Bentley Quarry Modification (Development Consent DA2022/0107)

Statement of Environmental Effects

R & S Contracting Pty Ltd

27 June 2025

→ **The Power of Commitment**

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The Power of Commitment

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Appendix A Traffic statement

1. Introduction

R & S Contracting Pty Ltd (R & S Contracting) owns and operates a hard rock quarry (Bentley Quarry). It is located at Lot 2 DP 1196757, 1465 Bentley Road, Bentley, in the Richmond Valley local government area (Figure 1.1). R & S Contracting are proposing to modify Development Consent DA2022/0107 by amending the limitation on truck movements at peak school bus drop off and pick up times and removing the requirement for a community consultative advisory committee.

1.1 Purpose of this SEE

This Statement of Environmental Effects (SEE) has been prepared to accompany the application to modify Development Consent DA2022/0107. The SEE has been prepared to address the matters for consideration under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and consider the provisions of other relevant Acts and environmental planning instruments. It assesses the potential environmental impacts of the proposed modification and recommends mitigation measures to minimise impacts and protect the environment where possible.

The SEE is structured as follows:

- Section 1 – provides an introduction and the location of the modification.
- Section 2 – describes the modification.
- Section 3 – assesses the modification against the requirements of relevant legislation and environmental planning instruments.
- Section 4 – provides an assessment of the potential impacts of the modification on the environment.
- Section 5 – provides a justification for the modification and a conclusion to the SEE.

1.2 Scope and limitations

This report has been prepared by GHD for R&S Contracting Pty Ltd and may only be used and relied on by R & S Contracting Pty Ltd for the purpose agreed between GHD and R&S Contracting Pty Ltd as set out in Section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than R & S Contracting Pty Ltd arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

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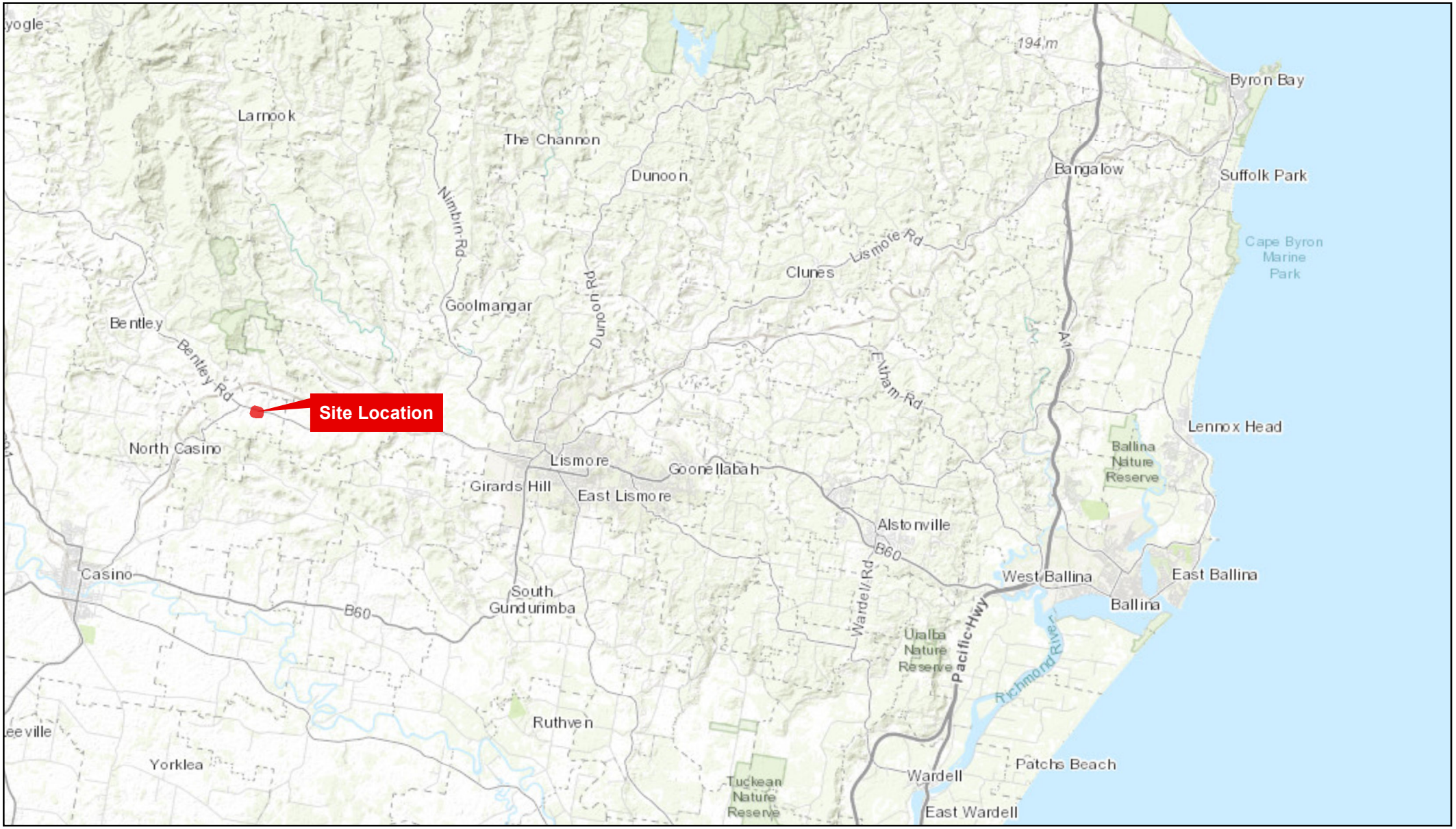
The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by R & S Contracting Pty Ltd and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.



Paper Size ISO A4

0 1.5 3 4.5 6

Kilometers

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56

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GHD

Bentley Quarry

Site Location

Project No. **12547851**
Revision No. **-**
Date **14/04/2021**

FIGURE 1-1

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Print date: 20 Apr 2021 - 12:29

Data source: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community. Created by: dschmidt

2. Proposed modification

2.1 Truck movements during school bus periods

2.1.1 Proposed modification

The proposed modification would involve the amendment of Condition 60(b)(ii), which limits truck movements for an hour at peak school pick up and drop off times. It is proposed to amend the condition as follows:

> *The restricted hours of trucks entering or exiting the quarry (for ~~one hour~~ 15 min at peak school pick up and ~~one hour~~ 15 min at peak school drop off times), as determined in consultation with the school bus service providers consistent with the Deferred Commencement condition.*

A previous modification MA2024/0008 also proposed to reduce the limitation but was refused. We understand that the previous modification was refused, in part, due to a lack of detailed information about the bus movements and detailed assessment of the road safety implications associated with the proposal. In response to the concerns raised by the community and the Northern Regional Planning Panel (the Panel), further clarification in regards to bus and truck interaction has been provided in Section 4.4. A qualified Level 3 Road Safety Auditor has also been engaged to review the proposed modification, with the assessment provided in Appendix A.

2.1.2 Justification

It is proposed that Condition 60(b)(ii) should be amended for the following reasons:

- It is unreasonable because other quarries and trucks in the area use Bentley Road without any such limitations. The restriction therefore limits Bentley Quarry's trade which is both unreasonable and unequitable.
- The original Traffic Impact Assessment (TIA) prepared for the Environmental Impact Statement (EIS) for the quarry did not identify the interaction with buses and trucks as an issue, nor did Council during the assessment of the application or the independent review of the TIA undertaken by EMM (2022) on behalf of the Panel. The independent traffic expert, who is a qualified Level 3 Road Safety Auditor, engaged to assess this specific issue also concluded the proposed amendment is acceptable, see Appendix A.
- The school bus operators have been consulted numerous times and have never raised any concerns about the trucks and have supported the reduced truck restrictions every time, see Appendix A.
- It interrupts the efficiency of the operation.
- It is difficult to enforce because Bentley Quarry do not have control of all trucks that travel to the quarry, so trucks may be forced to line up on the road and wait, creating a greater traffic hazard.
- School buses do not operate on Bentley Road for the full hour in the morning and afternoon.
- It is potentially a greater hazard having seven trucks waiting for an hour and then all arriving or leaving the site at the one time.
- At peak production the quarry would only generate a maximum of 3% of the peak daily traffic on Bentley Road.
- All vehicles would follow the NSW road traffic rules that are designed to protect the safety of all road users at all times.

