

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF DEVELOPMENT APPLICATION
PURSUANT TO SECTIONS 89, 101 (8)

**This instrument includes changes made by MOD 5 on 27 September 2013
(marked in green)**

**This instrument includes changes made by MOD 30-3-2007 on 28 May 2007
(marked in red)**

**This instrument includes changes approved on 13 April 2000, 25 September
2002 and 17 November 2004 (marked in blue)**

I, the Minister for Planning, pursuant to Sections 89, 101 (8) of the Environmental Planning and Assessment Act, 1979 ("the Act") determine the development application ("the application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reasons for the imposition of the conditions are:

- (i) to minimise the adverse impact the development may cause through noise, visual amenity, air and water pollution;
- (ii) to provide for environmental monitoring and reporting;
- (iii) to set requirements for infrastructure provision.

Robert Webster
Minister for Planning

Sydney, 1/10/1993

File No. S92/00246/001

Schedule 1

Application made by: Oberon Quarries Pty Limited
("the Applicant")

To: Oberon Council (DA 92/164)
("the Council")

In respect of: On land described in Attachment "A".

For the following:

- 1) Construction and operation of a quarry.
- 2) Construction and operation of a processing plant.
- 3) Construction and operation of private haul road.

NOTE:

- 1) To ascertain the date upon which the consent becomes effective, refer to section 101 (9) of the Act.
- 2) To ascertain the date upon which the consent is liable to lapse, refer to section 99 of the Act.

Schedule 2

1. General

The development is to be carried out generally in accordance with:

- a) The development application and the accompanying Environmental Impact Statement prepared by Resource Planning Pty Limited, dated 28 August 1992;
- b) The Statement of Environmental Effects for Section 96(2) Modification Application Langley Heights Hard Rock Quarry prepared by Umwelt (Australia) Pty Ltd, dated May 2004;
- c) Letter from Umwelt (Australia) Pty Ltd to the Department regarding the proposal, dated 5 October 2004;
- d) Facsimile from Umwelt (Australia) Pty Ltd to the Department regarding the proposal, dated 18 October 2004;
- e) Modification application (MOD 30-3-2007), dated 21 February 2007; and
- f) Modification application (MOD 5), dated 8 August 2013 and accompanying Environmental Impact Statement prepared by Umwelt (Australia) Pty Ltd, dated August 2013.

1A. Conditions to Prevail

If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

2. Duration

This consent shall lapse on 13 May 2016.

3. Production Rates

- i) The production rate from the quarry shall not exceed an average annual rate of 200,000 tonnes over any consecutive 10 year period within the life of the quarry.
- ii) The maximum annual production rate shall not exceed 400,000 tonnes.
- iii) The maximum daily production rate shall not exceed 2,000 tonnes.

4. Statutory Requirements

The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act, 1993, Pollution Control Act, 1970, Clean Air Act, 1961, Clean Water Act, 1970, Noise Control Act, 1975, Protection of the Environment Administration Act, 1991 and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices and to the requirements and satisfaction of the Environment Protection Authority ("EPA"), Department of Conservation and Land Management and Roads and Maritime Services ("RMS") are fully met.

5. Environmental Protection Authority

- i) In the event of emissions exceeding the approved levels, or in the event that there are adverse effects on the environment beyond those anticipated at the date of this consent and which can be reasonably attributed to emissions from the proposal, the Applicant shall comply with the conditions, directions or notices issued under the foregoing Acts aimed at achieving the approved levels of emissions or at mitigating or eliminating the adverse effects. The Applicant shall comply with any stop work notices issued by the EPA to temporarily cease the work.
- ii) The Applicant shall hold a Pollution Control Licence from the EPA to discharge pollutants to Racecourse Creek before commencing quarrying operations.

6. Department of Conservation and Land Management

The Applicant shall undertake the following works to the requirements of the Department of Conservation and Land Management.

