



Notice of Extraordinary Meeting

An Extraordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Wednesday 10 August 2016 commencing at 4.00 pm.**

Business

1. Acknowledgement of Country
2. Apologies
3. Declarations of Interest and Reportable Political Donations
4. Deputations
5. DA 1995/127 – Section 96 – Boral Asphalt Plant – 540 Gap Road Alstonville

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal stroke underneath.

Paul Hickey
General Manager

Deputations to Council – Guidelines

Deputations by members of the public may be made at Council meetings on matters included in the business paper. Deputations are limited to one speaker in the affirmative and one speaker in opposition. Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting. Deputations are given five minutes to address Council.

Any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.

The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.

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1. Acknowledgement of Country
 2. Apologies
 3. Declarations of Interest & Reportable Political Donations
 4. Deputations
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1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

2. Apologies

3. Declarations of Interest and Reportable Political Donations

4. Deputations

5.1 DA 1995/127 Section 96 - Boral Asphalt Plant - 540 Gap Road, Alstonville

5. Development and Environmental Health Group Report

5.1 DA 1995/127 Section 96 - Boral Asphalt Plant - 540 Gap Road, Alstonville

| | |
|--------------------------------------|--|
| Applicant | Bitupave Limited (a subsidiary of Boral Limited) |
| Property | Lot 1 DP 880416, No. 540 Gap Road, Alstonville (which is surrounded by Lot 2 DP 1130300 being the Tuckombil Quarry) |
| Proposal | To modify the approved source of raw material (aggregates and fines) for the production of asphalt from external source(s) should the adjoining Tuckombil Quarry cease operations or if aggregates and fines are not of a suitable quality from the Tuckombil Quarry |
| Effect of Planning Instrument | The land is a “Deferred Matter” and is therefore zoned 1(e) Rural (Extractive and Mineral Resources) under the provisions of the Ballina LEP 1987 |
| Locality Plan | The subject land is depicted on the locality plan attached |

Introduction

An asphalt plant has been in operation from this location since at the late 1970s. In 1995, Designated Development Application 1995/127 approved the removal of the previous asphalt batching plant and replacement with a new higher capacity plant with various operating restrictions/conditions. Since the early 2000s there have been various live trial periods and modifications approved (by both Council and the Department of Environment and Climate Change NSW, now the NSW Environmental Protection Authority – NSW EPA as the Appropriate Regulatory Authority) to enable the asphalt plant to operate on a limited basis over a 24 hour work period.

The asphalt plant infrastructure is currently owned and operated by Boral and Council owns the land relating to both the Asphalt Plant (currently operated by Boral) and the Gap Road Quarry (more recently leased to Lismore City Council). Council, as landowner, has provided written owner consent to enable the modification application to be lodged under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), which is the subject of this report.

The proposed modification application relates to Condition No. 1, which currently requires aggregate and dust for the production of asphalt at the plant to only be obtained from the immediately adjoining Gap Road Quarry. It is considered, although not entirely evident from the report to Council on 23 February 1995, that this condition was placed on the consent due to operational efficiencies, rather than to limit the potential impact of traffic generation on the locality and resultant noise.

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The EIS, at the time, indicated that Teven Road carried approximately 95% of all asphalt plant and quarry generated traffic from Gap Road south to the Bruxner Highway, which is no longer the case. The February 1995 report also proposed the following wording of Condition No. 1 (consistent with the issued consent):

“This consent is limited to the production of asphalt from aggregate and dust obtained from the adjoining Gap Road Quarry. Where such material is obtained elsewhere an amended consent will be required.”

It is evident from the wording that it was anticipated that the subject materials may need to be obtained elsewhere in the future, particularly as the adjoining quarry has a finite resource.

Based on the long standing conditions, namely Condition No. 1 of DA 1995/127 and Council’s inherent involvement with the local community and its history of conditional acceptance of both the asphalt plant and the quarry, this report has been prepared to ascertain whether or not the Council is satisfied to give consent to the modification application.

The report has also been prepared due to the significant level of public interest in relation to the modification application and as the Alstonville community has a long standing interest in both the operation of the Asphalt Plant and separate but adjoining quarry operation.

Some of the various matters raised in public submissions (and government agency responses for that matter) do not directly relate to the modification application made by the applicant and/or are only relevant to the adjoining quarry operations that are also not directly relevant to the modification application (other than as a source of raw material to the asphalt plant and potential placement of stockpiled material).

Council needs to be mindful that it can only consider matters that have a direct nexus to the potential impact of the application and specifically in relation to:

1. Obtaining/sourcing the aggregates and fines by road from other suppliers (quarries) in the area but only as a contingency should the Gap Road Quarry cease or reduce operations or should the aggregate and fines materials being supplied not be of suitable quality for asphalt production. The asphalt plant is currently limited to obtaining aggregates from the adjoining Gap Road Quarry via Condition No. 1.

The potential source(s) or quarries identified in the application are Boral’s North Teven Quarry (approximately eight kilometres north-east of the plant – this is the preferred option as it is the closest proximity), Lismore Council’s Blakebrook Quarry (approximately 28 kilometres west of the plant) and Boral’s West Burleigh Quarry (approximately 81 kilometres north of the plant).

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2. The modification application also originally proposed to delete Condition No. 2h which restricts the use of articulated vehicles at the plant for product deliveries. This has now been deleted from the application by the applicant. This restriction only relates to the use of articulated vehicles during night works to limit noise impacts. The asphalt plant (similar to the quarry) can currently utilise articulated vehicles during the day for the transportation of product. It is, however, considered that Condition No. 2h should be further clarified in this regard should the modification be approved.

No other changes are proposed to the currently approved operations at the asphalt plant; including the maximum annual production rates, or hours of operation.

This report will consider the key matters raised in submissions, but will outline those matters that can be considered as part of this modification application (i.e. those having a direct nexus with the proposal). Essentially these are only the impacts relating to additional traffic movements and noise impacts from vehicles bringing in raw materials from external quarries rather than directly from the adjoining Gap Road Quarry.

Reportable Political Donations

Details of known reportable political donations are as follows:

Nil

Public Exhibition

The current modification application was placed on public exhibition from 25 May to 24 June 2016.

18 submissions of objection (which also included a petition with 66 signatures) and five letters/e-mails of support (one marked as confidential) were received and are attached. The response from the NSW EPA dated 6 July 2016 is also attached and recommends various additional conditions should the modification be approved.

The applicant has provided a consolidated response to these submissions dated 28 July 2016 (copy attached) inclusive of the NSW EPAs, rather than on an individual submission basis. The response also contains a Table with a column titled "Issue raised with nexus to the proposed modification" and a column titled "Issues not related to proposed modification".

Council's Development and Environmental Health Group generally agrees that the issues identified by the applicant as having a nexus are those that have a direct and relevant merit consideration as part of this proposed modification application. These are:

- Additional truck movements, (i.e. due to additional trucks bringing raw product in rather than internally from the adjoining Tuckombil Quarry).

Comment: Refer to Traffic Impact section of this report.

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- Use of articulated trucks.

Comment: This has recently been deleted from the modification application and articulated trucks will still not be permitted during approved night works.

- Truck noise.

Comment: Refer to Noise section of this report.

- Truck safety.

Comment: Refer to Traffic Impact section of this report.

- Community consultation.

Comment: This modification application to the previously approved Designated Development was publically advertised in accordance with the Environmental Planning and Assessment Regulation 2000 and Council policy. A notice was placed in the local paper (twice) during the extended exhibition period from 25 May to 24 June 2016.

- Scope of modification.

Comment: Refer to Applicable Planning Instruments section of this report.

- Scope of aggregate deliveries and hours.

Comment: The applicant is seeking delivery of aggregates and fines from external sources only if the Gap Road Quarry is not able to supply aggregate and fines or if they are not of suitable quality. The Gap Road Quarry has an existing and valid consent to operate (DA 1995/276) and a volume of resource still available. It is expected that the adjoining quarry operations will continue to produce aggregate and fines to an unknown extent over time.

The applicant has confirmed that they are not seeking to receive deliveries of aggregates and fines outside the currently approved normal operating hours of between 6.00am and 6.00pm, Mondays to Fridays, and 7.00am to 4.00pm, Saturday.

The issues/matters raised by submissions that are considered to have no direct nexus with the proposed modification are:

- Gap Road Quarry operations/lease arrangements (other than being a possible source of material and offset location for stockpiles).
- Buffer distances to residential receivers (no relocation of the plant is proposed and no increase in hours or production levels are proposed).
- Odour (no changes to asphalt production are proposed and the only potential for additional odour would be from transportation of product). Refer to Odour section of this report.

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- Increase in production/hours (no operational changes other than the source of material are proposed. Changes to hours of operation for night and emergency works have been previously considered and approved separately).
- Health impacts/exposure to bitumen/hydrocarbons (no operational changes other than the source of raw materials proposed. Council has, however, separately referred this matter to NSW EPA and NSW Health requesting them to assess the claims as a regulatory function).

Applicable Planning Instruments

As outlined within the Public Exhibition section of this report, public submissions have questioned whether the proposed modifications can be considered under the scope of Section 96 of the EP&A Act 1979.

The applicant has submitted the modification under Section 96(1A) which relates to developments that are of “minimal environmental impact” and “substantially the same development as the development for which the consent was originally granted”.

In consideration of the submissions that contend that the nature of the development has changed and the modification alters the way the development is carried out, it is important to note:

- The original and currently maintained wording of Condition 1 sought to allow for a potential amendment to the consent to source materials from other quarries. It is considered that planning law allows such a modified consent application to be made.
- The original and existing consent allows deliveries of raw materials (other than aggregates and fines) by road from external sources that could not be supplied by the Gap Road Quarry. Such materials comprise sand, filler and bitumen.
- The approved hours of operation/processes, the plant infrastructure and scale are proposed to remain the same (as previously amended under Section 96).
- The proposed modification has been submitted as a contingency should the Gap Road Quarry cease operations and/or the product is not of a suitable quality for the asphalt plant processing. If approved, a suitable revised condition can be drafted to be added to the consent to this effect. The proposal is considered technically to be a reasonable proposition to allow the company to secure the operation of the business.
- At its Ordinary Meeting of 26 November 2015 Council resolved:

“That Council grants landowner’s consent for the lodgement of a Section 96 application to amend DA 1995/127 to enable Bitupave to source materials for production from quarries other than the Tuckombil Quarry located on Gap Road, Alstonville.”

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Consequently, the Development and Environmental Health Group are satisfied that the modification application is valid, is the appropriate planning provision to assess the proposed changes and that relevant matters under Section 79(1) of the EP&A Act 1979 and Clauses 35 and 36 (Schedule 3 Designated Development) of the Environmental Planning and Assessment Regulation 2000 have been suitably addressed in the application.

The modification has been referred to the NSW Department of Planning and Environment who had raised no issues at the time of writing this report.

Report

Contamination

Return advice has advised that Boral will manage the importation of aggregates and fines to ensure only virgin quarry products are delivered and used at the plant. Conditions will be recommended to reflect this advice and ensure that aggregates and fines are only sourced from approved quarries where potential contamination has been previously assessed and the quality of material is satisfactory.

Additional Stockpiles for Material

There is currently no formal agreement in place between Council and Boral for the use of land within the adjacent quarry for material stockpiling. As there may be a need for further stockpiles it has been confirmed that, in principle, Council (as land owner) would be willing to grant such agreement subject to further details.

Specific conditions relating to the stockpiling of material will be recommended to ensure that a formal agreement and/or lease is in place prior to stockpiling on the quarry site and appropriate water, noise, and dust controls are implemented.

If this cannot be met Boral will need to demonstrate that the stockpiles can be adequately provided on its own site or alternatively revise its operations so that volumes of raw stockpiled fines and aggregates are reduced.

Notwithstanding this, it is beneficial for the product to be stockpiled on-site to enable truck movements to be consistently and appropriately managed by the plant operators.

Odour

The submitted modification application does not propose to increase or change the production rates to that which is already approved, or change the batching process, or any other aspects of the bitumen handling that have the potential to cause odour nuisance.

Therefore it would be reasonably expected that the odour impacts from the activity would not change as a result of the proposed modifications.

Despite this, a number of public submissions to Council have expressed their concerns with odour generated by the plant.

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Adoption of the EPA's requirements to manage bitumen odours was also favoured and a copy of these requirements is attached.

The applicants have subsequently advised that they will review and update the existing Odour Management Plan for the operation in line with Points 2 and 3 of the EPA recommended Bitumen Odour Management Plan, being:

Development of a routine odour survey/monitoring program and reactive management strategy, including meteorological monitoring and the implementation of appropriate triggers to further develop the reactive management strategy for odour mitigation; and

Detail of all the proposed odour control measures including:

- Timeframe for implementation of all identified odour controls;
- Key performance indicator(s) for odour controls;
- Responsibilities for demonstrating and reporting achievement of key performance indicator(s); and
- Record keeping and complaints response register.

Further implementation of these measures would be a beneficial step in the continued improvement of normal consented to operations on the site. As the applicant has agreed to update existing plans "in the interest of continuous improvement", the modified consent (if approved) will reflect these additional measures.

Noise

The additional information provided by the applicant included the withdrawal for the original request to remove the restriction on the use of articulated trucks during night work. This means condition 2h would remain:

Condition 2h: No articulated vehicles are to be utilised in the transportation of product.

Although Condition 2h does not specify/state if the restriction on the use of articulated vehicles relates to the night time period (10pm - 7am), the intent of the previously approved Section 96 modification application on 27 May 2008, which added this condition (and others), related specifically to night time work.

Therefore any potential noise impacts of the additional truck vehicles during the day time period on local roads from the sourcing of materials from external locations is the level of impact that needs to be assessed.

The SEE outlines at the current production rate of approximately 50,000 tonnes per annum (tpa) the proposed modification would result in 16 additional truck movements per day.

At the maximum production rate of 100,000 tpa there would be an additional 32 truck movements per day.

These estimates have been calculated with the use of articulated vehicles. If articulated vehicles were not used during the day the additional truck movements would almost double (capacity of articulated vehicles 20 tonnes or non-articulated vehicles are 10 - 13 tonnes).

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It is estimated, at the maximum production rate of 100,000 tpa and the generation of 32 additional truck movements per day, there would be approximately 2-3 additional truck movements per hour. This was estimated using the currently approved "day" hours of 6am to 6pm.

Although the SEE states the proposal will comply with the requirements of the NSW Road Noise Policy, insufficient information to support this conclusion has been provided.

Consequently, if approved, a condition of consent will require the submission of information demonstrating compliance with the NSW Road Noise Policy, in particular Appendix B 'Measurements and Preparing a Noise Assessment Report' prior to sourcing external aggregates.

