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9 June 2017

General Manager  
Clarence Valley Council  
Locked Bag 23  
**GRAFTON NSW 2460**

Council Ref: MOD2016/0035  
(Modification of DA 2014/0098)

**By email**

Attention: Mr Patrick Ridgway, Senior Development Planner  
Mr Clem Rhoden, Manager Environment, Development & Regulated Services

Dear Sir,

**FOLLOW UP ADVICE: SECTION 96 MODIFICATION 2016/0035, MAX. DAILY TRUCK NUMBERS, SHERIDAN'S  
HARD ROCK QUARRY Pt. LOT 62 & 63 IN DP 752807, No.242 FAHEYS & BULGINS ROAD, HERNANI NSW**

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Outline Planning Consultants Pty Ltd acts for Sheridan's Hard Rock Quarry Pty Ltd, who operate the above quarry.

At the meeting of the Northern Joint Regional planning panel held on 15 December 2016 the matter was deferred pending Council staff providing additional information (**Attachment A**) including, inter alia:

*"A review of an updated traffic impact assessment by the Applicant, including:*

- (a) a road pavement impact assessment of the haul route;*
- (b) assessment of the intersection of Bald Hills Road and Waterfall Way using current traffic data;*
- (c) assessment of the intersection of Cornells and Bald Hills Road;*

*Details of the outcome of Council negotiation with the Applicant to ensure appropriate monitoring and compliance arrangements for quarry truck movements:"*

Please find accompanying this letter a copy of a report prepared by Streetwise, traffic consultants, dated 1 June 2017 that satisfactorily addresses items (a), (b) and (c) above, as requested by the JRPP. Refer **Attachment B**.

This report builds on and is consistent with the results of earlier assessments provided in the traffic reports prepared by/ reviewed by the same authors when working for RoadNet in 2010 and 2014 on behalf of the quarry operators.

Our response to the above JRPP request was delayed pending receipt of advice from Council officers regarding observed quarry truck movements on the haul route prior to the JRPP meeting. This information was subsequently provided to Outline Planning Consultants by Clarence Valley Council in correspondence dated 31 March 2017. Refer **Attachment C**.

Outline Planning Consultants have written to Clarence Valley Council in correspondence dated 18 April 2017 regarding a negotiated outcome to the issue of appropriate monitoring and compliance arrangements for quarry truck traffic. Refer **Attachment C**.

Patrick Ridgway, Senior Development Planner, has since responded to this correspondence in an email dated 1 June 2017, where it was indicated that Council would be happy to consider the on-board weighing method currently employed in the quarry, in order to accurately monitor quarry production.

In summary, this system utilises an on-board weighing system on front end loaders and excavators employed at the quarry. This system also ensures loading each truck to the correct capacity to optimise efficiency and to ensure quarry trucks do not leave the site overloaded. Loading trucks correctly the first time can spare the operator unnecessary truck movement and the need to either refill or remove material later. This system is typically used in quarries that do not have on-site weighbridges. The on-board computer forming a part of this weighing system allows the operator to see individual bucket readings, together with weight totals.

Operators can simply download the stored weighing data to a supplied flashdrive/USB stick which will format the data to open directly with a spreadsheet software program. This allows management to create a permanent record of the weighing data as well as use it to analyse further control operations. Accurate records can also be kept regarding the time and date of loading of all quarry haulage vehicles, an effective way of monitoring quarry truck movements generated by the quarry.

It is also relevant to note that Bellingen Shire Council, a regular customer of Sheridan's Hard Rock Quarry, accepts this weighing system for the purposes of calculating payments for quarry products purchased.

The Streetwise report builds on the earlier traffic investigations undertaken, comprising the following:

■ **Traffic Impact Study prepared by RoadNet dated October 2010.** Author of the report: Andy Davis. This report included a road safety audit of the haul route prepared in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit (January 2009) and the RTA's Accident Reduction Guide Part 2: Road Safety Audits 2005, as well as safety improvements needed along the haul route and intersection analysis.

■ **Traffic and Transport Assessment prepared by RoadNet dated March 2014.** Author of the report: Steve Manton, reviewed by Craig Nethery. This report included an assessment of capacity of the intersection of the haul route and Waterway Way to accommodate quarry truck traffic- assessed as continuing to operate at a Level of Service (LOS) A. This report included a road safety audit of the haul route prepared in accordance with the Austroads Guide to Road Safety Part 6: Road Safety Audit (January 2009) and the RTA's Accident Reduction Guide Part 2: Road Safety Audits 2005.

The report also addressed the maximum carrying capacity of the haul route, as follows:

*"The above table indicates that a single carriageway with one sealed traffic lane 3.7m wide and 2.5m unsealed shoulders could accommodate a design AADT (Annual Average Daily Traffic Volume) of up to 150 vehicles per day. This is similar to the arrangement provided on Hernani - Bald Hills Road, which has a seal width of approximately 4m and gravel shoulders of approximately 1.0m either side, depending on the specific location.*



The table also shows that a single carriageway with a 7.2m seal width comprising 2 x 3.1m traffic lanes and 2 x 0.5m shoulders (within a total shoulder width of 1.5m each side) **could accommodate up to 500 vehicles per day**. The sealed cross-section width of 7.2m is similar to what is available on Cornells Road and Faheys & Bulgins Road which provides a minimum formation width of 7.0m and substantially more than this at certain locations; however, the latter is unsealed which would be expected to reduce the volume of traffic that the road design could potentially cater for. Given the above differences it is difficult to put a precise figure on the volume of traffic that could be potentially accommodated by the unsealed road. However, conservatively it is estimated that the unsealed section of the haulage route should be able to accommodate at least 150 vehicles per day.

Overall, therefore, it is concluded that the upgraded quarry haulage route could accommodate a design volume of **at least 150 vehicles per day**."

(excerpt from page 30 of the RoadNet report- our emphasis)

■ **Traffic Impact Assessment prepared by Streetwise dated 15 June 2016.** Author of the report: Andy Davis, reviewed by Craig Nethery. This report notes:

"Following the initial grant of consent in 2011 Faheys & Bulgins Road has been upgraded by Sheridan's Hard Rock Quarry Pty Ltd to a standard beyond that required the 2011 Council Consent (ie. DA 2010/0358 & MOD 2011/0074), comprising the following works:

- Upgrading Faheys & Bulgins road to a generally 2 lane (gravel) rural road standard, with improvements to road drainage- the Council consent requiring only an upgraded rural road to a 1-lane standard with passing bays.
- Sealing of 648m of rural road in front of the Braund residence and 530m in front of the Welsh residence, a total of 1.178km of road sealing work, to a minimum sealed width of 7m.
- Upgrading of the intersection of Bald Hills Road and the Waterfall Way. Construction works undertaken by the RMS, paid for by Sheridan's Hard Rock Quarry Pty Ltd. These road improvements have been made to improve local amenity by minimising dust and noise impacts, and provide a much safer, less hazardous road environment for all users of the haul road." (excerpt page 5 of the report)

The June 2016 Streetwise report also concludes, inter alia:

"The previous Traffic Report by RoadNet states that the existing haulage route, including Faheys & Bulgins Road, Cornells Road and Hernani – Bald Hills Road has adequate capacity to cater for at least 150 vehicles per day. Austroads guidelines indicate the existing road formation of the haul route can cater for up to 500 vehicles per day.

In conclusion, the operator is seeking to **occasionally** increase haulage truck movements to a maximum of 66 loaded movements per day to meet peak demands. The number of times the maximum truck volumes can be generated is restricted by the current annual production limit of 198,000 tonnes per annum.

Based on this assessment it is concluded that the traffic impacts of the proposed S.96 amendment are acceptable. StreetWise therefore recommends that the proposed occasional increase in haulage truck movements (to 66 loaded trucks per day) should be allowed to proceed on traffic engineering grounds."(excerpt page 8 of report)

■ **Traffic advice to Clarence Valley Council, prepared by Streetwise in October 2016.** Author of the report: Andy Davis. This report was prepared in response to a Council request for additional information regarding the current Section 96 application- refer **Attachment D**.

Council's email dated 21 October 2016 and Council's letter dated 20 October 2016 incorrectly asserted that the Section 96 application would result in a claimed:

"...increase of 43,862.78 ESA/year or **231% increase** onto the haul route" [our emphasis]



Based on this (erroneous) assumption, the quarry would be transporting  $198,000 + 231\% \times 198,000$  tonnes per annum = 655,363 tonnes per annum of quarry material, based on the assumption that there would be an average of 66 quarry loads per day. In fact, this is simply not the case, as explained in a response by Outline Planning consultants and Streetwise in two separate submissions in October 2016- refer **Attachment D**.

The Streetwise response, in part, states as follows:

*“Council’s assumption that the applicant plans to increase volumes by 231% is incorrect. The quarry operator is currently limited to extracting 198,000 tonnes per annum, and is not planning to increase this amount. He simply wishes to occasionally increase daily haulage movements to better service the Pacific Highway upgrade projects.*

*The operator is not proposing any increase in the previously approved total haulage movements per annum. The proposed changes therefore will not have any additional impacts on the upgraded Bald Hills Road.*

*It should also be noted that the previously approved Traffic Impact Assessment (by RoadNet) stated that the existing haulage route, including Faheys & Bulgins Road, Cornells Road and Hernani – Bald Hills Road has adequate capacity to cater for **at least 150 vehicles per day**. **Austrroads guidelines indicate the existing road formation of the haul route can cater for up to 500 vehicles per day.**”[our emphasis]*

### 3.0

### Construction of Passing Bays Accords with Consent

Following protracted delays by Council in the early part of 2016, a design was agreed upon for the passing bays along the haul route- a requirement of the Development Consent. Design plans were subsequently submitted in July 2016 for the provision of three passing bays along the Bald Hills – Hernani Road.[NOTE: only one(1) passing bay was required by the consent]

Despite the consent requiring **one passing bay 18 metres in length**, plus tapers, the design allowed for **three (3) passing bays with a more conservative design of 30 metres** plus taper- the rationale being that a 30 metre passing bay length suits a typical truck and dog trailer which can have a legal length of 19 metres. A 30 metre passing bay will enable the full truck to be parked off the carriageway.

Council issued a Civil Construction Certificate No. CC2016/0431 on 7 September 2016 for the road works proposed. In accordance with requirements of Council a Notice of Commencement was lodged with Council on 15 September 2016. Road work commenced on 19 September 2016.

A Completion Certificate issued by consulting engineers Geoff Slattery and Partners on 21 October 2016. It was noted in this report that despite the design allowing for a pavement 250mm thickness sub-grade issues at various locations resulted in a thicker pavement being placed, as follows:

- Passing bay 1 depth greater than 350mm.
- Passing bay 2 depth greater than 450mm.
- Passing bay 3 depth greater than 500mm.

Density tests of the pavement were carried out by AC Testing Services. Refer to accompanying **Figures 1-3**, showing the design for each of the (Council-approved) passing bays. Refer to advice to Council dated 15 September 2016 regarding surrender of the consent DA201/0358 following completion of construction of the passing bays- **Attachment E**.



