

Greater Taree City Council

ALL COMMUNICATIONS
TO BE ADDRESSED TO
THE GENERAL MANAGER/TOWN CLERK
P.O. BOX 482, TAREE
N.S.W. 2430
OX 7020 TAREE



2 PULTENEY STREET

PHONE: (065) 91 3399
FAX: (065) 91 3311

REF: DA/91/391
GG:PH

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

28 February 1992

TO: JANDRA BLUE METAL QUARRIES PTY LTD

SUPERSEDED

OF: PACIFIC HIGHWAY, POSSUM BRUSH

being the applicant in respect of the undermentioned development application.

Pursuant to Section 92 of the Environmental Planning and Assessment Act notice is hereby given of the determination by the consent authority of Development Application No. 91/391 relating to the land described as follows:

PARISH:	BERYAN
LOCALITY:	POSSUM BRUSH
STREET:	PACIFIC HIGHWAY
LOT:	14
SECTION:	PART PORTION 73
DP:	790056

THE DEVELOPMENT APPLICATION HAS BEEN DETERMINED BY -

GRANTING OF CONSENT SUBJECT TO THE CONDITIONS SPECIFIED IN THIS NOTICE

FOR: EXTRACTIVE INDUSTRY - INCREASE IN ANNUAL RATE OF REMOVAL OF
HARD ROCK QUARRY FROM AN EXISTING QUARRY

The conditions of consent which are deemed necessary by the consent authority pursuant to part IV Division 1 of the Environmental Planning and Assessment Act are as follows and numbered 1. - 11. inclusive.

DEVELOPMENT APPLICATION NUMBER: 91/931

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DATE OF CONSENT: 28 February 1992

1. The development of the site being carried out generally in accordance with the drawings marked "DA/91/391 - approved" as amended by the following conditions. ✓
2. The development is to be conducted generally in accordance with the existing conditions of consent dated 16 September 1985, except where modified by the present application and these conditions of consent. *required copy.*
3. A dedicated towing vehicle is to be provided for the water tank trailer, or alternatively a self propelled water tanker shall be maintained in an operational condition at all times and shall be used to keep damp any surface generating dust to the satisfaction of Council. ✓
4. The applicant shall ensure that all conveyors on the subject property are covered to the satisfaction of the State Pollution Control Commission. ✓
SUPERSEDED
5. All fuel dispensing areas shall drain through coalescing plate separators. Detailed plans shall be submitted to Council for this work for approval prior to any increase in the rate of production. ✓
6. Before proceeding with Stage 5 of the extraction, the applicant shall submit details of rehabilitation works carried out in accordance with the Environmental Impact Statement and previous consent. No further extraction beyond that stage will be permitted until Council verifies the rehabilitation works carried out. |
7. The applicant shall:
 - (a) Offer to purchase from its owner the land described in the Schedule following at a price to be agreed between the parties or in default of agreement at a price determined by a valuer appointed by the President for the time being of the Real Estate Institute of New South Wales, the costs of such valuation to be borne by the applicant. Such offer to purchase shall be served personally on the land owner and shall be in the form annexed.
 - (b) In the event of the landowner accepting the said offer within one month then the applicant shall, if appropriate, promptly arrange at its cost for a valuation of the said land by a valuer appointed by the President of the Real Estate Institute of New South Wales and shall, within one week of receipt of the valuation serve a copy of that valuation on the said owner together with an offer to purchase the property at the price determined by the Valuer, such offer to be open for a period of one month. In determining the valuation, the valuer shall assume that a quarry does not exist on Lot 14, DP 790086.

DEVELOPMENT APPLICATION NUMBER: 91/931

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DATE OF CONSENT: 28 February 1992

- (c) Upon acceptance of that offer or upon agreement between the parties as to price the applicant shall enter into a contract to purchase the said property at the price determined or agreed in accordance with the standard contract approved for the time being by the Law Society of New South Wales.
- (d) The applicant shall complete the purchase in accordance with any such contract within three months of the date of execution of the contract.
- (e) This Consent shall not be operational until either contracts have been exchanged or until evidence is produced to the Council that the owner has failed to accept the offer or has failed to exchange contracts within one month of submission of same.

