

QUARRY COMPLIANCE REPORT

QUARRY: MILLERS QUARRY – AFTERLEE ROAD AFTERLEE

DA REFERENCE: DA 03/27

INSPECTION DATE: 7TH NOVEMBER 2012

REPORT DATE: 8TH NOVEMBER

DA CONDITION	COMMENT	ACTION REQUIRED			
1. Development of the site being carried out generally in accordance with the Environmental Impact Statement prepared by Balanced Systems Planning Consultants dated July 2002 subject to such amendment as required by any condition specified hereinafter.	The quarry is being operated generally in accordance with the original EIS.	Nil			
2. Development consent is given to extract a maximum of 25000 cubic metres of material per year for the first five (5) years of operation, thence a maximum of 18000m ³ per year for years six (6) to sixteen (16) inclusive provided that the average amount extracted over any three (3) year period does not exceed 12000m ³	Council is complying with the extraction rates approved under the Sec 96 amendment - June 6 2012	Ongoing monitoring			
3. All extraction under this consent is to be completed by 30 th June 2019 with all required rehabilitation works completed in accordance with this consent by 30 th June 2020	Noted – works are occurring within the consent period	Nil			
4. Hours of operation for the development are to be within the spread of hours outlined in the Noise Impact Assessment included in the Environmental Impact Statement as prepared by Greg Alderson and Associates Pty Ltd on July 15, 2002 and in compliance with the Environmental Protection Agency's definition of a day and shall not exceed the following table: <table border="1" data-bbox="384 1019 823 1097"> <tr> <td>Activity</td> <td>Monday to Friday</td> <td>Saturday, Sunday and Public</td> </tr> </table>	Activity	Monday to Friday	Saturday, Sunday and Public	Hours of processing, washing, crushing, screening, maintenance and haulage are within specified hours of operation. Council has an obligation to inform any subcontractors or commercial operators of the restrictions on operating hours and to require compliance Hours of blasting are the responsibility	Council to inform all subcontractors and operators of the need to comply with approved hours of operation.
Activity	Monday to Friday	Saturday, Sunday and Public			

			Holidays		of the blasting company. Council has an obligation to inform any contractors or subcontractors for the blasting of the restrictions on operating hours and to require compliance	
	Quarry processing/extraction	7.00 am – 6.00 pm	In cases of emergency*			
	Crushing, Washing and Screening	7.00 am – 6.00 pm	In cases of emergency*			
	Routine Maintenance (satisfying EPA noise design goals)	7.00 am – 6.00 pm	In cases of emergency*			
	Haulage vehicle entrance/exit	7.00 am – 6.00 pm	In cases of emergency*			
	Blasting/Drilling	9.00 am – 3.00 pm	Prohibited			
5. Extraction is to occur only within the areas identified in the original development application				Current extraction area is compliant	Nil	
6. The establishment, operation and management of the development is to comply with the approved Quarry Management and Operations Plan prepared by Greg Alderson and Associates dated 15 July 2002, as amended by this consent.				The operations are occurring generally in accordance with the approved quarry management plan. The plan provides for a 1 in 4 slope batter at the southern face of the quarry. Given the current and approved depth of the quarry and the topography of the hill to the south, to achieve the required batter would result in a significantly large batter extending well into the adjoining	The management plan and rehabilitation plan be revised so as provide for an increase in the permissible batter slope for the southern face.	

