

JOINT REGIONAL PLANNING PANEL (Northern)

JRPP No	2016NTH022
DA Number	MOD2016/0035 (original application DA2014/0098)
Local Government Area	Clarence Valley Council
Proposed Development	Modification to Extractive Industry (Sheridan's Hard Rock Quarry) Previous JRPP Ref: 2014NTH006 Previous Clarence Valley Council Ref: DA2014/0098
Street Address	242 Faheys & Bulgins Road, Bald Hills, Hernani
Applicant/Owner	Outline Planning Consultants Pty Ltd for Matsid Pty Ltd
Number of Submissions	Five (5) submissions and three (3) NSW Government Agency responses - eight (8) in total
Regional Development Criteria (Schedule 4A of the Act)	<p>The original development is listed as development for which regional panels may be authorised to exercise the consent authority functions of councils under Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> (the EP&A Act).</p> <p>State Environmental Planning Policy (State and Regional Development) 2011, Part 4, Clause 21, provides that a regional panel may exercise the consent authority functions of the council for the determination of applications for the modification of development consents previously granted by the panel, in accordance with Part 4 of the EP&A Act.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP (State and Regional Development) 2011 • SEPP 33 Hazardous and Offensive Development • SEPP 44 Koala Habitat Protection • SEPP Mining & Petroleum and Extractive Industries 2007 • SEPP Rural Lands 2008 • Clarence Valley Local Environmental Plan 2011 • Development Control Plan for Development in Rural Zones • Clarence Estuary Management Plan
List all documents submitted with this report for the panel's consideration	<p>Submissions received during exhibition period</p> <p>NSW EPA Response 22/9/2016</p> <p>NSW RMS Response 21/9/2016</p> <p>NSW OEH Response 22/9/2016</p> <p>Consultant's (for applicant) response to submissions 27/10/2016</p> <p>Council's request for additional information 20/10/2016</p> <p>Consultant's (for applicant) response to Council 's request for additional information 28/10/2016</p>

Recommendation	Based on the Section 96 assessment detailed in this report, the development application is recommended for approval subject to the conditions provided in the draft conditions of consent attached to this report.
Report by	Pat Ridgway, Senior Development Planner, Clarence Valley Council
Report Date	29 November 2016

Assessment Report and Recommendation

Modification to Extractive Industry - Sheridan's Hard Rock Quarry - MOD2016/0035 - 2016NTH022 (Original development application & JRPP reference: DA2014/0098 – 2014NTH006 approved 21 August 2014)

Introduction

Council has received a Section 96(2) application under the *Environmental Planning & Assessment Act 1979* (the EP&A Act) to modify the approval issued under development application DA2014/0098 (JRPP Ref: 2014NTH006) approved by the Joint Regional Planning Panel - Northern on 21 August 2014.

As approved by the JRPP - Northern, DA2014/0098 increased the extraction rate of product from Sheridan's Hard Rock Quarry from 30,000m³ to 73,600m³ per annum (up to 198,000 tonnes) and increased quarry footprint from 2ha to 5.73ha in area. The consent limited the loaded quarry truck movements to 20 laden trucks per day.

It is proposed that the approval be modified from 20 loaded quarry trucks per day to allow a maximum of 66 loaded quarry trucks Monday to Friday and 36 loaded quarry trucks on Saturdays; within the approved hours of operation (7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturdays). As per the original consent quarry traffic east of the intersection of Waterfall Way and Maynards Plains Road will still be prohibited on a Saturday.

The approved quarry route is along Faheys & Bulgin Road, Cornells Road and Bald Hills Road to the intersection of Bald Hills Road and Waterfall Way (as shown in Figure 2 of this report). Quarry traffic can then either go west towards Armidale or east to Dorrigo, Bellingen and to the Pacific Highway. Waterfall Way is a State controlled road.

The application was advertised and notified for the required period of 14 days and five (5) submissions and three (3) NSW Government Agency responses - eight (8) in total received. The submissions to the proposal are discussed in this report.

