

JOINT REGIONAL PLANNING PANEL (Northern)

JRPP No	2013NTH027
DA Number	DA2013/0508
Local Government Area	Clarence Valley Council
Proposed Development	Extractive Industry (Sandstone and Ironstone Quarry)
Street Address	Kungala Road, Kungala
Applicant/Owner	Applicant: Paul Snellgrove C/- Ardill Payne & Partners Owner: Ramornie (NSW) Pty Ltd
Number of Submissions	75 (50 objections and 25 supporting)
Regional Development Criteria (Schedule 4A of the Act)	Clause 8 Particular Designated Development Development for the purposes of an extractive industry, which meets the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 44 – Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State and Regional Development) 2011 • North Coast Regional Environmental Plan • Clarence Valley Local Environmental Plan 2011 • Clarence Valley Council Rural Zones Development Control Plan 2011
List all documents submitted with this report for the panel's consideration	Application and Environmental Impact Statement November 2013 Additional Information dated 5 May 2014 Submissions received during exhibition period NSW EPA General Terms of Approval NSW RMS Submission NSW Office of Environment & Heritage Submission
Recommendation	That Development Application DA2013/0508 (JRPP reference No. 2013NTH027) be approved subject to the imposition of conditions contained in the Draft Schedule
Report by	Carmen Landers, Development Planner, Clarence Valley Council

Assessment Report and Recommendation Cover Sheet

Summary

Application	2013NTH027 – DA2013/0508 – Extractive Industry
Applicant	Ardill Payne & Partners
Owner	Ramornie (NSW) Pty Ltd
Address	Kungala Road, Kungala
Submissions	75

Development Application DA2013/0508 (JRPP Reference No. 2013NTH027) seeks consent for a quarry to extract sandstone and ironstone up to a maximum 200,000 in-situ tonnes per annum (being approximately 130,000m³). Up to 50,000 tonnes per annum of sand is also proposed to be imported to the site from other approved extractive operations and is to be washed and blended with some of the material sourced from the site.

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and the relevant environmental planning instruments which are discussed in detail in this report.

The application was advertised and notified in accordance with the required period of 30 days and 75 submissions were received during the exhibition period; 50 objections and 25 supporting. The issues raised in the submissions have been discussed within this report.

Recommendation

That Development Application DA2013/0508 (JRPP reference No. 2013NTH027) be approved subject to the imposition of Conditions contained in the Draft Schedule attached to this report.

Details of proposal

The total extractable resource amount is 2.2 million in-situ tonnes (being approximately 1.45 million m³). The applicant has sought an operation period of 25 years or until the 2.2 million in-situ tonnes has been removed, whichever occurs first.

The sandstone and ironstone will be extracted via mechanical means (limiting blasting where required), crushed, screened, stockpiled and loaded into haulage trucks for dispatch.

The site has been used for quarrying operations in the past as approved under Development Consent 95/31 by the Ulmarra Shire Council. The proposed new extractive industry proposes to rework the existing cleared disturbed areas as identified in the Site Layout and Staging Plan Dwg No. EX1.

The majority of submissions received from public notification raised concerns over; the substantial increase in truck movements on Kungala Road and impact on safety, road quality and bridges; impacts to the rural amenity from noise of truck movements and operations of the quarry, environmental concerns including air pollution, water quality, impact on flora and fauna; impact on community health and devaluation of properties.

Site Description & Location

The subject land is known as Lot 7 DP1126225, Kungala Road, Kungala. The site has a total area of 443.4 hectares of which approximately 45 hectares is to be used for the operation of the extractive industry. The subject land has frontage to and is accessed via Kungala Road and is approximately 5.5km to the west of the Pacific Highway, 28km to the south of Grafton and 53km north of Coffs Harbour as shown in Figure 1. Dundoo Creek borders the northern and western boundaries of the subject land.

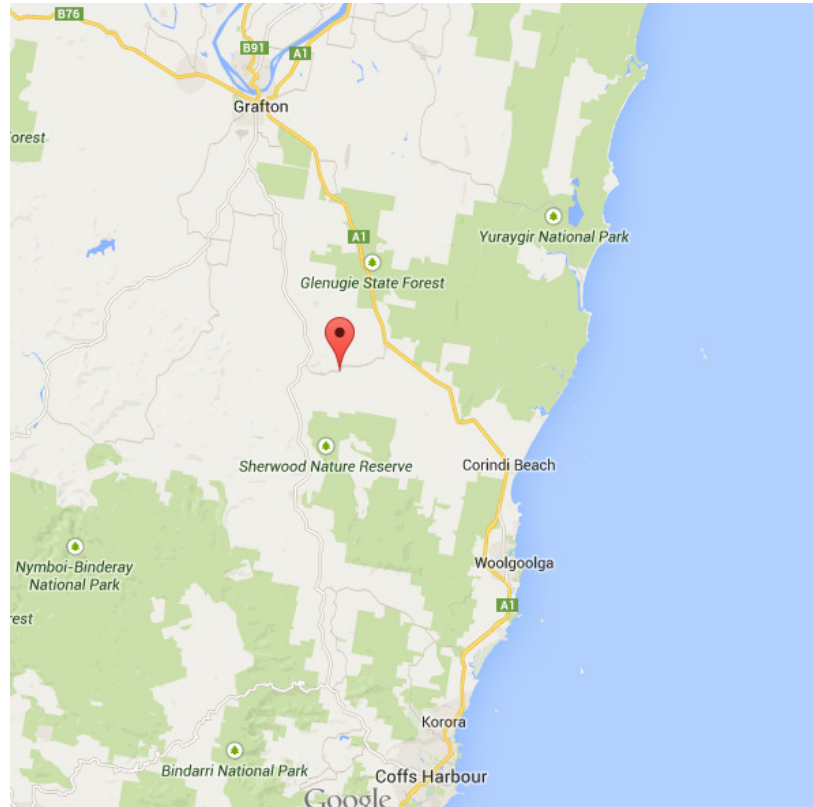


Figure 1 Locality Map – Approximate location of Quarry Site (Source: Google Maps)

