



6101 - letter to jrpp (august 2015)

20 August 2015

Regional Panels Secretariat
Joint Regional Planning Panels
GPO Box 39
SYDNEY NSW 2001

Attention: Northern Joint Regional Planning Panel

Dear Sir/Madam

**re: Expansion of existing gravel quarry on Old Bagotville Rd and Montis Rd,
Bagotville (2014NTH024 – DA 2014/615)**

I refer to the subject report that is being considered by the Northern Region JRPP at its meeting on the 21st August 2015 and offer the following in respect of some of the pertinent matters raised therein.

In respect of the land use and environmental impacts relating to the site and as articulated in the report to the JRPP:

- the use is permitted with consent within the RU1 zone under the BLEP 2012
- the General Terms of Approval have been issued by both the Environment Protection Authority and Office of Water
- the expansion area is contained wholly within the footprint of the existing approved operation
- the expansion is not constrained by and will not have any adverse impacts on or be impacted by:
 - flora and fauna
 - acid sulfate soils
 - flooding
 - contamination
 - visual setting

Engineers | Planners | Surveyors | Environmental | Project Management

BALLINA
45 River Street
PO Box 20
BALLINA NSW 2478
Ph: 02-6686 3280

BRISBANE
Level 1, The Design Bank
89 Grey Street
SOUTH BRISBANE QLD 4101
Ph: 07-3123 6675

GUNNDAH
Germane House,
285 Conadilly Street,
GUNNDAH NSW 2380
Ph: 02-6742 9955

- land use conflicts
- agricultural uses
- stormwater/water cycle
- water table
- erosion, sediment and dust
- operational noise
- cultural heritage

PRIOR COMPLIANCE ACTION

It is very important that a clear distinction be made between the operators and operations of the quarry that is subject of this application and the operators and operations of adjacent quarries which breached their conditions of consent during 2009-2011.

Existing on the adjoining land to the south (being Lot 1 DP 787102, Old Bagotville Road, Bagotville) is an operational quarry. Consent was granted to this quarry under the terms and conditions of DA 1996/30 on the 22nd February 1996. The consent was granted to McGeary Bros Pty Ltd.

At that time, this quarry was commonly known as "Monti's Pit" and has continued over time to be known as Monti's Quarry.

Existing on adjacent land to the south-east (being Lot 3 DP 619233, Old Bagotville Road, Bagotville) is an operational quarry. Consent was granted to this quarry under the terms and conditions of DA 1996/29 on the 22nd February 1996. The consent was granted to McGeary Bros Pty Ltd.

When these breaches of consent occurred (which involved quite a substantial exceedance of the maximum permitted annual extraction amount), the Monti's did not own and were not operating those quarries.

To avoid any confusion and of more recent times, we have been referring to the adjoining quarry as the "Old Monti's Quarry" and the quarry that is subject of this application as the "New Monti's Quarry".

The Monti's have been operating the "New Monti's Quarry" in strict accordance with the terms and conditions of their consent, DA 2006/718, which was approved on the 22nd February 2007.

The "New Monti's Quarry" has only extracted some 55,000 tonnes (37,000m³) since commencement of operations in 2011, which is an average of approx. 13,750 tonnes or 9,250m³ per annum.

The prior operators of the "Old Monti's Quarry" and "Eaton's Quarry" were issued with six (6) Penalty Infringement Notices (fines) in July 2012 for exceeding their maximum annual permitted extraction amounts.

The issues that have been raised by the local resident objectors in Wardell in respect of adverse impacts on their amenity and the safety and efficiency of the local road network (particularly though Wardell), appear to have been largely influenced by the significant number of truck movements that occurred during the breaches of consent relating to the "Old Monti's Quarry" and "Eaton's Quarry", which did not have anything to do with the Monti Family.

The Monti Family and their existing quarry, should therefore not be blamed, adversely impacted or compromised in any way (particularly in respect of truck movements through Wardell) by the breaches of the two other quarries in the locality in 2009-2011.

