

**MINUTES OF THE ORDINARY MEETING OF THE CARRATHOOL SHIRE COUNCIL HELD  
AT THE HILLSTON DISTRICT OFFICE  
on Tuesday, 20 February 2024, commencing at 10.00 am**

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**1. PRESENT**

Councillors: DL Jardine (Mayor), GR Peters, JK Potter, DP Fensom, HJ Lyall, MS Armstrong, LW Cashmere and Cr DA Liddicoat.

Staff: General Manager Rick Warren, Director Corporate & Community Services, Management Accountant Sarah Donnelly, Director Infrastructure Services Barry Heins, Manager Fleet and Town Services Bert Breuling, and Manager Infrastructure Services Willem De Meyer.

**2. LEAVE OF ABSENCE**

A request for leave of absence was received from Cr B Furner and Cr WR Kite.

**0762 RESOLVED** that the request for leave of absence from Cr B Furner and Cr WR Kite be received and granted.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr HJ Lyall

**3. DECLARATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

Report	Councillor/ Officer	Reason	Pecuniary / Non-Pecuniary
10.2.2	Cr HJ Lyall	Hillston Golf Club Ladies President	Non-Pecuniary
10.2.4	Cr HJ Lyall	Hillston Creative Arts Council Inc. President	Non-Pecuniary
10.2.4	Cr JK Potter	Hillston Creative Arts Council Inc. Member	Non-Pecuniary
10.2.2	Cr DP Fensom	Hillston Golf Club Member	Non-Pecuniary
10.10	Cr DL Jardine	Wife is a staff member	Non-Pecuniary
10.2.2	Cr DL Jardine	Wife is Hillston Golf Club Ladies Secretary	Non-Pecuniary

**4. CONFIRMATION OF THE PREVIOUS MINUTES**

**0763 RESOLVED** that the minutes of the Ordinary meeting of the Carrathool Shire Council held 19 December 2023 as circulated to all Councillors, be confirmed.

CARRIED

Moved: Cr GR Peters / Seconded: Cr LW Cashmere

**5. BUSINESS ARISING**

Nil

**6. MOTIONS & QUESTIONS (NOTICE GIVEN)**

**6.1 Notice of Motion – Concerning Fines Issued from State Debt Recovery**

**0764 RESOLVED** that Council discuss the Notice of Motion from Cr Heather Lyall as item 12.1 in Closed Council.

CARRIED

Moved: Cr JK Potter / Seconded Cr DA Liddicoat

**7. PRESENTATIONS/PUBLIC ADDRESSES (WHERE SCHEDULED)**

Nil

**SUPPLEMENTARY AGENDA ITEMS**

Nil

**8. MAYORAL REPORTS**

**8.1 Mayors Report**

**0765 RESOLVED** that Council note the Mayors report to the February 2024 meeting.

CARRIED

Moved: Cr DA Liddicoat / Seconded Cr DP Fensom

## **9. DELEGATES REPORTS**

Nil

## **10.0 GENERAL MANAGER'S REPORT**

### **10.1 Ongoing Action from Previous Business Papers**

**0766 RESOLVED** that Council:

1. note the update on action report for February 2024.  
CARRIED Moved: Cr HJ Lyall / Seconded: Cr DA Liddicoat
2. investigate the possibility of topping up the lake from the abandoned bore on Lachlan River Road using solar power.  
CARRIED Moved: Cr GR Peters / Seconded: Cr LW Cashmere

