

Section 11 – Extractive Industry

INTRODUCTION

Gravel, rock and sand materials are often produced through operations such as extractive industries which mine natural deposits and which process the raw material to produce a saleable resource, which are predominantly used in construction and landscaping activities in a variety of applications. The resources obtained through extractive industries are essential to any developing economy such as the local Muswellbrook community and also to those further afield such as Newcastle and Sydney.

This Section of Council's Development Control Plan (DCP) represents Council's commitment to Ecological Sustainable Development (ESD) by establishing a framework in which the industry, community, state government and Council all work together to achieve sustainable outcomes.

This Development Control Plan applies to all land within the Muswellbrook Shire Council local government area as per the Muswellbrook Local Environmental Plan.

This Section contains the following subsections:

- 11.1 – Pre-Lodgement
- 11.2 – Development Applications
- 11.3 – Notification and Submissions
- 11.4 – Assessment of Applications
- 11.5 – Community Participation
- 11.6 – Transport
- 11.7 – Water Resources
- 11.8 – Visual Amenity and Landscaping
- 11.9 – Flora and Fauna
- 11.10 – Heritage and Archaeology
- 11.11 – Erosion and Sediment Control
- 11.12 – Acoustic Management
- 11.13 – Blasting
- 11.14 – Air Quality and Dust Management
- 11.15 – Waste
- 11.16 – Setbacks
- 11.17 – Extraction Program
- 11.18 – Rehabilitation
- 11.19 – Social and Economic Assessment
- 11.20 – Ecologically Sustainable Development
- 11.21 – Post – Extraction Land Use
- 11.22 – Environmental Management Plan
- 11.23 – Bank Guarantee
- 11.24 – Section 94 Contributions
- 11.25 – Council Advisory Committees
- 11.26 – Council Audits

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Figures 1 and 2 indicate the location of existing Extractive Industries within the Muswellbrook Shire (as at date of adoption).

Figure 3 provides a representation of the Development Application process for Extractive Industries.

OBJECTIVES & CONTROLS

Objectives:

The intention of Section 11 of Muswellbrook Council's DCP is to establish objectives and controls for the development and ongoing management of extractive industries within the Shire of Muswellbrook.

The principal objectives of this Section are to:

- Consider the social, economic and environmental issues during the assessment and management of extractive industries;
- Encourage community participation in all phases of extractive industry development and operation;
- Provide sound technical constraints to facilitate the development and management of extractive resources;
- Recognise and implement the requirements of the Environmental Planning & Assessment Act 1979 and other relevant legislation.

Controls:

- (i) Current development approval from Council (or other appropriate authority) including all aspects identified in this Section of the DCP
- (ii) Completion and submission of an Environmental Impact Statement (EIS) or Statement of Environmental Effects (SEE) in accordance with the *Environmental Planning and Assessment Act 1979* and this Section of the DCP
- (iii) Evidence of consultation with relevant community groups and local residents
- (iv) Identification and inclusion of technical requirements as listed in this Section of the DCP including setbacks
- (v) Current licences, permits or approvals from all other agencies as required by the activities of the development
- (vi) Completion of a Environmental Management Plan including all elements as required by this Section of the DCP

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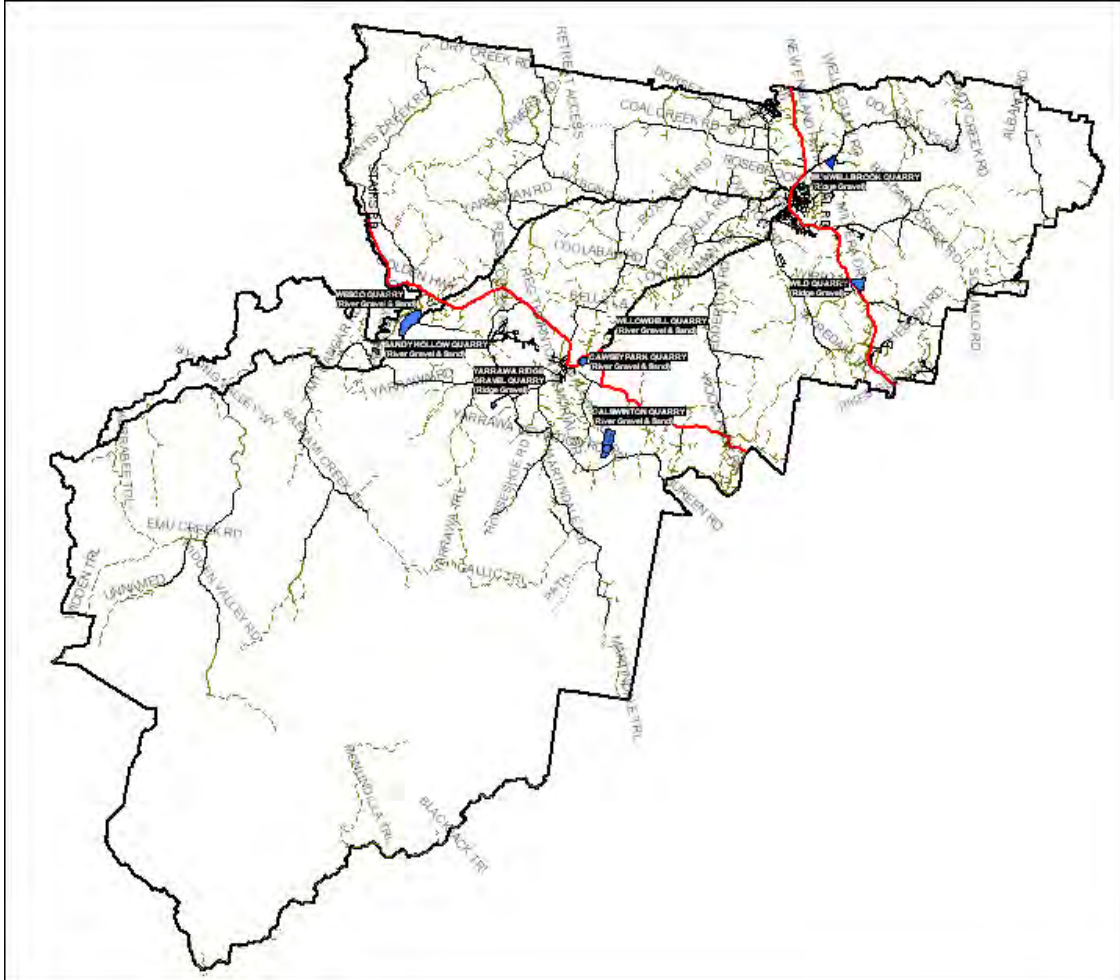


