Outline Planning Consultants Pty Ltd
432 Carool Road
CAROOL NSW 2486
AUSTRALIA

ABN 34 003 473 112

Telephone: (02) 9262 3511
www.outline.com.au

8 January 2025

General Manager
Gunnedah Shire Council
Locked Bag 63
GUNNEDAH NSW 2380

Council Ref: DA2023/046 (10.2023.00000046.001)
Planning Panel Ref: PPSNTH-288-Gunnedah
NSW Planning Portal Ref: PAN-204159

By email
Attention: Mr Wade Hudson Manager Development Assessment

Dear Sir,

RESPONSE TO COUNCIL FINAL REQUEST FOR ADDITIONAL INFORMATION (RFI): PROPOSED CONTINUATION & EXPANSION OF COUNCIL-OPERATED QUARRY, No. 809 OAKEY CREEK ROAD, PIALLAWAY NSW 2342: "BOLGERS PIT"

1.0 Background

On behalf of Gunnedah Shire Council Outline Planning Consultants Pty Ltd prepared an Environmental Impact Statement (EIS) and lodged a Development Application (DA) in support of a continuation and expansion of a Council-operated quarry at the above address.The Development Application (DA) and accompanying EIS were lodged on the NSW Planning Portal (Ref: PAN-204159) and subsequently accepted by Council on 20 July 2024. Public exhibition of the DA did not occur until 29 February 2024, with a further public exhibition of the DA held from 1 May 2024..

Council lodged a Request for Additional Information (RFI) dated 8 May 2024, to which a response was provided on 25 June 2024. Council subsequently provided a final RFI dated 23 October 2024. Refer **Annexure A**.

On 7 January 2025 our clients gave our firm the go-ahead to respond to this RFI. The following is submitted in response.

2.0 Response to Council RFI

Our response to Council's RFI is contained in the accompanying Table 2.1. Importantly, it is relevant to that any request for further information is proportionate to the nature of the development proposed. In this regard it is relevant to note the following features of the proposed quarry development:

- This is not a commercial quarry that will operate for 12 months of the year, or generate significant truck traffic. The quarrying proposed to be undertaken on site is proposed to be on a short-term, campaign basis. This can be gauged by the fact that at maximum production the quarry will operate for about 6 weeks per annum.
- The quarry project is modest in scale. The EIS refers to maximum volumes of production (40,000 tonnes per annum) and maximum rates of generation of truck movements for the purposes of predicting 'worst case' impacts. However, the historical rate of extraction of the resource here has ranged between 556 tonnes pa (2017) up to 18,355 tonnes pa (2018).
- Unlike your typical commercial quarry operation, the quarry truck traffic generated by the Council quarry will not be confined to one route in and out of the quarry, but to a multitude of nearby local roads that require ongoing repair and maintenance by Council.

- Traffic volumes on local roads in the general area are low. Streetwise note in the previous RFI that "the likelihood of conflict between quarry-generated haulage movements, and heavy vehicle movements generated by rural activities is low."
- The EPA have issued their General Terms of Approval for the project, including the need for a soil and water management plan to be prepared.
- Some of the components of the quarry proposed are Exempt Development for the purposes of clauses 2.13and 2.14 of *State Environmental Planning Policy (Resources and Energy) 2021*.
- As has been the practice of Council in the case of other approved quarries (eg. Carroll quarry, east of Gunnedah) once consent is granted, a quarry plan of management will be prepared, drawing on the March 2023 EIS, providing further details as to how the quarry will operate. This plan of management would include a soil and water management plan as well as a more detailed quarry rehabilitation plan. All of the elements of this plan of management are contained in the EIS.

