

Ordinary Council Meeting

23 April 2024

Attachments - Under Separate Cover

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These attachments to be retained for Council Meeting

20 January 2015

Reference: GD14/0024 CVC:1418955
Contact: Sarah Ducat
Your Reference: 1935-1048

Greensill Bros Pty Ltd
C/- Geolink
PO Box 1446
COFFS HARBOUR NSW 2454

NOTICE OF DETERMINATION OF APPLICATION

Pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act, 1979

Application No: DA2014/0024 & **MOD2015/0008**
Applicant: Greensill Bros Pty Ltd
Owner: Unwin Gaine Cartmill
Property Address: Boundary Creek Forest Road NYMBOIDA NSW 2460
Legal Description: Lot 20 DP 46031, Part Lot 48 DP 752839, & Part Lot 50 DP 752839
Development Proposal: Extractive industry hard rock quarry (Staged Development)

DEVELOPMENT CONSENT

Pursuant to Section 81(1)(a) of the Environmental Planning and Assessment Act, 1979, notice is hereby given that Council has considered your application for the subject Development. The subject determination is an “**operational**” consent which is effective from the date appearing on the bottom of each page of the formal notice.

The Development Application has been determined by:

Consenting to the development with conditions.

Determination of the application was made:

By the Joint Regional Planning Panel at their Meeting of 22 December 2014 **and modified by the Joint Regional Planning Panel at their Meeting of 21 October 2015.**

Determination Date:

22 December 2014 **and modified by MOD2015/0008 on 21 October 2015**

Approved Plans and Documentation

THE DEVELOPMENT SHALL COMPLY WITH THE PLANS LODGED WITH THE APPLICATION AND AS MAY BE AMENDED BY THE FOLLOWING CONDITIONS OF CONSENT AND/OR BY AMENDED PLANS AND DETAILS.

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DEFINITIONS

Applicant means Greensill Bros Pty Ltd or any party acting upon this consent.

NRDC means Northern Rivers Design and Construction Manual

The current engineering standards are:

- a The Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b The Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c The Northern Rivers Local Government Handbook of Stormwater Drainage Design

The current version of NRDC can be obtained from the Clarence Valley Council webpage.

Civil Works includes -

- a Earthworks
- b Roadworks
- c Drainage, including WSUD components
- d Structures
- e Parking areas
- f Provision of Services

NATA means National Association of Testing Authorities

RMS means Roads and Maritime Services

WAD means Works Authorisation Deed

ADVICE TO APPLICANT

Council in determining the subject application requests you to take note of the following advice and where pertinent to convey the advice to future owners or tenants:

1. No building construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.
3. It is the developer's responsibility to make satisfactory arrangements with other property owners affected by the development, and to meet all costs associated with the development.
4. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior

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to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.

5. The applicant is to submit road, stormwater drainage and intersection design plans including unsealed gravel pavement designs for Boundary Creek Road and Boundary Creek Forest Road upgrade works, for assessment by Council. No construction works on public roads are permitted without the approval of Council under the NSW Roads Act 1993. All design and construction shall be in accordance with NSW Roads & Maritime Services (RMS) and Clarence Valley Council engineering standards and construction specifications (NRDC).
6. The name of the person/s responsible for the civil work design is to be submitted to Council for approval prior to approval of the Engineering Design Plans. Details of qualifications, accreditations and insurances must also be submitted. Three copies of the engineering plans are required in hardcopy and one electronic copy in PDF format saved at the original drawing size.
7. The Applicant is responsible for ensuring that all necessary inspections are undertaken during the course of the work to enable the relevant certifications to be submitted. The applicant shall ensure that their consultants set up a program of hold points or events for inspection and that the inspections are undertaken.
8. The Earthworks Management Plan must include;

An initial site inspection report. This report should include:

- a Inspection and verification of an appropriate preparation of the foundation for placement of fill, including the provision of surface drainage arrangements and a geotechnical assessment of factors that can influence the site. This is to be provided by a competent Geotechnical Authority.
- b Certification that the land created by the development will be suitable for its intended purpose (e.g. residential, commercial or industrial buildings) including any parts of the land that will be left in its natural state or modified by the development.
- c Identify any problem areas on or adjacent to the development land (e.g. potential land slip areas, hanging swamps, very high water tables, salt affected land, highly eroded sites etc) and advise if engineering solutions, acceptable to Council, are available to enable structures to be built on the affected parts of the land.

