



## Section 1. Conditions Compliance


**Table 1. Development Permit N72 (1983)**

No'	Condition	Compliance (Yes/No/not applicable)	Details	Evidence
1	The permit holder shall, subject to the following permit conditions, operate the quarry in accordance with the Approved Working Plan and the Approved Working proposal. No approved procedures shall be varied without the prior approval of the Corporation.	Yes	The site is operated in accordance with the current consent conditions.	This Compliance review and ARR.



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2	The permit holder shall at least once in every 12 months submit a Revised Working Plan based upon the situation prevailing in the quarry at the time the plan is submitted and incorporating requirements of and compliance with, the conditions of the permit. A report shall accompany the plan to qualify any situation which cannot be illustrated.	Yes	The DPE requires a Mine Operation Plan (MOP) to be updated every 7 years and an Annual Rehabilitation Review (ARR) to be submitted each year. The ARR summaries all site activities, monitoring data and rehabilitation progress. It has been supplied to Council each year since PGH acquired the site (once the DPE has approved the plan).	MOP and ARR approval letters and Council correspondence (see attached).
3	The permit holder shall ensure that all derelict and redundant plant, vehicles, machinery and equipment shall be disposed of in a location and manner approved by the Corporation.	Yes	No derelict or redundant equipment etc is stored on the site. Contractors transport equipment onto the site as required on a campaign basis and remove it at the completion of works. There is no permanent infrastructure on the site.	Site Inspection and photographic evidence.


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4	The permit holder shall ensure that all mobile plant and vehicles and engine-powered equipment are fitted with effective silencers and spark arrestors, which shall be so maintained as to be fully effective at all times.	Yes	Equipment used on the site is modern and maintained and serviced regularly in order to comply with noise requirements.	Service records are available on request.
5	The permit holder shall ensure that no fixed plant or buildings are erected on the permit area without the prior approval of the Corporation	Yes	There is no permanent infrastructure on the site. A temporary office has been installed and will be removed at the completion of quarrying.	Site Inspection and photographic evidence. See above aerial image.

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6	i) The permit holder shall ensure that all water discharged from the permit area first passes through settling dams to ensure that only clear water is discharged. Water discharged into any adjacent watercourse shall be done in such a manner and be of such quality as to meet any requirements of the State Water Resources Commission and Soil Conservation Service.	Yes	Water to be discharged is tested for compliance with EPL conditions prior to release. Only water that meets EPL requirements is discharged.	Lab Reports are available on request and summary of water management is included in the ARR supplied to Council Each year. There has been no EPL non-compliances that relate to water quality in the last 12 months.
	ii) The settling dams shall be regularly cleared of sludge which shall be disposed of in such a manner as not to pollute any drains or water courses.	Yes	The on-site dams are desilted and the fines are emplaced within the disturbed area of the quarry. Surface water captured over the disturbed area is directed to the pit sump and therefore cannot pollute any drains or watercourses.	Site Inspection and photographic evidence. Desilted main pit dam below. 
	iii) Additional drainage works shall be carried out as directed by, and to the satisfaction of the Corporation.	Not Applicable	Council has not directed PGH to undertake any additional drainage works to date.	-
7	The permit holder shall ensure that excavated material dose not	Yes	Road haulage trucks are loaded within the pit floor and all loads are covered prior to leaving the site.	Image of covered haul truck leaving the site.

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	spill on to public roads as a results of improper loading and shall ensure that on hot, dry or windy days the loads are thoroughly wetted or adequately covered with a tarpaulin			

