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RJS:rjs

2 December 2014

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Dear Mr Blue

APPLICATION FOR DEVELOPMENT APPROVAL – (T6 14-67) PROPOSED EXPANSION OF CHURCHILL QUARRY – DRAFT CONDITIONS OF CONSENT

I refer to the abovementioned development and the draft conditions of consent dated 21 November 2014.

Council staff have undertaken a review of the conditions of consent and the following issues have been identified for further consideration:

- Restriction on operation – Truck Movements – School Buses C2(b)
- Haulage Route – A8
- Fencing of Koala Offset Areas – B3(c), B3(e)i, B4(a) & B11
- Weighing of Materials – B6
- Purchase of Property – C11(c)

Restriction on operation – Truck Movements – School Buses - C2(b)

Crescent Head Road is recognised as a regional road. It is therefore constructed to a standard which is able to accommodate greater traffic loads, including heavy vehicles. Council's development standards require a road width of 9m (with a seal width of 7m) – Table D1.8. Crescent Head Road exceeds this standard over a large proportion of its entire length with designated locations for school buses to pull over. The school buses referred to in this condition largely enter the school grounds to drop off/pickup students and therefore the safety of students around buses is unaffected by the proposed heavy vehicle activity.

Crescent Head Road is approved for 25-26m B-Doubles from Macleay Valley Way up to the access to the waste management facility, east of the proposed quarry site. The route has been considered acceptable for overmass vehicles for many years and therefore more appropriate for heavy vehicle use when compared to other local roads.

A review of the traffic count data for Crescent Head Road is summarised in the table below.

Crescent Head Road - Traffic Count Location	Date of Count	Average Daily Traffic (ADT)	# of Heavy Vehicles
94m East of Pattersons Lane	14/7/2014	3779	416
94m East of Pattersons Lane	13/12/2013	3926	400
80m East of Pattersons Lane	19/5/2012	4055	382

Crescent Head Road - Traffic Count Location	Date of Count	Average Daily Traffic (ADT)	# of Heavy Vehicles
833m East of Neville Morton Drive	21/12/2012	2597	167
275m East of Bruces Lane	19/5/2012	2951	554
50m West of Yabsleys Lane	5/11/2010	3712	505
50m West of Yabsleys Lane	21/7/2010	3391	343
50m West of Yabsleys Lane	5/10/2010	3290	343
50m West of Yabsleys Lane	5/9/2005	3007	157
AVERAGE		**3412**	**363**

Outside of the Pacific Highway Upgrade, it is evident that heavy vehicles account for approximately 300 vehicles per day (or around 10% of all traffic). During the construction phase heavy vehicle movements accounted for an increase on normal levels by approximately 200 vehicles per day.

The quarry development will have at most 180 additional heavy vehicle movements per day and is likely to be less than this on most days over the life of the quarry. Considering that the Kempsey Bypass Alliance (KBA) did not need to address any school bus issues along Crescent Head Road during the construction phase for this project and that the quarry development will generate fewer heavy vehicle movements, then the proposed controls may not be appropriate. Furthermore the entry works for the school were deferred during the highway construction period to avoid conflicts in work zones. If there was a conflict between the school buses and heavy vehicles, the school entry works should have been resolved at that time as a minimum.

It is likely that most quarry haulage operations will be complete prior to the afternoon school collection period as most projects need to spread and compact the material prior to the end of the day. Therefore this will tend to reduce the impact at this time automatically.

Informal surveys of the school site have identified that the morning school bus activity occurs over 40 minutes from 8:10am to 8:50am. In this time 8 school buses enter the site to drop off children. A further 5 buses pass the site heading for alternate destinations. These appear to be school buses, however, they could also be normal public transport routes in this area. The afternoon activity occurs over 50 minutes from 2:40pm to 3:30pm with the same number of buses entering the site to collect children and the same number of other buses passing the site. Excluding the quarry haulage for operating during these times would be overly restrictive and impact on the competitiveness of the quarry relative to other operators. Most projects rely upon the haulage program to be evenly spaced so that there is time to receive and place the materials at the delivery site without a line-up of heavy vehicles waiting to unload.

