



MINUTES

OF THE

EXTRAORDINARY MEETING

OF

GILGANDRA SHIRE COUNCIL

HELD ON

29 JANUARY 2018

PRESENT

Councillors

D Batten (Mayor)

S Baker

G Johnson

B Mockler

N Mudford

D Naden

G Peart

A Walker

N Wrigley

Employees

D J Neeves
General Manager

N J Alchin
Director Corporate & Business Services

L Mathieson
Director Environmental Services

J Prout
Executive Assistant

Proceedings of the meeting commenced at 5.33pm

LEAVE OF ABSENCE

Nil

ADJOURNMENTS

Nil

DECLARATIONS OF INTEREST

Nil

DA 2017/218

SUMMARY

To present Development Application 2017/218 for determination.

Proceedings in Brief

The Mayor invited the proponent, Mr Colin Kilby, to address the meeting and Mr Kilby gave an overview of the development.

MOTION	Cr Walker/Cr Baker
<p>That Development Application 2017/218 be approved, subject to the notes and general terms of agreement listed in the detailed report and the following conditions:</p>	
<p>1. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application in the Statement of Environmental Effects prepared by R W Corkery, Ref 971/01 dated August 2017, subject to any notations in red or modification required as a consequence of any condition. The relevant plans are:</p>	
<p>Project Site Layout – Figure 2.1</p>	
<p>Extraction Area Layout – Figure 2.3</p>	
<p>Conceptual Final Landform – Figure 2.5</p>	
<p>Erosion and Sediment Controls – Figure 4.1</p>	
<p>Reason: To ensure compliance with this consent.</p>	
<p>2. The Applicant shall comply with the General Terms of Approval Notice No. 1557997 dated 30 October 2017 from the NSW EPA (copy attached).</p>	
<p>Reason: To ensure compliance with Section 91 of the Environmental Planning and Assessment Act, 1979 and NSW EPA requirements.</p>	
<p>3. A sign must be erected on the development site at Ostlers Lane showing:</p>	
<p>a) Name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.</p>	
<p>b) Stating that unauthorised entry to the work site is prohibited.</p>	
<p>Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.</p>	
<p>4. The maximum extraction rate for the quarry shall be limited to 30,000 cubic metres per calendar year of basalt (equivalent to 80,000 tonnes per calendar year). The active quarry shall not exceed 1.5 hectares in area. Material storage, crushing and roads shall not exceed 0.5 hectares in area.</p>	
<p>Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.</p>	
<p>5. Trucks hauling quarry materials or accessing the site to obtain quarry materials will only use the haulage route map marked “Berakee Quarry Nominated Haulage Route” dated January 2018(see attachment A). No truck movements from the quarry operations are permitted outside the nominated haulage route with the exception of designated local traffic which involves deliveries to local landholders in the Gilgandra Local Government area as evidenced to Council upon request.</p>	

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and limit quarry road maintenance impacts.

6. For a 12 month period from the commencement of the quarry, temporary haulage (see attachment B) is permitted on the following road sections:

- a) The section of Berida Innisfail Road from Ostlers Lane to the Leeches Creek Road intersection.
- b) The section of road from Berida Innisfail and Leeches Creek Road intersection to the intersection of Leeches Creek Road and Yungundi Road intersection.

A maximum of 30,000 tonnes of quarry material is allowed to be transported on the temporary haulage route for the 12 month period.

A security Bond (Bank guarantee) in the amount of \$100,000 shall be supplied by the applicant to Gilgandra Shire Council for the temporary haulage route nominated above. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 12 month period if the applicant does not undertake the work.

At the end of the 12 month period, or as required to maintain a safe travelling surface, the applicant is to undertake maintenance of the above nominated road sections (or pay Gilgandra Shire Council to undertake it) to ensure the roads are at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number-235/13

- Berida Innisfail Road and Leeches Creek Road – *unsealed secondary through road condition 3*

Following completion of the road maintenance at the end of 12 months. Council will inspect the maintenance works to ensure the sections of road are returned to condition 3 as nominated above. At this point Council will release the security bond (or balance of it).

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant

7. The Applicant shall at the anniversary of commencement of the quarry operation (for the life of the quarry) or as required to maintain a safe travelling surface, undertake maintenance of the nominated haulage route (or pay Gilgandra Shire Council to undertake it) to ensure the nominated haulage route is at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number – 235/13:

- Berida Innisfail Road and Leeches Creek Road – unsealed secondary through road condition 3
- Ostlers Lane – unsealed secondary non- through road condition 4

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

8. A security bond (bank guarantee) in the amount of \$300,000 shall be supplied by the Applicant to Gilgandra Shire Council prior to the commencement of the quarry operation to pay for maintenance of the nominated haulage route in the event that the work is not undertaken by the Applicant within 60 days of the anniversary of commencement of the quarry. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 12 month period if the applicant does not undertake the work. This bond will be held for the life of the quarry and the bond or balance of the bond will only be returned when the quarry ceases operation.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

9. Within a 12 month period from the date of the commencement of the quarry operation, the intersection of Berida Innisfail Road and the Oxley Highway shall be upgraded by the Applicant to include the following:
- A sealed Basic Left (BAL) turn treatment as shown in Part 4A Figure 8.2 of the Austroads Guide to Road Design 2017.
 - A sealed Basic Right (BAR) turn treatment as shown in Part 4 Figure A.28 of the Austroads Guide to Road Design 2017.
 - Berida Innisfail Road is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in the Oxley Highway
 - A copy of construction plans for any road work on and adjoining the Oxley Highway is to be submitted to Roads and Maritime for approval. As the Oxley Highway is a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for approval of and construction of the intersection upgrade.
 - Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Field Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in the Oxley Highway.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

10. Within a 12 month period from the date of the commencement of the quarry operation, a 200m section of Berida Innisfail Road (starting 20m from the edge of the travel lane in the Oxley Highway) shall be sealed at full cost to the Developer to accommodate for the increased traffic proposed to be generated by the extractive industry (quarry)

Prior to any construction works being undertaken on the Berida Innisfail Road, detailed design (fully dimensioned) plan(s) inclusive of drainage requirements are to be lodged with and approved by Council.

