

Attachment 1 - Conditions of development consent

GENERAL CONDITIONS – APPLICABLE AT ALL TIMES

Approved plans and documentation

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent:

Title	Prepared by:	No	Issue	Date
Dobies Bight Quarry – Site Layout and Draft Staging Plan	Charlie Hewitt	026-006	-	22 October 2014
Environmental Impact Statement	Stephen Fletcher & Associates Pty Ltd	-	-	April 2014
Traffic Impact Assessment	Charlie Hewitt	026-005	A	29 October 2014
Noise Impact Assessment	Garry Hall – Ambience Audio Services	-	-	6 April 2014
Cultural Heritage Assessment	Everick Heritage Consultants Pty Ltd	-	-	March 2014
Dobies Bight Quarry - Flora and Fauna Assessment	Australian Wetlands Consulting Pty Ltd	1-13249-1b	B	8 April 2014
Dobies Bight Quarry - Rehabilitation Plan	Australian Wetlands Consulting Pty Ltd	1-13249-3b	B	29 October 2014
Dobies Bight Quarry – Squirrel Glider Assessment	Australian Wetlands Consulting Pty Ltd	1-13249-4c	B	29 October 2014
Dobies Bight Quarry – Groundwater Impact Assessment	Australian Wetlands Consulting Pty Ltd	1-13249d	D	31 October 2014

Total extraction

2. This consent authorises a maximum extraction of 22,500 tonnes of material per year. The total area of extraction for the development is approximately 36 hectares.

Consent period and staging of development

3. The consent is limited to a period of 30 years starting from the date of commencement of this consent. Council shall be notified one month prior to the end of the 30 year period.
- The staging of extraction is to be carried out in accordance with the approved staging plan.

Limitations of use

4. To confirm and clarify the terms of consent, and to protect the amenity of the area, the development must not involve the blasting of materials or wholesaling or retailing of material from the site.

Quarry Plan of Management

5. The Quarry is to be operated at all times in accordance with the approved Quarry Plan of Management.
- A copy of the Quarry Plan of Management is to be available to all staff operating at the site.

Rehabilitation	6. Rehabilitation of the site is to be carried out in accordance with the approved Rehabilitation Plan. All required site rehabilitation work must be completed within 12 months of cessation of quarry operations.
Monitoring and Reporting	<p>7. An annual statement shall be submitted to Council each year within thirty (30) days of the first anniversary of the date of consent, and thence every year. The statement is to include a map and statement demonstrating compliance with this consent and the Quarry Plan of Management. Specifically, the statement is to include:</p> <ul style="list-style-type: none"> ▪ the amount of material extracted ▪ the areas intended for extraction in the next twelve months ▪ extraction cells completed ▪ extraction cells rehabilitated ▪ areas intended for rehabilitation in the next twelve months ▪ performance monitoring of rehabilitation areas <p>The quarry operator is to ensure that a copy of the statements is available to the public at all times.</p>
Permanent buildings	8. No fixed building, plant or machinery shall be erected or installed on the site without the prior approval of Council (excluding any structures, fixtures or amenities approved by this consent).
Hours of operation	9. Hours of operation shall be limited to 7:00 am to 6:00 pm Monday to Friday inclusive (work to finish at dusk during winter, as recommended in the Noise Impact Assessment), and 8:00 am to 1:00 pm Saturday. No work is to be conducted on Sunday or on public holidays.
Records to be made available to Council	10. Accurate records of sales are to be kept, maintained and available for inspection by authorised Council officers on request.
Heavy Vehicle Records – Richmond Valley Council	11. Records of all heavy vehicle movements are to be supplied to Richmond Valley Council every quarter preferably in the form of a data report from an automatic vehicle classifier located at the quarry entrance. A copy of these records is to be available to the public for inspection of interested persons.
Aboriginal Cultural Heritage	12. The following recommendations outlined within the Cultural Heritage Assessment report, prepared by Everick Heritage Consultants Pty Ltd, dated March 2014, and recommended by the NSW Office of Environment & Heritage (OEH) are to be complied with at all times:

1. Cultural Inductions

Although no Aboriginal cultural heritage objects or places were identified within the Project Area, it is not possible to conclusively rule out the existence of in situ archaeological deposits. It is recommended that the proponent engage a representative of the Casino Boolangle LALC to

provide a cultural heritage induction to all plant operators undertaking initial ground disturbance within the Project Area. The induction should, as a minimum, cover:

- a) Basic legislative requirements, including fines for the destruction of Aboriginal cultural heritage;
- b) A discussion on traditional Aboriginal culture, and why the management of Aboriginal cultural heritage is important to Aboriginal peoples;
- c) An introduction on how to identify Aboriginal objects;
- d) A description of portions of Project Area considered likely to contain Aboriginal Objects; and
- e) A review of the Find Procedures for the Project (See Recommendation 2).

2. Aboriginal Cultural Material

It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of earth working activities within the Project Area:

- a) Work in the surrounding area is to stop immediately;
- b) A temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- c) An appropriately qualified archaeological consultant is to be engaged to identify the material; and
- d) If the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: *Aboriginal Cultural Heritage Consultation Requirement for Proponents (2010)* and the OEH is to be notified of the potential impact of Aboriginal Heritage.

3. Notifying the OEH

It is recommended that if Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites in the Aboriginal Heritage Information Management System ('AHIMS') managed by the OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.

4. Aboriginal Human Remains

It is recommended that if human remains are located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The location where they were found should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Casino Boolangle LALC and the OEH Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are to be found of Aboriginal origin and the police release the scene, the Aboriginal community and the OEH should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal human remains, the Proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

5. Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal Community.

NSW Office of Water – General Terms of Approval

General Terms of Approval - s91 of the Water Management Act 2000

13. Plans, standards and guidelines

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/27 and provided by Council.
Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
 2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
 3. The consent holder must prepare or commission the preparation of:
 - a. Vegetation Management Plan
 - b. Works Schedule
 - c. Soil and Water Management Plan
 4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx
 - a. Vegetation Management Plans
 - b. Riparian Corridors
 - c. Outlet structures
 5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construction and/or implement any controlled activity by or under the direct supervision
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of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water

Disposal

8. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Drainage and Stormwater

9. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
10. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

Erosion Control

11. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Excavation

12. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

Maintaining river

13. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii)
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bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with the a plan approved by the NSW Office of Water.

