

**JOINT REGIONAL PLANNING PANEL  
Northern Region**

JRPP No	2015NTH023
DA Number	DA 2014.078/2
Local Government Area	Tenterfield
Proposed Development	Section 96(2) Modification to 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	Two (2)
Regional Development Criteria (Schedule 4A of the Act)	<p>Extractive Industry – Designated Development</p> <p>The modified 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 &amp; 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 &amp; Assessment Regulation 2000</i>.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• SEPP 33 Hazardous and Offensive Development</li> <li>• SEPP 44 Koala Habitat Protection</li> <li>• SEPP 55 Remediation of Land</li> <li>• SEPP Mining &amp; Petroleum and Extractive Industries 2007</li> <li>• SEPP Rural Lands 2008</li> <li>• Tenterfield Local Environmental Plan 2013</li> </ul>

List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Application and Statement of Environmental Effects- October 2015</li> <li>• Annexure 1 – Consent 2014.078</li> <li>• Annexure 2- EPA responses (2)</li> <li>• Annexure 3 –Confidential public submissions</li> <li>• Annexure 4 – Modified conditions</li> <li>• Annexure 5 – RMS responses (2)</li> <li>• Annexure 6 – Applicant additional information</li> <li>• Annexure 7 – Driver Code of Conduct</li> </ul>
Recommendation	Approval with modified conditions as attached to this report
Report by	Tamai Davidson, Senior Planner, Tenterfield Shire Council
Report date	5 January 2016

## **1. EXECUTIVE SUMMARY**

### **1.1 Reason for Consideration by Joint Regional Planning Panel:**

The application for modification to the approved 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 modified development:**

The modification application seeks to;

- Increase the annual rate of extraction from 100 000 tonnes per year to 150 000 tonnes per year;
- Retain the current approved maximum rate of despatch of 120 laden trucks per week with:
  - A maximum of 28 laden trucks despatched per day; and
  - Despatch limited to weekdays and up to ten Saturdays per year; and
- Formalise the re-alignment of the quarry access road to improve its horizontal and vertical alignment (incorporating an additional land parcel – Lot 244 DP 751540).

The modification does not alter any other components of the approved development, including the total resource to be extracted, footprint of the quarry, the methods of extraction or the approved transport routes. The only modifications to the extraction operations would relate to the duration and frequency of drilling and blasting, requiring an additional five to ten blasts per year. Blasts will continue no more than once per day as specified in the Environment Protection Licence. There is no proposed change to operating hours and the overall lifespan of the development (currently estimated up to 30 years) would be reduced if the extraction rate increases.

### **1.3 Development History of the Site:**

On 19 March 2015, the Northern Region Joint Regional Planning Panel issued conditional consent for the ongoing use and expansion of the existing quarry. The development application obtained 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.

A copy of the consent is contained in Annexure 1.

#### **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 were issued for the original consent and the EPA was consulted during the assessment of the modification application. A copy of the EPA's responses (2) are contained in Annexure 2.

#### **1.6 Designated Development**

The proposed development is 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*. Two (2) submissions by way of objection and concern were received by Council in relation to truck movements and the condition of the Mount Lindesay Road and disturbance to public amenity. Copies of the submissions are contained within Annexure 3-Confidential Submissions.