In addition, the following measures would be enforced via the Drivers Code of Conduct:

- Haulage while school buses are operating will be minimised.
- Truck drivers are to be particularly cautious during school bus operating times.
- The Quarry Manager will monitor the real-time online tracking system at anytrip.com.au and notify all truck drivers by UHF when buses are operating on the haulage routes and instruct heavy vehicle operators to be cautious.
- Heavy vehicles are to remain 500 m behind school buses and if the bus stops, slow to 40 km before overtaking the bus (as per the NSW road rules).
- Be vigilant for school kids waiting by the side of the road and slow to 40 km before passing them.

2.2 Community consultative advisory committee

2.2.1 Proposed modification

It is also proposed to remove Condition 107, which requires a community consultative advisory committee, as follows:

> *107. One month prior to commencing quarrying operations, the Operator must establish a community consultative advisory committee for the Quarry. The Committee shall consist of:*
>
> *a) The operator (or representative);*
>
> *b) A member of Richmond Valley Council (if available);*
>
> *c) At least 3 community representatives;*
>
> *d) An independent chair approved by the Council.*
>
> *The Committee shall subsequently meet twice yearly while the Quarry remains in operation.*
>
> *The purpose of the Committee is to:*
>
> *a) Review the operator's performance with respect to environmental management and community relations, including complaints-handling;*
>
> *b) Undertake inspections of quarry operations as required.*
>
> *The operator shall at its own expense:*
>
> *a) Fund the independent chair's fees;*
>
> *b) Make meeting facilities available;*
>
> *c) Organise the twice-yearly meetings;*
>
> *d) Take minutes and make the minutes available to the public and Council.*

Rather than having the community consultative advisory committee, it is proposed Bentley Quarry provides regular updates about its operations on the website, including monitoring data, complaints, compliance documents and Annual Reports, as per Condition 106.

2.2.2 Justification

The community consultative advisory committee has meet three times since the quarry was established. In this time, there has only been one community representative attend the first two meetings and no one attended the most recent meeting. While it is appreciated that the community consultative advisory committee is to provide an avenue for the community to voice any concerns regarding the operation and for Bentley Quarry to explain the operations, the general community do not appear interested in the quarry and don't have time to attend the meetings.

Other members of the community who may be interested in attending the meetings have demonstrated abusive and threatening behaviour to the people associated with Bentley Quarry, so are not considered suitable representatives.

Providing information about the quarry operations is considered a more reasonable and effective form of communication with the community than the community consultative advisory committee. All the community would then have the information about the quarry operations at any time, rather than having to wait 6 months for a meeting that only a small portion of the community attend.

3. Planning considerations

3.1 NSW Environmental Planning and Assessment Act 1979

The EP&A Act provides the statutory basis for planning and environmental assessment in NSW. All development is assessed in accordance with the provisions of the EP&A Act and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). The EP&A Act institutes a system for environmental planning and assessment, including approvals and environmental impact assessment for proposed developments. The EP&A Act contains several relevant parts that impose requirements for planning approval. Part 4 is relevant to the proposed modification because it sets out provisions relating to development that requires development consent.

Development Consent DA2022/0107 was issued by Council on 16 December 2022. Section 4.55(2) of the EP&A Act outlines the circumstances where a consent authority can modify a consent. The relevant sections are provided in Table 3.1.

Table 3.1 Section 4.55(2) considerations

Section 4.55(2) Matters for consideration	Comment
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development would be substantially the same if the proposed modification is approved because: – The reduction of the truck movement restrictions does not change the scope of project activity as the proposed total extraction rate and transport volume remains unchanged. – Removal of the community consultative advisory committee also does not alter the approved development, just a form of communication between the quarry operator and the community. Refer to Section 2.2.2 and below for more details.
(b) it has consulted with the relevant Minister, public authority, or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Council will consult any relevant authorities in relation to the proposed modification.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The proposed modification would need to be notified in accordance with Council's notification policy.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	Any submissions received by Council can be addressed by this report.

Section 4.55(3) of the EP&A Act requires a consent authority to also consider matters referred to in Section 4.15(1) of the EP&A Act. Table 3.2 provides a summary of matters listed under section 4.15(1) and a reference to where they are addressed.

Table 3.2 Section 4.15 of the EP&A Act - Matters for consideration

Matters for consideration - general	Report section
(a) The provisions of:	
(i) Any environmental planning instrument	Section 3
(ii) Any proposed environmental planning instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)	Not applicable
(iii) Any development control plan	Section 3.4
(iii) Any planning agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under section 7.4	Not applicable
(iv) The regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates	Not applicable
(v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979) that apply to the land to which the development application relates	Not applicable
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Section 4
(c) The suitability of the site for the development	The suitability of the site has been demonstrated through the granting of development consent DA2022/0107.
(d) Any submissions made in accordance with this Act or the regulations	Any submissions received by Council can be addressed by the information contained within this report.
(e) The public interest	The proposed modification is in the public interest as they would improve the functionality of the quarry and allow access to better quality extractive resources sooner, that could be used on local projects. It would also provide more update to date information that is more easily accessible.

3.1.1 Substantially the same development assessment

The consent authority must be satisfied that the proposed modified development is ‘substantially the same development’ as the originally approved development. The test for the development to be ‘substantially the same’, is a legal threshold test that must be met before a merit assessment is undertaken.

The focus in this test is on the development. The comparison is made between the proposed development, and the development consent as granted (cf *Scrap Realty v Botany Bay City Council* [2008] NSWLEC 333 at [16]). The result of the comparative test must be that the modified development is essentially or materially the same as the approved development. (cf *Moto Developments (No 2) v North Sydney Council* [1999] NSWLEC 280 at [55] (Moto Projects); *Vacik v Penrith City Council* [1992] NSWLEC 8). In Moto Projects, Bignold J described the following test in determining the threshold question:

> *The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is "essentially or materially" the same as the (currently) approved development.*
>
> *The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).*

Talbot J addressed the question of “substantially the same development” in *Wolgan Action Group Incorporated v Lithgow City Council (2001*):

> *“In Vacik Pty Limited v Penrith City Council (Stein J, NSWLEC, 18 February 1992, unreported), Stein J adopted a meaning for "substantially" where used in the earlier s 102(1)(a) of the EP&A Act as "essentially or materially or having the same essence". In North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 97 LGERA 433 at 440, Mason P expressly agreed with the view taken by Stein JA. Mason P also said, at p 439, that in the context of s 102 the verb modify meant "to alter without radical transformation (see Sydney City Council v Ilenace Pty Ltd (1984) 3 NSWLR 414 at 421)". In Standley Stein JA also reiterated the view he expressed in Vacik.*

Based on a review of various Land and Environment Court decisions, including those outlined above, the following principles apply when undertaking the substantially the same test:

- The comparative analysis is holistic or general in nature (as opposed to detailed in nature).
- The key question is whether the development is essentially or materially the same as the approved development at a macro level.
- Where impacts (either positive or negative) are minor, the proposed modified development is more likely to be considered essentially or materially the same as the approved development.
- Consideration of the scale of any physical changes to the development, as well as changes to the use of the land are relevant.
- Both a qualitative and quantitative comparison is a requisite undertaking. Notwithstanding, differences in qualitative and quantitative effects do not strictly equate to a material change in the character of the development (cf *Davi Development v Leichardt Council* [2007] NSWLEC 106). Still, where individual changes are significant, the proposed modified development may still be substantially the same (cf *Tyagrah Holdings v Byron Bay Shire Council* [2008] NSWLEC 1420 at [12]).

To assist Council in undertaking a comparative analysis, Table 3.3 below provides a quantitative comparison of the proposed modification against the relevant conditions of Development Consent DA 2022/0107. As expressed previously and demonstrated by Table 3.3, the quantitative differences between the approved development and proposed modification is minimal. Most aspects and arguably the main aspects of the approved development are not changed.

Table 3.3 S4.55(2) Comparative Analysis

Key features of original DA2022/0107	Proposed MOD
Annual rate of extraction – 300,000 tonnes	No change
Area of extraction	No change
Total extraction 1,266,000 tonnes	No change
Extraction depth RL49 m	No change
Process a maximum of 2,000 tonnes per day	No change
A maximum of 70 trucks per day and 7 per hour	No change
Hours of operation	No change
Noise criteria	No change
Vibration criteria	No change
Blasting frequency	No change
Air criteria	No change
1 hour restriction of trucks during peak school drop off and pick up hours	Proposed to amend this condition to 15 minutes, but as explained in Section 4.4, it is not expected to alter the outcome of reducing the interaction of school buses and trucks.

