

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-167 - DA2022/250 - PAN-231653	
PROPOSAL	Proposed Designated Development and Integrated Development for an extractive industry with an intended capacity of up to 350,000 tonnes per annum	
ADDRESS	<p>Lot 401 DP 633427 Lot 1 DP 1225621</p> <p>Lots 402 & 403 DP 802985 Lot 408 DP 1166287 Lot 1 DP 1165893</p> <p>Lot A DP 397946 Lot A DP 389418 Lot 3 DP 701197 Lot 2 DP 954593 Lot 1 DP 954592 Lot 1 DP 310756</p>	<p>44 Seelems Road, Coraki</p> <p>Petersons Quarry Road, Coraki</p> <p>Spring Hill Road, Coraki</p>
APPLICANT	KIS Quarries Pty Ltd C/- Groundwork Plus Pty Ltd	
OWNER	Richmond Valley Council / KIS Plant Pty Ltd	
DA LODGEMENT DATE	24 June 2022 lodged, 28 June accepted on the Planning Portal	
APPLICATION TYPE	Development Application (Designated/Integrated)	
REGIONALLY SIGNIFICANT CRITERIA	<p>Section 2.19(1) and Clause 7(a) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as:</p> <ul style="list-style-type: none"> extractive industry facilities that meet the requirements for designated development under the <i>Environmental Planning and Assessment Regulation 2021</i>, Schedule 3. 	
CIV	\$200 000 (excluding GST)	

CLAUSE 4.6 REQUESTS	N/A
RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resources and Energy) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Primary Production) 2021 • Draft State Environmental Planning Policy (Remediation) and • Richmond Valley Local Environmental Plan 2012 <i>Richmond Valley Development Control Plan 2021</i>. <p>It is noted preparation of the EIS occurred prior to the commencement of the <i>Environmental Planning and Assessment Regulation 2021</i> and consolidation of State Environmental Planning Policies which came into effect on 1 March 2022. Some of the references within the EIS refer to the former legislation.</p>
AGENCY REFERRALS	<p>Environmental Protection Authority</p> <p>Transport for NSW</p> <p>Department of Planning and Environment – Heritage NSW</p> <p>Department of Regional NSW – Mining Exploration and Geoscience</p> <p>Water NSW</p> <p>Department of Primary Industries – Agriculture</p> <p>Essential Energy</p> <p>Department of Planning and Environment – Energy Resources and Industry Assessments</p> <p>Department of Planning and Environment – Biodiversity (referral rejected*)</p>
TOTAL & UNIQUE SUBMISSIONS	Two
KEY ISSUES	<p>Surrender of existing approvals</p> <p>Rehabilitation and Biodiversity</p> <p>Transport</p> <p>Noise and Blasting</p>
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Environmental Impact Statement</p> <p>Additional information and amended plans submitted 13.02.2023 and 26.05.2023</p>

	Agency comments EPA General Terms of Approval Submissions Petersons Quarry Consent Notice DA1985.0103 Coraki Quarry Consent Notice SSD 7036
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
ASSESSMENT STATUS	Under Assessment
SCHEDULED MEETING DATE	28 June 2023
PREPARED BY	Cherie Smith, Richmond Valley Council
DATE OF REPORT	14 June 2023

EXECUTIVE SUMMARY

Richmond Valley Council is in receipt of a Development Application (DA 2022/0250) seeking consent for the operation of an extractive industry and ancillary facilities at the site of existing quarries commonly known as Petersons Quarry and Coraki Quarry. The land comprises a number of lots as identified in the above table and is located at Petersons Quarry Road, Coraki NSW 2471.

Approval is being sought for an extraction capacity of up to 350,000 tonnes per annum. The proposed annual extraction volumes meet the requirements for Designated Development under Clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. Consequently, the application is accompanied by an Environment Impact Statement (EIS) prepared in accordance with the requirements of the Secretary's Environmental Impact Assessment Requirements (SEARs).

In accordance with Clause 4.46 of the *Environmental Planning and Assessment Act 1979*, the proposed development is also Integrated Development, requiring an Environmental Protection Licence (EPL) from the NSW Environmental Protection Authority (EPA) under Section 53 of the *Protection of the Environment Operations Act 1997*. The development application was referred to the EPA for detailed assessment. The EPA has since issued General Terms of Approval for the development.

In addition to the EPA, the development application has been referred to the Department of Planning and Environment – Heritage NSW, Department of Regional NSW – Mining Exploration and Geoscience, Transport for NSW, Water NSW, Department of Primary Industries – Agriculture, Essential Energy, Department of Planning and Environment – Biodiversity.

The application proposes surrender of the existing Petersons Quarry and Coraki Quarry consents. Coraki Quarry is a State Significant approval accordingly consultation with the Department of Planning and Environment – Energy Resources and Industry Assessments has been undertaken. Agency comments have been considered and form part of the recommended conditions of consent, as such there are no outstanding issues arising from this consultation.

The proposal was notified in accordance with the Richmond Valley Council's Community Participation Plan 2020 from 18 July 2022 to 15 August 2022. A total of two unique submissions were received. The issues raised in the submissions relate to traffic, noise and blasting, waterways and flood impacts and preserving resource for local requirements. The submissions are considered in Section 4.3 of this report.

Potential impacts arising from the proposed development include traffic, noise and vibration, dust, surface and groundwater, biodiversity, heritage, visual amenity and hazards. The proposal is supported by an Environmental Impact Statement and technical studies including (but not limited to) a Noise and Air Quality Assessment, Flora and Fauna Assessment, Traffic Impact Assessment, surface Water Assessment, Resource Assessment and Blasting Assessment. An assessment of the potential impacts associated with the proposed development is provided within the body of this report.

A detailed assessment against the relevant legislation, including State Environmental Planning Policies, the *Richmond Valley Local Environmental Plan 2012* and the *Richmond Valley Development Control Plan 2021* has been undertaken.

The subject site has been quarried since 1916 and contains significant reserves of quality Basalt. Due to past activities the quarry site is significantly modified from its natural form and contains existing infrastructure including processing plant, internal haul roads, sediment basins, screening bunds, staff amenities, offices and weighbridge facilities. The proposed development will not change the existing land uses on the site.

The subject site is largely unconstrained, relatively clear of vegetation and in a rural area where extractive industries are permissible. In particular, the quarry area is not mapped as having any significant biodiversity value, bushfire or flood constraint, landslide risk. Aboriginal cultural heritage areas on the site are well understood and quarrying operations are not proposed to occur in these locations.

The proposal does not displace any existing agricultural activity on the site or adversely impact the use of adjoining land for existing or future agricultural land uses.

As an existing operating quarry mitigation and management measures relating to noise, dust, blasting, traffic and stormwater are in place to protect the environment and amenity of the area. An exceedance of the applicable Noise criteria occurs at three residential receiver locations however the operator has written agreements with each of the owners that are acceptable to the EPA.

The proposed development will provide a long-term supply of construction materials with access provided for up to 1.266 million tonnes, facilitating public and private development in both Richmond Valley and adjoining local government areas. Furthermore, the quarry maximises resource recovery associated with the existing quarry disturbance footprint, limiting the potential environmental impacts.

The proposed development will provide employment for 10-15 full time staff, provide direct economic benefit from the purchase of goods and services and creating flow-on opportunities for business development in the region.

Council's Engineering, Environmental Health and Building units have assessed the Development Application with regard to potential impacts arising from the proposed development. No objections were raised by Council officers, subject to the imposition of relevant conditions of consent, including General Terms of Approval from the EPA.

