

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION

PURSUANT TO SECTION 101

In pursuance of Section 101 of the Environmental Planning and Assessment Act 1979 I determine the development application ("the Application") referred to below by granting consent to the application subject to the conditions set out in the Schedule.

The reasons for the imposition of the conditions are:

- (i) to minimize the adverse impact the development may cause through noise, traffic generation, water quality and stability;
- (ii) provide for an acceptable landform;
- (iii) ensure appropriate rehabilitation, visual amenity and the payment of guarantees and rehabilitation levies.

David Hay

DAVID HAY
Minister for Planning

Sydney, 13th October 1988.

THE APPLICATION

Application made by: M. Collins & Sons (Contractors) Pty. Limited

To: Camden Municipal Council

In respect of land being: Lot 2, D.P. 625278, Vol. 14788, Fol. 34

SCHEDULE

- General
 - 1. The extraction processing and rehabilitation are to be carried out in accordance with the Environmental Impact Statement prepared by Longworth & McKenzie Pty Limited, certified in accordance with Section 77(3) of the Act, dated October 1985 and in accordance with the terms of the Elderslie High Level Extraction Program and under the guidelines of the Land Management Study.

- Term
 - 2. This consent permits the extraction of soil for a period of 10 years from the date of this consent and may be renewable for a further period not exceeding 5 years.

- Area to be opened
 - 3. An area exceeding 2 ha. shall not be opened, excavated, or worked at any one time without the written consent of Camden Municipal Council, as shown in figure 3 in the Environmental Impact Statement.

- Dust
 - 4. The Applicant shall:
 - (a) ensure the regular watering of the work area by tanker or similar operation;
 - (b) provide automatic sprinklers to stockpiles and regularly used roads within the work area;
 - (c) grass stockpiles where such are to be retained for any substantial period.

- Noise
 - 5. The Applicant shall exercise such control over mechanical equipment used in the extraction of processing of material on the land such that noise levels caused by its operations do not exceed that specified by the State Pollution Control Commission (hereinafter called "the Commission") during the hours of operation at the nearest residential dwelling.

Control points

- 6. The Applicant shall establish level control points at grade changes to the satisfaction of the Council and such control shall be maintained at all times until the relevant area has been completely re-established. Such levels shall be established by a registered surveyor.

Detailed Plans

- 7. The Applicant shall submit supplementary plans (say 1:2000) at one metre contour interval and cross sections (1:500) of the extraction area for Council's approval showing the post extractive landform and imported fill and/or tailings and any other information required by the necessary Council approvals prior to commencement of operations. All engineering works shall be in accordance with Council's standards applicable to engineering design and construction shall be to the written satisfaction of the Council's Engineer.

Further, contour maps showing the method of progressive working of the land to be extracted including the maximum active extraction area and the area to be revegetated shall be prepared. A minimum of two such plans are required for every five hectares or part thereof applied for except where otherwise agreed by the Council.

Planting

- 8. Trees and shrubs of types set out in the Environmental Impact Statement shall be planted in accordance with Council's requirements.

Maintain Plantings

9. Progressively upon completion of restoration and rehabilitation works, trees, shrubs and ground cover vegetation shall be planted in accordance with Council's requirements. All plantings shall be tended, maintained and watered as necessary for a period of 24 months form the date of planting. At the end of the 24 month period the density of established healthy trees shall be 1200 trees per hectare.

No trees to be cut

10. No trees, timber or shrubs on the land shall be cut down, destroyed, damaged or removed except where necessary for the purpose of the works to be carried out thereon without prior written consent of the Council.

Disposal of
Vegetation

11. All trees, shrubs and undergrowth which are removed, knocked down or damaged for the purpose of or in the course of the works on any section of the land shall be disposed of by sale or chipping or otherwise in a manner to the satisfaction of Council. Any dead trees shall be removed from the river channel adjoining working areas and similarly disposed of.

Soil Stockpile

12. All material which covers the surface of each extraction area of the land to a depth of three hundred (300) millimetres or as may be disturbed for the purposes or in the course of any works on such section of the land, shall be separately removed and stacked so as to be available for replacement upon completion of the excavation of such area of land for revegetation.

The Applicant shall retain only a minimum stockpile. Stockpiles shall be so located as to minimise erosion during flooding and to present minimal restriction to the flow of flood waters.

Water Quality

13. In the event of water being removed from the Nepean River or other such watercourse in the course of the extraction operations, such water or any other water used in such operations shall not be returned to or be permitted to be caused to flow into the river or to any other watercourse whatsoever until it shall have first attained the criteria set by the Commission.

