

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

ATTENDANCE

Mayor Cr Brian Ingram

COUNCILLORS

Gregory Armstrong

Tony Flanery

John Horton

Christopher Manchester

Rita O'Connor

Margaret Roles

Matthew Stadtmiller (enters room 5.37pm)

Wendy Tuckerman

John Walker

STAFF

E Marks

General Manager

D Rowland

Director Sustainable Growth

J Osland

Director Infrastructure

APOLOGIES

Councillor Antony Wallace

19/51 RESOLVED:

(a) That the apology of Councillor Antony Wallace be accepted

Councillors: Walker/O'Connor

PUBLIC FORUM

- Prem Chand - Regional Operations Manager - Sibelco Group
Speaking for Item 7.8 - 19/49 – T2003-025 MOD 4 – Galong Limestone Mine – Increased Dispatch – 342 Eubindal Road, Galong
- John Flanery
Speaking against Item 7.8 - 19/49 – T2003-025 MOD 4 – Galong Limestone Mine – Increased Dispatch – 342 Eubindal Road, Galong
- Trish Murphy
Speaking re: modification of consent conditions Item 7.8 - 19/49 – T2003-025 MOD 4 – Galong Limestone Mine – Increased Dispatch – 342 Eubindal Road, Galong
- Gail Flanery
Speaking against Item 7.8 - 19/49 – T2003-025 MOD 4 – Galong Limestone Mine – Increased Dispatch – 342 Eubindal Road, Galong
- Dave Henderson
Speaking re: wording in Stage 1 and Stage 2 Item 7.8 - 19/49 – T2003-025 MOD 4 – Galong Limestone Mine – Increased Dispatch – 342 Eubindal Road, Galong
- Peter Johnson
Speaking for Item 7.12 - 19/52 – Structures Within Crown Road Reserve Alloway Road, Boorowa

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- Bill Chapman – speaking on behalf of Beveridge’s
Making comment on Item 7.10 - 19/49 – Endorsement; of the Draft Crown Roads Policy for Public Exhibition
- Nicola Burton-Taylor
Speaking on Item 7.12 - 19/52 – Structures Within Crown Road Reserve Alloway Road, Boorowa

DECLARATIONS OF INTEREST - CONFLICT OF INTEREST

- Cr Flanery - Non-Pecuniary Interest – Item 7.7 - 19/48 – T03/025 – Modification To Development Consent – Galong Limestone Mine – Peer Review Report

Option F – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

- Cr Flanery - Non-Pecuniary Interest – Item 7.8 - 19/49 – T2003-025 MOD 4 – Galong Limestone Mine – Increased Dispatch – 342 Eubindal Road, Galong

Option F – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

- Cr Flanery – Non-Pecuniary Interest – Item 7.9 - 19/50 – Galong Road Upgrade - Vegetation Removal

Option B – make a declaration, stay in the Chamber, participate in the debate, but not vote.

- Cr Flanery - Non-Pecuniary Interest – Item: 7.10 - 19/50a – Endorsement Of The Draft Crown Roads Policy For Public Exhibition

Option B – make a declaration, stay in the Chamber, participate in the debate, but not vote.

- Cr Flanery - Non-Pecuniary Interest – 10.4 - 19/63 – Boorowa Drought Security Scheme Ownership Options

Option F – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

- Cr Roles - Non-Pecuniary Interest Item: 7.12 - 19/52 – Structures Within Crown Road Reserve Alloway Road, Boorowa

Option F – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

- Cr Stadtmiller - Non-Pecuniary Interest Item: Item: 7.10 - 19/50a – Endorsement Of The Draft Crown Roads Policy For Public Exhibition

Option E – make a declaration, stay in the Chamber, not participate in the debate, and not vote.

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

3. SYMPATHY EXPRESSIONS

That staff and members of the public be upstanding for a minutes' silence to express our sympathy on the passing of;

*Reginald Butterworth; Dulcie Wells; Thelma Wall; Lexie Adam; Joan Summerfield;
Allan Smith; Joyce Simpson; Samuel Beattie; Loyis Shean; Desmond Raethel; Philip Antil;
Jean Potts; Rita Armstrong; Phyllis Shoard; Michael Nowlan*

Special note was made by Cr Tuckerman about the contribution of Samuel Beattie as Mayor of the former Boorowa Shire.

Moved: Mayor Brian Ingram

MAYORAL MINUTE

The Mayor expressed commendation to Cr Tuckerman and Cr Stadtmiller on their recent candidacies for the Goulburn and Cootamundra seats as part of the 2019 NSW State Election. Congratulations was offered to Cr Tuckerman on her successful candidacy for the seat of Goulburn.

Moved: Mayor Brian Ingram

4. CONFIRMATION OF MINUTES

19/52 RESOLVED:

That Council:

- (a) Confirm the Minutes from the Hilltops Council Ordinary Meeting dated 27 February 2019 as a true and accurate record.*

Councillors: Flanery/Manchester

5. 19/40 - MAYORAL REPORT – MARCH 2019

19/53 RESOLVED:

That Council:

- (a) Receive and note the Mayoral Report, March 2019.*

Moved: Mayor Ingram

6. 19/41 - COUNCILLOR REPORT'S – MEETINGS ATTENDED AND COMMUNITY RECOGNITION

Councillor John Horton

As per business paper

Councillor Margaret Roles

As per business paper

Councillor Tony Flanery

Meetings as minuted, LEP Committees, Galong Progress Association

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Councillor John Walker

Meetings as minuted

Councillor O'Connor

28 February Trade Skills Workshop – trying to retain local youth
11 March Harden Visitor Information Centre Meeting
13 March Meeting with Consultant RE: Customer Service
19 March Local health Advisory Committee – meeting with Murrumbidgee Local Health District and Primary Health Network about this year's priorities.
20 March Budget Workshop – Capital Works and Revenue
24 March Jugiong Writer's Festival
27 March Hilltops Council Ordinary Meeting – Boorowa
28 March Jugiong Advancement Committee – Election of Committee Members

COMMUNITY RECOGNITION AWARD

Community of Jugiong in particular the Jugiong Writer's Festival Committee, on the exceptional organisation and delivery of the festival. It was a wonderful success.

Councillor Wendy Tuckerman

10 March Boorowa International Women's Day 2019

Councillor Matthew Stadtmiller

26 March LEP Review Working Committee
Constituent Meetings regarding water usage and flood mitigation lower end of Murrumburrah

Councillor Christopher Manchester

Meetings as minuted, LEP Review Working Committees, Access Committee

Councillor Greg Armstrong

6 March Hilltops Sports and Recreation Forum
12 March Young Library Workshop
13 March Murringo Village Workshop
14 March Cherry Blossom Garden Club, Chinese Tribute Gardens History
20 March Budget Workshop
26 March LEP Review Working Committee, Constituent Interviews
27 March Hilltops Council Ordinary Meeting - Boorowa

19/54 RESOLVED:

That Council:

- (a) Receive and note the Councillor Reports, March 2019; and***
- (b) Letters to be forwarded to Community of Jugiong – Jugiong Writer's Group regarding community recognition***

Moved: Mayor Ingram

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

19/54 RESOLVED:

That the standing order of business be suspended to deal with:

Item: 7.8 - 19/49 – T2003-025 MOD 4 – Galong Limestone Mine – Increased Dispatch – 342 Eubindal Road, Galong

Item: 7.10 - 19/50a – Endorsement Of The Draft Crown Roads Policy For Public Exhibition

Item: 7.12 - 19/52 – Structures Within Crown Road Reserve Alloway Road, Boorowa

Councillors: Horton/O'Connor

Cr Flanery left room 6.23pm

7.8 - 19/49 – T2003-025 MOD 4 – GALONG LIMESTONE MINE – INCREASED DISPATCH – 342 EUBINDAL ROAD, GALONG

19/55 RESOLVED:

That Council:

a) Grant consent to the following modification detailed below, subject to the amended consent conditions below (proposed MOD 4 changes in red type and bold).

- *Application No.: T2003-025 MOD4*
- *Property: Lot 102 DP 1083781 & Lot 139 DP 753593, 342 Eubindal Road, Galong, NSW, 2585*
- *Modification: To increase dispatch limits and modification to haulage routes (upon the upgrade of Galong Road), as follows:*
 - *200,000 tonnes per annum dispatched via the southern haulage route*
 - *10,000 tonnes per annum dispatched via the northern haulage route and*
 - *220,000 tonnes per annum dispatched via a new approved route (via Galong Road north to Cunningar Road).*

Note – conditions that are in bold and black, or struck-through and black, are the result of previous modifications.

- *Application No.: T2003-025 MOD4*
- *Property: Lot 102 DP 1083781 & Lot 139 DP 753593, 342 Eubindal Road, Galong, NSW, 2585*
- *Modification: To increase dispatch limits and modification to haulage routes (upon the upgrade of Galong Road), as follows:*
 - *200,000 tonnes per annum dispatched via the southern haulage route*
 - *10,000 tonnes per annum dispatched via the northern haulage route and*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- 220,000 tonnes per annum dispatched via a new approved route (via Galong Road north to Cunningar Road).

