



INVERELL SHIRE COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-112/2023 PAN-365852
Applicant	Tom Jobling
Description of development	Extractive Industry - Sandstone Quarry
Property	BRUXNER WAY YETMAN 2410 30/-/DP750129 35/-/DP750129
Determination	Approved Consent Authority - Council
Date of determination	12/10/23
Date from which the consent operates	12/10/23
Date on which the consent lapses	12/10/28

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

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.

DA-112/2023 was referred to, and comments received from Transport for NSW. Council has assessed the traffic impacts, including sight distance, associated with the development. The

development is not considered to have a significant adverse impact in relation to access, transport or traffic.

⁵ The extractive industry does not trigger the Biodiversity Offsets Threshold and a Biodiversity Assessment Report has been submitted which concludes that the development will not have a significant adverse impact on Threatened Species.

Community Consultation

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

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Chris Faley
Development Services Coordinator
Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1	<p>Approved Plans and Supporting Documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1"> <thead> <tr> <th colspan="5">Approved plans</th> </tr> <tr> <th>Plan number</th> <th>Revision number</th> <th>Plan title</th> <th>Drawn by</th> <th>Date of plan</th> </tr> </thead> <tbody> <tr> <td>23094-1</td> <td>-</td> <td>Detail Survey of Proposed Sandstone Quarry Footprint</td> <td>SMK QLD</td> <td>17 August 2023</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="4">Approved documents</th> </tr> <tr> <th>Document title</th> <th>Version number</th> <th>Prepared by</th> <th>Date of document</th> </tr> </thead> <tbody> <tr> <td>Statement of Environmental Effects</td> <td>1</td> <td>SMK QLD</td> <td>August 2023</td> </tr> <tr> <td>Biodiversity Assessment Report</td> <td>1</td> <td>Feral by Nature</td> <td>August 2023</td> </tr> </tbody> </table> <p>In the event of any inconsistency with the approved plans or documents and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Approved plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	23094-1	-	Detail Survey of Proposed Sandstone Quarry Footprint	SMK QLD	17 August 2023	Approved documents				Document title	Version number	Prepared by	Date of document	Statement of Environmental Effects	1	SMK QLD	August 2023	Biodiversity Assessment Report	1	Feral by Nature	August 2023
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2	<p>Prior to Commencement of Operation - Boundary of Extractive Industry</p> <p>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.</p> <p>The pickets are to be maintained in place for the duration of operation.</p> <p>Condition reason: To limit the extractive industry to the approved footprint.</p>																															
3	<p>Prior to Commencement of Operation - Traffic Management Plan</p> <p>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;</p> <ul style="list-style-type: none"> * A map of the primary haulage route highlighting critical locations; * An induction process for vehicle operators and regular toolbox meetings; 																															

	<ul style="list-style-type: none"> • 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.
	Condition reason: To mitigate potential traffic impacts associated with the transport of extractive materials on the public road network.
4	During Operation - Area of Extractive Industry
	The total area of the extractive industry must not exceed 9,785m ² .
	Condition reason: To limit the size of the extractive industry in accordance with the approved plans and documentation.
5	During Operation - Maximum Extraction Per Annum
	The maximum amount of material extracted per annum must not exceed 15,000 tonnes.
	Condition reason: To limit the maximum extraction per annum in accordance with the approved documentation.
6	During Operation - Section 7.11 Contributions
	A Section 7.11 (formerly Section 94) contribution is to be paid to Council for road maintenance at a rate of \$0.50 per tonne of product or extracted material.
	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 tonne of material for that financial year.
	Condition reason: To levy contributions in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Councils Section 94 Plan.
7	During Operation - Hours of Operation
	The approved hours of operation for the extractive industry are:
	<ul style="list-style-type: none"> • Monday to Friday – 5.30am to 7.00pm; and • 8.00am to 1.00pm on Saturdays.
	Condition reason: To limit the hours of operation.
8	During Operation - Aboriginal Heritage
	Should any aboriginal artefacts be discovered during extraction, all works are to cease immediately. Heritage NSW are to be contacted immediately and any direction or requirements complied with.
	Condition reason: To allow works to proceed with caution in accordance with the Aboriginal Due Diligence Code of Practice.
9	During Operation - Storage of Chemicals
	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.
	Condition reason: To protect the environment.
10	During Operation - All Weather Access
	The access driveway from Bruxner Way to the extraction site must be maintained to an all-weather standard.
	Condition reason: To ensure suitable access is maintained to the extraction site.
11	During Operation - Traffic Management

	The extractive industry is to comply with the approved Traffic Management Plan and Driver Code of Conduct.
	Condition reason: To mitigate potential traffic impacts associated with the transport of extractive materials on the public road network.
12	During Operation - Safety Requirements of the NSW Resources Regulator
	The extractive industry must operate in accordance with any safety requirements of NSW Resources Regulator.
	Condition reason: To ensure compliance with NSW Resources Regulator requirements.
13	During Operation - Biodiversity Recommendations
	During operation of the extractive industry, the recommendations of the approved Biodiversity Assessment Report are to be implemented on-site.
	Condition reason: To mitigate biodiversity impacts.
14	Upon Completion of Extraction - Rehabilitation
	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.
	Condition reason: To require the extraction site to be suitably rehabilitated upon completion of extraction.
15	Upon Completion of Extraction - Waste Disposal
	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.
	Condition reason: To ensure appropriate disposal of rehabilitation waste.
16	Upon Completion of Extraction - Soil Contamination
	Any soil contamination is to be remediated in accordance with <i>State Environmental Planning Policy (Hazards and Resilience) 2021</i> and the <i>Contaminated Land Management Act 1997</i> .
	Condition reason: To protect the environment.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means INVERELL SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Northern Regional Planning Panel.