



**NOTICE TO APPLICANT OF DETERMINATION OF A
DEVELOPMENT APPLICATION**

Section 96 Amendment dated 20 April 2017

Environmental Planning and Assessment Act, 1979 (As Amended)

Sonja Kennedy - Development Assessment Planner
Telephone: (02) 6660 0300

To: Quarry Solutions Pty Ltd
C/- Groundwork Plus
PO Box 1779
MILTON QLD 4064

Being the applicant in respect of: **Development Application No. 1985.0103.03**

Extractive Industry (Quarry Extension)

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, notice is hereby given of the determination by the Council, as Consent Authority, of the Development Application lodged relates to the land described as follows:

Lot 402 & 403 DP 802985, Lot 408 DP 1166287, Lot A DP 397946, Lot A DP 389418, Lot 3 DP 701197. Lot 3 DP 954593, Lot 1 DP 954592, Lot 1 DP 310756, Lot 1 DP 1165893 – Petersons Quarry Road, Coraki

The Development Application has been determined by:

GRANTING OF CONSENT subject to the conditions specified in the notice.

This consent operates from	3 September 1985
Lapses on	3 September 1987
Modified	17 February 2009 (Add Condition No. 1) 21 July 2016 (Amend Condition No. 1) 20 April 2017 (Amend Condition No. 1, Add Condition No. 2, 3, 4, 5, 6 and 7)

IMPORTANT NOTICE

**THIS IS A LEGAL DOCUMENT. ENSURE THAT YOU READ THE DOCUMENT CAREFULLY,
AND PARTICULARLY NOTE ALL ATTENDANT INSTRUCTIONS AND CONDITIONS**

DETAILS OF CONDITIONS

The conditions of consent are set out as follows:

1. In granting this development consent, Council requires:

- All proposed buildings be constructed in accordance with any amendment or modification outlined in these conditions
- All proposed works be carried out in accordance with any amendment or modification outlined in these conditions
- Any proposed use of buildings or land be in accordance with any amendment or modification outlined in these conditions

and be substantially in accordance with the stamped approved plan(s) titled Proposed Modification Dwg No. 1837.DGR.050 dated 11 February 2016, Drawing Number 15-041-2 titled Aerial Photograph Showing Surrounding Residences dated 23/09/2015 and/or supporting documents submitted with the application.

The acoustic landscape bund shall be constructed prior to excavations commencing in the amended area or as otherwise determined by Richmond Valley Council. **(Amended 21/07/2016 & 20/04/2017)**

Reason: To correctly describe what has been approved and ensure visual impacts are mitigated. (EPA Act Sec 79C)

2. The maximum amount of quarry products extracted or processed shall not exceed 320,000 tonnes in any calendar year. **(Added 20/04/2017)**

Reason: To correctly describe what has been approved.

3. The operating hours of the quarry shall be in accordance with the following:

Activity	Permissible Hours
Quarrying Operations	7 am to 6 pm Monday to Friday; 8 am to 1 pm Saturday; and At no time on Sundays or public holidays.
Blasting	9 am to 3 pm Monday to Friday; At no time on Saturdays, Sundays or public holidays.
Maintenance activities	May be conducted at any time, provided that these activities are not audible at any privately-owned residence.

(Added 20/04/2017)

Reason: To correctly describe what has been approved.

4. The quarry may operate under the extended operating hours set out in the table below only after obtaining written agreements with all landowners R1 to R9 (as shown in Drawing Number 15-041-2 titled Aerial Photograph Showing Surrounding Residences dated 23/09/2015), and after advising the EPA and Richmond Valley Council in writing of the terms of these agreements.

Activity	Permissible Hours
Quarrying Operations	6 am to 7 pm Monday to Friday; 6 am to 7 pm Saturday; and At no time on Sundays or public holidays.
Maintenance activities	May be conducted at any time.

(Added 20/04/2017)

Reason: To correctly describe what has been approved.

