

## JOINT REGIONAL PLANNING PANEL (NORTHERN REGION)

<b>JRPP No</b>	<b>2011NTH037</b>
<b>DA Number</b>	<b>DA0199/2012 – Lodged 14 November 2011</b>
<b>Local Government Area</b>	<b>Tamworth Regional Council</b>
<b>Proposed Development</b>	<b>Expansion of Quarry Extraction Area (from 2 hectares to 5.84 hectares) &amp; Increase Annual Production (from 50,000 tonnes to 150,000 tonnes) for a period of 16 years.</b>
<b>Street Address</b>	<b>Lot 103 DP 755348, 1922 Duri Winton Road, WINTON Lot 4 DP 755348, 1923 Duri Winton Road, WINTON</b>
<b>Applicant/Owner</b>	<b>Applicant: BMR Quarries Pty Ltd Owners: M &amp; R Walters (Lot 103) G &amp; M Pursehouse (Lot 4)</b>
<b>Number of Submissions</b>	<b>Fifteen</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>David Koppers – Senior Development Assessment Planner David Lewis – Manager, Development and Approvals</b>
<b>Report date</b>	<b>5 April 2012</b>

### Assessment Report and Recommendation

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#### EXECUTIVE SUMMARY:

##### ***Reason for Consideration by Joint Regional Planning Panel:***

The development application has been referred to the Joint Regional Planning Panel pursuant to Clause 8, Schedule 4A of the *Environmental Planning and Assessment Act 1979* as the development is classified as an Extractive Industry and Designated Development pursuant to Clause 19, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

### ***Brief Description of Proposal:***

The development application seeks consent to increase operations at the existing Mount Winton Quarry site. The quarry involves the extraction of vitric and lithoidal andesite rock, which is suitable for uses such as concrete production, road base and sealing aggregates. The increase in operations includes the following components:

1. Increase the total land area available for extraction operations from the existing 2 hectares (approved by DA0235/2006) to a total area of 5.84 hectares.
2. Increase the annual extraction rate for the quarry from 50,000 to 150,000 tonnes per year, for a period of 16 years.

The overall operation of the quarry will continue to comprise the following activities:

- Stripping and stockpiling of topsoil and overburden for re-use during the rehabilitation stage of the proposal. Equipment includes bulldozer, excavator and front-end loader.
- Use of explosives to fracture and collapse the working quarry face to permit excavators to load fragmented rock into the primary crusher for loading into an off-road dump truck for transport to the main processing area.
- Rock material is then loaded into the main crushing and screening plant to be crushed into appropriate grade material.

### ***Recent Development History of the Site:***

The Mount Winton Quarry has been operational periodically since the 1980s, when it was operated by Pioneer Concrete, and then during the 1990s by Asphalt Aggregates Australia.

Since this time the following three development consents for the quarry site have been issued:

1. **DA0344/2000:** Issued by the former Parry Shire Council on 16 April 2001 for a total extraction of 23,000m<sup>3</sup>. This consent was time restricted to lapse on 31 December 2001.
2. **DA0728/2005:** Issued by Tamworth Regional Council on 2 June 2005 for the re-establishment of quarry operations within the site, for the purpose of extraction and sampling of the source materials. Extraction was limited to 8,000m<sup>3</sup> over a 6 month timeframe. Haulage of material was strictly limited to material transport for testing purposes only.
3. **DA0235/2006:** Issued by Tamworth Regional Council on 15 February 2006 for a total annual extraction rate of 50,000 tonnes per year. The Environmental Impact Statement (EIS) submitted with the Development Application stated the quarry would be operated for a period of 20 years. This would provide a lapsing date of 15 February 2026, although this was not specified within the consent. The extraction operations were limited to an area of 2 hectares.

### ***Compliance with Planning Controls:***

The subject site is zoned RU1 – Primary Production pursuant to the Tamworth Regional Local Environmental Plan 2010. The proposal is seeking development consent to increase the scale of extractive operations within the site. The use is defined as an “*Extractive Industry*” which is permissible with development consent within the RU1 zone.

### ***Integrated Development:***

The proposal is integrated development pursuant to Section 91(1) of the *Environmental Planning and Assessment Act 1979*, as the existing Environmental Protection License, as required by Schedule 1 of the *Protection of the Environmental Operations Act 1997*, will need to be amended by the Office of Environment & Heritage. The General Terms of Approval issued by the Office of Environment & Heritage are contained in Annexure 2.

### ***Consultation:***

The development application was exhibited and notified in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2000* for designated development applications and fifteen submissions of objection were received by Council. Copies of the submissions are contained within Annexure 1 and are discussed in greater detail later in the report.

### ***Recommendation:***

It is recommended that development application DA0199/2012 be approved subject to the conditions of consent contained in Annexure 3.

### ***Annexures:***

Annexure 1	Submissions (Confidential).
Annexure 2	Office of Environment & Heritage – General Terms of Approval.
Annexure 3	Draft Conditions of Consent.
Annexure 4	Haulage Route Map

## **EVALUATION OF DEVELOPMENT APPLICATION**

### **1 Proposal**

The development application seeks consent to increase the operations at the existing Mount Winton Quarry. The increase in operations includes the following components:

1. Increase the total land area available for extraction operations from the existing 2 hectares (DA0235/2006) to a total area of 5.84. The expansion area is located within an area that experienced significant historical disturbance due to ongoing activities within the quarry including construction of pit access roads and an administration and storage area.
2. Increase the annual extraction rate for the quarry from 50,000 tonnes per year to 150,000 tonnes per year for a period of 16 years, representing a total extractive resource of 2.4 million tonnes.
3. Sequenced staging of quarry operations to permit staged rehabilitation of the site.
4. No additional plant or equipment is required to achieve the maximum production capacity of 150,000 tonnes per year.
5. Increase in heavy vehicle movements from the current rate of 14 return movements per day to 42 return movements per day.

6. Re-location of existing administration and storage buildings to the crushing/screening area.

## 2 Site Description

The subject land comprises Lot 4 and Lot 103 DP 755348. Lot 103 encompasses all of the operational quarry area and the majority of the internal access road. Lot 4 encompasses a section of the private internal access road (approximately 300 metres in length). A registered Right of Carriageway exists over Lot 4 for the benefit of Lot 103.

Lot 103 has direct frontage to Duri Winton Road at the north-eastern boundary, and it is at this point that the private haulage route joins the public road network. Lot 4 does not have direct road frontage. Both allotments will be discussed jointly throughout this report as the development site, unless otherwise specified.