WOOLGOOLGA TO BALLINA (W2B) PACIFIC HIGHWAY UPGRADE

The Director-General's Requirements for the EIS were sought by letter dated 20th September 2013. The DGR's were received by letter dated 24th October 2013 and did not contain any reference to the Woolgoolga to Ballina Pacific Highway upgrade.

Attached to the DGR's was a letter from the RMS (dated 23rd October 2013) which identified the RMS's requirements for the EIS. This letter did not reference the Woolgoolga to Ballina Pacific Highway upgrade.

Ardill Payne & Partners further formally consulted the RMS (by letter dated 29th May 2014). The RMS responded by letter dated 7th July 2014 and again, this letter did not reference the Woolgoolga to Ballina Pacific Highway upgrade.

Section 1.10 of the EIS reported that the subject land is impacted by the Pacific Highway upgrade, with a plan of the alignment over the property being provided at Appendix O of the EIS.

At the time that the DA/EIS was prepared and lodged, the RMS had not commenced the compulsory acquisition of the Monti's property. At that time, the Monti's were entitled to continue using their land for the operation and development of their business without influence from the RMS in respect of the proposed Highway project. The Monti's have not received any formal notice of acquisition. The only RMS purchase offer was received by the Monti's on the 23rd June 2015. This has not been accepted.

TRUCK MOVEMENTS

Consent is sought for a doubling of the permitted annual extraction amount from 50,000m³ in situ to 100,000m³ in situ per annum and an increase in the total permitted extractable amount from 700,000m³ in situ to 2.39 million m³ in situ with a maximum operational life of 25 years or until a total of 2.39 million m³ has been removed, whichever occurs first.

It must be stressed that there will not be any increase in the actual existing and permitted peak hourly or peak daily traffic movements generated by the existing operation, which are:

- maximum of 9 loaded trucks/hour (18 truck movements/hour)
- maximum of 200 truck movements/day

At peak extraction rates, the quarry would reach its proposed maximum annual extraction limit of 100,000m³ in approx. 50 working days. Approval of this application will therefore not change existing peaks, but will enable extraction over a greater number of days in any one year.

In terms of cumulative impacts, particularly in respect of traffic:

- There will not be any increase in the existing approved peak hourly and peak daily truck movements for the quarry.
- Any reference to the adjacent Jali Quarry (Lot 244 DP 755691, Old Bagotville Road, Bagotville) is considered unreasonable in that there is no guarantee that the Jali LALC will proceed to prepare a DA/EIS for re-activation of the quarry or that, if such is prepared and lodged, that consent may or may not be granted thereto. Ardill Payne & Partners wrote to the Department of Planning by letter 15th May 2015 to obtain the Director-General's Requirements for an EIS. The DoP by letter dated 10th August 2015 issued the DGR's which have been forwarded to Jali for their consideration.
- Vehicle movements that were associated with the approved haulage of up to 50,000 tonnes/annum from Gibsons Quarry have now ceased as this consent lapsed in May 2012 and the property has been purchased by the RMS.
- Vehicle movements associated with the haulage of up to 50,000 tonnes/annum from the "Eaton's Quarry" will cease in January 2017, which is the date that the RMS will take possession of that site.
- Should it be deemed appropriate, there would be an ability to condition any consent for the expansion such that the expanded operations are not able to commence until such time as Eaton's Quarry has ceased operation (including haulage).
- Council's assumption of the "worst possible case" scenario of all local quarries operating at their maximum permissible truck movements at the same time is considered unreasonable, implausible and hypothetical.
- The only likely scenario for all quarries operating at maximum capacity would be in relation to servicing the W2B upgrade, which in that case, there would be opportunities for trucks to haul along the highway corridor and further, the "New

Monti's Quarry" would not be operational as it would have likely been resumed by the RMS.

- Should there be issues/concerns with truck movements through Wardell, there would be an opportunity to impose appropriate conditions of consent which would manage and/or mitigate such impacts.

I trust that the JRPP will duly consider the above when deliberating the merits of the proposed quarry expansion.

Yours faithfully



Paul Snellgrove

ARDILL PAYNE & PARTNERS

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