



BELLINGEN SHIRE COUNCIL

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Our Ref: DA 2014/0098

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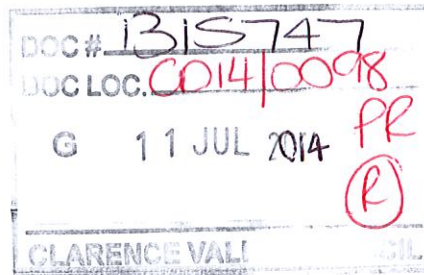
SCANNED

4 July 2014

Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: Patrick Ridgway

Dear Mr Ridgway



Development Application DA2014/0098

Owner: Matsid Pty Ltd
Applicant: Matsid Pty Ltd
Proposal: Expansion of Extractive Industry – Sheridan's Hard Rock Quarry
Property Address: 242 Faheys & Bulgins Road HERNANI NSW 2453
Legal Description: Lot 62 DP 752807 & Lot 63 DP 752807

Further to our letter dated 1 April 2014 and discussions we have had with Mr Sheridan and his Consultant, Gary Peacock, Outline Planning Consultants Pty Ltd Council is providing further clarification of our submission in relation to the development application for expansion of Sheridan's Hard Rock Quarry.

Our previous letter stated:

"The proposed development seeks to intensify extraction rates from 80,000 tonnes per annum under the existing development consent DA 2010/0358 to 198,000 tonnes per annum. In terms of truck and dog configurations, this represents an intensification in permissible movements from 4,849 per annum to 12,000 per annum (i.e. a 2.47 times increase)."

Concern has been expressed that this calculation was misleading as the total number authorized of truck movements from the quarry was not changing. Council acknowledges that the total permissible truck movements are not changing, however the permissible number of permissible truck and dog movements could increase based on the following calculations.

- a) The figure of '12,000' movements, is directly derived from the Environmental Impact Statement (EIS): Annexure 6, Traffic Assessment, undertaken by RoadNet Pty Ltd. The methodology adopted to set out the traffic generated by the proposal, provides as follows:

40 movements per day x 300 days per year = 12,000 movements per year.

- b) This is an expression of both loaded and un-laden truck movements i.e. the total number of truck movements to and from the Quarry.

- c) The analysis adopted in section 5.3, then assumes a maximum payload of 33 tonnes of Quarry material to arrive at the total of 198,000 tonnes p.a. (6000 x 33t).

- d) Council's analysis then calculates the ratio of existing Quarry hard rock production (80,000t) with the proposal production (198,000t), based on the use of 'truck and dog' vehicles (with payloads of 33t).

From section 5.3 (EIS: annexure 6)

$$\begin{array}{rcl} \frac{198,000t}{33t} & = & 6,000 \text{ loaded movements p.a. (12,000 total)} \\ \frac{80,000t}{33t} & = & 2,424 \text{ loaded movements p.a. (4,848 total)} \end{array}$$

The ratio is just $12,000/4,848 = 2.47$. That is, it is the ratio of the quantitative increase in the proposed production at the Quarry ($198,000t/80,000t$).

Therefore, Council believes the original statement in its letter dated 1 April is correct and that the proposed increase in production will have a range of qualitative impacts on neighbouring landowners, traffic flows along Waterfall Way, noise, dust and a range of environmental and social matters.

Further our previous letter also stated:


"However, the proposed development does seek the right to operate to the maximum extraction volume for an additional 179 days per annum. Accordingly, Bellingen Shire Council requests that regard be made to limiting haulage east along the Waterfall Way on Saturdays in order to minimise the potential for conflict between quarry generated traffic and tourist and visitor traffic experienced on weekends, including through the conduct of events (events are a major attraction to the Bellingen Shire and the majority of these, including the Bellingen Jazz Festival, the Readers and Writers Festival, the Blue Grass Festival and markets such as Made in Dorrigo and the Bellingen Markets, operate on Saturdays)."

Council acknowledges that the calculation of the additional 179 days per annum is confusing and therefore withdraws that statement. However the request to limit the haulage east along the Waterfall Way on Saturdays is still valid. The potential conflict of up to 20 loaded truck and dog movements (40 total movements) in a 6 hour period on Saturday with tourist and visitor traffic and also community events is a significant concern.

I trust these additional comments will assist the panel in their consideration of the development application.

Should you require any further information on the matters raised in this correspondence, please contact the undersigned between the hours of 8:30am to 4:30pm Monday to Friday on telephone (02) 6655 7300.

Yours faithfully



Stephen Taylor

DEPUTY GENERAL MANAGER, OPERATIONS

Patrick Ridgway

From: Gary Peacock Outline <gpeacock@outline.com.au>
Sent: Saturday, 31 May 2014 10:30 AM
To: Patrick Ridgway
Cc: Graham Sheridan
Subject: Our response to RMS submission
Attachments: EMS Bellinghen quarry.pdf; Minutes - Extraordinary Meeting - 10 October 2013.pdf; RMS Submission.pdf

Mr Patrick Ridgway
Senior Planner
Clarence Valley Council

Good morning Patrick,

Our most recent letter sent to you omitted to make any response to the RMS submission dated 9 May 2014.

Our comments on their advice is set out in the following.

RMS Point 1: *"The maximum number of laden truck movements permissible for the quarry has already been approved under the previous development consent DA2010/0358."*

Noted and agreed.

Please have regard for this fact when assessing all other submissions which (erroneously) claim that the quarry proposal will result in additional quarry traffic on the haul route generally, and the Waterfall Way in particular.

RMS Point 2: Noted and agreed. This point merely mirrors what is proposed in the EIS.

RMS Point 3: *"Council may wish to consider a revision of the current approval permitting operation on Saturdays. This would be consistent with the recent approval for the Megan Quarry at Dorrigo which uses the same haulage route. This would address community concerns relating to amenity through the Bellinghen township particularly during regular community events that draw considerable tourist interest."*

Noted but not agreed. This statement misses several crucial points and is at odds with it's treatment of the EMS quarry expansion, as set out below.

Sheridan's Hard Rock Quarry already has approval to operate on Saturdays, with a limit of 20 truck loads applying. Unlike the EMS quarry expansion at Dorrigo, Sheridan's Hard Rock Quarry does not seek to increase the limit on daily number of truck loads currently applying. As such, there are no likely additional truck traffic impacts arising from the proposal. In the circumstances, the imposition of the condition proposed by the RMS is both unreasonable and without justification.

The RMS refer to the recent (October 2013) approval by Bellinghen Shire Council of the expansion of the EMS quarry at Dorrigo.

What the RMS fails to point out in it's letter of advice, when seeking to make parallels with the EMS quarry, are set out in the following points 1-5:

1. In that case, Bellingen Shire Council approved an expanded quarry at Dorrigo that allows up to a doubling of the number of heavy trucks on Waterfall Way (up to 80 loaded trucks per day). This quarry was permitted to increase quarry production to up to 120,000 cubic metres per annum. In contrast, the Sheridan's Hard Rock Quarry seeks approval to achieve a modest increase in production to a much lower rate of extraction (ie. up to 73,600 cubic metres per annum) without involving any increase in the current limits imposed on daily quarry truck traffic levels ie. 20 loaded trucks per day. It is noteworthy that in the case of the EMS application, the RMS did not oppose increasing maximum daily truck numbers by a further 40 loaded trucks per day on the Waterfall Way.

2. In that case the RMS recognised issues associated with the intersection of Waterfall Way and Old Coramba Road South, and its interface with the Mount St John Catholic School. An Intersection upgrade of the quarry haul route to the Waterfall Way was recommended by the RMS, along with some other localised measures. No other matters were raised by the RMS concerning the safety and efficiency of the Waterfall Way. Given that the proposal by Sheridan's Hard Rock Quarry seeks no increase in the current limits on daily truck traffic the imposition of a restriction on Saturday quarry operations is unfair, unreasonable and without justification.

3. In assessing the EMS quarry proposal, Bellingen Shire Council officers made clear the present role and function of the Waterfall Way:

"At the date of this report, Waterfall Way is:

- *an unconditional 4.6m high vehicle route;*
- *not approved for road trains;*
- *an approved unconditional B-double route west of Dome Road, Dorrigo, and east of Short Cut Road, Raleigh; and*
- *an approved conditional B-double route west of Short Cut Road, Raleigh, and east of Darkwood Road, Thora.*

Registered vehicles complying with the above are permitted to drive along Waterfall Way and it is invariably a strategic planning matter for the RMS, and a political matter thereafter, to provide otherwise. The referral response received by Council from the

RMS recognised issues associated with the intersection of Waterfall Way and Old Coramba Road South, and its interface with

the Mount St John Catholic School. No other matters were raised by the RMS concerning the safety and efficiency of the Waterfall Way." (refer attached Bellingen Council officers report)

4. Despite the insinuation made by the RMS in their submission, at no time has the EMS quarry owner/operator ever had, or sought,

approval to operate on Saturdays- a fundamental oversight in any argument for applying a restriction on Saturday operations at

Sheridan's Hard Rock Quarry. Refer to accompanying assessment by Bellingen Shire Council of the EMS quarry expansion proposal.

[Our firm can also provide a copy of the earlier consent granted for the EMS quarry, if required] In short, this argument is at odds with

known facts, unreasonable and without justification.

5. In limiting daily maximum quarry truck numbers to those levels currently applicable under the existing Council consent, truck impacts

on the Waterfall Way resulting from the operation of an expanded Sheridan's Hard Rock Quarry will be minimal. Surely, a proposal that

does not seek any increase in daily truck numbers would accord with what we understand to be the wider community's wishes for this road.

RMS Point 4: Noted and agreed. Sheridan's Hard Rock Quarry already has a code of conduct applying to its truck drivers under the existing adopted plan of management.

Comments by government agencies on any development proposal are important. They can assist any determining authority in properly assessing any development application. A problem arises, however, in cases where advice on one development proposal is inconsistent with the advice provided on another similar application- clearly the case here, where the RMS has adopted a more favourable treatment of a much larger quarry project (ie. EMS quarry at Dorrigo, approved in October 2013) than that proposed by Sheridan's Hard Rock Quarry. Even more odd, the more favourable treatment is being directed at a quarry which now has approval to increase quarry truck numbers on the Waterfall Way by up to 40 loaded trucks per day. In contrast, Sheridan's Hard Rock Quarry seeks no increase in daily truck numbers.

If you have any queries relating to the above please do not hesitate to contact the writer.

Kind Regards

Gary Peacock

Managing Director
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23 May 2014

The General Manager
Bellingen Shire Council
33-39 Hyde Street
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BELLINGEN NSW 2454

By email: council@bellingen.nsw.gov.au

Dear Madam,

RESPONSE TO COUNCIL SUBMISSION MADE: EIS PROPOSED EXPANSION OF EXISTING HARD ROCK QUARRY, LOT 62 & 63 DP 752807, No. 242 FAHEYS & BULGINS ROAD, HERNANI, NSW

■ 1. Introduction

Outline Planning Consultants Pty Ltd act on the instructions of Sheridan's Hard Rock Quarry. The land the subject of the application/EIS comprises Lot 62 & 63 in Deposited Plan 752807, No. 242 Faheys & Bulgins Road, Hernani, west of Dorrigo (the site). Sheridan's Hard Rock Quarry (the proponent) currently undertakes hard rock extraction from the above site. The existing quarry operation on the site operates pursuant to a consent issued by Clarence Valley Council (DA 2010/0358) and is also subject to Environment Protection Licence Number 20077, issued by the NSW EPA. The existing quarry consent allows extraction of up to a maximum of 30,000 cubic metres (approx. 80,000 tonnes) of quarry product per annum.

Importantly, the existing consent limits the quarry operation to a maximum of up to 20 loaded trucks per day (ie. 40 truck movements per day). The EIS seeks no change to this limit on daily truck quarry traffic, maintaining the existing approved limit of 20 loaded trucks per day (maximum). [Refer to NOTE 1 for further explanation]

Our client has requested that we write to you, to clarify some of the concerns and issues raised by Council in it's letter to Clarence Valley Council dated 1 April 2014- a copy of which has been only furnished to us by Clarence Valley Council this week following the completion of the statutory EIS public exhibition period. In particular, we wish to clarify a number of errors, allegations and insinuations made in Council's submission, and request that Council withdraw this letter of advice and amend it's submission accordingly.

■ 2. The Statutory Framework

In accordance with the provisions of Part 4 of the *Environmental Planning & Assessment Act 1979*, and at the request of Clarence Valley Council, an EIS has been prepared in support of the modest increase in the quarry operations proposed. The EIS is supported by a number of specialist reports dealing with noise and vibration, ecology, amenity, traffic impacts, quarry management generally, and the like. These studies build on and update those prepared in support of the quarry approved by Council in 2011.

[NOTE: For comparison purposes, the expansion of the EMS quarry at Dorrigo, approved by Bellingen Shire Council in October 2013, permitted production at this quarry to expand from 47,000 cubic metres per annum (p.a.) to 120,000 cubic metres p.a., without the apparent need for an EIS. Sheridan's Hard Rock Quarry seek to expand their quarry to allow an increase in production from 30,000 cubic metres p.a. to up to 73,600 cubic metres p.a., a much smaller increase in production. The 2013 EMS quarry consent also allowed up to 40 loaded trucks per day when servicing Pacific Highway upgrading works, to the west, a 100% increase on that allowed under Condition 2 of the original June 1994 Bellingen Council consent. Sheridan's Hard Rock Quarry seek to limit maximum daily truck numbers to that currently permitted ie. 20 loaded trucks per day]

■ 3. Consideration

This section responds to the issues/assertions made in Council's correspondence dated 1 April 2014. They relate principally to traffic impacts.

