



**CONSOLIDATED NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
(Amendment No. 2)**

Development Application No:	1995/292
Applicant:	Boral Country Concrete
Subject Land:	Lot 105 DP 1038360, 348 North Teven Road, Teven
Development Proposal:	To carry out an extractive industry being the operation of a hard rock quarry with a maximum production of 500,000 tonnes per annum; subdivision of land for the purposes of boundary adjustment, relocation of two dwellings and re-alignment of Beacon Road.

(NB: Refer to the attached Schedule for a description of all amendments to DA No. 1995/292)

DEFERRED COMMENCEMENT CONDITIONS

1. Arrangements are to be made with Council's Engineering Department concerning the design, funding and construction of road works in North Teven Road, including improvements to site access and employee parking facilities adjacent to the development, in accordance with the undertakings provided in the Development Application and as specified by the NSW Roads and Traffic Authority. Undertakings include North Teven Road upgrading in accordance with Drawings by David Ardill & Associates (Job No. 95/2680 dated June 1995). This work is to be commenced within 3 months and completed within 12 months of the date of this consent.

Upon Council notifying the applicant in writing that it is satisfied with respect to the deferred commencement condition referred to above, Development Consent No. 1995/292 shall begin to operate subject to the following conditions:

CONSENT CONDITIONS

1. Development of the site shall be undertaken generally in accordance with the plans and associated documentation lodged with the Development Application, including the applicant's additional information dated August 1995, and the Teven Quarry Plan of Management dated April 1996 ("POM"), subject to conditions of consent.
2. Within six (6) months from the date of this consent the applicant shall prepare and submit to Council for approval an environmental management plan ("EMP") for the

quarry which is not inconsistent with the POM and which provides information with respect to the following:

- (a) a detailed staged rehabilitation strategy for the site;
- (b) measures outlined in the acoustical report prepared by JW Cotterill to reduce impact of adverse noise to adjacent residences and the impact of haul vehicles on public roads in proximity of the site;
- (c) details of measures for dust suppression within the quarry;
- (d) details for control and treatment of surface run-off, erosion and sedimentation measures within and adjacent to the site; and
- (e) a detailed hazard analysis and management plan.

The applicant shall demonstrate that the environmental management plan has been formulated in consultation with and to the satisfaction of relevant public authorities which have a licensing or regulatory role over the operations of the quarry.

To the extent of any inconsistency between the EMP and the POM, the EMP shall prevail.

3. Any changes or amendments to the PPOM shall be lodged with the Community Consultative Committee.
4. An annual report shall be prepared and submitted by the applicant to the Community Consultative Committee which will include the following:
 - (a) details of tree and regenerative plantings;
 - (b) details of how the applicant has acted on, complied with or otherwise dealt with or responded to each condition of development consent within the period up to each annual report;
 - (c) results of all monitoring, as required by the EPA licence conditions or otherwise by the EPA or other regulatory authorities (including the Department of Mineral Resources) of water discharges, dust emissions and noise and blasting operations;
 - (d) alterations to the Plan of Management;
 - (e) the applicant shall, if requested to do so in writing by the consultative committee or its authorised representative, provide to the members of the committee, reasonable access to the site for the purposes of allowing the committee to determine compliance with these conditions of consent; and
 - (f) records of ground vibration and peak air blast overpressure from blasting.
5. All operations within the quarry shall be conducted in accordance with the requirements of the NSW Environment Protection Authority Workcover Authority and the Department of Mineral Resources.
6. The applicant shall make application to the NSW Department of Land and Water Conservation for closure and purchase of the Crown public road which traverses the quarry. Until such time as the necessary road closure actions are finalised, no further development or use of the Crown public road or the immediate adjacent area shall be undertaken.

7. The applicant shall consult with the Department of Land and Water Conservation to ascertain the need for a licence under the Water Act 1912 with respect to the spring to the north of the quarry site.
8. The normal hours of operation for the various components of the quarry shall, except as specified below, not exceed the following:

Excavation, Loading and Transportation

7:00 am to 5:00 pm Monday to Friday
7:00 am to 3 pm Saturday

Processing by Fixed and Mobile Crushing Plant

7:00 am to 6:00 pm Monday to Friday

Blasting

9:00 am to 4:00 pm Monday to Friday

Maintenance of Plant Outside the Workshop

6:00 am to 6:00 pm Monday to Saturday

Maintenance Operations Inside the Workshop

6:00 am to 10:30 pm Monday to Friday
6:00 am to 6:00 pm Monday to Saturday

Domestic scale loading and transportation (where vehicles do not exceed 8 tonnes loaded capacity)

Additional time for this domestic scale operation may extend the loading and transportation hours until 5:00 pm on Saturdays.

Extended Hours

On any particular occasion, the applicant can extend the hours of the quarry operation and the transportation of product to 6:00 pm Monday to Friday and can extend the hours for maintenance outside the workshop up to 10:30 pm Monday to Friday after notifying the Community Consultative Committee representative.