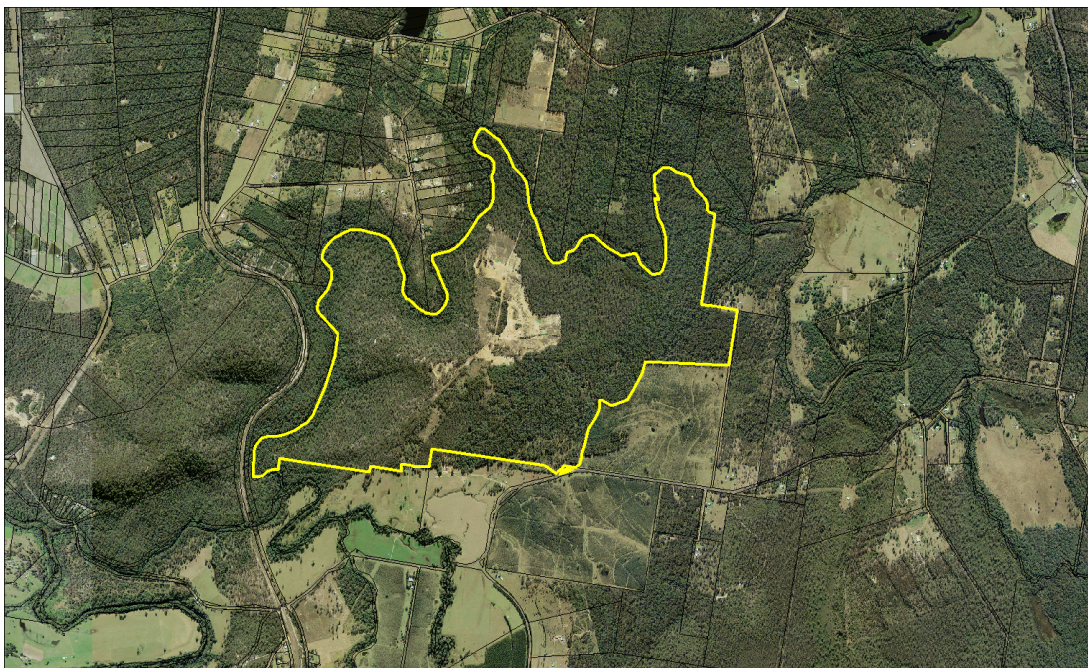


Figure 2 Aerial photograph (Source CVC Exponare)

Section 79C Assessment

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The proposed development is permissible with consent using the provisions of Clause 7(3) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. Clause 7(3) states that development for the purposes of an extractive industry may be carried out on land on which development for the purposes of agriculture or industry is permitted (with or without consent).

The subject land is zoned RU2 Rural Landscape under the provisions of *Clarence Valley Local Environmental Plan 2011*. All types of agriculture are permitted with or without consent on the subject land and therefore, an extractive industry is permitted subject to the submission and approval of a Development Application using the provisions of the SEPP.

Before determining an application for consent for the purposes of an extractive industry, the consent authority must take into consideration the matters listed under the SEPP.

Clause 12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses as follows:

(a)(i) *the existing uses and approved uses of land in the vicinity of the development,*

The land has been previously used for extractive operations and is partially cleared and partially vegetated. Land uses that surround the site are predominantly woodland/scrub, plantation forestry, cleared grazing land and a small portion of small scale hobby orchards (horticulture) are situated to the north west.

Scattered rural dwellings are also located near the subject land with the closest dwelling located approximately 600m to the north and two houses approximately 650m to the south. 12 other houses exist within 700-2000m of the proposed extraction site. There is also an approved primitive campground located near the site.

(a)(ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development,*

Through the measures implemented by the Draft Conditions of Consent, the development is unlikely to have a significant impact on the current and preferred land uses in the vicinity of the development.

- (a)(iii) *any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses,*

As stated in the EIS, the land has an operational history of extraction. The Noise Impact Assessment, Flora and Fauna Report and Traffic Impact Study have all recommended measures to avoid and minimise potential impacts of the development. Through the General Terms of Approval issued by the EPA and draft conditions imposed by Council on the development, it is unlikely that there will be substantial incompatibility issues with the development and adjoining land uses.

- (b) *evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii)*

The re-establishment of the quarry will result in benefits to the local and regional economy and will help generate employment opportunities. Provided the implementation of the conditions contained within the Draft Schedule as recommended are adopted, the potential impacts from the development to the adjoining land uses will be mitigated.

- (c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph a(iii)*

The measures proposed by the applicant to avoid and minimise any potential incompatibility measures have been evaluated and where appropriate, have been imposed as Conditions of Consent.

Clause 13 Compatibility of proposed mine, petroleum production or extractive industry with other land uses:

The consent authority must also take into consideration Clause 13 of the SEPP if the subject land is:

- 13(1)(a) *in the vicinity of any existing mine, petroleum production facility or extractive industry*
(b) *identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*
(c) *identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials*

The land is not located in the vicinity of competing extractive industries and is not identified by an environmental planning instrument as being the location of significant resource materials.

Clause 14 Natural resource management and environmental management

Before granting consent for development for the purposes of an extractive industry, the consent authority must consider whether or not the development should be issued subject to the imposition of conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:

- a) that impacts on significant water resources, including surface and groundwater resources are avoided, or are minimised to the greatest extent practicable,*

In section 4.1 of the submitted Environmental Impact Statement (EIS), the applicant explains that there is sufficient water to carry out the quarrying operations. Hydraulic analysis is required to determine the amount of water required for the operation, including the requirements for sedimentation and erosion control. The applicant states that there are no works proposed or required near Dundoo Creek and there are no works that will impact on the riparian vegetation.

Clause 4.1 of the EIS states that the proposed stormwater management and treatment system involves the use of two existing stormwater ponds, both of which are proposed to be expanded. The existing ponds are approximately 210m and 420m from Dundoo Creek and are separated by mature bushland vegetation (which will not be impacted). Water for the development will be sourced from water quality control ponds on the site.

There is no proposal to pump water from Dundoo Creek and this has not been approved as part of this application. The EPA have provided detailed conditions in their General Terms of Approval for Sediment and Erosion Control and water quality which will form part of Conditions of Consent.

- b) that impacts on threatened species and biodiversity are avoided, or are minimised to the greatest extent practicable,*

The Flora and Fauna report undertaken by Greg P and Val A Clancy Ecological Consultants focuses on the former quarried areas on the site. The report concluded that the reworking of a previously cleared and quarried site will not have a significant effect on threatened species detected during the site survey and that no mature or old growth vegetation will be removed. A full discussion regarding flora and fauna issues are discussed within the submissions section of this report.

- c) that greenhouse gas emissions are minimised to the greatest extent possible*

A greenhouse gas emissions report was submitted in support of the application. Overall, the greenhouse emissions generated from the development is considered to be minimal.