The development site consists of three distinct land uses: the quarry located in the south-west portion of the site, native box woodland along the slopes of Mount Winton, which is located centrally and low intensity grazing lands around the fringe areas.

With the exception of Mount Winton, the site has become extensively disturbed over time due to agricultural and extractive industry activities that have occurred on the site. This includes that clearing of nearly all remnant vegetation, construction of pit access roads throughout the site, leveling of areas for the crushing, stockpiling, administration and storage areas.

The topography of the site is generally undulating in nature, with gentle to moderate slopes extending from both Mount Winton and the quarry site, which form a high point in the landscape. The site also includes a number of intermittent watercourses, two of which border the northern and southern perimeter of the quarry site.

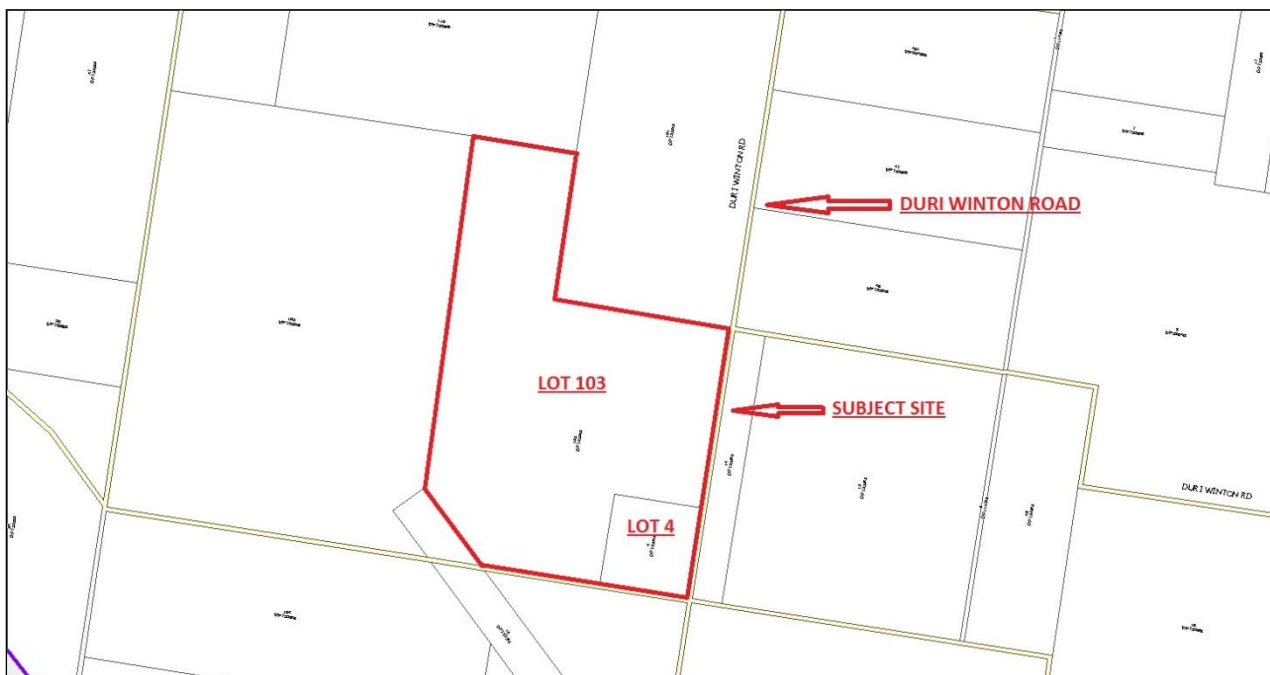


Diagram 1 – Locality Plan





**Diagram 2 – Locality Plan (Aerial Image)**



**Diagram 3 – Quarry Site (Aerial Image)**

### **3 Referrals**

The development application was referred to the Office of Environment & Heritage on 22 November 2011. The Office of Environment & Heritage requested additional information on 06 December 2011. The additional information was provided by the applicant on 07 March 2012. Council received the Office of Environment & Heritage, General Terms of Approval on 28 March 2012, a copy of which is included as Annexure 2.

The development application was also referred internally to Council's Infrastructure Planning Manager (in relation to Council's road infrastructure), who has provided comments which are discussed in Section 4 of this Report.

#### **4 Environmental Planning & Assessment Act 1979**

##### **S79C(1)(a)(i) any environmental planning instrument.**

##### **State Environmental Planning Policies:**

##### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP33)**

Council has reviewed SEPP33 and associated guidelines ('Applying SEPP 33' – Department of Urban Affairs and Planning) and it has been determined that SEPP33 does not apply to the development proposal for the following reasons:

1. The key definitions relate to 'potentially hazardous industry' and 'potentially offensive industry'. The proposal does not fall within either definition.
2. The guidelines state the proposed use must fall within the definition of 'industry' adopted by the planning instrument which applies, in this instance the *Tamworth Regional Local Environmental Plan 2010*. The definition of 'industry' specifically excludes 'extractive industry'.

##### **State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44)**

Clause 6, SEPP44 applies to the development proposal as the site has a total area exceeding 1 hectare. An Ecological Assessment, prepared by OzArk Environmental & Heritage Management has been submitted.

The Report considered the provisions of the SEPP and concluded that the whole of the development site (Lot 103) would be considered 'Core Koala Habitat' and the presence of a viable local population was likely. The Report further concluded that the development would result in the loss of three koala food trees (white box), however there was similar habitat adjacent to the quarry site (Mount Winton), which provided similar habitat and as a result no fragmentation of habitat would occur. Overall, the Report established that there was no requirement for the preparation of a Species Impact Statement (SIS), as the development was unlikely to cause an impact on the locally occurring species.

Correspondence submitted by the author of the Ecological Assessment states that because of the absence of any impacts the development will have on any locally occurring species, a Plan of Management was not required.

##### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)**

Pursuant to Clause 7 of SEPP55 the consent authority is to consider whether or not the land is contaminated, and if it is, whether the proposed land use is compatible with the contaminated state, or if the site will be suitable for that use after remediation.

The applicant has provided a Preliminary Contamination Assessment Report which provides an initial assessment of potential existing site contamination. The Report has concluded that there are no current signs of site contamination and that the proposed development is unlikely to contribute a significant threat of future contamination of the site, due to existing environmental and operational procedures which are in place at the site.