Schedule: Lot 12, DP 790056

- 8. The applicant shall install giveaway signs on the quarry access road in favour of access for Lot 12, DP 790056 to the satisfaction of the Director of Technical Services.
- 9. The applicant shall make application to the State Pollution Control Commission for a pollution control license in association with the development and shall satisfy any requirements of that Authority.
- 10. The applicant shall have carried out by an approved Noise Consultant an evaluation of the quarry at maximum operational conditions to ensure compliance with the noise performance requirement of the existing consent. Should such a study reveal the condition is not being met recommendations from the Consultant are to be sought for immediate implementation of remedial actions to attenuate levels to satisfy the performance requirement. Testing of noise levels is to take place within 8 weeks of commencement of increased extraction levels or at any other time at the direction of Council.
- 11. The quarry equipment list contained in condition 2.46 of the original consent is to be substituted with the list contained in table 5.1 (page 30) of the Environmental Impact Statement.

The conditions have been imposed in order to safeguard the present and likely future amenity of the locality and to ensure a satisfactory standard of development.

Endorsement of date of consent: 28 February 1992

DEVELOPMENT APPLICATION NUMBER: 91/931

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DATE OF CONSENT: 28 February 1992

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 development 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 Council a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
- 4 Application forms for appeal proceedings are available from the Clerk of Petty Sessions, who will deal with all queries concerning appeals.

C E CHATWOOD
GENERAL MANAGER/TOWN CLERK

C E Chatwood

Per: *[Signature]*

SUPERSEDED

JANDRA

LETTER No. U.11.11
RECEIVED
27 JUN 1986
GREATER TAREE CITY COUNCIL
FILE No. 73/85/54

IN THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

10512 of 1985

RAINBOW FLAT QUARRY ENVIRONMENT COMMITTEE

Applicant

THE COURT ORDERS THAT:

1. The Appeal be dismissed.
2. Development consent be granted subject to the conditions specified to the schedule hereto for the established of an extractive industry for the extraction and processing of hard rock at Portion 73, Lot 6, DP 255621 Pacific Highway, Possum Brush.

ORDERED: 2 June 1986

BY THE COURT,

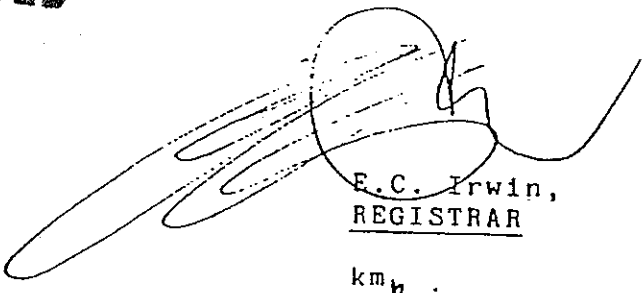
THE COUNCIL OF THE CITY OF GREATER TAREE

First Respondent

JANDRA BLUE METAL QUARRIES PTY. LIMITED

Second Respondent

SUPERSEDED



E.C. Irwin,
REGISTRAR

kmh.

CTP
of Council previously advised

ANNEXURE "A"

RAINBOW FLAT QUARRY ENVIRONMENT COMMITTEE

v.

COUNCIL OF THE CITY OF GREATER TAREE

JANDRA BLUE METAL QUARRIES PTY. LIMITED

(10512/85)

WILLIAMS AND OTHERS

v.

COUNCIL OF THE CITY OF GREATER TAREE

JANDRA BLUE METAL QUARRIES PTY. LIMITED

(10533/85)

CONDITIONS OF CG 5011

SUPERSEDED

1. Subject to the provisions of the Local Government Act and Ordinances.
- 2.1 A building application in accordance with the requirements of Ordinance 70 shall be submitted and approved prior to commencement of any structural work on the site.
- 2.2 Provision of on site parking in accordance with the requirements of the Council's Parking Code to accommodate 6 vehicles.
- 2.3 Parking areas and vehicle movement areas shall be constructed of an approved hard standing surface and drained, all to the satisfaction of the City Engineer. The parking area shall be permanently and clearly identified.
- 2.4 A site plan drawn to scale showing the location and layout of the parking area designed in accordance with Council's Code is to be submitted for approval prior to commencement of any operation on site.
- 2.5 All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at his expense. All such work is to be completed to the satisfaction of the City Engineer.
- 2.6 Where Council investigation or design is required for any public works the cost shall be met by the developer.
- 2.7 Staff amenities shall comply with the requirements of the Department of Industrial Relations.