Where relevant to the project, the following will also be required

- a Details on the selection of fill type(s), the source/s of the fill, including suitability for the intended use, its appropriate handling, placement and compaction, and the area of the development to be filled including depth to be filled.
- b Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the

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- assessment of each fill type.
- c Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.

The following information will be required for earth works undertaken:

- a Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- b Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- c Certification of the completed earthworks (including cut, fill, earth retaining structures as far as the geotechnical aspects) that the work is suitable for the intended use.
- d Certification that excavated materials have been reused or disposed of in accordance with the Protection of the Environment Operations Act 1997 and copies of receipts for disposal where relevant.

The Earthworks Management Plan must include details of how the works will comply with the Protection of the Environment Operations Act 1997.

The Earthworks Management Plan must provide a concept for the full site including staged works.

The Earthworks Management Plan must be compatible with the works plans and Stormwater Management Plan.

9. Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, waste water products and the like at all times.
10. It is the developer's responsibility to make satisfactory arrangements with other property owners affected by the development, and to meet all costs associated with the development.

CONDITIONS OF CONSENT

1. The Development has been determined as a Staged Development under Section 83B of the Environmental Planning & Assessment Act 1979. This consent grants operational approval to extract material from Area 1 and a concept approval to extract material from Area 2.

Area 2 may not be cleared or quarried, without further development approval. A separate Development Application, and necessary supporting information (including geotechnical investigations), is to be submitted to Council to seek approval to quarry Area 2.

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2. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with the following documents and plans:
1. Amended Quarry Footprint Plan ~~12 November 2014~~ **17 July 2015** prepared by GeoLINK
 2. Environmental Impact Statement 17 January 2014 prepared by GeoLINK
 3. Traffic Impact Assessment (second issue) prepared by GeoLINK & Road Safety Audit June 2014 prepared by Roadnet
 4. Addendum Ecological Assessment (second issue) 26 November 2014 prepared by GeoLINK
 5. **Addendum Environmental Impact Statement (second issue) 22 July 2015 prepared by GeoLINK.**

Or where modified by any conditions of consent.

[Modified by MOD2015/0008 on 21 October 2015]

3. Compliance with the conditions and advice of the NSW Environment Protection Authority, as contained in their letter dated 1 April 2014, consisting of 10 pages, and as attached to this Notice of Determination.
4. Compliance with the conditions and advice of the NSW Office of Water, as contained in their letter dated 10 March 2014, consisting of 7 pages, and **as amended by their letter dated 24 September 2015, consisting of 3 pages**, as attached to this Notice of Determination.
- [Modified by MOD2015/0008 on 21 October 2015]***
5. Compliance with the conditions and advice of the Fisheries NSW, as contained in their letter dated ~~14 February 2014~~ **28 July 2015**, consisting of 2 pages, and as attached to this Notice of Determination.
- [Modified by MOD2015/0008 on 21 October 2015]***
6. Submission of a Plan of Management prepared by a suitably qualified and experienced person/s to Council for approval prior to the commencement of quarrying under this Notice of Determination. The Plan of Management is to include, but is not limited to, the following details:
- Operating details including: numbers, type and location (if fixed plant) of plant and machinery; numbers of employees on-site and off site; stockpile and overburden storage areas; vehicle storage and refuelling areas; and fuel storage areas.
 - A plan identifying the sedimentation/storage ponds at each proposed stage of the quarrying operations. That is, as quarry expansions are proposed, any necessary relocation of sedimentation structures should be identified on the plan. The dimensions, capacity and anticipated levels of waste water within these structures should be included in this detail.
 - A water quality monitoring program is to be implemented which assesses the quality of discharges from the sedimentation ponds as they occur. Details of measures for drainage or pumping from the ponds after storm events are to be provided, including the time taken for ponds to empty.

