biodiversity and ecological integrity.
- The principle for the improved valuation, pricing and incentive mechanisms.

The approach taken in planning the Project as originally proposed was multi-disciplinary, involved consultation with potentially affected local residents and various government agencies and incorporated the application of safeguards to minimise potential environmental, social and economic impacts. It was concluded that the Project would achieve a sustainable outcome for the local and wider environment. As the modification would result in no additional environmental harm, it is anticipated that the Project would continue to achieve sustainable outcomes into the future.

Justification of the Modification

The principal consequences of not proceeding with the proposed modification would be as follows.

- Any environmental impacts associated with transportation of products via Route 1 would continue.

- Road upgrades to Brown Road north of its intersection of Stevenson Road would not be undertaken.

There would be no additional environmental impacts above those already approved as a result of the proposed modification.

Objects of the Environmental Planning and Assessment Act 1979

The EP&A Act provides the framework for the assessment and approval of development in NSW. This subsection provides a justification for the proposed modification based on review of the objects of the EP&A Act, which include the following.

- (a) *“to encourage:*
- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development, and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.”*

The proposed modification would not limit the achievement of these objects.

The proposed modification would provide Mawsons with the opportunity to continue operations in an orderly, economically efficient manner while providing increased competition for the extended availability of quarry products.

Environmental management at the Quarry would also continue in a manner generally consistent with the existing approved operation and consistent with Mawsons’ reputation for environmental and social responsibility.

Ongoing operations under the proposed modification would remain consistent with the existing approved operations and therefore would remain consistent with the principles of ecologically sustainable development.

Conclusion

We trust that the above provides Council with all information required to assess the application for a modification to DA 78/2023(1). However, please do not hesitate to contact me should you have any questions or require any further information.

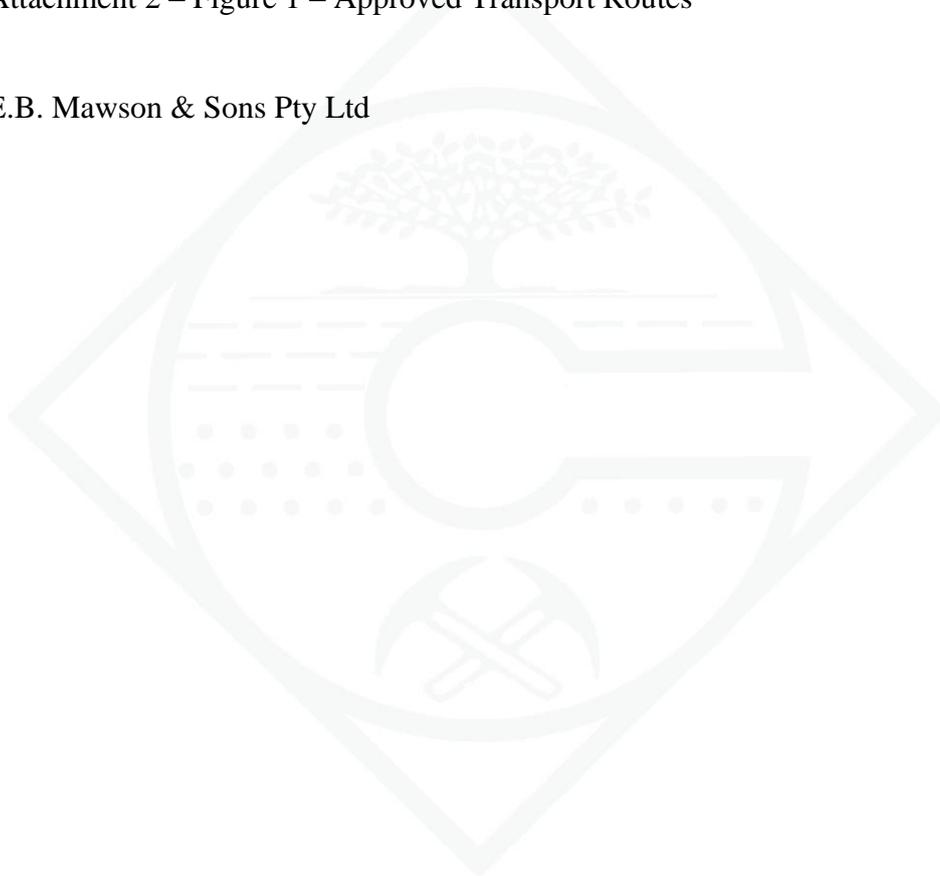
Yours sincerely



Caiden O'Connor
Senior Environmental Consultant

Attached: Attachment 1 – Development Consent DA 78/2023(1)
Attachment 2 – Figure 1 – Approved Transport Routes

Copy: E.B. Mawson & Sons Pty Ltd



4 July 2024

Attachment 1 – Development Consent DA 78/2023(1)





NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION DEVELOPMENT CONSENT

Section 4.16(1)(a) Environmental Planning and Assessment Act, 1979

Development Application No.:	78/2023(1)
Applicant:	Rockwoods Investment Group Pty Ltd 7 Packham Street LEETON NSW 2705
Description of Development:	Expansion of Existing Quarry Activities
Property Description:	Lot 1 DP 1290213 Stevenson Road THARBOGANG
Development application has been:	approved subject to conditions in Attachment B
Date of Determination:	29 January 2024
Development consent operates from:	29 January 2024
Development consent lapses on:	29 January 2029
Other Agency Approvals:	General Terms of Approval - Environmental Protection Authority Compliance Attachment D General Terms of Approval - WaterNSW Attachment E.

The reasons for the decision to grant approval to this application are:

- The development is considered to be permissible within the zone and meets the objectives of the zone.
- The development complies with the majority of relevant and applicable controls.
- Where non-compliance with a development control has been identified, the proposed variation can be supported in the circumstances of the case, and has been addressed by way of a condition of consent.
- Submissions have been taken into consideration and have been addressed by way of amended plans and conditions of consent.
- The development is appropriate to the character of the area and the land is considered to be suitable for the proposed development.
- The proposed development is unlikely to have any unreasonable impact on the environment.
- The development is not considered to raise any matter contrary to the public interest.

It is important that all conditions be carefully read and understood prior to the commencement of the development.

For further information regarding this matter please contact Council's Development Assessment Planner, Joanne Tarbit on 1300 176 077 or email Joanne.Tarbit@griffith.nsw.gov.au.