To assist Council in undertaking a comparative analysis, a qualitative comparison of the proposed modification against Development Consent DA2022/0107 is provided below:

- Noise – Removing the restriction on truck movements may result in a minor increase to noise during the morning and afternoon hour restriction under the approved project but the change would be negligible and still within the relevant criteria at all sensitive receivers, as assessed in the Noise and Vibration Impact Assessment (GHD 2022) prepared for the EIS.
- Vibration – vibration is not expected to change at any sensitive receiver and be within the Development Consent and EPL vibration criteria, as assessed in the Noise and Vibration Impact Assessment (GHD 2022) prepared for the EIS.
- Air quality - As the proposal would not alter the number of trucks (other than during school bus times) or volume of material processed, the air quality and greenhouse gas emissions, as a result of the proposed modification, would be substantially the same.
- Traffic – Some additional traffic would be generated during the peak school drop off and pick up times but this would only increase vehicle movements on Bentley Road by about 3% and is consistent with what was assessed in the Traffic Impact Assessment (TIA) (GHD 2022) prepared for the EIS.
- Water- Water would be managed in the same way as that approved under Development Consent DA2022/0107.
- Biodiversity – The impact to biodiversity is expected to be the same as the approved project.
- Heritage – Similar to biodiversity, the heritage impacts are expected to be the same as the approved project.

Further details on the impacts of the proposed modification are provided in Section 3.2.

Having regard to the quantitative and qualitative comparison between the originally approved development with the proposed modified development, it is submitted that the threshold question is satisfied on the basis that:

- The development remains ‘substantially the same’ in terms of the development footprint.
- The development as approved has the singular purpose of extractive industry which remains unchanged, and thus the land use remains unchanged (refer to Hunter Development Brokerage Pty Limited trading as HDB Town Planning and Design v Singleton Council [2022] NSWLEC 64 where Justice Duggan considers the purpose of a development in relation to the substantially the same test).
- The power to modify a development consent, is one to be regarded as beneficial and facultative (North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 43 NSWLR 468 at 475). There is an implied shift in the persuasive burden to the Council to demonstrate why the proposed modification should not be regarded as appropriate (TL & TL Tradings Pty Ltd v Parramatta City Council [2016] NSWLEC 150 at [84] – [85]). No additional long term adverse impacts are likely to arise.

Accordingly, it is submitted that the proposed modification will not represent a radical transformation of the originally approved development and that the proposed modification to the consent will represent substantially the same development as the development for which the consent was originally granted.

3.2 Environmental Planning and Assessment Regulation 2021

3.2.1 Clause 100

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) the following information is required to be supplied as part of the proposed modification:

> *(1) a modification application must contain the following information—*
>
> *(a) the name and address of the applicant*
>
> *(b) a description of the development that will be carried out under the development consent*
>
> *(c) the address and folio identifier of the land on which the development will be carried out*

(d) a description of the modification to the development consent, including the name, number and date of plans that have changed, to enable the consent authority to compare the development with the development originally approved

(e) whether the modification is intended to—

(i) merely correct a minor error, misdescription or miscalculation, or

(ii) have another effect specified in the modification application

(f) a description of the expected impacts of the modification

(g) an undertaking that the modified development will remain substantially the same as the development originally approved

(h) for a modification application that is accompanied by a biodiversity development assessment report—the biodiversity credits information

(i) if the applicant is not the owner of the land—a statement that the owner consents to the making of the modification application

(j) whether the modification application is being made to—

(i) the Court under the Act, section 4.55, or

(ii) the consent authority under the Act, section 4.56.

The above information has been presented in this report to satisfy Clause 100 of the EP&A Regulation.

3.2.2 Clause 275

Clause 275 sets out functions exercisable by Council on behalf of a regional panel. Clause 275 states:

(1) The determination of an application to modify a development consent under the Act, section 4.55 is prescribed as a function of a Sydney district or regional planning panel that must be exercised on behalf of the panel by the council of the area, except as provided by subsection (2).

(2) A council must not determine an application to modify a development consent under the Act, section 4.55(2) on behalf of a Sydney district or regional planning panel if the application is of a kind specified in the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020.

The 'Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents' published on the NSW planning portal on 30 June 2020 states that a Council is not to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:

- Proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the Panel, or
- Proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the Panel, or
- Meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction.

Schedule 1 states:

1. Conflict of interest - Development for which the applicant or landowner is: (a) the Council, (b) a Councillor, (c) a member of Council staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979, (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or (e) a relative (within the meaning of the Local Government Act 1993) of a person referred to in (b) to (d).

2. Contentious development - Development that is the subject of 10 or more unique submissions by way of objection. A unique submission means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.
3. Departure from development standards - Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

The modification proposes amendments to a condition of consent that was not included in the Council assessment report but which was added by the Panel under Development Consent DA2022/0107 and is likely to be considered a contentious development and as such the Northern Regional Planning Panel will need to exercise its functions and determine the application.

3.2.3 Schedule 3 Part 2 - Designated Development

Clause 26, Part 2 of Schedule 3

The EP&A Regulation provides direction in relation to designated development and the requirements for assessment. Clause 26 within Part 2 of Schedule 3 of the EP&A Regulation is relevant to the proposal. It states that the following is designated development:

26 Extractive industries

(1) Development for the purposes of an extractive industry facility is designated development if the facility obtains or processes for sale, or reuse, more than 30,000 cubic metres of extractive material per year.

(2) Development for the purposes of an extractive industry facility is designated development if the facility disturbs or will disturb a total surface area of more than 2 hectares of land by—

(a) clearing or excavating, or

(b) constructing dams, ponds, drains, roads or conveyors, or

(c) storing or depositing overburden, extractive material or tailings.

(3) Development for the purposes of an extractive industry facility is designated development if the facility is located—

(a) in or within 40 metres of a natural waterbody or environmentally sensitive area of State significance, or

(b) in or within 100 metres of a wetland, or

(c) within 200 metres of a coastline, or

(d) in an area of contaminated soil or acid sulfate soil, or

(e) on land that slopes at more than 18 degrees to the horizontal, or

(f) if the facility involves blasting—within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or

(g) within 500 metres of the site of another extractive industry facility that has operated during the last 5 years.

(4) This section does not apply to the following—

(a) an extractive industry facility on land to which State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 5 applies,

(b) an extractive industry facility on land in the Western Division, within the meaning of the Crown Land Management Act 2016,

(c) maintenance dredging involving the removal of less than 1,000 cubic metres of alluvial material from oyster leases, sediment ponds or dams, artificial wetland or deltas formed at stormwater outlets, drains or the junction of creeks with rivers, if—

(i) the extracted material does not include contaminated soil or acid sulfate soil, and

(ii) dredging operations do not remove any seagrass or native vegetation, and

(iii) there has been no other dredging within 500 metres during the past 5 years,

(d) an extractive industry facility that—

(i) is operated in accordance with a plan of management that complies with subsection (5), and

(ii) involves the removal of less than 1,000 cubic metres of extractive material from a potential extraction site specified in the plan of management,

(e) the excavation of contaminated soil for treatment at another site,

(f) an artificial waterbody, contaminated soil treatment works, turf farm or waste management facility or works, specifically referred to elsewhere in this Schedule,

(g) an artificial waterbody located on relevant irrigation land,

(h) maintenance dredging of alluvial material from oyster leases and adjacent areas in Wallis Lake, if the dredging is undertaken in accordance with the document entitled Protocol for Wallis Lake Oyster Lease Maintenance Dredging approved by the Planning Secretary and published in the Gazette, as amended by the Planning Secretary from time to time by publication of an amended Protocol in the Gazette,

(i) the removal of sandstone, whether or not the extracted material is reused or resold, for the provision of car parking or plant or storage associated with development on land in the Stage 1 Bays West Precinct within the meaning of State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021, Appendix 8.

(5) A plan of management must be—

(a) prepared in accordance with guidelines approved by the Planning Secretary, and

(b) approved by a public authority, and

(c) adopted by the consent authority, and

(d) reviewed by the consent authority every 5 years.

(6) In this section—

extractive industry facility means a building or place at which—

(a) extractive materials are obtained by methods including excavating, dredging, tunnelling or quarrying, or

(b) extractive materials are stored, stockpiled or processed by methods including washing, crushing, sawing or separating.

plan of management means a plan for a river, estuary, land or water that considers the cumulative impacts, bank and channel stability, flooding, ecology and hydrology of the area to which the plan applies.