### **10.2 Precis of Correspondence**

#### **10.2.1 Office of Local Government – Obligations under the Modern Slavery Act 2018**

**0767 RESOLVED** that Council note the obligations placed on it by NSW Anti-slavery Commissioner.

CARRIED Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

#### **10.2.2 Hillston Golf Club – request for donation**

**0768 RESOLVED** that Council provide \$300 sponsorship for the event.

CARRIED Moved: Cr LW Cashmere / Seconded: Cr GR Peters

#### **10.2.3 Hillston Volleyball Association – Waive Hall Fees**

**0769 RESOLVED** that Council waive half the fees for the season.

CARRIED Moved: Cr HJ Lyall / Seconded: Cr JK Potter

#### **10.2.4 Hillston Creative Arts Council Inc. – Requesting Sponsorship**

**0770 RESOLVED** that Council waive the Hall fees for the two days of the event.

CARRIED Moved: Cr GR Peters / Seconded: Cr LW Cashmere

### **10.3 Local Government Conference 2024**

**0771 RESOLVED** that:

1. Council note the Local Government Conference is to be held at Tamworth from 17 November to 19 November 2024.
2. Councillor Bev Furner has indicated she would attend the conference on behalf of Council.  
CARRIED Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

### **10.4 Election of Deputy Mayor**

The General Manager acted as returning officer for the election of Deputy Mayor.

One nomination was received from Cr B Furner which was seconded by DA Liddicoat. The returning officer declared Cr B Furner was elected unopposed to the position of Deputy Mayor.

### **10.5 Caravan Parks – Operations**

**0772 RESOLVED** that Council note the update to the Council operated caravan parks to 31 December 2023.

CARRIED Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

### **10.6 Application for Road Closure – Event**

**0773 RESOLVED** that Council:

1. note the request from Grassroots Enduro Australia for the closure of roads from 19 July to 21 July 2024.
2. inform the applicant that Council is unable to agree to the proposal at present regarding the closure of the Springs Road and Jardines Road due to the impost it would place on traffic movements.

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CR DL JARDINE, CHAIRMAN

3. request the proponent to discuss with the General Manager alternate proposals that may be acceptable to Council that do not involve such a degree of restriction on traffic movement.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr HJ Lyall

#### **10.7 IPART Investigation and Review of Financial Modelling of Councils**

**0774 RESOLVED** that Council note the draft terms of reference for the review of the financial modelling of Councils; and

provide any feedback to the General Manager by close of business Monday 11 March 2024 to enable any submission to be made on time.

CARRIED

Moved: Cr JK Potter / Seconded: Cr DP Fensom

#### **10.8 Water Trading – Lachlan and Murrumbidgee Rivers**

**0775 RESOLVED** that Council note the current prices regarding temporary water trading along the Lachlan and Murrumbidgee Rivers.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DA Liddicoat

#### **10.9 Local Road Community Infrastructure Round 4**

**0776 RESOLVED** that Council nominate the following projects to the funding body for approval under the Local Road Community Infrastructure program Round 4:

1. Hillston sewer pressure mains project \$70,000.
2. Hillston Water Mains replacement \$180,000.

CARRIED

Moved: Cr GR Peters / Seconded: Cr HJ Lyall

#### **10.10 Closure of Council Offices for Union Picnic Day**

**0777 RESOLVED** that Council note the Union Picnic Day will be held on Tuesday 2 April 2024 and that in keeping with past practice, Council approve special leave for that day to all permanent employees.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

#### **10.11 Infrastructure Report**

**0778 RESOLVED** that the Council note the Infrastructure Report for the period 25 November 2023 to 19 January 2024.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

#### **10.12 Hillston Heavy Vehicle Bypass – Feasibility Study**

**0779 RESOLVED** that Council note the report on the Heavy Vehicle Bypass Feasibility Study.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

#### **10.13 Hillston Eastern Levee Feasibility Study – Update**

**0780 RESOLVED** that Council:

1. note the current project status.
2. resolve to discontinue with the project and determine new priorities for future funding through the Hillston Floodplain Committee.
3. staff bring a further report to Council in relation to the scope of the new grant application.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr HJ Lyall

#### **10.14 Hillston Boat Ramp Options**

**0781 RESOLVED** that Council:

1. note the report.
2. approve staff to further develop costs and design to bring back to Council for consideration.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

### **10.15 Griffith Off Road Club – Road Closure Request**

**0782 RESOLVED** that Council:

1. note the annual off-road event to be held by Griffith Off Road Club on 5 July to 7 July 2024.
2. note that the temporary closure of a portion of Mitchells Road has been approved under delegate authority.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr GR Peters

### **10.16 Local and Regional Roadworks Project Report**

**0783 RESOLVED** that Council note the status of the various funded projects to 31 January 2024.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr LW Cashmere

### **10.17 Regional Emergency Road Repair Fund Assessment Report**

**0784 RESOLVED** that Council adopt the draft works program for the 2024/2025 financial year under the Regional Emergency Road Repair Fund (RERRF).