5. All laden trucks travelling from the development to the Pacific Highway must travel via Petersons Quarry Road, Lagoon Road, Casino-Coraki Road, Queen Elizabeth Drive and Coraki-Woodburn Road. Trucks returning to the site from the Pacific Highway must return via the same route and enter the development via Seelems Road or Petersons Quarry Road.

This condition does not apply:

- (a) when road closures on the above route are in place;
- (b) when delivering to sites not involving travel on the Pacific Highway, such as within the local area or sites to the northwest or north of the quarry (e.g. Casino or Lismore); and
- (c) in an emergency to avoid the loss of lives, property and/or to prevent environmental harm. **(Added 20/04/2017)**

Reason: To ensure the road network of the locality is maintained.

6. The applicant must:
- (a) Ensure that all laden trucks entering or exiting the site have their loads covered; and
 - (b) Ensure that all laden trucks exiting the site are cleaned of materials that may fall on the road, before leaving the site.
 - (c) Use its best endeavours to ensure appropriate signage is displayed on all trucks used to transport product from the development so they can be easily identified by road users. **(Added 20/04/2017)**

Reason: To ensure the road network of the locality and traffic safety is maintained.

7. When requested by Council, the applicant shall undertake an investigation into a complaint and provide a report on the investigation to Council within the timeframe specified in the request from Council. **(Added 20/04/2017)**

Reason: To provide Council with a mechanism to require the investigation and reporting of complaints at the request of Council.

INFORMATION TO APPLICANTS

ADVISORY NOTES

NOTE 1: Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act, 1979 are to be complied with:

- (i) A Construction Certificate is to be obtained from the Consent Authority or an Accredited Certifier in accordance with Section 81A(2)(a) of the Act.

- (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance With Section 81A(2)(b) of the Act.
- (iii) Council is to be given at least two (2) days notice of the persons intention to commence building works, in accordance with Section 81A(2)(c) of the Act.

NOTE 2: The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue of any relevant documentary evidence or certificates.

NOTE 3: In accordance with Clause 98(1) of the Environmental Planning and Assessment Regulation, it is a condition of Development Consent for development that involves any building work, that the work must be carried out in accordance with the requirements of the Building Code of Australia.

NOTE 4: If the provision of services or the construction of any infrastructure or any other thing required by this consent occurs, and a GST is payable by Council, the applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of this consent.

NB: GST means any tax levy charge or impost under the authority of any GST law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means a New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

NOTE 5: This development approval does not guarantee compliance with the Disability Discrimination Act and the developer should therefore investigate their liability under the Act. Council can assist developers by directing them to Parts 2, 3 and 4 of the Australian Standard 1428 – Design for Access and Mobility (Part 1 is mandatory in the BCA).

PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

Under the provisions of Clause 98 of the Environmental Planning and Assessment Regulation for the purposes of Section 80A(11) of the Environmental Planning and Assessment Act the following conditions are Prescribed Conditions:

1. Any Development that requires building work, subdivision work or demolition work a sign must be erected on the development site in a prominent position before the commencement of any work showing:
 - a) Name, address and telephone number of the Principal certifying Authority for the work.
 - b) Name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours.
 - c) Stating that unauthorised entry to the work site is prohibited.

NOTE: The sign must be of rigid and durable material and maintained on the site until work has been completed. The sign must be easily read by anyone in any public road or public place adjacent to the site.

Reason: *To ensure compliance with Section 80A(11) of the Environmental Planning and Assessment Act, 1979 and Clauses 98A and 227A of the Accompanying Regulation.*

DATE FROM WHICH CONSENT OPERATES

Section 83 of the Environmental Planning and Assessment Act provides that the consent shall become effective and operate from the date endorsed upon the notice, **except** in the case of designated development to which objections have been lodged, when the consent shall become effective 28 days after the consent is issued.

