

Kyogle Council

Confirmed Minutes of the Extraordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Monday 18 June 2012.

PRESENT

Cr. R. Brown (Mayor in the Chair), Cr. E. Bennett, Cr. J. O'Reilly, Cr. L. Zito, Cr. R. Dwyer and Cr. R. Leadbeatter.

IN ATTENDANCE

The General Manager and the Personal Assistant to the General Manager & Corporate Services.

Consultant - Mr Chris Pratt from Planning Resolutions

MEETING COMMENCEMENT

The Mayor declared the meeting open at 3.35 p.m.

ITEM 1 APOLOGIES

Apologies were received from Councillor Tom Cooper, Councillor Lindsay Passfield and Councillor Janet Wilson.

180612/ 1 RESOLVED

Moved Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

That the apologies were accepted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Lindsay Passfield, Tom Cooper

ITEM 2 OPENING PRAYER

The Mayor read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The Mayor read the traditional lands acknowledgement.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 MAYORAL REPORT

5.1 DETERMINATION OF KYOGLE COUNCIL'S SUBMISSION TO JRPP DA20110034 PROPOSED CEDAR POINT QUARRY

180612/ 2 RESOLVED

Councillor Lynette Zito, seconded Councillor John O'Reilly.

1. That the report Determination of Kyogle Council's Submission to JRPP DA 2011-34 Proposed Cedar Point Quarry was received and noted.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Lindsay Passfield, Tom Cooper

MOVED INTO COMMITTEE OF THE WHOLE

180612/ 3 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

To allow Mr Chris Pratt from Planning Resolutions to address Council to assist with questions arising.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Lindsay Passfield, Tom Cooper

OUT OF COMMITTEE OF THE WHOLE

180612/ 4 RESOLVED

Councillor Robert Leadbeatter, seconded Councillor Lynette Zito.

That Council moved out of Committee of the Whole.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Lindsay Passfield, Tom Cooper

180612/ 5 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Leadbeatter.

2. That Council provides a submission to the Joint Regional Planning Panel in relation to DA 2011/34 recommending that approval of this application be deferred until such time as a Voluntary Planning Agreement or Section 94 Contributions Plan with regards to Cedar Point Bridge is in place.

FOR VOTE - Ross Brown, John O'Reilly, Lynette Zito, Robert Dwyer, Robert Leadbeatter

AGAINST VOTE - Ernie Bennett

ABSENT. DID NOT VOTE - Janet Wilson, Lindsay Passfield, Tom Cooper

Councillor Lynette Zito and Councillor Robert Leadbeatter called for a Division.

For	Against
Cr Ross Brown	Cr Ernie Bennett
Cr Robert Dwyer	
Cr Lynette Zito	
Cr Robert Leadbeatter	
Cr John O'Reilly	

180612/ 6 RESOLVED

Councillor Lynette Zito, seconded Councillor Robert Dwyer.

3. If the Joint Regional Planning Panel decides to provide approval for DA 2011/34, Council recommends that the following conditions be applied;

6.0 Recommended Conditions

DEFINITIONS	
BCA	Building Code of Australia
CCC	Community Consultative Committee
Cell	The four cells shown on the plan entitled Figure 7: Quarry Operational Plan of Management, prepared by Greg Alderson and Associates Pty Ltd

	September 2010.
Council	Kyogle Council
Department of Planning and Infrastructure	Director-General Director-General of Department of Planning, or delegate
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Extraction of material	The removal of Extractive material from the land
Extractive material	Means any rock whether crushed or not. It also includes any blended material.
Land	Land means the whole of Lot 12 DP582916, Lot 2 DP232453 and Lot 1 DP366036.
Management Plan	Means the following plans as approved by Council: <ul style="list-style-type: none"> • Aboriginal Cultural Heritage Management Plan • Road Reserve Management Plan • Rehabilitation Management Plan • Quarry Operational Plan of Management • Soil and Water Management Plan
Proponent	The operator of the Quarry
Quarry/ quarrying operations	Includes all extraction, processing, and related transportation activities carried out on and in the vicinity of the Land.

PARAMETERS OF THIS CONSENT

1. The development must be in accordance with development application number 2011/0034 submitted on October 5, 2010 and in accordance with the following documents:

Environmental Impact Statement dated September 2010, as prepared by Greg Alderson & Associates on behalf of R. & K. Graham.
Addendum Report dated 22 March, 2011 prepared by Greg Alderson & Associates
Cedar Point Quarry Air Quality Assessment prepared by ERM April 2012
Background Noise Assessment - Cedar Point Quarry prepared by Advitech Environmental 1 May 2012
Blast Impact Assessment prepared by Greg Alderson & Associates April 2012
Cultural Heritage Assessment prepared by Everick Heritage Consultants Pty Ltd April 2012
Cedar Point Quarry – Ecological Report in response to peer review prepared by Australian Wetlands Consulting Pty Ltd December 2011
Stormwater Management letter prepared by Greg Alderson & Associates 4 April 2012

except where otherwise provided by the conditions of this development consent. If there is any inconsistency between the above documents, the most recent document prevails to the extent of the inconsistency. In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above or a Management Plan, the conditions of this consent prevail.