- **Heavy Traffic Generated by the Proposal:** The Council letter states *"The proposed development seeks to intensify extraction rates from 80,000 tonnes per annum under the existing development consent DA 2010/0358 to 198,000 tonnes per annum. In terms of truck and dog configurations, this represents an intensification in permissible movements from 4,849 per annum to 12,000 per annum (ie. a 2.47 times increase)".*

This statement is both misleading and incorrect, and is not based on fact. It shows no understanding of how quarries work or how material is transported by quarry trucks, or from the information provided in the EIS. The EIS explains the quarry truck transport arrangements, and how larger volumes of quarried rock can be carried without increasing daily truck traffic. There is no factual basis for the Council's claim that there will be a 2.47 times increase in truck movements arising from the proposal.

Sheridan's Hard Rock Quarry seeks to increase production by 118,000 tonnes per annum (ie. a 1.47 times increase in production), but staying within the existing daily limits on truck movements currently allowed under the consent issued by Clarence Valley Council (DA 2010/0358) ie. a limit of 20 loaded trucks per day.

This will involve a shift to more loads being transported by truck and dog (typical loads of 33 tonnes) rather than by single trucks (typical loads of 11.5 to 13 tonnes), a change that will enable more quarry product to be shifted per load without increasing overall truck numbers *per se*. At a limit of 20 loaded trucks per day a truck and dog configuration can carry up to 2.8 times the volume of material than that transported by a single axle quarry truck. As such, there is no correlation between the increased production proposed and the unsubstantiated claim by Council that there will be a 2.47 times increase in truck movements. A closer reading of the EIS would reveal that this assertion of Council has no substance in fact. The Council assertion on this point is both illogical and misleading.

- **Heavy Traffic:** *"All heavy traffic to and from the quarry is via Waterfall Way."* What the Council fails to clarify or to make plain is that, with the notable exception of "one off" Pacific Highway projects, the majority of the market for quarry material produced from Sheridan's Hard Rock Quarry is transported to markets to the west, not to the east. This is reflected on page 23 of our EIS where we state:

"The existing quarry serves markets within a wide range of the quarry, the quarry product sought after because of its high quality. Since establishment, the main market- roughly equivalent to about 60% of all production- has been to the west. More recently, the quarry has started providing hard rock material to highway projects on the coast."

- **Traffic Flows on Waterfall Way:** *"Contrary to the assessment in the EIS that traffic data for the Waterfall Way was less than 1,000 vehicles per day.....2012 Traffic data on Waterfall Way to the east of Bellingen...provides for 6,459 annual average daily traffic movements."*

Outline Planning Consultants Pty Ltd have no doubt that the Bellingen traffic flow data referred to above is correct, however, it is wrong to then assume that the traffic flows on Waterfall Way at Hernani, as set out in our EIS, are, by implication, incorrect. In fact, the traffic flow figures used in our EIS were supplied by the RMS. It is also noteworthy that the RW Corkery & Co Pty Ltd March 2013 Statement of Environmental Effects in support of the EMS quarry, referred to RMS AADT traffic data on Waterfall Way at Dorrigo (east of Hernani) of 2,095 vehicles per day, with 8.6% of this traffic- or 180 vehicles- comprising heavy vehicles. [NOTE 2] These results seem entirely consistent with the Hernani AADT figures for Waterfall Way. It points to traffic volumes on Waterfall way diminishing the further west one goes. The above traffic data also points to the significant traffic flows being generated on Waterfall Way at Bellingen, much of this traffic a result of (local) urban and rural development located in and around this centre. The RW Corkery & Co Pty Ltd March 2013 Statement of Environmental Effects (SEE) in support of the EMS quarry at Dorrigo states on page 39, inter alia:

"The Proposal would effectively double the approved weekly traffic levels attributable to the Quarry on Old Coramba Road and Waterfall Way, by a maximum of 200 heavy vehicle movements or between 40 to 80 [trucks] per day.....The increased truck movements attributable to the Quarry would not significantly increase the daily levels of light and heavy vehicles on Waterfall Way.In terms of overall traffic, particularly during the period when products are being transported for the Pacific Highway upgrade, the product truck movements on Waterfall Way would represent approximately 1.9% to 5.7% of total traffic."

In contrast, and accepting this assessment scenario, the peak daily **quarry truck traffic from Sheridan's Hard Rock Quarry would be the equivalent to about one half of quarry truck generated by the EMS quarry.**

The RW Corkery & Co Pty Ltd March 2013 SEE also goes on to state on page 39:

"Again, the increase in truck numbers on the Waterfall Way would be noticeable to regular commuters on that road, however, the overall traffic levels would be well within the capacity of the road."

In contrast, the EIS proposes **no increase** to the currently permissible maximum daily truck numbers from the proponent's quarry at Hernani ie. a maximum 20 loaded trucks per day, a fact that Council's letter omits to mention, despite the fact that this is well documented in our EIS.

- **RMS Comments on EMS Quarry re: Waterfall Way:** It is also relevant to note that on page 38 and 39 of the 2013 (Bellingen) Council officers report on the EMS quarry expansion proposal, the function and role of Waterfall Way is made clear, where it states:

"At the date of this report, Waterfall Way is:

- *an unconditional 4.6m high vehicle route;*
- *not approved for road trains;*
- *an approved unconditional B-double route west of Dome Road, Dorrigo, and east of Short Cut Road, Raleigh; and*
- *an approved conditional B-double route west of Short Cut Road, Raleigh, and east of Darkwood Road, Thora.*

Registered vehicles complying with the above are permitted to drive along Waterfall Way and it is invariably a strategic planning matter for the RMS, and a political matter thereafter, to provide otherwise.

*The referral response received by Council from the RMS recognised issues associated with the intersection of Waterfall Way and Old Coramba Road South, and its interface with the Mount St John Catholic School. **No other matters were raised by the RMS concerning the safety and efficiency of the Waterfall Way.*** [Our emphasis]

The EIS seeks no increase in the maximum daily truck traffic limits currently applying to Sheridan's Hard Rock Quarry. Moreover, the quarry generates less traffic than that generated by the former potato farming activities on the Sheridan property.

- **Alleged Failure to Seek Advice of the RMS:** Council is critical of the fact that the RMS were not consulted as a part of the preparation of the EIS. Firstly, it is relevant that the EIS proposes no increase in the current limits imposed on maximum daily truck numbers from the quarry. Secondly, the RMS were actively involved in the earlier quarry application, approved in 2011, involving the same level of maximum daily truck numbers ie. no more than 20 loaded trucks per day. In fact, the RMS oversaw construction of the intersection improvements at Waterfall Way and the quarry haul route- similar to that recommended by the RMS in the case of the EMS quarry proposal. Moreover, the RMS was not specifically nominated in the Director General's Requirements as an agency that had to be consulted during preparation of the EIS. This allegation has no basis in fact.

- **Alleged Additional 179 Days of Quarry Operations:** Council's letter alleges that the quarry proposes to operate for an additional 179 days per annum.

This statement is illogical, wrong and misleading in the extreme, and shows a poor understanding of the quarry approvals process generally.

In fact, the **EIS clearly states that the proponent seeks to maintain existing approved hours of operation** ie. 7.00 am and 6.00 pm Monday to Friday and 7.00am to 1.00pm on Saturdays, excluding public holidays ie. an all-year round quarry operation. The existing quarry operates **all year round**, as is permitted under the existing consent. Refer page 15 of the EIS, as well as to Table 0.1 on page 5, Table 2.1 on page 16, Section 2.3.5 Hours of Operation and Workforce, all of which confirm this fact. As such, there is no corresponding need for there to be any restrictions on quarrying on Saturdays at Sheridan's Hard Rock Quarry. This allegation has no basis in fact, and is misleading.

■ 4. Conclusion

The claims contained in Council letter dated 1 April 2014 does not appear to be based on evidence, and contains numerous errors, allegations and insinuations regarding our client's proposal that need to be corrected as a matter of the public record.

The comments made in the Council letter dated dated 1 April 2014 are clearly at odds with known facts. They also appear to be clearly at odds with the Bellingen Council's assessment and subsequent approval late in 2013 of the EMS quarry at Dorrigo.

In that case, Bellingen Shire Council approved an expanded quarry at Dorrigo that allows up to a doubling of the number of heavy trucks on Waterfall Way (up to 80 loaded trucks per day). This quarry was permitted to increase quarry production to up to 120,000 cubic metres per annum.

In contrast, the Sheridan's Hard Rock Quarry seeks approval to achieve a modest increase in production to a much lower rate of extraction (ie. up to 73,600 cubic metres per annum) **without** involving any increase in the current limits imposed on daily quarry truck traffic levels ie. 20 loaded trucks per day.

In limiting daily maximum quarry truck numbers to those levels currently applicable under the existing Council consent, this should ensure that the proponent's expanded quarry operations will result in minimal additional truck traffic impacts on Waterfall Way. This is an outcome that accords with what we understand to be the wider community's wishes.

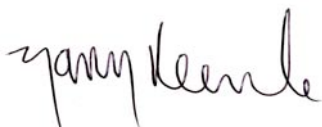
Moreover, and as stated in the EIS, much of the quarry products from Sheridan's Hard Rock Quarry will be supplied to markets to the west of the quarry, not to the east.

The proponent requests that Bellingen Shire Council provide the same professional, transparent and rigorous level of assessment of the EIS for Sheridan's Hard Rock Quarry as it has applied to other quarry projects within its own local government boundary.

Accordingly, it is requested that Council **withdraw its letter of 1 April 2014 and amend its advice** to Clarence Valley Council, if it so chooses, based on our clarification above. It would be appreciated if a copy of any amended advice be forwarded to Clarence Valley Council prior to it being reported to the JRPP meeting- expected in June 2014. It would also be appreciated if a copy of the same advice was also forwarded to our firm and to Sheridan's Hard Rock Quarry, as a matter of professional courtesy- refer to our respective email contact details below.

If you have any queries or require any further clarification please do not hesitate to contact the writer on 02 9262 3511 or 0418 242 762.

Yours sincerely



GARY PEACOCK, BTP (UNSW) DIRECTOR
OUTLINE PLANNING CONSULTANTS PTY LTD
gpeacock@outline.com.au

ON BEHALF OF SHERIDAN'S HARD ROCK QUARRY PTY LTD
shrquarry@bigpond.com

NOTE 1: The existing consent issued by Clarence Valley Council limits quarry truck traffic to a maximum of 20 loaded trucks per day. The consent, however, currently limits production to only 80,000 tonnes per annum. As stated on page 36 of the EIS, the current Council Consent permits a maximum of 20 loaded quarry trucks leaving the site each working day. Assuming the quarry operates for 50 weeks per annum (the quarry currently allowed to operate for 52 weeks per annum), and a maximum payload of 33 tonnes per truck load (ie truck and dog configuration) a maximum annual quarry production of 3,960 tonnes per week, or 198,000 tonnes per annum, is derived. This is a maximum only.

NOTE 2: The RW Corkery & Co Pty Ltd March 2013 Statement of Environmental Effects in support of the EMS quarry states on page 38, inter alia:

"Traffic data sourced from the NSW Roads and Maritime Services (RMS) show the annual average daily traffic (AADT) on waterfall way, approximately 2.2km east of Old Coramba Road was 2095 vehicles per day in 2010, with 8.6% of this traffic being heavy vehicles."



Outline Planning Consultants Pty Ltd
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29 May 2014

Council Ref: DA 2014/0098

The General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

By email

Attention: Mr Patrick Ridgway, Senior Planner

Dear Sir,

RESPONSE TO SUBMISSIONS MADE: EIS PROPOSED EXPANSION OF EXISTING HARD ROCK QUARRY, LOT 62 & 63 DP 752807, No. 242 FAHEYS & BULGINS ROAD, HERNANI, NSW

1. Introduction

Outline Planning Consultants Pty Ltd act on the instructions of Sheridan's Hard Rock Quarry (the proponent). The land the subject of the application/EIS comprises Lot 62 & 63 in Deposited Plan 752807, No. 242 Faheys & Bulgins Road, Hernani, west of Dorrigo (the site). The proponent currently undertakes hard rock extraction from the site.

The existing quarry operates pursuant to the consent issued by Clarence Valley Council (DA 2010/0358) (as modified) and is also subject to Environment Protection Licence Number 20077, issued by the NSW EPA. The existing quarry consent allows extraction of up to a maximum of 30,000 cubic metres (approx. 80,000 tonnes) of quarry product per annum. The EIS seeks consent to allow extraction of up to a maximum of 73,600 cubic metres (approx. 198,000 tonnes) of quarry product per annum.

