

CONTACT: DEVELOPMENT CONTROL

24 August 2012

Boral Cement Limited
PO Box 42
WENTWORTHVILLE NSW 2145

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*.

Development Application Number	DA/0156/1112
Land to be Developed	Lot 4 DP 106569 & Lot 100 DP 1064794 Marulan South Road MARULAN SOUTH
Proposed Development	Installation of Limestone Sand Plant
Determination	01 May 2012
Consent granted subject to conditions in the attached schedule	
Consent to operate from	24 August 2012.
Consent to lapse on	24 August 2017
Other Approvals	
Approvals granted under Section 78A(5)	Water, Sewer and Stormwater
Integrated Development	Not Applicable to this Application

NOTE: PRIOR TO THE COMMENCEMENT OF ANY WORK A CONSTRUCTION CERTIFICATE IS TO BE ISSUED BY COUNCIL OR AN ACCREDITED CERTIFIER.

Yours faithfully



DIANNE JAMES
SENIOR TOWN PLANNER

SCHEDULE OF CONDITIONS

PART 1. GENERAL CONDITIONS

1. The development is to be carried out generally in accordance with the plans and details submitted with the application except where varied by the following conditions of consent. The development consent incorporates the plans and documents stamped and detailed below:
 - *Statement of Environmental Effects Marulan Limestone Sand Plant* prepared by EMGA Mitchell McLennan (dated 28/10/11);
 - Neighbour Notification handout titled *Boral South Marulan Lime Development Application Marulan Limestone Sand Plant* (dated November 2011);
 - *A Phase 1 Environmental Assessment – Marulan South Limestone Mine* prepared by RCA Australia (dated 4 October 2011);
 - *Marulan South Limestone Mine – Groundwater Assessment* prepared by Aquaterra (dated 12 October 2009);
 - Letter titled *Response to submissions* prepared by Boral Property Group (dated 28 February 2012) including
 - a. Noise Assessment Marulan Limestone Sand Plant prepared by SLR dated 21 February 2012
 - b. Air Quality Assessment prepared by PAE Holmes dated 22 February 2012;
 - c. Attachment 3 Proposed Limestone Sand Plant Layout (unreferenced and undated showing location of Tertiary feed in, surge bin 2 x screens, fines return to conveyor plant, 2 x air classifiers, sand silo, fines silo and VSI Crusher;
 - d. Plan of Boral Marulan Sand Plant General Layout Floor Plan Drawing No. D11P292A-01 dated 24/01/2012;
 - e. Plan of Boral Marulan Sand Plant Elevations Drawing No. D11P292A-02 dated 24/01/2012;
 - f. Attachment 9 Conceptual Soil and Water Management Plan - Proposed Marulan Limestone Sand Plant (unreferenced and undated)
 - Email from Judy McKittrick sent 19 April 2012 containing the Limestone productions from 1997-1998 to 2006-2007.
 - A Plan showing the limit of lateral expansion (Pre 1 August 2007 disturbance) prepared by GSS Environmental Pty Ltd / Gordon Atkinson & Associates Pty Ltd dated 17/6/10 Plan No. 4.
 - Plan of Sand Plant Location and Plant Layout Drawing No. 270-5660-M-0006 Rev B;
 - Plan of Sand Plant Location and Plant Layout Drawing No. 270-5660-M-0004 Rev D dated 10/10/2011
 - Plan of Sand Plant and Conveyor Layout Drawing No. 270-5660-M-0002 Rev E dated 15/9/2011
 - The letter from Boral dated 19 June 2012, amending the location of the access road to the site.

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail and the letter from Boral dated 19 June amending the location of the access road to the site prevails over all other plans. Separate development consent is required where the operations require works not authorised under Section 109 (2) of the *Environmental Planning and Assessment Act 1979*.

ADVISING

It is noted that the existing operations i.e. mining of limestone by Boral is undertaken in accordance with Section 109 Continuance of and limitations on other lawful uses pursuant to the *Environmental Planning and Assessment Act 1979*. This consent is based on information provided by the applicant and nothing under this consent authorises:

S109(2)

- (a) any alteration or extension to or rebuilding of a building or work, or
- (b) any increase in the area of the use made of a building, work or land from the area actually physically and lawfully used immediately before the coming into operation of the instrument therein mentioned, or
- (c) without affecting paragraph (a) or (b), any enlargement or expansion or intensification of the use therein mentioned, or
- (d) the continuance of the use therein mentioned in breach of any consent in force under this Act in relation to that use or any condition imposed or applicable to that consent or in breach of any condition referred to in section 80A (1) (b), or
- (e) the continuance of the use therein mentioned where that use is abandoned.

- 2. In accordance with Clause 7(1)(d) of the *Mining SEPP 2007*, only minerals mined from the site or adjoining site may be used in the manufacture of sand.
- 3. The development excludes discharge into Barbers Creek and no consent is given for discharge into Barbers Creek under this consent.