The proposed development is considered satisfactory, subject to the imposition of suitable conditions of consent to address and mitigate potential impacts arising from the proposed development. As such, it is recommended that the proposed development be approved, subject to conditions documented in the recommended Draft Schedule of Conditions in **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Locality

The subject site is in the suburb of Coraki, within the Richmond Valley Local Government Area (LGA) (refer to **Figure 1**). It is located approximately 2.5 kilometres northwest of the village of Coraki, 30 km east of Casino, 20km west of Woodburn and 27km south of Lismore

The village of Coraki is located on the banks of the Richmond River and provides a range of low density housing, commercial and industrial land uses as well as local schools, church and medical services. Coraki has a population of approximately 2,000 people. The Coraki locality was significantly impacted by flooding in February and March 2022 and is undergoing restoration.

The area surrounding Coraki and the quarry site is low alluvial flood plains typically used for agricultural enterprises including grazing and cropping and scattered rural dwellings. A concrete batching plant and concrete pre-cast factory is located to the south east of the quarry site on Lot 407 DP1166287 (refer to **Figure 2**).

The nearest surrounding residential dwellings to the site boundaries are located 310m to the North, 85m to the south, 980m to the west and 285m to the east. The proximity of residential receivers to the site is shown in **Figure 3**.

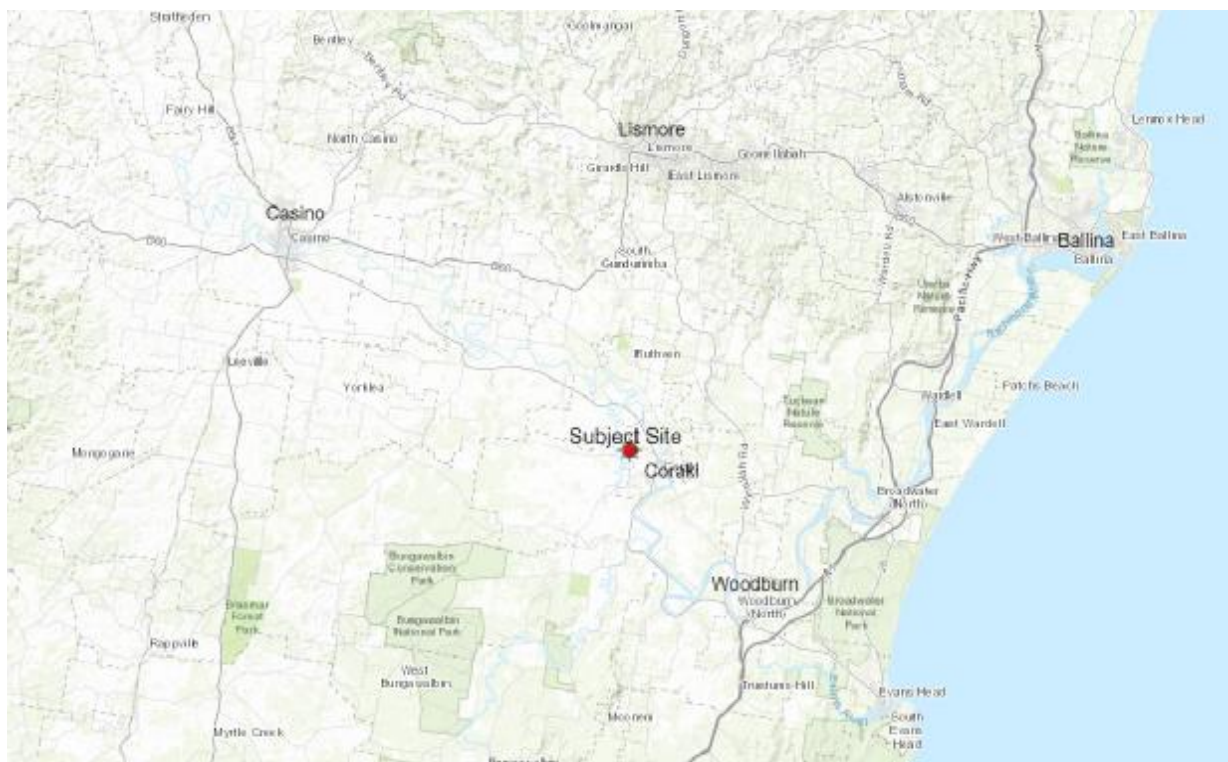


Figure 1 – Locality Plan



Figure 2 – Subject Site and Surrounds



Figure 3 – Residential receiver locations

1.2 The Site

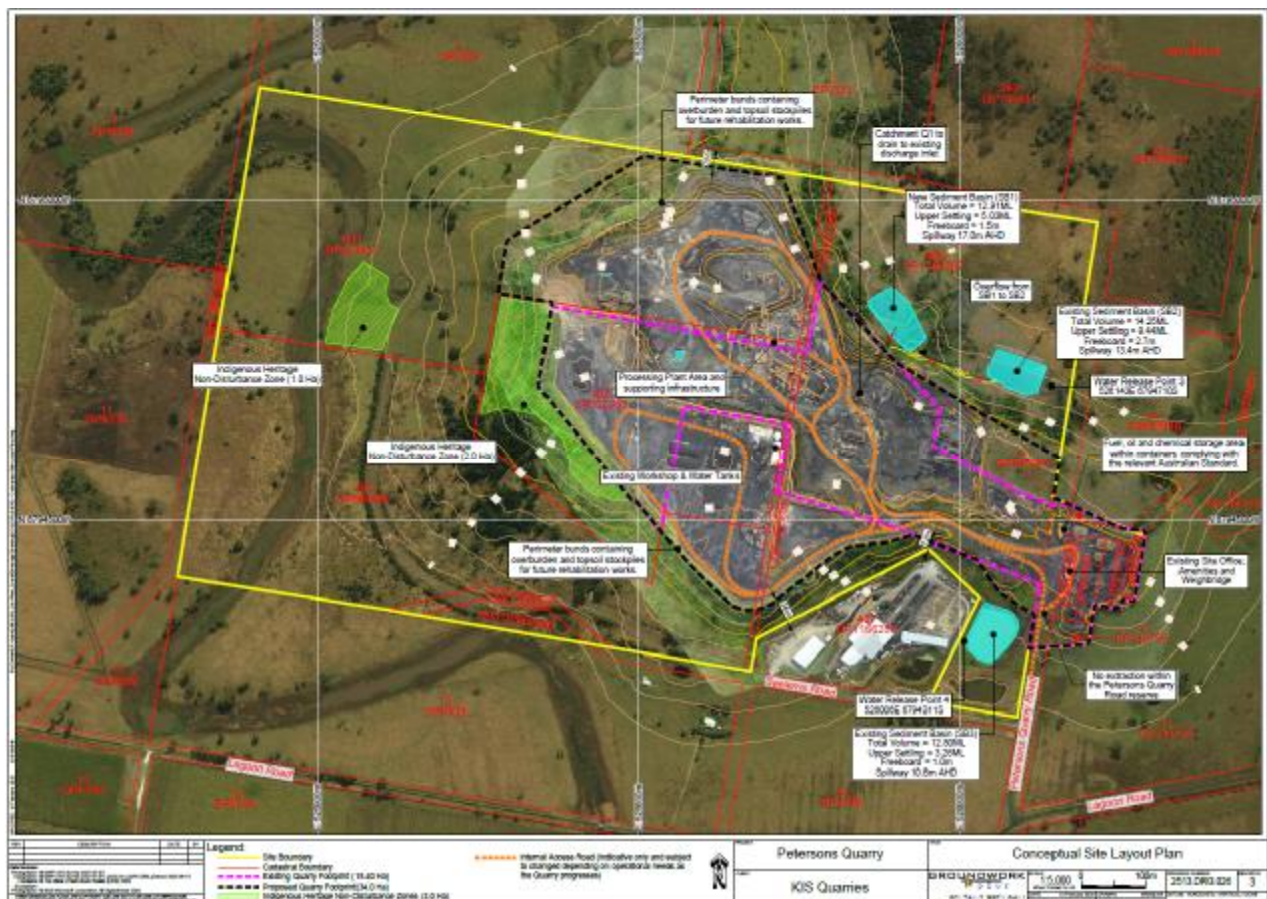
The land subject to this application comprises eleven separate lots and is commonly known as Petersons Quarry and Coraki Quarry. The site is approximately 100.5 hectares in total with the proposed quarry footprint being approximately 34ha (refer to **Figure 2**).