Importantly, the existing consent limits the quarry operation to a maximum of up to 20 loaded trucks per day (ie. 40 truck movements per day), the same as that applicable under the existing Council consent DA 2010/0358, as modified. The EIS seeks no change to this limit on daily truck quarry traffic, maintaining the existing approved limit of 20 loaded trucks per day (maximum). This will involve a shift to more loads being transported by truck and dog (typical loads of 33 tonnes) rather than by single trucks (typical loads of 11.5 to 13 tonnes), a change that will enable more quarry product to be shifted per load without increasing overall truck numbers *per se*. At a limit of 20 loaded trucks per day a truck and dog configuration can carry up to 2.8 times the volume of material than that transported by a single axle quarry truck.

Following exhibition of the EIS Council has received a number of submissions and have furnished our firm with copies of these submissions. Our clients have requested that we write to Council, to clarify some of the concerns and issues raised in those submissions. Some of the submissions by individuals have relied on the comments and figures presented in the submission made by Bellingen Shire Council dated 1 April 2014.

■ 2. Submissions by Individuals/Others

The accompanying table summarises the issues raised in submissions made by individuals or other groups. No names have been provided, so each submission is dealt with in the order that it was furnished to our firm by Clarence Valley Council on 16 May 2014.

Submission No.	Response to Submission
<p>1. DOC No. 1257431: Submission on behalf of Estate of DE Coward, Cornells Road, Hernani. We are advised by the Sheridans that the subject land has about 500m frontage to Cornells Road, this part of the haul route having a gravel surface. The land is vacant and used for the grazing of cattle + cattle yard.</p> <p>The submission seeks to ensure that the potential for dust being generated by quarry truck traffic is minimised.</p> <p>The submission also notes that <i>“when working previously in the stockyards that the [quarry] drivers have shown due consideration.”</i></p>	<p>Noted. A generally favourable response to the proposed development, that notes the consideration shown by quarry truck drivers for others on or near the quarry haul route.</p> <p>Quarry truck drivers are instructed to adopt low speeds along the length of the haul route from the quarry to the intersection of Waterfall Way. This practice will continue into the future, to ensure ongoing minimisation of dust nuisance from quarry truck traffic.</p>
<p>2. DOC No. 1257432(?): Submission by Bellingen Environment Centre.</p> <p><i>“Residents are concerned by the number of extra heavy vehicles on the Waterfall Way.....”</i></p> <p>An extension to the exhibition was requested [and granted by Clarence Valley Council, until 12 May 2014]</p>	<p>Noted.</p> <p>The concerns relate to additional truck numbers on the Waterfall Way. On this point, the EIS expressly proposes <u>no increase</u> to the currently permissible maximum daily truck numbers from Sheridan’s Hard Rock Quarry at Hernani ie. a maximum 20 loaded trucks per day. It is also relevant to note that in october 2013 Bellingen Shire Council approved the expansion of a quarry at Dorrigo that allows up to a doubling of the number of heavy trucks on Waterfall Way (up to 80 loaded trucks per day). This quarry was permitted to increase quarry production to up to 120,000 cubic metres per annum (vs 73,600 cubic metres sought by Sheridan’s Hard Rock Quarry in the EIS- a much more modest quarry expansion that seeks no increase in daily quarry truck numbers).</p> <p>To clarify perceived impacts on the Waterfall Way (in particular in the Bellingen Valley below), the existing quarry serves markets within a wide range of the quarry, the quarry product sought after because of its high quality.</p> <p>Since establishment, the main market- roughly equivalent to about 60% of all production from the quarry- has been to the west (refer page 23 of the EIS), rather than to the east, down the steep section of the Waterfall Way.</p> <p>During those periods when some quarry products are being transported for the Pacific Highway upgrade to the east, the product truck movements on the Waterfall Way would represent up to between 0.9% to 2.8% of total traffic- the latter figure assumes that all quarry traffic would be serving the highway upgrades below (most unlikely). These truck numbers would perhaps be noticeable to regular commuters on that road, however, the overall traffic levels, measured against existing traffic levels, would still be very low.</p>

Submission No.	Response to Submission
<p>3. DOC No. 1257433: Submission by landowner Martells Road, Urunga, who lives opposite where the Urunga Bypass is currently under construction. The submission states, inter alia:</p> <p><i>“Construction of the bypass is an economic boom to this area, from macksville in the south to Coffs harbour in the north and this should be taken into consideration.</i></p> <p><i>Some vocal residents in Bellingen have been complaining about the extra truck movements through their town yet they have little inconvenience compared to me and the other residents of Urunga who are affected by construction. I would hope that their minor inconvenience would not be an impediment to the approval of the above development application.</i></p> <p><i>I give my full support to the above development application so that the construction of the Urunga Bypass may be completed as quickly and efficiently as possible.”</i></p>	<p>Support for the development application is noted.</p> <p>It is also relevant to note that the EIS proposes <u>no increase</u> to the currently permissible maximum daily truck numbers from Sheridan's Hard Rock Quarry at Hernani ie. a maximum 20 loaded trucks per day.</p>
<p>4. DOC No. 1257434(?): Submission requesting a detailed traffic study of the haul route east of Dorrigo and requests more care by quarry truck drivers during school bus times.</p>	<p>Noted. The traffic study in the EIS builds on the previous traffic study, noting the improvements to the haul route from the quarry to the Waterfall Way since the time of the earlier 2010 roads audit. The intersection of the haul route with the Waterfall Way has been since upgraded at the expense of Sheridan's Hard Rock Quarry, as requested by the RMS. The development application seeks no further increase in daily truck numbers along the haul route. Currently about 60% of product from Sheridan's Hard Rock Quarry serves markets to the west, not the east.</p> <p>Regarding school bus times, Consent Condition 33 provides that there will be no quarry trucks allowed on the road network within 15 minutes before and after the morning and afternoon school bus runs. The Quarry Operator has established the relevant times in consultation with the bus service operator. Quarry truck drivers are instructed on school bus movements during the above times and the restrictions applicable. This forms a part of the Driver Code of Conduct for all truck using the quarry.</p>

Submission No.	Response to Submission
<p>5. DOC No. 1257436: Submission entitled "Road safety for the Waterfall Way". Some of the points raised in this submission include the following:</p> <ul style="list-style-type: none"> • There will be a 2.47 times increase in quarry production. • The submission claims that the quarry has proposed in the EIS <i>"to increase their working days by 179 days and the implications of such an expansion in terms of truck numbers"</i>. • <i>"...the Environmental Impact Statement only deals with activity around the quarry and does not discuss the number of trucks or their impact."</i> • <i>"...our calculations according to the figures made available comes out at 350 laden trucks, doubled by empty trucks equalling 700 extrac truck movement and additionally 400 truck movements from EMS Dorrigo."</i> <p>Concerns were also expressed about road safety on the Waterfall Way, east of Dorrigo and down to Bellingen.</p>	<p>Noted.</p> <p>A closer reading of the EIS would reveal that this assertion has no substance in fact. The application seeks to increase quarry production, from 30,000 cubic metres p.a. to 73,600 cubic metres p.a. (a 1.47 times increase in production proposed) however no increase in daily quarry truck numbers is proposed. There is no correlation- let alone any logic shown- between the increased production proposed and the unsubstantiated claim that there will be a 2.47 times increase in truck movements (see below).</p> <p>This claim is without foundation and does not reflect the facts (or an impartial reading of the EIS document). In regard to the first part of the claim, the EIS clearly states that the proponent seeks to maintain existing approved hours of operation ie. 7.00 am and 6.00 pm Monday to Friday and 7.00am to 1.00pm on Saturdays, excluding public holidays ie. <u>an all-year round quarry operation</u>. There is no proposed increase in the operating days/times of the quarry. On the second point, the development application proposes no expansion in terms of daily truck numbers.</p> <p>The EIS contains numerous references to truck numbers proposed (ie. no more than 20 loaded trucks per day). The EIS is also accompanied by a detailed traffic impact assessment, prepared by traffic consultants RoadNet Pty Ltd.</p> <p>The EIS contains no such calculations. The source of these erroneous calculations is not disclosed in the submission. It is not even clear what period of time the calculations are claimed to apply to, however, it is understood that Bellingen Shire Council's consent to the expansion of the EMS quarry at Dorrigo will allow up to 80 loaded quarry trucks per day (Bellingen Shire Council consent condition number 7(a)). In contrast, the development application seeks to maintain the current daily limit on trucks from Sheridan's Hard Rock Quarry to only 20 loaded trucks per day, the same as that currently applying pursuant to Clarence Valley Council consent for DA 2010/0358.</p> <p>Noted. It is the responsibility of all drivers travelling on this road to exercise appropriate care. It is also relevant that on page 23 of our EIS we clarify the split between east-bound and west-bound quarry truck traffic:</p> <p><i>"The existing quarry serves markets within a wide range of the quarry, the quarry product sought after because of its high quality. Since establishment, the main market- roughly equivalent to about 60% of all production- has been to the west. More recently, the quarry has started providing hard rock material to highway projects on the coast."</i></p>

Submission No.	Response to Submission
<p>6. DOC No. 1275512: Submission objecting to the poor condition of the haul route to Waterfall Way and claimed breaking of curfew hours by the quarry operator.</p>	<p>Noted. Following a detailed road audit of the haul route from Waterfall Way to the quarry site, undertaken as a part of the original quarry development application, consent DA 2010/0358 required the significant upgrading of the quarry haul route back to the Waterfall Way- including the upgrading of the intersection of Waterfall Way. These significant upgrades benefit not only the quarry operator, but all users of this road. In fact, and as detailed in the EIS, the proponent has undertaken even more upgrades of the road, well beyond that required by Council in DA 2010/0358, including sealing significant lengths of the road on or near the two rural residences nearest to it (almost 1.2km of road sealing and widening). The EIS is accompanied by a detailed traffic impact assessment, prepared by traffic consultants RoadNet Pty Ltd. It shows that the existing haul route, only recently upgraded by the proponent following approval of the quarry in 2011, is more than adequate to accommodate the traffic flows predicted.</p> <p>The proponent, who drives a quarry truck, advises that he drives to and from the quarry site at various times outside the normal hours of operation to check security and machinery/equipment at the quarry and to do paperwork in the quarry office. The proponent also transports organic waste from near his cattle yards, near the quarry, to other parts of his farm. This activity is not associated with quarrying but for agriculture- a use permitted on the site without consent. The proponent is permitted to lawfully travel along the subject road because it is a public road. In short, there are no apparent limitations on such activities. We are advised that truck drivers regularly come early to the quarry to have breakfast with the quarry operator and to run through the job sheets for the day, prior to the quarry opening.</p> <p>The quarry operator advises that about a month ago, a trucking contractor came early to the site, to urgently provide material for a train derailment that had just occurred at Nambucca Heads (3 loads) - an emergency measure only. Graham Sheridan immediately contacted his neighbour to advise him of this fact.</p>
<p>7. DOC No. ?: Submission dated 11 May 2014 objecting to the development application.</p> <p>Similar concerns and assertions are made as for Submission No. 5 above (DOC No. 1257436).</p> <p>The submission reiterates similar concerns as the submission by Bellingen Shire Council dated 1 April 2014- the contents of this submission leaked to the local newspapers in April 2014.</p> <p>Concerns expressed regarding safety of traffic movements on Waterfall Way, inadequacy of the road for existing and future traffic volumes, and need for an audit of this road.</p>	<p>Noted.</p> <p>Refer to response to Submission No. 5.</p> <p>Refer to our response to submission made by Bellingen Shire Council dated 1 April 2014.</p> <p>Noted. The RMS assessed the original quarry application to open a quarry on the site. Following advice from Council engineers and the RMS, consent DA 2010/0358 required the significant upgrading of the quarry haul route back to the Waterfall Way, including the upgrading of the intersection of Waterfall Way- the latter works supervised by the RMS to their satisfaction. Consent DA 2010/0358 was based on a limit of 20 loaded trucks per day using the local and regional road network. The EIS proposes no change to these maximum daily truck limits.</p>

Submission No.	Response to Submission
8. DOC No. ?: Undated submission objecting to the development application on grounds of safety for users of the Waterfall Way (at Bellingin, given the reference to main streets impacts “ <i>and coffee outside the many cafes</i> ”) and claimed additional quarry truck traffic on this road arising from the proposed development.	Noted. Refer to response to Submission No. 7 and to our response to the submisison made by Bellingin Shire Council.
9. DOC No. ?: Undated submission objecting to the development application on grounds of safety for users of the Waterfall Way (video supplied)	Noted. Refer also to response to Submission No. 7.
<p>10. DOC No. 1280747: Submission to/from(?) Michelle Close received by Council on 12 May 2014, objecting to the proposed expansion of the quarry and intensification of quarry truck traffic.</p> <p>Concern that “the section of Waterfall Way from the top of Dorrigo Mountain to the eastern side of the town of Bellingin is unsuitable for use by gravel trucks of the kind used by the quarry operator.’</p>	<p>Noted. Refer also to our response to Submission No. 7 and to our response to the submisison made by Bellingin Shire Council.</p> <p>This statement is at odds with the recent conditional approval by the RMS of:</p> <ul style="list-style-type: none"> The establishment of Sheridans Hard Rock Quarry, in 2011. The RMS required, inter alia, an upgrading of the intesection of the quarry haul route with Waterfall Way and warning signs as a condition of approval. This upgrading is now complete. At the Council meeting of 19 April 2011 Council officers reported as follows regarding comments from the (then) RTA: <i>“Comments have been received by the RTA in regards to the proposal. The RTA has no objection to the development but has required upgrading of the intersection of Bald Hills Road with the Waterfall Way and the erection of warning signs along the Waterfall Way. The development would be required to comply with the RTA requirements.”</i> The expansion of the EMS quarry at Dorrigo. Bellingin Shire Council approved an expanded quarry at Dorrigo that allows up to a doubling of the number of heavy trucks on Waterfall Way (up to 80 loaded trucks per day, a doubling of that previously approved by the local council). This quarry was permitted to increase quarry production to up to 120,000 cubic metres per annum (vs the proposed 73,600 cubic metres p.a. and limit of 20 loaded trucks per day at Sheridan’s Hard Rock Quarry). Despite the assertion made in this submission, at no time has the EMS quarry owner/operator ever had, or sought, approval to operate on Saturdays.