Clause 15 Resource recovery

As stated in the EIS submitted with the application, the proposed extraction operations will be conducted in an efficient and practical manner with a minimal generation of waste.

Clause 16 Transport

The applicant has proposed that the principal haulage route will be via Kungala Road to the Pacific Highway. Kungala Road is a local road for which Council is the road maintaining authority in accordance with the Roads Act 1993. A Traffic Impact Study, including a road audit was submitted with the application. The speed limit of Kungala Road has been lowered to a maximum 80km zone following a review by the RMS and all trucks associated with the quarry are restricted to travel to the site via Kungala Road from the Pacific Highway. Access to or from the Orara Way is prohibited.

A condition of consent will restrict the transport of material on Kungala Road when children are being conveyed to or from school. This restriction must also be reflected in the Plan of Management 'Traffic Management Plan and Truck Driver Code of Practice' for the quarry following consultation with local bus operators.

Clause 17 Rehabilitation

The site will be rehabilitated in accordance with the recommendations contained in the Flora and Fauna report undertaken by Greg P and Val A Clancy Ecological Consultants. The recommendations will be contained in the Plan of Management which is to be submitted prior to any works commencing on the site.

State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is classified as regionally significant development under Schedule 4A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) and is subject to the provisions of Part 4 of the *State Environmental Planning Policy (State and Regional Development) 2011*.

Regional panels are authorised to exercise the consent authority functions of Councils to which Part 4 of the SEPP applies.

State Environmental Planning Policy (Rural Lands) 2008

The Rural Lands SEPP applies to the subject land given its RU2 Rural Landscape zone under the provisions of the Clarence Valley Local Environmental Plan 2011.

The subject land has limited agricultural productive potential due to the previous quarrying operations and thick vegetation cover. The proposed development is not inconsistent with the rural planning principles and will result in positive economic benefit to the local economy and adverse social impacts can be mitigated through the imposition of appropriate Conditions of Consent.

State Environmental Planning Policy 33 – Hazardous and Offensive Development

Extractive Industries have the potential to be hazardous or offensive development through the nature of their operations. If measures are not implemented to reduce impacts from the proposed development, the extractive industry could be considered to be a potentially offensive industry which is defined as follows:

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other

land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

Without employing measures to ensure that the development minimises any impacts, and in particular noise, the development has the potential to be an offensive industry.

The proposed development was considered to be integrated development and required licensing from the Environment Protection Authority (EPA). The EPA granted concurrence to the development subject to the imposition of conditions. Through implementation and compliance with the conditions set out in their licence Notice No. 1520244 the impacts of noise and potential pollution to the surrounding area will be minimised. In summary the conditions require the implementation of measures to minimise potential impacts to the environment and surrounding properties and include:

- restricted hours of operation and blasting times
- implementation of a Blasting/Vibration Management Protocol
- implementation of a Road Traffic Noise Management Plan
- restriction on noise emissions from the site and noise compliance monitoring
- implementation of stormwater and erosion and sedimentation controls
- monitoring and recording of complaints including an annual return to the EPA

A full set of conditions are contained in the Draft Schedule at the end of this report and it is considered that through compliance with those conditions, the impacts to the surrounding area will be minimised and in turn the extractive industry is not likely to be classified as a potential hazardous or offensive industry.

State Environmental Planning Policy 44 – Koala Habitat Protection

The Flora and Fauna report undertaken by Greg P and Val A Clancy Ecological Consultants determined that the subject land is not core Koala habitat and therefore, a Koala Plan of Management is not required.

State Environmental Planning Policy 55 – Remediation of Land

The historical uses of the site indicates that there is little to no potential for the site to be contaminated as a consequence of past or current land uses, and it is considered that a detailed investigation under the provisions of the SEPP 55 is not required.

North Coast Regional Environmental Plan

Clause 12 Development Control – impact of development on agricultural activities

A full Agricultural Assessment Report undertaken by Allen and Associates was submitted with the application. In summary the proposed development is considered to have minimal impact on surrounding, existing future agricultural land uses. The land is not identified as prime crop or pasture land and has only very limited agricultural potential.

As stated in Allen and Associates report, the hobby orchards are separated from the proposed development site by approximately 500 metres of woodland scrub which is considered to be a sufficient buffer zone to avoid land use conflicts.

Clause 18 Development Control – extractive industry

An erosion and sediment control plan was submitted with the development application. A detailed Plan of Management and Rehabilitation Plan will be required to be submitted for the extractive industry prior to any works commencing on the site. The EPA has issued their General Terms of Approval based on the documents and information provided and suitable conditions to ensure compliance will be implemented on any approval. Please refer to the Draft Schedule of Conditions contained at the end of this report.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned RU2 Rural Landscape under the provisions of the *Clarence Valley Local Environmental Plan, 2011* (LEP). Extractive industries are not permissible using the provisions of the LEP, however, as discussed above, are a permissible development using the provisions of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. In this case the SEPP takes precedence over the LEP.

The LEP requires the consent authority to have regard for the objectives of the zone when determining a development application in respect of land within the zone. The objectives of the zone are;

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide land for less intensive agricultural production.*
- *To prevent dispersed rural settlement.*
- *To minimise conflict between land uses within the zone and with adjoining zones.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To ensure development is not adversely impacted by environmental hazards.*

The proposal is not inconsistent with the objectives of the zone as it does not interfere with agricultural potential of the land or surrounding land. The implementation of the conditions contained within the Draft Schedule will help minimise the potential land use conflicts. No unreasonable demand will be placed on public services or public facilities. The operator of the site will be required to upgrade Kungala Road and pay a quarterly contribution for the maintenance of Council roads.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and**

A draft LEP to include a clause for Biodiversity and Vegetation mapping was on exhibition until 14 April 2014.

The subject land is identified as containing high conservation values including mature old growth vegetation, however, the proposed development only proposes to rework the regrowth areas and former quarry site which result in a low impact on threatened species detected during the Flora and Fauna survey.

Under the draft provisions the consent authority shall not grant development consent unless it has considered the impacts on native vegetation. The impacts of the proposal have been addressed by the application and the consent authority can be satisfied that the environmental impacts are minimised and biodiversity values are maintained.

(iii) any development control plan, and

There are no specific requirements for extractive industries under the Rural Zones DCP. The development was notified in accordance with Part B of the DCP which is discussed under S79C(d) of this report.