Although the asphalt plant is no longer licensed by the NSW EPA, they are still the Appropriate Regulatory Authority (ARA) as outlined in Section 92 of the Protection of the Environment Operations (General) Regulation 2009.

This means any complaints or issues of concern raised relating to air; water, or noise pollution from the premises will be the role of the NSW EPA to regulate.

Council will be responsible for dealing with any complaints regarding trucks travelling along local roads.

As the proposed routes (to access the preferred external North Teven Road Quarry) are along rural roads (as opposed to built-up urban areas), it is unlikely that noise impacts of the additional day-time truck movements to/from the asphalt plant will have a substantial impact.

Carcinogenic Emissions from Asphalt Plants

It has been submitted that asphalt is a petroleum derived product that contains poly aromatic hydrocarbon (PAH) and that emissions from asphalt plants are classified as potentially carcinogenic to humans. Notwithstanding that the current modification application has no direct nexus to the plant's emissions; Council Officers have discussed this matter with Safework NSW.

Safework NSW has advised that asphalt must be handled in a well ventilated area to reduce the risks to workers and that a crew working on a road in an outdoor area would be considered well ventilated.

As Council does not have expertise to adequately address the particular emissions claims that have been raised, these concerns are being separately forwarded to NSW Health and NSW EPA for their assessment and response.

As stated earlier the modification application only relates to additional truck movements that are holding raw fines and aggregates from other quarries (i.e. not containing PAH).

Therefore the modification application does not directly relate to or impact on this consideration. This particular issue will need to be, and is being, followed up as a separate matter by the Council.

Traffic Impact (External Roads)

Traffic Safety and Congestion

In regards to safety impacts of the additional truck movements on Ballina Shire roads, this has been recently analysed in the "Traffic Safety Review - Modification to Development Consent - Alstonville Asphalt Plant". The following routes commencing at the southern end of Gap Road formed part of the study/review:

- Section 1, Teven Road, from Gap Road to Tuckombil Road, 3.0 km;
- Section 2, Teven Road and Tintenbar Road, from Tuckombil Road to North Teven Road, 3.5 km;
- Section 3, Tintenbar Road from North Teven Road to Tamarind Drive, 3.0 km; and
- Section 4, North Teven Road, from Tintenbar Road to Teven Quarry, 2.1 km.

Consequently the review has focused on the preferred source being North Teven Quarry and West Burleigh Quarry and has not assessed the Lismore Council's Blakebrook Quarry.

The safety review has concluded:

"...In general the entire route length via Teven Road and Tintenbar Road is considered to be in above average condition and suitable to carry additional truck traffic from the plant. No significant traffic safety concerns have been identified in this review that would justify restricting the proposed relatively small (approximately 7.7% at historic production and 10% at full production) increase in the daily traffic using the route as a result of the proposed modification."

Additional cartage of aggregates from external sources is estimated not to exceed 100,000 tonnes per annum or 32 additional truck movements per day.

This will not have any significant impact on the available traffic carrying capacity of feeder roads nor will it significantly impact on congestion on these roads except to the extent that:

"...additional truck traffic using the route will have some impacts to the existing traffic flow and travel speeds for other traffic using the route at locations where the trucks are required to travel slowly downhill for safety reasons."

Council's Civil Services Group considers that the congestion and traffic safety impacts of the proposed modification are not significant (including the use of articulated vehicles).

Site Access

Access for heavy vehicles is from The Gap Road via the existing site access, which is a satisfactory standard for existing and proposed operations.

In relation to Gap Road and the Gap Road/Teven Road intersection, original Condition's 14 and 15 of DA 1995/127 required:

14. The Applicant shall widen the sealed pavement of Gap Road from the quarry entrance west to the Teven Road intersection at no cost to Council to the requirements and satisfaction of the Council Chief Engineer. The pavement shall be widened to achieve a 7.0 metre wide seal. This road widening shall be undertaken prior to the installation of the mobile batching plant unless other arrangements satisfactory to Council are made.

15. The Applicant shall upgrade the intersection of Gap Road and Teven Road by improving the sight distance to the requirements and satisfaction of the Council Chief Engineer. The required sight distances to be achieved are those for a 60 kph design speed in each road. This road widening shall be undertaken prior to the installation of the mobile batching plant unless other arrangements satisfactory to Council are made."

Council's Civil Services Group has advised that the above improvements have been constructed and are considered satisfactory for existing and proposed modified operations.

Traffic Impact (Internally - Provisions for Service and Delivery Vehicles)

There is adequate space on-site for queueing and unloading of aggregate delivery vehicles to bins and stockpiles. Apart from the external sourcing of aggregates, internal operations will remain unaffected.

Conclusions

Condition No. 1, as currently worded, provides no economic certainty for the operator of the asphalt plant and the security of raw material supply is a risk to its continued operations.

The assessment of the modification application has found there to be no valid technical reasons as to why aggregates and fines should only be obtained from the Gap Road Quarry on-going.

The conditional approval of the modification application would provide operational certainty and contingency for the asphalt plant should the Gap Road Quarry cease operations, or the product supply reduced or if it becomes no longer suitable.

The approval of the modification application is considered to be relatively minor and in the public interest as it is an important land use and infrastructure resource for the region.

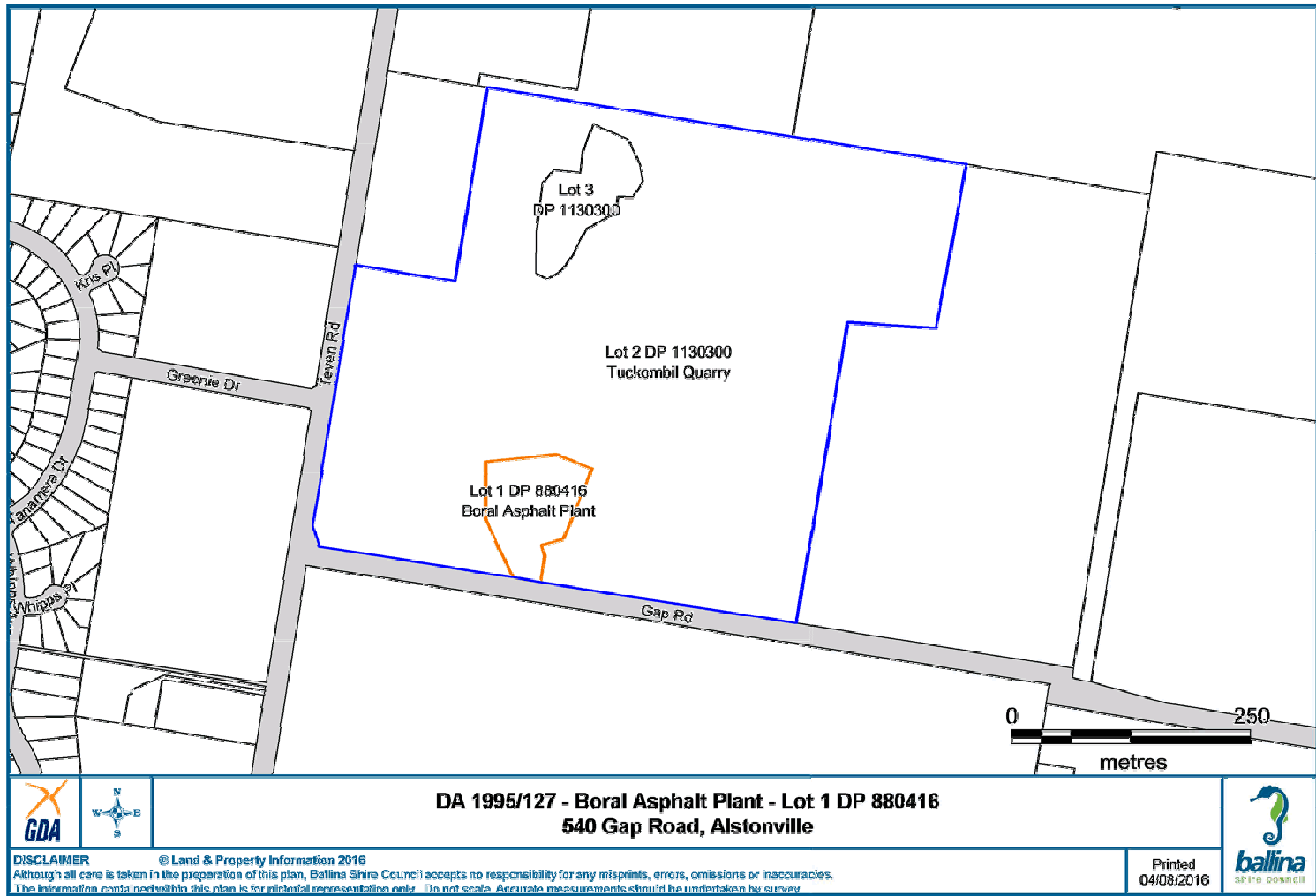
RECOMMENDATION

That the modification application to DA 1995/127 for the Boral Asphalt Plant be **APPROVED** via the amendment of Condition Nos. 1 and 2h as requested and agreed additional conditions outlined in this report.

Attachment(s)

1. Locality Plan
2. NSW EPA Comments/Recommendations
3. Boral Response to Submissions
4. Submissions of Objection
5. Submissions of Support
6. Submission of Support - CONFIDENTIAL (Under separate cover)

5.1 DA 1995/127 Section 96 - Boral Asphalt Plant - 540 Gap Road, Alstonville





Our Reference: DOC16/272822-01
Contact: Peter Lynch (02) 6640 2502
Date: 5 July 2016

The General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Attn: Ms Kerri Watts

RECORDS
SCANNED
11 JUL 2016
Doc No.....
Batch No.....

-8 JUL 2016

Dear Ms Watts,

Section 96 (2) Application to Modify Consent – DA 1995/192 – Bitupave Ltd (Boral Property Group) – Alstonville Asphalt Batching Plant – Lot 1 DP 880416, 540 Gap Road, Alstonville NSW 2477

I refer to Ballina Shire Council's ("Council") email received by the Environment Protection Authority (EPA) on 22 June 2016 regarding a proposed Section 96(2) application to modify development consent (DA 1995/192) for the Bitupave Ltd (Boral Property Group) – Alstonville Asphalt Batching Plant located at Lot 1 DP 880416, 540 Gap Road, Alstonville NSW 2477 ("the premises"). The premises is currently not required to be licensed under the *Protection of the Environment Operations Act 1997* (the POEO Act), however the EPA is the Appropriate Regulatory Authority (ARA) for the premises.

EPA has reviewed the documentation supplied with the modification proposal, including the *Statement of Environmental Effects - Modification to Development Consent – Alstonville Asphalt Plant – April 2016* ("the SEE") prepared by EMM Consulting on behalf of Bitupave Limited. EPA's comments on the proposed modifications to DA 1995/92 are provided below.

It is recommended that the points identified below are incorporated as conditions of the consent modification.

General

It is noted within the SEE that Bitupave Limited intend to utilise the stockpiling area of Tuckombil Quarry located west of the premises to store material for use in asphalt production (as depicted in Figure 2.1). As stated in the SEE, Lismore City Council currently lease the quarry from Ballina Shire Council.

In the event that material stockpiling is not permitted on the quarry premises, it must be demonstrated that a viable stockpiling area within the Boral lease area has been identified and appropriate surface water, noise and dust controls have been implemented to mitigate potential environmental impacts. Alternatively, Bitupave will need to demonstrate that the area to be used for stockpiling on the quarry site has been approved and appropriate environmental controls are in place.

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The proponent will need to have systems in place to ensure that any resources imported into the asphalt plant do not fall under the Waste Classification Guidelines and do not become cross contaminated with any waste material while being handled or transported.

Noise

It is noted that there appears to be no significant difference in the assumptions made regarding noise from articulated versus non-articulated vehicles on the premises. The validity of these assumptions should be justified. It should be noted that noise from truck movements, associated with the premise, on public roads, are matters for Ballina Shire Council. In the event of complaints regarding this issue the EPA will forward these to Council for action as ARA under the POEO Act.

Air

EPA notes Boral's commitment to reduce potential dust emissions associated with the current and proposed operational activities in accordance with the *Bitupave Limited – Alstonville Asphalt – Air Quality (& Odour) Management Plan – March 2014* the (AQMP). The mitigation measures identified in the AQMP to reduce potential air impacts from windblown dust, traffic generated dust and dust emissions from the asphalt production process appear appropriate.

Odour Management

It is noted that the existing consent has been quite longstanding and changes to the surrounding land uses and the processes used onsite may have changed significantly since that consent was granted. It is also noted that there have been verified odour complaints from the existing premises in recent years.

Odour impacts are an important issue associated with asphalt handling and production. In light of the consent modification proposal it is considered appropriate to address asphalt odour emissions from the premises through this process.

The EPA requested the preparation of an Odour Management Plan (OMP) and in March 2014 a revised Air Quality Management Plan (AQMP) was submitted incorporating odour mitigation strategies. In June 2014 Bitupave installed activated carbon filtration systems on the bitumen kettles and the bitumen holding tanks.

Asphalt related offensive odour complaints have continued with increasing residential development approaching the asphalt plant exacerbating this issue. It is also noted that the current consent permits a significant increase in production from the plant with the potential if realised to lead to increased environmental impacts including odour.

It is apparent that additional work is required to systematically assess remaining sources of odours leaving the site and develop mitigation measures to address these. Development of a Bitumen Odour Management Plan (BOMP) as set out below is recommended as an appropriate mechanism to ensure odours from the premises are effectively managed.

Accordingly the proponent must prepare and implement a BOMP that includes, but is not limited to the following:

1. The implementation of best environmental practice to ensure odours are reduced to the maximum extent achievable for all odour generating activities on site;
2. Development of a routine odour survey/monitoring program and reactive management strategy, including meteorological monitoring and the implementation of appropriate triggers to further develop the reactive management strategy for odour mitigation; and
3. Details of all proposed odour control measures including:

- Timeframe for implementation of all identified odour controls;
- Key performance indicator(s) for odour controls;
- Responsibilities for demonstrating and reporting achievement of key performance indicator(s); and
- Record keeping and complaints response register.

If you have any questions regarding the above, please contact Peter Lynch on (02) 6640 2502.

Yours sincerely



Robert Donohoe
Acting Head, Environmental Management Unit – North Coast
Environment Protection Authority

Build something great™



28 July 2016

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The General Manager
Ballina Shire Council
BALLINA NSW 2478

Attention to: Anthony Peters
Emailed to: Anthony.Peters@ballina.nsw.gov.au

Dear Mr Peters,

**Response to submissions
Modification to Alstonville Asphalt Plant (DA1995/127) – Aggregate deliveries by road**

1. Introduction

This letter report has been prepared in response to submissions received during the public exhibition of the Statement of Environmental Effects for the modification to the Alstonville Asphalt Plant development consent (DA 1995/127). The exhibition period occurred between 25 May 2016 and 24 June 2016.