~~DEFERRED COMMENCEMENT~~

- ~~1. Pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979, ("the Act") this consent shall not commence until the applicant has satisfied the Council in accordance with the regulations made under the said Act that it has complied with the following condition, namely:
[As amended by T2003-025 MOD 4 on 27 March 2019]~~

~~Deferred commencement conditions~~

~~Pursuant to sections 80A(1)(b) & 80A(5) of the Environmental Planning & Assessment Act 1979 the applicant shall in accordance with the Act and the regulations made thereunder, surrender to the Council all the following development consents:~~

~~A. DA T7/133 which was approved on 7 June 1993 in respect of the subject property for the redevelopment of the Galong Limestone Mine ("the development site") and the plant to produce agricultural lime which consent was limited to expire on 7 June 2013 as modified by:-~~

- ~~1. Section 102 application approved on 19 January 1994; and~~
- ~~2. Section 102 application approved on 6 October 1994.~~

~~B. DA T7/169 which was approved on 22 August 1995 in respect of the subject property (for the installation and use of a wet scrubbing plant to improve dust control in the form of a barrel washer, vibrating screen and associated plant between the primary and secondary crushers, including a pump, cyclone and pipeline) as modified by section 102 application approved on 13 November 1994.~~

~~C. DA T99/041 which was approved on 20 September 1999 in respect of the subject property (for the installation of a third grinding circuit and the addition of a five grade crushing and bagging circuit.~~

~~D. DA T00/066 which was approved on 21 February 2001 in respect of the subject property as modified by section 96(2) application approved on 22 January 2003.~~

- ~~2. The consent hereunder granted shall not commence to operate until the applicant has complied with all the above deferred conditions of development consent and the applicant shall comply therewith within a period of (3) months from the date of this notice to the satisfaction of the Council.~~

~~Advice: Please refer to regulation 97 of the Environmental Planning & Assessment Regulation 2000 for the formal contents of and requirements for a Notice of Surrender of a development consent.~~

~~[As amended by T03-025 MOD 1 on 21 November 2013]~~

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

GENERAL CONDITIONS

3. *Development being carried out in accordance with the plans and associated documentation ~~set out in schedule [1] attached hereto~~, lodged by, or on behalf of, the applicant, including:*
- *Environmental Impact Statement and Specialist Consultant Studies Compendium prepared by (RW Corkery & Co Pty Ltd) Dated (April 2003), and*
 - *Galong Mining Lease Extension Statement of Environmental Effects (prepared by Sibelco Australia, dated January 2014), and*
[As amended by T03-025 MOD 2 on 17 April 2014]
 - *Galong Project 320 Statement of Environmental Effects (prepared by Sibelco Australia, dated May 2015),*
[As amended by T03-025 MOD 3 on 15 July 2015]
 - *Statement of Environmental Effects, entitled Galong Limestone Mine Section 4.55(1A) Modification (prepared by Ethos Urban, dated 23 May 2018), and the accompanying Traffic Impact Assessment (prepared by SECA Solution, dated July 2018), the Traffic Noise Impact Assessment (prepared by SLR, dated April 2018), the Economic Assessment (prepared by Essential Economics, dated April 2018), and SECA Solution letter (3 pages), dated 10 October 2018,*
[As amended by T2003-025 MOD 4 on 27 March 2019]

except as same may be modified or varied by any condition in this consent.

- 3A. *In the event of any inconsistency between the documentation referred to in Condition 3, the most recent document shall prevail to the extent of the inconsistency.*
[As amended by T2003-025 MOD 4 on 27 March 2019]
- 3B. *In the event of any inconsistency between conditions of this approval and documents referred to in Condition 3, the conditions of this approval shall prevail to the extent of the inconsistency.*
[As amended by T2003-025 MOD 4 on 27 March 2019]

Consolidation of Infrastructure under One Consent

4. *To incorporate all existing plant, equipment and infrastructure approved under the previous consents identified in the deferred commencement conditions above being conditions 1A, B, C and D.*

Obligation to Minimise Harm to the Environment

5. *The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the development.*

Statutory Requirements

6. *The Applicant shall ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Compliance

7. *The Applicant shall ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent. The Applicant shall be responsible for the environmental impacts resulting from the actions of all persons on the site, including any visitors.*

Period of the Consent

8. *The term of this consent is for the following periods:*
 - *Mining, processing and storage of limestone product a period of forty (40) years from the date upon which this consent commences to operate, subject always to the provisions of conditions 9 & 10;*
 - *Limestone and limestone product transport from the site for a period of forty (40) years, from the date upon which this consent commences to operate, subject always to the provisions of the following conditions 11-16A inclusive:-*
[As amended by T2003-025 MOD 4 on 27 March 2019]

Land to which the consent applies

9. *This consent is for the expansion of the length and width and depth extent of the existing Galong open-cut mine Limestone [Mining Lease 1496] located within ~~lots 1 & 3 in DP 747544~~ Lot 102 DP 1083781 and Portion 139 in the Parish of Bobbara and Enclosed Crown Road Reserves off Eubindal Road, Galong, NSW in the Local Government Area of ~~Harden~~ Hilltops Council hereafter referred to as "the development site", up to a maximum depth of 435m only AHD.*
[As amended by T2003-025 MOD 4 on 27 March 2019]

Permitted Limestone and Limestone Product Production Volumes

10. *This consent enables the applicant to extract and process not more than 500,000 tonnes each year of limestone, over a forty [40] year extraction period and to ultimately mine not more than 20,000,000 tonnes of limestone*

Limestone and Limestone Product Transport Volumes

- 10A. *There shall be no increased dispatch of crushed and processed limestone product from the quarry under T2003-025 MOD4 until such time as the Burley Griffin Way, and its intersection with Limestone Way, has been upgraded to the satisfaction of Roads and Maritime Service, as per the requirements of T2003-025 MOD3.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

11. *To transport not more than ~~190,000~~ 310,000 tonnes per annum of crushed and processed limestone product ~~despatched~~ dispatched from the development site via approved southern haulage routes 1 and 2 (as same are defined in condition 21 hereof) through the village of Galong until such time as Galong Road (north of Eubindal Road) is upgraded in accordance with Condition 16A. ~~until such time as the first of the following events occurs:~~*
 - (a) ~~An alternate system for limestone transport is approved by the Council and has been installed and commissioned; or~~

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

~~(b) A maximum period of ten [10] years from the date of this consent has elapsed, in the circumstances where an application for an alternate transport system has been lodged with the Council but not approved.~~

~~[As amended by T03-025 MOD 3 on 15 July 2015]~~

~~[As amended by T2003-025 MOD 4 on 27 March 2019]~~

11A. Upon completion of the Galong Road upgrade as per Condition 16A, the transport of not more than 200,000 tonnes per annum of crushed and processed limestone product dispatched from the development site via approved southern haulage routes 1 and 2 (as same are defined in condition 21 hereof) through the village of Galong.

[As amended by T2003-025 MOD 4 on 27 March 2019]

~~12 To transport not more than 100,000 tonne per annum of crushed and processed limestone product despatched from the development site via approved southern haulage routes 1 and 2 (as same are defined in condition 21 hereof) through the village of Galong from the expiry of 120 months (ten years) from the date of consent, for the remaining period of the consent from 20 May 2016, for the remaining period of the consent for the remaining period of the consent.~~

~~Reason: To reduce the impact of transport related amenity issues for the residents of Galong.~~

~~[As amended by T03-025 MOD 1 on 21 November 2013]~~

~~[As amended by T03-025 MOD 3 on 15 July 2015]~~

13. To permit the remaining 10,000 tonnes per annum of crushed and processed limestone product ~~despatched~~ dispatched from the development site to be transported via approved northern haulage routes 3, 4 and 5 (as same are defined in condition 21 hereof) to Harden and Boorowa via Kalangan and Cunningar Roads for the remaining period of the consent.

[As amended by T2003-025 MOD 4 on 27 March 2019]

13A. Upon completion of the Galong Road upgrade as per Condition 16A to permit 220,000 tonnes per annum of crushed and processed limestone product dispatched from the development site to be transported via approved northern haulage route 6 (as same are defined in condition 21 hereof) to Harden and Boorowa via Galong Road for the remaining period of the consent.

[As amended by T2003-025 MOD 4 on 27 March 2019]

Alternate Transport System Application Requirements

14. The applicant is required to lodge a Development Application for an "alternate transport system" for limestone and limestone product within a three [3] year period from the date upon which this development consent commences to operate.

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

~~15. Upon Council issuing consent for the alternate transport system referred to in condition 14, the applicant will install, commission and operate all infrastructure required for the alternate transport system within such reasonable time period determined by the Council.~~

[As amended by T2003-025 MOD 4 on 27 March 2019]

Penalty for Failure to Lodge Alternate Transport System Application

16. Should the applicant fail to lodge an "alternate transport system" application within the three [3] year deadline (as referred to in condition 14 hereof), then the transport of crushed and processed limestone product from the development site via approved southern haulage routes 1 and 2 (as same are defined in condition 21 hereof) through the village of Galong will be reduced to a maximum of 100,000 tonnes per annum for the remaining period of the consent.

Use of Galong Road (north of Eubindal Road) as heavy haulage route

16A. Prior to the use of Galong Road (north of Eubindal Road through to Cunningar Road) by heavy vehicles associated with Galong Limestone Mine, Galong Road shall be upgraded to a standard suitable to cater for the largest vehicle that operates to and from the mine site, in accordance with Austroads and Guidelines Council's Engineering Guidelines for Subdivision and Development. A twenty (20) year design life shall be used to determine the pavement thickness

NOTE: If the upgrading works are proposed to be carried out by the Applicant, a development application will need to be lodged and approved by Council, and a construction certificate in force, before the works commence.

[As amended by T2003-025 MOD 4 on 27 March 2019]

Commencement of occupation or use

17. Occupation or use of the development site for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with, unless alternative arrangements have been made with Council or other relevant authority.

Hours of Operation

18. The hours of operation of the consent hereby granted shall be in accordance with the existing approved hours of operation as specified in Section 1.5.7 of the Environmental Impact Statement, namely:

Mining - 24 hours/day, 7 days;

Blasting - 9.00 am to 3.00 PM, Monday to Saturday (subject to suitable environmental conditions);

Processing - 24 hours/day, 7 days; and

Product Dispatch / Transport - 7.00 am to 7.00 PM Monday to Saturday and not otherwise.

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Council Access

19. *Council staff or authorised agents of Council may enter the development site at all reasonable times without prior notice to inspect the works and rehabilitation and any other operational aspects as necessary in accordance with mine access procedures and Department of Mineral Resources requirements.*

Site Identification

20. *The boundaries of the Proposed Limit of Mining and Proposed Main Overburden Emplacement and Mining Lease 1496 being identified by survey prior to any extractive material being processed under this consent. Such identification survey to include the placement of painted star posts of 1.0m minimum height above the ground at each major change of direction with additional posts evenly spaced along the boundaries. Posts are to be painted white and marked with permanent identification relative to the identification survey. A copy of the said survey is to be provided to Council within 10 days of the completion thereof.*

Reason: To provide permanent identification of the approved development area.

Approved Haulage Routes for Limestone Product used for calculation of Section 94 Contributions

21. *The following list identifies the approved haulage routes for limestone product transported from the mine development, over Regional and Shire Roads, referred to in the Environmental Impact Statement for the Galong Limestone Mine Expansion. Only those roads specifically identified as Approved Haulage Routes [1-5 6] may be used to transport Limestone product from the development site.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

- *Haulage Route [1] Galong Limestone Mine to Harden:*

From the entrance gate of the development site on Eubindal Road to the Galong Road/Burley Griffin Way intersection, via Eubindal Road, Galong Road, Ryan Street, Crescent Street and heading west from the Galong Road/Burley Griffin Way intersection towards Harden.

