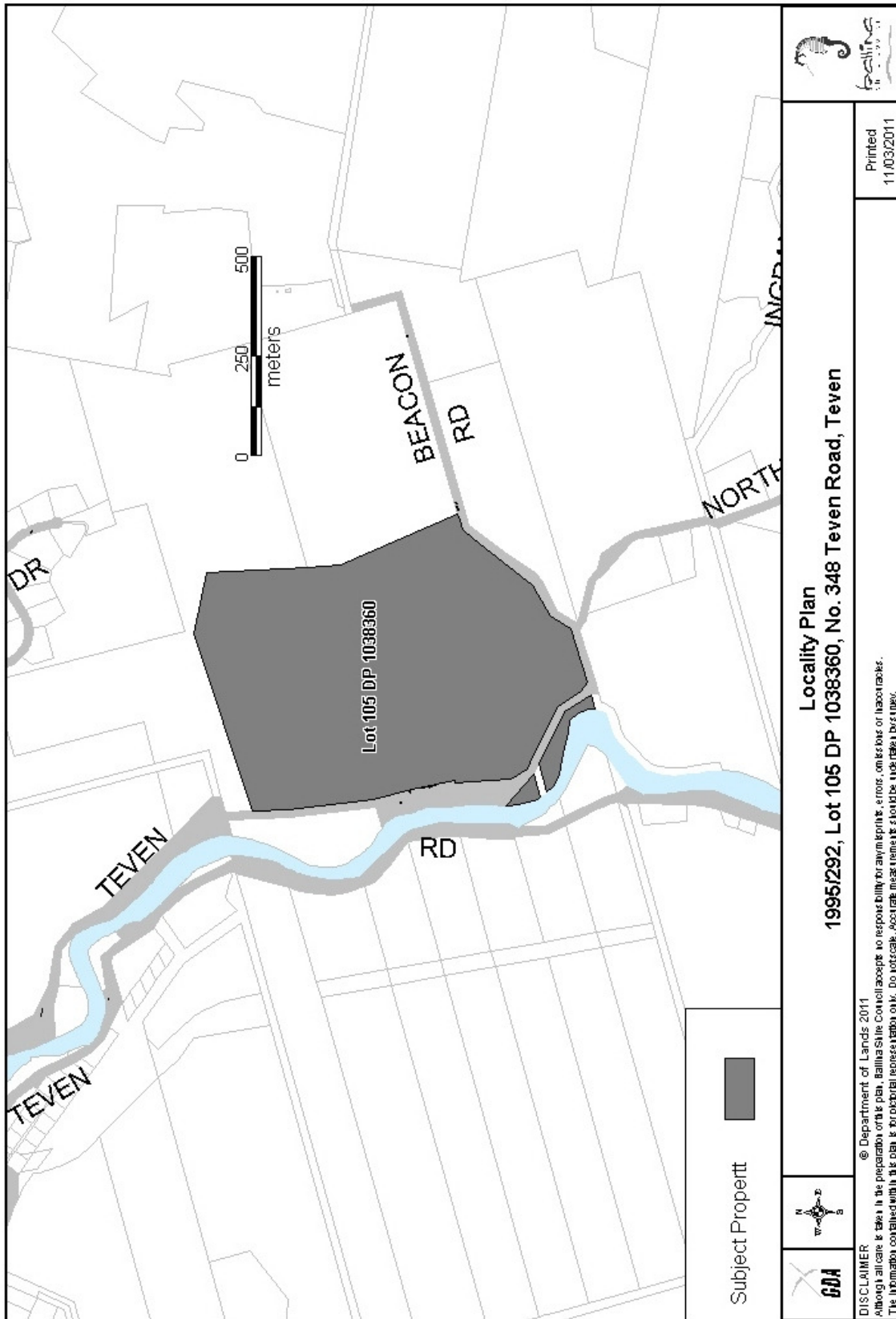


8.2 **DA 1995/292 - S96AA Boral Quarry, North Teven Road**



**SUMMARY**

Boral Resources (Country) Pty Ltd was requested by Ballina Shire Council to conduct a review of the Conditions of Consent for the Teven Quarry in relation to Development Consent 1995/292.

Teven Quarry's compliance to the Twenty Six conditions of Development Consent 1995/292 has been summarised in Table #1.