The operation will occur on land identified as Lot 401 P633427, Lots 402 and 403 DP802985, Lot 408 DP1166287, Lot A DP397946, Lot A DP389418, Lot 3 DP701197, Lot 2 DP954593, Lot 1 DP954592, Lot 1 DP310756, Lot 1 DP1165893 and Lot 1 DP1225621 (herein referred to as the 'site').

The site contains elevated land around 40m AHD located centrally and surrounded by lowland floodplains around 10mAHD. Spring Hill is highest point being in the western section of Lot 402 at approximately 47m AHD.

The quarry site is significantly modified from its original form being the location the original Petersons Quarry. Quarrying operations at the site date back to the early 1970s. More recently the site was operating under an overarching State approval known as the Coraki Quarry supplying material to the Pacific Highway upgrade project. The site is currently operating under an existing approval for Petersons Quarry and the Coraki Quarry approval, as applicable. The site was also used as a temporary waste storage facility for flood waste as part of the 2022 Flood recovery efforts.

The exiting quarry site contains the internal haul roads, site office and amenities, weighbridge, visitor carparking, processing plant and stockpiling areas, workshop and water tanks. Two sediment basins, one located in the north-east and the other to the south east service the existing operations. The layout of the quarry site is shown in **Figure 4**.



The undeveloped portions of the land contain mostly grazing lands with pockets of vegetation and scattered trees. Seelems Creek crosses the western portion of the site as a series of ox bow wetlands, Kennedys Swamp lies to the north-east. Two areas of Indigenous heritage are located outside of the quarry footprint and are maintained as non-disturbance zones.

Access to the site is provided from local roads being Petersons Quarry Road and Lagoon Road. Lagoon Road intersects with a classified road (Casino-Coraki and Coraki-Woodburn Road) providing connections to the wider area including Lismore, Casino and Woodburn to connect with the Pacific Highway.

The nearest residential receiver is located approximately 85m from the southern boundary. A number of scattered dwellings are located within 1km of the quarry.

The site is dual zoned being RU1 Primary Production and C2 Environmental Conservation under the Richmond Valley Local Environmental Plan 2021. The quarry is located wholly within the RU1 zoned portion of the land.

- The site is mapped as comprising,
 - Terrestrial Biodiversity
 - Class 5 and Class 3 Acid Sulfate soils
 - Wetlands
 - Landslide Risk
 - High biodiversity values (Seelems Creek is identified on the BV Map)
 - Bushfire prone land
 - Floodprone land (partly)
 - Biophysical Strategic Agricultural Land and Class 3 Land and Soil Capability mapping for NSW



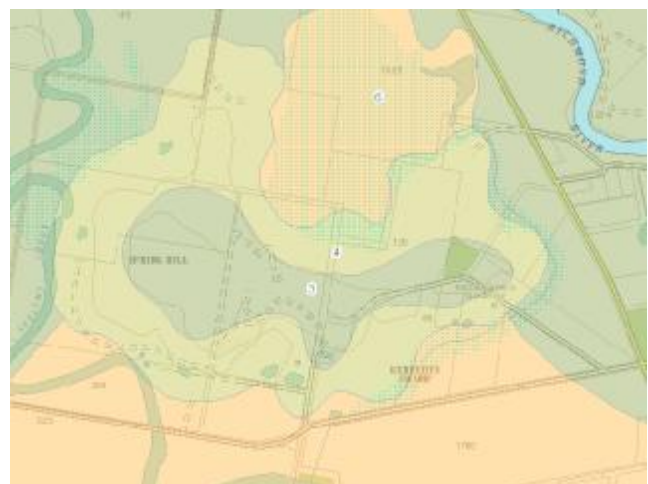
Figures 5 & 6 – Left to right –Terrestrial Biodiversity and Acid Sulfate Soils (source: Council mapping)



Figures 6 & 7 – Left to right –Wetlands & Landslide Risk and Biodiversity Values Map



Figures 8 & 9 – Left to right – Map Bushfire Prone Land and Floodprone Land Map (source: Council mapping)



Figures 10 and 11 – Left to right – Biophysical Strategic Agricultural Land and Land and Soil Capability mapping for NSW (Class 3)

1.3 Site History

The subject site has been operating as the Petersons Quarry since 1916 and more recently in conjunction with the Coraki Quarry.

Petersons Quarry currently operates under DA1985.0103 (as modified) approved on 3 September 1985. It has an operating capacity of 320,000 tonnes per calendar year with few other consent conditions. Reserves within the current footprint are approximately 4,100,000 tonnes providing around 13 years supply if extracted at maximum capacity.

The Coraki Quarry has operated under a State Significant approval SSD 7036 granted on 18 April 2016 with an operating capacity of 1 million tonnes per calendar year. This consent is a time limited consent (7 years) with operations to cease on 30 June 2023. The consent continues to apply in all other respects other than the right to conduct quarrying operations until the rehabilitation of lands and other undertakings to the satisfaction of the Secretary are completed. The rehabilitation works have not been completed to date.

The existing operations include extraction, processing and stockpiling of materials. Extracted materials are crushed, screened and blended on-site to create a range of construction and road materials. Supplementary materials are imported for the production of precast aggregates and other engineered pavement materials through a pugmill. The site contains the existing quarry infrastructure and ancillary buildings including, processing plant, site office and amenities, weighbridge, car parking, workshop, stockpiles and material handling areas. Perimeter bunds, sediment basins and associated surface water management are established (refer to **Figure 4**).

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the expansion and operation of a hard rock quarry and ancillary facilities on the subject site. The hard rock quarry will extract a maximum of 350,000 tonnes per annum and a maximum of 4,900,000 tonnes of material for the life of the quarry. The proposal intends to surrender both the existing Petersons Quarry and Coraki Quarry consents.

The proposal involves:

- Expansion of the existing Petersons quarry footprint as indicated on the Conceptual Site Layout Plan
- Extraction of a maximum of 350,000tpa
- Extraction of a maximum of 4,900,000 tonnes over the life of the quarry.
- A maximum depth of extraction of RL 18m AHD in Lot 401 DP633427 and Lot 1 DP1225621
- A maximum depth of extraction of RL 17m AHD in the Council owned land.
- Extraction by way of conventional drill and blast techniques to extract the hard rock resource.
- Processing and stockpiling of material.
- Use of the existing processing plant located centrally on the site.
- Importation of materials for production of precast aggregates and other engineered pavement materials through a precast plant and pugmill,
- Loading and transportation of quarry products to the local road network via Petersons Quarry Road.

- Management of surface water using existing sediment basins, diversion bunds and drains and one new sediment basin.
- Continued use of ancillary infrastructure, including the existing site office, weighbridge, amenities and workshop.
- Native vegetation removal being a total of 0.31 hectares.
- Closure and rehabilitation of the site to a safe, stable and non-polluting state suitable for rural uses including but not limited to cattle grazing.
- Surrender the existing development consents for the Petersons Quarry and Coraki Quarry.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Aspect	Proposal
Site area	100.5ha
Total disturbance area	34ha
Total extraction area	34ha
Extraction depth	RL17m in Lot 401 DP633427 & 1 DP1225621 RL18m in the remaining parcels (Council owned land)
Max. annual extraction rate	350,000t
Max. annual importation rate of materials for blending	35,000t
Resource	Basalt
Blasting	Max. 1 blast per month
Max. daily truck loads/movements	110/220
Max. hourly truck loads/movements	10/20
Hours of operation	Monday to Friday – 7am to 6pm Saturday – 8am to 1pm No work on Sundays or Public Holidays Blasting Monday to Friday – 9am to 3pm Maintenance may occur outside these hours where inaudible at any private residence.
Workforce	Up to 15 staff at any time
Quarry life	30 years

The current Petersons quarry consent permits up to 320,000tpa. The Coraki Quarry consent permitted up to 1,000,000tpa and relied upon the Peterson Quarry land for access, stockpiling, processing and surface water management infrastructure. The Coraki Quarry was time limited to supply material to the Pacific Highway Upgrade Project, with almost all the material within the Coraki Quarry now extracted.