The modification seeks to remove the restriction on delivery of aggregates by road at times when the adjoining Tuckombi Quarry cannot supply, or cannot maintain product quality. The modification also sought the removal of a restriction on the use of articulated trucks during night works for asphalt dispatch.

A summary of the submissions received are presented in the table below.

| Organisation / name | Date | Nature of submission | Issue raised with nexus to the proposed modification | Issues not related to proposed modification |
|----------------------------------|--------------|----------------------|--|---|
| Government | | | | |
| Ballina Shire Council | 15 July 2016 | Email comments | Truck noise | |
| | 13 July 2016 | Email comments | Traffic safety | |
| Environment Protection Authority | 6 July 2016 | Letter comments | Truck noise, air quality | Odour |
| Community | | | | |
| Heïene de joux | 24 June 2016 | Letter objection | Consultation, scope of aggregate deliveries, truck traffic, truck noise, scope of modification | Odour |
| | 30 June 2016 | Email comments | | Quarry lease. Information supplied to councillors about articulated trucks |

| | | | | |
|---|--------------|------------------|--|--|
| R.W & B.C Corney | 30 June 2015 | Letter comments | | Scale of development, odour and planning buffer |
| Chris Lacey | 27 June 2015 | Letter objection | | Quarry lease, location of the asphalt plant, production increase, groundwater levels |
| J.R Morris | 18 June 2015 | Letter objection | Use of articulated trucks, truck noise, additional traffic | Night works, increase in hours and production volumes, odour |
| Barry & Barbara Campay | 20 June 2015 | Letter comments | | Odour, crusher dust pollution |
| John & Eileen Molloy | 24 June 2015 | Email objection | | |
| RH & MD Druitt | 24 June 2015 | Letter objection | Truck traffic, community consultation | Crushing noise, odour, change in use, planning buffer, quarry rehabilitation |
| Friends of the Koala Inc. | 24 June 2015 | Letter comments | | Koala safety on Bruxner Highway |
| Stephen Fletcher (on behalf of Mr Errol Beaumont) | 24 June 2015 | Letter objection | Scope of modification | Sterilisation of land, location of the plant |
| Petition with 66 names | Not stated | Objection | Truck traffic, use of articulated trucks | Quarry dust, odour, night works |
| Dr Effie Aylett | 24 June 2015 | Letter objection | | Health impacts of bitumen |
| Steven & Veronica Mills | 23 June 2015 | Letter objection | Truck traffic | Doubling in truck movements, odour, planning buffer |
| Bob & Gwen Farmer | 23 June 2015 | Letter comments | Truck noise | Doubling of production |
| Jill Clarke | 22 June 2015 | Letter objection | Truck traffic, traffic noise and articulated trucks | |
| Tom Muir | 21 June 2015 | Email objection | | Odour, planning buffer, quarry blasting, increase in operations |
| Kathryn Spinks | 20 June 2015 | Letter objection | Truck noise, articulated trucks, traffic safety | Odour, crushing dust |
| Graham & Barbara Plumb | 21 June 2015 | Letter comments | Scope of aggregate deliveries and hours | |
| Kevin & Sandra Munro | 17 June 2015 | Email objection | Truck noise | Odour |

2. Response to Submissions

Comments from Ballina Shire Council and the Environment Protection Authority (EPA) have been reproduced in *bold italics*. Boral's responses are provided in plain text.

Submissions by members of the local community have been grouped by issue, and Boral's responses provided in a consolidated manner, rather than on an individual submission basis.

Many of the community submissions have raised issues which do not have a nexus to the proposed modification.

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Boral does not consider the following issues to have a nexus with the proposed modification, as they do not relate to additional truck traffic, transport noise or use of articulated trucks:

- matters relating to the Lismore Council Tuckombil quarry operations;
- odour - Boral is not proposing any changes to asphalt production;
- increase in production – Boral is not proposing to increase production levels as part of the modification;
- increase in hours – Boral is not proposing to change any operating hours as part of the modification;
- buffer distances – Boral is not proposing to relocate the plant, and the merits of the current plants location were established and approved under the original application in 1995, and
- health impacts of use of bitumen – the modification does not seek to change aspects of asphalt production.

Some of these matters have been responded to in a recent letter Boral distributed to the local community on 25 July 2018. This can be found in **Attachment 1**.

2.1 *Ballina Shire Council*

Traffic noise

In order for a full assessment to be undertaken the applicant is requested to submit the following additional information:

Although the submitted Statement of Environmental Effects states the proposal will comply with the requirements of the NSW Road Noise Policy information to support this conclusion has not been provided. Further information is therefore requested to comply with the NSW Road Noise Policy, in particular Appendix B Measurements and Preparing a noise assessment report.

In addition return advice from the NSW EPA expressed concern that assumptions have been made that there is no significant difference between noise from articulated versus non-articulated vehicles at the premise. EPA stated that the validity of these assumptions should be justified.

In response to these concerns the report does not discuss the potential difference in noise level or characteristics between articulated and non-articulated vehicles. To ensure the proposal does not impact on sensitive receivers this information should be provided to ensure compliance with the NSW Industrial Noise Policy.

Comment

The primary intent of the modification is for the delivery of aggregates by road to secure the continued operations of the asphalt plant if the adjoining quarry operations cease, or for product quality reasons. The use of articulated trucks has the potential to halve truck numbers during night time works, along with associated truck noise.

However, the use of articulated trucks during night works is not a material issue for the asphalt operations and has caused some confusion amongst members of the community. Boral therefore withdraws the request to remove the restriction on use of articulated trucks during night work from the modification.

Traffic safety

The Traffic assessment for this development is inadequate in its scope. The Scope needs to be expanded to assess all of the route and intersections between the asphalt plant and the Teven Quarry (the principal proposed source of raw materials). Also as this route has a significant accident record, an Austroads compliant road safety audit is required for this entire route. A safety issues arising from the findings of the road safety audit also need to be addressed in regard to their implementation.

Comment

Boral has commissioned a Traffic Safety Review of the transport route between the asphalt plant and Teven Quarry via Teven Road. Given the short timeframe between the Council comments and proposed Extraordinary meeting on 10 August, Boral has not been able to provide the information in this response. However, the Traffic Safety Review will be provided to Council in a supplementary response on Tuesday, 2 August 2016.

2.2 Environment Protection Authority

General

It is noted within the SEE that Bitupave Limited intend to utilise the stockpiling area of Tuckombii Quarry located west of the premises to store material for use in asphalt production (as depicted in Figure 2.1). As stated in the SEE, Lismore City Council currently lease the quarry from Ballina Shire Council.

In the event that material stockpiling is not permitted on the quarry premises, it must be demonstrated that a viable stockpiling area within the Boral lease area has been identified and appropriate surface water, noise and dust controls have been implemented to mitigate potential environmental impacts. Alternatively, Bitupave will need to demonstrate that the area to be used for stockpiling on the quarry site has been approved and appropriate environmental controls are in place.

The proponent will need to have systems in place to ensure that any resources imported into the asphalt plant do not fall under the Waste Classification Guidelines and do not become cross contaminated with any waste material while being handled or transported.

Comment

Aggregate deliveries to the asphalt plant will be stockpiled within the Boral lease area in the first instance, and if sufficient room is not available, will be stockpiled as described in the Statement of Environmental Effects, subject to the approval of the operator Lismore City Council.

Boral will manage the importation of aggregates and fines so that only virgin quarry products are delivered and used at the plant.

Noise

It is noted that there appears to be no significant difference in the assumptions made regarding noise from articulated versus non-articulated vehicles on the premises. The validity of these assumptions should be justified. It should be noted that noise from truck movements, associated with the premise, on public roads, are matters for Ballina Shire

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Council. *In the event of complaints regarding this issue the EPA will forward these to Council for action as ARA under the POEO Act.*

Comment

As mentioned above, Boral withdraws the request to remove the restriction on use of articulated trucks during night work from the modification.

Air Quality

EPA notes Boral's commitment to reduce potential dust emissions associated with the current and proposed operational activities in accordance with the Bitupave Limited - Alstonville Asphalt - Air Quality (& Odour) Management Plan- March 2014 the (AQMP). The mitigation measures identified in the AQMP to reduce potential air impacts from windblown dust, traffic generated dust and dust emissions from the asphalt production process appear appropriate.

Comment

Noted.

Odour

It is noted that the existing consent has been quite longstanding and changes to the surrounding land uses and the processes used onsite may have changed significantly since that consent was granted. It is also noted that there have been verified odour complaints from the existing premises in recent years.

Odour impacts are an important issue associated with asphalt handling and production. In light of the consent modification proposal it is considered appropriate to address asphalt odour emissions from the premises through this process.

The EPA requested the preparation of an Odour Management Plan (OMP) and in March 2014 a revised Air Quality Management Plan (AQMP) was submitted incorporating odour mitigation strategies. In June 2014 Bitupave installed activated carbon filtration systems on the bitumen kettles and the bitumen holding tanks.

Asphalt related offensive odour complaints have continued with increasing residential development approaching the asphalt plant exacerbating this issue. It is also noted that the current consent permits a significant increase in production from the plant with the potential if realised to lead to increased environmental impacts including odour.

It is apparent that additional work is required to systematically assess remaining sources of odours leaving the site and develop mitigation measures to address these. Development of a Bitumen Odour Management Plan (BOMP) as set out below is recommended as an appropriate mechanism to ensure odours from the premises are effectively managed.

Accordingly the proponent must prepare and implement a BOMP that includes, but is not limited to the following:

- 1. The implementation of best environmental practice to ensure odours are reduced to the maximum extent achievable for all odour generating activities on site;*

2. **Development of a routine odour survey/monitoring program and reactive management strategy, including meteorological monitoring and the implementation of appropriate triggers to further develop the reactive management strategy for odour mitigation; and**
3. **Details of all proposed odour control measures including:**
 - o **Timeframe for implementation of all identified odour controls;**
 - o **Key performance indicator(s) for odour controls;**
 - o **Responsibilities for demonstrating and reporting achievement of key performance indicator(s); and**
 - o **Record keeping and complaints response register.**

Comment

It is acknowledged that Boral has already implemented an Odour Management Plan as part of the sites Air Quality Management Plan in 2014. The modification is not seeking to change any aspects of the approved asphalt batching process, or any aspects of bitumen handling at the plant that have the potential to cause odour beyond site borders. There is not a sufficient nexus between the proposed modification for road delivery of aggregates and the request for additional odour management on site.

However, in the interest of continuous improvement, Boral will review and update the existing Odour Management Plan in line with points 2 and 3 of the EPA submission above.

2.2 Community submissions

The following subheadings cover matters raised by the local community in submissions that are considered to have a nexus with the proposed modification for aggregate deliveries by road.

Traffic safety

As mentioned above, a Road Safety Review is being carried out on the proposed transport route and will be submitted to Council on 2 August 2016.

Transport noise

The Statement of Environmental Effects concluded that based on current production volumes, and minor resulting road traffic volumes (20 movements per day) that there would be a negligible increase (less than 1 dB) in daytime road noise at the nearest residential location.

The modelling also showed that road traffic noise complies with the daytime assessment criteria of 55 dB(A). An increase of 1 dB is imperceptible to humans.

Community consultation

The level of community consultation for the proposed modification was determined based on initial door knocking undertaken in early 2015 of some of the nearest residential properties to the south of the plant. Based on the feedback received, most residents were happy to receive newsletters in the mail about future operations, and if required, seek further information face to face with a representative of the company.

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Due to this feedback, this approach was taken to inform the local community about the proposed modification. Not one response was received for further clarification or face to face follow-up.

Further information on this matter can be found in **Attachment 1**.

Scope of the modification

Submissions have questioned whether the proposed modification passes the 'substantially the same development' test under Section 96 of the *Environmental Planning & Assessment Act 1979*.

The submissions argue that:

- the essential nature of the development has changed; and
- the modification alters the way the development is carried out.

The original approval of the Alstonville Asphalt Plant in 1995 was for the removal of the existing plant and construction of a higher capacity plant. The consent included deliveries of raw materials other than aggregates and fines by road such as sand, filler and bitumen. The essential nature of the asphalt plant will not change under the modification, nor will it alter the way asphalt production is carried out. The raw materials, plant, processes, scale and hours of the operation will remain the same.

At the time of the consent, it was possible for the adjoining Tuckombil quarry to supply the aggregates and fines, however, it was also possible that this may not always be the case. This exact issue was contemplated in the forming of the consent conditions, and was reflected in how Condition 1 was worded. Condition 1 states:

'1. This consent is limited to the production of asphalt from aggregate and dust obtained from the adjoining Gap Road Quarry. Where such material is obtained elsewhere an amended consent will be required.'

Condition 1 specifically notes that where aggregates and fines (dust) are needed to be obtained from a location other than the adjoining quarry an amended (now modified) consent will be required. Ballina Shire Council, in drafting Condition 1, considered such a change to the consent to be foreshadowed, minor in nature and within the scope of a modification.

The proposed modification is merely seeking to comply with the intent and wording of Condition 1, and is considered to be substantially the same development as that originally approved.

Scope of deliveries by road

Some submissions have stated that the proposed modification will result in a doubling of truck movements if the adjoining quarry operations did not cease. This is not the case.

In relation to the circumstances in which Boral seek deliveries of aggregates and fines from external sources, Section 3, page 13 of the Statement of Environmental Effects states:

'Boral is seeking to modify Condition 1 to obtain aggregate and fines from an external source (or sources) should the quarry not be able to supply aggregate and fines or are not of suitable quality.'

Accordingly, if the adjoining quarry operations were to continue to produce aggregates and fines, Boral would not bring in these materials from external locations, unless there was a need to do so as a result of issues with product quality.

Additionally, Boral is not seeking to receive deliveries of aggregates and fines outside the operating hours of between 6:00am and 6:00pm, Mondays to Fridays, and 7:00am to 4:00pm, Saturday. These aggregates and fines will be finished products and not require further crushing. The majority of these deliveries will be by truck and dog, consistent with how sand is currently brought to the site, and consistent with most of the trucks that are used for dispatch by the adjoining quarry.

3. Closure

I trust that the information provided in this letter report has addressed all of the relevant areas in the submissions received. Please contact me if you require any further information or clarification.