To ensure that the site is not left in a contaminated state at the completion of extractive operations, a condition of consent will be applied requiring a final contamination assessment to be completed by a suitably qualified person, to establish the contaminated status of the land and to implement a remediation action plan, if required.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Pursuant to Part 3 of the SEPP, Council, as the consent authority, must give consideration to the following matters before determining the development application:

**1. Compatibility of proposed mine, petroleum production or extractive industry with other land uses:**

- a. The subject site consists of two distinct land uses, being the existing extractive industry and low intensity agricultural pursuits (grazing and cropping activities). Adjoining and adjacent lands around the quarry site are dominated by low intensity agriculture activities, once again consisting of grazing and cropping activities.

Being an agricultural locality, the residential occupation is very sparse with the nearest dwelling being located approximately one (1) kilometre away to the north of the site. Within a three (3) kilometre radius of the site there are a total of eight (8) dwellings.

A review of aerial imagery for the locality indicates that there are approximately twenty-four (24) dwellings which utilise direct driveway access to the haulage route (Duri-Winton Road and New Winton Road) between the quarry entrance and the Duri-Wallamore Road intersection.

- b. The proposed expansion of the existing quarry operation is likely to have a significant impact on the existing land uses within the locality, if it were permitted to operate without any mitigation measures. Potential impacts would include, but not be limited to, noise, blast overpressure, dust and haulage movements.

However, the proposed expansion of the existing quarry operations is not considered likely to have a significant impact on the existing and potential future land uses of the surrounding locality, as the potential impacts have been addressed and can be successfully mitigated. This position has been established on the intention that all necessary environmental controls and required infrastructure upgrades applied by both the development consent and Environmental Protection License are undertaken and implemented by the quarry operator. The potential impacts and subsequent controls/mitigation measures are discussed in greater detail further in this report under **S79C(1)(b)**.

- c. The proposed development (subject to the implementation of mitigation measures) is not considered to be incompatible with existing or potential future land uses within the locality.

**2. Natural resource management and environmental management:**

- a. With the implementation of appropriate conditions of consent, the General Terms of Approval and Environmental Protection License and compliance with relevant Commonwealth and State legislation (including but not limited to the *Environment Protection and Biodiversity Conservation Act 1999* and the *Water Management Act 2000*) the operation of the proposed development should be carried out in an appropriate manner.



- b. The specialist flora and fauna assessment has not identified any threat to threatened species or biodiversity as a result of the proposed development.
- c. Greenhouse gas emissions from the proposed development has been addressed been addressed by the applicant and the documentation is considered adequate considering the scale and nature of the proposed development. The primary producer of emissions is the plant and equipment utilised onsite and for haulage operations.

Mandatory conditions for the Environmental Protection License requires all plant and equipment associated with the development to be maintained and operated in a proper and efficient manner which will facilitate the minimising of greenhouse gases emissions to a practical extent.

### **3. Resource Recovery:**

The Environmental Impact Statement submitted details the process involved in the extraction of material from the site. All overburden which is stripped from the extraction area is stockpiled onsite for staged rehabilitation of the site at the completion of operations.

Any spoil material from the crushing operation which cannot be commercially sold is utilised in site rehabilitation. Essentially there are no waste raw materials resulting from the development.

Other activity related waste products, such as oil and office waste are collected by an appropriate waste management contractor for recycling where possible, and disposal to landfill when recycling is not possible.

### **4. Transport:**

There have been concerns raised in the public submissions regarding the ability of the existing road network to safely cater for the existing and proposed heavy vehicle movements on the haulage route. Concerns have also been raised with regard to the conduct of the drivers of such vehicles.

Whilst there is no practical option to divert heavy vehicles off the existing haulage route, the quarry operator will be required to prepare a driver Code of Conduct (as required by Clause 16(1)(c) of the SEPP). Heavy vehicle drivers will be required to adopt this Code of Conduct to improve safety along the haulage route. Conditions of consent will also require the upgrading of parts of the haulage route by the quarry operator to ensure it is appropriately designed and constructed to safely accommodate the anticipated vehicle movements.

### **5. Rehabilitation:**

The Environmental Impact Statement indicates that the site will be progressively rehabilitated in stages as the quarry operations progress through the site. The intent of the rehabilitation will be to re-establish the site in a manner that is consistent with the surrounding locality. It is accepted that with all open face extractive industries, a significant excavation will remain on the site.

The Environmental Impact Statement discusses the implementation of a rehabilitation fund set up by the quarry operator to ensure that appropriate funding is available at the completion of site operations to finalise any remaining rehabilitation requirements. Whilst this is considered a worthwhile action on the operator's behalf it is not something that Council could regulate effectively, especially if the quarry was sold to another operator.

The fund is therefore considered an internal management function and not a matter regulated by any development consent that may be issued.



## **Regional Environmental Plans:**

There are no regional environmental plans that apply to the proposal.

## **Local Environmental Plans:**

### **Tamworth Regional Local Environmental Plan 2010 (TRLEP)**

Pursuant to the provisions of the TRLEP the subject site is zoned RU1 – Primary Production. The proposed development is defined as an ‘extractive industry’ and is permissible with development consent.

*An ‘**extractive industry**’ means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.*

The relevant objectives of the RU1 zone are:

- *To minimise the fragmentation and alienation of resource lands.*

The proposed development will not expand into any area which has not previously been disturbed by the activities that have occurred on the site since operations originally commenced in the 1980s.

The quality of the soil profile in the immediate area surrounding the quarry site is generally of a type unsuitable for cropping or intensive grazing operations. The expansion of the quarry operation will not lead to any further fragmentation or alienation of agricultural resource lands.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The operation of an extractive industry has the potential to generate significant impacts on other land uses within the locality by way of noise, dust, vibration and traffic movements. It has been established that by setting specific conditions on the development proposal, all of the potential impacts can be successfully mitigated so as to minimise any land use conflict. Conditions will include upgrading of the local road network, restricting hours of operations, water sprays and wet downs to reduce dust and restrictions to the amount of noise the development can generate.

### **S79C(1)(b)      *The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality***

This assessment examines both offsite impacts, comprising traffic safety and impacts on the public road infrastructure, and onsite impacts comprising of water management, air and microclimate, noise and vibration and flora and fauna.

## **Access, Transport and Traffic**

### *Existing Development Consent:*

The existing development approval (DA0235/2006) enables the extraction of 50,000 tonnes per annum. The Traffic Impact Assessment submitted states that currently there are approximately 1,822 heavy vehicle movements per annum, consisting of truck and dog trailer (32 tonne, 90% of movements) and single rigid trucks (12 tonne, 10% of movements). Based on an estimated haulage operation of 255 days per annum, an average of 14 return movements per day occur.

