

MEMO

TO: Northern Regional Planning Panel
FROM: Megan Yates, Development Assessment Planner (RVC)
DATE: 15 September 2021
FILE: DA1989/0062.01
SUBJECT: Proposed Condition L

Draft conditions of consent for DA1989/0062.01 were provided to the applicant on 6 September 2021. The applicant responded on 8 September 2021 confirming no objections to the draft conditions however asked for some flexibility to be provided in proposed condition L.

Proposed condition L reads:

The total amount of material extracted and transported in any annual return period shall not exceed 205,000 tonnes. The total extracted resource shall not exceed 5 million tonnes for the life of the development.

Truck movements, inclusive of all incoming and outgoing trucks, in any one day period shall not exceed thirty-six (36) truck movements Monday to Saturday, excluding Public Holidays.

The applicant requested the condition be amended to either of the following options

Option 1 – Weekly maximum truck movements

*The total amount of material extracted and transported in any annual return period shall not exceed 205,000 tonnes. The total extracted resource shall not exceed 5 million tonnes for the life of the development. Truck movements, inclusive of all incoming and outgoing trucks, in any **weekly period shall not exceed two hundred and sixteen (216)**. ~~one day period shall not exceed thirty-six (36) truck movements Monday to Saturday, excluding Public Holidays.~~*

Option 2 – 4 week period maximum movements

*The total amount of material extracted and transported in any annual return period shall not exceed 205,000 tonnes. The total extracted resource shall not exceed 5 million tonnes for the life of the development. Truck movements, inclusive of all incoming and outgoing trucks, in any **four (4) week period shall not exceed eight hundred and sixty four (864)**. ~~one day period shall not exceed thirty-six (36) truck movements Monday to Saturday, excluding Public Holidays.~~*

The proposed wording seeks to implement a weekly or monthly vehicle movement cap which would facilitate the fluctuating demand that changes each day whilst ensuring the overall number of truck movements are not increasing. By way of example, some days the quarry might have low demand and only send out 4 loads, but then other days there might be a higher demand that would see a peak, but averaged out across a week or month it still comes to only 36 movements per day

Council considered the above proposal however were unable to support the changes to condition L for the following reasons:

1. The proposed draft conditions have been prepared based on the information submitted with the application. The Statement of Environmental Effects (SEE) and other supporting documents including the traffic advice and noise assessment all stated no additional truck movements per day were required for the modified scenario and were assessed based on 36 truck movements per day.

2. Transport for NSW provided comments on the application including that the existing access arrangements were not supported, and that Council should be satisfied the current arrangement does not impact on the safety of other road users.

Council's engineers have undertaken an assessment and determined the access arrangements were satisfactory as an AUR access treatment was considered a higher standard than the required BAR access treatment, and the proposed modification did not involve additional truck movements and stated truck movements would remain at 36 truck movements per day.

Any changes/additional truck movements have the potential to impact on the assessment of the access arrangements and would be required to be referred to Transport for NSW for reassessment. It is likely that any additional truck movements would potentially impact the adequacy of the access arrangements and trigger upgrade to a higher standard, and therefore Council is unable to support changing the proposed draft condition L.

3. Any changes to the truck movements of 36 per day will be contrary to the documentation provided during public exhibition of the proposal.

In conclusion, without additional information supporting the changes to draft condition L, Council recommends the condition remain unchanged.