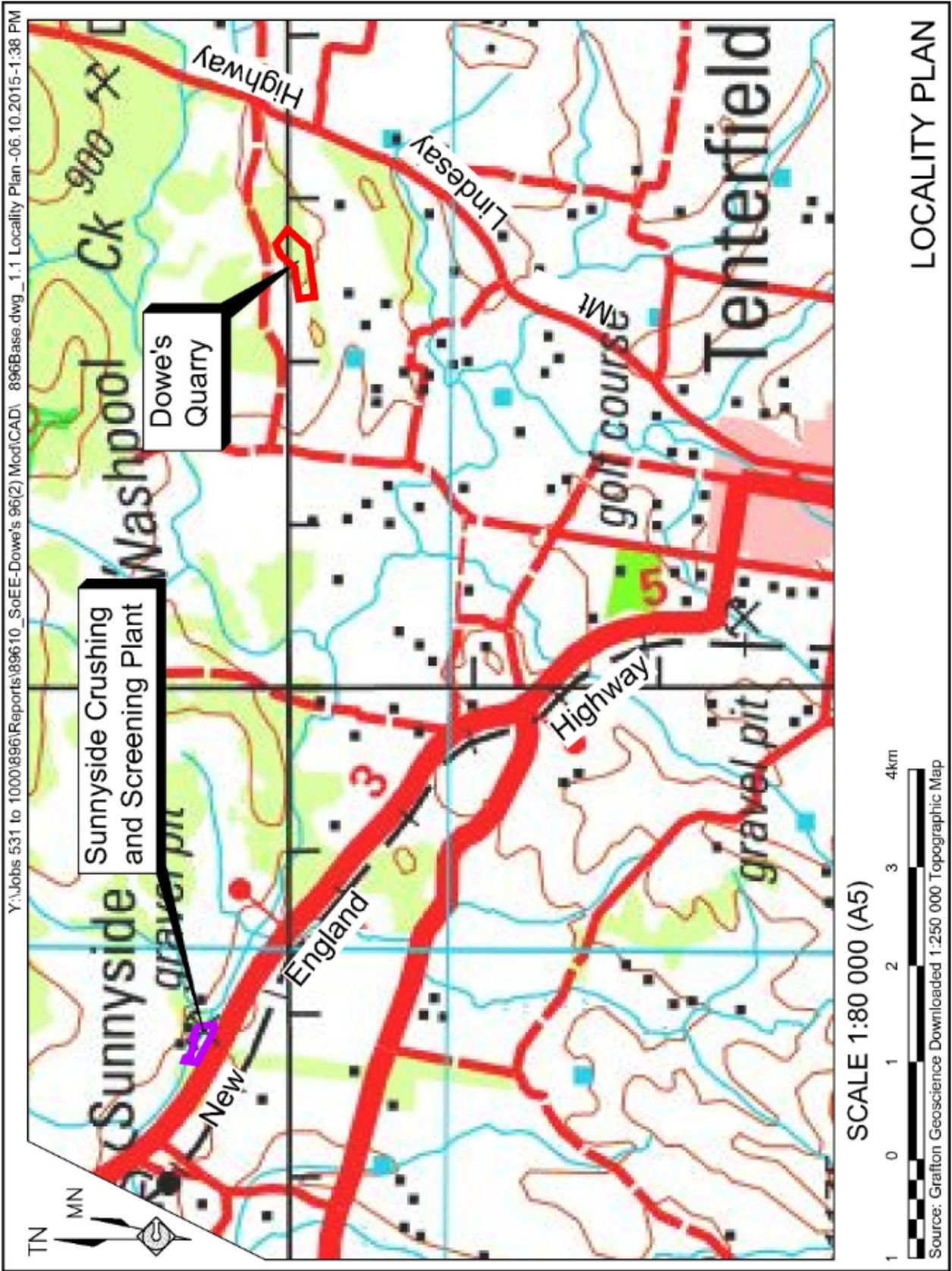
#### **1.8 Recommendation**

It is recommended that Modification to Development Application 2014/078 be approved subject to the modification of conditions 2 and 29 of the original consent as contained in Annexure 4, all other conditions remain the same.

#### **1.9 Annexures**

- Annexure 1 Development Consent 2014.078
- Annexure 2 EPA responses (2)
- Annexure 3 Submissions - CONFIDENTIAL
- Annexure 4 Recommended Modified Conditions of Consent
- Annexure 5 RMS Responses (2)
- Annexure 6 Applicant additional information
- Annexure 7 Driver Code of Conduct