Yours sincerely



Rod Wallace
Planning & Development Manager (NSW/ACT)

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**Attachment 1:
Community letter 25 July 2016**

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25 July 2016

Neighbours of the Boral Alstonville Asphalt Plant
Gap Road
ALSTONVILLE NSW 2477

**Boral Asphalt
(NSW/ACT)**
Graystones House
Clunes Ross Street
Prospect NSW 2148
T: +61 2 8033 5000
F: +61 2 8033 5142
www.boral.com.au

Dear Neighbour

During May, we distributed a newsletter throughout the neighbourhood which, amongst other information, noted that we had lodged a planning modification proposal with Ballina Shire Council for our Alstonville Asphalt Plant.

The reasons behind the modification were openly set out in our newsletter. Unfortunately, we are aware there is now a degree of misinformation being spread throughout the community about our intentions as a result of this modification, and the operation of the plant as a whole.

I am therefore writing to you on behalf of my team to ensure you are offered information allowing you to form your own view based on the facts.

Intent of the modification

The modification seeks to allow us to bring the materials needed for asphalt production into the plant from other sources. It also seeks to remove a condition which prevents the use of articulated vehicles for the movement of product from the site.

The ability to 'import' materials into the plant is required given the uncertainty which has arisen recently about maintaining a reliable supply from the Tuckombil Quarry as the current source.

Being able to employ articulated vehicles, also known more casually as 'truck-and-dogs' (and not 'B-doubles' or any similar combinations), has the potential to **halve** the overall number of heavy vehicle movements which are currently occurring.

Our current proposal **does not** seek to change any other aspect of the present operations – no increased hours, **no** expanded production, **no** additional night works.

Because our production will remain the same, the use of larger capacity 'truck-and-dogs' has the potential to **decrease** the overall number of heavy vehicles on our roads, not increase it.

Council is now assessing our application following their receipt of community comments during the recent public exhibition period.

Compatibility of asphalt plant with surrounding areas

Boral has operated the Alstonville Asphalt Plant continuously since the late 1970s. Throughout its history, it has supplied road surfacing materials to a majority of local projects, including the major construction works for the Alstonville and Ballina bypasses.

Today, the operations provide a source of employment for up to 50 people including the on-site plant team, regional contract crews, drivers and technical specialists. Many more local external contractors are also reliant on the site for their activities.

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Its location within the existing quarry has always been ideal in terms of direct access to material and the management of environmental outcomes such as noise and dust. It is also central to most parts of the Northern Rivers, project sites and the plant services.

Generally we have enjoyed a very good relationship with the local community. This was verified early in 2015 when we contacted the residents and owners of 85 properties surrounding the quarry and asphalt plant, seeking comment on the site's operational performance.

As reported in our May newsletter, apart from a few comments about dust, we were offered little by way of other concerns. Our further invitation in May's newsletter to offer feedback directly to us has, to date, resulted in **no** response.

Asphalt manufacturing and health

Disappointingly, since this invitation to comment, it has become apparent there are some in the community who are unhappy not only with our modification request, but also with the actual existence of the plant itself.

Rather than focusing on the content of the modification, some parties have highlighted their concerns about the potential health effects on local residents which they believe may be generated by our plant. This has understandably caused some alarm.

Despite perceptions to the contrary, the level of emissions from the average asphalt plant is actually very low. There is no scientific evidence available to suggest that these very low emission levels present any significant health risk to those living around such sites.

During 2011 the International Agency for Research on Cancer (IARC), based on studies, saw fit to reclassify bitumen as carrying a **possible** risk of being a carcinogen **only to those who were in consistent direct contact** with the material through their occupation.

When considering the distance of residents from the plant, the dilution of the emissions as they travel from their source, and the already very low levels of the emissions being generated, the risk presented to residents is again extremely low.

It has been stated that the heating of bitumen as part of the asphalt manufacture process produces polycyclic aromatic hydrocarbons (PAHs), some of which are known carcinogens.

Scientific evidence available again suggests that this risk is **possible only when in consistent direct contact with the bitumen material**.

It is **incorrect** to state that when residents smell bitumen in use at the plant, they are being dangerously exposed to PAHs. The smell of bitumen is primarily that of odorous substances known as sulphides (akin to 'rotten egg gas'), with **no** correlation between the odour and the concentration of any PAHs present.

Speculation about what may occur over future decades in terms of local health is, at present, simply that and is not supported by current evidence.

Need to know more or offer feedback?

As has been the case in the past, we are open to receiving any questions or feedback about the operation of our site or any aspect of the modification currently being assessed.

You are most welcome to connect with us via email to feedback@boral.com.au; our survey website at www.boral.com.au/feedback; or by calling 9833 5077, 9033 5056, or 9033 5215.

BORAL

Ballina Shire Council
General Manager
Anthony Peters
D.A. 1995/127

Terren Rd
Alstonville
N.S.W. 2477
20-6-16.
66280280

RECEIVED
21 JUN 2016

Dear Sir,

We wish to object to the amended proposal applied for by Bitupave Ltd.

Our concern is for the increased number of trucks to use Terren Rd while bringing aggregate from other sources and the use of articulated vehicles in a residential road.

We live on the corner of Terren Rd + Ballina Rd so all the trucks travelling that way to the quarry pass our place.

The trucks coming past now are noisy enough without having larger ones and more of them!

These bigger B-doubles don't belong in a residential area used by school children and families.

Actually, ^{some} B-doubles are being used now along Terren Rd and the size of them in comparison to the width of the road as they roar along is quite scary - particularly at night when one is driving or even walking on the footpath.

Please do not allow this amendment to be passed.

yours sincerely.
(Mrs) Jill Clark.

RECORDS
SCANNED
22 JUN 2016
Doc No: No 48834
Batch No:

OBJECTION TO DA 1995/127.

20/6/2016. BORAL ASPHALT PLANT ALSTONVILLE

The General Manager
Ballina Council
Ballina 2478.

DA 1995/127
Gap Road.

Ms. Kathryn Spinks
23 Panorama Drive
ALSTONVILLE 2477.
gemin2871@hotmail.com



Dear Sir / Madam,

As a resident of Panorama Drive Alstonville, I wish to formally object to the proposed DA changes to Boral Asphalt Plant at Alstonville.

I have been a resident in Alstonville for 18 months and the situation is getting worse.

* The noise from the plant continues often until after 2 am which contradicts Boral's pamphlet saying they operate until 11pm.

* Boral spoke to 20 residents only and asked about the plants current performance and not the DA. Were these residents hand picked??

* The noise study was only made on Tevan Rd (p 30 Statement of Environment effect) does not take into account when they change gears (trucks) and the higher peaks of decibels as they go up Gap Road or when they change gears and brake near the roundabout. This will be worse with double trucks.

* Their proposal to have double trucks

means everything will be twice as bad.
 Boral has a licence for 100,000 ton and they will use it. they will not reduce the number of trucks.

My experience with the plant is —
 * The smell when they make the bitumen is so sickening I cannot go outside and the house must be closed and the smell still infiltrates the house.

* When they crush the gravel a haze rises from the plant and hangs in the air for kilometers. the dust settles on everything and costs thousands of dollars for residents to clean ^{up} their tiled roofs because of the humidity and dust. the proof of this dust and debris is evident because on days they don't operate, my pool stays clean — the other days it's full of scum from the plant.

I feel this plant is too close to residents and should be closed as it's impacting on our village. these trucks are a danger to our elderly walkers, our children and passing close to bus stops.

Please share this letter with councillors.
 I also request receipt of this letter.

Thanking you

M. J. [Signature]

16/49507.

Nadelene Smith

From: Helene de Joux <helene.mcgillick@gmail.com>
Sent: Friday, 24 June 2016 10:42 AM
To: Ballina Shire Council
Subject: FAC General Manager re: DA 1995/127 S96 objection letter
Attachments: Boral flyer.pdf; Boral DA 1995127 S96 objection letter.docx

Please find attached to this email:

- 1) my letter of objection to the proposed S96 amendment to DA 1995/127 (Boral/Bitupave asphalt plant, Gap Road, Alstonville)
- 2) the pamphlet sent by Boral to the community

I am looking forward to a written answer from Council on the matter.

Yours respectfully,

Helene de Joux

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

<BR

Helene de Joux
4 Solara Court
Alstonville

24th of June 2016

For the ATTENTION of THE GENERAL MANAGER

Re. DA 1995/127

There are major concerns regarding DA 1995/127 proposal by Bitupave/Boral batching plant 540 Gap Road Alstonville. I object to the proposed DA and I draw your attention to the points below:

5.2 Community engagement

The consultation process

- The consultation process with the community has not been adequate and is misrepresented. In its Statement of Environment Effect and its pamphlet to community received May 2016 (see attached), Boral, mentioned a survey conducted in February 2015, nearly 18 months ago, which was a survey of general satisfaction, thus not giving the opportunity for residents to actually ask questions related to the current DA and resulting issues. A past "general satisfaction" survey is not an adequate measurement of current opinion about new changes of a DA.
- In the Statement of Environmental Effects, Boral wrote it dropped pamphlets at 85 households; it also states (p21) that it approached 33 households, only 20 of which actually spoke to its employees. Boral mentions an electronic survey for the households who had received the pamphlet, however there are no figures to how many actually responded nor hard statistics about response rates to specific questions on the electronic survey.
- In its pamphlet to the community, Boral mentions (p2): "It's more often the case than not that we don't work through the entire night, stopping around 10-11pm once customer needs are met". After consultation of official records of their night activity provided by Council to Alstonville Asphalt Watch, it is important to note that Boral has recorded only 5 nights finishing between 10 and 11pm out of 60, 2 more were finished before midnight and the vast majority of the others around 3 am, whilst some shifts went for 4 consecutive nights and days – a misrepresentation in its communication with community.
- Boral mentions it employs more than 35 local people and contractors at the site in its pamphlet, whereas the Statement of Environmental Effects (p11) mentions "the plant currently employs 1 staff in total associated with operations and sales. In addition, contract employment is provided during peak periods."
- Little case is made for the fact that trucks would also allow the use of double trucks at night in Boral pamphlet to the community, nor in the letter from council to rate-payers.
- The discrepancy between the pamphlet and actual official figures suggests Boral is trying to represent itself more positively than it is in a second pamphlet distributed to the community just days before the community was informed of Boral's DA proposal via mail. It begs the question of why would an ethical, truly consulting company would actually inflate figures when communicating to the community about its activities. It is not an acceptable consultation with the community, especially in the

1

light of the consultative process for the DA proposal at the Teven quarry (DA1995/263).

Uncertainty of the potential impact of the approval of the proposed DA

There has been no legal framework or conditions in this DA preventing the quarry resuming activity, and Boral still benefiting from the removal 1 and 2h, thus exposing the local community to the possibility of exposure of double trucks for asphalt as well as the Tuckombil quarry traffic. Whilst Boral/Bitupave wrote in their pamphlet Lismore City Council is uncertain to keep going with their lease at the quarry and presented Boral as needing outside aggregates, both the Council and Boral/Bitupave omitted to inform residents of the following in their correspondence:

- The removal of condition 1 and h from the DA are permanent, and thus will not cease to exist when the quarry resumes its activity.
- Ballina council is opposing Lismore Council's withdrawal and no official/public decisions have been made/communicated at the time of submission closing date (24th/08/16).
- Ballina Council has expressed its intention to extract from the quarry for years to come, extend the quarry to the East (Ballina Council Notices of Ordinary Meeting Minutes, 27th February 2014, p4)
- The quarry had a DA (DA 1998/252) application for the doubling of their explosive storage capacity in March 2015.
- Allowing double trucks to be used by Boral can set a precedent for future tenants of the quarry to ask to do the same, and thus expose the local residents with an increasingly impacting number of double articulated trucks.

Due to the importance of the proposal, I urge the Council to engage in consultation in a scale relative to the importance of the proposal to ensure greater community awareness of the possible consequences of the development. Council should also review the legal parameters in order to avoid such a scenario.

Table 6.3 Net additional daily truck movements p 28, Statement of Environmental Effect

- Allowing double trucks for Boral would set a precedent for the Quarry when it resumes activity.
- There is no existing study of safety impact for pedestrians, cyclists, and children getting on and off school buses on Teven Road in the Statement of Environmental Effects pertaining to the use of double articulated trucks, and Boral producing asphalt at full capacity using double trucks for the transport of asphalt.
- There is no existing study examining the impact of a permanent removal of condition 1 and 2h and a resuming of the quarry. As Boral owns Teven quarry, there may not be an incentive to use Tuckombil as its primary aggregate provider when it resumes activity.
- The study talks about average truck movements, but the reality for residents means being exposed to ebbs and flow of high level peak asphalt related traffic correlating to projects/contracts, not an average number of trucks. This is particularly true of night time traffic, which has the most impact on residents' wellbeing and health.

6.5 Road Traffic Noise (p30), Statement of Environmental Effect.

The model to predict potential noise levels from trucks has been done on Teven Road NORTH of Gap Road at the nearest assessment receiver (site 2, figure 1.2 p5) on Teven Road (to study impact of double trucks coming from Teven, during the day time). This location is inappropriate for these reasons:

- o It does not take in consideration sustained peaks of decibels generated by trucks going West on Gap Road up the hill, which often occur during batching for a project when trucks follow one another out of the plant, and particularly disturbing at night.
Double articulated trucks will also be used for asphalt; as double trucks are heavier than single trucks, it seems in the public interest to study this aspect of traffic as Gap road faces the Panorama Estate across a valley which act as an echo chamber.
- o The vast majority of trucks will not be generated by trucks transporting aggregates, but by trucks transporting asphalt; 95% of this traffic travels South of the Gap road turn off, not North.
- o The vast majority of sensitive recipients to traffic noise live South of the turn off, with houses only metres away from the road.
- o The modelling does not evaluate the unique topography on the southern part of the turn off - an important factor in noise conduction. Traffic noises travel and echo on the upper part of Panorama estate, Teven Road; accelerations/decelerations from trucks at the parkland Kawana roundabout are also not addressed.
- o There is no night time noise study included in the Statement of Environmental Effect

About decibel measurements p30, Statement of Environmental Effects

- o only a brief 5 lines for a summary of noise study. "The modelling showed a negligible increase (less than 1 dB) in daytime road noise at this nearest location. It also showed that road traffic noise complies with the daytime assessment criteria of 55 dB(A). It should be noted that an increase of 1 dB is imperceptible to humans"
- o This modelling does not encompass a night modelling. NSW Road Noise policy, p11 - <http://www.epa.nsw.gov.au/resources/noise/2011236nswroadnoisepolicy.pdf> recommends decibels values under 50 dB(A) at night time.
- o The modelling in the Statement of Environmental Effect does not give raw data on the actual values of decibels generated therefore is not a suitable reference for night time modelling.