2. Extraction of material from the Quarry is limited to a maximum total extraction of 2,021 cubic metres and 47,000 cubic metres in any calendar year.
3. No topsoil or overburden is to be sold or otherwise removed from the land.
4. The Quarry is to be operated whereby Cell 2 is extracted first, followed by Cell 3. No consent is granted for extraction from Cell 1 and Cell 4.
5. The Proponent is to ensure all vehicles enter and leave the Quarry only via Edenville Road and Omagh Road directly to Summerland Way except for local deliveries on Edenville Road between Rural Road Numbers 224 and 880 and Omagh Road between Rural Road Numbers 361 and 800.
6. The Proponent is to ensure all vehicles comply with the maximum load limit on Cedar Point Bridge that may apply to that bridge from time to time.

7. The importation of sand or concrete/waste products to the Quarry for blending or recycling is limited to 1000 cubic metres per calendar year. Any such imported product is to be included as part of the annual extraction of material limit in Condition 2.
8. All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. Council is not held responsible for any negligence caused by the undertaking of the development.

THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO COMMENCE OF ANY WORKS ON THE QUARRY SITE

9. That the subject parcels on which the Quarry is to be undertaken, being Lot 12 DP582916 and Lot 2 DP232453 and Lot 1 DP366036 are to be consolidated into one allotment.
10. Public liability insurance cover, for a minimum of \$10 million, is to be obtained and maintained for the duration of the development. Council is to be nominated as an interested party on the policy.
11. Trees (including new plantings) within twenty metres of an operating Quarry Cell, that are to be retained, are to be protected by a fence so as to minimise disturbance to existing ground conditions within the dripline of the trees. The fence is to be constructed:
 - a) with a minimum height of 1.2 metres,
 - b) outside the dripline of the tree,
 - c) of steel star pickets at a maximum distance of 2 metres between pickets,
 - d) using a minimum of 3 strands of steel wire,
 - e) to enclose the tree, and
 - f) with orange barrier mesh, or similar, attached to the outside of the fence and continuing around its perimeter

The fence is to be maintained for the duration of the Quarrying of that Cell.

12. A construction certificate is to be obtained for all buildings (including the installation of any barrier walls).
13. Vegetation screening must be planted and maintained to provide a dense canopy between the development (including buildings, driveways and vehicle bays, stockpiles, plant, drill rigs and barriers) and any public place. To obtain the desired density, landscaping must extend from the ridgeline of the development site to at least 15 metres below the ridgeline. All plantings must:
 - a) be derived from seed or rootstock taken from provenance within the boundaries of the development site, or the vicinity of the site;

- b) be of a species type and distribution that replicates the vegetation communities mapped by LandPartners in the plan entitled Vegetation Map, Drawing Number LM100006-PL3A, 22 June 2010;
- c) be spaced and located to maximise screening whilst mimicking natural vegetation communities; and
- d) be functional and safe.

These plantings must be undertaken in accordance with a plan prepared by a qualified practicing bush regenerator. The plan must specify:

- a) species type and distribution;
- b) specifications for soil preparation, weed control, watering, fertilising and general maintenance during establishment;
- c) provisions to preclude the impacts of farming activities and provide for sustainable vegetation communities; and
- d) spacings and locations to maximise environmental benefits and be functional and safe.

The plan is to be approved by Council prior to commencing planting.

14. Compensatory plantings of the open woodland (Swamp Box, Broad-leaved Apple, Pink Bloodwood) must be undertaken to the satisfaction of Council. The plantings must target the floodplain in the northeast of the site to capture similar ecological characteristics to the area affected by the development, and must include:

- a) the use of seed or rootstock derived from provenance taken within the boundaries of the development site, or the vicinity of the site;
- b) a minimum 1:1 offset ratio at maturity; and
- c) species type and distribution that replicate the endangered ecological community "Subtropical coastal floodplain forest of the NSW North Coast bioregion;"

These plantings must be undertaken in accordance with a plan prepared by a qualified practicing bush regenerator. The plan must specify:

- a) specifications for soil preparation, weed control, watering, fertilising and general maintenance during establishment;
- b) provisions to preclude the impacts of farming activities and provide for sustainable vegetation communities; and
- c) spacings and locations to maximise environmental benefits and be functional and safe.

The plan is to be approved by Council prior to commencing planting.

