

Planning Assessment Report

Application to Modify Consent DA 2011/0034
Additional Heavy Vehicle Haulage Route
Cedar Point Quarry

Prepared for Kyogle Council
By Planit Consulting Pty Ltd

November 2019



Planning Panel Assessment Report

Application to modify consent DA 2011-34 under s4.55 (2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

EXECUTIVE SUMMARY

Kyogle Council has received an application under Section 4.55(2) of the *Environmental Planning and Assessment Act (EP&A Act) 1979* to modify Development Consent DA 2011/003 to enable an additional loaded vehicle haulage route from the Cedar Point Quarry.

The establishment and operation of an Extractive Industry (Cedar Point Quarry) at 904 Edenville Road, Cedar Point was approved by the Northern Regional Planning Panel on 21 June 2012 (Ref No. 2011NTH004). The consent, through Condition 71, limits heavy / loaded vehicles to travel via Edenville Road over Cedar Point Bridge and directly to Summerland Way (except for local deliveries on Omagh and Edenville Roads).

Cedar Point Bridge has a carrying capacity of 20 tonnes. Standard trucks used by the Quarry weigh approximately 10 tonnes. This means that haulage loads from the Quarry are limited to 10 tonnes.

General practice for quarries involve a 33 tonne, or greater, payload. In this regard, The Quarry operators have investigated additional haulage routes which would enable operational efficiencies and in turn, reduce the total number of truck movements associated with the Quarry.

The preferred additional haulage route, which is the subject of this application, involves turning left from Edenville Road onto Omagh Road, which at its end converts into Anzac Drive. Travelling east, Anzac Drive connects with Summerland Way at the northern side of the Kyogle central business district.

The application has been assessed in accordance with Section 4.55(2) of the EP&A Act and determined to be substantially the same development as the development for which the consent was originally granted. The application was also referred to relevant state agencies for comment and no issues raised, and has been publicly notified in accordance with Council's notification policy.

A total of 31 submissions and 2 public petitions with 62 signatures were received and have been considered in detail under this assessment. The key issues raised under the submissions relate to:

- Road safety and sightlines – considering road alignment, private driveways and intersection suitability
- Design and quality of Omagh Road and bridges along this roadway to support the proposed traffic movements and truck loads
- Compatibility with all road users – commuters, buses, school children, pedestrians, cyclists, farmers and cattle
- Enforcement of any revised Traffic Management Plan
- Impacts on the CBD
- Rural amenity
- Public interest and benefit.

In accordance with Section 4.15 of the Act, detailed consideration of the relevant environmental planning instruments, Kyogle Development Control Plan 2014 (Kyogle DCP 2014), the likely impacts of the modification, suitability of the site, public submissions and the public interest has been undertaken in making a recommendation that the proposed modification to the consent be approved.

In making this recommendation, a number of amended and / or additional conditions have been proposed to be included on the consent to ensure consistency with the findings of this assessment and to appropriately manage and mitigate potential impacts. These conditions restrict vehicle movement volumes, speeds, timeframes and periods, ensure ongoing monitoring and levy development contributions in accordance with Council policy.

1. APPLICATION AND PREVIOUSLY APPROVED DEVELOPMENT

On 21 June 2012 the Northern Regional Planning Panel approved DA 2011-34, being the Establishment and Operation of an Extractive Industry (Cedar Point Quarry). The consent facilitates the extraction, processing and haulage of materials from the subject site.

Council is in receipt of an application to modify the consent, pursuant to section 4.55 (2) of the EP&A Act, to enable an additional haulage route from the site along Omagh Road and Anzac Drive to access Summerland Way. Specifically, the subject application seeks to amend Condition 71, which reads as follows:

71 Haulage route for loaded vehicles leaving the quarry must be via Edenville Road directly to the Summerland Way in all cases except for local deliveries on Edenville Road between Rural Road Numbers 224 and 880 and Omagh Road between Rural Road Numbers 361 and 800.

The subject application details:

- the standard trucks used by the Quarry weigh approximately 10 tonnes and general practice for quarries involve a 33 tonne, or greater, payload
- the weight limit of the existing haulage route is 20 tonnes due to capacity of Cedar Point Bridge
- amendment of the condition will provide a route for trucks with loads greater than 20 tonnes, enabling operational efficiencies and reducing the total number of truck movements associated with the Quarry
- trucks with loads below 20 tonnes will continue to utilise the existing route
- the proposed route would be utilised at an estimated average of 10 times per day and 60 times per week
- at present, while loaded trucks are directed from the site, east along Edenville Road to Summerland Way, unloaded trucks utilise Anzac Drive and Omagh Road to return to the site. Effectively the subject application seeks to maintain the existing peak movements, however, alter which route is used when loaded as opposed to unloaded.

In addition, a traffic survey conducted by Council officers through their assessment identified an average of 23 heavy vehicles movements per day on Omagh Road. The survey did not define if these heavy vehicles were trucks for the Quarry or alternative land uses. Nonetheless, the proposal includes potential for an additional 10 vehicles, and therefore a potential 50% increase in heavy vehicle movements per day.

No further amendments are sought by the application.

Planit Consulting Pty Ltd, a local town, environmental planning and civil engineering consultancy, has undertaken the assessment of the application to modify the consent to allow an additional haulage route and prepared this report. Planit Consulting were engaged by Council to provide an independent assessment of the application.

2. SITE DESCRIPTION

Cedar Point Quarry is identified as Lot 121 DP 1207408, being 904 Edenville Road, Cedar Point. Located 5km south of the Kyogle township, the subject site is bound by the Richmond River to the east and within walking distance of Summerland Way and the North Coast Railway. Whilst multiple access options to and from the site are available, the current haulage route directs trucks from the property north onto Edenville Road and directly to the Summerland Way, crossing the Richmond River by way of Cedar Point Bridge. Summerland Way prevails as one of the primary transport arteries within the Kyogle Local Government Area, connecting Kyogle to the Scenic Rim to the north and Clarence Valley in the south. This corridor, along with the North Coast Rail Line, facilitates key agricultural, agribusiness and tourism economic activities, particularly within the Scenic Rim and South East Queensland at-large as export, freight and distribution opportunities are pursued.

