

JOINT REGIONAL PLANNING PANEL (Northern)

JRPP No	2014NTH014 DA
DA Number	DA 2014/078
Local Government Area	Tenterfield Shire Council
Proposed Development	Extension and Continued use of an Existing Site for Extractive Industry and Associated Material Transportation involving a 1.4ha extension of the extraction area, producing up to 100,000 tonnes/year
Street Address	Mt Lindesay Road, Tenterfield
Applicant/Owner	Applicant: Darryl McCarthy Constructions Pty Ltd Owner: Mr Rod Dowe
Number of Submissions	Six (6)
Regional Development Criteria (Schedule 4A of the Act)	<p>Extractive Industry – Designated Development</p> <p>The development is listed as development which Joint Regional Planning Panels may be authorised to exercise the consent authority functions of councils under Schedule 4A of the <i>Environmental Planning & Assessment Act, 1979</i>.</p> <p>Extractive Industries that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or that disturb or will disturb a total surface area of more than 2 hectares are declared to be Designated Development under Clause 19, Schedule 3 of the <i>Environmental Planning & Assessment Regulation 2000</i>.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP 33 Hazardous and Offensive Development • SEPP 44 Koala Habitat Protection • SEPP 55 Remediation of Land • SEPP Mining & Petroleum and Extractive Industries 2007 • SEPP Rural Lands 2008 • Tenterfield Local Environmental Plan 2013
List all documents submitted with this report for the panel's	<ul style="list-style-type: none"> • Application and Environmental Impact Statement - July 2014 • Annexure 1 - NSW EPA General Terms of Approval 3/10/14 • Annexure 2- Confidential Submissions • Annexure 3 – Recommended conditions of consent

consideration	<ul style="list-style-type: none"> • Annexure 4 – Rural Residential Subdivision LEP Map • Annexure 5 – RMS response • Annexure 6 – Applicant's response to public submissions • Applicant's response to Government Submissions – 5/1/15
Recommendation	Approval with conditions as attached to this report
Report by	Tamai Davidson, Senior Planner, Tenterfield Shire Council

Assessment Report and Recommendation Cover Sheet

1. EXECUTIVE SUMMARY

1.1 Reason for Consideration by Joint Regional Planning Panel:

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

1.2 Description of Proposed development:

The development application seeks consent for the ongoing use and expansion of an existing quarry. The development application seeks consent for the following:

- I) Ongoing extraction of quartzose rock within the existing extraction area and a 1.4ha extension of the extraction area, producing up to 100,000 tonnes of rock per year (averaging 60,000 tonnes per year);
- II) Transportation of extracted rock to the State road network for delivery to the Sunnyside Crushing and Screening Plant located adjacent to the New England Highway, 10km northwest of Tenterfield;
- III) Backloading of clay fines and crusher fines from Sunnyside to Dowe's Quarry;
- IV) Progressive emplacement of overburden and returned clay fines within and adjacent to the extraction area; and
- V) Storage of surplus crusher fines from Sunnyside awaiting sale and transportation.

1.3 Development History of the Site:

No development consent under the *Environmental Planning & Assessment Act, 1979* has been issued for the use of the site as an extractive industry. The quarry originally commenced operations in 1987 through the then Department of Mineral Resources.

In 1993 *State Environmental Planning Policy 37 – Continued Mines and Extractive Industries (SEPP 37 -now repealed)* commenced and operated to allow all existing extractive industries to obtain consent under the *EP & A Act, 1979*. SEPP 37 permitted existing quarry and mine operators a moratorium period to register their operations and then lodge a Development Application with Council to obtain the relevant consents to continue their use. In this instance the current operator of Dowe's Quarry, Darryl McCarthy Constructions, was not aware of the existence of SEPP 37 and its requirements and no development consent was ever issued.

The existing quarry operations are undertaken over an area of approximately 3.9 hectares.

1.4 Compliance with Planning Controls

The subject site is zoned RU1 Primary Production pursuant to the provisions of *Tenterfield Local Environmental Plan 2013*. The use is defined as an '*extractive industry*' which is permitted with consent in the RU1 Zone.

1.5 Integrated Development

The proposed development is integrated development pursuant to Section 91(1) of the *Environmental Planning & Assessment Act, 1979*, as the development requires an Environment Protection Licence under Schedule 1 of the *Protection of the Environment Operations Act 1997*. The General Terms of Approval issued by the EPA are contained in Annexure 1.

1.6 Designated Development

The proposed development is also identified as designated development pursuant to Section 77A of the *Environmental Planning & Assessment Act, 1979*, and Clause 19, Schedule 3 of the *Environmental Planning & Assessment Regulation, 2000*.

1.7. Consultation

The development application was exhibited and notified in accordance with the relevant provisions of the *Environmental Planning & Assessment Regulation, 2000* for designated development applications. Six (6) submissions by way of objection and concern were received by Council. Issues raised include impacts from dust, traffic movements, concern over threatened species, noise and vibration, driver conduct and potential for silicosis. Copies of the submissions are contained within Annexure 2.