- 2.8 Written acceptance of the conditions of consent shall be provided to Council prior to commencement of work on the site.
- 2.9 The development is to be carried out in accordance with the Environmental Impact Statement submitted with the development application, the additional information submitted to Council by Christopher John Davies by letter dated 12th July 1985 and the conditions of this consent.
- 2.10 The consent is limited to:
- (a) the extraction of material as shown in Plans Nos. 2, 3 and 3A accompanying the Environmental Impact Statement;
 - (b) the processing of such material on site; and
 - (c) the transportation of the resultant product from the site.
-
- 2.11 Topsoil and overburden shall be removed in stages and utilised for no further use and rehabilitation as described in Section 3.5 of the Environmental Impact Statement and as shown in Plan No. 3B accompanying the Environmental Impact Statement.
- 2.12 The extraction being undertaken in stages and as indicated in Plan 12 accompanying the Environmental Impact Statement.
- 2.13 The walls of the quarry are to be shaped in accordance with Cross-Sectional Drawing No. 12 accompanying the Environmental Impact Statement. Restoration shall be carried out in the sequences stipulated in Section 3.5 and as indicated on Plan 3B of the Environmental Impact Statement.
- 2.14 If, in the opinion of the Council, re-establishment of vegetation is not satisfactory after a reasonable period of time, the developer shall be required to give compliance to any reasonable direction of the Council to bring about satisfactory regeneration.
- 2.15 Erection and maintenance of pedestrian barriers around the periphery of the quarry sufficient to clearly delineate top of batters to the satisfaction of the Council.
- 2.16 Construction of settling and storage dams and silt traps in accordance with engineering plans to be submitted to and approved by the Council and the State Pollution Control Commission. Soil Conservation Service specifications should be used in designing these structures. Diversion drains on the uphill side of all devegetated areas and catch dams for collection of drainage from cleared areas and working areas are to be constructed to the requirements

of the State Pollution Control Commission. Catch dams shall be of adequate capacity to provide sufficient settling time for suspended solids in the runoff to be reduced to a concentration of 50 mg/l or less, to the requirements of the State Pollution Control Commission. Catch dams shall be desludged regularly to ensure that their capacity is never reduced to less than 50% of nominal size. These dams and associated silt traps shall not be located in any water course. All work shall be carried out in accordance with the requirements of the State Pollution Control Commission and the Council.

- 2.17 The developer shall undertake the maintenance and cleaning out of the settling dam and silt traps to the satisfaction of the Council and the State Pollution Control Commission.
- 2.18 The boundaries of the proposed quarry shall be marked by survey pegs and appropriate measures shall be taken to protect survey pegs at all times.
- 2.19 No trees or vegetation shall be destroyed, cut down or removed from the property outside the limit of the proposed quarry without the written approval of the Council.
- 2.20 The construction of a earthen berm 5 metres high between the western boundary of Lot 6, D.P. 255621 and the excavation in the position shown on Plan 3A in the Environmental Impact Statement; such berm to have side batters of 1 in 3 (maximum 1 in 2) prior to any production blasting or any other work taking place on the site except the necessary stripping of overburden to provide material for the berm and the construction of the access road and to be thereafter grassed, stabilised, topsoiled, revegetated and maintained to the satisfaction of the Council.
- 2.21 Production blasting shall be undertaken in accordance with Department of Industrial Relations - Mines Inspectorate Regulations and State Pollution Control Commission requirements. In no case shall the maximum instantaneous charge weight (M.I.C.) exceed 40 kg. All blasts shall be fired electronically without the use of exposed cordex trunk lines. Unless authorised otherwise in writing by the Council blasting operations are to be carried out in accordance with the details given in Appendix F accompanying the Report No. 84.127.R2 by Caleb Smith Consulting Pty. Ltd. included as Appendix A.10 in the Environmental Impact Statement. The firing of all shots shall be carried out at times of most advantageous environmental and atmospheric conditions as noted in Appendix G accompanying the aforementioned Report No. 84.127.R2 by Caleb Smith Consulting Pty. Ltd.
- 2.22 The developer shall be responsible for meeting the full cost of the intersection of the access road and the Pacific Highway. That intersection is to be constructed similar to