- *Haulage Route [2] Galong Limestone Mine to Binalong*

This route is identical to route [1] except that vehicles head east to Binalong from the Galong Road/Burley Griffin Way intersection.

- *Haulage Route [3] Galong Limestone Mine to Harden via Kalangan Road and Cunningar Road*

From the entrance gate of the development site on Eubindal Road to the Cunningar/ Burley Griffin Way intersection, via Eubindal Road, Galong Road, Kalangan Road and heading west from the Cunningar Road/ Burley Griffin Way intersection towards Harden.

- *Haulage Route [4] Galong Limestone Mine to Binalong via Kalangan Road and Cunningar Road*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

From the entrance gate of the development site on Eubindal Road to the Cunningar/ Burley Griffin Way intersection, via Eubindal Road, Galong Road, Kalangan Road and heading east from the Cunningar Road/ Burley Griffin Way intersection towards Binalong.

- *Haulage Route [5] Galong Limestone Mine to Boorowa via Kalangan Road and Cunningar Road*

From the entrance gate of the development site on Eubindal Road to ~~the Harden Shire/Boorowa Shire Boundary point on~~ Cunningar Road, via Eubindal Road, Galong Road, Kalangan Road and heading north east along Cunningar Road towards Boorowa.

[As amended by T2003-025 MOD 4 on 27 March 2019]

- *Haulage Route [6] Galong Limestone Mine to Boorowa and Harden via Eubindal Road and Galong Road*

From the entrance gate of the development site on Eubindal Road to Boorowa and Harden via the upgraded Galong Road and Cunningar Road.

[As amended by T2003-025 MOD 4 on 27 March 2019]

Heavy vehicle directional signage

- 21A. *Upon completion of the Galong Road upgrade, the mine operator shall install and/or upgrade directional signage at key intersections along the existing Southern Haulage Route (from Limestone Way to Eubindal Road) and the proposed new Northern Haulage Route (Eubindal Road to Cunningar Road), following consultation with, and approval by, Council. All signage shall meet the requirement of Australian Standard 1743-2001.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

Other Minerals

22. *The applicant shall obtain the prior approval of Council for the processing upon the development site of minerals other than those indicated in the EIS or dealt with under other consents, prior to such other materials being brought onto the development site.*

Bushfire

23. *For the purposes of protection of persons and plant in the event of isolation during a fire event, a separate mobile water pump apparatus shall be sited in an easily accessible but protected location to the satisfaction of Council within the work area of the Quarry.*

Heritage

24. *The applicants shall protect the historic well which is located on the western side of Limestone Creek within the Tree of Heaven thicket, approximately 200m north-north-east of the existing mine office in the following manner:*
- *Erect and maintain a stock proof fence around the perimeter of the well;*
 - *Clean out rubbish from the interior of the well;*
 - *Backfill the well with sand to protect and conserve the structure.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

~~Native Vegetation Conservation Act 1997 Biodiversity Conservation Act 2016~~

25. The applicant is to ensure that there will be no native vegetation clearing outside the exclusions (Mining Act 1992) and exemptions in the ~~Native Vegetation Conservation Act 1997 Biodiversity Conservation Act 2016 and/or Local Land Services Act 2013~~, without consent from the ~~Department of Infrastructure, Planning and Natural Resources~~ appropriate authority.
[As amended by T2003-025 MOD 4 on 27 March 2019]

Ground Water Monitoring

26. The applicant is required to undertake groundwater monitoring to the satisfaction of the ~~Department of Infrastructure, Planning and Natural Resources~~ appropriate water management authority and other relevant agencies with statutory responsibility for this development. This may include the installation of additional piezometers downstream of the discharge point into Limestone Creek.
[As amended by T2003-025 MOD 4 on 27 March 2019]
27. The applicant will be required to conduct quarterly monitoring of standing water levels in all on-site piezometers. The results of this monitoring are to be included in the Annual Environmental Management Report (AEMR) as required by the Department of Mineral Resources NSW.
28. The applicant is required to licence all monitoring piezometers with the ~~Department of Infrastructure, Planning and Natural Resources~~ appropriate water management authority and other relevant agencies with statutory responsibility for this development.
[As amended by T2003-025 MOD 4 on 27 March 2019]
29. The applicant is to ensure that stormwater which collects within the mine site is discharged to a series of detention ponds/dams for sediment removal, prior to discharge to Limestone Creek.
30. Groundwater collected from within the mine shall be pumped to Limestone Creek independently from general stormwater collected in the detention dam/s. Note: There is to be no mixing of general stormwater and mine pit waters.

~~Rivers and Foreshores Improvement Act 1948~~ (Water Management Act 2000)

31. The applicant is required to provide the ~~Department of Infrastructure, Planning and Natural Resources~~ appropriate water management authority with the relevant information, and obtain the relevant approvals under the ~~Rivers and Foreshores Improvement Act 1948~~ (Water Management Act 2000), before commencement of works on, in or under 40 metres of the high bank of a drainage line or watercourse.
[As amended by T2003-025 MOD 4 on 27 March 2019]

Crown Land

32. The applicant is to ensure that consultation is undertaken with ~~NSW Department of Lands~~ Department of Industry – Crown Land in relation to the existence of Crown land within the development site, prior to the removal of native vegetation.
[As amended by T2003-025 MOD 4 on 27 March 2019]

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

33. *The applicant will secure alternate legal access to the mining lease to the satisfaction of the Council should access through the existing Crown Land within the development site become unavailable for such access.*
34. *The applicants shall indemnify the Minister administering the Crown Lands Acts and the Roads Acts in respect of any claims which may arise out of the operation use and or occupation of Crown Land within the Mining Lease.*

Sediment and Erosion Control

35. *The applicant is to prepare a detailed soil and water management plan for the development site detailing the sediment and erosion control measures to be implemented on-site prior to disturbance, during construction and throughout restoration of disturbed areas. This soil and water management plan is to be designed to the standards outlined in the Department of Housing document "Urban Stormwater Management – Soils and Construction", 1998 and submitted to ~~Harden Shire~~ Hilltops Council and the NSW Department of Mineral Resources for approval prior to the works proposed therein being implemented.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

Effluent Disposal

36. *The applicant is to ensure all solid and liquid effluent waste is disposed of via either a NSW Environment Protection Authority (EPA) approved liquid waste disposal operator with disposal to an EPA approved liquid waste disposal facility; or alternatively, sanitary liquid effluent waste may be disposed of on site via an approved aerated septic treatment process upon application to the Council.*

Noxious Weeds

37. *The applicant shall prepare a plan of management for any noxious weeds identified on the development site and implement appropriate management action.*

Soil Management

38. *Erosion on overburden areas for the mine expansion is to be minimised by maintaining an adequate groundcover at all times on overburden areas and top/sub soil stockpiles.*
39. *The soil stripping and stockpiling operation is to be handled so as to minimise handling and mechanical damage to the soil structure as far as possible so as to facilitate rapid establishment of vegetation cover once rehabilitation works commence.*
40. *Care should also be taken to avoid stripping topsoils when they are too moist, so as to avoid damage to soil structure.*
41. *A concerted effort should be made to minimise the mixing of soil materials with different fertility levels, textures and other critical soil properties so as to assist with rehabilitation.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

42. *The area of disturbance of stockpiles should be minimised at any one time to reduce soil erosion and dust generation.*
43. *Progressive rehabilitation and vegetation of soil stockpiles will need to be undertaken to minimise dust generation.*

Feral Animals

44. *An ongoing pest program shall be undertaken on the development site as part of the mine's Environmental Management Plan (EMP) to remove foxes, rabbits and feral cats from the proposed mine site and environs and is to be carried out in conjunction with baiting programs, coordinated or required by the ~~Rural Lands Protection Board~~ Local Land Services and whenever directed to do so by the said board.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

Aboriginal Cultural Heritage

45. *No development is currently planned for the Limestone Creek area, however if this proposal changes, a further archaeological study of this area will be required.*
46. *If development proceeds into the northern portion of the proposed expansion area, the two Aboriginal sites as recorded in the Archaeological Survey by Mr Robert Paton dated June 2003, should be subject to further sub-surface archaeological investigation under Section 87 Preliminary Research Permit (National Parks and Wildlife Act 1974). A Section 90 Consent to Destroy may then be required prior to commencement of development at the sites.*
47. *The Onerwal Local Aboriginal Land Council [LALC] shall be invited to monitor the removal of the top 50cm of the topsoil from the proposed mine expansion area.*
48. *The Onerwal LALC should continue to be consulted in regard to Aboriginal site management of the development area.*
49. *If further Aboriginal objects are uncovered during the works associated with the development, work should cease and the NSW National Parks and Wildlife Service [NPWS] contacted for advice.*
50. *It is an offence under the Act to disturb or destroy Aboriginal objects without the permission of the Director-General NSW NPWS.*
51. *The proponent/operators of the mine shall ensure that all contractors and staff working at the development site are aware of their responsibilities under the National Parks and Wildlife Act 1974.*

Flora and Fauna

52. *Trees shall not be removed until absolutely necessary for each stage of the mine expansion. In the mean-time they shall be protected from compaction and other damage from vehicles, equipment and storage of materials by the construction of a fence that extends at least around the drip lines of the trees. As the mine will be operating for a period of 40 years, these trees shall be protected from*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

compaction and disturbance at all times ensuring the term of this consent to allow them to maintain their ecological function until they are removed.