In addition to the above, it is worthwhile noting the advice that Bellingin Shire Council provided in respect of the assessment (and subsequent approval in October 2013) of the proposed expansion of the EMS quarry at Dorrigo, to the east of Sheridan’s Hard Rock Quarry, approved by Bellingin Shire Council in October 2013. This proposal involved a doubling of the number of loaded quarry trucks utlising the Waterfall way- up to 80 loaded trucks per day permitted. On page 38 and 39 of the 2013 (Bellingin) Council officers report on the EMS quarry expansion proposal, the function and role of Waterfall Way is made clear by council officers, where it states:

- “At the date of this report, Waterfall Way is:*
- an unconditional 4.6m high vehicle route;*
 - not approved for road trains;*

- an approved unconditional B-double route west of Dome Road, Dorrigo, and east of Short Cut Road, Raleigh; and
- an approved conditional B-double route west of Short Cut Road, Raleigh, and east of Darkwood Road, Thora.

*Registered vehicles complying with the above are permitted to drive along Waterfall Way and it is invariably a strategic planning matter for the RMS, and a political matter thereafter, to provide otherwise. The referral response received by Council from the RMS recognised issues associated with the intersection of Waterfall Way and Old Coramba Road South, and its interface with the Mount St John Catholic School. **No other matters were raised by the RMS concerning the safety and efficiency of the Waterfall Way.***

For the EMS quarry proposal the RMS submission requested improvements to the intersection of the quarry haul route and Waterfall Way, along with other local road improvements. No other restrictions were suggested on the size of the quarry or truck numbers.

■ 3. Submission by Bellingen Shire Council

Outline Planning consultants Pty Ltd has only this month been furnished with a copy of the submission made by Bellingen Shire Council, dated 1 April 2014, to Clarence Valley Council in respect of the proposed development. Bellingen Shire Council's submission contains a number of fundamental errors, allegations and insinuations, being at odds with known facts, as well as with its own assessment and subsequent approval in October 2013 of the expansion of the EMS quarry at Dorrigo.

In that case, Bellingen Shire Council approved an expanded quarry at Dorrigo that allows up to a doubling of the number of heavy trucks on Waterfall Way (up to 80 loaded trucks per day). This quarry was permitted to increase quarry production to up to 120,000 cubic metres per annum.

In contrast, the Sheridan's Hard Rock Quarry seeks approval to achieve a modest increase in production to a much lower rate of extraction (ie. up to 73,600 cubic metres per annum) **without** involving any increase in the current limits imposed on daily quarry truck traffic levels ie. 20 loaded trucks per day.

In limiting daily maximum quarry truck numbers to those levels currently applicable under the existing Council consent, this should ensure that the proponent's expanded quarry operations will result in minimal additional truck traffic impacts on Waterfall Way. This is an outcome that accords with what we understand to be the wider community's wishes.

Moreover, and as stated in the EIS, much of the quarry products from Sheridan's Hard Rock Quarry will be supplied to markets to the west of the quarry, not to the east.

Refer to attached letter, which is to be treated as our response to this submission. In a letter dated 23 May 2014 Outline Planning Consultants Pty Ltd has written to Bellingen Shire Council in these terms, requesting that Council withdraw the letter of advice and amend its submission accordingly.

■ 4. Submission by EPA

The EPA have provided Council with its general terms of Approval for the proposed expansion of the subject quarry at Hernani.

If you have any queries relating to the above matter please do not hesitate to contact the writer.

Yours sincerely

GARY PEACOCK, DIRECTOR

A handwritten signature in black ink, appearing to read 'Gary Peacock', written in a cursive style.

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Notice No: 1521265

Mr Pat Ridgway
Development Planner
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: Pat Rigeway

Notice Number 1521265
File Number EF13/4318
Date 24-Apr-2014

SCANNED

DOC #	_____
DOC LOG.	_____
G	30 APR 2014
CLARENCE VALLEY COUNCIL	

Re: Sheridans Hard Rock Quarry Expansion Proposal - DA2014/0098

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the above proposal received by the Environment Protection Authority (EPA) on 17 March 2014.

EPA has reviewed the information provided and has determined that it is able to issue General Terms of Approval (GTA) for the proposal. Sheridan's Quarry presently holds an Environment Protection Licence (EPL) with the EPA. The applicant will need to make a separate application to EPA to vary this licence to accommodate the proposed changes outlined in the DA.

The GTA for this proposal are provided at Attachment A. If Clarence Valley Council grants development consent for this proposal these conditions should be incorporated into the consent.

These GTA relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its GTA need to be modified in light of the changes.

In assessing the proposal EPA has identified a number of general issues of concern that Clarence Valley Council may wish to consider in its overall assessment of the application. These issues are discussed in Attachment C and include:

1. Soil & Water Management
2. Rehabilitation

If you have any questions, or wish to discuss this matter further please contact Scott Ensbey on 66402522.

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Notice No: 1521265

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Graeme Budd', written over a horizontal dotted line.

Graeme Budd

Head Environmental Management Unit

North - North Coast

(by Delegation)

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Notice No: 1521265

ATTACHMENT A

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2014/0098 submitted to the EPA on 17 March 2014;
- the document *Environmental Impact Statement - Sheridan's Hard Rock Quarry, Hernani NSW, March 2014* relating to the development; and
- any additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L2.4 Water Discharge Concentration Limits

EPA Monitoring Point 1 - Discharge from sediment basin

Pollutant	Units of measure	100 concentration	%
Total Suspended Solids	mg/L	50.	
pH	pH units	6.5 - 8.5	
Oil and grease	mg/L	0	

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L2.5 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 84.8 mm in total falling over any consecutive five day period.

L3 Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 Operational noise from the premises must not exceed an LAeq (15 minute) noise emission criterion of 35 dB(A).

L4.2 Noise from the premises is to be measured at Noise Monitoring Location 1 (Braund residence) as identified in the Noise Impact Assessment developed by *Vipac Engineers and Scientists* (18 February 2014).

L4.3 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- Wind Speeds greater than 3 metres/second at 10 metres above ground level; or
- Temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Temperature inversion conditions greater than 3°C/100m.

Noise impacts that may be enhanced by temperature inversions must be addressed by:

- documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
- where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

L5 Hours of operation

L5.1 All construction and operational work at the premises must only be conducted between 7am and 6pm Monday to Friday, and 7am to 1pm Saturday, and at no time on Sundays or Public Holidays.

L6. Blasting

Time of blasting

L6.1 Blasting operations on the premises may only take place between 9am and 3pm Monday to Friday. Blasting in or on the premises must not take place on Saturdays, Sundays or Public Holidays without the prior approval of the EPA.

L6.2 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

L6.3 L5.4 All sensitive receivers are to be given at least 24 hours notice when blasting is to be undertaken.

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Overpressure

L6.4 The overpressure level from blasting operations on the premises must not exceed:

- a. 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
- b. 120dB (Lin Peak) at any time,

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

L6.5 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed:

- a. Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- b. Exceed 10mm/s at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Frequency of blasting

L6.6 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

Operating conditions

01. Dust

01.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02. Stormwater/sediment control

02.1 An updated Soil and Water Management Plan (or similar) must be developed for the site and submitted to the EPA on application for a variation of Environment Protection Licence 20077.

- The SWMP must be guided by the 'Blue Book' (*Managing Urban Stormwater - Soils and Construction*, Volumes 1 and 2E).
- The SWMP must detail how all stormwater generated from a 5-day rain event of up to 84.8mm can be captured and treated prior to discharge.
- The SWMP must include calculations for the sizing of sediment basins during the different stages of the quarry's life cycle and include the location/s of any discharge points from the sediment basin/s.
- The SWMP should also include a water balance that demonstrates how the sediment basin/s designed for the site can adequately cater for quarry process water storage without compromising the basins ability to meet its design stormwater management functions outlined above.

02.2 The applicant must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

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O2.3 The applicant must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

O2.4 The applicant must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.

O2.5 The applicant must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:

- a) the clear identification of each sediment basin and discharge point;
- b) the collection of representative samples of the water discharged from the sediment basin(s); and
- c) access to sampling point(s) at all times by an authorised officer of the EPA.

O2.6 The applicant must endeavour to maximise the reuse of captured stormwater on the premises.

O2.7 Each sedimentation basin must have a marker (the "sediment basin marker") that identifies the upper level of the sediment storage zone.

O2.8 Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the licensee must take all practical measures as soon as possible to reduce the level of liquid and other material in the sedimentation basin.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- a. in a legible form, or in a form that can readily be reduced to a legible form;
- b. kept for at least 4 years after the monitoring or event to which they relate took place; and
- c. produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a. the date(s) on which the sample was taken;
- b. the time(s) at which the sample was collected;
- c. the point at which the sample was taken; and
- d. the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 The applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

EPA Discharge Point 1

Pollutant	Units of measure	Frequency
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Total Suspended Solids	mg/L	Special Frequency 1.
pH	pH units	Special Frequency 1
Oil and grease	mg/L	Special Frequency 1

< *Special Frequency 1* > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 84.8 mm over any consecutive five day period.

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:

- a. the Approved Methods Publication; or
- b. if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

M4. Environmental monitoring

M4.1 The applicant is required to install and maintain a rainfall depth measuring device.

M4.2 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.

Note: The rainfall monitoring data collected in compliance with Condition M4.2 can be used to determine compliance with L2.4.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

- Extractive Activities;
- Crushing, Grinding and/or separating of extracted materials.

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a Statement of Compliance; and
- a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on (in relation to the surrender of a licence) the date when notice in writing of approval of the surrender is given; or (in relation to the revocation of the licence) the date from which notice revoking the licence operates.

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Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;

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- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

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ATTACHMENT C - GENERAL ISSUES OF CONCERN

1. Soil and Water Management Plan (SWMP)

The applicant has not provided an updated SWMP as requested under Section E-4 of the EPA's Environmental Impact Statement requirements issued to the applicants consultant (Gary Peacock) on 26 February 2014.

EPA acknowledges that soil and water management issues have been partially addressed in sections 2.3.6, 2.3.9, 5.4 and Annexure 8 of the EIS.

However, the EPA is concerned that the information is deficient in the following areas:

a. Inappropriate sediment basin sizing

The sediment basin size appears to be calculated using the 80th percentile, 5-day rainfall depth for Dorrigo. Under this scenario, the basin is sized to contain all runoff generated from a 5-day rainfall event of up to 49.3 millimeters.

Volume 2E (Mines and Quarries) of the 'Blue Book' specifies that the minimum design criteria for erosion and sediment control measures at mines and quarries with land disturbance periods greater than three years must be based on at least 90th percentile criteria. Under this scenario, the quarry's basin/s must be designed to capture a 5-day rainfall depth of 84.8mm.

b. Use of sediment basin for storing process water

Section 2.3.9 of the EIS states that "...The system will be a closed system with water used for dust suppression eventually flowing back into the sediment dam. The only real loss will be from evaporation..."

The EPA supports the reuse of stormwater on site for quarry processes and dust suppression. However, the use of the basins as a process water storage medium must not compromise the basins ability to perform its designed ERSED functions. The volume of water required for process purposes and dust suppression and quarry processes is currently unknown. It is not apparent in the EIS what this required storage volume is, or if/how this volume is factored into the design parameters the basins.

Basin design is reliant on a 5-day rainfall management regime whereby the basins will be treated and emptied within the 5-day period following a rainfall event. On the current information presented, the use of the basin/s as a permanent water storage facility will compromise the basin/s ability to treat stormwater unless this additional purpose is accurately accounted for. This issue needs to be addressed and should include conducting a water balance to accurately calculate the daily volume of water required for reuse. If the sediment basins cannot adequately store this water, then an alternative water storage arrangement needs to be developed.

c. No clearly defined sediment basin location for each stage of the development;

To address the issues raised in a, b and c above, the EPA has required (in condition O2.1) that an updated SWMP (or similar) be developed for the site.

2. Quarry Rehabilitation

The applicants intentions for quarry rehabilitation for the quarry are not clearly conveyed in the EIS. The lack of staged rehabilitation over the life of the quarry may result in subsequent erosion and sediment control issues.

The EPA recommends that Council require the applicant to develop staged rehabilitation plan for the quarry (if it doesn't already exist) as part of conditions of consent, if project approval is granted.

