

JOINT REGIONAL PLANNING PANEL (Northern)

JRPP No	2014NTH006
DA Number	DA2014/0098
Local Government Area	Clarence Valley Council
Proposed Development	Extractive Industry (Hard Rock Quarry)
Street Address	242 Faheys & Bulgins Road, Bald Hills, Hernani
Applicant/Owner	Matsid Pty Ltd
Number of Submissions	Nine (9)
Regional Development Criteria (Schedule 4A of the Act)	<p>The development is listed as development for which regional panels may be authorised to exercise the consent authority functions of councils under Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> (the EP&A Act).</p> <p>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 a total surface area of more than 2 hectares are declared to be Designated Development under Clause 19, Schedule 3 of the <i>Environmental Planning & Assessment Regulation 2000</i> (the EP&A Regulation).</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP 33 Hazardous and Offensive Development • SEPP 44 Koala Habitat Protection • SEPP Mining & Petroleum and Extractive Industries 2007 • SEPP Rural Lands 2008 • North Coast Regional Environmental Plan 1988 • Clarence Valley Local Environmental Plan 2011 • Development Control Plan for Development in Rural Zones • Clarence Estuary Management Plan
List all documents submitted with this report for the panel's consideration	<p>Application and Environmental Impact Statement March 2014</p> <p>Submissions received during exhibition period</p> <p>NSW EPA General Terms of Approval 24 April 2014</p> <p>NSW RMS Submission 9 May 2014</p> <p>Consultant's (for applicant) response to submissions 29 May 2014</p> <p>Consultant's (for applicant) response to Bellingen Shire Council 23 May 2014</p> <p>Bellingen Shire Council response 4 July 2014</p> <p>Consultant's (for applicant) email response to RMS submission 31 May 2014</p> <p>Annual Plan of Management Sheridan's Hard Rock Quarry 18 December 2013</p>

	Erosion & Sediment Management Plan approved under DA2010/0358
Recommendation	Based on the Section 79(C) assessment detailed in this report, the development application is recommended for approval subject to the conditions provided in the draft conditions of consent attached to this report.
Report by	Pat Ridgway, Senior Development Planner, Clarence Valley Council

Assessment Report and Recommendation

Application	Extractive Industry - Hard Rock Quarry DA2014/0098 – 2014NTH006
Applicant	Matsid Pty Ltd C/- Outline Planning Consultants Pty Ltd
Owner	Matsid Pty Ltd
Address	242 Faheys and Bulgins Road, Hernani, Lot 62 DP 752807
Submissions	Nine (9)

Introduction

Development application DA2014/0098 (JRPP Ref: 2014NTH006) seeks consent to increase the annual extraction of quarry product from that already approved under DA2010/0358 by Council on 19 April 2011 (modified on 21 February 2012), for Sheridan's Hard Rock Quarry on Lot 62 DP 752807. It is proposed that the extraction rate of quarry product be increased from 30,000m³ to 73,600m³ per annum and the quarry footprint be increased from 2ha to 5.73ha in area.

The development application has been assessed in accordance with Section 79(C) of the EP&A Act and the relevant State and local environmental planning instruments which are detailed in this report.

The application was advertised and notified for the required period of 30 days and nine (9) submissions were received as a result of the public notification. The submissions to the proposal are discussed in this report.

Recommendation

That development application DA2014/0098 (2014NTH006) be approved subject to the conditions provided in the draft conditions of consent attached to this report.

Details of the Proposal

This proposal is to substantially expand the existing hard rock quarry on Lot 62 DP 752807 while operating in the same way as the existing quarry operations on site. The current approval is for extraction of hard rock (basalt) through controlled blasting, crushing, screening and stockpiled on-site. Quarry product is then transported off-site. A detailed description of the operations was provided in the Environmental Impact Statement (EIS).