BRUCE GIBBS
DIRECTOR SUSTAINABLE DEVELOPMENT

Attachment A - General Advice

This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.

1. Right of Appeal

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning and Assessment Act 1979* provides you the right to appeal to the Land and Environment Court of New South Wales within six (6) months from the date of this notice.

2. Review of Determination

If you are dissatisfied with this decision, the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to Review the Determination. The request must be made and determined within six (6) months of the date of this determination. It is advisable to lodge the application for review under Section 8.3 as soon as possible to facilitate the statutory timeframes.

3. Compliance with Development Consent

The development and all associated works must be carried out in accordance with this development consent and subsequent construction approvals.

4. Unauthorised Development

It is an offence to carry out any unauthorised development or building work or to carry out any development or building work that is not in accordance with Council's development consent. An offence under *Environmental Planning and Assessment Act 1979* and Regulations is subject to a penalty up to \$1,100,000 and \$110,000 respectively.

Council may also serve a notice and an order to require the demolition/removal of unauthorised building work or to require full compliance with Council's development consent. On the spot penalties may be imposed for works which are carried out in breach of this consent, or without consent.

5. National Construction Code and Australian Standards

This determination does not include an assessment of the proposed works under the National Code of Australia (NCC) and other relevant Standards. All new building work (including alterations and additions) must comply with the NCC and relevant Standards.

Attachment B – Conditions of Consent

Administrative Conditions

The development must be carried out in accordance with the following conditions of consent.

1. 1A. Surrender of Consent

DA 945165 is to be surrendered in accordance with s 4.63 of the Environmental Planning and Assessment Act 1979 and s 68 of the Environmental Planning and Assessment Regulation 2021.

1B. Approved Development

Development consent has been granted for expansion of existing quarry activities (Extractive Industry) which comprises the extraction and processing of 250,000 tonnes per annum of basalt and product transport at Lot 1 DP 1290213, Stevenson Road THARBOGANG.

It is advised that the proposed development has been assessed in regards to the provisions of the Griffith Local Environmental Plan 2014 and is considered to be an extractive industry, which is defined as:

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note— Extractive industries are not a type of **industry**

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the [Mining Act 1992](#).

The development must be implemented in accordance with Development Application No. 78/2023(1) accepted by Council on 15 May 2023 and the below mentioned plans and/or documents, except where amended in red on the attached plans or modified by the conditions of this consent.

Drawing / Plan	Date Accepted by Council	Prepared or Drawn By
Quarry Site Layout Figure 2.1 (Page 2-4) Environmental Impact Statement for Warburn Quarry	15 May 2023	R.W. Corkery & Co. Pty. Ltd

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If there is any inconsistency between the approved plans and documents referred to above, the conditions shall prevail.

2. Construction Approval (Civil Works)

Prior to construction of the approved development, it is necessary to obtain a Construction Approval (Civil Works). This approval can only be issued by Council. An Application for Construction Approval (Civil Works) form, complete with detailed plans and specifications, shall be submitted to Council for the Construction Approval (Civil Works).

3. Provision of Services

The applicant is to be responsible for all amplification, extension and adequate provision for connection to services at their own expense. The work is to be in accordance with Council's *Engineering Guidelines – Subdivisions and Development Standards* and relevant authorities' specifications.

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.

Note 1: Development consent for the purpose of the erection of a building or the subdivision of land or the carrying out of a work does not lapse if building, engineering or construction work relating to the development is lawfully and physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse.

Note 2: Development consent for the purpose of the use of the land, building or work the subject of the consent does not lapse if it is actually commenced the date on which the consent would otherwise lapse.

5. Damage to Council property

If any damage is occasioned to Council property during construction and associated works, the cost of repairs will be recoverable. It is therefore requested that any damage which is obvious before works commence be immediately notified to Council to avoid later conflict.

6. Existing Services

The applicant must check that the proposed works do not affect any Council, electricity, telecommunications, gas or other services. Any required alterations to services will be at the developer's expense.

7. Stormwater runoff

Stormwater runoff shall not be permitted to flow over property boundaries onto the adjoining properties unless legally created easements in accordance with Section 88B of the Conveyancing Act are created. All works shall be carried out in accordance with *Council's Engineering Guidelines – Subdivision and Development Standards and Council's Stormwater Drainage & Disposal Policy (CS-CP-310)*.

8. National Construction Code

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

All plumbing and drainage works must comply with and be carried out in accordance with the requirements of the Plumbing Code of Australia.

9. Aboriginal Heritage

If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the Aboriginal object.
4. Notify the Department of Planning, Industry and Environment as soon as practical on 131555, providing any details of the Aboriginal object and its location.
5. Not recommence any work at the particular location unless authorised in writing by the Department of Planning, Industry and Environment.

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 contacted of Planning, Industry and Environment.

10. Other Cultural Heritage

Should any cultural artefacts, archaeological relics or any object having interest due to its age or association with the past be located during the course of works, 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.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1977 may be required before further the work can continue.

11. Rural Number

The subject property has been allocated a rural number of **154 Stevenson Road, Tharbogang**. This number shall be reflective and permanently displayed in a prominent position that is clearly visible from the public at all times.

12. Records

The quarry operator shall maintain accurate records of the extraction quantities and traffic movements (with a maximum of 12 loaded vehicles per hour). This information shall be recorded as material out the gate using the weighbridge or other agreed upon methodology. These records shall be kept on site and be available for inspection at the request of either of the Consent Authority or Transport for NSW.

Reason: To ensure the development is undertaken and operated in accordance with TfNSW requirements and to minimise the impact of the proposed development on the existing public road network and maintain the level of safety, efficiency and maintenance along the road network

13. Transport for NSW

All works associated with the development shall be at no cost to Transport for NSW.

Reason: To ensure the development is carried out and operated in accordance with TfNSW requirements

14. Importation of waste

The Quarry is not to import more than 1,500 tonnes of concrete washout and other construction materials per annum.

Reason: To ensure the Quarry operates in accordance with what has been assessed.

15. The Quarry is not to produce more than 250,000 tonnes of Quarry products per annum. Production quantities shall be recorded as material out the gate using the weighbridge or other agreed methodology.

Reason: To ensure the Quarry operates in accordance with what has been assessed.

16. Biodiversity Vegetation Clearance

The applicant must not clear any native vegetation or fauna habitat located outside the approved disturbance areas described in the approved Environmental Impact Statement.