Consent Condition	Description of potential environmental impact	Comment	Compliance
1	Development of the site shall be undertaken generally in accordance with the plans and associated documentation lodged with the Development Application, including the applicants additional information dated August 1995, and the Teven Quarry Plan of Management dated April 1996 ("POM"), subject to these conditions of consent.		Compliant
2	<p>Within six (6) months from date of this consent the applicant shall prepare and submit to Council for approval an environmental management plan ("EMP") for the quarry which is not inconsistent with the POM and which provides information with respect to the following:</p> <ul style="list-style-type: none"> <li>a) a detailed staged rehabilitation strategy for the site;</li> <li>b) measures outlined in the acoustical report prepared by JW Cotterill to reduce impact of adverse noise to adjacent residences and the impact of haul vehicles on public roads in proximity of the site;</li> <li>c) details of measures for dust suppression within the quarry;</li> <li>d) details for control and treatment of surface run-off, erosion and sedimentation measures within an d adjacent to the site; and</li> <li>e) a detailed hazard analysis and management plan.</li> </ul> <p>The applicant shall demonstrate that the environmental management plan has been formulated in consultation with and to the satisfaction of relevant public authorities which have a licensing or regulatory role over the operations of the quarry. To the extent of any inconsistency between the EMP and the POM, the EMP shall prevail.</p>	EMP (dated December 1996) was submitted for approval to Council	Compliant
3	Any changes or amendments to the POM shall be lodged with the Community Consultation Committee	POM has not been changed or amended.	Compliant
4	<p>An annual report shall be prepared and submitted by the applicant to the Community Consultative Committee which will include the following:</p> <ul style="list-style-type: none"> <li>• details of tree and regenerative plantings;</li> <li>• details of how the applicant has acted on, complied with or otherwise dealt with or responded to each condition of development consent within the period up to each annual report;</li> <li>• results of all monitoring, as required by the EPA Licence conditions or otherwise by the EPA or other regulatory authorities, of water discharges, dust emissions and noise and blasting operations;</li> <li>• alterations to the Plan of Management; and</li> <li>• the applicant shall, if requested to do so in writing by the consultative committee or its authorised representative, provide to the members of the committee, reasonable access to the site for the purpose of allowing the committee to determine compliance with these conditions of consent.</li> </ul>	<p>Annual Report not prepared in recent years due to the CCC not meeting.</p> <p>Annual Report will be prepared for the 2010-2011 Operating Period, and presented to the CCC in September 2011.</p>	Non Compliant