This application seeks a new consent to increase the Petersons quarry extraction volume, to enable reserves located upon both the Petersons and Coraki to be accessed and for continued use of the ancillary processing plant infrastructure and site facilities.

If operated at maximum capacity the life of the quarry would be 14 years. However, the applicant anticipates the quarry would not operate at maximum capacity every year as it will respond to fluctuations in demand and in response to specific projects.

The proposal will utilise the existing internal haul roads, site office, weighbridge, parking area, processing plant and stockpiling on the site.

Site works required for the development are minimal and limited to the establishment of one new sediment basin and associated drainage. Removal of some existing structures being the existing workshop and water tanks as well as relocation of the existing overhead electrical infrastructure will be required to enable excavation in these areas at the appropriate times. No specific extraction staging is identified as this will be determined based upon demand and operational needs.

Standard quarrying methods involving clearing, topsoil and overburden stripping, drilling and blasting, extraction, processing, stockpiling and transportation would occur. Some other quarried materials, mostly sand would be imported for blending to create specialist construction products.

Blasting would be undertaken by a suitably qualified blasting contractor, who would bring explosives to site, as required. No explosives would be stored on the site.

A substantial processing plant is established on the site and would be used to screen and crush the extracted materials for stockpiling. Blending of materials is undertaken with imported materials via a pugmill. The total volume of imported material is to be less than 35,000 tonnes per annum. Processed material would be stockpiled in designated areas within the pit.

The number and types of plant and equipment on-site would vary and include bulldozer, grader, excavation, drill rig, off-road haul trucks, front-end loader and on-road haul trucks. Transportation vehicles were originally identified as being 18t trucks (10%), 40t B-double (10%) and 36t truck and dog combinations (80%), however following further analysis the use of B-doubles is no longer proposed. The existing weighbridge will record all vehicle loads prior to exiting the site.

Haulage routes are shown in **Figure 12** below and are identified as;

- Towards Casino via Petersons Quarry Road, Lagoon Road and Casino-Coraki Road
- Towards Lismore via Petersons Quarry Road, Lagoon Road, Coraki-Gundurimba Road, Coraki Road and the Bruxner Highway, and
- Towards the Pacific Highway (south) via Petersons Quarry Road, Lagoon Road, Queen Elizabeth Drive, Woodburn-Coraki Road, Uralba Street and the Pacific Highway (south)



Figure 12 : Haulage Routes
Source: EIS - Traffic Impact Assessment

Rehabilitation of the site would be undertaken to achieve a safe, stable and non-polluting landform that is integrated with the surrounding natural landforms where reasonable and feasible and designed to minimise visual impacts. Surface infrastructure is to be removed unless required for an ongoing use. Quarry benches and the pit floor are to be revegetated using a combination of pasture and native vegetation corridors. The proposed rehabilitation plan is shown in **Figure 13** below.

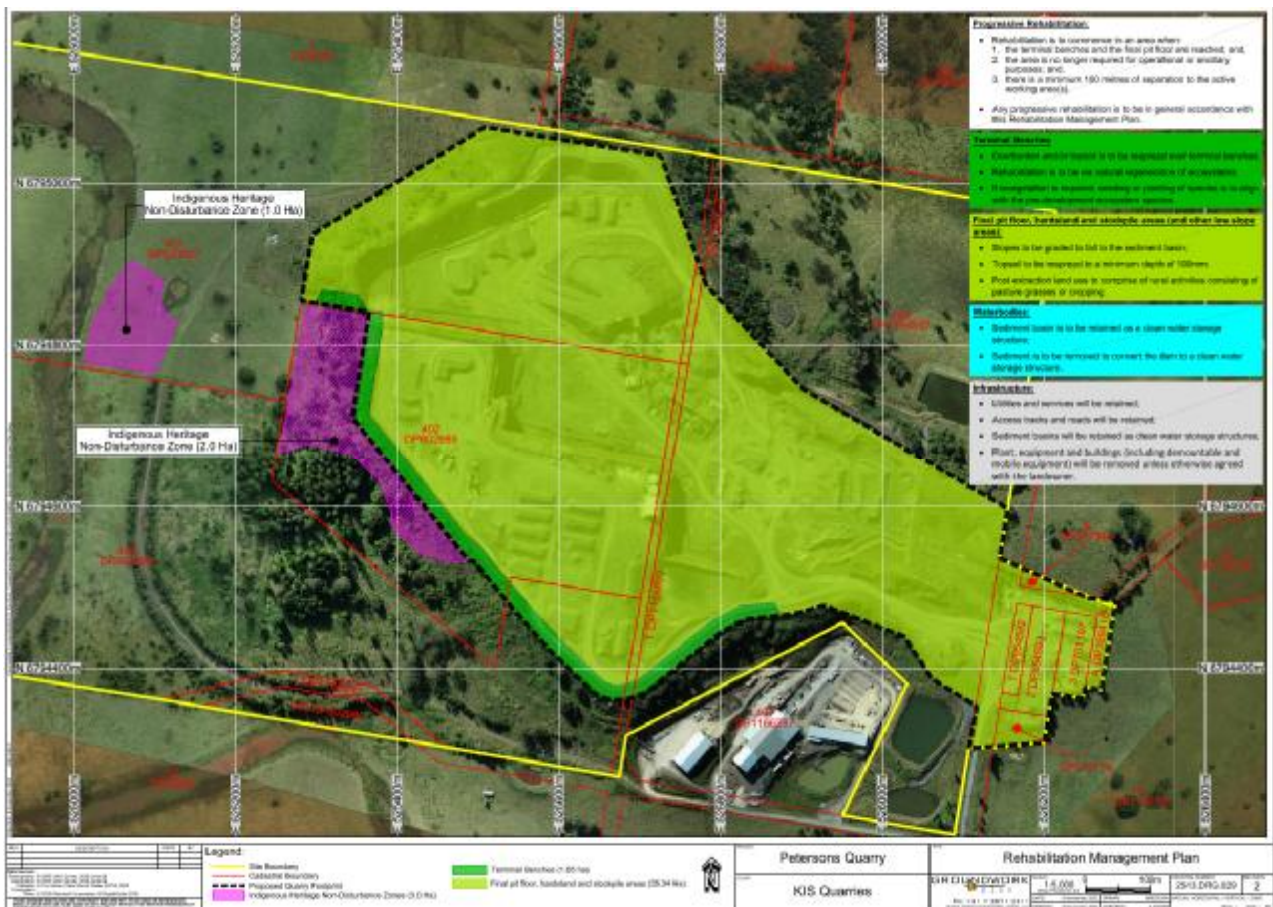


Figure 13: Proposed Rehabilitation Plan

Source: Addendum to EIS regarding Rehabilitation (submitted as additional information)

2.2 Background

The Development Application was lodged on 24 June 2022 on the NSW Planning Portal. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings etc) with the application:

Table 2: Chronology of the DA

Date	Event
07 December 2020	Planning Secretary's Environmental Assessment Requirements Issued
28 June 2022	DA accepted on the Planning Portal
07 July 2022	DA referred to external agencies
18 July 2022	Exhibition of the application (start)
26 July 2022	DPI Agriculture comments provided. No objection proposal will not have an adverse impact on any agricultural land use of production.
2 August 2022	EPA issued letter advising the proponent will need to apply to amend existing EPL. Notes existing noise limit of 35d(A) will need to be amended, revised water balance assessment required, final version of Stormwater Management Plan will need to be submitted once revised water balance is completed.
5 August 2022	DPE Heritage comments provided confirming that no impact to Aboriginal cultural heritage is proposed. Recommends that the Aboriginal heritage exclusion areas are maintained and clearly mapped in all construction environmental management plans and provided recommended conditions of consent.
9 August 2022	Water NSW provided comments. No approvals are required based on information provided. Surface and groundwater monitoring is to be undertaken.
10 August 2022	TfNSW comments received. Council as the Roads Authority to consider safety and efficiency of the road network and any upgrades required.
15 August 2022	Exhibition of the application (finish)
16 August 2022	<p>Essential Energy comments provided. Existing electrical infrastructure on site.</p> <ul style="list-style-type: none"> • Minimum clearance of 20m must be maintained around the 11Kv powerline. • Works near LV powerlines must meet requirements of the NSW Service and Installation Rules

7 September 2022	Applicant met with DPE re preferred pathway to DPE being satisfied that rehabilitation and closure obligations had been addressed. DPE had met with legal team and advised, Council can consult with DPE about content of conditions, DPE will consider if these are consistent with SSD, if consistent assessment can proceed and if consent granted the applicant could make application to surrender.
7 September 2022	Additional information submitted. Copies of quarterly noise compliance reports for Coraki Quarry.
27 September 2022	EPA issued General Terms of Approval (1 st issue). Requested re-assessment of the meteorological analysis as condition of approval.
14 October 2022	MEG provided comments. No objections requested proponent provide annual production data.
9 November 2022	Additional information Draft Addendum revised rehabilitation outcomes – not formally lodged. Revised outcome to rehabilitate to rural land use.
23 November 2022	Panel briefing held.
6 December 2022	Applicant emailed DPE regarding Rehabilitation and Biodiversity matters. Information included, Cover letter, Addendum to EIS Rehabilitation, Addendum to EIS Biodiversity, Proposed Draft conditions.
7 December 2022	Applicant requested EPA revise GTA's and provided additional information relating to noise and air quality and provided an explanation of water balance assessment.
7 December 2022	Applicant provided the EPA additional information being; <ul style="list-style-type: none"> Noise and Air Quality assessment – re-assessment of the meteorological analysis and request to amend the project noise limit to 40 dB(A) LAeq (15 min).
14 December 2022	Applicant wrote to DPE regarding rehabilitation and Biodiversity obligations and future surrender of Coraki Quarry consent

23 December 2022	<p>Request for Information (RFI) No.1 from Council to Applicant;</p> <ul style="list-style-type: none"> • Maximum limits traffic movements, vehicle types • Contamination • Blasting and noise impacts • Amended plans • Public road reserves within the site • Consistency of ecological impacts with existing approvals • Submissions • Lighting • Electrical Infrastructure located on-site • Notes consultation with DEP regarding surrender of approvals and site rehabilitation.
13 January 2022	<p>EPA issued updated General Terms of Approval (2nd issue). Requested re-assessment of the meteorological analysis as condition of approval.</p>
13 February 2023	<p>Response to RFI No 1 submitted to Council including;</p> <ul style="list-style-type: none"> • Maximum trucks 110/day, 10/hr, 40t B-Doubles (30m), Truck & dog (26m). • Maximum 2 blasts/mth • Surface Soil Contamination Assessment provided • If noise agreements are not obtained or withdrawn proponent will implement acoustic screening and enclosures to achieve compliance. • Blasts – exclusion zones to be guarded, 9 affected residences (R1-R9) within BEZ will have landowner agreements, notified of blast schedule and provided contact details. Monitoring to be undertaken at closest affected residence. • Portions of Petersons Quarry Road and Spring Hill Road have been used historically for ancillary activities. • Addendum to EIA for Ecological impacts, • Comments relating to public submissions • Existing lighting around processing plant, workshop and site office, no new lighting is proposed. • Electrical infrastructure will be required to be realigned in due course and in consultation with Essential Energy. • Consultation with State regarding surrender, addendum to EIS regarding Rehabilitation is consistent with rehabilitation requirements for Coraki Quarry. Comments and conditions provided by DPE.
24 March 2023	<p>Councils Engineer requested additional information being revised traffic counts, swept path analysis at intersection and key locations. Applicant responded seeking further explanation.</p>

28 March 2023	<p>A meeting between the applicant and Engineer was held whereby Council agreed to review 2022 traffic numbers RVC had.</p> <p>Upon review Councils Engineer advises both 2022 counts result in lower peak hour traffic, hence assessment of these numbers would result in an outcome further from the CHR/AUL requirement. Therefore, additional traffic counts not warranted however still necessary to review intersections and key locations are safe for the vehicles proposed.</p> <p>Following this meeting ongoing discussions have been held and further reviews undertaken.</p>
19 April 2023	<p>Councils Engineer requested additional information including;</p> <ul style="list-style-type: none"> • A 30m B-double and 26m truck and dog swept path analysis for key locations; <ul style="list-style-type: none"> ○ Petersons Quarry/Lagoon intersection ○ Uralba/River/Casino Coraki intersection ○ Lagoon/Dawson/Casino Coraki/Queen Elizabeth intersection ○ Glebe Bridge – only if they are proposed to take Dawson Street/Coraki Road route • Design review of Lagoon/Dawson/Casino Coraki/Queen Elizabeth intersection against BAR/BAL requirement (BAR/BAL arrangement should be sealed given borderline need for CHR/AUL) • Update of TIA
19 May 2023	<p>Draft conditions provided to applicant, noting conditions are preliminary and may require revisions upon submission of additional information.</p>
26 May 2023	<p>Response to Engineers RFI received - cover letter and swept path analysis. The letter explains that the analysis has identified that B-Doubles would conflict with Truck and Dogs when moving through the Lagoon Road/Coraki Road intersection. On that basis, the Applicant no longer proposes to use B-Doubles.</p>
26 May 2023	<p>Applicant reply to Draft conditions. Comments considered and adjustments made.</p>
1 June 2023	<p>EPA issued updated General Terms of Approval (3rd issue). Removal of extended operating hours and two water discharge points. EPA also adjusted noise monitoring conditions.</p>
16 June 2023	<p>Panel site inspection.</p>
Date	<p>Peer Review undertaken by Planit Consulting</p>

3. STATUTORY CONSIDERATIONS

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'). The matters of relevance to the Development Application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

It is noted preparation of the EIS occurred prior to commencement the *Environmental Planning and Assessment Regulation 2021* and consolidation of State Environmental Planning Policies which came into effect on 1 March 2022. Some references in the EIS refer to the former legislation.

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring consultation and concurrence (s4.13)

Surrender of Coraki Quarry Consent SSD

The EIS identifies that the site currently operates under two separate approvals that are intended to be surrendered.

- Coraki Quarry SSD 7036 permitted up to 1,000,000 tpa and relied upon the Peterson Quarry land for access, stockpiling, processing and surface water management infrastructure. The Coraki Quarry was time limited to supply material to the Pacific Highway Upgrade Project, with almost all the material within the Coraki Quarry now extracted.
- Petersons Quarry DA1985.0103.03 permits the extraction of 320,000 tpa within the approved Petersons Quarry Footprint

The Petersons Quarry development consent contains few conditions with no rehabilitation or closure obligation. Surrender of this consent is considered to be feasible.

The Coraki Quarry development consent contains a number of biodiversity and rehabilitation closure obligations and is a State approval, as such acceptance of its surrender is a matter for the State. To ensure surrender of the State approval is feasible the applicant has consulted with DPE.