17. Environment

Prior to the commencement of the works, the applicant is to prepare and submit to Council an Environmental Management Plan which shall include; vegetation clearing, traffic management, air quality management, soil and water management, rehabilitation management and a pollution incident response management plan; the plan is also to include an Environmental Management Strategy.

Reason: To ensure any environmental issues are managed and mitigated effectively.

18. Storage and handling of Dangerous Goods

The applicant must store and handle all chemicals, fuels, oils used on-site in accordance with:

- a. The requirements of all relevant Australian Standards; and
- b. The NSW EPA's Storing and Handling of Liquids: Environmental Protection - Participants Handbook if the chemicals are liquids.

19. Limits of approval

The Applicant may carry out quarrying operations on the site for 30 years from the date of this consent.

The outer perimeter of Stage 1 and Stage 2 is to be identified by a registered surveyor and a survey plan is to be prepared that reflects the outer limits of the extraction, as set out in the Environment Impact Statement. The outer limits are to be identified on site to ensure the extraction does not extend beyond the approved limits.

Note: Under this approval, the Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of Council. Consequently, this approval will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.

Prior to the issue of a Construction Approval (Civil Works)

Prior to commencing Civil Works you will need a Construction Approval (Civil Works) issued by Council. Before this approval can be issued, compliance with the following conditions is to be demonstrated.

20. Section 7.12 Development Contributions

In accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* (former S94A) and Council's Development Contribution Plan 2010, 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 94A Contributions Plan 2010 (Amendment 2013)*. A copy of this policy is publicly available from Council's website www.griffith.nsw.gov.au.

Total payment shall be **\$236.25** (0.18% of the proposed cost of carrying out the development). In accordance with Council's Section 94A Contributions Plan 2010 (Amended 2013) the total payment amount will be indexed by the Consumer Price Index (All Groups Index for Sydney as published by the Australian Bureau of Statistics), applicable at the date of payment.

The contribution is to be paid **prior to the issue of the Construction Approval (Civil Works)**, unless other arrangements acceptable to Council are made. Payment is to be in the form of cash or bank cheque. Where bonding is accepted a bank guarantee is required.

21. Pavement Design

Prior to the issue of a Construction Approval for Civil Works, pavement design and specifications for all roadworks are to be prepared by a suitably qualified Geotechnical Engineer and are to be submitted to Council for approval. The pavement design must conform to *Council's Engineering Guidelines - Subdivisions and Development Standards*, and the *Austrroads Guide to Pavement Technology*.

22. Roadside Drainage Network

Any road upgrades or road widening shall be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of the public road. **Prior to the issue of a Construction Approval for Civil Works**, detailed engineering design drawings for the roadworks showing the proposed roadside drainage network shall be submitted to Council for approval.

23. Road upgrade – Brown Road north of Stevenson Road

Brown Road is to be upgraded to an all-weather road from the intersection of Brown Road and Stevenson Road to the intersection of Brown Road and White Road. **Prior to the issue of a Construction Approval for Civil Works**, detailed engineering design drawings for the roadworks shall be submitted to Council for approval. Such plans shall include design and specifications for all proposed work as required for approval by Council.

24. Road Widening – Bend in Brown Road north of Stevenson Road

Road works will be required to Brown Road at the bend approximately 1.3km north of the intersection of Stevenson Road and Brown Road. The bend will be widened to ensure the simultaneous two-way movement of the largest size vehicle to access the development through the bend in accordance with the approved turning path diagram (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 3). Drawings for the works (including design and road building material as well as revised turning path diagrams) are to be submitted to Council for approval **prior to the issue of a Construction Approval for Civil Works**. Design and details are to comply with *Council's Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. All costs are to be borne by the developer.

25. Intersection works – Old Well/McNamara Road & Brown Road Intersection

Road works will be required to McNamara Road at the intersection of Old Well Road/McNamara Road with Brown Road. McNamara Road is to be widened 2.5m to the south and the north-western kerb return into Brown Road is to be widened by 1.6m in accordance with the approved turning path diagrams (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 6). All road widening is to be sealed to match the existing seal. Drawings for the works (including design and road building material) is to be submitted to Council for approval **prior to the issue of a Construction Approval for Civil Works**. Design and details are to comply with *Council's Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. All costs are to be borne by the developer.

26. Intersection works – Stevenson Road & Brown Road Intersection

Road works will be required to Stevenson Road at the intersection of Stevenson Road and Brown Road. The northern corner of Stevenson Road will be widened to ensure the largest size vehicle to access the development can turn left from Stevenson Road into Brown Road without encroaching into the southbound traffic lane. Drawings for the works (including design and road building material as well as revised turning path diagrams) are to be submitted to Council for approval **prior to the issue of a Construction Approval for Civil Works**. Design and details are to comply with *Council's Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. All costs are to be borne by the developer.

27. Intersection works – Stevenson Road & Quarry Access Road

Road works will be required to Stevenson Road at the intersection of Stevenson Road and the Quarry Access Road. Stevenson Road is to be widened 1.5m to the south and the northwestern kerb return into the Quarry Access Road is to be widened by 3.5m in accordance with the approved turning path diagrams (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 4). In furtherance, a Giveway sign is to be installed on the Quarry Access Road on the approach to Stevenson Road facing southbound drivers to define the priority of the intersection. Drawings for the works (including design and road building material) is to be submitted to Council for approval **prior to the issue of a Construction Approval for Civil Works**. Design and details are to comply with *Council's Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. All costs are to be borne by the developer.

Prior to Commencement of Works

The following conditions need to be met prior to the commencement of works. The necessary documentation and information must be provided to the Principal Certifying Authority (PCA), as applicable.

28. Construction Management Plan (CMP)

Prior to the commencement of work, a Construction Management Plan is to be prepared by a suitably qualified professional detailing the proposed traffic control and traffic management arrangements during the construction of the roadworks. The Construction Management Plan is to be submitted to Council for approval and is to address, but not be limited to, the following:

- a. the management of traffic during construction;
- b. the management of loading and unloading of construction materials on site;
- c. material stockpiling/storage;
- d. identify parking for construction worker vehicles;
- e. dust mitigation measures; and
- f. complaint management and contingency measures.

The construction management measures specified in the approved Construction Management Plan shall be implemented for duration of construction.