5	All operations within the quarry shall be conducted in accordance with the requirements of the NSW EPA, Workcover Authority and the Department of Mineral Resources.		Compliant
6	The applicant shall make application to the NSW Department of Land and Water Conservation for closure and purchase of the Crown public road which traverses the quarry. Until such time as the necessary road closure actions are finalised, no further development or use of the Crown public road or the immediately adjacent area shall be undertaken.		Compliant
7	The applicant shall consult with the Department of Land and Water Conservation to ascertain the need for a licence under the Water Act 1912 with respect to the spring to the north of the quarry site.	Letter sent to DLAWC in 1996 regarding the spring to the north of the quarry.	Assumed compliant
8	The normal hours of operation for the various components of the quarry shall, except as specified below, not exceed the following: Excavation, Processing, Loading and Transportation 7:00 am to 5:00 pm – Monday to Friday 7:00 am to 3:00 pm – Saturday Blasting 9:00 am to 4:00 pm – Monday to Friday Maintenance of Plant Outside Workshop 6:00 am to 6:00 pm – Monday to Saturday Maintenance Operations Inside the Workshop 6:00 am to 10:30 pm – Monday to Friday 6:00 am to 6:00 pm – Saturday* Domestic scale loading and transportation (where vehicles do not exceed 8 tonnes loaded capacity) Additional time for this domestic scale operation may extend the hours until 5:00 pm on Saturdays Extended Hours On any particular occasion, the applicant can extend the hours of the quarry operation and the transportation of product to 6:00 pm Monday to Friday and can extend the hours for maintenance outside the workshop up to 10:30 pm Monday to Friday after notifying and Community Consultative Committee representative.	All hours of operation for the quarry comply with the stated Consented Hours of Operation.	Compliant
9	The applicant shall ensure the area adjacent to the quarry access remains clear of material spillages which may otherwise present a hazard to motorists.	Has been some sediment build-up concerns noted in the past, not actual spillages from Transport Trucks, recently a stormwater diversion drain has been installed within the quarry to divert excess stormwater to the quarry dam, controlling the hazard to motorists from material spillages/sediment build-up.	Partial Compliant
10	a) The applicant shall pay to Council a Road Maintenance Levy calculated in accordance with the Ballina Shire Council Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development – Maintenance and Construction of Roads, as adopted by the Ballina Council at its meeting on Friday 9 <sup>th</sup> February 1996. The method of calculation of the levy shall be in accordance with the formula $C = (M \times K) \times (E/T)$ . The contribution shall include payment for returning empty trucks as identified in the plan adopted by the Council for returning empty trucks. This rate currently stands at 23 cents per tonne hauled but shall be adjusted annually in accordance with the provisions of the plan. b) Council will pay all of the contribution payments into a specially identified account for the payment towards the rehabilitation, restoration, repair and/or maintenance of the roads for which a contribution is made.	a) Boral currently pays the Road Maintenance Levy to Ballina Shire Council  b) Unknown if Council place Boral contributions into a specially identified account for the rehabilitation, restoration, repair/ and or maintenance of the roads for which the contribution is made.	a) Compliant  b) Unknown if Council is compliant
11	The applicant shall be responsible for the placement of improved road signage on Emigrant Creek Bridge, including the installation of a "give-way" sign facing south bound traffic. These works shall be conducted in consultation with and to the satisfaction of Council's Engineering Department.	Records indicate signage was initially installed, however current road works related to the Ballina Bypass have removed the signs.	Compliant
12	The applicant shall install Hinged Truck Warning signs in North Teven Road on either side of the quarry entrance and these signs shall be to the satisfaction of Council's Engineering Department. The signs are to be operated by the development in accordance with the operational status of the quarry.	Records indicate that these signs were initially installed, however recent road works along North Teven Road have resulted in signs being removed	Compliant

13	All site rehabilitation and landscaping works shall be designed to ensure the maximum reasonable visual screening of quarry operations and shall be maintained so as to ensure optimum establishment and growth and shall be performed by qualified, professional persons, as approved by Council under Condition 2(a).	All rehabilitation and/or landscaping works does utilise qualified and professional persons, however only limited landscaping and rehabilitation has been conducted.	Compliant
14	All loading and unloading of goods shall be undertaken wholly within the site.	All loading of transport trucks and all deliveries received onsite are undertaken wholly within the Quarry site.	Compliant
15	The construction of Beacon Road shall be completed in accordance with design plans approved by Council's Engineering Department. The applicant shall be responsible for placement of all signage within the realigned road, as determined by Council.		Compliant
16	The relocation of dwellings and connection to household services shall not be undertaken without obtaining prior building permits from Council.		Compliant
17	A plan of subdivision which incorporates a consolidation of the respective parcels of land within the site, the closure of the crown public road and the realigned Beacon Road shall be submitted to Council for certification prior to its registration.		Compliant
18	All trade waste fluids and materials generated within the site shall be treated and disposed of to the satisfaction of Council's Health and Building Department.		Compliant
19	A person or persons employed by the applicant shall be appointed to accept responsibility for compliance with the consent conditions.	Quarry Manager: Matt Duff	Compliant
20	The total amount of material which can be removed from the site shall not exceed 500,000 tonnes in any calendar year. Overburden or quarry spoil additional to the 500,000 tonnes can only be removed from the site in accordance with Section 4.5 of the EIS.	In 2008/2009 an excess of 500,000 tonnes was removed from the site, however a large percentage was un-processed fill material, and correspondence was sent to BSC in accordance to Section 4.5 of the EIS.	Compliant
21	All fuel and bituminous products storage facilities are to be properly bunded in accordance with the relevant Australian Standards.	All fuel and bitumen products are stored in designated bunded areas.	Compliant
22	The applicant shall maintain its truck driver education and training procedures, and shall require an equal standard of courtesy from all drivers accessing material from the North Teven Quarry.		Compliant
23	A roadside bus shelter shall be constructed by the applicant with Council approval at the intersection of North Teven Road and Teven Road adjacent to Emigrant Creek Bridge if this site is approved by Council's Traffic Committee or at such other site as approved by Council's Traffic Committee.	Record indicate that an initial bus shelter was constructed, however current road works related to the Ballina Bypass have removed the shelter	Compliant
24	These conditions shall be re-examined by Council and a final date for the termination of the consent determined 20 years after the date of commencement of this consent.		Condition not yet activated
25	A Community Consultative Committee shall be formed with the following representation: a) the quarry manager; b) a senior representative of the applicant; c) two elected residents of the local community; d) a representative of the, Ballina Environmental Society.  The Committee shall meet at least twice a year. The Council shall have no responsibility in relation to this condition or conditions 3, 4, 22 or 26.	A Community Consultation Committee was formed initially for the Quarry but was disbanded at some time later.  A new CCC has been formed from representatives of the local community and the Ballina Environment Society. Meeting scheduled for later this year (September) to coincide with the Quarry reporting period.	Non compliant
26	After the noise reduction measures set out in the POM and EMP have been carried out, the applicant shall have a noise compliance check carried out by a qualified acoustic consultant.		Assumed Compliant