During the assessment of DA0235/2006, it was established that based on the generated heavy vehicle movements the following requirements would apply:

- Re-construction of part of Duri Winton Road from the quarry site entrance to the intersection with McGowans Lane, which is approximately four (4) kilometres in length. The level of construction was to include widening the road to 8.4m of pavement with 7.2m of bitumous seal for the length of the upgrade. Works were to be completed within eighteen (18) months from the commencement of quarry operations.
- Payment of Section 94 Contributions at the rate of \$0.52 per tonne of any product hauled from the site to contribute to the ongoing maintenance of the haulage road.

Approximately half of the road construction required under DA0235/2006 has been completed. Council is currently undertaking a significant maintenance program along sections of the haulage route (partially funded by the Section 94 Contributions collected to date) which include:

- Heavy patching in sections of pavement failure between the Airport and Tangaratta Creek Bridge and at the approaches to Ridds Bridge.
- Shoulder maintenance along the narrow sections to the west of Tangaratta Creek Bridge.
- Stabilisation of approximately 1000m<sup>2</sup> of road, in sections subject to seal cracking and deformation near Ridds Bridge.
- Full reconstruction of approximately 300m of unsealed road to the south of Ridds Bridge.
- Resealing of 1500m of road to the south of Ridds Bridge.
- Line marking of approximately 5 kilometres of various parts of the road where most appropriate.
- Removal of a tree to improve site distance in the S-bends.

### *Current Status/Condition of Haulage Road:*

The existing haulage route consists of a variety of road constructions, pavement widths (sealed and unsealed) and pavement condition. The following summary is drawn from comments provided within the Traffic Impact Assessment as an overview of the haulage route from the commencement of New Winton Road at the Oxley Highway to the quarry site entrance on Duri-Winton Road. An inspection of the road by Council staff confirms the accuracy of the summary provided. Distances provided are from the intersection with the Oxley Highway.

A map of the haulage route is included as Annexure 4.

➤ *New Winton Road – Tangaratta Creek Bridge:*

The road surface along this section of road consists of a sealed pavement between 7 – 7.5 metres in width. The pavement is generally in good condition, with isolated occurrences of pavement failures present. Line markings are present for the length of this section of road up until the Clay Gully Bridge (approximately 6.7 kilometres). There is a single lane culvert structure located to the east of the Duri-Wallamore Road intersection (approximately 4.2 kilometres). Passing of two vehicles along the culvert cannot be achieved. However, there is significant sight distance to this location from both the east and west. The pavement condition in the area adjoining the culvert is poor, with significant pavement failures at present.

➤ *Tangaratta Creek Bridge – Dobsons Lane Intersection:*

The road surface along this section of road consists of a sealed pavement between 5 – 5.5 metres in width. The pavement is generally in poor condition, with occurrences of pavement failures common along this section of road. There are no line markings and vehicles cannot readily pass whilst remaining on the sealed section of road. Whilst there are unsealed shoulders on either side of the road, there is a significant height difference between the surface level of the bitumen surface and the gravel shoulder. The road shoulders themselves are in poor condition.

➤ *Dobsons Lane – Hartigans Lane:*

This short section of road encompasses what is commonly known as the 'S-Bends', which consists of a sweeping 90° left hand corner followed by another sweeping 90° right hand corner within a distance of 300 metres. The road surface along this section of road consists of a sealed pavement width of 5 metres. The pavement is generally in reasonable condition with some minor occurrences of failures.

There are no line markings and vehicles cannot readily pass whilst remaining on the sealed section of road. The camber of the corners, combined with the pavement width, makes it difficult for articulated vehicles to maintain their position on the right side of the road. Sight distance along this section is also considered to be marginal.

➤ *Hartigans Lane – Ridds Bridge:*

The road surface along this section of road consists of a sealed pavement of between 5 – 6 metres in width. The pavement is generally in poor to reasonable condition with common occurrences of pavement failure. There are no line markings, and vehicles cannot readily pass whilst remaining on the sealed section of road whilst travelling on the narrower section.

Approximately 1.7 kilometres to the east of Ridds Bridge is another s-bend formation, this formation is not as severe as the formation between Dobsons and Hartigans Lanes. This section is centre line marked on a 5 metre wide sealed pavement. Sight distance is considered to be marginal in this section.

➤ *Ridds Bridge to the Quarry Site Entrance:*

The road surface along this section of road from Ridds Bridge to the south, for a distance of approximately 460 metres consists of sealed pavement 6 metres in width. The pavement is generally in poor condition with occurrences of pavement failures common along this section of road. There are no line markings present.

The next 3.2 kilometres (approximately) of Duri-Winton Road consists of all-weather gravel construction, with a pavement 7 metres or greater in width. The overall condition is reasonable, with areas of potholing present and significant amounts of loose material on the road surface.

Beyond this point to the quarry site entrance the road has been upgraded in accordance with DA0235/2006, which was for an 8.4m wide pavement with a 7.2m wide bituminous seal. The pavement design for these works was prepared by Council on behalf of the quarry operator.

➤ Internal Site Haulage & Access Roads:

The internal site haulage access road consists of all-weather gravel construction, with a pavement of between 4 – 6 metres in width. The road enters the quarry site below the stockpiling and crushing areas near the quarry weighbridge. All internal roads appear to be all weather suitable, and sufficient to cater for traffic within the quarry.

*Impacts on Local Residents:*

Since the re-commencement of quarrying operations on the site, Council has occasionally received correspondence from local residents regarding the condition of the haulage route, the need for ongoing maintenance and the capacity of the route to safely cater for the existing heavy vehicle movements generated by the development proposal.

Issues raised by members of the public during the public exhibition of the Development Application are discussed in greater detail further in the report under **Section 79C(1)(d)**. Generally, local residents tend to have no fundamental objection to the operation and expansion of the quarry operations, provided the road is upgraded to an appropriate design level to cater for the anticipated traffic.

*Proposed Development:*

The proposed development will increase annual extraction by an additional 100,000 tonnes for a total potential annual extraction rate of 150,000 tonnes. The Traffic Impact Assessment has established that this will generate an annual increase of 3,646 heavy vehicle movements, or an average of 28 additional daily movements. This will result in a total of 5,468 annual movements or 42 movements per day. It is anticipated that the same ratio of truck types will remain. Operation of B-Double vehicles is not permitted as Duri Winton Road is not a gazetted B-Double route.

The Traffic Impact Assessment has indicated that the increase in heavy vehicle movements along New Winton Road, from Duri-Wallamore Road to Ridds Bridge, will see traffic flow increase from between 56% and 127% as a result of the proposed development. It should be noted that the quarry generates a significant amount of the existing heavy vehicle traffic within this area.