Figure 1

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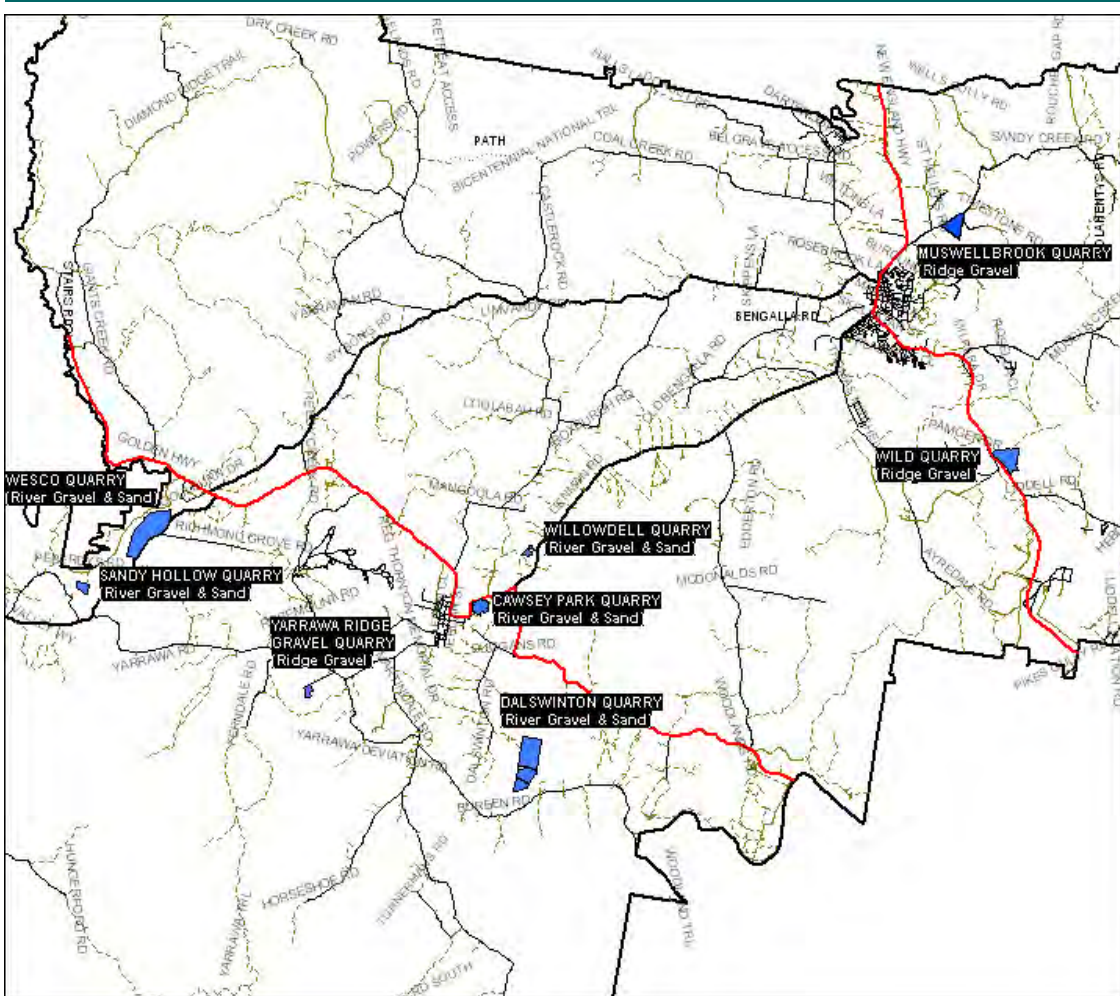