Council approved the current extractive industry for Sheridan's Hard Rock Quarry (DA2010/0358) after considering the impacts of the quarry operations and in particular, ecological impacts (fauna & flora), traffic impacts, erosion and sediment control, and noise, blasting and vibration impacts. As required by the consent a Plan of Management (PoM) for

the quarry was approved on 7 June 2012; a further annual update of the PoM is required by conditions of consent. An Environmental Protection Licence has been issued by the EPA for the current operation of the quarry under DA2010/0358.

It is noted that the quarry operations have expanded beyond the approved quarry footprint to that approved. This extent of non-compliance with the current approval is outlined in the Annual Quarry PoM Update 2013, survey 'Plan of Current Works'. The annual PoM update report is attached to this assessment report.

Under the new proposal the applicant does not propose to change the hours of operation, approved haul route, general quarry operations (blasting, crushing, screening and stockpiling), maximum daily quarry truck traffic movements and stormwater management. In this respect the assessment of the proposal to expand the extractive industry is narrowed to the impacts from expanding the quarry footprint and increased extraction rate of quarry product.

The majority of submissions received from the public notification raise concern over the substantial potential increase in truck movements on Waterfall Way that may be permitted if the proposal is approved, particularly considering the current and future demand for quarry products for the Pacific Highway upgrade works. It is noted that no submissions were received from the owners of the dwellings along the approved haul route. The issues raised in the submissions are discussed under the Section 79C assessment in this report.

Under the previous approval a road maintenance contribution calculation was agreed to by the applicant. This contribution is to be paid to Council on an annual basis. The same contribution for road maintenance has been included in the draft conditions of consent.

The following table provides a comparison to that already approved and the proposed expansion of the extractive industry.

	Current (DA2010/0258)	Proposed (DA2014/0098)
Maximum extraction rate m³	30,000m ³	73,600m ³
Maximum extraction tonnes	Approx. 80,000 tonnes	Approx. 198,000 tonnes
Maximum area	2ha	5.73ha
Week day hours	6am – 6pm (12 hours)	6am – 6pm (12 hours)
Saturday hours	7am – 1.00pm (6 hours)	7am – 1.00pm (6 hours)
Loaded payloads per day	20	20
Maximum truck size (as described in Traffic Impact Studies)	Truck & Trailer/Dog 30 - 33 tonnes / load	Truck & trailer/Dog 30 – 33 tonnes / load
Existing quarry plant utilised		
Blasting and associated impacts will continue similar to the current approval and EPA licence.		

The applicant's consultant has submitted that there will be no increase to the permissible daily truck numbers to that already approved for Sheridan's Hard Rock Quarry which is 20 laden truck loads per day.

Site description & Location

The quarry site is located in a remote rural location and is shown on the locality map.