All design and construction works to be in accordance with Council's adopted Aus-Spec Standards, Austroads "Guide To Road Design" Standards (or any subsequent Council adopted standards i.e. NATSPEC)

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed

11. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design are to be provided at full cost to the applicant and maintained at all intersections and bends along the nominated haulage route. Prior to any clearing works being undertaken a detailed plan and environmental assessment of the proposed clearing are to be submitted and approved by council The Oxley Highway has a 110 km/h speed limit and SISD at its intersection with Berida Innisfail Road is to be 300 metres in each direction.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

12. At the point when transport of quarry materials on Berida Innisfail Road between Ostlers Lane and the Oxley Highway exceeds 15,000t and, at no cost to Council, the applicant will undertake gravel resheeting of Berida Innisfail Road for 200m either side of each 90 degree bends nominated on the Ostlers Lane to Oxley Highway component of the "Berakee Quarry Nominated Haulage Route" including the intersection of Ostler lane and Berida Innisfail Road. A minimum of 150mm compacted gravel be incorporated to the existing road formation for the entire width of the road. From hinge point to hinge point.

Prior to any road construction works being undertaken on the Berida Innisfail Road, a scope of works is to be developed in consultation with and to the satisfaction of Council.

Any road works undertaken by Contractors shall be authorised by and completed to the satisfaction of Council.

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

13. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all traffic from Berida Innisfail Road must turn right (turn East) towards Gilgandra, and must not turn left (turn West) toward Warren. All traffic turning into Berida Innisfail Road must approach from the East and turn left into Berida Innisfail Road. A right turn into Berida Innisfail Road will not be permitted.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

14. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all quarry material haulage shall be restricted as follows:

- A maximum number of vehicle haulage movements of four (4) vehicle movements per hour (two vehicles in / two vehicles out)
- A maximum vehicle size of a semi-trailer or truck and dog, with a maximum of 32 Tonne in any given load
- Not more than 50,000 Tonnes to be transported within any 12 month period.
- It is proposed that there will be a maximum speed limit of 60km/hour which will apply to all quarry material haulage traffic vehicles on the nominated truck haulage route
- No "Wet Weather" access is permitted on the nominated haulage route.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

15. Trucks hauling quarry materials or accessing the site to obtain quarry materials will not use Berida Innisfail Road or Leeches Creek Road on school days while the school bus is using these roads. School bus times are typically between 7:00-8:00am and 3:30-4:30pm.

Reason: To ensure the safety of the school bus and its passengers

16. Trucks hauling quarry materials on nominated haulage route will not exceed a 32 tonne payload at any time

Reason: To reduce road maintenance impacts.

17. Trucks are not permitted to use the nominated haulage route during wet weather for the life of the quarry.

Reason: To reduce road maintenance impacts.

18. Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct as approved shall be implemented for the life of the development.

Reason: Compliance with 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

19. Prior to any work commencing within any road reserve an application shall be lodged and approval received for road works pursuant to Section 138 of the Roads Act 1993.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

20. Prior to quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route), the applicant shall prepare Traffic Management Plans(TMP) and Pavement Management Plans (PMP) for approval by Warren Shire Council detailing probable impacts on Warren Shire Council roads and bridges. The applicant shall provide full funding for the works issuing from the approved plans.

Reason: The roads in the Warren Shire Council areas have not been designed to carry continuous heavy loads and Councils should not suffer additional costs due to this development

21. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

Reason: To protect the environment.

22. Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated ANZECC Guidelines and water quality objectives in NSW 2000.

Reason: To prevent pollution of waterways and the environment

23. No chemicals, explosives or fuel are to be stored at or near the quarry site

Reason: To prevent pollution of waterways and the environment

24. Prior to quarrying operations on the subject property commencing, a site office must be erected at the entrance to the quarry site to control access to the site and provide shelter for staff. It must include toilet facilities, hand washing facilities and drinking water. A rain water tank of at least 10,000 litres shall be installed at the site office and a 20,000 litre tank for firefighting purposes. A 65mm Storz fitting and ball or gate valve shall be installed on the tank.

Any proposed building or structure shall be designed and constructed in conformity with the applicable design criteria applicable under the NCC (building Code of Australia) and Disability (Access to Premises-Buildings) Standards 2010 of the Disability Discrimination Act 19

Reason: To provide a safe work site and sanitary facilities for workers and Council requirement to ensure compliance with the applicable Premises Standards under the DDA is demonstrated.

25. The sanitary wastewater disposal and water plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the delegated plumbing/drainage regulator. The applicant shall obtain appropriate approvals pursuant to S.68 of the Local Government Act 1993.

Reason: Statutory and Council requirement to protect the environment and ensure sanitary facilities for workers

26. Construction works and operation of the quarry are to be limited as follows:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday 7.00 am to 4.00 pm.
- c) No construction work or quarry activity which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.

Reason: To preserve the amenity of the area

27. Blasting at the quarry will only be carried out between 9 am and 3 pm Monday to Friday and all neighbours will be given not less than 24 hours' notice.

Reason: To preserve the amenity of the area

28. No external lighting shall be located on the quarry site.

Reason: To ensure compliance with Gilgandra Local Environmental Plan 2011.

29. The quarry operator shall provide annual production data for the subject site to the NSW Division of Resources and Geoscience and Gilgandra Shire Council on a date agreed with that authority or on the anniversary of the commencement of the quarry.

Reason: To assist in the collection of construction material production data for the estate of NSW

30. All waste generated on site is to be disposed at an approved waste management facility regulated or licensed to receive such waste.

Reason: To protect public health, safety and the environment.

31. In the event that any Aboriginal archaeological material is discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable.

Work shall only recommence upon the authorisation of the OEH.

Reason: To protect Aboriginal heritage

32. A copy of this development consent and the EPA GTA requirements must be kept at the quarry site office. The development consent must be produced to any authorised officer of Council or the EPA who asks to see it. The development consent must be available for inspection by any employee or subcontractor working at the premises or operating the vehicle or mobile plant.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

33. Within 12 months of commencing the quarry operation the applicant will prepare a site rehabilitation plan based on the information in section 2.10 and Figure 2.5 of the SEE and submit this for Council's approval.

Reason: To protect the environment and rehabilitate the site post extraction

34. The proposed development is located in a Bushfire Prone Area. The owner shall ensure that any proposed building or structure is designed and constructed in accordance with the requirements of the "Planning for Bushfire Protection" guidelines.

Reason: Requirement of the Environmental Planning and assessment Act 1979.