Buffer Zone

14. No excavation works shall be made within 30 metres of any boundary of the land abutting any public road, public place or public reserve or within 12 metres of any other boundary, unless the adjoining lands are being used for the purpose of an extractive industry.
15. No building works, plant, stockpile or parking area shall be erected, constructed, carried out, provided, deposited, placed or sited within 15 metres of any boundary of the land abutting any public road, public place or public reserve or within 6 metres of any other boundary of the land abutting land not owned by the Applicant or land over which the Applicant has no extraction rights.
16. The Applicant shall consult with the Department of Water Resources and the Catchment Areas Protection Board and meet their requirements for an adequate setback from the river bank to ensure that bank stability is maximised.

Imported Fill

17. Before any imported fill is placed in position on the extraction area, Council's prior written approval shall be obtained to the type of fill to be used, the degree of compaction to be achieved, the depth of fill material and the area where such fill is to be placed. Imported fill does not include tailings or any by-products of the extraction process on the site.

18. Any use of imported material for blending purposes, to provide sand and soil mixtures (products) shall be approved by the Council and such information on qualities as the Council may require shall be submitted on a monthly basis.

19. The applicant shall carry out compaction tests of the emplaced materials at intervals required by the Council and submit the results to the Council as soon as they are available. All tests results shall be certified by a registered National Australian Testing Authority laboratory.

Tailings

20. Tailings, dried tailings or any by-product or waste product from the extraction operations on the land shall be placed and/or dispersed according to the Council's requirements.

Additional Areas

21. Except where otherwise provided in the plans, a second or subsequent 2 ha portion of the land shall not be opened, excavated or worked until restoration has been completed or is, in the opinion of the Council, proceeding satisfactorily, without the prior consent in writing of the Council.

Approved Levels

22. Any variation to approved levels shall be submitted to and approved by Council prior to extraction. A plan of such areas, material to be used for fill, degree of compaction and drainage are to be submitted to Council for approval.

Public Safety

23. Whenever so directed by or on behalf of the Council any excavation made on the land shall be enclosed by four strand cattle proof fences which shall be maintained and kept in good condition.

Drainage

24. The applicant is to ensure that drainage from the site does not pollute adjoining properties, dams or natural drainage lines.

Protection of Nepean River

25. At all times all excavations and works upon the land and the restoration thereof shall be carried out so as not to cause:-
- (i) any siltation of any part of the bed of the Nepean River; or
 - (ii) any pollution, contamination or discolouration of the waters of the Nepean River.

Completion of Operations

26. All plant, structures, material, rubbish and any other matter or things on the land are to be removed within three months of the completion of operations or within three (3) months of the lapsing, expiration or revocation of this consent whichever shall first occur.

27. In the event that the development is abandoned within the meaning of Section 107(3) of the Environmental Planning and Assessment Act, 1979 the applicant shall rehabilitate the site to a safe and tidy condition to the satisfaction in writing of the Council.

Roads

28. Apart from Springs Road, Richardson Road, south of the Main Road No. 178, Macarthur Road, south of Camden bypass road and the access ramps from Macarthur Road to Camden bypass road, the Applicant shall use State Highways, main trunk and secondary roads proclaimed under the provisions of the Main Roads Act, 1924 for the haulage of materials within the Municipality of Camden PROVIDED that use of local roads and bridges is permitted for deliveries within the Camden district and it is agreed the use of such roads and bridges for such properties shall be deemed to be "ordinary wear and tear and reasonable use" within the meaning of Section 245 of the Local Government Act. It is agreed that Section 245 will otherwise apply to the use by the Applicant of local roads and bridges except those mentioned above.

Access Roads

29. Access roads and sections under extraction are to be kept moist by periodic watering by water truck or by use of water sprays from a reticulated water supply, particularly during periods of windy weather.

Easements

30. The approval of the Prospect County Council shall be obtained prior to any extraction adjacent to transmission line poles. Such approval shall be obtained from the Council before commencement of any work adjacent to such poles.

Hours of Operation

31. The development shall operate between the hours 0700 to 1700 on weekdays and 0800 and 1300 hours on Saturdays and further shall not operate on Sundays or Public Holidays.

Inspection of Site

32. The applicant shall permit access on to the land to officers of the Council or any other public authority at reasonable times for the purposes of inspecting the operation and carrying out such control tests or reading of air, water, noise and stability as they consider necessary.

Stop Work Notices

33. The applicant shall, if required by notice in writing served upon it by the Council, forthwith cease extraction and processing operations on the land. Such a notice shall be under the hand of the Town Clerk and may be issued where the Town Clerk is of the opinion that -

- (a) the applicant has failed to comply with a notice relating to non-compliance with any one or more conditions of this consent:
- (b) the carrying out of the proposed development is dangerous to persons or to property; or
- (c) the requirements of a public authority in respect of the proposed development have not been complied with.