ADVISING

Section 5.2 of the Statement of Environmental Effects – Marulan Limestone Sand Plant refers to a discharge point to Barbers Creek. The EPA notes that EPL 944 does not permit such a discharge to waters, and Boral Cement Ltd is reminded of the requirement to comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits pollution of waters.

- 4. The applicant shall ensure any product transported by rail will be incorporated into the "continuing use" quantities whereby rail dispatch volumes under this development consent will not increase the traffic volumes to and from the Mine. No approval is given to the transportation of the manufactured sand by road other than between the limestone mine and Peppertree Quarry.

Reason: The road route would be different for the manufactured sand product than the road route of products transported historically from the site and there has been no assessment on the condition of the access road i.e. dilapidation report.

- 5. The applicant shall ensure total Mine extraction of Limestone is no more than 3,380,599 tonnes per annum from the Mine with an average extraction of Limestone of 2,177,542.6 tonnes per annum.

The Limestone Mine shall not exceed 3,380,599 tonnes per annum of Limestone extracted from the site and shall not extend laterally beyond the Pre 1 August 2007 disturbance area as identified on the plan prepared by GSS Environmental Pty Ltd / Gordon Atkinson & Associates Pty Ltd dated 17/6/10 Plan No. 4.

Reason: To ensure the operations at the site comply with the Continuing Use Rights of the Environmental Planning and Assessment Act.

- 6. It is noted that the land is identified as Bushfire Prone. The Applicant shall:

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- Ensure that the development is suitably equipped to respond to any fires on-site; and
 - Assist the rural fire service and emergency services
 - Comply with Annexure A of this consent.
7. The proposed Limestone Sand Plant and associated works shall be undertaken in accordance with the Statement of Environmental Effects prepared by EMGA Mitchell McLennan (dated 28/10/11), as modified by the Response to Submissions report prepared by Boral Property Group (dated 28 February 2012) and the letter from Boral Property Group to council dated 19 June 2012) and these conditions of consent.(SCA Schedule 1)
8. Any external changes to the works or the layout shall be agreed to by the Sydney Catchment Authority. (SCA Schedule 1)
- Reason for Conditions 7 & 8 - The Sydney Catchment Authority has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*
9. The Applicant shall ensure that all works are carried out in accordance with the Work Health and Safety Act and Regulation and the requirements of WorkCover NSW (as amended from time to time).
10. The Applicant shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.
11. The Applicant shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.
12. The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.
13. The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.
14. The Applicant shall implement all reasonable and feasible measures to minimise:
- Energy use on the site
 - Energy use as a result of transportation

PART 2. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

15. Plans and specifications submitted with a Construction Certificate Application are to show compliance with the relevant conditions of this Consent. A document shall be submitted with the Construction Certificate Application outlining the conditions contained within this Consent notice and detailing how these conditions have been satisfied (including the requirements of Agencies detailed in this Consent).
16. The Applicant shall submit to Council a detailed site survey prior to issue of the Construction Certificate. The site survey shall include:
- b. The location of the land, area, boundaries and adjoining properties,
 - c. Location, size and position of all plant and infrastructure so labelled
 - d. Location of all buildings, offices and structures so labelled
 - e. Position location and volume of all stockpiles of overburden, berms and areas of storage of any materials
 - f. Access to /from the site and internal road construction
 - g. Waterbodies, dams water tanks of any kind, and
 - h. Landscaping and fencing

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- i. Location of lateral extension i.e. pre 1 August 2007 as per plan prepared by GSS Environmental Pty Ltd / Gordon Atkinson & Associates Pty Ltd dated 17/6/10 Plan No. 4.

The plan shall calculate the total area of disturbance and shall be marked by permanent delineation on ground by star pickets, posts (or survey marks unless otherwise required).

- 17. Plans and specifications demonstrating compliance with the Building Code of Australia are to be submitted with the application for a Construction Certificate.

ADVISING –

If council is the nominated Principal Certifying Authority (PCA), the builder or applicant is to ensure compliance with the following Codes and Standards and parts of the Building Code of Australia. Plans, details and specifications, which show compliance with the Building Code of Australia, are to be submitted with the application for a Construction Certificate.

- Section C of the BCA – Fire Resistance
• Section D of the BCA – Access and Egress and Access for People with a Disability
• Section E of the BCA - Services and Equipment
• Section J of the BCA – Energy Efficiency. A report showing compliance with all parts of this section is to be provided with the application for a Construction Certificate.
• AS 1668 - Mechanical Ventilation

- 18. Complete details of the equipment and structures are to be submitted with the application for a Construction Certificate. This shall include fully dimensioned floor plans which show location of doors and openings and fire safety equipment.