15. The Proponent must apply for and obtain a licence under the *Protection of the Environment and Operations Act 1997*.

16. The Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the Quarry to the satisfaction of the Council. This plan must be prepared in consultation with the NSW Office of Environment and Heritage and the local Aboriginal community and must include:
 - a) a protocol for monitoring ground disturbance associated with construction activities or Quarrying operations;
 - b) a description of the measures that would be implemented if any Aboriginal objects or skeletal remains are discovered during the project.
 - c) means for protection of the scar trees, and
 - d) cultural training and induction for all staff.

17. The Proponent must prepare a Rehabilitation Management Plan. This plan is to be approved by Council and must include:
 - a) the objectives for the site rehabilitation and site landscaping;
 - b) a description of the short, medium, and long-term measures that would be implemented to rehabilitate and landscape of the land;
 - c) detailed performance and completion criteria for the site rehabilitation and site landscaping;
 - d) a detailed description of the measures that would be implemented for each Cell, including the procedures for:
 - 1) progressively rehabilitating disturbed areas;
 - 2) landscaping the site to minimise visual impacts;
 - 3) protecting vegetation and soil outside the disturbance areas;
 - 4) undertaking pre-clearance surveys;
 - 5) salvaging and reusing material from the site for habitat enhancement;
 - 6) managing impacts on fauna;
 - 7) conserving and reusing topsoil;
 - 8) controlling weeds and feral pests; and
 - 9) controlling access;
 - e) plantings that mimic the existing vegetation community found on the land;
 - f) a final profile that is safe;
 - g) a final profile designed to preclude prime habitat for the cane toad *Bufo marinus*;
 - h) a final profile that provides access points for fauna across the rehabilitated Quarry floor;

- i) substantial rehabilitation of a Cell within 12 months of extraction of material ceasing in that Cell,
 - j) procedures whereby any soil contaminated as a result of the development is remediated in accordance with the relevant guidelines (including guidelines under section 145C of the Environmental Planning and Assessment Act 1979 and the Contaminated Land Management Act 1997);
 - k) a description of the potential risks to successful rehabilitation, and a description of the contingency measures that would be implemented to mitigate these risks; and
 - l) details of who would be responsible for monitoring, reviewing, and implementing the plan.
18. A Quarry Operational Plan of Management is to be prepared for the approval of Council. The Quarry Operational Plan of Management is to include:-
- a) the objectives and overall strategic framework for environmental management of the Quarry,
 - b) projected date of an annual audit of Quarry operations to be undertaken, noise attenuation, monitoring and bunding or screening (including that surrounding the site office), details of volumetric surveys, discharges from sedimentation ponds, projected dates for blasting to be undertaken on site;
 - c) ground and surface hydrology and water quality management;
 - d) a Soil and Water Management Plan. The plan must cater for the one in ten year Average Recurrence Interval storm for 24 hours, with all discharges to contain less than 50 mg/L of non-filterable residue, no visible oil or grease, less than 10 mg/L of oil and grease, and a pH in the range 6.5 - 8.5;
 - e) the entrance shake down grid is to be connected to the
 - f) Occupational Health and Safety and NSW Workcover matters and requirements that are to be implemented;
 - g) waste disposal, including that of disused plant and equipment from the site;
 - h) air quality management and monitoring;
 - i) procedures whereby all topsoil is progressively stripped from areas to be excavated and stockpiled separately. Stockpiles are to be located away from the general operation of the Quarry in a location to assist in noise mitigation and be preserved for the future rehabilitation of the Quarry. Topsoil that is stripped is to be stockpiled in a suitable location with appropriate sedimentation management practices;
 - j) procedures whereby all overburden extracted from the approved extraction area is stockpiled separately. Stockpiles are to be located away from the general operation of the Quarry in a location to assist in noise mitigation and be preserved for the future rehabilitation of the Quarry. Overburden stockpiles

are to be sited in a suitable location with appropriate sedimentation management practices;

