



26 March 2015

Our Ref: 17372-Y9MT (ODA 2015 805)

*Birthplace of Our Nation*

Darryl McCarthy Constructions Pty Ltd  
Attn: Mr Darryl McCarthy  
PO Box 246  
**TENTERFIELD NSW 2372**

Dear Mr McCarthy,

**Re: Development Application 2014.078 - 'Extension and Continued Use of an Existing Site for Extractive Industry and Associated Material Transportation' (Designated & Integrated Development)**

**Project Site:**

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

**Quarry Access Road:**

**Section of Crown Road, Lots 245 & 246, DP 751540 & Lots 1, 2, 3, & 4, DP 1092215 & Lot 3, DP 42044**

**Mount Lindesay Road, Tenterfield**

Please find attached Council's formal development approval for the '*Extension and Continued Use of an Existing Site for Extractive Industry and Associated Material Transportation*' at the abovementioned allotments.

Your attention is drawn to your rights of appeal should you be dissatisfied with Council's determination of your application.

Should you require any further information please do not hesitate to contact Council's Strategic Planning & Environmental Services Department on (02) 6736 6002.

Yours Sincerely,

James Ruprai

**Director of Strategic Planning  
& Environmental Services**

Encl.

R.W.Corkery & Co Pty Limited *all correspondence should be addressed to:*

1<sup>st</sup> Floor, 12 Dangar Road

**BROOKLYN NSW 2083**

**The General Manager**

**Tenterfield Shire Council**

247 Rouse Street (PO Box 214) TENTERFIELD NSW 2372

Telephone: (02) 6736 6000 Facsimile: (02) 6736 6005 email: council@tenterfield.nsw.gov.au website: www.tenterfield.nsw.gov.au

ABN 85 010 810 083



# Tenterfield Shire Council

PO Box 214  
TENTERFIELD NSW 2372  
Ph: (02) 6736 6000  
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## Notice of Determination of a Development Application

issued under the *Environmental Planning and Assessment Act 1979* Section 81(1)(a)

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### Development Application Number

2014.078

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### Development Application

Applicant Name: Darryl McCarthy Constructions Pty Ltd  
Applicant Address: PO Box 246  
TENTERFIELD NSW 2372  
Owner of the Land: DOWE Rodney Sydney Herbert  
Land to be Developed: Project Site:  
Lots 239, 260, 308 & 309, DP 751540 & Lots 3 and 4, DP 42044  
Quarry Access Road:  
Section of Crown Road, Lots 245 & 246, DP 751540 & Lots 1, 2, 3, & 4, DP 1092215 & Lot 3, DP 42044,  
Address: Mount Lindesay Road, Tenterfield  
Proposed Development: 'Extension and Continued Use of an Existing Site for Extractive Industry and Associated Material Transportation'

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### Determination

made on (date): 19 March 2015  
Determination: ~~Consent granted unconditionally~~  
Consent granted subject to conditions described below  
~~Application refused~~  
Consent to Operate from (date) 19 March 2015 - see note 1  
Consent to Lapse on (date) 19 March 2020  
**Conditions:** Please read the conditions carefully as failure to comply with the conditions could result in Orders being served upon you for demolition of the work.  
(including Section 94 conditions) see note 2

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### Other Approvals:

list *Local Government Act 1993*  
approvals granted under Section 78A(5):  
general terms of other approvals:  
integrated as part of the consent:

## INFORMATION FOR THE APPLICANT

### **COUNCIL OR PRIVATE ACCREDITED CERTIFIER**

On obtaining **Development Consent** you then have a choice of obtaining a construction certification from **Council or a Private Accredited Certifier**. On appointing a certifier, you **cannot** change the certifier for another person until the project has been completed, unless you seek to change through a legislative process.

### **CONSTRUCTION CERTIFICATE**

~~A **Construction Certificate** must be applied for and approved by either Council or a Private Accredited Certifier prior to any building work being undertaken. It will require structural certification, specifications, survey plans or any other details to be obtained. For dwellings, this will require Home Warranty Insurance or an Owner Builder Permit and a BASIX Certificate.~~

~~It is the responsibility of the applicant to ensure that all structural details are included in the construction plans. Failure to include all required details may result in lengthy delays in obtaining a **construction certificate** due to the fact that **many conditions cannot be included on the certificate.**~~

### **INSPECTIONS**

~~Inspections may need to be undertaken at various stages of the building (footings, frame, drainage, etc.) so as to ensure that the structural elements of the building comply with the Building Code of Australia and relevant Australian Standards. If you choose Council as your certifier, then it will be necessary for inspections to enable the issue of the necessary **compliance certificate** for a set fee.~~

### **OCCUPATION CERTIFICATE**

~~Prior to occupying or using the building an **Occupation Certificate** is required to be obtained. This certificate can only be issued on the satisfactory completion of the building and the prior issue of the required compliance certificates.~~

### **APPROVED PLANS AND CONDITIONS ON SITE**

During all construction work relating to this approval a copy of approved plans and associated conditions must be available on site.

### **RESPONSIBILITIES**

When inspections are required the Inspection Request Forms will accompany the approval. These forms must be completed and payment made at least 24 hours before the required inspection.

## INFORMATION ABOUT THE DECISION

### **RIGHTS OF REVIEW AND APPEAL**

Under Section 82A of the Environmental Planning and Assessment Act 1979, **any applicant** who is dissatisfied with Council's determination of their application may request the Council to **review** its determination; such a request can be made within 6 months or after an appeal to the Land and Environment Court has been lodged, but before it has been disposed of in the Land & Environment Court.

**If the applicant is dissatisfied with this decision**, Section 97 of the *Environmental Planning and Assessment Act 1979* gives the applicant the right to appeal to the Land and Environment Court within 6 months after the date on which the applicant received the 'Notice of Determination' under Section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*.

**If the applicant appeals**, Section 97 of the *Environmental Planning and Assessment Act 1979* gives any person who made a submission in relation to designated development the right to be given notice of the appeal, and to be heard at the hearing of the appeal (you need to apply to the court within 28 days of the notice of the appeal).

**If you are an objector to designated development**, and are dissatisfied with a decision to grant consent (either unconditionally or subject to conditions), Section 98 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 28 days of the date of the notice of determination.

Your appeal may be made by lodging an application to the Court in accordance with the Rules of Court. You do not have right of appeal where a Commission of Inquiry has been held (see Section 80(8) and Section 89(2) of the *Environmental Planning and Assessment Act 1979*).

### **PERIOD OF APPROVAL**

This approval remains valid for a period of 5 years from the date of this notice.

**(Under Section 95 of the Environmental Planning and Assessment Act 1979 and Section 103 of the Local Government Act 1993, the approval does not lapse if building, engineering or construction work on the land to which the approval relates is physically commenced before the date on which this approval would otherwise lapse).**

### **DEFERRED COMMENCEMENT**

In the case of an approval which is granted subject to a condition that the approval cannot operate until the applicant satisfies the Council as to any matter specified in the condition (a "deferred commencement"), the date from which the approval operates will not be endorsed on this notice. A separate notice will be issued in the event that the Council is satisfied that the applicant has satisfied such conditions.

## General Conditions

1. The development shall be carried out in accordance with the details set out in the following;

Development Application form lodged 13/8/14;

Environmental Impact Statement prepared by R.W. Corkery & Co.– July 2014;

Response to Government Agency Submissions, including Appendices 1-4, prepared by R.W. Corkery & Co. dated 5/1/15; and

Ecological Assessment Additional Information dated 27/11/14; except as otherwise provided by the conditions of consent.

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

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.

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

## Identification of Extraction Boundary

3. The 'proposed extended extraction area' boundary (as identified on the 'Dowes Quarry Proposed Layout Figure A – EIS, July 2014, prepared by R.W. Corkery & Co.) shall be clearly marked out prior to the commencement of extraction operations. The identification marks shall remain for the life of the development, with all operators being made aware of the boundary markers.

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

## Archaeology

4. If Aboriginal cultural objects are uncovered due to the development activities, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and Aboriginal community representatives must be contacted to determine the significance of the object(s). The site is to be registered in the AHIMS (managed by NSW Office of Environment & Heritage) and the management outcome for the site included in the information provided to the AHIMS.