35. At the completion of the 12 months from Quarry commencement the applicant shall enter into a planning agreement with Gilgandra Shire Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following Issues:

- Maintenance of the Berakee Quarry Nominated Haulage Route

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Gilgandra Shire Council and the applicant

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

AMENDMENT	Cr Peart/Cr Johnson
<p>That Development Application 2017/218 be approved, subject to the notes and general terms of agreement listed in the detailed report and the following conditions:</p>	
<p>1. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application in the Statement of Environmental Effects prepared by R W Corkery, Ref 971/01 dated August 2017, subject to any notations in red or modification required as a consequence of any condition. The relevant plans are:</p>	
<p>Project Site Layout – Figure 2.1</p>	
<p>Extraction Area Layout – Figure 2.3</p>	
<p>Conceptual Final Landform – Figure 2.5</p>	
<p>Erosion and Sediment Controls – Figure 4.1</p>	
<p>Reason: To ensure compliance with this consent.</p>	
<p>2. The Applicant shall comply with the General Terms of Approval Notice No. 1557997 dated 30 October 2017 from the NSW EPA (copy attached).</p>	
<p>Reason: To ensure compliance with Section 91 of the Environmental Planning and Assessment Act, 1979 and NSW EPA requirements.</p>	
<p>3. A sign must be erected on the development site at Ostlers Lane showing:</p>	
<p>a) Name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.</p>	
<p>b) Stating that unauthorised entry to the work site is prohibited.</p>	
<p>Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.</p>	
<p>4. The maximum extraction rate for the quarry shall be limited to 30,000 cubic metres per calendar year of basalt (equivalent to 80,000 tonnes per calendar year). The active quarry shall not exceed 1.5 hectares in area. Material storage, crushing and roads shall not exceed 0.5 hectares in area.</p>	
<p>Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.</p>	
<p>5. Trucks hauling quarry materials or accessing the site to obtain quarry materials will only use the haulage route map marked “Berakee Quarry Nominated Haulage Route” dated January 2018(see attachment A). No truck movements from the quarry operations are permitted outside the nominated haulage route with the exception of designated local traffic which involves deliveries to local landholders in the Gilgandra Local Government area as evidenced to Council upon request.</p>	

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and limit quarry road maintenance impacts.

6. For a 24 month period from the commencement of the quarry, temporary haulage (see attachment B) is permitted on the following road sections:
- a) The section of Berida Innisfail Road from Ostlers Lane to the Leeches Creek Road intersection.
 - b) The section of road from Berida Innisfail and Leeches Creek Road intersection to the intersection of Leeches Creek Road and Yungundi Road intersection.

A maximum of 30,000 tonnes of quarry material per annum is allowed to be transported on the temporary haulage route for the 24 month period.

A security Bond (Bank guarantee) in the amount of \$100,000 shall be supplied by the applicant to Gilgandra Shire Council for the temporary haulage route nominated above. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 24 month period if the applicant does not undertake the work.

At the end of the 24 month period, or as required to maintain a safe travelling surface, the applicant is to undertake maintenance of the above nominated road sections (or pay Gilgandra Shire Council to undertake it) to ensure the roads are at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number-235/13

- Berida Innisfail Road and Leeches Creek Road – *unsealed secondary through road condition 3*

Following completion of the road maintenance at the end of 12 months. Council will inspect the maintenance works to ensure the sections of road are returned to condition 3 as nominated above. At this point Council will release the security bond (or balance of it).

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

7. The Applicant shall at the anniversary of commencement of the quarry operation (for the life of the quarry) or as required to maintain a safe travelling surface, undertake maintenance of the nominated haulage route (or pay Gilgandra Shire Council to undertake it) to ensure the nominated haulage route is at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number – 235/13:

- Berida Innisfail Road and Leeches Creek Road – unsealed secondary through road condition 3
- Ostlers Lane – unsealed secondary non- through road condition 4

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

8. A security bond (bank guarantee) in the amount of \$250,000 shall be supplied by the Applicant to Gilgandra Shire Council prior to the commencement of the quarry operation to pay for maintenance of the nominated haulage route in the event that the work is not undertaken by the Applicant within 60 days of the anniversary of commencement of the quarry. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 12 month period if the applicant does not undertake the work. This bond will be held for the life of the quarry and the bond or balance of the bond will only be returned when the quarry ceases operation.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

9. Within a 12 month period from the date of the commencement of the quarry operation, the intersection of Berida Innisfail Road and the Oxley Highway shall be upgraded by the Applicant to include the following:
- A sealed Basic Left (BAL) turn treatment as shown in Part 4A Figure 8.2 of the Austroads Guide to Road Design 2017.
 - A sealed Basic Right (BAR) turn treatment as shown in Part 4 Figure A.28 of the Austroads Guide to Road Design 2017.
 - Berida Innisfail Road is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in the Oxley Highway
 - A copy of construction plans for any road work on and adjoining the Oxley Highway is to be submitted to Roads and Maritime for approval. As the Oxley Highway is a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for approval of and construction of the intersection upgrade.
 - Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Field Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in the Oxley Highway.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

10. Within a 12 month period from the date of the commencement of the quarry operation, a 200m section of Berida Innisfail Road (starting 20m from the edge of the travel lane in the Oxley Highway) shall be sealed at full cost to the Developer to accommodate for the increased traffic proposed to be generated by the extractive industry (quarry)

Prior to any construction works being undertaken on the Berida Innisfail Road, detailed design (fully dimensioned) plan(s) inclusive of drainage requirements are to be lodged with and approved by Council.

All design and construction works to be in accordance with Council's adopted Aus-Spec Standards, Austroads "Guide To Road Design" Standards (or any subsequent Council adopted standards i.e. NATSPEC)

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed

11. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design are to be provided at full cost to the applicant and maintained at all intersections and bends along the nominated haulage route. Prior to any clearing works being undertaken a detailed plan and environmental assessment of the proposed clearing are to be submitted and approved by council The Oxley Highway has a 110 km/h speed limit and SISD at its intersection with Berida Innisfail Road is to be 300 metres in each direction.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

12. At the point when transport of quarry materials on Berida Innisfail Road between Ostlers Lane and the Oxley Highway exceeds 15,000t and, at no cost to Council, the applicant will undertake gravel resheeting of Berida Innisfail Road for 200m either side of each 90 degree bends nominated on the Ostlers Lane to Oxley Highway component of the "Berakee Quarry Nominated Haulage Route" including the intersection of Ostler lane and Berida Innisfail Road. A minimum of 150mm compacted gravel be incorporated to the existing road formation for the entire width of the road. From hinge point to hinge point.

Prior to any road construction works being undertaken on the Berida Innisfail Road, a scope of works is to be developed in consultation with and to the satisfaction of Council.

Any road works undertaken by Contractors shall be authorised by and completed to the satisfaction of Council.