The NSW Roads and Maritime Services (RMS) has commented that the proposed increase in truck numbers hauling from the quarry will be within the operational capacity of Waterfall Way and that Council will need to satisfy itself that local roads connecting to the quarry to the Waterfall Way are of sufficient standard to accommodate the additional truck movements.

The NSW Environmental Protection Authority (EPA) has commented that the increase in traffic has the potential to impact on the amenity of local residents along the haulage route, including Waterfall Way and has questioned some of the modelling assumptions used in the Traffic Noise Impact Assessment submitted with the application.

The NSW Office of Environment & Heritage (OEH) has commented that they have no concerns about the proposed modification.

The development application has been assessed in accordance with Section 96 of the EP&A Act and the relevant State and local environmental planning instruments which are detailed in this report.

Recommendation

That development application MOD2016/0035 2016NTH022 to (DA2014/0098 2014NTH006) be approved subject to the conditions provided in the draft conditions of consent attached to this report; including limiting the traffic movements to 80% of that proposed by the application and providing further assessment through a road pavement impact assessment and traffic impact assessment of the Bald Hills Road and Waterfall Way intersection, prior to any increase in loaded quarry trucks to that already approved.

Details of the Proposal

It is submitted by the applicant that under the proposed modification the quarry will operate in the same way as the existing approved quarry operations on site and the increase in laden quarry trucks will enable the quarry operator to meet peak demand periods for quarry product and in particular provide product for the Pacific Highway Project upgrades.

In this respect the assessment of the proposal can be narrowed to the impacts from the permitted increases in daily truck movements that may result along the haul route and along Waterfall Way, particularly through Dorrig and Bellingen town centres.

Under the current quarry demand the applicant notes that the majority of quarry product (75%) has been historically delivered westwards along Waterfall Way. It is noted that quarry product for the Pacific Highway upgrade works will likely change this pattern intermittently and in the short term as per the demand for quarry product.

The majority of submissions received from the public notification raise concern over the impacts from the substantial potential increase in truck movements on Waterfall Way (and through the townships of Dorrig and Bellingen) that may occur if the proposal to modify the consent is approved. It is noted that no submissions were received from the owners of the dwellings along the approved haul route.

Clarence Valley Council has raised concern over the potential traffic impacts and by letter dated 20 October 2016 Council requested the applicant to provide the following:

The applicant is to amend the submitted Traffic Impact Assessment to include:

- *a road pavement impact assessment (RIA) along the haul route, and*
- *an intersection analysis of the Bald Hills Road and Waterfall Way intersection utilising the current data.*

The reasons for these requests are summarised in the following points:

- Road works that were required by the original conditions of consent DA2010/0358 were undertaken by the quarry operator without the necessary Civil Construction Certificate being issued and necessary inspections being undertaken. As a result Council agreed to enter into a 'Deed – Security for Maintenance of Works' for a period of 5 years as a means of guaranteeing the performance of the work. The Deed was entered into on 14 December 2012 with a completion date of 14 December 2017. A RIA would provide an accurate assessment if any maintenance work is required, in accordance with the Deed, for the sections of road upgraded by the quarry operator and the whole of the haul route.
- The current maintenance schedule for the haul route, being classified as a Category 1 Road, is up to two (2) grades per year for unsealed sections. For sections of sealed road Council's objective is to repair potholes and minor pavement failures within the timeframes documented in Council's Road Maintenance Risk Management

Procedures. This time-frame is dependent on the road classification; defect severity; workforce work load; climatic conditions; and available funding. The proposed potential maximum increase in vehicle daily movements that will be permitted during peak demand periods will be significantly intensified along the haul route over short periods. A RIA would determine the current condition of the road and its ability to withstand the impacts of the anticipated and substantial intermittent increases in traffic and determine if the current maintenance schedule is sufficient for the proposed road use.