	property to the south. There is limited if any environmental or visual gain from such an impost. It is recommended that the management plan and rehabilitation plan be revised so as provide for an increase in the permissible batter slope for the southern face.	
7. The development shall at all times meet noise emissions criteria, vibration levels and standards relating to airborne pollutants and discharge of wastes to natural water courses as may be specified by the Environment Protection Authority	Council has recently engaged independent noise consultants to assess compliance with the approved noise levels. Should exceedances be identified, design and management scenarios to ensure future compliance will be required	Separate report to Council once the independent noise testing and reporting has been completed.
8. The noise amelioration works, road traffic noise and blasting on the site is to be carried out in compliance and consistent with the Noise Impact Assessment included in the Environmental Impact Statement as prepared by Greg Alderson and Associates Pty Ltd on July 15, 2002.	Noise amelioration works (earth mound) are in accordance with approved plans. Awaiting the findings of the independent noise consultant.	Consideration of any additional noise mitigation works once noise testing is completed.
9. Internal unsealed trafficable areas, quarry floor and stockpiles are to be watered as required to minimise dust generation impacting on the natural or built environment. A water truck is to be available at all times to enable compliance.	A water truck is provided when crushing and screening. Water used with the crusher is directed to the large sediment dam near the quarry entrance. An on-site pump and sprinkler system is then used to spray the quarry floor area if excessive dust generation is likely.	Nil
10. Any accidental spillage occurring from haulage trucks owned and/or operated by the extraction operator shall be cleaned up by the operator as soon as practicable	A spill kit is kept on site in the event of chemical spill. There was no evidence of quarry	Nil

	material being spilt from trucks. Council has advised that in the event of accidental spill of quarry material the material is to be cleaned up as soon as possible.	
11. All vehicles and machinery used must comply with the Environment Protection Authority (EPA) requirements and be fitted with properly maintained emission controls relevant to their date of manufacture.	Compliant	Nil
12. All hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage or contaminated lands. Oils and lubricants shall be stored in an impermeable bunded and roofed area with holding capacity of 150% of the total volume of all containers. Fuel and oil shall be only handled or transferred in designated areas on the site.	Diesel for vehicles is supplied via a tank and pump attached to the rear of a ute. Oil and petrol for the water pump use is stored inside the site office.	Nil
13. Storage of explosives shall be in approved containers as specified in AS 2187-1992. Detonators shall be housed separately.	No explosives are stored on site	Nil
14. A Sediment and Erosion Control Plan is to be prepared by a suitably qualified and experienced person to the satisfaction of Council and in conformity with the NSW Government guidelines entitled <i>Managing Urban Stormwater: Soils and Construction</i> .	Plan submitted and approved. Recent rehabilitation works, stormwater control and sediment dam construction works are in accordance with a sediment control plan prepared by council dated 18.10.12.	Ongoing monitoring to ensure compliance.
15. The installation of a monitoring bore by the proponent to provide for ongoing investigation of ground water levels and aquifer yields. The monitoring bore is to be installed to the satisfaction of the Department of Land and Water Conservation prior to the commencement of stage 2 of the operations (extraction involving lowering of the quarry floor) and is to remain for the life of operations. A monitoring program is to be developed in consultation with the Department of Land and Water Conservation, and the program, once established is to be complied with. The bores will necessitate a license from the Department of Land and Water Conservation	Bore has been installed. As the quarry floor is yet to be lowered there is no current requirement for the commencement of monitoring.	Nil
16. All loading and unloading is to take place within the property the	Complied with	Ongoing monitoring to ensure

subject of this development consent.		compliance.
17. All trucks leaving the site shall be loaded so as not to exceed the legal weight limitations in force at the time.	Loader automatically calculates weight of material to ensure loads do not exceed weight limits	Nil
<p>19 Section 94 Contribution Conditions yrs 6-16 of quarry operation</p> <p>Heavy Haulage Contribution Payment of heavy haulage contributions under Section 94 of the Environmental Planning and Assessment Act and the Kyogle Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and/or public services in such a manner as will meet the increased demand for those amenities and/or services arising from this development as identified in the attached schedule. The contributions shall be calculated at the rate(s) in effect on the date the development approval is granted. The rates and amounts applying at the date of this development consent notice total \$10,368.00 per annum and are calculated at the rate of 4.8c/km/tonne with a maximum of 15 km radius haulage distance, are set out in the schedule for your information. The contribution is levied on the basis of the amount of material to be hauled in a twelve-month period as approved by the development consent. The abovementioned rate is to be payable in two (2) equal half yearly instalments of \$5184.00 paid in July and January of each year. The levy is to be increased annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.</p> <p>The first instalment is to be paid in July 2008.</p> <p>The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions</p>	<p>Section 94 contributions are being paid and are up to date.</p> <p>As identified in the report to Council for the Section 96 amendment, extraction rates at the quarry for the past few years had exceeded that provided for under the consent, whilst extraction rates in the first 5 years were below that permitted. Contributions were paid based upon the approved amount as opposed to the actual extracted amount. Contribution amounts paid have been determined to be higher than that which would have been collectively paid if based on actual extraction not maximum permitted.</p> <p>The Section 96 amendment now requires the payment of \$10,368.00 per year reflecting the permissible increased tonnage and a re-calculated haulage distance of 15 kilometres. Payable in 2 half yearly instalments.</p>	<p>Ongoing monitoring to ensure all Section 94 fees are paid.</p>