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

13. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all traffic from Berida Innisfail Road must turn right (turn East) towards Gilgandra, and must not turn left (turn West) toward Warren. All traffic turning into Berida Innisfail Road must approach from the East and turn left into Berida Innisfail Road. A right turn into Berida Innisfail Road will not be permitted.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

14. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all quarry material haulage shall be restricted as follows:

- A maximum number of vehicle haulage movements of four (4) vehicle movements per hour (two vehicles in / two vehicles out)
- A maximum vehicle size of a semi-trailer or truck and dog, with a maximum of 32 Tonne in any given load
- Not more than 50,000 Tonnes to be transported within any 12 month period.
- It is proposed that there will be a maximum speed limit of 60km/hour which will apply to all quarry material haulage traffic vehicles on the nominated truck haulage route
- No "Wet Weather" access is permitted on the nominated haulage route.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

15. Trucks hauling quarry materials or accessing the site to obtain quarry materials will not use Berida Innisfail Road or Leeches Creek Road on school days while the school bus is using these roads. School bus times are typically between 7:00-8:00am and 3:30-4:30pm.

Reason: To ensure the safety of the school bus and its passengers

16. Trucks hauling quarry materials on nominated haulage route will not exceed a 32 tonne payload at any time

Reason: To reduce road maintenance impacts.

17. Trucks are not permitted to use the nominated haulage route during wet weather for the life of the quarry.

Reason: To reduce road maintenance impacts.

18. Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct as approved shall be implemented for the life of the development.

Reason: Compliance with 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

19. Prior to any work commencing within any road reserve an application shall be lodged and approval received for road works pursuant to Section 138 of the Roads Act 1993.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

20. Prior to quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route), the applicant shall prepare Traffic Management Plans(TMP) and Pavement Management Plans (PMP) for approval by Warren Shire Council detailing probable impacts on Warren Shire Council roads and bridges. The applicant shall provide full funding for the works issuing from the approved plans.

Reason: The roads in the Warren Shire Council areas have not been designed to carry continuous heavy loads and Councils should not suffer additional costs due to this development

21. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

Reason: To protect the environment.

22. Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated ANZECC Guidelines and water quality objectives in NSW 2000.

Reason: To prevent pollution of waterways and the environment

23. No chemicals, explosives or fuel are to be stored at or near the quarry site

Reason: To prevent pollution of waterways and the environment

24. Prior to quarrying operations on the subject property commencing, a site office must be erected at the entrance to the quarry site to control access to the site and provide shelter for staff. It must include toilet facilities, hand washing facilities and drinking water. A rain water tank of at least 10,000 litres shall be installed at the site office and a 20,000 litre tank for firefighting purposes. A 65mm Storz fitting and ball or gate valve shall be installed on the tank.

Any proposed building or structure shall be designed and constructed in conformity with the applicable design criteria applicable under the NCC (building Code of Australia) and Disability (Access to Premises-Buildings) Standards 2010 of the Disability Discrimination Act 19

Reason: To provide a safe work site and sanitary facilities for workers and Council requirement to ensure compliance with the applicable Premises Standards under the DDA is demonstrated.

25. The sanitary wastewater disposal and water plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the delegated plumbing/drainage regulator. The applicant shall obtain appropriate approvals pursuant to S.68 of the Local Government Act 1993.

Reason: Statutory and Council requirement to protect the environment and ensure sanitary facilities for workers

26. Construction works and operation of the quarry are to be limited as follows:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday 7.00 am to 4.00 pm.
- c) No construction work or quarry activity which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.

Reason: To preserve the amenity of the area

27. Blasting at the quarry will only be carried out between 9 am and 3 pm Monday to Friday and all neighbours will be given not less than 24 hours' notice.

Reason: To preserve the amenity of the area

28. No external lighting shall be located on the quarry site.

Reason: To ensure compliance with Gilgandra Local Environmental Plan 2011.

29. The quarry operator shall provide annual production data for the subject site to the NSW Division of Resources and Geoscience and Gilgandra Shire Council on a date agreed with that authority or on the anniversary of the commencement of the quarry.

Reason: To assist in the collection of construction material production data for the estate of NSW

30. All waste generated on site is to be disposed at an approved waste management facility regulated or licensed to receive such waste.

Reason: To protect public health, safety and the environment.

31. In the event that any Aboriginal archaeological material is discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable.

Work shall only recommence upon the authorisation of the OEH.

Reason: To protect Aboriginal heritage

32. A copy of this development consent and the EPA GTA requirements must be kept at the quarry site office. The development consent must be produced to any authorised officer of Council or the EPA who asks to see it. The development consent must be available for inspection by any employee or subcontractor working at the premises or operating the vehicle or mobile plant.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

33. Within 12 months of commencing the quarry operation the applicant will prepare a site rehabilitation plan based on the information in section 2.10 and Figure 2.5 of the SEE and submit this for Council's approval.

Reason: To protect the environment and rehabilitate the site post extraction

34. The proposed development is located in a Bushfire Prone Area. The owner shall ensure that any proposed building or structure is designed and constructed in accordance with the requirements of the "Planning for Bushfire Protection" guidelines.

Reason: Requirement of the Environmental Planning and assessment Act 1979.

35. At the completion of the 12 months from Quarry commencement the applicant shall enter into a planning agreement with Gilgandra Shire Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following Issues:

- Maintenance of the Berakee Quarry Nominated Haulage Route

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Gilgandra Shire Council and the applicant.

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

Forshadowed amendment

Cr Mudford foreshadowed an amendment – as per the current amendment with the exception of section 8 where the proposed bond would be reduced from \$250,000 to \$200,000.

The amendment was put and lost.

AMENDMENT	Cr Mudford/Cr Wrigley
<p>That Development Application 2017/218 be approved, subject to the notes and general terms of agreement listed in the detailed report and the following conditions:</p>	
<p>1. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application in the Statement of Environmental Effects prepared by R W Corkery, Ref 971/01 dated August 2017, subject to any notations in red or modification required as a consequence of any condition. The relevant plans are:</p>	
<p>Project Site Layout – Figure 2.1</p>	
<p>Extraction Area Layout – Figure 2.3</p>	
<p>Conceptual Final Landform – Figure 2.5</p>	
<p>Erosion and Sediment Controls – Figure 4.1</p>	
<p>Reason: To ensure compliance with this consent.</p>	
<p>2. The Applicant shall comply with the General Terms of Approval Notice No. 1557997 dated 30 October 2017 from the NSW EPA (copy attached).</p>	
<p>Reason: To ensure compliance with Section 91 of the Environmental Planning and Assessment Act, 1979 and NSW EPA requirements.</p>	
<p>3. A sign must be erected on the development site at Ostlers Lane showing:</p>	
<p>c) Name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.</p>	
<p>d) Stating that unauthorised entry to the work site is prohibited.</p>	
<p>Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.</p>	
<p>4. The maximum extraction rate for the quarry shall be limited to 30,000 cubic metres per calendar year of basalt (equivalent to 80,000 tonnes per calendar year). The active quarry shall not exceed 1.5 hectares in area. Material storage, crushing and roads shall not exceed 0.5 hectares in area.</p>	
<p>Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.</p>	
<p>5. Trucks hauling quarry materials or accessing the site to obtain quarry materials will only use the haulage route map marked “Berakee Quarry Nominated Haulage Route” dated January 2018(see attachment A). No truck movements from the quarry operations are permitted outside the nominated haulage route with the exception of designated local traffic which involves deliveries to local landholders in the Gilgandra Local Government area as evidenced to Council upon request.</p>	

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and limit quarry road maintenance impacts.