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8	The permit holder shall ensure that dust resulting from the operations, including excavation, loading, transport and stockpiling, shall be controlled to the satisfaction of the Corporation.	No	<p>Depositional Dust Gauge monitoring has been undertaken on the site according to EPA approved methods.</p> <p>Results show that DG1 complies with the annual average but DG2 at the house is trending over the EPA limit of 4g/m<sup>2</sup>/month.</p> <p>It should be noted that equipment is often parked adjacent to the dust gauge and near the residence, with their agreement, in order for the resident to assist in maintaining a security watch over the unattended equipment.</p> <p>The abnormally high result recorded in December noted that the sample contained a large amount of bird droppings which has contributed to the high result. This has resulted in the annual average trending above the EPA criteria for the annual average. Negating this contaminated result the graph shows that the annual average is below the annual limit however it had been trending up.</p> <p>PGH has noted the upward trend in the last few months and conducted an investigation. As a result of the investigation it was determined that an employee of the contractor had not employed a water cart over the area as had been routine in the past. As result of the investigation the employee was recently terminated and the use of the water cart has been reinstated. Results for the dust gauge in the last month shows a drop in the dust level concurrent with the use of the water cart.</p> <p>PGH have subsequently moved the Heavy Vehicle Parking Area to the north, within the mine lease boundary and rehabilitated the former parking area. It is expected that future results will decrease as the grass establishes in the rehabilitated area.</p>	See attached graphical results and correspondence.

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9	The permit holder shall ensure that all roads are located, properly formed, adequately drained, surface treated and maintained to the satisfaction of the Corporation. Further any dust nuisance originating from the roads shall also be controlled to the satisfaction of the Corporation.	Yes	The internal roads meet these requirements. Shaw Street has now been sealed by Council approximately halfway to the site entrance. A water cart is utilised during mining and hauling to minimise dust impacts.	Image of internal roads. 
10	The permit holder shall provide parking facilities within the permitted working area for all vehicles used in connection with the operation, including private vehicles used by employees and visitors, and the parking area shall be properly formed, drained and surface treated in a manner approved by the Corporation.	Yes	Parking is provided adjacent to the site office. Working vehicles and equipment utilise the pit floor for parking and loading activities. These areas are well formed and drain into the main pit sump.  Additionally PGH are investigating improvements to the parking area adjacent to the southern residence as discussion in Condition 8 above.	Site office parking area 



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11	The permit holder shall ensure that no operations, including cartage of material, shall take place outside the daytime hours between 6:00am and 6:00pm Monday to Saturday inclusive, nor on a Sunday, Christmas Day of Good Friday, except for essential plant maintenance.	Yes	No operations take place out of operating hours.	-
12	i) The permit holder shall ensure that a 1.2m high stock-proof fence to Corporation specifications shall be erected and maintained along the boundaries of both the existing and proposed quarries areas. The fencing shall be completed within one month of the date of permit issue and gates of a similar standard to the fence shall also be provided.	Yes	The site is fenced with stock-proof fencing to prevent stock access and dissuade trespassing.	Perimeter fencing example. 
	ii) Stock shall be kept out of the quarried area to assist in the regeneration of native vegetation and so that planted vegetation is protected.	Yes	No stock is held on the site.	-



No'	Condition	Compliance (Yes/No/not applicable)	Details	Evidence
13	i) The permit holder shall ensure that no extraction takes place within 15 metres of the boundary of the permit area. Within one month of the date of permit issue, the licensee shall erect squared wooden posts 8cm x 8cm, painted yellow, to stand not less than 0.75m in height at intervals of 30m on the above limits of extraction.	Yes	The consent boundary has been pegged.	Pegs have been installed on the mine lease boundary which lies within or on the consent boundary.
	ii) Where encroachment has occurred within the above limit of excavation, such backfilling and/or battering and other reclamation measures shall be carried out as directed by the Corporation.	Not Applicable	Encroachment has not occurred.	-
14	i) The permit holder shall ensure that all working faces are maintained on a slope not steeper than 1 vertical in 2 horizontal. Existing faces are to be reclaimed by battering or back filling to form a slope not steeper than 1 vertical in 2 horizontal.	Yes	Working faces slopes are no steeper than 1 vertical in 2 horizontal.	Survey data and attached figure.

