

DEVELOPMENT CONSENT

Approval Number: 10.2008.28631.3
(Previously known as 73/95 & 73/95AM1)
Endorsed Date of Consent: 17 September 1996
Amended: 1 March 1999
Amended: 22 December 2008
Amended: 11 November 2016
Amended: 21 September 2017
As Amended: 12 September 2018

A P Delaney & Co Pty Ltd
C/- Habitat Planning
Suite 1/622 Macauley Street
ALBURY NSW

Lot 2 DP1018401 & Lot 3 DP 233061
208 Winchester Lane
TABLE TOP NSW 2640

Description of Development

Extractive Industry

Attached to Approval:

1. Conditions
2. Plans endorsed with Consent.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION issued under Section 96(2) of the *Environmental Planning and Assessment Act 1979*.

The development application has been determined by the granting of consent subject to the conditions referred to in this Notice and attached hereto.

This Consent shall become effective from the endorsed date of consent.

This Consent shall lapse unless development, the subject of this Consent, is substantially commenced within two (2) years from the endorsed date of consent. The applicant's attention is drawn to the provisions of Section 95A of the Act which may vary the above date of the lapsing of the Consent.



Michael Keys
Director
Planning and Environment

Right of Appeal

If you are dissatisfied with this decision Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you received this notice. Alternatively, you may request a review of the decision under Section 82A of the *Environmental Planning and Assessment Act 1979*, within 6 months of the date of this notice (note: Section 82A is not applicable to integrated or designated development). This applies if the matter was determined by a Council officer under delegation of Council. A fee is payable. For further information please contact the Council on (02) 6023 8285.

T 02 6023 8111
F 02 6023 8190
info@alburycity.nsw.gov.au
ABN 92 965 474 349

PO Box 323
553 Kiewa Street
Albury NSW 2640
www.alburycity.nsw.gov.au

Conditions attached to Development Consent 10.2008.28631.4

1. **Development Application (Modified by Development Consent 10.2008.28631.4)**
Development being carried out in accordance with the attached approved plans and the particulars and statements submitted with the Development Application receipted on 25/6/1995, as amended on 1/3/1999, except where varied by the plans/information submitted to AlburyCity Council on 12/03/2008 and additional information submitted on 10/9/08, 18/11/08, 30/8/2016, 11/08/2017 and 01/08/2018 and subject to the following conditions.
2. **Duration of this Consent (Modified by Development Consent 10.2008.28631.4)**
The consent shall lapse on the 17 September 2019 and, unless separate development consent has been issued by Council for the extractive industry, no quarrying, stockpiling, removal of extracted materials or like activities will be permitted on the site, with the exception of rehabilitation works required by this consent and by any conditions imposed by Environment Protection Licence No 10069.
3. **Capacity** – The applicant shall limit the production of the finished quarry to an absolute maximum of 75,000 cubic metres per annum with a stock pile not exceeding 10,000 cubic metres at any one time, a maximum daily dispatch from the quarry of 15 trucks, Monday to Saturday unless otherwise varied in writing by Council.
4. **Statutory Requirements** – The applicant shall ensure that all statutory requirements including, but not restricted to, those set down by the:

Mines Inspection Act 1901, as amended
Clean Air Act 1961
Clean Waters Act 1970
Noise Control Act 1975
Environmental Offences and Penalties Act 1989
Occupational Health and Safety 1983

And all other relevant legislation, regulations, guidelines and notices and to the requirements and satisfaction of the Environment Protection Authority are met fully.

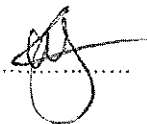
5. **Extraction Area Boundary** – The boundaries of the extraction area are to be as defined on the plan accompanying the modification request dated 12 March 2008, referred to in Condition 1, and the area worked is not to extend beyond the boundaries defined.

Prior to any work commencing upon the site the actual area shown upon the plan shall be surveyed and suitably marked out by a registered Surveyor. The marks shall be maintained by the applicant for the life of approval.

6. **Roads and Traffic** - The applicant shall pay or procure for Council a contribution under Section 94 of the Environmental Planning and Assessment Act, 1979 in respect to the maintenance of Council's roads.