# Locality Plan



## **2. EVALUATION OF DEVELOPMENT APPLICATION**

### **2.1 Proposed development**

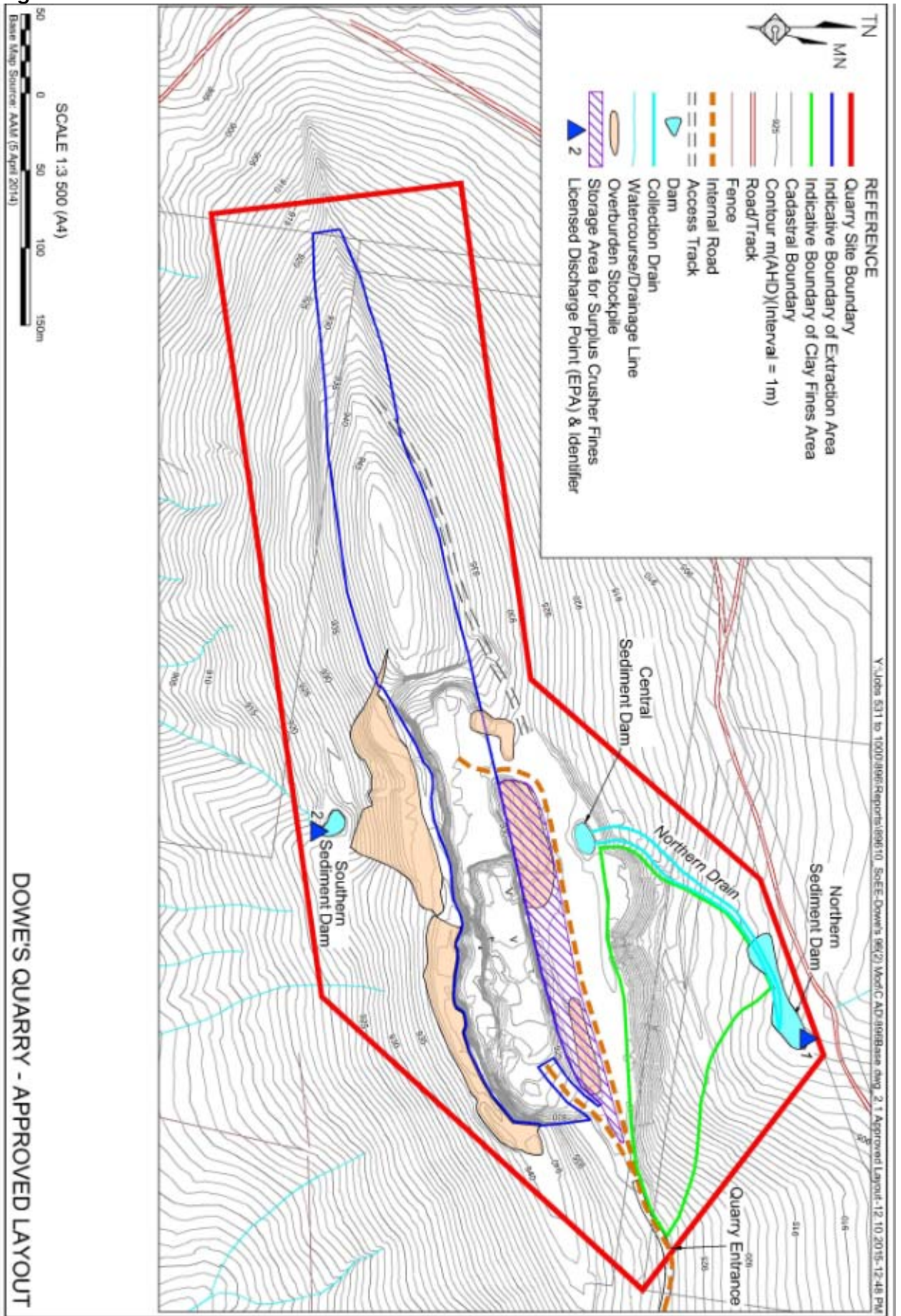
The modification to the development consent seeks consent for the following;

- Increase the annual rate of extraction from 100 000 tonnes per year to 150 000 tonnes per year;
- Retain the current approved maximum rate of despatch of 120 laden trucks per week with:
  - A maximum of 28 laden trucks despatched per day; and
  - Despatch limited to weekdays and up to ten Saturdays per year; and
- Formalise the re-alignment of the quarry access road to improve its horizontal and vertical alignment.