- As provided in the applicant's Traffic Impact Assessment Report (TIA) by Streetwise the haulage route to Waterfall Way could accommodate a design volume of at least 150 vehicles per day (vpd). The report also provides that on a peak day under the proposed haulage rates the total estimated vehicle movements on the haulage route (including existing residential, staff and miscellaneous traffic movements) would be 179 vpd. The request for an assessment of the road pavement and intersection is not considered unreasonable as it would determine the suitability of the road and intersection during the peak demand; particularly when the design volume of the haul route could be exceeded.
- The submitted TIA utilises the data taken from the original TIA completed in October 2010 for the approval of DA2010/0358, this data is now 6 years old. There has been no assessment on the Bald Hills Road and Waterfall Way Intersection on 'current data' (i.e. 2016 traffic counts). It is not unreasonable for Council to request an assessment on level of service and safety of the current intersection using current data during peak hour traffic conditions.

Under the current approval there is a requirement for a contribution for road maintenance to be paid to Council on an annual basis to assist with road maintenance costs. The contribution amount is based on the annual extraction rates and is required to be reported in the Annual Quarry Plan of Management (as per condition 6 and 18); it is not clear what contribution amounts have been paid over the life of the quarry. Historically the quarry has generally not provided updated Plans of Management, as required by the approvals, until expressly requested by Council.

The applicant, Outline Planning Consultants P/L have provided a response to Council's information request dated 28 October 2016, advising that the Section 96 application seeks no change to truck numbers (and Equivalent Standard Axels –ESAs) over any one year and the total number of trucks is limited by the restriction on total production permitted at the quarry i.e. 198,000 tonnes per year and accordingly no further particulars will be provided or, in fact, required to be provided.

It is Council's position that the information requested is relevant to the proposed changes to the operation of the quarry and it is therefore recommended, in the absence of the information sought by Council, that the conditions provided in the draft conditions of consent attached to this report be applied if the application to modify the consent is approved.

Site description & Location

The quarry site is located in a remote rural location and is shown on the locality map.

