

Summary of existing operations and approvals for Martins Creek Quarry

The Quarry currently operates:

- a. on Lot 1 DP 1006375 and Lot 1 DP 204377 pursuant to continuing use rights under section 109 of the *Environmental Planning & Assessment Act 1979 NSW (EP&A Act)* for:
 - a. quarrying; and
 - b. crushing, screening, stockpiling and processing of quarried material (including of material received from locations outside of Lot 1 DP 1006375 and Lot 1 DP 204377);
- b. on Lots 5 and 6 DP 244210 pursuant to development consent no DA 171/90/79 for an extractive industry granted by Dungog Shire Council on 12 February 1991 (as modified on 8 June 1995);
- c. on Lot 42 DP 815628 pursuant to development consent no DA 17/194/41 for an extractive industry granted by Dungog Shire Council on 11 October 1994. This development consent provided for extraction period of 10 years. Extraction has taken place under this consent and no extraction currently occurs on Lot 42 DP 815628. However, the development consent remains operable;
- d. on Lot 6 DP 244210 pursuant to development consent no DA 171/95/5 granted by Dungog Shire Council on 8 June 1995 for the crushing of rock utilising a crushing plant and associated infrastructure; and
- e. on part of Lot 1 DP 1006375 pursuant to development consent no DA 162/99 granted by Dungog Shire Council on 17 September 1999 for the erection and operation of fixed tertiary crushing equipment.

Buttai Gravel is also the holder of Environmental Protection Licence No 1378 granted pursuant to the *Protection of the Environment Operations Act 1997 NSW* for the scheduled activities of Extractive Activities and Crushing, Grinding or Separating.

Continuing use rights

The first environmental planning instrument to apply to the land the subject of the Quarry was on 12 May 1967 when *Interim Development Order No.1 – Shire of Dungog* was gazetted (NSW Government Gazette No.49, p1530).

The Department of Railways commenced operations at the Quarry on land now described as

Lot 1 DP 1006375 in around 1915. The objective of Quarry was to supply railway ballast and other quarry material to the New South Wales railway network.

Over time the Quarry expanded over the area of land which is now Lot 1 DP 1006375 and onto Lot 1 DP 204377. By 1967, quarrying and processing operations were occurring on substantial portions of these land parcels.

In February 1986, upon the introduction of section 109(2) into the EP& Act, quarrying and crushing, screening, stockpiling and processing of quarried material (including of material received from locations outside of Lot 1 DP 1006375 and Lot 1 DP 204377 and of material other than railway ballast) was occurring upon substantial portions of land which is now Lot 1 DP 1006375 and Lot 1 DP 204377.

In May 1999, Dungog Shire Council resolved to accept that the Quarry had continuing use rights for part of Lot 1 DP 1006375 for the processing of material of up to 449,000 tonnes per annum (refer Council resolution dated 18 May 1999). The figure of 449,000 tonnes was based upon a detailed submission (together with supporting statutory declarations) made by Rail Services Australia to Dungog Shire Council which set out in detail the level of processing that was occurring in February 1986.

Although different pieces of equipment may now perform the operations as they were historically carried out - quarrying operations and the processing of quarried material continues to be carried out consistently with the activities which were lawfully and

physically carried out in February 1986. These operations include the precoating of aggregate for use as a road base (now performed by the precoat plant) and the blending of material by bucket (an operation now performed by the pug mill plant).

Whilst no extraction of material currently occurs on Lot 1 DP 1006375 and Lot 1 DP 204377, quarrying operations have never been abandoned on this land. Quarrying operations are currently carried out and include the active rehabilitation of that land.