Odour:

The current Boral Odour Management Plan requested by the EPA in February 2014 does not work as odours are still recurring, a clear indication the community is still exposed to harmful VOCs and PAHs; this would be exacerbated by the use of double trucks as fugitive fumes occur especially at loading times, and even further should Boral produce at capacity. Considering the community is experiencing odour, identifying the amounts of VOCs and PAHs blown onto the community from fugitive fumes becomes a requisite as an issue of public health significance as these substances are recognised "potential carcinogens". This is especially important as the plant is situated North and East of the community in an area with prevalent Northerly and Northeasterly winds.

Accumulation of S96 amendments.

Section 96(2) of the *Environmental Planning and Assessment Act 1979* (EPA Act) specifies that Council, as the consent authority, may modify a consent if it is satisfied that the modification will result in substantially the same development as the development for which the original consent was granted.

However, according to His Honour, in the case of *Council of Trinity Grammar School v Ashfield Council* [2015] NSWLEC 1086 stated "Section 96AA cannot and should not be used to allow incremental changes to a development where the essential nature of the original development is changed."

Furthermore, in *Vaalk Pty Ltd v Penrith City Council LEC* (unreported 24 February 1992), Stein J stated that S96 amendment should not be used for purposes which alter the way a development is to be carried out.

To illustrate my point, I refer to 3 selected precedent cases of overturn of S96.

- The case of *Council of Trinity Grammar School v Ashfield Council* [2015] NSWLEC 1086 concerned an application for modification under 96AA to increase the number of students attending the school from 1500 to 1700. This did not involve any physical or operational changes to the school apart from satisfying conditions attached to approval regarding traffic and noise. The Land and Environment Court heard evidence relating to noise levels, the cumulative effect of the noise levels and traffic levels and held that the application for modification was *not substantially the same* as the original development consent. His Honour stated that the school could apply for development consent to increase student numbers. Further, His Honour pointed out at [109] that "the opportunity to increase the student numbers at the campus is available to the School through the development application process under the Act. Section 96AA cannot and should not be used to allow incremental changes to a development where the essential nature of the original development is changed."
- In *Newton Denny Chapelle v Ballina Shire Council* [2014] NSWLEC 1123 the court held that modifying development consent to allow open storage of scaffolding is of minimal environmental impact but that the modification sought was substantially different from the original development consent. This is because in the original consent all storage, including trucks, materials and equipment were to be stored in a shed and was a material and essential physical element of the approved development [37].
- In *Vaalk Pty Ltd v Penrith City Council LEC* (unreported 24 February 1992), Stein J stated that "In approaching the s 102 [later replaced by s. 96] exercise one should not fall into the trap of saying that the development was for a certain use — extractive industry — and, as amended, it will be for precisely the same use and accordingly is substantially the same development. What is important is that a development, particularly extractive industry, must be assumed to include the way in which the development is to be carried out. Otherwise, there may be little purpose in s 102" (*Environmental Planning and Assessment Act 1979* - the relevant section at that time for modification applications).

In the case of DA 1995/127, since the original consent was granted in 1995 for the replacement of an existing asphalt batching plant with a new higher capacity plant, the way in which the original development is to be carried out has been altered with incremental changes to its business hours in 2005, in 2008 and in 2008 thus changing its nature from a day time operation to a night time operation. The current proposal goes even further with 2 significant changes in the way the operation is to be carried out by obtaining aggregates from other quarries AND allow double articulated trucks at the plant.

For these reasons and on the basis of legal precedents, I urge the council to reject the current S96 application and request a new DA.

Personal experience.

The night time traffic and odour from the plant have been disturbing for our family at all times of day or night. Regardless of the time of the year, if Boral operates at night, we have to close windows and use fans and air conditioning in weather conditions that do not warrant their usage due to the Northerly winds blowing fumes towards Panorama. It is especially bad at loading time, but can happen at other times too. On occasions, the smell can be so bad even with windows closed it does awaken us from sleep. These emanations are often followed by eye or respiratory irritations, especially in the children. Allowing double trucks would exacerbate the issue of fugitive fumes at loading times as they would last twice as long.

Adding to the odour issue comes the noise issue of trucks leaving the site. It is especially an issue at night when trucks leave the site on Gap road up the hill and through the intersection. The topography of the space between the plant and the Panorama estate is a shallow valley which conducts the noise, especially to the part on Panorama Drive, the upper parts of Granada parade, Solara court and others streets. Asphalt odours tend to travel on a similar pattern, and both are especially noticeable during northerly winds conditions (predominant summer wind) and temperature inversion conditions which are predominant in spring, autumn and warm days in winter.

Our family attempt to communicate with Boral has been unsatisfactory; we have been told there is nothing they can do about noise and odour issues. We have been in contact with the EPA, which informed us they requested Boral to implement an Odor Management Plan, which does not seem to have had much of an effect on our experience of odour.

In light of the point raised, (inadequate community consultation; inadequate legal parameters, inadequate noise modelling, odour management issues, accumulation of S96 amendments), I urge the Council to reject the proposed DA.

I am looking forward to an answer in writing at the mentioned address.

Your sincerely,

Helene de Joux
4 Solara Court
Alstonville NSW 2477

I do not have any political affiliation, and I have not made any gift or donations to any councillors.

16/49752

Nadelene Smith

From: Bob Druitt <bob.druitt@hotmail.com>
Sent: Friday, 24 June 2016 3:25 PM
To: Ballina Shire Council
Subject: OBJECTION PROPOSED AMENDMENT TO DA 1995 / 127 BITUPAVE/BORAL BATCHING PLANT 540 GAP ROAD ALSTONVILLE
Attachments: Letter to Council Objection Boral DAJune 2016.docx

The Manager
Ballina Shire Council
Tamar Street
Ballina NSW 2478

Dear Mr Peters,

Please find attached our objection to the abovementioned DA for the Bitupave/Boral Batching Plant on Gap Road, Alstonville.

Kindly acknowledge receipt of this email.

Bob Druitt
24 June, 2016

7 Mantula Place,
ALSTONVILLE NSW 2477

M: 0432 640 330

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7 Mantula Place
ALSTONVILLE NSW 2477
23 June 2016

The General Manager (Anthony Peters)
Ballina Shire Council
Tamar Street
BALLINA NSW 2478

E: council@ballina.nsw.gov.au

Dear Mr Peters,

RE: OBJECTION TO PROPOSED VARIATION TO DA 1995/127
Bitupave/Boral Batching Plant 540 Gap Road, Alstonville

We strongly object to the above proposed variation to DA 1995/127. Matters we wish to raise are as follows:-

Adverse Effect on Our Property

Our property is located 750m to the SSE and clearly there are many similarly affected properties in this area.

1. Crushing – noise
2. Batching – Strong objectionable odour
3. Truck movements on the Taven and Gap Roads

Deficiencies in EIS

- Noise study done north of Gap Road but not south (where most houses are)
- No night time studies done
- No studies on odour – area affected.
- No studies on potential adverse health effects from bi-products released into the atmosphere from the batching process.

Health Issues

1. It is apparent the issue of potential air contaminants has not been adequately addressed to date – particularly the presence of PAH's (polycyclic aromatic hydro carbons)
2. Risk of injury from truck movements is also a real threat.

Misleading Information in DA

The DA indicates, I understand, that community consultation was undertaken. There has however, been a distinct lack of consultation with regard to this proposal.

Existing approvals not complied with

One example being night time truck movements where local community monitoring has shown the permitted number of truck movements has been exceeded by 5%. It is understood Council has not displayed the will to have this issue proven by the applicant which could be done by referring to truck log books, etc.

Current Proposed Amendment to DA is for a Significantly Changed use to that currently Approved
Currently the DA allows for the treatment of material won ON-SITE.

The proposed amendment seeks to change the use to that of a processing plant where material from elsewhere is to be brought in and then treated before being transported from the site. This practice will clearly result in double the number of truck movements for every tonne of material treated.

It appears the whole DA process has been to seek approval by stealth over time.

The current licence is for 100,000 tonnes. It is probable that this capacity was not originally readily or economically available from the site and now it is sought to be supplemented from outside sources.

One can only imagine that the applicants would have considered this originally and held the view that it would be easier to amend a DA where it already held a licence for the larger volume.

If approved by Council it means, significantly, that Council has seen fit to operate outside the EPA (Environmental Protection Agency) guidelines which recommends a 1000m buffer to residential development for such a use.

Reasons Council should Disallow the Current DA amendment Proposal

1. It is contrary to EPA current recommendations of a 1000 m buffer for such developments
2. Council is aware of the potential of carcinogenic contamination affecting the adjoining urban population (Refer document authored by Effie Ablett – highly experienced in cancer research and tabled at public meeting 22 June 2016).
With growing concern and knowledge in this area (eg. EPA's revised buffer zones), Council would be grossly negligent to approve the development.
3. Council by letters circulated to Alstonville residents, outlines progress with the "Alstonville 2036 Strategic Plan Project". Here, Council is seeking community input commencing in Alstonville on Thursday, 30 June 2016 – less than one week away.
SURELY SOMETHING AS SENSITIVE AS THIS QUARRY DA AMENDMENT SHOULD BE PART OF THIS DISCUSSION!
Could it not be the case that Bitupave/Boral wish to have their application dealt with BEFORE such a Strategic Plan gains traction as almost certainly it would not be approved after this process.
4. Whilst there is a need to have some tolerance for the extraction of quarry material where such is not readily or widely available, there is insufficient reason to suffer a purely industrial and polluting activity when other options are available. Eg. Treat the material proposed to be transported to the Gap Road site at the source from which it comes and ideally, transport the Gap Road material to that other site for treatment also.
5. Heavy articulated vehicles should not be introduced to urban areas where children, pedestrians, push bike riders etc are present (where there are no formed footpaths) and people of all ages drive cars in a quiet urban environment.
6. Council through its ownership of the quarry may be seen not to be operating at arms-length in this approval process.

Additional Observation re Quarry Activities Generally

In my experience over many years where I have had dealings with quarry issues, I have noted the DA either provides for inadequate rehabilitation or any such rehabilitation requirement has not been adequately monitored by the relevant authority. Resulting at times in an unrehabilitated site at the end of the quarry life.

Should any departure to a DA be contemplated, I feel it incumbent upon Council to closely review the rehabilitation provisions already in place and strengthen these considerably if necessary as part of any approval process.

Government has now, it seems, belatedly recognised this failure and I believe is proposing some improvements in their policies on this issue.

I trust Council will have high regard to the issues raised and the serious concerns expressed by residents and not allow any expanded use of this site.

Yours faithfully,

RH Druitt

For RH & MD Druitt

E: rh.druitt@hotmail.com

M: 0432 640 330

16/52060

Nadelene Smith

From: Helene de joux <helene.mcgillick@gmail.com>
Sent: Thursday, 30 June 2016 5:52 PM
To: Ballina Shire Council; Councillors
Subject: Boral DA 1995/127 att: Gf Mger & Councillors

A written answer to this email is requested.
Answers from Councillors appreciated.

To the General Manager,

The \$96 amendment to DA 1995/127 seeks to remove condition 1 (obtaining aggregate from Taven or other quarries) and to remove condition 2h (utilisation of double articulated trucks).

In the Commercial Service Committee Meeting minutes, the pages 62-73 cover the topic of presenting the DA 1995/127 proposal to Councillors, it only mentions the removal of condition 1 to Councillors, there is no mention of condition 2 h, the permission to use double trucks. In the documentation to support the DA proposal to councillors are a couple of pages (pp72-73) that are seemingly extracted from the full Statement of Environmental Effect (pp26-27) presented to the NSW Department of Planning and Environment, however all the sentences about the double trucks seem to have been omitted in the documentation for Councillors. The minutes of the Commercial Services Committee Meeting mention a reduction in trucks, but does not mention about the use of double trucks to achieve this; There is a table provided in documentation to Councillors, which shows truck reduction numbers, but again, no mention that these numbers are achieved by using double trucks.

Furthermore, there is no mention of leasing the quarry again as a third option (Commercial Service Committee Meeting minutes, p63), when it can still operate. The quarry licence for Tuckombil is transferable (confirmed by EPA via email). Ballina Council has made clear it's intention to keep the Tuckombil quarry going for years to come (Ballina Council Notices of Ordinary Meeting Minutes, 27th Feb 2014, p4).

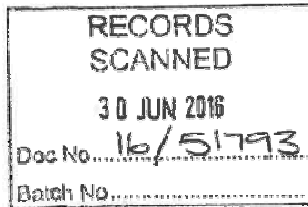
Given the letter of notice to NSW Department of Planning & Environment after the meeting included condition 2h (dated 24th of May 2016), and given figures given to councillors used double trucks to achieve reduction without informing them, could you please explain why condition 2h was not part of the agenda and was not discussed before Councillor voted. Could you also please explain why the above 3rd option was not mentioned to Councillors?

Yours sincerely,

Helene de Joux

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<BR



9 Bahama Ave
Alstonville N.S.W.
2477 Ph 66281527

Ballina Shire Council
Cherry Street, (P.O.Box 450)
Ballina N.S.W. 2478

Attention: General Manager Mr. Anthony Peters,

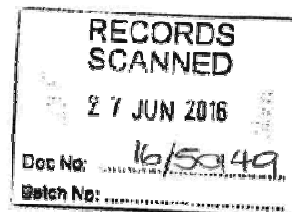
We notice a D.A. (DP 1130300) application has been presented to Council for doubling of explosive capacity at Gap road quarry a licence for up to 100,000t bitupave. We feel this will increase truck movement and sizes in the panorama development area and a danger to the family's living in the area. We also believe the fumes from the new operation would increase and be intrusive to our living standard. We also note that recommendation are that for this type of business requires 2000m buffer zone and these requested increases would be within these recommendations set down by the EPA.

Yours Faithfully

R.W. Corney
&
B.C. Corney

1358 Teven Road
Alstonville
20 June 2016

The General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478



Refer DA 1R995/127

I object to the above DA on the grounds that the Quarry and Boral Asphalt Plant are inappropriate industrial enterprises to be located next to an urban area.