The proposed development is not inconsistent with the objectives of the plan.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

n/a

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Extractive industries that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or that disturb or will disturb more than 2 hectares are declared to be Designated Development under Clause 19 Schedule 3 of the *Environmental Planning and Assessment Regulations, 2000* (the Regulations).

The proposed development was publically notified in accordance with Division 5 of the Regulations. The General Terms of Approval have been sought from the relevant public authorities and are contained within the Draft Schedule of Conditions.

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

The subject land is not affected by any coastal zone management plan.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Through the implementation of conditions contained in the Draft Schedule, the potential impacts from the proposed extractive industry will be minimised.

(c) the suitability of the site for the development,

The site is suitable for the proposed development subject to the imposition of conditions contained in the Draft Schedule.

(d) any submissions made in accordance with this Act or the regulations,

The proposed development was advertised and notified in accordance with the provisions of Part B of the Rural Zones DCP. 75 submissions were received during the notification period; 25 in support and 50 objections. Issues raised in the objections are discussed below.

1. Impacts on Kungala Road from increased truck movements

Most of the objections received raised the increase in truck movements associated with the quarry as a concern, and in particular, the potential deterioration and damage to road pavement and bridges on Kungala Road. Concerns were also raised about safety for pedestrians and school children due to a large increase in truck movements and narrow road pavement.

Comment

The quarry is proposing to extract an annual limit of 200,000T of material and import 50,000T of sand to the site. This will result in 250,000T of exported material to leave the site.

A condition has been imposed to limit truck numbers so that all trucks importing material for blending shall leave the site with at least the same quantity of extracted or blended material.

Council had Kungala Road monitored between the 18 June to 26 June 2013. During this period a total of 27 class 4-13 vehicles travelled on the road per average day. If considering class 3-13 the number increased to 38 vehicles per day (based on the metro count data). Council's Development Engineer has calculated the following vehicle movements for the proposed development which equates to:

Class 4-13 = $27 \times 365 = 9,855$ trucks/year

Class 3-13 = $38 \times 365 = 13,870$ trucks/year

The total average vehicle movements were 421 vehicles/day

Pre Development

Total traffic on road = 421 vehicles per day (average)

Total heavy vehicles = 38 vehicles per day (average)

% heavy vehicles = $38/421 = 9\%$

Post Development (assuming haulage on 260 days/year or 5 days/week)

Total traffic on road = $421 + 64 = 485$ vehicles per day (average)

Total heavy vehicles = $38 + 64 = 100$ vehicles per day (average)

% heavy vehicles = $100/485 = 20\%$

During peak times

Daily Extraction = 3,200T/day

Additional Heavy Vehicles = $(107) \times 2 = 214$ vehicles per day

Total Traffic on road = $421 + 214 = 635$ vehicles per day

Total heavy vehicle = $38+214 = 252$ vehicles per day
% heavy vehicles = $252/635 = 40\%$

In summary, during peak times of operation for the quarry, there will be an estimated 252 heavy movements per day which will comprise 40% of the total traffic on Kungala Road.

To cater for this increase in traffic, the applicant will be required to widen Kungala Road to a minimum 7m seal and 1m shoulder from the access of the site to the Pacific Highway. Additionally all bridges on Kungala Road from the Quarry entrance to the Pacific Highway are required to be load rated utilising in-situ load tests and be independently assessed to ensure they have adequate strength and width for the Traffic Types and Numbers required for the quarry to operate during peak operation. Any upgrades required to ensure the bridges can accommodate the trucks proposed to be used with the quarry operations shall be undertaken at full cost to the applicant.

The road audit undertaken by Ardill Payne & Partners identified that additional signage, guideposts, linemarking and vegetation trimming be undertaken to improve safety. This has been required to be undertaken through conditioning.

To reduce conflict with road users and pedestrians, trucks and machines associated with the quarry operations shall be restricted during the times when children are being conveyed to or from school. These restrictions must be reflected in the 'Traffic Management Plan and Truck Driver Code of Practice' for the quarry, following consultation with local bus operators.

Other measures implemented to minimise conflicts and maximise safety for road users of Kungala Road include the provision of an upgrade to the quarry entrance to a BAR right-turn treatment into the property and BAL left-turn treatment out of the property and installation of appropriate signage. Hinged truck warning signs in accordance with W5-205 size B shall be installed at approximately 300m distance of the intersection of the access road and Kungala Road, on both the eastern and western approaches of Kungala Road, in accordance with AS1742.2 Appendix D.

2. Impacts of noise from extractive industry operations to the rural amenity

Most of submissions received are concerned about the negative impacts of noise generated from the site as a result of extractive operations including concerns about the hours of operation, blasting frequency, number of traffic movements and impacts to adjoining rural activities. There is also a primitive campground located near the development site and concerns have been raised that the extractive industry will have an adverse impact to the operations and rural amenity of the campsite.

Comment

Further to the information provided in the EIS, Council requested that additional information be provided.

An amended Noise Impact Assessment was undertaken by Ambience Audio Services. In summary the report states that a noise survey was conducted to assess the construction and operational noise levels of a proposed quarry development operating throughout the daytime on nearby residential dwellings

Following assessment of the additional information submitted, the EPA issued their General Terms of Approval which included restrictions on noise limits, hours of operation and blasting times as follows:

Hours of operation – 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday, and at no time on Sundays or public holidays. These hours of operation also apply to truck movements along Kungala Road.

Blasting may only take place between 9.00am and 3.00pm Monday to Friday and is limited to 1 blast each day on which blasting is permitted and all sensitive receivers are to be given at least 24 hours notice.

Council has also imposed conditions to reduce any potential impacts of noise from the development to the surrounding area. This is discussed below.

Road Noise is to be measured at locations as specified by Council, at any time where Council requests it having reason to believe an exceedance has occurred based on complaints. The results are to be supplied to Council for review within 30 days of the request. The results shall include a record of the number and types of vehicles utilising the road associated with the quarry at the time of the noise monitoring.

As stated earlier, the Agricultural Assessment Report concluded that the proposed development is considered to have minimal impact on surrounding, existing and future agricultural land uses. As stated in the report, the hobby orchards are separated from the proposed development site by approximately 500 metres of woodland scrub which is considered to be a sufficient buffer zone to avoid land use conflicts. The traffic impacts have been minimised through restricted hours of truck movements as discussed under Issue 1 above. It should also be noted that conditions requiring the continued monitoring of noise from traffic and complaints system will ensure that the potential impacts from noise are minimised.