(Modified by Amendment No. 2 dated 29 November 2016)

9. The applicant shall ensure the area adjacent to the quarry access remains clear of material spillages which may otherwise present a hazard to motorists.
10. (a) The applicant shall pay to Council a Road Maintenance Levy calculated in accordance with the Ballina Shire Council Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development – Maintenance and Construction of Roads, as adopted by the Ballina Council at its meeting on Friday 9 February 1996. The method of calculation of the levy shall be in accordance with the formula $C=(M \times K) \times (E/T)$. The contribution shall include payment for returning empty trucks. This rate currently stands at 23 cents per tonne hauled but shall be adjusted annually in accordance with the provisions of the plan.
- (b) Council will pay all of the contribution payments into a specially identified account for payment towards the rehabilitation, restoration, repair and/or maintenance of the roads for which the contribution is made.

11. The applicant shall be responsible for the placement of improved road signage on Emigrant Creek Bridge, including the installation of a “give-way” sign facing south bound traffic. These works shall be conducted in consultation with and to the satisfaction of Council’s Engineering Department.
12. The applicant shall install Hinged Truck Warning signs in North Teven Road on either side of the quarry entrance and these signs shall be to the satisfaction of Council’s Engineering Department. These signs are to be operated by the development in accordance with the operational status of the quarry.
13. All site rehabilitation and landscaping works shall be designed to ensure the maximum reasonable visual screening of quarry operations and shall be maintained so as to ensure optimum establishment and growth and shall be performed by qualified, professional persons, as approved by Council under condition 2(a).
14. All loading and unloading of goods shall be undertaken wholly within the site.
15. The construction of Beacon Road shall be completed in accordance with design plans approved by Council’s Engineering Department. The applicant shall be responsible for the placement of all signage within the realigned road, as determined by Council.
16. The relocation of dwellings and connection of household services shall not be undertaken without obtaining prior building permits from Council.
17. A plan of subdivision which incorporates a consolidation of the respective parcels of land within the site, the closure of the crown public road and the realigned Beacon Road shall be submitted to Council for certification prior to its registration.
18. All trade waste fluids and materials generated within the site shall be treated and disposed of to the satisfaction of Council’s Health and Building Department.
19. A person or persons employed by the applicant shall be appointed to accept responsibility for compliance with the consent conditions.
20. The total amount of material which can be removed from the site shall not exceed 500,000 tonnes in any calendar year. Overburden or quarry spoil additional to the 500,000 tonnes can only be removed from the site in accordance with Section 4.5 of the EIS.
21. All fuel and bituminous products storage facilities are to be properly bunded in accordance with the relevant Australian Standard.
22. The applicant shall maintain its truck education and training procedures, and shall require an equal standard of courtesy from all drivers accessing material from the North Teven Quarry.
23. A roadside bus shelter shall be constructed by the applicant with Council approval at the intersection of North Teven Road and Teven Road adjacent to Emigrant Creek Bridge if this site is approved by Council’s Traffic Committee or at such other site as approved by Council’s Traffic Committee.

24. The final date for termination of the consent is 27 June 2026.

(Modified by Amendment No. 1 dated 24 November 2011 and **Amendment No. 2 dated 29 November 2016**)
25. A Community Consultative Committee shall be formed with the following representation:
- (a) the quarry manager;
 - (b) a senior representative of the applicant;
 - (c) two elected residents of the local community;
 - (d) a representative of the Ballina Environmental Society.

The Committee shall meet at least twice a year.

The Council shall have no responsibility in relation to this condition or conditions 3, 4, 22 or 26.

26. After the noise reduction measures set out in the POM and EMP have been carried out, the applicant shall have a noise compliance check carried out by a qualified acoustic consultant. When carrying out the check, the noise generated by overburden stripping operations in the Argillite Nos 1 and 2 quarries shall also be monitored.
27. Quarry operations and monitoring must comply with the Approved Methods for Modelling and Assessment of Air Pollutants in NSW, NSW EPA and National Environmental Protection (Ambient Air Quality) Measure as outlined in the Air quality Assessment, prepared by Ramboll Environ, dated 13 April 2016. Results of air quality monitoring must be recorded and supplied to Council or the EPA upon request.

(Modified by Amendment No. 2 dated 29 November 2016)

28. If liquid contaminants and other possible pollutants are stored on site they shall be stored within an impermeable bunded and roofed on site storage area. Where applicable the bunded area must comply with AS 1940-2004 'The Storage and Handling of Flammable and Combustible Liquids' and AS 4452-1997 'The Storage and Handling of Toxic Substances'. Clean up equipment including suitable absorbent material shall be stored on site to effectively deal with liquid contaminates such as oils and chemical spills.

(Modified by Amendment No. 2 dated 29 November 2016)

29. In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the incident shall be reported in accordance with the requirements of Section 148 of the Protection of the Environment Operations Act 1997.

(Modified by Amendment No. 2 dated 29 November 2016)

30. When replacing mobile equipment (haul trucks and front end loaders) they must be replaced with equipment that has a lower sound power level to reduce noise levels and potential impacts on nearby sensitive receivers.