Table #1. Teven Quarry Condition of Consent Audit.



## ANNEXURE "A"

CONDITION	COMMENT
<p>1. Development of the site shall be undertaken generally in accordance with the plans and associated documentation lodged with the Development Application, including the applicant's additional information dated August 19954, and the Teven Quarry Plan of Management dated April 1996 ("POM"), subject to conditions of consent.</p>	<p>Condition Complied with.</p>
<p>2. Within six (6) months from the date of this consent the applicant shall prepare and submit to Council for approval an environmental management plan ("EMP") for the quarry which is not inconsistent with the POM and which provides information with respect to the following:</p> <p>(a) a detailed staged rehabilitation strategy for the site;</p> <p>(b) measures outlined in the acoustical report prepared by JW Cotterill to reduce impact of adverse noise to adjacent residences and the impact of haul vehicles on public roads in proximity of the site;</p> <p>(c) details of measures for dust suppression within the quarry;</p> <p>(d) details for control and treatment of surface run-off, erosion and sedimentation measures within and adjacent to the site; and</p> <p>(e) a detailed hazard analysis and management plan.</p> <p>The applicant shall demonstrate that the environmental management plan has been formulated in consultation with and to the satisfaction of relevant public authorities which have a licensing or regulatory role over the operations of the quarry.</p>	<p>Condition Complied with.</p>
<p>3. Any changes or amendments to the POM shall be lodged with the Community Consultative Committee.</p>	<p>Currently being undertaken with review of EMP and any subsequent amendments required to POM.</p>
<p>4. An annual report shall be prepared and submitted by the applicant to the Community Consultative Committee which will include the following:</p> <ul style="list-style-type: none"> <li>• details of tree and regenerative plantings;</li> <li>• details of how the applicant has acted on, complied with or otherwise dealt with or responded to each condition of development consent within the period up to each annual report;</li> <li>• results of all monitoring, as required by the EPA licence conditions or otherwise by the EPA or other regulatory authorities (including the Department of Mineral Resources) of water discharges, dust emissions and noise and blasting operations;</li> <li>• alterations to the Plan of Management; and</li> </ul>	<p>Community Consultative Committee disbanded due to adjoining landowners moving on and not being replaced. Committee not operational for a number of years. Boral recommenced Committee recently and is holding regular meetings in line with condition.</p> <p>Condition Complied with.</p>