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

5. If human remains are located during the project, all works must halt in the immediate area to prevent any further impact to the remains. The NSW Police, the Aboriginal community and NSW OE&H are to be notified. If the remains are found to be of Aboriginal origin and the police consider the site not an investigation site for criminal activities, OE&H should be contacted and notified of the situation and works are not to resume in the designated area until approval in writing is provided by NSW OE&H. In the event that a criminal investigation ensues, works are not to resume in the designated area until approval in writing has been received from the NSW Police and NSW OE&H.

*Reason: To ensure compliance with relevant legislation and to protect any items of Aboriginal archaeology.*

6. All reasonable efforts must be made to avoid impact to Aboriginal cultural heritage values at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and NSW OE&H. All staff and contractors are to be provided with induction and training in relation to the course of action and procedures to be followed in the case where any items are discovered.

*Reason: To ensure the protection of Aboriginal heritage.*

## **Complaints Register**

7. The developer shall nominate a contact person and telephone number for the benefit of adjoining neighbours and establish a complaints register that includes records of nature, time and date of complaint, climatic conditions such as wind direction and speed and the action taken to address complaint. The register shall be made available to Council upon request.

The developer shall notify all residents within a 2.0 kilometre distance of the boundary of the development site of the contact details and associated information.

*Reason: To ensure amenity of area is maintained*

## **During Extraction Operations**

### **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.*

## **Groundwater**

9. Should groundwater be intercepted at any stage during extraction operations, all works are to cease immediately and Council and the NSW Office of Water are to be notified immediately. No works will be permitted to recommence without the written authorisation of the NSW Office of Water.

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

## **Documentation**

10. A copy of all the approved documents related to this consent, shall be kept by the operator at all times and shall be made available upon inspection by Council or an authorised government agency.

*Reason: To ensure all documents are available on inspection.*

## **Completion of Extractive Industry Operations**

11. At the completion of operations, as determined by Council, the quarry operator will commission the completion of a Contamination Assessment Report for the site. Any recommended remediation actions are to be completed by the quarry operator and shall be identified within the report.

*Reason: To ensure compliance with Council's requirements.*

12. Rehabilitation of the site shall be undertaken in accordance with the submitted documentation including Figure 2.5 Final Landform and Rehabilitation. Rehabilitation shall be undertaken progressively and shall;
- Ensure species used during rehabilitation operations are consistent with vegetation community types located within the vicinity of the area to be rehabilitated and are suitable for the proposed final landform and land use.
  - Monitor all areas of progressive and final rehabilitation and undertake remedial action in the event that rehabilitation does not comply with the relevant completion criteria.

*Reason: To ensure the rehabilitation of the site.*

## **General Terms of Approval – Environment Protection Authority**

13. The development shall be carried out in accordance with the General Terms of Approval issued by the Environment Protection Authority, attached in Annexure A to this consent.

*Reason: To ensure compliance.*

## **Biodiversity Offset Area**

14. The applicant is to secure a 6.4 hectare Biodiversity Offset Area to be maintained in perpetuity in consultation with the Office of Environment and Heritage (OEH) in accordance with the submitted documentation and Ecological Assessment reports. The Biodiversity Offset Area is to be finalised within twenty four (24) months of the date of this consent.

*Reason: To ensure biodiversity preservation as a result of the development.*



15. All areas of proposed disturbance are to be clearly marked prior to the commencement of any clearing on site, with the following procedures implemented;
- When necessary, engage a suitably qualified or suitably experienced spotter-catcher to undertake an initial assessment of the area to be cleared for threatened species and to guide and inspect the felling of any hollow-bearing trees.
  - Check all trees for the presence of nesting or roosting fauna before felling or pushing, then start tree removal immediately after visual inspection.
  - When a tree with hollows requires removal, the tree is to be gradually nudged at intermitted intervals so that any animal occupying a habitat tree has the chance of vacating the area after the initial disturbance period.
  - Avoid leaving trees on ground unmanaged for more than two weeks as these would become habitat for hollow-dependant species.
  - Progressively clear vegetation as required throughout the life of the development
  - Salvage tree trunks, major limbs and, if practicable, minor branches for use in rehabilitation of disturbed areas within the Project Site.

## **Traffic Management**

16. A Driver Code of Conduct (the 'Code') for the transport of quarry products on public roads shall be developed and implemented for all heavy vehicle operators that access the subject development, including haulage and delivery vehicles. All drivers will be required to sign a register of acceptance (or similar) of the Code, with the Code including as a minimum the following:
- Map of the primary haulage routes, highlighting critical locations, safety issues and other relevant traffic/transport issues;
  - Procedures and/or safety initiatives for trucks travelling through the residential precincts and school zones (including roads where school bus pickup/set down areas are located);
  - A School Bus Operating procedure (or similar);
  - Driver Behaviour;
  - Compliance with road rules and safety;
  - Minimising dust and noise emissions;

- Inform drivers of known safety considerations along the proposed haul route (including school bus routes and timetables, school zones, concealed driveways, wet weather safety and other known local hazards);
- Ensuring all loads are covered prior to leaving the Quarry site;
- Ensuring all vehicles leaving the quarry site are clear of rock/extractive material by sweeping, cleaning draw bars and external truck/trailer components;
- Regular tool box meetings;
- A complaints resolution and disciplinary procedure; and
- Any community consultation measures required to address busy haulage periods.

The Code of Conduct shall be made available to Council and RMS upon request.

*Reason: To ensure the safe operation of vehicles on the public road system.*

17. A record of haulage movements from both Sunnyside Crushing and Screening Plant and Dowe's Quarry shall be maintained noting the direction, date and type of haulage vehicles utilised. The record of movements shall be submitted to Council every 12 months and/or upon request.

*Reason: To confirm and clarify the terms of the consent.*

18. Warning signs shall be installed within the vicinity of the Quarry entrance off Mount Lindesay Road and Sunnyside Crushing and Screening Plant off New England Highway to advise motorists of the additional truck movements in the area. The location of the signage shall be determined in consultation with Council, RMS and installed in accordance with Australian Standard 1742 and relevant RMS supplements to Australian Standard 1742

*Reason: To ensure ongoing public safety of the road network*

19. Where works are to be performed within the New England Highway and Mount Lindesay Road, a Traffic Management Plan (TMP) shall be prepared and signed off by a qualified person in accordance with AS 1742.3-2009 and RTA Traffic Control at Work Sites Manual – 2010. The TMP shall be approved by RMS and Council respectively. All of the required traffic management measures shall be installed prior to the commencement of any works and be maintained throughout the entire course of operations, and be performed in accordance with the approved TMP.

*Reason: To confirm and clarify the terms of the consent.*

## Engineering Design and Road Construction

20. All of the works to be undertaken on the New England Highway and Mount Lindesay Road shall be certified by a chartered professional engineer and designed and constructed in accordance with applicable Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards

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

21. A detailed set of construction drawings and specifications shall be provided to RMS and Council for review and approval prior to the commencement of any works at the intersection of New England Highway and Sunnyside Crushing Plant and access to Dowe's Quarry off Mount Lindesay Road.

*Reason: To ensure compliance with the relevant standards*

22. Access points shall be in accordance with the Rural Property Access standard for articulated vehicles as defined by the Austroads Guide to Road Design Part 4, Figure 7.4.

*Reason: To ensure compliance with the relevant standards*

23. Where work is to be undertaken on the New England Highway, Mount Lindesay Road and any connecting vehicular access, a geotechnical investigation and design of the road pavement shall be performed. The pavement design shall be carried out in accordance with the Austroads Pavement Design – A Guide to the Structural Design of Road Pavements 2004 with reference to the RMS supplements for Austroads/Australian Standards. The geotechnical work and pavement design shall be undertaken by a NATA accredited company and approved by RMS and Council respectively

*Reason: To ensure compliance with the relevant standards*

24. All road works undertaken on Mount Lindesay Road shall be inspected by Council to ensure that 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

*Reason: To ensure compliance with the relevant standards*

25. One set of approved construction drawings shall be amended to show the "Work-As-Executed". These drawings, in both hard copy and electronic form, shall be provided to Council and RMS within one month of completion of the works. The drawings shall be certified by a registered surveyor or Chartered Professional Engineer, whichever is applicable.

*Reason: To ensure compliance with the relevant standards*

## **Intersection of New England Highway and Sunnyside Crushing and Screening Plant**

26. The intersection of New England Highway and access to Sunnyside Crushing and Screening Plant shall be designed and constructed in accordance with relevant Austroads Guidelines and Australian Standards, with reference to the RMS supplements for Austroads/Australian Standards. As a minimum, the following requirements apply:
- Should the Applicant wish to retain the northern access to the Plant, further consideration of its use and design will need to be demonstrated and approved by RMS; and
  - The southern entrance to Sunnyside Crushing and Screening Plant shall be upgraded to incorporate a Basic Right Turn (BAR) treatment, inclusive of works at the southern entrance to improve the road pavement and seal and access to New England Highway.