The Traffic Impact Assessment makes a variety of recommendations to be implemented by both the quarry operator and Tamworth Regional Council. It is proposed that the quarry operator will be solely responsible for some of the proposed upgrade works. The Traffic Impact Assessment has made the following recommendations:

Location	Recommendations	Responsibility
Full Length	<ul style="list-style-type: none"> <li>Speed and other related driving characteristics need to be managed.</li> <li>A suitable Code of Conduct as well as disciplinary procedures should be implemented to monitor and control driver activity.</li> </ul>	<ul style="list-style-type: none"> <li>BMR</li> <li>BMR</li> </ul>

	<ul style="list-style-type: none"> <li>Spillage from the trucks needs to be controlled and all vehicles should be fitted with automated tarps, and regular 'clean up' runs along the haul route should be undertaken.</li> <li>Provide, as a minimum, a sight screen and give way at all intersecting roads along the route</li> </ul>	<ul style="list-style-type: none"> <li>BMR</li> <li>To be funded by TRC and BMR Section 94 Contributions</li> </ul>
Duri-Winton Road	<ul style="list-style-type: none"> <li>Following completion of the upgrade, this section of the haulage route is considered to be suitable for the proposed increase in haulage.</li> <li>Ongoing maintenance such as pot hole repairs for example.</li> </ul>	<ul style="list-style-type: none"> <li>To be funded by BMR</li> <li>BMR Section 94 Contributions</li> </ul>
New Winton Road	<ul style="list-style-type: none"> <li>Provide for 0.5m of sealed shoulder outside the 3.5m travelling lanes (to improve safety and protect the pavement and prevent edge break).</li> <li>Edge lines, to define the travelling lanes and to try and keep the outer wheel path of heavy vehicles away from the shoulder, be provided.</li> <li>Provision of centre line marking to clearly define travelling lanes.</li> <li>Ongoing maintenance such as pot hole repairs, edge break repairs, heavy patching.</li> <li>Provision of advisory signs for curves located approximately 7 km from the quarry entrance.</li> <li>Provision of truck warning signs to be located along the haulage route and at intersecting roads.</li> </ul>	<ul style="list-style-type: none"> <li>To be funded by TRC and BMR Section 94 Contributions based on TRC annual maintenance programs</li> </ul>
New Winton Road at Ridds Bridge	<ul style="list-style-type: none"> <li>Provision of conforming guardrail end terminals on both approaches to the bridge</li> </ul>	<ul style="list-style-type: none"> <li>To be funded by TRC</li> </ul>
New Winton Road from 10.7 km to 14.7 km from the Oxley Highway	<ul style="list-style-type: none"> <li>Provide for 0.5m of sealed shoulder outside the 3.5m travelling lanes (to improve safety and protect the pavement and prevent edge break).</li> </ul>	<ul style="list-style-type: none"> <li>To be funded by BMR</li> </ul>

New Winton Road between Dobsons Lane & Oxley Highway	<ul style="list-style-type: none"> <li>Liaison be maintained between BMR and the school bus operators to ensure that any change in the operating times for bus routes are identified so that haulage operations can be programmed with the aim of minimising haulage vehicle and school bus interaction</li> </ul>	<ul style="list-style-type: none"> <li>BMR</li> </ul>
New Winton Road – 200m east of Duri-Wallamore Road	<ul style="list-style-type: none"> <li>Future consideration – widening of the narrow culvert to 7 metres to allow unimpeded passing manoeuvres</li> </ul>	<ul style="list-style-type: none"> <li>To be funded by TRC and BMR Section 94 Contributions</li> </ul>
New Winton Road & Oxley Highway Intersection	<ul style="list-style-type: none"> <li>Future consideration - Intersection to be upgraded to meet the current Austroads Standards dependent on future development along New Winton Road particularly between the Oxley Highway and Basil Brown Drive.</li> </ul>	<ul style="list-style-type: none"> <li>RTA, Council, BMR Section 94 Contributions &amp; other developer contributions</li> </ul>

Extract from EIS – Table 10 Pages 66-68

Council's Infrastructure Planning Division has reviewed the development proposal and in particular the Traffic Impact Assessment and the information pertaining to the current traffic levels on the haulage route and the potential traffic impact created by the proposed development. The following comments have been provided by Council's Infrastructure Planning Manager:

*Regional Services has reviewed the EIS submitted for this development, and whilst the EIS recommends a number of mitigation measures to improve the road and ameliorate the traffic impact, Infrastructure Planning do not believe the recommended road widening of 0.5 metres of sealed shoulder outside of 3.5 metre travelling lanes on the New Winton Road between 10.7km and 14.7km from the Oxley Highway adequately covers the extent of narrow bitumen seal along New Winton Road.*

*The section identified for widening starts at the ninety degree dog leg in the road at the end of the straight past the airport and continues for four kilometres to past the forty-five degree dog-leg in the road. The bitumen seal in this section of road is approximately 4.9 metres wide. There are two sections, one either side of the recommended widening where the existing bitumen seal is also approximately 4.9 metres wide and whilst these two sections are straight, they should also be widened given the nature of the 3 fold increase in vehicle movements along this road as a part of the development (truck and dog) as well as the straights are leading onto two bridges that are approximately 7 metres in width between kerbs.*

*There is also a narrow concrete causeway along the Duri-Winton Road section of the Haul Route that has deteriorated to be in poor condition as a result of existing heavy traffic from the mine travelling over it and should be renewed and widened as part of this development.*

The following conditions of consent have been recommended to ensure the local road network is of a sufficient design and construction to adequately cater for the increase in heavy vehicle movements:



### **1. Duri-Winton Road**

*The existing narrow concrete causeway on Duri-Winton Road between McGowans Lane and Forges Lane shall be renewed and widened to 9 metres. A geometric and structural design undertaken by a Chartered Professional Engineer in accordance with Councils Engineering Design Guidelines for Subdivisions and Developments for the renewal and widening of the causeway shall be submitted to Council for approval prior to the works commencing. This work must be completed before any increase in operations as approved by this development consent.*

### **2. New Winton Road**

*New Winton Road between the bridge over Tangaratta Creek (Tangaratta Creek Bridge) and the bridge over Mountain Creek (Ridds Bridge) shall be widened to a 9 metre formation with an 8 metre 20/10 bitumen seal applied over the entire width of the road. The widening on either side of the road shall be keyed into the existing pavement with a minimum 500mm overlap at each layer. The widening of the pavement shall ensure the longitudinal joints along the road are in the middle of each travel lane. The travel lanes shall each be 3.5 metres wide and delineated with line marking and guideposts in accordance with AS1742.2*