19. Section 94 Development Contributions

In accordance with the provision of s80A(1) and s94 of the Environmental Planning and Assessment Act 1979 contributions are required toward the provision of community facilities and infrastructure in accordance with the Section 94A Levy Development Contributions Plan 2009. The contributions are to be paid prior to the release of the Construction Certificate.

ADVISING

The current contributions (2011/2012) under the Section 94A Levy Development Contributions Plan 2009 are based on the cost of construction of the development as follows:

Table with 2 columns: Cost of construction and Rate of levy. Rows include \$0 - \$100,000 (0%), \$100,001 - \$200,000 (0.5%), and In excess of \$200,000 (1%).

Details of the cost of the construction of the development shall be submitted with the application for a Construction Certificate. A cost summary report must be completed for works with a value no greater than \$200, 000. Where the value of the work is greater than \$200,000 the cost shall be certified by a Quantity Surveyor or an equivalent or acceptable alternative agreed to by Council. Refer to Appendix A of the Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009 for further details.

These contributions are reviewed annually and the contribution rates are to be confirmed prior to payment. Based on the estimated cost provided with the Development Application a fee of approximately \$90,000 is required.

- 20. Structural Engineers details of the footings, floor slab and structural components of the buildings and structures must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate this includes connections to existing buildings.

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21. The developer shall provide all engineering works including the services of Water Supply, Sewerage, Stormwater Drainage, Roadway, Kerb and Gutter, and Earthworks in accordance with Council's Standards for Engineering Works documents, July 2009 edition unless otherwise noted in the following conditions.
22. All external lighting associated with the development shall comply with AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting (as amended). The Applicant shall take all practicable measures to prevent and/or minimise any off-site lighting impacts from the development. Details showing compliance with this condition to be submitted to Council for approval prior to issue of the Construction Certificate.
23. The Applicant shall have prepared by a suitably qualified Landscape Architect a proposed landscape plan. The plan shall include planting for the development, which identifies screen plantings to minimise visual impacts, to the adjoining property at 248 Highland Way to ensure the development does not have a significant impact on the heritage significance of the property. Details to be lodged and approved by Council's Town Planner prior to issue of the Construction Certificate.
24. The Applicant shall prepare and implement a Construction Noise Management Plan for the project to the satisfaction of Goulburn Mulwaree Council. This plan must be submitted to Council for approval prior to the commencement of construction, and include:
 - (a) a detailed description of the measures that would be implemented to achieve the construction noise limits in accordance with the Environmental Protection License and EPA guidelines.
 - (b) a community notification protocol for the proposed construction activities;
 - (c) a description of the measures that would be implemented where the construction noise limits and/or operational noise limits are unlikely to be achieved or are not being achieved; and
 - (d) details of who would be responsible for monitoring, reviewing and implementing the plan.
25. The building enclosing the sand crushing and processing plant shall be fitted with gutters that shall direct all roof runoff to a 20,000 litre rainwater tank. (SCA Schedule 1)
26. The rainwater tank shall be plumbed for reuse for dust suppression within the plant, and moisture control of the sand product, but may also be used for other non-potable uses such as toilet flushing or landscape irrigation. (SCA Schedule 1)
27. All stormwater runoff from the development site, including the new access road shall be directly or indirectly directed to the north or south pit voids, but may be reused on the mine site. (SCA Schedule 1)
28. All stormwater structures conveying runoff from the impervious areas including roads associated with this development shall be assessed to ensure that there is adequate hydraulic capacity to accommodate the extra stormwater runoff. (SCA Schedule 1)

Reason for Conditions 25 - 28 – To ensure that stormwater runoff from the development site is appropriately managed so as to have a sustainable neutral or beneficial effect on water quality over the longer term.

29. A detailed Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works required as part of the development including demolition work and the new road access. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book" and shall be to the satisfaction of Council. (SCA Schedule 1)
30. Effective erosion and sediment controls shall be installed prior to any construction or demolition activity, and shall prevent sediment or polluted water leaving the site or entering any natural or constructed drainage system. The controls shall be regularly maintained and retained until works have been completed and groundcover established. (SCA Schedule 1)

Reason for Conditions 29 & 30 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase;

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31. The access road shall be located as shown on the plan included in the letter from Boral Property Group to Council (dated 19 June 2012), and shall be paved as a minimum and otherwise constructed to Council's engineering standards and as specified in the conditions below.
32. The proposed access road shall incorporate vegetated swales, as appropriate, for its entire length with appropriately spaced cross drains, level spreaders, sills or mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Excess runoff shall be directed to the quarry pit.
33. All swales, batters and verges associated with the proposed access road shall be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after construction.

Reason for Conditions 31 to 33 – To ensure that stormwater runoff from the access road is appropriately designed and managed so as to have a sustainable neutral or beneficial effect on water quality over the longer term.