53. *The applicants shall immediately commence a native species replanting program in the areas that will not be disturbed by the mine expansion listed below, so that replacement trees will have 40 years of growth and understorey plants will be established by the time the mine operations cease.*
54. *Provisions being made for a minimum [100] metre wide fenced and planted buffer zone along (Limestone Creek) and to the east of the mine entrance road, so as to avoid land and water degradation.*
55. *The developer shall plant and maintain revegetation on the eastern side of the mine (and eastern side of the road into the mine so that it can act as a buffer from dust-borne wind impacting on the Box-Gum Woodland along Limestone Creek).*
56. *Native species planted should be the same as those in the Box-Gum Woodland currently occurring on the site and known to occur elsewhere in the Harden Shire. [Refer to the document "Greening the Grainbelt" available through Greening Australia and the Harden Landcare Officer (Louise Hufton, 6386 3954 or fax 6386 2083) who should be consulted about the appropriate species to plant, and from where to obtain plants for rehabilitation work].*
57. *Native grasses or other approved species should also be used for rehabilitation of disturbed areas. Fencing the areas that are planted may be necessary if stock normally have access.*
58. *When trees that are currently growing in the overburden emplacement area are eventually removed, they shall be moved to an area where other trees will be retained, or where new trees are to be planted, or to the western side of the existing Box-Gum Woodland community.*
59. *Where necessary, trees should be removed in late summer or early autumn to avoid impacting upon spring nesting birds and over-wintering bats, after a pre-start inspection by the proponent.*
60. *Stags (dead standing trees) should be left standing where no safety issues dictate their removal.*
61. *Box-Gum Woodland shall be protected from further damage during the mine expansion by fencing off the area, especially along its western side that is closest to the mine, for the duration of the mining activities.*
62. *Fertiliser shall not be used in or near areas where it could run on to the Box-Gum Woodland along Limestone Creek or within 50m of any other native vegetation on the development site.*
63. *General screen planting and the provision and maintenance of stock proof fences shall be provided to the perimeter of the proposed works in consultation with the land owner and the Harden Landcare Group utilising suitable native species as identified above.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Stock Crossing of Roads affected by Haulage Routes

64. *The location of stock gates that permit stock to cross nominated haulage routes, shall be relocated to allow for the minimum safe sight distance in each direction, to the satisfaction of Council's Director of Technical Services. The applicant shall negotiate an agreement with the landowner to establish a procedure for notifying the mine manager prior to opening stock gates along any nominated haulage route. The mine manager will then be required to advise transport operators to abide by signage relating to the stock crossing.*

Drivers Code of Conduct

65. *The applicant shall ensure that all truck drivers and contractors responsible for the movement of vehicles to and from the site shall comply with the following terms and conditions for the movement. The applicant is to ensure that all contractors and drivers receive a copy of the conditions and acknowledge in writing having received and understood same. Such written acknowledgments are to be retained by the applicant to be produced to Council for inspection when required. The applicant adopt and enforce the proposed draft Code of Conduct for Truck Drivers as detailed in schedule [2] attached hereto, with the following changes (as same are defined in conditions 66-~~69~~ 69B hereof):*

[As amended by T2003-025 MOD 4 on 27 March 2019]

66. *Drivers shall reduce their speed to a maximum of 60km per hour in the vicinity of the stock crossings on all approved haulage routes when warning signs are displayed or upon advice from the mine manager that stock are likely to be crossing the road/s.*

67. *Drivers shall not travel through the Village of Galong between the hours of 9.00pm to 7.00am Monday to Saturday and all day Sunday*

68. *Drivers shall ensure that vehicles are loaded within their legal load limits.*

69. *Drivers shall nominate which approved haulage route they will use for each trip and shall abide by their nominated haulage route for each trip.*

- 69A. *Sibelco shall instruct drivers as to the location of school bus bays along Galong Road.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

- 69B. *Drivers shall strictly reduce their speed to a maximum of 40 km per hour when passing a bus which has its lights flashing.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

Traffic General

70. *The applicants shall ensure that all trucks departing from the development site are loaded within legal limits applicable for each vehicle.*

71. *Vehicular entry to and exit from the site shall be in a forward direction.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

72. *Internal driveways shall be constructed from and maintained as dust-free, and of all-weather construction.*
73. *No vehicles associated with the transport of limestone product from the mine shall be parked within any adjoining streets or upon the public road system.*
74. *All truck movements to and from the development site are to travel over the haulage routes as defined in condition number [21] only and upon no other roads.*

Noise Control

75. *Use of the development site, services, equipment, ancillary fittings and product transport vehicles, shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment & Operations Act 1997.*
76. *As per EPA policy, background noise levels of < 30dB(A) are taken to be 30dB(A) for the purpose of setting criteria. In this case a background noise level of 30dB(A) applies in accordance with an agreement between the EPA and the applicant.*
77. *Noise from the premises must not exceed the sound pressure level (Noise) limits presented in the Table below. Note the limits represent the sound pressure level (noise) contribution, at the most affected noise sensitive location, as a result of Galong Quarry activities upon the development site.*

Noise Limits (dB(A))

<i>Day</i>	<i>Evening</i>	<i>Night</i>
<i>Laeq (15 minute) = 35</i>	<i>Laeq (15 minute) = 35</i>	<i>Laeq (15 minute) = 35</i>
<i>Laeq (day) = Not Applicable</i>	<i>Laeq (evening) = Not Applicable</i>	<i>Laeq (night) = Not Applicable</i>
		<i>LA1(1 minute) = 45</i>

Note: For the purpose of the above table,

- *Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,*
- *Evening is defined as the period from 6pm to 10pm*
- *Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays*

78. *Noise from the premises is to be measured at the most affected point on or within the nearest residential boundary to determine compliance with the noise limits of this condition. The modification factors presented in section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.*
79. *Should the noise mitigation methods, detailed in the EIS for the proposal fail to reduce road traffic noise to an acceptable level, the applicants will be required to investigate and implement additional noise mitigation measures in accordance with Appendix C2 of the guidelines "Environmental Criteria for Road Traffic Noise" (EPA, May 1999) or any other relevant policy in force at the time, to the satisfaction of Council and the Environmental Protection Authority (EPA).*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

79A *The applicant shall monitor noise at the sensitive receivers as identified by the SLR Consulting Australia Pty Ltd report dated 8 April 2015, and take mitigation measures where necessary, to ensure that the Road Noise Policy (2011) limits are not exceeded. All noise monitoring data shall be publicly available.*

[As amended by T03-025 MOD 3 on 15 July 2015]

[As amended by T2003-025 MOD 4 on 27 March 2019]

79B. *The applicant shall undertake the noise attenuation measures to the four (4) affected dwellings (as identified in the SLR Consulting Australia Pty Ltd report dated 8 April 2015) prior to the use of Galong Road for dispatch of product, subject to the consent of the relevant land owners.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

Dust Control

80. *Activities occurring upon the development site must be carried out and maintained in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.*

81. *The applicant shall ensure that all product loads are covered prior to leaving the development site and shall remain covered at all times when vehicles are loaded whether partially or totally.*

82. *The prevention of wind blown dust from product stockpiles shall be carried out in accordance with the requirements of the Environmental Management Plan (EMP) and Mine Operations Plan (MOP) administered by the NSW Department of Mineral resources.*

83. *The applicant shall undertake dust suppression measures adequate to ensure that truck movements do not create a dust nuisance to residents or the environment in the vicinity of any of the road haulage routes.*

84. *There must be no visible emissions of dust from the development site to the surrounding environment for 95% of any day.*

- *Note: Day is defined for this condition to be any continuous 24-Hour period.*
- *Development site is defined for this condition to be the boundaries of the Mining Lease.*

Developer Contributions and Section 94 Plan Requirements

85. *The applicants shall contribute towards Capital and Maintenance Upgrade Costs of public roads and associated infrastructure for those Approved Road Haulage Routes, identified in the Environmental Impact Statement – [Galong Limestone Mine Expansion, April 2003] and approved under Condition [21] of this consent in accordance with:*

- *Section 94 of the EP & A Act 1979; and*
- *The Harden Shire Council - Section 94 Contributions Plan – [Road Works as a Result of Unpredictable Development which Generates Additional Heavy Vehicle Traffic Movements [9th January 2003] “(or such other section 94 plan as*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

from time to time may be adopted by Council and applicable in substitution therefor)".

Copies of The Harden Shire Council - Section 94 Contributions Plan may be inspected and purchased upon request from ~~Harden Shire~~ Hilltops Council, Cnr East and Neill Street, Harden NSW, or by writing to:

*Harden Shire Council
PO Box 110
HARDEN NSW 2587
Hilltops Council
Locked Bag 5
YOUNG NSW 2594*

[As amended by T2003-025 MOD 4 on 27 March 2019]

Section 94 Capital Upgrade

86. *The Eubindal Road from the Entrance gate of the development site to the Galong Road intersection shall be completely upgraded at the applicants cost within three [3] years from the date of operation of the development consent as defined by Council's correspondence to the applicants, dated 3/6/2003 and as detailed below:*

Eubindal Road - Unsealed Section

- Undertake minor vertical and horizontal alignment adjustments in accordance with approved design (100km/h design speed)*
- Remove trees as required*
- Undertake drainage widening where required*
- Increase pavement width to 10 meters*
- Construct table drains and mitre drains in accordance with approved Sediment Control Plan*
- Place gravel overlay 0.2m deep by 10m wide*
- Stabilise overlay 10m wide using additive determined by Californian bearing ratio testing*
- Apply 14mm aggregate bituminous seal 8 metres wide where required, or, over shoulder widening*
- Apply 7mm aggregate bituminous seal 8 metres wide (second coat) where required, or, over shoulder widening*
- Install roadside furniture and signage as required*
- Install low level crossing using reinforced concrete bonded culverts to replace existing causeway*

Eubindal Road - Sealed Section

- Construct table drains and mitre drains in accordance with approved Sediment Control Plan*
- Stabilise existing pavement 10m wide using additive determined by Californian bearing ratio testing*
- Apply 14mm aggregate bituminous seal 8 metres wide where required, or, over shoulder widening*
- Apply 7mm aggregate bituminous seal 8 metres wide (second coat) where required, or, over shoulder widening*
- Install roadside furniture and signage as required*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- *The existing road pavement shall not be replaced unless it is in need of major rebuilding as identified by appropriate Californian bearing ratio and subgrade testing. widening of the existing surface will be required to meet the width requirements of the road.*

Note

Council's Director of Technical Services to approve all road designs and work methods if upgrading work referred to in this condition or in any other condition is to be undertaken by the Applicant or any other contractor rather than the Council prior to such work commencing.

