

APPLICANT'S RESPONSE & COUNCIL REQUEST

Laterals

Planning
Engineering & Management
Environmental

Our Ref.: 1707
Your Ref: DA/0330/1617

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

**Re: Development Application 330/1617 - Proposed Argyle Quarry
Lots 1 and 2 DP 1094055
63 Curlewin Lane and 17033 Hume Highway, Boxers Creek**


Dear Sir,

We refer to your letter (undated) but received by Laterals on 17th July 2017 and provide the following response.

1. We consider that the matters relating to permissibility are addressed in the EIS satisfactorily;
2. We consider that the various studies and assessments carried out and lodged with the application satisfactorily address the relevant environmental factors related to the proposed development;
3. The proposal for a new acceleration lane to meet RMS standards at Tiyces Lane makes no changes to the existing intersection or the current traffic movements permissible at the intersection of Tiyces Lane and the Hume Highway;
4. The transport of product from the quarry would not operate during school bus times as advised in the Traffic Impact Statement;
5. The development would operate within proposed environmental limits within the locality and within acceptable limitations imposed by guidelines.
6. There is no undisclosed information in relation to the proposal.

It is anticipated that Council will apply conditions relevant to the proposed development and based also upon recommended conditions submitted by agencies.

Yours faithfully,



Keith Allen
Laterals Planning
21st July 2017

APPLICATION: DA 330 /1617
PROPERTY: 288 Tiyces Lane
DEVELOPMENT: Quarry
DATE: 22 June 2017

The application has been assessed for impact on engineering infrastructure as below.

ACCESS

Tiyces Lane

As per the Development Control Plan 2009, Tiyces Lane over the haulage route is required to have:

- A 7 metre seal plus 1 metre shoulder each side. This is clarified as each lane shall have a minimum sealed width of 3.5m. In addition there shall be a 1m shoulder each side.
- 80km/h design standard.
- A remaining life of 10 years for the pavement, from the date of commencement of operations. Therefore, the 2009 analysis will need to be updated close to the date of commencement of operations and pavement action taken as necessary.
- 8m wide culverts and bridges

In addition, edge lines and centreline markings shall be provided.

Driver Code of Practice

A Code of Practice shall be implemented for heavy vehicle drivers limiting the speed of heavy vehicles along Tiyces Lane to 60km/h.

Rural Entrance

The applicant's proposal to construct the rural property access as per Figure 7.4 of the applicant's, April 2017, is satisfactory. The access shall be sealed from the gate to the sealed carriageway of Tiyces Lane.

Heavy Vehicle Operation Times

Under the Traffic Impact Statement there is a statement regarding operations not occurring during school bus drop off and pick up times. These times shall be determined and included in the Operations Plan.

DEVELOPER CONTRIBUTIONS

In accordance with Council's S94 Plan, development contributions apply due to this development involving heavy vehicle movements. The formula is given below (2017/18 rate).

$$\text{Contribution per tonne} = \$0.0478 / \text{km} / \text{tonne}$$

In this case, the length of the haulage route is approximately 2km, with the exact length to be determined.

I Aldridge

Laterals

Planning
Engineering & Management
Environmental

Our Ref.: 1707
Your Ref: DA/0330/1617

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

**Re: Development Application 330/1617 - Proposed Argyle Quarry
Lots 1 and 2 DP 1094055
63 Curlewin Lane and 17033 Hume Highway, Boxers Creek**

Dear Sir,

We refer to your email dated 23rd October 2017 attaching a copy of all submissions to date. We have compared the submissions therein referenced to those received by letter (undated) on 17th July 2017 and note the differences include:

- A. The submission from Roads & Maritime Service dated 14th August 2017 not objecting to the development application and providing conditions of consent for inclusion in any development consent;
- B. The submission from WaterNSW providing General Terms of Approval;
- C. The submission from the EPA providing General Terms of Approval;
- D. The response from Council's Engineer concerning the access to and use of Tiyces Lane.

It is anticipated that Council will apply conditions relevant to the proposed development and based also upon recommended conditions submitted by agencies.

We note that the above matters are satisfactory and provide conditions for the issue of development consent for the proposal. In all other matters relating to the submissions forwarded we refer to our earlier response provided by our letter dated 20th July 2017.

Yours faithfully,



Keith Allen
Laterals Planning
24th October 2017

Contact: Development Assessment
Reference: DA/0330/1617

23 October 2017

Madeline Rose Miller
Jasminco Resources Pty Ltd
C/- Laterals Planning Engineering & Management Environmental
PO Box 1326
GOULBURN NSW 2580

Dear Madam

SUBJECT: DEVELOPMENT APPLICATION NO. DA/0330/1617
LOCATION: LOTS 1 & 2 DP 1094055
PROPOSAL: DESIGNATED DEVELOPMENT - EXTRACTIVE INDUSTRY (QUARRY)

I write regarding Council's previous requests for information including SEARs dated 27 March 2017 (attached), pre-lodgement minutes sent to you 9 May 2017 and additional information requested 18 July 2017.

Council notes your response dated 21 July 2017 that "2. We consider that the various studies and assessments carried out and lodged with the application satisfactorily address the relevant environmental factors relating to the proposed development."

However, it is Council's opinion that the application in its current form is inadequate.

Information remains outstanding that is important to allow a full assessment of the proposal. This information is required as a matter of urgency as the matter is to be determined by the JRPP on 6 December 2017.

Therefore if you wish for this important information to be assessed all remaining additional information is to be provided by Monday 6 November 2017.

As a courtesy the issues raised in submission can be found in the attachment to this letter. As per Council's routine procedures you may choose to prepare a response for Council's consideration. This is consistent with Section 3.11 of the *Goulburn Mulwaree Development Control Plan 2009* as it related to community consultation for extractive industry proposals. This response is also to be provided by Monday 6 November 2017.