The amount will be assessed on an annual basis and notified to the applicant within one calendar month of Council establishing the contribution.

7. **Road Haulage** – The following road haulage conditions shall apply:
 - (i) to all vehicles
 - (a) Vehicles shall be loaded so that no spillage can occur at any stage.
 - (b) At no time shall any vehicles leave the site with a load giving it a gross tonnage in excess of the absolute maximum as required by the Roads and Traffic Authority.
 - (c) In extreme weather conditions the Council may suspend road haulage approval where it considered that safety may be jeopardised or road pavement may be extensively damaged.
 - (ii) to vehicles owned by the applicant or quarry operator or operated under contract to the applicant or quarry operation:



- (a) The applicant or quarry operator shall ensure that at all times its employees or sub-contractors comply with the requirements of the relevant Government Departments, including the Roads and Traffic Authority.
 - (b) The applicant or quarry operator shall ensure that all times its employees and sub-contractors comply with appropriate safety and security requirements of the Work Cover Authority.
 - (c) The applicant or quarry operator shall refuse to load any vehicle it deems unsuitable to be used for the haulage of the product from the quarry.
 - (d) The applicant or quarry operator shall ensure that conveying of materials haulage vehicles do not occur.
- (iii) The applicant or quarry operator shall ensure that all vehicles enter and leave the quarry via a route approved by Council, from the nearest classified road. The approved route, unless otherwise authorised in writing by Council is via the route set out in the attached Schedule No.2.
8. **Compliance Bond** – A compliance bond equivalent to the three (3) year levy stated in the Condition 6 is to be lodged with Council to ensure that the above conditions are met and adverse impacts on the local system, in the vicinity of the development, does not occur.
9. **Times of Operation** – the following days and hours of operation are to be observed:
- Extraction – 7am to 6pm Monday to Saturday
Loading – 7am to 6pm Monday to Saturday
- No crushing is to take place upon the site without the prior consent to a modification under Section 102 of the Environmental Planning and Assessment Act 1979 as amended.
- The applicant or quarry operator shall not carry out any haulage of product, away from the quarry site on Sundays or Public Holidays. Any alteration to the above hours of operations are to be approved of in writing by Council prior to occurring.
10. **Servicing** – The applicant is to consult with Great Southern Electricity should any upgrading of supply be required as a result of this Consent. Any requirements of the supply authority in respect to the upgrading of the supply shall be met prior to work commencing upon the site.
- The applicant shall provide a potable water supply, to the amenities which shall be supplies for employees or operator, to the satisfaction of the Shire Health Surveyor.
11. **Dust Suppression** – The applicant shall:
- Observe the procedures set out in the REF and accompanying documentation to minimise the emission of dust from all activities associated with the quarry's operation;
 - Provide maintain a sealed area where vehicles and machinery are stored, manoeuvred and serviced;
 - Maintain the level of dust generated by the development within the standards recommended by the National Health and Medical Research Council;
 - Provide and maintain equipment with sufficient capacity to apply water to all unsealed trafficked surfaces at a rate of not less than one litre per square metre per hour;
 - Apply dust suppression methods in accordance with the EPA requirements;
 - Ensure that all material that is of less than 9mm in size is dampened prior to the vehicle leaving the site in accordance with the requirements of the EPA.
12. **Noise** – The applicant shall take all reasonable measures to ensure that the noise levels generated by the quarry operation do not exceed the following;
- 40 dB (A) between 7am and 6pm Monday to Saturday, inclusive
 - 35 dB (A) between 6pm and 7am Monday to Saturday inclusive
13. **Waste Disposal** – The applicant shall comply with the following requirements:
- Meet all Council's requirements in respect to the installation and maintenance of the Septic Tank installation upon the site.

- The applicant shall store all waste products on the site in an approved manner and provide Council with details of proposed storage and disposal of general waste, garbage, containers, tyres, etc, for Council's approval, within three months of the date of this Consent.