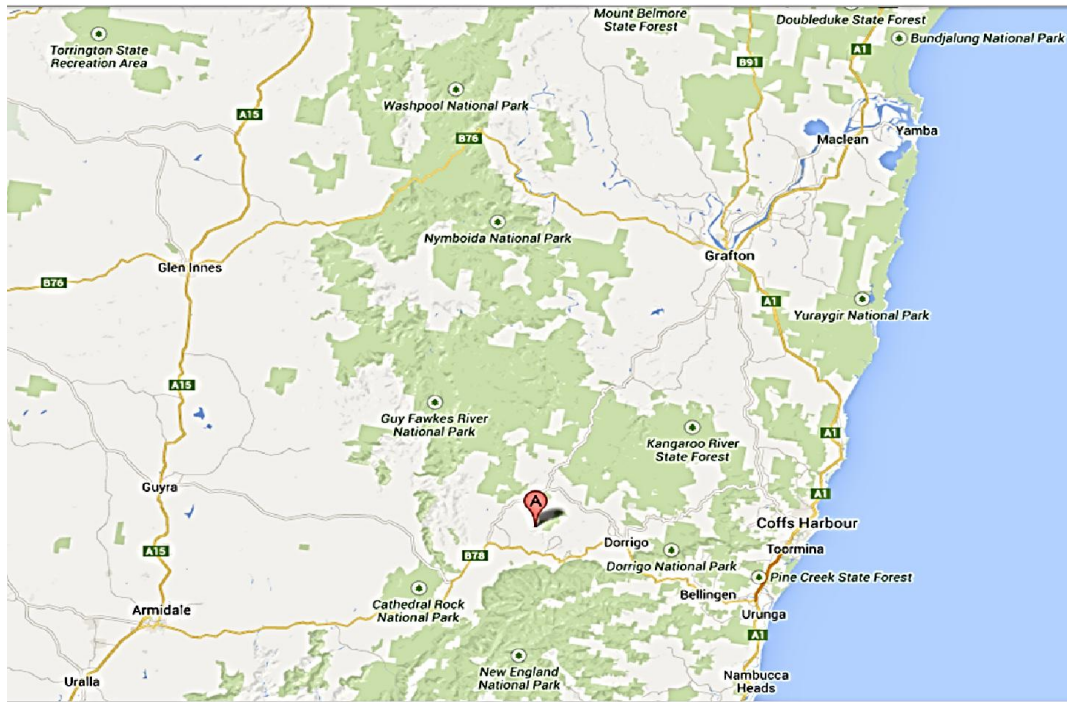


Figure 1 Locality Map – Quarry Site marked 'A' on the map (Source: Google Maps)

There are three (3) rural dwellings located along the haul route (from the quarry to the intersection of Bald Hills Road and Waterfall Way) as shown in red on the following map extracted from the EIS.

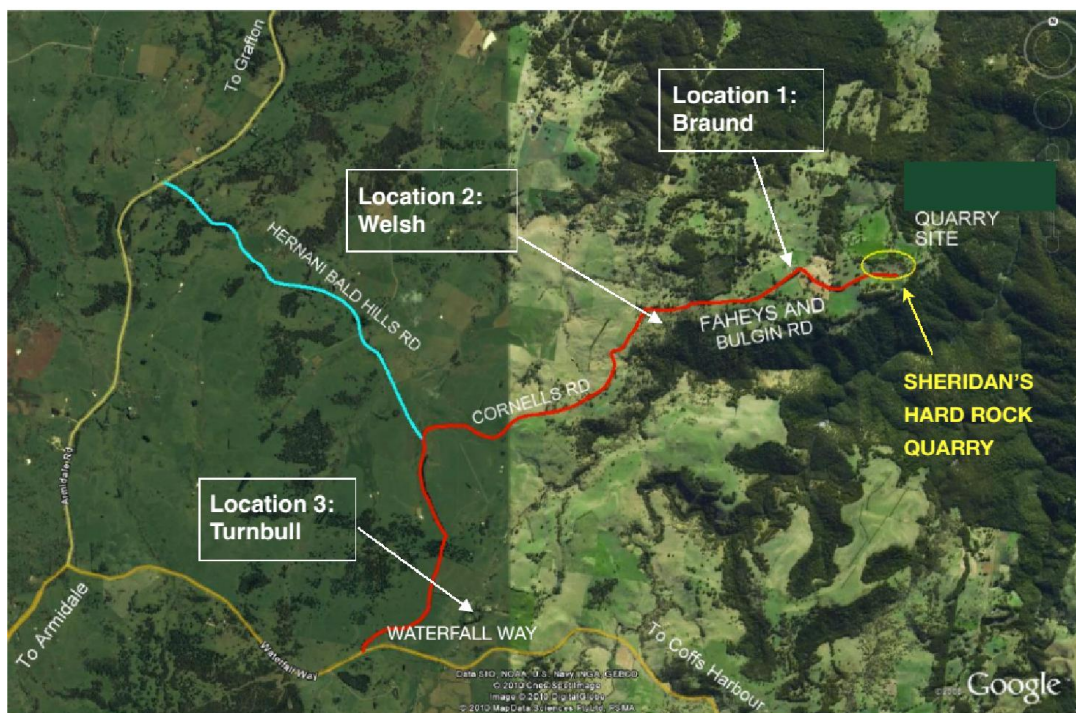


Figure 2 Aerial photograph and haul route (Source: EIS Outline Planning Consultants)

Reasons for Recommendation

The applicant's Traffic Noise Assessment Report provides that the proposed maximum increases in daily traffic numbers to 66 laden vehicles per day will be to the threshold level of the acceptable noise and vibration criteria under the NSW EPA Noise Policy.

Furthermore, as provided in the applicant's TIA, if the quarry is operating at the proposed full capacity of 66 loaded trucks per day traffic movements of 179 vpd will exceed design volume capacity of the haul route of 150 vpd.