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- Any proposal for the re-use of wastewater from the dams is to be provided. Such water could be used for water of access roads and exposed areas to avoid dust nuisance.
 - Noise and Vibration Management Plan (as required by conditions of this consent) including noise mitigating and monitoring measures.
 - Blast Management Plan (as required by conditions of this consent) including a monitoring program of ground vibration and airblast overpressure for blasting activities. Details to be recorded include MIC, airblast and vibration level and distance at which monitoring of the blast are conducted.
 - Details of dust mitigation measures and monitoring program.
 - Full quarry rehabilitation details, including details of commencement and completion of each stage of rehabilitation proposed.
 - Details of the method of weighing extracted material. A schedule is to be included which allows for the annual update of the rates of extraction. This will ensure monitoring of the amount of material extracted and enable Council to calculate the contributions for Council road maintenance.
 - A waste management plan, including measures to optimise the efficiency of resource recovery and the reuse or recycling of material.
7. The establishment, operation and management of the development is to comply with the approved Plan of Management at all times.
8. An annual update of the Plan of Management is to be submitted to Council by 31 July each year. This update is to include a plan by a registered surveyor and statement demonstrating compliance with this consent and the Plans of Management. Specifically, the statement is to include:
- a. A site plan by a registered surveyor showing:
- The extraction area at the date of report
 - The areas intended for extraction in the next twelve (12) months
 - Sediment ponds
 - Stockpile sites
 - Overburden storage sites
 - Erosion controls in place at the time of the report
- b. Written details addressing:
- State of compliance with each condition of consent and the Plan of Management at the time of the report.
 - The stage of the quarry and quantity of material extracted in the immediately preceding twelve (12) months
 - The stage of the quarry and quantity of material proposed to be extracted in the next twelve (12) months
 - Results from all monitoring programs for the preceding twelve (12) months
 - Sedimentation ponds constructed during the preceding twelve (12) months or proposed to be constructed in the next twelve (12) months
 - A staged rehabilitation plan for the life of the quarry
 - Records of any complaints received in the immediately preceding twelve (12) months

9. Development consent is given to extract the following maximum annual and total amounts of material:

Area	Stage	Total BCM	Bank Cubic Meters Per Annum	Tonnes Per Annum
1	1A	40,000	8,000	20,000
1	1B	70,000	28,000	70,000
1	2	150,000	60,000	150,000
1	3	400,000	80,000	200,000
2	4	Between 800,000,– 1,300,000	80,000	200,000

Development consent is given to extract a maximum of up to 200,000 tonnes of material per annum. The total amount of material to be extracted for Area 1 is 1.65 million tonnes and Area 2 is 3.25 million tonnes.

Note: Area 2 is subject to further development consent prior to commencing quarrying of this area.

[Modified by MOD2015/0008 on 21 October 2015]

10. The area of the quarry shall not exceed 9.97 ha as shown in the Amended Quarry Footprint Plan prepared by GeoLINK dated ~~12 November 2014~~ **17 July 2015**. All blasting, crushing, screening, stockpiling and loading is to be undertaken within this area.
[Modified by MOD2015/0008 on 21 October 2015]
11. The quarry/extraction area is to be defined on the ground by the establishment of permanent survey marks located and shown on a plan by a registered surveyor and submitted to Council, prior to commencement of works.
12. All vehicles associated with the use of the premises, including employees' vehicles, are to be parked within the confines of the site at all times.
13. A sign must be erected on the subject land in a prominent position visible from the entrance of the property during quarrying operations. The sign is to:
- State that unauthorised entry to the quarry work area is prohibited; and
 - Show the name of the person in charge of the quarry operations and a contact number for that person.
14. Accurate records of quantities extracted are to be kept, maintained and available for inspection by authorised Council officers on request. The method of recording and the location where records are to be kept are to be outlined in the Plan of Management.
15. An additional assessment is to be undertaken to confirm, if possible, the location and impact of the development on any item of Aboriginal Cultural Heritage, including items listed as occurring within the site or within proximity

of the site as registered in the Aboriginal Heritage Information Management System (AHIMS). This search is to include the quarry footprint area and areas subject to road upgrading works required by this consent.