Requiring the quarry operation to cease during school bus hours is not considered warranted due to the previous experience during the highway upgrade construction, the off road interchange in place at the school, the high background levels of heavy vehicles already using Crescent Head Road and the impact on competitiveness of the quarry for continuous product supply. It would be unusual for a traffic generating business operating along a regional road to be restricted in the hours of operation.

Haulage Route A8

Draft Condition A8 requires truck drivers to turn left at Macleay Valley Way. It is understood that this was the approval sought by the developer and has been the only

move assessed in the application and associated studies. This would require deliveries to areas west of Kempsey to either utilise South Street to turn around or use the Pacific Highway to Frederickton and then the local roads to the site. This appears to be a control to avoid large numbers of truck movements associated with the highway upgrade through the Kempsey CBD which is supported.

This condition could be reworded to expand upon the routes considered acceptable from this site and permit use of the gravel locally at sites other than those associated with the highway upgrade; however, it is acknowledged that minor quantities could be delivered along alternate routes as required from time to time.

Fencing of Koala Offset Areas - B3(c), B3(e)i, B4(a) & B11

There is concern that the requirements to fence the Koala Offset area may not be practical. Council's experience with fences that exclude access to remote areas, using "chainwire" in particular is that the access will continue due to trespassers cutting the fence (and in the worst example, completely removing the fencing). As the condition is primarily associated with construction or quarrying activities, a lesser standard fence or immovable objects such as large rocks and logs (or bollards) would be more appropriate.

The use of chainwire may also provide a barrier to migration of koalas in and around the site. Condition B3(e)i requires boundary fencing to prevent access by recreational vehicles and should be considered in conjunction with the abovementioned concerns. Condition B4(a) also appears to reference the abovementioned matters. Condition B11 requires "durable pegs or other markers" on the boundary of the quarry operation, which is the preferred method of achieving the requirements of the abovementioned conditions. Additional signage could be erected around the habitat offset area where it intersects obvious access trails to inform users of the area about the habitat area and the reasons for access restrictions to be in place.

Weighing Of Materials – B6

In the absence of a certified weighbridge, it is normal practice to utilise scales fitted to the loader and this would clearly fall within what would be suitable for approval. It is within the operator's interest to have the most accurate method of weighing and accounting for the supply of quarry materials.

There is considered to be a greater benefit in asking for regular testing and calibration of load scales using a standard weight. Certified weighbridges do require regular inspection and calibration regardless of the development consent. Therefore it is suggested that condition B6 be expanded to include:

"B6

(a) *If haulage of extractive material from the site under this consent is to commence prior to the construction of the weighbridge, the developer shall provide an alternative suitable means to weigh all material hauled from the site. Details are to be submitted to Council for approval prior to commencement of haulage.*

(b) *If load scales are used, the developer shall provide documentary evidence of weekly testing of the load scales using a standard test weight.*

(c) Copies of the test reports/certification from the loader scales or weighbridge shall be submitted to Council with the annual returns."

Purchase of Property – C11(c)

The requirements for valuations to consider the site(s) as if it was not affected by the proposed development is not warranted. The site is noted as a quarry on maps and plans leading back well into the 1950s and beyond. The quarry has operated infrequently over this time. The quarry site has been identified in planning documents such as previous and current DCPs. It would therefore be very difficult to assess the value of the site as "unaffected by the development", as previous operations have already impacted upon the land. This condition should be modified to recognise that the quarry already operating at the site would have an impact upon the property's value and therefore the conditions should limit the exclusion to only the impacts that are being accelerated by this development proposal (i.e. expansion of the quarry footprint).

Minor Observations

- B9(g) should commence with the word "Incorporate" to convey the element in this condition which must be in the EMP. B10(a)ii is a part duplicate of B9(g).

Thank you for the opportunity to provide a submission in relation to the draft conditions of consent. Should you require further information, please do not hesitate to contact Council as detailed below.

Yours faithfully

Robert Scott
DIRECTOR INFRASTRUCTURE SERVICES

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