The following planning assessment matters are outstanding and necessary in order to complete a full assessment of the proposal:

Road Matters:

- i. A detailed survey of the access route along Tiyces Lane is required to assess the impacts from the proposed exit driveway on Tiyces Lane to the Hume Highway including:
 - the design to the largest quarry truck employed againsts Council's DCP requirements.
 - Road design layout,
 - road reserve boundaries. Owners consent for any road widening;
 - A Road Safety Audit that reviews the condition of the proposed routes and identifies any safety issues which may be exacerbated by the development, as required by the Director General's requirements dated 20 April 2017;
- ii. The assessment does not include a current pavement condition report on the existing condition of the proposed haulage route required by Section 7.2.3 of the

Goulburn Mulwaree Development Control Plan 2009, as the plan submitted is dated 2014;

- iii. Cumulative impact of lane speed changed along the Hume Highway in the vicinity of the development site, including deceleration to Tiyces Quarry left lane, deceleration to right lane to turn at Divall's Quarry median, crossing traffic and decelerating traffic at the existing Tiyces Lane intersection, and accelerating traffic exiting from the proposed new Tiyces Lane;
- iv. Environmental implications of clearing and construction of new Tiyces Lane/Acceleration lane with Hume Highway.

Quarry Design and Environmental Assessments

- i. Insufficient information has been provided in relation to the pit cross section to confirm sufficient area for operation including storage of gained material, benching, stormwater, machinery, ramps and access and manoeuvring within the pit;
- ii. The EIS does not identify trees to be removed or assess hollows of the existing trees or proposed trees to be removed as required by the SEARs;
- iii. The EIS does not address the OEH current guidelines:
 - a. Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b) (the Code);
 - b. Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010a) (consultation requirements);
 - c. Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c).

The Study provided is greater than 5 years old, legislative changes have occurred since 2009 and an updated assessment for Aboriginal Cultural Heritage was required by the SEARs advice by OEH and dated 27/3/17.

- iv. Justification for and variation obtained from Goulburn Mulwaree Council to s 88B to permit vehicular access from the Hume Highway.
- v. The construction of the acceleration lanes, deceleration lanes, new Tiyces Lane and Hume Highway intersection works (straightening works) and northern Tiyces Lane road widening are critical aspects of the application and Part V assessment under the *Environmental Planning And Assessment Act 1979*, assessing environmental impacts including flora, fauna and biodiversity, potential for Aboriginal Cultural Heritage, drainageline works (any Controlled Activity Approvals and stormwater assessment) etc.
- vi. Matters raised in Council's SEARs letter dated 27 March 2017.

In the absence of the information being received, it is Council's intention to recommend refusal of the application based on:

- The applicant failed to supply information in accordance with the Director General's requirements / SEARs and
- Additional information about the proposed development that is essential to allow proper consideration of the application in accordance with clause 54 of the *Environmental Planning and Assessment Regulation 2000* has not been submitted.

Should you require any clarification please contact the undersigned on (02) 4823 4413.

Yours faithfully



Dianne James
Senior Development Assessment Officer

Enc.

Attachment 1

1. Following close of submissions 15 submissions were received (copies attached). The submissions raised the following issues:

- (i) **Permissibility of the development**, lack of resource significance and justification to permit development under Mining SEPP;
- (ii) Alternate basalt resources provide safe access to Hume Highway and no need to permit application with inadequate road safety matters;
- (iii) Inaccurate estimate of project cost given the deceleration lane and acceleration lanes proposed and operational machinery listed (in excavator, backhoe, articulated dump truck, front end loader and bulldozer);
- (iv) Previous projects and reputation;
- (v) Non-compliance with 1000m buffer distance in DCP;
- (vi) Inconsistencies in development application documentation:
 - View assessment taken from driveway rather than within property site lines.
 - Objector omitted from p129 of EIS which may give false indication of acceptance to development by the neighbour. Any further omissions?
 - Requested Noise Assessment at residence and no response.
- (vii) Inadequate information or assessment:
 - Submitted examples of local/regional quarries that require secondary methods of extraction i.e. drilling and blasting;
 - Noise impacts (blasting unlikely and needs to be guaranteed will not be used);
 - Accuracy of noise and air quality assessment (using Goulburn airport data);
 - Concern of insufficient assessment for the need/use of a Rock Breaker for road construction in the Noise Assessment and identified as “unlikely that a rockbreaker will be required” (p31 5.2);
 - Believe rock breaker equipment and blasting will be required to operate/extract from the quarry and assessment of noise and air quality not representative of actual noise and air quality impacts;
 - Inadequate resource survey information (no new core testing just retesting of previous samples (2), 2 samples not representative only taken from 1 side of source). Suggest 4 drill holes necessary to define north, south, east and west extent of quarry;
 - Different data sets used for wind velocity and direction for modelling and assessment;
 - Limited core and test site information;
 - Rippability Assessment cannot definitively rule out the need for secondary extraction methods (a semi-quantitative relative indication);
 - Magnetic Field Survey assessment identifies the resource indicates a lack of uniformity and submitter questions need for further extraction methods;
 - Lack of additional information to confirm extraction can occur without blasting and rock breaking;
 - Lack of detail on pit area;
 - Lack of consideration of the impact of dust from the proposed development;

- (viii) Proximity of the development to existing surrounding dwellings (40 residential blocks on Tiyces Lane and side streets) ;
- (ix) 5km from Hume Highway and can hear road traffic. Expect properties near the quarry will be similarly impacted;
- (x) Dust impacts;
- (xi) Impacts on air quality;
- (xii) Development hampered by increase in residential related development of the area;
- (xiii) Reduction in value of property;
- (xiv) Not in the public interest;
- (xv) Potential for future staging and expansion.