Cedar Point Bridge currently has a capacity limit of 20 tonnes, limiting the haulage payload from the site. No prescriptive requirements are specified for unloaded trucks returning to the site and the proponent has stated that access via Anzac Drive and Omagh Road is regularly utilised for return trucks.

The proposed secondary haulage route consists of turning left from Edenville Road onto Omagh Road, which at its end converts into Anzac Drive and connects with Summerland Way at the northern side of the Kyogle central business district. The subject application details acceptance to a condition of consent requiring returning trucks to utilise Summerland Way as opposed to Anzac Drive and Omagh Road.

Both Omagh Road and Anzac Drive are classified as sub-arterial roads, involve various speed limits and have bridge crossings. Portions of the haulage route are identified as being flood and bushfire prone, however, is it not anticipated that haulage operations will occur in extreme events.

The character and settlement pattern along the additional haulage route comprises a mixture of rural landscape and primary production holdings, large lot residential as Omagh Road transitions into Anzac Drive, and a mixture of low density residential, open space (Anzac Park) and business along Anzac Drive. The proposed haulage route in effect bypasses Kyogle's 'main street' by connecting at the northern extent of the township. However, for deliveries to the south of Kyogle, trucks will be required to turn south on Summerland Way and pass through Kyogle. The additional haulage route also adjoins two local heritage items, being the Omagh residence at 323 Omagh Road, Geneva, and the Railway Station on Ettrick Street, Kyogle.

These routes are relied upon by a wide range of uses as a result of their role and character.

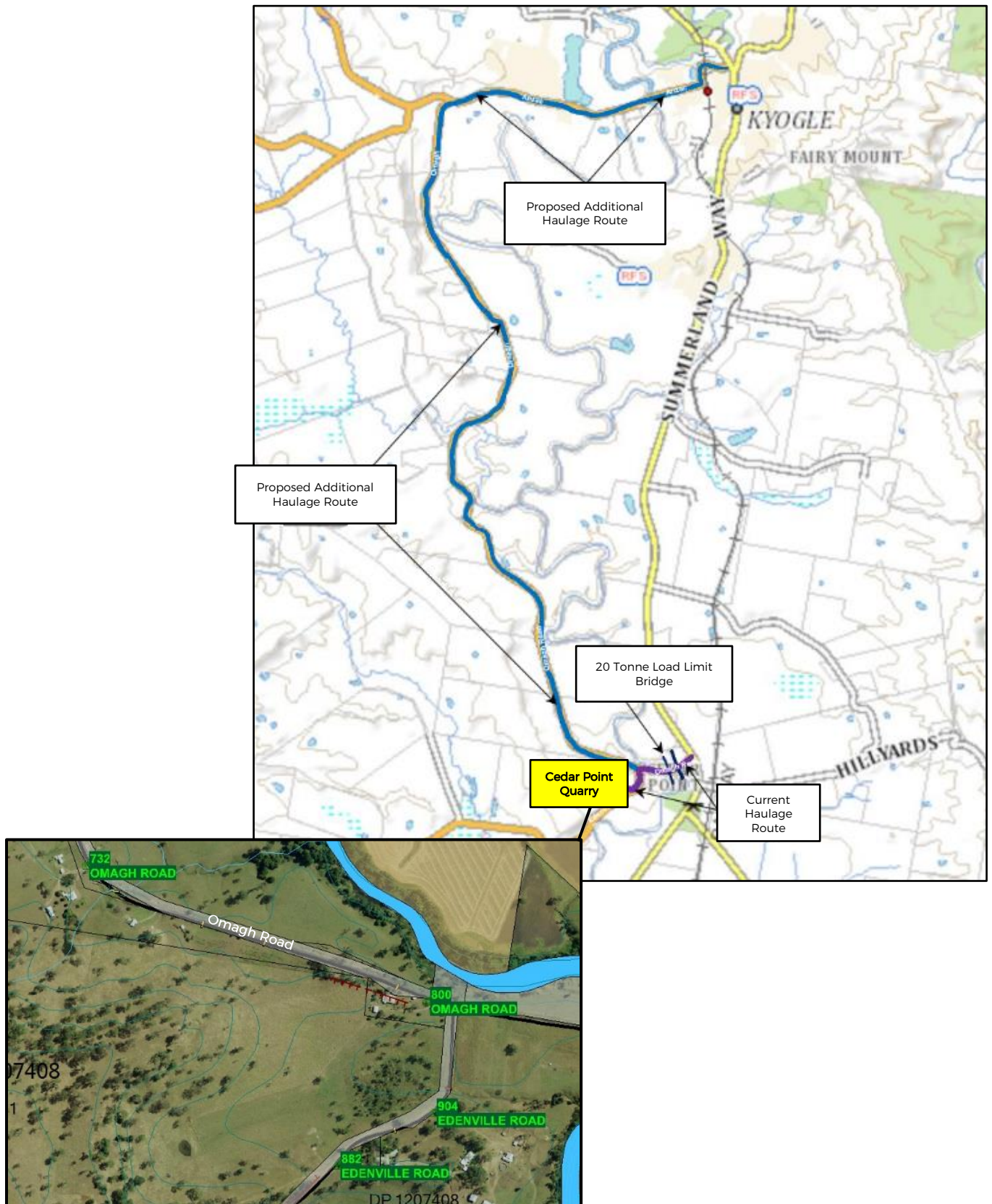


Figure 1. Location of Proposed Additional Haulage Route



3. ASSESSMENT

The following section provides an assessment of the subject application in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Section 4.15 (1) of Environmental Planning and Assessment Act 1979

(1) *Matters for consideration—general*

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

- (a) *the provisions of:*
(i) *any environmental planning instrument*

3.1 State Environmental Planning Policies

While a variety of State Environmental Planning Policies (SEPPs) are applicable to the land, the following provides an assessment of those with relevance to the proposal.