River bed and bank protection

14. The consent holder must establish riparian corridors along the unnamed watercourses in accordance with a plan approved by the NSW Office of Water.

Site Operations

Noise Impact Assessment

14. The activity shall be carried out in accordance with the recommendations of the Noise Impact Assessment prepared by Ambience Audio Services, dated 6 April 2014, including, but not limited to, the following requirements:
- That operations cease at dusk in winter (June-August inclusive);
 - That the front of the sand screener face north east; and
 - That the sand screener and front end loader operate to the south west of any stock piles.

Offensive Noise

15. To ensure the continued amenity of the locality, any noise associated with the operation of the quarry shall not constitute "offensive noise" as defined by the *Protection of the Environment Operations Act 1997* or any subsequent Act.

Procedure for Noise complaints

16. In the event of a noise complaint that Council considers to be valid, the operator shall engage an acoustic consultant to prepare a noise impact report. The noise impact report shall be submitted to Council, to the satisfaction of the General Manager, or his/her delegate.

Amenity

17. The development must not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, light, waste water, waste products, grit or oil, traffic generation or otherwise.

Water used for dust suppression

18. Internal unsealed roadways, quarry floor and stockpiles are to be watered as required to minimise dust generation impacting on surrounding properties.

Spillage from Haulage Trucks

- 19.
- a) Any accidental spillage occurring from haulage trucks utilised for quarry operations shall be cleaned up by the operator as soon as practicable.
 - b) No truck carrying extracted products from the site shall use any public road unless its load is fully covered by a suitable material to prevent spillage or dust falling from the truck.

			c) Sediment shall not be tracked by vehicles onto any public road
Emissions	Controls	–	20. All vehicles and machinery used must be fitted with properly maintained emission controls relevant to their date of manufacture.
Vehicles and Machinery			

Environmental and Health

Management of Construction / Site Establishment Activities	21.	To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period: a) Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-1pm, excluding public holidays. Alteration to these hours may be possible for safety reasons but only on the approval of Council. b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
Stormwater Management	22.	All stormwater from the site shall be disposed of without causing nuisance to adjoining properties or pollution to natural waterways.
Water Supply	23.	A potable water supply shall be provided for employees at the site in accordance with NSW WorkCover requirements. These facilities are to be removed at the same time as the 30 year development period expires.
Toilet and Hand Washing Facilities	24.	Toilet and hand washing facilities must be provided in accordance with NSW Workcover requirements. If proposed toilet facilities are to be permanent structure/s, approval must be obtained from Council for the toilet facilities and an On-site Sewage Management System, including lodgement of supportive plans and documentation. These facilities are to be removed at the same time as the 30 year development period expires.
Draining and Plumbing	25.	Any building drainage and sanitary plumbing and sewerage work must be carried out in accordance with the requirements of the National Plumbing Code and AS 3500.
Storage of fuels, oils or chemicals	26.	No fuel, oils or chemicals are to be stored on site.
Burning of materials not permitted	27.	Burning of site refuse and materials is not permitted. All waste must be contained and removed to an approved Waste Disposal Facility.
Cleared Vegetation	28.	Vegetation cleared under this consent (including felled trees, tree stumps

	and other vegetation) must not be burnt or buried on site. Vegetation, with the exception of environmental and declared noxious weeds, is to be stockpiled or mulched for re-use on site.
Vehicle servicing	29. Any servicing of vehicles or plant carried out on the site shall not cause environmental harm.
<i>Traffic and Engineering</i>	
Haulage route for Heavy Vehicles	30. The Haulage Route for heavy vehicles entering and leaving the quarry must be via Sextonville Road and McDonalds Bridge Road directly to Summerland Way in all cases except for local deliveries to properties located on Woods Road, Bennett's Road and Sextonville Road.
Maximum heavy haulage trips per day	31. To limit the impacts of peak traffic demands, haulage shall be limited to a maximum of five loaded trips per day, which is a total of ten traffic movements per day and a maximum of one loaded trip per hour, and two traffic movements in any one hour period.
Driver's Code of Conduct	32. A Driver's Code of Conduct shall be prepared to address, but not be limited to, the following: <ul style="list-style-type: none"> • A map of the primary haulage routes highlighting critical locations; • Safety initiatives for trucks travelling through residential areas and school zones; • An induction process for vehicle operators; • Format for regular toolbox meetings; • A complaints resolution and disciplinary procedure; and • Any community consultation measures to address peak haulage periods.
Vehicle weight limitations	33. All trucks leaving the site shall be loaded so as not to exceed the legal weight limitations in force at the time.
Warning signage	34. Hinged truck entering warning signs shall be erected on Sextonville Road on both approaches to the quarry access road. The signs shall be displayed during quarry operational hours.
All Weather Vehicular Access	35. An all weather vehicular access shall be constructed and maintained from the point of connection to Councils road network to the proposed development site in accordance with Councils Property Access and Addressing Management Plan and the Northern Rivers Development and Design Manuals. This requires that the grade of the access does not exceed a grade of 1 in 6 or 16.67% within the road reserve, and does not exceed a grade of 1 in 4 or 25% within private property. Any section of the access that exceeds a grade of 1 in 8.3 or 12% shall be provided with a sealed surface on a suitable pavement. The access road is to be a minimum of 4m wide, with a minimum pavement depth of 150mm of