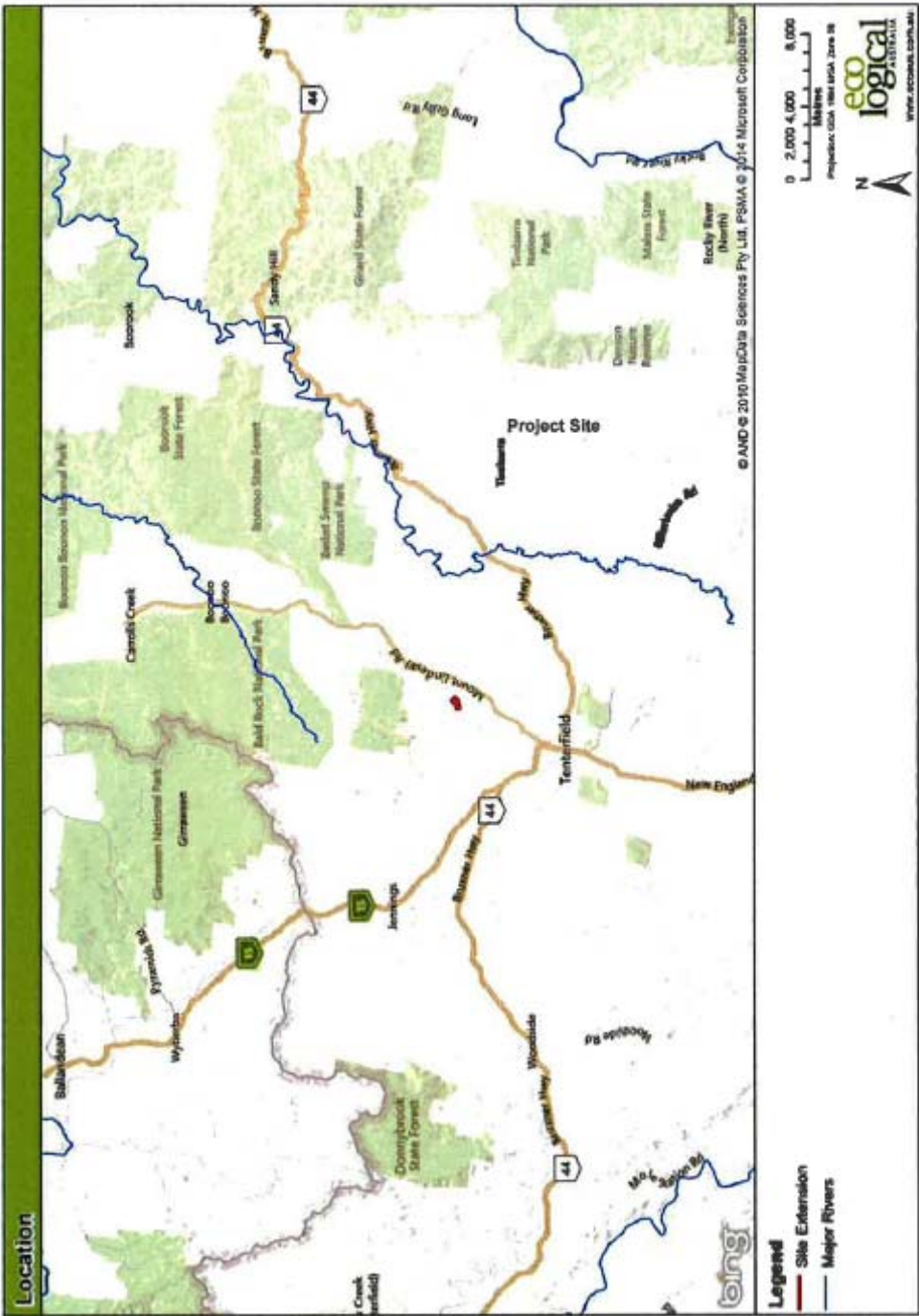
1.8 Recommendation

It is recommended that Development Application 2014/078 be approved subject to the conditions contained in Annexure 3.

1.9 Annexures

Annexure 1 Environment Protection Authority – General Terms of Approval
Annexure 2 Submissions - CONFIDENTIAL
Annexure 3 Recommended Conditions of Consent
Annexure 4 Rural Residential Subdivision LEP Map
Annexure 5 RMS Response
Annexure 6

Locality Plan



2. EVALUATION OF DEVELOPMENT APPLICATION

2.1 Proposed development

The development application seeks consent for the ongoing operation and expansion of the existing quarry known as "Dowe's Quarry." The application seeks approval for the following;

- I) Ongoing extraction of quartzose rock within the existing extraction area and a 1.4ha extension of the extraction area, producing up to 100,000 tonnes of rock per year (averaging 60,000 tonnes per year);
- II) Transportation of extracted rock to the State road network for delivery to the Sunnyside Crushing and Screening Plant located adjacent to the New England Highway, 10km northwest of Tenterfield;
- III) Backloading of clay fines and crusher fines from Sunnyside to Dowe's Quarry;
- IV) Progressive emplacement of overburden and returned clay fines within and adjacent to the extraction area; and
- V) Storage of surplus crusher fines from Sunnyside awaiting sale and transportation.

The main components comprise;

- Area of existing disturbance including sediment dams (3.9ha)
- Area of proposed extension to extraction area (1.4ha)
- Area of additional internal roads (0.1ha)
- Area of clay fines storage (1.6ha)
- Area of remnant vegetation remaining within the Project Site (6.5ha)

Total area of project site is 13.5ha, of which the disturbed area is 7ha.

The identified resource comprises a 25m – 50m wide quartzose intrusion located within granite outcrop. Conservative estimates indicate that 1.3 million tonnes of quartzose rock could be recovered from within the existing and extended extraction area. The main product produced is a graded fractured quartzose rock blend with all fragments typically less than 400mm.

2.2 Existing Operations

The existing extraction area has been developed within a small ridge aligned almost in an east-west direction (see **Figure 1**) and has been in operation over the past thirty (30) years.

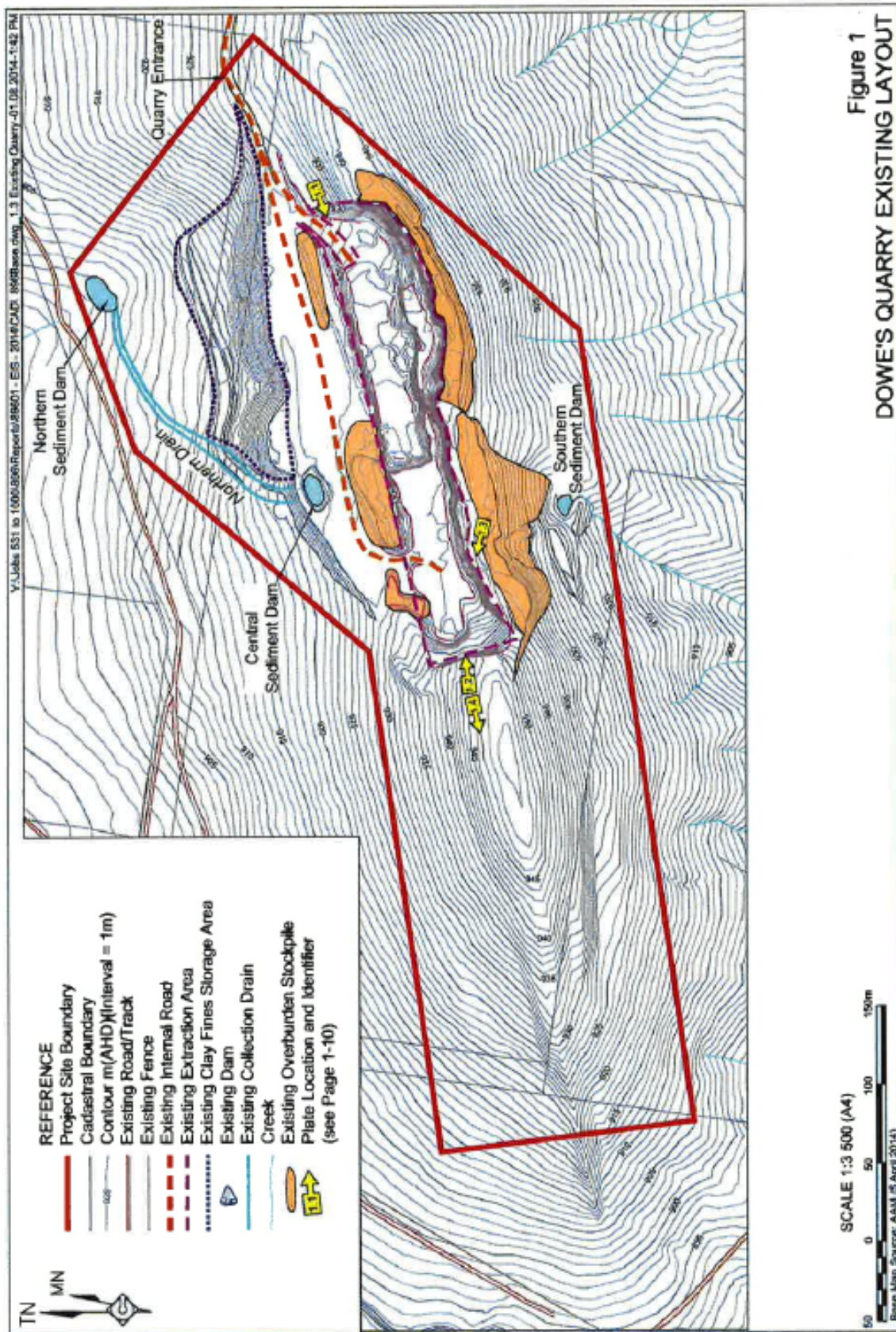


Figure 1

The following activities are currently undertaken within the project site;

- Vegetation clearing and soil stockpiling
- Removal and stockpiling of any overburden and use in rehabilitation
- Drilling and blasting of quartzose rock –blasting occurs every 3-6 weeks with no more than 12 blasts in one calendar year
- Oversize rock reduction through hydraulic hammer
- Loading and dispatch of extracted rock from transportation to the Sunnyside Crushing and Screening Plant for processing.
- Stockpiling of clay fines and any additional fines that are back-loaded from the Sunnyside Crushing and Screening Plant.