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

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Extractive Industries SEPP) provides a suite of provisions aimed to ensure the proper management and development of mineral, petroleum and extractive materials resources.

Clause 16 of the Extractive Industries SEPP provides specific heads of consideration relating to transport as well as requiring consultation with NSW Roads and Maritime Services (RMS) and the road authority (Kyogle Council).

RMS provided commentary in relation to the subject proposal, raising no objection, as well as:

- advising Council should be satisfied the impacts on the proposed haulage route for through and turning traffic have been adequately investigated
- confirming there will be adequate sight distances available at key intersections and swept paths have been catered for
- encouraging consideration to limited haulage to hourly and daily rates to manage impacts across timeframes, and
- recommending a Traffic Management Plan to manage haulage and driver behaviour.

In relation to the points raised within RMS submission, Council's technical officers have reviewed the subject application and its supplementary studies (including Traffic Impact Assessment) and confirm adequate arrangements are in place for through and turning traffic. Likewise, amended conditions have been recommended within this report to limit conflicts with school buses and require updates to the existing Traffic Management Plan to reflect such conditions.

As enabled through clause 16(b), the recommendation of this report includes precluding the use of the Anzac Drive and Omagh Road route by unloaded vehicles to reduce the impact of the Quarry on residential areas. Accordingly, the provisions of the Extractive Industries SEPP are considered satisfied.

3.1.2 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 details that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. In this regard, the subject proposal does not strictly involve development on land, rather seeks additional haulage routes to improve operational efficiencies. Notwithstanding, the quarry site and haulage route are not listed on any contaminated land registers and the proposal does not involve ground disturbance or earthworks. The haulage route is a sealed public road and as such does not involve specifically sensitive land uses. Accordingly, the proposal is considered to satisfy the provisions of SEPP 55.

3.2 Local Environmental Plan

3.2.1 Kyogle Local Environmental Plan 2012

As the subject application relates to a haulage route as opposed to a 'land use' per se, and the route does not form part of the application property description, the provisions of the Kyogle Local Environmental Plan 2012 (LEP 2012) are not considered to be strictly applicable or relevant. Notwithstanding, it is acknowledged that the additional haulage route should be considered against the LEP 2012, namely the zone objectives and heritage provisions, which are discussed below.

Zone Objectives

The proposed route traverses a variety of rural and urban zones, specifically RU1 Primary Production, RU2 Rural Landscape, R1 General Residential, R5 Large Lot Residential, B2 Local Centre, B4 Mixed Use and RE1 Public Recreation. While many of the prescribed zone objectives directly relate to development within each zone, such as housing delivery, the following land use objectives are specifically identified of relevance to the haulage route.

RU1 Zone –

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To enable a range of other uses to occur on rural land providing such uses do not conflict with existing or potential agriculture and do not detract from the scenic amenity and character of the rural environment.*

R1 zone –

- *To enable non-residential land uses where they are compatible with the amenity of the area.*

Impacts generally associated with haulage activities include noise, dust, vehicular and active transport safety, which collectively can also affect amenity. Whilst each of these considerations are assessed in greater detail within the 'Likely Impacts' section of this report, the proposed haulage route has been considered in regards to its ability to influence land use conflicts, scenic quality and amenity, noting the following key influences:

- The haulage route is proposed to be used generally up to 10 times per day (60 times per week)

- The subject application advises that haulage will not occur on Omagh Road and Anzac Drive outside the hours of 9am and 3pm, Monday to Friday, to mitigate public and school transport conflict, and 8am – 1pm on Saturdays
- The proposed haulage road is sealed, allows for two-way traffic, includes adequate sightlines and ultimately reduces the number of truck movements associated with the Quarry operations
- The application proposes that trucks travelling to the Quarry do so via Summerland Way as opposed to Anzac Drive and Omagh Road
- The proposed haulage route does not form part of any identified tourist drives other than Tourist Drive 1, which also shares Anzac Drive, and
- Vehicular speeds along the haulage route are commensurate with the level of street and near street activity (i.e. lower speeds along Anzac Drive where road crossing by pedestrians to access shops, parks and homes is anticipated to be more prevalent).

In addition to the above, it is acknowledged that the opportunity for impact differs depending on the delivery location of the extracted product.

An important point in the consideration of this application is that Council is currently seeking funding to upgrade the carrying capacity of Cedar Point Bridge. If and when funding is obtained and the Cedar Point Bridge is upgraded to allow quarry vehicles to utilise it, Omagh Road will no longer be required to be used as a haulage route, and the recommended new condition 71.1 will require this.

In considering the abovementioned matters and having regard to the nature of local land uses and separation from more sensitive tourism uses, the proposal is not seen to give rise to an inconsistency with each of the zone objectives established and does not undermine the strategic intent of the zones. The proposal is accordingly considered consistent with the zone objectives pursuant to LEP 2012.

Heritage

Omagh Road and Anzac Drive are located within the Gugin Guddaba Local Aboriginal Land Council (LALC) area. A search of the Office of Environment and Heritage's Aboriginal Heritage Information Management System (AHIMS) has not identified any recorded indigenous places within the haulage route. It is not anticipated the proposal will impact on Aboriginal heritage and appropriate safeguards are incorporated in the current consent. Whilst the application is not supported with an Aboriginal Cultural Heritage Assessment, no land disturbance is to be undertaken as part of the subject application and therefore no Aboriginal heritage will be disturbed, damaged or destroyed.

Whilst not a requirement of the LEP 2012, this assessment appreciates that the haulage route passes two non-indigenous heritage sites, which are not affected by the existing route, namely:

- Omagh residence (323 Omagh Road, Geneva. Lot 3 DP881814) Heritage item I046, and
- Railway Station, group of buildings (Ettrick Street. Lot 12 DP1095432 and Lot 1 DP181905). Heritage item I159.

The proposed haulage route is not considered to undermine the heritage values of either site and is not anticipated to result in any quantifiable impacts upon either item.