(Modified by Amendment No. 2 dated 29 November 2016)

31. To determine compliance with the Project Specific Noise Levels (PSNL) under the NSW Industrial Noise Policy or current equivalent requirements the applicant shall engage a suitably qualified and experienced person to undertake attended noise monitoring at nearby sensitive receivers in accordance with the abovementioned requirements. The report must be provided to Council and the NSW Environment Protection Authority (EPA) by 30 June 2017. If the relevant PSNLs are determined to be exceeded the applicant shall prepare and implement a Noise Mitigation Strategy, to the satisfaction of Council and the EPA, that;

- (a) identifies the noise sources at the quarry;
- (b) investigates reasonable and feasible mitigation measures to reduce the noise; and
- (c) outlines a timetable to implement the proposed mitigation measures.

The Noise Mitigation Strategy shall be submitted to Council and the EPA for approval within six months of the exceedances being detected.

(Modified by Amendment No. 2 dated 29 November 2016)

32. The Applicant shall update the Water Management Plan and Environmental Management Plan in accordance with the requirements of the Pollution Reduction Program incorporating conditions U1 – U3 of Environment Protection Licence 2261.

(Modified by Amendment No. 2 dated 29 November 2016)

33. The following must be carried out prior to using the mobile crusher:

- (a) all site mobile equipment with reversing alarms shall be fitted with low tonal broadband reversing alarms (non-beeping);
- (b) a 4.8 metres high bund shall be constructed on the southern boundary of the processing and stockpile area to shield noise and visually screen receivers to the south; and
- (c) a 10 metres high bund shall be constructed between the basalt pit and Beacons Road to minimise noise for receivers to the east.

(Modified by Amendment No. 2 dated 29 November 2016)

34. Waste arising from the construction and operational activities must be stored, transported and disposed of in accordance with the requirements of NSW EPA and the Safework NSW pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997;
- (b) Protection of the Environment Operations (Waste) Regulation 2014;
- (c) Waste Avoidance and Resource Recovery Act 2001;
- (d) New South Wales Work Health & Safety Act 2011; and
- (e) The Work Health & Safety Regulation 2011.

(Modified by Amendment No. 2 dated 29 November 2016)

35. If drinking water is supplied from an independent source such as a creek, dam, bore or rainwater tank, a private water supply quality assurance program must be submitted to and approved by NSW Health. The private water supply quality assurance program must comply with the Public Health Act 2010, Public Health Regulation 2012 and the

NSW Private Water Supply Guidelines. Documentation of the programs approval must be provided to Council. Information about the requirements of private water supply quality assurance programs can be found on the NSW Health website www.health.nsw.gov.au.

(Modified by Amendment No. 2 dated 29 November 2016)

36. The use and occupation of the proposed development, including all plant and equipment installed thereon, and the undertaking of operational activities must comply with the Protection of the Environment Operations Act 1997 and NSW Industrial Noise Policy or current equivalent requirements.

(Modified by Amendment No. 2 dated 29 November 2016)

37. Shielding must be provided to the western side of the proposed mobile crusher prior to use. This shall include a barrier constructed as near as possible to the mobile crusher to interrupt line of site between the noisiest part of the crusher and nearby residences.

(Modified by Amendment No. 2 dated 29 November 2016)

38. The mobile crusher must only be used under the following circumstances:

- (a) for the purpose of project work and in the event of fixed plant failures;
- (b) for no more than 150 working days per calendar year;
- (c) operated between the hours of 7am and 6pm Monday to Friday;
- (d) not to be operated between Christmas and New Year;
- (e) fitted with water dust suppression;
- (f) a maximum operational sound power level of 114 dB (A); and
- (g) located within the argillite pit.

(Modified by Amendment No. 2 dated 29 November 2016)

39. The existing NSW Environmental Protection Authority Environmental Protection Licence 2261 is to be separately amended to reflect the modified terms and conditions of this consent.

(Modified by Amendment No. 2 dated 29 November 2016)

The consent as issued on **27 June 1996** shall lapse on **27 June 2001** unless the development has commenced in accordance with the provisions of Section 95 of the Environmental Planning and Assessment Act 1979.

Other Approvals: **The following approval bodies have given general terms of approval in relation to the development:**

Not Applicable

Note: **The Planning Assessment Commission has not conducted a public hearing in respect of the application.**

Signed:  _____ **on 29 November 2016**

Rod Willis
Group Manager
Development and Environmental Health
On behalf of Ballina Shire Council

SCHEDULE OF AMENDMENT APPLICATIONS

Amendment No. 1 – Approved on 24 November 2011

Description of Amendment

To amend Condition 24 to bring forward the re-examination process for the determination of the date for the termination of the development consent.

Amendment No. 2 – Approved on 29 November 2016

Description of Amendment

To modify the existing consent:

- to provide for a consent termination date of 27 June 2026;
- include contemporary environmental performance criteria for noise and air quality;
- permit operation of a mobile crushing plant in addition to the existing fixed crushing and screening plant; and
- amend the approved hours of operation in Condition 8 to allow processing between 7.00 am and 6.00 pm Monday to Friday and prohibit processing on Saturdays.