a NAASRA Example 3 intersection to comply with all requirements of the Department of Main Roads and the Council. In this regard a detailed engineering design of the proposed intersection is to be submitted to and approved by the Department of Main Roads and the Council prior to commencement of any work on the intersection. All construction work shall be carried out to the satisfaction of the Department of Main Roads and the Council's City Engineer.

- 2.23 Regulations are to be made and enforced by the developer to encourage the safe use of the intersection by all vehicle drivers associated with the quarry operation. An on site speed limit of 10 km/h shall also be enforced by the developer.
- 2.24 The internal access road is to be constructed and bitumen sealed to the satisfaction of the Council. Drainage of the access road shall be provided to ensure erosion of road shoulders and/or tabledrains does not occur.
- 2.25 A water cart shall be maintained in an operable condition at all times on the site and any area which is causing dust to be raised whether by vehicle passage, wind or otherwise shall be watered to the extent and frequency necessary to prevent dust rising. Such an operation to be undertaken to the satisfaction of the Council.
- 2.26 The method of dust suppression to be applied by the operator referred to in paragraph 5.2 of Report No. W46929-D titled "Proposed Blue Metal Quarry at Possum Brush Dust Investigation" prepared by Wilkinson-Murray Consulting Pty Ltd.
- 2.27 The excavation is to be undertaken in such a manner as to ensure that adequate drainage of the quarry is constantly available to the satisfaction of the Council and that all stormwater effluent emanating from the excavation or effluent flowing from the processing plant site is drained to the settling dam referred to in Condition (16).
- 2.28 The development shall be carried out in compliance with all requirements of the State Pollution Control Commission. In this regard the approval of the Commission under the Clean Air Act, Clean Waters Act and Noise Control Act shall be obtained prior to commencement of any works on site.
- 2.29 The rate of removal of the quarried material from the site shall not exceed 50,000 tonnes of finished product per annum; provided that in any one week the rate of removal of quarried material from the site shall not exceed 2,000 tonnes. A weighbridge record showing the load weight of each truck shall be kept on site in respect of the yearly

periods and shall be available for inspection by Council's staff on request and, in any event, shall be submitted to Council at the end of each financial year.

- 2.30 The area to the east of the eastern quarry wall for a minimum width of 30 metres shall be fenced off and vegetated with local indigenous native tree and shrub species in order to provide a visual screen to the development when viewed from lands to the east of the subject land.
- 2.31 All areas set aside for revegetation shall be sown to a seed and fertiliser mixture as recommended by the Soil Conservation Service at that time. In this regard topsoil placement is the key to the rehabilitation of any disturbed area and topsoil shall be evenly distributed as a final blanket over all areas proposed for revegetation.
- 2.32 Any trees or vegetation removed shall be stacked in areas clear of water flow lines.
- 2.33 The storage and use of fuel and explosives on the site shall be in accordance with all requirements of the Department of Industrial Relations. In this regard the developer shall liaise with and obtain the necessary permits from the Department of Industrial Relations prior to commencement of operations on the site.
- 2.34 In accordance with a request from Great Lakes Shire Council, the usage of Bullocky Way by trucks travelling to and from the quarry site shall be restricted to the number of movements generated by a maximum of 13.5 loads daily, or such other number as may be agreed to in writing by the Great Lakes Shire Council.
- 2.35 At least 48 hours prior to any blasting the operator shall give written notice to the occupiers of the dwellings on lots 1, 3 and 4 DP 255621 of its intention so to do. If houses are erected on lots 23 or 24 DP 587333 notice shall be given in like manner to occupants of those houses as is required to be given to the occupants of lots 1, 3 and 4 DP 255621. *
- 2.36 No development shall be carried out on the site of the proposed quarry until a Restriction as to User has been entered onto the Title of Lot 5, DP 255621 in a form satisfactory to the Council prohibiting the erection of a dwelling house on Lot 5 during the life of the quarry operation on the adjoining Lot 6, and nominating the Council as the body empowered to release or modify the Restriction. Certificate of Title at no cost to the Council.