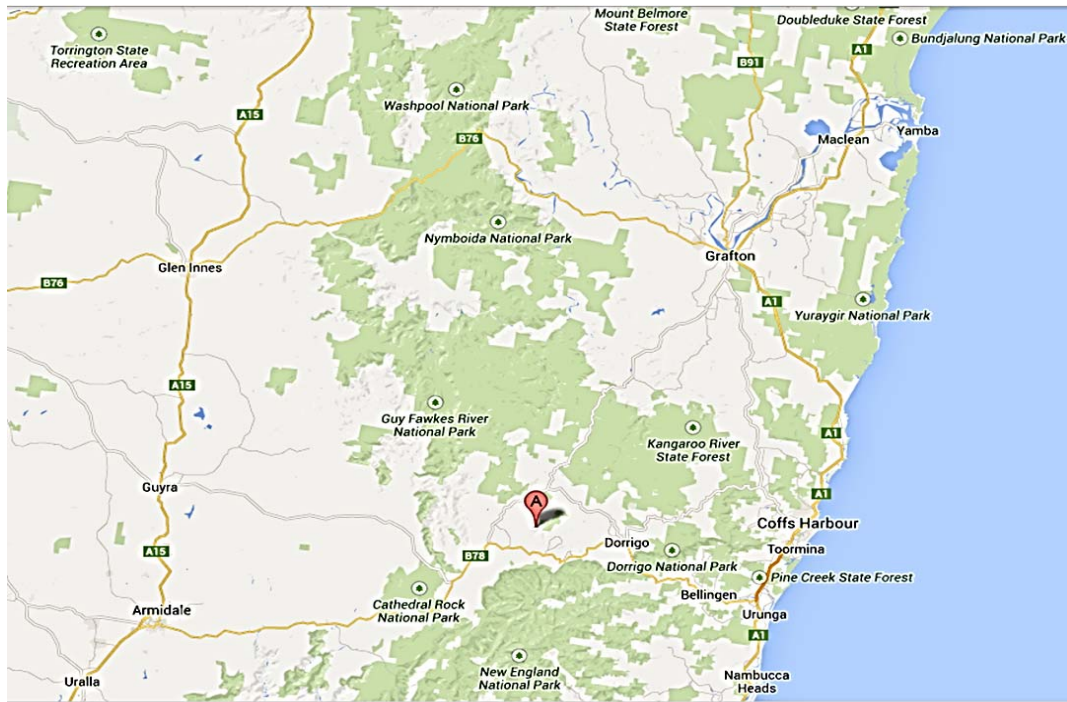


Figure 1 Locality Map – Quarry Site marked 'A' on the map (Source: Google Maps)

There are three (3) rural dwellings located along the haul route (from the quarry to the intersection of Bald Hills Road and Waterfall Way) as shown in red on following map extracted from the EIS.

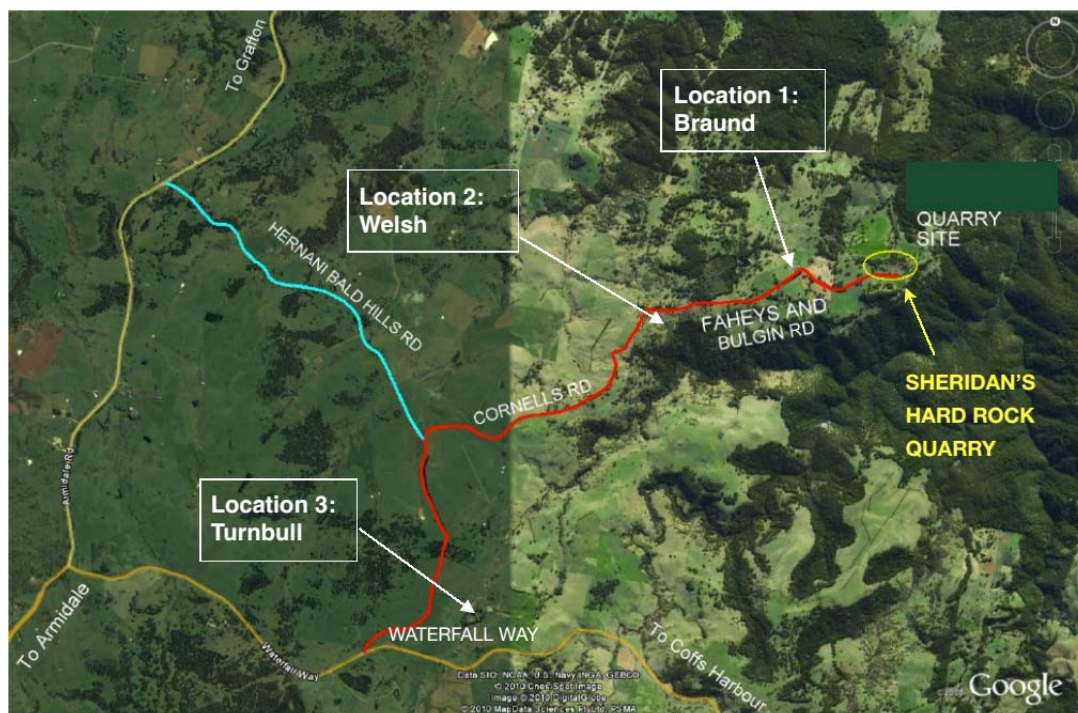


Figure 2 Aerial photograph and haul route (Source: EIS Outline Planning Consultants)

Statutory Development Assessment Framework

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 a total surface area of more than 2 hectares are declared to be Designated Development under Clause 19, Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regulation).