<p>occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.</p> <p>GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.</p> <p>The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation</p>		
<p>20. The internal access road from the intersection with Afterlee road to the quarry is to be sealed to a width of 6 metres with 1 metre gravel shoulders. This shall be to a point within the property where the access road is not situated on a curve and the grade of the access road does not exceed 16%. The continuation of the access road from this point shall be 4 metre wide gravel pavement on a 6 metre wide formation. Any gate or grid is to be offset a minimum of 20 metres from the edge of Afterlee Road</p>	<p>Internal road has been constructed to required standards and sealed.</p>	<p>Nil</p>
<p>21. The intersection of the access road with the public road is to be upgraded to AUSTRROADS Type A standard for right turns and AUSTRROADS 5.16 desirable treatment for left turns</p>	<p>The intersection has been constructed to this standard.</p>	<p>Nil</p>
<p>22. The developer shall provide a contribution of \$111,000.00 towards the upgrading of Afterlee Road and associated structures between the entrance to the quarry and the Etrick Road - Afterlee Road intersection</p>	<p>Council's ADTS has advised that the contribution has been paid</p>	<p>Nil</p>
<p>23. Accurate records of sales are to be maintained for the purpose of confirming compliance with relevant conditions of this consent and for the levying of section 94 contributions.</p>	<p>Records of material removed from quarry are being kept.</p>	<p>Ongoing monitoring of compliance with this condition. New process of regularly checking payments of Section 94 contributions has been developed</p>
<p>24. Should operations uncover evidence of Aboriginal heritage of the site all work is to cease immediately and the National Parks and Wildlife Service and the Local Aboriginal Land Council are to be contacted. No</p>	<p>Noted.</p>	<p>Nil</p>

<p>work is to recommence until the National Parks and Wildlife Service permits such works to continue. In the event the site is subject to a Native Title Claim the relevant claimant must also be contacted</p>		
<p>25. All operations must comply with the fauna and flora protection measures as outlined in section 6 (Recommendations) of the Flora and Fauna Assessment Report prepared by Landmark Ecological Services, dated June 2002, as amended by any conditions of this consent. In the event that any threatened species, populations, ecological communities or their habitats not addressed in the report are discovered during operations appropriate Plans of Management for those species must be formulated to the satisfaction of Council and the National Parks and Wildlife Service. No further site clearing will take place until the Plan(s) of Management is/are approved.</p>	<p>Works comply with flora and fauna report. No threatened species, populations or ecological communities have been discovered on site.</p>	<p>Nil, except review required with each annual compliance report</p>
<p>26. A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal including other approvals required for the works to be carried out, and the sequence of operations and rehabilitation works.</p> <p>Site rehabilitation works will be provided in a progressive manner in accordance with extraction sequences and staging with respect to this development consent. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan. The developer is not to undertake site rehabilitation works with respect to any previous development consent or quarry extraction in accordance with the existing gravel pit agreement with the owner of the property.</p> <p>All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan</p>	<p>Works are generally in accordance with approved rehabilitation plan.</p> <p>Southern batter slope exceeds 1 in 4 as specified in the Rehabilitation Management Plan. The batter slope is as per the original quarry face and no objection is raised to the slope as currently developed. It is recommended that the rehabilitation plan be amended so as to reflect the existing batter slope.</p>	<p>Revise rehabilitation plan</p>