Traffic Safety issues

- (i) Road width:
 - Tiyces Lane non-compliance with Australian Road Design Standards – unacceptable risk to residents and traffic to Tiyces Lane (NB DCP has greater standards than Australian Road Design Standards for heavy vehicle haulage development routes);
 - Use of larger vehicles by local residential land holders i.e. stock crates, horse floats. Concern with passing traffic to quarry trucks;
 - Tiyces Lane road upgrade (to benefit applicant and not road safety);
 - Issue of poor safety with passing traffic and inadequate road lane width;
 - Increasing residential traffic along Tiyces Lane;
 - Road safety and the impact of trucks on Tiyces Lane;
 - Owners consent for road widening;
 - Traffic speed on Tiyces Lane (NB current speed limit is 100km/hr);
- (ii) Intersection safety at Tiyces Lane and Hume Highway:
 - for school bus stop;
 - Traffic speed on Hume Highway;
 - Increased waiting times to cross Hume Highway as traffic numbers increased over time;
 - Traffic safety impacts at intersection to Hume Highway and objection to closing existing median at Tiyces Lane intersection. Additional 40 min travel time to head north;
 - Travel time implications if median closed to Hume Highway for Tiyces Lane residents (NB no proposed change to median by applicant);
 - Concern Plan of Management insufficient means to avoid unlawful u-turns to shorted distance to quarry entrance;
 - Safety of access to and from the Hume Highway Poor efficiency increased cost of travel with u-turn at southern Goulburn interchange for north bound traffic leaving the quarry and a u-turn at the interchange south of Marulan for traffic travelling to the site from the south;
 - Safety impacts on school bus stop at Tiyces Lane.

(iii) Road damage:

- Potential road damage from haulage vehicles;
- Estimated contributions to road damage (approx.. \$5,660) will not meet maintenance costs;
- Regular road maintenance required with current traffic numbers

Attachment 2

Copy of Council's Correspondence dated 27 March 2017 doc id # 895900



Contact: Planning & Strategic Outcomes
Reference: 63 Curlewin Lane, Towrang

27 March 2017

NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001

Sarah.Fabian@planning.nsw.gov.au

Dear Sarah

Subject: Proposed Proposal – Curlewin Lane Quarry
EAR ID No. 1139
Property: 63 Curlewin Lane, Towrang
Designated Development: Requirements for Environmental Assessment

I refer to your letter requesting Council comments in relation to the abovementioned development. Council requests that the following matters be addressed in detail as part of the Environmental Assessment (EA):

1. Property Description	There may be some confusion as to the proposed site location as Council's property information lists the site as part 288 Tiyces Lane however the rural address at the gate off Curlewin Lane identifies the site as 63 Curlewin Lane. The previous Development Application had the site listed as part 288 Tiyces Lane.
2. Cost of Development	Cost of development prepared by a suitably qualified expert that includes an accurate estimate of the capital investment value (as defined in Clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the development, including details of all the assumptions and components from which the capital investment value calculation is derived and jobs that would be created during each stage of the development.
3. Goulburn Mulwaree LEP & DCP	<p>The proposed development site is currently zoned E3 Environmental Management under <i>Goulburn Mulwaree Local Environmental Plan 2009</i> (as amended). The Environmental Assessment should address the objectives of the zone. It is understood that the proponent intends to use the <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> (SEPP Mining, Petroleum Production and Extractive Industries 2007) which permits "extractive industries" where "agriculture" is permissible.</p> <p>It is noted in the Landuse Table to E3 Environmental Management zone under <i>Goulburn Mulwaree Local Environmental Plan 2009</i> (as amended) that not all definitions under "Agriculture" are permitted with consent. Namely "Intensive Livestock Agriculture" as well as "Industries" and "Rural Industries" are listed as Prohibited in the Landuse Table to the zone. This issue of permissibility should be addressed in detail in the Environmental Assessment.</p>

	<p>The “matters for consideration” under Part 3 of SEPP (Mining, Petroleum Production and Extractive Industries) 2007 are also required to be addressed as part of the Environmental Assessment as well as the reasons why the development should be approved having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development.</p> <p>The following SEPPs Acts and Planning guidelines should be addressed in the EA/EIS:</p> <ul style="list-style-type: none"> ▪ <i>Environmental Planning and Assessment Act 1979</i> <p><u>Comment:</u> It would be beneficial if the application could identify how the development is using environmentally friendly/green technology or could be adapted to use such technology in the future – i.e. what are its environmental impacts beyond the obvious noise, dust, roads etc (e.g. greenhouse gas emissions, life cycle costs etc).</p> <ul style="list-style-type: none"> ▪ <i>Threatened Species Conservation Act 1995</i> <p><u>Comment:</u> Including an assessment of significance in relation for all the threatened species that are known or likely to occur on the Site and meet OEH guidelines <i>Threatened Biodiversity Survey and Assessment Guidelines</i> (DEC 2004); the <i>NSW Guide to Surveying Plants</i> (OEH 2016); <i>Field Survey Methods for Fauna, Amphibians</i> (DECC 2009) or as amended <i>Native Vegetation Act 2003</i></p> <ul style="list-style-type: none"> ▪ <i>Goulburn Mulwaree Local Environmental Plan 2009 (as amended)</i> <p><u>Comment:</u> The majority of the Site is identified as “environmentally sensitive land – biodiversity” on the Natural Resources Sensitivity Map – Biodiversity referenced in Clause 7.2 of the GLEP 2009.</p> <p>The EA is required to address the Heavy Haulage requirements under the DCP including:</p> <ul style="list-style-type: none"> ○ Impact on the road network: <ul style="list-style-type: none"> – Existing traffic movements along the haulage route. – Estimated increase in traffic movements resulting from the proposed development. This includes detail of any staging proposal, truck / car ratio and the life of the project / development. – Foreseeable increases in traffic movements resulting from other known development (i.e. subdivision of land etc). – Heavy vehicle type and volume (i.e. rigid or articulated, covered or uncovered). Anticipated tonnage of material to be transported. – Type of material transported. – Hours of operation and frequency of movements. ○ Impact on amenity and the environment – Rural, Village Zones and generally: <ul style="list-style-type: none"> – Proximity of haulage route to residence, community land (bus stops) etc. Community expectation including ambience and enjoyment of life. – Community assets including accessibility to parks by residents and visitors – Noise generation – Vibration generation
--	--