PART 3. PRIOR TO COMMENCEMENT OF BUILDING WORK

34. Nominate a Principal Certifying Authority (PCA) and the PCA is to notify the consent authority and Council of their appointment, two (2) days prior to commencing work.
35. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.
36. A sign is to be erected on the development site, which shows the Builder's name and contact details and the Principal Certifying Authority for the development.
37. Run-off and erosion controls in accordance with the approved plans must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land as follows:
 - Divert uncontaminated run-off around cleared or disturbed areas, and
 - Erect a silt fence to prevent debris escaping into drainage systems or waterways, and
 - Prevent tracking of sediment by vehicles onto roads, and
 - Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

PART 4. DURING CONSTRUCTION AND DEMOLITION

38. All work is to be undertaken in accordance with the documentation required and approved under this Consent.
39. The demolition of the two buildings containing asbestos shall be undertaken in accordance with Australian Standard AS2601-2001 *The Demolition of Structures* and the *Code of Practice for the Safe Removal of Asbestos* (2nd Edition – National Occupational Health and Safety Commission), and all relevant Workcover NSW and NSW Office of Environment & Heritage requirements as amended. (SCA Schedule 1)
40. All waste material shall be disposed of at an appropriately licensed waste management facility. (SCA Schedule 1)

Reason for Conditions 39 & 40 - To ensure demolition of buildings containing hazardous material is undertaken in a manner that avoids contamination of the site and other areas.

41. Any person demolishing the building must upon identifying or suspecting that asbestos is present in the building, immediately notify the WorkCover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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42. Any asbestos removal to be carried out in accordance with the current Workcover requirements and in accordance with the NSW Government guidelines which can be found on their webpage at www.nsw.gov.au/fibro.
43. Documentation verifying the lawful disposal of all waste including asbestos is to be kept by the applicant and a copy provided to Council. Council shall be satisfied that no waste is present on site at the time of the final inspection.
44. The developer is responsible for ensuring all erosion and sediment control measures are implemented in accordance with the approved plan.
45. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.

ADVISING

If Council is the nominated Principal Certifying Authority, Council requires the following extra stages of construction to be inspected. Forty-eight (48) hours notice is required prior to these inspections.

- Steel reinforcing before pouring of concrete slabs.
- Framework before cladding or lining is fixed.

46. Access

The driveway and car park must be constructed in accordance with Council document "Standards for Carparks and Driveways, 2008".

47. It is the applicant's responsibility to ensure whether the proposed works affects any Public Utility Authority installation and the following Authorities should be consulted:

- Dial Before You Dig Ph.: 1100 (*for telephone, gas, electricity*)

48. In accordance with Section 109E(3) of the *Environmental Planning and Assessment Act* and Clause 162A of the Regulations the following Mandatory, Critical Stage Inspections need to be carried out by the Principal Certifying Authority. (PCA)

Forty-eight (48) hours notice is required prior to these inspections.

- In the case of a class 2, 3, 4, 5, 6, 7, 8 or 9 building, after the commencement of the excavation for, and before the placement of, the first footing;
- Prior to covering any stormwater drainage connections; and
- After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

ADVISING

The Stormwater and external sewer inspections can be linked as one (1) inspection when Council is the PCA.

49. That all construction and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm.

No construction or demolition work shall take place on Sundays or Public Holidays. A written application shall be made to the Council if a variation of these hours is required. The application shall indicate the reasons for the variation. The Council shall, if it so desires, grant any variation in writing.

Works may be undertaken outside these hours where:

- The delivery of materials is required outside these hours by Police or other authorities
- It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm
- The work is approved separately by Council.

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ADVISING

A written application shall be made to the Council if a variation of these hours is required. The application shall indicate the reasons for the variation. The Council shall, if it so desires, grant any variation in writing.

50. Activities occurring at the site must be carried out in a manner that will minimise emissions of dust from the premises. Trucks entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, must be covered at all times, except during loading and unloading.
51. To preserve and enhance the natural environment, all soil erosion and sediment control measures must be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from soil erosion and sediment control measures when no more than forty percent (40%) capacity has been reached and appropriately disposed of. These measures shall continue in proper operation until all development activities have been completed and the site is fully stabilised.
52. Should any Aboriginal relics or artefacts be discovered during the course of any works on-site, then work is to cease immediately. Work may only be resumed following written consent being obtained from the Office of Environment and Heritage.
53. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them being dangerous to life or property in accordance with WorkCover requirements. It will be necessary to ensure that the excavation is not within the zone of influence on the footings of buildings on the adjoining properties.
54. In the erection or demolition of a building, if the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided and adequate provision for drainage must be made. Approval is required for any retaining walls over 600mm in height.
55. In accordance with the administrative provisions of the *NSW Plumbing Code of Practice*, a plumbing and drainage permit must be completed and returned to Council for its records. The permit identifies what plumbing and drainage work is carried out by a particular plumber/drainer.