*Reason: To ensure compliance with the relevant standards and ensure the ongoing safety of the public road network.*

27. For all of the works to be undertaken on New England Highway, the developer will be required to enter into a 'Works Authorisation Deed' with RMS, with all works under the 'Works Authorisation Deed' being completed by a pre-qualified contractor to the satisfaction of RMS within 12 months of Development Consent.

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

28. The developer shall request that RMS inspect all of the road works to be undertaken by the developer on New England Highway 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.

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

## **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.*

30. For all works on Mount Lindesay Road, the developer will be required to submit an application to Council under Section 138 of the Roads Act 1993, including payment of any fees associated with the application.

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

31. Access to the quarry site is to be undertaken as indicated on the submitted documentation. Evidence of coincident physical and legal access over the access road is to be provided to Council within three (3) months of the date of this consent. Such evidence may include, but is not limited to, the creation of a right of carriageway over the internal lots (excluding Lot 245 DP 751540) or consolidation of the lots such that all components of the access and quarry site are contained wholly within one land parcel.

*Reason: To ensure the quarry site has ongoing coincident physical and legal access.*

32. The engineering design for all roadworks on public roads required as part of this consent shall be completed and submitted to Council and the RMS (where relevant) for assessment within three (3) months of the date of this consent.  
All construction work required as part of this consent shall be completed within twelve (12) months of the date of this consent. Upon submission of satisfactory evidence, Council may permit an extension of the timeframe up to an additional six (6) months.

*Reason: To ensure works required as part of the consent are completed in a timely manner.*

## **Soil Management**

33. An Erosion and Sediment Control Plan shall be prepared for all proposed road construction works and approved by Council. Such erosion and sediment control measures shall be implemented prior to the commencement of any works and be maintained throughout the entire course of the operations. All of the erosion and sediment control measures shall be removed when disturbed areas have been restored.

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

## **Section 94 Contributions**

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.

*Reason: To ensure compliance with the provisions of Council's Section 94 contributions plan.*

35. Where there is no current Rural Address Number (RAN) the registered proprietor is to make an application to Council for a RAN.

*Reason: To ensure access to the property is appropriately identified.*

### **NOTE:**

## **Public Utilities**

Council and RMS does not guarantee the location of existing above and belowground services in the area, if any. The developer must satisfy themselves as to the existence and location of these services and indemnify Council and RMS from any claims due to damage arising from the proposed works. The location of any public utilities (water, sewer, telecommunications etc.) shall be determined prior to the work commencing using Dial Before You Dig (1100).

## General Terms of Approval - Issued

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Notice No: 1525218

General Manager  
Tenterfield Shire Council  
PO Box 214  
TENTERFIELD NSW 2372

Attention: Tamai Davidson

Notice Number     1525218  
File Number        EF14/25178  
Date                 03-Oct-2014

**Development Application 2014/078 - Darryl McCarthy Constructions Pty Ltd - Dowe's Quarry, 668 Mount Lindesay Road, Tenterfield**

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

I refer to the development application and accompanying information provided by Darryl McCarthy Constructions Pty Ltd for the Dowe's Quarry, received by the Environment Protection Authority (EPA) on 27 August 2014.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions set out in its general terms of approval, at attachment A. The applicant will need to make a separate application to the EPA to obtain that licence.

If Tenterfield Shire Council grants development consent for this proposal, Council should incorporate these conditions into the consent.

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

In assessing the proposal the EPA has also identified a number of environmental issues that Tenterfield Shire Council may wish to consider in its overall assessment of the application. These issues are discussed below and include the following issues:

## General Terms of Approval - Issued

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Notice No: 1525218

1. Heavy vehicle traffic to and from similar developments have been a source of significant complaints and community concerns at residences along public road haulage routes due to noise and dust impacts and road safety and maintenance issues. The EPA recommends that Council negotiates with the proponent to ensure that it makes appropriate contributions to the sealing and upgrading of the haulage routes in a timely manner to address these issues. Council may also wish to define a principle haulage route to and from the site to ensure that the NSW Road Noise Policy arterial/sub-arterial road traffic noise criteria can be applied to these activities. Council may also wish to consider prohibiting haulage along alternative routes to limit impacts.
2. The development application foreshadowed blasting on Saturdays between 10:00am and 3:00pm. This is not consistent with the ANZECC (1990) *Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration*, therefore blasting hours have been restricted to 10:00am to 3:00pm Monday to Friday.

If you have any questions, or wish to discuss this matter further please contact Mr Lindsay Fulloon on (02) 6773 7000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Smith'.

Simon Smith  
Manager Armidale Region  
Environment Protection Authority  
(by Delegation)



## General Terms of Approval - Issued

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Notice No: 1525218

### Administrative conditions

**Note:** Mandatory conditions for all general terms of approval

#### **A1. Information supplied to the EPA**

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

- the development application 2014/078 referred to the EPA by Tenterfield Shire Council on 19 August 2014; and
- the environmental impact statement titled 'Darryl McCarthy Constructions Pty Ltd, *Environmental Impact Statement for the Continued Operation of the Dows's Quarry via Tenterfield*' prepared by R.W. Corkery & Co. Pty Limited dated July 2014 relating to the development.

#### **A2. Fit and Proper Person**

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

### Limit conditions

#### **L1. Pollution of waters**

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

#### **L2. Concentration limits**

L2.1 The discharge points will be the spillway of three (3) sediment dams to be constructed on the premises. The exact co-ordinates will be provided after construction.

L2.2 For each discharge point, the concentration of a pollutant specified in Table 1, discharged at that point, must not exceed the concentrations limits specified for that pollutant in Table 1.

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

L2.4 The Total Suspended Solids concentration limits specified in Table 1, may be exceeded for water discharged from the sediment basins provided that:

- (a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 47.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and
- (b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 47.4 millimetre, 5 day rainfall event.

# General Terms of Approval - Issued



Notice No: 1525218

TABLE 1 - DISCHARGE POINTS: Overflow from the spillways of the three sediment basins [exact locations to be confirmed]

| Pollutant              | Units of Measure     | 50 percentile concentration limit | 90 percentile concentration limit | 3DGM concentration limit | 100 percentile concentration limit |
|------------------------|----------------------|-----------------------------------|-----------------------------------|--------------------------|------------------------------------|
| Oil & Grease           | milligrams per litre |                                   |                                   |                          | 10                                 |
| pH                     | pH units             |                                   |                                   |                          | 6.5 - 8.5                          |
| Total Suspended Solids | milligrams per litre |                                   |                                   |                          | 50                                 |

## L3. Waste

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

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

**L3.3** Clay and crusher fine products from the applicant's 'Sunnyside Crushing and Screening Plant' that have been produced during the processing of raw quarry product from Dowe's Quarry may be received at the premises for storage and/or disposal purposes.

## L4. Noise limits

**L4.1** Noise generated from the premises must not exceed the noise limits in Table 2. The locations referred to in Table 2 are drawn from the Noise and Blasting Assessment provided as Appendix 7 to the Environmental Impact Statement submitted to Tenterfield Shire Council in support of Development Application 2014/078.

**L4.2** For the purpose of the condition above;

- a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- b) Evening is defined as the period 6pm to 10pm.
- c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sunday and Public Holidays.