		compacted gravel, a maximum crossfall of 10%, and the radius on the inside of any bends shall not be less than 6m.
Property Access	36.	All allotments where access is obtained from a sealed road shall have a sealed vehicular access from the roadway to the boundary of private property in accordance with Councils Property Access and Addressing Management Plan.
Loading and Unloading	37.	<ul style="list-style-type: none"> a) All loading and unloading shall take place within the property boundaries, including the parking of construction and private vehicles associated with the development. b) Vehicles must enter and leave the site in a forward direction. c) All driveways and turning areas shall be kept clear of obstructions that prevent compliance with this condition.
Vehicular Access – Encroachment onto Adjoining Land	38.	If the proposed vehicular access to the development encroaches upon any land, other than the subject land, the vehicular access is to be either relocated solely onto the subject land or a legal right of carriageway must be created over this land to which the access encroaches.
Roadworks – McDonalds Bridge Road and Summerland Way Intersection <i>NSW Roads and Maritime Services</i>	39.	<p>The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with the requirements of the Roads and Maritime Services. The proponent shall be responsible for any costs, associated with the provision of the works. Required roadworks include the intersection of McDonalds Bridge Road and the Summerland Way which is to be upgraded to provide for the following treatment:</p> <ul style="list-style-type: none"> a) BAR basic right turn treatment in accordance with figure 7.5 of Austroads Guide to Road Design Part 4A <p>The BAR intersection will need to consider the existing bus stop on the Summerland Way opposite McDonalds Bridge Road.</p>
Roadworks – New Site Access Road, Sextonville Road and McDonalds Bridge Road	40.	<p>The proponent shall provide the following roadworks with associated stormwater drainage structures that have been designed and constructed in accordance with the Northern Rivers Local Government Development, Design and Construction Manual. The proponent shall be responsible for any costs, associated with the provision of the works. Required roadworks include:</p> <ul style="list-style-type: none"> a) A new site access road must be constructed from the intersection with Sextonville Road to the internal Quarry access road and meet the standards for a minor no through road up to 150 AADT in accordance with the carriageway and seal widths shown in table T1.27 of the Northern Rivers Local Government Development and Design Manual Part D1, ie 6m seal with 0.5m shoulders; and b) The intersection of the new site access road and Sextonville Road must be upgraded to meet the requirements of a BAR basic right turn treatment in accordance with figure 7.5 of Austroads Guide to Road Design Part 4A

	<p>c) Sextonville Road must be upgraded from 150m south of the intersection with the proposed new road to the intersection with McDonalds Bridge Road to meet the requirements of a minor road up to 1000 AADT in accordance with the carriageway and seal widths shown in table T1.27 of the Northern Rivers Local Government Development and Design Manual Part D1, ie 6m seal with 1m shoulders.</p> <p>d) The intersection of the Sextonville Road and McDonalds Bridge Road must be upgraded to meet the requirements of a BAL basic left turn treatment in accordance with figure 8.2 of Austroads Guide to Road Design Part 4A,</p>
Damage to Trees in Road Reserve	41. No tree in the road reserve shall be damaged, destroyed or removed without the written consent of the Council.
Maintenance Period	<p>42. A maintenance period shall apply to all construction carried out on development where the ownership of the asset is to pass to Council. The maintenance period shall extend from the completion of the construction and subsequent approval by Council, for six months. Within that time the developer is responsible for any omissions or defects. At the end of the maintenance period Council will inspect the asset and any work found not conforming to the plans and specifications shall be the responsibility of the developer to rectify. The maintenance bond shall be returned at the completion of the maintenance period and subsequent defect free approval by Council.</p> <p style="text-align: center;">Construction (contract) price Bond</p> <p style="text-align: center;">up to \$50,000 - 10% of contract price (minimum bond \$1,000)</p> <p style="text-align: center;">over \$50,000 \$5,000 plus 5% of balance over \$50,000</p>
New Public Road	43. Any Crown controlled Public Road Reserve to be constructed upon shall be transferred to Council at no cost to Council.
Dedication of Public Road	44. Where the existing physical road encroaches on the subject land, this area must be surveyed out and dedicated as public road. If the existing road is not contained within a public road reserve, the area is to be dedicated as public road with a suitable width. This must be done for the full area of the site at no cost to Council. A registered surveyor must provide confirmation in writing that this condition has been met, and no further encroachments exist.
Equipment Storage	45. Plant, equipment or materials of any kind shall not be placed or stored upon the public footpath or roadway unless approved by Council in writing.
Fencing	46. The road frontage of the proposed allotments is to be fenced out completely to the standard required by Council's Road Reserve Management Plan.

Developer Contributions

Developer Contributions – Kyogle Council

47. In accordance with Council's Section 94 Development Contributions Plan 2008, the quarry operator shall pay to Council a contribution under section 94 of the *Environmental Planning and Assessment Act 1979* at the rate of \$0.165 per tonne (being 5.51 cents x 3km of haul route on Kyogle Council roads) for all extracted material transported from the subject site. In respect of said contribution, the following provisions shall apply:
- a) The said contribution shall be paid half yearly based on the amount of material transported during the immediate preceding 6 month period;
 - b) The said contribution will be indexed and adjusted annually as from the date the consent became effective, in accordance with the Consumer Price Index applicable to each year ending 30 June, for the duration of the development consent;
 - c) At the beginning of each six month period for the duration of the consent, the quarry operator shall deliver or procure delivery to the Council a true certified weighbridge copy or other returns or records showing the true quantities of extracted material transported from the development during the immediately preceding six months as well the contribution payment attributable to the material transported in that period;
 - d) The Council will direct all of the said contribution payments into an identified account for payment towards the rehabilitation, restoration and/or maintenance of identified roads in the road network in accordance with Council's section 94 contribution plan.

Developer Contributions – Richmond Valley Council

48. A contribution under Section 94 (1)(b) of the Environmental Planning and Assessment Act 1979, amounting to \$0.67 (2013/14) per tonne extracted/transported is to be paid to Richmond Valley Council to upgrade roads and bridges. This amount is to be indexed to Consumer Price Index and will be adjusted accordingly on 1 July each year.

Reason: To provide funds for the road maintenance in accordance with Richmond Valley Council's Section 94 Plan.

PRIOR TO COMMENCEMENT OF ANY WORKS

Plan of Management

49. A Quarry Plan of Management prepared by a suitably qualified and experienced person/s must be submitted to Council for approval **prior to the commencement of any works.**

The Plan of Management is to include, but not be limited to, the following details:

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- 1) Operational details including:
 - hours of operation
 - numbers, type and location (if fixed plant) of plant and machinery
 - expected life of quarry
 - numbers of employees on site and off site
 - employee facilities to be provided, and
 - operational procedures (including control of noxious weeds and disposal of pollutants, such as oils, broken machinery, effluent, etc)
 - noise mitigation measures recommended in Noise Impact Assessment report
 - proposals for ongoing environmental monitoring and reporting including any associated operator training
 - The matters identified in the condition titled 'Aboriginal Cultural Heritage'
 - method of recording of material sales and the location where such records are to be kept
 - vegetation clearing and overburden stripping procedures, and
 - a copy of this development consent.
 - 2) A scaled site plan of the entire proposed extraction site with the following details:
 - extraction areas (cells) and sequence of extraction
 - contours over proposed extraction areas
 - location of all operational areas including dimensions and distances to nearest houses, boundaries and creeks
 - location of existing disturbed land
 - proposed land for extraction for the first 5 years of operations (to be updated with each annual statement)
 - stockpile and overburden storage areas
 - internal access tracks
 - access routes from the areas of extraction to the public road
 - vehicle storage and refuelling areas
 - garbage and waste disposal areas, and
 - delineate areas of vegetation of fauna habitat to be protected.
 - 3) The approved Soil and Water Management Plan including a Groundwater Management Plan (as required by Condition 50).
 - 4) The approved Rehabilitation Plan.