ADVISING

A copy of the plumbing and Drainage form can be downloaded from Council's web at http://www.goulburn.nsw.gov.au/index.php?option=com_content&view=article&id=1133099:plumbing-and-drainage-&catid=3446:02-application-forms-goulburn&Itemid=3908 or obtained from Customer Service office. A quote can be obtained from Council upon request.

56. The following stages of construction are to be inspected by Council as the Water and Sewer Authority.
Forty-eight (48) hours notice is required prior to these inspections.
 - Plumbing and Drainage before backfilling.
 - Pressure testing or waterpipes within the building prior to fixing of linings.
 - Final inspection of water plumbing and sewer drainage.

ADVISING

Inspections fees must be paid prior to commencing any plumbing and drainage work. If Council is not the nominated Principal Certifying Authority (PCA) it will be necessary to pay plumbing and drainage fees.

PART 5. PRIOR TO OCCUPATION

57. An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a

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new building, an altered portion of, or an extension to an existing building relating to the Sand Manufacturing Plant.

- 58. A document shall be submitted with any Occupation Certificate Application outlining the conditions contained within this Consent Notice and detailing how these conditions have been satisfied (including the requirements of Agencies detailed in this Consent).
- 59. The applicant shall have landscaping/screen planting completed in accordance with the approved plan. Any trees that die shall be replaced within 6 months.
- 60. Provision of a 38mm Storz coupling* with gate or ball valve to be located adjacent to the development. This coupling shall be connected to the 20 000L rainwater tank and it is preferable that it is not located within 10m of the building (where possible).

(* See separate note in Annexure 'A' on locating coupling point)

- 61. Prior to the issue of any Occupation Certificate it will be necessary to submit to the Principal Certifying Authority, a Fire Safety Certificate in respect of the fire safety measures installed within the building.

A Fire Safety Certificate is to state, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated:

- That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so, and
- That, as at the date of the assessment, the measure was found to be capable of performing to a standard not less than that required by the schedule to the relevant approval.

ADVISING

Matters requiring attention and consideration if Council is the nominated Principal Certifying Authority;

Portable fire extinguisher/s containing an extinguishing agent suitable for the risk being protected must be installed in the building in accordance with Australian Standard 2444 - Portable Fire Extinguishers - Selection and Location, as required by E1.6 of the *Building Code of Australia*.

An emergency lighting system must be installed within the building as required by E4.2 of the *Building Code of Australia*.

Exit signs must be installed in the building as required by E4.5 and E4.6 of the *Building Code of Australia*.

The Fire Safety Certificate is to include the following fire safety measures listed in the Schedule.

Schedule of Fire Safety Measures

Essential Service	Performance Standard
Emergency Lighting	AS 2293.1-2005, BCA 2011 E4.2, E4.4
Exit Signs	AS 2293.1-2005, BCA 2011 E4.5, E4.6, E4.8
Portable Fire Extinguishers	AS 2444-2001 BCA 2011 E1.6

The exit doors shall satisfy the requirements of D2.20 and D2.21 of the *Building Code of Australia*

Council requires the submission of details of any proposed mechanical ventilation prior to installation.

Any person who fails to comply with the provisions of the *Local Government Act 1993* Section 124 and/or clause 121B of the *Environmental Planning and Assessment Regulation*, the Principal Certifying Authority is entitled to make an order against the owner or manager of a premises (in the case where adequate fire safety is not promoted or maintained).

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PART 6. ONGOING OPERATION

62. The Applicant shall ensure that all plant and equipment at the site, or used in connection with the development are:
- Maintained in a proper and efficient condition; and
 - Operated in a proper and efficient manner.
63. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Concurrence or Approval Agencies, Council or the PCA.
64. The Applicant shall ensure that dust generated by the development does not cause additional exceedences of the dust criteria listed in the Environmental Protection Licence issued under Section 55 of the Protection of the Environment Operations Act 2010 (as amended from time to time).
65. The Applicant shall:
- Minimise the emission of dust from the site; and
 - Ensure that all plant and equipment complies with the standard of concentration prescribed in the *Protection of the Environment Operations (Clear Air) Regulation 2010*.
66. The Applicant shall ensure that all loaded vehicles entering or leaving the site are covered at all times, except during loading and unloading.
67. The Applicant shall ensure that all loaded vehicles leaving the site are cleaned of materials that may fall on the road before they are allowed to leave the site.
68. The owner of the building shall ensure that the building is maintained in a clean and tidy manner at all times.
69. The owner of the building shall:
- Furnish to the Council an Annual Fire Safety Statement in respect to each essential service installed in the building;
 - Ensure that essential services installed within the building are performing to a standard no less than to which the measure was originally designed;
 - Ensure the safety of fire exits;
 - Ensure doorways and paths of travel are not obstructed;
 - Ensure that offences relating to fire exits do not occur within the building.
- The owner of the building shall:
- Cause a copy of the certificate to be furnished to the NSW Fire Brigades; and
 - Cause a further copy of the certificate to be kept at the building.
70. The Applicant shall have in place an Environmental Management Plan which:
- j. Describes the procedures that would be implemented to:
 - i. Keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - ii. Receive, handle, respond to, and record complaints;
 - iii. Resolve any disputes that may arise during the course of the development;
 - iv. Respond to any non-compliance; and