3. Impact on Flora and Fauna

Concerns were raised within the submissions regarding the ongoing threats to flora and fauna and that there was no clear detail on land to be cleared. It was suggested that plans should identify areas of high conservation and restricted areas be clearly shown and form part of the Conditions of Consent.

Comment

As stated earlier, the Flora and Fauna report undertaken by Greg P and Val A Clancy Ecological Consultants focuses on the former quarried areas on the site. The report concluded that the reworking of a previously cleared and quarried site will not have a significant effect on threatened species detected during the site survey and that no mature or old growth vegetation will be removed. The field survey revealed two threatened flora species and six (possibly seven) threatened fauna species listed as Vulnerable under Schedule 2 of the Threatened Species Conservation Act (TSC Act) 1995., these are included in the Assessment of Significance. The existing habitat for these species should be protected by only quarrying a previously disturbed area.

The Flora and Fauna report indicated that a species impact statement would not be required if the recommendations of the report are adopted in full. The recommendations contained within the report, which are to be fully adopted within the operational and rehabilitation plans are:

- *All quarrying operations to be confined to the areas identified on Map 8;*
- *The old growth habitat trees to be preserved at the site;*
- *Quarrying should be carried out in a manner to avoid the disturbance of active Rainbow Bee-eater nests and the restoration plan should ensure that suitable nesting substrate is left or created after the quarrying operations cease;*
- *Weeds should be removed from Site 2 including the Bank's Grevillea, Queensland Silver Wattle, Rose of Sharon and Yucca;*
- *Restoration of the site by allowing natural revegetation to colonise the disturbed sites is the preferred method. The amount of natural revegetation that has established after earlier quarrying activities suggests that this may be a successful method. In areas where unassisted recolonisation does not occur some planting of local native grass species grown from seeds collected on site should be carried out;*
- *The restoration of the large open area in Site 2 may require more intensive management such as ripping;*
- *Any works proposed for the subject site are required to address Clarence Valley Council's Sediment and Erosion Control Development Control Plan; and*
- *A restoration plan incorporating the findings of this report should be implemented.*

Council's Environmental Officer (Ecology) also supports the findings within the Flora and Fauna report and agrees that reworking the former quarry areas will result in a low impact to threatened species. A development of a rehabilitation plan of management for the completion of the quarry works will reduce long term impacts.

Conditions have been placed on the approval to ensure that the areas to be worked are restricted and clearly defined by permanent survey marks and identified on a survey plan. This information is to be provided to Council prior to the commencement of any works onsite.

4. Potential Impacts to community health

Concerns have been raised about the risk to the health of surrounding residents including air pollution from dust from quarry operations, including impacts on roof water supplies and human health. Also, two submissions raised the issues regarding the high silica content in the soils and impacts on employees.

Comment

There are two areas where dust can be generated and impact on the surrounding area, the first being through the operations of the quarry. Council has placed a condition requiring that any dust from quarry operations is controlled and does not impact on adjoining properties.

Secondly, dust may be generated from traffic movements. Dust from this activity will be controlled through implementation of the Traffic Management Plan which must address dust from quarry vehicles and include suitable dust suppression methods. Also all trucks are required to have their loads covered and the internal access is required to be sealed within 30 metres of the property.

Should either of these areas of operation impact on the adjoining properties, Council may take action through non compliance with Conditions of Consent and/or under the *Protection of the Environment Operations Act, 1997*.

As stated in the EIS, the physical and spatial buffers (both topographical and vegetative) between quarrying operations and surrounding residential receivers dust are not considered to be a significant issue. Implementation of the measures to be outlined within the Plan of Management will ensure that if issues arise from dust they can be managed in accordance with appropriate methods.

Occupation health and safety issues to employees will be addressed by the operator through the Operational Management Plan and compliance with Work Health and Safety legislation.

5. Water quality to Dundoo Creek

Concerns have been raised by submissions that the development will have an adverse impact on the quality of water within Dundoo Creek and potentially reduce flows.

Comment

As stated by the Department of Primary Industries Office of Water the development is not located on waterfront land which includes the bed of any river together with any land within 40 metres of the highest bank of the river.

There is no pumping proposed from Dundoo Creek and erosion and sedimentation is to be controlled in accordance with the EPA Generals Terms of Approval.

Should the development proposal vary in any way that results in the development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, a licence will be required from the Office of Water.

In regards to the access track and crossing of creeks, conditions have been included in the Draft Schedule to ensure that works will not impact on water quality.

It should also be noted that all quarrying activities appear to be undertaken at or above R.L. 65m and therefore, flooding is not likely to impact on the development.

6. Devaluation to property prices

Concerns have been raised within the submissions that the proposed extractive industry will devalue property prices in the area.

Comment

The impact of the proposed development on the value of surrounding properties is difficult to quantify. Increase or loss of property value is not a matter that can be directly related to development proposals such as this. There are other factors that affect such values, and as such this is not considered a valid point of objection.

(e) the public interest.

The proposed development complies with the relevant legislation and local policies ensuring that the public interest is maintained. The majority of submissions raised concerns with the potential impacts that the increase in traffic and noise would have on the amenity of their rural lifestyle. Through the imposition of the conditions contained within the Draft Schedule, potential impacts from the development to the surrounding area will be minimised.

Schedule of Draft Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following documents and plans:
 - a. Site Plan showing Extraction Zones by Ardill Payne & Partners Job No. 6916 Dwg. No. Site 01 dated 16 October 2014.
 - b. Site Layout and Staging Plan by Ardill Payne and Partners Job No. 6916 Dwg No. EX1 Issue D dated 6 May 2014
 - c. Site Building Details by Ardill Payne and Partners Job No. 6916 Dwg. No. EX2 Issue C dated 3 October 2013.
 - d. *'Environmental Impact Statement – Extractive Industry (Gravel Quarry), Kungala Road, Kungala Lot 7 DP1126225, for Holmes Extractive Resources, November 2013'* and additional information dated 5 May 2014 submitted by Ardill Payne & Partners.
 - e. *Flora and Fauna Assessment Report* by Greg P. and Val A. Clancy Ecological Consultants dated January 2013
 - f. *Cultural Heritage Assessment by Everick Heritage Consultants Pty Ltd dated November 2013*

Or where modified by any Conditions of Consent.