- i) topsoil cut and fill batters prior to revegetation;
- ii) enhance the stability of the diversion bank system in the event that scouring problems arise by rock lining such channels or other suitable measures;
- iii) rehabilitation and maintenance of erosion and sediment control works.

6A Southern Extraction Area

- i. Quarrying in the Southern Extraction area shall not commence until the existing Crown Road has been closed and the new Crown Road has been registered and the title created.

The Applicant shall provide written notification to the Department that the new Crown Road has been registered and the title created.

- ii. The Applicant shall prepare an Erosion and Soil Control Management Plan for the Southern Extraction Area in consultation with Oberon Council. The Plan shall be submitted to the Director-General for approval prior to the commencement of site works.

7. Environmental Protection – Construction Stage

The Applicant shall prepare and obtain the approval of the Council in consultation with the Department of Conservation and Land Management to a detailed Environment Protection Plan setting out construction safeguards for all surface construction work, whether temporary or permanent, and in particular, road cuttings, embankments, creek crossings and transmissions lines.

Such plan or plans shall contain details relating to the following:

- i) Design and construction techniques and materials;
- ii) Supervision/inspection arrangements of contractors and/or employees;
- iii) Diversion of all natural catchment run-off away from construction sites;
- iv) Containment, settling and treatment of all construction site run-off;
- v) Construction of settlement dam and sewage treatment facilities at initial stage of construction of project;
- vi) Location and grading of fill;
- vii) Controls on earthmoving equipment;
- viii) Measures to minimise sloughing and sedimentation;
- ix) Measures to minimise erosion around pipes and culverts and to accommodate abnormal conditions.

Plans and details of the above measures shall be lodged with and approved by the Council in consultation with the Department of Conservation and Land Management prior to the clearing of land.

The Applicant shall not commence the commercial haulage of quarry product until construction earthworks including road batters, table drains, sedimentation dam walls, runoff drains, acoustic and visual bunds and topsoil stockpiles are treated in satisfaction in accordance with the reasonable requirements of the Council.

Where circumstances change during construction and those circumstances could not have been foreseen, Council in consultation with the Department of Conservation and Land Management may require erosion or sediment control works to be carried out in addition to or instead of those works specified in the approved Plan.

8. Fencing

The Applicant shall fence the development to the reasonable requirements of the Council.

9. Construction Materials

All structures shall be constructed in suitably coloured, non-reflective materials, to the reasonable requirements of the Council.

10. Disposal of Vegetation

No vegetation or other combustible material is to be disposed of by burning on site. All wastes are to be disposed of by landfill or other environmentally acceptable methods to the requirements of the Council.

11. Fuel Storage

- i) The Applicant shall install any refuelling facility and/or fuel storage on an impermeable concrete platform with raised edges to ensure that no spilled fuel is allowed to contaminate groundwater in the area. This platform shall be constructed at a time determined by, and in satisfaction of the reasonable requirements of the Council.
- ii) The transfer of fuel in fuel delivery operations shall take place within bunded areas to the requirements of the EPA.
- iii) Fuel storage shall be roofed to the satisfaction of the EPA.
- iv) Fuel shall only be received between 8.00 am and 4.00 pm Mondays to Fridays. No fuel shall be received on Saturdays, Sundays or Public Holidays.

12. Parking Facilities

The Applicant shall meet the requirements of the Council to ensure the adequate provision of unloading, loading, manoeuvring and parking of vehicles within the development site.

13. Operational Controls

The Applicant shall:

- i) provide a truck wheel washing facility for trucks leaving the site as required by the EPA.
- ii) cover all conveyors to the requirements of the EPA.
- iii) not apply precoat during wet weather unless in a covered and bunded area to the requirements of the EPA.