29. Traffic Management Plan (TCP)

A Traffic Management Plan (TMP) with all supporting documentation, including all relevant Traffic Guidance Schemes (TGS), is to be submitted to Council for approval **prior to the commencement of work** within Council's road reserve. The TMP must comply with the requirements of *Transport for New South Wales' Traffic Control at Work Sites Technical Manual (TCAWS Manual)*, *Standards Australia's Manual of uniform traffic control devices, Part 3: Traffic control for works on roads (AS1742.3)*, and *Austroads' Guide to Temporary Traffic Management (AGTTM)*.

The TMP must be prepared by a person/s with a 'Prepare a Work Zone Traffic Management Plan' qualification. Strict compliance to the TMP is to be maintained throughout the duration of the works. All inspections of the TMP and collection of records must comply with the requirements of the TCAWS Manual.

30. Sedimentation and Erosion Controls

Effective dust, noise, sedimentation, erosion and siltation controls are to be implemented prior to the commencement of site works and maintained during the construction period to maintain public safety/amenity.

31. Road over a channel

Where a road crosses a water supply or drainage channel, the design and construction shall be to Murrumbidgee Irrigation's specifications and approval. Documentary evidence from Murrumbidgee Irrigation shall be submitted to Council **prior to the commencement of work on the road.**

During Construction

The following conditions of consent must be complied with at all times during the demolition, excavation and construction of the development.

32. No obstruction of public way

The public walkway must not be obstructed by any materials, vehicles, refuse, skips or the like, without prior approval of Council.

33. Shoring and adequacy of adjoining property (if applicable)

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the building, structure or work from possible damage from the excavation, and,
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

34. Maintenance of site

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Copies of receipts stating the following must be provided to the consent authority on request:

- (a) the place to which waste materials were transported,
- (b) the name of the contractor transporting the materials,
- (c) the quantity of materials transported off-site and recycled or disposed of.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site must have their loads covered, and
- (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

35. Toilet Facilities

Adequate toilet facilities are to be provided on the site throughout the demolition/construction phase of the development. Such toilet facilities are to be provided, at the ratio of one (1) toilet for every twenty (20) persons (or part thereof) employed/working on the site. Each toilet provided must be a standard flushing toilet and must be connected to a public sewer, or an accredited sewage management facility approved by council. If connection to either a public sewer or an accredited sewage management facility is not practicable, it shall be connected to some other sewage management facility approved by council. Toilet facilities must be provided and functioning **prior to the commencement of work**. In this clause:

accredited sewage management facility means a sewage management facility to which Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

36. Required documentation

For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of Development Consent (Notice of Determination) and Construction Approval Civil Works on site.

37. SafeWork NSW

The developer is required to comply with any and all requirements of the SafeWork NSW.

38. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 6.30am to 6.30pm on Monday to Friday
- 6.30am to 3.00pm on Saturday

The principal certifier must ensure building work, demolition 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.

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

Prior to the Use of the Development

Prior to the increase in capacity of the Warburn Quarry, the issue of a Compliance Certificate, compliance with the following conditions is to be demonstrated.

39. Commencement of Operation

The Quarry 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.

40. Discharge of water into Murrumbidgee Irrigation drainage channel

Any proposal to discharge water into Murrumbidgee Irrigation's drainage channel system must be supported by written approval from Murrumbidgee Irrigation (MI). A copy of MI's approval and conditions must be submitted to Council **prior to the increase in Capacity of the Warburn Quarry**.

41. Maintenance bond

A Bond Application and a monetary bond is to be submitted to Council to provide a thirty-six (36) month maintenance period for civil works relating to Council's infrastructure. It is the applicant's responsibility to notify the relevant departments regarding the commencement and finish of the maintenance period and adequate arrangements are to be made regarding any relevant inspections required.

A five percent (5%) bond of the total cost of works is to be submitted to Council for the works that need maintenance **prior to the Increase in Capacity of the Warburn Quarry**.

42. Works As Executed (WAE) Drawings

Works As Executed plans for approved civil works are to be submitted to Council upon completion of the development **prior to the Increase in Capacity of the Warburn Quarry**. Works As Executed plans are to be in accordance with *Council's Engineering Guidelines – Subdivisions and Development Standards*.

43. Engineering Inspections

The applicant is required to pay for all inspections carried out by Council's Engineers as per Council's current revenue policy **prior to the Increase in Capacity of the Warburn Quarry**.

44. Road upgrade – Brown Road north of Stevenson Road

Prior to the Increase in Capacity of the Warburn Quarry, Brown Road is to be upgraded to an all-weather road from the intersection of Brown Road and Stevenson Road to the intersection of Brown Road and White Road. Road construction shall be in accordance with the approved drawings and as outlined in Council's Engineering *Guidelines – Subdivisions and Development Standards*.

45. Road Widening – Bend in Brown Road north of Stevenson Road

Road works will be required to Brown Road at the bend approximately 1.3km north of the intersection of Stevenson Road and Brown Road. The bend will be widened to ensure the simultaneous two-way movement of the largest size vehicle to access the development through the bend in accordance with the approved turning path diagrams (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 3). All works associated with the required road upgrade is to be completed **prior to the Increase in Capacity of the Warburn Quarry**. Works are to be completed in accordance with Council's *Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. All costs are to be borne by the developer.

46. Intersection works – Old Well/McNamara Road & Brown Road Intersection

Road works will be required to McNamara Road at the intersection of Old Well Road/McNamara Road with Brown Road. McNamara Road is to be widened 2.5m to the south and the northwestern kerb return into Brown Road is to be widened by 1.6m in accordance with the approved turning path diagrams (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 6). All road widening is to be sealed to match the existing seal. All works associated with the required road upgrade is to be completed **prior to the Increase in Capacity of the Warburn Quarry**. Works are to be completed in accordance with Council's *Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. All costs are to be borne by the developer.

47. Intersection works – Stevenson Road & Brown Road Intersection

Road works will be required to Stevenson Road at the intersection of Stevenson Road and Brown Road. The northern corner of Stevenson Road will be widened to ensure the largest size vehicle to access the development can turn left from Stevenson Road into Brown Road without encroaching into the southbound traffic lane. All works associated with the required road upgrade is to be completed **prior to the Increase in Capacity of the Warburn Quarry**. Works are to be completed in accordance with Council's *Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. All costs are to be borne by the developer.