*A pavement design for the widening shall be prepared in accordance with Councils Engineering Design Guidelines for Subdivisions and Developments and submitted to Council for approval prior to works commencing.*

*This work must be completed before any increase in operations as approved by this development consent, unless a Works Programs is approved by Council prior to any increase in operations as approved by this development consent.*

### **3. Section 94 Contributions**

*The applicant shall be required to contribute toward the routine maintenance provided by Council to those sections of the public road under the control of Tamworth Regional Council and used by haulage operations relating to the development being Duri-Winton Road and New Winton Road.*

*Such contributions shall be based on Tamworth Regional Council's adopted contributions methodology formula for mining and extractive industries specified by the Parry S.94 Contributions Plan No. 3 pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.*

*The current rate of contributions is calculated to be **51 cents per tonne** of material hauled from the development. Payments are required to be made on a monthly basis, no later than 14 days at the completion of the preceding month.*

*The General Manager may at any reasonable time request the production of records from the applicants to verify haulage quantities. The agreed rate of contribution shall be subject to annual adjustment in accordance with fluctuations in the Consumer Price Index (All Groups Sydney), or other negotiated appropriate index. These adjustments will be effective from 1<sup>st</sup> July each year.*

The proposed conditions of consent will ensure that the additional heavy vehicle traffic generated by the proposed development can be adequately supported by the local road network without degrading an appropriate level of service for local residents and to ensure the safe transit of the haulage route can be achieved by all road users. The road construction requirements are different to those previously required by DA0235/2006 due to changes in the requirements for road construction under Council's *Engineering Design Guidelines for Subdivisions and Developments*.

The Section 94 Contributions applied under the *Parry S.94 Contributions Plan No. 3* will assist Council in maintaining the road to an acceptable standard throughout the life of quarry operations (16 years), once it has been constructed to an appropriate standard. It should be noted that the Section 94 Plan only allows for the funding of maintenance works along the haulage route. New upgrade works cannot be funded by the contributions collected.

It is to be noted that the initial construction and re-construction of the haulage route shall be borne solely by the quarry operator and shall be completed prior to the commencement of any increase in extraction above the existing development consent. Ongoing maintenance of the haulage route is the responsibility of Tamworth Regional Council as the local roads authority.

### **Surface Water Management**

Due to the nature of quarrying operations, significant areas of land may become highly disturbed which can lead to significant issues with regard to surface water runoff. The management of such runoff is required to ensure that the pollution of waters and adjoining lands does not occur as a result of rainfall events within the site and the catchment.

The applicant has provided an Erosion and Sediment Control Plan for the quarry and, in consultation with the Office of Environment & Heritage, has been able to demonstrate that an appropriate management regime for the quarry site can be developed to ensure that the pollution of waters does not occur. The measures to be implemented are summarised as follows:

- Provision of diversionary bunding around the western perimeter of the quarry site. This will perform two primary roles in diverting upstream overland flows from the north-west away from the quarry site, and to capture overland flows from the stockpiling and crushing areas to the southern sedimentation pond which has been designed to an appropriate capacity.
- Provision of diversionary drainage lines throughout the quarry site to ensure that surface waters are appropriately re-directed to the various control structures.
- Installation of two sedimentation ponds designed to cater for a 100 year, 72 hour Annual Recurrence Interval event, and rock check dams to assist in the reduction of surface water velocity and to remove suspended materials from the collected for reuse in quarry operations.
- Creation of an Environmental Management Checklist which requires visual inspections of the quarry during rainfall events to ensure appropriate capacities are maintained.
- Provision of water pumping equipment to allow both sedimentation ponds to be pumped to Pit One to prevent occurrences of surface water discharge occurring from the site.

Conditions of consent are recommended requiring the full implementation and compliance with the Erosion and Sediment Control Plan and Environmental Management Checklist during quarry operations. The quarry operator will be required to maintain a register of the completed Checklists at all times. A condition of consent is proposed to state that no discharge of waters from the site shall be permitted to occur at any time.

### **Ground Water Management**

During the assessment of the existing development consent for DA0235/2006 it was advised that the then Department of Natural Resources (now Office of Water) had no objection to the continued excavation of the quarry floor provided it did not exceed a depth of 470m AHD. The ground water table was established at 466m AHD.

It was also required that should ground water be intercepted, all works were required to cease until it could be investigated and appropriate controls implemented.

However, Condition 2 of the development consent for DA0235/2006 restricted quarrying operations to a depth of no greater than 487m AHD in Pit Two, without prior approval of the Department of Natural Resources.

Information submitted with the current application indicates that the current floor level of Pit Two has been established by survey at 473.5m AHD and Pit One at 477m AHD. The applicant has installed three (3) ground water monitoring bores across the site under license from the Office of Water. The purpose of the bores is to establish the exact location of the ground water table across the extraction area in the quarry site.

The results from the monitoring bores have established that the current ground water level ranges from 466m AHD to 459m AHD. The applicant has stated that quarry shall extract material down to a maximum depth of 472m AHD which provides a minimum separation distance of 6 metres.

Discussions between Council and the Office of Water indicated that an integrated referral is not required pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*. The Office of Water has advised the applicant to seek an appropriate permit, in the event of incidental aquifer interference.

A condition of consent will be applied to restrict quarrying operations to a maximum depth of 472m AHD, and that in the event that ground water be intercepted, all works are to cease immediately and the Office of Water and Council are to be contacted immediately. No further operations will be permitted unless the Office of Water is satisfied for operations to continue. A bi-annual water testing regime shall also be implemented by way of condition of consent to monitor potential interception. These results are to be forwarded to both the Office of Water and Council.

### **Air & Microclimate**

Quarrying operations are a significant potential source of dust generation from the stripping of topsoil and vegetation, blasting, crushing and loading and haulage operations. The distance of the quarry to the nearest sensitive receivers (one kilometre to the nearest dwelling), topography of the locality and prevailing wind conditions which occur in the local area, should assist in reducing the total potential air quality impact generated by the development.

The following controls are to be employed within the quarry operations to provide an effective measure to reduce dust emissions if utilised appropriately:

- Progressive stripping and rehabilitation of the quarry to minimize areas of exposed earth.
- Cessation of blasting and crushing activities on days of unfavorable metrological conditions (hot, dry and windy).
- Use of water sprays on crushing equipment to reduce dust production.
- Water spray gantry over weighbridge used to wet down all outgoing haulage loads. All haulage loads are to be covered on leaving the site.
- Daily use of a 20,000 litre water cart to wet down internal access roads and any unsealed sections of the haulage route, during haulage operations as required.