Pursuant to Clause 26, the quarry is deemed designated development. However, the provisions of Clause 48 Part 3 of Schedule 3 of the EP&A Regulation are relevant.

Part 3 of Schedule 3 - Are alterations or additions designated development?

Clause 48, Part 3 of Schedule 3 of the EP&A Regulation states that alterations and additions are not considered designated development, if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development. Clause 48 states:

48 Alterations or additions to existing or approved development

(1) Development involving alterations or additions to development, whether existing or approved, is not designated development if, in the consent authority's opinion, the alterations or additions do not significantly increase the environmental impacts of the existing or approved development.

(2) In forming its opinion, a consent authority must consider the following—

(a) the impact of the existing development, including the following—

(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,

(ii) rehabilitation or restoration of any disturbed land,

(iii) the number and nature of all past changes and their cumulative effects,

(b) the likely impact of the proposed alterations or additions, including the following—

(i) the scale, character or nature of the proposal in relation to the development,

(ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is, or will be, carried out and the surrounding locality,

(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty,

(iv) the capacity of the receiving environment to accommodate changes in environmental impacts,

(c) proposals to mitigate the environmental impacts and manage residual risk,

(d) proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

The provisions of Clause 48 are addressed in Table 3.4 below.

Table 3.4 Clause 48 Matters

Clause 48 Matters		Comments
(a) the impact of the existing development, including the following	(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,	The quarry has only been operating for a short period, with minimal compliance issues and all conditions of consent required to be satisfied prior to operation have been satisfied.
	ii) rehabilitation or restoration of any disturbed land,	Not applicable, no rehabilitation has occurred to date.
	(iii) the number and nature of all past changes and their cumulative effects,	No changes have occurred to date.
b) the likely impact of the proposed alterations or additions, including the following	(i) the scale, character or nature of the proposal in relation to the development,	The proposed modification does not change the scale, character or nature of the development.
	(ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is, or will be, carried out and the surrounding locality,	The modification is not expected to result in significant impacts on the surrounding residents, environment, or locality.
	(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty,	The potential environmental impacts associated with the proposed modification including noise and traffic impacts, have been analysed with adequate certainty through assessment against relevant guidelines and standards adopted by relevant agencies to accurately identify and determine the extent of those potential impacts.

Clause 48 Matters		Comments
	(iv) the capacity of the receiving environment to accommodate changes in environmental impacts,	The site is situated in a relatively isolated location with sufficient separation from sensitive land uses to minimise the potential for land use conflict.
(c) proposals to mitigate the environmental impacts and manage residual risk		A series of mitigation measures have been identified to minimise the potential impacts of the quarry.
(d) proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities		The quarry is already subject to a stringent EPL and development consent conditions. It is anticipated that the EPL and relevant consent conditions would be modified to reflect the proposed modification.

The proposed modification does not significantly increase the environmental impacts of the total development when compared with the existing approved development.

The proposed modification remains substantially the same development within the meaning of s4.55(2)(a) of the EP&A Act (refer Section 3.1). The proposal as modified retains the essential character and material essence of the existing approved development. The modification will allow for a continuation of the existing land use, and will not materially change the functioning of the quarry having regard to inputs, outputs and impacts.

To assist in this assessment, Section 4 of this report contains a detailed analysis of the potential impacts of the proposal.

3.3 Richmond Valley Local Environmental Plan 2012

The primary planning instrument for the site and proposed modification is the *Richmond Valley Local Environmental Plan 2012* (LEP). In accordance with the LEP, the subject site is zoned RU1 Primary Production. Under the provisions of zone RU1, development for the purpose of extractive industries is permissible with development consent. The proposed modification do not change the use of the approved extractive industry and therefore is a permissible use.

3.4 Richmond Valley Development Control Plan 2021

Richmond Valley Development Control Plan 2021 (DCP) contains detailed guidelines and planning controls applying to all development within the LGA. The DCP contains limited details in relation to extractive industries but as the proposed modification are considered to be substantially the same as the approved extractive industry, it is considered to be consistent with the DCP.

3.5 Other environmental planning instruments

3.5.1 State Environmental Planning Policy (Resources and Energy) 2021

The aims of *State Environmental Planning Policy (Resources and Energy) 2021* (Resources and Energy SEPP) is to recognise the importance of mining, petroleum production and extractive industries. It also includes matters for consideration when determining applications. The Panel highlighted in their assessment of the previous modification that amending Condition 60 (b)(ii) may be inconsistent with Clause 2.22 (1)(b) of the Resources and Energy SEPP, which is (bolded by GHD for emphasis):

> *2.22 Transport*
>
> *(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following—*
>
> *(a) require that some or all of the transport of materials in connection with the development is not to be by public road,*
>
> ***(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,***
>
> *(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

This provision requires the consent authority to consider if the consent should be issued with conditions to limit or preclude truck movements on roads near to schools, it is not a requirement to include limits or preclude truck movements and is in relation to 'roads near to schools'. The existing condition is not in relation to limits on truck movements on roads near to schools, it is limiting truck movements during school bus periods, so the proposed removal of the condition is not considered to be inconsistent with the Resources and Energy SEPP.

It is proposed to modify the condition limiting truck movements for two hours, while school buses are operating but it is still proposed to have measures in place to manage the interaction of school buses and quarry trucks.

A school exists on Manifold Road but very limited (if any) trucks from Bentley Quarry travel on Manifold Road, now that Naughtons Gap Road has reopened. The Bentley Preschool on Bentley Road was a particular concern to the Panel and while we support the review of speed limits at the Preschool suggested by the Panel, it is highlighted that, on average, approximately 1 truck from Bentley Quarry would travel past the preschool per hour, so the chances of interaction between trucks and school children is minimal, especially if the proposed revised restriction is applied.

Truck drivers still have an obligation, like any other road user, to obey the road rules, including complying with speed limits and driving to conditions.

3.6 Other State legislation

No other NSW legislation is considered relevant to the proposed modification.

3.7 Commonwealth legislation

Matters of national environmental significance would not be impacted by the proposed modification and as such the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* are not relevant.

3.8 Summary of approvals required

As the project is classified as 'regional development' by Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2001* the proposed modification would need to be advertised and assessed by Council and determined by the Panel under Part 4 of the EP&A Act.

4. Environmental assessment

4.1 Overview

This section provides the results of the identification and prioritisation of issues. The analysis was undertaken in the form of a preliminary, desktop level risk assessment, to broadly assess the potential environmental risks that may arise as a result of the proposed modification. The preliminary environmental risk assessment identifies and ranks potential environmental risks with the aim of identifying potential impacts for detailed assessment.

The outcome of the assessment was used to inform the scope of further work and detailed investigations.

4.2 Risk rating

Based on the assessment of likelihood and consequence, a foreseeable impact/risk can be assigned a risk rating. This enables higher rating risks to be identified early in the process for the purpose of focusing the environmental assessment process. The matrix shown in Table 4.1 was used to prioritise potential environmental risks as either category A, B or C.

Table 4.1 Impact priority matrix

	Consequence		
Likelihood	3 Higher	2 Medium	1 Lower
3 Higher	*Category A*	*Category A*	*Category B*
2 Medium	*Category A*	*Category B*	*Category C*
1 Lower	*Category B*	*Category C*	*Category C*

Category A issues were considered the highest priority and were the main focus of the environmental impact assessment.

In general, the following was applied when scoping requirements for the environmental impact assessment:

- Category A issues – require detailed specialist investigations and field work, and were the highest priority to enable identification of appropriate management and mitigation options.
- Category B issues – desirable to undertake further investigations as part of the environmental assessment to address some uncertainties.
- Category C issues – may not require detailed specialist investigations, particularly where identifiable management/mitigation guidelines exist, only broad or desktop investigations were undertaken.

4.3 Risk assessment

Table 4.2 Results of risk assessment and prioritisation of environmental issues

Issue	Potential key risks	Likelihood	Consequence	Priority category	Comment/response
Land resources	**Removal of committee –** Overall, the proposed modification is not expected to alter the impact on land resources compared to the approved development.	Medium	Lower	C	As there is not expected to be any change to the impact on land resources as a result of the proposed modification, no further assessment or mitigation is considered necessary.
	Truck restrictions – Amending the restriction on the movement of trucks would not impact on land resources.				
Water	**Removal of committee -** The proposed modification is not expected to alter the impact on water resources compared to the approved development.	Medium	Lower	C	As there is not expected to be any change to the impact on water resources as a result of the proposed modification, no further assessment or mitigation is considered necessary.
	Truck restrictions – Amending the restriction on the movement of trucks would not impact on water.				