Table 2.1: Response to Council's RFI

Matter raised by Council RFI	***Response***
" 1(j) Traffic movements associated with refuelling, including the likely number and frequency of fuel deliveries (assuming that the quarry is operating at maximum capacity each year) are to be included within the Traffic Impact Assessment (TIA). The TIA mentions 2 service vehicles per day, although it's assumed that refuelling would be undertaken by a truck, rather than a light vehicle. ."	**Noted**. ▸ The traffic impact of all vehicles entering and leaving the site has been accounted for in the Streetwise TIA. ▸ Refueling will, in most instances, be by way of fuel tanker delivering fuel to the machinery operating on site. The Streetwise TIA lists such vehicles under the heading of "service vehicles". Fuel trucks will be loaded at each day at Council's depot. The only time fuel trucks would access the site is while crushing operations are occurring. Crushing operations are expected to occur twice a year, in 10 day campaigns. Refuelling is only expected to occur twice each campaign. This is an estimated 8 truck movements per year associated with refueling. ▸ The traffic modelling allows for a 'worst case' two (2) service vehicles per day (including refueling vehicles), with 40 laden quarry trucks and 3 staff vehicles per day. Streetwise note that"…..*the above estimate is the MAXIMUM number of trips that is likely generated by Bolgers Pit, and the actual number of quarry-generated trips (based on recent usage) is expected to be significantly less.*"(p.18 of Streetwise TIA) ▸ The traffic modelling by Streetwise finds that satisfactory traffic impacts will ensue."*The current layout, condition and capacity of the existing approved haul roads can easily cater for the existing low volumes on these roads, with adequate capacity available to safely cater for the ongoing heavy vehicle movements generated by Bolgers Pit quarry*." (p.24 of Streetwise TIA) ▸ Having regard for the above, no further TIA is required.
"2(b) How will the sediment basin/sump be maintained to ensure that the minimum capacity of 1,600m2 is maintained? How will the capacity be monitored? Where will sediment removed from the sump be disposed to? Regardless of the EPA GTAs, further conceptual details are required regarding how the sediment basin is to be effectively managed. If it is proposed to dispose of this material off-site, then the estimated truck movements are to be included in the Traffic Impact Assessment."	**Noted**. It is critical to the success of any quarry that there is sufficient water available on site for dust suppression and allied quarry purposes (eg. processing of quarry rock material). Quarry operators typically maintain supplies of water above the minimum required, in order to account for drier periods or crushing campaigns when water usage levels may be higher than average. ▸ The EIS shows the location of a concept sediment basin. The position of the sediment basin will move as the quarry is progressively developed.

Matter raised by Council RFI	Response
	▸ The sediment basin/sump will be surveyed annually to determine the depth of siltation. This will determine the volume of material to be removed. Material from the sump will be removed and placed onsite, in an area that has been previously disturbed, and is earmarked for end of use remediation/rehabilitation. ▸ Related to the above, the quarry may also utilise smaller sumps within the active extraction area to collect sediment and runoff, prior to discharge to the main sediment basins. The precise location of these sumps will change as the shape of the quarry changes and develops. ▸ The EPA will be responsible for oversight of soil and water management on site, not Council. It has issued its General Terms of Approval for the quarry project. ThOnce approved, the quarry will be administered by the EPA once an EPL is issued pursuant to the provisions of GTA condition O3.1 which requires preparation of a Soil and Water Management Plan (SWMP) per *Managing Urban Stormwater: Soils and Construction including, Volume 1, 4th edition* (Landcom, March 2004) *and Volume 2E Mines and Quarries* (Department of Environment and Climate Change, June 2008) (the Blue Book)- which includes protocols for maintaining and monitoring erosion and sediment works in quarries. ▸ Water collected within sediment basins, and the receiving environment will be monitored prior to release. Only water meeting discharge requirements will be released and be undertaken in a controlled manner. ▸ The installation, maintenance and use of infrastructure for the drainage of water at the quarry (clause 2.14(2)(c) of *State Environmental Planning Policy (Resources and Energy) 2021*). ▸ No additional information is required to address this matter.
"4(c).Advise the impacts of noise from diesel generators on surrounding residential receivers given that the EIS at 3.4.5 Services, indicates that power for the operation of the office/ amenities block and other minor ancillary needs will be produced by diesel-fuelled generators."	**Noted, but not agreed**. All mobile plant and equipment within the Project Site would be diesel powered. Our clients further advise that no offices or amenities are now proposed at the site. If Council changes its position on this matter it is relevant to note that quarry buildings, which are no more than movable sheds, may be considered to be Exempt Development for the purposes of clauses 2.13(f) and 2.14(2)(b) of *State Environmental Planning Policy (Resources and Energy) 2021*,
" 9(a)Provide an indicative final section and landform following rehabilitation (rather than the final quarry floor when excavation operations have ceased)."	**Noted**. The EIS provides elevations and plans showing the final quarry layout upon the cessation of extractive operations. At the scale provided it is not possible, or practicable, to illustrate the depth of rehabilitation proposed. ▸ Overburden and soil material to be placed over quarry floor making it suitable for agricultural use. ▸ Overburden and soil material to be placed over each finished quarry bench to enable re=establishment of native vegetation species referred to in Appendix J of our March 2023 EIS (Target tree species will comprise a combination of *Callitris glaucophylla* (75%), *Eucalyptus microcarpa* (15%) and *Eucalyptus albens* (10%); target shrub species will comprise a combination of *Acacia pendula* and *Geijera parviflora*.). Refer to **Annexure B** for typical rehabilitated quarry bench details.