Figure 2

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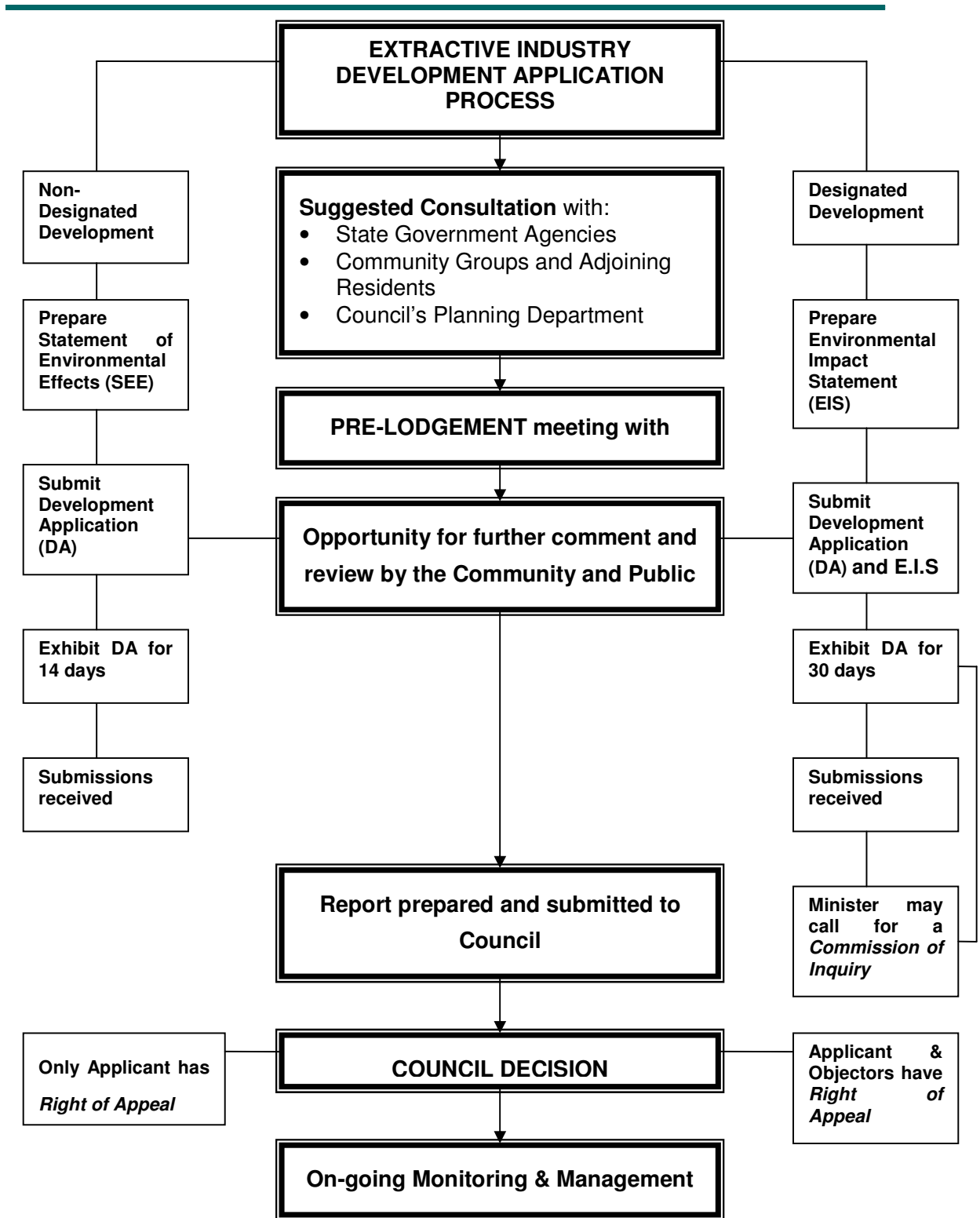


Figure 3

THE DEVELOPMENT APPLICATION PROCESS

The development application process may vary depending upon the nature and location of a particular extractive industry proposal. Council will assess each application based on its merits, having regard to current environmental laws and best practice standards. The development application process is summarised in Figure 3.

Muswellbrook Shire Council is the consent authority in respect to the development of extractive resources with the exception of State Significant Development (see 11.2). Also note that additional permits or approvals are required from relevant State Departments such as the Department of Mineral Resources and/ or the Department of Water and Energy.

To consider an application for the development of an extractive industry, Council requires the applicant to undertake an array of tasks and studies and provide relevant supporting documentation. The assessment of an application for an Extractive industry development will consider those matters as required by the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

11.1 PRE-LODGEMENT

Initial discussions with Council's Planning Department will assist with advice regarding whether your proposal is permitted under Muswellbrook Local Environmental Plan, if Council consent is required and the type of application to be submitted including supporting documentation.