### **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, with formal consent issued on 19 March 2015.

Figure 1



## 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

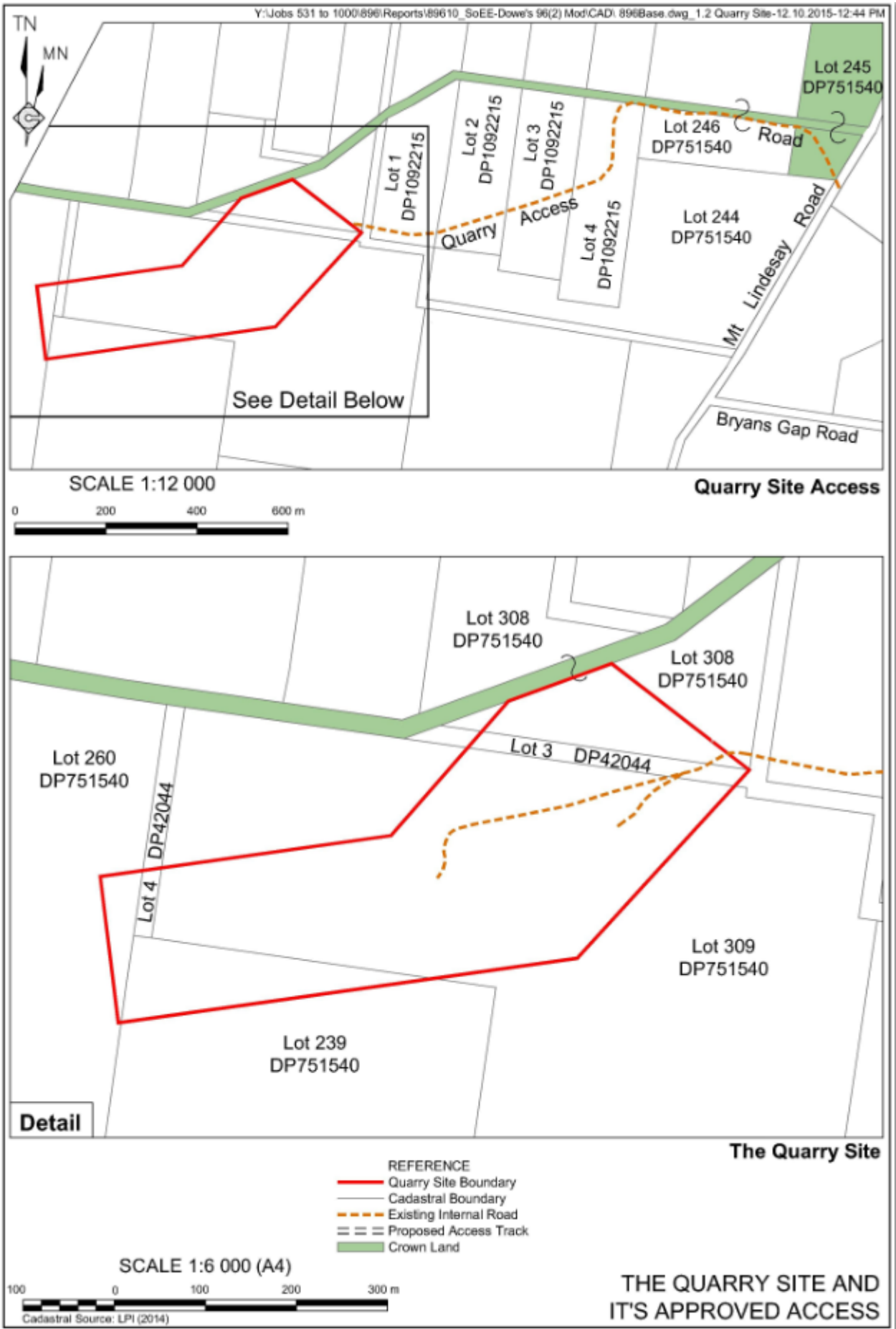
- Lots 239, 260, 308 and 309 DP 751540
- Lots 3 and 4 DP 42044

### Quarry Access Road

- Sections of Crown Road
- Lots 244, 245 & 246 DP 751540 (Crown Land – Travelling Stock Reserve)
- 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.