Matter raised by Council RFI	Response
	▸ The sediment basin will be retained for erosion control and as a water supply for stock. ▸ Due to the small size of the quarry operations, the bulk of the quarry floor is currently given over to blasting, crushing and stockpiling of gravel. It is anticipated that remediation would commence once active extraction has ceased. ▸ Once completed, the aim will be to rehabilitate the quarry site to a stable condition in accordance with *Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries* (DECC, 2008) .
"9(b) All matters listed under the heading "Rehabilitation" within the SEARS must be addressed."	**Noted**. However, no particulars are provided as to what elements of the rehabilitation proposed have not been addressed.
"A.Provide a staging methodology for use of the quarry that would enable progressive rehabilitation to be undertaken during the operating life of the quarry (even if rehabilitation stages prior to the quarry ceasing operations are temporary in nature) and an indicative timeframe for each rehabilitation stage. Stage 1 of rehabilitation works is to include that part of the existing quarry where active extraction has ceased, unless a detailed explanation is provided to justify why partial rehabilitation cannot yet commence. Provide a conceptual plan showing the location of each stage of operations/rehabilitation."	**Noted, but not agreed**. It is not possible to provide a staging strategy for such a small quarry to a level of detail greater than that already provided in the EIS. ▸ The proposed lateral expansion of the quarry allows for the lateral extension of the quarry by between 0-60 metres. ▸ It will be Council's discretion as to what areas it choses to win extractive material from within such a small quarry footprint. ▸ It is not possible or practicable to provide with any certainty an indicative timeframe for the life of the quarry or rehabilitation works, having regard for the historically large differences in extraction rates achieved at the quarry. In this regard the historical rate of extraction of the resource here has ranged between 556 tonnes pa (2017) up to 18,355 tonnes pa (2018).
"B. Recent traffic count data for the haulage route over the previous two weeks is attached. Using the revised traffic count data, update the Traffic Impact Assessment and provide revised commentary on the cumulative impact of the proposed development (based on total quarry traffic generation that includes up to 80 truck movements per day, 10 light vehicle movements per day, plus estimated daily water truck movements and refuelling truck visits) on the road network in terms of both capacity and safety. Advise any road upgrades that may be required to address the potential traffic impacts"	**Noted**. ▸ The Streetwise TIA has assessed the traffic impact of the proposed quarry development utilising traffic data available at the time.. ▸ The traffic data provided by Council, although providing more up-to-date data, confirms the low volumes of traffic on the local road system and does not change the findings and conclusions of the Streetwise TIA. No further TIA is warranted or is justified. ▸ Council proposes to seal sections of the haulage routes that pass within 200 metres of neighbouring dwellings nearest to the quarry. The sections of seal would be 400 metres long – 200 metres either side of the dwellings.
"C.Confirm the maximum number of on-site staff (irrespective of full-time or part-time) and contractors to be employed at the quarry as the EIS (Table 0.1) indicates up to 4 employees working on site and 3 contractors, whereas the TIA (page 18) indicates 2 or 3 site staff are required. This figure will be utilised for the purposes of formal on-site car parking provision.."	**Noted.** To clarify: ▸ Up to 4 staff may be employed on site (during During loading operations, one car space would be required. During blasting operations, two car spaces would be required. During crushing operations, up to four car spaces would be required). The quarry site provides extensive areas of land available for car parking- for well in excess of 4 staff. ▸ In any case, quarry car parking is an Exempt Development pursuant to the provisions of clause 2.13(3)(b) of *State Environmental Planning Policy (Resources and Energy) 2021)* and does not require consent.