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- 5) The approved Environmental Management Plan (as required by Condition 51).

The Quarry Plan of Management must be reviewed at least every five years and the amended and updated plan must be formally submitted to and approved by Council.

Soil and Water Management Plan

50. **Prior to the commencement of any works,** a Soil and Water Management Plan is to be prepared and submitted to Council for approval.

The Soil and Water Management Plan shall include, but not be limited to, the recommendations of Chapter 9 (Summary of Proposed Mitigation Measures) of the Environmental Impact Statement, and Chapter 6 (Conclusions and Recommendations) of the Groundwater Impact Assessment.

Specifically, the Plan shall include at a minimum, the following:

- a. Maintenance of internal access tracks to minimise erosion potential;
- b. Procedures for rehabilitation of extracted cells as soon as practical following completion of cell extraction;
- c. Cessation of extraction during periods of heavy rainfall; and
- d. Sediment and erosion control plan and runoff protection measures;
- e. Stormwater diversion drains or swales so as to prevent runoff from outside of the excavation areas entering the excavation areas;

A Groundwater Management Plan that specifies;

- f. No drainage activity be undertaken within or immediately adjoining (defined as 10m buffer from Groundwater Dependant Ecosystem boundary) the GDE area, adjacent to cells A1, A2, A6 and A7;
- g. Assisted regeneration of land within the GDE that has been impacted from the excavation area west of the GDE;
- h. Excavation depth is kept to a maximum depth of 1.5 metres;
- i. Direction of all extraction areas to new sediment dams;
- j. methods and zones to promote rainwater infiltration and shallow groundwater flow pathways into the shallow groundwater reserve;
- k. Reshaping profile of catchment to ensure continued shallow groundwater recharge and pathway to the subject Groundwater Dependant Ecosystem, and;
- l. Monitoring and recording groundwater levels within the Groundwater Dependant Ecosystem. Monitoring samples are to be reported to Council.

51. **Prior to the commencement of any works,** an Environmental Management Plan is to be prepared and submitted to the Council for approval.

The Environmental Management Plan shall include, but not be limited to, the following details:

- a) The extraction sequence must follow that illustrated on Figures 4.3 and 4.4 contained within the Rehabilitation Plan dated October 2014;
- b) All hollow-bearing tree resources (including dead and living trees) potentially utilised by Squirrel Gliders must be identified prior to the commencement of quarrying activities, retained and protected from damage during quarrying activities;
- c) The integrity of all hollow-bearing trees must be maintained by excluding all quarrying and ancillary activities between the trunk/main branch of the tree and the tree canopy's drip line. This is to include the retention of all vegetation extending from the tree to its drip line;
- d) A suitably qualified and experienced ecologist must be present during clearing works to ensure any injured or displaced fauna are appropriately cared for;
- e) Topsoil must be removed and stockpiled prior to quarrying activities commencing in a cell. The stockpiled soil is to be re-spread at conclusion of quarrying activities in that cell to assist in revegetation efforts;
- f) Native vegetation outside of any operational cell must be temporarily fenced with star pickets and high visibility mesh fencing so the potential for disturbance or accidental clearing is reduced. A minimum of 0.4m ground clearance is necessary to provide for unrestricted fauna movement;
- g) Twenty rear-opening nest boxes of suitable dimensions for Squirrel Glider occupation must be placed outside extraction area A, but within Lot 156, at the rate of one box per 1.5 hectares prior to or concurrent with extraction commencing;
- h) Cattle must be permanently fenced out of all rehabilitation areas at the commencement of rehabilitation works;
- i) Rehabilitation efforts must be consistent with the Rehabilitation Plan dated October 2014, unless varied by the recommendations provided above; and
- j) Workers must be appropriately inducted regarding environmental and heritage management matters associated with quarry operations.
- k) Reinstatement of cleared Swamp sclerophyll forest (Broad-leaved Paperbark community) occurring along the western watercourse, as identified in Sections 5.3 and 5.4 of the Flora and Fauna report.

	l) Establishment of a revegetated 10 metre wide buffer around the retained area of Swamp Sclerophyll Forest and fencing out of this area.
Survey marks	52. The extraction area is to be defined on ground by permanent survey marks located by a registered surveyor, prior to the commencement of any work.
Maintenance of sediment and erosion controls	53. Sediment and erosion controls are to be installed prior to the commencement of any works and maintained for the duration of the development in accordance with the approved Soil and Water Management Plan.
Installation of toilet and hand washing facilities	54. Prior to the commencement of any works , an on-site sewage management system or portable toilet and hand washing facilities must be installed.
Section 68 application	55. Prior to the commencement of any works , a Section 68 application to operate a system of sewage management for the development must be submitted and be approved by the Consent Authority. The requirements of the approval must be complied with. Note: All control equipment for the NSW Health accredited sewage management facility must be located above the 1 in 100yr flood level. All components of the facility that may be subject to flooding must be flood compatible.