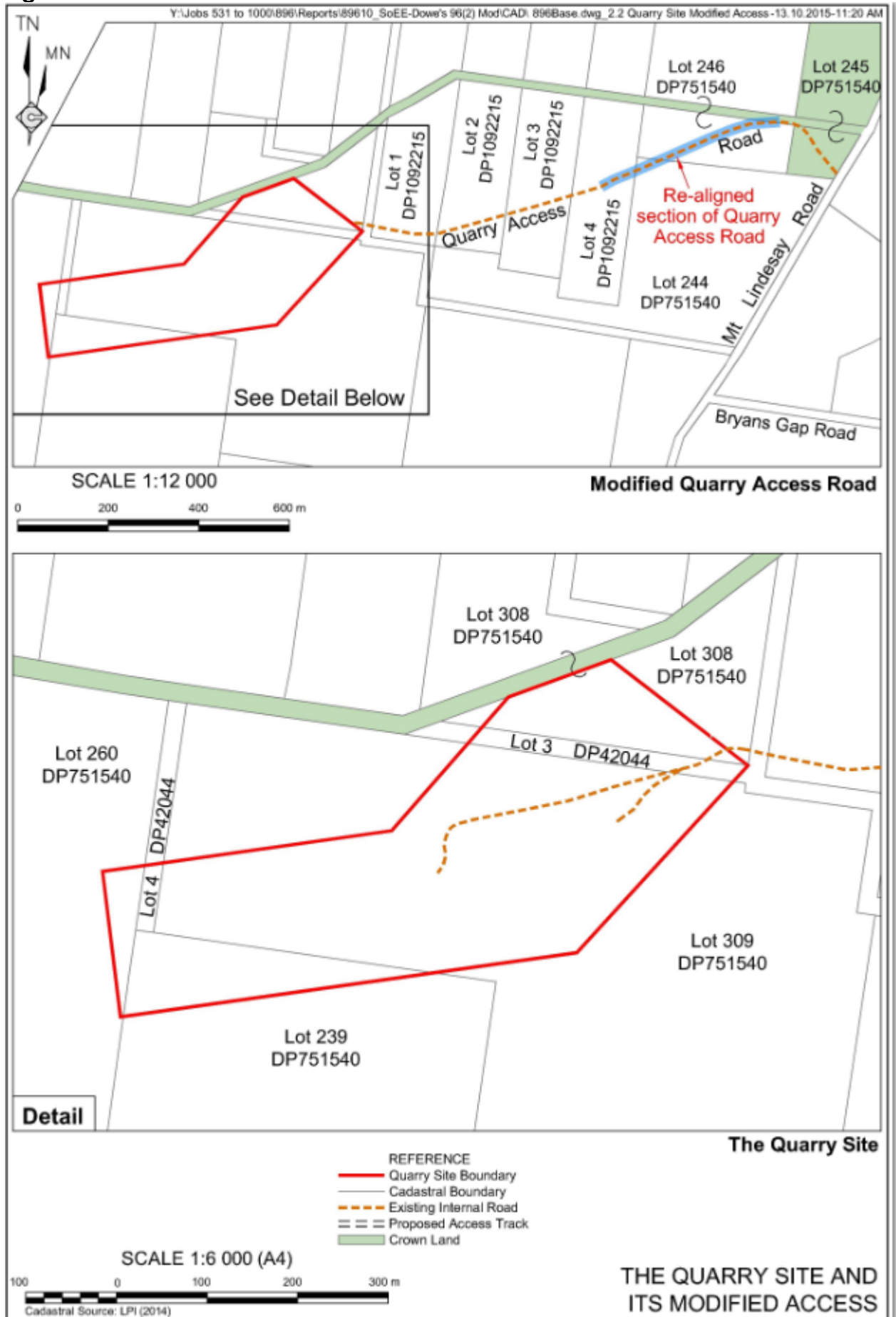
**Figure 2** identifies the approved project site, internal access road and land title details.