Matter raised by Council RFI	Response
"D. Provide a site layout plan that includes (and clearly distinguishes between) the existing quarry site, the development site and the expansion area within it, the internal haulage roads including that connecting to Oakey Creek Road, overburden and topsoil stockpiles, equipment storage areas, existing stormwater management bunds and where any temporary on-site office/amenity building is typically located. A seven (7) space parking area for staff and visitors/contractors is to be shown (subject to C above).."	**Noted, but not agreed**. The EIS provides plans showing the location of the main components of the quarry operation, including the existing quarry and expansion areas as well as the haul route eg. refer to EIS Figures 2.3, 2.4 2.7, 2.12, 2.14, 3.1, 3.2, 3.3, 3.4. Photograph 2.1 and 2.2 provide a panoramic view of the existing quarry, showing main features, with Photograph 2.4 showing the existing quarry sump, located in the south-east corner of the existing quarry. No further plans are required to be provided. Refer to response to Note C above regarding staff parking.
"E. Address 6.6.6 Geology in Gunnedah DCP 2012 regarding how the potential impacts of soil characteristics have been addressed via the design process. Also indicate how the site will be stabilised during operation as the EIS states that a quarry objective is to create a safe and stable landform, although there are no details given as to how this will be achieved during the operational phase"	**Noted, but not agreed**. ▸ The geology of the site and nature of the resource has been comprehensively addressed in the EIS- refer to EIS Section 2.4 in particular for details. ▸ The overall slope currently proposed involves quarry batters at generally 51 degree slope with benches angled at 70 degrees- a design outcome that generally satisfies current quarry design 'best practice' in the document entitled *Guidelines for Open Pit Slope Design* (CSIRO 2009) promoted by NSW Trade & Investment- Mine Safety. The stability of the quarry and surround areas would continue to be monitored during the project, to ensure a safe work environment. Refer also to **Annexure B**.
"F.Indicate whether any construction works are proposed and if so, provide full details. Page 123 of the EIS indicates construction works will include drainage, internal haul road improvements, erosion and sediment controls and levelling of pads to accommodate quarry plant and equipment. Given the quarry is already in operation, it's unclear whether or not these construction works may have already occurred."	**Noted**. ▸ Quarries are a dynamic land use that progressively moves and changes over time. All quarry plant and equipment, including sumps, will be periodically relocated as the quarry is progressively developed. ▸ Details are provided in the EIS regarding existing site features- refer to photographs included in the EIS in this regard.
"G. Waste – as per the SEARs, provide estimates of the quantity and nature of the waste streams that would be generated by the development and proposed measures to minimise, manage or dispose of each waste stream."	**Noted**. Given the very small scale of quarry operations, and and given that no office or amenities are now proposed, the waste stream would be minimal- basically confined to waste generated by workers on site. The management of general waste products will address the following: ▸ Waste oil will be taken to an oil recycler. Waste metal will be sold to a scrap metal merchant. ▸ All other general waste materials will be taken to Council's tip at Gunnedah for disposal. ▸ Separation of recyclable materials (e.g. paper, glass, plastics) will be carried out wherever possible. It will be the responsibility of the contractor to take responsibility for the appropriate disposal of any waste that they create on site.
"H.Confirm whether the area proposed to be cleared of vegetation is 0.9ha or 0.09ha (as both these figures appear in the supporting documentation) or 0.8ha as per the RFI response."	**Noted**. 0.8ha.