The above controls are recommended as conditions of consent to clarify to the quarry operator exactly what the requirements are. In addition to the controls already mentioned, the operator will be required to grass seed all bunding, diversionary structures, topsoil and overburden stockpiles (for future rehabilitation) to further reduce the potential for dust emissions from the site.

The Office of Environment & Heritage has recommended licensing conditions for the mitigation of dust emissions and, as the licensing authority, is satisfied that appropriate measures can be implemented by the development proposal.

### **Noise & Vibration**

A Noise Impact Assessment has been submitted which provides an assessment of the potential noise and vibration impacts generated by the development proposal on surrounding sensitive receivers (dwellings). The report not only considers blasting operations, but also plant noise associated with crushing operations and heavy vehicle movements along the haulage route.

The assessment concludes that the proposal is not likely to exceed any of the required noise and vibration criteria which are applied to the proposal, with the exception of a possible 1dB(A) exceedance at the “Greendale” property (located approximately 3 kilometres to the west) under adverse atmospheric conditions. This impact can be mitigated by the placement of stockpiled material to the east of the crushing equipment to shield noise emissions.

The assessment assessed the maximum allowable noise and vibration emissions permitted by blasting activities. The limits are contained within the Office of Environmental and Heritage’s – *Environmental Noise Control Manual*. The assessment reviewed the nature of the site, separation to dwellings and natural topography to establish the maximum permissible charge weight to ensure compliance.

The assessment established that a blast weight of 400kg should not create an exceedance at the “Boomdaroo” property (located approximately 2450m to the north). The assessment also stated that a blast which utilised 250kg at the quarry was considered to represent a particularly large blast.

The Office of Environment and Heritage have issued specific conditions within the General Terms of Approval which specifically address noise and vibration impacts (including those associated with blasting activities) on ‘any noise sensitive locations’. The General Terms of Approval are included in Annexure 2.

### **Flora and Fauna**

An Ecological Assessment has been submitted to address the potential impacts the development proposal may have on any existing flora and fauna communities within either the quarry site or surrounding locality.

The Ecological Assessment established the following:

- No threatened flora, critical habitat or migratory species were recorded in the study area.
- White Box/Yellow Box Blakely’s Red Gum Woodland was recorded in the study area. These woodlands are in poor condition. Both communities are Endangered Ecological Communities under the *Threatened Species Conservation Act 1995* and *Environment Protection Biodiversity Conservation Act 1999*.
- No threatened flora species are expected to occur due to the level of disturbance.

- Approximately 3.4 hectares of disturbed and cleared 'white box grassy woodland' exists including three (3) white box trees which will be removed. The ecological community is essentially limited to those three (3) trees.
- It is unlikely that fauna species would be directly impacted within the study area, and suitable habitat exists in the areas adjacent to the study area.

It is therefore concluded that due to the extensive historical disturbance of the area from both agricultural and extractive industry pursuits the proposed development will have negligible impact on the ecological significance of the locality.

The Ecological Assessment has however made a number of recommendations regarding habitat offsets and pre-commencement works which are proposed as conditions of consent.

### **Social Impact**

The proposed development, if carried out without any mitigation requirements or controls, would have the potential to generate significant negative social impacts within the locality. These impacts would include those associated with the capacity of the local road network to safely cater for the increase in heavy vehicle movements, noise and dust generated by quarrying and haulage activities, vibration impacts on surrounding properties and environmental degradation from either loss of critical habitat or surface and ground water contamination.

The potential impacts have been discussed in detail previously in the report and with the implementation of the various recommendations in the expert reports provided within the Environmental Impact Statement, and the various controls, restrictions and requirements which have already been discussed, the development proposal should not pose a significant negative impact on the local or wider community.

As discussed further in the report, there is significant social concern relating to the adequacy of the road network to cater for the existing traffic levels, regardless of any increase in movements. As detailed earlier in the report Council is currently undertaking a significant works program to improve public safety along the haulage route. With the completion of these works, new works proposed for this development, completion of the road construction required by DA0235/2006 and ongoing maintenance of the haulage route the road network should be adequate to support existing traffic levels.

### **Economic Impact**

The proposed development should not result in any notable negative economic impact on the community. It should be noted that any perceived decrease in property values could not be attributed to the development proposal and are not a matter for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*.

If anything the proposed development should have an overall beneficial economic outcome by providing ongoing employment not only for those employed at the quarry but also the subsequent support industries in the locality.

### **Cumulative Impacts**

The assessment has not noted any negative impacts that cannot be successfully mitigated to limited any impact to an acceptable limit. Therefore, there are no cumulative impacts requiring further consideration.

**S79C(1)(c)      *The Suitability of Site for the Development***

The site is occupied by an existing quarry operation. The proposed expansion of the extractive area within the quarry cartilage will not generate significant environmental impact, provided the identified mitigation measures in relation to noise, dust , groundwater impacts and surface water 'flows' are properly implemented.

**S79C(1)(d)      *Any Submissions Made in Accordance with the Act or Regulations***

The application was advertised and notified in accordance with the *Environmental Planning and Assessment Regulation 2000*. Adjoining property owners were directly notified in writing.

Fifteen (15) submissions were received. The submissions referred to the following issues:

1.      *Inadequacy of the haulage route to safely cater for existing and proposed traffic levels:*

**Comment:** The implementation of the road works proposed as conditions of consent under this development, the completion of outstanding works required under DA0235/2006 and Council's works program that is currently being undertaken along the haulage route should result in a haulage route that can safely accommodate both existing and proposed traffic levels.

2.      *Inadequate maintenance being carried out:*

**Comment:** The haulage route is currently subject to an extensive Council works program (as detailed earlier in the report) which will bring the haulage route up to a more appropriate standard. Ongoing maintenance of the haulage route will be funded through the collection of Section 94 Contributions, however the upgrading of the road proposed by development should reduce the requirement of significant ongoing maintenance as it will require an appropriate engineering design to be approved by Council.

3.      *Conduct of heavy vehicle drivers on the haulage route:*

**Comment:** The quarry will be required to implement a Drivers Code of Conduct, which all drivers which access the quarry will be required to sign up to and adhere to at all times. It is anticipated that with the proposed upgrading of the haulage route there should be less traffic conflict than what may currently be occurring. All instances of aggressive or inappropriate driving which breach the Drivers Code of Conduct should be reported to Council, NSW Police and the Roads and Maritime Department for further action.