- k) procedures whereby all hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage. Oils and lubricants must be stored in an impermeable bunded and roofed area with:
- 1) a holding capacity of 110% of the capacity of the largest container, or
 - 2) a holding capacity equal to the capacity of the largest tank plus the volume that would be displaced by other tanks or structures within the bund area, whichever is the greater volume, at a minimum. Re-fuelling areas must be located upslope from sedimentation dams. No waste fuels or oils or grease containers are to be disposed of on-site. All repairs and major services must be carried out at the respective depot for each machine;
- l) procedures for blasting. This must include:
- 1) maximum number of four blasting sessions per year.
 - 2) compliance with the criteria of the OEH in relation to over blast pressure and ground vibration and amelioration measures as described in the Quarry Operational Management plan Section 4.5 (blasting) and the Blast Impact Assessment dated April 2012.
 - 3) The ground vibration peak particle velocity from blasting operations carried at the Quarry must not exceed:
 - (a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and
 - (b) 10 mm/s at any timeat the most affected residence or noise sensitive location that is not owned by the Quarry land owner and/or Proponent, or subject to a private agreement between the owner of the residence or noise sensitive location and the Proponent as to an alternative ground vibration peak particle velocity.
 - 4) an air blast overpressure level from blasting operations in or on the premises that do not exceed:
 - (a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and
 - (b) 120 dB (Lin Peak) at any timeat the most affected residence or noise sensitive location that is not owned by the Quarry land owner and/or Proponent, or subject to a private agreement between the owner of the residence or noise sensitive location and the Proponent as to an alternative overpressure level:
 - 5) No flying rock is to travel past the property boundary or more than 250 meters from the blast site.
 - 6) monitoring of a minimum of 1 in 3 blasts (other than those associated with 'popping' boulders) for peak particle velocity and blast over pressure at the four (4) nearest dwelling houses. As a part of the monitoring process, the

following records must be kept and made available to Council and the public;

- 7) written notification, a minimum of three days prior to any blast, to the occupants of all dwellings within 1,000 m of the Quarry and notice to Kyogle Council of the impending closure of Edenville and Omagh roads 1km from the proposed blast site before blasting takes place,

m) procedures for the control of noise. This must include:

- 1) Where the affected sensitive receptors are in ownership other than the Quarry land owners and/or the Proponents, intrusive Noise impact from the premises must not exceed sound pressure level ($LA_{eq15\text{minute}} \leq$ rating background level plus 5 dB A) as presented in 5.4.3 of Advitech Background Noise Assessment for the Receptors as described below:

R2 = 42 dB (A)

R3 = 40 dB (A)

R4 = 42 dB (A)

during the day (7am to 6pm) Monday to Friday and 8am to 1pm Saturday, where L_{Aeq} means the equivalent continuous noise level - the level of noise equivalent to the energy-average of noise levels occurring over a measurement period;

- 2) Where the affected sensitive receptors are in ownership other than the Quarry land owners and/or the Proponent, all noise attenuation measures as provided for in the EIS Appendix B Quarry Operational Management Plan section 4.4 and 4.5, dated September 2010. These measures must be implemented to meet the recommended limits of 40dB(A) for operational noise and a maximum of 45dB(A) at neighbouring dwellings or 60dB(A) for the L_{Aeq} 1 hr for road traffic noise.

Noise from the premises is to be measured at the most affected point on or within the residential property boundary or, if this is more than 30m from the residence, at the most affected point within 30m of the residence to determine compliance with this condition; and

- 3) A suitable roadside noise reduction barrier is to be erected in Edenville Road adjacent to Lot 11 DP582916, if required by that resident.

- n) procedures for control of dust. This must include watering of internal unsealed roadways, Quarry floor, screening, crushing and blending activities and stockpiles as required to ensure that dust generation does not impact on the environment;
- o) procedures on the receipt of complaints against operations and action to be taken in response to complaints;
- p) truck movement and traffic/haulage management, including a code of conduct for drivers to adhere to that includes, but is not limited to, the prohibition of using compressed air brakes near houses close to haulage roads or access points, the prohibition of tailgating and the limiting of all trucks to within the posted weight limits and speed limits;

- q) benchmarks for progressive reporting on staged rehabilitation, including provision and ongoing maintenance of landscaping and revegetation;
 - r) performance reviews of Quarry operations, including soil and water management, compliance with Protection of the Environment and Operations Act 1997 licence terms and conditions of consent. Non compliance measures should include the possibility of additional works to be carried out by others at full cost to the Proponent to ensure compliance, or even the suspension of operations;
 - s) the method of sales recording and the location where records are to be kept;
 - t) measures to be incorporated into the operation of the Quarry to reduce greenhouse gas emissions. In particular mains electricity and/or solar power is to be connected to the site office and staff amenities, and
 - u) a contingency plan to manage any unpredicted impacts and their consequences.
19. The Proponent must engage a registered surveyor to prepare and sign a plan of survey to delineate and peg accurately the proposed limit of the Cells as approved by this consent. The delineation pegs are to be monitored and protected for the duration of this consent. Any pegs removed during the operation must be replaced by the registered surveyor and a new signed plan resubmitted indicating the placed peg and the date of that replacement.
20. Where the existing adjoining public road formation encroaches onto the subject land, this area of land must be surveyed out and dedicated as public road. This must be done for the full area of the site at no cost to Council. A registered surveyor must provide confirmation in writing that this condition has been met, and no further encroachments exist.
21. A dilapidation survey of all buildings on Lot 1 DP 559560, Lot 11 DP582916 and Lot 13 Section B DP 5080 must be undertaken if agreed to by the respective landowner. The dilapidation survey must be undertaken by a qualified practising structural engineer and submitted to Council and the respective landowners.
22. The proposed access to the Quarry must be constructed to meet the requirements for a BAR basic right turn treatment with sealed widened shoulders in accordance with Figure 7.5 of Austroads Guide to Road Design 2009 Part 4A: Unsignalised and Signalised Intersections.
- Full design plans of the proposed engineering works must be submitted to and approved by Council prior to commencement of these works. Such plans must be accompanied by the fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.
23. The Proponent must provide the following roadworks, together with associated stormwater drainage structures, that have been designed and constructed in accordance with the requirements of the NSW Roads and Maritime Services. The Proponent must be responsible for any costs associated with the provision of the