The development is listed as development for which regional panels may be authorised to exercise the consent authority functions of councils under Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

Section 91A(2) of the EP&A Act states that before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. The application is integrated development and requires the concurrence of the NSW Environmental Protection Authority (EPA). Council has received General Terms of approval from the EPA which will be incorporated into the draft conditions of any consent to be issued.

The Roads and Maritime Service (RMS) was notified of the development in accordance with the requirements of Clause 104 – Traffic Generating Developments of *State Environmental Planning Policy (Infrastructure) 2007*. The submission from the RMS is discussed in this report.

Section 79C Assessment

(1) Matters for consideration – General

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**

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)

Council must have regard to the heads of consideration contained in Clause 13 of the Policy. Having regard to the existing approved and proposed operation of the quarry it is considered that the operation does not constitute a potentially hazardous or offensive operation.

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)

The Flora and Fauna Survey Report determined that the subject land is not a core koala habitat. As such, a Koala Plan of Management is not required.

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

Clause 7: Development permissible with consent

Extractive industries are permitted with consent on the subject land under the SEPP.

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

The surrounding lands are utilised for agricultural uses including vegetable farming and grazing lands. The proposed development will not conflict with the existing or future uses of land in the vicinity of the development.

The subject lot is located within proximity of the Clarence Valley Council Shire border that is shared with Bellingen Shire Council. A referral was sent to Bellingen Shire Council who have made a submission. The submission is discussed in this report.

The applicant also owns the two adjoining lots and the property adjoins the Muldiva State Forest to the North and the Nymboida River to the East. The Noise Impact Assessment, the Flora and Fauna Survey and the Traffic Impact Study have all recommended measures to avoid and minimise potential impacts of the development. As a result, there is not considered to be substantial incompatibility with these land uses nor have significant adverse impacts.

The resources recovered will be available to local and regional markets and the development will create minor economic activity and employment generation. There are no anticipated conflicts with surrounding land uses.

Clause 13: Compatibility of proposed development with mining, petroleum production or extractive industry

There are no anticipated conflicts with surrounding land uses.

Clause 14: Natural resource management and environmental management

Water from the development area will be required to be diverted to a sedimentation dam within the work area. Water quality monitoring will be required to be undertaken and will be detailed in a Plan of Management to be approved in accordance with the draft conditions of consent. The EPA has required an updated Stormwater Management Plan be submitted in the General Terms of Approval.

The Flora and Fauna Report assessment concluded that the development will not have significant impacts on threatened species or biodiversity.

Greenhouse gas emission from the development is considered to be minimal for the proposed development.

Clause 15: Resource recovery

The resource recovery rate is considered to be efficient. There is considered to be little waste material from the development. A waste management plan will be required to be addressed in the Plan of Management.

Clause 16: Transport

Current conditions of approval restrict haulage times so as to not coincide with school bus runs. It is proposed that the same condition be applied to this consent. A code of conduct for truck drivers will be required to be submitted as part of the Plan of Management.

The RTA has responded to the referral and the submission has been taken into consideration in the assessment of the application.

A Traffic Impact Study, including a road audit, was submitted with the application. The development will be required to verify the works previously undertaken. A condition of consent will restrict the transport of material on subject Council maintained roads during the daily pickup and drop-off school bus run times. Preventing transport eastwards along Waterfall Way on Saturdays is discussed later in this report.

Clause 17: Rehabilitation

The proposed rehabilitation is to utilise the quarry as a farm dam at the completion of the quarry operations by filling it with water. A Plan of Management will be required to be submitted detailing rehabilitation plans. The dam is proposed to be adequately fenced and signed.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP applies to the subject site as a consequence of its existing RU1 – Primary Production Zone under CVLEP 2011.

The land upon which the proposed extractive industry will be located has limited agricultural productive potential due to the shallow soils over the rock base and the proposed use of the site as an extractive industry is considered to be a productive and sustainable economic activity.