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DA Liddicoat

### **10.18 Plant Report**

**0785 RESOLVED** that Council note the Plant Report as at 31 January 2024.

CARRIED

Moved: Cr GR Peters / Seconded: Cr LW Cashmere

### **10.19 Plant Replacement**

**0786 RESOLVED** that Council note the Plant Replacement report for February 2024.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr LW Cashmere

12.44 pm Manager Town and Fleet Services and Manager Infrastructure Services left the meeting.

12.45 pm Manager Building & Regulatory Services joined the meeting.

### **10.20 Development Applications – February 2024**

**0787 RESOLVED** that the Determinations for Development Applications received for December 2023 and January 2024 be noted.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DA Liddicoat

### **10.21 Development Application 2023/030-Extractive Industry, Quarry**

**0788 RESOLVED** that Council grant Development Consent for DA2023/030, Extractive Industry-Quarry, subject to conditions imposed and provided to the December 2023 Council and include additional conditions;

- a) a levy of \$1.00 per tonne of material extracted each financial year, indexed annually by the All Groups CPI for the June quarter. The indexed levy to apply for the ensuing financial year. The levy to offset roadwork expenditure for the local road network.
- b) the consent be granted for a 10 year period.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr JK Potter

Division: For: All

12.57 pm Manager Building & Regulatory Services left the meeting

### **10.22 Finance Report – Statement of Bank Balances – December 2023**

**0789 RESOLVED** that Council note the Statement of Bank Balances as at 31 December 2023 and confirm payment of accounts as summarised in the reconciliation statement totalling \$9,989,126.97.

CARRIED

Moved: Cr JK Potter / Seconded: Cr LW Cashmere

### **10.23 Finance Report – Statement of Bank Balances – January 2024**

**0790 RESOLVED** that Council note the Statement of Bank Balances as at 31 January 2024 and confirm payment of accounts as summarised in the reconciliation statement totalling \$6,731,782.87.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr GR Peters

### **10.24 Finance Report – Investments Schedule – December 2023**

**0791 RESOLVED** that Council receive the investment report as at 31 December 2023 and it be noted that in accordance with clause 212 paragraph (1)(b) of the Local Government (General) Regulation 2021, it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

CARRIED

Moved: Cr GR Peters / Seconded: Cr HJ Lyall

### **10.25 Finance Report – Investments Schedule – January 2024**

**0792 RESOLVED** that Council receive the investment report as at 31 January 2024 and it be noted that in accordance with clause 212 paragraph (1)(b) of the Local Government (General) Regulation 2021, it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr HJ Lyall

1.02 pm Council adjourned for lunch.

2.05 pm Council resumed after lunch.

### **10.26 Council Policy 082 – Councillors Expenses and Facilities Policy**

**0793 RESOLVED** that Council:

1. adopt the Councillors Expenses and Facilities Policy and that the draft policy be placed on public exhibition for a period of 28 days.
2. adopt the policy after the public exhibition period if no submissions are received

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

### **10.27 Delivery Program Performance Report**

**0794 RESOLVED** that Council note the Delivery Program progress report for February 2024 covering the period July 2023 to December 2023.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr HJ Lyall

### **10.28 Second Quarter Budget Review 2023/24**

**0795 RESOLVED** that the Budget Review for the 2nd quarter of 2023/24 be noted and the vote variations as listed in both the budget review statement and this report be approved.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr JK Potter

### **10.29 Rural Fire Service Levy**

**0796 RESOLVED** that Council note the report on the Rural Fire Service Levy.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr DP Fensom

2.30 pm Community Development Officer and Community Development & Project Manager joined the meeting.