Issue	Potential key risks	Likelihood	Consequence	Priority category	Comment/response
Noise and vibration	**Removal of committee –** The proposed modification is not expected to alter the noise impacts compared to the approved development.	Lower	Lower	C	Amending the restriction on the movement of trucks would allow trucks to operate during these periods, which would have noise impacts. However, the impacts would be consistent with what was assessed in the EIS and would be within the relevant criteria. No further assessment or mitigation is considered necessary.
	Truck restrictions – Amending the restriction on the movement of trucks would have minimal impact on noise and vibration.				
Air quality and greenhouse gas emissions	**Removal of committee –** The proposed modification is not expected to alter the air impacts compared to the approved development.	Lower	Lower	C	The proposal to amend the restriction on truck movements is not expected to change the impact on local air pollution compared to the approved development. No further assessment or mitigation is considered necessary.
	Truck restrictions – Amending the restriction on the movement of trucks would have minimal impact on local air quality.				
Biodiversity	**Removal of committee –** The proposed modification is not expected to alter the impacts on biodiversity compared to the approved development.	Lower	Lower	C	As there is not expected to be any change to the impact on biodiversity as a result of the proposed modification, no further assessment or mitigation is considered necessary.
	Truck restrictions - The proposed modification is not expected to alter the impact on biodiversity compared to the approved development.				

Issue	Potential key risks	Likelihood	Consequence	Priority category	Comment/response
Traffic and access	**Removal of committee –** The proposed modification is not expected to alter the traffic impacts compared to the approved development.	Medium	Medium	B	The proposed amendment of the truck movement restrictions would add trucks on local roads for an additional 1.5 hours per day but it would still prevent trucks from travelling on Bentley Road when school buses are most active in the area. The chances of bus and truck interaction is therefore still minimised. As assessed in the TIA (GHD 2022) prepared for the EIS, this increase is within the capacity of the road. It is also expected to have minimal impact on safety because all trucks would follow the road rules and implement the additional mitigation measures specified in Section 2.2 and the Drivers Code of Conduct. Although the impact is considered minimal, an assessment has been completed by a Level 3 Road Safety Auditor, which is discussed in Section 4.4 and provided in Appendix A.
	Truck restrictions – Amending the restriction on the movement of trucks would add traffic to Bentley Road during peak school pick up and drop off times. Given the total traffic on Bentley Road during these times, this would have minimal impact.				
Heritage	**Removal of committee –** The proposed modification is not expected to alter the impacts on heritage compared to the approved development.	Lower	Lower	C	As there is not expected to be any change to the impact on heritage as a result of the proposed modification, no further assessment or mitigation is considered necessary.
	Truck restrictions - The proposed modification is not expected to alter the impact on heritage compared to the approved development.				
Visual amenity	**Removal of committee –** The proposed modification is not expected to alter the impacts on visual amenity compared to the approved development.	Lower	Lower	C	As there is not expected to be any change to the impact on visual amenity as a result of the proposed modification, no further assessment or mitigation is considered necessary.
	Truck restrictions – The proposed modification is not expected to alter the impact on visual amenity compared to the approved development.				

Issue	Potential key risks	Likelihood	Consequence	Priority category	Comment/response
Waste management	The proposed modification is not expected to alter the impact on waste compared to the approved development.	Lower	Lower	C	No further assessment or mitigation is considered necessary.
Hazards and risks	The proposed modification is not expected to alter the hazards or risks compared to the original development.	Lower	Lower	C	No further assessment or mitigation is considered necessary.
Socio-economic	**Removal of committee -** The proposed modification may reduce the opportunities for the community to be informed about the quarry operations.	Medium	Lower	C	While removal of the committee would remove an avenue for the community to be informed about the quarry operations. The attendance to date indicates there is a low level of interest within the general community. It is considered, by increasing the level of information on the quarry website regarding the operations, this will provide more accessible information to more of the community than the committee. No further assessment or mitigation is considered necessary.
	Truck restrictions – Amending the restrictions on truck movement may impact on the public's perception of safety.	Medium	Lower	C	Removing the restrictions on trucks would be a concern to some in the community but trucks regularly use Bentley Road during school hours without incident. The safety of trucks using the road was considered in the TIA prepared for the EIS, which was independently reviewed by EMM and neither indicated safety as a concern during school hours. All trucks would follow the road rules and implement the additional mitigation measures specified in Section 2.2 and the Driver's Code of Conduct. Although the impact is considered minimal, an assessment has been completed by a Level 3 Road Safety Auditor, which is discussed in Section 4.4 and provided in Appendix A.

4.4 Traffic

Due to the concerns of the community and the Panel in relation to the interaction of trucks and school buses, a Level 3 Road Safety Auditor from TTPP was engaged to undertake a review specifically in relation to this issue. A summary of the review is provided below and copy of the report is provided in Appendix A.

TTPP (2025) consulted the bus companies and travelled along the local roads, while school buses were operating. The review determined that:

- Sodhi Buses and Casino Bus Services operate buses in the area. These buses operate on Bentley Road at similar times because school children are transferred from one service to the other. Of this journey, the most pedestrian concentrated area where potential conflict could occur with trucks is through Bentley where buses pass through the potential conflict area in 10 minutes or so.
- Both Sodhi Buses and Casino Bus Services have advised that the 15-minute haulage restriction would be acceptable to them.
- The Casino Catholic School also operate a bus but that only operates on Manifold Road and travels west along Bentley Road. As limited number of trucks travel in that direction, interaction would be minimal and was not considered to be a significant issue.
- Observations suggest that buses tend to pull on to hardstand areas adjacent to the road where available and practical to do so, such as at the rail trail crossings where there is hardstand area, so the potential conflict between trucks and buses is significantly reduced.
- Reducing the restricted haulage times to a 15-minute period in the weekday AM and PM peaks on school days would be adequate to minimise any conflicts in the area through Bentley.
- As long as drivers, whether of trucks or any other road vehicles, follow the NSW road rules, there should be no significant increase in conflicts.
- Furthermore, there is a Quarry Drivers Code of Conduct which reminds drivers of their legal obligations and adds other advice on how to minimise any such interactions.
- In relation to Section 2.2 (1)(b) of the Resources and Energy SEPP, the Modification is considered acceptable given the reduced haulage restriction times intend to capture peak school drop off and pick up bus activity times in Bentley and the development condition requires the quarry operator to discuss and review the restrictions with the relevant school bus companies, which has been done.

5. Conclusion

The proposed modification of DA2022/0107 - Bentley Quarry at Lot 2 DP 1196757, 1465 Bentley Road, Bentley involves amending the limitation on truck movements at peak school bus drop off and pick up times and removal of the requirement for a community consultative advisory committee.

This SEE has assessed the potential environmental impacts of the project, considering both negative and positive impacts, and recommended management and mitigation measures to protect the environment, where required. Based on this, the proposed modification is considered substantially the same as the approved development with minimal environmental or community impacts.

The site is therefore suitable for the proposed modification for the following reasons:

- The proposed modification would have minimal environmental impact compared to the approved development.
- The site is currently used as a quarry, so the proposed modification would continue this activity without any additional impacts.

As it has been demonstrated that the proposed modification would have minimal environmental impact, is substantially the same as the original approval, is suitable for the site and is in the public interest, it is considered Council should support the proposal in accordance with this report.

Appendices

Appendix A

Traffic statement

ttpp
transport planning

Our Ref: 24371

25 June 2025

R & S Contracting
c/o GHD
230 Harbour Drive
COFFS HARBOUR NSW 2452

Attention: Ben Luffman

RE: - BENTLEY QUARRY HAULAGE RESTRICTIONS MODIFICATION – TRAFFIC STATEMENT

The Transport Planning Partnership (TTPP) has been engaged to complete a traffic impact assessment of a proposed new Modification to DA2022/0107 to reduce the restricted haulage time for trucks to/ from Bentley Quarry from one hour in each of the weekday morning and afternoon periods (when buses are operating) to 15 minutes (8:00am to 8:15am and 3:45pm to 4:00pm). It is understood that the complete removal of the restricted haulage times was initially lodged and an initial attempt to amend the approval to 15 minutes was refused.