Traffic and Engineering

Application for Vehicular Access	56. The applicant is to make written application to Council (accompanied by a location plan) prior to the commencement of any works for a vehicular access to the development and construct it in accordance with Council's approval (refer to Council's Property Access and Addressing Management Plan). No other accesses may be constructed or opened onto a Council road without the prior written approval of Council.
Approval of Design Plans for Engineering Works	57. Full design plans of the Engineering works shall be submitted to and approved by Council prior to the commencement of any works . Such plans shall be accompanied by the fee, as adopted at the time of the relevant payment as indicated in Council's Fees and Charges.
Approval to Carry out Works in a Road Reserve	58. Prior to the commencement of any works , the proponent shall complete an application under Council's Road Reserve Management Plan and receive written approval from Council. Satisfactory arrangements for restoration with Council's Technical Services Department shall also be required, with all works constructed according to Council's Development, Design and Construction Manuals (as

	amended). All costs shall be the responsibility of the proponent.
Plan of Management – Civil Works	59. The proponent shall provide a plan of management for the construction of all civil works outside the real property boundaries of the proposed development. The plan shall table scheduling of works so as to be completed in the shortest possible time with minimal impact on the general community. Such plan shall include all requirements of Council's Road Reserve Management Plan. This plan of management shall be lodged with Council prior to the commencement of any works.
Works Authorisation Deed <i>NSW Roads and Maritime Services</i>	60. Prior to the commencement of any works , the developer will be required to enter into a Works Authorisation Deed (WAD) with the Roads and Maritime Services for all road works on the Summerland Way. All works must be completed by a Pre-Qualified Contractor, to practical completion, as determined by Roads and Maritime Services. The developer will be responsible for all costs associated with the works and administration of the WAD.

PRIOR TO THE COMMENCEMENT OF QUARRY OPERATIONS

Works as Executed Plan	61. A certified "Works as Executed" plan from a suitably qualified Engineer or Registered Surveyor is to be submitted prior to the commencement of quarry operations certifying that the engineering works have been constructed in accordance with the drawings and to the levels specified.
Watercourse crossing	62. The watercourse crossing must be designed to be trafficable in a 1 in 5 year flood event as per the Northern Rivers Local Government Handbook of Stormwater Drainage Design and constructed in accordance with all relevant approvals prior to the commencement of quarry operations.
Controlled Activity Approval	63. Prior to the commencement of quarry operations , a copy of the Controlled Activity Approval must be provided to Council.
Road names	64. A road name proposed for the new site access road shall be submitted for Council consideration prior to the commencement of quarry operations. A suitable name for any new road/s shall be subject to Council approval and public consultation.
Consolidation of lots	65. To ensure that the development is carried out on a single parcel of land, Lots 155, 156 and 361 DP 755732 shall be consolidated into one allotment. Evidence of registration of the Title Plan with NSW Land and Property Information must be provided to Council prior to the commencement of quarry operations.
Modification of development consent no. 1995-33	66. To ensure continued effective management of the development site, the land owner is required to modify consent no. 1995-33 by removing any references to Lot 361 DP 755732 from the approval. The notice of

modification is to be in writing and must include the following details in accordance with clause 97 (1) and (2) of the *Environmental Planning and Assessment Regulation 2000*:

- a) the name and address of the person by whom the notice is given,
- b) the address, and formal particulars of title of land to which the consent relate,
- c) a description of the development consent to be modified,
- d) a clear statement that the consent is to be modified, and
- e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner concurs with the modification of the consent.

The notice of modification must be submitted to Council **prior to the commencement of quarry operations**.

Vegetation buffer

67. A detailed plan for the proposed buffer planting must be submitted to Council for approval **prior to the commencement of quarry operations**.

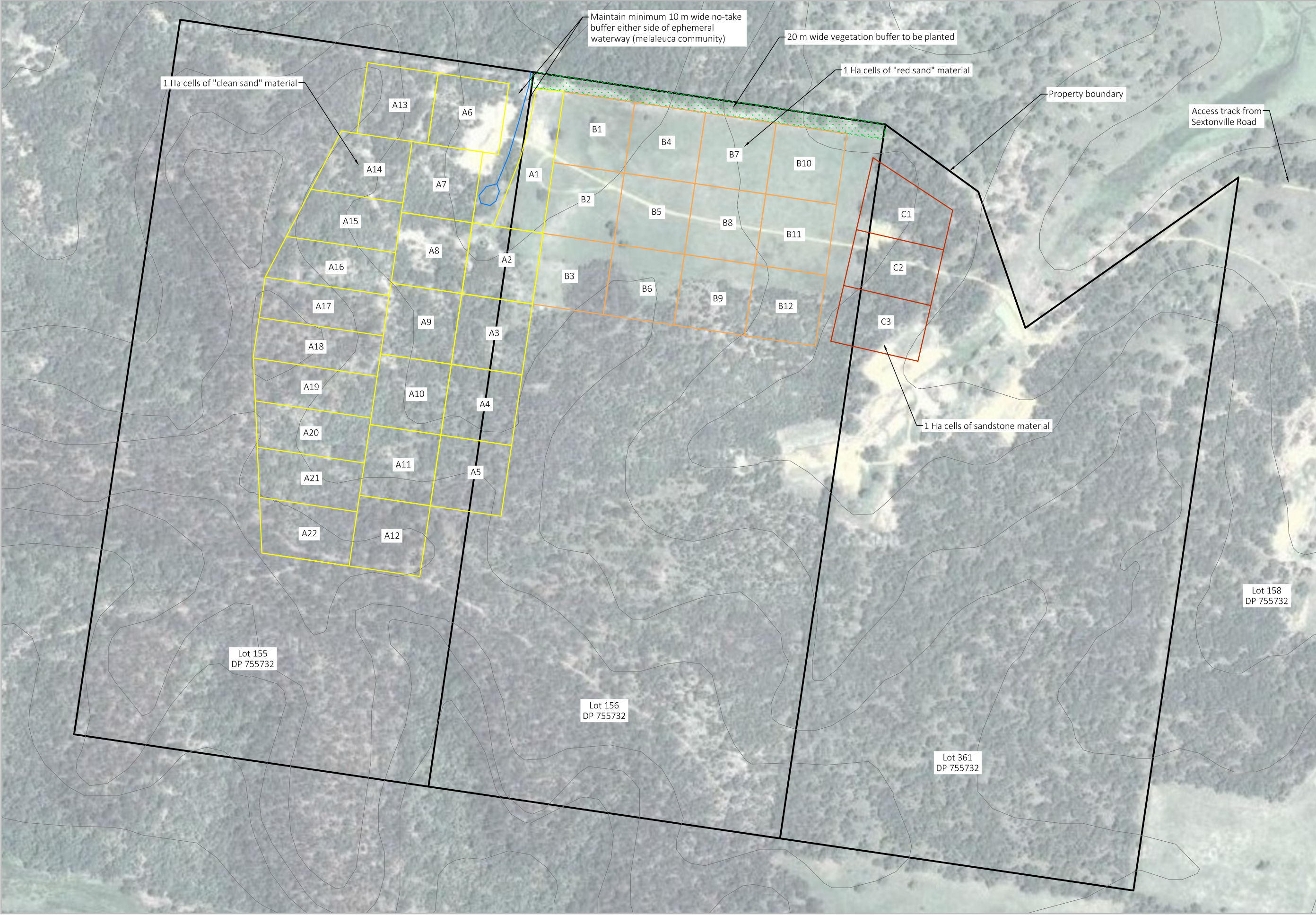
The buffer planting must be implemented in accordance with the approved plan **prior to the commencement of quarry operations**.

