

13 July 2022

Ellie Varga  
Senior Development Assessment Officer  
Goulburn Mulwaree Council  
184-194 Bourke Street,  
GOULBURN 2580

c/ Southern Regional Planning Panel

Dear Ellie,

**RE: PPSSTH-124 - DA/0313/2122 – 282 Carrick Road, Carrick – Temporary Resource Recovery Facility**

## INTRODUCTION

We write on behalf of Divall's Earthmoving and Bulk Haulage (Divall's) in relation to the draft conditions of consent that have been prepared by Goulburn Mulwaree Council (Council) for the Southern Regional Planning Panel (SRPP) regarding DA/0313/2122. This letter provides comments and information in response to the draft conditions of the development consent (Table 1). It is to be read in conjunction with the following supporting information:

- Response to draft Conditions prepared by WSP at Attachment 1

## RESPONSE TO DRAFT CONDITIONS

Table 1: Response to Draft Conditions

Draft Condition for DA 0313/2122	Comment
<p><b>23.</b> <u>Prior to Commencement</u> The temporary use must not commence on 'site' in connection with this Notice of Determination until:</p> <ul style="list-style-type: none"> <li>a) a Subdivision Works Certificate for the subdivision work has been issued by: <ul style="list-style-type: none"> <li>iii. the consent authority; or</li> <li>iv. an 'Accredited Certifier'; and</li> </ul> </li> <li>b) the person having the benefit of this Notice of Determination has: <ul style="list-style-type: none"> <li>iii. appointed a 'Principal Certifier' for the subdivision work, and</li> </ul> </li> <li>c) the 'Principal Certifier' has, no later than two (2) days before the subdivision work commences: <ul style="list-style-type: none"> <li>iii. notified the 'Council' of his or her appointment, and</li> <li>iv. notified the person having the benefit of the development consent of any inspections that are to be carried out in respect of the subdivision work, and</li> </ul> </li> <li>d) the person having the benefit of this Notice of Determination has given at least two (2) days' notice to the 'Council' and the 'Principal Certifier' if not 'Council' of the person's intention to commence subdivision work.</li> </ul>	<p>Condition 23 explicitly relates to subdivision works. We consider this condition has been included in error noting there is no subdivision proposed as a part of the development for which consent is sought under the subject DA. As such, we would request that this condition be <u>deleted</u>.</p>

Draft Condition for DA 0313/2122	Comment
<p><i>Documentary evidence confirming the above statutory requirements have been satisfied must be submitted to 'Council' not less than two (2) days before any commencement of 'works'.</i></p> <p><i>(Reason: Statutory; to ensure appropriate safeguarding measures are in place prior to the commencement of any subdivision work)</i></p>	
<p><b>26.</b> <u>Haul Periods</u></p> <p><i>There shall be no more than two 12-hour haul truck periods in any week. For the purpose of this Notice of Determination, a 'week' is from Monday 12.00am to Sunday 11.59pm.</i></p> <p><i>The two haul periods are:</i></p> <ul style="list-style-type: none"> <li>• one haul period where EPRM is received at the site; and</li> <li>• one haul period where treated EPRM is returned to the MBPR Project site.</li> </ul> <p><i>These two haul periods shall never occur at the same time or overlap. Only one of each of the above nominated haul periods can occur in a week.</i></p> <p><i>(Reason: To confirm the components of the development; to ensure site safety; to ensure the amenity of the locality is not adversely impacted)</i></p>	<p>Condition 26 is prescriptive in that it stipulates a maximum of two x 12-hour truck haul periods in any week. This haulage scenario has been taken from the original Traffic Impact Study (TIS) prepared by WSP for the original DA submission. However, as was clearly stated in Section 2.3.1 of the TIS, the haulage activities were identified as comprising a "<i>likely haulage scenario</i>", noting that full details of the Marulan Bypass Pavement Rehabilitation project could not be determined until the contractor has been appointed. This section of the TIS also outlined that the overall project would result in, on average, an additional 240 heavy vehicle truck movements per week.</p> <p>Following discussions with our Client, TfNSW and the broader project team, it is understood that imposition of Condition 26, in it's current form, would be too restrictive in that it would not give flexibility in haulage movements to account for unplanned events, such as wet weather, staff absences, emergency or incident responses, plant and equipment breakdown, downturn or upturns in bypass construction operations, as well as during peak holiday periods (such as school holidays). Further, we understand that TfNSW's objective is to minimise the duration of the rehabilitation works and the resulting level of impact on the community and stakeholders. Flexibility would also allow for opportunities for innovation and efficiencies in construction methodology to reduce the overall construction program. This is why the original TIS identified the haulage scenario as "<i>likely</i>", rather than fixed.</p> <p>WSP has considered the above in the context of Condition 26, and has provided a response, which is attached to this letter, and extracted below.</p> <p><i>"The traffic analysis undertaken to support the development of the Traffic Impact Study (TIS) was based on a likely (and assumed) haulage scenario of:</i></p> <ul style="list-style-type: none"> <li>• 60 trucks (or 120 total truck movements), over a 12-hour period, occurring 2 times per week</li> <li>• This equated to an average of 5 trucks (or 10 total truck movements) per hour</li> </ul>