The heritage objectives of the LEP 2012 and provisions of clause 5.10 are considered to be upheld.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Section 4.15(ii) of the EP&A Act requires that any proposed instrument that is, or has been, the subject of public consultation under the Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved) is taken into consideration. No draft Environmental Planning Instruments were identified as having, or potentially having, relevance to the proposed development. In addition, a review of current planning proposals relevant to the LEP 2012 has found that no current proposals are applicable to the subject application.

(iii) any development control plan

3.3 Development Control Plan

3.3.1 Kyogle Development Control Plan 2014

DCP Chapter 6 Public Notification of Development Applications

Chapter 6 of the Kyogle DCP 2014 details that applications for extractive industries are to be advertised (through notice in the local newspaper) and notified to adjoining or nearby property owners.

Public exhibition of the proposal was undertaken, including a notice in the Richmond River Express Examiner on 9 January 2019, and notification letters issued to landowners along the proposed haulage route. The application was formally on display for 22 days from 10 January until 1 February and attracted a total of 31 submissions and 2 petitions with a total of 62 signatures. In addition to the submissions received through the formal consultation period, 26 letters of support for the proposed modification were gathered and tendered by the applicant as part of the subject application.

The common issues raised in the submissions and petitions included:

- Road safety and sightlines – considering road alignment, private driveways and intersection suitability
- Design and quality of Omagh Road and bridges along this roadway to support the proposed traffic movements and truck loads
- Compatibility with all road users – commuters, buses, school children, pedestrians, cyclists, farmers and cattle
- Enforcement of any revised Traffic Management Plan
- Impacts on the CBD
- Rural amenity
- Public interest and benefit.

These key issues are the primary focus throughout this Assessment Report. The applicant was also provided a copy of the submissions for response (Attached to this Assessment Report).

Additional matters raised in the submissions included:

- Errors in the application
- Seeking clarification around the timing to upgrade Cedar Point Bridge
- That the proposal is a result of poor business modelling
- Impact on land values
- That the letters of support were gathered under false pretences.

The following graphic visually displays the frequency of each theme raised through the submission period.

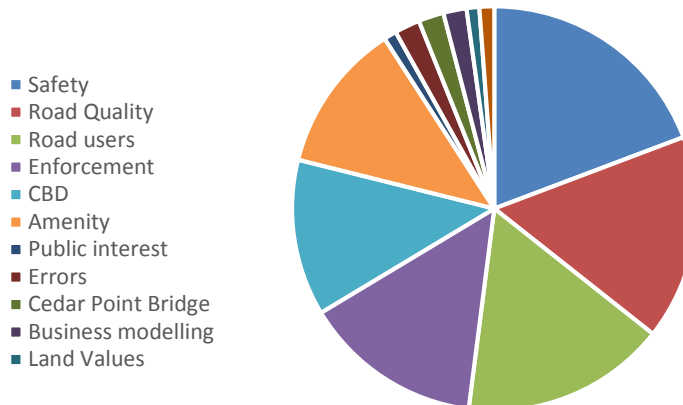


Figure 2 – Nature of public submissions

A brief response regarding these additional matters is provided below.

- *Errors*

Additional clarification regarding the data and conclusions made throughout the application were sought and have been provided under a Request for Further Information process. The applicant subsequently provided further information and this additional information has informed this Assessment Report and final recommendations.

- *Timing of Cedar Point Bridge Upgrade*

While the upgrade of the Cedar Point Bridge could reduce reliance on the proposed alternative route, detailed consideration including traffic modelling, road safety analysis, acoustic modelling and pavement testing has been undertaken to confirm the suitability of this proposal. Nonetheless, recommended draft condition 71.1 provides that when the weight limit of Cedar Point Bridge has been resolved by way of upgrade, the use of the proposed haulage route will cease.

- *Poor Business Modelling*

The additional haulage route has been identified to assist business operations and improve efficiencies. That said and as noted above, the proposed haulage route has been tested to confirm its suitability and is the subject for this detailed merit assessment.

- *Land values*

The development and use of land is a component of the NSW planning system and it is acknowledged that it can have an impact on land values. Compensation for private landowners is not appropriate where development is approved in accordance with established planning policy and procedure. The technical detail submitted under the proposal and associated reports indicates that there will not be any detrimental impacts on nearby private land. The requests under the public submissions to introduce compensation for landowners who do not agree with a development decision constitutes a significant departure from the current planning process and is beyond the scope of this application.

- *Letters of support*

While letters of support were submitted with the application, they are not submissions and therefore have not been considered as such.

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

The subject land is not subject to any planning agreement under section 7.4 (previously 93F) of the EP&A Act.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Pursuant to the *Environmental Planning & Assessment Regulation 2000* it is considered that the subject application has been satisfactorily made, does not include the demolition of structures or subdivision, is not affected by the Dark Sky Planning Guideline and does not rely upon the Medium Density Housing Code. Accordingly, the provisions of the regulations have been satisfied.

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

The proposal is located outside of the coastal area.

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

Likely Impacts

Noise Impacts and Residential Amenity

In response to Council and RMS raised concerns, the subject application was supplemented by a Noise Impact Assessment (NIA) dated 26 August 2019 which specifically analysed the proposed haulage route and has been prepared in accordance with the established criteria in the NSW Government Road Noise Policy (RNP).

The submitted NIA identified through analysis that a loaded truck (or truck and dog) is quieter than an empty truck, specifically, body and suspension noise were more noticeable on the empty trucks and engine noise was more noticeable on the loaded trucks.

As detailed elsewhere within this report, while the haulage route from the site is specifically controlled by way of condition of consent, the number of vehicle movements is not controlled nor is there any prescriptive requirements detailed for returning, unloaded vehicles. (ie. which route they must take or volume of truck movements). The proponent has advised that under the current operations, unloaded vehicles utilise Anzac Drive and Omagh Road within their return travel, as

such the additional route sought does not generate additional truck movements, rather, shifts the routes used for loaded and unloaded. While Council's technical officers and Planit staff have not verified the extent of this statement by way of survey or other data collection, this arrangement would reduce the noise impact experienced on Anzac Drive and Omagh Road.