2.3 Land ownership

The site is located approximately 7km north east of Tenterfield on the Mount Lindesay Road and comprises the following land parcels;

Project Site

- Lots 239, 260, 308 and 309 DP 751540
- Lots 3 and 4 DP 42044

Quarry Access Road

- Sections of Crown Road
- Lot 245 DP 751540 (Crown Land – Travelling Stock Reserve)
- Lot 246 DP 751540
- Lots 1, 2, 3 and 4 DP 1092215
- Lot 3 DP 42044

All land, apart from Sections of Crown Road and Lot 245 DP 751540 are solely owned by Mr Rodney Dowe, with current Title Search documents verifying ownership details.

Lot 245 DP 751540 comprises a parcel of Crown Land designated as a Travelling Stock Reserve. Clause 75 of the Local Land Services Act 2013 states;

75 Certain occupiers of land to have a right of access over travelling stock reserves

- (1) An occupier of land is entitled to a right of way over a travelling stock reserve (whether controlled or managed) to and from the road nearest to the land if no other access to and from the land by means of an established road or track is available.*
- (2) A right of way is subject to such conditions as to its exercise (including any conditions as to its position, construction or improvement) as may be imposed by Local Land Services in a particular case.*

- (3) *Local Land Services is to give notice to the occupier of land of any condition imposed by it on a right of way of the occupier.*
- (4) *The occupier may, with the approval of Local Land Services, and must if directed to do so by Local Land Services by notice in writing, construct or make improvements to the occupier's right of way over the reserve.*
- (5) *Any construction or improvements are to be made at the expense of the occupier.*

Correspondence from the Northern Tablelands Local Land Services office states that they *"...can't see any ground for the NTLLS to oppose expansion. As stated the Company has been operating at the current site for a number of years and to my knowledge has not had any Environmental issues that would impact on the community. Over the time of the current operation access has been across a small corner of Crown Land with no effect to the operations the then RLPB/LHPA."*

Lot 245 DP 751540 is also the subject of an Aboriginal Land Claim lodged on 15 October 2010. The applicant has received advice from NSW Trade and Investment, Crown Lands that based on the provisions of Section 75 of the *Local Land Services Act 2013*, and given that the road in question was in use prior to the land claim being lodged it is likely that it will not be claimable Crown Land.

Figure 2 identifies the project site, access and land title details.

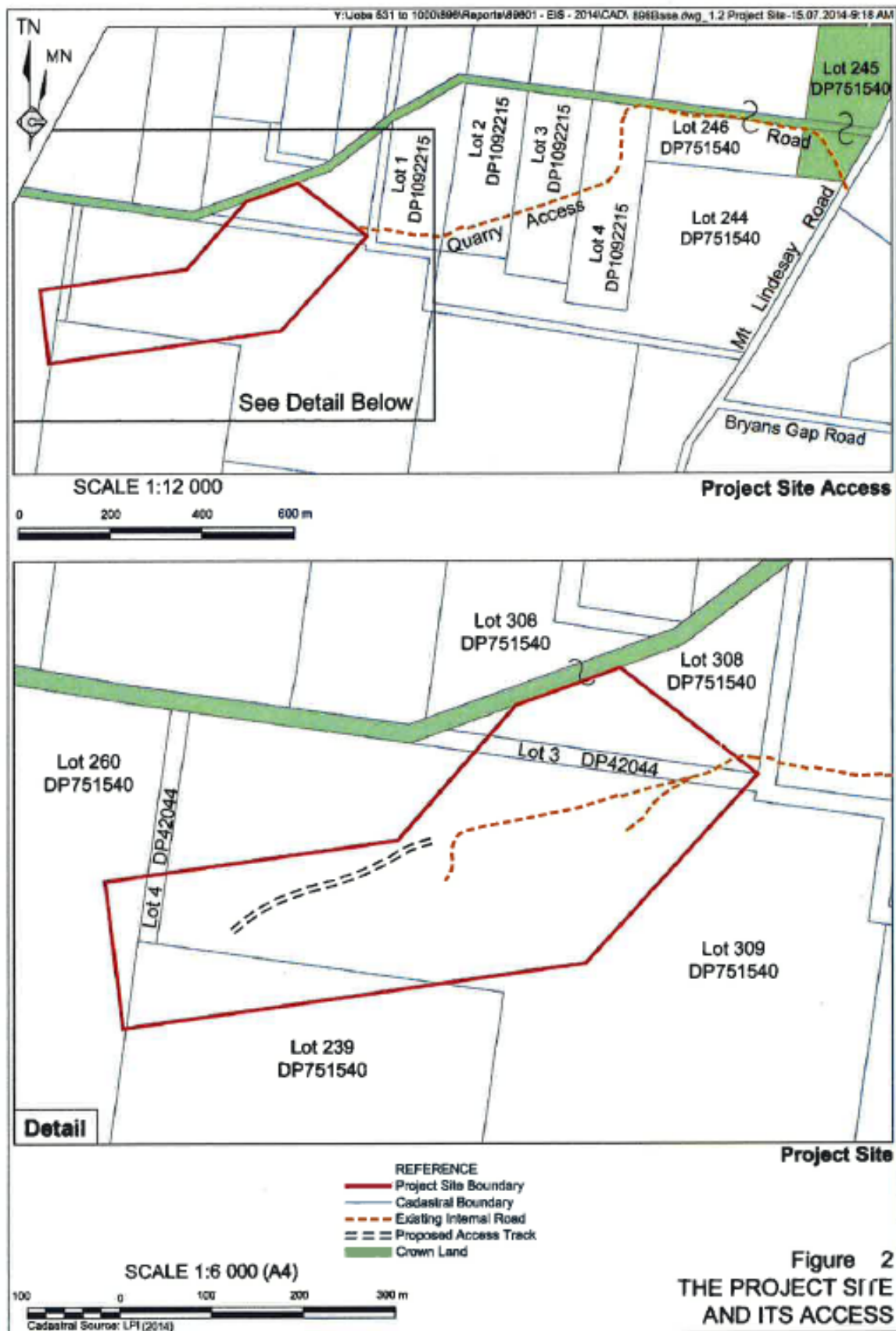


Figure 2

2.4 Site Description

The site has been defined to an area in which all activities are proposed and comprises approximately 13.5 hectares, with an existing disturbance area of 3.9ha. The proposal will cover 3.1ha, of which 1.7ha will involve the proposed clearing of vegetation. Originally, 2.1ha of vegetation clearing was proposed, however after additional ecological assessment was undertaken, this figure has been reduced to 1.7ha.

The quarry is situated along a ridgeline, with surrounding land consisting mainly of lightly wooded ridges and predominantly cleared valleys. Topography within the subject site consists of existing areas of disturbance and lightly wooded ridge running generally east-west with land outside the existing disturbance area sloping at gradients between 5° and 30°.

Figure 3 identifies the existing and proposed project site.

2.5 Statutory Development Assessment Framework

Extractive industries that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or that disturb or will disturb a total surface area of more than 2 hectares are declared to be Designated Development under Clause 19, Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* (the EP & A Regulation).

The development is listed as development which Joint Regional Planning Panels may be authorized to exercise the consent authority functions of councils under Schedule 4A of the *Environmental Planning & Assessment Act, 1979* (the EP & A Act).

Section 91A(2) of the EP & A Act states that before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. The application is Integrated development and required the concurrence of the NSW Environment Protection Authority (EPA). Council has received the General Terms of Approval from the EPA (Annexure 1).