Matter raised by Council RFI	Response
" I. Is a second sediment basin to be constructed, given that the Water Balance Report indicates that a 1600m3 capacity sediment basin is required and does not acknowledge that there is an existing sediment basin on site? What is the maximum capacity of the existing sediment basin?"	**Noted**. A sediment basin exists on the site but, more than likely, has a capacity of less than the recommended 1,600m3. It should be a condition of consent that a sediment basin of minimum size 1,600m3 be required.
"J. The response from Streetwise to 3(a) at p.43 of the RFI response indicates that local haul routes have been previously approved for transporting quarry material. Could you please advise who approved the haulage route, when and under what legislation?"	**Noted**. Any queries regarding the local council roads network should be directed to Council engineering for clarification.
"K. Upload a copy of Appendix E – Preliminary Site Investigation to the NSW Planning Portal.	**Noted, to be actioned**.

3.0 Conclusions

For the above reasons, Outline Planning Consultants are firmly of the view that the proposed quarry will achieve satisfactory town planning and environmental outcomes for the reasons as outlined above. The site is presently extensively cleared and modified, with no significant adverse planning, environmental, amenity or other impacts likely to arise as a result of the proposed quarry development proceeding. The evidence presented in ourEIS document and in the RFI responses satisfactorily answers the queries raised by Council.

It is concluded that the Project has town planning merit and can be approved subject to appropriate conditions. This also includes the imposition of a consent condition requiring the preparation of a site-specific quarry management plan for Bolgers Pit, an approach adopted by Gunnedah Shire Council and the planning panel in the case of other quarry developments approvals in the Gunnedah Shire. In so doing, this will ensure that any quarry management plan is ultimately consistent with the final form of the environment al protection licence (EPL), issued by the EPA, that will enable the proposed quarry project to proceed.

The project is warranting of support and development consent can be granted.

If you have any queries please do not hesitate to contact the writer direct on telephone: 02 9262 3511 or mobile direct: 0418 242 762.

Yours sincerely

GARY PEACOCK
BTP UNSW
Registered Planner
Planning Institute of Australia (PIA)
DIRECTOR
email: gpeacock@outline.com.au

ANNEXURE A

Council's Final RFI

Gunnedah Shire Council

Mr G Peacock
gpeacock@outline.com.au

20 October 2024

Dear Gary

Request Additional Information - Development Application No. 2023/046

Site Description: **Lot: 139 DP: 751012, Mimbil, 809 Oakey Creek Road, PIALLAWAY**

I refer to the Development Application which you lodged, for which a total of 460 assessment days have elapsed.

An RFI response was provided by Outline Planning Consultants on 25 June 2024 in response to council's request for information dated 8 May 2024. Given this is a council related DA, it is being assessed by an independent Planner under the Department of Planning, Housing and Infrastructures' RSDA Supported Assessment Program pilot.

The assessment Planner has reviewed the RFI response and advises that various matters were either not addressed, or were inadequately addressed. Therefore, you are requested to please provide a response to the matters below. The numbering below matches that of the original request in council's letter dated 8 May 2024. Alphabetised items are new matters not previously requested.

1(j) Traffic movements associated with refuelling, including the likely number and frequency of fuel deliveries (assuming that the quarry is operating at maximum capacity each year) are to be included within the Traffic Impact Assessment (TIA). The TIA mentions 2 service vehicles per day, although it's assumed that refuelling would be undertaken by a truck, rather than a light vehicle.

2(b) How will the sediment basin/sump be maintained to ensure that the minimum capacity of 1,600m^2 is maintained? How will the capacity be monitored? Where will sediment removed from the sump be disposed to? Regardless of the EPA GTAs, further conceptual details are required regarding how the sediment basin is to be effectively managed. If it is proposed to dispose of this material off-site, then the estimated truck movements are to be included in the Traffic Impact Assessment.

4(c) Advise the impacts of noise from diesel generators on surrounding residential receivers given that the EIS at 3.4.5 Services, indicates that power for the operation of the office/amenities block and other minor ancillary needs will be produced by diesel-fuelled generators.

9(a) Provide an indicative final section and landform following rehabilitation (rather than the final quarry floor when excavation operations have ceased).

9(b) All matters listed under the heading "Rehabilitation" within the SEARS must be addressed.

