



Reference: DA 20/1994-02

21 October 2014

Willow Tree Gravels Pty Limited  
c/- PO Box 729  
NEWCASTLE NSW 2300

Dear Sir / Madam,

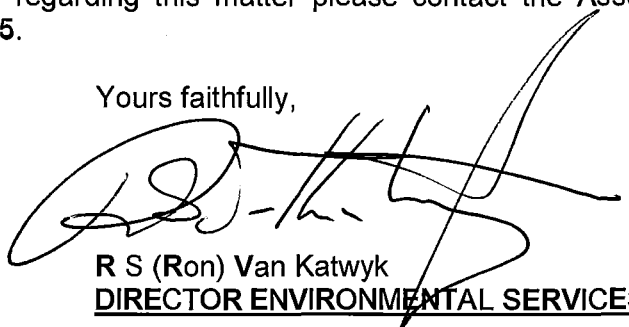
**Determination of Development Application 20/1994-02**

Council is pleased to advise that the abovementioned Section 96 application has been determined. In this regard, please find enclosed the modified development consent.

Please also find attached correspondence received from the NSW Office of Water during the assessment of the application. It would be appreciated if this documentation could please be forwarded to your client for perusal and, if required, action.

Should you require any further information regarding this matter please contact the Assessing Officer Mrs Kate Campbell on (02) 6746 1755.

Yours faithfully,



**R S (Ron) Van Katwyk**  
**DIRECTOR ENVIRONMENTAL SERVICES**

**CC:**

Department of Primary Industries – Office of Water  
PO Box 550  
Tamworth NSW 2340

**Encl.:**

Correspondence from the Department of Primary Industries – Office of Water, dated 19 August 2014.

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**LIVERPOOL PLAINS SHIRE COUNCIL**  
60 Station Street PO Box 152 QUIRINDI NSW 2343  
TEL 02 6746 1755 FAX 02 6746 3255 EMAIL [lpsc@lpsc.nsw.gov.au](mailto:lpsc@lpsc.nsw.gov.au)  
WEBSITE [www.lpsc.nsw.gov.au](http://www.lpsc.nsw.gov.au) ABN 97 810 717 370





**Department of  
Primary Industries**  
Office of Water

Liverpool Plains Shire Council  
PO Box 152  
QUIRINDI NSW 2343

Contact Christie Jackson  
Phone 02 6701 9652  
Fax 02 6701 9682  
Email [christie.jackson@water.nsw.gov.au](mailto:christie.jackson@water.nsw.gov.au)  
Our ref ERM2014/0712  
Your ref RVK:ktc 2014/363

Attention: Ron Van Katwyk

Dear Mr Van Katwyk,

**Development Application 20/1994 – 02 Section 96 Amendment**

I refer to your letter dated 30 July 2014 seeking the NSW Office of Water's (Office of Water) comments on the Section 96 amendment to DA 20/1994 for Willow Tree Gravel Quarry.

The Office of Water understands the proposed amendment will not alter the current footprint of the quarry.

The Office of Water has no objection to an extension in time to extract the material remaining or changes to the blasting times, however it is important appropriate management plans are in place to minimise impacts on water sources within the locality.

It is important the quarry has adequate surface water and groundwater monitoring to minimise potential impacts to water sources. The Office of Water would like the opportunity to comment on monitoring or management plans for the quarry, to ensure adequate monitoring is in place.

The information outlines the water supply for the quarry is from dams on site and water tanks, and bore water if necessary. The proponent holds a groundwater licence however the licence is for the purpose of stock and domestic use only. Stock and domestic licences can't be used for industrial quarry purposes which also includes site ablutions etc. It is unclear if the proponent has been using this licence for these purposes for the operation of the current quarry however this is not permissible under the legislation.

If the proponent wishes to use groundwater for the quarry development then they are required to obtain an access licence with the appropriate allocation to account for all take of water associated with the quarry operations, including water used for site ablutions etc.

If you require clarification on any of the above please contact Christie Jackson on (02) 6701 9652 at the Tamworth office.