1. The foreshadowed cessation of operation of the Quarry by Lismore County Council provides Ballina Council such an opportunity to fully review its longer term future plan for the Quarry. The review needs to consider a) the Quarry's adverse impacts on the natural and urban environments b) the meagre financial benefit accruing to ratepayers c) the constraints incurred by adjoining landholders as a result of the imposition of the Quarry/Boral buffer d) the opportunity cost incurred by Council ratepayers due to that same adjoining land lying idle, rather than being used for urban development or other purposes, for which it is suited.
2. Boral's bitupave business should be relocated. It is not clear what financial benefit, if any, ratepayers have received from the bitupave plant's operation over the last 20 years or so, on what is essentially ratepayers' land.
3. Boral in its information leaflet, May 2016, makes much of the recent progress of road building on the north coast and of the Alstonville Quarry's important contribution. However, at the outset of the era of highway road building referred to by Boral, an alternative source of roading material could have been identified, and developed in a more suitable location, given the abundance of basalt in the region. That is, due to a lack of foresight by the Council the location of the Quarry was an unfortunate mistake. The decision by Council to allow Boral to set up their bitumen plant at the Quarry compounded the error.
4. The question is: Why hasn't the Council taken the opportunity provided by the temporary cessation of the Quarry's activities to thoroughly review its entire operations, and also of Boral's in the interest of ratepayers. Instead, Council seems to be simply following a well worn path. Judging on past performances this will result in tweaking the system to significantly favour Boral, to further compound past errors to the further disadvantage of ratepayers. I note that Boral holds a licence, which permits it to double its current bitupave output. Such an outcome would be totally unacceptable and to forestall the possibility, I would advocate

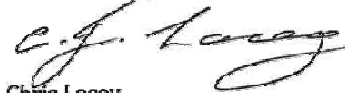
a) zero tolerance for nighttime work, as of right now and b) the preparation of an EIS now for the limit allowed by the licence.

Your letter is dated the 24 May and you require a response by 24 June. Given the importance of this matter, combined with the paucity of information and confusion surrounding it, such a time frame is inadequate for me, and no doubt for others, to provide a suitably detailed and comprehensive submission.

I would appreciate you supplying me with the costs and returns from the Council's quarrying activities over the last 10 years, along with any financial returns Council may have received from Boral.

I would also appreciate an up to date environmental impact statement for both entities' activities. I have a personal concern about the continuing impact of the Quarry pit on the hydrology of my own and other adjoining properties. I have water level data from my bore, which I believe is largely dictated by, and can be correlated to, the water level of the Quarry pit and its management, especially during the drier months. I have requested this information several times in the past 6 months, namely from Mathew Wood, but I have not been able to talk to anyone who accepts responsibility for overseeing or monitoring this important and obvious impact.

Yours sincerely



Chris Lacey

16/50128.

Tel: 0421582771

7 Valley Drive

Alstonville, NSW. 2477

18 June 2016

General Manager,

Ballina Shire Council. Attn: Anthony Peters

Ref: DA 1995/127

Dear Sir,

Thank you for your letter dated 24 May 2016.

I write to lodge my objection to the proposed DA which will increase traffic on Teven Road [Alstonville end] by both vehicle number and size, and hours of operation. Further, I wish to object to any increase in production and operating hours of the Boral Asphalt plant at Gap Road.

My residence backs directly on to Teven Road in close proximity to the stop sign where Teven Road joins Ballina Road. Currently the noise from both asphalt carrying trucks from the Alstonville Quarry and road base trucks with dog trailers, carrying gravel to road works, which operate often later than midnight is unreasonable. These trucks operating noisy gear shifts and often noisy brakes when required to do unintended stops at the stop sign, because of unexpected Ballina Road traffic, pass within 25 metres of the four bedrooms of my home. During the cane cutting season, although less noisy, the cane carrying semi-trailers add to the adverse environmental conditions. The requirement to negotiate a round-about and a stop sign in close proximity, by additional articulated vehicles, will also adversely affect road safety on Teven Road where young children reside.

Although I live about a kilometre from the asphalt batching plant the smell of fugitive tar fumes is significant at night when a northerly air stream exists. Any increase in available quarry materials will no doubt allow greater batching capacity with increased fugitive fumes.

In summary, I wish to object to the Bitupave Ltd amended proposal [BSC DA 1995/127] as I believe the introduction of more articulated vehicles particularly during night hours would greatly increase noise, further lowering the living environment of many Alstonville residents. Further, I believe if this DA were approved it would lead to greater production of asphalt, with increased fumes, adverse to the living environment of most of Alstonville.

Yours sincerely,



J.R. Morris

General Manager,
Ballina Shire Council,
PO Box 450, Ballina.

B+B. Campsey,
7 Tranquil Pl,
Alstonville NSW 2447.
20/6/16

16/50067

Dear Sir,

We would like to make some comments concerning the Ballina Shire Council quarry in Gap Rd., Alstonville.

As a resident living slightly south and east of the quarry approx. 500m away in Panorama Estate we regularly experience the smell of the poisonous fumes from the Bitupave batching plant and we regularly experience air pollution of crusher dust and grime which settles as residue on windows, verandahs, roofs. This pollution is more substantial when the air is still or the wind is from the W, NW, N or NE. It does cause catches in the throat, coughing and mucus.

To us the noise and truck movements danger is minimal, even though there are constant truck movements on Taven Rd on occasions.

Noise or truck movements are ever present for many others in Panorama & Tanamera Estates.

The quarry on Gap Rd. teters on and over the limits of its DA regulation when it comes to odour, crusher dust pollution, noise and truck movements. (Admittedly the lessee of the quarry has tried to minimise some noise and air pollution by moving some of its plant deeper into the quarry.)


There are proposed changes coming at the quarry concerning extra quarrying, extra crushing including blue metal being trucked in for extra

bitumene production.

Changes such as this should require a new environmental impact statement and a new revised DA to spell out new conditions covering the extra truck movements, air pollution, noise and odour.

We thank you for consideration of these important health & safety issues.

Yours sincerely
Bony & Barbara Campsey



16/49795

Nadlene Smith

From: John Molloy <jmolloy6@bigpond.com>
Sent: Friday, 24 June 2016 4:59 PM
To: Ballina Shire Council
Subject: Objection to DA1995/127

As residents of Alstonville we oppose very strongly against DA1995/127 proposal by Bitupave/Boral batching plant 540 Gap Road Alstonville. We care about our health and peace and ask you, the Ballina Council, to go along with our opposition.

John and Eileen Molloy



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16/49749

Nadelene Smith

From: Stephen Fletcher <stephen@environplan.com.au>
Sent: Friday, 24 June 2016 4:15 PM
To: Ballina Shire Council
Subject: Submission in Respect of DA 1995/127 540 Gap Road Alstonville
Attachments: BSC Letter - DA 1995.127 24.6.16.pdf

Attention: Anthony Peters

Hi Anthony

Please find attached a submission in respect of the application by Bitupave Ltd to modify Development Consent 1995/127

Regards

stephen fletcher

stephen fletcher
& associates pty ltd

PO Box 5334 East Lismore
NSW 2480

p: 0413314730
f: 0266215882
e: stephen@environplan.com.au
www.environplan.com.au

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**stephen
fletcher**
& associates
pty ltd

**environmental
planning**

The General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

24th June 2016

Attention: Mr. Anthony Peters

Dear Anthony

Development Application 1995/ 127 Bitupave Limited Lot 1 DP 880416 Gap Road Alstonville

I am acting on behalf of Mr Errol Beaumont, Director of Beaumont Family Super Fund, owner of Lot 2 DP 800081 Teven Road Alstonville and also on behalf of Mr and Mrs Lacey, owners of Lot 1 DP 800081 (No. 1358) Teven Road Alstonville, and have been requested to lodge this submission in relation to the application by Bitupave Ltd for modification to development consent 1995/127 for Lot 1 DP 880416 Gap Road Alstonville.

The respective land owners are concerned by the Section 96 application to modify the consent and their concerns by way of objection to the proposal are outlined below.

We understand the Section 96 application seeks to amend two significant conditions of the current consent being Condition 1 which limits the receipt of aggregate and fines for the asphalt plant to that obtained from the adjacent quarry and condition 2h which restricts the use of articulated vehicles at the plant for product delivery.

Lot 2 has an area of 5.624 hectares and is a cleared and generally level rural holding. It has a recently approved and constructed dwelling. Lot 1 has an area of 2.84 hectares and contains a dwelling and various improvements. The properties each have frontage to both Teven Road and Greenie Drive Alstonville. The properties whilst zoned 7(l) Environmental Protection (Urban Buffer) Zone under the Ballina LEP 1987 adjoin the established residential area of Alstonville.

The respective owners have each independently made prior representations to Council regarding the future zoning and potential development of their properties.

**PO Box 5334
East Lismore
NSW 2480**

phone: 6413 314730
fax: 642 66215887
stephen@environmentalplanning.com.au
www.environmentalplanning.com.au

We acted on behalf of Mr Beaumont in this regard and from discussions with Council staff understand that the current 'urban buffer' zoning has been put in place in largely to maintain a separation area between the zoned residential area of Alstonville and the quarry/asphalt plant site.

The operation of the asphalt plant is by nature of the current operation and the current consent conditions explicitly linked to the operation of the quarry and is in effect an adjunct to the original quarrying operations. The operation of the quarry has a finite life and it had been assumed that with the closure of the quarry (resulting from the exhausting of the resource or otherwise) that land within the 'buffer area' may then be able to be developed for residential use. The effect of the proposed consent modification is that when the quarry ceases operation the adverse impacts upon residents within the vicinity will continue indefinitely as the asphalt plant itself generates noise, dust and odour issues. The adjoining land suitable for future residential development will therefore presumably remain sterilised.

Our clients are concerned that the effect of the requested modification to the consent will adversely affect their enjoyment of their properties and any future development potential and accordingly submit the following points of objection:

1. The asphalt plant was intended as per the current consent requirements to operate in conjunction with the Council owned quarry as an ancillary activity. Any proposal to operate the plant separately is against the intent of the consent and results in the proposal being not substantially the same as that approved;
2. The proposal, which provides for the operation of the asphalt plant indefinitely beyond the life of the quarry will have the effect of sterilising the future potential for residential growth and development upon land within proximity to the plant site. This is contrary to the objects of the act being:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*


Council is undertaking a strategic planning process aimed at guiding the future development of the plateau and given the significant lack of current and projected residential land available within Alstonville, the appropriate growth of the village is a paramount issue for the plan. Our client's lands are highly suitable for future residential development given their position adjacent to the residential area, provision of services, desirable aspect and topography and lack of physical constraints. Council is requested to consider the application for modification to the consent within this broader strategic planning framework and to question the benefit of sterilising suitable land for an indefinite period to the detriment of the community and contrary to the orderly and economic use and development of land.

3. The application identifies the concept of receiving the required aggregates and fines from the Teven quarry, 8 kms to the north-east of the site. Given the negative impacts which the asphalt plant operation currently has

upon the residential community of Alstonville it would appear more suitable that the applicant seek to relocate the plant to the Teven quarry which is in a rural area removed from the residential township of Alstonville.

Can you please take the matters raised in this submission into account when assessing and determining the consent modification request.

Yours faithfully



Stephen Fletcher

16/49751

Nadelene Smith

From: Lorraine Vass <vassii@fs.net.au>
Sent: Friday, 24 June 2016 4:12 PM
To: Ballina Shire Council
Subject: Gap Road Alstonville S96(2) Mod.
Attachments: Ballina DA1995.127.docx

Good afternoon

Please find attached Friends of the Koala's brief submission on this development application.

Yours sincerely
Lorraine Vass

President | Friends of the Koala, Inc.
Lismore's Environmental Citizen of the Year 2015
T: 6629 8888 (HJ) | PO Box 5034, East Lismore NSW 2450
24-hour Hotline: 8622 1233 | www.friendsofthekoala.org
Volunteers working for koala rescue and rehabilitation, advocacy, education, research, environmental repair
Follow us on Facebook
Nature Conservation Council of NSW's 2012 Outstanding Environment Group and
2014 Merie Byles Award for most outstanding new environment campaign
Lismore City Council's 2013 Sustainable Environment Award Winner
Byron Shire Council's 2014 World Environment Day Award (Conservation & Land Management)

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The General Manager
Ballina Shire Council

by email: council@ballina.nsw.gov.au

Dear Sir

Re S.96(2) Modification of a Designated Development – Lot DP 880416, No 540 Gap Road, Alstonville

I write on behalf of Friends of the Koala in regard to the above development application which appears to be seeking approval to use the site as a depot for receiving aggregates and other materials from other quarries in the area.

Our concern focuses on the increase in heavy and articulated vehicles and the potential impact that such traffic could have on the koala population in the vicinity, that area of the Bruxner Highway being, according to our records, the hottest "hot spot" for road mortalities in the Ballina local government area in recent years.

We request that should the modification be approved that drivers be provided with appropriate training on koala behaviour and what to do in the case of an accident involving a koala consistent with the Shire's Koala Management Strategy.

Yours sincerely

Lorraine Vass
President
24 June 2016

*Volunteers conserving koalas and their habitat on the Northern Rivers,
Friends of the Koala services the local government areas of Ballina, Byron, Myalgie,
Lismore, Richmond Valley & Tweed.
Licensed under the National Parks and Wildlife Act 1974 to rehabilitate injured, sick and orphaned koalas.
Licence no. NWL000100223*

PO Box 5034
East Lismore NSW 2480
info@friendsofthekoala.org
www.friendsofthekoala.org

*The Nature Conservation Council of NSW's 2012 Outstanding Member Group and
2014 Made By/as Award for most outstanding non-environmental campaign
Lismore City Council's 2013 Sustainable Environment Award Winner
Byron Shire Council's 2014 World Environment Day Award (Conservation & Land Management)*

Approved in Section 96(2) of the NSW National Parks and Wildlife Act 1974 in Ballina, NSW on 24 June 2016. Council File No: 2016-081 (DP 880416)

16/491663

Nadelene Smith

From: eablett@southernphone.com.au
Sent: Friday, 24 June 2016 1:40 PM
To: Ballina Shire Council; eablett@southernphone.com.au
Subject: Boral DA objection
Attachments: BORAL DA2.doc

I have attached an objection to the ammendment to DA

1995/127

Please contact me if you have any questions or require more information regarding this objection.

Dr Effie Ablett
519 Pearce's Creek Rd
Alstonville NSW 2477

phone 0427382006

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Re: DA1995/127 s.96 - Extractive Industry Section 96 (2) Amendment to Designated Development 1995/127 (Alstonville Asphalt Plant) to enable aggregate for the plant to be obtained from sources other than the adjoining Quarry and to utilise articulated vehicles in the transportation of product

I wish to object to the above DA amendment on the following grounds:

- 1) The existing operation of the Alstonville Asphalt Plant poses a health hazard to the residents of Granada Pde, Palermo Pl, Solara Cr, Panarama Dr and Tevan Rd from exposure to carcinogens particularly PAH's (Polycyclic Aromatic Hydrocarbons) released in hot bitumen fumes.
- 2) Any change to extend or increase the existing operations will further increase this health hazard.