14. Visual Controls

The Applicant shall:

- i) within six (6) months of the date of the granting of development approval at the written relevant request of the landowners of "Westrel", "Linnane Park" and "Rocklea" undertake tree planting of appropriate landscaping works on properties where dwellings or habitable buildings have direct

lines of sight to the development including the private haul road, to the reasonable requirements of the Council;

- ii) screen all on-site flood lighting and vehicular lights to the reasonable requirements of the Council; and
- iii) prior to commencement of construction of the development, prepare and submit for the approval of the Council a detailed plan of proposed landscaping works associated with the development. Such proposals shall be implemented in accordance with the Council's approval.

15. Site Maintenance

Wherever site works, structures or buildings are proposed or required to be undertaken as part of this development, such site works, structures or buildings, shall be maintained at all times in satisfaction of the Council's reasonable requirements.

16. Hours of Operation

The hours of operation shall be restricted to the following:

i) Quarrying and Processing Areas:

7.00am to 6.00pm, Mondays to Fridays

7.00am to 5.00pm, Saturdays

No quarrying or processing shall be undertaken on Sundays or Public Holidays.

Loading Haul Trucks

6.00am to 10.00pm, Mondays to Fridays

6.00am to 5.00pm, Saturdays

No loading of haul trucks shall be undertaken on Sundays or Public Holidays.

ii) Product Delivery:

6.00am to 10.00pm, Mondays to Fridays

6.00am to 5.00pm, Saturdays

No product delivery trucks are to enter the quarry prior to 6.00am on any day.

During the periods 6.00am to 7.00am and 6.00pm to 10.00pm, a maximum of 4 laden delivery trucks shall leave the site per hour (total 8 truck movements per hour).

iii) Construction of Haul Road and Quarry Infrastructure:

7:00 a.m. to 6:00 p.m. Mondays to Fridays

7:00 a.m. to 4:00 p.m. Saturdays

No construction shall be undertaken on Sundays or Public Holidays.

iv) Maintenance:

7:00 a.m. to 6:00 p.m. Mondays to Fridays

7:00 a.m. to 4:00 p.m. Saturdays

17. Clearing of Vegetation, Lopping and Removal of Trees

Consent is granted for the removal of trees and other vegetation from the site of approved buildings, structures, on site roads and stockpile sites. Consent is also granted for the removal or lopping of trees within three metres of approved buildings. See Condition 10 for Disposal of Vegetation.

18. Earthworks and Erosion Control

- i) An erosion control plan showing detailed runoff and erosion control measures shall be prepared to the reasonable requirements of Council in consultation with the Department of Conservation and Land Management. This plan shall incorporate (without being limited to) –
 - upsite interception of uncontaminated runoff and diversion of it around disturbed areas;
 - sediment interception measures (catch drains, contour banks, detention basins, settling ponds, haybale or gabion barriers, sediment traps, silt fences etc) sufficient to prevent sediment and other debris leaving the site or entering downstream drainage lines;
 - regular maintenance of erosion control works; and
 - satisfactory disposal of intercepted sediment.
- ii) Runoff and erosion controls to the reasonable requirements of the Council shall be installed by the Applicant prior to clearing of site vegetation.
- iii) Topsoil shall be stripped only from approved areas and shall be stockpiled by the Applicant for re-use during site rehabilitation and landscaping to the reasonable requirements of the Council. [Soil bunds should be adequately vegetated.](#)
- iv) Uncontaminated runoff shall be intercepted upsite and diverted around all disturbed areas to the reasonable requirements of the Council
- v) Runoff detention and sediment interception measures shall be applied to the land to Council's reasonable requirements to reduce flow velocities and to prevent topsoil, aggregate, road base, spoil or other sediment escaping from the site or entering Racecourse Creek or Lake Oberon.
- vi) The capacity and effectiveness of runoff and erosion control measures shall be maintained to Council's reasonable requirements at all times.
- vii) Pollution control devices shall be installed and maintained to ensure there is no increase in the downstream levels of nutrients, litter, vegetative debris, and other water-borne pollutants to the reasonable requirements of the Council.
- viii) Stockpiles of topsoil, aggregate, spoil or other material capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb or road surface to the reasonable requirements of the Council.
- ix) Measures shall be applied to Council's reasonable requirements to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development.