The proposed development will result in positive economic benefits to the local economy and adverse social impacts can be mitigated through the imposition of appropriate conditions of consent.

North Coast Regional Environmental Plan 1988

Clause 12: Development control—impact of development on agricultural activities

The proposed development is considered to have a minimal impact on surrounding, existing and future agricultural land uses. The quarry only utilises land that is generally limited for agricultural land uses due to the extensive shallow soils over hard rock. The rehabilitation may result in the quarry being used as a dam that may be utilised for any future agricultural activities on the land.

Clause 18: Development control—extractive industry

An erosion and sediment control plan and the intended rehabilitation of the site has been submitted with the development application. A Plan of Management will be required to be submitted for the quarry to address the impacts of the quarry. The EPA has issued General Terms of Approval based on the documents and information provided.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned RU1 Primary Production under the Clarence Valley LEP. Extractive Industries are permitted in this zone subject to consent from Council.

Under the LEP the consent authority must have regard to the objectives for development in a 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 encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To prevent dispersed rural settlement.
- 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 the agricultural potential of the land or surrounding land and is considered to be compatible with the existing and potential agricultural land uses in the area.

- (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),**

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

The subject land is identified as having existing native vegetation. Under the draft provisions the consent authority is not to grant development unless it has considered the impacts on the 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 maintained.

- (iii) **any development control plan,**

Development Control Plan for Development in Rural Zones (DCP)

There are no specific requirements for extractive industries under the DCP. The application was advertised and notified in accordance with the DCP and the requirements of the DCP provisions were adequately addressed through the Environmental Impact Statement submitted with the application. The proposed development is considered to be consistent with the relevant development controls in the DCP.

- (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,**

NA

- (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,**

The proposed development is not inconsistent with the prescribed matters.

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

The aim of Clarence Estuary Management Plan is to encourage the integrated, balanced, responsible and ecologically sustainable use of the State's estuaries.

The proposed development is not inconsistent with this plan or any other coastal zone management plan. Erosion and Sediment control measures and water quality monitoring will be required to be undertaken as part of the development.

(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.

The proposal, if implemented with the recommended conditions, will on balance provide a sustainable development. Ecologically, the impacts of the development can be adequately managed. Economically there are positive outcomes through the creation of employment opportunities and efficient use of available natural resource for infrastructure. Socially there are potential negative impacts on adjoining communities through the impacts on the road network. These impacts will be intermittent (during project periods) and dependant on demand for quarry product and can be managed through consent requirements. There is also a positive outcome for the overall community through providing a demanded high quality resource to develop infrastructure. There will be minimal impacts on cultural values.

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

The subject site is considered suitable for the proposed development. The lot has a current approval for an extractive industry and the resource located on the site is of a high quality. The development footprint is over an area that is not considered to be of high ecological significance. The adjoining escarpment which is of high ecological significance will be protected from ongoing quarry operation. The surrounding lands are zoned for rural purposes and the proposal is considered to have a minimal impact on these uses. The site is located in close proximity to major roads, being the Waterfall Way and the Armidale-Grafton Road, and associated potential markets.

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

The proposed development was notified and advertised in accordance with Act, Regulations and Council's DCP. During the exhibition period nine (9) submissions were received. A copy of the submissions has been provided to the Panel Secretariat. The concerns raised in the submissions are considered in this assessment. The applicant's consultant has responded to the issues raised in the submissions, a copy of the response is included as an attachment to this report.

- **The impacts from increased traffic generated by the development and the existing road network capacity to cater for this traffic,**

As a requirement of the previous consent issued by Council under DA2011/0358 the impacts on the local road network were addressed through conditions of consent requiring road and intersection upgrading and payment of an annual road maintenance contribution. Extensive road and intersection upgrades have been undertaken by the quarry operator to improve the haulage route.

The works on the intersection of Bald Hills Road and Waterfall Way have been accepted by Council and the RMS.

The widening of the road carriageway, placement of warning signage (trucks turning), road upgrading and sealing of sections of the road along the haul route to minimise dust impacts to neighbours has been completed by the applicant and appear to have significantly improved the haul route.