2. A Construction Certificate shall be obtained in respect of the office and amenities buildings prior to their installation/placement on site.
3. Compliance with the conditions and advice of the Environmental Protection Authority Notice No, 1520244, as contained in their letter dated 4 July 2014, consisting of 15 pages, and as attached to this Notice of Determination.
4. Submission of a Plan of Management prepared by a suitably qualified and experienced person/s to Council for approval prior to the commencement of quarrying under this Notice of Determination. The Plan of Management is to include, but is not limited to, at least the following details:
 - Operating details including: numbers, type and location (if fixed plant) of plant and machinery; numbers of employees onsite and off site; stockpile and overburden storage areas; vehicle storage and refuelling areas; and fuel storage areas.
 - A plan identifying the sedimentation ponds at each proposed stage of the quarrying operations. That is, as quarry expansions are proposed, any necessary relocation of sedimentation structures should be identified on the plan. The dimensions, capacity and anticipated levels of waste water within these structures should be included in this detail.
 - A water quality monitoring program is to be implemented which assesses the quality of discharges from the sedimentation ponds as they occur. Details of measures for drainage or pumping from the ponds after storm events are to be provided, including the time taken for ponds to empty.
 - Any proposals for the re-use of waste water from the ponds are to be provided. Such water could be used for watering of access roads and exposed areas to avoid dust nuisance.
 - Details of monitoring program of ground vibration and airblast overpressure for blasting activities. Details to be recorded include MIS, airblast and vibration level and distance at which monitoring of the blast are conducted.
 - Full rehabilitation details, including fencing and signage details also taking

into account the full recommendation contained in the Flora and Fauna Report undertaken by Greg P. and Val A. Clancy Ecological Consultants dated January 2013.

- Details of dust mitigation measures and monitoring program.
 - Details of noise mitigation measures for fixed and mobile plant and machinery and monitoring programs.
 - A schedule is to be included which allows for the annual update of the rates of extraction. This will ensure monitoring of the amount of material extracted and enable Council to calculate the contributions for Council road maintenance.
 - A waste management plan, including measures to optimise the efficiency of resource recovery and the reuse or recycling of material.
 - A code of conduct relating to the transport of materials on public roads, including a schedule so that haulage times do not coincide with school bus services.
 - A code of conduct for truck drivers.
5. The establishment, operation and management of the development is to comply with the approved Plan of Management at all times.
6. The quarry shall be operated in accordance with the following:
- a. The *Protection of the Environment Operations Act 1997*;
 - b. The *NSW Road Noise Policy*.
7. An annual update of the Plan of Management is to be submitted to Council by 31 July each year. This update is to include a plan by a registered surveyor and statement demonstrating compliance with this consent and the Plans of Management. Specifically, the statement is to include:
- a. A site plan by a registered surveyor showing:
 - The extraction area at the date of report
 - The areas intended for extraction in the next twelve (12) months
 - Sediment ponds
 - Stockpile sites
 - Overburden storage sites
 - Erosion controls in place at the time of the report
 - b. Written details addressing:
 - State of compliance with each condition of consent and the Plan of Management at the time of the report.
 - The quantity of material extracted in the immediately preceding twelve (12) months
 - The quantity of material proposed to be extracted in the next twelve (12) months
 - Results from all monitoring programs for the preceding twelve (12) months
 - Sedimentation ponds constructed during the preceding twelve (12) months or proposed to be constructed in the next twelve (12) months
 - Revision of the expected life of the extractive operation
 - A staged rehabilitation plan for the life of the quarry
8. Development consent is given to extract a maximum of 200,000 tonne (or 130,000 cubic metres) of material per year. The extractive industry is limited to a maximum operation period of 25 years or until a maximum 2.2 million in-situ tonnes of material has been extracted, whichever ever occurs first. The import of sand to the site is limited to a maximum rate of 50,000 tonnes per annum and is to be taken from an approved source.

9. The area of the quarry shall not exceed the areas as shown in Zone 1 (135,645m²) and Zone 2 (35,494m²) on the Site Layout and Staging Plan by Ardill Payne & Partners Job No. 6916 Dwg No. EX1 Issue D dated 6 May 2014. All blasting, crushing, screening, stockpiling and loading is to be undertaken within this area.
10. The quarry/extraction area is to be defined on the ground by the establishment of permanent survey marks located and shown on a plan by a registered surveyor and submitted to Council, prior to commencement of works.
11. All vehicles associated with the use of the premises, including employees' vehicles, are to be parked within the confines of the site at all times.
12. A sign must be erected on the subject land in a prominent position visible from the entrance of the property during quarrying operations. The sign is to:
 - State that unauthorised entry to the quarry work area is prohibited; and
 - Show the name of the person in charge of the quarry operations and a contact number for that person.
13. Accurate records of quantities extracted are to be kept, maintained and available for inspection by authorised Council officers on request. The method of recording and the location where records are to be kept are to be outlined in the Plan of Management.
14. Should any aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director-General of the NSW Office of Environment and Heritage shall be contacted immediately and any directions or requirements of that Department complied with.
15. No advertising sign is to be erected, painted or displayed without approval from Council.

Noise Limits

16. Noise from the premises must not exceed an $L_{Aeq (15 \text{ min})}$ noise emission criterion of 35 dBA at the most affected residential receiver who has not given written permission for an exceedance of this condition.
17. Temporary measures to comply with the $L_{Aeq (15 \text{ min})}$ of 35 dBA at all residential receivers must be implemented prior to the construction phase until such time as a sufficient earth bund has been created or the quarry floor level lowered to create a barrier.

Hours of Operation

18. Hours of operation of the premise including truck movements on Kungala Road are restricted to times between 7:00 am and 6:00 pm Monday to Friday, between 8:00 am and 1:00 pm on Saturday and at no time on Sundays and public holidays.
19. Noise from the premises is to be measured at the most affected residential receiver who has not given written permission for an exceedance to determine compliance with the conditions herein at least annually and at any time where Council requests it having reason to believe an exceedance has occurred based on complaints. The results are to be supplied to Council for review within 30 days of the request. Noise measurement must not take place under the following conditions:

- i) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- ii) Temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- iii) Temperature inversion conditions greater than 3°C/100m.