Rehabilitation of existing quarry

68. Rehabilitation of the existing quarry on Lot 361 is to be carried out in accordance with the approved Rehabilitation Plan **prior to the commencement of quarry operations**.

Commencement of use

69. All relevant conditions of consent must be complied with to the satisfaction of Council **prior to the commencement of quarry operations**.



0 100 m

CHARLIE HEWITT
Civil - Environmental - Structural - Design

Traffic Impact Assessment - Graham's Quarry Expansion, Dobies Bight
026-006

Dobies Bight Quarry - Site Layout and Draft Staging Plan

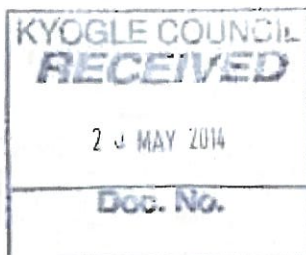
(Note: draft staging plan subject to final approved sequencing plan)



**Department of
Primary Industries**
Office of Water

Contact: Vanessa Sultmann
Phone: 02 6676 7382
Fax: 02 6676 7388
Email: Vanessa.Sultmann@water.nsw.gov.au
Our ref: 30 ERM2014/0364
Our file: 9058096
Your ref: DA2014/27

The General Manager
Kyogle Council
PO Box 11
Kyogle NSW 2474



Attention: Greg Meyers

14 May 2014

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2014/27
Description of proposed activity: Sand and Sandstone Extraction
Site location: Sextonville Road, Dobies Bight

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

The Office of Water requests the opportunity to review the proposed Groundwater Management Plan when it is available.

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Patrick Pahlow
Senior Water Regulation Officer
Office of Water - Water Regulation, North/North Coast

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Our Reference: 30 ERM2014/0364 **File No:** 9058096
Site Address: Sextonville Road, Dobies Bight
DA Number: DA2014/27
LGA: Kyogle Council

Number	Condition
Plans, standards and guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/27 and provided by Council. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Works Schedule (iii) Soil and Water Management Plan
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx (i) Vegetation Management Plans (ii) Riparian Corridors (iii) Outlet structures
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	

www.water.nsw.gov.au

Room 2, 135 Murwillumbah Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484
t + 61 2 66767380 f + 61 2 66767388 e information@water.nsw.gov.au | ABN 72 189 919 072
170912

Our Reference: 30 ERM2014/0364

File No: 9058096

Site Address: Sextonville Road, Dobies Bight

DA Number: DA2014/27

LGA: Kyogle Council

Number	Condition
8	N/A
Security deposits	
9	N/A
Access-ways	
10	N/A
11	N/A
Bridge, causeway, culverts, and crossing	
12	N/A
13	N/A
Disposal	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
19	N/A
Maintaining river	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
21	N/A

www.water.nsw.gov.au

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t + 61 2 66767380 | f + 61 2 66767388 | e Information@water.nsw.gov.au | ABN 72 189 919 072

170912

Our Reference: 30 ERM2014/0364

File No: 9058096

Site Address: Sextonville Road, Dobies Bight

DA Number: DA2014/27

LGA: Kyogle Council

Number	Condition
River bed and bank protection	
22	N/A
23	The consent holder must establish riparian corridors along the unnamed watercourses in accordance with a plan approved by the NSW Office of Water.
Plans, standards and guidelines	
24	N/A
25	N/A
26	N/A
27	N/A
END OF CONDITIONS	



Office of
Environment
& Heritage

Your reference: DA2104-27
Our reference: DOC14/278893
Contact: Ms Nicky Owner 6659 8254

Mr Arthur Piggott
General Manager
Kyogle Shire Council
PO Box 11
Kyogle NSW 2474

Attention: Mr Lachlan Black

Dear Mr Piggott

Re: Supply of Additional Information – Extractive Industry Sextonville Road, Dobies Bight

I refer to your letter dated 14 November 2014 to the Office of Environment and Heritage (OEH) requesting additional comments regarding the abovementioned proposal. I appreciate the opportunity to provide further input.

OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management. Matters relating to noise, air and water quality and any licensing requirements under the *Protection of the Environment Operations Act 1997* should be addressed separately to the Environment Protection Authority because that authority is now independent of OEH.

OEH has reviewed the additional information supplied by the applicant in response to previous comments prepared by OEH dated 28 May 2014 in relation to the current proposal and the potential impact the proposed works may have on the Squirrel Glider population known to occur at the quarry site. OEH comments have been prepared in response to the additional information supplied by the applicant.

OEH acknowledges the additional survey effort undertaken by the proponent at the request of OEH. This information has allowed for a greater understanding of the extent of habitat utilisation by Squirrel Gliders within the subject site and surrounding areas, and as such, a more accurate assessment of significance of the anticipated impacts of the proposed quarry on this species. It also allows for the development of appropriate and effective strategies to mitigate anticipated impacts.

OEH supports the proponent's intent to retain hollow-bearing trees *in-situ* as they will provide natural hollow resources potentially suitable for occupation by Squirrel Gliders and other hollow dependant fauna species. These resources will also comprise an important habitat feature that will be enhanced by the restoration of foraging habitat at the completion of quarrying activities.

OEH also supports the proponent's intent to limit vegetation clearing to a maximum of three extraction cells per annum, and in a staggered fashion so as to minimise extensive fragmentation of habitat as much as practicable. Further, OEH is supportive of the proponent's intent to progressively rehabilitate cells once sand extraction works are completed.