19. Waste Disposal

- i) The Applicant shall dispose of all sewage outside the Lake Oberon and Duckmaloi Weir catchments to the reasonable requirements of the Council.
- ii) The Applicant shall dispose of solid waste and putrescible waste at an authorised waste depot to the satisfaction of the Council.

20. Dust Suppression

The Applicant shall:

- i) provide supplementary dust suppression equipment for each operating water cart proposed in the EIS to the requirements of the EPA;

- ii) maintain sufficient equipment with the capacity to apply water to the quarry roads and all trafficked areas at the rate of at least 1.5 litres per square metre per hour over the dust generating area, unless the roads are sealed;
- ii) ensure no loaded haulage vehicles leave the site before the load is fully and effectively covered;
- iii) install a suitable dust suppression system to control dust at all emission points within the processing plant, to the requirement of the EPA;
- iv) cease all quarry operations should adequate water supplies not be available for dust suppression for all quarrying, onsite transportation and processing operations.

21. Water Management

The Applicant shall:

- i) prepare and submit to the Council for approval a water management plan which clearly demonstrates the capacity of the scheme to ensure there will be no discharge of unacceptable polluted waters under dry weather conditions, and that any discharges under wet conditions will not cause deleterious effects on Racecourse Creek and Lake Oberon and meet the requirements of the EPA. Such plan shall be lodged with the Council prior to the clearing of land;
- ii) collect runoff in sumps and remove sediment, oil, grease and other pollutants regularly to minimise contaminated runoff leaving the processing plant site and roadways;
- iii) treat contaminated runoff at spoil dumps and stockpiles by collection dams and settling ponds to ensure that minimal pollutants leave the site;
- iv) obtain a geotechnical certificate from a suitably qualified experienced dams engineer who is a member of the institution of Engineers, Australia attesting to long term stability of each sediment dam wall constructed and that the dam will safely pass the runoff from the site during a 1-hour Probable Maximum Precipitation event after completion of each dam and shall forward such certificate forthwith to the Council;
- v) remove sediment from settling basins as soon as their effective capacity is reduced by 20%;
- vi) design and construct water management systems at the quarry site to safely convey runoff from a 1-hour Probable Maximum Flood event to the reasonable requirements of the Council in consultation with the Department of Water Resources;
- vii) design and construct overflow structures or similar device on sedimentation dams 1 and 2 to retain fuels and oils lighter than water to the requirements of the EPA;
- viii) install and operate dosing equipment to the requirements of the EPA; and
- ix) not discharge water from the site unless the non-filterable residue is 15mg/L or less and the turbidity is 15NTU or less, unless as a result of monitoring lower or higher levels are considered appropriate and approved by the EPA.

22. Blasting

The Applicant shall:

- i) undertake consultations with residents whose properties are adjacent to the development, with a view to determining the most appropriate blasting times for the development. The Applicant shall, in accordance with the requirements of the Council, give notice of proposed blasting times;
- ii) set blasts at the following times:

10:00 am to 3:00 pm, Mondays to Fridays, except under apparent temperature inversion conditions when blasting shall only occur between 11:00 am and 1:00 pm Mondays to Fridays;