Where an appeal is lodged, either by the applicant or an objector in respect of designated development, the consent shall remain in deferment and not become effective until the appeal has been determined. The consent shall be void if, on appeal, the development is refused.

COMPLIANCE

The development shall be carried out in accordance with the application, and "approved plans" as may be attached to this consent, and as amended by the foregoing conditions. **All conditions** shall be complied with prior to occupation of the development and, where appropriate, during the operating life of the development.

REVIEW OF DETERMINATION

Under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, an applicant may request the Council to review a determination of the application. The request for a review must be made within six (6) months after the date of the determination.

RIGHT OF APPEAL

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Where an appeal is made in the case of a designated development, each person who objected is required to be given notice of the appeal, and will have the right to be heard at that hearing.

Except in the case of designated development, there is no provision within the Act for a third party (objector) to appeal against the consent issued by the Council.

LAPSING OF CONSENT

Section 95 of the Environmental Planning and Assessment Act provides that a development consent lapses five years after the date from which it operates. Therefore, this consent lapses five years from the date of operation of this consent UNLESS:

- building, engineering, or construction work relating to this development is commenced on the land within the period of operation of the consent, or
- if no such works are required, the use of the premises commences within the period of operation of the consent.

EXTENSION OF CONSENT

In accordance with Section 95A, upon receipt and consideration of written application to the Council, an extension of twelve (12) months may be granted should the consent be valid for a period of less than five (5) years. Written application (including reasons for requesting such extension) is to be submitted to Council at least one month prior to the consent notice expiry date. Council cannot approve any more than one (1) application for a twelve (12) month extension to any consent notice.

MODIFICATION OF CONSENTS

Under the provisions of Section 96 of the Environmental Planning and Assessment Act an applicant may apply to Council for modification of the consent.

NOTICE TO COMPLETE

Where development has been commenced, but the work not completed, Section 121B provides that the Council may issue an order requiring completion of the work within a specified time, being not less than twelve months.

For and on behalf of Richmond Valley Council.

Andrew Hanna
Manager Development and Environment


per: Sonja Kennedy

Encl.

RICHMOND VALLEY OCCUPATIONAL
SECTION 88 MODIFICATION
CONSENT No. 1857/0105-02
DATE: 21/07/2015

Map: Cultural Map



<p>Legend:</p> <ul style="list-style-type: none"> — Site Boundary - - - Cultural Boundary - - - Approved Quarry Footprint (17.86 ha) - - - Indigenous Heritage Non-Disturbance Zone (2.05 ha) ▨ Proposed Modification (2.58 ha) 		<p>Petersons Quarry</p> <p>Quarry Solutions Pty Ltd</p>	<p>Proposed Modification</p> <p>GRINDWYRK 1:5,000 30</p> <p>1857.DR05.050</p>
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LEGEND
 — SITE BOUNDARY
 ■ R9 SURROUNDING RESIDENCES (R1-R9)
DRAWING REFERENCE
 GROUNDWATER PLUS SITE LOCATION PLAN
 1837.DRG.002, 13/04/15.