	<ul style="list-style-type: none"> - Visual impact - Pedestrian safety and safety of other road uses (including bus routes and bus stops) - Impact on roadside habitat resulting from road upgrade works - Consistency with the objectives of all zones that the haulage route passes through <ul style="list-style-type: none"> ▪ <i>Environmental Planning and Assessment Regulation 2000</i> ▪ <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007,</i> ▪ <i>State Environmental Planning Policy (Rural Lands) 2008</i> ▪ <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.</i> ▪ <i>State Environmental Planning Policy No 33 – Hazardous and Offensive Development.</i> ▪ <i>State Environmental Planning Policy No 44 – Koala Habitat Protection.</i> ▪ <i>State Environmental Planning Policy No 55- Remediation of Land;</i> ▪ <i>State Environmental Planning Policy (infrastructure) 2007</i> ▪ <i>State Environmental Planning Policy (State & Regional Development) 2011</i> ▪ <i>Sydney - Canberra Corridor Strategy</i> ▪ <i>Draft South East and Tablelands Regional Plan</i> ▪ <i>National Parks and Wildlife Act (NSW) 1974 (as amended)</i> ▪ <i>Protection of the Environment Operations Act 1997 (as amended)</i> ▪ <i>Contaminated Land Management Act 1997</i> <p>An applicant may also wish to include details of voluntary measures that are proposed to be undertaken during the operational phase of the development to address any of the considerations outlined in this section. This could include a heavy vehicle code of practice whereby drivers of heavy vehicles agree not to exceed a particular speed limit on a haulage route for safety reasons. Selection of such measures can be informed through discussion with Council staff and/or the responses generated from any consultation undertaken by the applicant prior to submitting an application. Should a Code of Practice be proposed please identify how the code will be enforced.</p> <p>Haulage Route standards for heavy vehicle haulage developments The following minimum road standard for haulage routes is required:</p> <ul style="list-style-type: none"> o 7m wide sealed carriageways in rural areas o In addition to the carriageway, 1m wide shoulders on each side with a 500mm seal o 80km/h design standard o 9m wide culverts and bridges (i.e. from barrier to barrier). o Minimum remaining pavement life of 10 years at the time of commencement of operations o Asphaltic concrete surface in village areas. <p>Note: Intersection upgrades may also be required to accommodate turning paths for heavy vehicles. Information to accompany an application for development involving heavy vehicle haulage should establish the existing road condition and include an assessment of the remaining pavement life. This assessment should be undertaken by an appropriately qualified professional and should factor in the estimated additional load to be generated by the heavy vehicle haulage development and the resulting impact on the existing road. Design traffic should be calculated in equivalent standard axles (ESAs).</p>
--	--

	<p>The following information should be submitted with an application for heavy vehicle haulage development:</p> <ul style="list-style-type: none"> ○ Pavement testing results for the intended haulage route/s; ○ An estimation of the remaining pavement life of all intended haulage routes given the anticipated additional load from the proposed development; and ○ A plan and/or schedule identifying any upgrades required to the pavement to ensure that the road has a minimum pavement life of 10 years taking into account the additional load. <p>With regard the 10 year minimum remaining life, the roads will require testing to ensure their capability of handling the increased heavy vehicle movements.</p> <p>The arrangements for developer contributions to fund the ongoing maintenance of heavy vehicle haulage routes (once the upgrades required for the development are in place) is provided for in the Goulburn Mulwaree Section 94 Plan.</p> <p>The proposed new intersection from the bend in Tiyces Lane to the Hume Highway contains existing vegetation and is at a different existing ground level to the Hume Highway. Despite "roads" being listed in the landuse table as permitted without consent a Part V assessment under the EPA Act should be undertaken to consider the potential environmental impacts (including Flora and Fauna, stormwater and potential for contamination) and any mitigating measures. Please refer to attached photographs as evidence for Flora and Fauna Assessment and potential for contamination.</p> <ul style="list-style-type: none"> ▪ <i>Goulburn Mulwaree Development Control Plan 2009 (as amended)</i> <p><u>Comment:</u> It is noted the land is located approximately 650m to Biodiversity Hotspots identified in the DCP.</p> <ul style="list-style-type: none"> ▪ <i>Council Engineering Standards</i> ▪ <i>NSW EPA Industrial Noise Guideline/s</i> ▪ <i>Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW</i> ▪ <i>Goulburn Mulwaree Section 94A/94 Development Contributions Plan 2009</i> ▪ <i>Interim Construction Noise Guideline</i> ▪ <i>NSW Road Noise Policy</i>
4. The Proposal	<p>Further to the details provided with the proposal, a detailed description of all components of the proposal need to be included in the Environmental Assessment including:</p> <ul style="list-style-type: none"> ○ Need for the proposal ○ Alternatives Considered ○ Various components and stages of the proposal ○ Details of any separate licences and approval required ○ Details of hours of operation ○ Number of employees ○ Details of proposed cut and fill, final ground and finished levels and cross sections to AHD. Proposed excavation methods, staging and stock handling process ○ Details of the calculation on the proposed area of disturbance and construction (including breakup figures) ○ Details on security of the site including fencing, landscaping and lighting