An informal pre-lodgement meeting with Council may also assist in the application lodgement and assessment. This meeting may include Council Planning and Environmental Officers, the applicant and their representative consultants.

11.2 DEVELOPMENT APPLICATIONS

The following information is required to be completed by suitably qualified persons and submitted to Council for consideration of the development application (as per the *Environmental Planning and Assessment Act 1979* and *Regulation 2000 – Schedule 1*):

- Completed development application form signed by the owner of the property
- Payment of appropriate fees
- Site analysis and appropriateness
- Description of the proposed development
- Planning context and associated permits or approvals required from other relevant authorities
- Environmental Assessment- Statement of Environmental Effects (SEE) or Environmental Impact Statement (EIS – dependent on the definition of the industry which addresses the provisions of this section of the DCP.
- Review of alternatives
- Details of suitably qualified persons who conducted assessments and provided recommendations

Environmental Assessment:

An environmental assessment (completed as per the *Environmental Planning and Assessment Act 1979* and *Regulation 2000- Schedule 2*) must be completed by a suitably qualified person and as a minimum include the following topics (as detailed further by this Section of the DCP):

- Transport
- Water resources
- Visual amenity and landscaping
- Flora and fauna
- Heritage and archaeology
- Erosion and sediment control
- Acoustic management
- Blasting
- Air quality and dust management
- Waste
- Setbacks
- Extraction program
- Rehabilitation
- Social and economic assessment
- Ecologically sustainable development (ESD)
- Post extraction land use

A Statement of Environmental Effects (SEE) must be submitted to Council with all proposed developments or activities associated with an extractive industry, provided that the operation is not deemed to be Designated Development. Discussions with Council's Planning Department will assist in determining the most appropriate form of environmental assessment.

Extractive Industry developments requiring consent are divided into the following categories:

➤ **Development Requiring Council Consent**

All commercial extractive industry proposals require the lodgement of a development application and relevant supporting documentation.

➤ **Advertised Development**

A small group of activities are defined in the Muswellbrook Local Environmental Plan as Advertised Development. Additional advertising of these applications is required for these applications.

➤ **Designated Development**

Designated developments are those developments which exhibit certain criterion listed by the *Environmental Planning and Assessment Regulation 2000 – Schedule 3*.

Designated Developments must be supported by an Environmental Impact Statement completed in accordance with the *Environmental Planning and Assessment Act 1979* and *Regulation 2000*.

➤ **Integrated Development**

Integrated development is development that, in order for the development to be carried out, requires development consent and approval under one or more of the following (as per Section 91 of the *Environmental Planning and Assessment Act 1979*):

- *Roads Act 1993*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *National Parks & Wildlife Act 1974*
- *Protection of the Environment Operations Act 1997*
- *Mine Subsidence Compensation Act 1961*
- *Mining Act 1992*
- *Petroleum (Onshore) Act 1991*
- *Rural Fires Act 1997*
- *Water Management Act 2000*

➤ **State Significant Development**

An extractive industry may also be defined as a State Significant Development dependent on the size and location of the proposal.

If a proposal is defined as State Significant

Development the application is required to be lodged, assessed and determined by the NSW Department of Planning

11.3 NOTIFICATION AND SUBMISSIONS

The process of notification and submissions is outlined in Section 3 of Council's DCP.

Determining the extent of Notification

Council may notify additional landowners if it is considered that the application has the potential for a greater impact. In determining whether to extend or limit the extent of notification Council will consider aspects of the proposal such as siting, design, privacy, access, noise, public interest, visual amenity, topography, odour, drainage and traffic generation.

The notification and advertising process invites interested parties to view the proposed development plans and provide relevant comment on any proposal.

11.4 ASSESSMENT OF APPLICATIONS

During the assessment of development applications, Council will take into consideration:

- Section 79C of the *Environmental Planning and Assessment Act 1979*;
- how the development satisfies the aims and objectives of the Muswellbrook LEP;
- objectives and controls of the Muswellbrook Shire DCP;
- submissions received as a result of the notification/advertising process and
- any other legislation applying to the land or to the type of development proposed.

Developments that fail to comply with the statutory provisions of the *Environmental Planning & Assessment Act 1979*, the Muswellbrook Local Environmental Plan, or the objectives stated within the Muswellbrook Shire DCP are unlikely to be granted development consent.

Required supporting documentation (including an environmental assessment) for an extractive industry application is detailed by this Section of the DCP. The complexity of this supporting information is dependent upon the nature and location of the proposal. The assessment of an application for an extractive industry development will consider

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those matters as required by the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

An Environmental Assessment must be undertaken by a suitably qualified person on behalf of the applicant. The required information of the environmental assessment is dependant upon the specifics of the proposed activity.

DEVELOPMENT CONTROL ELEMENTS

11.5 COMMUNITY PARTICIPATION

Community participation is invited by Council during the assessment of development applications concerning Extractive Industries.