### **10.30 Hillston Water Tower Mural Project**

**0797 RESOLVED** that Council request further refinement of the design with a further report to Council.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr JK Potter

### **10.31 Community Development Officer Report – February 2024**

**0798 RESOLVED** that Council note the Community Development Officers report for February 2024.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr DA Liddicoat

2.48 pm Community Development & Project Manager left the meeting

2.56 pm Community Development Officer left the meeting

### **11.0 COMMITTEE REPORTS**

### **12.0 CLOSED COUNCIL REPORTS**

**CLOSED COUNCIL** 2.57 pm

**0799 RESOLVED** that Council resolve into closed council pursuant to Section 10A of the *Local Government Act 1993*, to consider the closed Council reports.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr DP Fensom

### **12.1 Notice of Motion – Referred from Agenda Item 6**

**0800 RESOLVED** that Council provide no refund for the fine.

CARRIED

Moved: Cr JK Potter / Seconded: Cr LW Cashmere

### **12.2 Local Government Recovery Grants**

**0801 RESOLVED** that Council:

1. note the approval of the NSW Office of Local Government for the following projects:
  - Stormwater Knife Gates – Hillston
  - Desatholon Walking Track Restoration – Hillston
  - Concrete Sump and Pump – Carrathool
2. note and proceed with the Hillston Stormwater Gate project without tender, due to its urgency, noting the tender threshold is exceeded by \$36,613.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr HJ Lyall

### **12.3 Rankins Springs Caravan Park – Operating Proposal**

**0802 RESOLVED** that Council inform the proponent that it does not accept the proposal presented in regard to the operation of the Rankins Springs Caravan Park.

CARRIED

Moved: Cr LW Cashmere / Seconded: Cr DA Liddicoat

### **12.4 Hillston Subdivision**

**0803 RESOLVED** that Council:

1. place an embargo on the selling price of the lots within the subdivision until the project is completed.
2. resolve that the release of the land is for the purpose of building upon the land and living in the residence.
3. place the following restrictive covenants upon each lot:
  - residences and other structures built on the land to be of new materials and construction.
  - single dwellings be permitted.
  - duplex semi detached residences permitted.
  - secondary dwellings be permitted in accordance with the State Environmental Planning Policy (Housing) 2021 and such secondary dwelling not exceed 60 square metres in area.
4. not sell more than one lot to individuals, partnerships or other entities unless by specific Council resolution.
5. include a clause whereby if the land is not developed within three years Council has the option to repurchase the land at the original sale price.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr DA Liddicoat

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CR DL JARDINE, CHAIRMAN

**12.5 Woods Lane Erigolia – Request to Close Road**

**0804 RESOLVED** that Council inform the proponent requesting the potential closing of Woods Lane at Erigolia that it will consider the closure of the road subject to all expenses for closure being the responsibility of the proponent and any land transferred to him be at Market Value with him also being responsible for all transfer costs.

CARRIED Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

3.48 pm Director Infrastructure Services left the meeting

**12.6 Rose Street Hillston – Rezone Request**

**0805 RESOLVED** that Council inform the owner of Lots 4 and 6 of DP 257 that should Council undertake any gateway proposals in Hillston, the subject land would be proposed for a change of zone to residential RU5.

CARRIED Moved: Cr HJ Lyall / Seconded: Cr LW Cashmere

**OPEN COUNCIL** 3.52 pm

**0806 RESOLVED** that Council return to open Council.

CARRIED Moved: Cr DP Fensom / Seconded: Cr DA Liddicoat

**CLOSED COUNCIL REPORT**

The resolutions of Council made while the meeting was closed to the public were read to the open Council meeting by the General Manager.