The NIA also identified existing façade noise levels on Anzac Drive at the closest residential dwellings exceed the NSW Road Noise Policy of 60 dB(A) $L_{eq,15hr}$ by up to 1.5 decibels, whilst existing façade noise levels on Omagh Road were well below the criteria.

The NIA concludes that there will be a reduction in road traffic noise levels on Anzac Drive and Omagh Road stemming from the proposed additional haulage route. Specifically, the reduction will be imperceptible on Anzac Drive and may be noticeable on Omagh Road, and as such no noise mitigation measures are required.

Conditions of consent could be modified and/or applied to manage and mitigate any potential noise impacts. In this regard, conditions which restrict the use of Omagh Road and Anzac Drive for laden vehicles only, limit the number of laden vehicles using this route and requiring a revised truck movement and traffic haulage management plan to include a Code of Conduct have been recommended under this assessment.

Traffic Safety

The primary safety considerations of the proposal, and identified through the public submission period include:

- capacity and width of the roadways
- integration with wider transport modes such as buses, farming trucks and equipment, other trucks, private vehicles, pedestrians and cyclists
- road intersections
- sightlines around individual driveway access, and
- the affect the additional haulage route may have on frequent stopping vehicles and children around the road reserves.

Currently empty haulage vehicles / trucks of the same class are permitted to use the proposed haulage route, integrating with private vehicles and other road users, such as farmers and trucks. The application is supported by a Traffic Impact Assessment (TIA) prepared by RCS Group (dated 24 October 2018) which identifies that Omagh Road experiences, overall, very low daily traffic volume. The northern end of Omagh Road experiences larger volumes of daily traffic at its intersection with Anzac Drive, being just over 300 vehicles per day. Current and predicted traffic volumes do not exceed design performances and the road has been considered below capacity.

Likewise, the TIA identifies Anzac Drive, whilst experiencing greater daily traffic volume compared to Omagh Road, is also below both current and predicted traffic volumes. The impact to the functionality of Anzac Drive is considered to be minimal due to the proposal and does not exceed any threshold.

Through technical investigations stemming from the subject application it has been identified that Omagh Road possesses a deficient carriageway width as prescribed by Austroads's Guide to Road Design Part 3 - Geometric Design. Whilst the identification has arisen through the subject application, the findings are independent and not directly linked to the proposal. In this regard, Austroads Guide to Road Design Part 3- Geometric Design requires lane widths of 3.1m for new

constructions, and the average lane width of Omagh road is 3.0m. Council has no evidence of negative interactions between different vehicle classes due to the width of the road as it is currently operating. In addition, Council's road carrying capacity assessment also notes RMS crash database confirms no vehicle class interaction as no accident data for Omagh road is documented.

Whilst no conflicts have been identified to date on Omagh Road, Council officers have recommended speed reductions along Omagh Road that have been incorporated in a condition of consent through condition 16.1 as recommended. This measure will support the integration of heavy vehicles with vehicular traffic and active transport. Similarly, recommended condition 71.2 will ensure the monitoring and maintenance of Omagh Road is undertaken should the haulage of trucks from the Quarry significantly diminish the road condition. The objective of this condition is to ensure an acceptable road is maintained and to safeguard road users.

There are two (2) key intersections within the additional haulage route. These are the intersection of Anzac Drive and Summerland Way and the intersection of Anzac Drive and Omagh Road. The intersection of Anzac Drive and Summerland Way has been recently upgraded and has been determined suitable for loaded heavy vehicles to turn off the minor road and onto the major road of Summerland Way without having an impact on traffic flow.

The intersection of Anzac Drive and Omagh Road has also been upgraded by Council. It has been determined that with the wide turning radii and adequate sight distance in either direction, the intersection is suitable for heavy vehicle turning right off Omagh Road to travel east along Anzac Drive.

Technical analysis of sightlines from individual driveways are assessed as part of their respective approvals. Accordingly, it is beyond the scope of this assessment to reconfirm the suitability of sightlines from existing driveways. While beyond the scope of this assessment, it is again noted that the Quarry has stated they currently utilise Omagh Road and Anzac Drive for empty vehicle travel with no evidence of negative interactions between different vehicles on Council or RMS crash databases. Recommended conditions of consent seek to further mitigate potential risk by reducing the speed limit along Omagh Road and controlling the hours of haulage along Anzac Drive to between 9am – 3pm, mitigating dawn and dusk conditions.

School buses and buses for other public transport utilise Anzac Drive and Summerland Way. Omagh Road is also utilised as a school bus route. To maintain safety for frequent stopping and children around the road reserves it is recommended that loaded haulage vehicles, particularly those exceeding 20 tonnes, should avoid using Anzac Drive and Omagh Road to transport quarried material during the school bus times. It has been determined that haulage is to occur between 9am and 3pm to avoid school bus timeframes and public transport using the haulage route.

In considering the abovementioned findings, subject to the recommended conditions of consent, no likely impacts by way of traffic safety are anticipated as a result of the proposal.

Daily Traffic Movements

The application indicates that 10 loaded vehicles per day are expected to use the additional haulage route; however, the application specifically seeks that daily movements are not restricted. Rather the application indicates a preference for a weekly restriction, if one is to be applied, to

allow greater flexibility in operations. The application seeks up to 60 laden vehicle movements per week along this additional route.

The additional haulage route is already used by the Quarry for unladen vehicles and while there are limitations to the volume of material which can be transported from the Quarry, there are currently no restrictions limiting the number of vehicles travelling to and from the Quarry.

Traffic volumes recorded indicate on average, 23 heavy vehicles movements are undertaken a day along Omagh Road. As an increased payload is afforded by the additional haulage route, the proposal has the ability to potentially reduce the amount of heavy vehicle movements. Likewise, a reversal between which route is utilised by loaded and unloaded vehicles is likely.