<p>27. All topsoil and overburden shall be progressively stripped from areas to be excavated and stockpiled separately in accordance with the site rehabilitation plan. Stockpiles are to be located away from the general operation of the development area and be preserved for the future rehabilitation of the extraction site.</p> <p>Topsoil that is stripped is to be stockpiled in a suitable location that has been designed with appropriate sedimentation management practices. Specifically, stockpiles are not to be placed in drainage lines, nor encroach on existing vegetation identified for retention. Within fourteen (14) days of stripping and stockpiling, weather permitting, the stockpiles are to be sown with suitable grass to stabilise them</p>	<p>Topsoil has been used in the rehabilitation works, generally in accordance with the rehabilitation plan. Recent rehabilitation works and the installation of two additional sediment control dams and catch drains are well designed and appropriate.</p> <p>Given the recent dry conditions the grass seeding for the rehabilitation works has failed to germinate.</p>	<p>Ongoing monitoring to ensure compliance. Require reseeding of rehabilitation area.</p>
<p>28. The operator shall install appropriate signs within the site if required by the Department of Mineral Resources, and in locations where deemed appropriate, alerting the public to any potential hazards</p>	<p>None specified by DMR. Warning sign at entry.</p>	<p>Nil</p>
<p>29. Hinged truck warning signs are to be provided on the approaches to the site access. These signs are to be displayed when haulage operations are taking place</p>	<p>Signs installed but are being kept displayed</p>	<p>Seek enforcement of the need for signs to only be displayed during haulage periods</p>
<p>30. The applicant will ensure that the site is secure during non-working hours by the means of appropriate lockable gates and fencing</p>	<p>Gates and locks installed</p>	<p>Nil</p>
<p>31. Sanitary facilities shall be provided on-site in accordance with the Building Code of Australia (BCA).</p>	<p>Portaloos on site</p>	<p>Nil</p>
<p>32. The Council shall appoint a liaison person to represent the applicant and to liaise with the public on the operation of the quarry and implementation and monitoring of conditions of consent</p>	<p>Council has appointed the OH&S and Risk Management Officer as the liaison person</p>	<p>Nil</p>
<p>33. The Developer shall notify adjoining landowners a minimum of 48 hours prior to blasting occurring on the site.</p>	<p>Land owners are being notified. It is recommended that the notification be extended to the residents as well as the owners</p>	<p>Request that Council advise the residents of the dwellings as well as land owners where the landowners are absent</p>
<p>34. Submission of an annual compliance report to be submitted within one (1) month of the conclusion of each financial year. The report is to identify compliance with all conditions of this consent. Where non-compliance has occurred the report is to provide details relating to the</p>	<p>Annual compliance reports have not been submitted. This report constitutes the first under the sec 96 consent. A similar report is required in</p>	<p>Ensure quarry manager is aware of requirement for annual compliance report</p>

reason why such non- compliance occurred	July each year.	
35. The undertaking of noise monitoring to cover blasting, crushing and haulage operations within 12 months of issuing the Section 96 Modified Consent. The noise monitoring and reporting is to be conducted by an independent, suitably qualified professional consultant and the results are to be provided to Council for its review	The noise monitoring required by this condition is due by June 6 2012. Council has engaged noise consultants to undertake the testing and reporting as specified by this condition.	Council to consider and act upon the findings of the noise assessment once completed.
36. Trucks accessing and departing the quarry be restricted to a maximum speed of 10 kph along the access road, be prevented from using exhaust brakes along the access road and be fitted with manufacturers approved emission control (muffler) systems as at the date of their manufacture	The quarry manager has advised that this condition is now being enforced by Council operators/ drivers. Private contractors need to be made aware of the requirement and the need for compliance.	Quarry manager to enforce requirement with all operators and haulage contractors (Council and private)

Conclusion:

It is evident that the operation of the quarry was operating generally in accordance with the original development consent issued in 2003 with some notable exceptions being:

1. exceeding of permitted extraction amount in last few years
2. southern batter slope exceeds that identified in the rehabilitation plan
3. limited site rehabilitation works and inadequate erosion and sediment controls

With the approval of the Section 96 amendment in June 2012, proposed extraction rates are now in accordance with the consent (as amended). Recent rehabilitation works and soil and erosion works generally in accordance with the rehabilitation plan submitted with the DA and in accordance with a recent soil and erosion control plan are adequate with the exception of the fact that grass seed sown on the rehabilitation area failed to germinate. In addition, recent works with a third sediment control dam and rehabilitation benching within the south-east section of the site are in close proximity to the adjacent watercourse and close monitoring is required to ensure there is no pollution or sedimentation of the watercourse.