	<ul style="list-style-type: none"> o Plans and elevations of proposed buildings works, colours and materials of external finishes o Location of lot boundaries, easements, existing services and proposed services on the site plan o Views of the structure/s from public places and nearby dwellings will allow assessment on the visual impact of the proposal on existing dwellings and public places o Screening of any storage areas o Location of staff facilities o Disability (Access to Premises – Buildings) Standards for people with a disability o Traffic Impacts both to and from the site as well as within the development site. o Social and Economic impact including: <ul style="list-style-type: none"> - an assessment of the likely social impacts of the development; and - an assessment of the likely economic impacts of the development, - paying particular attention to: <ul style="list-style-type: none"> · the significance of the resource · economic benefits of the project for the State and region; and · the demand for the provision of local infrastructure and services.
5. Proposed Assessment and Plans	<p>It is noted that you have included proposed reports and assessments to be submitted with the application. Council would request that you also address:</p> <ul style="list-style-type: none"> ▪ Construction noise assessment and off-site road noise impacts as part of the Noise Assessment ▪ Construction and operation assessment as part of the Air Quality Assessment ▪ Flora and Fauna Assessment against the NSW <i>Threatened Species Conservation Act 1995</i> and Commonwealth <i>Environment Protection Biodiversity Conservation Act 1999</i> ▪ Construction and operation assessment as part of the Traffic Impact Assessment ▪ Landscaping plan and details ▪ Waste management including how waste would be reduced, reused, recycled or disposed; ▪ Locality Plan showing existing and approved dwellings ▪ Visual Impact Assessment of all components of the proposal ▪ Buffer and Amenity Assessment ▪ Although the proposal is not subject to assessment under <i>REP 1 Drinking Water Catchments</i>, the development should ensure the development achieves a Neutral or Beneficial Effect on Water Quality. ▪ A worst case scenario cross section plan showing floor pit depth prior to crushing with sufficient area to store extracted material (max volume estimated) and use of the portable crusher, screeners, machinery and vehicle manoeuvring area/s.
6. Contributions	<p>Developer Contributions or other proposed assistance with community development in Goulburn Mulwaree.</p> <p>Council would like outlined what mechanism/s the proponents are going to rely on to record and validate their extraction rates and environmental impacts.</p>
7. Community Consultation	<p>The Environmental Assessment should ensure community consultation with local residents and community groups during project planning, pre-lodgement, development assessment, construction and operation and management. The report should examine the potential impact the development will have on retaining existing landscapes and amenity of the area. This assessment may form the basis of a social impact assessment. In addition the report should address any issues raised during the court review process.</p>

	<p>It is noted that a previous Development Application on the site received a number of submissions. It recommended that the proponent address all the matters raised in these submissions as part of the Environmental Assessment a copy of the facts and contentions are included to assist. It may also be beneficial to address differences between the proposals to aid community understanding of the "new" Development Application.</p> <p>It is requested that the Environmental Assessment have a summary section which identifies the properties affected by the proposal and measures to mitigate any social, economic or environmental impacts which can be reviewed as part of the neighbour notification process.</p>
--	---

It is noted that the proposal currently falls into Schedule 4A of the *Environmental Planning and Assessment Act 1979*, for development to be determined by the Southern Region Joint Planning Panel. From previous experience the SRJPP expects the standard of documentation to be comprehensive to avoid the need for numerous stop the clock additional information requests and the plans and documents to all be consistent to the current proposal.

Please contact me on (02) 48 234 480 if you require clarification on any of the points raised above. Council looks forward to working with the proponent and government agencies on this development.

Yours sincerely



Louise Wakefield
Director Growth Strategy & Culture

Our Ref.: 1707
Your Ref: DA/0330/1617

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

**Re: Development Application 330/1617 - Proposed Argyle Quarry
Lots 1 and 2 DP 1094055
63 Curlewin Lane and 17033 Hume Highway, Boxers Creek**

Dear Sir,

Further to our letter of 24th October 2017 the proponent out of courtesy provides an assessment of the matters raised in the Council letter dated 23rd October 2017. A tabular review of matters raised is provided below. This information is submitted for the Council to enable a complete full assessment of the matter for submission to the Joint Regional Panel.

Out of courtesy the proponent would now propose to submit an appeal if the Council maintains it will refuse the application or the application should be refused or not determined by the JRPP on 6th December 2017.

ITEM	MATTER	RESPONSE
Road Matters		
1	<p>A detailed survey of the access route along Tiyces Lane is required to assess the impacts from the proposed exit driveway on Tiyces Lane to the Hume Highway including:</p> <ul style="list-style-type: none"> - the design to the largest quarry truck employed against Council's DCP requirements. - Road design layout, - road reserve boundaries. Owners consent for any road widening; <p>A Road Safety Audit that reviews the condition of the proposed routes and identifies any safety issues which may be exacerbated by the development, as required by the Director General's requirements dated 20 April 2017;</p>	<p>The response provided by Councils engineer (I Aldridge) dated 22/6/2017 and included in the list of submissions forwarded 23/10/2017 advises that the intersection in Tiyces Lane is satisfactory and specifies design requirements for Tiyces lane. The engineer also advises the need for a life analysis to be carried out at a later date and pavement action taken as necessary. No request for any additional information is made at the present time.</p> <p>We would assume that the engineers requirements would be applied as conditions of consent</p> <p>We note that the DG requirements did not specify the conduct of a Road Safety Audit. The assessment of Tiyces lane in reference to safety issues and the route has been carried out in the submitted Traffic Impact Statement and has been considered by the Council engineer as advised in his email dated 23/10/2017.</p>
2	<p>The assessment does not include a current pavement condition report on the existing condition of the proposed haulage route required by Section 7.2.3 of</p>	<p>The response provided by Councils engineer (I Aldridge) dated 22/6/2017 and</p>