It is recommended that a condition be included on the consent that limits heavy vehicle movements to 60 per week as proposed and recommended under the TIA. Additional recommended conditions of consent seek to further manage and mitigate potential risk through reduced speed limits, time restrictions and updated traffic management plans and reporting.

Kyogle Town Centre

The impact on Kyogle town centre from the additional haulage route was a common issue raised in the public notification stage. Whilst this assessment has considered the maximum haulage trips of the extractive industry, the ultimate frequency below and up to these limits is dependent on demand and the delivery location, both of which are dynamic through the lifespan of the Quarry. On a broader scale, these influences are present to a wider variety of freight uses which utilise Summerland Way as a connection between markets. Accordingly, achieving an appropriate balance between supporting these economic opportunities as well as economic opportunities generated through tourism and retail uses within the Kyogle Town Centre requires ongoing management and monitoring by Council.

Key components of the proposal include the potential for an overall reduction in truck movements by carrying increased payload per truck. Likewise, a reversal between which route is utilised by loaded and unloaded vehicles. Whilst the proposal has the potential to increase the noise impacts along Summerland Way as this will become the route for unloaded vehicles, these impacts are currently experienced due to inter and intra- regional freight movements. In addition, it is considered that strategically truck movements should be directed to Summerland Way as opposed to local roads where possible, which has given rise to recommended modification of condition 71.

In conclusion, there is a degree of uncertainty in quantifying impact on the Kyogle Town Centre given its location on Summerland Way which also fulfils significant freight functions. Ultimately, the proposal affords the opportunity to reduce the number of truck movements on the road network and whilst the submitted NIA did not specifically analyse noise impact on Summerland Way, the broad findings can be extrapolated to the Summerland Way to understand the extent of change, which is considered to be likely to be minimal.

Bridge Load Capacity and Suitability of the Pavement

An engineering assessment has been carried out by Council to determine the adequacy of existing infrastructure to support the proposal. Specifically, analysis was undertaken in relation to the road network capacity of Omagh Road by way of the load capacity of Wadsworth Bridge and the structural suitability of the pavement along Omagh Road to take the increased loading.

Wadsworth Bridge comprises a low-level bridge crossing Horse Station Creek, is constructed from composite steel girders with a concrete deck and is approximately 75 years in age. This bridge has been referred to as Croker's Bridge in a number of submissions. Council commissioned a Level 2 bridge inspection and load capacity assessment, which was undertaken by Bridge Knowledge Pty Ltd in accordance with Australian Standards.

The inspection found the bridge to be in relatively good condition however some general maintenance issues were identified. Similar to the Omagh Road pavement width discussed earlier, the maintenance measures for Wadsworth Bridge are considered to be independent of the subject application and are scheduled to be carried out as part of Council's bridge maintenance program. Council's technical staff have confirmed that the maintenance works for the bridge does not need to be carried out prior to the use of Omagh Road as a haulage route.

Beyond the general maintenance requirements detailed, the capacity assessment identified that Wadsworth Bridge is suitable for General Mass Limits (GML), however not for Higher Mass Limits (HML). This finding limits the Quarry trucks to a total weight of 55.5t for a truck and dog. Given the Quarry operates using a number of trucks with trailers having a carrying capacity of 33 tonnes, the load limit for Wadsworth Bridge is sufficient for current operations.

A pavement assessment of the current heavy vehicle traffic volumes on Omagh Road has also been undertaken by Council's technical staff. Traffic volumes recorded showed an average 23 heavy vehicles movements per day and that Omagh Road experiences an overall low daily traffic volume and is performing well under current traffic conditions.

Council records of pavement construction of Omagh Road are limited, however, recent capital works included 200mm overlay of approximately 2kms and reseals of approximately 2km of heavy patching areas. The Council Pavement Assessment concluded that the proposed laden haulage use along Omagh Road would have a negligible effect on the road pavement.

Notwithstanding the above, Council will continue to monitor the pavement condition of Omagh Road as is usual practice. Draft condition 72.1 has been recommended to be applied which will require the Quarry operator to carry out maintenance and/or repair works to Omagh Road, should monitoring establish a nexus between the haulage operations and a significant acceleration of degradation and dilapidation of Omagh Road.

Whilst independent of the subject application, the reduction in the approach speed of Wadsworth Bridge to 20km/h will decrease dynamic loading caused by laden vehicles. Similarly, the suggested lowering of the speed limit of Omagh Road, as independent of this application from the current 100km/h to 80km/h will assist traffic safety and for approaching vehicles on narrow sections. Overall, the traffic analysis and technical assessment provided by the applicant and undertaken by Council's technical officers indicates that safety, efficiency and usability of the associated roadways would not be detrimentally impacted.

(c) the suitability of the site for the development

The suitability of the proposed haulage routes associated with the Quarry operations is the primary consideration for this application.

The safety, capacity and suitability of this haulage route has been tested and confirmed to be suitable under the various technical assessments which have been referred to throughout this assessment report.

In addition to these findings, recommendations have been made by Council's technical officers and within the specialist reports to further ensure safety and suitability. These recommendations should be included as conditions of approval for this application, if supported. This is also discussed in more detail below, under the consideration of the public interest around this proposal.

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

As detailed earlier in this report, a total of 31 submissions were received during the public notification/advertising period. Whilst a broad range of issues were raised within submissions, primary themes included as follows:

- Road safety and sightlines – considering road alignment, private driveways and intersection suitability
- Design and quality of Omagh Road and bridges along this roadway to support the proposed traffic movements and truck loads
- Compatibility with all road users – commuters, buses, school children, pedestrians, cyclists, farmers and cattle
- Enforcement of any revised Traffic Management Plan
- Rural amenity and impact on land values
- Impacts on the CBD

As detailed throughout this report, these matters have been extensively considered and assessed through the assessment process of the application, concluding that subject to imposing the recommended conditions, the proposal warrants support.