14. **Fuel and Oil Storage** – All fuel, oil and grease storage is to be to the requirements of the EPA, as well as the washdown of vehicles and the waste effluent from repairs to vehicles and equipment. Fuel spills and contaminated areas are to be rehabilitated to the requirements of the EPA.

15. **Water and Soil Management** – All silt and sediment control dams are to be to the requirements of the EPA, Department of Conservation and Land Management and the documents submitted by the applicant. All devices are to be in place prior to work commencing on the quarry operations.

All silt and sediment control devices are to be maintained for the life of the quarry and are to be clean on a regular basis as required to maintain a minimum of 75% of the initial design volume.

Waste water is not to be discharged from the site unless it is free of grease, oil, solids and unnatural discolouration when judged by the standard set by the EPA.

All topsoil removed shall be used immediately for rehabilitation works or stockpiled at an appropriate location of later rehabilitation works. Appropriate soil erosion and sediment control works are to be implemented immediately upon commencement of stockpiling.

16. **Fire Control** – The applicant shall comply with the Council's Fire Control Officer's requirements for the prevention and control of fire.

17. **Noxious Weeds** – The applicant shall comply with the Council's requirements for the prevention and control of the spread of all declared noxious weeds within the quarry site and material leaving the site.

18. **Landscaping** – The applicant shall provide a detailed plan of tree retention for the site, the plan shall also show all proposed planting and in particular shall incorporate all proposals listed in the REF and provide a detailed rehabilitation as to future planting of the site and allow for rehabilitation of existing unrestored areas of the site. The landscaping shall for an integral part of the construction of the quarry and shall be maintained in good condition for the life of the quarry. A staging plan of the sites eventual end use and a progressive rehabilitation plan towards this end use shall be submitted to and approved by Council prior to this Consent becoming operative.

19. **Environmental Monitoring** – The applicant shall ensure that the monitoring requirements of the EPA and any other statutory authority is met to their satisfaction.

Should the case arise of complaints as to noise nuisances arising the applicant shall provide to Council noise readings from the dwelling nominated by Council. The frequency and time of the monitoring shall be nominated by the Council.

The applicant shall arrange for an annual inspection of the site by the relevant authorities to demonstrate that the environmental requirements of this Consent are being observed.

Results of the Environmental Monitoring required to be undertaken on the site shall be published in an annual report by the applicant or quarry operator as the case may be.

20. **Management Reporting** – Management of the site shall generally be described in the REF and associated documents and as amended by this Consent and the approval of other statutory authorities.

The applicant or quarry operator shall submit to Council, the annual report referred to above, within two months of the end of each calendar year commencing one year after operation commences. The report shall address the requirements of the Council and the responsible statutory authorities.

The annual report shall comprise the following:

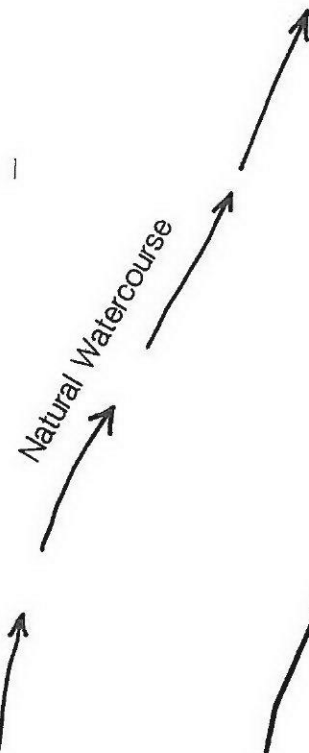
- 20.1 A Compliance Report which reviews the overall performance of the development in terms of the conditions of this Consent.
The report shall bring to Council's attention any matters which the applicant considers may require further investigation.