- iii) not blast more than twice in one week;
- iv) design all blasts to minimise airblast overpressure and vibration using the NONEL system of equivalent;
- v) design all blasts based on the results of monitored blasts designed to minimise airblast overpressure and vibration using the NONEL system such that any one blast has less than a five (5) per cent probability of exceeding airblast overpressure and vibration goals as set by the EPA for affected property;
- vi) obtain appropriate local weather data or take indicative measurements, immediately prior to blasting and from that data shall predict whether noise levels outside the quarry area are likely to be increased above the levels expected under neutral meteorological conditions. The said data shall be recorded by the Applicant as part of its monitoring data;
- vii) not blast if the predictions in subclause (vi) herein indicate that the EPA noise goals of 115dBL/120dBL are likely to be exceeded;
- viii) monitor the noise, airblast overpressure and ground vibration impacts of the first three (3) blasts at the site of the quarry, at the site of the nearest occupied residence and at Oberon Dam wall to the satisfaction of the EPA. This testing shall be carried out by a qualified person approved by the EPA, engaged by the Applicant and at the Applicant's cost. The results shall be made available to Council for public view and the EPA within fourteen (14) days of the date of the tests;
- ix) by 31 December 2013, the Applicant shall commission a suitably qualified person, whose appointment has been endorsed by the Director-General, to:
 - (a) undertake a review of existing blasting procedures and practices on site;
 - (b) determine whether any additional management or mitigation measures are necessary to ensure compliance with airblast overpressure and ground vibration limits in this consent; and
 - (c) prepare a report detailing the outcomes and recommendations of the review,

to the satisfaction of the Director-General.

Within 2 months of receiving the review report, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the report to the Director-General, with a response to any of the recommendations contained in the report, including a timetable for the implementation of any reasonable and feasible measures proposed to address the recommendations in the report. The Applicant shall then implement the measures identified by the Director-General, to the satisfaction of the Director-General.

23. Noise Control

The Applicant shall:

- i) implement noise mitigation measures to facilitate the operation of the quarry and associated activities complying with design goals as set out below when measured at the residential façade of adjacent residences:

Quarry operational noise

Location	Period	Noise Limit dB(a) L_{Aeq} (15 minute)
NM1	Day	36
	Evening	35
	Night	35
NM2	Day	35
	Evening	35
	Night	35
NM3	Day	35
	Evening	35
	Night	35

Table 8 in *Noise Impact Assessment Extension to Hours of Operation Oberon Quarry* prepared by Richard Heggie Associates and dated 29 January 2004.

Construction	(less than 4 weeks)	- 50dB(A) LA10
	(4 to 26 weeks)	- 40dB(A) LA10
Transport noise	Rural roads	- 50dB(A) LAEQ
	Urban roads	- 55dB(A) LAEQ

except where the LAEQ for urban roads already exceeds 53dB(A) the haul trucks shall not increase the existing LAEQ by more than 2dB(A)

Haul road - 35dB(A) LA_{eq}

However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

- ii) employ an acoustic consultant approved by the Council to prepare an Acoustic Compliance Design Report and submit to the Council a Test Certificate upon completion of the construction and building works, and roadside noise reduction works, and prior to commercial use of the quarry site, stating that:
 - (a) the development complies with the noise performance goals and the Noise Control Act 1975;
 - (b) the consultant has inspected the works and buildings during construction; and
 - (c) that it complies with the requirements of the Acoustic Compliance Design Report.
- iii) use the rock breaker only inside the quarry extraction area to the reasonable requirements of the Council;
- iv) use the hydraulic drill only between 8:00 am and 4:00 pm Mondays to Fridays and 8:00 am to 1:00 pm Saturdays when operating in direct line of sight to the residences 'Westrel', 'Linnane Park' or 'Rocklea';
- v) implement the following product-transport noise mitigation measures to the requirements of the EPA:
 - (a) construction of barriers and bunding along the private haul road in accordance with the Acoustic Design Compliance Report;
 - (b) fitting of its owned or contracted product haulage trucks with residential type mufflers at the Applicant's cost as required by the EPA;
 - (c) regular maintenance of mufflers of its product haulage trucks at the Applicant's cost;

- (d) fitting of its product haulage trucks with 'quiet' engine compression brakes at the Applicant's cost as required by the EPA;
 - (e) setting of a truck speed limit on the private haul road;
 - (f) refusal to load any unroadworthy or non-complying vehicles;
 - (g) carry out acoustic protection measures at the 'Rocklea' residence, as required by the EPA, after monitoring of noise levels.
- vi) construct a 4 metre high noise bund at the northern end of the site to shield quarrying activities at the northern limit of the development.