Yours sincerely,

**Tracey Lawson**  
A/ Manager Water Regulation North/ North Coast  
19 August 2014



# LIVERPOOL PLAINS SHIRE COUNCIL

## Notice of determination of a development application

issued under *the Environmental Planning and  
Assessment Act 1979* section 81 (1) (a)

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**development application  
number**

20/1994-02

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**development application****applicant name**

Willow Tree Gravels Pty Limited

**applicant address**

c/- PO Box 729  
NEWCASTLE NSW 2300

**land to be developed: address**

LOT: 121 DP: 857377  
Merriwa Road WILLOW TREE 2339

**owner's name and address**

Willow Tree Gravels Pty Limited  
PO Box 41  
WILLOW TREE NSW 2339

**proposed development**

Section 96(2) Amendment to DA 20/1994 to Allow for the  
Continued Operation of the Existing Willow Tree Gravels  
Quarry and Revised Timeframes for Blasting Activities

**Property Zoning**

Zone RU1 Primary Production  
**Liverpool Plains Local Environmental Plan 2011**

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**Determination****made on (date)**

21 October 2014

**Determination**

☒ consent granted subject to conditions described below –  
*see Page 3*

**consent to operate from (date)**

31 January 1995

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**right of appeal**

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

*\*section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry*

**Review of Determination -  
Section 82A *Environmental  
Planning and Assessment Act  
1979*:**

An applicant in accordance with provisions of s82A of the *Environmental Planning and Assessment Act 1979*, may request the Council where it is the consent authority to review a determination of application. Applicants seeking a review of a determination should discuss the process with Council's Director Environmental Services.

*An applicant may request Council to undertake a review of any applicants determination under s82A of the Environmental Planning and Assessment Act 1979 where:*

- the request is made in writing
- the appropriate fee is paid

*A determination cannot be reviewed after:*

- a) *the time limited for making of an appeal under s97 expires, if no such appeal is made against the determination.*
- b) *after an appeal under s97 against the determination is disposed of by the Court, if such an appeal is made against the determination.*

*If you wish to have a review of your determination it is suggested in the first instance an appointment is made with Council's Environmental Services Department on (02) 6746 1755 to further discuss the determination or by contacting Council via email [lpesc@lpesc.nsw.gov.au](mailto:lpesc@lpesc.nsw.gov.au) or by post PO Box 152 Quirindi NSW 2343.*

### Conditions of Consent

1. The quarry operators shall carry out the development in accordance with the Environmental Impact Statement (EIS) dated October, 1994 Prepared by ERM Resource Planning. In particular, attention is drawn to the recommendations and undertakings which are outlined in the Environmental Management procedures which are referred to in Chapter 6 of the document which, in addition to all conditions noted hereunder shall be complied with.
2. An annual Operations Report shall be submitted to Council in December of each year, which addresses the following matters:-
  - a. The amounts of all material extracted from the site during each of the previous twelve (12) months,
  - b. The amounts of all material transported by road haulage from the site,
  - c. Details of all monitoring which has been carried out in accordance with the recommendations of the Environmental Impact Statement. Copies of all such approvals are to be forwarded to Council,
  - d. Details and conclusions of the effectiveness of the implementation of the environmental management measures proposed in the Environmental Impact Statement,
  - e. Production forecasts for the following twelve months,
  - f. The applicant shall engage appropriately qualified personnel to carry out all necessary monitoring referred to and to prepare the annual operations report.
3. The applicant is responsible to ensure that all necessary statutory approvals are obtained before any work commences. In particular, the requirements of the Environmental Protection Authority to obtain a Pollution Control Approval prior to any work commencing, or plant being installed on the new site in addition to the license required under the Pollution Control Act for the operation of the mine.
4. The applicant shall liaise with the Department of Conservation and Land Management regarding the use of appropriate plant species associated with site regeneration and the construction of any dams on the site.
5. The applicant shall liaise with local residents to establish lines of communication, to provide information and to facilitate prompt, local resolution of any problems which might arise from the operation of the quarry.
6. There is to be no haulage of gravel along the Glenyalla Road.
7. To reduce the visual impact of Pit Number (1) the excavation for the material shall be carried out in a horizontal direction only. The northern bench face is to be battered to minimise visual impact. The batter is to be a maximum of 45° and finished to provide the appearance of a natural ground contour. Further details are to be provided in respect of tree planting adjacent to the excavation area which shall be completed before work commences in this area, so as to ensure an appropriate visual screen is provided.

8. A septic tank application shall be submitted and approved.
9. The intersection of the access road and Main Road 358 shall be upgraded to a NAASRA Type B right turn rural intersection with an acceleration lane of 150 metres in length provided on Main Road 358 for Willow Tree bound traffic at the developer's expense.