The application was also referred to the following for information and comment in relation to the proposal;

- Office of Environment and Heritage
- Roads and Maritime Services
- Department of Primary Industries – Office of Water
- Trade and Investment – Resources and Energy

2.6 Environmental Planning & Assessment Act, 1979 – Section 79 Assessment

S79C(1)(a)(i) Any Environmental Planning Instrument

State Environmental Planning Policies

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

The proposed development is not considered to meet the definitions of 'potentially hazardous industry' or 'potentially offensive industry' or the 'industry' definition contained within *Tenterfield Local Environmental Plan 2013*. The EIS states that the proposal involves the use of diesel fuel, a Class 3 C combustible liquid, and small amounts of other hydrocarbons including lubricating oils and combustible liquids. None of these products are stored on site and SEPP33 does not require these to be considered further. No hazardous materials are to be stored on site and it is therefore considered that the proposed operation of the quarry does not require any further consideration under SEPP33.

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

An ecological survey of the site identified that the site has been used as Koala habitat in the past, however, does not contain a resident population of Koalas or have areas of native vegetation of which Koala feed trees constitute more than 15% of the total number of trees in the upper or lower strata of the tree component. Therefore it is not considered that the site contains core or potential Koala habitat as defined in SEPP44.

- ***State Environmental Planning Policy NO. 55 – Remediation of Land (SEPP55)***

Clause 7 requires the consent authority to consider whether the land is contaminated, and if it is, whether the proposed land use is compatible with the contaminated state, or if the site will be suitable for that use after remediation. Areas within the subject site have been used only for the purposes of extractive industry or cattle grazing and it is given that the proposed development does not intend to change the use of the land, the land is considered to be suitable for the proposed development.

It is proposed to rehabilitate the site such that it may be used predominantly for nature conservation and for stock sheltering in some places post-quarry life.

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

Clause 7(3) of the SEPP permits the development with consent on the subject land and in accordance with the provisions of Clause 12 given consideration to the following matters;

Cl.12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

- a. The development site contains the existing extractive industry and low intensity agricultural activity in the form of grazing. Adjoining and adjacent land comprise agricultural activities in the form of light grazing and pasture improvement. The proposal will not result in changes to commercial agricultural uses or their productivity.

As identified in **Figure 4** there are 23 neighbouring/adjacent properties in the locality, with 20 dwellings varying in distance from the proposed quarry from 618m to 1850m.

Whilst the subject land and adjoining and adjacent land is zoned RU1 Primary Production, the land is also subject to the provisions of Clause 4.2C of *Tenterfield LEP 2013*, which allows for Rural Residential subdivision on the land identified by Rural Residential Subdivision Map – Sheet RRS_003 (Annexure 4). Clause 4.2C enables the subdivision of certain land in the RU1 Primary Production Zone for rural residential purposes. Council has not

issued any recent development consents for subdivisions in this area.

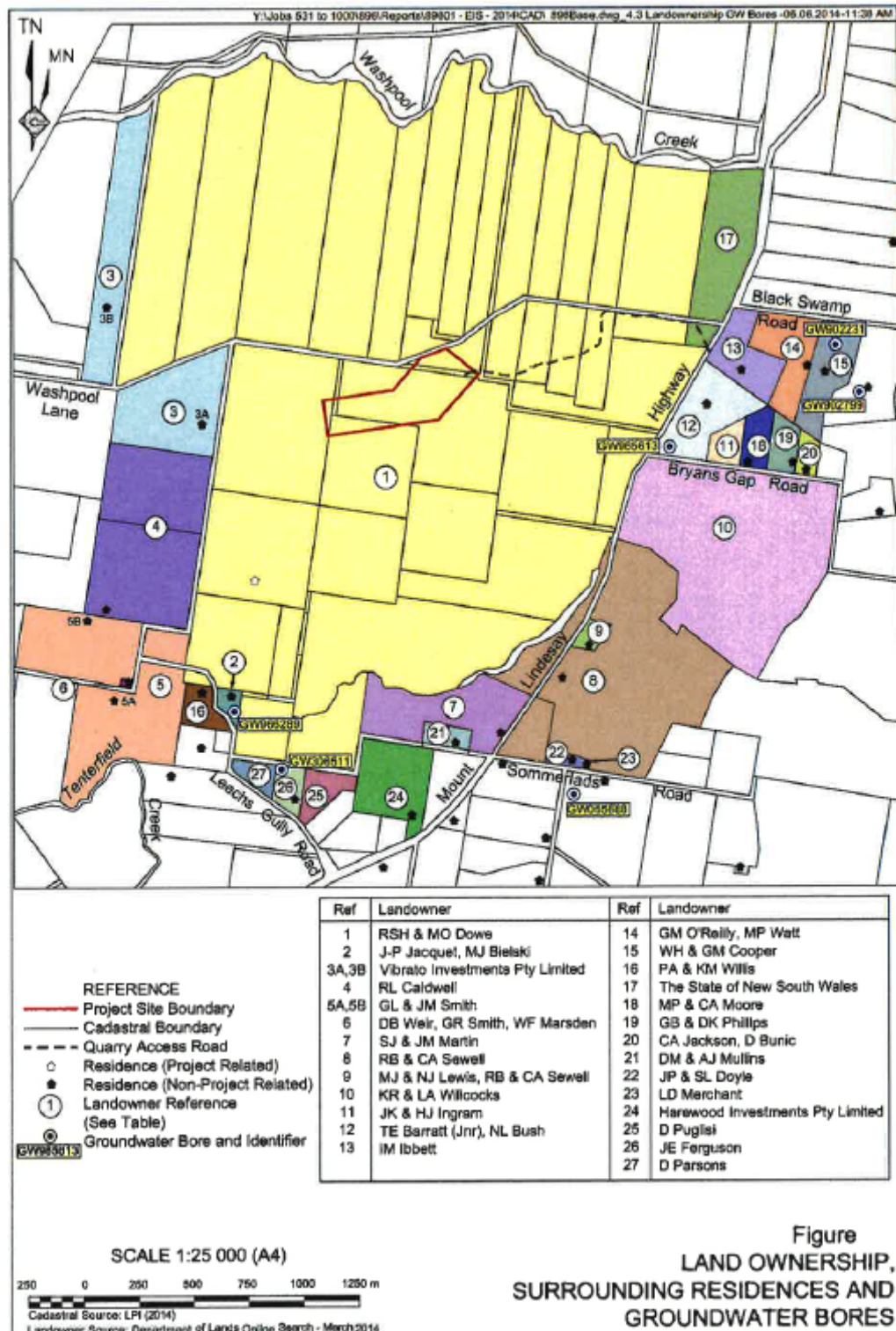


Figure 4

- b. The proposed expansion will result in economic benefits for the land owner along with wider community economic benefits through employment. Ongoing employment for 20 permanent and casual staff is provided directly and indirectly who either work at or are based at the Sunnyside Crushing and Screening Plant which relies on the continued delivery of raw materials from Dowe's Quarry. The applicant has indicated that annual wages, machinery servicing, consumables and other purchases are in the order of \$5-\$6million, the bulk of which is spent in the Tenterfield Shire.
- c. The proposed development, subject to compliance with conditions of consent, is not considered to be inconsistent or incompatible with the existing and potential future land uses within the locality.

CI.13 Compatibility of proposed development with mining, petroleum production or extractive industry

The proposed development is not likely to have a significant impact on existing uses and approved uses of land in the vicinity of the development and is not likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials. There are no other extractive industries approved in the vicinity and the proposed development is considered to be compatible with the existing rural environment.