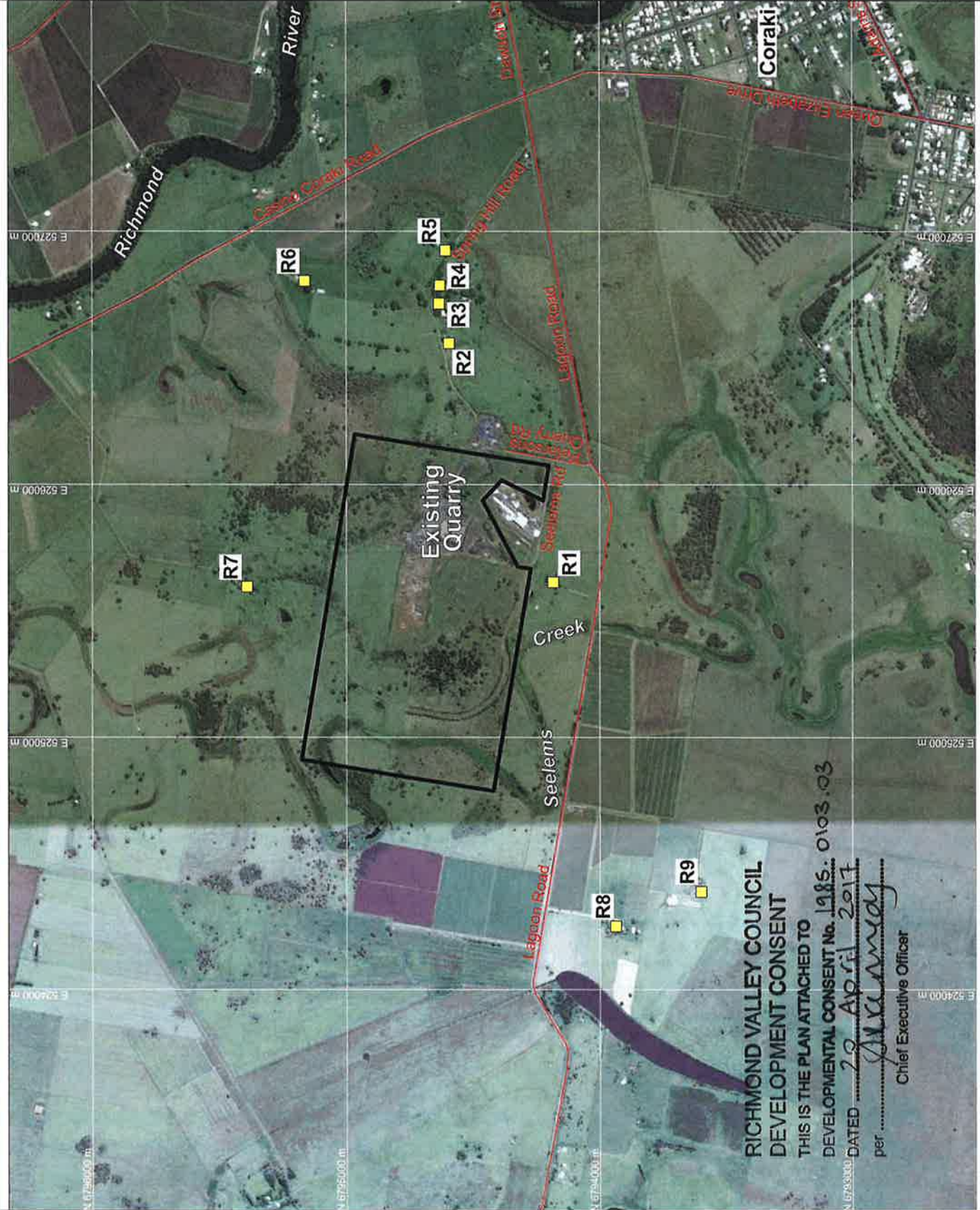
CLIENT
QUARRY SOLUTIONS PTY LTD

PROJECT
CORAKI
NOISE AND DUST
IMPACT ASSESSMENT
 Petersons Quarry Expansion
 Petersons Quarry Rd Coraki NSW

TITLE
AERIAL PHOTOGRAPH
SHOWING SURROUNDING
RESIDENCES

JOB	CORAKI	FIGURE 2
JOB NO	15-041	DRAWING NUMBER
DATE	23/09/15	SCALE
REV.	1:20,000 (A4)	15-041-2

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RICHMOND VALLEY COUNCIL
DEVELOPMENT CONSENT
 THIS IS THE PLAN ATTACHED TO
 DEVELOPMENTAL CONSENT No. 1985. 0103.03
 DATED 29 April 2017
 per *[Signature]*
 Chief Executive Officer