Section 94 Maintenance Contributions

- ~~87. In the interests of reasonableness and equity, the developer contributions as were payable under development consent T99/041 have been combined and reassessed along with this current proposal.~~
- ~~Accordingly, the applicant shall pay to Council a contribution, under section 94 of the Environmental Planning and Assessment Act, 1979, and in accordance with Council's Section 94 Contributions Plan, at the rate shown in the table below, for all materials transported from the quarry for a period of three (3) years from the date of operation of the consent;~~

~~Roads from Quarry to MR 84 via Galong~~

<i>Location</i>	<i>Contribution (\$ per tonne)</i>
<i>Eubindal Road</i>	<i>\$ 0.052</i>
<i>Galong-Boorowa Road</i>	<i>\$ 0.003</i>
<i>Kalangan Road</i>	<i>\$ 0.019</i>
<i>Boorowa Street [Ryan]</i>	<i>\$ 0.018</i>
<i>Bobbara Road</i>	<i>\$ 0.013</i>
<i>Crescent Street</i>	<i>\$ 0.012</i>
<i>Galong Road</i>	<i>\$ 0.186</i>

~~Roads from Quarry to Boorowa Shire Boundary~~

<i>Location</i>	<i>Contribution (\$ per tonne)</i>
<i>Eubindal Road</i>	<i>\$ 0.042</i>
<i>Galong-Boorowa Road</i>	<i>\$ 0.003</i>
<i>Kalangan Road</i>	<i>\$ 0.153</i>
<i>MR 380 [Cunningar Road]</i>	<i>\$ 0.978</i>

- 87A. *The applicant shall enter into a Voluntary Planning Agreement (VPA) with ~~Harden Shire~~ Hilltops Council pursuant to Section 93F of the Environmental Planning and Assessment Act, 1979 as outlined in Section 4.4.10 of the Statement of Environmental Effects, Galong Project 320, dated May 2015. The (VPA) shall include, but not be limited to, the payment of maintenance contributions commensurate with those imposed by unmodified T03-025 consent issued 17 December, ~~2013~~ 2003 as indexed in accordance with Produce Price Index. The*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

VPA shall be agreed to, signed and adopted prior to the commencement of increased dispatchment.

[As amended by T03-025 MOD 3 on 15 July 2015]

[As amended by T2003-025 MOD 4 on 27 March 2019]

87B. Upon completion of the Galong Road upgrade and prior to the commencement of increased dispatch under Modification 4 (from 320,000 tpa to 430,00 tpa) the VPA referred to in Condition 87A, shall be amended, generally in accordance with the following requirements:

- reference the modified consent (T2003-025 MOD4),*
- to reference the new tonnage rates (430,000 tpa),*
- to identify the maintenance of Galong Road in the schedule of works towards which the contributions would be spent,*
- to identify any additional road maintenance or intersection upgrades required in the Village,*
- to undertake housing keeping matters.*

[As amended by T2003-025 MOD 4 on 28 November 2018]

87C. As part of the amended VPA referred to in Condition 87B, the current contribution rate is to be reviewed, and a new contribution rate negotiated between Council and the Applicant.

[As amended by T2003-025 MOD 4 on 28 November 2018]

~~*88. A maintenance contribution shall be paid for all product transported over approved haulage routes in accordance with the formula in Section 7.4 of the Harden Shire Council Section 94 Contributions Plan [Road Works as a Result of Unpredictable Development which Generates Additional Heavy Vehicle Traffic Movements [9th January 2003] (or such other section 94 plan as from time to time shall be adopted by Council and applicable in substitution therefor) for the remaining period of the consent, after the first two (2) years and nine (9) months of operation under this approval.*~~

~~*89. The contribution rates (as same are defined in conditions 86 & 87 hereof), shall be calculated and paid quarterly from the date on which the development consent becomes effective. These quarterly payments shall be made within one month of the end of each quarter in each financial year.*~~

~~*[As amended by T03-025 MOD 3 on 15 July 2015]*~~

90. Evidence of the tonnage of all material leaving the quarry, the nominated haulage route and destination, are to accompany the section 94 VPA payment, so that the contribution can be verified.

[As amended by T03-025 MOD 3 on 15 July 2015]

91. Documentation is to be submitted at the end of each financial year, in the form of a statutory declaration from the Company Auditor detailing the tonnage of all material despatched from the quarry during the year, the nominated haulage routes and destinations.

Protection of the Environment

92. The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and waste-water quality.

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

93. *A meeting shall be arranged by the applicant every six [6] months with representatives of ~~Harden Shire Council, Environment Protection Authority, Department of Land and Water Conservation, and Department of Mineral Resources~~ Hilltops Council, Environment Protection Authority, Department of Planning and Environmental (Mineral Resources), Water NSW and other representatives as selected by the Council and the applicant, to monitor the development and assist in resolving any problems that may arise from time to time.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

Vehicle Maintenance

94. *All vehicles operating on the project site [Mining Extraction, Staff Areas, Product Storage/Loading and Site Access/Haul Road] shall meet the requirements set under the Protection of the Environment Operations (Clean Air) Regulation 2002 for emissions as though they were roadworthy and registrable. All vehicles shall be maintained throughout the life of this development consent to ensure that these standards are met.*

Notification of possible pollution

95. *Prior notification is to be given to Council and the EPA in the event that any use of the development site is contemplated which has the potential to directly or indirectly endanger the environment through pollution.*

Cladding

96. *Cladding material of the proposed development shall have low reflective index characteristics and the colour shall not be prominent against the background. As far as practicable, finishes should comprise earthy or subdued tones. Unpainted zincalume, white, off-white and light grey are not acceptable.*

Premises Safety

97. *The development site and all operations thereon shall be operated in accordance with the requirements of the NSW WorkCover Authority and the Department of Mineral Resources.*

Storage areas

98. *An adequate waste receptacle area is to be provided on-site to store all waste pending disposal. Such area shall be screened, regularly cleaned and accessible to collection vehicles in the interests of amenity, safety and public convenience.*

Footpath

99. *In accordance with the applicants advice dated 16 September 2003, a pedestrian footpath shall be constructed along the western side of Ryan Street, from residence [1] to McMahons Road Galong (Refer Figure 4.13 of the EIS), at the full cost to the applicants. Design and construction of the path shall be in accordance with Council's adopted Engineering guidelines.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Complaints Procedure

100. *Prior to the commencement of construction for the development, the Applicant shall ensure that the following are available for community complaints for the life of the development (including construction and operation):*
- a) *a telephone number on which complaints about operations on the site may be registered;*
 - b) *a postal address to which written complaints may be sent; and*
 - c) *an Email address to which electronic complaints may be transmitted, should the Applicant have Email capabilities.*

The Applicant shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. These details shall also be provided on the Applicant's Internet site, should one exist.

101. *The Applicant shall record details of all complaints received (as same are defined in condition 100 hereof) through the means listed under this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:*
- a) *the date and time, where relevant, of the complaint;*
 - b) *the means by which the complaint was made (telephone, mail or Email);*
 - c) *any personal details of the complainant that were provided, or if no details were provided, a note to that effect;*
 - d) *the nature of the complaint;*
 - e) *any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and*
 - f) *if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.*

The Complaints Register shall be made available for inspection by the EPA or the Council upon request.

Community Liaison Committee

102. *The applicant shall form and maintain a liaison Committee to address community concerns over the operation and management of the mine. The Committee shall comprise at least:*
- *1 person from the Council*
 - *1 person from the St Lawrence Retirement Home in Galong*
 - *2 other community representatives from Galong*
 - *1 community representatives from the Binalong Community in the Yass Shire*
 - *1 person representing the Mine*

This committee shall meet a minimum of once in every three (3) months, for the first year of this consent and at least once in every six (6) month period for the remainder of the consent. The applicant shall provide a review as to the effectiveness of the committee as directed from time to time by the members of the committee.

BCA compliance

103. *All buildings are to comply with the relevant requirements of the Building Code of Australia and relevant Australian Standards.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Exit doors

104. *The exit doors must be able to be opened without a key from the side that faces a person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.*

Fire extinguishers

105. *Fire extinguishers suitable for A, B and E class fires are to be installed within the buildings in accordance with Section "E" of the Building Code of Australia (BCA).*

Essential services

106. *The following services and equipment are essential services required by the BCA to ensure the safety of persons in the building in the event of an outbreak of fire in the building.*

- *Portable Fire Extinguishers;*
- *Water cart and pump*

Fire safety certificate

107. *On completion of the erection of the buildings, the Applicant is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and found to have been designed and installed to be capable of operating to the minimum standard required by the BCA.*

Fire safety statement

108. *The Applicant must provide Council with a Fire Safety Statement at least once in each twelve month period, certifying that the essential services installed in buildings on the development site have been inspected and tested by a competent person and at the time of that inspection, were capable of operating at the minimum standard required by the development consent. This certificate is to be kept in the building to which it relates.*

Applicant to comply with other authorities

109. *The Applicant shall comply at all times with the requirements and conditions imposed by the Department of Mineral Resources NSW (DMR), the NSW Environmental Protection Authority (EPA), the NSW National Parks and Wildlife Service (NPWS), NSW Roads and Traffic Authority (RTA), NSW Agriculture, the Department of Sustainable Natural Resources (DSNR), the NSW Department of Lands, the Onerwal Local Aboriginal Land Council, and the Southern Aboriginal Heritage Unit (NPWS).*

Human Rights and Equal Opportunities Commission Complaint

110. *The applicant shall indemnify the Council and do all such things as may be required to be done so as to comply with the findings, directions or any other*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

award or order made by the court, tribunal or other authority having the legal capability to issue any such directions, awards or orders.

NSW ROADS AND MARITIME CONDITIONS

111. *The intersection of the Burley Griffin Way (MR84) and ~~Galong Road~~ Limestone Way shall be constructed to comply with the following;*

- a) *As a minimum the intersection is to be constructed as a four (4) way intersection providing an Auxillary Right Turn (AUR) and Auxillary Left Turn (AUL) intersection treatment within the Burley Griffin Way. The design and construction of the intersection treatment shall be in accordance with the Austroads Guide to Road Design as amended by the Roads and Maritime Services supplements for the prevailing speed limit and be designed for heavy articulated vehicles to 26 metres in length. The pavement standards are to be in accordance with the requirements of Roads and Maritime Services for the proposed turning traffic.*
- b) *Acceleration lanes are to be provided on the Burley Griffin Way for the turn movements from ~~Galong Road~~ Limestone Way. The acceleration lanes are to be designed and constructed to provide sufficient length for the loaded haulage vehicles to merge into the through travel lane on the Burley Griffin Way in accordance with the requirements of the Austroads Guide to Road Design as amended by the Roads and Maritime Services supplements for the prevailing speed limit to avoid unnecessary conflict at the merge area.*
- c) *The intersection of the Burley Griffin Way (MR84) and ~~Galong Road~~ Limestone Way is to be designed and constructed to provide the required Safe Intersection Sight Distance (SISD) in either direction in accordance with the Austroads Guide to Road Design as amended by the Roads and Maritime Services supplements for the prevailing speed limit*

An audit of the existing treatment as constructed at the intersection of the Burley Griffin Way (MR80) and ~~Galong Road~~ Limestone Way is to be undertaken by an appropriately qualified person to assess the compliance of the existing intersection as constructed with the intersection treatment as required and the integrity of the existing pavement to cater to the expected turning traffic volumes and the through traffic along the Burley Griffin Way. Should the existing intersection not comply with these requirements the intersection and pavement treatment is to be designed and constructed as to comply with the adopted standards.