PO Box 63 (63 Elgin Street) Gunnedah NSW 2380
T +61 2 6740 2100 E council@infogunnedah.com.au
www.gunnedah.nsw.gov.au

A. Provide a staging methodology for use of the quarry that would enable progressive rehabilitation to be undertaken during the operating life of the quarry (even if rehabilitation stages prior to the quarry ceasing operations are temporary in nature) and an indicative timeframe for each rehabilitation stage. Stage 1 of rehabilitation works is to include that part of the existing quarry where active extraction has ceased, unless a detailed explanation is provided to justify why partial rehabilitation cannot yet commence. Provide a conceptual plan showing the location of each stage of operations/rehabilitation.

B. Recent traffic count data for the haulage route over the previous two weeks is attached. Using the revised traffic count data, update the Traffic Impact Assessment and provide revised commentary on the cumulative impact of the proposed development (based on total quarry traffic generation that includes up to 80 truck movements per day, 10 light vehicle movements per day, plus estimated daily water truck movements and refuelling truck visits) on the road network in terms of both capacity and safety. Advise any road upgrades that may be required to address the potential traffic impacts.

C. Confirm the maximum number of on-site staff (irrespective of full-time or part-time) and contractors to be employed at the quarry as the EIS (Table 0.1) indicates up to 4 employees working on site and 3 contractors, whereas the TIA (page 18) indicates 2 or 3 site staff are required. This figure will be utilised for the purposes of formal on-site car parking provision.

D. Provide a site layout plan that includes (and clearly distinguishes between) the existing quarry site, the development site and the expansion area within it, the internal haulage roads including that connecting to Oakey Creek Road, overburden and topsoil stockpiles, equipment storage areas, existing stormwater management bunds and where any temporary on-site office/amenity building is typically located. A seven (7) space parking area for staff and visitors/contractors is to be shown (subject to C above).

E. Address 6.6.6 Geology in Gunnedah DCP 2012 regarding how the potential impacts of soil characteristics have been addressed via the design process. Also indicate how the site will be stabilised during operation as the EIS states that a quarry objective is to create a safe and stable landform, although there are no details given as to how this will be achieved during the operational phase.

F. Indicate whether any construction works are proposed and if so, provide full details. Page 123 of the EIS indicates construction works will include drainage, internal haul road improvements, erosion and sediment controls and levelling of pads to accommodate quarry plant and equipment. Given the quarry is already in operation, it's unclear whether or not these construction works may have already occurred.

G. Waste – as per the SEARs, provide estimates of the quantity and nature of the waste streams that would be generated by the development and proposed measures to minimise, manage or dispose of each waste stream.

H. Confirm whether the area proposed to be cleared of vegetation is 0.9ha or 0.09ha (as both these figures appear in the supporting documentation) or 0.8ha as per the RFI response.

I. Is a second sediment basin to be constructed, given that the Water Balance Report indicates that a 1600m^3 capacity sediment basin is required and does not acknowledge that there is an existing sediment basin on site? What is the maximum capacity of the existing sediment basin?

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J. The response from Streetwise to 3(a) at p.43 of the RFI response indicates that local haul routes have been previously approved for transporting quarry material. Could you please advise who approved the haulage route, when and under what legislation?

K. Upload a copy of Appendix E – Preliminary Site Investigation to the NSW Planning Portal.

It is required that this information be provided to Council by close of business Tuesday, 12 November 2024. In the event that the listed information is unable to be provided prior to this date, please contact Council to request an extension to the allotted period.

Council is unable to accept responses via email, post or submission of hardcopy of documents. It is required that all additional information be returned by uploading to the pre-existing Development Application on the NSW Planning Portal at https://planningportal.nsw.gov.au/.

If you have any questions regarding this development application please contact Council's Planning and Environmental Services on 02 6740 2100.