works and compliance with the requirements of the NSW Roads and Maritime Services. Required roadworks are:

The intersection of Edenville Road and the Summerland Way is to be upgraded to provide for the following treatments;

- a) CHR(S) channelized right turn treatment with a short turn slot in accordance with Figure 7.6 of Austroads Guide to Road Design 2009 Part 4A: Unsignalised and Signalised Intersections,
- b) BAL basic left turn treatment in accordance with Figure 8.2 of Austroads Guide to Road Design 2009 Part 4A: Unsignalised and Signalised Intersections, and
- c) AUL auxiliary left turn treatment in accordance with Figure 8.4 of Austroads Guide to Road Design 2009 Part 4A: Unsignalised and Signalised Intersections.

24. The Proponent must provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with the Northern Rivers Local Government Development, Design and Construction Manual. The Proponent must be responsible for any costs associated with the provision of the works. Required roadworks are:

- a) The intersection of Edenville Road and Omagh Road must be upgraded to meet the requirements of a Simple Left Turn Treatments for Rural Intersections in accordance with Figure D1.8 of the Northern Rivers Local Government Development and Design Manual Part D1 Geometric Road Design (Urban and Rural); and
- b) Edenville Road must be upgraded from the intersection with the Summerland Way to 150m west of the proposed Quarry access (excluding Edenville Bridge) to meet the requirements for a Minor Road 150-500 AADT in accordance with the Carriageway and seal widths for rural roads shown in Table T1.27 of the Northern Rivers Local Government Development and Design Manual Part D1 Geometric Road Design (Urban and Rural), ie a 6m seal with 1m shoulders.

Full design plans of the proposed engineering works must be submitted to and approved by Council prior to commencement of these works. Such plans must be accompanied by the fee, as adopted at the time of the relevant payment, as indicated in Council's Fees and Charges.

25. Prior to carrying out any works within a public road reserve, the Proponent must complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department must also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as amended). All costs must be the responsibility of the Proponent.

26. The Proponent must provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan must table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. The plan must include all

requirements of Council's Road Reserve Management Plan. This plan of management must be lodged with Council prior to the commencement of works.

27. A certified "Works as Executed" plan from a suitably qualified engineer or registered surveyor must be submitted before the commencement of extraction operations certifying that the works have been constructed in accordance with the drawings and to the levels specified.
28. Existing ground water bores on the property known as GW 30087 and GW 046190 must be tested prior to undertaking any works to establish base control data for later testing of the bores. All results must be submitted to Council. The following parameters must be tested:
 - pH;
 - Conductivity;
 - total dissolved salts;
 - total suspended solids;
 - BOD5; and
 - TPH.
29. An all weather vehicular access must be constructed and maintained from the point of connection to Edenville Road to the Quarry face in accordance with Council's Property Access and Addressing Management Plan and the Northern Rivers Development and Design Manuals. The access road design must incorporate the following parameters:
 - a) The grade of the access must not exceed a grade of 1 in 6 or 16.67% within the road reserve, and must not exceed a grade of 1 in 4 or 25% within private property;
 - b) The access road is to be a minimum of 6m wide, with a minimum pavement depth of 300mm of compacted gravel, a maximum crossfall of 10%, and the radius on the inside of any bends must not be less than 6m;
 - c) The section of the access road from the point of connection to Edenville Road to the site office is to be provided with a sealed surface;
 - d) The section of access road at the top of the ridge line is to be set into a curved cutting into the Quarry so as to ensure there is no line of sight across the ridge into the Quarry; and
 - e) The section of access road at the top of the ridge line is to be moved to the north as far as is practical to provide maximum separation between the access road and the scar trees which are to be preserved on the site.
30. Council must be notified in writing at least seven (7) days prior to commencement of the extraction of material from the Quarry.

THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH BY THE PROPONENT AT ALL TIMES:

31. The Proponent must implement all the Plans of Management approved by Council. The Plans of Management must be so implemented to achieve the

objectives of those plans and so as to prevent or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the Quarry.