48. Intersection works – Stevenson Road & Quarry Access Road

Road works will be required to Stevenson Road at the intersection of Stevenson Road and the Quarry Access Road. Stevenson Road is to be widened 1.5m to the south and the northwestern kerb return into the Quarry Access Road is to be widened by 3.5m in accordance with the approved turning path diagrams (TTPP, Job No. 21060, Drawing No. 21060CAD01-FIGURE 4). All road widening is to be sealed to match the existing seal. All works associated with the required road upgrade is to be completed **prior to the Increase in Capacity of the Warburn Quarry**. Works are to be completed in accordance with Council's *Engineering Guidelines for Subdivisions and Development Standards* and Austroads specifications. In furtherance, a Giveway sign is to be installed on the Quarry Access Road on the approach to Stevenson Road facing southbound drivers to define the priority of the intersection. All costs are to be borne by the developer.

49. Off-Street Parking

Prior to the increase in Capacity of the Warburn Quarry. seven (7) parking spaces each of dimensions 2.6 metres x 5.5 metres in accordance with Council's *Development Control Plan No. 20 Off-street Parking Policy*, including one car parking space in accordance with *Australian Standard 2890.6:2009* for disabled persons are to be provided on site to serve the development. Spaces adjacent to walls or other obstructions, which may affect door openings or vehicle manoeuvring, are to be widened by an additional 300mm on the side of the obstruction(s).

Spaces are to be located on all weather gravel surface, with wheel stops and line-o-dots to indicate each space.

NOTE: This consent does not guarantee compliance with the *Disability Discrimination Act, 1992* and the developer should investigate their liability under the Act. The applicant's attention is drawn to the Australian Standard AS 2890.6:2009 in respect of acceptable standards of design and requirements.

50. Approval to Operate

Prior to the Increase in Capacity of the Warburn Quarry, owners must obtain from Council an Approval to Operate the on-site sewage system.

An approval can only be issued once Council's Environment & Health Department have inspected the system and effluent disposal area and is satisfied the system has been installed and is currently working adequately in accordance with its NSW Health certificate of accreditation and the relevant Australian Standards and legislative requirements.

Details to accompany the application for an Approval to Operate include the specifications of the existing on-site wastewater treatment facility and its effluent disposal area including tank capacity and location and a recent service report from a licensed plumber certifying they are in good working order and that the land application area is coping effectively with the current effluent load. The location of the tank and disposal area shall be shown accurately on a site plan.

Advisory Note: if the current system is confirmed to be failing, the applicant will need to submit an 'Approval to Alter' and engage the services of a suitably qualified person (e.g. a licensed plumber) to complete rectification works or upgrades to ensure that the system can operate effectively. These details shall be included in the application to Council.

If the system needs to be replaced with a new on-site sewage management system, an Application for an Approval to Install/Operate will need to be submitted prior to installation.

51. Biodiversity Management Plan

Prior to the Increase in Capacity of the Warburn Quarry, the Applicant must prepare a Biodiversity Management Plan for the project to the satisfaction of Council. This plan must:

(a) be prepared in consultation with Council;

(b) 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 preclearance surveys;

(iv) Staged rehabilitation and revegetation of disturbance areas. This is to include locally native mid and upper storey vegetation for screening and habitat to be

planted surrounding the Stage 1 Quarry Pit. Revegetation of a minimum of 3 hectares should be undertaken to ensure connectivity with existing plantings and provide some larger patches to provide an overall net increase in habitat at the site. Plantings could include enhancement of existing plantings where diversity could be improved, or previous plantings have failed. Species selection, ratios and location to be included in the plan;

(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 and feral pests;

(ix) Visual screening;

(x) controlling erosion; and

(xi) bushfire management.

(c) 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.

52. Survey Plan

The outer perimeter of Stage 1 and Stage 2 is to be identified by a registered surveyor and a survey plan prepared that reflects the outer limits of the extraction, as set out in the Environment Impact Statement. The outer limits are to be identified on site to ensure the extraction does not extend beyond the approved limits.

On-Going Requirements

The following conditions or requirements must be complied with at all times, throughout the use and operation of the development.

53. Material extraction depth

The Applicant must not carry out extraction below a level of 87m AHD. *Note: This condition does not apply to the construction of any bores approved by Water NSW or pollution and sediment control structures.*

54. Material extraction volume

The Applicant must not extract more than 250,000 tonnes of extractive materials from the site in any 12 month period or 4,900,000 tonnes in total over the life of the quarry.

55. Extractive material transport volume

The Applicant must not:

(a) transport more than 250,000 tonnes of extractive material from the site in any 12 month period;

(b) dispatch more than 60 laden trucks from the site on any day; or

(c) dispatch more than 12 laden trucks from the site in any hour.

56. Extractive material transport route

The Applicant may only transport extractive material from the site 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.

57. Monitoring of Product Transport

The Applicant must, by the use of a weighbridge (or other means as agreed by Council), make, and retain for at least 12 months, records of the - time of dispatch, weight of load 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.

58. Hazardous Substances or Dangerous Goods

During operation of the quarry, the storage of fuel, chemicals or any hazardous substances and dangerous goods must be secured and stored in accordance of the manufacturers' specifications and in accordance with the relevant Australian Standard.

Safety Data Sheets (SDS) must be kept on site along with a manifest.

59. Dust Abatement

During operation of the quarry, 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.

60. Environmental Management

The Applicant must comply with the requirements of the Environment Protection Authority (EPA) General Terms of Approval, refer Part D of this consent.

61. Water Supply

The Applicant must obtain the necessary approvals for the project under the Water Management Act 2000, refer Part E of this consent

62. Odour

The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.

63. Visual

The Applicant must:

- i. take all reasonable steps to minimise the visual and off-site lighting impacts of the project;
- ii. revegetate overburden emplacements and bunds as soon as practicable;
- iii. not erect or display any advertising structure(s) or signs on the site without the written approval of Council.

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

64. Waste

The Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal, except for the importation of up to 1,500 tpa concrete washout and construction materials per annum for the incorporation into quarry products.

65. Biodiversity

The Applicant must implement the Biodiversity Management Plan approved by Council.

Once quarry operations have ceased, the quarry must be rehabilitated, as outlined in the approved Biodiversity Management Plan and EIS, to the satisfaction of Council.

66. Amenity

The premises and operation is to be conducted in such a manner so as not to interfere with the amenity of the adjoining lots by way of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or any other matter.

67. Light Pollution

Spillage of light shall be controlled so as not to cause nuisance to the amenity of adjoining land or distract traffic on nearby roads.