General Terms of Approval - Issued



Notice No: 1521265

Mr Pat Ridgway
Development Planner
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attention: Pat Rigeway

Notice Number 1521265
File Number EF13/4318
Date 24-Apr-2014

SCANNED

DOC #	_____
DOC LOG.	_____
G	30 APR 2014
CLARENCE VALLEY COUNCIL	

Re: Sheridans Hard Rock Quarry Expansion Proposal - DA2014/0098

Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the above proposal received by the Environment Protection Authority (EPA) on 17 March 2014.

EPA has reviewed the information provided and has determined that it is able to issue General Terms of Approval (GTA) for the proposal. Sheridan's Quarry presently holds an Environment Protection Licence (EPL) with the EPA. The applicant will need to make a separate application to EPA to vary this licence to accommodate the proposed changes outlined in the DA.

The GTA for this proposal are provided at Attachment A. If Clarence Valley Council grants development consent for this proposal these conditions should be incorporated into the consent.

These GTA relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its GTA need to be modified in light of the changes.

In assessing the proposal EPA has identified a number of general issues of concern that Clarence Valley Council may wish to consider in its overall assessment of the application. These issues are discussed in Attachment C and include:

1. Soil & Water Management
2. Rehabilitation

If you have any questions, or wish to discuss this matter further please contact Scott Ensbey on 66402522.

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Notice No: 1521265

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Graeme Budd', written over a horizontal dotted line.

Graeme Budd

Head Environmental Management Unit

North - North Coast

(by Delegation)

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ATTACHMENT A

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA2014/0098 submitted to the EPA on 17 March 2014;
- the document *Environmental Impact Statement - Sheridan's Hard Rock Quarry, Hernani NSW, March 2014* relating to the development; and
- any additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.

L2.2 Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L2.4 Water Discharge Concentration Limits

EPA Monitoring Point 1 - Discharge from sediment basin

Pollutant	Units of measure	100 concentration	%
Total Suspended Solids	mg/L	50.	
pH	pH units	6.5 - 8.5	
Oil and grease	mg/L	0	

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L2.5 The concentration limits in the above table do not apply to any discharge from the sediment basin (at Point 1) solely arising from rainfall measured at the premises exceeding 84.8 mm in total falling over any consecutive five day period.

L3 Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L3.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 Operational noise from the premises must not exceed an LAeq (15 minute) noise emission criterion of 35 dB(A).

L4.2 Noise from the premises is to be measured at Noise Monitoring Location 1 (Braund residence) as identified in the Noise Impact Assessment developed by *Vipac Engineers and Scientists* (18 February 2014).

L4.3 The noise limits set out in condition L4.1 apply under all meteorological conditions except for the following:

- Wind Speeds greater than 3 metres/second at 10 metres above ground level; or
- Temperature inversion conditions up to 3°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- Temperature inversion conditions greater than 3°C/100m.

Noise impacts that may be enhanced by temperature inversions must be addressed by:

- documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions;
- where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts under temperature inversions conditions should be developed and implemented.

L5 Hours of operation

L5.1 All construction and operational work at the premises must only be conducted between 7am and 6pm Monday to Friday, and 7am to 1pm Saturday, and at no time on Sundays or Public Holidays.

L6. Blasting

Time of blasting

L6.1 Blasting operations on the premises may only take place between 9am and 3pm Monday to Friday. Blasting in or on the premises must not take place on Saturdays, Sundays or Public Holidays without the prior approval of the EPA.

L6.2 The hours of operation for blasting operations specified in this condition may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.

L6.3 L5.4 All sensitive receivers are to be given at least 24 hours notice when blasting is to be undertaken.

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Overpressure

L6.4 The overpressure level from blasting operations on the premises must not exceed:

- a. 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and
- b. 120dB (Lin Peak) at any time,

The airblast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 10Hz should not be used for the purpose of measuring airblast overpressure.

Ground vibration (ppv)

L6.5 Ground vibration peak particle velocity from the blasting operations at the premises must not exceed:

- a. Exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and
- b. Exceed 10mm/s at any time,

when measured at any point within 1 metre of any affected residential boundary or other noise sensitive location such as a school or hospital.

Frequency of blasting

L6.6 Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

Operating conditions

01. Dust

01.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

02. Stormwater/sediment control

02.1 An updated Soil and Water Management Plan (or similar) must be developed for the site and submitted to the EPA on application for a variation of Environment Protection Licence 20077.

- The SWMP must be guided by the 'Blue Book' (*Managing Urban Stormwater - Soils and Construction*, Volumes 1 and 2E).
- The SWMP must detail how all stormwater generated from a 5-day rain event of up to 84.8mm can be captured and treated prior to discharge.
- The SWMP must include calculations for the sizing of sediment basins during the different stages of the quarry's life cycle and include the location/s of any discharge points from the sediment basin/s.
- The SWMP should also include a water balance that demonstrates how the sediment basin/s designed for the site can adequately cater for quarry process water storage without compromising the basins ability to meet its design stormwater management functions outlined above.

02.2 The applicant must maximise the diversion of run-on waters from lands upslope and around the site whilst land disturbance activities are being undertaken.

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O2.3 The applicant must maximise the diversion of stormwater runoff containing suspended solids to sediment basins installed on the premises.

O2.4 The applicant must ensure the design storage capacity of the sediment basins installed on the premises is reinstated within 5 days of the cessation of a rainfall event that causes runoff to occur on or from the premises.

O2.5 The applicant must ensure that sampling point(s) for water discharged from the sediment basin(s) are provided and maintained in an appropriate condition to permit:

- a) the clear identification of each sediment basin and discharge point;
- b) the collection of representative samples of the water discharged from the sediment basin(s); and
- c) access to sampling point(s) at all times by an authorised officer of the EPA.

O2.6 The applicant must endeavour to maximise the reuse of captured stormwater on the premises.

O2.7 Each sedimentation basin must have a marker (the "sediment basin marker") that identifies the upper level of the sediment storage zone.

O2.8 Whenever the level of liquid and other material in any sedimentation basin exceeds the level indicated by the sedimentation basin marker, the licensee must take all practical measures as soon as possible to reduce the level of liquid and other material in the sedimentation basin.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

- a. in a legible form, or in a form that can readily be reduced to a legible form;
- b. kept for at least 4 years after the monitoring or event to which they relate took place; and
- c. produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

- a. the date(s) on which the sample was taken;
- b. the time(s) at which the sample was collected;
- c. the point at which the sample was taken; and
- d. the name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 The applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

EPA Discharge Point 1

Pollutant	Units of measure	Frequency
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Total Suspended Solids	mg/L	Special Frequency 1.
pH	pH units	Special Frequency 1
Oil and grease	mg/L	Special Frequency 1

< *Special Frequency 1* > means sampling any discharge, whether controlled or otherwise, which has not occurred from rainfall exceeding 84.8 mm over any consecutive five day period.

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area required by condition **M2** must be done in accordance with:

- a. the Approved Methods Publication; or
- b. if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted, unless otherwise expressly provided in the licence.

M4. Environmental monitoring

M4.1 The applicant is required to install and maintain a rainfall depth measuring device.

M4.2 Rainfall at the premises must be measured and recorded in millimetres per 24 hour period, at the same time each day.

Note: The rainfall monitoring data collected in compliance with Condition M4.2 can be used to determine compliance with L2.4.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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Attachment B – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

- Extractive Activities;
- Crushing, Grinding and/or separating of extracted materials.

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

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The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a Statement of Compliance; and
- a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on (in relation to the surrender of a licence) the date when notice in writing of approval of the surrender is given; or (in relation to the revocation of the licence) the date from which notice revoking the licence operates.

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Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
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The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;

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- the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

General Terms of Approval - Issued



Notice No: 1521265

ATTACHMENT C - GENERAL ISSUES OF CONCERN

1. Soil and Water Management Plan (SWMP)

The applicant has not provided an updated SWMP as requested under Section E-4 of the EPA's Environmental Impact Statement requirements issued to the applicants consultant (Gary Peacock) on 26 February 2014.

EPA acknowledges that soil and water management issues have been partially addressed in sections 2.3.6, 2.3.9, 5.4 and Annexure 8 of the EIS.

However, the EPA is concerned that the information is deficient in the following areas:

a. Inappropriate sediment basin sizing

The sediment basin size appears to be calculated using the 80th percentile, 5-day rainfall depth for Dorrigo. Under this scenario, the basin is sized to contain all runoff generated from a 5-day rainfall event of up to 49.3 millimeters.

Volume 2E (Mines and Quarries) of the 'Blue Book' specifies that the minimum design criteria for erosion and sediment control measures at mines and quarries with land disturbance periods greater than three years must be based on at least 90th percentile criteria. Under this scenario, the quarry's basin/s must be designed to capture a 5-day rainfall depth of 84.8mm.

b. Use of sediment basin for storing process water

Section 2.3.9 of the EIS states that "...The system will be a closed system with water used for dust suppression eventually flowing back into the sediment dam. The only real loss will be from evaporation..."

The EPA supports the reuse of stormwater on site for quarry processes and dust suppression. However, the use of the basins as a process water storage medium must not compromise the basins ability to perform its designed ERSED functions. The volume of water required for process purposes and dust suppression and quarry processes is currently unknown. It is not apparent in the EIS what this required storage volume is, or if/how this volume is factored into the design parameters the basins.

Basin design is reliant on a 5-day rainfall management regime whereby the basins will be treated and emptied within the 5-day period following a rainfall event. On the current information presented, the use of the basin/s as a permanent water storage facility will compromise the basin/s ability to treat stormwater unless this additional purpose is accurately accounted for. This issue needs to be addressed and should include conducting a water balance to accurately calculate the daily volume of water required for reuse. If the sediment basins cannot adequately store this water, then an alternative water storage arrangement needs to be developed.

c. No clearly defined sediment basin location for each stage of the development;

To address the issues raised in a, b and c above, the EPA has required (in condition O2.1) that an updated SWMP (or similar) be developed for the site.

2. Quarry Rehabilitation

The applicants intentions for quarry rehabilitation for the quarry are not clearly conveyed in the EIS. The lack of staged rehabilitation over the life of the quarry may result in subsequent erosion and sediment control issues.

The EPA recommends that Council require the applicant to develop staged rehabilitation plan for the quarry (if it doesn't already exist) as part of conditions of consent, if project approval is granted.



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18 December 2013

Council Ref: DA 2010/0358 & MOD2011/0074

The General Manager
Clarence valley Council
Locked Bag 23
GRAFTON NSW 2460

By email

Attention Mr Clem Rhoden, Manager Development Services

Dear Sir,

**SHERIDAN'S HARD ROCK QUARRY No.242 FAHEYS & BULGINS ROAD, HERNANI:
ANNUAL QUARRY REVIEW**

■ 1.0 Introduction

Our firm acts on the instructions of Sheridan's Hard Rock Quarry. The land the subject of this Annual Quarry Review (Annual Review) is an approved, lawfully operating quarry. The quarry operator/owner, Sheridan's Hard Rock Quarry Pty Ltd currently operates a hard rock quarry from the land, comprising Lot 62 & 63 in Deposited Plan 752807, No. 242 Faheys & Bulgins Road, Hernani, west of Dorrigo, on the NSW North Coast (refer **Photo 1**). The land is generally cleared. On 28 November 2013 the quarry site was inspected by Council officers Messrs Pat Ridgway and Renan Solatan in the company of the quarry operator, Mr Graham Sheridan, Mr Craig Nethery traffic engineer from RoadNet and the writer.

This Annual Review details the operational and environmental management activities of Lynwood Quarry during the period 30 July 2012 to 31 July 2013. The report has been prepared in accordance with Planning Condition 7 of the Development Consent.

The site is located within a relatively remote rural area and has well established buffers around it. It is situated within a rural environment, surrounded by a mix of agriculture, native vegetation and isolated rural dwellings. The remoteness of the quarry site and distance from neighbouring dwellings acts to mitigate the impact of quarrying activities on the existing environment. The owner of the quarry owns a rural holding totalling 473ha, surrounding the quarry site.

■ 1.1 Consents and Licences

The existing quarry was granted Development Consent DA 2010/0358 by Clarence Valley Council on 4 May 2011, as modified on 21 February 2012, under the *Environmental Planning and Assessment Act 1979* (EP&A Act). The currently approved quarry has an area of 2ha. The existing Development Consent allows up to a maximum of 30,000 cubic metres (80,000 tonnes) of product per annum, with up to 20 loaded quarry trucks per day permitted.

The existing quarry operates under the terms of Environment Protection Licence (EPL) No.20077 to Sheridan's Hard Rock Quarry Pty Ltd for a Land Based Extractive Activity, issued by the NSW EPA under the provisions of Section 55 of the *Protection of the Environment Operations Act, 1997* (POE Act). Refer to **Annexure A** for cover page of issued EPL.

Further details relating to the management of quarry operations on the site are contained in the Quarry Plan of Management, prepared by Outline Planning Consultants dated November 2011, approved by Clarence Valley Council on 7 June 2012.