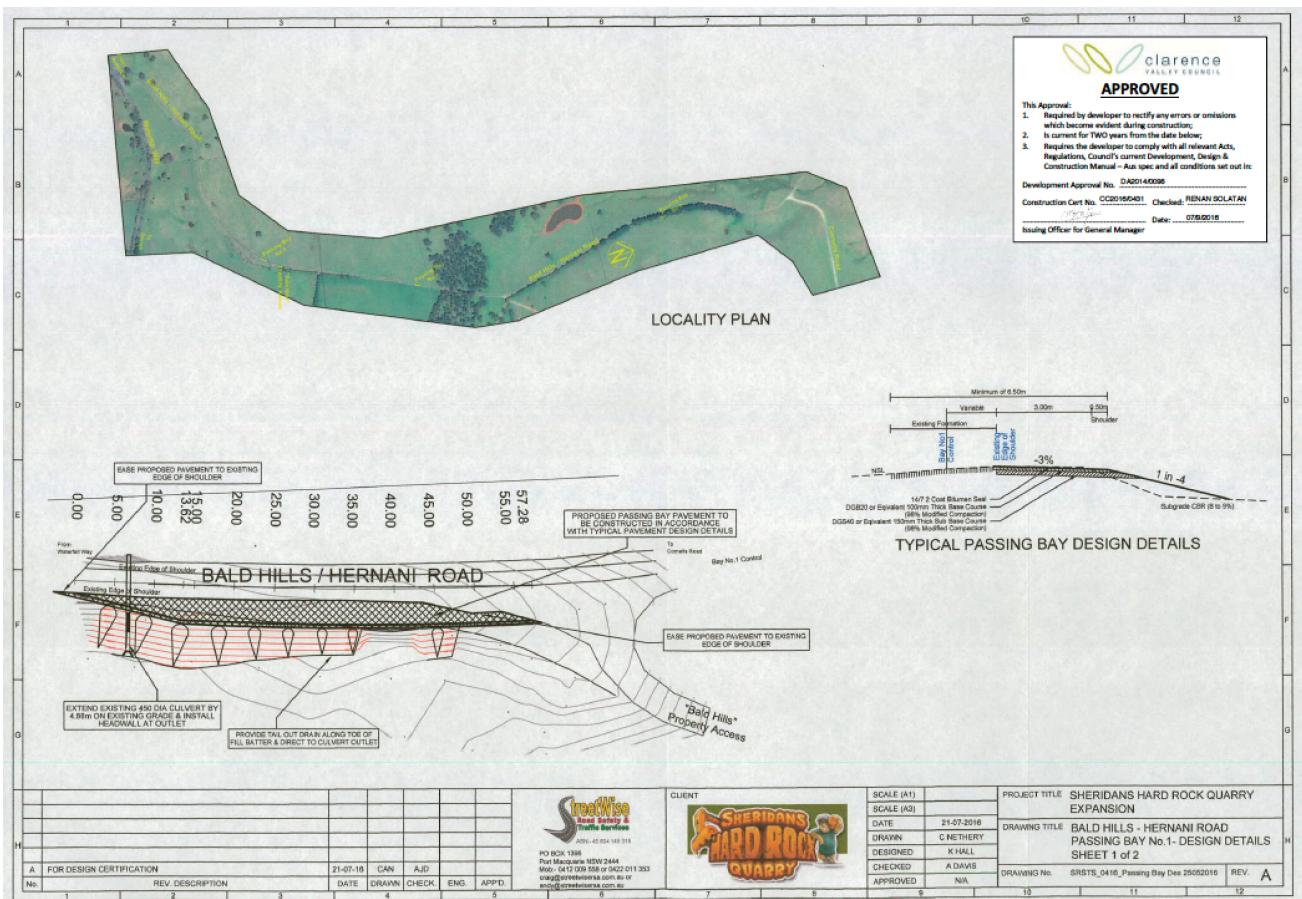


FIGURE 1: Passing Bay No. 1

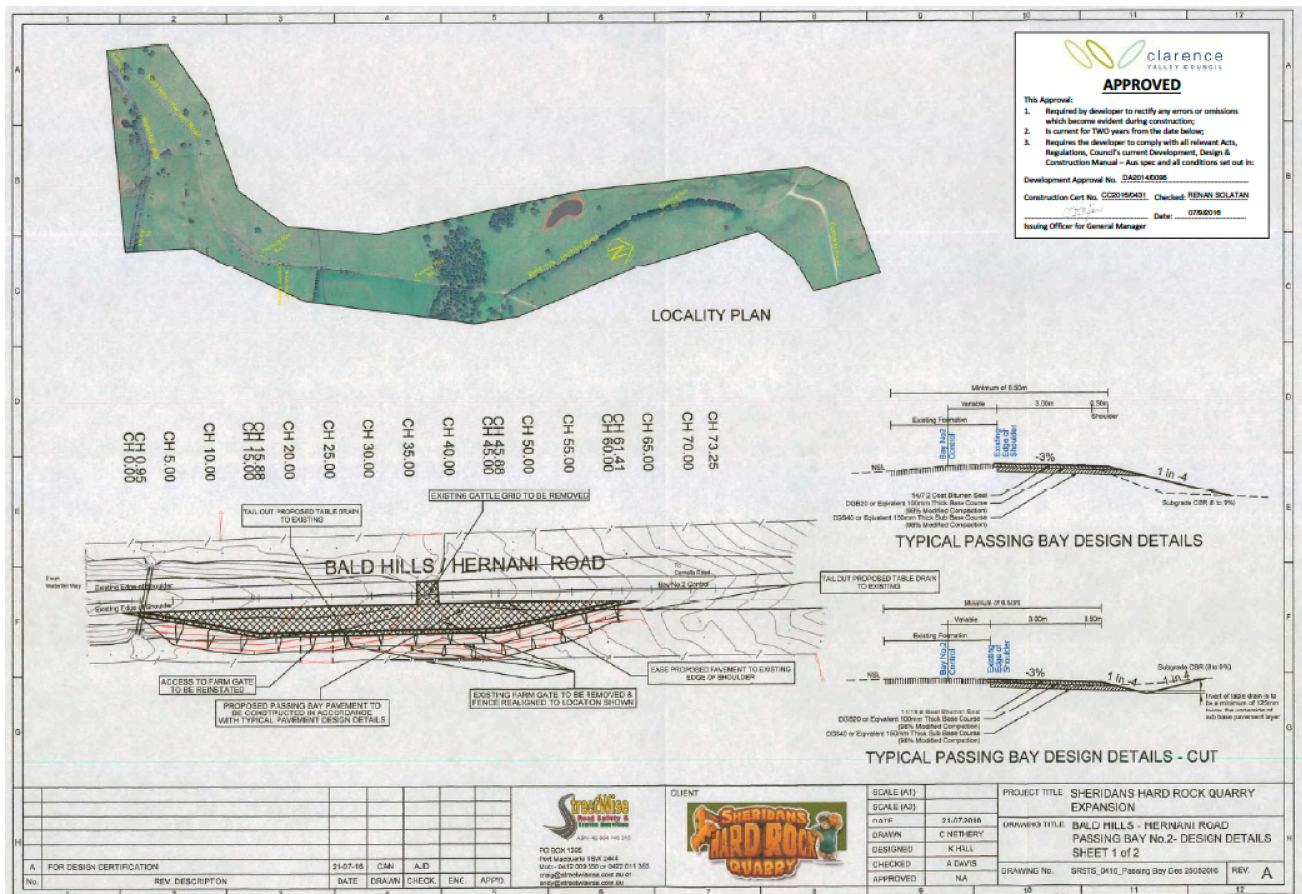
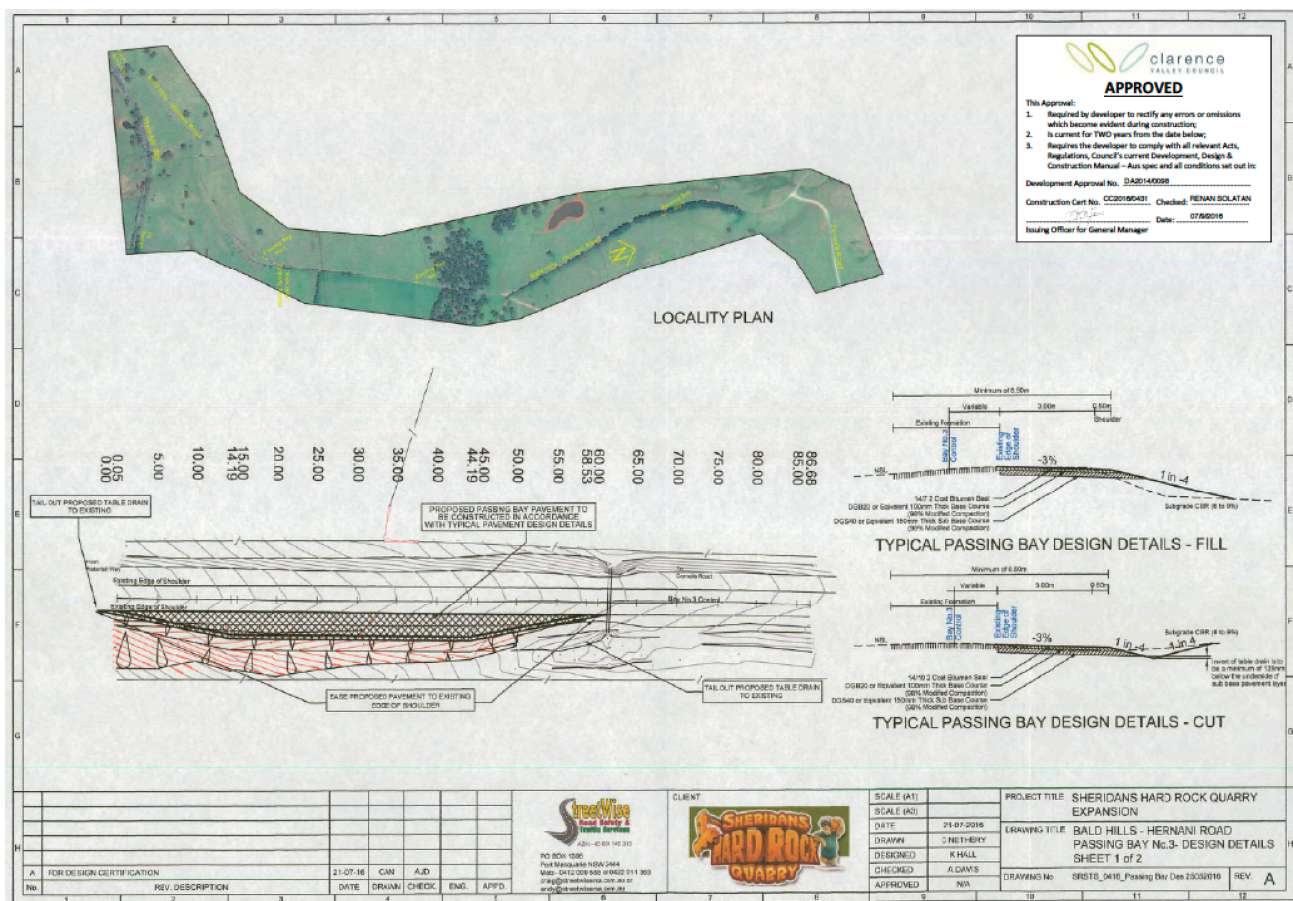


FIGURE 2: Passing Bay No. 2





**FIGURE 3: Passing Bay No. 3**

#### 4.0

#### Roads Information as Requested by JRPP :Summary

The accompanying advice prepared by Streetwise traffic consultants satisfactorily addresses items (a), (b) and (c) above, as requested by the JRPP.

In summary, the Streetwise traffic advice finds:

- The haul route has adequate capacity to cater for the daily traffic volumes, with no significant impacts or safety issues resulting from the proposed increase in truck movements proposed to be generated by the quarry operations.
- The haul road currently operates at an acceptable Level of Service, with minimal potential for delays. Based on the above assessment, it is concluded that the haul road has the capacity to accommodate the increased daily truck numbers proposed.
- The required upgrade of intersection of Bald Hills Road & Waterfall Way intersection was designed to accommodate truck and dog movements associated with the quarry. The design included widened lanes, better curve alignment of Waterfall Way, auxiliary turn lanes and additional signage, and was approved by the RMS. The RMS was involved at all stages of the process, from preliminary planning to final plan approval to inspection of the construction.