CI.14 Natural Resource Management and environmental management

- a. Implementation of conditions of consent, the enforcement of the Environment Protection Licence and compliance with relevant State and Commonwealth legislation, the operation of the proposed development should be carried out in an appropriate manner.
- b. The original ecological assessment and addendum report have concluded that a reduced vegetation clearing area of 1.7ha will reduce direct impacts of fauna. Overall, indirect impacts from the existing operations of Dowe's quarry has already reduced habitat values of the proposed extended extraction area and the adjacent project site through noise and vibration. Given the proximity to other areas of high quality habitat outset the project site, threatened species are likely to occur in these areas. The applicant has voluntarily agreed to establish a Biodiversity Offset Area (BOA) to compensate for the removal of native vegetation. An area of 6.4ha has been identified within the bounds of the land in the same ownership adjacent to Bald Rock National Park which contains the same vegetation type as within the proposed extended extraction area and clay fines stockpile. It is recommended that a condition be imposed requiring that this BOA is maintained in perpetuity, with options open to the applicant to either enter in to a BioBanking

Agreement or make arrangements for the land to be handed over to the National Park estate.

- c. Greenhouse gas emissions (GHG) from the proposed development have been addressed in the EIS. Emissions of GHG, including carbon dioxide, methane, nitrous oxide, associated with diesel combustion and blasting activities would also be generated under the proposal. Due to the comparatively low intensity of current quarrying and transportation operations, it is considered that GHG emissions from the site would be minor. The continued operation will not change the equipment used, the operational intensity or material transportation rate

CI. 15 Resource Recovery

The resource being recovered is identified as a 25m to 50m wide quartzose intrusion located within undifferentiated granite or granodiorites. It is estimated that approximately 1.3 million tonnes of material could be recovered from the existing and proposed extraction area. Approximately 4000 cubic metres of overburden is present per 100m length within the extraction area and throughout the life of the quarry approximately 12,000 cubic metres of overburden would need to be managed.

Approximately 65% of the extracted rock processed generates saleable products whilst the remaining 35% are by-products suitable for other uses. The by-products comprise clay fines and crusher fines, the latter being saleable product. A proportion of the clay fines are back-loaded from the Sunnyside Crushing Facility to the quarry. Clay fines are to be placed on the northeastern side of the project site in a reconfigured location in accordance with the Ecological Assessments undertaken on the site.

CI. 16 Transport

Transportation of the extracted material, using a rigid truck and super dog trailer (typical), will principally be delivered to Sunnyside Crushing and Screening Plant (the Plant) with clay and crusher fines to be back-loaded to the Quarry. For the Traffic Impact Assessment (TIA), it is stated that operations at the Quarry will not exceed 40 truck movements per day (two way), with light vehicle movements anticipated to be 8 vehicles per day (two way).

Trucks transporting material from the Quarry to the Plant will travel along Mount Lindesay Road, Logan Street, Naas Street, and New England Highway. Trucks back-loading from the Plant will use New England Highway, Old Ballandean Road and Mount Lindsay Road. Mount Lindesay Road, Logan Street, Naas Street and Old Ballandean Road are roads under the care and control of Tenterfield Shire Council (Council) whereas New England Highway is under the control of Roads & Maritime Services (RMS).

The additional information provided in response to the traffic and transport matters includes more detailed analysis of the following intersections located on the transport routes associated with Quarry operations, these being:

- New England Highway (Rouse Street) and Naas Street intersection;
- Naas Street, Logan Street and Robert Bush Drive intersection;
- Mount Lindesay Road, Old Ballandean Road and Boundary Road intersection; and
- New England Highway, Bruxner Highway and Old Ballandean Road intersection.

In addition, the report provides details of the following two key accesses critical to the operation of the Sunnyside Crushing and Screening Plant and Dowe's Quarry:

- New England Highway – entrance to Sunnyside Crushing and Screening Plant north of Tenterfield; and
- Mt Lindesay Road – entrance to Dowe's Quarry.

Figure 5 identifies the transport routes.

It is proposed to impose conditions requiring upgrade works to be undertaken at the intersection of Mount Lindesay Road and the quarry access and at the intersection of the New England Highway and the Sunnyside Crushing Facility.

The Roads and Maritime Services have responded to the original EIS document and the additional traffic survey report and the submission has been taken into consideration in the assessment of the application. Appropriate conditions of consent have been recommended. (RMS correspondence is attached in Annexure 5)

A driver code of conduct has been prepared and a condition of consent imposed for the ongoing implementation of the code.

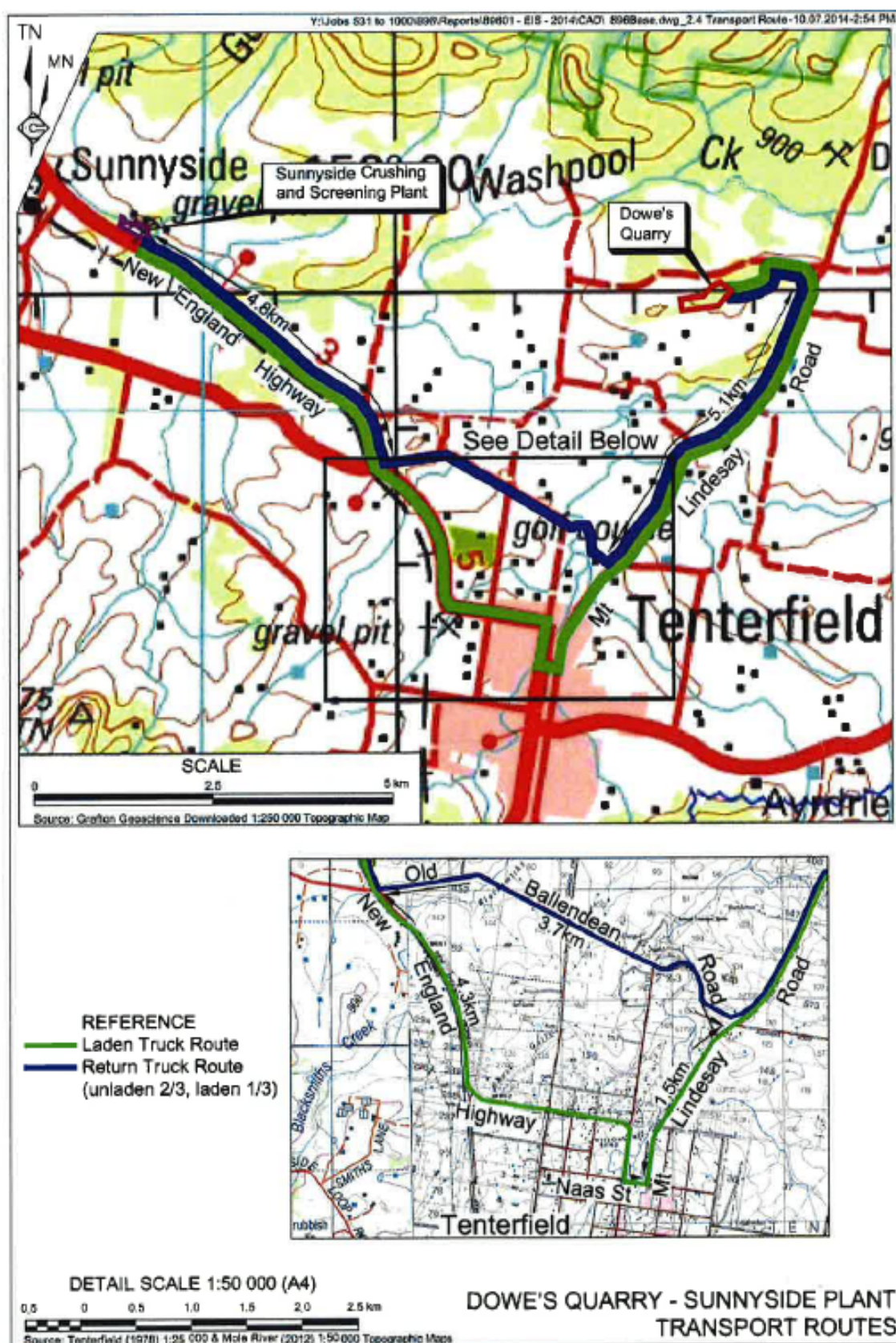


Figure 5

Cl. 17 Rehabilitation

The submitted documentation indicates the site will be progressively rehabilitated with the objective to provide a low maintenance, geotechnically stable and safe landform with minimal erosion and to blend the landform and vegetation to that of the surrounding landscape. The final landform would be suitable for biodiversity conservation and stock shelter. Revegetation is to be undertaken with locally endemic grasses and trees.