To facilitate this participation applicants are encouraged to interact with neighbouring or adjacent residents and the local community during the development application process and also during the ongoing operation of the industry.

If deemed to be appropriate and/ or necessary by Council, a proponent may be required to support a Community Review Committee. A Community Review Committee would be established and operated in accordance with Council's *'Guidelines for Community Consultative Committees for Mining Operations, Extractive Industries and Power Generation'*.

11.6 TRANSPORT

Details regarding the extraction and transportation of material to and from the proposed site must be included in the environmental assessment lodged with a development application for an extractive industry.

This information must include the following:

- a report in relation to a traffic survey and study undertaken by a suitably qualified person regarding any potential impacts of the proposed development;
- proposed methods of haulage of material within the site;
- proposed haulage routes of material from the site to markets within and outside the Shire, including a map;
- specifications of the internal haulage road and access intersection to be established and/ or maintained, including a site plan drawn to scale;
- method of extraction and stockpiling of material;
- maximum capacity of haulage vehicles;
- frequency of heavy vehicle movements to and from the site;
- Proposed safety controls to be implemented;
- Proposed method and location of a weighbridge or similarly suitable weighing device.

The design and development of access and haulage roads must be consistent with the relevant requirements of the following standards:

- Austroad - Guide to Traffic Engineering Practice;
- RTA - Road Design Guide;
- RTA - Guide to Traffic Generating Developments;

- Or other designs agreed to by the Roads & Traffic Authority (RTA).

Internal access and haulage routes associated with Extractive Industries should be set back no less than:

- **10m** from adjoining property boundaries;
- **50m** from environmentally sensitive areas including water courses and habitats of threatened species;
- **100m** from residences not associated with extraction.

The location of any internal haulage or access routes may be flexible and may be subject to change depending upon alternative routes, environmental and physical constraints and the nature & value of the underlying resource.

11.7 WATER RESOURCES

The management of water resources (including ground and surface) within and around the site must be detailed by a comprehensive Water Strategy which must be submitted to Council at the time of development application.

This Strategy may be incorporated into the environmental assessment and must include (but is not limited to) the following:

- the drainage patterns of water before and those expected after the development of the proposal;
- water quality parameters of the groundwater and surface water located on or adjacent to the site prior to the development of the site;
- any proposed capture devices such as dams, tanks etc including the associated capacity and use;
- calculations of the surface water catchment associated with the site and the proposed management of this flow;
- any proposals to extract or discharge surface or ground water;
- Controls to be implemented to ensure the maximisation of water reuse onsite, maintenance of water quality and the ongoing provision of water resources to users which are located down stream from the proposed extractive industry site.
- Risks, safeguards and contingency plans for extreme climatic conditions or operational hazards including breach or contamination

Prior to the commencement of operations a Water Management Plan will be required to be completed and submitted to Council for approval which must incorporate the details and undertakings of the Water Strategy.

11.8 VISUAL AMENITY & LANDSCAPING

Extraction industry operations must, where appropriate, provide setbacks (as detailed by 11.16) capable of minimising the visual impact of extraction and processing sites, particularly when viewed from surrounding private and public places. These setbacks must be established and maintained by the proponent.

In some areas the setbacks must be adequately vegetated to the satisfaction of Council in order to maintain or enhance the visual amenity of the surrounding area, in particular

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to nearby properties and road users. This landscaping should utilise native plant species that must be established and maintained by the proponent.

The environmental assessment submitted to Council as supporting documentation for a development application must include a proposed Landscaping Plan which must include the following:

- Site plan for the entire site drawn to scale indicating set backs, visual screens and landscaping areas;
- Location of proposed vegetated screens to address all identified sight lines;
- Proposed species list;
- Proposed planting density;
- Proposed method of maintenance;
- Time line as to the planting of screens and their expected period of establishment.

A Rehabilitation Plan must also be developed prior to the commencement of operations which must be submitted to Council for approval as part of the Environmental Management Plan.

Following the completion of extraction operations the site must be fully rehabilitated to an approved final landform and as per the approved Rehabilitation Plan. The final landform must be consistent with the biodiversity of the surrounding landscape having regard to the proposed post- extraction land use.

11.9 FLORA AND FAUNA

A flora and fauna study and report completed by a suitably qualified person must be included in the completion of the environmental assessment for an extractive industry. This flora and fauna study and subsequent report must detail information regarding the matters listed in Council's Guidelines for Flora and Fauna Assessment and include an assessment of significance prepared in accordance with Section 5A of the *Environmental Planning & Assessment Act 1979*. Any identification of a significant impact will also warrant the completion of a Species Impact Statement (SIS).

An extractive industry operation will be required to also provide and maintain suitable buffer distances and set backs around the site as per section 11.16 above.

Proponents should refer to the requirements of the *Environmental Planning & Assessment Act 1979*, *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995* and *Environmental Protection and Biodiversity Conservation Act 1999*.

11.10 HERITAGE & ARCHAEOLOGY

The environmental assessment completed for an extractive industry must include an Aboriginal and European heritage study and report. This study and report must be completed in compliance with Section 15 of the Muswellbrook Shire Council DCP.