This statement has considered the following documents relating to the Bentley Quarry and the subsequent, rejected Modification:

- EMM, Bentley Quarry Peer Review - Traffic Impact Assessment, 8 November 2022
- GHD, Bentley Quarry Traffic Impact Assessment, 18 November 2022
- Richmond Valley Council "Deferred Commencement" Consent,16 December 2022
- GHD, Bentley Quarry Drivers Code of Conduct, 12 March 2024
- GHD, Bentley Quarry Modification Statement of Environmental Effects, 19 April 2024
- GHD, MA2024/0008 Bentley Quarry Modification – Response to Submissions, 28 October 2024
- GHD, MA2024/0008 Bentley Quarry Modification – Response to Regional Planning Panel, 15 November 2024
- NSW Planning Panels, Determination and Statement of Reasons, 21 November 2024.

In addition to considering the above documents, TTPP completed an inspection of the road network near the quarry on the afternoon of Monday 16 December and morning of Tuesday 17 December 2024, specifically Bentley Road, Manifold Road and Naughtons Gap Road, the latter only having been reopened after being closed in early 2022 due to road damage resulting from severe weather events.

Traffic Impact Assessment

Having considered the previous documentation listed above, it is not clear what the exact road safety issues or concerns were which resulted in the time restriction for an hour in the morning and an hour in the evening on school days.

The Panel Determination and Statement of Reasons (November 2024) suggests that there were community concerns relating to the impact of haulage trucks in Bentley near the Bentley Community Preschool, located within the Bentley Community Hall, and that this was a factor in the Panel's refusal. The Preschool is located about 6.8 kilometres northwest of Bentley Quarry, also along Bentley Road.

REASONS FOR THE DECISION

The Panel determined to approve part of the modification application in relation to the staging for the reasons outlined below:

- The impacts in relation to land use compatibility, natural resources, resource recovery and rehabilitation remain consistent with the original application
- The final pit area, depth and quantity of material to be extracted would remain unchanged

The Panel determined to refuse that part of the application seeking to amend Condition 60(b)(ii) for the reasons outlined below:

- The Panel was not satisfied that the proposed amendment would maintain appropriate road safety measures nor that it would achieve acceptable outcomes for road users, particularly school children.
- The Panel is not satisfied that the proposed amendment to Condition 60 would be appropriate, having regard to the requirements of Section 2.22(1)(b) of the SEPP (Resources and Energy) 2021.

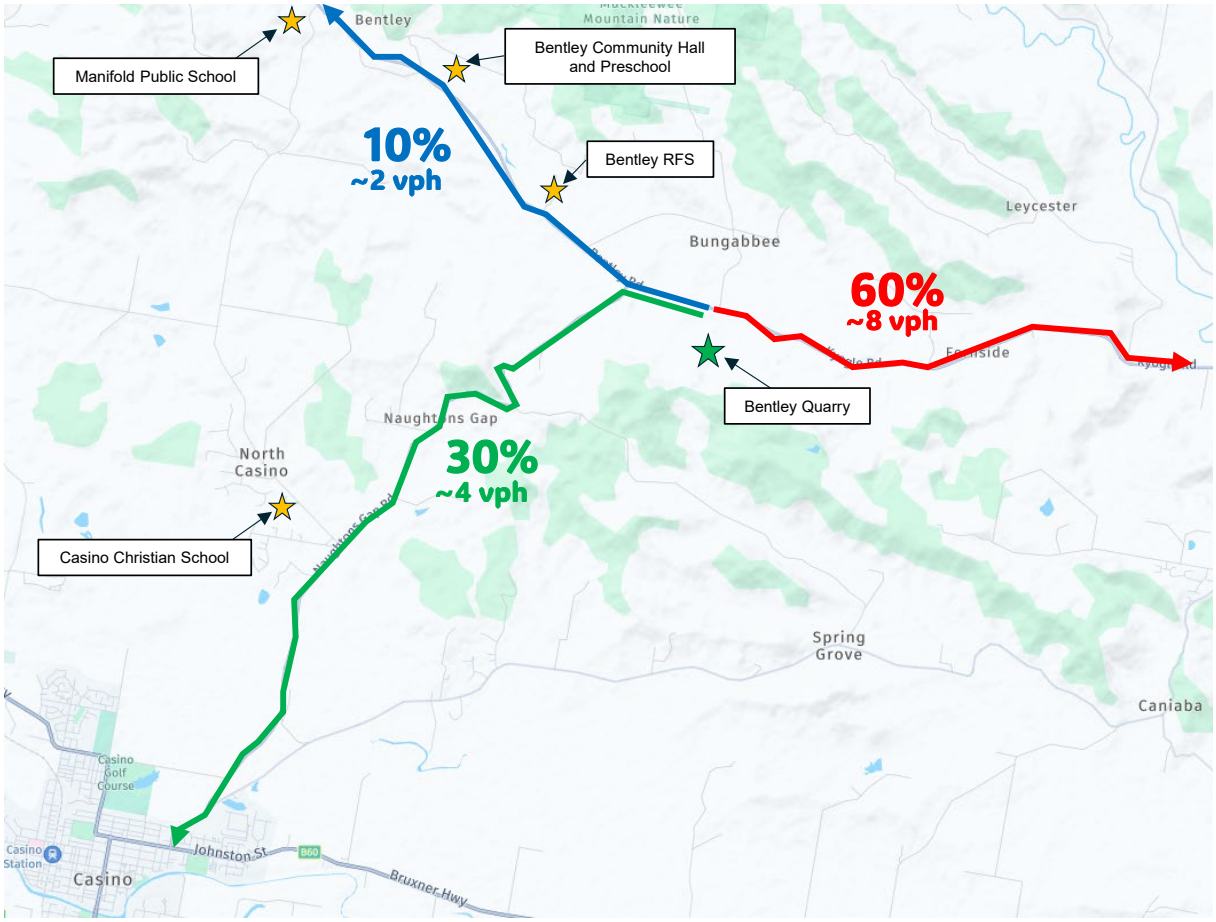
In considering the Application and public submissions, the Panel noted community concerns with the current speed limits through Bentley in proximity to the Bentley Preschool. The Panel recommends Council consider reviewing the speed limit as part of a broader road safety review.

This suggests that the key road safety issue is to do with potential conflicts between quarry trucks and buses dropping off and picking up children.

There are up to 5 buses passing through Bentley in each of the peak hours, excluding Casino Catholic School buses, which do not appear to pass by Bentley Community Hall/ Bentley Community Preschool or Bentley Rural Fire Service (RFS) Station, which is located about 4.5 kilometres southwest of the Community Hall and about 2.4 kilometres northwest of Bentley Quarry on Bentley Road. It is also noted that Manifold Public School is located 600 metres northwest of the Preschool also along Bentley Road. Context of the location of these sites is provided in Figure 3.

Bentley Quarry was approved to potential to generate 14 truck movements per hour i.e. 7 out and 7 in. The GHD TIA (November 2022) notes that 60% of operation traffic travels to/ from the southeast via Bentley Road (e.g. Lismore), 30% via to/ from the southwest via Naughtons Gap Road (e.g. Casino) and 10% to/ from the northwest via Bentley Road (e.g. Kyogle). As shown in Figure 1, this would suggest that only 2 truck movements would pass Bentley Preschool to/ from the northwest, which is understood to be as a result of other competing quarries located in that direction. This indicates that only about one truck per hour would travel west of Naughtons Gap Road via Bentley Road (i.e. through Bentley) so the chance of interaction is minimal.

Figure 1: Approved Hourly Truck Distribution to/from Bentley Quarry



Base source: Google Maps

If the previous refusal of the reduced restricted haulage times was solely related to truck movements through Bentley, adjacent to the Preschool, Public School and RFS, TTPP has reviewed bus timetables to understand times buses pass through the area and the stop locations.

Sodhi Bus Service is one operator, with the timetable below providing times buses when their buses travel through these areas of Bentley, including stop locations. The timetable suggests that the buses only pass the Preschool and RFS from about 7:58am to 8:05am in the morning (eastbound) and between Naughton Gap Road and Manifold Road (westbound) from about 3:55pm to 4:05pm in the afternoon. Hence, the bus routes are not travelling through the area for no more than 10 minutes.