**L4.3** The noise limits set out in the Noise Limits - Table 2, apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

For the purposes of this condition:

- i) Data recorded by the meteorological station identified as EPA Monitoring Point W1 must be used to determine meteorological conditions; and
- ii) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

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**TABLE 2: Locations and Noise Limits**

| Locality and Location                                                                                                                                                                                                                                                                    | Day LAeq (15 minute) | Evening LAeq (15 minute) | Night LAeq (15 minute) | Night LA1 (1 minute) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------|------------------------|----------------------|
| <b>Location 1</b> - The residence marked as '3A' in Figure 3 of the document titled 'Appendix 7, Noise and Blasting Impact Assessment, prepared by Spectrum Acoustics Pty Limited' dated July 2014 submitted to Tenterfield Shire council in support of Development Application 2014/078 | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |
| <b>Location 2</b> - The residence marked as '9' in Figure 3 of the document titled 'Appendix 7, Noise and Blasting Impact Assessment, prepared by Spectrum Acoustics Pty Limited' dated July 2014 submitted to Tenterfield Shire council in support of Development Application 2014/078  | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |
| <b>Location 3</b> - The residence marked as '12' in Figure 3 of the document titled 'Appendix 7, Noise and Blasting Impact Assessment, prepared by Spectrum Acoustics Pty Limited' dated July 2014 submitted to Tenterfield Shire council in support of Development Application 2014/078 | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |
| <b>Location 4</b> - Any other affected residence                                                                                                                                                                                                                                         | 35 dB(A)             | 35 dB(A)                 | 35 dB(A)               | 45 dB(A)             |

## L4.4 Determining Compliance

To determine compliance:

- a) with the LAeq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:
- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
  - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
  - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the noise limits in the Noise Limits table, the noise measurement equipment must be located:
- at the most affected point at a location where there is no dwelling at the location; or
  - at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.

Note: A non-compliance of the Noise Limits table will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed in part (a) and part (b); and/or
- at a point other than the most affected point at a location.



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**L4.5** For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

## **L5. Hours of operation**

**L5.1** All construction work at the premises must only be conducted between 7.00 am and 5.00 pm Monday to Saturday. No construction work may be carried out during Sundays and public holidays.

**L5.2** Activities at the premises may only be carried out at the times specified in the Table 3:

**TABLE 3: Activity times**

| Activity                                                                                               | Monday to Friday | Saturday         | Sunday         | Public Holidays |
|--------------------------------------------------------------------------------------------------------|------------------|------------------|----------------|-----------------|
| Dispatch of trucks to haul quarry product or arrival of trucks delivering products                     | 7:00am to 5:00pm | 7:00am to 5:00pm | Nil            | Nil             |
| Arrival and loading of trucks to haul quarry product                                                   | 7:00am to 5:00pm | 7:00am to 5:00pm | Nil            | Nil             |
| Light vehicle traffic associated with employees or light service vehicles entering or leaving the site | 24 hours a day   | 24 hours a day   | 24 hours a day | 24 hours a day  |
| Maintenance of plant and equipment including workshop activity                                         | 24 hours a day   | 24 hours a day   | 24 hours a day | 24 hours a day  |
| Stockpiling operations                                                                                 | 7:00am to 5:00pm | 7:00am to 5:00pm | Nil            | Nil             |
| Drilling                                                                                               | 7:00am to 5:00pm | 7:00am to 5:00pm | Nil            | Nil             |
| Rock hammering                                                                                         | 7:00am to 5:00pm | Nil              | Nil            | Nil             |

**L5.3** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1 or L5.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification must be provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

**L5.4** The hours of operation specified in conditions L5.1 and L5.2 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## **L6. Blasting**

**L6.1** The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L6.2** The overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 30 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L6.3** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive

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location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L6.4** Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period at any time and at any point within 3.5 metres of any non project related residential building or other noise sensitive location. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

**L6.5** To determine compliance with condition(s) L6.1, L6.2, L6.3 and L6.4:

- a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at the nearest non-project related premises [exact location(s) to be confirmed] for all blasts carried out in or on the premises; and
- b) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

**Note:** A breach of the blast limits will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in these General Terms of Approval at an "noise sensitive locations" other than the locations identified in the above condition.

**L6.6** Blasting operations on the premises must only be carried out between the hours 10am to 3pm, Monday to Friday, inclusive. Blasting is not permitted on Saturdays, Sundays or Public Holidays.

**L6.7** The hours of operation for blasting operations specified in this licence may be varied by the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, and where the EPA gives written consent to the variation.

**L6.8** Blasting at the premises is limited to 1 blast each day on which blasting is permitted.

**Note:** Additional blasts are permitted where it is demonstrated to be necessary for compelling safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired.

### **L7. Production Limit**

**L7.1** Extraction from the premises must not exceed 100,000 tonnes during any consecutive 12 month period.

**L7.2** For the purposes of determining compliance with this condition, a tally of trucks and trailers carrying loads from the quarry must be maintained by the applicant, to enable production to be calculated for any consecutive 12 month period by multiplying the number of truck and trailer loads for each vehicle type by the known capacity of each relevant vehicle.

## Operating conditions

### **O1. Dust**

**O1.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**O1.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

### **O2. Stormwater/sediment control**

**O2.1** A *Soil and Water Management Plan (SWMP)* must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during operations at the premises. The SWMP should be prepared in accordance with the requirements of the *'Managing Urban Stormwater: Soils and Construction'* guidelines including, *Volume 1, 4th edition* (Landcom,

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March 2004) and *Volume 2E Mines and Quarries* (Department of Environment and Climate Change, June 2008) available at: <http://www.environment.nsw.gov.au/stormwater/publications.htm>.

### ***O3. Air quality management***

**O3.1** For all air emission sources at the premises, the applicant must prepare an air quality management plan that includes, but is not limited to:

- Key performance indicator(s) that are quantifiable, measurable and auditable;
- Monitoring method(s);
- Location, frequency and duration of monitoring;
- Record keeping arrangements;
- Response mechanisms; and
- Compliance reporting processes.

**O3.2** The applicant must apply and maintain a bitumen seal to a 400 metre section of the quarry access road beginning from the intersection with the Mount Lindesay Road and continuing towards the project site.

**O3.3** No crushing and screening of any material is to be conducted on the premises.

## **Monitoring and recording conditions**

### ***M1 Monitoring records***

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

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

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

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

### ***M2. Requirement to monitor concentration of pollutants discharged***

**M2.1** For each monitoring/discharge point described in condition L2.1, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1 of Table 4. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

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## Water and/or Land Monitoring Requirements

**TABLE 4 - POINT: Overflow from the spillways of each of the sediment basins [exact locations to be confirmed]**

| Pollutant              | Units of measure     | Frequency           | Sampling method       |
|------------------------|----------------------|---------------------|-----------------------|
| Oil and Grease         | milligrams per litre | Special frequency 1 | Representative sample |
| pH                     | pH units             | Special frequency 1 | Representative sample |
| Total suspended solids | milligrams per litre | Special frequency 1 | Representative sample |

For the purposes of this condition, 'Special frequency 1' means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing and prior to any controlled discharge from the sedimentation basins to demonstrate compliance with the concentration limits defined at condition L2.

### M3. Testing methods - concentration limits

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

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

unless otherwise expressly provided in the licence.

### M4. Weather Monitoring

#### M4.1 Weather Monitoring Requirements

For each monitoring point specified below the applicant must monitor the parameters specified in Column 1 of the Table 5. The applicant must use the sampling method, averaging period, units of measure specified in Table 5 and sample at the frequency specified opposite in the other columns:

**M4.2** For the purposes of these conditions 'Special Method 2' means that the applicant must install a permanent meteorological station and logger, or nominate a suitable alternative station that can be used when determining compliance with the noise limits defined at condition L4 and the concentration limits established at condition L2.

The location of the site chosen for the station and the details of the equipment, measurement and maintenance/service procedures and schedules to be installed/implemented, or the proposed alternative weather monitoring arrangements must be submitted in writing to the EPA, and approved in writing by the EPA, before any sampling or analysis is carried out. The meteorological station must be calibrated at least once every 12 months. The EPA must be provided with the data from the station upon request in a Microsoft Office compatible format.



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**TABLE 5 - POINT: W1 Site Meteorological Monitoring Station or appropriate alternative location(s) or existing stations [exact location(s) to be confirmed]**

| Parameter                        | Units of measure                  | Frequency  | Averaging period | Sampling method                                                                   |
|----------------------------------|-----------------------------------|------------|------------------|-----------------------------------------------------------------------------------|
| Rainfall                         | millimetres per day               | Continuous | Daily            | Rain gauge at the premises which is checked and emptied at the same time each day |
| Wind speed @ 10 metres           | metres per second                 | Continuous | 15 minute        | AM-2 & AM-4                                                                       |
| Wind direction @ 10 metres       | degrees clockwise from true north | Continuous | 15 minute        | AM-2 & AM-4                                                                       |
| Sigma theta @ 10 metres          | degrees                           | Continuous | 15 minute        | AM-4                                                                              |
| Additional requirements - Siting |                                   |            |                  | AM-1, AM-4 and Special Method 2                                                   |

### M5. Noise monitoring

**M5.1** To assess compliance with the noise limits presented in Table 2 - Locations and Noise Limits, attended noise monitoring must be undertaken in accordance with the condition L4.4 titled Determining Compliance, outlined above and:

- a) at Locations 1, 2 and 3 listed in the Table 2;
- b) occur from time to time when requested in writing by the EPA,;
- c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:
  - i) 1.5 hours during the day;
  - ii) 30 minutes during the evening; and
  - iii) 1 hour during the night.
- d) occur for three consecutive operating days.