[As amended by T2003-025 MOD 4 on 27 March 2019]

112. *For road safety reasons a Traffic Management Plan for fog conditions shall be prepared to the satisfaction of the Council and Roads and Maritime Services. This plan may include implications for traffic movements to and from the development and the placement of physical measures along the ~~Burley Griffin Way (MR80)~~ approved haulage routes. The approved plan shall be implemented for the lifetime of the proposed development on the subject site.*

[As amended by T2003-025 MOD 4 on 27 March 2019]

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

113. *The Proponent shall prepare and implement a Road Transport Protocol, in consultation with Council and Roads and Maritime Services to outline measures to manage traffic related issues associated with the operation of the mine facility and the haulage of material. This protocol shall detail the potential impacts, the measures to be implemented, and the procedures to monitor and ensure compliance. It shall address, but not necessarily limited to;*

- *a Traffic Management Plan for haulage of dispatched material, which includes:*
 - *procedures to ensure that drivers adhere to the designated haulage routes,*
 - *measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule,*
 - *measures to address restrictions on haulage during periods of low visibility along the haulage route, eg heavy rain periods or fog etc,*
 - *measures to ensure that all loaded vehicles entering or leaving the site are covered, and are cleaned of materials that may fall onto public roads,*
 - *details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the mine,*
 - *measures to be employed to limit disruption to other motorists, emergency vehicles and school bus timetables, and minimise potential conflict with haulage vehicles,*
 - *measures to ensure that the provisions of the Traffic Management Plan are implemented, eg driver training in the heavy vehicle drivers' Code of Conduct, and*
 - *procedures for ensuring compliance with and enforcement of the heavy vehicle drivers' Code of Conduct.*
- *a heavy vehicle drivers Code of Conduct that addresses:*
 - *travelling speeds;*
 - *staggering of truck departures to ensure a regular trucking schedule to minimise convoys or platoons;*
 - *instruction to drivers to be safety conscious and to obey all traffic regulations; and*
 - *appropriate penalties for infringements of the Code.*

This document and any subsequent records associated with the implementation and operation of the protocol, shall be made publicly available.

[As amended by T2003-025 MOD 4 on 27 March 2019]

114. *Prior to works commencing within the road reserve of a public road approval is required under Section 138 of the Roads Act, 1993 from the road authority (Council) however for works within the road reserve of the Burley Griffin Way (MR80) concurrence from Roads and Maritime Services is required prior to the issue of that approval. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.*

115. *Any works associated with the proposed development shall be at no cost to Roads and Maritime Services.*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Should the audit ascertain that works are required to be undertaken then the following additional requirements will apply:

The Burley Griffin Way (MR80) is part of the State Road network. For works on the State Road network the developer is required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services before finalising the design or undertaking any construction work within or connecting to the road reserve. The applicant is to contact the Land Use Manager for the South West Region on Ph. 02 6938 1111 for further detail.

The developer will be required to submit detailed design plans and all relevant additional information including cost estimates and pavement design details for the works, as may be required in the Works Authorisation Deed documentation, for each specific change to the state road network for assessment and approval by Roads and Maritime Services. However, the developer is encouraged to submit concept plans of the layout of the proposed works for checking by Roads and Maritime Services prior to undertaking the detailed design phase.

[As amended by T03-025 MOD 3 on 15 July 2015]

- 116. The intersection of Galong Road with Cunnigar Road shall be constructed, and the roadside maintained so as to provide the required sight distance criteria for an intersection for a reaction time of 2.5 seconds in either direction in accordance with the Austroads Publications as amended by the Roads and Maritime Services supplements for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.*

[As amended by T03-025 MOD 4 on 27 March 2019]

- 117. As a minimum the intersection of Galong Road with Cunnigar Road shall be constructed to the standard of a public road intersection with a Basix Right Turn (BAR) and Basic Left Turn (BAL) intersection treatment in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Roads and Maritime Services for the posted speed zone.*

[As amended by T03-025 MOD 4 on 27 March 2019]

- 118. The intersection of Galong Road with Cunnigar Road shall be designed and constructed so that any vehicles turning through the intersection are not required to cross to the opposing travel lanes in order to perform the turn manoeuvre to/from Galong Road. Associated directional marking and signage is to be installed and maintained in accordance with Australian Standards for a public road intersection.*

[As amended by T03-025 MOD 4 on 27 March 2019]

NOTE: If the upgrading works specified in conditions 116, 117 and 118 are proposed to be carried out by the Applicant, a development application will need to be lodged and approved by Council, and a construction certificate in force, before the works commence.

[As amended by T03-025 MOD 4 on 27 March 2019]

Councillors: Armstrong/Roles

Record of Councillor Voting on Planning Matters in accordance with Section 375A of the Local Government Act, 1993.

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

For: Councillors: Ingram, Armstrong, Manchester, O'Connor, Tuckerman, Walker

Against: Councillors: Horton, Stadtmiller

Absent: Councillors: Wallace

Cr Flanery return to room at 6.53pm

7.10 - 19/50a – ENDORSEMENT OF THE DRAFT CROWN ROADS POLICY FOR PUBLIC EXHIBITION

19/56 RESOLVED:

That Council;

- (a) Defer the report to a future meeting of Council; and*
- (b) Draft Crown Roads Policy be forwarded to the policy review committee for comment.*

Councillors: Walker/Manchester

Cr Roles left room 6.57pm

7.12 - 19/52 – STRUCTURES WITHIN CROWN ROAD RESERVE ALLOWAY ROAD, BOOROWA

19/57 RESOLVED:

That Council;

- (a) Defer the matter with a view to a report coming back to Council that identifies opportunities to a solution regarding structures within Crown Road Reserve Alloway Road, Boorowa.*

Councillors: Walker/Armstrong

Cr Roles returns to room 7.02pm

GENERAL MANAGER'S REPORT

7.1 - 19/42 – STRONGER COMMUNITIES FUND PROJECT UPDATES

19/58 RESOLVED:

That Council;

- (a) Receive and note the progress report on the Stronger Communities Fund projects.*

Councillors: Flanery/Manchester

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

7.2 19/43 – CASH AND INVESTMENT REPORT

MOTION

That Council:

- (a) Receive and note the Statement of cash and investments as at 28 February 2019.

Councillors: Manchester/Walker

AMENDMENT

That Council;

- (a) Receive the Statement of cash and investments as at 28 February 2019
- (b) Request a report detailing internal and external restrictions including anticipated reserves be provided to the April Ordinary Meeting.

Councillors: Flanery/Armstrong

Amendment put and carried

19/59 RESOLVED:

That Council;

- (a) Receive and note the Statement of cash and investments as at 28 February 2019*
- (b) Request a report detailing internal and external restrictions including anticipated reserves be provided to the April Ordinary meeting.*

Councillors: Flanery/Armstrong

7.3 - 19/44 – DEVELOPMENT APPLICATION STATISTICS FOR FEBRUARY 2019

19/60 RESOLVED:

That Council;

- (a) Receive and note the status and processing times for development applications, as at 28 February 2019.*

Councillors: Manchester/Stadtmitter

7.4 - 19/45 – HILLTOPS ECONOMIC GROWTH AND LAND USE STRATEGY – ADOPTION AND PUBLIC EXHIBITION

19/61 RESOLVED:

That Council;

- (a) Endorse for purpose of public consultation the Hilltops Economic Growth and Land Use Strategy;*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- (b) Endorse commencement of the public exhibition of the strategy in April 2019 for a minimum of 28 days; and*
- (c) Consider submissions received during public exhibition in the preparation of the following Council plans and strategies:*
 - (a) Hilltops Local Strategic Planning Statement;*
 - (b) Hilltops Local Environmental Plan;*
 - (c) Economic Development marketing;*
 - (d) Tourism Strategy; and*
 - (e) Other relevant Council policies and plans.*

Councillors: Armstrong/Roles

7.5 - 19/46 HILLTOPS FREIGHT AND TRANSPORT STUDY - ADOPTION AND PUBLIC EXHIBITION

MOTION

That Council;

- (a) Endorse for purpose of public consultation the Hilltops Freight and transport study;
- (b) Endorse commencement of the public exhibition of the study in April 2019 for a minimum of 28 days;
 - (d) Consider submissions and comments on the Hilltops Freight and Transport Study and a report to Council on recommendations received during the exhibition when:
 - a. finalising the timeframes and priorities of the infrastructure upgrades
 - b. identifying potential locations for a transport and logistics hub
 - c. protecting the transport corridors into the planning framework, such as the LSPS and LEP and other planning policy documents; and
 - (e) Formally discontinue the Young Planning Proposal No 1B for the Heavy Vehicle Bypass Route for Young that was instigated by Resolution 197/11 of the former Young Shire Council on 15 June 2011, as the Hilltops Freight and Transport Study has addressed the matter.

Councillors:

AMENDMENT

That Council;

- (a) Defer the item; and
- (b) Request a further report be brought back to a Councillor Workshop or LEP Committee for further work and clarification before public exhibition.

Councillor: Flanery/Manchester

Amendment put and carried

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

19/62 RESOLVED:

That Council;

- (a) Defer the item; and*
- (b) Request that a further report be brought back to a Councillor Workshop or LEP Committee for further work and clarification before public exhibition.*

Councillor: Flanery/Manchester

Record of Councillor Voting on Planning Matters in accordance with Section 375A of the Local Government Act, 1993.