Management strategies for any Aboriginal objects/sites identified during this assessment shall be detailed, including measures to protect these items to avoid any impact or harm. If impact or harm cannot be avoided, an Aboriginal Heritage Impact Permit may be required from the Office of Environment and Heritage (OEH) for the works.

This assessment, in addition to any approval required from OEH, is to be submitted to Council prior to quarry operations or road works commencing.

16. Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director-General of the NSW Office of Environment and Heritage shall be contacted immediately and any directions or requirements of that Department complied with.
17. No advertising sign is to be erected, painted or displayed without approval from Council.
18. The quarry operator may not:
 - Encroach upon the Crown Road adjoining Lot 48 DP752839;
 - Remove any vegetation from the Crown Road;
 - Stockpile any materials, equipment, or machinery on the Crown Road;
 - Direct Stormwater discharges onto the Crown Road; or
 - Use the Crown Road as an Asset Protection Zone.

ENGINEERING

Roadworks

19. Design plans and documentation for the following works are required to be assessed and approved by Council. The works shall then be constructed by the applicant and approved by Council prior to commencement of quarry operations:
 - a) The location of the existing Boundary Creek Road and Boundary Creek Forest Road formations, with respect to the public road reserve boundaries, is to be determined by survey. Any road works shall be undertaken within the surveyed road reserve or the road reserve boundaries are to be adjusted with the written agreement of the owners of any affected properties. Revised survey plans will be required to be approved and registered with NSW Land and Property Information.
 - b) The road section known as Boundary Creek Forest Road that provides access to the quarry site from the existing Council maintained Boundary Creek Road section, is to be constructed as a 6m wide unsealed gravel carriageway with 0.5m wide shoulders (minimum).
 - c) The **proposed heavy vehicle** quarry ingress / egress driveway off

Boundary Creek Forest Road shall be designed as a basic left-turn treatment (BAL) into the property and basic right-turn treatment (BAR) out of the property in accordance with Austroads and NRDC.

- d) ~~If a gate is~~ **driveway gates are** proposed for the quarry, ~~it~~ **they** shall be set back so that the largest **design** service vehicle **utilising the driveway** can stand clear of Boundary Creek Forest Road.
- e) All Unsealed gravel pavements are to be designed for the in-situ subgrade conditions and design traffic.
- f) Stormwater drainage culvert road crossings are to provide a minimum 1 in 5 year Average Recurrence Interval (ARI) immunity against flood and drainage flows.
- g) ~~The existing causeway at Copes Creek, on Boundary Creek Forest Road, is to be upgraded to a culvert crossing that provides a minimum 1 in 20 year Average Recurrence Interval (ARI) road immunity against flood and drainage flows. Water depth markers and road edge guide posts are to be provided. Copes Creek is a third order stream. Comments and approval for any construction works are required from the NSW Department of Primary Industries – Fishing and Aquaculture.~~

The existing causeway at Copes Creek, on Boundary Creek Forest Road, is to be upgraded to either a culvert crossing that provides a minimum 1 in 20 year Average Recurrence Interval (ARI) road immunity against flood and drainage flows or a concrete ‘Splash Crossing’ designed in accordance with the NSW Department of Primary Industries – Fishing and Aquaculture documents ‘Policy and Guidelines For Fish Friendly Waterway Crossings’ and ‘Why Do Fish Need To Cross The Road? Fish Requirements For Waterway Crossings (Fairfull and Witheridge 2003)’.

A ‘Splash Crossing’ design must incorporate a reinforced concrete slab suitable for the design traffic loading, environmental flow conditions and fish passage requirements. Road-user warning signage, water depth markers and reflectorised road edge guide posts are to be installed as required by Council. Two coat 14/7mm bitumen sealing of the gravel pavement (in accordance with NRDC) and turfing of the table drains must be provided for 50m either side of the proposed ‘Splash Crossing’.

Detailed sedimentation and erosion control plan, specific to the construction works, is required in accordance with the NSW ‘Blue Book’.

- h) The section of Boundary Creek Road, extending from the ‘Armidale Road – Boundary Creek Road’ intersection to ‘Boundary Creek Road - Boundary Creek Forest Road’ intersection, is to be constructed as a 7m wide carriageway with minimum 0.5m wide shoulders.

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