■ As regards the intersection of the haul route with Waterfall Way, traffic volumes on Waterfall Way at the time of the original traffic assessment was approximately 1000 vehicles per day, or around 100 vph during peak times, with annual growth estimated to be minimal (approximately 1% per annum). Due to the low volumes on this road, the intersection operates efficiently (Level of Service of A or B). According to the Austroads Guidelines warrant, the existing intersection layout has the capacity to safely and efficiently cater for the turning movements proposed as a result of the S.96 modification.

■ Traffic volumes on both Cornells Road and Bald Hills Road are low , supported more recently by tube counts conducted by Clarence Valley Council in October / November of 2015. [NOTE: The Council road counts also support the proposition that there is spare capacity on the haul route to accommodate the proposal for up to an additional 46 loaded quarry trucks per day travelling along the haul route] Sight distance at the intersection of the Cornells and Bald Hills Road appears to be good in all directions, with minimal impacts from vertical crests, horizontal curves or roadside trees etc. SIDRA analysis of an intersection is generally utilised at busy intersections to determine available gaps between vehicles, capacity and Level of Service. The traffic volumes are minimal through the Bald Hills Road/ Hernani Road intersection, and a SIDRA analysis is not required. The average gaps between vehicles would be measured in minutes i.e. there would be virtually 'free flow' which equates to a Level of Service of 'A'.

*"In summary, the quarry operator is simply seeking more flexibility to service his clients, and is proposing an increase to a maximum 66 loaded trucks per day. However, the yearly total of truck movements won't change, as the operator is limited by the annual volumes he can extract from the quarry.*

*The quarry operator has previously upgraded the haulage road in accordance with the conditions of the development approval. With these improvements in place, the subject haul roads and intersections have the capacity to cater safely for the quarry-generated vehicles now proposed with acceptable impacts on the local road network. No additional road or intersection upgrades are required to accommodate the increased daily truck movements now proposed. No increase in wear and tear on the haul roads will result from the modification, as no increase in annual quarry production is proposed."* (page 5 of Streetwise advice dated 1 June 2017)

It is also noted in the report to the JRPP the Roads and Maritime Services (RMS) has advised Clarence Valley Council in correspondence dated 21 September 2016 that it has no issues with the increased daily traffic to be generated by the change sought as it falls within the operational capacity of the Waterfall Way.

## **5.0 Clarification of quarry truck movements**

Following lodgement of a GIPA application, in March 2017 Council provided to our firm details regarding traffic counts on local roads Hernani, including the quarry haul route for the period October- December 2015.

The Council traffic counts confirm that spare capacity available on the haul route, as sought in the Section 96 application now before Council/JRPP.

In the traffic counts more than 20 trucks per day had been counted on three occasions. Sheridan's Hard Rock Quarry has since provided details regarding truck movements on those days- all below the 20 trucks/day threshold permitted by the consent (on Thursday 12<sup>th</sup> November 2015, 15 trucks were logged leaving the quarry, on Monday 23<sup>rd</sup> November 2015 19 trucks, and on Monday 30<sup>th</sup> November 2015 16 trucks). Refer **Attachment F**.



On 14 December 2016 Council officers reported seeing quarry haul vehicles on the haul route around the same time as a school bus was noted travelling on the route. This was verbally reported to the JRPP meeting held the next day.

Council provided more detailed advice to our firm in a letter dated 31 March 2017 - refer **Attachment C**.

Sheridan's Hard Rock Quarry has since provided details regarding truck movements on that day- all below the 20 trucks/day threshold permitted by the consent. Refer **Attachment F**.

The key points arising from the advice from Sheridan's Hard Rock Quarry regarding quarry truck movements on 14 December 2016 may be summarised as follows:

- Sheridan's Hard Rock Quarry can confirm Council's advice that on 14 December 2016 seven (7) quarry trucks left the quarry site that afternoon, with a total of 18 truck loads leaving the quarry over the entire day.
- The school bus travels along the haul route for a few minutes per visit. The afternoon school bus almost always arrives at the intersection of Waterfall Way and the quarry haul route (ie. Bald Hills Road) by 4.05pm every school day, travels along Bald Hills Road travelling north east and then passes Cornells Road within approximately 2 minutes leaving Waterfall Way. After that time it is no longer travelling along the quarry haul route.
- Having regard to the above known movements of the school bus, on 14 December 2016 the last truck load from the quarry was loaded at 3:40pm so as to not run into the 15-minute window that the quarry operators need to give the school bus that travels the Bald Hills Road section of the haul road.
- On 14 December 2016 the school bus arrived 10 minutes earlier than its usual arrival time.
- Notwithstanding the arrival of the school bus on the haul route on 14 December 2016, no quarry truck was reported as encountering the school bus along Bald Hills Road. [NOTE: As stated in the quarry's Driver Code of Conduct, if a driver does happen to see the school bus, (should it run early or late) they are to stop and give way until the bus has passed. The Driver Code of Conduct also requires all truck drivers to also report any vehicle they see along the Haul Road, or any vehicle they believe will be in the vicinity of the haul route when another truck/school bus/vehicle is in the area. None were reported during the time period in question.]
- The local road system is used not only by quarry haulage vehicles, but also by heavy vehicles serving the rural hinterland eg. haulage of lime/mulch for local farms. From time to time the same heavy vehicles are contracted by Sheridan's Hard Rock Quarry to cart out quarry products from the quarry. Sheridan's Hard Rock Quarry advise that a number of people have, at times, associated these trucks with carting Sheridans quarry products, when in actual fact they have been assigned jobs that have nothing to do with their quarry operations in any way.



Sheridan's Hard Rock Quarry offer to maintain the quarry haul route for the duration of the operating quarry. A further option is for Sheridan's Hard Rock Quarry to not only maintain the haul route, but to also progressively upgrade the quarry haul route over the life of the quarry.

Either offer is a generous one and goes well beyond what would be covered in a typical quarry consent. The above offer is made notwithstanding the fact that all roads investigations show that the haul route is currently in a satisfactory condition, capable of accommodating the traffic volumes sought.

The option to maintain and to upgrade the haul route is basically the same as that that was offered to Clarence Valley Council in March 2016- and offer that was subsequently rejected by Council offices. Refer **Attachment F**. [NOTE: does not include the numerous technical drawings accompanying this offer, detailing the works proposed by location along the haul route]

Sheridan's Hard Rock Quarry proposes to maintain and to progressively upgrade the haul road over time including but not limited to the following:

- Progressively seal of the remainder of the haul route.
- Restoration of existing road verges along Bald Hills Road.
- Sealing of an additional 1m width of road either side of Bald Hills Road.

Refer to accompanying plans prepared by traffic consultant Mr Craig Nethery of Streetwise Road Safety & Traffic Services Pty Ltd. The plans are considered to be self-explanatory and the works proposed capable of being implemented in accordance with the details provided- this level of detail considered adequate for such a minor rural road system.

Reiterating, all of the upgrading (vs maintenance) works are to be progressively undertaken by Sheridan's Hard Rock Quarry as time, funds and availability of manpower and materials allows. Moreover, it will be Sheridan's Hard Rock Quarry that will be responsible for repairing these works (within say a 2 year defects liability period) if there is any evidence of pavement failure and the like. With the exception of the three passing bays, now constructed, none of the other road works that Sheridan's Hard Rock Quarry are proposing are required as a condition of the Council Development Consent.

These are road works that Sheridan's Hard Rock Quarry is considering to undertake, in the interests of:

- Making the quarry haul route even safer, for residents as well as for the quarry operation.
- Improving overall residential amenity in terms of air quality and traffic noise.
- No upfront capital expenditure required by Clarence Valley Council. Sheridan's Hard Rock Quarry will undertake the capital works proposed.
- Less maintenance costs to Council, as the haul road is progressively sealed. [NOTE: A key feature of this proposal is that all s.94 roads contributions collected from Sheridan's Hard Rock Quarry are to be expended on road maintenance for the life of the quarry]



Clearly, Council Engineering will have oversight of the road works, to ensure that the road works are to an acceptable standard. To date, the road works undertaken have been considered to be satisfactory from Council's perspective, following inspections by Council officers. Sheridan's Hard Rock Quarry wishes that this spirit of cooperation will continue into the future in implementing the above.

The above arrangements are best expressed in the form of a **voluntary planning agreement (VPA)**, which is proposed to form one of the binding conditions of the consent, as modified. **Council and the JRPP will need to advise which one (or both) of the above options it is willing to agree to.**

#### **What kind of voluntary planning agreement?**

In this case, the voluntary planning agreement would be one made under section 93F of the *Environmental Planning & Assessment Act 1979* between the quarry operator and council, dealing with works in kind. As the name suggests, there is no compulsion on either party to enter into this form of agreement, but it has the following advantages:

- It relieves council of the need to carry out works- in this case, the maintenance and upgrading of the quarry haul route along local roads from the quarry back to the intersection of Waterfall Way.
- It allows the developer to ensure that works are done during the course of its development, rather than just pay money to council and not have any control over when the works are done.
- It allows the developer to nominate the order in which the works are to be done and how the works are to be done.
- It allows for certainty as to what the end product will be.

The core components of the VPA are as follows;

#### **Accurate description of works:**

Typically voluntary planning agreements deal with works that the developer is to undertake. It needs to be made clear exactly the level of works to be done, as generic descriptions can lead to arguments. If any particular plans or engineering details are to be adhered to, then these need to be appropriately set out.

In this regard an accurate description of upgrading and maintenance works proposed along the local roads to and from the quarry have been identified and are illustrated in the accompanying engineering plans.

#### **The parties carrying out the works:**

The operator of Sheridan's hard Rock Quarry, graham Sheridan, is authorised to carry out all road works referred to in the VPA. In the past Graham Sheridan has undertaken maintenance and other other upgrades of the road, for which he has been remunerated by Clarence Valley Council. The VPA is predicated on a continuance of these current arrangements and authorisations to enable Graham Sheridan to carry out the proposed road works (above) over the haul route.

#### **All Section 94 roads contributions to be used in the maintenance of the haul route:**

This provision is self-explanatory.



## VPAs can produce good outcomes for all parties:

A properly structured, well thought out voluntary planning agreement can produce good outcomes for all parties – both for the quarry operator, who will have more certainty and control over what road works are done and how and when they are done and for councils, which do not have to carry out the road works themselves.

### 7.0

## The Section 96 Application

A Section 96 application is not an opportunity to re-visit the original assessment of the application.

Related to the above, the nature of a Section 96(2) application is also different to that of a development application, as set out in s.96(4) of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979), as explained by Talbot J in *Windy Dropdown v Warringah Council* (2000) NSWLEC 240 at para 28:

*"[28] Subsection (4) of s 96 is the same as the previous subs (4) of s 102. It expressly distinguishes modification of a development consent from the granting of development consent, thereby suggesting that at least in some respects **the consideration and approval of an application for modification is to take place in a different context to the consideration of an application for development consent.** Furthermore, the subject of **an application made pursuant to s 96 is the development consent, not the development itself.**"*[Our emphasis]

The determining authority (in this case, the JRPP) has an obligation to consider the modification proposed (in this case, an increase in the maximum daily quarry truck numbers using the haul route) and determine whether the proposed modification meets the Section 96 tests, and in particular, whether the development as modified is substantially the same development for which consent was originally granted. (Refer to the decision of Pepper J in *Agricultural Equity Investments Pty Ltd v Westlime Pty Ltd (No 3)* [2015] NSWLEC 75 at para [173] for a summary of the applicable legal principles governing the exercise of the power contained in s 96(2) (a) of the EP&A Act 1979.)