- **State Environmental Planning Policy (Rural Lands)**

The defined project site for the existing and proposed development has limited potential for agricultural use consistent with other agricultural use in the locality given the ridgeline location and historic use of the site. The proposed development will result in ongoing and future positive economic benefits to the local economy and any adverse impacts may be mitigated through the imposition of appropriate conditions of consent.

- **Regional Environmental Plans**

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

- **Local Environmental Plans**

Tenterfield Local Environmental Plan (LEP) 2013

The subject land is zoned RU1 Primary Production under the provisions of Tenterfield LEP 2013. The development is defined as an 'extractive industry' and is permissible with development consent in the RU1 Primary Production zone.

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

The objectives of the RU1 Primary Production Zone are;

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Objectives 3 and 4 are considered to be relevant to the assessment of this application;

- *To minimise fragmentation and alienation of resource lands*

The project site is relatively confined and restricted to a ridgeline on the subject land where agricultural opportunities would otherwise be limited

due to the terrain. The proposal allows for the continued development of natural resource extraction which can operate co-operatively with existing nearby agricultural uses.

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

There are no adjoining zones other than RU1 Primary Production to the project site.

The proposal is considered to be consistent with the objectives of the zone.

Clause 5.10 Heritage Conservation

There are no items of environmental heritage located on or near the project site. An Aboriginal Heritage Assessment report was lodged with the application and additional information supplied during the assessment of the proposal. The Report was provided to relevant Aboriginal groups and consultation feedback received indicates that the local communities were not aware of any significant matters of Aboriginal heritage which exist over the project site. Conditions of consent are recommended in the event that any items are uncovered during the ongoing development of the site.

S79C(1)(a)(ii) any proposed instrument that is or has been placed on exhibition

There are no draft environmental planning instruments applicable to the proposed development.

S79C(1)(a)(iii) any development control plan

At the time of lodgement of the Development Application, there were no Development Control Plans applicable to the proposed development.

S79C(1)(a)(iiia) any planning agreement

No planning agreement.

S79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no matters applicable to this application.

S79C(1)(a)(v) any coastal zone management plan (within the meaning of the *Coastal Protection Act, 1979*) that apply to the land to which the development application relates

There are no matters applicable to this application.

S79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

The project site, which comprises the existing extraction area, proposed extraction area and associated stockpiling and internal road areas comprises a total area of 13.5 hectares and is located 1.3km along an internal access road all contained within the same ownership and forming part of the development application. The existing operations have been carried out for the past 30 years on the site. The resource being extracted lies along a ridgeline internal to the property which is surrounded by remnant vegetation and more open grazing land. Aerial photographs indicate that the development sits relatively enclosed within a patch of remnant vegetation on the property (refer Figure 6)

Figure 6



The upper section of the southern part of the existing extraction area is visible from a section of the Mount Lindesay road and from Tenterfield (approximately 7km away) **Figure 7** displays the representative views toward the site from various points along Mount Lindesay Road to the south of the quarry, from Leechs Gully Road and from the closest residence (618m to the west).



Figure 7

Visibility is largely confined to observations of the gap in the tree line, while the active extraction faces are not visible from any surrounding roads or residences. It is considered that the proposed development in conjunction with existing remnant vegetation, proposed rehabilitation and the sheltered location of the extraction face results in acceptable levels on visual impact.

Access, Transport and Traffic

Operations at the Quarry will not exceed 40 truck movements per day (two way), with light vehicle movements anticipated to be 8 vehicles per day (two way).

A monetary contribution in accordance with Council's *Section 94 Development Contributions Plan 2013* is applicable at the rate of \$0.04 per tonne per kilometre of materials transported in addition to a one-off \$205.00 Plan Preparation and Administration levy. The estimated contribution would be 26.4 cents per tonne for material from the quarry and 35.2 cents per tonne for clay fines back loaded to the quarry from the Sunnyside Crushing Facility. Using an estimate of 1.3 million tonnes of material to be extracted and 0.45 million tonnes returned, the total contribution over the remaining life of the quarry is in the order of \$500,000.00.

Council's Engineering Services Department have reviewed the relevant reports and recommendations and consulted with the applicant and the RMS during the process. The recommended conditions reflect the outcomes of these discussions and agreed outcomes in terms of the public road network.

Public Domain

Not applicable to the development.

Utilities

Not applicable to the development.

Heritage

There are no identified items of heritage significance as listed in Schedule 5 of *Tenterfield LEP 2013*. An archaeological assessment of the potential for sites of Aboriginal cultural significance was undertaken. The assessment report was referred to the OEH for their comment. The OEH requested that further evidence be provided by way of additional Aboriginal community consultation. Further evidence was provided and it is considered that the requirements have been satisfied.

Water

The elevation of the site (extraction is up to a depth of 890m AHD) it is not considered likely that groundwater will be encountered and it is not proposed to use groundwater as a water source on site.

The required capacity of sediment dams including sediment storage and water settlement areas has been calculated and is considered adequate.

The existing extraction area catchment drains an area of 1.3ha with rainfall retained in the pit where it infiltrates. There are also three (3) other defined catchment areas over the site, referred to as the northern, central and southern dam catchments. Each catchment area is serviced by existing dams with the central and northern dam proposed to be increased in size to cater for the expanded operations. No change is proposed to the southern dam.

Soils

Soils within the extraction area are either non-existent due to the abundance of rock outcrop or skeletal in nature. Soil thickness increases downslope from the central ridge. The site is located in an area with an estimated land capability of Class VI which has severe limitations for high impact land uses and is more suited to grazing, forestry or nature conservation.

At cessation of the extractive industry and completion of rehabilitation it is recommended that a final contamination assessment be undertaken by a suitably qualified person to establish the contaminated status of the land and to implement any remediation action plan if required.

Air & Microclimate

An Air Quality Assessment was conducted by Environ Australia Pty Ltd incorporating an analysis of existing air quality and dispersion meteorological conditions and a review of current and proposed activities and predicted impacts from quarrying operations. The following factors were considered;

- Existing sources of air quality in the local area
- Topography and location of nearest sensitive receptors
- Dominant wind regime and moisture balance
- Proposed operations and sources of particulate matter emissions
- The likely concentrations that could be experienced downwind of the quarry.

Air emissions were identified as follows:

- Loading, onsite haulage and unloading of overburden and back loads
- Drill and blast activities
- Secondary breakage and loading of blasted rock for transportation.
- Wheel generated emissions from unpaved roads; and
- Wind erosion of exposed surfaces at open pit and active stockpile areas.

The report identified that a significant contributor to emissions is the use of the unsealed section of internal access road. However, the report identifies that the proposed sealing of the road for a section of 400m will significantly reduce these emissions. Since the writing of the Air Quality Assessment, the applicant has agreed to seal a greater length of road (600m) to ensure emissions are minimised to the maximum possible. Complaints received from Council primarily concern dust emissions from the internal access road and the sealing of this section of the road in conjunction with vehicle cleaning regimes will contribute to the reduction in emissions.