The bund shall be revegetated within 6 months of the date of this consent, and 3 months after each increase in bund height until the final height of the bund is reached, to the satisfaction of the Director-General.

24. Roads

The Applicant shall:

- i) submit the detailed design (in relation to sediment and erosion controls) of the haul road to Council for its approval, prior to the commencement of construction;
- ii) seal the haul road to its junction with the Shooters Hill Road to a minimum of six (6) metres width, drained and maintained at all times in accordance with the reasonable requirements of the Council;
- iii) obtain all the necessary legal consents of owners for the road location, and suitable legal and physical access shall be provided to properties currently having access to the existing road alignment;
- iv) construct the intersection of the haul road and Shooters Hill Road to the reasonable requirements of the Council in consultation with the RMS;
- v) ensure that erosion control measures and environmental management practices are incorporated in the construction of the haul road to the reasonable requirements of the Council;
- vi) rehabilitate all disturbed areas in the construction of the haul road to the reasonable requirements of the Council.

25. Titania Road

The Applicant shall:

- i) upgrade and seal the full length of Titania Road to the requirements of the Council within 12 months of the commencement of commercial haulage of quarry product or such longer period as the Council may allow due to adverse weather conditions;
- ii) upgrade and seal that portion of Titania Road between Sydney (Hampton) Road and the entry to the property 'Gainsford' to the requirements of the Council within 4 months of the commencement of commercial haulage of quarry product or such longer period as the Council may allow due to adverse weather conditions;
- iii) upgrade as required the intersections Shooters Hill Road/Jenolan Caves Road, Jenolan Caves Road/Titania Road and Titania Road/Sydney (Hampton) Road prior to the commercial haulage of quarry product to the reasonable requirements of the Council and in consultation with the RMS.

26. Environmental Monitoring

The Applicant shall:

- i)
 - (a) install a minimum of four (4) dust deposition gauges and in each calendar month shall determine the dust deposition rate in g/m²/month to the requirements of the EPA;
 - b) monitor water at each discharge point for non-filterable residue, turbidity, pH and conductivity according to the requirements of the EPA;
 - c) monitor Racecourses Creek both upstream and downstream of the quarry site for non-filterable residue, turbidity, pH, and conductivity to the requirements of the EPA;
 - d) monitor water from the quarry site and in Racecourse Creek downstream of the quarry for total nitrogen, total phosphorus and total petroleum hydrocarbons and Racecourse Creek upstream of the site for total nitrogen and total phosphorus to the requirements of the EPA;
 - e) monitor groundwater quality and quantity in the vicinity of the quarry site to the requirements of the EPA in consultation with the Department of Water Resources;
- ii) Within 3 months, 6 months and 12 months of the date of this consent (and **quarterly** thereafter), or as directed by the Director-General, the Applicant shall submit to the Department and Council, a Noise Report prepared by an independent and suitably qualified person, to assess compliance with the noise levels generated by the quarrying, processing and transportation of quarry products.

If any non-compliance is detected, the report shall identify what additional measures will be implemented to ensure compliance.

The acoustical study shall be undertaken in accordance with the Department of Environment and Conservation's *Industrial Noise Policy*;
- iii) employ full-time a suitably qualified environmental officer approved by the Council prior to the commencement of construction to be responsible for ensuring all environmental safeguards proposed for the development and as required by this consent and other statutory approvals are enforced and monitored during site construction works and initial quarry operations. The suitably qualified environmental officer shall be employed for a period specified by the Council but not exceeding 3 months from commencement of commercial transport of quarry products;
- iv) pay an annual contribution of \$2,000 increased on an annual basis by CPI, to the Council for it to monitor the Applicant's compliance with all the conditions of development consent. The contribution shall be payable to the Council when lodging the annual report required by condition 27 until the quarry and plant are decommissioned and the site rehabilitation is determined by the Council to be self-sustaining.