CARRIED Moved: Cr DP Fensom / Seconded: Cr DA Liddicoat

**13.0 Next Meeting**

The next **Ordinary Meeting** of Council will be held at the **Goolgowi Council Chambers** on **Tuesday 19 March 2024**, commencing at **10.00 am**.

**CLOSURE**

There being no further business, the meeting terminated at 3.57 pm.

The Minutes of the Ordinary Meeting of the Carrathool Shire Council held on Tuesday 20 February, 2024 were confirmed at the subsequent Ordinary Meeting of Council on Tuesday 19 March 2024.

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Chairman of the Meeting of the Carrathool Shire Council held on Tuesday, 19 March 2024, at which meeting the above signature was subscribed.

**ATTACHMENT  
CONDITIONS DA2023/030**

**APPROVED PLANS / DOCUMENTS**

1. The development is to be carried out in accordance with the following:
  - Statement of Environmental Effects, Proposed Quarry at Pleasant Valley prepared by Riverina Agriconsultants dated 11 April 2023 and related documentation, including commitments given in writing by the Applicant, except where amended by the following conditions of consent.
  - In accordance with the conditions of this consent

Any modification to the approved documents, other than as required by following conditions, will require the lodgement and consideration of a modification application by Council.
2. Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council.

**GENERAL**

3. For clarity, this development consent provides approval for an Extractive Industry for a period of **10 years** from:
  - (a) the date of commencement of this consent; or,
  - (b) the date when a letter indicating commencement of operations is submitted to Council by the operator.

The date of the commencement of the 10-year period is to be confirmed in writing by Council.

**Note:** *The Applicant is required to rehabilitate the site and carry out additional undertakings to the satisfaction of Council and the Department of Planning and Environment following the 10-year operational period. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of the site and those undertakings have been carried out to a satisfactory standard.*
4. The Applicant shall not:
  - (a) transport more than 12,000 tonnes of quarry products from the site during any financial year;
  - (b) process more than 12,000 tonnes of quarry products during any financial year.
5. This development consent does not include approval to import waste material, including soil for rehabilitation of the project site. Separate development consent may be required for the importation of fill material, if it is not identified as exempt development.
6. No building work which would otherwise require a Construction Certificate is authorised by this development consent. Should building work requiring a Construction Certificate be required on the site, a new development application, or modification to this development consent will be required.
7. The Applicant shall ensure that all the plant and equipment used at the site is:
  - (a) maintained in a proper and efficient condition; and,
  - (b) operated in a proper and efficient manner.
8. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

9. All rehabilitation works shall be completed within 24 months following the completion of quarry extraction and processing activities.
10. Flammable materials stored on-site are to be stored in bunded areas or storage areas with no other flammable materials.

#### **PRIOR TO COMMENCEMENT OF OPERATIONS**

11. The applicant is to submit to Council evidence that the required Biodiversity Offset Credits have been purchased as per the Statement of Environmental Effects and the Biodiversity Assessment Development report prepared by Hamilton Environmental Services.
12. Prior to commencement of quarry activities, the applicant shall provide Council with a procedure that will be implemented for the life of the project to:
  - (a) Keep the local community and relevant agencies informed about the operation and environmental performance of the development.
  - (b) Receive, handle, respond to and record complaints.
  - (c) Resolve any disputes that may arise.
  - (d) Respond to any non-compliance.
  - (e) Respond to emergencies.
  - (f) Monitor environmental impacts.
13. Prior to commencement of quarry activities, the boundaries of the approved quarry footprint shall be clearly marked on site by a Registered Surveyor. The Applicant shall also ensure that:
  - (a) the location of the quarry footprint boundaries is confirmed by Survey and a copy of the Survey Report is submitted to Council prior to commencement;
  - (b) the markers are easily identifiable and sufficiently durable;
  - (c) the markers remain in place for the life of the consent;
  - (d) all contractors and employees on the site are made aware of the quarry boundaries and that no works extend beyond the markers.
14. At the conclusion of the extraction activities, the boundaries of the extraction footprint area shall be clearly identified by a Registered Surveyor and a copy of the Survey Report is to be submitted to Council.
15. Prior to the commencement of quarry activities, the Applicant must submit to Council a Transport Management Plan that provides details and procedures for the following matters:
  - (a) notification of all internal and external cartage / haulage operators of the approved haul route for access to and egress from the site.
  - (b) regular inspection of the haul route for identification of defects and rectification and repair of any identified requirements in a timely manner.
  - (c) compliant investigation procedure and procedure for dealing with non-compliant drivers
  - (d) method of monitoring truck speeds by the operator
  - (e) a driver training and induction procedure. This shall include a requirement for drivers to sign a Code of Conduct acknowledgement that they agree to comply with the requirements and ongoing education about the requirements.
  - (f) record keeping including any proposal to keep log books of truck journeys and complaints. Such records are to date and time of any complaints or monitoring; name of person making the complaint, if given; outcome and steps taken to remediate any investigation relating to a complaint or monitoring. The record book is to be kept on site at all times and made available to authorised officers of Council