Traffic Noise

20. Traffic noise shall not exceed an $L_{Aeq(1 \text{ hour})}$ of 55 dBA (external) as measured 1 metre from the façade of the residential receiver and 1.5 metres above the floor for residences located along Kungala Road. Since hours of operation are restricted above, traffic noise generated as a result of quarry operations at any time other than permitted operating times is prohibited (NSW RNP, March 2011).
21. The proponent must prepare and implement a Traffic Noise Management Plan (TNMP) prior to commencement of operation activities that includes but is not limited to:
 - a. Identification of all potentially affected sensitive receivers in the vicinity of the site;
 - b. The traffic noise objectives;
 - c. An assessment of potential noise from traffic movements associated with the quarry against objectives;
 - d. Identification and application of feasible and seasonable noise management strategies for vehicle movements associated with the quarry, including but not necessarily limited to the following:
 - i. Driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;
 - ii. Best noise practice in the selection and maintenance of vehicle fleets;
 - iii. Movement scheduling where practicable to reduce impacts during sensitive times of the day (eg school bus times)
 - iv. Communication and management strategies for non-quarry owned and operated vehicles to ensure the provisions of TNMP are implemented;
 - v. Specific procedures for drivers minimising road traffic noise impacts;
 - vi. Clauses in conditions of employment or in contracts of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

Due Date: This Management Plan is to be submitted to Council prior to the commencement of quarrying activities under this approval/licence.

22. Road traffic noise shall be evaluated within one year of commencement of quarry operations and ten years of commencement of quarry operations and shall compare the road traffic noise levels as if the project had not proceeded (the 'no build option'). This report must be provided to Council within 60 days of the completion of year one and year ten (NSW RNP, March 2011).

Noise Monitoring and Compliance

23. The applicant is advised that Council may carry out periodic inspections of the premises to ensure that the conditions of this consent are being complied with. In accordance with the provisions of Section 118G of the Environmental Planning and Assessment Act, if as a result of any such inspection Council requires work to be carried out on or in the premises then Council may charge a fee to recover the costs of that inspection. The appropriate fee will be as specified in Council's current adopted fees and charges.

Blasting and Overpressure

24. This Blasting/Vibration Management Protocol must be reviewed by a suitably qualified and experienced consultant after 12 months from the operation of the quarry. This review must use the data collected from the blasts to refine the site law. This review must indicate if air blast and ground vibrations are within acceptable criteria as per the ANZEC Guidelines for the nearest receiver. It must also determine a maximum instantaneous charge (MIC) to be used at the site and make any other recommendations to minimise blasting impacts. A report of this review must be supplied to Council within 60 days of the completion of year one.

ENGINEERING

PRIOR TO COMMENCEMENT OF QUARRY OPERATIONS

General

25. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
26. The developer must design all civil works, in accordance with NRDC and Austroads; and construct these works in accordance with the approved, dated and stamped engineering plans; and Construction Certificate issued by Council or accredited private certifier. This work must be done under the supervision of a suitably qualified and experienced engineer or land surveyor approved by Council. The Council will hold a bond in accordance with Council's fees and charges against the works until such time as Council is satisfied to take over the system.
27. The supervising engineer / surveyor must arrange for the hold point inspection, and accompany Council or accredited Private Certifier on the inspection unless alternative arrangements are made. Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (1) business day's notice to permit hold point inspections of the following components of the construction process:
- a Roadworks
 - i stripping with erosion controls in place
 - ii subgrade
 - iii subbase (at discretion of Development Engineer)
 - iv completion of pavement ready for sealing
 - v final including stormwater
 - b Stormwater
 - i Prior to backfilling of trenches

Plus any other part of the works specific to the development that the Development Engineer may request.

28. Prior to the commencement of Quarry Operations, certification is to be provided by the supervising engineer to Council, that civil engineering works for the development have been constructed in accordance with the approved plans, NRDC and Austroads.
29. Where occupation of the road reserve is proposed, a Traffic Control Plan must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the road reserve. This plan must be prepared by a person authorised by the RMS to prepare Traffic Control Plans and must be approved by Council prior to the occupation of the road reserve.
30. A Construction Management Plan must be submitted to and approved by the principal certifying authority prior to the issue of the Civil Construction Certificates. The plan must document the proposed method of work within the construction site boundaries with regard to the health and safety of the public and affect on the road reserve. If any part of the road reserve or public land is proposed for long term (exceeding 24 hours) inclusion in the construction site boundaries this area must be identified in the Construction Management Plan. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.
31. A Traffic Management Plan must be submitted with the Construction Management Plan for approval by the Principal Certifying Authority. The Plan must show the proposals for reducing any impact of the construction site on the adjacent traffic network. This plan will include traffic management of short term activities such as delivery of materials; accessing, exiting and parking in and near the work site by cranes, concrete agitator trucks; tradesmen work vehicles and the like.

The Traffic Management Plan may include Traffic Control Plans detailing proposed methods to ensure safe vehicle access into and out of the general traffic stream, pedestrian control and safe transfer of materials from road reserve to construction site. The Traffic Management Plan should be and any associated Traffic Control Plans must be, prepared by a person authorised by the RMS to prepare Traffic Control Plans. Any Traffic Control Plan must be approved by Council.

An estimate of the number of vehicles that will need to be accommodated at various stages of the construction and what arrangements have been made to accommodate that number of vehicles is to be included in the Traffic Management Plan.

Should it become necessary to occupy the road reservation for any reason not included in the approved Traffic Management Plan, even short term, then a specific Traffic Control Plan for the event or events, prepared by a person authorised by the RMS to prepare Traffic Control Plans. The submission must include the reasons that the occupation is required and any revision of the Construction Management Plan and/or Traffic Management Plan to accommodate the change in the construction methodology.

32. Where long term (exceeding 24 hours) occupation of the road reserve or Council land is proposed for areas additional to the areas approved for works under the Construction Certificate, a Construction Activity Application - Encroachment / Use of

Council Land - must be approved by Council and appropriate fees paid prior to any occupation of the road reserve or Council lands.

33. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:
- a Stating that unauthorised entry to the work site is prohibited;
 - b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
 - c Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign is to be removed when the work has been completed.

34. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the Construction Certificate.
35. The quarry operator shall submit a 'Traffic Management Plan and Truck Driver Code of Practice' for assessment and approval by Council. The plan shall document :
- a) road maintenance program;
 - b) dust suppression methods;
 - c) road inspection activities to be implemented for the life of the quarry;
 - d) approved haulage routes highlighting specific locations for consideration such as school zones, school bus routes, residential areas or potential risk locations (including map);
 - e) induction process for staff and sub contractors outlining clear expectations and consequences for any breach of the code;
 - f) instruction on all operational and safety requirements related to the quarry operations.

