

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

*Approval Issued under Section 4.18(1)(a) of the Environmental Planning and Assessment Act 1979*

<b>Application Number</b>	<b>DA-86/2022</b>
<b>Applicant</b>	Smk Qld Pty Ltd
<b>Land to be developed</b>	Lot 46 DP 750088 Bruxner Way, YETMAN 2410
<b>Approved development</b>	Expansion of Extractive Industry (Sandstone Quarry)
<b>Building Code of Australia Classification</b>	Not Applicable
<b>Determination</b>	The determination is <b>consent granted subject to conditions.</b>
<b>Determination date</b>	19 September 2022
<b>Consent is to operate from</b>	19 September 2022
<b>Consent will lapse on</b>	19 September 2027  Unless the work or use to which this consent relates has lawfully commenced on-site in accordance with Section 4.53 of Environmental Planning and Assessment Act 1979.

### CONDITIONS OF CONSENT

#### *Preliminary*

1. Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the expansion of an extractive industry (sandstone quarry) on Lot 46 DP 750088.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved Statement of Environmental Effects and accompanying documentation, unless modified by any following condition. Any deviation will require the consent of Council.

2. The applicant must comply with all relevant prescribed conditions as contained in Part 4, Division 2 of the *Environmental Planning & Assessment Regulation 2021*.

#### *Prior to Commencement of Operation*

3. Prior to commencement of operation, the existing sandstone quarry under DA-98/2011 is to cease operation. This will require:
  - The footprint of the sandstone quarry, approved under DA-98/2011, to be rehabilitated in accordance with the conditions of DA-98/2011 to Council's satisfaction; and
  - Upon completion of rehabilitation, the development consent granted under DA-98/2011 on 7 September 2011 to be formally surrendered in accordance with Clause 67 of the *Environmental Planning and Assessment Regulation 2021*.

4. Prior to commencement of operation, the boundary of the disturbance area for the extractive industry is to be clearly marked with using metal star pickets at minimum 20 meter intervals. The star pickets must be clearly visible with the use of flagging tape or florescent spray paint on the pickets.

The pickets are to be maintained in place for the duration of operation.

5. Prior to commencement of operation, a Traffic Management Plan is to be submitted to and approved by Council, which incorporates a Driver Code of Conduct for Haulage Operator, inclusive of the following;
  - A map of the primary haulage route highlighting critical locations;
  - An induction process for vehicle operators and regular toolbox meetings;
  - Procedures for travel through residential areas, school zones and bus routes;
  - Community consultation measures proposed for peak periods; and
  - Work, Health and safety requirements under the Work Health and Safety Regulation 2017.

#### ***During Operation***

6. The total area of the extractive industry must not exceed 9,900m<sup>2</sup>.
7. The maximum amount of material extracted per annum must not exceed 15,000m<sup>3</sup>.
8. A Section 7.11 (formerly Section 94) contribution is to be paid to Council for road maintenance every financial year.

This contribution shall be calculated at a rate of \$0.50 per cubic metre of material removed from the site within the financial year.

The operator is to provide Council with details of extracted material each financial year at the date that payment is made. If Council does not receive these details, the contribution will be levied on maximum extraction of 15,000 cubic metres of material for that financial year.

9. The approved hours of operation for the extractive industry are:
  - Monday to Friday – 5.30am to 7.00pm; and
  - 8.00am to 1.00pm on Saturdays.
10. Should any aboriginal artefacts or places be discovered during mining, all works are to cease immediately. Heritage NSW are to be contacted immediately and any direction or requirements complied with.
11. All fuels, chemicals and liquids are to be stored in a suitably bunded area located away from drainage lines or waterways. Refuelling of plant and equipment is to occur in impervious areas located away from drainage lines or waterway
12. The access driveway from Bruxner Way to the extraction site must be maintained to an all-weather standard.
13. The extractive industry is to comply with the approved Traffic Management Plan and Driver Code of Conduct.
14. The extractive industry must operate in accordance with any requirements of NSW Department of Industry.

### ***Upon Completion of Extraction***

15. At the completion of the extraction process, the site shall be rehabilitated in accordance with the approved Statement of Environmental Effects. Rehabilitation works are to be completed within one calendar year after cessation of extraction activities. The operator of the extractive industry is to notify Council of the cessation date of extraction activities and the commencement date of rehabilitation works.
16. Waste associated with the rehabilitation of the site is to be disposed of at a premise licensed to receive such waste in accordance with the *Protection of the Environment Operations Act 1997*.
17. Any soil contamination is to be remediated in accordance with *State Environmental Planning Policy (Hazards and Resilience) 2021* and the *Contaminated Land Management Act 1997*.

### **REASONS FOR CONDITIONS**

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as well as Section 4.17 which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

### **REASONS FOR APPROVAL**

1. The development, subject to conditions, is consistent with the objectives of the RU1 Primary Production zone.
2. The development is not Designated Development or Integrated Development under the *Environmental Planning and Assessment Act 1979*.
3. The development has been assessed against the relevant State Environmental Planning Policies, including *State Environmental Planning Policy (Resources and Energy) 2021*. The development is considered to comply with these policies.
4. DA-86/2022 was referred to, and comments received from Transport for NSW. Council has assessed the traffic impacts, including sight distance, associated with the development. Subject to conditions, the development is not considered to have a significant adverse impact in relation to access, transport or traffic.
5. The extractive industry has been designed in consideration of the biodiversity and koala assessments completed by the Accredited BAM Assessor *Stringybark Ecological Pty Ltd*, who have confirmed that the development is not required to prepare a Biodiversity Development Assessment Report (BDAR) or retire biodiversity credits.

### **COMMUNITY CONSULTATION**

Neighbour notification was undertaken in accordance with the Inverell Community Participation Plan. No submissions were received.

## **RIGHT OF APPEAL**

If you are dissatisfied with this decision, Division 8.3 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice. You are also advised that Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council



**CHRIS FALEY**  
**DEVELOPMENT SERVICES COORDINATOR**