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CR DL JARDINE, CHAIRMAN

or the EPA as required. Carrathool Shire Council is to be notified of the outcome of any investigations or breaches.

- (g) a Driver Code of Conduct that applies to all employees of the quarry, not only relating to heavy vehicle operators, is to be prepared and submitted to Council. The Code is to include, but not be limited to, matters such as use of mobile phones, driving in adverse weather conditions, awareness of animal strikes on roads, driver fatigue and the restriction of haulage being only approved via Carnell's Road and/or Kites Road to Pleasant Valley Road from Erigolia Road.
  - (h) ensuring that trucks for quarry operations access Pleasant Valley Road only when road conditions are suitable in accordance with the "Approved Area with Travel Conditions" for vehicles of type GML Type 1 A-double published by Carrathool Shire Council.
  - (i) Kites Road is not to be used as a haulage route during school bus hours
  - (j) the maximum haulage truck payload is to be 40 tonnes and is to be a B-double vehicle of no more than 26 metres in length.
  - (k) truck movements are to be limited to one or two per day regardless of any wet weather out-loading delays.
  - (l) all truck access is to cease whenever road conditions are deemed to be unsuitable in accordance with the "Approved Area with Travel Conditions" for vehicles of type GML Type 1 A-double published by Carrathool Shire Council.
16. The existing culvert at the entrance to the driveway to the Quarry is to be replaced in accordance with the details provided on Drawing SEQ R-056 Driveways-Rural Driveway, published by the Institute of Public Works Engineering, Australia and available from Carrathool Shire Council.
17. Prior to the commencement of use, the Applicant must provide Council with copies of all Management Plans that may include, but not limited to:
- (a) A detailed Site Management Plan including the arrangement and control measures for areas where storage of fuels, lubricants and maintenance of vehicles is to be carried out.
  - (b) Soil and Water Management Plans
  - (c) Waste Management Plans
  - (d) Site Rehabilitation and Vegetation Management Plans.
  - (e) Transport Management Plan
  - (f) Bush Fire Emergency Management and Operations Plan

These Plans are required for Council records only.

18. Prior to the commencement of use, the Applicant must prepare and submit to Council a Bush Fire Emergency Management and Operations Plan identifying all relevant risks and mitigation measures associated with the operation of the Extractive Industry including the following:
- (a) Measures to prevent or mitigate fires igniting;
  - (b) Work that should not be carried out during total fire bans;
  - (c) Availability of fire-suppression equipment, access and water;
  - (d) Storage and maintenance of fuels and other flammable materials;
  - (e) Notification processes to be implemented of works that have the potential to ignite surrounding vegetation during the bush fire danger period;
  - (f) Appropriate bush fire emergency management planning protocols.