- 20.2 A record of all approvals and compliance with the requirements of all other statutory authorities.
- 20.3 A certified assessment of the tonnage of material removed from the site and the quantity of material stockpiled upon the site.
- 20.4 Full details of waste material deposited upon the site in the 12 month period and the restoration works undertaken in conjunction with the waste disposal.
21. **Rehabilitation** – The applicant shall within two years from the date of approval of the application, provide a Site Rehabilitation Plan for the progressive and final rehabilitation of the total site area of the quarry operations and define the end use of the site and how the Rehabilitation Plan aims to achieve the restoration.
22. All Conditions, licences and monitoring procedure required to be undertaken in association with the approval of the use of the site as a solid waste disposal area for the ANM wastes are to be read and maintained in conjunction with this approval.
23. **Landscape Plan & Planting Schedule** - The applicant shall submit a detailed landscape plan and planting schedule for the tree planting on the site. The landscape plan shall incorporate the tree planting measures shown on approved plan no. "Rockwood Tree-001". The planting schedule shall include details regarding tree types (natives), mature height, planting timeframes (ie beginning April 2009), watering details, maintenance requirements and planting methods. The landscape plan and planting schedule shall be submitted to Council prior to February 2009.

IMPORTANT: You are advised to read these notes in addition to the Conditions of your Consent.

- (1) It is to be clearly understood that the above consent is not an approval to carry out any structural work. A formal building application must be submitted to Council and be approved before any structural work is carried out to implement the above consent. Also the applicant is not relieved of any obligation to obtain any other approval required under any other Act.
- (2) Section 97 of the Environmental Planning and Assessment Act confers on the applicant who is not satisfied with the determination of the consent authority a right of appeal to the Lnad and Environment Court exercisable within 12 months of receipt of this notice.
- (3) This consent shall be effective and operative from the endorsement date of this consent; however should an appeal be lodged against Council's determination of the application, the consent shall cease to be, or shall not become, operative, until that appeal is determined. See Section 93 of the Act.
- (4) For information about the circumstances in which this consent may lapse; about commencement of a development granted consent; about extension of the consent; and about the circumstances in which Council may require completion of the development, see Section 99 of the Act.
- (5) For information about the procedure for the modification of this consent by Council, see Section 102 of the Act.
- (6) Any Person who contravenes this notice of determination of the abovementioned development application shall be guilty of a breach of the Environmental Planning and Assessment Act, 1979, and shall be liable to a monetary penalty and for a restraining order which may be imposed by the Land and Environment Court.

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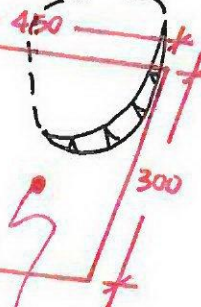
OLYMPIC

WAY



RIGHT OF WAY

AREA 2



AREA 1

Silt Dam

Silt Dam

Silt Dam

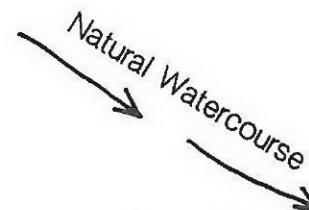
AREA 3

EXISTING CRUSHING PLANT

Silt Dam

AREA OF PROPOSED FUTURE EXPANSION

ALBURY



AlburyCity

Development Consent

10.2008.28631.1

Dated: 22 December 2008

M. Keys

M. Keys
Director
Planning and Economic Development



DESIGN		SCALE	1:125
DRAWN	R.D.	TRACED	
CHECKED		PASSED	
APPROVED			
DATE	14.09.93		

ap delaney & Co
CIVIL ENGINEERS AND CONTRACTORS

OFFICE: CNR. OLIVE & NURIGONG STREETS
POSTAL ADDRESS: P.O. BOX 730, ALBURY 2640

PHONE: (060) 21 2833
FAX: (060) 21 5987

SEPP No. 37

ROCKWOOD QUARRY

NINE MILE HILL
OLYMPIC WAY, TABLETOP

DRAWING No.

RQ/93-1

SHEET SIZE **A3**

REVISION

SHEET OF

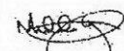


AlburyCity

Development Consent

10.2008.28631.1

Dated: 22 December 2008



M. Keys
Director
Planning and Economic Development



Starting at Albury, NSW, Australia
[Change default location](#)

EXISTING
QUARRY

EXISTING
CRUSHING PLANT

AREA OF
PROPOSED FUTURE
DEVELOPMENT
(APPROX 150 x 300)

SCALE - 1:400 APPROX