4.      *Warning signage required for vehicles departing the airport onto New Winton Road:*

**Comment:** Give way signage has been erected at the intersection of Basil Brown Drive and New Winton Road to warn people existing the airport to give way.

5.      *Mail boxes, guide posts and garbage bins to close too the road:*

**Comment:** During inspections of the haulage route it was not noted that mail boxes and guide posts posed an obvious safety hazard to vehicular traffic, or prevent two oncoming vehicles from passing each other. During both Council's works program and the undertaking of the proposed road upgrades under this development any mail boxes and guide posts will be appropriately located, however there should be adequate lane width to permit vehicles to pass. The placing of garbage bins along the haulage route should not be placed in a manner to pose a hazard to vehicle traffic.



6. *Restrictions to sight distances by trees along parts of the road:*

**Comment:** As part of a safety audit conducted by Council to assist in creating the current works program on the haulage route it was established one tree required removal in the “S-Bends” to improve sight distance. This will be completed as part of the works program.

7. *Non Compliance with existing development consent:*

**Comment:** Whilst it is acknowledged that the quarry operator has completed approximately half of the required road upgrade along Duri Winton Road required under DA0235/2006, the quarry operator has given Council a written undertaking to complete the works as soon as possible. Council will continue to monitor compliance and may review enforcement options as may be required.

8. *Dust generated on unsealed sections of the road is dangerous to oncoming traffic:*

**Comment:** Whilst it is accepted that haulage trucks can generate significant amounts of dust along the remaining unsealed sections of the haulage route, this issue will be resolved in the coming months with the completion of the remaining works required by DA0235/2006 and Council's works program which will result in the sealing of all unsealed sections of the haulage route.

9. *Haulage Trucks are driving without their loads covered:*

**Comment:** Haulage trucks are required to have loads covered at all times. This is reiterated in the General Terms of Approval and shall be specified in the Drivers Code of Conduct. Any instances of non-compliance should be referred to Council, NSW Police and the Roads and Maritime Department for further action.

10. *School children getting sprayed with gravel and dust from trucks:*

**Comment:** This issue should be successfully resolved at the completion of Council's works program, completion of the remaining works required by DA0235/2006 and works proposed under this development.

11. *Cost of repairs to vehicles due to road condition:*

**Comment:** This issue should be successfully resolved at the completion of Council's works program, completion of the remaining works required by DA0235/2006 and works proposed under this development. However, it is ultimately the responsibility of individual drivers to drive accordingly to the prevailing road conditions.

12. *Private driveways pose a safety hazard to vehicles:*

**Comment:** During inspections of the haulage route it was not noted that any driveways posed an obvious safety hazard to vehicular traffic. However, during both Council's works program and the undertaking of the proposed road upgrades under this development any driveways which are not appropriately constructed should be remedied.

13. *Haulage operations being conducted after 5:00pm:*

**Comment:** The General Terms of Approval restrict quarry operations to no later than 5:00pm Monday to Saturday, with no Sunday operations. To ensure clarity of the requirements a restriction on haulage operations will also be applied to restrict movements to no later than 5:00pm. Any instances of non-compliance should be referred to Council for further action

14. *Environmental Impacts of quarry:*

**Comment:** The Office of Environment and Heritage has issued General Terms of Approval to control impacts such as surface water discharge, and the applicant has been required to demonstrate that they can feasibly control such potential impacts. This has been achieved. The loss of White Box Grassy Woodlands will be offset by provision of a Compensatory Habitat Area in accordance with the recommendations of the Ecological Assessment.

15. *Overloaded Haulage Vehicles:*

**Comment:** It is the responsibility of drivers and the quarry operator to ensure that haulage vehicles are not overloaded. It is not a matter that Council has the ability to regulate and these matters should be reported to either NSW Police or Roads and Maritime for further action.

16. *Replacement of the road culvert at Bakers Swamp:*

**Comment:** Council is currently undertaking significant works in this area to remedy instances of pavement failure. However, given the existing traffic controls in place (give way signage) and acceptable sight distances there is no intention at this stage to require replacement of the road culvert with a wider structure. Drivers are required to adhere to the applicable road rules and instance of non-compliance should be reported to either NSW Police or Roads and Maritime Services for further action.

17. *Haulage vehicles pose a danger to joggers along New Winton Road:*

**Comment:** Members of the public who wish to jog along any public road should exercise due caution. Vehicles have right of way on public roads where pedestrian crossings/lanes are not provided.

18. *Who monitors the amount of material extracted from the quarry?:*

**Comment:** The quarry operator is required to maintain a haulage log by way of weighbridge tickets to establish the rate of haulage that is being undertaken. This is used to establish by Council the chargeable Section 94 Contributions each month and to ensure that extraction does not exceed the approved limits.

19. *Haulage operations impact of farm management processes:*

**Comment:** Operating a rural property which is divided by a public road will always pose operating constraints on that property with relation to stock and equipment movements across the road. This is an issue for the individual property owners to resolve and it is encouraged that they discuss their concerns with the quarry operator to achieve a mutually acceptable outcome.

20. *Reduction in property values:*

**Comment:** A reduction in property values cannot be directly attributed to a development proposal and is not a matter for consideration pursuant to Section 79C.

21. *Noise impacts from haulage vehicles:*

**Comment:** The Noise Impact Assessment provided considered the impact of noise generated by haulage operations along the haulage route. It established that noise from haulage trucks would be compliant at all dwellings using the daytime noise criteria. This is also addressed by the time restriction on haulage movements discussed earlier in the report.

22. *Length of notification period:*

**Comment:** The notification period was extended for 10 days more than the statutory requirements. During this period Council was closed for 3 working days, however the Environmental Impact Statement was available on Council's website and public submissions could still be made.

**S79C(1)(e)      *The Public Interest***

Submissions made by the public and public authorities have been addressed throughout this report. The public interest has been considered throughout the assessment of the application and it is considered that the approval of the application will not be contrary to the public interest, subject to the implementation of the recommended conditions of consent.

**CONCLUSION:**

The development application seeks development consent to increase the approved annual extraction rate of the quarry operation from 50,000 to 150,000 tonnes per annual for a period of sixteen (16) years and to increase the extraction area from 2 hectares to 5.84 hectares.

The application has been assessed pursuant to the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The evaluation of the application has demonstrated that the proposal is satisfactory in terms of the matters for consideration as identified by the legislation.

It is recommended that, in relation to Development Application No. DA0199/2012 for the Expansion of Production and Extraction Area of Mount Winton Quarry located at 1922 Duri-Winton Road, WINTON, be approved subject to the Conditions of Consent in Annexure 3.

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