The burning of any material on the site is to be carried out strictly in accordance with the requirements of the Council's Fire Control Officer.

2.38 No mechanical machinery or heavy equipment is to be used in the vicinity of the artefact referred to in recommendation 2 on page 8 of the Report by Jim Stockton and Laila Haglund attached as Appendix A.9 to the Environmental Impact Statement.

2.39 The operator of the quarry shall at all times comply with the requirements of the State Pollution Control Commission as to the reduction of noise emissions referred to in clauses 2.41, 2.42 and 2.43.

2.40 Noise levels from any activity associated with the quarry development (other than blasting and vehicle movements on the internal access road between the Highway and the crushing plant) shall not exceed 5 dB(A) when measured at the existing dwelling houses on Lots 1, 3 or 4 DP 255621. The level of noise emanating from any activity associated with the quarry operation shall be disregarded in establishing background noise levels. Background noise levels to be agreed or failing agreement to be those determined by the State Pollution Control Commission in accordance with this condition.

2.41 Subject to condition 2.44 overpressure levels resulting from blasting shall not exceed 115 dB(L) when measured at the existing dwelling houses on Lots 1, 3 or 4 DP 255621 or at any future dwelling house on lots 23 or 24 DP 587333 where such dwelling is located north of the east-west ridge near the southern boundary of Lot 24.

2.42 Subject to condition 2.44 ground vibration levels resulting from blasting shall not exceed 5 mm per second at the existing dwelling houses on lots 1, 3 or 4 DP 255621 or at any future dwelling house on lots 23 or 24 DP 587333 where such dwelling is located north of the east-west ridge near the southern boundary of Lot 24.

2.43 Noise levels generated by vehicle movements on the quarry access roads shall not exceed Leq 55 dB(A) at the existing dwelling house on Lot 4, DP 255621.

2.44 The first two production blasts on the site shall be monitored by Wilkinson-Murray Consulting Pty Limited with such other acoustic consultants as shall be nominated by the Council's chief town planner to ensure levels of airblast overpressure and ground vibration generated do not exceed the maximum level stipulated therefor by conditions 2.41 and 2.42 respectively. Should the results of such monitoring reveal that either of such levels is exceeded the blast design shall be modified and the two subsequent blasts be similarly monitored to measure the levels of

airblast overpressure and ground-borne vibration. Provided that there be no more than 4 blasts where either the level of airblast overpressure and/or ground-borne pressure or both exceeds the maximum level stipulated therefor by conditions 2.41 and 2.42 respectively. Notwithstanding anything hereto before no blast shall, in the case of overpressure, exceed 120 dB(lin) when measured at the existing dwellings referred to in condition 2.41 or ground vibration levels exceeding 10 mm per second when measured at the existing dwelling houses referred to in condition 2.42.

2.45 All measurement results obtained in accordance with condition 2.44 together with the blast design in respect of which those measurements were taken shall be furnished to the Council in writing within twenty-one (21) days of their being taken.

2.46 The equipment to be used at the quarry site for the purpose of or in conjunction with the extraction and crushing of rock (excluding delivery trucks) shall comprise the following items having the sound power levels shown therefor-

<u>Equipment</u>	<u>Sound Power Level dB(A)</u>
Ingersol Rond LM100	110.4
Ingersol Rond P850-W-GM COMPRESSOR	99.0
2 Caterpillar 966 Front-End Loaders	111.5 each
Terex R22 Haul Truck	116.2
Portec Portable Crushing/Screening Plant	114.3
Albion Clydesdale 410 Series Water Cart	94.7

SUPERSEDED

Provided that equipment of a similar type may be substituted for any stipulated item if the sound power level of the substituted item of equipment does not exceed that for the stipulated item.

2.47 The hours of operation of the quarry shall be limited to 7.30 am to 4.30 pm Monday to Friday inclusive, and blasting shall only take place between the hours of 9 am and 3 pm Monday to Friday inclusive.