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- v. Respond to emergencies;
- The Environmental Management Plan shall also include :
 - a. Copies of the various strategies, plans, programs that are required under the conditions of consent; and
 - b. A clear plan depicting all the monitoring being carried out for the development.
 - c. the operative requirements, a discussion on the extent of compliance and the remedying actions;
 - d. a listing of all selected remedial criteria and the rationale for their selection;
 - e. include details of environmental performance measures and monitoring to be used for the evaluation of construction and operative works, and what contingencies will be taken to address any identified adverse environmental impacts; and
- include the requirements of relevant concurrence and consent authorities issued to date for the site.

ADVISING

Details on the total extraction of limestone, average extraction and a survey of extraction shall be submitted to Council together with the annual records for the Sand Plant to ensure extraction is no more than 3,380,599 tonnes per annum from the Mine with an average extraction of Limestone is no greater than 2,177,542.6 tonnes per annum and the Mine shall not extend laterally beyond the Pre 1 August 2007 disturbance area as identified on the plan prepared by GSS Environmental Pty Ltd / Gordon Atkinson & Associates Pty Ltd dated 17/6/10 Plan No. 4.

71. Reporting

The applicant shall notify the Council and any other relevant agencies of any incident associated with the development as soon as practicable after the applicant becomes aware of the incident. Within 7 days of the date of the incident, the applicant shall provide Council and any relevant agencies with a detailed report on the incident.

72. All works are to be completed in accordance with this consent and all conditions satisfied or alternative appropriate arrangements in place to the satisfaction of Council prior to issue of the Occupation Certificate.

73. Separate Development Approval will be required to be obtained for any extraction from the Mine once the lateral extension has been reached as identified on the plan prepared by GSS Environmental Pty Ltd / Gordon Atkinson & Associates Pty Ltd dated 17/6/10 Plan No. 4 (i.e. Pre 1 August 2007 disturbance).

Sydney Catchment Authority (Schedule 1)

74. The applicant is to comply with all requirements of the Sydney Catchment Authority letter dated 14/3/2012 and amended concurrence conditions dated 10/8/2012 and these conditions incorporated into the Consent.

NSW EPA (Schedule 2)

75. The applicant is to comply with all requirements of the EPA's letter dated 5 March 2012.

NSW Transport RMS (Schedule 3)

76. The applicant is made aware of the comments of the RMS's letter dated 1 December 2011.

NSW Office of Water (Schedule 4)

77. The applicant is made aware of the comments of the NOW's letter dated 2 November 2011.

ANNEXURE 'A'

THIS ANNEXURE IS PROVIDED AS ADVICE TO THE APPLICANT

1. Location of Firefighting Coupling Point

- a) To be fitted with a 50mm ball valve in the riser, prior to the Storz fitting.
- b) The location in relation to the dwelling is purposely left as somewhat arbitrary, however, it must be:
 - Accessible at all times;
 - Be located greater than 10 metres and less than 30 metres from the building (where possible);
 - Be located adjacent to the access road;
 - Be located within the Inner Protection Area;
 - Be attached to a metal stand pipe 500mm minimum height above finished ground level;
 - Have a blue reflective device affixed to the top of a support stake so it is clearly visible at night;
 - Be in an area that is maintained cleared of all vegetation (except grass) for a distance of 1 metre all round;
 - All plumbing from the dedicated water supply, to and including the standpipe and ball valve shall be a minimum of 50mm;
 - Delivery line to be buried a minimum of 300mm below finished ground level;
 - Motorized, 3kw (5hp) petrol or diesel pump is to be permanently available in fully maintained, operating condition, attachable to the delivery line after the Firefighting Coupling Point but less than 7m above tank outlet level;
 - There shall be a 50mm ball valve and a 50mm non return valve inserted into the delivery line at the outlet point from the tank containing the 20,000 litres dedicated water supply. This is to facilitate constant "prime" of the delivery line.