27. Annual Report

- i) The applicant or operator shall have prepared by a suitably qualified person approved by the Council and Annual Environmental Management and Rehabilitation Report on the operations of the quarry to the requirements of the Council. The report shall be submitted to the council for public access and to the EPA and the Department of Conservation and Land Management by the 31 March each year. The Applicant shall forward a copy of the report to the other relevant government agencies on request.
- ii) The Annual Environmental Management and Rehabilitation Report shall comprise, but not be limited to:
 - Environmental Management and Rehabilitation Plans;
 - Meteorological data;
 - Water quality monitoring;
 - Groundwater monitoring;
 - Noise level monitoring;
 - Dust monitoring
 - Blast monitoring;
 - Stabilisation, revegetation and rehabilitation progress;
 - Transport management;
 - A summary of annual average and monthly production rates of quarry products;
 - An annual summary of product tonnage destinations by the four (4) market segments set out in the EIS.
- iii) The applicant or operator shall submit by 31 March each year a Conditions Compliance Report for the Langley Heights Quarry. The report shall be prepared by a suitably qualified and independent person and detail compliance with all consent conditions. The report shall be submitted to Oberon Council for public access and to the Department of Planning and Infrastructure, the EPA, the Department of Conservation and Land Management and other relevant government agencies on request. It shall be the ultimate responsibility of the applicant or operator to ensure compliance with conditions of approval.

28. Rehabilitation

The Applicant shall:

- i) procure the immediate lodgement with Council of a bank guarantee of the sum of fifty thousand dollars (\$50,000) in a form acceptable to Council in that amount;
- i) increase or decrease the amount of the bank guarantee as reasonably required by the Council to reflect the actual cost of rehabilitation of the total site at that time as advised by the Department of Conservation and Land Management each 12 months from the date of commencement of construction;
- ii) if the owner should alienate the said property of the Applicant should lose tenure during the period of their obligations under these conditions or any of them, the Applicant shall remain liable to perform this and all other conditions of consent unless and until they procure a satisfactory agreement between the alienee or owner and the Council to perform and observe these conditions of approval;
- iii) ensure that tree and shrub screen plantings are adequately protected from grazing by domestic stock and wildlife by the use of tree guards, stock proof fences or the like to the requirements of the Council;
- iv) maintain a Bank Guarantee of an amount to the requirements of the Council on completion of quarrying until rehabilitation is reasonably considered by the Council to be self-sustaining. The Council shall release the said Bank Guarantee on the written request of the Applicant, forthwith after such determination.

29. Roads Levy

- i) The Applicant shall pay a contribution to Council for the maintenance/repair of public roads.
- ii) The contribution shall be paid at a rate of \$0.05 per tonne of extracted material hauled from the site, for each kilometre travelled on roads for which Council is the responsible roads authority.
- iii) The contribution shall be paid every month based on the material transported in the preceding month.
- iv) The contribution shall be indexed annually to changes in the Consumer Price Index (All Groups).

Note: The current contribution rate (as at 12 December 2006) is \$0.39/tonne (\$0.05/tonne x 7.8 km).

30. Transport Management Plan

The Applicant shall prepare a Transport Management Plan for fuels, chemicals and explosives materials used onsite to the requirements and approval of the Director of Planning or her nominee prior to the commencement of construction.

30A. Haul Route

- i) All quarry products shall be transported from the site via Titania Road, except for local deliveries and deliveries to Edith.
- ii) All deliveries to Bathurst and Oberon shall use the heavy vehicle bypass of Oberon.