Road safety and sightlines, design and quality of Omagh Road and compatibility with other road users have each been extensively reviewed and supported by way of a Traffic Impact Assessment and engineering assessment. These assessments have ultimately concluded that subject to maximum speed restrictions, limiting hours of haulage and safeguards linked to ongoing monitoring, no traffic related issues are identified. These safeguards have been recommended for inclusion within the consent to ensure appropriate outcomes are achieved.

Condition 16.1 as recommended requires suitable updates to management plans to reflect the haulage route and hours, as well as a mechanism to make such information available to Council upon request. In this respect, should a compliance issue be identified by way of complaint or Council observation, appropriate verification procedures are in place and appropriate action can be pursued at that time.

Rural Amenity and impacts on the CBD have been assessed throughout this report and is supplemented by a NIA (dated 26 August 2019) and TIA dated (24 October 2018). The assessment has concluded that total vehicle movements are likely to reduce and no increase in traffic noise along Omagh Road or Anzac Drive will occur. While not assessed under the NIA, these findings can be extrapolated to Summerland Way. Conditions have been recommended to uphold rural amenity by limiting the operations to a maximum of 60 haulage truck movements per week.

(e) the public interest.

Kyogle plays a key local and regional role in providing extractive industries to enable infrastructure and development, as well as connecting markets through freight. It is important that these resources are not affected or sterilised, rather enabled through balanced output to maintain economic prosperity.

The subject application ultimately seeks to avoid potential land use conflicts and impacts by reducing the overall truck movement required to facilitate the existing approval. This is achieved by seeking an additional haulage route which facilitates larger payloads. The assessment of the application has concluded that no adverse impacts are anticipated as a result of the additional route proposed.

This assessment has found that further efficiencies and improved outcomes can be achieved by increasing the carrying capacity of Cedar Point Bridge and Council are pursuing ongoing investigations in this regard.

The subject application is considered to be in the public interest, subject to the conditions recommended within this report.

Section 4.55 (2) of the Environmental Planning and Assessment Act 1979

The following table details the required considerations under section 4.55(2) of the EP&A Act and a planning comment relating to the subject applications compliance.

Legislative Requirement	Planning Comment
<i>(2) Other modifications</i> <i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:</i>	Noted. See assessment below.
<i>a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	The proposal does not seek to modify the general operating provisions and conditions of the Quarry. The application seeks an additional haulage route to enable increased carrying capacity and a possible overall reduction in truck movements required to facilitate the proposal. Accordingly, it is concluded that the application is substantially the same development and can be modified under Section 4.55(2) as proposed.
<i>b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that</i>	DA2011/0034 involved consultation with the NSW Environmental Protection Agency (EPA), NSW Roads and Maritime Services (RMS), NSW Department of Primary Industries – Fisheries (DPI). Each of these agencies has been consulted within the assessment of this application, responses received and no objections raised.

<i>Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</i>	
<p><i>c) it has notified the application in accordance with:</i></p> <p><i>i. the regulations, if the regulations so require, or</i></p> <p><i>ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></p>	<p>The subject application was advertised for a period of 22 days, from 10 January to 1 February 2019 in accordance with Chapter 6 of the Kyogle Development Control Plan 2014.</p>
<p><i>d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</i></p>	<p>In addition to state agency feedback, a total of 31 public submissions and 2 petitions with a total of 62 signatures were received. Issues raised in the submissions include, road safety and sightlines, design and quality of Omagh Road, compatibility with all road users, enforcement of any revised Traffic Management Plan, rural amenity and impact on land values. The content of these submissions has been considered, as documented within various sections of this report.</p>
<p><i>3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</i></p>	<p>As detailed within section 3.1 of this report, an assessment of the subject application in light of the provisions of section 4.15 of EP&A Act has been undertaken, concluding that the proposal is not anticipated to give rise to any environmental impacts of significance and warrants support.</p>
<p><i>(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.</i></p>	<p>Satisfactory, no issues identified.</p>

Heavy Haulage Contribution

An additional heavy haulage contribution will be required in accordance with Section 7.11 of the EP&A Act and the *Kyogle Council Section 7.11 Developer Contributions Plan 2008 (as amended) – Residential, Rural Residential and Heavy Haulage Development*.

These additional levies will contribute towards local roadwork improvements.

The additional rate resulting from the haulage route has been calculated in accordance with Council's Contribution Plan at \$70,213.57 per annum and is to be paid in two (2) equal half yearly instalments. Condition 74 has been modified for the inclusion of this contribution.

4. DETERMINATION AND RECOMMENDATION

1. The application has been assessed against the relevant provisions in accordance with Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
2. The application has been found to comply with the relevant provisions and is recommended for approval.
3. It is recommended that the development consent DA 2011/0034 issued 21 June 2012 be modified in the following manner:

A. Modify Condition 1 as follows:

The development shall be in accordance with development application number 2011/0034 submitted on October 5, 2010 and in accordance with the following:

<i>Environmental Impact Statement dated September 2010, as prepared by Greg Alderson & Associates on behalf of R. & K. Graham.</i>
<i>Addendum Report dated 22 March, 2011 prepared by Greg Alderson & Associates</i>
<i>Report titled Application to Modify Development Application dated 11 December 2018 as prepared by Stephen Fletcher & Associates.</i>
<i>Traffic Impact Assessment dated 24 October 2018, prepared by RCS Group.</i>

except where otherwise provided by the conditions of this development consent.

B. Modify Condition 37 as follows:

Hours of operation for the development shall not exceed the following table:

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Cedar Point Quarry



Prepared for Kyogle Council
By Planit Consulting Pty Ltd

Activity	Monday to Friday	Saturday
Quarry extraction	7AM – 6PM	8AM – 1PM
Crushing, Washing and Screening	8AM – 5PM	8AM – 1PM
Routine Maintenance (satisfying EPA noise design goals)	7AM – 6PM	8AM – 1PM
Haulage vehicles using Edenville Road to Summerland Way	7AM – 6PM	8AM – 1PM
Haulage vehicles using Omagh Road	9AM – 3PM	8AM – 1PM
Haulage vehicles using Anzac Drive	9AM – 3PM	8AM – 1PM
Blasting	10AM – 3PM	No Blasting
Drilling	9AM – 3PM	No Drilling

There shall be no quarrying or transportation on Sundays or statutory public holidays. Council may permit access and operation outside of the periods identified in this consent for emergency purposes only.