6. For a 24 month period from the commencement of the quarry, temporary haulage (see attachment B) is permitted on the following road sections:

- a) The section of Berida Innisfail Road from Ostlers Lane to the Leeches Creek Road intersection.
- b) The section of road from Berida Innisfail and Leeches Creek Road intersection to the intersection of Leeches Creek Road and Yungundi Road intersection.

A maximum of 30,000 tonnes of quarry material per annum is allowed to be transported on the temporary haulage route for the 24 month period.

A security Bond (Bank guarantee) in the amount of \$100,000 shall be supplied by the applicant to Gilgandra Shire Council for the temporary haulage route nominated above. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 24 month period if the applicant does not undertake the work.

At the end of the 24 month period, or as required to maintain a safe travelling surface, the applicant is to undertake maintenance of the above nominated road sections (or pay Gilgandra Shire Council to undertake it) to ensure the roads are at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number-235/13

- Berida Innisfail Road and Leeches Creek Road – *unsealed secondary through road condition 3*

Following completion of the road maintenance at the end of 12 months. Council will inspect the maintenance works to ensure the sections of road are returned to condition 3 as nominated above. At this point Council will release the security bond (or balance of it).

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant

7. The Applicant shall at the anniversary of commencement of the quarry operation (for the life of the quarry) or as required to maintain a safe travelling surface, undertake maintenance of the nominated haulage route (or pay Gilgandra Shire Council to undertake it) to ensure the nominated haulage route is at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number – 235/13:

- Berida Innisfail Road and Leeches Creek Road – unsealed secondary through road condition 3
- Ostlers Lane – unsealed secondary non- through road condition 4

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

8. A security bond (bank guarantee) in the amount of \$200,000 shall be supplied by the Applicant to Gilgandra Shire Council prior to the commencement of the quarry operation to pay for maintenance of the nominated haulage route in the event that the work is not undertaken by the Applicant within 60 days of the anniversary of commencement of the quarry. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 12 month period if the applicant does not undertake the work. This bond will be held for the life of the quarry and the bond or balance of the bond will only be returned when the quarry ceases operation.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

9. Within a 12 month period from the date of the commencement of the quarry operation, the intersection of Berida Innisfail Road and the Oxley Highway shall be upgraded by the Applicant to include the following:
- A sealed Basic Left (BAL) turn treatment as shown in Part 4A Figure 8.2 of the Austroads Guide to Road Design 2017.
 - A sealed Basic Right (BAR) turn treatment as shown in Part 4 Figure A.28 of the Austroads Guide to Road Design 2017.
 - Berida Innisfail Road is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in the Oxley Highway
 - A copy of construction plans for any road work on and adjoining the Oxley Highway is to be submitted to Roads and Maritime for approval. As the Oxley Highway is a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for approval of and construction of the intersection upgrade.
 - Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Field Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in the Oxley Highway.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

10. Within a 12 month period from the date of the commencement of the quarry operation, a 200m section of Berida Innisfail Road (starting 20m from the edge of the travel lane in the Oxley Highway) shall be sealed at full cost to the Developer to accommodate for the increased traffic proposed to be generated by the extractive industry (quarry)

Prior to any construction works being undertaken on the Berida Innisfail Road, detailed design (fully dimensioned) plan(s) inclusive of drainage requirements are to be lodged with and approved by Council.

All design and construction works to be in accordance with Council's adopted Aus-Spec Standards, Austroads "Guide To Road Design" Standards (or any subsequent Council adopted standards i.e. NATSPEC)

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed

11. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design are to be provided at full cost to the applicant and maintained at all intersections and bends along the nominated haulage route. Prior to any clearing works being undertaken a detailed plan and environmental assessment of the proposed clearing are to be submitted and approved by council The Oxley Highway has a 110 km/h speed limit and SISD at its intersection with Berida Innisfail Road is to be 300 metres in each direction.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

12. At the point when transport of quarry materials on Berida Innisfail Road between Ostlers Lane and the Oxley Highway exceeds 15,000t and, at no cost to Council, the applicant will undertake gravel resheeting of Berida Innisfail Road for 200m either side of each 90 degree bends nominated on the Ostlers Lane to Oxley Highway component of the "Berakee Quarry Nominated Haulage Route" including the intersection of Ostler lane and Berida Innisfail Road. A minimum of 150mm compacted gravel be incorporated to the existing road formation for the entire width of the road. From hinge point to hinge point.

Prior to any road construction works being undertaken on the Berida Innisfail Road, a scope of works is to be developed in consultation with and to the satisfaction of Council.

Any road works undertaken by Contractors shall be authorised by and completed to the satisfaction of Council.

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

13. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all traffic from Berida Innisfail Road must turn right (turn East) towards Gilgandra, and must not turn left (turn West) toward Warren. All traffic turning into Berida Innisfail Road must approach from the East and turn left into Berida Innisfail Road. A right turn into Berida Innisfail Road will not be permitted.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

14. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all quarry material haulage shall be restricted as follows:

- A maximum number of vehicle haulage movements of four (4) vehicle movements per hour (two vehicles in / two vehicles out)
- A maximum vehicle size of a semi-trailer or truck and dog, with a maximum of 32 Tonne in any given load
- Not more than 50,000 Tonnes to be transported within any 12 month period.
- It is proposed that there will be a maximum speed limit of 60km/hour which will apply to all quarry material haulage traffic vehicles on the nominated truck haulage route
- No "Wet Weather" access is permitted on the nominated haulage route.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

15. Trucks hauling quarry materials or accessing the site to obtain quarry materials will not use Berida Innisfail Road or Leeches Creek Road on school days while the school bus is using these roads. School bus times are typically between 7:00-8:00am and 3:30-4:30pm.