30B. Driver Code of Conduct

The Applicant shall prepare and implement a Driver Code of Conduct for all quarry related heavy vehicles using public roads. The Code of Conduct must be prepared in consultation with Council, and submitted to the Director-General for approval by 31 December 2013, and must address:

- (a) travelling speeds of quarry vehicles on public roads;
- (b) staggering of truck departures from the site;
- (c) instructions to drivers not to overtake each other on the haulage route, as far as practicable, and to maintain appropriate distances between vehicles;
- (d) instructions to drivers to adhere to the designated haulage routes;
- (e) instructions for safety procedures for drivers to ensure that traffic regulations are obeyed;
- (f) regular driver training for the Code of Conduct, to ensure that all drivers are made aware of the Code; and
- (g) procedures for ensuring compliance with and enforcement of the Code,

to the satisfaction of the Director-General

31. Property Acquisition

The Applicant shall:

- i)
 - a) upon receipt of a written request to purchase, within a period of up to 6 years but not less than 12 months from the date of this consent, from the owner of 'Westrel', 'Rocklea', or 'Linnane Park', purchase such property;
 - b) pay not less than market value having regard to the existing use of the land immediately prior to the date of development consent and as if unaffected by the proposed development;
 - c) pay reasonable compensation of the cost of disturbance and relocation; and

- d) pay reasonable costs, if any, of the claimant in respect of expenses for legal advice and representation and expert witnesses in determining the value of the property and the terms of acquisition.
- ii)
- a) Where agreement as to acquisition details cannot be reached between the Applicant and any relevant land owner within six months of the date of the Applicant having received a written request to purchase, then:
 - i) either party may refer the matter to the General Manager of the Council who shall arrange through the President of the Australian Institute of Valuers for an independent valuation of the relevant property to be undertaken in order to determine current market value as if the land was not affected by the proposed development, and reasonable costs and compensation referred to in (ii) and (iv) above
 - ii) the Applicant shall bear the costs of the valuation arranged by the Council;
 - iii) following receipt of advice of such valuation, the Applicant shall offer to purchase the relevant property at a price of not less than the said valuation.
 - b) Should the Applicant's offer to purchase pursuant to (iii) above not be accepted by the relevant landowner within six months of the date of such offer, the Applicant's obligations pursuant to this condition shall cease.

32. Bushfire Hazard

The Applicant shall prepare a Bushfire Control Plan for the site in consultation with the Council prior to commencement of commercial transport of quarry product.

33. Disputes

In the case of disputes in the implementation of the conditions of this consent the matter shall be referred to the Minister of Planning for resolution.

34. Temporary stockpiling

5 mm product material may be temporarily stockpiled south of the extraction area on the top of Racecourse Hill. The entire stockpile must be moved to the floor of the quarry by 9 April 2009. A plan of management indicating how the stockpile's removal will be achieved shall be submitted for the approval of the Director-General, within 60 days of the date of approval of the above modification. In addition, the stockpile must:

- not exceed 3 metres in height;
- only be added to in a northerly direction towards the southern edge of the extraction area;
- not exceed 180m in width in an east/west direction;
- not be closer than 10 metres to the western property boundary;
- be a contiguous stockpile;
- be regularly wetted down and compacted to control dust emissions;
- be included in the water management and erosion control plan for the quarry (consultation with the Department of Land and Water Conservation is required to check appropriate measures); and
- not impact adversely on the visual amenity of 'Westrel' and 'Sunny Point'. Consultation with both landowners is required to determine the adequacy of tree screening. A landscape plan detailing agreed tree screening for each property shall be submitted for the approval of the Director-General within 60 days of the date of approval of modification No. 92/164/M1.

No other stockpiles of product material are to be located on Racecourse Hill or in any other location which is not approved in this consent.

If material is moved from the stockpile onto unformed Crown roads within and around the development area, then Land NSW at Orange shall be contacted to legalise any occupation or impact on such Crown roads prior to commencement.

NOTE: This approval does not relieve the Applicant of the obligation to obtain other approvals required under any other Act.

Attachment "A"

Land Description

Portions 92, 94, 102, 107-111 inclusive, 211 and 213;
Crown Road Reserve

Lot A. DP386067

Parish of Norway

Oberon LGA