Appropriate design details shall be submitted to and approved by the Director of Engineering Services before work commences. Construction is to be completed prior to the haulage of any gravel from the site.

10. No contaminated water shall leave the site to any watercourse.
11. A potable water supply shall be available at all times during operation of the quarry.
12. Production shall not exceed 200,000 tonnes of material in any twelve (12) month period unless further approval has been given by Council.

Condition 13: Deleted

~~13. This consent is limited to a period of twenty years from the date of determination.~~

Condition 14: Amended

14. There is to be no blasting outside the hours of 11:00am to 15:00pm Monday to Friday.
15. Throughout the life of the quarry weed control is to be undertaken to the satisfaction of New South Wales Agriculture.
16. This approval does not include the area nominated as "Potential Future Quarry Extension" as shown in figure 5.1 "Staged Quarry Plan" as shown in the Environmental Impact Statement.
17. Rehabilitation of the site shall be commenced as soon as practicable and be a continuous process throughout the life of the development.
18. The access road off MR358 shall be constructed and maintained by the developer at the developer's cost. The design and standard of all works shall be approved by the Director of Engineering Services.
19. A contribution of 13 cents per tonne of material transported by road from the site shall be paid, calculated in accordance with Council's Contribution Plan. All such monies shall be expended on the maintenance and/or repairs to MR358 by Council. The Developer shall make quarterly payments and submit details which verify the amount of material transported in the previous three (3) months.
20. Construction of sedimentation dams associated with the development shall be in accordance with the recommendations of the Department of Conservation and Land Management.

21. The use of engine brakes in the vicinity of the Willow Tree Public School shall be avoided wherever possible.

22. To maintain the "buffer zone" recommended by the Environment Protection Authority, the proponent shall place a Restriction As to User under Section 88B of the Conveyancing Act on the title of the land, to ensure that no dwelling is erected within 1.5 kilometres of the development site.

New Condition 23:

23. A maximum of 4,000,000 tonne of material is to be extracted from the subject land.

New Condition 24:

24. That the intersection of the access road serving the existing development and Merriwa Road be upgraded in order to comply with the current AUSTROADS Guidelines within six (6) months of the date of this modification consent. Where necessary, the delineation and signposting of the intersection should be updated in accordance with the current standards.

*Reason:*

*In order to ensure compliance with AUSTROADS Guidelines and improve the safety of motorists.*

New Condition 25:

25. That the existing access between Merriwa Road and the subject property boundary be sealed.

*Reason:*

*In order to minimise the tracking of material onto the classified road.*

Note: A Special Crossing of a Footway Application will be required to be lodged with and approved by Council prior to the works required by Conditions 23 and 24 are completed.

<b>Advice</b>
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1. That the Willow Tree Gravels Operational Management Plan (included as Appendix 8 of the Addendum to the Environmental Impact Statement) be amended to include the following information under the heading 'Road and Traffic Management':

- A Code of Conduct for heavy vehicle operators, staff and contractors;
- An induction procedure addressing the Code of Conduct;
- A map of the primary haulage route highlighting residential areas and school zones;
- A complaint handling and resolution procedure.

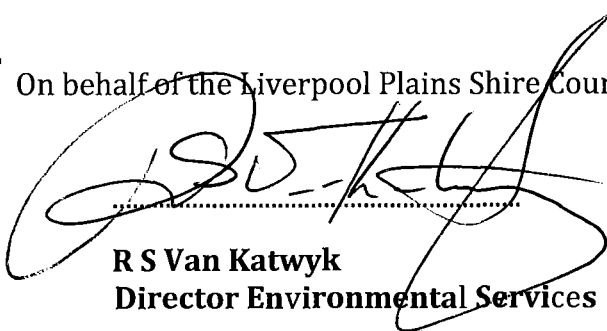
## **Environmental Planning and Assessment Act 1979**

In determining this development application, Council has considered all matters under S79C of the **Environmental Planning and Assessment Act 1979**.

**Signed**

On behalf of the Liverpool Plains Shire Council

Signature

A handwritten signature in black ink, appearing to read 'R S Van Katwyk', is written over a horizontal dotted line. The signature is stylized with large loops and a long horizontal stroke.

Name

**R S Van Katwyk**  
**Director Environmental Services**

for: **R C Hunt**  
**GENERAL MANAGER**

Date

21 October 2014