

RICHMOND RIVER SHIRE COUNCIL

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All communication to be
addressed to

THE GENERAL MANAGER
P.O. BOX 378
CASINO NSW 2470

SHIRE OFFICE
68 WALKER STREET
CASINO NSW 2470

Council Ref: 127/95
(V~~A~~.01684)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(Form 3)

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

TO: Hosie Haggerty & Associates
149 Barker Street
CASINO NSW 2470

being the applicant in respect of development application No. 127/95 on behalf of F.J. Robinson.

Pursuant to section 92 of the Act notice is hereby given of the determination by the Council of the development application No. 127/95 for the proposal to operate a gravel, sand and sandstone extractive industry at Lot 193, DP 755603, Bungawalbin-Whiporie Road, Bungawalbin, Parish of Bungawalbin.

The development application has been determined by granting of consent subject to the following conditions:-

CONDITIONS

DEVELOPMENT OF THE QUARRY

1. All works carried out, and the use of land, subject to any amendment or modification called for in the following conditions be generally in accordance with the details contained in the work site layout plans numbered figure 1 and figure 4 and the management plans numbered figure 13 and figure 15 and supporting documents (Statement of Environmental Effects, supporting and additional information) submitted with the application.
2. This consent is only in respect of the location of the two (2) proposed quarry sites as depicted on the attached plans.
3. All topsoil shall be progressively stripped from areas to be excavated and stockpiled separately. Stockpiles are to be located away from the general operation of the quarry and be preserved for the future rehabilitation of the quarry. Topsoil that is stripped is to be stockpiled in a suitable location that has been designed with appropriate sedimentation management practices. As soon as possible after stripping and stockpiling the stockpiles are to be sown with suitable grass to stabilise them. This topsoil is to be used to rehabilitate exhausted/worked out areas immediately upon extraction ceasing, in accordance with the plan of management as contained within the report submitted with the application.
4. All hazardous materials are to be appropriately stored so as to prevent environmental damage in case of spillage or contaminated lands. Oils and lubricants shall be stored in a impermeable bunded and roofed area with holding capacity of 110% of the capacity of the largest container.
5. No material for quarry infilling shall be imported to the site without the prior consent of Council.

6. Operational plant (dozers, front end loaders and excavators), that may be utilised on the site shall comply with and meet relevant criteria and standards as specified by the Environment Protection Authority. Where relevant, the operator must be able to provide any necessary licenses or approvals from the EPA for inspection by Council regulatory Officers. All necessary EPA approvals must be obtained before the operating plant or machinery.
7. No topsoil shall be sold or otherwise removed from the site without prior consent of Council.

AMENITY AND NOISE CONTROL

8. The use shall not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.
9. The development shall meet noise emission criteria, vibration levels and standards relating to airborne pollutants and discharge of solid wastes to natural water courses as specified by the Environmental Protection Authority.
10. The activities required by the operation of the quarry should not create, generate or emit offensive noise so as to be heard at the nearest affected residence.

Offensive noise means noise that by reason of its level, nature, character or quality or the time at which it is made or any other circumstances is likely:

- a) to be harmful to,
 - b) to be offensive to, or
 - c) to interfere unreasonably with the comfort or repose of a person.
11. The hours of operation for the proposed quarry shall be limited to between 7.00am and 6.00pm Mondays to Fridays and 8.00am to 12 noon Saturdays, with no work on Sundays or Public holidays. Operation outside of these hours only with the prior written approval of the Divisional Manager of Environmental Development Services.

ROADS AND TRANSPORT

12. All loading and unloading to take place within the curtilage of the quarry site.
13. Vehicles using off-street loading/unloading and parking area must enter and leave the site in a forward direction. All driveways and turning areas shall be kept clear of all obstructions that would prevent compliance with this condition.

MONITORING AND OTHER APPROVALS

14. If the area of the resource, including the roads and stock piles will be greater than two (2) hectares then the premises may be scheduled under the Noise Control Act, 1975 and an approval from the Environment Protection Authority may be required.
15. All necessary Pollution Control Licenses are to be obtained from the Environment Protection Authority for the operation of the quarry and discharge of polluted wastewater from the site. Written evidence that these licenses have been obtained is to be submitted to Council prior to operation within the new extraction area.
16. All discharges from the sedimentation ponds/basins shall meet the requirements of the Clean Waters Act and relevant criteria of the Environment Protection Authority. Design details together with discharge water quality shall be submitted for Council's assessment and are to be in accordance with any available EPA or Department of Housing Guidelines for storm - water control. Final design details to engineering standard must be provided to Council for its approval 2 months from the date of endorsement of this consent.