■ 1.2 Management of Quarry Operations

As the quarry operator, Sheridan's Hard Rock Quarry is responsible for all activities on-site and managing the functioning of the quarry and site personnel. It is their responsibility to ensure all environmental measures are in place and are being managed according to any issued Development Consent and currently approved Quarry Plan of Management. As the quarry operations have only just begun, no fundamental changes are proposed to the existing approved Quarry Plan of Management. The quarry operator is also responsible for the environmental practices undertaken by site personnel in performing their duties. They will oversee and manage all issues associated with the quarry including, but not limited to, the following:

- Implementation of Council's Development Consent (ie. DA 2010/0358, as modified) and the Council-approved quarry Plan of Management (approved by Clarence valley Council on 7 June 2012).
- Compliance with all relevant requirements of the EPL No. 20077 applicable to the existing quarry, issued by the NSW EPA and liaise with government agencies and relevant stakeholders.
- Ensuring all site safety protocols are in place.
- Implementation of Council's Development Consent (ie. DA 2010/0358, as modified) and the Council-approved Quarry Plan of Management (approved by Clarence valley Council on 7 June 2012).
- Undertake site inspections with the mines inspector, EPA and Council.
- Manage quarry pit works, stockpiles and onsite water and soil management.
- Contractor/employee/visitor management.
- Respond to environmental incidents.
- Plan and forecast future quarry development and associated works, as required.



PHOTO 1: Existing quarry processing plant at Sheridan's Hard Rock Quarry, Hernani NSW

Specific environmental controls implemented within the quarry include:

■ **Dust control.** On site measures used to reduce dust nuisance comprise: use of water sprays on processing plant and materials stockpiles, drawn from the existing large dam adjoining the quarry (**Photo 2**); use of a water tanker during dry and windy weather (within quarry and along haul route)(**Photo3**); the carrying out of blasting using sequential firing; and the proper maintenance of vehicles and equipment. Refer to accompanying photographs.



PHOTO 2: Existing large dam adjoining quarry



PHOTO 3: Water cart used to suppress dust

■ **Sediment and erosion control.** The sediment basin is located within the quarry pit. The sedimentation basin acts as the pit's sump. The quarry floor is angled to ensure that all water drains towards the sediment basin.



PHOTO 4: Existing quarry sediment dam- approx. depth 4m. No extraction beyond steel posts

Stormwater from upstream is diverted away from areas of disturbance via constructed diversion bank to the south of the quarry. Refer **Photo 6**. Further details are contained in the approved Quarry Plan of Management.

■ **Fencing and signage.** The quarry site is fenced. Gates and fences prevent unauthorised entry and be regularly inspected and repaired. Fencing is fitted with signage warning of the excavation. Locked gates are included in the fence line. Appropriate signage is provided at the entry to the quarry and along the haul route. Steel posts mark the northern extent of the quarry (**Photo 4 & 8**)

■ **Weed control.** Weed control measures will be taken at regular intervals or as required. Weeds are to be monitored throughout the duration of the project. Attention is to be given to controlling noxious weeds.

■ **Occupational Health and Safety, Training.** All quarry sites are considered workplaces and are subject to the *Occupational Health and Safety Act, 2000*. The quarry operators have a Health and Safety System in place, in accordance with the *Occupational Health and Safety Act, 2000*. It is the responsibility of the quarry operator for inducting each person on site in the relevant quarry work procedures before commencing work or visiting the quarry including:

- Relevant requirements of the approved Quarry Plan of Management.
- Roles and responsibilities.
- Environmental incident procedures.

While on-site, it is the responsibility of all employees, contractors and visitors to Sheridan's Hard Rock Quarry to:

- Follow all instructions of the Quarry Operator in terms of relevant quarry requirements contained within the Quarry Plan of Management, EPL and Council consent. All employees are to be suitably inducted in terms of the above requirements, including incident management.
- Be aware of Quarry Plan of Management requirements relevant to their work in and around the quarry.
- Act responsibly and not cause or allow anything to occur that may harm the environment (such as fuel spills, disturbance to plants and animals in vegetated area to the north of and below the quarry areas, uncontrolled dirty water runoff, or excessive noise).
- Act or undertake activities in safe manner.
- Notify management of any incident or accident that may potentially harm the environment or human health.

■ **Waste Disposal.** Small quantities of wastes will be generated throughout the life of the quarry project. Waste products likely to be generated by the quarry operations and method of management include:

- The supplier of replacement tyres will remove all redundant tyres.
- Bunded areas will contain any localised spillage of oils and greases from fuel stored on site. Refer Photo 5.
- Silt removed from the sediment dam will be incorporated into product stockpiles or overburden materials for use in progressive reclamation.
- Most quarry waste is collected and removed by a contractor.
- Other quarry wastes: quarry processing operations will produce waste rock material. They will be incorporated into other products or used in on-site rehabilitation, where practicable.



PHOTO 5: Bunding around fuel tank



PHOTO 6: Bunding around south side of quarry

■ 2.0 Summary of Operations to July 2013

■ 2.1 Construction & Quarry Establishment

In the Annual Reporting Period July 2012 to July 2013 the quarry was not operating on a commercial footing until January 2013. Prior to this, various construction activities were undertaken, including but not limited to the following:

- Upgrading of quarry haul route. This included reconstruction and widening of Faheys & Bulgins Road to a generally 2-lane rural road width (previously 1 lane width) over much of its length. This level of construction went well beyond the (simpler) road construction standard required by Council in the Development Consent for this part of the haul route. These roadworks were carried out by the quarry operator, at his own cost. The quarry operator regularly maintains the gravel haul route using his own grader, and also regularly waters this road (**Photo 6**). Roadworks undertaken also included an extensive upgrade of the intersection of the haul route with Waterfall Way, works overseen by and approved by NSW Roads & Maritime Services (RMS). Refer **Photo 7**.
- Construction of sediment basin within the quarry pit.
- Marking with steel posts the edge of the quarry, behind which no quarrying was to be undertaken. This is a requirement of Development Consent Ecology Condition 47. This condition required a zone 10m-15m from the edge of the rock scarp, to the north of the approved quarry, to be surveyed and clearly demarcated, to ensure that the scarp below was protected from the potential impacts arising from the quarry operations. Refer Photo 7.
- Construction of internal road and other works, including construction of a berm across the southern side of the quarry in order to divert flows around the quarry from upslope (**Photo 6**), construction of quarry sediment basin (**Photo 4**) and establishment of quarry processing area (**Photo 1**).
- Earthworks and clearing of vegetation. This also involves the removal of a thin layer of topsoil overlaying rock suitable for extraction. Much of the approved extraction area comprises exposed rock, with no topsoil or overburden material.

■ Completion of blasting and source of quarry material for processing. Blasting is undertaken in accordance with established practices on site. Existing mitigation measures are already in place on the currently approved quarry, the details of which are contained in the Council-approved *Quarry Plan of Management* (Outline Planning Consultants Pty Ltd November 2011). Blasting will continue to be strictly controlled in order to achieve compliant levels of ground vibration and airblast overpressure at the nearest rural dwelling to the west. Blast procedures and designs have been prepared in consultation with existing local blasting contractors to ensure:

- Relevant Council/EPA noise and overpressure (vibration) requirements are satisfied. Refer to **Annexure B** for the latest blast results, which show full compliance with blast/overpressure limits imposed.
- Safety is assured.
- The blasting achieves an adequate fragmentation of rock. This should not be a constraint, given the large size of blasts allowed in this remote rural location (a Maximum Instantaneous Charge (MIC) of 800kg is currently permitted at the quarry).

No explosives will be stored on site. Licensed contractors will continue to be utilised to convey, load, prime and detonate all explosives on site.

■ Purchase of quarry processing equipment, office, water storage and other ancillary structures/works required in order for quarrying to commence.



PHOTO 7: The quarry operator has fully funded the upgrading of the intersection of the haul road with Waterfall Way



PHOTO 8: steel posts have been placed within 10m-15m of the steep rocky scarp (indicated by yellow broken lines/arrows), on the northern boundary of the quarry, in order to protect areas downslope from the impacts of quarrying- refer Section 2.1 of this Annual Review.

■ 2.2 Quarry Products

Quarry products won from the quarry have a wide range of application in road building, construction, landscaping and infrastructure projects generally, including but not limited to the following:

- Road base (DGB20 base, DGS20 and DGS40 sub base). The road base meets and exceeds RMS 3051 specifications.
- High quality aggregates (5mm to 20mm). Aggregates used for surfacing of roads, asphalt, concrete, landscaping and road construction generally.
- Ballast, gabion rock, drainage aggregate, rock for coastal protection works, and the like.

The existing quarry serves markets within a wide range of the quarry, the quarry product sought after because of its high quality. Since establishment, the main market- roughly equivalent to about 60% of all production- has been to the west. More recently, the quarry has started providing hard rock material to highway projects on the coast.

Between establishment (January 2013) and 30 July 2013, the quarry has produced and exported 12,503 tonnes of quarry product.

■ 2.3 Quarry Activities

In addition to those activities identified in Section 2.1, other key components of the existing quarry operations include:

- A worked quarry pit providing basalt resources, which was established during the reporting period. This was undertaken as part of the civil works contract and involved drilling, blasting and earthworks to construct the working face and pit.
- Crushing and screening plant and associated product stockpiles.
- Truck loading with access point from the existing worked quarry area to Faheys & Bulgins Road (**Photo 9**).



PHOTO 9: Loading of quarry haulage vehicle with quarry product by front end loader November 2013

- Carry out blasting and crushing of quarry rock on site. All crushing and processing plant is currently mobile, to facilitate relocation in accordance with shifting quarry working areas, site layout and production requirement needs (**Photo 1**). The basalt is won by blasting, with the won material then crushed on site. Drilling contractors come on the site to drill holes for blasting and an explosive charge fired. Quarry benches will be progressively created.
- Following processing of the rock, the finished quarry products are transported from the quarry site by heavy vehicle to back to Waterfall Way and thence to markets. Condition 1 of the Council Development Consent allows up to 20 loaded trucks on any day (ie. up to 660 tonnes per day, depending on truck size) along the approved quarry truck haul route. This loaded quarry truck limit has been applied to all quarry truck traffic since establishment.
- Establishment of sedimentation and erosion control measures.

- Production of quarry products from Sheridan's Hard Rock Quarry is currently limited to a maximum of 30,000 cubic metres per annum, which equates to an equivalent of approximately 80,000 tonnes per annum.

The typical plant and equipment used at the quarry are set out in the accompanying table. Additional plant is brought in for larger quarry orders.

Table 1: Typical Quarry Plant & Equipment

Quarry Plant & Equipment	Quarry Phase	Where Used in Quarry
Komatsu 275 Bulldozer or similar	Construction and Operation	Work on topsoil, overburden or weathered rock, where encountered, as well as shaping of quarry pit, including roads, benches and drainage works generally.
Gardner Jenner 3500-BV or similar blast hole drill, air compressor unit, hand tools or similar	Construction and Operation	Blasting related work- pit only. Blasting of solid rock, after dozer removal of topsoil, overburden and weathered rock.
Doosan Excavator or similar	Construction and Operation	Pit, haul route. Excavator to be used to load (blasted) broken rock from the quarry face, following blasting event, into dump truck. May be used to build sediment ponds and other pit work.
Caterpillar Grader or similar	Construction and Operation	Haul route to pit- within and external to site.
Hitachi ZW220 Loader or similar	Construction and Operation	Pit, stockpiles, internal haul route. The Front End Loader will load up all haul trucks leaving the site with quarry product To be also used for moving stockpiles.
Sandvik QJ340 Tracked Jaw Crusher with CATC9 engine and QA331 Sandvik Screen + TESAB 10 Impact Crusher + Ezystack Radial Wheeled Conveyor and McCloskey 2055 Triple Deck Screener or similar	Construction and Operation	Processing plant in the quarry pit. Once a delivery of broken rock is made from the quarry face the rock material will then be crushed and screened into various grades of finished quarry product.
Kenworth T409SAR with Muscat tipping body + Muscat Tri-axle tipping dog trailer, or similar	Construction and Operation	Pit. Once the dump truck is loaded by the excavator at the quarry face with broken rock, it will then be driven to the processing plant for crushing. Finished quarry product will then be hauled from the site in these vehicles (or similar).
Flat drum 10 tonne Roller or similar; 1987 Isuzu 6 Wheel Watercart or similar	Construction and Operation	Haul route and plant area. Required when the plant site, stockpiles or haul road needs watering, in order to suppress dust, or in the case of the roller, to re-compact the road surface.

Over the life of the Project, the type make and model of plant will change according to a range of factors, including plant upgrades, manufacturers design improvements, or the addition of equipment provided by contractors. All practical measures are used to silence construction equipment, particularly in instances where extended hours of operation are required.

No quarry operations occur on Sundays or public holidays. Standard construction noise mitigation treatments involving operational management techniques (eg avoidance of mobile equipment clustering) and regular equipment maintenance will be employed to control the extent of the noise impacts around the processing plant site at the quarry pit level.

■ 3.0 Quarry Monitoring & Performance

■ 3.1 Survey Showing Extent of Quarry Activities

In accordance with Planning Condition 7(a) a site plan has been prepared by registered Jim O'Donohue. The survey results are addressed in the following points below. Refer **Annexure C** for survey plan.

- The extraction area at the date of report. The survey shows that the extraction area is currently well below the 2ha stipulated in the Development Consent.