Roadworks

36. Prior to the release of a Civil Construction Certificate, all bridges on Kungala Road from the quarry entrance to the Pacific Highway shall be load rated utilising in-situ load tests, and independently assessed to ensure that they have adequate strength and width for the Traffic Types and Numbers required for the Quarry to operate during peak operation. Any upgrades required to ensure the bridges can accommodate the trucks proposed to be used with the quarry operations shall be undertaken at full cost to the applicant prior to commencement of quarry operations. All works shall be undertaken in accordance with NRDC and Austroads, and be included in the Civil Construction Certificate Application.
37. Kungala Road shall be widened to a minimum 7m seal and 1m shoulder from the access to the site to the Pacific Highway. The design plan, including pavement design, shall be submitted for approval prior to release of the Civil Construction Certificate.
38. The quarry entrance shall be upgraded to a BAR right-turn treatment into the property and BAL left-turn treatment out of the property. The upgrade shall be in accordance with Austroads and NRDC standards. Full details shall be provided with the Civil Construction Certificate. The sealing of the BAR treatment shall continue to thirty (30) metres within the property, and be wide enough to facilitate 2 way traffic.

39. Hinged truck warning signs in accordance with W5-205 size B shall be installed at approximately 300m distance of the intersection of the access road and Kungala Road, on both the eastern and western approaches of Kungala Road, in accordance with AS1742.2 Appendix D. Details of the signage shall be included in the Civil Construction Certificate.

The signage shall be displayed during the hours of operation of the Quarry.

40. Benkelman beam testing of the finished base course of all new roadworks will be required, with the beam testing to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam.
41. All roadworks for the development are to have full road construction and bitumen sealing, in accordance with NRDC, comprising emulsion or cutback primer plus 2 coat seal 14 / 7 mm for all new roads with no existing traffic OR, for roads subject to traffic, emulsion seal plus 2 coat seal 14 / 7 mm applied as soon as practical after emulsion to minimise disruption to traffic. All works are subject to a 12 month maintenance period.
42. The road construction/re-construction plans must include design calculations for and any necessary upgrade of, existing stormwater drainage cross-culverts and affected services/utilities.
43. Where the table drain will be affected by the road widening works engineering calculations must be provided which clearly indicate the capacity of table/swale drains, the maximum flow velocities and their resistance to scour. Where table/swale drains are used they must be designed to minimise velocity of flow to that necessary to achieve draining of the table/swale minimising ponding and must be treated to minimise scour.

Table/Swale drains within the road reservation must be designed to protect the road pavement from infiltration of surface water. This could be achieved by either a configuration that locates the water surface level from minor storm flows below the subgrade level, or other methods of protection acceptable to Council.

Batters on table/swale drains must be suitable for mowing by domestic mowers which will generally require a batter with a maximum grade of 1 in 6 unless approved by Council.

44. All other Corrective Actions identified in the Road Safety Audit undertaken on 18 November 2013 by Ardill Payne & Partners that have not been addressed above, shall be undertaken, reassessed and signed off as completed by a Road Safety Auditor Level 3, and submitted to Council prior to Commencement of Quarry Operations.
45. Prior to the commencement of Quarry Operations, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
46. Prior to the commencement of Quarry Operations, submission of satisfactory Work as Executed Plans for all works relevant to the development, and certification from the supervising professional engineer or land surveyor, that the works have been constructed in accordance with the approved plans and specifications.

The Work as Executed plans shall include detailed records of the materials used and inspection and testing for the construction.

47. Prior to commencement of Quarry Operations, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$1,500 whichever is greater. All work is subject to a maintenance period of twelve (12) months from the date of Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended should the application for commencement of Quarry Operations be delayed beyond the maintenance period.

Internal Access Road

48. If a gate is proposed for the quarry, it shall be set back and inward opening, so that the largest vehicle can stand clear of Kungala Road when the gate is being used.
49. The internal access roads shall be constructed in accordance with the Private Native Forestry Code of Practice for Northern NSW (DECC, 2008) and be wide enough to facilitate 2 way traffic, unless alternate routes are determined which will ensure vehicles cannot pass in opposite directions. The internal access road including creek crossings shall be designed and constructed to withstand a 1 in 20 year storm and flood event without affecting the flow conditions of these crossings. A flood study may be required to facilitate this.

Erosion and Sedimentation Control

50. A detailed Erosion and Sediment Control Management Plan must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a Civil Construction Certificate. This must include procedures for clean-up and restoration of public / private property and infrastructure, affected by any works undertaken. All such remedial works are to be completed to the satisfaction of Council.
51. The applicant must ensure that vehicles or plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become untrafficable for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
52. During dry weather, standard dust suppressions methods are to be used as often as necessary to ensure that adjoining properties are not affected by dust.

DURING QUARRY OPERATIONS

53. A contribution under Section 94(1)(b) is to be paid to the Council to maintain the roads in accordance with the Ulmarra Shire Council Section 94 Contributions Plan – Extractive Industries of the Act amounting to:

\$5,250 per annum for the use of Council's roads by extractive industry trucks based on \$0.021 per tonne.

NB

- a) The contribution(s), as assessed, will be adjusted in accordance with the movement in the Consumer Price Index.
- b) The contributions are to be paid to Council on a quarterly basis. The amount

will be determined by the adding the imported and extracted amounts specified in the Council approved 'Plan of Management' for extraction of quarry material and revised annually by the operator.

- c) In the event of any subsequent amendment of the approved Development Plans, the calculated contribution amounts may vary and if so will become the contribution payable.
- 54. Trucks importing material for blending shall leave the site with at least the same quantity of extracted or blended material.
- 55. All quarry trucks are to travel to and from the quarry site via Kungala Road to the Pacific Highway. Access to or from Orara Way via Kungala Road will not be permissible.
- 56. Road Noise is to be measured at locations as specified by Council, **at any time where Council requests it having reason to believe an exceedance has occurred based on complaints.** The results are to be supplied to Council for review within 30 days of the request. The results shall include a record of the number and types of vehicles utilizing the road associated with the quarry at the time of the noise monitoring.
- 57. Trucks and machines associated with the quarry Operations shall be restricted during the times when children are being conveyed to or from school. These restrictions must be reflected in the 'Traffic Management Plan and Truck Driver Code of Practice' for the quarry, following consultation with local bus operators.
- 58. All trucks exiting the site shall do so via a weighbridge to be installed prior to commencement of quarrying activities.
- 59. All haulage operations must be undertaken in accordance with the approved 'Traffic Management Plan and Truck Drive Code of Practice'.
- 60. All loads are to be covered during all haulage operations.