

LEGAL IMPLICATIONS

As the proposal was originally declared a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* the Department of Planning and Infrastructure will be the consent authority. Although Part 3A has now been repealed, it still exists for projects that were already declared major Projects.

Council officers are now undertaking an assessment of the project to enable Council to provide written feedback to the Department on the proposal.

ATTACHMENTS

1. Petition – confidential for Councillors only
2. Table of results from handouts
3. Notes from the meeting

RECOMMENDATION

THAT:

1. Council prepare a submission to the NSW Department of Planning & Infrastructure indicating its overall position as not objecting to the proposal but **highlighting (change to demanding)** appropriate controls that **need (take out this word)** to be put in place, particularly in regard to noise, dust, blasting and a regime of building inspections 'pre' and 'post' blasting. **Mining should not take place within 500m of the village, residents outside the village (in the vicinity) and the cemetery. (add this sentence).**
2. The issues of concern raised at the public meeting and the “your views” survey relating to noise, dust, blasting, and independence of structural building assessments be specifically included in Councils submission to the Department of Planning and Infrastructure.
3. A copy of all “your views” surveys and compilation of results be attached to Council’s submission.
4. The views put forward in the “your views” survey in relation to the preferred allocation of any developer contributions be taken into consideration at the appropriate time.
5. The Mayor, Deputy Mayor and General Manager be authorised to negotiate a Voluntary Planning Agreement for the development.
6. **The petition presented to the Council through Howard Fisher (the one also presented to Paul Toole) be sent as part of the Council’s submission.**
7. **The owners of the mine should guarantee, by way of a bond (500,000 to one million dollars) that they will hold up the standards required when the proposal is approved.**
(6 and 7 are additions)

Note from Karen – the wording is only approximate.