(See example diagram attached)

FIREFIGHTING COUPLING POINT

(Example Location Diagram)

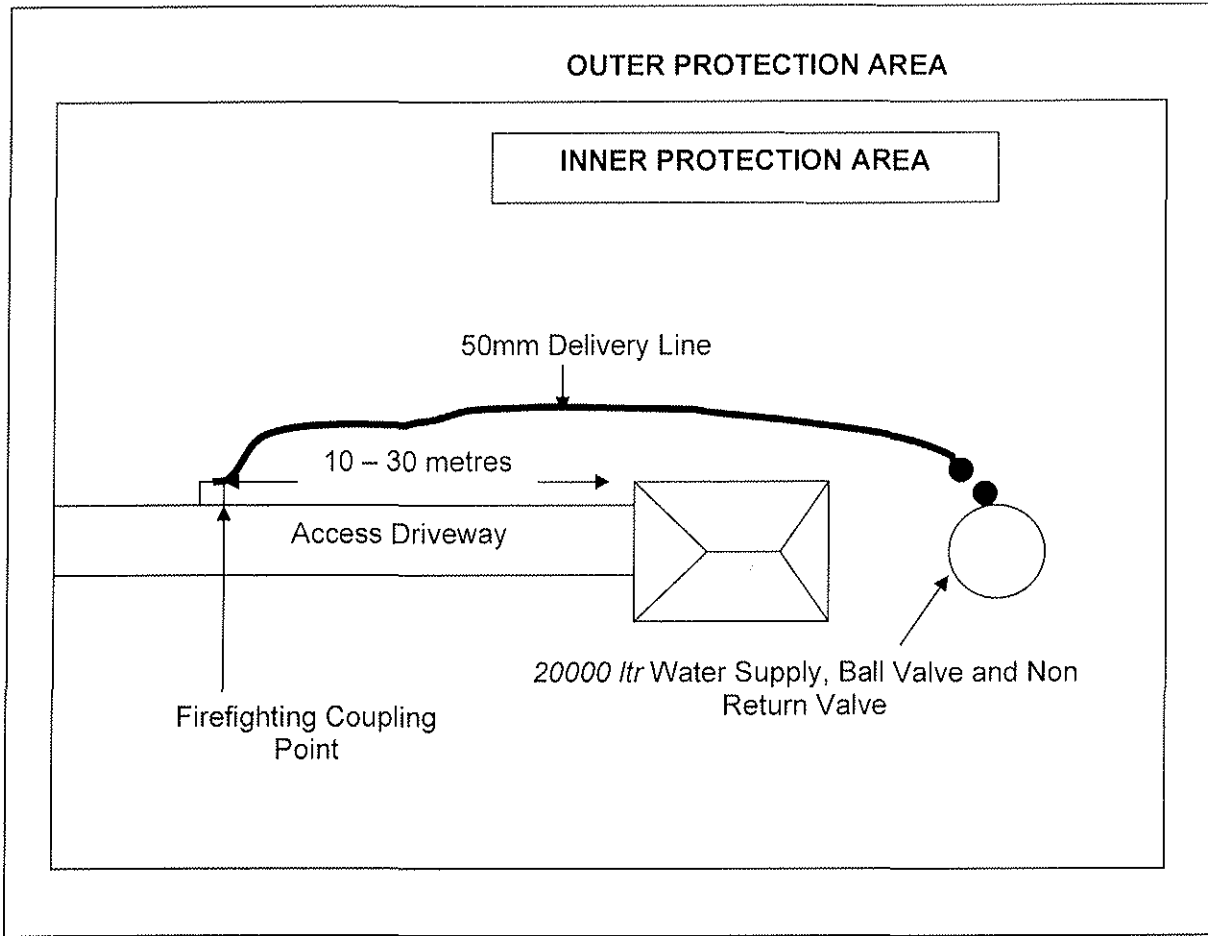
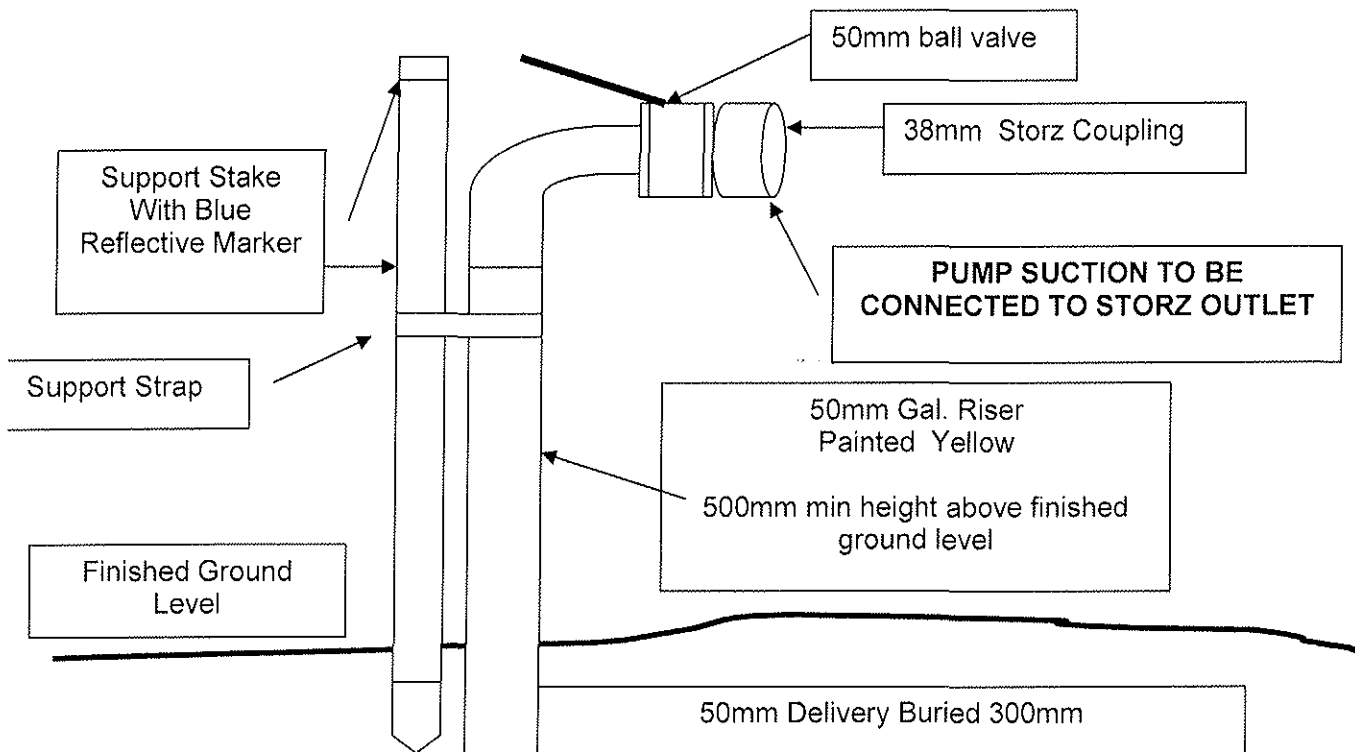