<ul style="list-style-type: none"> <li>• the applicant shall, if requested to do so in writing by the consultative committee or its authorised representative, provide to the members of the committee, reasonable access to the site for the purposes of allowing the committee to determine compliance with these conditions of consent;</li> <li>• records of ground vibration and peak air blast overpressure from blasting.</li> </ul>	
<p>5. All operations within the quarry shall be conducted in accordance with the requirements of the NSW Environment Protection Authority WorkCover Authority and the Department of Mineral Resources.</p>	<p>Condition Complied with.</p>
<p>6. The applicant shall make application to the NSW Department of Land and Water Conservation for closure and purchase of the Crown public road which traverses the quarry. Until such time as the necessary road closure actions are finalised, no further development or use of the Crown public road or the immediate adjacent area shall be undertaken.</p>	<p>Condition Complied with.</p>
<p>7. The applicant shall consult with the Department of Land and Water Conservation to ascertain the need for a licence under the Water Act 1912 with respect to the spring to the north of the quarry site.</p>	<p>Condition Complied with.</p>
<p>8. The normal hours of operation for the various components of the quarry shall, except as specified below, not exceed the following:</p> <p><b>Excavation, Processing, Loading and Transportation</b> 7:00 am to 5:00 pm Monday to Friday 7:00 am to 3:00 pm Saturday</p> <p><b>Blasting</b> 9:00 am to 4:00 pm Monday to Friday</p> <p><b>Maintenance of Plant Outside the Workshop</b> 6:00 am to 6:00 pm Monday to Saturday</p> <p><b>Maintenance Operations Inside the Workshop</b> 6:00 am to 10:30 pm Monday to Friday 6:00 am to 6:00 pm Monday to Saturday</p> <p><b>Domestic scale loading and transportation (where vehicles do not exceed 8 tonnes loaded capacity)</b> Additional time for this domestic scale operation may extend the loading and transportation hours until 5:00 pm on Saturdays.</p> <p><b>Extended Hours</b> On any particular occasion, the applicant can extend the hours of the quarry operation and the transportation of product to 6:00 pm Monday to Friday and can extend the hours for maintenance outside the workshop up to 10:30 pm Monday to Friday after notifying the Community Consultative Committee representative.</p>	<p>No complaints received by Council or EPA which relate to Breach of hours of operation. Assumed Condition Complied with.</p>
<p>9. The applicant shall ensure the area adjacent to the quarry access remains clear of material spillages which may otherwise present a hazard to motorists.</p>	<p>Four (4) areas of concern identified:</p> <ol style="list-style-type: none"> <li>1. The wheel wash bay was observed in operation and a drain was observed to the east of the wash bay that was holding sediment laden water. The water ponds into a dish drain following the washing off of sediment from the weigh bridge and has the potential to discharge onto the</li> </ol>

	<p>public roadway and into the adjacent waterways;</p> <ol style="list-style-type: none"> <li>2. an unsealed area within the Quarry for the dispensing of fuel for operational vehicles within the Quarry site. This site remains unsealed and remains a potential pollution incident site. Boral are installing new fuel tank on concrete area by Christmas 2011 to address potential pollution event;</li> <li>3. Waste storage area has potential issues with the storage of this waste, in particular the tyre storage. Tyres of this size provide a large area for the pooling of stagnant water and a potential breeding ground for mosquitoes.</li> <li>4. Further, the storage of materials adjacent to long grass could provide a refuge for snakes, both of which are potential occupational health and safety issues for Boral staff.</li> </ol> <p>NB: All issues identified are matters for EPA to enforce as Quarry licensed by Office of Environment and Heritage. No breaches identified in EPA audits since 2000.</p>
<p>10. (a) The applicant shall pay to Council a Road Maintenance Levy calculated in accordance with the Ballina Shire Council Section 94 Contributions Plan: Heavy Vehicle Traffic Generating Development – Maintenance and Construction of Roads, as adopted by the Ballina Council at its meeting on Friday 9 February 1996. The method of calculation of the levy shall be in accordance with the formula <math>C=(M \times K) \times (E/T)</math>. The contribution shall include payment for returning empty trucks. This rate currently stands at 23 cents per tonne hauled but shall be adjusted annually in accordance with the provisions of the plan.</p> <p>(b) Council will pay all of the contribution payments into a specially identified account for payment towards the rehabilitation, restoration, repair and/or maintenance of the roads for which the contribution is made.</p>	<p>Outstanding Contribution paid by agreement. Payments currently up to date. Condition Complied with.</p>
<p>11. The applicant shall be responsible for the placement of improved road signage on Emigrant Creek Bridge, including the installation of a “give-way” sign facing south bound traffic. These works shall be conducted in consultation with and to the satisfaction of Council’s Engineering Department.</p>	<p>Condition signed off by Civil Services during November 2008 Inspection. Condition Complied with.</p>
<p>12. The applicant shall install Hinged Truck Warning signs in North Teven Road on either side of the quarry entrance and these signs shall be to the satisfaction of Council’s Engineering Department. These signs are to be operated by the development in accordance with the operational status of the quarry.</p>	<p>Condition signed off by Civil Services during November 2008 Inspection. Condition Complied with.</p>