The determining authority is under a statutory obligation to have regard for the relevant provisions of s.79C of the *Environmental Planning & Assessment Act 1979* in terms of various matters, including the impacts arising from the modification proposed. Section 79C(1)(b) and (c) of the EP&A Act 1979 requires an engagement by the determining authority with the subject matter in any s.96 application so that likely impacts can be properly understood and assessed: *Weal v Bathurst City Council* [2000] NSWCA 88; (2000); and *Centro Properties Limited v Hurstville City Council* [2004] NSWLEC 401.

The proposed daily peak levels of quarry truck traffic is supported by:

- The noise and traffic studies accompanying the original 2014 EIS and Development Application lodged in 2014 referred to in the issued consent. This includes the Traffic and Transport Assessment prepared by RoadNet dated March 2014.
- The Traffic Impact Assessment prepared by Streetwise dated 15 June 2016.
- The traffic advice to Clarence Valley Council, prepared by Streetwise dated October 2016.
- Council's traffic counts.



The above traffic investigations conclude that the existing quarry haulage route, including Faheys & Bulgins Road, Cornells Road and Hernani – Bald Hills Road, has adequate capacity to cater for **at least 150 vehicles per day**, with Austroads guidelines indicating that the existing road formation of the haul route can cater for **up to 500 vehicles per day**. Council's report to the JRPP incorrectly assumes a capacity of **up to 150 vehicles per day**, which is a mis-statement of the findings of the above traffic reports.

This application seeks a modification to Development Consent DA2014/0098, issued by Clarence Valley Council on 10 September 2014.

The proposal satisfies the “**substantially the same**” test based on the following two evaluative exercises:

#### **Quantitative differences:**

- The Section 96 modification is to enable the periodic increase in daily quarry truck numbers to meet occasional demands for quarry product placed during periods of peak quarry activity, allowing up to 66 loaded trucks per week day and 36 loaded trucks every Saturday.

- The quarry operator is currently limited to extracting 198,000 tonnes per annum, and does not propose to increase this limit on production. The quarry operator simply wishes to occasionally increase daily haulage movements to better service the day-to-day peak demands associated with major infrastructure projects. This means that the no change is sought to total truck volumes to and from the quarry over any any one year- the same number of trucks will be running over the quarry haul route each year of operation, with no increase in quarry production..

- No change to the annual equivalent standards axles (ESAs) running over the haul route will arise as a consequence of the modification sought. Nor will the amount of wear and tear on the haul route by quarry truck traffic change over any one year of quarry production as a result of the modification sought. [NOTE: The NSW Land and Environment Court has regularly used ESAs as a tool in measuring the impact of heavy/quarry truck traffic on roads - see *Benedict Industries Pty Ltd v Minister for Planning*; *Liverpool City Council v Moorebank Recyclers Pty Ltd* [2016] NSWLEC 122 (16 September 2016), *Hunter Quarries Pty Ltd v Minister for Planning* [2006] NSWLEC 637, *Collin C Donges & Assoc Pty Ltd v Baulkham Hills Shire Council* [1989] NSWLEC 39 (4 May 1989), *Capital Quarries Pty. Ltd. v. Gunning and Yass Shire Councils* (Unreported 14 August 1987) and *E.H. & P.H. Clifford Pty. Ltd. v. Scone Shire Council* ((1988) 65 LGRA 391).].

#### **Qualitative differences:**

- The proposed increase in daily peak truck traffic will not result in any increased wear and tear on the haul route, or increased pavement damage arising from the modification, as no increase in annual quarry production is proposed.

- The subject haul roads and intersections have the capacity to cater safely for the quarry-generated vehicles now proposed with acceptable impacts on the local road network. No additional road or intersection upgrades are required to accommodate the increased daily truck movements now proposed.

- No change is sought in the s.96 application to the current restrictions on Saturdays on truck traffic on The Waterfall Way, east of the intersection of Waterfall Way and Maynards Plains Road, in accordance with Condition 13A of the issued Development Consent.



In our opinion, the qualitative and quantitative similarities between the development as originally approved, and the proposed modified development, support a conclusion that the latter will be substantially the same as the former.

While a consent authority will need to consider the whole of the developments being compared, a proposed modification may fail the substantially the same test if an important, material or essential feature of the originally approved development is changed in a significant way. We have not identified any important, material or essential aspect of the originally approved development that will be so changed. The modification application preserves the material elements of the originally approved development.

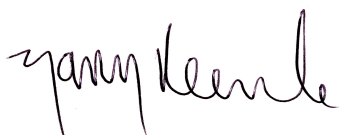
For the above reasons, it is considered that the proposed development is substantially the same as that which was originally approved. In our view, it is reasonable that Council/JRPP should now come to the conclusion that the essence of the development remains the same, that no adverse impacts arise and that the modification does not involve a radical transformation of the development, thus meeting the relevant tests for this Section 96 application. (See *Vacik Pty Limited v Penrith City Council*, unreported, Stein J, No. 10242 of 1991, 24 February 1992, *North Sydney Council v Michael Standley & Associates Pty Ltd* (1998) 43 NSWLR 468 at 475B and *Moto Projects (No 2) Pty Ltd v North Sydney Council* (1999) 106 LGERA 298 at 309).

Notwithstanding the above conclusion, Sheridan's Hard Rock Quarry have also offered to enter into a voluntary planning agreement to maintain and to progressively upgrade the haul route over the life of the quarry. This should take away any concerns regarding the ability of the haul route to accommodate the traffic volumes sought in the longer term.

Trusting that the above clarifies the nature of the proposal, upgrades to the haul road, likely road impacts, as well as technical details and benefits.

Should you have any queries please do not hesitate to contact the writer.

Yours sincerely



GARY PEACOCK, DIRECTOR



## ■ ATTACHMENT A

JRPP request for further information



***Outline Planning Consultants Pty Ltd***  
***Project Managers***  
***Planning Consultants***



**RECORD OF DEFERRAL**  
**NORTHERN JOINT REGIONAL PLANNING PANEL**

<b>DATE OF DEFERRAL</b>	Thursday 15 December 2016
<b>PANEL MEMBERS</b>	Garry West (Chair), Pamela Westing, Stephen Gow, Jim Simmons and Jason Kingsley
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Dorrigo Public Hall on Thursday, 15 December 2016, opened at 11:15 a.m. and closed at 1:30 p.m.

**MATTER DEFERRED**

2016NTH022 – Clarence Valley - MOD2016/0035 – 242 Faheys & Bulgins Rd, Hernani – Modification to Extractive Industry (Sheridans Hard Rock Quarry) to increase permitted daily truck movements.

**VERBAL SUBMISSIONS**

- Support – Nil
- Object – Six
- On behalf of the applicant – Two

**REASONS FOR DEFERRAL**

The Panel resolved to defer the determination of the matter as:

- no assessment was provided for proposed amendments to Condition 1;
- further road impact assessments were required to ensure adequate road conditions and safety;
- there was a lack of adequate arrangements for monitoring of compliance;
- there was a lack of adequate consultation with Bellingen Shire Council stakeholders.

The Panel requests that Council staff provide:



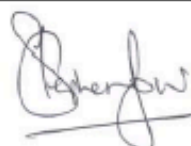
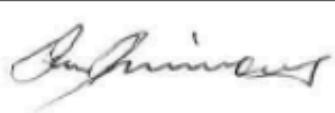

- Further assessment by Council of proposed amendments to Condition 1;
- A review of an updated traffic impact assessment by the Applicants, including:
  - (a) a road pavement impact assessment on the haul route;
  - (b) assessment of the intersection of Bald Hills Road and Waterfall Way using current traffic data;
  - (c) assessment of the intersection of Cornells Road and Bald Hills Road;
- Details of the outcome of Council negotiation with the Applicant to ensure appropriate monitoring and compliance arrangements for quarry truck movements;



- Evidence that the RMS and Bellingen Council have been further consulted with particular regard to the impacts of peak truck movements through Dorrigo and Bellingen.

When this information has been received, the Panel will further consider the matter.

The decision to defer the matter was 4:1 in favour; against the decision to defer was Pamela Westing

PANEL MEMBERS	
 Garry West (Chair)	 Pamela Westing
 Stephen Gow	 Jim Simmons
 Jason Kingsley	



## ■ ATTACHMENT B

Streetwise report dated 1 June 2017



***Outline Planning Consultants Pty Ltd***  
***Project Managers***  
***Planning Consultants***



**Address:-**  
StreetWise Road Safety &  
Traffic Services Pty Ltd  
PO BOX 1395  
Port Macquarie NSW 2444  
**Contact:-**  
Craig Nethery ☎ 0412 009 558  
✉ [craig@streetwisersa.com.au](mailto:craig@streetwisersa.com.au)  
Andy Davis ☎ 0422 011 353  
✉ [andy@streetwisersa.com.au](mailto:andy@streetwisersa.com.au)

OUTLINE PLANNING CONSULTANTS PTY LTD  
SUITE 18, PITTWATER BUSINESS PARK  
No. 5 VUKO PLACE  
WARRIEWOOD NSW 2102

Attention:- Gary Peacock, Managing Director

01 June 2017

**ASSESSMENT OF TRAFFIC IMPACT FOR EXTRACTIVE INDUSTRY  
(SHERIDANS HARD ROCK QUARRY – DA2014/0098)  
242 FAHEY'S & BULGINS ROAD, HERNANI**

Dear Gary,

The following is our response to the following request from the JRPP regarding the proposed S.96 request for additional daily truck numbers at Sheridans Hard Rock Quarry, Hernani.

***a) Road Pavement Impact Assessment of the Haul Road***

As requested, StreetWise undertook an inspection of the haul roads between Sheridans quarry and Waterfall Way, with details contained in our haul road condition assessment report, dated 2 May 2017. The inspection concluded that the unsealed section of the haul road (Cornells Rd & Faheys / Bulgin Rd) and the sealed section (Bald Hills / Hernani Rd between The Waterfall Way & Cornells Rd) are in generally good condition, with minimal impacts noted from the haulage of gravel from Sheridans Quarry.

In summary, the quarry operator has upgraded the haulage road in accordance with the conditions of the development approval, the subject roads and intersections have the capacity to cater safely for the quarry-generated vehicles and the impacts of the development on local road network have been managed and/or mitigated to minimise these impacts. The haul road currently operates at an acceptable Level of Service, with minimal potential for delays. Based on the above assessment, it is concluded that the haul road has the capacity to accommodate the increased daily truck numbers proposed.

The current volumes on Bald Hills/Hernani Road are less than the 150 vehicles per day, with a maximum peak hour volume of approximately 15 vph. The local road network has adequate capacity to cater for the daily traffic volumes, with no significant impacts or safety issues resulting from the proposed increase in truck movements proposed to be generated by the quarry operations.

See attachment detailing the pavement assessment of the haul road.

***b) Traffic Impact Assessment for the Intersection of the Waterfall Way and Bald Hills / Hernani Road***

The traffic volumes on Waterfall Way are approximately 1000 vehicles per day (vpd) or around 100 per hour at peak times. These numbers are very low, and the existing road has capacity to cater for much higher volumes (given that each lane of a major rural road can satisfactorily cater for up to 800 vehicles per hour).