To ensure the persistence of the local population of Squirrel Gliders within and adjacent to the proposed quarry, OEH recommends Council require the following to form conditions of consent, should this development application receive approval:

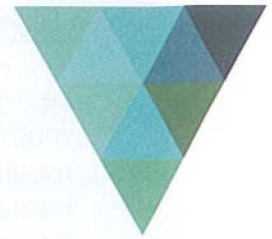
1. The extraction sequence must follow that illustrated on Figures 4.3 and 4.4 contained within the Rehabilitation Plan dated October 2014.
2. All hollow-bearing tree resources (including dead and living trees) potentially utilised by Squirrel Gliders must be identified prior to the commencement of quarrying activities, retained and protected from damage during quarrying activities.
3. The integrity of all hollow-bearing trees must be maintained by excluding all quarrying and ancillary activities between the trunk/main branch of the tree and the tree canopy's drip line. This is to include the retention of all vegetation extending from the tree to its drip line.
4. A suitably qualified and experienced ecologist must be present during clearing works to ensure any injured or displaced fauna are appropriately cared for.
5. Topsoil must be removed and stockpiled prior to quarrying activities commencing in a cell. The stockpiled soil is to be re-spread at conclusion of quarrying activities in that cell to assist in revegetation efforts.
6. Native vegetation outside of any operational cell must be temporarily fenced with star pickets and high visibility mesh fencing so the potential for disturbance or accidental clearing is reduced. A minimum of 0.4m ground clearance is necessary to provide for unrestricted fauna movement.
7. Twenty rear-opening nest boxes of suitable dimensions for Squirrel Glider occupation must be placed outside extraction area A, but within Lot 156, at the rate of one box per 1.5 hectares prior to or concurrent with extraction commencing.
8. Cattle must be permanently fenced out of all rehabilitation areas at the commencement of rehabilitation works.
9. Rehabilitation efforts must be consistent with the Rehabilitation Plan dated October 2014, unless varied by the recommendations provided above.
10. Workers must be appropriately inducted regarding environmental and heritage management matters associated with quarry operations.

Should you require further information or clarification, or should Council be in possession of information that suggests that OEH's statutory interests may be affected, please contact Conservation Planning Officer, Ms Nicky Owner, via email on nicky.owner@environment.nsw.gov.au or by telephoning 66598254. Please note that Nicky works part time, Tuesday to Thursday only.

Yours sincerely

Dimitri Young 12 December 2014

DIMITRI YOUNG
Senior Team Leader Planning, North East Region
Regional Operations



Council's Reference:
KC:CR

Contact:
Craig Rideout

10 December 2014

The General Manager - Kyogle Council
PO Box 11
KYOGLÉ NSW 2474

Refer: G Meyers – Executive Manager and Lachlan Black– Planning & Environment

Dear Sir,

Richmond Valley Council Comment provided in regards to the Designated and Integrated Development – DA 2014/27 – Lots 155, 156 & 361 DP 755732 Sextonville Road Dobies Bight – Extractive Industry – Sand/ Sandstone - JRPP

Thankyou for the opportunity to comment on the amended proposal for the sand extractive industry at Dobies Bight. Your correspondence dated 14 November indicated the applicant has amended the proposal to 22,500 tonnes per annum.

The proponent provided a revised Traffic Impact Assessment (TIA) within which Council contends some matters.

Richmond Valley Council provided comment earlier concerning this proposal, and whilst the development is not located within the Richmond Valley Local Government Area (LGA) it is evident that the main haulage route from the quarry will be McDonalds Bridge and Sextonville roads within Richmond Valley Council area. The Road Levy (Section 94) for heavy haulage is applicable to these roads because impacts are likely to result from the development, as proposed. Council's plan is specifically worded to enable its application to any development which will generate additional heavy haulage upon the shires roads. The Environmental Planning and Assessment Act 1979 allows for contributions to be applied to any road within the state of NSW. Contributions are payable to the Council of the Local Government Area to which the roads are located and this logic is supported by past legal precedence.

Council offer the following observations in support of applying s.94 contributions to the development:

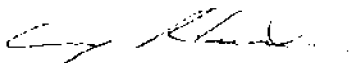
1. The comparison of Table 3.1 and 4.5 within the Traffic Impact Assessment shows that the existing road widths, table 3.1, do not meet the Austroads standard, table 4.5, the commentary in the report "traffic lane widths meet or are close enough" does not address the fact that the existing infrastructure does not meet the referenced standard.

- i.e. - existing width of section 1 of McDonalds Bridge Road is 5.3-6.1 required width is 6.2, existing width of section 2 of McDonalds Bridge Road is 5.8-6.2 required width is 6.2-7.0. Council has concerns that excessive shoulder damage will occur due to the deficiencies in seal width. In addition the information fails to address existing shoulder widths. Assessment of shoulder width should also form part of the assessment of adequacy as these become relevant to heavy vehicle movements.
2. Council notes that the assessment of the intersection of McDonalds Bridge and Summerland Way contained within the Traffic Impact Assessment does not adequately identify whether the existing intersection meets the standard identified in the report. It identifies which turning treatment is relevant for the expected traffic volumes but fails to demonstrate that the existing intersections meets this standard. The information provided singularly addresses the left turn out of the intersection, failing to provide commentary on the adequacy of the existing intersection for other turning movements or the identified turning treatment. In Councils opinion the information provided does not show justification for removing the RMS requirements for upgrade the intersection.
 3. Based on the above assessment, Council requests that suitable conditions be placed on any consent to address the below matter:

Payment of Section 94 heavy haulage contributions in accordance with Richmond Valley Councils adopted plan for the length of travel over roads within Richmond Valley, being 9.3 km, at the at an indexed rate (CPI) per annum, current contribution rate of \$0.072/Tonne/km, which provides for \$0.67 cents developer contributions per tonne.

Council would like to extend appreciation for the opportunity to comment on this proposal. Please refer to the previously supplied recommended conditions (Condition 1 modified) as supplied by RVC's Manager Assessment – Environment and Regulation,

Yours sincerely,



Craig Rideout
PLANNING OFFICER

Suggested Richmond Valley Council Road Conditions. W8000

W8001 A contribution under Section 94 (1)(b) of the Environmental Planning and Assessment Act 1979, amounting to \$0.67 (2013/14) per tonne extracted/transported is to be paid to Richmond Valley Council to upgrade roads and bridges. This amount is to be indexed to Consumer Price Index and will be adjusted accordingly on 1 July each year.