On the basis of the review undertaken it is considered unlikely that the current or proposed operations will adversely impact upon the local air quality environment.

The EPA has also recommended licensing conditions for the mitigation of dust emissions, and as the licensing authority, is satisfied that the proposed measures can be met.

Flora and Fauna

An ecological assessment has been prepared for the proposed development by Eco Logical Australia Pty Ltd. The initial assessment was referred to the OEH for comment, who raised the following matters;

- Lack of nocturnal survey for threatened hollow-dependent fauna, including targeted surveys;
- Lack of detailed survey and assessment of certain other threatened species; and
- Lack of clear characterisation of the local populations of such species; and
- Offset lands should be sought to compensate the 2.1ha of native vegetation, using Bio banking methodology

A supplementary report was prepared and has been reviewed by OEH who are satisfied with the survey work and recommendations contained within. Amendments to the original proposal include the reduction in vegetation clearing from 2.2ha to 1.7ha in order to preserve four (4) hollow-bearing trees. The clay fines storage area has been reconfigured such that only four (4) trees now require removal, which will be carried out under supervision.

Statutory assessments in accordance with s5A of the *EP & A Act 1979* Assessment of Significance (7 Part Test) were undertaken for the following threatened species with the potential to occur in the project site;

- Turquoise Parrot listed vulnerable under TSC Act – potential to nest in hollow-bearing trees

The assessment determined that the proposed development is unlikely to result in a significant impact given that the development constitutes a minor disturbance to potential habitat containing hollow-bearing trees in the context of:

- Habitat still available within the project site
- Extent of suitable breeding and foraging habitat immediately adjacent to the site
- Extent of suitable breeding and foraging habitat within surrounding landscape eg. Girraween, Bald Rock and Basket Swamp National Parks (>10,000ha).

Whilst the ecological assessment did not identify the proposal as “significant” the applicant has agreed to voluntarily provide a biodiversity offset area of 6.4ha elsewhere on land in the same ownership. The offset area is adjacent to Bald Rock National Park and is identified as Forest Ecosystem 41 (New England Blackbutt) which is the same vegetation type as the impacted area of the development.

Waste

Non-production wastes generated through activities would be negligible, with any waste generated removed to the Sunnyside Crushing and Screening Plant. The project site does not contain any amenities or access to reticulated water or sewerage services.

Energy

The site is not accessed by mains power.

Noise and Vibration

A Noise and Blasting Impact Assessment has been prepared by Spectrum Acoustics Pty Ltd which addresses the impacts of continued operation of the quarry including transportation of material to the Sunnyside Crushing and Screening Plant.

The proposed hours of operation of the quarry are;

Monday to Saturday – 7.00am to 5.00pm
No work on Sundays or Public Holidays

Maintenance activities – 24 hours per day/7 days per week.

The EPA have placed a condition on the licence restricting blasting to;

Monday to Friday 10.00am to 3.00pm

The recommended hours of operation by way of consent condition are;

Monday to Friday – 7.00am to 5.00pm (Australian Eastern Daylight Time)
Monday to Friday – 7.00am to 5.00pm (Australian Eastern Standard Time)
Saturday – 8.00am to 12.00noon (no blasting on Saturdays)
Sunday and Public Holidays – closed.

Maintenance activities for on site machinery may be undertaken 24 hours/7 days per week provided no noise or light spill is evident externally to the project site.

The reduction in hours for Saturday is considered to be in keeping with other locally based businesses and industries, all of which typically do not operate after midday on Saturdays.

Modelling was conducted for operational noise levels, blasting and road traffic noise. Noise sources from the site emanate from an excavator, drill and haul truck. All noise models indicate that the predicted noise models for all noise sources are below acceptable criterion at residential receivers.

Natural Hazards

The site is mapped as being bushfire prone land. The applicant has provided details in relation to management and mitigation measures to be implemented under the proposal which are considered to be acceptable.

Social Impact in the locality

Continuing operation of the quarry provides for long-term employment at both the site and the associated Sunnyside Crushing and Screening Plant creating positive social impacts in the community. With the imposition of appropriate conditions, it is considered that the development will not generate significant

negative social impacts within the locality. Potential impacts in relation to noise, dust and traffic have been discussed and appropriate conditions imposed to mitigate the potential for any negative impacts.

Economic Impact

The proposed development and associated crushing facility will provide for ongoing employment for 20 persons. The applicant has indicated that annual expenditure as a result of the development is in the order of \$5-\$6 million per annum. Employment and flow-on effects from the development for support services and families of employees also create economic benefits for the economic development of Tenterfield.

Cumulative Impacts

The proposed development seeks consent for the ongoing extraction which has taken place for the previous 30 years. The application and supporting documentation has outlined the potential impacts from the development and it is considered that these impacts are mitigated effectively through proposed management practices and conditions of consent.

It is considered that there are no cumulative impacts requiring further consideration.

S79C(1)(c) the suitability of site for the development

The site is occupied by an existing quarry operation. The impacts of the proposed expansion area have been identified and considered in the application and it is considered that the proposed mitigation and management issues in conjunction with recommended conditions ensure that there will be no significant environmental impact resulting from the development. The site is considered to be suitable for the proposed development.

S79C(1)(d) any submissions made in accordance with the Act or Regulations

The Development Application and accompanying Environmental Impact Statement (EIS) were publicly advertised and adjoining and adjacent owners notified for a period of thirty (30) days during August and September 2014 in accordance with the *EP & A Regulation 2000*. At the close of the consultation period, Council had received six (6) submissions by way of objection.

Submissions received have been copied below where there is no identifying information as to the person/persons who made the submission. A full Confidential copy of submissions is included in Annexure 2.

Submission No. 1

- Sealing of an additional 280m section of the quarry access road is completely inadequate.
- Photographs attached to submission identify dust coming off trucks once on the sealed section of road on Mt Lindesay Road and a dust cloud rising
- With the long term of the project the access road should be ideally sealed to the quarry site
- As a minimum the road should be sealed to where it moves into the forested area where the effect of the prevailing westerly winds is reduced.
- Whilst water trucks are appreciated they are not a solution to the problem
- Dust effects drinking water quality of effected residents
- Acceptance that resources are needed however effected residents should not be impacted.

Comment: The applicant has agreed to extend the internal seal of the access road to a length of 600m which will take the sealed section of road in to the existing tree line located along the ridge.

Submission No. 2



TENTERFIELD SHIRE COUNCIL

Development Application 2014/078 (ref 17373-Y9MT)

	Action	Info
GM		
DCS		
DENG		
DENV		✓
Tanen	✓	

TENTERFIELD SHIRE COUNCIL HAS RECEIVED AN APPLICATION FOR THE **Extension and continued Use of an Existing Site for Extractive Industry and Associated Material Transportation**

AT: Project Site: Lots 239, 260, 308 & 309, DP 751540 & Lots 3 and 4, DP 42044
Quarry Access Road: Sections of Crown Road, Lot 246, DP 751540,
Lots 1, 2, 3 & 4, DP 1092215, Lot 3, DP 42044
668 Mount Lindesay Road, Tenterfield

Community Consultation Submission Form

Concerns: (1) Our horses for water catchment - the pit is going to get bigger more dust in our drinking water, road. how much more wear & tear.
(2) Threatened Species, theres more than that out there, who did this environmental impact statement.
How much bigger is this pit going to get if this goes through next round, I want my children & grandchildren to breath our beautiful, clean air here in...