As required by the previous consent no detailed road designs or civil construction certificate was submitted for the road works. It is proposed that the works that have been undertaken be assessed through a pavement impact assessment to ensure that the works have been undertaken to Council's current road standards. A condition of consent has been included in the draft conditions.

A condition of consent restricting the transport of material on Council maintained roads during the daily school bus run times was previously imposed is also included in the draft conditions.

- **The potential increase in quarry traffic along Waterfall Way and restriction of hours of operation to 5 days a week to exclude Saturday's.**

The proposed hours of operation of the quarry are 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturdays. No quarrying, processing or transportation is to occur on Sundays or public holidays.

The approved quarry route is along Faheys & Bulgin Road, Cornells Road and Bald Hills Road to the intersection of Bald Hills Road and Waterfall Way. Quarry traffic can then either go west towards Armidale or east to Dorrigo, Bellingen and to the Pacific Highway. Waterfall Way is a State controlled road.

Waterfall Way can be described as a narrow windy road that descends (or ascends) steeply in parts which winds around the mountain with some blind corners and hairpin bends. The area is also subject to high annual rainfall.

Concern has been raised regarding the potential increase of quarry traffic along Waterfall Way, the suitability of the road and the impacts on the towns located along this road; these being Dorrigo and Bellingen. This follows on from the approval of the EMS 'Megan' Quarry at Dorrigo by Bellingen Shire Council in October 2013 for the extraction of up to 120 000m³, allowing up to 40 laden truck movements per day (limited to 200 per week for the Nambucca Heads to Urunga Pacific Highway upgrade) via Waterfall Way.

There has been much interest in this application for the Bellingen Valley residents, Bellingen Shire Council and the RMS following consultation and meetings regarding the review of the Waterfall Way and media exposure. This report seeks to keep to facts and not propose actual traffic counts to that produced in the traffic assessment report. It is acknowledged that quarry traffic will be intermittent and dependent on road upgrade projects and demand for quarry product.

Under the approval for the EMS Quarry the hours of operation were restricted to 7.00am to 5.00pm Monday to Friday. The consent allows operations on a Saturday 7.00am to 5.00pm for the purpose of non-noise generating equipment maintenance only. Bellingen Shire Council has submitted that regard should be made to limiting haulage east along the Waterfall Way on Saturdays in order to minimise the potential conflict between quarry operated traffic and tourist and visitor traffic experienced on weekends.

The RMS has advised that due to community concerns, it is undertaking a road safety review of the Waterfall Way. The RMS offered the following comments in its submission:

1. *The maximum number of laden truck movements permissible for the quarry has already been approved under the previous development consent DA2010/0358.*
2. *Extraction should be limited to not exceed the existing approved laden truck movements along the proposed haulage route, being the Waterfall Way.*
3. *Council may wish to consider a revision of the current approval permitting operation on Saturdays. This would be consistent with the recent approval for the Megan Quarry at Dorrigo which uses the same haulage route. This would address community concerns relating to amenity through the Bellingen township particularly during regular community events that draw considerable tourist interest.*
4. *That council consider a requirement for the quarry operator to prepare a site specific Code of Conduct for haulage operators accessing the quarry and using the proposed haulage route, being the Waterfall Way. The Code of Conduct could include considerations related to road safety, driver behaviour, vehicle management, monitoring and compliance.*

It is noted that a Code of Conduct was a requirement of the current approval for Sheridan's Hard Rock Quarry and is proposed in the draft conditions for this approval.

Other submissions have asked that the suitability of Waterfall Way be taken into consideration when determining the application and to consider preventing quarry traffic eastwards along Waterfall Way (from Bald Hills Road to the Pacific Highway) on Saturdays.

The following table provides a split of the potential maximum yield breakdown between weekdays and Saturdays for the proposed expansion (20 payloads/day @ 33t per truck & dog) and demonstrates the potential loss of quarry product that could result if quarry operations were excluded on Saturdays altogether.