RoadNet's 2010 & 2014 assessments and report indicated that *the Waterfall Way and Bald Hills / Hernani Road intersection currently operated at a level of service (LoS) of 'A' based on 1000 vpd on the Waterfall Way, and would be LoS of 'A' or 'B' due to annual traffic growth (1.5% per year) and the increase in traffic due to the operations of Sheridans Hard Rock Quarry. An LoS of 'A' or 'B' results in free flow of traffic, with adequate gaps to provide safe travel through the intersection.*

The intersection has since been upgraded as a condition of the development approval, resulting in increased safety and capacity to cater for the proposed increase in truck movements. However, the following should also be considered:

- The intersection of ***Waterfall Way and Bald Hills / Hernani Road*** was upgraded to a higher standard than required by the guidelines. Austroads Guide to Road Design (Part 4A – Unsignalised and Signalised Intersections) recommends a basic intersection was required. However, the actual RMS-approved intersection which was constructed at the location included road widening, curve re-alignment and auxiliary turn lanes.
- The Austroads guidelines at the time also stated that simple intersections catering for less than 600 vehicles per hour (up to 450 major road, 150 minor road) normally cater for traffic efficiently, and there is generally no requirement to assess the operation of the layout. Traffic counts at the time indicated approximately 1000 vpd on Waterfall Way (c.100 vph at peak times) i.e. the traffic volumes through the intersection were not high enough to require an assessment of the layout.
- The design and construction of the upgrade of the intersection of Waterfall Way and Bald Hills / Hernani Road, required as a condition of the quarry approval, was assessed, approved, and inspected by the RMS.
- The assessment of traffic speeds, sight distance, turning movements etc. was undertaken during the intersection design process, with the final layout approved by the RMS.

As shown by the statements above, the RoadNet report determined that the traffic volumes utilising the roads and intersections were low, and minimal upgrades of the roads and intersections were required to cater for the truck movements generated by Sheridans Hardrock Quarry.

It should also be noted that the required upgrade of intersection of Bald Hills Road & Waterfall Way intersection was designed to accommodate truck & dog movements. The design included widened lanes, better curve alignment of Waterfall Way, auxiliary turn lanes and additional signage, and was approved by the RMS. The RMS was involved at all stages of the process, from preliminary planning to final plan approval to inspection of the construction. As discussed previously, the volumes on both roads were minimal, and did not trigger the requirement for a SIDRA analysis.

***c) Traffic Impact Assessment for the intersection of the Cornells and Bald Hills Road***

The traffic volumes on both Cornells Road and Bald Hills Road are were low at the time of the original assessment and remain low based on tube counts conducted by Clarence Valley Council in October / November of 2015 where the average daily weekday volumes south of Cornells Road on Bald Hills Road was 92 vehicles per day, which includes existing truck traffic from Sheridans Hard Rock Quarry.

Traffic volumes on Waterfall Way at the time of the original traffic assessment was approximately 1000 vehicles per day, or around 100 vph during peak times, with annual growth estimated to be minimal (approximately 1% per annum). Due to the low volumes on both roads, the intersection operates efficiently (Level of Service of A or B). According to the Austroads Guidelines warrant, the existing Basic Intersection layout has the capacity to safely and efficiently cater for the turning movements proposed as a result of the S.96 modifications now proposed.

I also note the following conclusions taken from the RoadNet Traffic Impact Assessment (2014) describe the roadworks previously arranged or undertaken by the quarry operator:

- *A traffic impact assessment has been undertaken for the proposed development which concludes that the proposed quarry expansion will have no material impact on the existing operation of the approved haulage route, including the intersection with Waterfall Way. There is no change in the haulage volumes proposed under the current proposal (Maximum of 20 laden and 20 unladen trips), and the other traffic-generating components of the proposal (staff movements, visitors etc.) are virtually unchanged from the existing approved development.*
- *The quarry operator has carried out extensive upgrades to the approved quarry haulage route over and above to and in response to Council's conditions of consent for the existing quarry development. The upgrades go well beyond what was identified as being required, with the approved quarry haulage route being upgraded to a generally two lane two way rural road standard rather than an upgraded "one lane plus passing bays" standard. The changes made have included:*
  - *Grading and widening of the haulage route generally, and in particular along Cornells Road and Faheys & Bulgins Road, to provide an improved alignment with a minimum width of approximately 7.0m (i.e. suitable for two-way movement of vehicles)*
  - *Upgraded drainage works to accommodate the above widening*

- *The provision of culverts at designated locations along the haulage route*
  - *The provision of guideposts and signage along the haulage route, where required*
  - *Removal of overhanging vegetation and curve widening to improve sight lines, where required*
  - *Upgrading of the intersection of Hernani – Bald Hills Road with Waterfall Way to provide an Austroads BAR treatment for right turns and a BAL treatment to accommodate the left turns*
  - *Construction of a suitable site access to the quarry to accommodate the heavy vehicles that use it*
  - *Other changes as required by Council to achieve ‘signoff’ on the haulage road upgrade works*
- *Road sealing work to a minimum sealed width of 7m over an additional length of almost 1.2km has also been undertaken at the quarry operators own initiative and expense in front of two rural residences along the approved quarry haulage route. These additional improvements have been made to improve local amenity by minimising dust and noise impacts, and to ensure that the maximum quarry traffic levels approved by Clarence Valley Council can be readily accommodated by the local road network.*
  - *Upgrading the haulage route from a one lane route with limited passing opportunities to a generally two lane two way rural road standard has substantially reduced the risk of conflict between vehicles travelling in opposite directions and provides a much safer, less hazardous road environment for all users of the road.*
  - *Prior to the quarry development the local road system was in a poor state of repair even though it accommodated a similar volume of truck traffic associated with agricultural activities in the area. The upgraded haulage route therefore provides a much higher and safer standard of road for all motorists that use it.*
  - *The upgraded quarry haulage route could accommodate a design volume of at least 150 vehicles per day.*

Sight distance at the intersection of the Cornells and Bald Hills Road appears to be good in all directions, with minimal impacts from vertical crests, horizontal curves or roadside trees etc.

SIDRA analysis of an intersection is generally utilised at busy intersections to determine available gaps between vehicles, capacity and Level of Service. The traffic volumes are minimal through the Bald Hills Road/Hernani Road intersection, and a SIDRA analysis is not required. The average gaps between vehicles would be measured in minutes i.e. there would be virtually ‘free flow’ which equates to a Level of Service of ‘A’.

It should also be noted that Council approved the design plans for the road upgrades, then inspected the works during and after the construction. If there were any issues with sight distance, I assume they would have been raised at the time. "

In summary, the quarry operator is simply seeking more flexibility to service his clients, and is proposing an increase to a maximum 66 loaded trucks per day. However, the yearly total of truck movements won't change, as the operator is limited by the annual volumes he can extract from the quarry.

The quarry operator has previously upgraded the haulage road in accordance with the conditions of the development approval. With these improvements in place, the subject haul roads and intersections have the capacity to cater safely for the quarry-generated vehicles now proposed with acceptable impacts on the local road network. No additional road or intersection upgrades are required to accommodate the increased daily truck movements now proposed. No increase in wear and tear on the haul roads will result from the modification, as no increase in annual quarry production is proposed.



A J Davis (*Director*)  
StreetWise Road Safety &Traffic Services Pty Ltd

## ■ ATTACHMENT C

Advice Clarence Valley Council dated 31 March 2017 & OPC response dated 18 April 2017



***Outline Planning Consultants Pty Ltd***  
***Project Managers***  
***Planning Consultants***



31 March 2017

Reference: GD14/0098 MOD2016/0035 ECM: 1879136  
Contact: Pat Ridgway

Gary Peacock  
Outline Planning Consultants Pty Ltd  
Suite 18 Pittwater Business Park  
5 Vuko Place  
WARRIEWOOD NSW 2102  
By email: [gpeacock@outline.com.au](mailto:gpeacock@outline.com.au)

### Issues re JRPP Meeting and Deferral

**Application No:** MOD2016/0035 (JRPP REF: 2016NTH022)  
**Development Proposal:** Modification of DA2014/0098 (increase permitted daily truck numbers)  
**Property Address:** 242 Faheys & Bulgins Road HERNANI NSW 2453  
**Legal Description:** Lot 62 DP 752807 & Lot 63 DP 752807

Gary,

Clem Rhoden has requested that I respond to the issues raised in your email dated 16 March 2017 (*your requests shown in italics*):

I note that the information request has been received some time after the deadline for the requested information following the JRPP deferral notice.

1. *As recounted at the JRPP meeting, at a site inspection on 14 December Patrick Ridgway & Renan Solatan observed trucks running at a time when school buses were in evidence. Through the JRPP chair, we requested further details regarding this incident. Where was this incident observed from ie. what precise location on the local road system was this observation made)? My client stated at the JRPP meeting that this truck traffic has come from another nearby quarry. I would be grateful if you could provided (sic) details.*

### Comment

Prior to the JRPP meeting an inspection of the haul route was undertaken on the afternoon of 14 December 2016 between 2.50 pm and 4.30pm by Council Officers Patrick Ridgway and Renan Solatan. The inspection began at the intersection of Bald Hills Road and Cornell's Road, stopping on the road reserve to examine the intersection pavement.

Then along Cornell's Road through to Faheys Road and Bulgins Road and to the entrance gate of 242 Faheys Road and Bulgins Road.

Then back along Faheys Road and Bulgins Road to Bald Hills Road and to the intersection of Bald Hills Road and Waterfall Way. Roadside stops were made at some of the culverts along the route, the intersection of Bald Hills Road and Cornell's Road, the three passing bays and at the Bald Hills Road / Water fall Way intersection.

During the inspection from 2:50pm a constant stream of quarry traffic was observed along the haul route to and from Sheridan's Quarry, heading to and from Waterfall Way. Between 2.50pm and 3.50pm, 7 laden quarry truck movements and 7 unladen quarry trucks movements were counted on the haul route. No truck traffic was observed on Bald Hills Road between Cornell's Road and Armidale Road.

During the final inspection stop at the Waterfall Way / Bald Hills intersection, between 3:45 - 4:30pm, a number of quarry trucks were observed travelling to and from Waterfall Way and along Bald Hills Road. It was noted that a laden quarry truck left the haul route, turning left onto Waterfall Way at approximately 3:45pm and at approximately 3:50pm a school bus was observed turning from Waterfall Way onto Bald Hills Road. Three (3) more quarry trucks were observed leaving and entering the haul route between 3:50 - 4:05pm; two (2) laden trucks from Bald Hills Road to Waterfall Way (4.00pm and 4.05pm) and one (1) from Waterfall Way to Bald Hills Road (4.03pm).

The observations of quarry truck traffic within 15 minutes before and 15 minutes after the arrival of the school bus were reported to the JRPP panel at the meeting.

I note that during the inspection no quarry traffic was observed travelling along Bald Hills Road between Cornell's Road and Armidale Road.

*[NOTES: 1. We have sought information from Council regarding the operation of its own quarry, known as Ellis' Pit, which operates nearby. To date we have not been furnished with the particulars sought.]*

#### Comment

Access to Council's records is organised through Council's Governance Section consistent with the *Government Information (Public Access) Act 2009* (GIPAA) and are dealt with in confidence. I believe this information has now been provided.

*2. Also through the GIPA process we have requested information regarding a recent traffic survey on the local road system which includes the haul route, however, we appear to have run into a brick wall on that point, with Council providing meaningless aggregated data only. (We requested details of traffic flow over each of the days that the survey ran for.) Perhaps you could approach Council engineering to provide this data. Thank you.]*

#### Comment

Council's Development Service section is not aware of any recent traffic surveys conducted by other sections of Council.

The applicant may engage a traffic data specialist to conduct a traffic survey/count to acquire the latest data along the haul route.