DPE have provided Council advice that in order for the applicant to surrender the SSD consent they would need to provide evidence to the Department that all relevant requirements of the SSD consent had been addressed to the satisfaction of the secretary.

Consequently, the applicant provided DPE information (6 December 2022) including revised Rehabilitation outcomes and biodiversity obligations as addendums to the EIS.

A reply from the Director Resource Assessments has been provided to Council. It advises the Department considers that in order for the Coraki Quarry consent to be surrendered the proponent must demonstrate that the:

- Rehabilitation of the quarry site has been completed generally in accordance with the rehabilitation strategy described in the EIS (as defined in SSD 7036); and
- rehabilitation objectives in Table 6 of the conditions of consent have been achieved to the satisfaction of the Secretary.

For these requirements to be met, areas outside the project boundary for the existing Petersons Quarry (but within the Coraki Quarry project boundary) would need to be rehabilitated to the satisfaction of the Secretary. For the additional area proposed to be impacted by the Petersons Quarry Extension (also inside the Coraki Quarry project boundary), the proponent would need to demonstrate that the proposed rehabilitation and land use outcomes for this area are consistent with those required under the Coraki Quarry consent.

The Department notes that the conceptual rehabilitation and final landform and completion criteria for the Petersons Quarry Extension presented in the 'Addendum to the EIS regarding Rehabilitation' are generally consistent with the rehabilitation requirements for the Coraki Quarry, as described in the RBMP. Further, the Department considers that the proposed rehabilitation strategy for the Petersons Quarry Extension is unlikely to preclude the proponent from being able to demonstrate that rehabilitation of the Coraki Quarry has been achieved to the satisfaction of the Secretary and subsequently surrendering the consent. Should a development consent for the Petersons Quarry Extension be granted by the Panel, the Department recommends that the Coraki Quarry RBMP is updated to reflect the updated rehabilitation strategy.

Additionally, the Department have recommended conditions corresponding with the relevant SSD consent conditions be included by the determining authority. These are proposed as condition numbers 88 to 91 and relate to rehabilitation objectives, progressive rehabilitation, the preparation of a Biodiversity and Rehabilitation Management Plan and establishment of a rehabilitation fund including a conservation and rehabilitation bond.

As part of consultation with the DPE the proponent provided documents that replace those provided with the EIS and form part of the conditions of consent;

- Addendum to EIS regarding Rehabilitation including
- Revised Rehabilitation Management Plan Rev 2, and
- Petersons Quarry Extension Rehabilitation Management Measures.
- Petersons Quarry Extension – Addendum to EIS regarding Biodiversity

It is considered the measures proposed and confirmed by the DPE will be satisfactory to enable surrender of the existing consent therefore a condition requiring the surrender of both the Coraki Quarry and Petersons Quarry consents is included in the Draft Schedule of Conditions (Attachment A).

Peer Review of Council Related Development Application

Pursuant to Schedule 6 of the *Environmental Planning and Assessment Regulation 2021* the provisions of the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* do not apply to a development application made but not finally determined before the commencement of the amendment.

The subject application was accepted on 28 June 2022, being before the commencement date of 3 April 2023. Therefore, this application is not required to include a Conflict of interest statement. Notwithstanding, Council has obtained a peer review report prepared by Planit Consulting that is provided separately.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Primary Production) 2021
- Draft State Environmental Planning Policy (Remediation) and
- Richmond Valley Local Environmental Plan 2012.

A summary of the key matters for consideration arising from these Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply
SEPP (Planning Systems) 2021	The proposal as regionally significant development pursuant to Clause 7 of Schedule 6, being development for the purpose of extractive industries, which meets the requirements for Designated Development under The EPA Regulation 2021.	Yes
SEPP (Resources and Energy) 2021	<p>Extractive industries are permitted with consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent).</p> <p>The SEPP requires consideration of a range of impacts and conflicts associated with the development and its surroundings including, compatibility with existing and preferred land uses in the vicinity, natural resource and environmental management, transport and rehabilitation.</p> <p>Consultation with Transport for NSW is required. Their comments relating to traffic safety and efficiency have been received and considered as outlined in this report.</p>	Yes
SEPP (Transport and Infrastructure) 2021	<p>Cl. The proposal does not have frontage to a classified road and extractive industries are not listed as traffic generating development. However as outlined above consultation with TfNSW has been undertaken.</p> <p>Cl. 2.48 triggers notification to Essential Energy where development is undertaken within proximity to easements for electricity or electrical infrastructure. Formal easements are not located on the land however works are proposed within proximity therefore notification was undertaken. Essential Energy have provided comments that are included in the proposed conditions.</p>	Yes

SEPP (Resilience and Hazards) 2021	<p>Chapter 3 requires the consent authority to consider whether an industrial proposal is a potentially hazardous or offensive industry.</p> <p>The proposed development is not identified as hazardous or offensive development and appropriate site management controls would be implemented to mitigate risks.</p> <p>Chapter 4 requires consent authorities to consider contamination and remediation. The proponent has provided a Surface Soil Contamination Assessment (SCA) Councils Environmental Health Officer has considered the report and recommended consent conditions, including an unexpected finds protocol and procedures to manage any risk of contamination at the site.</p>	Yes
SEPP (Biodiversity and Conservation) 2021	Satisfactory information has been provided by a suitably qualified person that demonstrated the site is not core Koala Habitat. A Koala Plan of Management is therefore not required.	Yes
SEPP (Primary Production) 2021	The subject site is not identified State significant agricultural land in Schedule 1.	Yes
Draft Remediation SEPP	<p>The SEPP reviews the current contaminated land framework and has been on exhibition since 2018.</p> <p>The potential for land to be contaminated and measures for any remediation have been considered and consent conditions are recommended.</p>	Yes
Richmond Valley LEP 2012	<ul style="list-style-type: none"> • The site is zoned as RU1 Primary Production RU1 Primary Production and C2 Environmental Conservation. The quarry is located upon the RU1 zoned land only with extractive industries being permissible with consent in this zone. • Relevant provisions of the Richmond Valley LEP include the following: <ul style="list-style-type: none"> ○ Clause 5.21 Flood Planning ○ Clause 6.1 Acid Sulfate Soils ○ Clause 6.2 Essential Services ○ Clause 6.3 Earthworks ○ Clause 6.6 Terrestrial Biodiversity ○ Clause 6.7 Landslide Risk ○ Clause 6.10 Wetlands 	Yes

The SEPP identifies what development is classified as regionally significant development. Pursuant to Clause 2.19 (1) the proposal is a regionally significant development as it satisfies the criteria listed in Schedule 6, given:

- the proposal is development for extractive industries; and
- is classified Designated Development under clause 26 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2021*.

The proposed development meets the requirements for Designated Development under clause 26 of Schedule 3, being an extractive industry that obtains or processes for sale, or reuse, more than 30,000m³ of extractive material per year and will disturb an area of greater than 2ha.

Accordingly, the Northern Regional Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2 of the SEPP applies to mining, petroleum production and extractive industries. It aims to ensure the proper management and development of mineral, petroleum and extractive materials resources. This policy aims to manage and sustainably develop these resources for the social and economic benefit of the community.

Clause 2.9 provides development for the purpose of extractive industry is permissible with development consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent). Agriculture is permissible within the RU1 Primary Production zone in accordance with the *Richmond Valley Local Environmental Plan 2012*, therefore the extractive industry is permissible.

The site is not located on land within an area under Schedule 1 which prohibits extractive industries.

Clause 2.17 relates to the compatibility of proposed extractive industry with other land uses. It requires the consent authority consider the heads of consideration relating to compatibility of the extractive industry to the existing and preferred surrounding land uses. Matters for consideration include the existing and approved uses of land in the vicinity, whether the development is likely to have a significant impact on those existing or any preferred land uses, compatibility and the public benefits of the development with surrounding land uses as well as any measures proposed to avoid or minimise any incompatibility.