7. Any discharges from the site should contain less than 50mg/L of non-filterable residue (NFR), no visible oil or grease, less than 10mg/L oil and grease and a pH in the range 6.5 to 8.5. Compliance with the NFR standard may require the use of a coagulant injection system.

WATER & SOILS

18. Any sediment control basin/pond is to be designed and maintained to at least the standards in accordance with the Department of Housing's guidelines (1993) "Soil and Water Management for Urban Development" or relevant Environmental Protection Authority Design Guidelines for stormwater management.
19. Sediment control measures shall be put into place within six (6) months of the date of endorsement of this consent and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or made drainage lines or watercourses during rainfall and runoff. All topsoil, subsoil stockpiles, and landscaping mounds shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site rehabilitation.
20. Capacity and surface area shall be based on total area of water entering these proposed structures, including run-off from undisturbed clean areas which cannot be diverted.

Further Conditions:

21. A fauna and flora impact statement be conducted and submitted to Council prior to the lateral expansion of either of the quarry sites.
22. A tree planting program be implemented immediately to the south west of Quarry Site B. This program is to include native species of a density and height sufficient to reduce the visual impact of the quarry from the middle distance.
23. The following works are to be undertaken within twelve months of the date of this consent to the satisfaction of Council's Divisional Manager - Engineering Services, at no cost to Council. These works are also to be maintained to the satisfaction of Council's Divisional Manager - Engineering Services for a period of twelve (12) months from the date of approval of the completed works, at no cost to Council
- a) The applicant shall be required to survey and dedicate a road reserve to give access to Lot 193 DP 755603, generally based on the existing formed track, with allowance for appropriate road widening as directed by the Divisional Manager - Engineering Services to allow for corners to be straightened for safety reasons, and this road reserve be created from where the existing formed track leaves the Crown road reserve.

The applicant shall be responsible for the payment of all costs associated with the survey and dedication of the road reserve.
 - b) The applicant will be required to dedicate the Crown road reserve from Boggy Creek Road to where the Crown road reserve joins the newly proposed access road, at no cost to Council.
 - c) The applicant shall be responsible for the construction of the road to a minimum gravel standard consisting of an 8m formation width, 6.0m of gravel, 150mm thick.
 - d) Council will not be responsible for the maintenance of this road reserve in the future and this condition shall be noted on the Council's property information system.
 - e) The applicant is required to undertake appropriate runoff and erosion control measures along the road in accordance with Soil Conservation Service guidelines.
 - f) The provision of hinged 'truck entering' warning signs be permanently erected and be displayed during operations on Boggy Creek Road either side of the intersection with the new dedicated road of access.

- g) Contribution of 50% of the cost of the upgrading of Reardons Lane by heavy patching the pavement to existing widths for a length of 700 metres from Boggy Creek Road to M.R.145.
- h) The provision of a 6 metre wide bitumen sealed pavement on a 7 metre wide gravelled formation for the new dedicated access road for a minimum length of 300 metres in from Boggy Creek Road.
- i) The provision of a dust suppressant be applied to the gravelled road pavement for a minimum length of 200 metres past the new house within Lot 193, DP755603.
- j) Upgrade the intersections of M.R.145 with Reardons Lane and M.R.145 with Whiporie Road to the AUSTROADS Type A -figure 5.16 Minimum Treatment standard including 3.0 metre bitumen sealed shoulders and a 0.5 metre gravel shoulder.
- k) Upgrading of Whiporie Road, by contributing 50% of the cost, of heavy patching to existing pavement widths, sections 2.4 to 2.9kms from M.R. 145.
24. All quarry operation traffic are to access the quarry site only from Boggy Creek Road and the new dedicated road reserve and via Reardons Lane. The quarry sites are not to be accessed via tracks from the west of the sites.
25. Full design plans of proposed engineering works to satisfy condition 23 be submitted, for approval by the Divisional Manager - Engineering Services prior to commencement of construction of any drainage or roadworks.
26. Council is to be paid 3.5 cents per tonne per kilometre road improvement and maintenance levy for an average haulage distance of 20kms. This levy is to be calculated annually and payable in advance based on the quarry operator's assessment of the market and shall be reviewed annually based on current sales.
27. This approval permits a maximum extraction of 30,000m³ per year.

The abovementioned conditions have been imposed to protect the existing and future amenity of the locality and attain the objectives set out in Richmond River Local Environmental Plan, 1992 and of the Environmental Planning & Assessment Act, 1979.

Endorsement of date of consent 19th February, 1997.

NOTES:

1. To ascertain the date upon which the consent becomes effective refer to section 93 of the Act.
2. To ascertain the extent to which the consent is liable to lapse refer to section 99 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.



(P.T. Muldoon)
GENERAL MANAGER