*2. (sic) No clarification was provided by Renan Solatan that the section of road with the claimed poor condition did not form a part of the recently constructed passing bays. Moreover, no mention was made of the fact the applicant has constructed three passing bays, when only one was required, and that each has been constructed to for a longer length than specified in the consent. In fact the passing bays are in excellent condition.*

#### Comment

The comments in regard to the current poor condition of the road included the three passing bays. This was also observed by the Panel's inspection on the morning of 15 December 2017. The pavement of the passing bays were observed on both the 14 & 15 December 2017 it was obvious they were not in excellent condition.

It is noted that prior to the lodgement of the Civil Construction Certificate application for the passing bays, the applicant's consultant resisted to prepare a fully detailed design including a detailed survey and in-situ materials testing of these passing bays. Assessment of the Civil Construction Certificate has been limited to the information provided by the consultant.

Minimum design requirements (minimum pavement depth) have been adopted. As a result of the implementation of the minimum design requirement, poor surface conditions have been observed during the site inspections by Council staff and the joint Regional Planning Panel members after only two (2) months of quarry traffic.

*3. No clarification was provided by Renan Solatan that the consent for the passing bays does not specify the requirement for guard rails.(nor are they needed)*

#### Comment

The issuance of the Civil Construction Certificate, does not relieve the applicant from rectifying any errors or omissions which may become evident prior to or during the construction. This is clearly stipulated in the Civil Construction Certificate.

A Post Construction Road Safety Audit of these passing bays would identify any safety issues.

*4. Patrick Ridgway erroneously asserted at the JRPP meeting that our clients had not activated the consent. This is despite the fact that Council was provided with advice from our firm in two separate letters dated 15 September 2016 & 22 September 2016 in this regard.[NOTE: Council has never responded to either correspondence cited above] Confirmation of the completion of the passing bays was provided to Council in advice dated 21 October 2016 by consultant engineers Geoff Slattery & partners.*

#### Comment

The submission to the JRPP raised concern over confusion as to the commencement of the quarry under DA2014/0098 and non compliance with conditions of consent and in particular:

- That the 50,000 tonne limit under DA2010/0358 was exceeded (i.e. 62,920 tonnes was extracted) before 22 September 2016 i.e. before the withdrawal letter for DA2010/0358 and before DA2014/0098 was activated.
- That Condition 35 of the notice of determination (DA2014/0098) required the completion of the passing bays prior to the activation of the consent. Council was advised that the works for the passing bays was completed 21 October 2016, more than one month after DA2010/0358 was withdrawn.
- Condition #19 DA2010/0358 & Condition #18 DA2014/0098 require the annual payment of a road maintenance contribution. Council has no record of these being paid.

The information requested in Council's letter dated 6 January 2017 is now required within 21 days of the date of this letter. If the information is not received Council will report the application to the Joint Regional Planning Panel – Northern recommending refusal.

On receipt of the information Council will be able to consult further with the Roads and Maritime Services, the Bellingen Shire Council, the Bellingen and Dorrigo Community and other interested parties.

If you require further information please contact me on 6645 0288.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Pat Ridgway', with a stylized flourish extending from the end.

Pat Ridgway  
**Senior Development Planner**



**Outline Planning Consultants Pty Ltd**  
**Project Managers**  
**Planning Consultants**

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18 April 2017

General Manager  
Clarence Valley Council  
Locked Bag 23  
**GRAFTON NSW 2460**

Council Ref: MOD2016/0035  
(Modification of DA 2014/0098)

**By email**

Attention: Mr Patrick Ridgway, Senior Development Planner  
Mr Clem Rhoden, Manager Environment, Development & Regulated Services

Dear Sir,

**MOD 2016/0035, SHERIDAN'S HARD ROCK QUARRY Pt. LOT 62 & 63 IN DEPOSITED PLAN 752807,  
No.242 FAHEYS & BULGINS ROAD, HERNANI NSW**

Outline Planning Consultants Pty Ltd acts for Sheridan's Hard Rock Quarry Pty Ltd, who operate the above quarry. Reference is made to Council's correspondence dated 6 January 2017 regarding a negotiated outcome to ensure that appropriate monitoring and compliance arrangements for quarry truck traffic. A response has been delayed pending clarification sought from Council, duly provided in Council's letter dated 31 March 2017, received last week.

Our client is more than happy to provide additional measures to ensure that there is compliance with daily truck numbers and tonnages of rock won from Sheridan's Hard Rock Quarry at Hernani.

Sheridan's Hard Rock Quarry currently does not have a weighbridge, nor is there is any critical need to provide one. This is due to the fact that currently all trucks are loaded within the quarry by front-end loaders with scales to enable accurate records of loads. This method of recording loads is well accepted practice in the industry.

This practice of recording weights by machines with scales is also recognised by the JRPP and Council, reflected in the consent granted 20 January 2015 to the hard rock quarry at Nymboida (DA2014/0024), Condition 19(l) which states:

*"l) All quarry trucks existing the site shall do so via a weighbridge to be installed prior to commencement e or quarrying activities, or all trucks are to be loaded by a machine with scales to enable accurate records of loads."*

At present the above records are provided to Council on an annual basis. Sheridan's Hard Rock Quarry are happy to accede to providing this data to Council every 3 months. The above condition could be included in any subsequent Section 96 approval granted by the JRPP/ Council.





Sheridan's Hard Rock Quarry believes that any requirement to agree to traffic counts along the haul route is an onerous one and is not supported, for the following reasons:

- The provision of truck records on a more regular (ie. 3 monthly) basis should give Council more confidence that the quarry generates truck numbers that are in accordance with the issued consent.
- None of the other approved quarries in the Clarence Valley are understood to have any similar requirement for the undertaking of traffic counts along the haul route eg. Greensills quarry, at Nyboida, and Kungula quarry.
- Council has the statutory power to police any apparent breaches of any consent and to take the appropriate enforcement action where any breach has been found.
- Related to the above, Council is considered to be the more appropriate body to undertake traffic counts, if there are any concerns about truck traffic volumes. For example, Council has also recently undertaken traffic counts of quarry truck traffic along Jacky Bulbin Road in response to concerns about quarry truck traffic travelling along the road to and from Newman's Quarry. Council has undertaken its own random traffic counts along a part of the haul route at Hernani in October 2015, with no exceedances noted.
- Sheridan's Hard Rock Quarry Pty Ltd now has in place a Driver Code of Conduct, as required by the current consent, which will ensure that driver safety along the haul route is assured.

In the context of the above it is also important to note that the traffic impacts of an increase in quarry truck traffic to the level now proposed has been previously considered in reports by RoadNet and Streetwise. The March 2014 RoadNet Traffic Report assessed the capacity of the haulage route, and found it had adequate capacity and standard of construction to cater for any future increase in haulage truck movements, finding that the haul route from the quarry to Waterfall Way had a minimum overall capacity of at least 150 vehicles per day, and a resultant spare capacity available for up to an additional 63 vehicles per day, with a capacity of up to 500 vehicles per day. The June 2016 Streetwise report similarly finds that the Austroads guidelines indicate the existing road formation of the haul route from the quarry back to the Waterfall Way can cater for up to 500 vehicles per day.

We trust that the above satisfactorily addresses the issues raised in Council's letter dated 6 January 2017.

A more detailed response to the JRPP's deferral of the s.96 application will be provided shortly, hopefully by the end of the week.

If you have any queries please do not hesitate to contact the writer.

Yours sincerely

GARY PEACOCK (BTP UNSW)  
DIRECTOR



## ■ ATTACHMENT D

Correspondence October 2016



***Outline Planning Consultants Pty Ltd***  
***Project Managers***  
***Planning Consultants***



20 October 2016

Reference: GD14/0098 ECM: 1787164  
Contact: Patrick Ridgway

Gary Peacock  
Outline Planning Consultants Pty Ltd  
Suite 18 Pittwater Business Park  
5 Vuko Place  
WARRIEWOOD NSW 2102

### Additional Information Required

**Application No:** MOD2016/0035  
**Development Proposal:** Modification of DA2014/0098 (increase permitted daily truck numbers)  
**Property Address:** 242 Faheys & Bulgins Road HERNANI NSW 2453  
**Legal Description:** Lot 62 DP 752807 & Lot 63 DP 752807

I refer to your Application, which was received by Council on 17 August 2016.

Further to the preliminary assessment of the Application certain information necessary to make a determination is required.

There has been insufficient Road Impact Assessment conducted along the haul route. The existing development delivers 20 loaded and 20 unloaded trucks per day. A truck and dog commercial vehicle generally have a total weight of 48 tonnes with 33 tonnes payload.

The submitted TIA (Traffic Impact Assessment) utilised the data used in the previous TIA; The data was taken in 2010 and no intersection assessments have been conducted to quantify the impact of the proposal. According to the previous Traffic Impact Assessment the following parameters have been provided:-

#### Existing

Background Traffic	= 27 vpd (vehicles per day)
Haul Traffic	= 40 vpd
Staff Movement	= 15 vpd
<u>Miscellaneous movements</u>	<u>= 5 vpd</u>
Total	= 87 vpd

#### Proposed

Background Traffic	= 27 vpd
Haul Traffic	= 132 vpd
Staff Movement	= 15 vpd
<u>Miscellaneous movements</u>	<u>= 5 vpd</u>
Total	= 179 vpd

### ESA (Equivalent Standard Axles) Calculation

#### Existing

AADT	= 87 vpd
Commercial Vehicle	= $40/87 \times 100 = 46\%$
ESA:CV ratio	= 1.3 (derived from DTMR Pavement Design
Manual) Existing ESA	= $87 \text{ vpd} \times 46\% \times 365 \text{ days/year} \times 1.3$
	= <u>18,989.49 ESA/year</u>

#### Proposed

AADT	= 179 vpd
Commercial Vehicle	= $132/179 \times 100 = 74\%$
ESA:CV ratio	= 1.3 (derived from DTMR Pavement Design
Manual) Existing ESA	= $179 \text{ vpd} \times 74\% \times 365 \text{ days/year} \times 1.3$
	= <u>62,852.27 ESA/year</u>

There is an increase of 43,862.78 ESA/year or 231% increase onto the haul route.

Accordingly, Council, pursuant to Clause 54 of the Environmental Planning and Assessment Regulation 2000 requests that the following information be provided within 21 days of the date of this letter:

*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 TIA including the RIA must generally be in accordance with RMS Guide to Traffic Generating Development and AUSTROADS Guide to Traffic Management Part 12: Traffic Impacts of Development.*

Should the information not be provided within the specified period, it will be taken that the information will not be provided and Council will determine the application.

You may submit a written request to Council to extend the period to provide the information if there are good reasons why further time is required.

If you require further information please contact Pat Ridgway of Council's Environment, Development and Regulated Services section on 66450288 between 8.30 am and 11.00 am.

Yours faithfully,



Pat Ridgway  
Senior Development Planner



**Address:-**  
StreetWise Road Safety &  
Traffic Services Pty Ltd  
PO BOX 1395  
Port Macquarie NSW 2444  
**Contact:-**  
Craig Nethery ☎ 0412 009 558  
✉ [craig@streetwisersa.com.au](mailto:craig@streetwisersa.com.au)  
Andy Davis ☎ 0422 011 353  
✉ [andy@streetwisersa.com.au](mailto:andy@streetwisersa.com.au)

Clarence Valley Council  
Locked Bag 23  
GRAFTON NSW 2460

Ref: GD14/0098 ECM: 1787164

Attention: Pat Ridgeway

Re: Sheridans Quarry – Request for additional information

I refer to your request for additional information in regard to traffic volumes and upgraded intersection at Waterfall Way.