	the Goulburn Mulwaree Development Control Plan 2009, as the plan submitted is dated 2014;	<p>included in the list of submissions forwarded 23/10/2017 advises the need for a life analysis to be carried out at a later date and pavement action taken as necessary. No request for any additional information is made at the present time.</p> <p>We would assume that the engineers requirements would be applied as conditions of consent</p>
3	Cumulative impact of lane speed changed along the Hume Highway in the vicinity of the development site, including deceleration to Tiyces Quarry left lane, deceleration to right lane to turn at Divall's Quarry median, crossing traffic and decelerating traffic at the existing Tiyces Lane intersection, and accelerating traffic exiting from the proposed new Tiyces Lane;	<p>We note that the RMS has provided concurrence and not objected to the development application and have issued conditions of development consent to be applied. The RMS advice is contained in their letter of 14/8/2017 and makes reference also to their letter of 13/2/2017 (included in documentation lodged with the application).</p> <p>In issuing concurrence the RMS has noted in their letter of 13/2/2017 that <i>"RMS has reviewed the provided information and is generally satisfied that the proposed deceleration and acceleration lanes can be constructed to AUSTROADS standards (for light vehicles) and generally in accordance with the attached plans"</i>.</p> <p>We would think that the matter mentioned by Council has been considered by the RMS whose authority it would be to consider such matters.</p>
4	Environmental implications of clearing and construction of new Tiyces Lane/Acceleration lane with Hume Highway.	<p>It is noted that the RMS seeks to make it Council's responsibility to consider the environmental impact of the acceleration and deceleration lanes under Part IV of the Environmental Planning & Assessment Act 1979. It is not seen as possible for the RMS to abrogate their responsibility under Part V of the Environmental Planning & Assessment Act 1979 to Council for the environmental assessment.</p> <p>Council makes reference to the assessment under Part V of the Environmental Planning & Assessment Act 1979. Roadworks are identified as a development which is permitted without development consent and as such the Council cannot issue development consent and consequentially would not be responsible for an environmental assessment for road works. As Council is not the determining authority for the road works within the RMS road corridor an assessment under Part V would be carried out for submission with the formal application to RMS for the design and works.</p> <p>Assessment as suggested by the RMS under Part IV is herein not proposed but an assessment under Part V would be conducted and submitted to the RMS with an application for the road works and occupancy license.</p> <p>However it is considered that the RMS has put the Council on the spot in this situation which I would consider the Council should not acquiesce to but have in this instance requested some form of Part V assessment.</p>

	 	<p>It is not considered appropriate for the submission of a Part V assessment to Council as the Council is not the determining authority for the portion of development involving the acceleration and deceleration lanes.</p> <p>It is noted that the assessment of the development in terms of flora and fauna is not required under the Biodiversity Conservation Act 2017. Under the Biodiversity Conservation (Savings and Transitional) Regulation 2017 the application is identified as a “<i>pending or interim planning application</i>” being “<i>an application for planning approval (or for the modification of a planning approval) made before the commencement of the new Act but not finally determined immediately before that commencement.</i>”</p> <p>As such an assessment of the acceleration and deceleration lanes is conducted under the former planning provisions, and out of courtesy to Council and the Joint Regional Planning Panel, and in deference to the request made by the RMS to Council, an assessment is provided for consideration by Council and the Joint Regional Planning Panel, but not for determination of the matter in relation to the works proposed. As such we would note that this assessment is not formally part of the development application for which development consent is sought, but the assessment of flora and fauna would be submitted to Council prior to the end of November 2017.</p> <p>In relation to the other matters mentioned in the Council letter for assessment it is now advised:</p> <ol style="list-style-type: none"> 1. That a Controlled Activity Approval is not required from WaterNSW as the waterway shown across the acceleration lane near the entry to the highway is not a formed bed or bank, and there is no waterway across the deceleration lane. 2. Drainage works would be determined following detailed survey and engineering design as has been required by RMS in their concurrence letter. 3. The potential for Aboriginal Cultural Heritage item is not considered high as the acceleration lane follows an existing track which is shown by photograph opposite and is in a location which has been significantly disturbed from track construction and use and highway construction, noting that the acceleration lane would be a 4m sealed lane with 1m sealed verges (approximately as wide as the existing track). We have also conducted a new AHIMS search in relation to the sites which has not identified any sites or places of Aboriginal Cultural Heritage. <p>A full assessment of all matters would be conducted and documented for submission to the RMS in an REF for their Part V</p>
--	--	--

		<p>Assessment.</p> <p>As such it is also considered that the assessment of this matter would not result or cause any delay in the determination of the development application as this matter is not part of the development which Council is able to determine, or be responsible for assessment of.</p>
Quarry Design and Environmental Assessments		
5	<p>Insufficient information has been provided in relation to the pit cross section to confirm sufficient area for operation including storage of gained material, benching, stormwater, machinery, ramps and access and manoeuvring within the pit;</p>	<p>The information was available on the plan originally provided but is more described on the plan opposite a copy of which is attached.</p>
6	<p>The EIS does not identify trees to be removed or assess hollows of the existing trees or proposed trees to be removed as required by the SEARs;</p>	<p>The flora and fauna assessment considered the presence of hollow bearing trees and did not identify any within the area of impact of the quarry and associated infrastructure.</p> <p>This situation is confirmed in a letter from the author of the flora and fauna assessment that will be submitted along with information pertaining to item 4 above.</p>
7	<p>The EIS does not address the OEH current guidelines:</p> <ol style="list-style-type: none"> Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b) (the Code); Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010a) (consultation requirements); Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c). <p>The Study provided is greater than 5 years old, legislative changes have occurred since 2009 and an updated assessment for Aboriginal Cultural Heritage was required by the SEARs advice by OEH and dated 27/3/17.</p>	<p>As advised by Council the original study was conducted in March 2009 by Stedinger. The nature of the land has remained unchanged since that study so a further assessment was requested by Pejar Local Aboriginal Land Council (site officers Jessica Plumb and Chris McAlister) which identified no Aboriginal sites. The normal precautionary provision remains that items may remain underground. But no items have been exposed and visible since the original study and assessment in 2009.</p> <p>This was considered a suitable and satisfactory further assessment relevant to the proposed use and development of the site.</p> <p>It is noted that The Office of Heritage &</p>