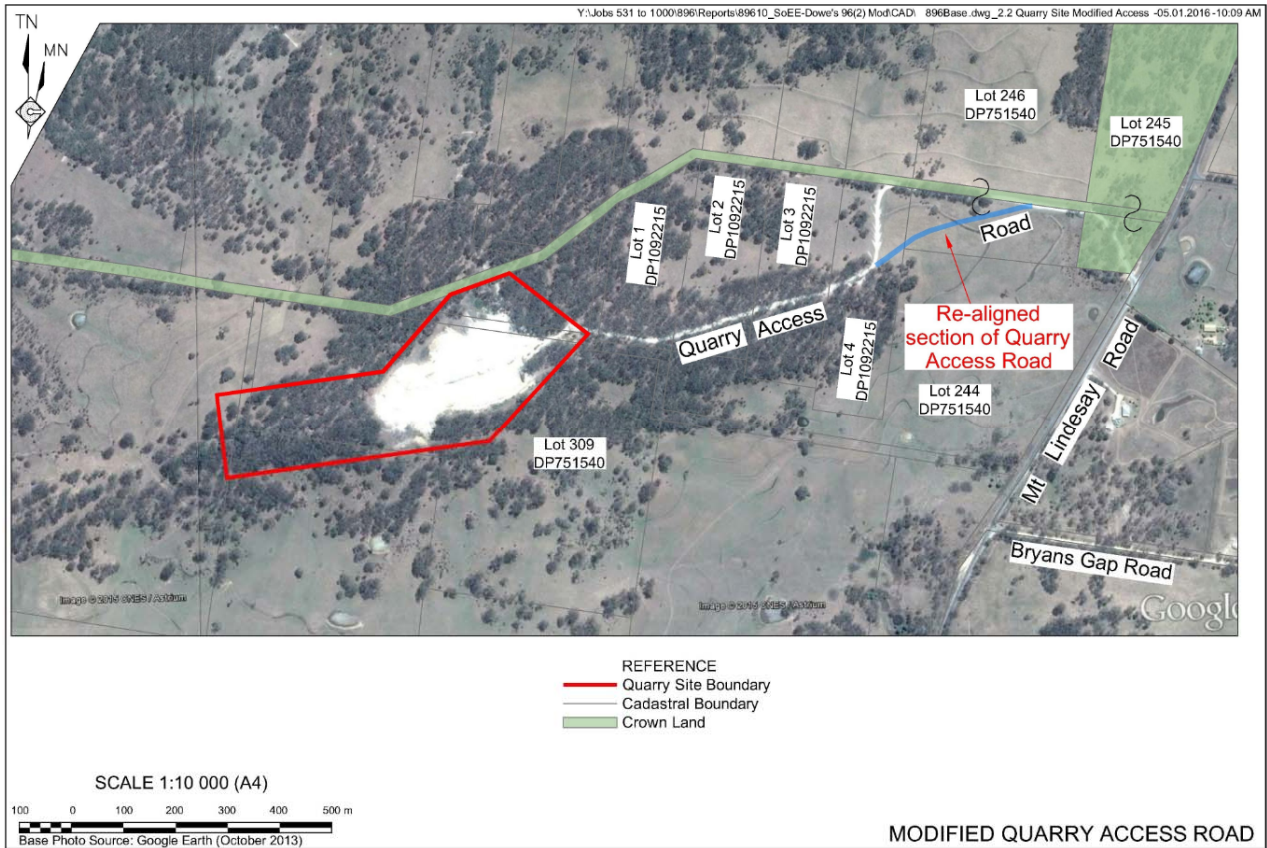
**Figure 2**

Figure 3 identifies the modified internal access.

**Figure 3**



**Figure 4 - Modified internal access road aerial photograph.**



## 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 approved proposal covers 3.1ha, with the proposed modification not seeking to alter the original footprint of the development as approved.

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°.

## 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) and the original consent was assessed and approved by the JRPP on 19 March 2015. The JRPP are the consent authority for any modification applications to the consent.

The application is considered to be substantially the same development, will not result in significant additional impacts to the natural and built environment and is appropriate to be considered as a Section 96(2) Modification. The modification does not propose any alteration to existing approved development footprints or result in any additional impacts in relation to ecology, Aboriginal heritage, soils, surface water management or visibility for the ongoing operation of the quarry.

The modified application is integrated development and received the concurrence of the NSW Environment Protection Authority (EPA) and the General Terms of Approval from the EPA were included in the original consent. Consultation with the EPA was undertaken in relation to the amended proposal and the EPA has advised that the proposal is satisfactory. The EPA advises that minor amendments to the current Environment Protection Licence (#20598) will be required to reflect the modified operations.

The modified application was also referred to Roads and Maritime Services (RMS) for information and comment in relation to the modified proposal. The RMS has advised that they are satisfied with the proposed amendment subject to minor variations to the requested amendments to Condition 29. A copy of the RMS' response is contained in Annexure 5.

## **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)***

No change to original application.

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

No change to original application – re-aligned internal access road does not require any further vegetation removal than was originally proposed.

The site does not contain core or potential Koala habitat as defined in SEPP44.

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

No change to original application.

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

Clause 7(3) of the SEPP permits the modified 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**

No change to original application. Proposal remains compatible.

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

The proposed modified 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**

No change to original application.

### **CI. 15 Resource Recovery**

The modified application will change the extraction process by the way of an additional five to ten blasts per year, with extraction to continue as proposed in the original application.

### **CI. 16 Transport**

The modified proposal seeks to increase the annual rate of transportation of quartzose rock from 100 000 tonnes per year to 150 000 tonnes per year. No changes are proposed to the transport routes used by the trucks. The applicant states that it is their intention to modify the current vehicle fleet of semi-trailers (with 26 tonne capacity) and truck and dog trailers (with 32 tonne capacity) with a fleet of all truck and dog trailers. Therefore each laden vehicle will carry 32 tonne from the site principally to the Sunnyside Crushing Facility. The length of the longest truck does not alter under the proposed modification.

The original Traffic Impact Assessment (TIA), stated that operations at the Quarry would not exceed 40 truck movements per day (two way), with light vehicle movements anticipated to be 8 vehicles per day (two way). Truck movements are currently permitted for six (6) days of the week, being Monday to Saturday.

The modified proposal seeks to increase the truck movements to 56 per day (two way), principally Monday to Friday with a maximum of ten (10) Saturdays when trucks are permitted to transport to and from the site. The total number of vehicles despatching from the site each week is not proposed to be modified (120 – one way – 240 two way).