**1. Proposed haulage road volumes**

Council's assumption that the applicant plans to increase volumes by 231% is incorrect. The quarry operator is currently limited to extracting 198,000 tonnes per annum, and is not planning to increase this amount. He simply wishes to occasionally increase daily haulage movements to better service the Pacific Highway upgrade projects.

The operator is not proposing any increase in the previously approved total haulage movements per annum. The proposed changes therefore will not have any additional impacts on the upgraded Bald Hills Road.

It should also be noted that the previously approved Traffic Impact Assessment (by RoadNet) stated that the existing haulage route, including Faheys & Bulgins Road, Cornells Road and Hernani – Bald Hills Road has adequate capacity to cater for at least 150 vehicles per day. Austroads guidelines indicate the existing road formation of the haul route can cater for up to 500 vehicles per day.

**2. Waterfall Way intersection**

The original DA conditions required an upgrade of the Bald Hills Road – Waterfall Way intersection to cater for the increase in traffic due to the quarry activities. The intersection design was approved by both Council and the RMS, and with the layout suitable for all turning movements and pavement design to RMS standards.

RoadNet's TIA discussed the relatively low traffic volumes on both Waterfall Way and Bald Hills Road, and determined a basic rural intersection (BAR) was required. As discussed above, there will be no change to the average and annual traffic volumes through the intersection, and therefore no upgrade of the intersection required. The recently upgraded intersection also has adequate capacity to cater for the occasional increase in daily movements.

Should you wish to discuss the above details or require further information, please contact myself on 0422 011 353 or [andy@streetwisersa.com.au](mailto:andy@streetwisersa.com.au)

Regards,



**Outline Planning Consultants Pty Ltd**  
**Project Managers**  
**Planning Consultants**

Outline Planning Consultants Pty Ltd  
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WARRIEWOOD NSW 2102  
AUSTRALIA

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28 October 2016

General Manager  
Clarence Valley Council  
Locked Bag 23  
**GRAFTON NSW 2460**

Council Ref: DA 2014/0098

**By email**

Attention: Mr Patrick Ridgway, Senior Development Planner

Dear Sir,

**COUNCIL REQUEST FOR ADDITIONAL INFORMATION, s.96 APPLICATION SHERIDAN'S HARD ROCK QUARRY, No.242 FAHEYS & BULGINS ROAD, HERNANI NSW**

Outline Planning Consultants Pty Ltd acts for Sheridan's Hard Rock Quarry Pty Ltd, who operate an existing, Council-approved quarry on Lot 62 & 63 in Deposited Plan 752807, No. 242 Faheys & Bulgins Road, at Hernani, west of Dorrigo. I refer to your email dated 21 October 2016 and Council's letter dated 20 October 2016 attached, seeking further additional information.

The request for additional information appears to stem from an assessment by Council's Development Engineer that concludes that there will be a claimed "*increase of 43,862.78 ESA/year or 231% increase onto the haul route*" arising from the s.96 application. Based on this (erroneous) assumption, the quarry would be transporting  $198,000 + 231\% \times 198,000$  tonnes per annum = 655,363 tonnes per annum of quarry material. In fact, this is simply not the case. This conclusion is based on the erroneous assumption that the quarry operation, as proposed to be modified, will be generating an average of 66 quarry loads per day. A more careful reading of the s.96 application, as submitted, will show that this is clearly not the case, as clarified in the following.

Your attention is drawn to the following salient points:

1. No change is proposed in ESAs over any one year- the total number of quarry trucks generated being limited by the limit on annual production i.e. 198,000 tonnes per annum (which will not change). The s.96 modification merely seeks to increase the peak number of quarry trucks on any one day in order to meet periodic peak demand for quarry products and to provide for more flexibility in truck numbers during these peak times. However, there is no change proposed in the number of quarry trucks (or total ESAs) travelling along the haul route in any one year. Our SEE report and the Streetwise traffic reports make this abundantly clear. Council's Development Engineer has misread or misunderstood our reports (and the proposed s.96 modification) in this regard.
2. Similarly, and as to the intersection, this was also previously assessed and found to be capable of accommodating the traffic flows proposed. [NOTE: The intersection was built to RMS specifications, to a higher standard than that required by Council] The proposed minor increase in local road volumes will not change the intersection layout required- refer also to advice by Streetwise, to be sent under separate cover.



3. Council's letter states that it seeks the information relying on clause 54 of the EP&A Regulation 2000, which applies to development applications lodged. Leaving that aside, and in any case, Council is no doubt aware that any request for information that may be sought under clause 54 of the EP&A Regulation is also linked to the provisions of clause 109 of the EP&A Regulation which stops time running under clause 113 of the EP&A Regulation for a nominated time while the request for additional information remains unanswered- more commonly known as "stop the clock".

Clause 109(2) allows such a request if the relevant request is made within 25 days of lodgement of any application. The s.96 application was lodged with Council on 17 August 2016, some 63 days ago. [NOTE: this period is even longer having regard for the fact that the same s.96 application was lodged on 29 June 2016 and was not withdrawn until 55 days later- again, without any comments from Council engineering about perceived increases in ESAs per annum arising from the application] As such, Council's request for additional information would appear to have been made outside of the statutory 25 days, thus falling outside of the scope of it's power under clauses 54 and 109 of the EP&A Regulation to request additional information and to activate the relevant "stop the clock" provisions.

Moreover, and related to the above, we believe that Council has had more than ample time to identify all relevant issues, and question the procedural fairness in Council now seeking additional advice and documentation at this late juncture in the DA process. In coming to this conclusion we rely on the authority contained in the recent decision of the NSW Court of appeal in *Warkworth Mining Limited v Bulga Milbrodale Progress Association Inc* [2014] NSWCA 105 at paras [35], [37], [39] and [40].

Section 79C(1)(b) and (c) of the EP&A Act 1979 requires an engagement by Council with the subject matter in the s.96 application so that likely impacts can be properly understood and assessed: *Weal v Bathurst City Council* [2000] NSWCA 88; (2000); and *Centro Properties Limited v Hurstville City Council* [2004] NSWLEC 401.

From the above, it is concluded that Council's Development Engineer has not properly understood the nature of the proposed s.96 modification. The s.96 application seeks no change to truck numbers (and ESAs) over any one year- the total number of trucks limited by the restriction on total production permitted at the quarry ie. 198,000 tonnes per annum. No increase is sought in this level of annual quarry production.

Accordingly, having regard for the above, please be advised that no further particulars will be provided (or are, in fact, required to be provided) to Council on the above traffic issue raised by Council engineering.

Now that this matter has now been clarified as set out in the above, we request that Council now assess the s.96 application as proposed without further delay.

If you have any queries please do not hesitate to contact the writer direct on telephone: 02 9262 3511.

Yours sincerely

GARY PEACOCK (BTP UNSW)  
DIRECTOR



## ■ ATTACHMENT E

Advice to Clarence Valley Council dated 15 September 2016



***Outline Planning Consultants Pty Ltd***  
***Project Managers***  
***Planning Consultants***



**ABN:** 58 151 721 989  
**315 Donellans Rd Hernani 2453**  
**PH:** (02) 66576088  
**Fax:** 66576190  
**Mob:** 042757619

15th September 2016

The General Manager  
Clarence Valley Council  
Locked Bag 23  
**GRAFTON NSW 2460**

Council Ref: DA2014/0098

**By email**

**Attention: Mr Patrick Ridgway, Council Town Planner**

Dear Sir,

**APPROVED QUARRY, LOT 62 & 63 DP 752807, No. 242 FAHEYS & BULGINS ROAD, HERNANI, NSW**

---

As Council may be aware, construction of the three passing bays along our quarry haul route should be finished by about the end of September 2016, satisfying all Council engineering requirements associated with our development consent issued by Council in September 2014 (DA2014/0098).

An updated quarry plan of management has been completed (Condition 4) and sent to Council and the EPA in late 2014, following the grant of the DA2014/0098. In any case, we have today been advised by our town planner, Gary Peacock, that a further copy has been emailed to you today. Because of the above no updated quarry plan of management has been prepared until we formally activate the consent.

We are aware that the consent is not activated until the above is completed and that we formally advise Council that our earlier consent is formally surrendered (Condition 3 of the development consent).

On behalf of Sheridan's Hard Rock Quarry we wish to formally advise Council that, subject to the construction of the passing bays, we wish to surrender Development Consent DA201/0358.

If you have any queries in the first instance please call our town planner, Gary Peacock on 02 9262 3511.

Yours faithfully

Graham Sheridan  
Sheridan's Hard Rock Quarry

## ■ ATTACHMENT F

Offer to maintain/upgrade haul route March 2016, with additional details provided by consulting engineers Geoff Slattery & Associates March 2017



***Outline Planning Consultants Pty Ltd***  
***Project Managers***  
***Planning Consultants***

9 March 2016



**ABN:** 58 151 721 989  
**315 Donellans Rd Hernani 2453**  
**PH:** (02) 66576088  
**Fax:** 66576190  
**Mob:** 042757619

The General Manager  
Clarence Valley Council  
Locked Bag 23  
**GRAFTON NSW 2460**

**By email**

**Attention: Mr Renan Solatan & Mr Tim Jenkins, Council Engineering**

Dear Sir,

**PROPOSED ROADWORKS ON APPROVED QUARRY HAUL ROUTE: EXISTING HARD ROCK QUARRY,  
LOT 62 & 63 DP 752807, No. 242 FAHEYS & BULGINS ROAD, HERNANI, NSW**

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I refer to our joint inspection of the approved quarry haul with Council Engineer Mr Renan Solatan and our traffic consultant Mr Craig Nethery on 5<sup>th</sup> February 2016.

As Council is aware, Sheridan's Hard Rock Quarry quarry expansion was approved by the JRPP at its meeting held on 21 August 2014, with the Development Consent issued by Clarence Valley Council on 10th September 2014.

The roads and traffic impact assessment report, prepared by traffic consultant Mr Craig Nethery, RoadNet and dated 14th March 2014, found that the existing quarry haul route could satisfactorily accommodate the proposed quarry expansion without the necessity of any further upgrades to the quarry haul route. The RoadNet report is referred to in Condition 19 of the Development Consent.

However, and despite the recommendations made in the RoadNet report referred to above, Condition 35 of the Development Consent requires additional road works to be undertaken.

Following our on-site inspection of the haul route on 5<sup>th</sup> February 2016 it was agreed that the only outstanding works required to satisfy Condition 35 was the construction of three (3) passing bays along Bald Hills Road- no further works required as a result of the recent upgrading of the haul route by Sheridan's Hard Rock Quarry on Cornells/Faheys/Bulgin Roads, signed off at the time by Council engineer Mr Jim Spencer.

In addition to construction of the three passing bays referred to above, Sheridan's Hard Rock Quarry wishes to upgrade the quarry haul route on a progressive basis at no cost to Council, including but not limited to the following:

- Sealing of the remainder of the haul route.
- Restoration of existing road verges along Bald Hills Road.
- Sealing of an additional 1m width of road either side of Bald Hills Road.

Refer to accompanying plans prepared by traffic consultant Mr Craig Nethery of Streetwise Road Safety & Traffic Services Pty Ltd.

The plans are considered to be self-explanatory and the works proposed capable of being easily implemented in accordance with the details provided- this level of detail considered adequate for such a minor rural road system.

Reiterating, all of the works are to be progressively undertaken by Sheridan's Hard Rock Quarry as time, funds and availability of manpower and materials allows.

Moreover, it will be Sheridan's Hard Rock Quarry that will be responsible for repairing these works (within say a 2 year defects liability period) if there is any evidence of pavement failure and the like.