19. Implementation of a Driver Code of Conduct (CoC) to apply to all employees of the quarry, not only relating to heavy vehicle operators, is to be prepared and submitted to Council. The CoC must include, but not be limited to, the use of mobile phones, driving in adverse weather conditions (fog and icy road conditions), awareness of animal strikes on roads, driver fatigue and the restriction of haulage being only approved via Erigolia Road, Kites Road, Carnell's Road and Pleasant Valley Way. The CoC must be provided to all employees or contractors prior to entry to the site or during each site induction.
20. An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted. The plan must include, but not be limited to:
  - (a) The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom, 2004) and "Managing Urban Storm water: Soils and Construction - Volume 2E - Mines and Quarries (DECC, 2008);
  - (b) Air quality (dust) management measures; and
  - (c) Noise management measures.
21. The existing consent (DA 2008/021) is to be surrendered prior to the commencement of operations under this consent.

## **DURING OPERATION**

22. General operation of the extractive industry is to be restricted to the following times:
  - Monday to Saturday – 6.00am to 6.00pm  
Articulated trucks and water carts are restricted to the following times:
  - Monday to Saturday – 7.00am to 6.00pm  
No quarrying activities (including extraction, crushing, screening, blasting washing and transport) are permitted on Sundays or Public Holidays.
23. The Driver Code of Conduct shall be implemented and adhered to by the operator, staff and contactors at all times.
24. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
25. The internal access road/driveway is to be maintained so that it is trafficable to all vehicles including fire-fighting trucks and emergency services (two-wheel drive traffic), at all times.
26. The internal quarry access/haulage road must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (e.g. dust).
27. Trucks entering and leaving the premises that are carrying loads on public roads must be covered at all times, except during loading and unloading.
28. Haulage operations coinciding with local school bus pick up/drop off times are to be avoided.
29. The development site is to be managed for the life of the project in the following manner:
  - (a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - (b) Appropriate dust control measures;
  - (c) All equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;

- (d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. 41. All waste, with the exception of topsoil to be re-used, generated on site shall be disposed of to a licensed waste disposal facility.
30. The development must ensure that a static water supply is accessible and reliable for firefighting purposes for the life of operations and provided in accordance with Planning for Bush Fire Protection 2019.
  31. A Complaints Register is to be maintained by the operator of the quarry. Details of the date, time, complainant contact details (if offered), nature of the complaint and adopted corrective actions are to be recorded in the complaints register. A copy of the complaints register is to be given to Council upon request.
  32. In the event of any Aboriginal archaeological material being 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.
  33. Measures should be taken to ensure that quarry activities do not contribute to the spread of noxious weeds.
  34. No materials are permitted to be disposed of or stored on crown land, roads or waterways.
  35. The vehicular entrance and exit to the site and the direction of traffic movement within the site shall be clearly indicated by means of signage to ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises at all times.
  36. Any servicing, repair or maintenance of plant required on-site must be undertaken by a suitably qualified employee or contractor with all waste to be disposed of in a suitable manner and transported to a licensed waste facility.
  37. An Annual Return detailing the amount of material extracted and area of extraction shall be provided to Council.
  38. Prior to any blasting event occurring, the quarry operator shall notify Carrathool Shire Council Customer Service at least 24 hours in advance.
  39. Following the extraction and processing of not more than 50% of material, the operator of the quarry must prepare a Quarry Closure Plan. The Quarry Closure Plan must be submitted to and approved by Council and the Resources Regulator (as relevant). The Quarry Closure Plan must describe:
    - (a) The final land use and landform options considered, and justification of the preferred option selected;
    - (b) Rehabilitation methods to be implemented;
    - (b) Completion criteria; and
    - (c) Post-closure risk assessment to demonstrate that risks associated with the proposed final landform and land use are acceptable.

The quarry closure plan be prepared in accordance with any applicable legislation and best practice industry standard at that time.
  40. The applicant is to pay a levy of \$1.00 per tonne of material extracted from the site at the end of each financial year in accordance with condition 37 of DA 2023/030. The levy will be indexed annually by the All Groups CPI for the June quarter, with this index levy to apply for the ensuing financial year.