Recommended actions are:

1. Regular ongoing monitoring of the installed erosion and sediment control devices, in particular those in proximity to the watercourse is required to ensure there is no pollution or sedimentation of the watercourse;
2. Council to inform all subcontractors and operators of the need to comply with approved hours of operation
3. The management plan and rehabilitation plan be revised so as to provide for an increase in the permissible batter slope for the southern face
4. Separate compliance report to Council once the independent noise testing and reporting has been completed
5. Consideration of any additional noise mitigation works once current noise impact assessment is completed
6. Reseeding of rehabilitation works where previous seeding has not germinated
7. Seek enforcement of the need for haulage signs to only be displayed during haulage periods
8. Request that Council advise the residents of the dwellings as well as land owners where the landowners are absent
9. Ensure quarry manager is aware of requirement for annual compliance report
10. Quarry manager to enforce requirement of Condition 36 – truck speed limit and non use of exhaust brakes with all operators and haulage contractors (Council and private)

Stephen Fletcher

Consultant Town Planner

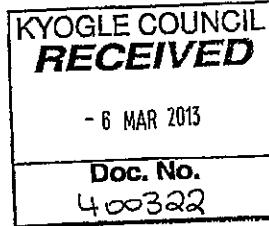
All communications to be addressed to:
The General Manager
PO Box 11 KYOGLE
NSW 2474
AUSTRALIA



MEETING THE CHALLENGES OF OUR
UNIQUE & DIVERSE REGION

February 13, 2013

Kyogle Council
Attn: Lachlan Black
PO Box 11
KYOGLE NSW 2474



Dear Lachlan

Re: Quarry Compliance Inspections – Council Operated

Thank you for your letters received on January 10, 2013 and February 5, 2013 in relation to the recently conducted Quarry Compliance checks on Council's four operational quarries, I provide the following response to the matters raised for each quarry.

ADMINISTRATION OFFICE
Stratheden Street
Kyogle NSW 2474 AUSTRALIA
Phone 02 6632 1611
Fax 02 6632 2228
International Code (+ 61 2)
Email council@kyogle.nsw.gov.au
Website www.kyogle.nsw.gov.au


CONTACT **Graham Kennett**
FOR FURTHER INFORMATION
GAK:JH:
PLEASE QUOTE THIS REFERENCE

Millers Quarry – Afterlee Road

1. Noted, Council will ensure that all subcontractors and operators are made aware of the approved hours of operation and the need for compliance with same.
2. Please find attached the revised rehabilitation plan for the site addressing the issues raised in your correspondence, including additional revised sedimentation control plan.
3. The noise monitoring has been undertaken as required and council are now waiting for its consultants to provide the final report of the results of this testing. The final report is expected to be available early in March 2013, and will be submitted as required for review.
4. Re-seeding of the recent rehabilitation works will be completed with the next month where required.
5. Truck warning signs will continue to be displayed unless the haulage from the site ceases for an extended period of time, e.g. longer than 14 days.
6. The quarry manager has provided notification to the adjoining residents as well as property owners prior to recent blasting operations. This will continue to be standard practice, as per your request.
7. Noted, quarry manager will ensure that signage is erected and maintained to provide truck owners with notice of the 10km/hr. speed limit and that exhaust brakes are not to be used on the internal access road.
8. Your advice of the requirement for an annual compliance report to be submitted in accordance with condition 34, ie within 1 month of the conclusion of each financial year, is noted. The quarry manager will ensure the report is submitted as required.

Should you have any further enquiries please do not hesitate to contact Derryn Nix Acting Executive Manager Infrastructure Works on 02 66320297.

Yours faithfully


13-2-13
Graham Kennett
Acting Director of Technical Services