Guarantees

34. (a) The Applicant shall, before commencing extraction lodge with the Council a guarantee deposit or bank guarantee for the sum of \$25,000 (twenty five thousand dollars) to fully compensate the Council in the event of any expense being incurred by it in respect of restoration work referred to in this Consent. Such figure shall be indexed having Consumer Price Index (Sydney - All Groups) at five yearly intervals.

(b) FURTHER, pursuant to the written approval of the Council for an additional area or areas, provided for in Condition 18, an additional bond of \$10,000 (ten thousand dollars) shall be lodged with the Council for every such area of excavation. Such additional bond shall be indexed as in 34(a).

35. In the event that the Applicant has complied with the terms of this Consent and in the event that the Council has not served any notice on the Applicant then the Council shall arrange for the guarantee deposit or bank guarantee to be forthwith repaid or released to the Applicant upon the expiration of three (3) months from the date of completion of operations or from the date of the lapsing, expiration, cancellation or revocation of the said consent whichever shall first occur.

Rehabilitation
Levy

36. The Applicant or his assigns or successors shall pay the Council a rehabilitation levy on all sand removed or carried from the site and such levy will be paid into a Trust Fund at a rate of 44 cents per tonne of sand or soil, for the purposes set out in Schedule 2. Payment of the levy shall be based on the monthly returns documents and a physical survey of the end of such section or area, by a licensed surveyor of the end of such section or area, by a licensed surveyor engaged by the Applicant at the Applicant's expense.
37. The monies payable shall be paid to the Council within a nominated period from the end of month (say 14 days) or be subject to an interest payment equivalent to prevailing overdraft rates calculated from the last day of the month from which the levies were generated until payment of such monies in full.
38. The amount of rehabilitation levy shall be adjusted annually on 30th day of November (hereinafter called "the Index Review Date") to an amount which is:-
- (i) an amount calculated in accordance with the following formula:
- $$\text{Amount} = R \times \frac{\text{CPI (2)}}{\text{CPI (1)}}$$
- R = The amount which is the rehabilitation levy payable in respect of the period of 12 months immediately preceding the Index Review Date.
- CPI(2) = The figure for Sydney of the Consumer Price Index (All Groups) for the most recent complete quarter prior to the Index Review Date.

CPI(1) = The figure for Sydney of the Consumer Price Index (All Groups) for the most recent completed quarter prior to the previous Index Review Date.

(ii) on and from the relevant Index Review Date and until next varied, that amount shall be deemed to be the rehabilitation levy payable.

39. The Applicant shall keep and maintain at all times full and accurate records from which the total amount of sand and soil removed and carried away from the land in any year can be ascertained and determined on demand by officers of the Council.

Audit

40. In the event of the Council having caused an audit to be made and the quantities of sand or soil removed and carried away by the Applicant in any year being found to be understated (or the quantity of sand removed and carried away overstated) by more than 3 per centum then the Applicant shall pay to the Council the cost of such contribution levy.

The Council shall have the right at any time and from time to time to obtain topographical surveys by an independent registered surveyor of the land.

In the event of the Council having caused a survey to be made and the quantities of sand, processed sand or soil calculated to have been removed and carried away from the land shown by the Applicant's statements delivered to the Council since the date of the last survey being found to be understated by more than 8 per centum the Applicant shall pay to the Council the cost of any such survey and make the appropriate rectification of levy.

Study Costs

42. The Applicant or his Assigns shall pay the Council the sum of \$6,132 as a proportional payment towards the cost of preparation of Volume VI Summary Environmental Impact Statement by Longworth & McKenzie Pty Limited.

Disputes

43. Where a condition requires the satisfaction of the Council or any other public body, other than the Department of Planning, and a dispute arises between that body and the Applicant, the dispute will be settled by the Director of Planning (or the Director's nominee) acting as arbiter.

NOTE:

This approval does not relieve the Applicant of the obligation to obtain any other approval under the Local Government Act, 1919 as amended, the ordinances made thereunder (including approval of building plans), or any other Act.

THE SECOND SCHEDULE

Land acquisition for a new Springs Road alignment and barrier reserve.

Rebuilding Springs Road to existing standard in new location.

Temporary access roads, road diversions.

Relocation of services, water, telephone and electricity reticulation along Springs Road and Richardson Road to new alignments.

Relocation of relocated roads.

Provisions for the contribution to the maintenance of Springs Road, Richardson Road between Springs Road and Main Road No. 178 and Macarthur Road south of the Camden bypass road including access ramps to the Camden bypass road.