Reason: To ensure the safety of the school bus and its passengers

16. Trucks hauling quarry materials on nominated haulage route will not exceed a 32 tonne payload at any time

Reason: To reduce road maintenance impacts.

17. Trucks are not permitted to use the nominated haulage route during wet weather for the life of the quarry.

Reason: To reduce road maintenance impacts.

18. Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct as approved shall be implemented for the life of the development.

Reason: Compliance with 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

19. Prior to any work commencing within any road reserve an application shall be lodged and approval received for road works pursuant to Section 138 of the Roads Act 1993.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

20. Prior to quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route), the applicant shall prepare Traffic Management Plans(TMP) and Pavement Management Plans (PMP) for approval by Warren Shire Council detailing probable impacts on Warren Shire Council roads and bridges. The applicant shall provide full funding for the works issuing from the approved plans.

Reason: The roads in the Warren Shire Council areas have not been designed to carry continuous heavy loads and Councils should not suffer additional costs due to this development

21. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

Reason: To protect the environment.

22. Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated ANZECC Guidelines and water quality objectives in NSW 2000.

Reason: To prevent pollution of waterways and the environment

23. No chemicals, explosives or fuel are to be stored at or near the quarry site

Reason: To prevent pollution of waterways and the environment

24. Prior to quarrying operations on the subject property commencing, a site office must be erected at the entrance to the quarry site to control access to the site and provide shelter for staff. It must include toilet facilities, hand washing facilities and drinking water. A rain water tank of at least 10,000 litres shall be installed at the site office and a 20,000 litre tank for firefighting purposes. A 65mm Storz fitting and ball or gate valve shall be installed on the tank.

Any proposed building or structure shall be designed and constructed in conformity with the applicable design criteria applicable under the NCC (building Code of Australia) and Disability (Access to Premises-Buildings) Standards 2010 of the Disability Discrimination Act 19

Reason: To provide a safe work site and sanitary facilities for workers and Council requirement to ensure compliance with the applicable Premises Standards under the DDA is demonstrated.

25. The sanitary wastewater disposal and water plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the delegated plumbing/drainage regulator. The applicant shall obtain appropriate approvals pursuant to S.68 of the Local Government Act 1993.

Reason: Statutory and Council requirement to protect the environment and ensure sanitary facilities for workers

26. Construction works and operation of the quarry are to be limited as follows:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday 7.00 am to 4.00 pm.
- c) No construction work or quarry activity which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.

Reason: To preserve the amenity of the area

27. Blasting at the quarry will only be carried out between 9 am and 3 pm Monday to Friday and all neighbours will be given not less than 24 hours' notice.

Reason: To preserve the amenity of the area

28. No external lighting shall be located on the quarry site.

Reason: To ensure compliance with Gilgandra Local Environmental Plan 2011.

29. The quarry operator shall provide annual production data for the subject site to the NSW Division of Resources and Geoscience and Gilgandra Shire Council on a date agreed with that authority or on the anniversary of the commencement of the quarry.

Reason: To assist in the collection of construction material production data for the estate of NSW

30. All waste generated on site is to be disposed at an approved waste management facility regulated or licensed to receive such waste.

Reason: To protect public health, safety and the environment.

31. In the event that any Aboriginal archaeological material is discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable.

Work shall only recommence upon the authorisation of the OEH.

Reason: To protect Aboriginal heritage

32. A copy of this development consent and the EPA GTA requirements must be kept at the quarry site office. The development consent must be produced to any authorised officer of Council or the EPA who asks to see it. The development consent must be available for inspection by any employee or subcontractor working at the premises or operating the vehicle or mobile plant.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

33. Within 12 months of commencing the quarry operation the applicant will prepare a site rehabilitation plan based on the information in section 2.10 and Figure 2.5 of the SEE and submit this for Council's approval.

Reason: To protect the environment and rehabilitate the site post extraction

34. The proposed development is located in a Bushfire Prone Area. The owner shall ensure that any proposed building or structure is designed and constructed in accordance with the requirements of the "Planning for Bushfire Protection" guidelines.

Reason: Requirement of the Environmental Planning and assessment Act 1979.

35. At the completion of the 12 months from Quarry commencement the applicant shall enter into a planning agreement with Gilgandra Shire Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following Issues:

- Maintenance of the Berakee Quarry Nominated Haulage Route

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Gilgandra Shire Council and the applicant

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

Proceedings in Brief

The amendment was put and carried and became the motion.

RESOLVED 1/18

Cr Mudford/Cr Wrigley

That Development Application 2017/218 be approved, subject to the notes and general terms of agreement listed in the detailed report and the following conditions:

1. Development of the site shall be carried out generally in accordance with the approved plans, specifications and documentation submitted with the application in the Statement of Environmental Effects prepared by R W Corkery, Ref 971/01 dated August 2017, subject to any notations in red or modification required as a consequence of any condition. The relevant plans are:

Project Site Layout – Figure 2.1

Extraction Area Layout – Figure 2.3

Conceptual Final Landform – Figure 2.5

Erosion and Sediment Controls – Figure 4.1

Reason: To ensure compliance with this consent.

2. The Applicant shall comply with the General Terms of Approval Notice No. 1557997 dated 30 October 2017 from the NSW EPA (copy attached).

Reason: To ensure compliance with Section 91 of the Environmental Planning and Assessment Act, 1979 and NSW EPA requirements.

3. A sign must be erected on the development site at Ostlers Lane showing:
 - e) Name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.
 - f) Stating that unauthorised entry to the work site is prohibited.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

4. The maximum extraction rate for the quarry shall be limited to 30,000 cubic metres per calendar year of basalt (equivalent to 80,000 tonnes per calendar year). The active quarry shall not exceed 1.5 hectares in area. Material storage, crushing and roads shall not exceed 0.5 hectares in area.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

5. Trucks hauling quarry materials or accessing the site to obtain quarry materials will only use the haulage route map marked “Berakee Quarry Nominated Haulage Route” dated January 2018(see attachment A). No truck movements from the quarry operations are permitted outside the nominated haulage route with the exception of designated local traffic which involves deliveries to local landholders in the Gilgandra Local Government area as evidenced to Council upon request.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and limit quarry road maintenance impacts.

6. For a 24 month period from the commencement of the quarry, temporary haulage (see attachment B) is permitted on the following road sections:

- a) The section of Berida Innisfail Road from Ostlers Lane to the Leeches Creek Road intersection.
- b) The section of road from Berida Innisfail and Leeches Creek Road intersection to the intersection of Leeches Creek Road and Yungundi Road intersection.