However, it is noted that the quarry operator has followed a quarry extraction area defined by the steel posts that mark the 10m-15m buffer from the steep scarp below the quarry. No environmental consequences flow from this action, given that the buffers have been maintained, as required by the Ecology Condition 47 of Council's Development Consent, which states:

"47. The zone 10-15m from the edge of the rock scarp is to be surveyed and clearly demarcated with fencing on the top adjacent to the quarry and other suitable permanent measures elsewhere and is to be protected from any potential impacts arising from the quarry operations."

- The areas intended for extraction in the next twelve (12) months. This is more difficult to determine accurately. Much will depend upon demand for quarry products over the coming 12 months. However, the quarry operator has indicated that he intends to widen the base of the quarry, working in a generally easterly and southerly direction. Current production of quarry products from Sheridan's Hard Rock Quarry is currently limited to a maximum of 30,000 cubic metres per annum, which equates to an equivalent of approximately 80,000 tonnes per annum. Please be advised that the quarry operator will be lodging with Council in the New Year an EIS seeking the extraction of up to 198,000 tonnes per annum, with a much larger quarry footprint of approximately 5.7ha. Future quarry extraction will be dependent on how quickly the quarry operator can obtain consent for the expanded quarry.

- Sediment ponds. Now in place, within the worked quarry area (see also **Photo 4**). The sediment basin will be retained in its current location and expanded as the quarry itself expands.

- Stockpile sites.

- Overburden storage sites. Of the very small amount of overburden uncovered to date all of the material has been utilised in the construction of the berm around the southern boundary of the site (**Photo 6**).

- Erosion controls in place at the time of the report.

■ 3.2 Compliance with Council-approved Quarry Plan of Management

In accordance with Planning Condition 7(b) the state of compliance with the Plan of Management is required.

The quarry Plan of Management, prepared by Outline Planning Consultants dated November 2011, was approved by Clarence Valley Council on 7 June 2012. Refer **Annexure D**.

As quarrying has only recently commenced on the site, in early 2013, the quarry is yet to be fully developed. Given this, and having regard for the notes in 3.1 above and existing management of the quarry (refer, in particular to Section 1.2 above), it is considered appropriate for the the quarry operator to commit to working under the existing quarry Plan of Management, in its currently approved format. Further changes can be made once the quarry expands further and if more significant changes are made to the nature of quarrying on site warranting a change to the Plan of Management.

Table 2: Quarry Plan of Management Checklist

Planning/Engineering Condition Requirement	Assessment
<p>Operating details including: numbers, type and location (if fixed plant) of plant and machinery; numbers of employees on site and off site; stockpile and overburden storage areas; vehicle storage and refuelling areas; and fuel storage areas.</p>	<p>The first stage of the quarry, as set out in the Plan of Management, is still being developed. Existing quarry operations generally conformity with existing Plan of Management- Section 3. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations.</p>
<p>A plan identifying the sedimentation dam(s) at each proposed stage of the quarry operations. That is, as quarry expansions are proposed, any necessary relocation of sedimentation structures should be identified on the plan.</p>	<p>The first stage of the quarry, as set out in the Plan of Management, is still being developed. A sediment basin has been established, however, it has yet to reach the size as set out in the 1st stage of the quarry plan. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations.</p>
<p>A water quality monitoring program is to be implemented which assesses the quality of discharges from the sedimentation ponds as they occur. Details of measures for drainage or pumping from the dams after storm events are to be provided, including the time taken for the dams to empty.</p>	<p>Details are contained in the approved Plan of Management- Section 5. The first stage of the quarry, as set out in the Plan of Management, is still being developed. Existing quarry operations generally conformity with existing Plan of Management. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations.</p>
<p>Any proposals for the re-use of waste water from the dams is to be provided. Such water could be used for water of access roads and exposed areas to avoid dust nuisance.</p>	<p>Details provided in Section 4 of the Plan of Management. Existing quarry operations generally conformity with existing Plan of Management. The quarry operator regularly waters the quarry haul route, to minimise dust nuisance to rural residences along the haul route. Additionally, the quarry site is also watered to reduce dust nuisance.</p>
<p>Details of the monitoring program of ground vibration and airblast overpressure for blasting activities. Details to be recorded include MIC, airblast and vibration level and distance at which monitoring of the blast are conducted.</p>	<p>Details provided in Section 4 of the Plan of Management. The consent & EPL require airblast overpressure level from blasting operations in or on the premises must not exceed:</p> <ul style="list-style-type: none"> a) 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; and b) 120 dB (Lin Peak) at any time. At the most affected residence or noise sensitive receiver that is not owned by the licensee. <p>The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed:</p> <ul style="list-style-type: none"> a) 5mm/s for more than 5% of the total number of blasts carried out on the premises during each reporting period; and b) 10 mm/s at any time. At the most affected residence or noise sensitive receiver that is not owned by the licensee. <p>Monitoring was undertaken from the front gate of the Sheridan farm, approx. 820m west of the quarry pit.</p> <p>The quarry operations comply with applicable airblast and overpressure limits imposed, for the two blasts for this Annual Review period:</p> <ul style="list-style-type: none"> - Blast 12 September 2013: 100.9 dBL & 1.09 mm/sec. - Blast 19 November 2012: 88.0 dBL & 0.648 mm/sec. <p>Refer Annexure B for details of the above blasts.</p>

Full rehabilitation details, including fencing and signage details	The first stage of the quarry, as set out in the Plan of Management, is still being developed. Existing quarry operations generally conformity with existing Plan of Management- Sections 3 & 4. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations. Opportunities for future rehabilitation in the next 12 months will be remote due to early stage of quarrying currently achieved, both now and in the short-medium term.
Details of dust mitigation measures and monitoring program	Existing quarry operations generally conformity with existing Plan of Management- refer Section 3 & 4. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations, in particular Section 1.2, which deals with dust management.
Details of noise mitigation measures for fixed and mobile plant and machinery and monitoring programs	Existing quarry operations generally conformity with existing Plan of Management- refer Sections 3 & 4. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations, and Section 2.3 in particular.
Details of annual updated rate of extraction	12,503 tonnes of quarry product sold since establishment of the quarry, in January 2013, to 30 July 2013.
Details of a waste management plan	Details provided in Section 4 of the Plan of Management. Existing quarry operations generally conformity with existing Plan of Management.
Details of a code of conduct relating to the transport of materials on public roads, including a schedule so that haulage times do not coincide with school bus services	Details provided in Section 3.12 of the approved Plan of Management. Existing quarry truck traffic operations comply with this provision of the approved Plan of Management.
Details of erosion & sediment erosion control plan for quarry	The first stage of the quarry, as set out in the Plan of Management, is still being developed. Existing quarry operations generally conformity with existing Plan of Management- Sections 3 & 4. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations.

During the reporting period there have been no reportable incidents recorded within the quarry. The quarry operator regularly stays in regular contact with the owners of the two rural properties fronting Faheys & Bulgins Road.

■ 3.3 Compliance with Development Consent

In accordance with Planning Condition 7(b) the state of compliance with each condition of the Development Consent. Refer to accompanying Table 3 below.

Table 3: Compliance with Quarry Development Consent Conditions

Consent Condition Number	Assessment
Planning Condition	
1. Development to be in conformity with DA documentation	Generally complies. Refer to Section 3.1 regarding survey of quarry site. Quarry truck numbers do not exceed 20 loaded trucks per day-the maximum stipulated in the October 2010 RoadNet traffic report, referred to in this condition of consent. Blasting levels comply with air blast and overpressure standards set down in the consent, mirrored in the NSW EPA's Environment Protection Licence No.20077 to Sheridan's Hard Rock Quarry Pty Ltd for a Land Based Extractive Activity, issued under the provisions of Section 55 of the <i>Protection of the Environment Operations Act, 1997</i> (POE Act).

2. New approvals	To be sought in upcoming EIS application in support of an expanded quarry, to be submitted in New Year.
3. Approvals for new roadworks required	Sought and obtained, with roads now fully constructed, well in excess of Council specifications for Faheys & Bulgins Road works.
4. Quarrying to commence once all approvals obtained	Sought and obtained. Quarrying now underway on the site.
5. Approval of Quarry Plan of Management required	Prepared by Outline Planning Consultants in November 2011 and approval obtained from Council in June 2012. Refer to 3.2 for further details.
6. Quarrying to be undertaken in accordance with Quarry Plan of Management	Generally complies. Refer to 3.2 for further details.
7. Annual Update of Quarry Plan of Management & Development Consent	Generally complies. Refer elsewhere in this Annual Review for further details.
8. Extraction limit of 30,000 cubic metres (about 80,000 tonnes) pa	Complies. In this reporting period only 12,503 tonnes was extracted.
9. Extraction area not to exceed 2ha	Complies. The first stage of the quarry is still being developed.
10. Permanent survey markers required	Steel posts marking the northern extent of quarrying have been put in place and surveyed. All other parts of quarry have been surveyed.
11. All vehicles to be parked within site	Complies.
12. The hours of operation shall be limited to between 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm on Saturdays	Complies.
13. Hours of blasting to be restricted to 9.00am to 3.00pm Monday to Fridays.	Complies.
14. There is to be no quarrying, processing or transportation on Sundays or statutory public holidays. Council may permit access and operation outside of the periods identified in this consent for emergency purposes.	Complies.
15. Warning signs required	Complies.
16. Accurate records of extraction to be kept	Complies.
17. Aboriginal sites protocols to be followed	Complies.
18. No advertising sign is to be erected, painted or displayed without approval from Council.	Complies.
Engineering Conditions	
19. Development contribution to be paid based on \$0.21 per cubic metre, as adjusted	12,503 tonnes extracted for the review period, equivalent to 4,648 cubic metres. Calculated road contribution would be \$976.07 (2012 figure, unadjusted)

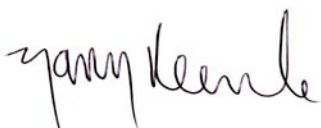
20-28. Quarry operator to design and construct all civil works, at own cost, in accordance with approved plans and construction certificates.	Complies. All relevant documentation prepared and roads now upgraded, including intersection with Waterfall Way. Refer Section 2.1 of this Annual Review.
30. That all quarry trucks are to travel via Bald Hills Road onto the Waterfall Way.	Complies.
31-43. Requirements for road works	Complies. All relevant documentation prepared and roads now upgraded, including intersection with Waterfall Way. Refer Section 2.1 of this Annual Review.
44-45. Trafficability of haul route to be assured, during dry weather and wet weather	Complies. The quarry operator regularly waters the road, in order to minimise dust nuisance, and regularly grades the road with his own equipment, maintaining a good, trafficable, road surface.
Ecology Conditions	
46. [Deleted]	
47. The zone 10-15m from the edge of the rock scarp is to be surveyed and clearly demarcated with fencing on the top adjacent to the quarry and other suitable permanent measures elsewhere and is to be protected from any potential impacts arising from the quarry operations.	Complies. The 10m-15m zone has been surveyed and marked with steel posts.
48. Tree removal	Complies. Trees have been removed ahead of extraction.
Environmental Conditions	
49. Blasting is to be carried in accordance with the "Blasting Noise and Vibration Assessment" prepared by SLR Global Environmental Solutions and dated 14 March 2011, the review of the Blasting Noise and Vibration Assessment, the Plan of Management and the Department of Climate Change and Water's ANZECC Guidelines.	Complies. Refer to Annexure B for details of the two blasts undertaken during this review period.
50. A Maximum Instantaneous Charge (MIC) of 800kg is the maximum allowable charge to be used for any one blast undertaken as part of the development or a MIC identified in a review of the Noise and Blasting Assessment.	Complies.
51. Two (2) days prior to a blast, notification is to be given to the occupants of all dwellings within 2km of the quarry	Complies.
52. Review of blasts	Reviewed by Outline Planning Consultants and found to be satisfactory, without need for any amendment of current requirements for airblast and overpressure.

53. Appropriate storage required of fuels etc.	Complies. Refer Section 1.2 of this Annual Review, in particular.
54. Review of adequacy of sediment and erosion control plans	Details contained in quarry plan of management, prepared by Outline Planning Consultants in November 2011 and approved by Council in June 2012. The first stage of the quarry, as set out in the Plan of Management, is still being developed. Existing quarry operations generally conformity with existing Plan of Management- Sections 3 & 4. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations.
55. Drainage berms to be constructed	Complies. Berms constructed above the quarry site, diverting water form areas upslope around the quarry site. Further details contained in quarry plan of management, prepared by Outline Planning Consultants in November 2011 and approved by Council in June 2012. The first stage of the quarry, as set out in the Plan of Management, is still being developed. No need for any further amendment.
56. Sediment dam to be provided	The first stage of the quarry, as set out in the Plan of Management, is still being developed. A sediment basin has been established, however, it has yet to reach the size as set out in the 1st stage of the quarry plan. Refer to Section 1 and 2 of this Annual Review regarding existing quarry operations.
57. All truck loads to be covered	Complies.

Trusting that the above information satisfies Council's requirements.

If you have any queries please do not hesitate to contact this writer.