To mitigate the impacts of potential spikes in traffic movements above the haul route design volume, and to keep noise and vibration within the threshold limits, during periods of high demand, in the absence of information requested by Council and to take a precautionary approach, it is recommended that the proposed maximum traffic movements be approved to only 80% of that proposed; i.e. limit the consent to 53 laden quarry trucks Monday to Friday and 29 laden quarry trucks on a Saturday.

This reduction in loaded quarry vehicles will bring the maximum estimated vehicle movements along the haul route to within the assessed maximum design capacity of up to 150 vehicles per day and reduce potential noise, dust and vibration impacts (as raised by the NSW EPA) while allowing the quarry to supply substantial amounts of products during peak demand along the haul route. A reduction of this capacity will also assist in ameliorating issues and concerns raised in the submissions and provide a reasonable buffer to the overall potential adverse impacts.

The following table summarises the potential differences in reduced weekly quarry output amounts expected from the proposed 80% reduction based on truck & trailer/dog @33 tonnes / load:

	Current (DA2014/0098)	Proposed (MOD2016/0035)	@ 80% to that proposed
Maximum daily extraction rate m³	@ 20 laden vpd: Monday – Friday & Saturday (20x6)vpd x 33t = 3969t	@ 66 lvpd Mon – Fri @36 Saturday (66 x 5) + 36)vpd x 33t = 12,078t	@ 53 lvpd Mon – Fri @29 Saturday (53 x 5) + 29)vpd x 33 = 9,702t

(NB: no laden vehicles are allowed down Waterfall Way past Maynards Plains Road on a Saturday)

Statutory Development Assessment Framework

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

The original development is listed as development that is Designated Development and for which development consent was granted by the Joint Regional Planning Panel – Northern on 21 August 2014, which is authorised to exercise the consent authority functions of councils under Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). The quarry has been granted development consent with conditions under DA2014/0098.

In regard to the Section 96(2) Application to Modify the Consent, *State Environmental Planning Policy (State and Regional Development) 2011*, Part 4, Clause 21, provides that a

regional panel may exercise the consent authority functions of the council for the determination of applications for the modification of development consents previously granted by the panel, in accordance with Part 4 of the EP&A Act.

A consent authority may modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Council is satisfied that the application is substantially the same development as the development for which consent was originally granted and can be modified, by the Joint Regional Planning Panel, under Section 96(2). The relevant authorities have been notified and the application has been notified in accordance with the Regulation and Council's DCP. The submissions made are considered in this report.

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Section 79C Assessment

(1) Matters for consideration – General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument**

State Environmental Planning Policy (State and Regional Development) 2011

Part 4, Clause 21, provides that a regional panel may exercise the consent authority functions of the council for the determination of applications for the modification of development consents previously granted by the panel, in accordance with Part 4 of the EP&A Act. The proposal is not State Significant Development.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)

Council must have regard to the heads of consideration contained in Clause 13 of the Policy. Having regarded the existing approved and proposed operation of the quarry it is considered that the operation does not constitute a potentially hazardous or offensive operation.

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)

The Flora and Fauna Survey Report determined that the subject land is not a core koala habitat. As such, a Koala Plan of Management is not required.

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

Clause 7: Development permissible with consent

Extractive industries are permitted with consent on the subject land under the SEPP.

Clause 12: Compatibility of proposed mine, petroleum production or extractive industry with other land uses

The surrounding lands are utilised for agricultural uses including vegetable farming and grazing lands. The proposed development will not conflict with the existing or future uses of land in the vicinity of the development.

The subject lot is located within proximity of the Clarence Valley Council border that is shared with Bellingen Shire Council. A referral was sent to Bellingen Shire Council who has made a submission. The submission is considered in this report.

The Noise Impact Assessment, the Flora and Fauna Survey and the Traffic Impact Study have recommended measures to avoid and minimise potential impacts of the development. As a result, there is not considered to be substantial incompatibility with these land uses nor have significant adverse impacts.