68. The hours of operation are as per the following table:

Activity	Monday to Friday	Saturdays	Sundays or Public Holidays
Site development	6:30am – 6:30pm	6:30am – 3:00pm	Nil
Extraction operations	7:00am – 6:00pm	7:00am – 3:00pm	Nil
Blasting operations	10:00am – 3:00pm	Nil	Nil
Processing operations	7:00am – 6:00pm	7:00am – 3:00pm	Nil
Product despatch	6:30am – 6:30pm	6:30am – 3:00pm	Nil
Maintenance	24 hours / day	24 hours / day	Nil

69. Biodiversity Management

The following management measures are to be undertaken during the life of the quarry development to avoid or mitigate the risk of residual adverse impacts on threatened species within the Quarry Site.

Vegetation Clearing

- Areas of proposed disturbance would be clearly marked prior to the commencement of clearing campaigns to minimise the potential for over clearing of vegetation.
- Vegetation would be removed in a manner that avoids damage to surrounding vegetation.
- All personnel and contractors would be inducted and made aware that unauthorised clearing of native vegetation may have legislative consequences.

Fauna Management

- Fauna that has become displaced from vegetation clearing would be allowed to relocate to surrounding remnant vegetation.
- Vehicular access would be limited to formed and marked roads and tracks with speed limits restricted to 40km/h within the Quarry Site to limit the potential for vehicle trauma to wildlife.

Weed Management

- Machinery would be cleaned of soil and weeds before entry to the Quarry Site.
- Weed control programs would be undertaken periodically to manage invasive species

Topsoil Management

- Stripped soil would be placed directly onto rehabilitation areas or stockpiled for use in progressive rehabilitation activities to maximise the opportunity for retention of the natural seed stock.

Rehabilitation

- Disturbed areas within the Quarry Site would be revegetated as described in Section 2.12.
- Species used during rehabilitation operations would be consistent with vegetation community types located within and surrounding the Quarry Site or other suitable pasture species, as appropriate.

70. Environmental Protection Authority

Compliance with General Terms of Approval in Attachment D.

71. WaterNSW

Compliance with General Terms of Approval in Attachment E.

Attachment C – Advisory Notes

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2021*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 4.16 of the Act.

- (1) Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:
- As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. FROM 11KV OVERHEAD POWERLINES.
 - It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).

Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](#). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](#) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- 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); the location of overhead and underground powerlines are also shown in the Look Up and Live app [essentialenergy.com.au/lookupandlive](#).

Attachment D – General Terms of Approval – EPA

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1630113

The GTA at Attachment 'A' are in addition to the existing conditions under Environment Protection Licence (EPL) No. 934 held by E.B. Mawson & Sons Proprietary Limited ("the Licensee"). Should development consent be granted it will therefore be necessary for the Licensee to apply to the EPA for a variation of EPL 934 consistent with the development application for the proposal and our GTA.

If you have any questions, or wish to discuss this matter further please contact Nick van Lijf on (02) 6969 0700.

Yours sincerely

A handwritten signature in cursive script that reads 'Nvanlijf'.

.....
Nick van Lijf

A/Unit Head

Environment Protection Authority

(by Delegation)

Protection of the Environment Operations Act 1997

General Terms of Approval - Issued



Notice No: 1630113

Attachment 'A' - EPA General Terms of Approval

Administrative conditions

A1 Information supplied to the EPA

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

- the development application DA No 10.2023.78.1 submitted to Griffith City Council on 15 May 2023; and
- the "Environmental Impact Statement for the Warburn Quarry" prepared by R.W. Corkery & Co. Pty Limited 2023.

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.

A3 Other activities

A3.1 This licence applies to all other activities carried on at the premises, including:

Ancillary Activity

- Resource recovery
- Waste storage

Limit conditions

L1 Pollution of waters

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

L2 Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

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Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Waste	Description	Activity	Other Limits
Cured concrete waste from a batch plant	Concrete washout	Resource recovery	A maximum of 1,500 tonnes received at the premises in each annual return reporting period.
Building and demolition waste	Concrete and similar materials for road base and excluding metals, plastic, timber and paper.	Resource recovery	A maximum of 1,500 tonnes received at the premises in each annual return reporting period.

L2.2 No more than 2,500 tonnes of waste is to be stored at the premises at any one time

L3 Noise limits

L3.1 Noise from the premises must not exceed an Leq (15 minute) noise emission criterion of 40 dB(A) during the day (7am to 6pm) and a noise criterion of 35 dB(A) at all other times except as expressly provided by these general terms of approval.

L3.2 Noise from the premises is to be measured at the nearest sensitive receptor not associated with the premises to determine compliance with this condition.

L4 Hours of operation

L4.1 Activities at the premises are restricted to the following times outlined in the table below.

Activity	Monday to Friday	Saturdays	Sundays or Public Holidays
Site development	6:30am - 6:30pm	6:30am - 3:00pm	Nil
Extraction operations	7:00am - 6:00pm	7:00am - 3:00pm	Nil
Blasting operations	10:00am - 3:00pm	Nil	Nil
Processing operations	7:00am - 6:00pm	7:00am - 3:00pm	Nil
Product despatch	6:30am - 6:30pm	6:30am - 3:00pm	Nil
Maintenance	24 hours / day	24 hours / day	Nil

L4.2 This condition does not apply to the delivery of material outside the hours of operations permitted by condition L4.1 if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment

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are endangered. In such circumstances, prior notification is to be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L4.3 The hours of operation specified in conditions L4.1 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.

L5 Blasting

Overpressure

L5.1 The overpressure level from blasting operations on the premises must not:

- a) Exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months;
- and
- b) Exceed 120dB (Lin Peak) at any time,

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

L5.2 Ground vibration peak particle velocity from the blasting operations at the premises must not:

- a) Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months;
- and
- b) Exceed 10mm/s at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Time of blasting

L5.3 Blasting operations at the premises may only take place between 10:00am and 3:00pm Monday to Friday inclusive.

L5.4 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

Frequency of blasting

L5.5 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

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L6 Other limit conditions

Extraction and processing limits

L6.1 The licensee must not extract more than 250,000 tonnes of material at the premises in each annual reporting period.

Operating conditions

O1 Odour

O1.1 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: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

O2 Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O2.3 Dust suppression in the form of water sprays or mists must be used during mobile processing operations.

Monitoring and recording conditions

M1 Monitoring records

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

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

- a) in a legible form, or in a form that can readily be reduced to a legible form;
- b) kept for at least 4 years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;

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- c) the point at which the sample was taken; and
- d) the name of the person who collected the sample.