I am a retired cancer researcher, having spent over 30 years working as a molecular biologist in Cancer Research at University of Qld and Qld Institute of Medical Research, studying the effects of chemical carcinogens on cultured human cells. I have written papers published in Nature, the Lancet, New England Journal of Medicine, Mutation Research, Neurology, Oncogene, Biochemical Pharmacology and Plant Science. I was an invited speaker at the Dibble Cancer Research Centre, UDMS, London, and the International Congress for *In Vitro* Biology, Portland, OR, USA.

Evidence of Bitumen fume from the Alstonville Asphalt plant.

- a) I have smelt "bitumen" on several occasions when playing croquet on the croquet lawn at Gap Rd.
- b) Six residents of have told me of the strong smell of bitumen at their residences that has occurred on multiple occasions in the last 2 years, usually when a Northerly wind has been blowing.
- c) This smell is likely to be bitumen fume from the Gap Rd Asphalt Plant to the north of these residences.
- d) Curtains at one residence have been covered with a black film. This is not consistent with the red dirt film often found on curtains from dust blown over the Alstonville plateau. A black film in this region is more consistent with bitumen dust and/or fumes.

The health risk of PAH's in Bitumen.

The International Agency for Research on Cancer (IARC) [1] has classified "Occupational exposures to straight-run bitumens and their emissions during road paving" as "possibly carcinogenic to humans (Group 2B)".

Bitumen contains a complex mixture of organic compounds including hundreds of different PAH's. Only a handful of PAH's have been studied. They have been shown to cause cancer in laboratory animals. There is little human data. Apart from benzo-a-pyrene (BaP), safe levels for air and water have not been determined, so they are largely left out of Public Health risk assessments.

The Relative Inhalation Carcinogenic potency from World Health Organization [2] of several environment carcinogens are shown below:

| | Inhalation potency [unit risk($\mu\text{g}/\text{m}^3$) ⁻¹] | relative potency |
|---------------------------|---|------------------|
| Benzene (causes leukemia) | 6×10^{-6} | 1 |
| Asbestos (lung cancer) | 7.7×10^{-3} | 1,000 |
| BaP (animal studies) | 8.7×10^{-2} | 10,000 |
| Other PAHs (chemistry) | | 1,000,000 |

PAH's are 10 to 1,000 times more potent in causing cancer than asbestos and up to 1 million times more potent than benzene.

The National Environment Protection (Ambient Air Quality) Measure [3] has defined a Monitoring Investigation Level (MIL) for BaP: $0.3 \text{ ng}/\text{m}^3$ as an annual average. MIL merely triggers further investigation and action that apply at hot-spots.

The PAH, benzo-a-pyrene (BaP) has been measured in Bitumen fume at 180°C at $90 \text{ ng}/\text{m}^3$. So any escaping bitumen fumes are likely to contain PAH's at levels over 300 times higher than the federal government MIL, and are a significant health hazard.

The USA EPA lists naphthalene, a simple PAH, as having an odour threshold of $2 \text{ ng}/\text{m}^3$ [4]. So if the human nose can detect PAH's to this level, people reporting "bitumen smells" are experiencing levels above the MIL, ie, a significant health hazard.

There are many young children living in the affected area - Granada Pde, Palermo Pl, Solara Cr, Panarama Dr and Tevan Rd. Young children have six times the cancer risk of adults. The continued operation of is plant will lead to an Alstonville cancer cluster in 15 years time.

The Preliminary Hazard Analysis

A Preliminary Hazard Analysis of the Alstonville Asphalt Plant was carried out by Envirotest in 1994. It looks into the possibilities of fire and explosion of the flammable chemicals in the plant. As this was prior to the recognition of the health hazards of PAH's, two aspects were not taken into account.

- 1) The emission of PAH's in hot bitumen fume in the normal operations of the plant. These could be contained by the design of the plant and adequate filters that adsorb PAH's. Filters that remove odours and not PAH's have been used but these could allow dangerous emissions to continue without being detected.
- 2) Any fire or explosion of hot bitumen or asphalt would release large amounts of PAH's into surrounding areas. This poses a considerable health risk, not considered in the original EIS. Because of this risk, and the possibility of inversion layers containing the fumes, Asphalt Plant operations should not be allowed within 1km of residential areas.

Conclusions

- 1) The Alstonville Asphalt Plant is emitting bitumen fumes with its current operation. These contain carcinogenic PAH's which are a worse health hazard than asbestos.
- 2) The plant operation needs to be monitored for bitumen fume emissions and specific air tests for PAH's carried out.
- 3) Any filters used to contain emissions in the plant need to adsorb PAH's not just odours.
- 4) The possibility of fire or explosion with emission of large quantities of PAH's needs to be investigated, raising the possibility that the plant should not continue operations close to a residential area where Northerly winds and an inversion layer could allow the emissions to persist for some time.
- 5) This DA modification which extends and/or increases the plant operation should not be approved.

If this Asphalt plant is allowed to continue present operations, the release of Bitumen fumes is likely to lead to a cancer cluster involving children living in the Alstonville area who have been exposed to PAH's. It is up to the present Ballina Councillors to take some action to prevent this.

Dr Effie Ablett
519 Pearces Creek Rd
Alstonville
0427363006

References

- [1] International Agency for Cancer Research monograph 103, 2010
- [2] World Health Organization Air Quality Guidelines for Europe 2nd edition 2000
- [3] National Environment Protection Committee National Ambient air Quality standards 1998
- [4] USA EPA Reference Guide to odour Thresholds for Hazardous Air Pollutants 1990

16/49666

community

Search



NO TO DOUBLE TRUCKS AT NIGHT IN ALSTONVILLE

66

of 100 signatures

TO: BALLINA COUNCIL MANAGER

Please do not approve DA 1995/127 Proposal by Bitupave/Boral batching plant 540 Gap Road Alstonville.

Why is this important?

IMPORTANT, PLEASE READ CAREFULLY

DA 1995/127 Proposal by Bitupave/Boral batching plant 540 Gap Road Alstonville.

The proposal for Bitupave/Boral to receive crushed rocks by road from other suppliers in the area via double-articulated vehicles for product deliveries is hiding a real threat for Alstonville. Whilst Bitupave/Boral told you Lismore City Council is uncertain to keep going with their lease at the quarry and positioned themselves as needing outside aggregates, they omitted to inform you of the following:

- Removing condition 1 and h from Boral's original DA, thus allowing double articulated trucks, is permanent, even if the quarry is leased again in the future.
- Once double trucks are allowed, they will be also permitted for night work too, not just bringing gravel from Teven quarry.
- Ballina Council can at any time tender the quarry for someone else to take over
- Ballina Council has expressed its intention to exploit the quarry for years to come, extend the quarry to the East (Ballina Council Notices of Ordinary Meeting Minutes, 27th February 2014, p8)
- The quarry had a DA (DA 1898/252) application for the doubling of their explosive capacity in March 2015 – Lismore already knew then it was not sure to continue its lease.
- Noise studies were carried out on the Northern side of Teven road, not the Southern side where people live.

IF THIS DA GOES THROUGH, WE COULD ACTUALLY BE EXPOSED TO NIGHT TIME DOUBLE TRUCK MOVEMENTS, A DOUBLING IN ASPHALT PRODUCTION WOULD MEAN AT LEAST AN EQUAL AMOUNT OF DOUBLE TRUCKS AS OF REGULAR TRUCKS TODAY.

Bitupave/Boral holds a 100,000t licence (currently batching 50,000t, as per their environmental statement); the permanent change to allowing gravel trucks from the outside combined with the clear positioning that the Council intends to exploit the quarry for years to come, passing this DA would give precedent for a future lease of the quarry to used double trucks too. This situation would expose the community to unacceptable levels of double truck traffic.

How it will be delivered

As per NSW privacy legislation, we declare that this petition will be delivered to Ballina Shire Council as part of an objection to DA 1995/127. As such, all information provided will be rendered public on the Council website.

| first_name | last_name | phone_number | postcode | comment |
|------------|-----------|--------------|----------|--|
| Helene | de Joux | 66280131 | 2477 | The DA is proposing to cancel conditions of lease that would permit Boral to double its production. Most councillors are in favour, yet there has been no community consultation, nor there is any community support for it. |
| Tyrone | mcgillick | 447468618 | 2477 | |
| Lucrette | Sporne | 419162506 | 2477 | |
| Suzannah | Arnot | 400882265 | 2477 | |
| Pita | Boronski | 419006520 | 2477 | |
| Sandy | Jeudwine | | 2477 | |
| Robert | Lendrum | | 2477 | |
| Wendy | White | 484516042 | 2480 | |
| Jo | Davies | 402300094 | 2477 | |
| Zsazsa | Kiss | | 2480 | |
| Sharon | Lehman | | 2460 | |
| Terry | Doherty | | 2477 | |

| | | | | |
|------------|-------------|-------------|------|---|
| Jessica | Williams | | 3145 | |
| Ellie | Watson | 404301109 | 2477 | |
| Lesley | Goldsworthy | 02 66286469 | 2477 | |
| Fiona | Gregory | | 2477 | |
| Alf | Clark | 02 66280280 | 2477 | |
| Aleksandar | Mirkovic | 266280328 | 2477 | |
| Michelle | Lacey | | 2477 | |
| robyn | knight | 412889285 | 2477 | |
| janice | schaapveld | 6628 5743 | 2477 | |
| hank | schaapveld | 6628 5743 | 2477 | |
| Katherine | Clinton | | 2477 | |
| Robert | Taylor | | 2477 | |
| Ivy | Taylor | | 2477 | |
| Anne | Forrester | | 2477 | |
| Monique | Wright | 408253505 | 2477 | |
| T. | Rowney | | 2477 | I'm angry because Ballina Council has once again ignored concerns of citizens. Consultation and consideration of the quality of life of residents is vital. |
| fiona | monti | 427401017 | 2477 | |
| paul | monti | 414789974 | 2477 | |
| genelle | doust | 419561356 | 2477 | |
| Peter | Mills | 404647622 | 2477 | |
| Bronwyn | Read | | 2477 | |
| Joanne | Boland | 266281646 | 2477 | |
| Kara | Collins | | 2477 | |
| Damien | Collins | | 2477 | |
| Robyn | Bullock | | 2478 | |
| Laura | Ellis-Harry | | 2477 | |
| Tania | Kortick | | 2477 | |

| | | | | |
|-----------|---------|------------|------|---|
| Robert | Noble | 266281175 | 2477 | The sheer volume of trucks and the current noise day and night is intolerable when working at current capacity with vehicles on Teven Road let alone a proposed increase in volume. |
| Cameron | Bracken | | 2477 | |
| Martin | Hayden | 408624170 | 2477 | |
| Sharon | Parry | 266285929 | 2477 | The noise and smell are already disgusting... and Council is sneakily permitting Boral to expand in our little village! |
| doug | murdoch | o266281955 | 2477 | not required in a residential area |
| Valeria | Vescovi | 414285822 | 2477 | I live directly opposite and the noise and smell is not nice |
| Paola | Murdoch | 424220119 | 2477 | I fully support the alstonville asphalt watch in this matter |
| Gwen | Farmer | 266283076 | 2477 | |
| Sandra | Rowan | 66285886 | 2477 | |
| Bede | Kauter | | 2477 | |
| Belinda | Coombs | 413312773 | 2477 | |
| Charlie | Handley | 66241301 | 2480 | |
| Eunice | Hartley | 66287943 | 2477 | |
| Jocelyn | Perritt | | 2477 | |
| Angelique | Walsh | 400917664 | 2472 | |
| Ken | Samuels | 438588972 | 2477 | |
| James | Morris | 421582771 | 2477 | |
| Gabrielle | Morris | 407802848 | 2477 | |
| marlene | smith | 405226066 | 2477 | There are several reasons the dust is unreal and unhealthy also the noise of the trucks going changing gears to get through the roundabout in |

| | | | | |
|---------|----------|-------------|------|---|
| | | | | Teven Rd we pay good rates to live in a clean environment and a beautiful little village |
| Kerrie | Pepper | 266287058 | 2477 | The dust is terrible and it makes you have hay fever like symptoms. You can see it in the air coming over from the quarry. At night we cannot sleep with our windows open when the wind blows over the smell, it is so pungent. |
| Kathryn | Spinks | 407173571 | 2477 | |
| Anne | Muir | 61411420715 | 2477 | |
| Thomas | Muir | 61419468913 | 2477 | |
| Darren | Knight | 423964455 | 2477 | |
| maggie | de leeuw | 66288580 | 2477 | I believe this is inappropriate for such a small town, to be overtaken by mining, blasting, smell and heavy road traffic, and increased noise levels. This will effectively change alstonville from being a lovely destination to live in and visit, to one to be avoided. the proposed step will affect land value, housing resale and our living environment as we know it. Please! Stop this process from further development!!! |
| Carter | Naftzger | 403595031 | 2477 | |
| Dianne | Naftzger | | 2477 | |

General Manager,
Ballina Council,
40 Cherry Street,
Ballina. NSW. 2478.



19 Montego Parade,
Alstonville. NSW. 2477.
20th June 2016.

Re: DA 1995/127 Proposal by Bitupave/Boral Batching Plant
540 Gap Road Alstonville.

Dear Sir,

I wish to object to the modification of the designated development above (DA1995/127).

My objections are as follows –

- 1 Obtaining/allowing the receipt of aggregates and fines by road from other suppliers (quarries) in the area.

This will in effect double the truck movements to and from the quarry. If crushing is then increased from the current rate to the full 500,000 tonnes as indicated, then this has the potential to further increase truck movements, all up, a quadrupling of movements compared to that which is occurring today. The 2015 DA application for doubling the explosive capacity would seem to bear this out.

- 2 The replacement of the existing asphalt batching plant with a higher capacity plant.

The unpleasant smell from the current batching plant is already very strong for those of us living close by, so obviously a higher capacity plant will only make this situation worse.

The buffer zone required in 1995 was 500 metres, however the current recommendation is now 1000 metres. A large part of Alstonville falls within this 1000 metre buffer zone.

The Gap Road operation has grown and changed substantially over the last 21 years from when it was first approved, so one has to ask 'what is Council's agenda' for it to continue approving amendments to this DA?

We, the residents of Alstonville live here because we wish to enjoy a quiet lifestyle, have safe uncluttered roads for ourselves and our children and to be without the noise of heavy trucks grinding away day and night. We also believe we are entitled to the clean air that rural living has to offer and not be subjected to the increase of polluting industrial activity in Alstonville.

Industrial Estates are set apart for industrial activity for good reason. It seems more appropriate to have an asphalt batching plant in the Industrial Estate than to have it sitting on the edge of Alstonville where it affects so many residents.