This study and report must encompass the entire site of a proposed extractive industry and not be limited to the proposed area of extraction.

If during the process of archaeological and heritage assessment sites or items are identified for ongoing management, a Plan of Management must be completed by the proponent and approved by Council prior to the commencement of operations. This plan must detail the location, state and significance of an artefact or site and provide a commitment to the ongoing management of the item.

If the site or artefact is proposed to be removed or destroyed the appropriate recommendations and/ or permits must be obtained from the relevant authorities (such as the Department of Environment and Climate Change) and organisations such as the Wanaruah Land Council or the National Parks and Wildlife Service.

Reference should also be made to the National Parks & Wildlife Service's Aboriginal Heritage Information Management System (AHIMS).

11.11 EROSION AND SEDIMENT CONTROL

The conservation of soil resources must be adequately managed by an Extractive Industry operator, in particular those soil resources which are not the extraction material. The proponent is also responsible for the maintenance of soil resources which may not be limited to the boundary of the operation, such as adjacent banks of a water course that may be eroded through the run off or discharge from an extractive industry operation.

The management of soil erosion and sedimentation matters must be undertaken in a manner which is in compliance with Council's DCP Section 20 and other recognised standards such as the Soils and Construction – Managing Urban Stormwater (Bluebook) produced by Landcom 2004.

The basic elements of the conservation of soil resources is to minimise the extent of cleared areas, implement controls on those areas which are cleared or disturbed and rehabilitate all areas as soon as possible.

Prior to the commencement of operations at an extractive industry site a Sediment and Erosion Control Management Plan must be submitted to and approved by Council. This Management Plan must include the proposed timeline of clearing on the site, the controls to be implemented, diversion of water flows and the proposed rehabilitation of the areas disturbed. A program of ongoing maintenance and onsite supervisor details must also be provided.

Haulage roads and site access points must also be managed so as to minimise the opportunity for erosion and dust to occur. Site accesses must be stabilised in accordance with Council's DCP Section 20 and other recognised standards. Haulage roads must be adequately maintained and sealed and/or wetted down to ensure that dust and soil does not migrate from the site.

11.12 ACOUSTIC MANAGEMENT

The acoustic environment of an area must be maintained in regards to the introduction of an extractive industry. An impact assessment of the identified noise sources and modelled noise emissions prepared by a suitably qualified person must be included in

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the environmental assessment submitted with the development application.

This assessment must also indicate the proposed measures which may be introduced to address the acoustic amenity of the area. These measures may include (which may also be imposed by Council) but are not limited to the following:

- effective acoustic buffers to residences and public places not associated with the operation
- effective noise control measures where noise emissions exceed maximum average background noise level
- appropriate noise barriers to address equipment noise emissions
- use of noise attenuated equipment
- limitation of the hours of operation between 8.00 am and 6.00 pm Monday to Friday with no operations to occur on weekends of public holidays (this may be flexible depending on suitable site details)

Noise emissions from extractive operations should achieve the minimum acoustic criteria & standards set down by the Department of Environment and Climate Change (Environmental Protection Authority) and the Industrial Noise Policy. As a basis proponents should ensure that the maximum average noise emission level of extraction is no more than 5 dB(A) above the maximum average background noise levels.

The proposed controls to be implemented by an extractive industry operation must be detailed in the environmental assessment submitted to Council at the time of development application submission. Those controls approved by Council must then be further detailed in the Management Plan prepared for the site prior to the commencement of operations.

11.13 BLASTING

If blasting activities are proposed as part of the activities associated with the development a blasting assessment and report must be produced by an appropriately qualified person. This report must be included as part of the environmental assessment submitted to Council in support of the development application.

If approval is granted by Council a comprehensive Blasting Plan must be developed and included for approval as part of the Environmental Management Plan prepared prior to the commencement of operations.

The Blasting Plan must include, but is not limited to the following:

- reason for blasting
- number and size of proposed blasts
- frequency of proposed blasts
- license, experience and contact details of the blasting contractor
- potential impacts of blasting
- potential receptors of blasting impacts
- safety controls to be implemented
- other permits or approvals required
- notification process of blast events

- complaints process operated by the company
- monitoring system of blasts as approved by the Department of Environmental and Climate Change
- reporting process of blasting results

11.14 AIR QUALITY AND DUST MANAGEMENT

Air quality associated with an extractive industry must be managed by the proponent. During the preparation of an environmental assessment for a proposed operation, the sources and potential impacts of emissions to the atmosphere must be identified and control measures proposed. This section of the environmental assessment must be prepared as per the standard criteria of Department of Environment and Climate Change (Environmental Protection Authority).

Additionally once these controls have been approved by Council through the development application process, the Management Plan prepared for the operation prior to the commencement of extractive activities must detail the management of air quality in particular dust emissions.

To address air quality proponents must implement effective measures capable of controlling air pollution caused by dust, particularly during dry and windy weather conditions and machinery emissions. These controls must also be extended to the transportation of material from the site, requiring the coverage of all loads leaving the operation.