<p>13. All site rehabilitation and landscaping works shall be designed to ensure the maximum reasonable visual screening of quarry operations and shall be maintained so as to ensure optimum establishment and growth and shall be performed by qualified, professional persons, as approved by Council under condition 2(a).</p>	<p>Condition signed off by Planning / Development Services during November 2008 Inspection. Condition Complied with.</p>
<p>14. All loading and unloading of goods shall be undertaken wholly within the site.</p>	<p>Condition Complied with.</p>
<p>15. The construction of Beacon Road shall be completed in accordance with design plans approved by Council's Engineering Department. The applicant shall be responsible for the placement of all signage within the realigned road, as determined by Council.</p>	<p>Condition signed off by Civil Services during November 2008 Inspection. Condition Complied with.</p>
<p>16. The relocation of dwellings and connection of household services shall not be undertaken without obtaining prior building permits from Council.</p>	<p>No relocation undertaken at this time.</p>
<p>17. A plan of subdivision which incorporates a consolidation of the respective parcels of land within the site, the closure of the crown public road and the realigned Beacon Road shall be submitted to Council for certification prior to its registration.</p>	<p>Condition signed off by Civil Services during November 2008 Inspection. Condition Complied with.</p>
<p>18. All trade waste fluids and materials generated within the site shall be treated and disposed of to the satisfaction of Council's Health and Building Department.</p>	<p>Condition signed off by Environmental Health during November 2008 Inspection. No change to situation. Condition Complied with.</p>
<p>19. A person or persons employed by the applicant shall be appointed to accept responsibility for compliance with the consent conditions.</p>	<p>Condition Complied with.</p>
<p>20. The total amount of material which can be removed from the site shall not exceed 500,000 tonnes in any calendar year., Overburden or quarry spoil additional to the 500,000 tonnes can only be removed from the site in accordance with Section 4.5 of the EIS.</p>	<p>Condition currently being Complied with.</p>
<p>21. All fuel and bituminous products storage facilities are to be properly banded in accordance with the relevant Australian Standard.</p>	<p>Australian Standard "<i>The storage and handling of flammable and combustible liquids (AS 1940-2004)</i>" applies in this instance. Further, Condition O1 of the OEH licence requires that all licensed activities, including the storage and handling of combustible and bituminous products to be carried out in competent manner.</p> <p>A review of all of the licences issued by OEH and the yearly audits conducted by that authority do not reveal any non-compliance with the Licence condition.</p> <p>Assume Condition Complied with.</p>
<p>22. The applicant shall maintain its truck education and training procedures, and shall require an equal standard of courtesy form all drivers accessing material from the North Seven Quarry.</p>	<p>Condition Complied with.</p>



<p>23. A roadside bus shelter shall be constructed by the applicant with Council approval at the intersection of North Teven Road and Teven Road adjacent to Emigrant Creek Bridge if this site is approved by Council's Traffic Committee or at such other site as approved by Council's Traffic Committee.</p>	<p>Condition signed off by Civil Services during November 2008 Inspection. Condition Complied with.</p>
<p>24. These conditions shall be re-examined by Council and a final date for the termination of the consent within but not more than one year prior to 20 years after the date of commencement of this consent.</p>	<p>Subject to the approval of the S96AA application currently before Council, a further re-examination of the termination date can be conducted separately by Council in accordance with this Condition.</p>
<p>25. A Community Consultative Committee shall be formed with the following representation:</p> <ul style="list-style-type: none"> <li>(a) the quarry manager;</li> <li>(b) a senior representative of the applicant;</li> <li>(c) two elected residents of the local community;</li> <li>(d) a representative of the Ballina Environmental Society.</li> </ul> <p>The Committee shall meet at least twice a year.</p>	<p>Community Consultative Committee disbanded due to adjoining landowners moving on and not being replaced. Committee not operational for a number of years. Boral recommenced Committee recently and is holding regular meetings in line with condition. Condition Complied with.</p>
<p>26. After the noise reduction measures set out in the POM and EMP have been carried out, the applicant shall have a noise compliance check carried out by a qualified acoustic consultant. When carrying out the check, the noise generated by overburden stripping operations in the Arglite Nos 1 and 2 quarries shall also be monitored.</p>	<p>New Draft EMP is in final stages of review prior to implementation. Boral to provide EMP to landowners and Consultative Committee for comment. Council to be included in this process. Once EMP finalised, review of POM to take place, using similar procedure. Condition Complied with.</p>