		Environment has not made any comment on the development proposal referred to the Office with relevant studies and assessments that might warrant any further assessment is necessary.
8	Justification for and variation obtained from Goulburn Mulwaree Council to s88B to permit vehicular access from the Hume Highway.	<p>The original proposal for the quarry in 2018 resulted in substantial objection to the proposal based upon the use of Tiyces Lane and public objection to the use of the lane for quarry traffic entering and leaving the quarry.</p> <p>The further proposal for the quarry in 2013 through to 2017 provided for an alternate ingress and egress to the Hume Highway to avoid the use of Tiyces Lane; however it was subsequently established that the egress to the Hume Highway could not meet AUSTROAD standards and a subsequent proposal for the egress only along Tiyces Lane resulted in too many delays for the court to consider within a reasonable time frame and a request was made that a new development application be prepared and lodged.</p> <p>As such Council is aware that all measures possible have been made to avoid the use of Tiyces Lane and that this involved the use of a direct access to the Hume Highway. A further application was subsequently prepared and lodged and is now the subject of these considerations. This new application has retained what is possible to achieve in the reduction of traffic in Tiyces Lane by the retention of the ingress to the quarry from the Hume Highway and the provision of egress only along Tiyces Lane, with the provision of an additional acceleration lane onto the Hume Highway.</p> <p>In Council's awareness of this situation it might be considered that there is reasonable justification for the variation of the s88B restriction to reduce the traffic using Tiyces Lane, providing a reasonable response to a public concern.</p>
9	The construction of the acceleration lanes, deceleration lanes, new Tiyces Lane and Hume Highway intersection works (straightening works) and northern Tiyces Lane road widening are critical aspects of the application and Part V assessment under the Environmental Planning And Assessment Act 1979, assessing environmental impacts including flora, fauna and biodiversity, potential for Aboriginal Cultural Heritage, drainage line works (any Controlled Activity Approvals and stormwater assessment) etc.	<p>See item 4 above for discussion of the aspect of assessment.</p> <p>We note here that the existing intersection of Tiyces lane with the Hume Highway is not required for any quarry truck traffic and as such the straightening of Tiyces Lane has not been proposed. However the proponent has provided without necessity for the development, and without prejudice, for the improvement of the current tight curves in Tiyces lane that might better accommodate existing resident traffic using Tiyces Lane.</p>
10	Matters raised in Council's SEARs letter dated 27 March 2017.	<p>The Council has not been specific in relation to any aspect of the Council's SEARS letter dated 27 March 2017. We note however that Appendix 2 of the Environmental Impact Assessment identified all the Council's SEARS requirements and indicated where each matter had been addressed or provided a response.</p> <p>If the Council's referral to the Council's</p>

		SEARS requirements was in reference to the matters listed above in the letter of 23/10/2017 then these matters have been referred to above.
Attachment 1 – 15 Submissions		Submissions from residents were considered in our response letter dated 21/7/2017. Council would seem to want a response to each and every individual submission matter which is provided below.
11	Permissibility of the development, lack of resource significance and justification to permit development under Mining SEPP;	This is addressed in the EIS on pages 10, 62-64 and 140-141. The significance of the resource in terms of the SEPP (Mining, Petroleum Production and Extractive Industries) is addressed in the EIS on page 141 and in overall terms in section 21 (pages 161-162).
12	Alternate basalt resources provide safe access to Hume Highway and no need to permit application with inadequate road safety matters;	This is addressed in the EIS on pages 66-67 and in overall terms in section 21 (pages 161-162).
13	Inaccurate estimate of project cost given the deceleration lane and acceleration lanes proposed and operational machinery listed (in excavator, backhoe, articulated dump truck, front end loader and bulldozer);	The estimates for the application were determined by item costs and/or an engineer making an assessment of works.
14	Previous projects and reputation;	Not a valid consideration.
15	Non-compliance with 1000m buffer distance in DCP;	This is addressed in the EIS on pages 129-131, 159
16	Inconsistencies in development application documentation: <ul style="list-style-type: none"> View assessment taken from driveway rather than within property site lines. Objector omitted from p129 of EIS which may give false indication of acceptance to development by the neighbour. Any further omissions? Requested Noise Assessment at residence and no response. 	The use of gateways for photographic purposes was chosen when access to a property did not seem possible (locked gates) and the property was a long distance from the proposed quarry site. Not every submitter was shown on the plan on page 129, only those closest to the proposed quarry. Noise readings were determined by the Noise Engineer to provide a good determination of the noise environment. As such no every residence was considered necessary.
17	(vii) Inadequate information or assessment: <ul style="list-style-type: none"> Submitted examples of local/regional quarries that require secondary methods of extraction i.e. drilling and blasting; Noise impacts (blasting unlikely and needs to be guaranteed will not be used); Accuracy of noise and air quality assessment (using Goulburn airport data); Concern of insufficient assessment for the need/use of a Rock Breaker for road construction in the Noise Assessment and identified as “unlikely that a rock breaker will be required” (p31 5.2); Believe rock breaker equipment and blasting will be required to operate/extract from the quarry and assessment of noise and air quality not representative of actual noise and air quality impacts; Inadequate resource survey information (no new core testing just retesting of previous samples (2), 2 samples not representative only taken from 1 side of source). Suggest 4 drill holes necessary to define north, south, east and west extent of quarry; Different data sets used for wind velocity and direction for modelling and assessment; Limited core and test site information; Rippability Assessment cannot definitively rule out the need for 	Within the EIS the flowing is referred: The site itself and local features has been studied. Advised that blasting is not proposed and is not part of application. The relevant assessors use only available data. Additional assessment provided and submitted as advised on page 84 of the EIS. Assessments advise blasting is not necessary. Assessments carried out accordingly. Three (3) core drill holes were conducted and used in assessments by geologists, and established as sufficient in assessments. The relevant assessors use only available data. Three (3) core drill holes were conducted. Assessment confirms no blasting. Blasting is not proposed. Rippability only is