With the exception of the three passing bays, none of the other road works that we are proposing are required as a condition of the Council Development Consent.

These are works that Sheridan's Hard Rock Quarry wishes to undertake, in the interests of:

- Making the quarry haul route even safer, for residents as well as for the quarry operation.
- Improving overall residential amenity in terms of air quality and traffic noise.
- No upfront capital expenditure required by Clarence Valley Council. Sheridan's Hard Rock Quarry will undertake the capital works proposed.
- Less maintenance costs to Council, as the haul road is progressively sealed.

It is understood that Council Engineer Mr Tim Jenkins and Phil Davids have advised Sheridan's Hard Rock Quarry in writing that Council is amenable to the above proposal.

Clearly, Council Engineering will have oversight of the road works, to ensure that the road works are to an acceptable standard. To date, the road works undertaken have been considered to be satisfactory from Council's perspective, following inspections by Council officers. Sheridan's Hard Rock Quarry wishes that this spirit of cooperation will continue into the future in implementing the above road works program, with the minimum of unnecessary "red tape" or delays.

Provided that the above arrangements are to Council's satisfaction, the first tranche of road works ie. the three new passing bays, can proceed in a timely manner.

We await Council's confirmation of the above. Please contact me at the earliest to discuss.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'G Sheridan', written in a cursive style.

Graham Sheridan  
Sheridan's Hard Rock Quarry

(Attachments)

# **Geoff Slattery and Partners**

## **Engineering Consultants Pty Ltd**

T/F Slattery Family Trust No. 2 ABN 65 097 037 221

192 Pacific Highway, Coffs Harbour  
P.O. Box 8090, Coffs Harbour, N.S.W., 2450

Phone: (02) 66511944

0418 664 864

Fax: (02) 66515766

Email: [g\\_slattery@bigpond.com](mailto:g_slattery@bigpond.com)

Geoff Slattery B.E. (Hons), M.I.E. (Aust)

### **SHERIDANS QUARRY**

### **PUBLIC ROAD MAINTENANCE PROPOSAL**

#### **1. GENERAL**

Sheridans Quarry is located off Cornells Road, Hernani.

The quarry operates as a road base and hard rock quarry under Clarence Valley Council Consent 2014/0098.

#### **2. PUBLIC ROAD ACCESS**

Access to the quarry from Waterfall Way (RMS controlled) is via:

- Bald Hills – Hernani Road (Bitumen sealed),
- Cornells Road (Gravel formation), and
- Faheys and Bulgins Road (Gravel formation).

#### **3. EXISTING ROAD CONDITIONS**

##### **3.1 Bald Hills – Hernani Road**

The road is an existing rural road constructed to a general standard of:

- 3.5 to 4.0 bitumen seal,
- Shoulders varying 1.0 to 1.5, and
- Table drains where required.

Flexible pavement for the road has a varying depth of road base but generally in the range of 150mm to 200mm.

The road has been operational in this formation for an extended period of time.

### **3.2 Cornells Road**

The road is an existing rural road constructed to general standard of:

- 4.0 gravel pavement,
- 1.0 shoulders, and
- Table drains where required.

The gravel pavement formation on this road is not known, however in the past has been subject to various maintenance grading and pavement material addition.

## **4. MAINTENANCE REQUIREMENTS**

Maintenance of the rural roads is recommended to be generally in accordance with RMS Specific M3 “Routine Services”.

Specific items are detailed further.

### **4.1 Maintenance Objectives**

#### **Pavement**

- a) Rectify defects in a timely fashion so as to minimise the rate of pavement deterioration and to provide safe, consistent driving conditions,
- b) Ensure that the road remains open to traffic by providing safe conditions under the prevailing weather conditions, traffic volume, and speed zone.
- c) Protect the structural integrity of road pavements.

#### **Drainage**

- a) Maintain surface drains to ensure free and unrestricted flow of road water away from the pavement.
- b) Maintain drainage structures such as pipes and culverts to ensure the free and unrestricted flow of water,
- c) Maintain subsoil drains to ensure the free and unrestricted flow of water,
- d) Maintain stormwater devices to ensure the free flow of surface water into the drainage system and conveyance to the designated point of discharge.

## 4.2 Road Asset Inspections

For the full length of the haul route inspections are required to be undertaken on a regular basis plus on a response to issues.

Inspections to be:

### i. Routine

Routine inspections to be undertaken of the roads on a regular monthly basis.

### ii. Prolonged Weather Events

Inspections to be undertaken following periods of high rainfall or prolonged rainfall in addition to the routine inspections.

### iii. Prompted Inspection

Following a complaint or advice from Council specific issues are to be inspected within 1 day of the advice.

## 4.3 Inspection Requirements

Inspection reporting to include:

- a) Record all defects and incidents including those reported by the public,
- b) Identify hazards, and
- c) Provide for tracking compliance with the inspection.

Record all defects. Isolated defects are to be individually recorded. Where a large number of defects exist in close proximity, it is acceptable to record those defects as a group rather than individually. In all cases, the location reference is to be suitably detailed to enable defects to be easily located. Maintain a Maintenance Defects Register (MDR) of defects that do not need immediate action.

## 4.4 Defect Definitions

### i. Potholes

- 1. The plan dimension of a pothole or delamination must not exceed: 400mm
- 2. The depth of a pothole or delamination must not exceed: 50mm

**ii. Pavement Edge**

- |  |       |
|--|-------|
| 1. An edge break must not encroach into the travelled way by more than:                  | 150mm |
| 2. The depth of an edge drop-off within 0.5 metres of the travelled way must not exceed: | 60mm  |

**iii. Pavement Surface and Patching**

- |  |                 |
|--|-----------------|
| 1. The height/depth of an abrupt discontinuity (< 20 square metres) must not exceed:                                     | 50mm            |
| 2. The height/depth of bump or depression (< 20 square metres) must not exceed:  | 60mm            |
| 3. The height/depth of a shove or isolated rutting (< 20 square metres) must not exceed:                                 | 70mm            |
| 4. The area of pavement affected by water ponding must not exceed:   | 5 square metres |
| 5. Any pavement defect causing concentrated water flow that results in an increased risk of aquaplaning must not exceed: | 5 square metres |

**4.5 Repairs**

All repairs are to be undertaken as soon as practical however for potholes and shoulder defects repairs should be undertaken within 5 working days.

For pavement surface defects, rutting, ponding, etc. the repair methodology and timing is to be discussed with Council. Surface repairs are to be undertaken with a specific traffic control plan for the section.

**5. RECORDS**

Records are to be kept of all inspections to include as a minimum:

- Date,
- Type of inspection (routine, weather event, or complaint),
- Findings,
- Photographs as appropriate, and
- Action if required.

Records are to be kept of all repairs to include as a minimum:

- Date,
- Inspections report reference,
- Type of repair,
- Photographs as appropriate, and
- Traffic control implemented.

All records are to be collated on a six month basis and copies provided to Council for their use and filing.

## ■ ATTACHMENT G

Further details provided by Sheridan's Hard Rock Quarry dated June 2017



***Outline Planning Consultants Pty Ltd***  
***Project Managers***  
***Planning Consultants***



**ABN:** 58 151 721 989

315 Donellans Rd Hernani 2453

**PH:** (02) 66576088

**Mob:** 0418 895 266

**Email:** [Adrian.shortt@hotmail.com](mailto:Adrian.shortt@hotmail.com)

5/6/2017

To: Garry Peacock

RE: Sheridans Hard Rock Quarry Truck Movements

Dear Garry

As requested, please find supporting information regarding Sheridans truck movements for 14<sup>th</sup> of December 2016.

Sheridans carted material to 7 customers this day, with a total number of 18 loads logged leaving the quarry.

The last load was loaded at 3:40pm so as to not run into the 15-minute window I need to give the School Bus that travels the Bald Hills Road section of our Haul Road, typically at 4:05pm Daily.

As stated in our Driver Code of Conduct, if a driver does happen to see the school bus, (should it run early or late) they are to stop and give way until the bus has passed. This is a very unusual occurrence as the Bus only takes about 2 minutes maximum to travel the short distance of Bald hills Rd that is part of our Haul Road.

Drivers are also required to report their access and egress on Bald Hills Rd, Cornells Rd and when entering the Quarry gate (via UHF Radio). They also report any vehicle they see along the Haul Road, or any vehicle they believe will be in the vicinity of the Haul when another truck is in the area.

I must note that I was driving one of the trucks that was observed entering the haul road, as stated in Pat Ridgeway's letter. At no time did I hear over the UHF Radio that this vehicle was traversing the Cornells section of the haul road nor at any time did I hear any driver notify of a School bus in the area. I can only assume that no truck passed the School Bus within the 2-minute period it took to travel the Bald Hills section of the Haul Road. I also find it strange that the bus was allegedly travelling Bald Hills Rd at 3:50 pm (a whole 15 mins early).

I can advise that there were a number of Truck & Dogs also in the area on those days and throughout the month of December that were unrelated to Sheridans haulage operations. These trucks (operated by others) usually cart a variety of materials such as Agricultural Lime from Attunga and Mulch Material from Coffs Harbour's Biomas Facility, to land holders along the Bald Hills Rd, Cornells Rd and throughout the Hernani district. There was also the usual number of Cattle Trucks and General Haulage Trucks that frequent the road regularly.

Periodically we sub-contract a number of these trucks to cart Sheridans quarry materials. A number of people have at times, associated these trucks with carting Sheridans products, when in actual fact they have been assigned jobs that have nothing to do with our operations in any way.

We Did not keep easily accessible records for deliveries in 2015 (times and delivery locations) as we were still in the developmental stages of our current record keeping. I can however advise that on Thursday 12<sup>th</sup> November 2015, we logged 15 trucks leaving the Quarry.

On Monday 23<sup>rd</sup> November 2015, I logged 19 trucks out and on Monday 30<sup>th</sup> November 2015, 16 trucks carted material out the gate. Once again, I recall a number of other trucks hauling Agricultural products around the area, as they do every year over the warmer months with increased frequency.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Adrian Shortt', with a long horizontal flourish extending to the right.

*Adrian Shortt*

*Product Sales & Distribution*

*Sheridans Hard Rock Quarry Pty Ltd*

*Ph 0418 895 266*

A	B	C	D	E
Date	Customer	Destination	Time Loaded	Truck ID
14/12/16	RMS	Platform Rd	7:32am	Blue Dog
14/12/16	RMS	Platform Rd	7:37am	BDE 003
14/12/16	RMS	Platform Rd	7:43am	Robo's
14/12/16	Livil Logic	Harden St	7:59am	Inglis
14/12/16	Cancelled	Tipped Off	8:10am	BSO 1KI
14/12/16	RMS	Platform Rd	8:16am	BSO 1KL
14/12/16	ADC	Bullock Crk	8:29am	Crampo
14/12/16	SRS	Macksville OC3	10:16am	Simon M
14/12/16	RMS	Platform Rd	10:42am	Blue Dog
14/12/16	Hamos	Uralla	10:50am	BDE 003
14/12/16	RMS	Platform Rd	11.03am	Robo's
14/12/16	Hillier	Ebor	3:03pm	Inglis
14/12/16	Boral Asphalt	Coffs	3:09pm	Crampo
14/12/16	Harry	Dorigo	3:14pm	Simon M
14/12/16	Boral Asphalt	Coffs	3:21pm	Blue Dog
14/12/16	Boral Asphalt	Coffs	3:29pm	BDE 003
14/12/16	Civil Logic	Harden St	3:34pm	BS 01 KL
14/12/16	Boral Asphalt	Coffs	3:40pm	BU 47 VK