Note: The frequency of monitoring may be varied by the EPA once the variability of the noise impact is established.

**M5.2** To assess compliance with the noise limits presented in Table 2 for Location 4, attended noise monitoring must be undertaken in accordance with the condition L4.4 titled Determining Compliance, outlined above, only if required to do so at a location, frequency and manner specified in writing by the EPA.

### Reporting conditions

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



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### Special conditions

#### ***E1. Validation of sedimentation pond capacity and management procedures***

E1.1 The applicant must prepare and submit to the EPA's Armidale office within 3 months of any development consent being Issued by Tenterfield Shire Council for the proposed development, a sedimentation system validation report that assesses the sedimentation systems and management procedures at the site against the requirements of the following guidelines:

- *Managing Urban Stormwater: Soils and Construction, Volume 1, 4th Edition* (Landcom, March 2004) available from <http://www.environment.nsw.gov.au/stormwater/publications.htm>; and
- *Managing Urban Stormwater: Soils and Construction, Volume 2E Mines and Quarries* (DECC, June 2008) available from <http://www.environment.nsw.gov.au/stormwater/publications.htm>.

The sedimentation system validation report must include (but need not be limited to) the following:

- An assessment of the capacity of each sedimentation pond (sediment storage and stormwater capture capacity) against the requirements of the documents listed above for the soil types present at the premises
- An assessment and validation of the Soil Hydrologic Group used in the sedimentation pond design calculations for all soils within the controlled drainage area/catchments at the site;
- Detailed survey data for each controlled catchment area to confirm and validate the size of each catchment used in the sedimentation pond design calculations;
- Documentation of the procedures and/or other processes that will be employed to ensure that the sedimentation ponds can be managed as required by conditions L2 and M2 of these General Terms of Approval; and
- Details of the design and location of any ancillary infrastructure (e.g. water storages, pumps, and control mechanisms) required to facilitate compliance with conditions L2 and M2 of these General Terms of Approval.

**Due Date:** Within 3 months of any development consent being issued by Tenterfield Shire Council for the proposed development.

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Attachment – Mandatory Conditions for all EPA licences

### **Administrative conditions**

#### **Other activities**

(To be used on licences with ancillary activities)

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

- **Not applicable.**

### **Operating conditions**

#### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

This includes:

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

#### **Maintenance of plant and equipment**

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

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

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

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

The record must include details of the following:

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

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

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

### Telephone complaints line

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

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

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

## Reporting conditions

### Annual Return documents

#### *What documents must an Annual Return contain?*

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

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

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

#### *Period covered by Annual Return*

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

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

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

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

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

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on:

- in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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### ***Deadline for Annual Return***

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

### ***Notification where actual load can not be calculated***

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- the assessable pollutants for which the actual load could not be calculated; and
- the relevant circumstances that were beyond the control of the licensee.

### ***Licensee must retain copy of Annual Return***

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

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

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

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

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

### ***Notification of environmental harm***

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

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

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

### ***Written report***

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

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

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and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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

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

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

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

## General conditions

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

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

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

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

**Signed on behalf of the consent authority**



James Ruprai

**Director of Strategic Planning  
& Environmental Services**

26 March 2015

**Note 1** Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.

**Note 2** Clause 69A of the Regulation contains additional particulars to be included in a Notice of Determination where a condition under Section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.

**Note 3** Approval does not guarantee compliance with any Act, Regulation or Standard (other than the Environmental Planning and Assessment Act, 1979, as amended) and builders/developers should make their own enquiry as to their legal responsibilities in this regard. Without limiting the generality of the above, approval does not guarantee compliance with the Disability Discrimination Act to which builders/developers are specifically referred.

**ADVISORY NOTE:**

***Dial Before You Dig***

Underground assets may exist in the area that is subject to your application. In the interests of health and safety, and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures.

(This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities. Telecommunications Act 1997 (Commonwealth) Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets.

Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.





Our reference: DOC15/430733-03; SF 15/26554  
Contact: Rebecca Scrivener, 6773 7000  
Electronic correspondence to: [armidale@epa.nsw.gov.au](mailto:armidale@epa.nsw.gov.au)

Ms Tamai Davidson  
Senior Planner  
Tenterfield Shire Council  
PO Box 214  
TENTERFIELD NSW 2372

Email: [council@tenterfield.nsw.gov.au](mailto:council@tenterfield.nsw.gov.au)

Dear Ms Davidson,

**SECTION 96(2) –MODIFICATION TO CONSENT – DA 2014.078/1 – DOWE’S QUARRY TENTERFIELD**

I refer to your letter dated 26 October 2015 advising of the section 96(2) (*Environmental Planning and Assessment Act 1979*) modification application received by Tenterfield Council from Darryl McCarthy Constructions Pty Ltd. I understand the application is seeking to increase the annual extraction rate to 150,000 tonnes per annum, increase truck movements and re-align the quarry access road. I also note the existing quarrying activities are also subject to conditions of Environment Protection Licence #20598 ('EPL').

The EPA has reviewed the information provided and notes the Statement of Environment Effects (October 2015) ('SEE') focuses on assessment of air and noise impacts associated with the increased extraction rate and truck movements. The SEE states that the proposed modification will not impact existing surface water management measures employed at the premises and as such, no modification to surface water management is proposed.

The EPA advises there will need to be minor amendments made to the EPL, should the modification be approved, to reflect approved operations.

The SEE adequately assesses the likely air quality impacts from the proposed increased extraction rate of the quarry. The EPA notes a number of dust control measures are currently employed at the site as identified in section 4.2.4 of the SEE. The Proponent should ensure these measures continue to be employed should an increase in production be approved.

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 EPA recommends the traffic noise impact assessment be carried out in accordance with the RNP. The posted speed limit of 100km/hr should be used for Old Ballandean Road unless written confirmation is provided by the proponent from NSW Police stating that police can and will enforce and 80km/hr limit for quarry trucks on that road.

Email: [armidale@epa.nsw.gov.au](mailto:armidale@epa.nsw.gov.au)  
PO Box 494 Armidale NSW 2350  
85 Faulkner Street, Armidale NSW 2350  
Tel: (02) 6773 7000 Fax: (02) 6772 2336  
ABN 30 841 387 271  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

If existing or future total road traffic noise levels exceed the relevant criteria, all feasible and reasonable noise mitigation measures that will be implemented so that noise levels do not exceed the criteria are to be identified, together with a timeframe for their implementation.

The proponent also needs to consider the following comment on the results presented in Table 4.4 of the Statement of Environmental Effects:

- For Mount Lindesay Road (North of Old Ballandean Road), 70km/hr speed, the existing  $L_{eq(15\text{hour})}$  traffic noise level (dBA) is given as 47.9 and the proposed regime level as 49.4; however,
- For the same road and speed but south of Old Ballandean Road quarry traffic levels have halved but the noise levels are the same.

There does not appear to be an explanation in the EA for this.

Should you require any further information, please do not hesitate to contact Mr Khari Turnbull of this office on (02) 6773 7000.

Yours sincerely

*Rebecca Scrivener* 17/11/15

**REBECCA SCRIVENER**  
**A/Head, Regional Operations Unit - Armidale**  
**Environment Protection Authority**

## Tamai Davidson

---

**From:** Rebecca Scrivener <Rebecca.Scrivener@epa.nsw.gov.au>  
**Sent:** Thursday, 10 December 2015 2:18 PM  
**To:** Tamai Davidson  
**Subject:** RE: 896 - Dowe's Quarry - Response to Submissions - Road Traffic Noise Assessment

Hi Tamai,

Apologies in the delay in responding to you regarding the Dowe's Quarry proposal and provision of additional information regarding the Road Traffic Noise assessment.

The Environment Protection Authority (EPA) has reviewed the additional information and advises the revised assessment addresses issues raised in our letter dated 17 November 2015.

As previously advised, should approval be granted, minor amendments to the current environment protection licence (#20598) will be needed to reflect approved operations. The proponent should contact the Armidale office of the EPA to discuss necessary amendments, should consent be granted.