Figure 2: Sodhi Bus Service Timetable (accessed May 2025)

Timetable - AM | Timetable - PM

Geneva - Kyogle - Lismore N 0481

7.30	Geneva Shop	3.20	Transit Centre
7.40	Main St. Kyogle	3.30	St John's College
7.48	Cedar Point Hall	3.35	Richmond River High
8.00	Bentley Hall	3.40	Sth Lismore Public
8.05	Bentley Rural Fire Station	3.55	Naughton Gap Rd
8.30	Transit Centre	4.05	Manifold Rd
8.33	Richmond River High	4.18	Cedar Point Hall
8.38	St John's College	4.30	Kyogle - Roxy Centre
		4.38	Geneva Shop

Kyogle - Bentley - Lismore N 2734

7.40	Main St. Kyogle	3.20	Transit Centre
7.48	Cedar Point Hall	3.25	Lismore Public Sch.
8.00	Bentley Hall	3.40	Trinity Bay 1
8.04	Bentley Fire Station	3.55	Naughton Gap Rd
8.30	Transit Centre	4.05	Manifold Rd
8.33	Trinity - Bays 19	4.20	Cedar Point Hall
8.35	Trinity - Bays 1	4.26	Highfield Rd.
8.45	Lismore Public Sch.	4.30	Kyogle - Roxy Centre

Hillyards Rd. - Lismore N 2900

7.50	Hillyards Rd.	3.15	Our Lady Help of Christian
7.58	Bentley Hall	3.33	Trinity Bay 1
8.00	Dairy - Bentley	3.36	Richmond River High Sch.
8.02	Rural Fire Station	3.55	Naughtons Gap Rd.
8.25	Richmond River High	4.00	Dairy - Bentley
8.32	Trinity Bay 1	4.05	Manifold Rd.
8.43	Our Lady Help of Christian	4.12	Hillyards Rd
8.50	South Lismore School		

In addition, Kellam Bus Lines (aka. Casino Buses) operates two school bus routes S663 and S664 that use Bentley Road between Manifold Road to as far as the Bentley RFS where students interchange with the Sodhi Bus Services.

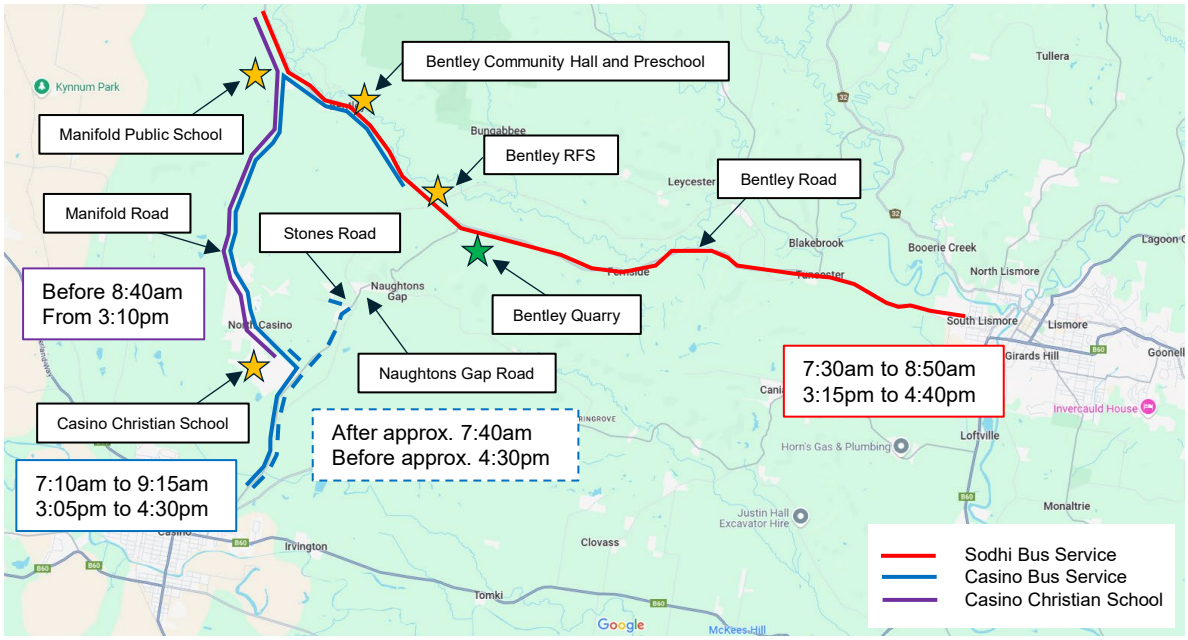
Casino Buses also operates other school bus routes, S651, S654, S655, S656, S661, S663 and S664, between Casino and Manifold Road via Naughtons Gap Road. Discussions with Casino Buses also suggest that school bus route S661 goes up to Stones Road, Naughtons Gap to collect students although returns towards Casino to the south via Naughtons Gap Road. The bus route does not proceed along Naughtons Gap Road further north towards Bentley Road.

Casino Catholic School is understood to operate buses west of Manifold Road along Bentley Road. A review of publicly available information suggests this change to school bus route S661 has not been updated.

A summary of the anticipated times that the bus routes operate along Bentley Road, Manifold Road and Naughtons Gap Road is illustrated in Figure 3 and this suggests that buses could be operating along Bentley Road between Manifold Road and Naughtons Gap Road 7:55am to 8:35am in the morning and 3:05pm to 4:05pm in the afternoon.

Due to the route of the Casino Catholic School buses as well as other Casino Buses school routes to/from Manifold Road via the south and the limited number of trucks from Bentley travelling southwest or northwest (i.e. less than 4 trucks per hour), the interaction would be minimal and was not considered to be a significant issue.

Figure 3: Bus Route Map and Timings



Base source: Google Maps

The proposed 15-minute restriction in the weekday AM and PM peaks on school days (8:00am to 8:15am and 3:45pm to 4:00pm) was presented to both SODHI and Casino Bus Services in October 2024 and per the recent correspondence provided in Attachment One, both have advised that the 15-minute haulage restriction would be acceptable to them suggesting the earlier afternoon times Casino Bus Service operates along Bentley Road is not of concern. The bus operators have also welcomed in previous correspondence that haulage drivers would monitor buses on the Anytrip App. Casino Bus Service has also previously advised that with the use of the app, there was no need for a restriction at all.

Further conversations with SODHI Bus Service suggest that children can be dropped off anywhere along the routes between Kyogle and Lismore although there tends to be more pick up in the centres such as Bentley, with one child being collected adjacent to the quarry.

In addition, it is understood from conversations with both Manifold Public School and Casino Bus Service that the school hires buses for excursions during school hours, however all drop off and pick up activities occur within the school site.

In the built-up areas such as Lismore, bus stops are generally provided with adjacent footpaths and pedestrian crossings within a reasonable vicinity. In rural areas, buses can stop at unmarked stops on the road to pick up and drop off children, including adjacent to their properties.

Observations made during TTPP's inspection on 16-17 December 2024 suggest that buses tend to pull on to hardstand areas adjacent to the road where available and practical to do so, such as at the rail trail crossings where there is hardstand area, so the conflict between trucks and buses is significantly reduced.

When following a rural school bus in New South Wales, it is recommended that drivers:

- Slow down: Reduce their speed to 40 km/h when the bus's lights are flashing. This applies to all traffic traveling in the same direction as the bus, whether it is moving or stationary
- Give way: Give way to the bus
- Watch out for children: Look out for children crossing the road
- Avoid parking: Never park in or near a bus stop or bus zone.

The panel and community consider that an increase in trucks will lead to a potential increase in conflicts between school children and buses. However, as long as drivers, whether of trucks or any other road vehicles, follow the above advice, there should be no significant increase in conflicts. Furthermore, there is a Quarry Drivers Code of Conduct which reminds drivers of their legal obligations and adds other advice on how to minimise any such interactions.

Figure 4: Quarry Drivers Code of Conduct Measures relating to School Buses

In addition, the following measures will be enforced:

- Truck drivers are to be particularly cautious during other periods when school buses are using the route.
- The Quarry Manager will notify all truck drivers by UHF when buses are operating on the haulage routes and instruct heavy vehicle operators to be cautious.
- Heavy vehicles are to remain 500 m behind school buses and if the bus stops, slow to 40 km before overtaking the bus.
- Be vigilant for school kids waiting by the side of the road and slow to 40 km before passing them.