The resources recovered will be available to local and regional markets and the development will create minor economic activity and employment generation.

With the recommendations in this report adopted there are no unreasonable conflicts with surrounding land uses anticipated.

Clause 13: Compatibility of proposed development with mining, petroleum production or extractive industry

There are no anticipated conflicts with surrounding mining, petroleum production or extractive industries.

Clause 14: Natural resource management and environmental management

Water from the development area is diverted to a sedimentation dam within the work area. Water quality monitoring is required to be undertaken and detailed in annual Plans of Management to be approved in accordance with the draft conditions of consent. The EPA has required an updated Stormwater Management Plan in the General Terms of Approval.

The Flora and Fauna Report assessment concluded that the development will not have significant impacts on threatened species or biodiversity. The NSW OEH has no objections to the modification.

Greenhouse gas emission from the development is considered to be minimal for the proposed development.

Clause 15: Resource recovery

The resource recovery rate is considered to be efficient. There is considered to be little waste material from the development. A Waste Management Plan will be required to be addressed in the Plan of Management.

Clause 16: Transport

Current conditions of approval restrict haulage times so as to not coincide with school bus runs. It is proposed that the same condition be applied to this consent. A code of conduct for truck drivers will be required to be submitted as part of the Plan of Management.

The RTA has responded to the referral and the submission has been taken into consideration in the assessment of the application.

A Traffic Impact Study, including a road audit, was submitted with the application. A condition of consent will restrict the transport of material on Council maintained roads during the daily pickup and drop-off school bus run times. Transport eastwards along Waterfall Way on Saturdays is not permitted.

It is proposed that the applicant will be required to verify the suitability of works previously undertaken through the submission of a Road Pavement Impact Assessment.

Clause 17: Rehabilitation

The proposed rehabilitation is to utilise the quarry as a farm dam at the completion of the quarry operations by filling it with water. A Plan of Management will be required to be submitted detailing rehabilitation plans. The dam is proposed to be adequately fenced and signed.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP applies to the subject site as a consequence of its existing RU1 – Primary Production Zone under CVLEP 2011.

The land upon which the proposed extractive industry is located has limited agricultural productive potential due to the shallow soils over the rock base and the proposed use of the site as an extractive industry is considered to be a productive and sustainable economic activity.

The proposed development provides positive economic benefits to the local economy and adverse social impacts can be mitigated through the imposition of appropriate conditions of consent.

Clarence Valley Local Environmental Plan 2011

The subject land is zoned RU1 Primary Production under the Clarence Valley LEP. Extractive Industries are permitted in this zone subject to consent from Council.

Under the LEP the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To prevent dispersed rural settlement.
- To ensure that development does not unreasonably increase the demand for public services or public facilities.
- To ensure development is not adversely impacted by environmental hazards.

The proposal is not inconsistent with the objectives of the zone as it does not interfere with the agricultural potential of the land or surrounding land and is considered to be compatible with the existing and potential agricultural land uses in the area.

With the recommendations in this report adopted there are no unreasonable conflicts with surrounding land uses anticipated.

Part 7 Local Provisions Clarence Valley Local Environmental Plan 2011

7.2 - Earthworks

The quarry operates under the established measures in accordance with the Environment Protection Licence issued by the EPA, with additional measures to be implemented with the staging of the quarry operations. The site has shallow soils over hard rock and the excavation of soil limited to the quarry footprint. There have been no Aboriginal objects or places identified on the site. The likely impacts on watercourses, drinking water catchments and environmental sensitive areas are minimal and can be adequately managed and or mitigated.