If you wish to discuss anything further, please contact myself on 0459 077 360 or alternatively you may contact the Armidale EPA office on 6773 7000.

*regards,*

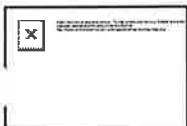
### Rebecca Scrivener

#### A/Head Regional Operations Unit - Armidale

North Branch, NSW Environment Protection Authority  
+61 459 077 360

[armidale@epa.nsw.gov.au](mailto:armidale@epa.nsw.gov.au) [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) [@EPA NSW](#)

**Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555**



---

**From:** Tamai Davidson [mailto:t.davidson@tenterfield.nsw.gov.au]  
**Sent:** Thursday, 26 November 2015 4:54 PM  
**To:** EPA RSD Armidale Mailbox  
**Subject:** FW: 896 - Dowe's Quarry - Response to Submissions

Your ref: DOC15/430733-03  
Attention: Rebecca Scrivener

Hi Rebecca,  
Please find attached the applicant's response to submissions. If you have any further comments can you please send them back to Council by Friday 6 December.

Kind regards,

**Tamai Davidson**  
**Senior Planner**

Tenterfield Shire Council  
PO Box 214, Tenterfield NSW 2372

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Mobile: -  
Fax: (02) 6736 6005  
Email: [t.davidson@tenterfield.nsw.gov.au](mailto:t.davidson@tenterfield.nsw.gov.au)  
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**From:** Nicholas Warren [<mailto:nick@rwcorkery.com>]

**Sent:** Thursday, 26 November 2015 10:43 AM

**To:** Tamai Davidson <[t.davidson@tenterfield.nsw.gov.au](mailto:t.davidson@tenterfield.nsw.gov.au)>

**Cc:** Darryl McCarthy\_896 ([dmccarthy@nqq.com.au](mailto:dmccarthy@nqq.com.au)) <[dmccarthy@nqq.com.au](mailto:dmccarthy@nqq.com.au)>; Rob Corkery <[rob@rwcorkery.com](mailto:rob@rwcorkery.com)>

**Subject:** 896 - Dowe's Quarry - Response to Submissions

Greetings Tamai,

Please find attached brief correspondence regarding the submissions provided to Council following the public exhibition of the development application modification and *Statement of Environmental Effects* for Dowe's Quarry.

Regards,  
Nick

**Nick Warren**

*Environmental Consultant*

*B.Sc., M. Bus.(Marketing), M. Env.Sc.*

*Mobile: 0437 635 975*

*Email: [nick@rwcorkery.com](mailto:nick@rwcorkery.com)*

**RW Corkery & Co Pty Limited**

Geological and Environmental Consultants



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## **Proposed Modification to Conditions DA 2014.078/2**

### **Original Condition No. 2**

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.

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

## Modified Condition No. 2 (modifications underlined)

### Condition 2

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

- Ongoing extraction of quartzose rock within the extraction area and a 1.4ha extension of the extraction area, producing up to 150 000 tonnes of rock per year.
- Despatch of not more than 120 laden trucks per week with a maximum of 28 laden trucks on any one day.
- Normal product despatch is limited to weekdays (public holidays excluded) with contingency operations of a Saturday permitted on no more than ten (10) Saturdays 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.



## **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.*



## **Modified Condition No. 29 (modifications underlined)**

### **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 along the indicative alignment displayed on Figure 2.2 in the Statement of Environmental Effects, dated October 2015 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 an 'Austroads' basic left turn treatment (BAL) 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 braking and 'screwing action' of laden/unladen vehicles entering and leaving the Quarry.

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

File No: NTH14/00038/05

Your Ref: ODA 2015 2795

The General Manager  
Tenterfield Shire Council  
PO Box 214  
TENTERFIELD NSW 2372

Attention: Tamai Davidson – Senior Planner

Dear Sir / Madam,

### **Section 96(2) Application to Modify DA2014.078/1 Extractive Industry, Mount Lindesay Rd, Tenterfield**

I refer to your letter of 26 October 2015 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

#### **Roles and Responsibilities**

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use and transport.

Tenterfield Shire Council is the 'Roads Authority' for all public roads in the local government area pursuant to Section 7 of the *Roads Act 1993*. Roads and Maritime has functions in relation to classified roads as specified under the Act.

In accordance with Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Roads and Maritime is given the opportunity to review and provide comment on the subject development application.

#### **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.

It is highlighted that the Developer has yet to enter into a Works Authorisation Deed (WAD) with Roads and Maritime for the conditioned works on the New England Highway. It is noted that the development consent requires completion of the conditioned improvements prior to April 2016. The developer is encouraged to enter into the WAD as soon as possible to allow sufficient time to complete all works within the required timeframe.

For further information please liaise directly with the Roads and Maritime's Project Manager, Mr David Pattison, on telephone (02) 6640 1078 or email [wad.northern@rms.nsw.gov.au](mailto:wad.northern@rms.nsw.gov.au) who will facilitate the WAD process.

#### **Advice to the Consent Authority**

Upon determination of the application, it would be appreciated if Council could forward a copy of the Notice of Determination for our records. If you have any further enquiries regarding the above comments then please contact Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)

Yours faithfully



23 November 2015

for Monica Sirol  
Network & Safety Manager, Northern Region

## Lisa Foley

---

**From:** Development Northern <development.northern@rms.nsw.gov.au>  
**Sent:** Wednesday, 23 December 2015 12:13 PM  
**To:** Tamai Davidson  
**Subject:** RE: DA 2014.078/2 Modification Dowe's Quarry - Mt Lindesay Rd, Tenterfield

Hi Tamai,

Thank you for the opportunity to review the draft changes.

The proposed amendments to the consent conditions are supported.

Please note there is a typo in dot point 4 of 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.

Any questions please let me know.

All the best for 2016!

Kind Regards

*Matt Adams*  
Development Assessment Officer  
Land Use Management | Northern Region  
76 Victoria Street GRAFTON NSW 2460  
T 02 6640 1362 E [development.northern@rms.nsw.gov.au](mailto:development.northern@rms.nsw.gov.au)  
Roads and Maritime Services  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)  
*Every journey matters*

---

**From:** Tamai Davidson [<mailto:t.davidson@tenterfield.nsw.gov.au>]  
**Sent:** Tuesday, 22 December 2015 3:38 PM  
**To:** Development Northern  
**Cc:** ADAMS Matthew G (Grafton)  
**Subject:** DA 2014.078/2 Modification Dowe's Quarry - Mt Lindesay Rd, Tenterfield



Hi Matt,  
Below are the condition modifications as requested by the applicant in their SoEE – do you have any objection to them as they are?

## Condition 2

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

- Ongoing extraction of quartzose rock within the extraction area and a 1.4ha extension of the extraction area, producing up to 150 000 tonnes of rock per year.
- Despatch of not more than 120 laden trucks per week with a maximum of 28 laden trucks on any one day.
- Normal product despatch is limited to weekdays (public holidays excluded) with contingency operations of a Saturday permitted on no more than ten (10) Saturdays 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.

## 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 along the indicative alignment displayed on Figure 2.2 in the Statement of Environmental Effects, dated October 2015 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.

Kind regards,

**Tamai Davidson**

**Senior Planner**

Tenterfield Shire Council

PO Box 214, Tenterfield NSW 2372

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26 November 2015

General Manager  
Tenterfield Shire Council  
PO Box 214  
TENTERFIELD NSW 2372

**Originally sent by email to:**  
t.davidson@tenterfield.nsw.gov.au

**Attention: Tamai Davidson**

Dear Madam

**Re: Dowe's Quarry – Response to Submissions on an Application for Modification to  
Development Consent DA 2014.078**

Thank you for providing us with copies of the submissions provided by government authorities and the general public following the public exhibition of the *Statement of Environmental Effects* (SoEE) supporting the application to modify Development Consent DA 2014.078 for the Dowe's Quarry (the Quarry). The following provides a brief response to the submissions prepared by R.W. Corkery & Co. (RWC) prepared on behalf of Darryl McCarthy Constructions Pty Ltd (DMcC).

**Environment Protection Authority**

The submission provided by the Environment Protection Authority (EPA) notes that the assessment of air quality impacts for the proposed modification is considered to be adequate. The EPA suggest that, as provided, the assessment of road traffic noise impacts was not in accordance with the NSW Road Noise Policy (RNP) and does not provide consideration of feasible and reasonable noise mitigation measures. Further consultation with Ms Rebecca Scrivener on 24 November 2015 identified that the road noise levels in the assessment needed to clearly consider cumulative noise levels. In addition, EPA were concerned that the assessment applied a speed limit for Old Ballandean Road that was elected by DMcC (albeit in accordance with the Driver's Code of Conduct) and that there were errors in the transcribed results.