An assessment of the additional heavy vehicles that would result from the modified proposal identifies that total heavy vehicle levels would increase on the roads along the transport routes as follows;

- Mount Lindesay Rd (North of Old Ballandean Road) 43% to 51%
- Mount Lindesay Rd (South of Old Ballandean Road) 22.5% to 29%
- Old Ballandean Road 43.5% to 52%
- New England Highway (North of Bruxner Way) 8.3% to 11.2%

The Roads and Maritime Services have responded to the modified proposal and the submission has been taken into consideration in the assessment of the application.

An extract from the RMS initial response is provided below;

#### **Roads and Maritime Response**

Roads and Maritime has reviewed the proposed modifications and provides the following comments to assist the Consent Authority in making a determination;

1. The *Response to Government Agency Submissions* dated January 2015 identified a maximum daily generation rate of 40 heavy vehicle movements. The proposed modification seeks an increase of 16 heavy vehicle movements per day. Roads and Maritime supports the proposed inclusion of the nominated maximum daily and weekly heavy vehicle movements under condition 2 of the development consent.
2. The proposed increase in the annual extraction will enable the quarry to operate at the nominated peak output over a greater number of weeks in the year with subsequent impacts on road pavement integrity and traffic conditions. To address this impact consideration should be given to appropriate Section 94 contributions for road maintenance and the Driver's Code of Conduct should be updated to require appropriate spacing of heavy vehicles in the interest of minimising queuing at intersections.

Appropriate modifications to condition 29 of consent have been recommended by the RMS as outlined below; (RMS correspondence is attached in Annexure 5).

*"The proposed amendments to the consent conditions are supported.*

*Please note there is a typo in dot point 4 of Modified Condition 29. The Basic Left Turn treatment is a (BAL). You may wish to insert 'Austroads' immediately prior to 'basic' as this will reference the relevant guideline."*

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

The modified internal access road (Figure 4 above) is proposed to be sealed for a length of 600m as originally provided for in Condition number 29 of consent;

Original Condition no. 29

#### ***"Mount Lindesay Road and Access Road to Dowe's Quarry***

*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;*

- *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 for the whole life of the development;*

*The intersection of Mount Lindesay Road and access to Dowe's Quarry shall 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.*

*Reason: To ensure compliance with the relevant standards."*

### **CI. 17 Rehabilitation**

No change to original application.

- ***State Environmental Planning Policy (Rural Lands)***  
The defined project site for the existing and proposed modified 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 modified 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 modified 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.

#### **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 modified development.

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

*Tenterfield Development Control Plan 2014* – there are no specific matters for consideration under the provisions of the DCP.

#### **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 approved project site comprises the existing extraction area, proposed extraction area and associated stockpiling and internal road areas comprising a total area of 13.5 hectares and is located along an internal access road all contained within the same ownership and forming part of the development application. The realignment of the internal access road necessitates the inclusion of an additional lot, which forms part of the modified application.

Access, Transport and Traffic

The modified application proposes to increase the current approved 40 truck movements (two way) per day over 6 days, to 56 truck movements (two way) over 6 days, with the majority between Monday to Friday and 10 Saturdays per year. Total truck movements per week are currently approved at 120 laden trucks despatching from the quarry, this number remains the same under the modified application, with the numbers per day and days altering as outlined above.

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.

Public Domain

Not applicable to the development.

Utilities

Not applicable to the development.

Heritage

The proposed modification does not alter any previously addressed heritage matters.

Air & Microclimate

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. Minor variation to the existing Environment Protection Licence will be required to cater for the modified proposal.

Flora and Fauna

There are no matters applicable to this application.

Waste

There are no matters applicable to this application.

Energy

There are no matters applicable to this application.

### Noise and Vibration

The approved hours of operation of the quarry in condition no. 8 from the current consent are;

#### **Extraction Operation Hours**

8. 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)
  - 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.

*Reason: To ensure compliance with application and plans.*

There are no changes proposed to the approved extraction operation hours.

The Environment Protection Authority's initial response to the proposal requested additional information in relation to an assessment of traffic noise levels;

The SEE does not provide an assessment of traffic noise levels in accordance with the NSW Road Noise Policy (RNP). Increases in noise levels have been predicted for 'increased quarry road traffic', compared with 'existing quarry road traffic', instead of comparing 'total traffic with proposed additional quarry vehicles' against 'total traffic'. As the values, which have not been calculated correctly, do not exceed the criteria there is also no assessment of feasible and reasonable noise mitigation measures that could be implemented.