I therefore urge Council to show some common sense regarding the modification of the above DA. After 21 years involving many amendments, including changes to buffer zone regulations, a new DA reflecting these changes would seem appropriate.

Yours faithfully,

Stephen Mills and Veronica Mills

Ballina Council

To the Manager

Dear Sir,

we have been advised that Boral have applied to double their bitupave supply from the Alstonville quarry and transport gravel from their Teven quarry for this purpose.

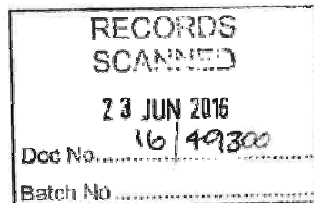
There is already a lot of trucks using this road and because of the Roundabout gear changing, braking and exhaust is already a problem these trucks run sometimes into the early hours of the morning so an increase in trucks would not be good for the environment or peoples health.

Could Council consider moving the plant to the Teven quarry.

Regards

Bob & Gwenda Farmer

6 Cashmere Place
Alstonville.



16/48588

Nadelene Smith

From: Tom Muir <thomasm57@hotmail.com>
Sent: Tuesday, 21 June 2016 4:00 PM
To: Ballina Shire Council
Subject: Re: DA 1995/127 Proposal by Bitupave/Boral batching plant 540 Gap Road Alstonville

To the Council's General Manager,

Dear Mr Peters,

I am writing to voice my concern and opposition to the above DA proposal for the Bitupave/Boral plant at Alstonville to receive crushed rocks from other suppliers in the area, by way double articulated vehicles.

The existing operations are already operating in a distance of less than the recommended minimum of 1km from residential communities. This concerns me because we already experience noxious fumes on mornings when the plant is in operation and have barely tolerated it in the hope the the plant would eventually shut down. There have been days when the explosives have used at the batching plant and I have been hit by a shock wave in my back yard. Unless you have experienced it yourself, you cannot understand how disturbing this feels, let alone the concerns I have for structural damage to our home.

With the existing operations, our sleep is constantly disturbed when the plant is operating through the night. Any further increase in operations to this plant is unthinkable when it operates so close to residential areas.

Why doesn't the Council support or investigate other options, such as moving operations to nearby industrial estates. The estates are further removed from homes and make good sense when considering the social, environmental and health impacts of such a noisy, smelly and disruptive heavy industry.

Regards,
Tom Muir
1/6 Calypso Court
Alstonville NSW 2477

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The General Manger
Ballina Shire Council

8 Bahama Ave
Alstonville
NSW 2477

21 June 2016

Re DA 1995/127 Modification to Consent: Boral Bitupave
498 Gap Road Alstonville. Ref: 010.1995.0000127.005

Dear Sir,

Following receipt of a pamphlet in the mail box from "Alstonville Asphalt Watch" suggesting residents have their say re DA 1995/127, we reviewed the Statement of Environmental Effects in support of the subject Consent modifications.

The following submission is made.

The concerns of Boral Bitumen in relation to continuity of raw material supply are understood.

The solution proposed however should not result in detriment to the amenity of residents nearby or the greater Shire community.

The reason for the plant being where it is, was due to the proximate source of high quality quarried material to make bitumen products. The community benefits from this, in that a return is received by Ballina Shire Council from product won from Tuckombil Quarry and on-sold to Boral.

If quarry product is imported, this benefit is lost. The community and especially Alstonville residents would bear monetary, amenity and environmental costs associated with the change, especially from the use of B double trucks to import the raw materials. Boral argues that it is not liable to compensate for impacts on roads from this activity on the basis that its importation should be balanced against the exports that would not be occurring if the quarry were idle.

The SOEE does not entertain that Ballina Shire Council may lease the quarry to another entity that would resume production and export material from the site at the same time that Boral is importing aggregate from one of its alternate sources.

Importing material from its own quarries would give the company full control over not just quality, but the entire supply chain, which would be attractive to the business.

Given that the Quarry is an important and viable asset of Ballina Shire Council, it is unlikely that Council would allow the operation to remain idle for longer than absolutely necessary.

How the Council could insist on Boral immediately returning to the use of material from Tuckombil quarry, in the event that Council or another entity recommenced quarrying operations at Tuckombil is not evident. Of particular note is the qualification in the requested amendment regarding "adequate quality product". This gives the Company the ability to use "quality" as an argument against taking product from Tuckombil quarry when production resumes.

16/48213

Despite claimed efforts, actions to ameliorate negative aspects of Boral Bitupave's operations, particularly at night, have failed to placate residents who have in recent years been increasingly affected by offensive odours, plant and road noise from this business.

The formation of the "Watch" group is a consequence of this.

The NSW Environment Protection Authority is aware of residents' concerns and is currently attempting to address the problems with the company.

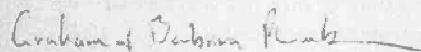
It could be argued that if the synergy of the plant utilising the product won at the Tuckombil Quarry is broken, Boral should cease production, dismantle and remove its bitumen plant from Alstonville.

Prior to consideration of the requested amendment Council needs to confirm in writing from Boral that the request to import raw material is **temporary only** and that Boral will stop importation and return to sourcing quarried products from the Tuckombil quarry immediately upon resumption of production from that site regardless of what entity has the lease of the facility.

Given that the above undertaking is made (rather than implied, as it appears to be at present) and Council is of a mind to allow the requested amendments, the following should occur:

- The Council should be cognisant of any recommendations from the Environment Protection Authority of NSW with whom it has correctly consulted.
- Importation of aggregates onto the site should be during the approved normal operational hours in daylight.
- Imported aggregates brought from elsewhere must arrive fully processed ready for stockpiling and subsequent use.

It is understood that the hard rock quarried at Tuckombil quarry is relatively low in silica however material brought to the site from elsewhere may be different in this respect. If a higher silica product is crushed at Tuckombil this may result in the inevitable dust having a small but higher potential to cause ill health. This possibility should be avoided and would appear to be readily addressed by condition.



Graham & Barbara Plumb

AlstonvilleAsphaltWatch .com

Are you a local resident that's affected by Boral's Asphalt operations at Tuckombil Quarry?

Perhaps you...

- smell the noxious emissions from the mixing and transportation of asphalt.
- are disturbed by the constant noise and traffic of trucks.
- feel the right to have quiet nights.
- oppose the expansion of Boral's operations at Tuckombil quarry.
- are simply annoyed that an operation of this type is allowed so close to a residential estate.

If so, we need your help!

Help relocate Boral Asphalt away from Alstonville by becoming an active member of Alstonville Asphalt Watch.

Alstonville Asphalt Watch members help maintain a community log of Boral's out of hour operations, report toxic fumes emitted to the Environmental Protection Authority and participate in regular meetings.

Visit alstonvilleasphaltwatch.com and become a member now!

Alstonville Asphalt watch is a local community organisation.

ALSTONVILLE ASPHALT WATCH COMMUNITY ALERT!

IMPORTANT, PLEASE READ CAREFULLY

DA 1995/127 Proposal by Bitupave/Boral batching plant 540 Gap Road, Alstonville.

The proposal for Bitupave/Boral to receive crushed rocks by road from other suppliers in the area via double-articulated vehicles for product deliveries is hiding a real threat for Alstonville. Whilst Bitupave/Boral told you Lismore City Council is uncertain to keep going with their lease at the quarry and positioned themselves as needing outside aggregates, they omitted to inform you of the following:

- Ballina Council can at any time tender the quarry for someone else to take over
- Ballina Council has expressed its intention to exploit the quarry for years to come - extend the quarry to the East (Ballina Council Notices of Ordinary Meeting Minutes, 27th February 2014, p2)
- The quarry had a DA (DA DP1130300) application for the doubling of their explosive capacity in March 2015 - Lismore already knew then it was not sure to continue its lease

IF THIS DA GOES THROUGH, WE COULD ACTUALLY SEE AN INCREASE IN ASPHALT PRODUCTION AND TRUCK MOVEMENTS IN THE NOT SO DISTANT FUTURE!

Bitupave/Boral holds a 100,000t licence (currently batching 50,000t as per their environmental statement); the permanent change to allowing gravel trucks from the outside combined with the clear positioning that the Council intends to exploit the quarry for years to come, passing this DA would give Bitupave the means to batch to full capacity without any environmental impact statement or community consultation in the future.

IT IS IMPORTANT TO ACT NOW!

When Boral was approved in 1996, the buffer recommended by the EPA (Environment Protection Agency) was 500 metres. In the last few years, due to the impact of asphalt batching on health due to fugitive fumes from operations and the noise impact, especially at night, recommendations are CURRENTLY a 1000m buffer zone - most of Alstonville is within 1000m. The Ballina council is well aware of these regulations as per the very strict conditions of approval of a property on Lot 2 Teven Road (Ballina Council Notices of Ordinary Meeting Minutes, 27th February 2014, p4), thus recognising that most of the population is subjected to odour and noise nuisances. But don't count on the council to protect you - the majority of councillors have already voted in favour of the proposal!

If you care about your health and tranquility, if you believe industrial operations should follow current EPA recommendations and be away from community by 1 km, if you believe double trucks do not belong on roads close to an estate full of families and children, if you don't believe in the increase of polluting industrial activity in Alstonville and would like to see Boral moved to an industrial estate.

ACT NOW!

**IT IS ESSENTIAL THAT YOUR VOICE BE HEARD - WRITE TO THE GENERAL MANAGER, ANTHONY PETERS, BALLINA COUNCIL BEFORE THE 24TH OF JUNE
SIGN THE COMMUNITY PETITION ON:**

Alstonvilleasphaltwatch.com

**COMMUNITY MEETING TO BE HELD WEDNESDAY 7:30PM THE 15TH OF JUNE @ WOLLONGBAR
COMMUNITY HALL, HALL CRT, WOLLONGBAR.**

Nadelene Smith

From: Sandra <k.munros@bigpond.com>
Sent: Friday, 17 June 2016 11:03 AM
To: Ballina Shire Council
Subject: Re Da 1995/127 Proposal by Bitupave/a oral batching plant

To General manager Anthony Peters

We wish to advise that we are in disagreement with the application as the existing night works are beyond what we believe to be allowed they claim they have approached surrounding people and we at 77 Teven rd and none of our neighbours have been approached

This will create noise and added smells to our property it is also noted that some nights the trucks are carting asphalt all night Would the council please advise if the current DA allows a oral to do this.

Yours Faithfully,

k.munros@bigpond.com.

Kevin and Sandra Munro.
Sent from my iPhone

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16/62698.

Anthony Peters

From: james bruce Hahn <jim.hahn@bigpond.com>
Sent: Monday, 1 August 2016 3:59 PM
Subject: Fwd: Quarry at Gap Rd. Alstonville

Begin forwarded message:

From: james bruce Hahn <jim.hahn@bigpond.com>
Subject: Quarry at Gap Rd. Alstonville
Date: 1 August 2016 4:11:54 pm AEST
To: council@ballina.nsw.gov.au

To whom it may concern,

My name is Jim Hahn and I live at 27 Granada Parade Alstonville. Our home is probably closer to the Gap Rd.

quarry than anyone else's. I am not overly concerned with the presence of the quarry or the Boral hot mix plant. I have spoken to other residents of Granada Parade and none of those that I have spoken to are bothered by the quarry and hot mix

plant. I went to a meeting on Saturday 30th July at Wollongbar Hall to advise the organiser there that we were not bothered

by these operations at the quarry in Gap Rd. There were about 20 to 22 people there and not all were opposed to the

quarry or hot mix plant being there. We are far more bothered by the cars and trucks that go down Teven Rd. heading north

and refuse to obey the road rules at the roundabout. They do not slow down and think that if they are on the right they have the

"right of way". This is not the rule and never has been. There is some dust that blows from the quarry sometimes, depending

on which way the wind is blowing and that can be a bit of a nuisance.

Sincerely, J.B. Hahn J.P.

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16/60958

Robyn Gutter

From: Doug Murdoch <dougpub3@gmail.com>
Sent: Wednesday, 27 July 2016 9:39 AM
To: Ballina Shire Council
Subject: Gap Road Quarry

Regarding notices etc to be brought forward at upcoming council meeting 28th July 2016:-

I live directly opposite the Gap Road Quarry at 25 Granada Parade in the Panorama Estate, and wish to advise that we have no serious issues with the current operations at this site.

We have had no impact from either quarry work or the asphalt plants operation.

We have resided at this address for over 15 years and whilst there is occasionally a small dust problem we find this has diminished greatly.

Blasting of 15 years ago is now much more restrained and in fact I cannot remember the last blasting.

We have no objections to the continued current operations of this Gap Road site.

Regards

Doug and Paola Murdoch

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16/62914

Anthony Peters

From: Marilyn Nobbs-Hahn <midge737979@gmail.com>
Sent: Tuesday, 2 August 2016 10:52 AM
Subject: GAP ROAD QUARRY

2/8/2016

ATTENTION Anthony Peters

To Whom it may Concern

I am a resident of Alstonville. At this time I do NOT have any real Concerns about the Quarry in Gap Road.....I have lived here for approx. 5 years.
When we bought the Home in 27 Granada Pde. we were well aware there was a rock quarry at the back of our place.....We did look into the life expectancy...of the Quarry.
At that time we were told it would be 16 years until something was to be done.....

At the present rate of truck movement in and out, it is not interfering with my life quality.....We sometimes get a smell when the mixing is going on....At night when it is operating (which thank goodness) is not very often, the noise can be disturbing to my sleep.....SO if the same continued movements continue, as this is what we have come to expect, I have NO problem with it staying where it is.....

I do how ever have a problem with the noise some of the exhaust brakes, and a very big problem with the speed in which some truck drivers travel down Tevan Road.
That is a residential area, there is a round about, and rules are not observed. You take your life into your hands sometimes just making a right hand turn, into Parkland Road, if one of the fully loaded trucks are travelling towards Gap Road.

Sincerely

Grace Nobbs-Hahn

Pde

LLE 2477

Yours

Marilyn

27 Granada

ALSTONVI

6628 6915

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Anthony Peters

From: Aaron Fox <aaronfoxlandscaping@gmail.com>
Sent: Tuesday, 2 August 2016 2:46 PM
Subject: Aaron Fox Landscaping Anthony Peters

Hi Anthony,

I am The owner of 29 Granada parade Alstonville and I am also the business owner of Aaron Fox Landscaping.
I Am one of the main houses that backs straight onto the quarry and am writing to inform you that I am strongly against the Boral quarry on Gap road closing down, as are all property owners on our street. I have 2 young children and we have never had a problem with noise, dust, smell etc. local jobs in this area are hard to come by and It is really important it stay.

Please contact me further to discuss,

Kind regards,

Aaron Fox

0414 018 450.

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