The assessment of road noise in the SoEE considered the cumulative noise levels associated with the proposed regime of transport operations. This approach is consistent with that used in the *Environmental Impact Statement* (RWC, 2014) and used equations provided in the US Environmental Protection Agency document No. 550/9-74-004 *Information on Levels of Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, March 1974*. However, RWC appreciates that it was not made clear in the SoEE or in Table 4.4 of the document that the assessed traffic noise levels were, in fact, total cumulative noise levels, and that these may have been interpreted as quarry-related vehicle noise levels only.

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**Orange Office:**

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**Brisbane Office:**

Suite 5, Building 3, Pine Rivers Office Park, 205 Leitchs Road, BRENDAL QLD 4500  
Telephone: (07) 3205 5400 Facsimile: (02) 9985 8208 Email: brisbane@rwcorkery.com



A modified version of the Table 4.4 has been included as **Table 1** below. The key difference is that it is clear that the assessment predicts cumulative noise levels associated with the proposed traffic regime. The errors noted by the EPA have been considered and the assessment updated, where necessary. Modified information has been highlighted in red text. It is apparent from the noise levels provided in **Table 1** that the assessed noise traffic levels remain within the criteria levels provided in the RNP. No additional mitigation measures are deemed necessary, outside of the continued implementation of industry standard measures described in Section 4.3.6 of the SoEE.

**Table 1: Predicted Traffic Noise Levels**

|                                                                                              | Speed<br>(km/h) | Setback<br>Distance<br>(m) | Criterion,<br>dB(A),<br>Leq(15hour)# | Existing Regime                     |    |                                                        | Proposed Regime                     |    |                                                        |
|----------------------------------------------------------------------------------------------|-----------------|----------------------------|--------------------------------------|-------------------------------------|----|--------------------------------------------------------|-------------------------------------|----|--------------------------------------------------------|
|                                                                                              |                 |                            |                                      | Maximum<br>Quarry<br>Traffic Levels |    | Cumulative<br>Traffic Noise,<br>dB(A),<br>Leq(15hour)# | Maximum<br>Quarry<br>Traffic Levels |    | Cumulative<br>Traffic<br>Noise, dB(A),<br>Leq(15hour)# |
|                                                                                              |                 |                            |                                      | LV                                  | HV |                                                        | LV                                  | HV |                                                        |
| Mount Lindesay<br>Road (North of Old<br>Ballandean Road)                                     | 100*            | 28                         | 60                                   | 8                                   | 40 | 46.9                                                   | 8                                   | 56 | 48.4                                                   |
|                                                                                              | 70              | 18                         | 60                                   | 8                                   | 40 | 47.9                                                   | 8                                   | 56 | 49.4                                                   |
| Mount Lindesay<br>Road (South of Old<br>Ballandean Road)                                     | 70              | 18                         | 60                                   | 4                                   | 20 | 44.9                                                   | 4                                   | 28 | 46.4                                                   |
|                                                                                              | 50              | 10                         | 60                                   | 4                                   | 20 | 47.4                                                   | 4                                   | 28 | 48.9                                                   |
| Old Ballandean<br>Road                                                                       | 100*            | 20                         | 55 <sup>#</sup>                      | 4                                   | 20 | 50.1                                                   | 4                                   | 28 | 51.4                                                   |
| New England<br>Highway (North of<br>Bruxner Way*)                                            | 100             | 18                         | 60                                   | 4                                   | 40 | 48.9                                                   | 4                                   | 56 | 50.4                                                   |
|                                                                                              | 80              | 32                         | 60                                   | 4                                   | 40 | 45.1                                                   | 4                                   | 56 | 46.6                                                   |
|                                                                                              | 50              | 10                         | 60                                   | 4                                   | 40 | 49.2                                                   | 4                                   | 56 | 50.7                                                   |
| * Sign-posted speed limit is 100 km/h but the proponent has a self-imposed limit of 80 km/h. |                 |                            |                                      |                                     |    |                                                        |                                     |    |                                                        |
| # Traffic noise criterion for local roads is based on Leq(1hour).                            |                 |                            |                                      |                                     |    |                                                        |                                     |    |                                                        |
| Source: Spectrum Acoustics                                                                   |                 |                            |                                      |                                     |    |                                                        |                                     |    |                                                        |

### Roads and Maritime Services

Roads and Maritime Services (RMS) note its support of the proposed nominated maximum daily and weekly heavy vehicle movements. RMS notes the additional potential for impact on road pavement integrity and traffic conditions and the need for appropriate contributions under Section 94 of the *Environmental Planning and Assessment Act 1979*. RMS also note that the Driver's Code of Conduct should be updated to reference appropriate spacing of heavy vehicles to minimise queuing at intersections.

As described in the SoEE, DMcC would continue to pay a contribution to Council for the ongoing maintenance of the local roads along the transport routes (i.e. Mount Lindesay Road and Old Ballandean Road) as described within the *Tenterfield Shire Council Section 94 Development Contributions Plan 2013*. The contribution paid by DMcC for quartzose rock transported from Dowe's Quarry would be 26.4 cents per tonne and 35.2 cents per tonne for the clay and crusher fines backloaded to the Quarry. Based on the transportation of 1.3 million tonnes of quartzose rock and return of 0.45 million tonnes of fines, the total contribution over the remaining life of the Quarry is estimated at approximately \$500 000.

The implications of the Proposed Modification on the payment of the contribution is that the annual payments to Council would be higher than originally envisaged, albeit for a fewer number of years. In the event the maximum quantity of 150 000 tonnes of quartzose rock is transported from Dowe's

Quarry and up to 45 000 tonnes of clay and crusher fines are backloaded to Dowe's Quarry, annual payments to Council would be \$55,440.

DMcC has updated the Driver's Code of Conduct to reference the appropriate spacing of heavy vehicles. A copy of the updated Driver's Code of Conduct is provided as **Attachment 1**.

### **Public Submission 1**

The submission raises concerns regarding traffic impacts on Mount Lindesay Road. More specifically, truck speed, the intersection sight distance at Sommerlads Road and the proposed residential development along Mount Lindesay Road are raised as concerns.

As described in the Statement of Environmental Effects, transport operations are guided by a Driver's Code of Conduct (**Attachment 1**). All personnel involved in transport operations are required to sign and abide by the Driver's Code of Conduct. DMcC welcomes any local community members that witness behaviour that is not in accordance with this code of conduct to make a formal complaint. All substantiated complaints will be thoroughly investigated and the complainant made aware of the result of the investigation.

The sight distances at the intersection of Sommerlads Road and Mount Lindesay Road were measured for preparation of the *Environmental Impacts Statement* (RWC, 2014). Intersections were assessed in Section 4.2.2.3 of the document and sight distances provided in Table 4.3. The intersection at Sommerlads Road was determined to have a sight distance of 450m to the north, well within the safe intersection sight distance of 248m (based on a two second reaction time and in accordance with the Austroads *Guide to Road Design – Part 4A: Un-signalised and Signalised Intersections 2010*).

Of particular note with regards to this submission, the Driver's Code of Conduct limits truck speed on Mount Lindesay Road and Old Ballandean Road to 80km/hr. In addition, the Driver's Code of Conduct has been updated to allow for spacing of truck loads departing the Quarry. These mitigation measures would limit transport-related impacts, as much as possible.

DMcC is not currently aware of any proposed changes to the road network as a result of residential development along Mount Lindesay Road. DMcC would continue to abide by the nominated speed limits, should Council determine that changes to traffic conditions are necessary. In any event, DMcC expects Council would closely examine the entry points onto Mount Lindesay Road from any proposed residential development.

It should also be noted that a key mitigation measure of the proposed modification is to limits transport activities on a Saturday, outside of ten Saturdays per year to permit flexibility during periods of adverse weather or equipment breakdowns. The submission contradicts the SoEE in this regard.

### **Public Submission 2**

The second public submission raises concerns regarding deterioration of the road condition along the approved transport route. As described in the response to RMS above, DMcC would continue to make contributions in accordance with *Tenterfield Shire Council Section 94 Development Contributions Plan 2013*. The implication of the proposed modification would be that these payments would be larger each year, in accordance with the quantity of material transported.