Comment: Dust from the development has been addressed through the increased sealing of the internal road and through the addition of a sweep-down/cleaning regime on site prior to vehicles exiting the site. Additional fauna survey work and report was undertaken and the application modified to cater for hollow-bearing trees. In addition the applicant has voluntarily agreed to provide a 6.4ha biodiversity offset area in perpetuity.

Submission No. 3

We would not like to see or hear any more of Darryl McCarthy's Trucks go past ~~and~~ than he already does. the "Noise" the "Dust" "Wear and Tear" on this road is already enough.
Also, the Lander Bridge Pipeline will feel the effects of these Large Trucks speeding along this road.
Please take this into consideration Roads

Comment: matters in relation to dust and noise were assessed in the Noise and Blasting Impact Assessment and the Air Quality Assessment.

Submission No. 4

We would like to object this proposal on the following grounds:

- excessive truck noise and associated pollution.

- vibrations felt from mine detonations

- Windscreen stone chips from passing trucks

- excessive heavy vehicle road damage

- environmental air pollution from mine

Currently there is excessive air-breaking noise from trucks departing the site and often we feel unsafe when passing these vehicles on Mt Lindesay Rd due to speed and narrow road.

Comment: matters relation to dust and noise were assessed in the Noise and Blasting Impact Assessment and the Air Quality Assessment

Submission No. 5

Hama | ✓ |

To Whom it may Concern,

We wish to Object to the proposed extension of the Quarry at 668 Mount Lindesay Road. The development Application number is 2014/078.

Our objections to this development are as follows.

1. The Mount Lindesay Road is not wide enough for the existing traffic. This has been brought to Tenterfield Shire's attention as the Tenterfield Shire has sprayed bitumen along the existing road pavement edges. This is due to the trucks carting rock from the existing gravel pit continually running off the edge of the bitumen and breaking away the edge of bitumen surface. As we have stated, it is evident the trucks run one set of wheels off the bitumen as the grass has been worn back to gravel along sections of the Mount Lindesay road.
2. The width of the bridge over Branch Creek is also a concern as cars have to slow down to wait for trucks to cross before crossing the bridge themselves. If there are an increased number of trucks on the road due to the increase in production, there would have to be concerns about two trucks trying to pass each other on the bridge.
3. Professionalism of drivers. During the operation of the existing quarry I have been run off the road by one of these drivers near the F1-11 crash site carting rock. It was evident he was not watching the road as when he saw us he swung the semi back to his side of the road. We had to move over to the left side of road and just avoided hitting a guide post.
4. There has been times when there is a lot of white rock on the road surface from this quarry. We have complained to the RTA, now RMS about this. The rocks varied from 30mm to 100mm. At the same time there was white rock left on the side of the road along Old Ballandean Road. Later I heard that a driver fails to clear the rock off the draw bar after tipping the load off at the crusher. When he returns to the quarry again this rock falls onto the road surface
5. In the last twelve months we have had both of our vehicle's windscreens chipped, leading to cracking and replacement, from passing trucks. Our current windscreen has to be replaced as it will not pass registration. This is due to the road not wide enough and the trucks having to run off the edge of the bitumen. We have had to increase the distance behind the trucks when following them as there still is small rocks and dust flying from the back of the trailers. The loads are still incorrectly covered. There is a large gap at the back of the trailer where these rocks are escaping between the tail gate and the top cover.
6. The Mount Lindsay Road is unable to support the current volume of traffic as it is constantly breaking up and the Shire have had to patch parts of the road up a number of times in the past few years.
7. There are a number of other roads turning off the Mount Lindsay Road. Some of these roads (Sommerlad's Road and Leech's Gully Road) have extremely low visibility for traffic coming past, making turning on to the Mount Lindsay Road dangerous.

8. The road that the gravel trucks take to and from the quarry crosses three school bus runs (Black Swamp, Leech's Gully and White Town). These trucks are on the road at the same time as the buses and these trucks are going past children waiting on the side of the road for the buses.
9. There has been a number of new dwellings built along the Mount Lindsay Road as well as along roads that join the Mount Lindsay Road over the past few years, increasing the number of Tenterfield Shire residents who travel along this road.

For these reasons we oppose the application of the extension of the above mentioned quarry on the grounds of personal safety.

Comment: The developer has proposed a Driver Code of Conduct and the recommended conditions of consent impose additional criteria to be added to the Code. Section 94 Contributions will ensure a monetary contribution is collected from the development based on the weight of loads travelling over Council's roads. Contributions collected will be utilised by Council on sections of road utilised by the development.

Submission No. 6

No immediate objection to the development, however has considerable concerns;

- Extended area should not encroach any closer to 620m to the western boundary of the subject land
- Watering should be put in place should dust from the extraction site become a problem.
- Hours of operation agreed to
- Concern over potential for damage to foundations or walls of homes in the pale blue area of the plan from blasting – should this occur the developer be bound to pay compensation.
- Concern over potential for silicosis – question the need to monitor and ensure no detriment to surrounding land owners

Comment: The nearest non associated property owner (3A) to the west, was identified in the EIS as being located at a distance of approximately 540m to the quarry. However, during the consultation phase, the applicant undertook a specific survey which identified that the south-eastern corner of the dwelling is 618.8m from the proposed extraction limit of the quarry.

The applicant was provided with the summary of submissions received and has agreed to increase the length of internal road seal which will extend in to the treed area on the site. This will have the impact of reducing the dust potential and providing a filtering effect. (applicant's response to submissions is contained in Annexure 6)

In addition and in relation to the concerns regarding the potential for silicosis, the applicant's response indicates:

Silicosis results from prolonged inhalation of airborne crystalline silica particles which accumulate in the lungs causing diseases of the respiratory system. The Gazetted limit for the concentration of respirable quartz-containing dust for open cut mines was established in the NSW Government Gazette No. 185 on December 21 2007 as 0.1mg/m3...

Assessments undertaken in conjunction with the preparation of the EIS considered peak incremental 24 hour average PM10 concentrations of 15µg/m3 could be experienced 200m from the Project Site and would present worst case scenario for operations under the Proposal (Environ, 2014). These results indicate that PM10 levels, which would include crystalline silica and other matters, are predicted to be significantly lower than established exposure levels used as triggers for monitoring the health effects of crystalline silica.

Silicosis remains an occupational health risk at Dowe's Quarry and will continue to be managed through staff education, the use of appropriately ventilated and filtered cabs on all machinery and use of appropriate face masks where this is required. Airborne crystalline silica would not present a significant environmental health issue. In fact, there are no documented cases of silicosis in the community surrounding any mine with a high proportion of silica in the rock being mined.

Concerns raised in relation to traffic and vehicle movements have been the subject of consultation between Council, the Roads & Maritime Services (RMS) and the applicant. Additional traffic surveys were undertaken and reviewed by Council and the RMS and conditions have been recommended to address relevant traffic and driver behaviour concerns.

S79C(1)(e) the public interest

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

3 CONCLUSION

The development application seeks consent for the ongoing extraction of material and the expansion of the quarry site producing up to 100 000 tonnes of rock per year over a life span of 30 years. The application has been assessed in accordance with the provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*. Evaluation and assessment of the application in accordance with the legislative framework has demonstrated that the proposal is satisfactory.

It is recommended that Development Application 2014/078 for the "Extension and continued use of existing site for Extractive Industry" located on the following land;

Project Site

- Lots 239, 260, 308 and 309 DP 751540
- Lots 3 and 4 DP 42044

Quarry Access Road

- Sections of Crown Road
- Lot 245 DP 751540 (Crown Land – Travelling Stock Reserve)
- Lot 246 DP 751540
- Lots 1, 2, 3 and 4 DP 1092215
- Lot 3 DP 42044,

be approved subject to the conditions contained in Annexure 3.