Draft Condition for DA 0313/2122	Comment
	<p><i>accessing Divall's Quarry during each haulage period</i></p> <ul style="list-style-type: none"> <li>• <i>For the assessment of greatest potential impacts, the haulage period was assumed to occur during daylight hours. The assessment was undertaken for a typical weekday</i></li> <li>• <i>To manage the potential impacts associated with the haulage activities, it was recommended (and supported by TfNSW) that temporary traffic control measures be implemented on Hume Highway (in the form of a partial northbound lane closure), to be in place during the haulage activity period only.</i></li> </ul> <p><i>It is recognised (and stated in the TIS) that the exact haulage activities and their characteristics will be determined once a contract for the haulage works is awarded.</i></p> <p><i>It is understood that at times, there may be a need to increase or decrease the number of haulage periods occurring in any one week, to account for unplanned events (wet weather), downturns or upturns in bypass construction operations, as well as during peak network periods (such as school holidays). On average, this would result in no more than 240 truck movements per week over the duration of the project, and reflects the proposed amendment to Draft Condition 26 [as set out separately in correspondence by GYDE Consulting].</i></p> <p><i>While the TIS reviewed the impacts associated with daytime haulage operations, there is potential for the haulage to also occur during off-peak (night) times. This aligns with the time period noted in Draft Condition 26. The background traffic volume on the Hume Highway is much lower during off-peak (night) times when compared to daytime hours. In the event haulage occurs during offpeak (night) times hours, the level of delay at the Hume Highway / Divalls Quarry entrance intersection, in association with the addition of the truck movements, will be much less than that estimated in the TIS. Any haulage activity that occurs during off-peak (night) time hours will be managed by the same traffic controls measures outlined in the TIS."</i></p> <p><i>A complete copy of the above response from WSP can be found at Attachment 1.</i></p> <p><i>In essence, the TIS assessment was undertaken on the basis of the impact of the likely haulage scenario during the "worst case" peak periods (and cumulative impact with</i></p>

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	<p>current quarry operations). As confirmed by WSP, there is scope in providing flexibility in haulage activities, particularly in the evening period, when overall traffic volumes on the Hume Highway are less, in addition to the two haulage periods noted in Condition 26.</p> <p>Further to the above, additional haulage, particularly in the evening period, would not change the noise assessment undertaken by Harwood Acoustics. We note that the revised Environmental Noise Impact Assessment (ENIA) report by Harwood Acoustics included an assumption that there could be vehicle trips during the day <u>and</u> evening periods, noting, in particular, there could be up to 90 trips in the evening (10 pm to 7 am), or equivalent to 10 truck movements per hour at night (off peak). The ENIA concludes that this will comply with relevant noise criteria and is well below the allowable noise limit for road traffic noise impacts at night.</p> <p>Based on the above, to provide some flexibility in haulage activities, we request that Council and the SRPP give consideration to an amendment to Condition 26 as follows, with amendments identified in <b>red</b>. We note that the latter addition to the condition will ensure that on average, no more than 240 truck movements will occur. Simply, those truck movements may be distributed differently through the week on the odd occasion to allow for unforeseen changes in scheduling.</p> <p><i>“26. Haul Periods</i></p> <p><i>There shall <b>generally</b> be no more than two 12 hour haul truck periods in any week. For the purpose of this Notice of Determination, a ‘week’ is from Monday 12.00am to Sunday 11.59pm.</i></p> <p><i>The two haul periods are:</i></p> <ul style="list-style-type: none"> <li><i>• one haul period where EPRM is received at the site; and</i></li> <li><i>• one haul period where treated EPRM is returned to the MBPR Project site.</i></li> </ul> <p><i>These two haul periods shall never occur at the same time or overlap.</i></p> <p><i><b>Any variation to the above haulage scenario is to be approved by Transport for NSW and is not to result in more than 240 heavy</b></i></p>

Draft Condition for DA 0313/2122	Comment
	<p><i>vehicle movements, on average, per week, across the duration of the project.</i></p> <p><i>(Reason: To confirm the components of the development; to ensure site safety; to ensure the amenity of the locality is not adversely impacted.)</i></p>

## CONCLUSION

Thank you for the opportunity to provide comments on the draft conditions of the development consent. We trust that the points raised in this letter will be given due consideration by Council and will be forwarded to the Southern Regional Planning Panel for consideration prior to determination.

Should you wish to discuss the contents of this letter/any of the responses, please do not hesitate to contact the undersigned or Conor Francis on (02) 9068 7500 or [conorf@gyde.com.au](mailto:conorf@gyde.com.au).

Yours Sincerely



**Mel Krzus**

**Director**

*Registered Planner PIA*

*Registered Environmental Assessment Practitioner*