For: Councillors: Ingram, Manchester, O'Connor, Tuckerman, Walker, Horton, Stadtmiller, Flanery

Against: Councillors: Roles, Armstrong

Absent: Councillors: Wallace

19/63 RESOLVED:

That Council move into Committee of the Whole

Councillors: Flanery/Tuckerman

19/64 RESOLVED:

That Council move out of the Committee of the Whole

Councillors: O'Connor/Flanery

7.6 - 19/47 – WEED CONTROL FUNCTIONS

19/65 RESOLVED:

That Council;

- (a) Receive and note the report;*
- (b) Endorse the creation of a business unit including private works to fund a business unit structure incorporating 1 level 4 Weeds Control and Biodiversity Security Manager and 3 Weeds inspector/control officers, noting that 3 off these positions are currently filled and included within the existing budget;*
- (c) Spraying activity to be continued from operational staff with the use of casuals where revenue permits;*
- (d) Endorse the additional funding of \$70,000 plus overheads for another Weeds inspector/control officer as a full complement within the business unit from the Operational Budget FY/2018.19; funded from operating costs of the business unit;*
- (e) Acknowledge the dissolution of the SSCC Section 355 Committee in conjunction with the dissolution of the Southern Slopes Council as at 1 July 2017;*
- (f) Delegate to the General Manager to undertake duties as required by the Biosecurity Act 2015 and the Biosecurity Regulation 2017;*
- (g) Delegate to the General Manager to execute all necessary documentation; and*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- (h) Set up an Advisory Group with a range of qualified stakeholders and appropriate terms of reference.*

Councillors: Flanery/O'Connor

7.7 - 19/48 – T03/025 – MODIFICATION TO DEVELOPMENT CONSENT – GALONG LIMESTONE MINE – PEER REVIEW REPORT

19/66 RESOLVED:

That Council:

- (a) Receive and note the report*

Councillors: Roles/Horton

7.9 - 19/50 – GALONG ROAD UPGRADE - VEGETATION REMOVAL

19/67 RESOLVED:

That Council:

- (a) Receive and note the report*

Councillors: Roles/Armstrong

7.11 - 19/51 – MURRUMBURRAH PRECINCT LANDSCAPE MASTER PLAN

19/68 RESOLVED:

That Council:

- (a) Adopts the draft Murrumburrah Precinct Landscape Master Plan; and
(b) Request a report be brought back to a future meeting detailing what can be achieved for the current budget including a breakdown of costings.*

Councillors: Roles/Flanery

7.13 - 19/53 – HILLTOPS CARAVAN PARKS

19/69 RESOLVED:

That Council:

- a) Endorse a request to the Office of Local Government to vary the SCF funding allocated to the Harden Caravan Park, the variation will deliver higher priority projects at the Harden Caravan Park. These being:*
- a. Roadways Reseal*
 - b. Roadway lighting bollards*
 - c. Provision of a Camp Office*
 - d. Provision of booking software;*

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- b) Provide additional funding, If the variation is approved, from the FY19/20 roadways reseal budget;*
- c) Endorse a request to the Office of Local Government to vary the SCF funding allocated to the Boorowa Caravan Park, the variation will deliver higher priority projects at the Boorowa Caravan Park. These being:
 - a. Amenities Renewal*
 - b. Fire hydrant Improvements*
 - c. Provision of a Camp Office*
 - d. Provision of booking software; and**
- d) Delegate to the General Manager to execute all necessary documentation*

Councillors: Flanery/Manchester

7.14 - 19/54 – ACTION SUMMARY REPORT

19/70 RESOLVED:

That Council:

- a) Note the status of Council resolutions from the Action Plan;*
- b) Endorse the removal of completed items from the Action Plan;*
- c) Request a report, including updated costings, to be provided to a future meeting on the status of the former Harden Shire Master Plan and the section incorporating the beautification of Neill Street and Station Street intersection to the railway; and*
- d) Consider allocating funding for this section as part of the 2019.20 budget deliberations or explore grant funding opportunities in order to complete.*

Councillors: Flanery/Horton

Cr Manchester leaves the meeting at 8.15pm

7.15 - 19/55 – HILLTOPS WORKS REPORT

19/71 RESOLVED:

That Council:

- (a) Receive and note the information provided on works completed and works planned; and*
- (b) Request a report back to a future meeting about the Neill Street beautification problems with its irrigation system, including the cost of remedial work and a plant replacement program.*

Councillors: Flanery/Horton

CORRESPONDENCE FOR ATTENTION

ACTION

♦ Nil

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

INFORMATION

19/72 RESOLVED:

That Council:

- a) Receive and note the media releases and dates of release from February 2019 to March 2019.*

Councillors: O'Connor/Horton

COUNCIL COMMITTEE REPORTS

9.1 - 19/56 – SECTION 355 – RECONSTITUTING OF THE BRIBBAREE PROGRESS ASSOCIATION

19/73 RESOLVED:

That Council:

- (a) Endorse the Bribbaree Progress Association as a Section 355 Committee of Council;*
- (b) Endorse the following as members of the Bribbaree Progress Association Section 355 Committee of Council; Frank Grech, Justin Boyd, Anabel Rathjen, Thomas West; and*
- (c) Approve the Bribbaree Progress Association Section 355 Committee Schedule*

Councillors: Horton/Roles

9.2 - 19/57 – SECTION 355 COMMITTEE MINUTES OF BOOROWA COMMUNITY GARDEN REQUIRING ADOPTION

19/74 RESOLVED:

Boorowa Community Garden – 20 November 2018

That Council:

- (a) Endorse the minutes of the Boorowa Community Garden Committee, 20 November 2018; and*
- (b) Allocate the balance of the funds from the Southern Phone grant towards the garden earthworks.*

Boorowa Community Garden – 26 February 2019

That Council:

- (a) Endorse the minutes of the Boorowa Community Garden Committee, 26 February 2019, and*
- (b) Advertise the Annual General Meeting of the Boorowa Community Garden Committee to be held 7 May 2019.*

Councillors: Horton/O'Connor

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

9.3 - 19/58 – ACCESS COMMITTEE RESIGNATION

19/75 RESOLVED:

That Council:

- (a) Acknowledge the resignation of Mr Phil Armitage from the Hilltops Council Section 355 Access Committee; and*
- (b) Endorse the nomination of Mr Ian Randolph to the Hilltops Council Section 355 Access Committee.*

Councillors: Tuckerman/Horton

9.4 - COUNCIL SECTION 355 COMMITTEE REPORTS – REQUIRING NO ACTION

19/76 RESOLVED:

That Council;

- a) Receive and note the minutes of the committee reports as presented.*

Councillors: Tuckerman/O'Connor

9.5 - 19/59 – HILLTOPS COUNCIL LOCAL TRAFFIC ADVISORY COMMITTEE – MINUTES 06/03/2019

19/77 RESOLVED:

That Council:

- (a) Endorse the minutes of the from Hilltops Council Local Traffic Advisory Committee dated 6 March 2019; and all items recommended be placed on Council's action list for activities to be undertaken.*

Councillors: Horton/Tuckerman

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

10. - CLOSED COUNCIL

10.1 - 19/60 – EXCLUSION OF THE PRESS AND PUBLIC

19/78 RESOLVED:

That Council;

- a) Resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting; and*
- b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above;*
- c) The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.*

Councillors: O'Connor/Horton

ITEM 1: COMMERCIAL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (i) prejudice the commercial position of the person who supplied it.

ITEM 2: COMMERCIAL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (i) prejudice the commercial position of the person who supplied it.

ITEM 3: COMMERCIAL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (i) prejudice the commercial position of the person who supplied it.

ITEM 4: COMMERCIAL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (i) prejudice the commercial position of the person who supplied it.

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

ITEM 5: COMMERCIAL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (i) prejudice the commercial position of the person who supplied it.

ITEM 6: PERSONNEL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning individuals (other than Councillors)

ITEM 7: PERSONNEL MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning individuals (other than Councillors)

ITEM 8: COUNCILLOR MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

ITEM 9: COUNCILLOR MATTER

This item is classified CONFIDENTIAL under section 10A(2)(c) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

10.2 - 19/61 – AWARD CONTRACT PRELIMINARY BRIDGE DESIGN AND CONCEPTS

19/79 RESOLVED:

That Council:

- (a) Receive and note this report;*
- (b) Allocate \$1,426,105 from the FY19/20 capital works budget to support the replacement of Wambanumba Bridge;*
- (c) Allocate \$50,000 from the FY19/20 budget to complete a preliminary design for the replacement of Willawong Ck Bridge and preliminary road re-alignment;*
- (d) Deviate from the tendering regulations to directly award Focus Bridge Engineering a contract with an upper limit of \$275,000 funded from the respective project budgets to complete:*
 - a. Preliminary Concept Design*
 - i. Spring Creek Bridge*
 - ii. Cudgell's Bridge*
 - iii. Hannans Creek Bridge*
 - b. Concept Design*
 - i. Burrangong Ck No 2 Bridge*
 - c. Independent Verification Review*
 - i. Bundarbo Bridge*
 - ii. Spring Creek Bridge*
 - iii. Cudgell's Bridge*
 - iv. Hannans Creek Bridge*
- (e) Note that this is due to extenuating circumstances as Focus Bridge Engineering are recognised as experts in their field and have recently completed significant bridge inspection work for Council regarding other bridges within the Hilltops region.*
- (f) Deviate from the tendering regulations to directly award WMA Water a contract for \$22,710 (excl GST) to be funded from the Bundarbo Bridge Project for hydraulic modelling at Bundarbo Bridge due to extenuating circumstances as they have completed the initial flood assessment for Jugiong previously; and*
- (g) Delegate to the General Manager to execute all necessary documentation.*

Councillor: Walker/Horton

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

10.3 - 19/62 – INCREASE TO PROFESSIONAL SERVICES CONSULTANT CONTRACT VALUE

19/80 RESOLVED:

That Council:

- (a) Increase contract 125 of 2018 awarded to BECA (ABN 85 004 974 341) in November 2018 from the amount of \$500,000 (excl) to \$1,000,000 (excl GST);*
- (b) That this increase be funded from the project allocations as part of Councils adopted budgets and grants for 2018.19 and 2019.20;*
- (c) That the contract expiry date be extended until December 2020; and*
- (d) Delegate to the General Manager to execute all necessary documentation*

Councillors: Horton/O'Connor

Cr Flanery left the room at 8.59pm

10.4 - 19/63 – BOOROWA DROUGHT SECURITY SCHEME OWNERSHIP OPTIONS

19/81 RESOLVED:

That Council:

- (a) Endorse Goldenfields complete ownership of the scheme as Council's preferred option;*
- (b) Delegate to the General Manager to enter into negotiations with Goldenfields around scheme ownership on the basis of the preferred option;*
- (c) Delegate to the General Manager to revert to Council's fall-back position of Reservoir ownership during negotiations if required;*
- (d) Delegate to the General Manager authority to execute documentation required under the negotiation process and grant application to the National Water Infrastructure Delivery Fund; and*
- (e) Note the timeframes for a return report to Council on the negotiations process being at the May 2019 meeting.*