32. Land clearing must be undertaken in stages, with each stage to be limited to the minimum necessary to extract material from the particular Cell. No land clearing is to be undertaken more than six (6) months before the commencement of Quarry operations in a new Cell.
33. If at any time the residents of a dwelling house on Lot 1 DP 559560, Lot 11 DP 582916 or Lot 13 Section B DP 5080 believe that the Quarry is not operating in accordance with approved noise limits they may engage an independent noise consultant to carry out a noise assessment at their dwelling house. The noise consultant must be a consultant that Council has previously agreed is a suitably qualified and experienced noise consultant. The resident may call out the noise consultant without any reference to the Council or the Proponent. The parameters of the noise assessment carried out by the independent noise consultant must be as previously agreed by Council.

The cost of engaging the noise consultant is to be met by the Proponent. The Proponent is not required to meet the cost of the independent noise consultant if the resident, or other resident of that dwelling house, has previously engaged the independent noise consultant on three occasions when it has been found the Quarry is operating in accordance with approved noise limits. The Proponent is to maintain a deposit of funds with Council of a minimum \$10,000 to meet the cost of the engagement of an independent noise consultant. The fund is to be maintained with Council while ever residents can call out the independent noise consultant under the provisions of this condition.

34. In the event that any structural damage is demonstrated to have occurred to any buildings on Lot 1 DP 559560, Lot 11 DP582916 or Lot 13 Section B DP 5080, as a consequence of the Quarry operations, the Proponent must either compensate the respective landowners or carry out satisfactory repairs to make new or restore the structures to their previous state if agreed to by the respective landowner.
35. The Proponent must establish a Community Consultative Committee (CCC) for the Project to the satisfaction of the Council. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version) to the satisfaction of the Council. The Committee should comprise an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the general community in the area of the Quarry.
36. The Proponent must maintain a publicly accessible website to provide the public with blast notifications and monitoring data referred to in this consent.
37. As a part of the blast monitoring process, the following records must be kept and made available to Council and the public on the Proponent's website:
 - (a) date and time of blast, and name of the person responsible for the blast;

- (b) location of blast and blast drilling pattern;
 - (c) type and weight of explosive used in each hole;
 - (d) Maximum Instances Charge (MIC) weight;
 - (e) climatic conditions generally, including wind direction and extent of cloud cover;
 - (f) vibration and air blast emission levels recorded; and
 - (g) a record of the blast, including yield.
38. Quarrying operations are to be undertaken in accordance with the licence conditions under the *Protection of the Environment and Operations Act 1997* as required by the relevant NSW Government agency.
39. Every twelve (12) months after the commencement of the Quarry the Proponent must have prepared a volumetric survey report from a registered surveyor. The report must indicate the extent of material extracted from the site and the extent of overburden stock piled on the site for rehabilitation. This report must be prepared and submitted to Council within thirty (30) days.
40. The Proponent must submit to Council by 31 January in each year, after the commencement of Quarry operations, an audit of the environmental performance of the Quarry to the satisfaction of Council. This review must:
- a) describe the works (including rehabilitation) that were carried out in the previous calendar year,
 - b) the area of land used in Quarry operations in the immediately preceding calendar year (this is to be related to the survey undertaken for the current year);
 - c) the works that are proposed to be carried out over the current calendar year;
 - d) include a comprehensive review of the monitoring results and complaint records of the project over the past year, which includes a comparison of these results against:
 - 1) the relevant statutory requirements, limits or performance measures/criteria;
 - 2) the monitoring results of previous years; and
 - 3) the relevant predictions in the Management Plans;
 - e) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
 - f) identify any trends in the monitoring data over the life of the project;
 - g) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
 - h) describe what measures will be implemented over the next year to improve the environmental performance of the project.

This annual review is to include an update of the Quarry Operational Plan of Management.

This audit is to be undertaken by an independent suitably qualified practitioner approved by Council.

The required ameliorative measures identified in the audit, and as agreed with by Council, are to be implemented.

41. All trees areas are to be fenced to exclude stock from grazing in these areas so as to avoid damage to newly planted trees. All replanted areas are to be maintained in perpetuity by the landowner.
42. All vehicles and machines used as part of the operation must comply with the *Protection of the Environment Operations Act 1997* and all regulations made under that Act and be fitted with properly maintained emission controls relevant to their date of manufacture.
43. The boundary of the Quarry must be appropriately fenced along areas easily accessible in a manner to discourage unauthorized entry and be maintained at all times to accord with NSW Work Cover specifications.
44. The Proponent must notify, at the earliest opportunity, the Council and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Proponent must notify the Council and any other relevant agency as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent must provide the Council and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.
45. Department of Trade and Investment, Regional Infrastructure and Services must be provided with annual production data on the prescribed form at the end of each financial year. The data must detail the quantity and value of construction materials produced.
46. All discharges from the sedimentation ponds must meet the requirements of the *Protection of the Environment Operations Act 1997* and the relevant criteria of the appropriate NSW Government agency.
47. Licensed drilling and blasting contractors must always be used in the Quarry.
48. Hours of operation of the Quarry are limited to the hours listed in the following table:

Activity	Monday to Friday	Saturday
Quarry extraction	7am to 6pm	8am to 1pm
Crushing, Washing and Screening	8am - 5pm	nil
Routine Maintenance (satisfying EPA noise design goals)	7am - 6pm	8am - 5pm

Haulage vehicle entrance/exit	7am - 6pm	8am to 1pm
Blasting	10am - 3pm	no blasting
Drilling	9am - 3pm	no drilling

There must be no Quarrying, processing or transportation on Sundays or statutory public holidays. Council may permit access and operation outside of the periods identified in this consent for emergency purposes only.

49. All drivers of trucks carrying extractive material or crusher products from the site must ensure their loads are fully covered by a suitable material to prevent spillage or dust falling from the truck.
50. Burning of site refuse and materials is prohibited and all such materials must be prevented from escaping onto adjoining land and must be maintained in a tidy manner while on site.
51. Existing ground water bores on the property known as GW 30087 and GW 046190 must be tested annually for potential contamination and changes in water quality. All results must be submitted to Council within one month of test completion. The following parameters must be tested:
 - pH;
 - Conductivity;
 - total dissolved salts;
 - total suspended solids;
 - BOD₅; and
 - TPH.
52. Potable water must be made available to all personnel at the development site. Where rain water is to be harvested on site, a first flush device must be incorporated in the plumbing of the water storage tank to prevent the first portion of runoff being conveyed to the storage tank. This water must only be used for flushing of toilets and cleaning purposes and all tanks must have a sign a minimum of 450mm wide by 250mm high stating that the water is "not for drinking."

Non-potable water from sedimentation ponds may be used for dust suppression within the Quarry Cells and watering of rehabilitated landscaped areas only.
53. All waste materials generated from construction and demolition works must be disposed at waste management facilities capable of receiving the waste as classified under the NSW Office of Environment and Heritage guideline document *Waste Classification Guidelines: Part 1 Classifying Waste 2008* and the *Protection of the Environment Operations Act 1997* and waste regulations there under.
54. All stormwater from the site must be disposed of without causing nuisance to adjoining properties or pollution to natural waterways.
55. The Applicant must ensure that all plant and equipment used on site is:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

56. The Proponent must ensure that all State and Federal statutory requirements are met, with copies of all issued licenses, approvals and notices to be provided to Council within fourteen (14) days of their issue.
57. The Proponent must install signs within the site, as required by the NSW Department of Trade and Investment, Regional Infrastructure and Services, alerting the public to any potential hazards. The signs must be located, designed and constructed to the satisfaction of Council.
58. The applicant must ensure that the site is secured during non-working hours by the means of appropriate lockable gates and fencing, in accordance with the requirements of the NSW Department of Trade and Investment, Regional Infrastructure and Services.
59. Where any staff member or contractor undertakes any task or performs any function on or around the site and where a person or company must be an authorised, licensed or otherwise approved person to do that task then that person or company must hold all current valid approvals and licences and authorisations.
60. All exploration holes must:
 - a) be sealed or otherwise supported to prevent collapse of surrounding surfaces; and
 - b) be permanently sealed upon completion of use with cement plugs to prevent surface discharge to ground waters.

Where any drill hole meets natural gas, methane or other noxious vapour or gas the hole must be immediately plugged to prevent their escape. The incident must be reported immediately to Council.

Where any drill hole meets artesian or sub-artesian flow the hole must be immediately plugged and sealed to prevent contamination of aquifers. The incident must be reported immediately to Council.

Once any drill hole ceases to be used the hole, the land in which it is constructed and its immediate vicinity must be left in a clean, neat, tidy and stable condition.

61. All sand imported must be clean and free from any contamination within the meaning of the *Managing Land Contamination – Planning Guidelines – SEPP55 – Remediation of Land* document published in 1998 by the NSW Government. All material must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

Written verification from the supplier certifying the volume of material provided and that all the materials are free from contamination must be obtained by the Proponent and provided to Council prior to transporting the material.

62. Accurate records of sales must be kept and maintained and be available for inspection by authorised Council officers on request.