Reason: To provide funds for the road maintenance in accordance with Richmond Valley Council's Section 94 Plan.

W8002 Trucks and Equipment attending the quarry are to only use the shortest route between the Summerland Way and the quarry site in Richmond Valley Council area. (McDonalds Bridge Rd).

Reason: To ensure that the local roads are not damaged by heavy haulage and the safety of other road users is not compromised.

W8003 Records of all heavy vehicle movements to be supplied to Richmond Valley Council every quarter preferably in the form of a data report from an automatic vehicle classifier located at the quarry entrance. A copy of these records are to be available to the public for inspection of interested persons.

Reason: To ensure compliance with this consent.



File No: NTH13/00028, CR2014/005814
Your Ref: DA 2014/27

The General Manager
Kyogle Shire Council
PO Box 11
KYGOLE NSW 2474

Dear Sir

**Development Application 2014/27 Sand and Sandstone Extractive Industry
Lots 155, 156 and 361 DP 755732 Sextonville Road Dobies Bight**

I refer to your letter of 14 November 2014 regarding the proposed extractive industry at Dobies Bight forwarded to Roads and Maritime Services for consideration.

Roles & Responsibilities

Kyogle Shire Council and the Joint Regional Planning Panel have the function of determining the development application.

In accordance with *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (Mining SEPP) Clause 16(3), Roads and Maritime is given the opportunity to review and provide comment on the subject development application.

Roads and Maritime Response

Roads and Maritime has reviewed the revised traffic impact assessment and provides the following comments for consideration:

1. The traffic assessment has reviewed left turns from McDonald Bridge Road onto the Summerland Way however it is silent about right turns from the Summerland Way into McDonalds Bridge Road. Safe operation of the Summerland Way is the main concern at this intersection, particularly for right turns into McDonald Bridge Road. Please refer to Section 7.5.1 of Austroads Guide to Road Design Part 4A for details about safety considerations.
2. To safely accommodate development traffic it is considered that the intersection with the Summerland Way should be upgraded to an Austroads Guide to Road Design part 4A, Figure 7.5, rural BAR right turn treatment as a minimum. The BAR intersection treatment will need to consider the existing bus stop on the Summerland Way opposite McDonalds Bridge Road.

3. The traffic generation reported for quarry activities is based on an annual average. This approach does not consider peak traffic generation. Adopting a yearly average can tend to mask network deficiencies that would be exacerbated by peak demand. To limit the impacts of peak traffic demands it is recommended that haulage be limited to a maximum of five loaded trips per day, which is a total of ten traffic movements per day and a maximum of one loaded trip per hour, which is a total of two traffic movements in any one hour period.
4. A Drivers Code of Conduct could be prepared to address, but not be limited to, the following:
 - A map of the primary haulage routes highlighting critical locations;
 - Safety initiatives for trucks travelling through residential areas and school zones;
 - An induction process for vehicle operators;
 - Format for regular toolbox meetings;
 - A complaints resolution and disciplinary procedure; and
 - Any community consultation measures to address peak haulage periods.
5. A contribution should be made towards the maintenance of the local road network.

Prior to the commencement of additional traffic movements associated with this development, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for all road works on the Summerland Way. All works must be completed by a Pre-Qualified Contractor, to practical completion, as determined by Roads and Maritime. The developer will be responsible for all costs associated with the works and administration of the WAD.

Further information on undertaking Private Developments adjacent to classified roads can be accessed at: <http://www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf>

It is recommended that developers familiarise themselves with the requirements of the WAD process and contact our Office to obtain further advice where necessary.

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Mr Michael Baldwin on 66401362 or email Development.Northern@rms.nsw.gov.au.

Yours faithfully



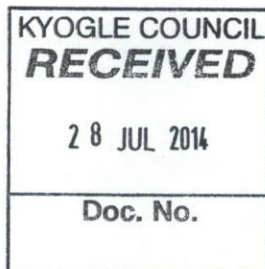
22 December 2014

for Peter Lane
Acting Network and Safety Manager, Northern Region



File Ref: 14/00067
Account No: 537166

The General Manager
Kyogle Council
PO Box 11
KYOGLA NSW 2474



Letter to Authority
(consent granted)

Peter Baumann
Phone: 02 6640 3401
Peter.Baumann@crowmland.nsw.gov.au

24 July 2014

Dear Sir/Madam

Application for landowner's consent relating to development comprising: Expansion of extractive industry operation on Lots 155 & 156, 361 DP 755732 Grahams Quarry Sextonville Road Dobies Bight including existing Crown Public Road haulage route.

The Minister for Natural Resources, Lands and Water, as owner of the subject land, has granted landowner's consent to Stephen Fletcher & Associates for the lodging of a development application required under the *Environmental Planning and Assessment Act 1979*, and any other associated applications to other authorities for the above development proposal.

The subject area of Crown Public Road extends west from the Sextonville (Council Public) Road intersection and provides legal public access to the above freehold lands.

The applicant has been instructed to provide you with the landowner's consent provided by the NSW Trade & Investment (NSW Trade & Investment) with the application.

Landowner's consent is given without prejudice so that consideration of the current development application may proceed under the *Environmental Planning and Assessment Act, 1979*.

The applicant has been advised as a matter of course that:

- (i) work on Crown land cannot commence without a current tenure from the NSW Trade & Investment authorising such work, irrespective of any development consent or approval given by other public authorities
- (ii) the Minister for Natural Resources, Lands and Water reserves the right to issue landowner's consent for the lodgement of applications for any other development on the subject land concurrent with this landowner's consent.

Further to the above, the applicant has also been advised that the landowners consent provided by NSW Trade & Investment is contingent on the affected area of Crown road utilised for access to the extractive industry operation being transferred to Council control pursuant to Section 151 – Roads Act 1993.

The points raised by Kyogle Council in your letter of 23 July 2014 to support retention of the established haulage route as a Crown public road are acknowledged. However, Crown lands is adamant that Council, as a Roads Authority under the Roads Act, is best placed to determine and supervise the development consent requirements and ongoing usage of the haulage route utilised by the development.

For further information, please contact Peter Baumann via the details given in the letter head.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Baumann', with a wavy line extending from the end.

Peter Baumann
NSW Trade & Investment, Crown Lands, Grafton