M2 Requirement to monitor volume or mass

M2.1 The licensee must monitor:

- a) the volume of material extracted at the premises;
- b) the volume of material processed at the premises; and
- c) the volume of waste received at the premises;

at the frequency and using the method and units of measure specified in the table below.

Frequency	Unit of Measure	Sampling Method
Weekly	Tonnes	Weighbridge

M3 Blasting

M3.1 For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at the nearest affected premises not associated with the development and must be:

- a) At a residential boundary; or
- b) 30 metres from residences in rural situations where the boundary is more than 30 metres from residences.

Airblast overpressure levels should not be measured within 3.5 metres of any building.

Ground vibration levels should not be measured with the longest dimension of the foundations of a building or structure away from such building or structure.

Reporting Conditions

R1 Other reporting conditions

Noise compliance assessment report

R1.1 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 experienced acoustical consultant and include:

1. an assessment of compliance with noise limits under Condition L3.1;
2. details of recommended management actions and/or noise pollution controls required to address any exceedances of the noise limits; and
3. using the outcomes of 2, nomination of a timeframe for implementation of the 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.

Note: The nominated acoustical consultant must be approved in writing by the EPA before being engaged by the licensee.

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Attachment 'B' – Mandatory Conditions for all EPA licences

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.

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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:

1. a Statement of Compliance;
2. a Monitoring and Complaints Summary;
3. a Statement of Compliance - Licence Conditions;
4. a Statement of Compliance Load based Fee;
5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan;
6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and
7. a Statement of Compliance - Environmental Management Systems and Practices.

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

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- 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

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

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

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- 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

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.

Attachment E – General Terms of Approval – WaterNSW



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1149760
Issue Date of GTA:	23 August 2023
Type of Approval:	Quarry Expansion – Groundwater Excavation
Description:	<p>Stage 1 (3 years) – expand the existing pit 200 m westward where already dewatered through the current annual groundwater take of 189 ML</p> <p>Stage 2A (9.5 years) – extract from a new pit 400 m to the northeast where already dewatered</p> <p>Stage 2B (7.8 years) – deepen the new pit by an extra 15 m, taking 30 ML of stored water and inducing an additional 126 ML of annual inflow</p> <p>Stage 2C (4.4 years) – expand the new pit 100 m eastward where already dewatered.</p>
Location of work/activity	Lot 1 DP 1290213 Warburn Quarry Stephens Road Tharbogang NSW.
DA Number:	DA 10.2023.78.1
LGA:	Griffith City Council
Water Sharing Plan Area:	NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020 Regulated River

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

Condition Number:	Details
GTA0001	The taking of water from a water source that is conditioned by these General Terms of Approval is limited to the project and at the site identified in the development application.
GTA0002	The taking of water from a water source that is conditioned by these General Terms of Approval shall cease at the end of the project identified in the development application.
GTA0003	A water access licence, for each relevant water source, must be obtained prior to taking more than 3 ML of water for one or more aquifer interference activities carried out in connection with the project of a type listed in Schedule 4, Part 1, clause 7(2), Water Management (General) Regulation 2018.

	<p>For clarity, the taking of less than 3 ML of water requires a water access licence in accordance with Schedule 4, Part 1, clause 7(1), Water Management (General) Regulation 2018 if the water taken is used for consumption or supply.</p>
GTA0004	<p>If no water access licence is obtained for the first 3 ML per year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:</p> <ul style="list-style-type: none"> (a) record water taken for which the exemption is claimed (b) record the take of water not later than 24 hours after water is taken (c) make the record in the approved form (d) keep the record for a period of 5 years (e) give the record to WaterNSW, (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date. <p>For clarity, the records for each water year over which the project operates are required to be retained for every following five-year period after every year when the water was taken.</p>
GTA0005	<p>Before the commencement of any take of water by any works required for the project, the applicant must apply to WaterNSW for, and obtain, a water use approval, water management work approval or activity approval under Chapter 3, Part 3, clauses 89, 90 or 91, Water Management Act 2000, as relevant.</p>
GTA0006	<p>An approval extraction limit shall be set at a total of 3 ML per water year (being from 1 July to 30 June) for the project in accordance with Schedule 4, Part 1, clause 7(1), Water Management (General) Regulation 2018.</p> <ul style="list-style-type: none"> (a) The applicant may apply to WaterNSW to increase the extraction limit under this condition. (b) Any application to WaterNSW to increase the extraction limit must be in writing and provide all information in a documented hydrogeological assessment. (c) WaterNSW may lower the extraction limit under this condition should the applicant determine that a take of less than 3 ML per water year is required by the project.
GTA0007	<p>Any work approval required for the taking of water from a water source by the project must be surrendered after compliance with all conditions and at the end of the project</p>
GTA0008	<p>Any existing work that does not comply with distance requirements specified in a relevant water sharing plan where the applicant proposes to use that work for water supply for the project may be subject to any of the following provisions (distance mitigation provisions):</p> <ul style="list-style-type: none"> (a) employment of an extraction limit on the work approval to mitigate potential impacts on surrounding receptors (b) implementation of a comprehensive monitoring program including trigger levels, response plans and cease-to-pump levels for the life of the project (c) direction to not use the work for water supply

	(d) direction to decommission the work in accordance with the Minimum Construction Requirements for Water Bores in Australia and to drill a new work in compliance with the distance rules in the relevant water sharing plan.
GTA0009	The applicant shall provide documented evidence of compliance with the distance mitigation provisions applied to the existing work proposed to be used for water supply within six weeks of receiving written notification that a provision has been determined by WaterNSW
GTA0010	All water taken by the project that is to be discharged from a project site must comply with any applicable requirements for the following: (a) council discharge permit for disposal to stormwater system (b) Environmental Protection Licence for disposal to surface waters (c) any applicable trade waste agreement for disposal to sewer.
GTA0011	Any water taken by the project that is to be discharged to ground or in-ground must be treated to not directly or indirectly pollute groundwater in accordance with Part 5.3, clause 120, Protection of the Environment Operations Act 1997. The applicant must provide a report containing evidence that the discharge of water to ground or in-ground will not directly or indirectly alter the environmental values of groundwater and include matters set out in any guideline published by the NSW Department of Planning and Environment relevant to the activity. Where no guideline is current or published, the report must include the following: (a) all results from sampling and testing for any prescribed matter listed in Schedule 5, Protection of the Environment Operations (General) Regulation 2022 (b) all results from sampling and testing of ambient groundwater to determine environmental values (c) details of the treatment methods to remove any identified prescribed matter or other constituents to ensure that no more than minimal harm will occur (d) proposed management and response actions to maintain discharge water quality treatment.
GTA0012	The applicant must provide a report detailing any water balance modelling for the project within six weeks of any consent being determined that includes the following (water balance model verification report): (a) details of the theoretical basis of the water balance model (b) the implementation of the water balance model (c) description of all assumptions applied within the water balance model (d) verification of the water balance model through an independent peer review or through comparison to another independently peer reviewed model.
GTA0013	The applicant must provide a report detailing any impact assessment modelling for the project within six weeks of any consent being determined that includes the following (impact assessment model verification report). (a) justification of the type of model used