63. The Quarry must be maintained in a clean and tidy state.
64. The Proponent must not use mercury, cyanide or any other mineral recovery chemical agent without the prior written approval of the Department of Environment and Heritage and the Council.
65. The Proponent and the truck drivers are to ensure vehicles leaving the site are loaded so as not to exceed the legal weight limitations in force on the Edenville Road (Cedar Point) Bridge.
66. Hinged truck entering warning signs are to be erected on each approach to the Quarry access on Edenville Road and displayed during Quarry operational hours.
67. A maintenance period and Construction Bond applies to all road construction carried out where the ownership of the asset is to pass to Council. The Construction Bond is to be paid upon completion of the road works. The maintenance period extends from the completion of the construction and subsequent approval by Council, for six months. Within that time the Proponent is responsible for any omissions or defects. At the end of the maintenance period Council will inspect the asset and any work found not conforming to the plans and specifications must be the responsibility of the developer to rectify. The maintenance bond must be returned at the completion of the maintenance period and subsequent defect free approval by Council.

Construction (contract) price Bond
 up to \$50,000 - 10% of contract price (minimum bond \$1,000)
 over \$50,000 \$5,000 plus 5% of balance over \$50,000
68. Plant, equipment or materials of any kind must not be placed or stored upon the roadway unless approved by Council in writing.
69. The Proponent must always provide sufficient parking on-site for all project-related traffic, in accordance with Council's parking codes.
70. The burning of trees and associated vegetation felled during clearing operations is not permitted. Where possible, vegetation is to be mulched and reused on the site.
71. Payment of heavy haulage contributions under Section 94 of the *Environmental Planning and Assessment Act 1979* and the *Kyogle Council 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 services in such a manner as will meet the increased demand for those amenities and services arising from this development.

The rate and amount to be paid as at the date of this notice is **\$4,792** per annum, as described in the Schedule, to be paid in two (2) equal half yearly instalments. The first instalment is to be paid within six (6) months of the date of commencing the transport of rock from the Quarry.

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.

Where the total contribution payable exceeds \$10,000, payment to Council must be by bank cheque or cash (personal cheques are not acceptable).

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 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.

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.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

GENERAL TERMS OF APPROVAL

ADVISORY NOTES

The Applicant is requested to take note of the following advice and where pertinent to convey the advice to future owners or users.

1. The Proponent must apply for an Aboriginal Heritage Impact Permit in accordance with the *National Parks & Wildlife Act 1974* (NPW Act) prior to disturbing, damaging or destroying Aboriginal objects that occur on the land.

If Aboriginal cultural objects are uncovered due to development activities, all works should halt in the immediate area to prevent any further impacts to the find or finds, to resume only in accordance with the requirements of the Office of Environment and Heritage and the NPW Act.

- 3 Clearing native vegetation may require a clearing consent from the Northern Rivers Catchment Management Authority under the *Native Vegetation Act 2003* prior to the conduct of works.
- 4 The Proponent should ensure that the development accords with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- 5 Approval under the *Threatened Species Conservation Act 1995* may be required to clear native vegetation consisting only of groundcover.
- 6 Water extracted under Basic Landholder Rights in the *Water Management Act 2000* cannot be used for commercial purposes and the NSW Office of Water should be contacted prior to undertaking any such extraction.

- 7 The NSW Office of Water regulates groundwater under the provisions of the *Water Management Act 2000*.
- 8 A separate application must be made for a licence under *Protection of the Environment Operations Act 1997*.
- 9 A section 68 approval under the *Local Government Act 1993* is required to install and operate an on-site waste management system.
Note: Any Effluent and Waste Water Management system must be designed by a qualified soil scientist, geotechnical engineer or water scientist or other suitably qualified person.
- 10 To protect the health, safety and welfare of people working in the extractive industry, compliance with the *Mine Health and Safety Act 2004* and the *Mine Health and Safety Regulation 2007* is required.
- 11 To protect, secure and promote the health, safety and welfare of people at work, compliance with the *Occupation Health and Safety Act 2000* and the *Occupation Health and Safety Regulation 2001* is required.
- 12 If the Quarry is to service the Queensland market then the potential to minimise the need for travel by truck and to maximise movement of freight by rail should be investigated and used if found viable (based on an assessment of the triple bottom line).
- 13 Department of Trade and Investment, Regional Infrastructure and Services advises :-
 - that ongoing protection of the wetland at the southwestern edge of the subject property is to be consistent with the I&I NSW Policy for Protection of Key Fish Habitats;
 - The subject site is to be managed in conformity with the Primefact entitled, "Agricultural Issues for Extractive Industries on Rural Lands".

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Janet Wilson, Lindsay Passfield, Tom Cooper

Councillor Lynette Zito and Councillor Robert Leadbeatter called for a Division.

For	Against
Cr Ross Brown	
Cr Robert Dwyer	
Cr Lynette Zito	
Cr Robert Leadbeatter	

Cr John O'Reilly	
Cr Ernie Bennett	

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 4.10 p.m.

Signature of Chairperson.....