Councillors: O'Connor/Roles

Cr Flanery returns to room at 9.01pm

General Manager

Mayor

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

10.5 - 19/64 – AWARD OF CONTRACT RFT 429 OF 2018 SOLAR ARRAYS

19/82 RESOLVED:

That Council:

- a) Award contract 429 of 2018 to Australian Solar Design, for the Design and Construction of Grid Connect photovoltaic systems at various Hilltops Council facilities to a total value of \$ 287,347.00 (excluding GST);*
- b) Endorse the engagement of Esatto Engineering as the Councils Technical Consultant to support the delivery of the solar projects;*
- c) Note the works are delivered across a period of 8 months over early to mid-2019;*
- d) Note the timeframe for update to Council on final scope and any value engineering recommendation; and*
- e) Delegate to the General Manager to execute all necessary documentation*

Councillors: Flanery/Horton

10.6 - 19/65 – COMPULSORY ACQUISITION SEWER EASEMENT

19/83 RESOLVED:

That Council:

- a) Resolve to progress the option of a gravity Sewer to service 2014/DA00129;*
- b) Delegate to the General Manager to engage a registered valuer to report on the appropriate value of the proposed easements;*
- c) Delegate to the General Manager to commence negotiations with the affected landowners to achieve a negotiated purchase;*
- d) Should these negotiations fail then:*
 - 1. Approves the acquisition of easements for sewerage purposes in*
 - i. Lot 2 of DP 1026968,*
 - ii. Lot 57 of DP 754611,*
 - iii. Lot 7 of DP 874807**Under the provisions of the Land Acquisition (Just terms Compensation) Act 1991 for the purposes of the Local Government Act1993 and the making of the necessary application to the Minister and/or Governor;*
 - 2. That the Council execute the Acquisition Agreement with the Landowners for the acquisition of the easements within the abovementioned lots;*
 - 3. That Council pay each Landowner compensation in an agreed amount (to be determined) or otherwise in accordance with the Land Acquisition (Just Terms Compensation) Act 1991; and*
 - 4. That Council delegate to the General Manager the authority to execute all necessary documentation on behalf of Council.*

Councillors: O'Connor/Horton

Councillors asked to be recorded as against the motion Ingram, Walker, Flanery

General Manager

Mayor

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

10.7 - 19/66 – HILLTOPS ORGANISATIONAL STRUCTURE REVISION 2019

19/84 RESOLVED:

That Council:

- (a) Endorse the reviewed senior management structure as presented incorporating 6 new level 3 management positions to comply with S333 of the Local Government Act 1993, No 30;*
- (b) Note that the budgetary impact will be cost neutral and that new positions will be funded from a combination of current vacancies to be permanently removed and cost recovery from weeds private works and capital projects;*
- (c) Note that the current Directorship of Sustainable Growth is filled with a 6 month temporary contract and that this be endorsed to continue until such time as the contract is completed;*
- (d) Endorse the Chief Information Officer position as a senior management position within the structure in line with S332 of the Local Government Act 1993 and that this position be advertised accordingly;*
- (e) Acknowledge that the existing Director of Infrastructure Services position is a senior management position as outlined under S332 of the Local Government Act 1993 No 30;*
- (f) Acknowledge that the Executive Director of Corporate and Communities is a senior management position as outlined under S332 of the Local Government Act 1993 No 30;*
- (g) That new positions be advertised in accordance with the provisions of all relevant legislations; and*
- (h) Note any budgetary adjustments for 2018/19 and 2019/20*

Councillors: Roles/O'Connor

10.8 - 19/67 – GENERAL MANAGERS PERFORMANCE PLAN

19/85 RESOLVED:

That Council:

- (a) Acknowledge Resolution 19/49 at its 27 February 2019 meeting; and*
- (b) Appoint the Mayor, Deputy Mayor and Councillor John Horton, to the subcommittee for the purpose of appraising the General Managers performance plan as part of the probation and annual appraisal process.*

Councillors: Horton/Tuckerman

General Manager

Mayor

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

10.9 - 19/68 – RESULTS OF THE CODE OF CONDUCT INVESTIGATION – LEAKING OF CONFIDENTIAL COUNCIL INFORMATION

19/86 RESOLVED:

That Council:

- A Formally and publicly censure Councillor Matthew Stadtmiller for the breach under section 440G of the Act and refer the matter to the Office of Local Government for consideration of further action under the misconduct provisions of the Act. This recommendation be implemented at the next Council meeting and no later than 45 days from the issue of this report.*
- B Require Councillor Stadtmiller to issue a formal apology to Council and Council employees, in an open session of Council, for the harm his dissemination of information and adverse comments published concerning their work, in a publication owned by Councillor Stadtmiller, on the joint library project may have caused to those employees and Council as a whole. This recommendation is to be implemented at the next Council meeting and no later than 45 days from the issue of this report*
- Require Councillor Stadtmiller to be counselled by a suitably qualified person of the General Manager's choosing regarding, but not limited to the following obligations he has as a Councillor and the implications of non-compliance on himself, the Council, employees, stakeholders and the community:*
 - His obligation as a Councillor to maintain the confidentiality of information provided to him as a Council official.*
 - His obligations to maintain the security and confidentiality of information provided to him in Council committees.*
 - His obligations to apply a reasonable degree of due diligence when considering the use of confidential and other information provided to him as a Councillor.*
 - The impacts on relationships of trust when information is disseminated or otherwise used in contravention of the intent and purpose for which it was provided. This is to include reference to impacts on external stakeholders and the community.*
 - The impact of adversely commenting on the work of employees and especially as it relates to the relationship of trust that must exist between him and employees, and more generally, Council's executive and administrative arms, to effectively acquit their respective functions and responsibilities.*
 - His obligation to act in the broader public interest of all members of the communities and not just those who represent his beliefs on any particular matter.*
 - To better equip the Subject Person to manage issues of disagreement*

General Manager

Mayor

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

and contention in compliance with his obligations under the Code and the Local Government Act 1993 and other relevant instruments.

- *To assist the Subject Person to better understand how his conduct has the propensity to bring he, the Council and Council projects and processes into disrepute.*
- *His obligations to manage conflict of interests between his official obligations and duties as a Councillor, and those of his private interests, and particularly his ownership of, and role in the Twin Town Times publication.*
- *To consider, in accordance with his obligations under the Code, how he will manage any conflicts which arise through his official duties and his private interest being the owner of the Twin Town Times.*

Require recommendation to be implemented at the next Council meeting and no later than 45 days from the issue of this report.

- d Direct Councillor Stadtmiller to receive Counselling and specific advice in relation to his obligation under the Local Government Act 1993 and the Code to openly, transparently, unambiguously and honestly disclose his pecuniary interest and relationships in his pecuniary interest return. This should include, but not limited to clearly disclose:*
- *all interests required under the disclosure requirements*
 - *his actual role and responsibilities in any business interests*
 - *all relevant details concerning property holdings including full addresses*
 - *Persons and/or organisations to which he owes a debt, including mortgages*
 - *His specific obligations under the Act and Code as they apply to his pecuniary interests.*
- e In accordance with the requirements of clause 5.16 (a) of the Procedures for the Administration of the Model Code of Conduct the General Manager forwards this report to the Office of Local Government (complaints concerning pecuniary interest provisions of the Act).*
- f That having consideration to the seriousness of Councillor Stadtmiller's conduct in publishing, or causing, or facilitating the publication of confidential material (Library Site Diagram) in the Twin Town Times on 26 June 2018, and the lack of due diligence and apparent reckless disregard for maintaining the confidentiality of Council information it is recommended that Council resolves to:*
- 1. Formally and publicly censure the Councillor Stadtmiller for the breach under section 440G of the Act.*
 - 2. Refer the matter to the Division (Office of Local Government) for consideration of further action under the misconduct provisions of the Act.*

This recommendation should be implemented at the next Council meeting and no later than 45 days from the issue of this report.

General Manager

Mayor

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- g* Considers the adoption of a standalone media policy. The conduct reviewer is aware some wording relating to media interaction is included in the Draft Code of Conduct Policy for Councillors. The conduct reviewer considers the inclusion of policy material in the Code is inappropriate; is not in the spirit of the Code and will create problems for Council in the future. A separate report has been provided to the General Manager, addressing this issue more fully.
- h* Considers developing a Council Records Management Policy to better inform Councillors and employees of their specific obligations relating to the retention of records relating to the business of Council. Consideration might be given specific provisions of the State Records Act 1998, requirements of the State Records Office and Privacy and Personal Information Protection Act 1998 and penalties for non-compliance.

Councillors: Flanery/O'Connor

10.10 - 19/69 - RESULTS OF THE CODE OF CONDUCT INVESTIGATION - LEAKING OF CONFIDENTIAL COUNCIL INFORMATION

19/87 RESOLVED:

That Council:

- A. Formally and publicly censure Councillor Walker for the breach under section 440G of the Act.*
- B. Refer the matter to the Division (Office of Local Government) for consideration of further action under the misconduct provisions of the Act. This recommendation should be implemented at the next Council meeting and no later than 45 days from the issue of this report.*
- C. Require Councillor Walker to issue a formal apology to Council and Council employees, in an open session of a Council, for the harm his dissemination of information and adverse comments on the actions or inactions of other Councillors and employees may have caused to those groups and the Council as a whole. This recommendation is to be implemented at the next Council meeting and no later than 45 days from the issue of this report*
- D. Require Councillor Walker be counselled by a suitably qualified person of the General Manager's choosing regarding the issues outlined under Recommendation 3 of the report.*
- E. That the findings of inappropriate conduct by Councillor Walker be made public. This recommendation is to be implemented at the next Council meeting and no later than 45 days from the issue of this report*
- F. Develop a Council Records Management Policy to better inform Councillors and employees of their specific obligations relating to the retention of records relating to the business of Council.*
- G. Request General Manager advise Councillors of their obligations under the provisions of the Work Health and Safety Act 2011, and especially in the context of adverse public comment made about employees and that conduct's relationship to bully.*

Councillors: Roles/Horton

General Manager

Mayor

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

27 March 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

19/88 RESOLVED:

That Council move out of Closed Council

Councillors: Flanery/Armstrong

Council moved out of Closed Council and the resolutions made in Closed Council were read.

NEXT MEETING

The next ordinary meeting of Council scheduled to be on Wednesday, 17 April 2019, Harden Chambers, commencing at 5.30pm

TERMINATION

There being no further business the meeting closed 9.42 pm.

General Manager

Mayor