



MEMORANDUM

TENTERFIELD SHIRE COUNCIL

MEMO TO: Joint Regional Planning Panel

FROM: Tamai Davidson
Senior Planner

SUBJECT: DA 2014/078 Dowe's Quarry – Proposed Amendments to Conditions

DATE: 17 March 2015

Dear Panel Members,

The applicant's consultant has reviewed the recommended conditions of consent and I have undertaken further discussions with them in relation to some minor variations to the conditions. The variations provide clarification and do not alter the intent of the conditions and it is recommended that the variations as requested be made to the draft conditions as detailed below.

The additional wording has been highlighted in red and any removed text appears as strikethrough and is highlighted in blue. A comment has been provided for the variations below each condition.

Condition 2

To confirm and clarify the terms of this approval, consent is given for the following

- 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);
- 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 **or on occasions to alternate locations within or beyond the New England Region with transportation to other locations limited to no more than four (4) heavy vehicle loads per day for up to 15 days in each year;**
- Backloading of clay fines and crusher fines from Sunnyside to Dowe's Quarry;
- Progressive emplacement of overburden and returned clay fines within and adjacent to the extraction area;
- Storage of surplus crusher fines from Sunnyside awaiting sale and transportation;
- Period of Extraction of Material of no more than 30 years from the date of consent; and
- Rehabilitation of the site.

Comment: The potential for trucks to transport material to other destinations was described in Section 2.8.2 of the EIS and the amendment to this condition would align the consent to proposed operations. The applicant indicates that

transportation to other destinations is not likely to be a regular feature of transportation activities. For the purposes of the development consent, it is considered appropriate to limit the transportation of materials to other destinations to no more than four heavy vehicle loads per day for up to 15 days in each year.

Condition 8

Extraction Operation Hours

The extraction operation hours are limited to the following:

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

Blasting operations to be in accordance with the current NSW Environment Protection Licence - at time of consent Monday – Friday – 10am to 3pm with NO blasting on weekends or public holidays.

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.

Comment: The applicant states that *“Darryl McCarthy Constructions has been operating the Dowe’s Quarry since 1987 with standard operating hours from 7:00am to 5:00pm Monday to Saturday and no operations on Sundays or public holidays. During that time no complaints have been made from the local community regarding noise or other impacts to amenity regarding operating hours on a Saturday. It is also noted that the EPA General Terms of Approval allow all operations (other than blasting) to continue between 7:00am and 5:00pm Monday to Saturday.”*

Discussions with the Environment Protection Authority indicate that the operating hours contained in the General Terms of Approval are consistent with the NSW Industrial Noise Policy and as such it is unlikely the EPA could justify amending the GTAs. Whilst the EPA note that there is the ability to make different decisions for social reasons, and could reflect alternative (i.e. more stringent) operating hours in the consent if deemed appropriate, the recommended conditions, particularly in relation to dust nuisance (by sealing of the internal access road) will ameliorate potential amenity impacts. Whilst the applicant indicates that no complaints have been made in relation to Saturday operations, it is noted that submissions have been received in terms of dust nuisance from the existing operations.

The EPA's licence (once an application is received and it is issued) must not be inconsistent with the consent issued by Council for a minimum of the first licence review period (by virtue of s.93(2) of the EP&A Act). If the operating hours are to be altered by way of development consent condition it suggests that the EPA would need to reflect the more stringent operating hours applied in their licence.

It is considered reasonable that the hours be consistent with the EPA GTA's and have been altered accordingly.

Condition 28

The developer shall request that RMS inspect all of the road works to be undertaken by the developer on New England Highway ~~shall be inspected by RMS~~ to ensure the works are undertaken in accordance with the approved drawings and specifications and relevant Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards.

Comment: Re-wording the condition places the responsibility for requesting the inspection back on the developer, not the RMS.

Condition 29

The intersection of Mount Lindesay Road and access to Dowe's Quarry shall be designed and constructed in accordance with applicable Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards. As a minimum, the following requirements apply:

- The access road to Dowe's Quarry shall be constructed at 90 degrees to the road centreline of Mount Lindesay Road;
- The access road to Dowe's Quarry shall be constructed and sealed for a length of 600 metres (minimum), with 6.0 metres (min) formation width and 4.0 metres (min) sealed width ~~for two-way traffic flow~~;
- The access road to Dowe's Quarry shall incorporate passing bays and call points at the intersection of Mount Lindesay Road and access to Dowe's Quarry and at the end of the sealed section of the access road, to manage passing traffic on the access road;
- The intersection of Mount Lindesay Road and access to Dowe's Quarry shall be designed and constructed as a basic left turn treatment (BLA) on a rural road where the side road AADT is greater than or equal to 50 and/or specifically for articulated vehicles;
- The pavement and bitumen seal of the internal access road to the Quarry shall be maintained ~~by the Applicant~~ for the whole life of the development;

Desirably, the intersection of Mount Lindesay Road and access to Dowe's Quarry should be applied with an asphaltic concrete wearing course to protect the road pavement from damage resulting from the increased heavy vehicle usage, and constant breaking and 'screwing action' of laden/unladen vehicles entering and leaving the Quarry.

Comment: Removal of the section 'for two way traffic flow' clarifies that the seal would be appropriate for single lane travel and the passing bays that would be constructed (as required by the following point) would satisfy any need for trucks to pass along the access road. Removal of this wording was an oversight when drafting the conditions.

Removal of "by the Applicant" deletes reference to an individual or company and places ongoing maintenance responsibilities on any future operators entitled to act on the consent.

Condition 34

The registered proprietor ~~or person entitled to act on this consent~~ is to submit to Council an annual report with an estimated quantity of material extracted in the calendar year. A contribution in accordance with Council's Section 94 Plan will be required at a rate of 4 cents per tonne per kilometre of material over shire roads. Any 'on farm' use of material can be excluded from calculations, but must be identified in the return with details of the material destination. Confirmation of the quantity extracted may be required on a 5 year basis to confirm accuracy of returns.

Comment: This minor addition to the condition clarifies the use of terminology, ensuring that it reflects that the condition is the responsibility of the current operator of the quarry, regardless of whether it is owned by the original developer of the quarry.

Tamai Davidson
Senior Planner