The applicant was requested to address these matters and a further submission was provided to Council and the EPA to address the outstanding matters. A copy of the applicant's additional information is included at Annexure 6.

The EPA have reviewed the additional information and were satisfied with the information provided (Annexure 2). It is noted that minor variations to the current licence will be required to reflect the amendments.

### Natural Hazards

There are no matters applicable to this application.

### Social Impact in the locality

Modification of the approved consent provides for continued long-term employment at both the site and the associated Sunnyside Crushing and Screening Plant creating positive social impacts in the community.

### Economic Impact

Modification to allow for an increase in extraction rates will provide for additional employment in the shorter term and positive economic impacts for the Tenterfield district.

### Cumulative Impacts

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 approved quarry operation. The impacts of the proposed modified proposal have been identified and it is considered that the proposed mitigation and management issues in conjunction with recommended modified 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 Statement of Environmental Impact were publicly advertised and adjoining and adjacent owners notified during October and November 2015 in accordance with Clause 118 of the *EP & A Regulation 2000*. At the close of the consultation period, Council had received two (2) 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 3.

#### Submission No. 1

Thank you for the opportunity to comment on this Development Application.

While being positive about the value of development in Tenterfield Shire and applauding the "Drivers Code of Conduct" but being acutely aware of the danger posed to other road users (of which I am one) by the passage of these very large, heavily laden trucks constantly on our narrow access road to Tenterfield, I would like to caution the Council to maintain their vigilance on the conduct of these drivers. The potential for a horrific accident will be greatly increased by the increased frequency of these large, heavily laden trucks.

The passage, to date, of these trucks along the "quarry to Tenterfield" section of the Mount Lindesay Road results in the constant deterioration of the pavement and increased numbers (particularly in wet weather) will lead to further deterioration. The pavement width and axle load capacity are not of a sufficient standard to carry these constant loads without failure. It might be appropriate to require the applicant to both widen and strengthen the road over this section over time.

Again thank you for your notification and the chance to comment.

TENTERFIELD SHIRE COUNCIL

3 NOV 2015

## Submission No. 2

We wish to object to the above application on the grounds that it will further disturb public amenity on the route on which the trucks travel.

Already there are according to the application a maximum of 120 laden trucks per week. At 24 trucks per day making a return trip during an eight-hour shift that is roughly one truck passing properties along the route every 10 minutes. At 28 trucks per day that is even more often.

These trucks travel at or near the 100km per hour speed limit often blowing over garbage bins waiting for collection.

There are dips along the road which make it difficult for some residents to see approaching traffic when leaving their properties. There is a particularly dangerous situation for drivers leaving Sommerlads Road not being able to see traffic on their right because of a large dip.

Also the area along the route is undergoing residential expansion with three new houses being built in recent times and more likely with a new subdivision approved and house blocks being sold for more houses to be built.

Now the proponent plans to also dispatch trucks on Saturdays. We strongly object to this as the only time we get respite from these speeding trucks is at night and at weekends.

In addition, it is about time the speed limit between Boundary Road the quarry was reduced.

### **Comment:**

Both objections raise concerns in relation to the condition of Mount Lindesay Road and the increased frequency of trucks. In relation to the road condition, 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. Over time, these contributions will allow for the maintenance and upgrade of Mount Lindesay Road between the subject site and Tenterfield.

The current consent allows for truck movements Monday to Saturday, with a maximum of 20 despatches from the quarry on each day, resulting in 40 total truck movements. One submission does not recognise that unlimited Saturday truck movements are currently approved for a total of 40 movements and the modified application proposes to reduce current approved truck movements on Saturdays such that only 10 Saturday a year will be utilised for extraction. Total truck movements will increase on weekdays from 40 currently to a proposed maximum of 56, provided that the total weekly movements (240 two way) are not exceeded.

The developer has a current Driver Code of Conduct which is included at Appendix 7.

### **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 modification to the approved application will not be contrary to the public interest subject to the implementation of recommended modified conditions of consent.

### 3. CONCLUSION

The development application seeks consent for the modification of the approved development, being an increase in annual extraction from 100 000 tonnes of rock per year to 150 000 tonnes over a maximum life span of 30 years and the re-alignment of the internal access road. 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 2014.078/2 for the modification to "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 244 DP 751540
- 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 modified conditions contained in Annexure 4.