7.7 - Drinking Water Catchment

The quarry site is mapped within the Drinking Water Catchment Map of the LEP. Runoff from the catchment area of the quarry footprint is directed to the sediment basin that is located on the floor of the quarry. There are no watercourses that run through the quarry site and the proposed management of the sediment basin will prevent sediments or stormwater runoff from leaving the quarry site. The EPA has required that an updated Stormwater Management Plan be provided in accordance with the 'Blue Book'. The proposed measures once implemented will minimise any adverse impacts on the quality and quantity of surface water and groundwater entering drinking water storages.

- (ii) **any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved),**

A draft LEP to include a clause for Biodiversity & Vegetation mapping was on exhibition until 14 April 2014.

The subject land is identified as having existing native vegetation. Under the draft provisions the consent authority is not to grant development unless it has considered the impacts on the native vegetation. The impacts of the proposal have been addressed by the application and the consent authority can be satisfied that the environmental impacts are minimised and biodiversity values maintained.

- (iii) **any development control plan,**

Development Control Plan for Development in Rural Zones (DCP)

There are no specific requirements for extractive industries under the DCP. The application was advertised and notified in accordance with the DCP and the requirements of the DCP provisions were adequately addressed through the Environmental Impact Statement submitted with the application. The proposed development is considered to be consistent with the relevant development controls in the DCP.

- (iiia) **any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F,**

N/A

- (iv) **the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,**

The proposed development is not inconsistent with the prescribed matters.

- (v) **any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),**

The aim of Clarence Estuary Management Plan is to encourage the integrated, balanced, responsible and ecologically sustainable use of the State's estuaries.

The proposed development is not inconsistent with this plan or any other coastal zone management plan. Erosion and Sediment control measures and water quality monitoring will be required to be undertaken as part of the development.

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

The proposal, if implemented with the recommended conditions, will on balance provide an ongoing sustainable development with reasonable buffers to the maximum perceived adverse impacts; particularly during peak traffic periods.

Ecologically, the impacts of the development can be adequately managed through the approved conditions of consent.

Economically there are positive outcomes through the efficient use of available natural resource for infrastructure.

Socially there are potential negative impacts on adjoining communities that use the haul route and Waterfall Way. These impacts however will be intermittent (during project periods) and dependant on demand for quarry product and can be adequately managed through

consent requirements. It is anticipated that cultural values will not be impacted by the proposed modification.

(c) the suitability of the site for the development,

The subject site is considered suitable for the proposed development though there are concerns on the suitability and safety of the road network for the proposed peak traffic movements. The site has a current development approval for an extractive industry and the resource located on the site is of a high quality. The development footprint is over an area that is not considered to be of high ecological significance and measures to protect the environment are in place. The adjoining escarpment which is of high ecological significance will be protected from ongoing quarry operation. The surrounding lands are zoned for rural purposes and the proposal is considered to have a minimal impact on these uses. The site is located in close proximity to major roads, being the Waterfall Way and the Armidale-Grafton Road, and associated potential markets. With the recommendations in this report adopted there are no unreasonable conflicts with surrounding land uses anticipated.

(d) any submissions made in accordance with this Act or the regulations,

The proposed development was notified and advertised in accordance with Act, Regulations and Council's DCP. During the exhibition period eight (8) submissions were received. A copy of the submissions has been provided to the Panel Secretariat. The concerns raised in the submissions are considered in this assessment. The applicant's consultant has responded to the issues raised in the submissions, a copy of the response is included as an attachment to this report.

- **Truck movements on Waterfall Way, amenity impacts, impacts on threatened fauna, monitoring of truck movements and health and safety**

Concern has been raised regarding the potential increase of quarry traffic along Waterfall Way, the suitability of the road, road safety and the impacts on the towns located along this road; these being Dorrigo and Bellingen.

The Roads and Maritime Services (RMS) has advised that their key interests are the safety and efficiency of the road network, traffic management, the integrity of infrastructure assets and the integration of land use transport. The RMS has not objected to the proposal and has commented that the increase in truck numbers hauling from Sheridan's Quarry will be within the operational capacity of Waterfall Way. The RMS has also recommended that a Code of Conduct be required as a condition of consent.