	Days Worked	Weight	Volume
		tonnes	m ³
Max Week Days	250	165,000	61,338
Saturdays	52	34,320	12,758
Total	302	199,320 (NB differs to 198,000 as proposed)	74,096

Total days in a year = 364 days, Total Saturdays = 52, Total Sundays = 52, Number public Holidays = 11. Maximum week days = 250 (365 - 52 Sundays - 11 Public Holidays). Specific Weight of Quarry Product = 2.69 tonnes/m³.

The EIS (pg 23) provides that since establishment of Sheridan's Hard Rock Quarry 60% of quarry product has been distributed westwards and only recently has product been distributed eastwards (on Waterfall Way) for highway projects.

Considering this submission, the current amount of quarry product or traffic travelling eastwards along Waterfall Way (from Bald Hills to the Pacific Highway) on Saturdays is only a small percentage of the total output of the quarry and is likely to have a minor impact on traffic.

Alternatively if the quarry operator was prevented from distributing quarry products eastwards along Waterfall Way on a Saturday the potential loss of product distributed from the quarry would be a small percentage of the total output of the quarry.

This may be considered to be an acceptable outcome for the Panel in alleviating east-bound traffic congestion on Waterfall Way on a Saturday (while permitting west-bound traffic). If the Panel decided that no haulage was permitted east-bound along the Waterfall Way (from the intersection of Bald Hills Road to the Pacific Highway) on Saturdays this would need to be reflected in the draft conditions of consent and by requesting the EPA to amend their General Terms of Approval.

(e) the public interest.

The proposed development complies on planning grounds with the relevant legislation and local Council policies ensuring that the public interest is maintained and any potential impacts from the development are minimised.

The majority of submissions raised concerns with Waterfall Way and the capacity of the existing road network to support the increased traffic from the development. These issues are considered under the proposal and options presented for the determination of the proposal. A maintenance contribution will be applied for the use of Council maintained roads which is considered to best serve the public interest.

Consideration of restricting quarry traffic movements on a Saturday in an area outside of Clarence Valley Local Government Area and on a State controlled Road (Waterfall Way) is in the public interest and can be appropriately considered by the Joint Regional Planning Panel.

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 and being generally in accordance with the following documents and plans:
 - 'Hard Rock Quarry: Statement of Environmental Effects', dated March 2014, prepared by Outline Planning Consultants Pty. Limited; including
 - Flora & Fauna Assessment by BushfireSafe (Australia) Pty Ltd, February 2014
 - Noise Impact Assessment by Vicpac Engineers & Scientists, dated 18 February 2014
 - Aboriginal Objects Due Diligence Assessment Report, BushfireSafe (Australia) Pty Ltd, dated February 2014
 - Traffic & Transport Assessment by RoadNet, dated March 2014& Erosion and Sediment Management Plan prepared by RoadNet, dated 8 October 2010,

or where modified by any conditions of this consent.

2. Any proposal for the use of the existing structure on the site for an office and/or staff amenities building will require additional approval from Council.
3. This consent shall not take effect until such time as the surrender or revoke of Development Consent DA2010/0358 and submission of a Plan of Management as described in condition 4.
4. Submission of a Plan of Management prepared by suitably qualified and experienced person/s to Council for approval prior to the commencement of quarrying under this development application. The Plan of Management is to include at least the following details:
 - operating details including: numbers, type and location (if fixed plant) of plant and machinery; numbers of employees on site and off site; stockpile and overburden storage areas; vehicle storage and refuelling areas; and fuel storage areas.
 - a plan identifying the sedimentation dam(s) at each proposed stage of the quarry 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 dams after storm events are to be provided, including the time taken for the dams to empty.
 - any proposals for the re-use of waste water from the dams is to be provided. Such water could be used for water of access roads and exposed areas to avoid dust nuisance.
 - details of the monitoring program of ground vibration and airblast overpressure for blasting activities. Details to be recorded include MIC, airblast and vibration level and distance at which monitoring of

- the blast are conducted.
 - full rehabilitation details, including fencing and signage details.
 - 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. An annual update of the Plan of Management is to be submitted to Council by 31 July of each year. This update is to include a plan by a registered surveyor and statement demonstrating compliance with this consent and the Plan 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 proceeding 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
 7. Development consent is given to extract a maximum of up to 73,600 cubic metres of material per year.
 8. The area of the quarry is not to exceed 5.73ha as shown in the 'staging of quarry operations' in the Environmental Impact Statement submitted with the application . All blasting, crushing, screening, stockpiling, and loading is to be undertaken in this area. All sedimentation dams are to be located in this area.
 9. 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 the commencement of quarrying.