As described in Section 1.1 of this report, the existing surrounding land uses are predominately grazing with rural dwellings and an adjoining industrial premises. The development is within the site of an existing extractive industry and therefore will have negligible impacts on primary production

The subject site and surrounding land is zoned RU1, with a minimum lot size of 40ha, indicating that any significant intensification is unlikely to occur in the near future. The EIS includes environmental assessments completed for noise, blasting and dust impacts on nearby receptors.

Quarrying operations have occurred on the site since 1916 and been significant in recent years due to the site providing material for the Pacific Highway construction project. During this time the operators have held agreements with nearby residential receivers raising no objection to an exceedance of noise criteria.

With these measures it is considered that the quarry can operate without causing significant amenity impacts to these nearest residences

Furthermore, NSW EPA have reviewed the EIS and additional information and have granted General Terms of Approval for the proposal inclusive of appropriate limits for noise, blasting, dust and stormwater management.

The existing landform, bunding and remnant vegetation, along with the extraction reserves primarily extending below the site topography provide screening of the quarry from surrounding residences.

Traffic generated by the project is expected to have a moderate impact on the operation and safety on the local road network, particularly at the cross intersection where Dawson Street, Lagoon Road, Casino Coraki Road & Queen Elizabeth Drive intersect (Dawson Street intersection). Detailed assessment of the supporting Traffic Impact Assessment (TIA) along with additional information supplied has resulted in the removal of 30m B-doubles from the development proposal due to conflicting traffic movements, and the requirement to upgrade the Dawson Street intersection to meet a sealed Basic Auxiliary Right, Basic Auxiliary Left (BAR/BAL) intersection treatment. The removal of the 30m B-doubles and required intersection upgrade works result in a minimal impact to the operation and safety of the local road network.

Accordingly, the proposed development is considered to be compatible with existing and likely future surrounding land uses.

Clause 2.20 relates to natural resource management and environmental management. It provides specific heads of consideration to ensure impacts on water resources, threatened species and biodiversity and greenhouse gas emissions are minimized and managed.

A Surface Water Assessment submitted with the EIS demonstrates surface water impacts are minimized to the greatest extent possible and that groundwater is not intercepted. Surface water is to be diverted to sediment basins in the south and north, basins are sized and operated to retain the runoff from disturbed areas in accordance with DECC (2008) Managing Urban Stormwater – Soils and Construction (Volume E2). Captured water will be re-used as required for dust suppression on the site. EPA have reviewed the Surface Water Assessment including additional information provided and have provided relevant conditions as part of the GTA's to ensure the environment is protected.

The Flora and Fauna Assessment reports submitted with the EIS demonstrate that the proposal does not have significant impacts on threatened species or their habitats and does not require the submission of a Biodiversity Development Assessment Report (BDAR). Consultation with the DPE has been undertaken regarding the Biodiversity and Rehabilitation outcomes and DPE are satisfied the proposal is generally consistent with the requirements of the Coraki Quarry and have recommended consent conditions to ensure protection of the environment.

Assessment of greenhouse gas emissions associated with the construction and operation of the proposal was undertaken as part of the Air Quality Assessment. Greenhouse gas emissions will be limited to the emissions from fuel consumption of plant, equipment and vehicles operating at the site and vegetation clearing. The assessment outlines minimization measures aimed at ensuring plant and equipment is well maintained and operated, minimising procurement waste, re-use of overburden on-site and limiting vegetation removal to the required quarry footprint only.

Clause 2.21 of this policy provides specific heads of consideration relating to the resource recovery requiring the consent authority to consider the efficiency or otherwise of the development in terms of resource recovery.

As outlined in the Resource Assessment submitted with the EIS the site has a long history of quarrying operations, with an extensive basalt resource. The proposed operations under this application will continue to extract and process the resource in an orderly and efficient manner over a period of 30 years, within site environmental constraints. Primarily excavation is to occur within existing disturbed areas that contain resource reserves below current surface levels. Overburden is minimal and where encountered is to be stockpiled on-site for future rehabilitation purposes. A maximum extraction limit of 4,9000,000t for the life of this approval is proposed resulting in an estimated 2,800,000t of resource remaining. The Department of Regional NSW – Mining, Exploration and Geoscience- Geological Survey of NSW have been consulted and support the expansion of the quarry maximising the resource recovery from the site.

Clause 2.22 provides specific heads of consideration relating to transport as well as requiring consultation with the roads authority and Transport for NSW (TfNSW).

The extractive materials will be removed from the site via truck haulage. There is no viable alternative to remove the material from the site other than via truck haulage. The proposed haulage route includes local and classified roads (refer **Figure 11**). The haulage route has been assessed as being capable to accommodate the volume and vehicle types proposed by Council's traffic engineers.

The application was referred to Transport for NSW who responded 18 January 2022, raising no objection and providing the following comments in relation to the Classified Roads:

- The Traffic Impact Assessment indicates that turn lane treatments is not required at the Lagoon Road / Queen Elizabeth Drive / Coraki-Gundurimba Road / Casino Coraki Road. When Council considers the road safety impacts of additional vehicle movements including heavy vehicle movements the requirement to upgrade the intersection to provide Channelised Right-turn (CHR(S)) treatment and a Basic Left-turn Treatment (BAL) should be considered.
- Additionally, the reported crash data in Section 6.3 should be taken into account when determining the possible need for intersection improvements.
- Council should ensure that appropriate traffic measures are in place during the construction phase.
- Council should have consideration for appropriate sight line distances and should be satisfied that the location of proposed driveway promotes safe vehicle movements.

Councils Engineers have considered TfNSW comments throughout the detailed assessment of the submitted traffic related information and found the subject intersection can be made satisfactory by the provision of a sealed BAR/BAL intersection treatment. Subsequent design assessment of the intersection has determined road works to be required to satisfy a sealed BAR/BAL intersection treatment.

Any work or activity undertaken in any road reserve will require the submission and approval of a Section 138 Road Act application. It is noted that the concurrence of Transport for NSW is required prior to Council's approval of works on regional roads under Section 138(2) of the *Roads Act 1993*. Casino Coraki Road (MR145), Queen Elizabeth Drive (MR145) & Dawson Street (MR148) form 3 of the 4 roads at the cross intersection requiring road works and are all regional roads. Any intersection work to these roads require concurrence from TfNSW and approval from RVC (under Section 138 of the roads act) prior to any works being undertaken in the road reserve.

A Section 138 Roads Act application requires a range of information to be supplied by the applicant for the application to be complete and accepted for assessment, one such requirement is the supply of appropriate detailed design plans and Traffic Guidance Schemes (TGS). Consent conditions are recommended in respect of the required road upgrades and approvals to undertake this work.

To ensure transport is undertaken in a manner that promotes safety and minimises community impacts consent conditions are proposed for a Traffic Management Plan and Driver Code of Conduct to be implemented at the site along with complaint management procedures.

Clause 2.23 of this policy provides specific heads of consideration requiring the consent authority to consider the imposition of conditions relating to rehabilitation.

A revised rehabilitation outcome for the quarry has been developed in consultation with the DPE. The Rehabilitation Plan and Management Measures are to achieve a safe, stable and not-polluting final landform that is integrated with surrounding natural landforms where possible and designed to minimise the visual impacts. DPE consider that the proposed rehabilitation strategy is unlikely to preclude the proponent from being able to demonstrate that rehabilitation of the Coraki Quarry has been achieved to the satisfaction of the Secretary and subsequently surrendering this consent. Further DPE have requested conditions be included on the proposal to ensure the Biodiversity and Rehabilitation outcomes are consistent with the Coraki quarry consent.