Source: GHD, Drivers Code of Conduct, March 2024

Specifically, the fact that all Government bus services are fitted with GPS tracking means that Bentley Quarry can monitor the location of the bus services (except for the private Casino Christian School services) via the real-time online tracking system at anytrip.com.au.

The Bentley Quarry Driver's Code of Conduct will be updated to ensure Bentley Quarry monitors anytrip.com.au and prevents trucks from leaving the site while buses are nearby.

If not considering the Casino Bus operating times along Bentley Road, it can only be assumed that the one-hour restriction was applied simply by looking at the time of the total journey from Kyogle/Casino to Lismore which, as estimated below (and based upon the timetables) is around 50 mins or so.

- N0481 – 7:30am to 8:30am – 60 mins 3:40pm- 4:30pm – 50mins
- N2734 – 7:40am to 8:30am – 50 mins 3:40pm -4:30pm – 50 mins
- N2900 – 7:50am to 8:25am – 35 mins 3:36pm – 4:12pm – 36 mins.

Of this journey, the most pedestrian concentrated area where potential conflict could occur with trucks is through Bentley where buses pass through the potential conflict area in 10 minutes or so. Therefore, reducing the restricted haulage times to a 15-minute period in the weekday AM and PM peaks on school days minutes (8:00am to 8:15am and 3:45pm to 4:00pm) would be adequate to minimise any conflicts in this area through Bentley, which is presumed to be the basis of the Panel and community concerns, noting there is expected to be about two trucks travelling to/from the northwest being Kyogle.

Finally, it is noted that the Panel refers to Section 2.2 (1)(b) of the SEPP (Resource and Energy) 2021. This section, as extracted in Figure 5, discusses limiting truck movements that occur on roads in residential areas or near schools.

Figure 5: Section 2.2(1)(b) of SEPP (Resource and Energy) 2021 Extract

2.22 Transport

(1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following—

(a) require that some or all of the transport of materials in connection with the development is not to be by public road,

(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,

(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.

(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to—

The Modification proposes to limit its operation at peak school drop off and pick up bus activity times in Bentley, noting that 40km/h School Zone hours apply near Manifold Public School and are for 1.5hrs during each peak.

The Modification is considered acceptable given the reduced haulage restriction times intend to capture peak school drop off and pick up bus activity times in Bentley and development condition requires the quarry operator to discuss and review the restrictions with the relevant school bus companies.

The correspondence obtained from the bus companies also ensure that the quarry has complied with the development condition contacting the bus companies and getting no objections on the proposed 15-minute restriction minutes (8:00am to 8:15am and 3:45pm to 4:00pm) as demonstrated further above.

Conclusion

TTPP is of the understanding that the haulage times restrictions were imposed as a result of local concerns about the operating conditions in Bentley (i.e. along Bentley Road between Manifold Road and Naughtons Gap Road) not along the whole bus route corridor.

On that basis, the haulage restriction for 15 minutes in the weekday AM and PM peaks on school days minutes (8:00am to 8:15am and 3:45pm to 4:00pm) would be acceptable to assist in mitigating any truck conflicts with bus pick-up and drop-off activities in Bentley particularly when accounting for the anticipated number of truck movements through Bentley area to be only up to two trucks per hour.

It is also noted that truck movements along Naughtons Gap Road towards Casino (up to four trucks per hour) and Bentley Road towards Lismore (up to eight trucks per hour) are also infrequent reducing the likelihood of interactions with bus pick-up and drop-off activities.

The proposed 15-minute haulage restriction times (8:00am to 8:15am and 3:45pm to 4:00pm, school days) were reviewed with the relevant school bus companies as required by the development condition, with no objections provided.

We trust the above is clear. Should you have any queries regarding the above or require further information, please do not hesitate to contact the undersigned on 8437 7800.

Yours sincerely,

Ken Hollyoak
Director
Eur Ing BSc(Hons) MSc(Dist) FIEAust CPEng NER APEC Engineer IntPE(Aus) RPEQ FAITPM MICE FICHT-Level 3 Road Safety Audit Team Leader

Attachment One – Bus Service Provider Correspondence

Attacment One

Bus Service Provider Correspondence

From:	Casino Bus
To:	Ashish Modessa
Subject:	RE: Bentley Quarry Truck Movements
Date:	Tuesday, 3 June 2025 11:40:41 AM
Attachments:	image002.png

As per our phone conversation today, the proposed reduced restrictions for the Bentley Quarry will not affect our bus operations.

Regards

Steve Hilder

Operations Manager
Casino Bus Service Pty Ltd
27 Dyraaba Street Casino NSW 2470
Ph: 02 6662 2561
Email: casinobus@kellambus.com.au

Please consider the environment - do you really need to print this email?

From: Ashish Modessa <ashish.modessa@ttpp.net.au>
Sent: Thursday, 29 May 2025 2:45 PM
To: Casino Bus <casinobus@kellambus.com.au>; Ulladulla - Kellam Bus <ulladulla@kellambus.com.au>
Cc: Ben Luffman <Ben.Luffman@ghd.com>; Ken Hollyoak <Ken.Hollyoak@ttpp.net.au>
Subject: Bentley Quarry Truck Movements

Hi Sir/Madam

TTPP are providing traffic consultancy services for Bentley Quarry.
As you are aware, the Quarry is seeking to reduce the time restriction for quarry related truck movements currently conditioned for the operation from 1 hour to 15 minutes. No changes are proposed to the number of movements.
It is understood that a requirement of the quarry conditions of consent is for bus companies to be consulted as it relates to quarry related truck movements.
Could you please advise if you have any comments if the reduced restrictions were as per follows:

- 8:00am to 8:15am
- 3:45pm to 4:00pm.

The quarry (and where possible truck drivers) would use real-time online tracking via anytrip.com.au to monitor the location of the bus services and prevent trucks from leaving the site while buses are nearby. Nonetheless, truck drivers would be expected to exercise caution when travelling along Bentley Road, particularly for any drop off/ pick up activities.
We would appreciate if we could receive feedback on the proposal, which would be used as evidence of the consultation completed.

If you have any queries, please feel free to contact me.

Regards

Ashish Modessa

Subject: RE: Bentley Quarry Truck Movements

Hi Ash,

Sorry for the delay on this.

As per our phone conversation, there I sno objections to the proposed restriction.

if the reduced restrictions were as per follows:
- 8:00am to 8:15am
- 3:45pm to 4:00pm.

I confirm the time above are when we are in the vicinity of Bentley Quarry.

Kind Regards,

Alex Sodhi
0401 072 606
02 66212 279
office@sodhibusservice.com.au

Sodhi Bus Service | Dunoon Bus Service

Sodhi Transport Pty Ltd | ABN: 98119738957

Sodhi Bus Service would love your feedback. Post a review to our profile.
LEAVE US A REVIEW :)

From: Ashish Modessa
Sent: Thursday, 29 May 2025 2:36 PM
To: office@sodhibusservice.com.au
Cc: Ben Luffman <Ben.Luffman@ghd.com>; Ken Hollyoak <Ken.Hollyoak@ttpp.net.au>
Subject: Bentley Quarry Truck Movements [Filed 29 May 2025 14:36]

Hi Sir/Madam

TTPP are providing traffic consultancy services for Bentley Quarry.
As you are aware, the Quarry is seeking to reduce the time restriction for quarry related truck movements currently conditioned for the operation from 1 hour to 15 minutes. No changes are proposed to the number of movements.
It is understood that a requirement of the quarry conditions of consent is for bus companies to be consulted as it relates to quarry related truck movements.
Attached is the bus service timetable I have downloaded from your website that contains routes along Bentley Road. Could you please confirm this is the current timetable and that if you have any comments if the reduced restrictions were as per follows:
- 8:00am to 8:15am
- 3:45pm to 4:00pm.

The quarry (and where possible truck drivers) would use real-time online tracking via anytrip.com.au to monitor the location of the bus services and prevent trucks from leaving the site while buses are nearby. Nonetheless, truck drivers would be expected to exercise caution when travelling along Bentley Road, particularly for any drop off/ pick up activities.
We would appreciate if we could receive feedback on the proposal, which would be used as evidence of the consultation completed.

If you have any queries, please feel free to contact me.

Regards

Ashish Modessa

Associate
p: +61 2 8437 7800 m: +61 432 698 979
a: Suite 402, 22 Atchison Street, St Leonards NSW 2065
w: www.ttpp.net.au e: Ashish.Modessa@ttpp.net.au

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