Yours sincerely



GARY PEACOCK, DIRECTOR

ANNEXURE A

EPL issued by NSW EPA (cover only)

Environment Protection Licence

Licence - 20077



Licence Details

Number:	20077
Anniversary Date:	12-April

Licensee

SHERIDANS HARD ROCK QUARRY PTY LTD
315 DONELLANS ROAD
HERNANI NSW 2453

Premises

SUNNYSIDE
242 FAHEYS & BULGINS ROAD
HERNANI NSW 2453

Scheduled Activity

Extractive Activities

Fee Based Activity

Land-based extractive activity

Scale

> 50000-100000 T extracted, processed or stored

Region

North East - North Coast
NSW Govt Offices, 49 Victoria Street
GRAFTON NSW 2460
Phone: (02) 6640 2500
Fax: (02) 6642 7743
PO Box 498 GRAFTON
NSW 2460

ANNEXURE B

Blast results- Ron Southon blasting contractor

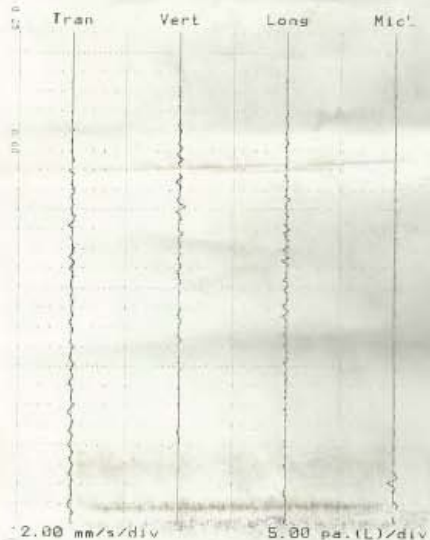


INSTANTEL BlastMate III

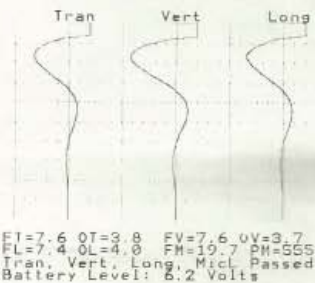
Serial Number BA10184 V 10.20-8.17
 Trigger Source Geo 0.510 mm/s
 Mic 105.0 dB(L)
 Geo Range 254.0 mm/s
 Record Time 1.0 s at 1024 sps
 Ebor Quarry
 ROW SOUTHON P/L
 General:
 Extended Notes

Trigger Vert at 15:32:02 Sep 12 13

	Tran	Vert	Long
PPV	0.762	1.02	0.889 mm/s
ZC Freq	37	37	47 Hz
Time	0.242	0.192	0.331 sec
Accel	0.0265	0.0398	0.0265 g
Pk Disp	0.00484	0.00459	0.00366 mm
PVS	1.09 mm/s at 0.192 Sec		
PSPL	101.9 dB(L) at 0.893 Sec		



SENSORCHECK CALIBRATION



FI=7.6 OI=3.8 FV=7.6 OV=3.7
 FL=7.4 OL=4.0 FM=19.7 PM=555
 Tran, Vert, Long, MicL Passed
 Battery Level: 6.2 Volts

Calibration Name Standards & Testing
 Calibration July 24, 2012

Format Copyrighted 1996-2010 Instantel

12.9.13



INSTANTEL BlastMate III

Serial Number BA17309 V 10.20-8.17
 Trigger Source Geo 0.510 mm/s
 Mic 110.0 dB(L)
 Geo Range 254.0 mm/s
 Record Time 1.0 s at 1024 sps
 Ebor Quarry
 Graham Sheridan
 User Name:
 General:
 Extended Notes
 Job Number: 1

Trigger Long at 12:28:54 Oct 20 12

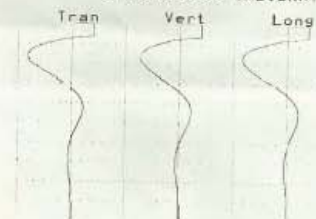
	Tran	Vert	Long
PPV	0.635	0.381	0.588 mm/s
ZC Freq	57	64	87 Hz
Time	0.269	0.169	0.000 sec
Accel	0.0265	0.0265	0.0265 g
Pk Disp	0.00167	0.00105	0.00161 mm
PVS	0.648 mm/s at 0.269 Sec		
PSPL	88.0 dB(L) at 0.009 Sec		



USBM RI8507 And OSMRE



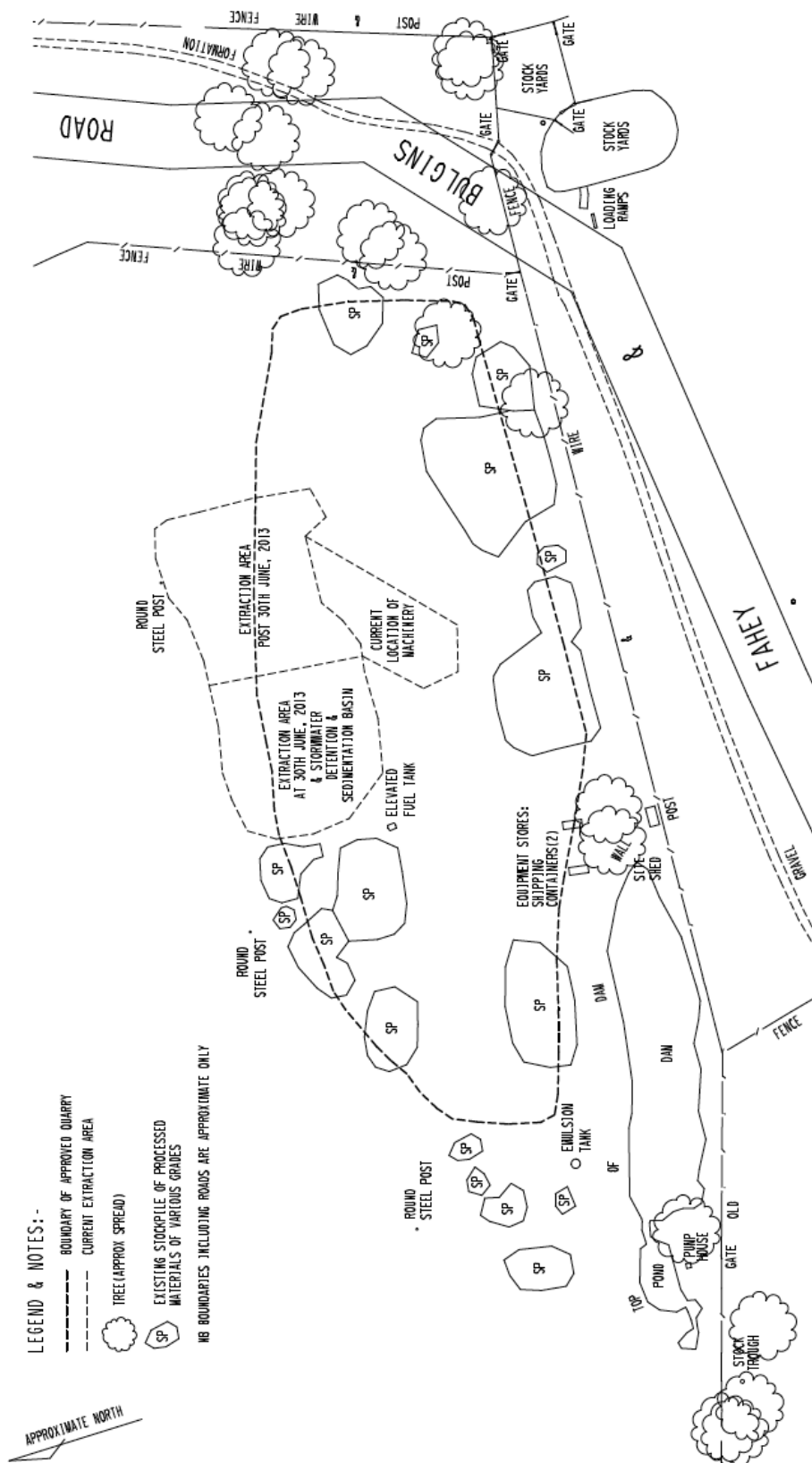
SENSORCHECK CALIBRATION



FI=7.8 OI=3.6 FV=7.5 OV=3.2
 FL=7.3 OL=4.9 FM=20.1 PM=547
 Tran, Vert, Long, MicL Passed
 Battery Level: 6.4 Volts

ANNEXURE C

Survey plan of quarry prepared by Jim O'Donohue, registered surveyor



BOTHAMLEY & O'DONOHUE PTY LIMITED
 LAND & ENGINEERING SURVEYORS
 'THE PROPERTY CENTRE'
 12 PRINCE STREET
 P.O. BOX 1034
 GRAFTON N.S.W. 2460
 TEL. (02)6642 3287
 FAX. (02)6642 7898
 email: jim.odonohue@bothamleyandodonohue.com

**PART LOT 63 IN DP752807
 FAHEY & BULGINS ROAD, HERNANI
 PLAN OF CURRENT WORKS**

FOR: G. SHERIDAN

LOCALITY: HERNANI
 LGA: CLARENCE VALLEY
 PARISH: ALLANS WATER
 COUNTY: FITZROY
 DATUM: ASSUMED (APPROX. AHD)
 REDUCTION RATIO: 1:1,250 @ A3
 DRAWING NO.: DWGSH01
 DATE: 22.11.2013

ANNEXURE D

Council approval of quarry plan of management prepared by Outline Planning Consultants Pty Ltd



clarence
VALLEY COUNCIL

7 June 2012

Reference: DA2010/0358 CVC: 910887
Contact: Sarah Ducat

Outline Planning Consultants Pty Ltd
Suite 18 Pittwater Business Park
5 Vuko Place
WARRIEWOOD NSW 2102

Dear Sir,

Re: Plan of Management for DA2010/0358 – Hard Rock Quarry on lot 62 DP752807 being 242 Faheys and Bulgins Road

Thank you for the submission of the Plan of Management (POM) dated November 2011 and additional information submitted via email on 14 March 2012 for the hard rock quarry approved under DA2010/0358.

I can confirm that condition 5 of consent for DA2010/0358, requiring the submission of a POM to Council for approval, has been complied with. The POM dated November 2011 and additional information submitted on 14 March 2012 adequately satisfies the matters to be addressed in condition 5.

In accordance with condition 6 of consent, quarry operations are to be undertaken in accordance with this POM and additional information.

Once quarrying has commenced, an annual updated POM will be required to be submitted by the 31 of July each year, as required by condition 7 of consent.

In your POM you also addressed part of condition 43 which requires an Erosion and Sediment Control Plan for the developed area and roadworks. The Erosion and Sediment Control Plan for the roadworks will be addressed as part of the Civil Construction Certificate.

If you require further information please contact Sarah Ducat on telephone (02) 6645 0202.

Yours faithfully

Clem Rhoden
Manager Development Services



File No. : NTH11/00033; CR2014/001346
Your Ref: GD14/098

General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

Attn: Patrick Ridgeway

Dear Sir

Clarence Valley Council - DA14 /0098 Proposed Expansion of Sheridan's Hard Rock Quarry, Faheys & Bulgins roads, Hernani

I refer to your letter of 14 March 2014 regarding the abovementioned development application forwarded to Roads and Maritime Services for consideration and comment.

Roles and Responsibilities

The extractive industry proposal has been forwarded to Roads and Maritime for comment as required by State Environment Planning Policy (Mining, Petroleum Production and Extractive Industry).

Council will be assessing the development proposal and because it is designated development, the Northern Joint Regional Planning Panel will determine the application.

Comments

Due to the recent approval and operation of the Megan Quarry at Dorrigo, Roads and Maritime has become aware of community concerns relating to the truck movements along the Waterfall Way. To address these concerns Roads and Maritime is undertaking a road safety review of the Waterfall Way, from the Pacific Highway to Tyringham Street Dorrigo. This involves community consultation and to date a community 'drop-in' session has been held on 27 March 2014 in Bellingen.

Feedback from this 'drop-in' session is currently being reviewed however initial findings indicate concern regarding truck movements along the Waterfall Way, suitability of the road to manage these movements and amenity in the Bellingen township relating to dust and noise generated by these additional truck movements, particularly on weekends when markets, festivals and other events occur.

To the extent that it relates to the subject development application Roads and Maritime offers the following comments:

1. The maximum number of laden truck movements permissible for the quarry has already been approved under the previous development consent DA2010/0358.
2. Extraction should be limited to not exceed the existing approved laden truck movements along the proposed haulage route, being the Waterfall Way.
3. Council may wish to consider a revision of the current approval permitting operation on Saturdays. This would be consistent with the recent approval for the Megan Quarry at Dorrigo which uses the same haulage route. This would address community concerns relating to amenity through the Bellingen township particularly during regular community events that draw considerable tourist interest.
4. That council consider a requirement for the quarry operator to prepare a site specific Code of Conduct for haulage operators accessing the quarry and using the proposed haulage route, being the Waterfall Way. The Code of Conduct could include considerations related to road safety, driver behaviour, vehicle management, monitoring and compliance

If you require further information please contact Ms Liz Smith on 6640 1362 or email Development.Northern@rms.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Liz Smith', with a small flourish at the end.

9 May 2014

for Monica Sirol
Network & Safety Manager, Northern



File No. : NTH11/00033; CR2014/001346
Your Ref: GD14/098

General Manager
Clarence Valley Council
Locked Bag 23
GRAFTON NSW 2460

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