Diagram:



DEVELOPMENT APPLICATION DETERMINATION NOTICE

REASONS FOR CONDITIONS

Conditions have been imposed in accordance with the requirements of section 80A of the *Environmental Planning and Assessment Act, 1979*, in particular having regard to the relevant provisions of Section 79C.

- To comply with the provisions of relevant Environmental Planning Instruments (including drafts) regulations and development control plans. (S79C(1)(a)(i)-(iii)).
- To ensure that there is no adverse effect caused by the development. (S79C(1)(b)).
- To ensure that the site is suitable for the development. (S78C(1)(c)).
- To protect the public interest. (S79C(1)(e)).

Regulation 2000 Clause 101 requirements for Section 94 condition/s:

The following Contribution Plans are application to this Consent –

Contribution Plan	
<i>Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009</i>	• Roads & Community Facilities

All Contributions Plans are available for inspection free of charge at the Goulburn Mulwaree Council, Civic Centre, Bourke Street Goulburn during usual office hours.

Construction Certificate

Where construction work is proposed development consent is the first step. **Before construction commences, a Construction Certificate must be obtained** from Council or an accredited certifier.

Lapsing of Development Consent

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

Right of Appeal

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months of the date of this notice (section 97 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

Review

An applicant may request the Council to review this determination within one (1) year after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

Notes:

A Review cannot be requested for:

- *a determination to issue or refuse to issue a complying development certificate, or*
- *a determination in respect of designated development, or*
- *a determination in respect of integrated development, or*
- *a determination in respect of integrated development, or a determination made by Council under Section 116E in respect of an application by the Crown.*

Charges

Charges are reviewed each financial year. Any charges payable for this consent should be confirmed prior to payment. A copy of Council's fees and charges is available free of charge at the Council offices.

THIS FORM MUST BE PRESENTED WITH PAYMENT OF CHARGES

SUMMARY OF CHARGES

DA Number: 156/1112/DA
 Applicant: Boral
 Owner: As Above
 Subject Land: Marulan south
 No. Of Lots: Limestone Sand Plant

Description	Mnemonic	Rate	Amount	Comments
Goulburn Mulwaree Council Section 94A Levy Development Contributions Plan 2009				
Section 94A Levy	Gs94	0.5% OR 1% of the cost of construction		Subject to detailed costing
Non Plan Payments				
Construction Certificate & PCA	Application Wizard	No fixed cost – to be calculated		
Landscape Bond	GLandscaping/Bond	No fixed cost – to be calculated		

ADVISING

These contributions are reviewed annually (effectively 1 July each year) and the contribution rates are to be confirmed prior to payment.

OFFICE USE ONLY

Receipt No.
Date

Original E&P Dept
 Copies to Goulburn Water Services Manager
 Finance Manager