It is noted that the modification does not propose to amend the restriction outlined in condition 13A of the Notice of Determination, prohibiting laden quarry trucks from the quarry east of the intersection of Waterfall Way and Maynards Plains Road on a Saturday.

It is also noted that a Code of Conduct was a requirement of the current approval for Sheridan's Hard Rock Quarry and is proposed in the draft conditions for this approval. As per the consent the Code of Conduct has been implemented through the Quarry Plan of Management.

The increases in quarry traffic along Waterfall Way will be dependent on the demand for quarry product, particularly during the period of works for the Pacific Highway upgrade project which is projected to be completed by 2020. The annual quarry output is limited through the consent conditions and the quarry operator could not deliver quarry product at the peak rate all year round, if it did the quarry operator will be open to legal action as it would be a breach of the conditions of consent. It is also a requirement of the consent for the

quarry operator to keep accurate records of quantities extracted for inspection to enable Council officers to monitor extraction rates.

One submission raised concerns on the potential impacts on the Bellinger River Snapping Turtle. The quarry has consent to deliver quarry product along the Waterfall Way. The survival rates of the Snapping Turtle appear to be complex and the increase in truck movements proposed is not considered to have a direct correlation or increased impact to the survival rates of the turtle.

- **Comments from NSW Agencies**

Comments provided by the NSW Roads and Maritime Services, NSW Environmental Protection Authority and NSW Office of Heritage & Environment have been discussed in the report and considered in reaching the proposed recommendation.

The proposed modification, along with the adoption of the recommendations outlined in this report and the existing conditions of consent, is considered to be reasonable to enable the quarry operator to meet peak demand periods for quarry product, to safely haul quarry product within the operational capacity of the surrounding road network.

(e) the public interest.

The proposed development complies on planning grounds with the relevant legislation and local Council policies ensuring that the public interest is maintained and any potential impacts from the development are minimised.

The majority of submissions raised concerns with Waterfall Way and the capacity of the existing road network to support the increased traffic from the development. These issues are considered under the proposal and options presented for the determination of the proposal.

Limiting quarry traffic movements to 80% of that proposed is in the public interest and can be appropriately considered by the Joint Regional Planning Panel.

Schedule of draft conditions

Proposed new conditions of consent:

- #. *A maximum of 53 loaded quarry trucks within the approved hours of operation Monday – Friday and a maximum of 29 loaded quarry trucks within the approved hours of operation on Saturdays are permitted to travel along the approved haul route.*
- # *Prior to any increase in traffic movements above 20 loaded trucks per day from the quarry, as proposed under MOD2016/0035) a Road Pavement Impact Assessment (RIA) for the haul route and a Traffic Impact Assessment of the Bald Hills Road and Waterfall Way intersection is to be undertaken by a suitably qualified professional and provided to Council for review and assessment.*

If the report recommends any upgrade works for the haul route and/or intersection, and Council's Development Services Section considers these works necessary, the completion of these works will be required prior to any increase in traffic movements above 20 loaded trucks per day from the quarry.

Proposed amendment to Condition 1:

1. The development being completed in conformity with the Environmental Planning & Assessment Act 1979, the Regulations thereunder, the Building Code of Australia and being generally in accordance with the following documents and plans:
 - 'Hard Rock Quarry: Statement of Environmental Effects', dated March 2014, prepared by Outline Planning Consultants Pty. Limited; including
 - Flora & Fauna Assessment by BushfireSafe (Australia) Pty Ltd, February 2014
 - Noise Impact Assessment by Vicpac Engineers & Scientists, dated 18 February 2014
 - Aboriginal Objects Due Diligence Assessment Report, BushfireSafe (Australia) Pty Ltd, dated February 2014
 - Traffic & Transport Assessment by RoadNet, dated March 2014
 - ~~• Erosion and Sediment Management Plan prepared by RoadNet, dated 8 October 2010,~~

or where modified by any conditions of this consent.