A maximum of 30,000 tonnes of quarry material per annum is allowed to be transported on the temporary haulage route for the 24 month period.

A security Bond (Bank guarantee) in the amount of \$100,000 shall be supplied by the applicant to Gilgandra Shire Council for the temporary haulage route nominated above. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 24 month period if the applicant does not undertake the work.

At the end of the 24 month period, or as required to maintain a safe travelling surface, the applicant is to undertake maintenance of the above nominated road sections (or pay Gilgandra Shire Council to undertake it) to ensure the roads are at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number-235/13

- Berida Innisfail Road and Leeches Creek Road – *unsealed secondary through road condition 3*

Following completion of the road maintenance at the end of 12 months. Council will inspect the maintenance works to ensure the sections of road are returned to condition 3 as nominated above. At this point Council will release the security bond (or balance of it).

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant

7. The Applicant shall at the anniversary of commencement of the quarry operation (for the life of the quarry) or as required to maintain a safe travelling surface, undertake maintenance of the nominated haulage route (or pay Gilgandra Shire Council to undertake it) to ensure the nominated haulage route is at or above the following standards in accordance with the Gilgandra Local Hierarchy Plan as adopted by Council – Resolution Number – 235/13:

- Berida Innisfail Road and Leeches Creek Road – unsealed secondary through road condition 3
- Ostlers Lane – unsealed secondary non- through road condition 4

Any road works undertaken by Contractors shall be authorised and completed to the satisfaction of Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

8. A security bond (bank guarantee) in the amount of \$200,000 shall be supplied by the Applicant to Gilgandra Shire Council prior to the commencement of the quarry operation to pay for maintenance of the nominated haulage route in the event that the work is not undertaken by the Applicant within 60 days of the anniversary of commencement of the quarry. Gilgandra Shire Council can access this money to undertake road maintenance at any time during the 12 month period if the applicant does not undertake the work. This bond will be held for the life of the quarry and the bond or balance of the bond will only be returned when the quarry ceases operation.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and ensure quarry related road maintenance is paid for by the Applicant.

9. Within a 12 month period from the date of the commencement of the quarry operation, the intersection of Berida Innisfail Road and the Oxley Highway shall be upgraded by the Applicant to include the following:
- A sealed Basic Left (BAL) turn treatment as shown in Part 4A Figure 8.2 of the Austroads Guide to Road Design 2017.
 - A sealed Basic Right (BAR) turn treatment as shown in Part 4 Figure A.28 of the Austroads Guide to Road Design 2017.
 - Berida Innisfail Road is to be sealed a minimum of twenty (20) metres from the edge of the travel lane in the Oxley Highway
 - A copy of construction plans for any road work on and adjoining the Oxley Highway is to be submitted to Roads and Maritime for approval. As the Oxley Highway is a state road, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for approval of and construction of the intersection upgrade.
 - Prior to the commencement of construction works, the proponent is to contact Roads and Maritime's Field Traffic Manager to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent will obtain the ROL prior to works commencing within three (3) metres of the travel lanes in the Oxley Highway.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

10. Within a 12 month period from the date of the commencement of the quarry operation, a 200m section of Berida Innisfail Road (starting 20m from the edge of the travel lane in the Oxley Highway) shall be sealed at full cost to the Developer to accommodate for the increased traffic proposed to be generated by the extractive industry (quarry)

Prior to any construction works being undertaken on the Berida Innisfail Road, detailed design (fully dimensioned) plan(s) inclusive of drainage requirements are to be lodged with and approved by Council.

All design and construction works to be in accordance with Council's adopted Aus-Spec Standards, Austroads "Guide To Road Design" Standards (or any subsequent Council adopted standards i.e. NATSPEC)

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed

11. Safe Intersection Sight Distance (SISD) requirements outlined in Part 4A of the Austroads Guide to Road Design are to be provided at full cost to the applicant and maintained at all intersections and bends along the nominated haulage route. Prior to any clearing works being undertaken a detailed plan and environmental assessment of the proposed clearing are to be submitted and approved by council The Oxley Highway has a 110 km/h speed limit and SISD at its intersection with Berida Innisfail Road is to be 300 metres in each direction.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

12. At the point when transport of quarry materials on Berida Innisfail Road between Ostlers Lane and the Oxley Highway exceeds 15,000t and, at no cost to Council, the applicant will undertake gravel resheeting of Berida Innisfail Road for 200m either side of each 90 degree bends nominated on the Ostlers Lane to Oxley Highway component of the "Berakee Quarry Nominated Haulage Route" including the intersection of Ostler lane and Berida Innisfail Road. A minimum of 150mm compacted gravel be incorporated to the existing road formation for the entire width of the road. From hinge point to hinge point.

Prior to any road construction works being undertaken on the Berida Innisfail Road, a scope of works is to be developed in consultation with and to the satisfaction of Council.

Any road works undertaken by Contractors shall be authorised by and completed to the satisfaction of Council.

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

13. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all traffic from Berida Innisfail Road must turn right (turn East) towards Gilgandra, and must not turn left (turn West) toward Warren. All traffic turning into Berida Innisfail Road must approach from the East and turn left into Berida Innisfail Road. A right turn into Berida Innisfail Road will not be permitted.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

14. Until Berida Innisfail Road and the Oxley Highway intersection upgrade is completed all quarry material haulage shall be restricted as follows:

- A maximum number of vehicle haulage movements of four (4) vehicle movements per hour (two vehicles in / two vehicles out)
- A maximum vehicle size of a semi-trailer or truck and dog, with a maximum of 32 Tonne in any given load
- Not more than 50,000 Tonnes to be transported within any 12 month period.
- It is proposed that there will be a maximum speed limit of 60km/hour which will apply to all quarry material haulage traffic vehicles on the nominated truck haulage route
- No "Wet Weather" access is permitted on the nominated haulage route.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and Roads and Maritime Services requirements.

15. Trucks hauling quarry materials or accessing the site to obtain quarry materials will not use Berida Innisfail Road or Leeches Creek Road on school days while the school bus is using these roads. School bus times are typically between 7:00-8:00am and 3:30-4:30pm.

Reason: To ensure the safety of the school bus and its passengers

16. Trucks hauling quarry materials on nominated haulage route will not exceed a 32 tonne payload at any time

Reason: To reduce road maintenance impacts.

17. Trucks are not permitted to use the nominated haulage route during wet weather for the life of the quarry.

Reason: To reduce road maintenance impacts.

18. Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct as approved shall be implemented for the life of the development.

Reason: Compliance with 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

19. Prior to any work commencing within any road reserve an application shall be lodged and approval received for road works pursuant to Section 138 of the Roads Act 1993.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979 and the Roads Act 1993.