	<p>secondary extraction methods (a semi-quantitative relative indication);</p> <ul style="list-style-type: none"> • Magnetic Field Survey assessment identifies the resource indicates a lack of uniformity and submitter questions need for further extraction methods; • Lack of additional information to confirm extraction can occur without blasting and rock breaking; • Lack of detail on pit area; • Lack of consideration of the impact of dust from the proposed development; 	<p>proposed and can only be carried out.</p> <p>Assessment was carried out and used for the assessment of the Rippability of the material along with all assessments by GEOS Mining.</p> <p>Assessments carried out to establish with reasonable certainty that blasting is not necessary.</p> <p>The pit area is located by plan and survey</p> <p>This addressed in the EIS in the whole of Section 8 (pages 102-110).</p> <p>The main concern relates to any need for blasting. Assessments have been made using available information and studies and established with reasonable certainty that blasting is not necessary, and that there have been sufficient bore holes relevant to the size of the quarry proposed.</p>
18	Proximity of the development to existing surrounding dwellings (40 residential blocks on Tiyces Lane and side streets) ;	This is addressed in the EIS for assessments in relation to noise (Section 7), air quality (section 8), Traffic (Section 9), and views (Section 11) with all assessments establishing that the facility can operate within safe environmental guidelines and without a significant visual impact.
19	5km from Hume Highway and can hear road traffic. Expect properties near the quarry will be similarly impacted;	This is addressed in the EIS in the whole of Section 7 for Noise and it is established that the proposed quarry can operate within acceptable noise levels.
20	Dust impacts;	This is addressed in the EIS in the whole of Section 8 for Air Quality and it is established that the proposed quarry can operate within safe levels.
21	Impacts on air quality;	This is addressed in the EIS in the whole of Section 8 for Air Quality and it is established that the proposed quarry can operate within safe levels.
22	Development hampered by increase in residential related development of the area;	The residential development of rural areas does hinder other development such as quarries and the like however the proposed development has been assessed in relation to existing residential development nearby and shown that it can operate within normally acceptable levels of safety and standards.
23	Reduction in value of property;	This is not generally accepted as a valid objection as property values.
24	Not in the public interest;	It is submitted that the development has been assessed in all aspects and can operation safely and within standards in the locality. The need for resources is always present and it is in the public interest to have those resources protected and available.
25	Potential for future staging and expansion.	This is a matter for future assessment and determination and not relevant to the application to be determined.
Attachment 1 – Traffic Safety Issues		
	<p>Road width:</p> <ul style="list-style-type: none"> • Tiyces Lane non-compliance with Australian Road Design Standards – unacceptable risk to residents and traffic to Tiyces Lane (NB DCP has greater standards than Australian Road Design Standards for heavy vehicle haulage development routes); • Use of larger vehicles by local residential land holders i.e. stock crates, horse floats. Concern with passing traffic to quarry trucks; • Tiyces Lane road upgrade (to benefit applicant and not road safety); • Issue of poor safety with passing traffic and inadequate road lane width; • Increasing residential traffic along Tiyces Lane; 	<p>The response provided by Councils engineer (I Aldridge) dated 22/6/2017 and included in the list of submissions forwarded 23/10/2017 specifies design requirements for Tiyces lane. The engineer also advises the need for a life analysis to be carried out at a later date and pavement action taken as necessary. No request for any additional information is made at the present time.</p>

	<ul style="list-style-type: none"> • Road safety and the impact of trucks on Tiyces Lane; • Owners consent for road widening; • Traffic speed on Tiyces Lane (NB current speed limit is 100km/hr); 	<p>We would assume that the engineer's requirements would be applied as conditions of consent that would ensure that Tiyces Lane would be maintained for all traffic from any affect from quarry operations.</p>
	<p>Intersection safety at Tiyces Lane and Hume Highway:</p> <ul style="list-style-type: none"> • for school bus stop; • Traffic speed on Hume Highway; • Increased waiting times to cross Hume Highway as traffic numbers increased over time; • Traffic safety impacts at intersection to Hume Highway and objection to closing existing median at Tiyces Lane intersection. Additional 40 min travel time to head north; • Travel time implications if median closed to Hume Highway for Tiyces Lane residents (NB no proposed change to median by applicant); • Concern Plan of Management insufficient means to avoid unlawful U-turns to shorted distance to quarry entrance; • Safety of access to and from the Hume Highway Poor efficiency increased cost of travel with u-turn at southern Goulburn interchange for north bound traffic leaving the quarry and a u-turn at the interchange south of Marulan for traffic travelling to the site from the south; • Safety impacts on school bus stop at Tiyces Lane. 	<p>The Traffic Impact Assessment has advised and it is confirmed in the Council's Engineer email that the quarry cannot use quarry trucks during school bus times.</p> <p>The quarry trucks would enter the quarry site direct from the Hume Highway and would re-enter the Hume Highway via a new acceleration lane. As such the existing Tiyces Lane intersection with the Hume Highway would be unaffected by the development.</p> <p>The acceleration and deceleration lanes have been located and designed to allow for compliance with AUSTROADS having regard to separation with other slip lanes and exiting and entering vehicle speeds.</p> <p>Both the RMS and Council engineer have applied controls that ensure that improper actions are not carried out by truck drivers using the Hume Highway.</p>
	<p>Road damage:</p> <ul style="list-style-type: none"> • Potential road damage from haulage vehicles; • Estimated contributions to road damage (approx.. \$5,660) will not meet maintenance costs; • Regular road maintenance required with current traffic numbers 	<p>The response provided by Councils engineer (I Aldridge) dated 22/6/2017 and included in the list of submissions forwarded 23/10/2017 specifies design requirements for Tiyces lane. The engineer also advises the need for a life analysis to be carried out at a later date and pavement action taken as necessary. No request for any additional information is made at the present time.</p> <p>A recent traffic study was undertaken by the proponent to determine traffic impacts and has been provided with the application to Council.</p> <p>The Council engineer has also determined s94 contributions rates for the operation of the quarry.</p> <p>We would assume that the engineer's requirements would be applied as conditions of consent that would ensure that Tiyces Lane would be maintained for all traffic from any affect from quarry operations.</p>

Yours faithfully,



Keith Allen

Laterals Planning

2nd November 2017