Yours faithfully

Wade Hudson
Manager Development Assessment

Contact: 6740 2100
Reference: 2023/046
Wh:LW

PO Box 63 (63 Elgin Street) Gunnedah NSW 2380
T +61 2 6740 2100 E council@infogunnedah.com.au
www.gunnedah.nsw.gov.au

ANNEXURE B

Typical rehabilitated quarry bench detail

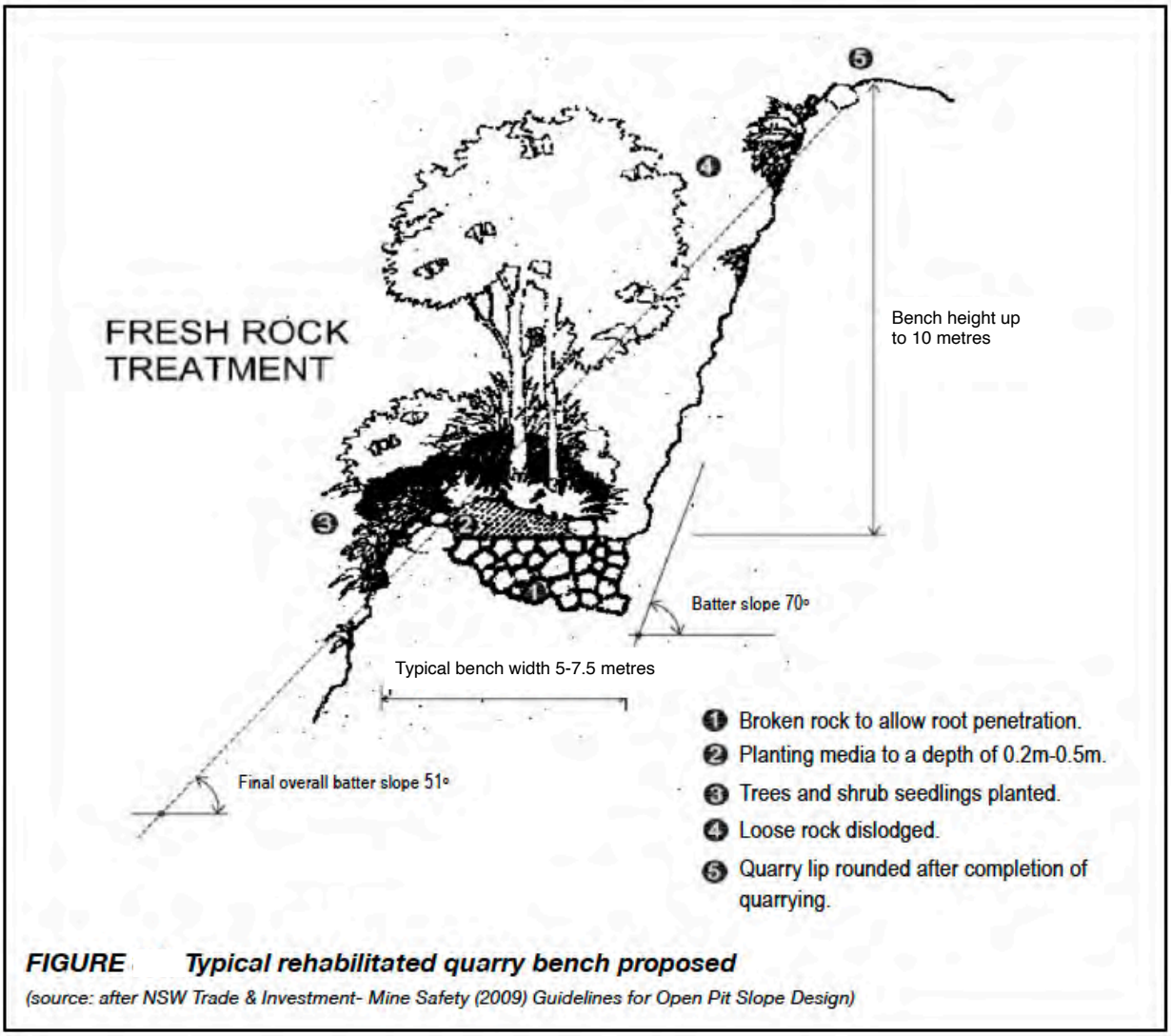

FIGURE Typical rehabilitated quarry bench proposed

(source: after NSW Trade & Investment- Mine Safety (2009) Guidelines for Open Pit Slope Design)