20. Prior to quarry vehicles using roads in Warren Shire (as defined on the temporary haulage route), the applicant shall prepare Traffic Management Plans(TMP) and Pavement Management Plans (PMP) for approval by Warren Shire Council detailing probable impacts on Warren Shire Council roads and bridges. The applicant shall provide full funding for the works issuing from the approved plans.

Reason: The roads in the Warren Shire Council areas have not been designed to carry continuous heavy loads and Councils should not suffer additional costs due to this development

21. The site shall be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with erosion and sediment control guidelines for building sites.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

Reason: To protect the environment.

22. Any water discharged from the site shall ensure that water quality is maintained in accordance with all quality standards being chemical, physical and microbiological for primary recreational water contact as stated ANZECC Guidelines and water quality objectives in NSW 2000.

Reason: To prevent pollution of waterways and the environment

23. No chemicals, explosives or fuel are to be stored at or near the quarry site

Reason: To prevent pollution of waterways and the environment

24. Prior to quarrying operations on the subject property commencing, a site office must be erected at the entrance to the quarry site to control access to the site and provide shelter for staff. It must include toilet facilities, hand washing facilities and drinking water. A rain water tank of at least 10,000 litres shall be installed at the site office and a 20,000 litre tank for firefighting purposes. A 65mm Storz fitting and ball or gate valve shall be installed on the tank.

Any proposed building or structure shall be designed and constructed in conformity with the applicable design criteria applicable under the NCC (building Code of Australia) and Disability (Access to Premises-Buildings) Standards 2010 of the Disability Discrimination Act 19

Reason: To provide a safe work site and sanitary facilities for workers and Council requirement to ensure compliance with the applicable Premises Standards under the DDA is demonstrated.

25. The sanitary wastewater disposal and water plumbing installations shall comply with the provisions of the Local Government (General) Regulation, 2005 and the requirements of Council as the delegated plumbing/drainage regulator. The applicant shall obtain appropriate approvals pursuant to S.68 of the Local Government Act 1993.

Reason: Statutory and Council requirement to protect the environment and ensure sanitary facilities for workers

26. Construction works and operation of the quarry are to be limited as follows:

- a) Monday to Friday - 7.00 am to 6.00 pm.
- b) Saturday 7.00 am to 4.00 pm.
- c) No construction work or quarry activity which will adversely impact on the amenity of the area is to take place on Sundays or Public Holidays.

Reason: To preserve the amenity of the area

27. Blasting at the quarry will only be carried out between 9 am and 3 pm Monday to Friday and all neighbours will be given not less than 24 hours' notice.

Reason: To preserve the amenity of the area

28. No external lighting shall be located on the quarry site.

Reason: To ensure compliance with Gilgandra Local Environmental Plan 2011.

29. The quarry operator shall provide annual production data for the subject site to the NSW Division of Resources and Geoscience and Gilgandra Shire Council on a date agreed with that authority or on the anniversary of the commencement of the quarry.

Reason: To assist in the collection of construction material production data for the estate of NSW

30. All waste generated on site is to be disposed at an approved waste management facility regulated or licensed to receive such waste.

Reason: To protect public health, safety and the environment.

31. In the event that any Aboriginal archaeological material is discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable.

Work shall only recommence upon the authorisation of the OEH.

Reason: To protect Aboriginal heritage

32. A copy of this development consent and the EPA GTA requirements must be kept at the quarry site office. The development consent must be produced to any authorised officer of Council or the EPA who asks to see it. The development consent must be available for inspection by any employee or subcontractor working at the premises or operating the vehicle or mobile plant.

Reason: To ensure compliance with the Environmental Planning and Assessment Act, 1979.

33. Within 12 months of commencing the quarry operation the applicant will prepare a site rehabilitation plan based on the information in section 2.10 and Figure 2.5 of the SEE and submit this for Council's approval.

Reason: To protect the environment and rehabilitate the site post extraction

34. The proposed development is located in a Bushfire Prone Area. The owner shall ensure that any proposed building or structure is designed and constructed in accordance with the requirements of the "Planning for Bushfire Protection" guidelines.

Reason: Requirement of the Environmental Planning and assessment Act 1979.

35. At the completion of the 12 months from Quarry commencement the applicant shall enter into a planning agreement with Gilgandra Shire Council pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, which will address the following Issues:

- Maintenance of the Berakee Quarry Nominated Haulage Route

The contribution shall be based on a monetary figure based on the tonnage rate of product won from the subject development as determined by Gilgandra Shire Council and the applicant

Reason: To ensure that the impact of the proposed development upon public roads is adequately addressed.

Division

For: Crs Baker, Batten, Johnson, Mockler, Mudford, Naden, Peart, Walker and Wrigley

Against: Nil

GRANT APPLICATION – GROWING LOCAL ECONOMIES FUND

SUMMARY

To seek a determination from Council to make application for funding to construct the required intersection on the Oxley Highway and Berida Innisfail Road.

Proceedings in Brief

Cr Batten vacated the Chair in order to speak to the motion and Cr Walker assumed the Chair.

MOTION	Cr Batten/Cr Mockler
1. That, subject to agreement with the proponent, Council borrow funds to undertake the necessary RMS works on the Oxley Highway.	
2. That the cost of the development (with no interest component) be recovered from the proponent over the life of the development.	

The motion was put and lost.

MOTION	Cr Mudford/Cr Baker
That Council submit an application under the Growing Local Economies Fund to upgrade the intersection of the Oxley Highway and Berida Innisfail Road necessitated by the condition of approval for the proposed quarry.	

AMENDMENT	Cr Peart/Cr Naden
That Council offer a subsidy to the proponent in the sum of 25% of the cost of the intersection upgrade required by the RMS at the intersection with the Oxley Highway.	

Foreshadowed Amendment

Cr Batten advised of a possible foreshadowed amendment in relation to the location of the intersection upgrade.

Proceedings in Brief

- The amendment was put and lost and the motion of Cr Mudford became the current motion.
- Cr Batten withdrew the foreshadowed amendment.

RESOLVED 2/18	Cr Mudford/Cr Baker
That Council submit an application under the Growing Local Economies Fund to upgrade the intersection of the Oxley Highway and Berida Innisfail Road necessitated by the condition of approval for the proposed quarry.	

MINUTES OF: GILGANDRA SHIRE COUNCIL (EXTRAORDINARY)
HELD ON: 29 JANUARY 2018

Proceedings in Brief

The Mayor resumed the Chair.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.30PM.

Cr D Batten
Mayor