C. Insert Condition 16.1 as follows:

A revised truck movement and traffic/ haulage management plan including a Code of Conduct for drivers is to be prepared. The Code of Conduct is to include, but not be limited to:

- A map of the primary haulage routes highlighting critical locations.
- Safety initiatives for haulage through residential areas and/ or school zones including:
 - Limiting of all trucks using Omagh Road to speeds of 80km/h and 20km/h at Wadsworth Bridge approach or as otherwise signposted, whichever is the lesser. Trucks using Anzac Drive or Summerland Way are to adhere to the signposted speed limits.
 - Limiting the haulage of heavy vehicles outside of school bus times.
- Procedures for communicating with other trucks and buses on the same road via UHF radio
- The prohibition of use of compressed air brakes near houses close to haulage roads or access points.
- The prohibition of tailgating.

- *A complaint resolution and disciplinary procedure.*

The haulage management plan must be submitted to and approved by Council prior to the commencement of the use of the proposed haulage route.

D. *Modify Condition 71 as follows:*

Permitted haulage routes

a) *Haulage route permitted at all times*

- i. *Loaded vehicles leaving the quarry that do not exceed the weight limit of the Cedar Point bridge must travel via Edenville Road directly to the Summerland Way via the Cedar Point bridge. The exception to this is for local deliveries on Edenville road between rural road numbers 224 and 880 and Omagh Road between rural road numbers 361 and 800.*

b) *Additional haulage route permitted to be used whilst Cedar Point bridge has a 20 tonne weight limit*

- i. *Loaded vehicles leaving the quarry that exceed the weight limit of the Cedar Point bridge must travel via Edenville Road to Omagh Road thence via Anzac Drive to the Summerland Way.*

c) *Restriction on route for trucks returning to the quarry*

- i. *Omagh Road and Anzac Drive are not to be used for empty or unladen trucks returning to the quarry.*

E. *Insert condition 71.1 as follows:*

A maximum of 60 loaded quarry vehicles per week are permitted to travel along the Omagh Road and Anzac Drive haulage route within the approved hours of operation. The use of this haulage route is not permitted once the Cedar Point Bridge over the Richmond River is upgraded to remove the 20 tonne weight limit.

F. *Insert Condition 71.2*

If at any time during the period that Omagh Road is permitted to be utilised as a haulage route for the Cedar Point quarry Council determines that:

- *The standard of the utilised section of Omagh Road has fallen significantly below the conditions identified in the Omagh Road Condition Assessment Report dated 27 September 2019 prepared by Kyogle Council, and*

- *The road standard has fallen as a result of Cedar Point Quarry haulage, and*
- *The road standard cannot be remedied through the Heavy Haulage Contribution and scheduled routine Council road maintenance.*

Then maintenance and repair work to bring the standard of the road back to the condition identified in the Omagh Road Condition Assessment report dated 27 September 2019 will be required to be delivered by the Quarry operator to the satisfaction of Council.

G. Insert condition 71.3 as follows:

The quarry operator is to maintain accurate records of daily deliveries including time of delivery, haulage route and destination and tonnage to enable Council to check compliance with this consent as required. The records are to be available for inspection by Council when requested.

H. Replace Condition 74 with the following modified condition to reflect heavy haulage figure applicable to proposed additional haulage route:

Payment of heavy haulage contributions under Section 94 of the Environmental Planning and Assessment Act 1979 and the Kyogle Council Section 94 Contributions Plan – Urban and Rural Roads 2002 (as amended) are required. Kyogle Council levies these contributions for the provision of public amenities and services in such a manner as will meet the increased demand for those amenities and services arising from this development.

A. Contribution payable during period that Omagh Road and Anzac Drive are permitted to be used as a haul route:

The rate and amount to be paid as at the date of this notice is \$70,213.57 per annum to be paid in two (2) equal half yearly instalments. The first instalment is to be paid within six (6) months of the date of this consent notice or within six (6) months of the development commencing operation, whichever occurs first (in this condition the term 'commencing operations' means the physical commencement of the use of the development and not the 'commencement' of the Development Consent Notice).

B. Contribution payable at all other times:

The rate and amount to be paid as at the date of this notice is \$ 4,792 per annum, as described in the Schedule, to be paid in two (2) equal half yearly instalments. The first instalment is to be paid within six (6) months of the date of this consent notice or within six (6) months of the development commencing operation, whichever occurs first (in this condition the term 'commencing operations' means the physical commencement of the use of the development and not the 'commencement' of the Development Consent Notice).

The levy is to be increased annually in accordance with the Consumer Price Index for Brisbane commencing January each year for the life of the development.

Where the total contribution payable exceeds \$10,000, payment to Council must be by bank cheque or cash (personal cheques are not acceptable).

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C O N S U L T I N G

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The contributions set out in the schedule are exclusive of any GST (if any) and where the provision of any services or the construction of any infrastructure or any other thing with those contributions occurs, then in addition to the amount specified above the Applicant will pay to the Council the GST (as defined below) which is payable by the Council in respect of the provision of such services or construction of any infrastructure or any other thing.

GST means any tax levy charge or impost under the authority of any GST Law (as defined by the GST Act) and includes GST within the meaning of the GST Act.

The GST Act means A New Tax System (Goods and Services Tax) Act 1999 or any amending or succeeding legislation.

Report Author:

Jarrod Gillies

Town Planner

Dated: 6th November 2019

Attachments

1. Copy of submissions received during the public exhibition period
2. Submissions analysis
3. Existing consent
4. Request for further information (RFI)
5. Applicant's response to RFI
6. State agency comments
7. Council's assessment of suitability of haulage route (including condition assessment of Omagh Road and Wadsworth Bridge).