Potential sources of air emissions may include but are not limited to:

- blasting;
- removal of overburden;
- site clearing;
- extraction and haulage;
- stockpiles;
- mobile earthmoving equipment;
- loading and transport vehicles;
- crushing and screening operations

11.15 WASTE

Waste generated by the development must be managed in an environmental responsible manner. The potential waste streams and management of the streams must be identified and reported as part of the environmental assessment prepared for the development application submission.

If approval is granted by Council for the development, a Waste Management Plan must be completed, submitted and approved by Council as part of the Environmental Management Plan prepared prior to the commencement of extractive operations. This Waste Management Plan must be prepared in accordance with Council's Development Control Plan Section 24.

11.16 SETBACKS

Setbacks associated with extractive industry operations are required to be established and maintained by the proponent, which are designed to accommodate the following:

- Provision of habitat and corridors for the movement of wildlife throughout the Shire;
- Maintenance or enhancement of the visual and acoustic amenity within the local area;
- setbacks to roads and adjacent property boundaries capable of maintaining a landscape buffer to enhance the visual environment of road users and residents;
- provision of setbacks to electricity transmission lines capable of maintaining an effective buffer for safety and access for maintenance purposes.

Setback Requirements:

(a) Extraction operations should be setback no less than the buffers provided for in section 22 of this DCP or the following, whichever is the greater:

- **10m** from adjoining property boundaries;
- **30m** from a public road;
- **40m** from any boundary to a National Park, State Forest or Crown Land;
- **40m** from any site or relic of heritage, archaeological, geological, cultural significance;
- **40m** from the top bank of a watercourse or otherwise to the requirements of the Department of Water & Energy;
- **100m** from a residence not associated with extraction.

The above setbacks may vary depending upon the nature and location of extractive industries.

11.17 EXTRACTION PROGRAM

The program of extraction must be detailed in the environmental assessment submitted to Council as support of a Development Application. This program must be prepared (including drawings) in an orderly sequence which provides for the progressive rehabilitation of extracted areas and the minimisation of disturbed areas.

Following approval by Council the approved extraction program must then be detailed as part of the ongoing Management Plan for the operation. This extraction program must include the following:

- extraction timeline indicating the progression of extraction activities throughout the approved extraction area;
- scaled diagrams and cross sections indicating the visual representation of the area for regular intervals of the consent period (e.g. 1 year, 5 years, 10 years etc);
- available resource estimation and remaining extraction period;
- timing and area available for progressive rehabilitation;
- management of water as extraction activities progress;
- location and quantity of resource and overburden stockpiles.

11.18 REHABILITATION

The rehabilitation of extraction areas must be undertaken progressively throughout the life of an operation. Rehabilitation activities must be commenced as soon as area

becomes available for stabilisation and revegetation.

During the preparation of a site prior to extraction, the topsoil must be stripped and stockpiled for use during rehabilitation works. Permanent ground cover should be established on areas (including stockpiles) which are proposed to be disturbed for more than 30 days.

This rehabilitation must be integrated with the surrounding area incorporating shape, form, contour, land use, drainage characteristics, topography, landscape quality and biodiversity. All materials used for the backfilling of an extraction void must only include earth and rock sourced as a method of extraction. No waste materials may be used.

A strategy of rehabilitation must be included in the environmental assessment submitted to Council as support of a development application. This plan must include the timing of progressive rehabilitation, vegetation species to be used (endemic native species should be used where appropriate), methods, maintenance, weed control, final land form, and drainage. Diagrams must also be included detailing the progressive works proposed.

The type, composition, application rates and expected growth of proposed vegetation species or seed mixes proposed for use must be consistent with the requirements of the NSW Department of Primary Industry and Department of Environment and Climate Change.

Once the proposed rehabilitation strategy has been approved by Council and relevant government authorities it must be included in the Management Plan prepared for the operation prior to the commencement of operations.

11.19 SOCIAL AND ECONOMIC ASSESSMENT

An environmental assessment prepared for an extractive industry must incorporate a social and economic assessment. This assessment may include but is not limited to the following:

- consultation with neighbouring residents, landholders and community groups
- potential impacts on the community such as emissions and haulage route impacts
- employment sources
- resource markets
- benefits to the local community

11.20 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

Appropriate principles and objectives of the *National Strategy for Ecologically Sustainable Development, 1992* prepared by the Commonwealth Government (particularly the objectives relating to mining, environmental impact assessment, biodiversity, environmental protection and waste minimisation) should be identified and implemented by the proponent.

In this regard applicants should justify the carrying out of an extractive industry under the principles of ESD. This assessment must be included in the environmental assessment submitted as supporting documentation of a development application.

11.21 POST – EXTRACTION LAND USE

The final landform proposed to remain following the completion of extraction activities must be consistent with the surrounding landform and proposed land use. The site must be suitably rehabilitated (see section 11.19) and designed to be usable for other permissible land uses.