I trust these responses will assist Council in preparing its assessment of the proposed modification. Should you have any additional questions please don't hesitate to contact Rob Corkery or myself in the Brooklyn office.

Yours sincerely



Nick Warren  
Environmental Consultant

Encls: Attachment 1 – Driver's Code of Conduct – November 2015

Copy: Darryl McCarthy Constructions

# **DARRYL MCCARTHY**

## **CONSTRUCTIONS PTY LTD**

### **CODE OF CONDUCT FOR TRUCK DRIVERS**

#### ***Be Professional – It's Your Job!***

Darryl McCarthy Constructions Pty Ltd (DMcC) and our truck drivers have a responsibility to ensure trucks transport materials to and from the Sunnyside Crushing and Screening Plant in a safe and responsible manner at all times.

It is a requirement of your employment with DMcC that the following requirements are undertaken at all times.

#### **1. General Responsibilities**

| <b>Please do:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Please don't:</b>                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• be medically fit to drive at all times – please inform DMcC management if you have any medical condition which may affect your ability to drive;</li><li>• drive safely and show full consideration to other motorists and road users;</li><li>• wear a seat belt at all times whilst the vehicle is in motion;</li><li>• follow the designated transport routes (see Map below);</li><li>• obey all legal speed limits;</li><li>• raise any concerns you have at induction or toolbox meetings; and</li><li>• consider the potential noise and air quality (dust) impacts of your actions.</li></ul> | <ul style="list-style-type: none"><li>• use a mobile phone at any time whilst the vehicle is in motion unless it's a hands free unit;</li><li>• drive whilst under the influence of any drugs or any medication which may affect your ability to drive; and</li><li>• consume any alcohol before or during your journeys (or at any time beforehand on the same day).</li></ul> |

#### **2. Chain of Responsibility**

Chain of Responsibility legislation dictates it is the driver's responsibility to ensure you:

- take the required rest breaks;
- record working and rest hours;
- ensure your vehicle does not exceed mass limits;
- ensure your vehicle does not exceed dimension limits;
- appropriately cover your load by ground controlled methods (i.e. automatic tarp);
- do not exceed the legal speed limits; and
- do not tamper with, or remove any equipment required to be fitted to the vehicle.

#### **3. Complaints and Disciplinary Action**

Local residents, motorists and/or other road users are entitled to phone 6736 1988 to lodge complaints or compliments about your vehicle or on-road driving behaviour. If any complaint of this nature is received, it will be investigated by DMcC management and the complainant will be informed about the actions taken. You will face disciplinary action if you fail to meet the requirements in this Code of Conduct or a confirmed community complaint is received regarding your vehicle or on-road driving behaviour.

##### **Three Complaints and You're Out**

- The first confirmed complaint will be verbally brought to your attention.
- The second confirmed complaint will be provided to you in writing.
- Dismissal from DMcC will occur if a third confirmed complaint occurs.

#### **4. Within Dowe's Quarry (and Quarry Access Road)**

| <b>Please do:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Please don't:</b>                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• drive in the centre of the sealed section of the quarry access road and avoid the road edges;</li><li>• place the clay or crusher fines only in the marked areas;</li><li>• ensure you have the following Personal Protective Equipment before you exit your vehicle to commence loading or for other activities – Hard hat, safety boots, safety glasses and hi-visibility clothing or vest; and</li><li>• report any incident/near miss to DMcC management.</li></ul> | <ul style="list-style-type: none"><li>• use exhaust brakes at any section of the quarry access road;</li><li>• exceed 30kph on the quarry access road and 10kph within the quarry;</li><li>• throw any rubbish from the truck cabin;</li><li>• load trucks in excess of the permitted weight; and</li><li>• climb onto the trailer.</li></ul> |

## DARRYL MCCARTHY CONSTRUCTIONS PTY LTD

### 5. Within Sunnyside Plant

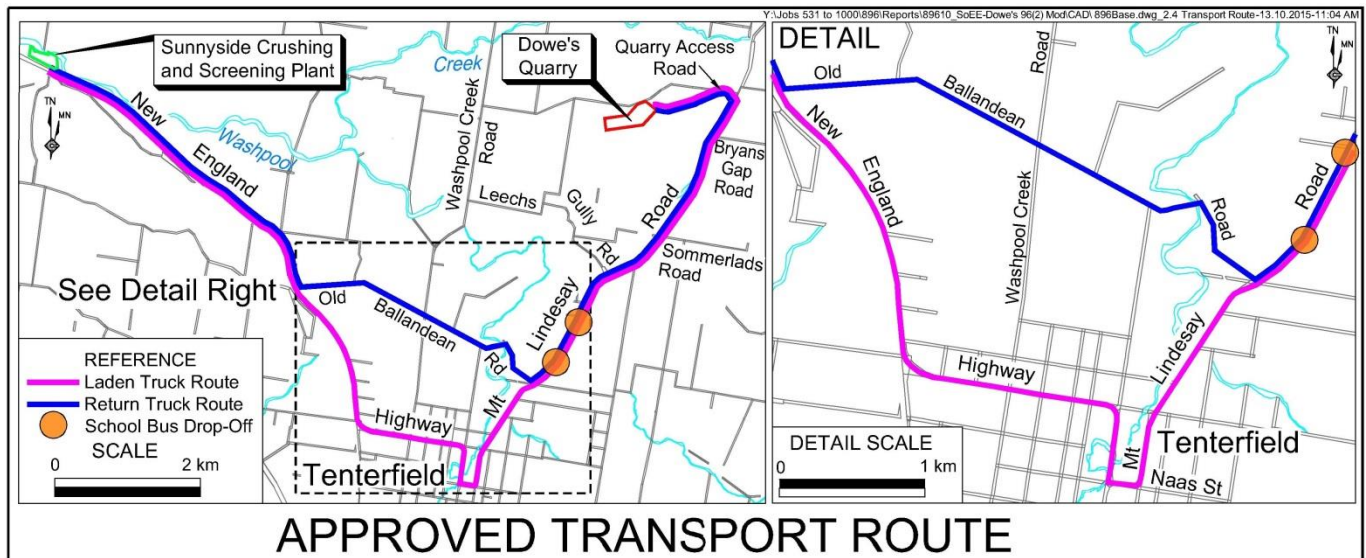
#### Please do:

- ensure you have the following Personal Protective Equipment before you exit your vehicle to commence loading or for other activities – Hard hat, safety boots, safety glasses and hi-visibility clothing or vest;
- report any incident/near miss to DMcC management; and
- wash down your vehicle at the end of each working day.

#### Please don't:

- exceed 20kph when on site;
- leave the fuel bowser when refuelling; and
- climb onto the trailer without supervision.

### 6. Travelling between Dowe's Quarry and the Sunnyside Plant (see Map)



#### Please do:

- ensure that truck departures are spaced as evenly as practical to limit queuing and road noise impacts along the approved transport route;
- ensure tailgates are fully fastened when in transit;
- drive carefully and considerably to limit impacts on local residents and homes along the transport route;
- be mindful of school bus drop-off locations and take particular care if sharing the road with school buses.
- ensure headlights are used at times of poor visibility;
- retain all rubbish in the truck cabin and dispose of only at the Sunnyside Plant;
- approach the entrance to the Sunnyside Plant in a manner and at a speed that limits the requirement to come to a complete stop while waiting for on-coming traffic to pass;
- ensure your UHF radio is on Channel 29 at all times when not on the New England Highway; and
- approach all intersections with caution, particularly Bryans Gap Road and Washpool Creek Road.

#### Please don't:

- exceed 80kph on the Mt Lindesay Road and Old Ballandean Road and abide by the required 70kph and 50kph zones within the built up areas within Tenterfield;
- stop or park at any time on the roadside unless required for an emergency;
- use exhaust brakes within the 70kph and 50kph zones;
- approach the quarry access road earlier than 7:00am on approved work days;
- leave the Dowe's Quarry any later than 5:00pm on approved work days; and
- leave the Dowe's Quarry until you make a full walk-around the truck to check all running boards are clean and the dust cover is fully extended.

### 7. Agreement to Code

|                                                       |                                          |
|-------------------------------------------------------|------------------------------------------|
| I agree to abide with this Code of Conduct<br>Signed: | Authorisation by DMcC Manager<br>Signed: |
| Name (Print):                                         | Name (Print):                            |
| Date:                                                 | Date:                                    |