	<p>(b) details of the model inputs (c) theoretical basis of the model (d) description of all assumptions applied within the model (e) quantification of the uncertainty of the model results (f) independent peer review of the model. The impact assessment model verification report shall include matters aligned with the content of the Minimum Groundwater Modelling Requirements for SSD/SSI Projects and the relevant requirements of the Australian Groundwater Modelling Guidelines.</p>
GTA0014	<p>All modelling for the project is to be reviewed every five years and the findings included in a report to be provided to Council and WaterNSW within six weeks of the anniversary date of a consent being determined. Any increase to the amounts of water take from any water source identified within the water balance modelling compared to the original version must be notified to WaterNSW immediately.</p>
GTA0015	<p>The applicant shall implement a monitoring program within 6 months of a consent being determined that is designed to measure groundwater levels and water quality on and around all of the sites comprising the project in accordance with the following:</p> <p>(a) a minimum of three monitoring bore locations are to be located at or around each site, in non-linear positions selected to allow accurate determination (triangulation) of any groundwater flow orientations (b) where impact receptors are present surrounding a site, additional sentinel monitoring bores must be installed to detect changes to groundwater levels or quality in locations between the project activity areas and the receptors (c) the monitoring bores must be installed and maintained as serviceable works for the purpose of groundwater level and quality measurements for the life of the project (d) the monitoring bores must be protected from construction damage (e) if unforeseen or unavoidable damage does occur, the monitoring bores must be replaced with like-for-like installations within 30 days of the damage being identified (f) damaged monitoring bores must be decommissioned in accordance with the Minimum Construction Requirements for Water Bores in Australia (g) all monitoring bores, including those replacing damaged works, must be surveyed to provide location coordinates at an accuracy of ± 0.03 m, and elevations relative to Australian Height Datum at an accuracy of ± 0.03 m. The applicant shall rehabilitate, decommission, replace, install or resurvey monitoring bores as requested in writing by WaterNSW from time to time during the life of the project to address issues identified in an annual report.</p>
GTA0016	<p>The applicant must provide a groundwater management plan with the approval application required for the project. The groundwater management plan must align in content with the Guidelines for Groundwater Documentation for SSD/SSI Projects, Appendix A, requirements for the relevant project type, and include matters as follows:</p> <p>(a) detailed maps, sections and diagrams for the project (b) baseline groundwater level and elevation data (c) estimates of hydraulic properties for lithologies</p>

	<p>(d) interpreted groundwater flow directions</p> <p>(e) conceptualisation and description of the project area geology and hydrogeology (f) estimates of groundwater level drawdown within the area of influence</p> <p>(g) comprehensive assessment against criteria and requirements of the NSW Aquifer Interference Policy</p> <p>(h) annual calculations of direct and indirect water take per water source</p> <p>(i) all information required as data inputs for modelling, including rainfall records and discharge measurements</p> <p>(j) assessment of cumulative impacts</p> <p>(k) seasonal groundwater and surface water quality sampling and analysis</p> <p>(l) quality assurance and quality control information</p> <p>(m) a trigger, action, response plan detailing the instances when and what management actions will be taken to reduce impacts from the project.</p>
GTA0017	<p>The groundwater management plan for the project must be implemented following the issue of the approval for the project. Any considerations specific to the project location or setting as requested by WaterNSW are to be incorporated into the groundwater management plan before implementation.</p> <p>The applicant must be able to demonstrate compliance with all requirements of the groundwater management plan at any time throughout the life of the project.</p>
GTA0018	<p>The applicant shall meter all water taken from any water source, as well as any discharge from each site comprising the project, in accordance with the following:</p> <p>(a) Australian Standard for Non-Urban water meters</p> <p>(b) a best-practice guide to installing, validating and maintaining non-urban water meters in NSW</p> <p>(c) NSW Non-Urban Water Metering Policy.</p> <p>The applicant may apply to WaterNSW to vary the metering requirement under this condition.</p> <p>Any application to WaterNSW to vary the metering requirement must be in writing and provide site-specific evidence and professional technical justification as to why a variation is requested.</p>
GTA0019	<p>The applicant shall record and retain all information generated by the groundwater monitoring plan.</p>
GTA0020	<p>The applicant shall prepare an annual monitoring report following the end of each water year (being from 1 July to 30 June) and make the report available to Council and WaterNSW within six weeks of the end of each period.</p> <p>The applicant may apply to WaterNSW to vary the reporting date specified under this condition to align with other annual reporting requirements where relevant.</p> <p>Any application to WaterNSW to vary the reporting date must be in writing and demonstrate that another approval body or consent authority annual reporting requirement applies to the project.</p>

GTA0021	<p>The annual monitoring report shall include the following:</p> <p>(a) all rainfall, groundwater and surface water data recorded for the project under an approved groundwater management plan</p> <p>(b) monthly records for all meters used in the measurement of water take (or other monthly water take data under an approved variation)</p> <p>(c) detailed comparison between actual water take, water levels and quality with those predicted by the modelling for the project</p> <p>(d) assessment of trends in rainfall, groundwater levels, water quality and water take volumes for the period of record since the start of the project</p> <p>(e) identification of the activation of any triggers for mitigation actions</p> <p>(f) description of any mitigation actions taken to address impacts.</p>
GTA0022	<p>Before constructing or carrying out any proposed water supply work(s), an application must be submitted to WaterNSW, and obtained, for a new or amended water supply work(s) approval under the Water Management Act 2000.</p>

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA as provided by Council:

- Development Application DA 10.2023.1 CNR-56081 for proposed Quarry Expansion, Lot 1 DP 1290213, Stephens Road Tharbogang NSW.

Attachment 2 – Figure 1 – Approved Transport Routes