The potential uses of the site must be identified and detailed by the Environmental Assessment and Management Plan prepared for the operation. Proponents should ensure that post extractive land uses do not sterilise or conflict with the extraction operations on adjoining lands.

ONGOING EXTRACTIVE INDUSTRY OPERATION MANAGEMENT

11.22 ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of extractive operations an Environmental management Plan must be prepared and submitted to Council (and other appropriate government authorities) for approval. An Environmental management Plan must include (but is not limited to) the following Plans:

- Water Management Plan
- Landscaping Plan
- Rehabilitation Plan
- Erosion and Sediment Control Plan
- Noise and Blasting Management Plan
- Extraction Plan
- Air Quality and Dust Management Plan
- Waste Management Plan
- Post Extraction Land Use Plan
- Flora and Fauna Management Plan
- Heritage Management Plan (if relevant)

The preparation of the Environmental Management Plan must include all commitments and undertakings indicated by the environmental assessment submitted to Council for the support for the Development Application.

11.23 BANK GUARANTEE

A Bank Guarantee may be required to be paid to Council as a condition of consent, for the insurance of appropriate rehabilitation works following the cessation of works onsite.

11.24 SECTION 94 CONTRIBUTIONS

The payment of Section 94 contributions is required by Council to provide for the ongoing maintenance of the local road network utilised by the operation for the haulage of material. The subject roadways are not only limited to those directly adjacent to the extraction operation but also those throughout the Shire which receive increased traffic from the quarry operation.

Section 94 contributions must be paid to Council on a quarterly basis in accordance with

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the Muswellbrook Development Contributions Plan. The current Section 94 levy is based upon a per tonnage rate, payable for material transported from extraction sites.

11.25 ANNUAL REPORTS

The completion and submission of annual reports must be undertaken at the end of each financial year or as conditioned by Council. An annual report must include but is not limited to the following topics:

- The performance of the operation
- The production types and quantities
- Resource markets
- The implementation and effectiveness of environmental controls and conditions relating to the development
- Results of any environmental monitoring undertaken
- Production and mining operations undertaken during the preceding 12 months
- Workforce characteristics
- Any modifications to the work activities or practises as outlined by the EIS introduced to mitigate any adverse environmental impacts
- Copies of relevant licences and approvals from relevant authorities.

11.26 COUNCIL ADVISORY COMMITTEES

In regards to the operation of extractive industries within the Shire, Muswellbrook Council facilitates an Extractive Industry Committee which involves community representatives, Councillors and Council staff. The Extractive Industry is an advisory committee which manages the operation of extractive industries within the Shire through the maintenance of consent conditions and regular site inspections. Any application made to Council to undertake or modify an extractive industry is considered by the Extractive Industry Committee prior to being reported to Council.

Additional to this Committee, some appropriate operations are also required to conduct Community Review Committees. Community Review Committees (CRC's) involve representatives from local residents (often neighbours impacted by the development), representatives from the operator, Council staff and Councillors. These meetings are held to discuss and resolve local issues which may arise during the operation of the development.

The formation and operation of the Extractive Industry and Community Review Committees are facilitated as per Council's '*Guidelines for Community Consultative Committee for Mining Operations, Extractive Industries and Power Generation*', adopted by Council in 2005.

11.27 COUNCIL AUDITS

Muswellbrook Shire Council undertakes annual audits of extractive industry operations in regards to the compliance with environmental controls, EIS obligations and consent conditions.

The audits are generally undertaken during October/ November period by Council officers. The audit recommendations and outcomes are then reported to the next

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available meeting of Council's Extractive Industry Committee for consideration.

APPENDIX A- DEFINITIONS

Extractive Industry means the removal of natural resource material through the processes of excavation, dredging or quarrying and includes the storage, stockpiling or processing of extractive materials through methods such as washing, crushing, recycling, sawing or separating.

Extractive Material refers to sand, soil, gravel, rock or similar substances that do not are not considered to be minerals within the meaning of the Mining Act 1992.

Overburden means the top layer of earth/rock that is to be removed to expose the extractive material.

Recharge Area refers to a geographical area in which water infiltrates then percolates to reach an aquifer.

Relic means any deposit, object or material evidence relating to the settlement (excluding Aboriginal habitation) of the Shire which is 50 or more years old.

Significant Vegetation means native bushland, trees or shrubs in excess of 100mm in diameter at the base and other stands of native vegetation which are identified as vulnerable or threatened plant species.

Stockpile means a mound or heap of loose material, such as topsoil or overburden used for backfill of later re-use.

Threatened Species means species of flora and fauna listed and scheduled under the National Parks & Wildlife Act 1974 and Section 5a of the Environmental Planning & Assessment Act, 1979.

Unsaturated Zone refers to the zone between the land surface and the watertable. It includes the root zone, intermediate zone and capillary fringe. The pore spaces contain water at less than atmospheric pressure, as well as air and other gases;

Water Contamination means a change in water quality attributes that produces a noticeable or detectable change in its characteristics.

Watertable means the surface of the saturated zone in an unconfined aquifer.

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