10. All vehicles associated with the use of the premises, including employee's vehicles, are to be parked within the confines of the site, at all times.
11. The hours of operation shall be limited to between 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm on Saturdays.
12. Hours of blasting to be restricted to 9.00am to 3.00pm Monday to Fridays.
13. There is to 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.
14. A sign must be erected on the subject land in a prominent position visible from the entrance of the property during quarry 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.
15. 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.
16. 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 Department of Environment and Conservation shall be contacted immediately and any directions or requirements of that Department complied with.
17. No advertising sign is to be erected, painted or displayed without approval from Council.
18. Payment to Council of a road maintenance contribution per annum for the use of Council's roads by extractive industry trucks based on \$0.21 per cubic metre.

NB

1. The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be adjusted in accordance with the movement in the Consumer Price Index.
 2. The contributions are to be paid to Council on an annual basis. The amount will be determined by the extraction amounts specified in the Plan of Management and revised annually by the operator.
 3. 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.
19. Prior to the commencement of quarrying, submission of satisfactory Work as Executed Plans for all works relevant to the development as stipulated in the Traffic Impact Assessment prepared by Roadnet dated 14 March 2014, 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, inspection and testing for the construction of WSUD components in accordance with the Council approved staging plans, NRDC and SEQ WSUD.

20. The developer shall be responsible for any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
21. During the course of work on the development should it become necessary to occupy the road reservation for any reason not included in an 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 RTA to prepare Traffic Control Plans, must be submitted to and approved by Council prior to the occupation. 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.
22. All quarry trucks are to travel via Bald Hills Road onto the Waterfall Way.
23. No access of quarry trucks shall be allowed on the road network within 15 minutes before and after the school bus run morning and afternoon.
24. Council's Development Engineer shall be notified before commencement of any vehicular crossing or road works on the haul route.
25. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
26. The zone 10-15m from the edge of the rock scarp is to be surveyed and clearly demarcated with fencing on the top adjacent to the quarry and other suitable permanent measures elsewhere and is to be protected from any potential impacts arising from the quarry operations.
27. No existing trees are to be removed from the site, with the exception of those identified for removal in the application.
28. The quarry is to operate in accordance with the Noise Impact Assessment by Vicpac Engineers & Scientists, dated 18 February 2014.
29. Compliance with the conditions and advice of the NSW Environmental Protection Authority as contained in the General Terms of Approval, dated 24 April 2014, consisting of 12 pages and as attached to this Notice of Determination.
30. The applicant is to develop a staged rehabilitation plan for the life of the quarry
31. A copy of the updated Stormwater Management Plan (SWMP), required by the NSW EPA is to be submitted to Council prior to operation of the quarry under this approval.
32. All hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage or contaminated lands. Oils and lubricants shall be stored in an impermeable permanent bunded and roofed area with holding capacity of 110% of the total volume of all containers. Fuel and oil shall be only handled or transferred in designated areas on the site. Plans showing the designated areas and details of bunds and drainage shall

be submitted to and approved by the Council and approved works shall be carried out before any such handling or transfer area is used.

33. Drainage berms are to be constructed so as to direct clean run-off around the quarry area. All run-off from disturbed areas, including access roads, is to be diverted into sedimentation dams. The design and location of these features is to be incorporated into the plan of management and revised as required.
34. All trucks carrying quarry or crusher products from the site shall ensure their loads are fully covered by a suitable material to prevent spillage or dust falling from the truck.