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	<p>ii) When extraction has ceased, and not later than one month before expiry of the permit, terminal faces are to be battered from natural ground level into the pit at a slope not steeper than 1 vertical in 5 horizontal for a minimum horizontal distance of 10 metres. For this purpose battering may commence at a point 10 metres outside the excavation limit, or in accordance with a landscape restoration plan. In carrying out this work, no vegetation is to be effected within the remaining 10 metres of the buffer-zone. The terminal faces are to be covered with a minimum of 30cm of topsoil and planted with suitable vegetation. All reclamation works shall be carried out to the satisfaction of the Corporation who may specify at that time that additional works are to be undertaken.</p>	Not Applicable	Extraction has not ceased thus this condition is not applicable yet.	-

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15	The permit holder shall ensure that only those trees impeding the proper working of the quarry should be removed or disturbed after prior consultation with the Corporation.	Yes	Tree removal has only occurred within the permitted quarry area with consultation with the Council.	See attached emails for evidence of consultation with Council re the most recent tree removal. This included supplying Council with copies of the Rehabilitation Plan and consultation with MLLS.
16	A landscape development plan shall be submitted to the Corporation for approval. The reclamation and planting shall be carried out to the satisfaction of the Corporation within one month of the date of permit issue. All vegetation shall be maintained during the term of the permit and the buffer stripes generally maintained during the term of the permit and the buffer strips generally retained in a neat and tidy condition to the satisfaction for the Corporation.	Yes	<p>It is unknown whether a landscape development plan was submitted at the time of the original consent grant. Council has been unable to locate any relevant documentation.</p> <p>A Rehabilitation Plan has been provided to Council in June 2017 and Council was satisfied with the report.</p>	See attached emails.

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17	i) As the quarried area progresses, restoration is to be progressively carried on, in areas where quarrying is completed.	Yes	Very few final faces have been available for rehabilitation to date. Temporary vegetation has been permitted to establish in areas of inactivity.	Temporary vegetation. 
	ii) All residues, including topsoil is to be returned to the excavations and topsoil is to be retained at all times on the quarried sites.	Yes	Topsoil and overburden has been retained on the site in perimeter bunds and will be reused during rehabilitation on final slopes when they become available.	Vegetated perimeter topsoil bund. 

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18	The permit holder shall ensure that topsoil is only stripped in stages sufficient for one year's extraction of 2 Ha in area whichever is the lesser. Topsoil which is disturbed, shall be removed separately and placed in dumps. Soil required to comply with the requirements of condition 14 ii) is to be stored within the excavation area and excess topsoil should be placed as far as possible along the southern boundary of the current and proposed mining operations. This is to be sown with grasses to prevent erosion and so as to provide an aesthetic and effective screen approach from Albury. All topsoil storage is to be located and designed to the Satisfaction of the Corporation.	Yes	No topsoil stripping has been undertaken for a number of years as extraction has concentrated on the areas within the existing footprint. No topsoil has been required to date to fulfil Condition 14 ii), it has however been stored in bunds around the perimeter of the site and vegetated to stabilise.	See attached Figure 4 from the 2018 AEMR submitted to the DPE and Council for locations of stockpiles.
19	No stockpiling of clay is to be allowed on site except for two weeks normal production.	No	<p>Clay for production at the Jindera brickworks is stored on the pit floor during each mining campaign. It is then transported to the brickworks as required. Mining campaigns occur several times per year, thus several months production of clay is stockpiled on the pit floor at any one time.</p> <p>It would not be cost effective and would cause great disturbance to the nearby residents and greater environmental impacts if mining campaigns were conducted every 2 weeks.</p> <p>This condition is considered to be unreasonable to the efficient and cost effective production of clay at the site.</p>	-

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20	Restoration of the existing pit for possible future recreation use shall be undertaken to the satisfaction of the Corporation and shall include the lowering of the existing road in accordance with drawing S5499/1 and the maintenance of the access through existing workings.	Not Applicable	Final restoration of the pit has not commenced. Note, Council has no record of the drawing described.	-
21	On non-compliance with any of the above requirements the A.W.D.C. may cause the required works to be completed at the permit holders cost.	Not applicable	No requests for works have been made by Council to date.	-