To ensure the site is rehabilitated conditions of consent are proposed to include the preparation of a detailed Biodiversity and Rehabilitation Management Plan, progressive rehabilitation of disturbed surfaces wherever feasible, as well as the lodgement of a conservation and rehabilitation bond that is reviewable every five years. Additionally, a Quarry closure strategy is to be developed at least 5 years prior to cessation of quarry operations to ensure the site is prepared for closure and any future use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The aim of the SEPP is to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development. The SEPP also outlines consultation requirements with relevant public authorities for certain proposed works.

Clause 2.119, requires a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied regarding the safety, efficiency and ongoing operation of the classified road. The development does not have direct frontage to a classified road.

Clause 2.122 requires referral to the Road and Maritime Services for traffic generating development specified in Schedule 3. While extractive Industries are not listed as traffic generating development under Schedule 3 of the SEPP, the application was referred to the Roads and Maritime Services pursuant to *State Environmental Planning Policy (Resources and Energy) 2021*.

Comments from TfNSW are outlined above.

State Environmental Planning Policy (Resilience and Hazards) 2021

The SEPP is a consolidation of the former Coastal Management SEPP, SEPP 33 Hazardous and Offensive Development and SEPP 55 Remediation of Land. The proposal is not located in the Coastal Zone.

Chapter 3 deals with Hazardous and offensive development. The aim of this part of the policy is to ensure sufficient information and impact minimization measures are considered in relation to a proposals safety and risk. Council must consider whether a development is a potentially hazardous or offensive development.

Extractive industries have the potential to be hazardous or offensive development by the nature of their operations. An industry is potentially hazardous industry based on the quantity of dangerous goods involved in the proposal and the distance of these materials from the site boundary. If a project proposes to store quantities of hazardous goods below relevant thresholds it can be assumed there is unlikely to be a significant off-site risk and the proposal is therefore not classified as 'potentially hazardous industry'.

Petersons Quarry would involve the use of diesel fuel, a Class C1 combustible liquid, and small amounts of other hydrocarbons including lubricating oils and combustible liquids. The diesel fuel will be stored separately from other Class C1 liquids and therefore is not considered to be potentially hazardous under the SEPP. Storage of all C1 liquids will be in accordance with AS1940-2017 "The storage and handling of flammable and combustible liquids".

Ammonium nitrate will not be stored on site. A suitably qualified blasting contractor would transport explosive to the site on the day of the blast under the relevant licences and authorities. The EIS does not indicate the development would store or transport quantities of materials above the risk or transportation screening thresholds in the Hazardous and Offensive Development Application Guidelines published by the DPE.

Accordingly, consent conditions are recommended that such materials be stored, handled and transported in accordance with the relevant Australian Standards and the Dangerous Goods Code. Based on the information provided it is considered that the development is not a 'potentially hazardous' industry requiring a preliminary hazard analysis to be provided to support the application.

The proposed operations will require an Environment Protection Licence (EPL) and as such the development is considered to be 'potentially offensive development'. However, it is recognised that if an EPL can be obtained for a development, the development is not considered to be an 'offensive industry'. The EPA has reviewed the application and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. Therefore, the proposed operations are not an offensive industry.

Chapter 4 deals with Remediation of Land. It promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health and the environment.

Clause 4.6(1) requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, whether the land is suitable for the purpose for which the development is proposed to be carried out, with or without remediation.

Potential sources of contamination associated with historical activities at the site include:

- Historical fuel and chemical storage and dispensing, associated with the current and former operation of a workshop and storage of diesel fuel and other oils.

- Temporary use of the site for the handling of waste from the 2022 flood emergency.

Due to the significant flooding of the Northern Rivers in February and March 2022 and nature of the emergency a portion of the Petersons Quarry site was utilised as a temporary waste transfer station for household debris. **Figure 14** shows the location of the waste stockpile area.



Figure 14: Temporary waste storage location

Source: Surface Soil Contamination Assessment (submitted as additional information)

All of the waste material has been removed from the site and a Surface Soil Contamination Assessment (SCA) prepared by Greencap for Public Works Advisory was completed in August 2022. The SCA is included with the proposal documents and found;

- Surface soils of the site satisfied the criteria for commercial/industrial land use at the investigated locations.
- Investigation did not identify any surface soil contamination that would pose risk to human health or environment.
- Findings of two bonded ACM fragments is deemed not to pose any significant contamination risk considering the total investigated area.
- During excavation/redevelopment of the site, there is the potential for unexpected subsurface finds (potential bonded asbestos fragments as is the case for any site)
- The report recommends that occurrences can be managed accordingly through the implementation of appropriate management documents such as Unexpected Findings Protocol.

Based upon the report findings the site is considered suitable with appropriate management measures being implemented. In this regard consent conditions are proposed to require an Unexpected Findings Protocol be prepared and implemented at the site prior to operations

commencing. The UFP will include procedures outlining when further detailed site investigation is to be undertaken prior to excavations occurring in an affected area.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The SEPP includes provisions to protect and conserve biodiversity. It includes provisions relating to Koala habitat protection.

Chapter 3 – Koala habitat protection 2020 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

Before consent may be granted the consent authority must consider whether or not the land is 'potential' or 'core' Koala habitat. Development on Core Koala habitat requires a plan of management be prepared and the development application must not be inconsistent with that plan.

A Flora and Fauna Assessment Report prepared by Eco Logical Australia Pty Ltd submitted as part of the EIS considers the SEPP. The assessment identifies one Koala tree species within reasonable proximity to the subject site although notes this area will not be directly affected by extractive industry. Survey effort showed no evidence of koalas at the subject site. The assessment concludes the site does not fall within the parameters of either potential or core Koala Habitat and further assessment is not required, therefore a Koala Plan of Management is not necessary in this instance.

State Environmental Planning Policy (Primary Production) 2021

The SEPP provides for the protection of agricultural land of State or regional significance that may be in demand for uses that are not compatible with agriculture. The SEPP identifies State Significant agricultural land in Schedule 1. The subject site is not identified in Schedule 1 and no further requirements apply.

The proposal would not impact on any additional land currently managed for agriculture and is considered to be able to operate concurrently with rural activities such as grazing therefore the proposal is not incompatible with continued agricultural use of the site.

Richmond Valley Local Environmental Plan 2012

The LEP aims to encourage the proper management, development and conservation of natural and man-made resources and to ensure that suitable land for beneficial and appropriate uses is made available as required. The proposal is consistent with these aims as the proposal provides for the efficient, appropriate and reasonable extraction of the basalt resource

Zoning and Permissibility

The site is located within the RU1 Primary Production and C2 Environmental Conservation zones pursuant to Clause 2.2 of the LEP (refer to **Figure 15**).

The proposal is permissible in the RU1 zone with consent and prohibited in the C2 zone. The extractive industry is located wholly within the RU1 portion of the site. Seelems Creek comprises the C2 zoned portion of the site.



Figure 15 –Land Zoning

Source: Council LEP mapping

The objectives of the RU1 zone are;

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

The extractive industry is permissible and provides for the productive use of natural resources located at the site. The quarry footprint being located primarily within the existing disturbed areas avoids impact to productive agricultural land, area of the site outside the quarry will continue to be used for agricultural and other rural purposes. The quarry does not fragment or alienate resource lands. The Environmental assessments undertaken demonstrate the development has avoided impacts where feasible and can implement measures to manage and mitigate any residual impacts to an acceptable level.

The site has extensive reserves of high quality material, is well located with close connection to the regional road network and has a long history of quarrying operations in the locality. The proposal is considered to be compatible with the surrounding area and consistent with the objectives of the RU1 zone.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Flood Planning cl 5.21	Development within the flood planning area must be compatible with the flood function and behavior on the land, not adversely affect flood behaviour, affect the safe occupation and efficient evacuation of people etc.	The quarry site is elevated and not flood prone. Lands surrounding the quarry are floodprone and only access to the quarry may be impacted. Operations of the quarry are not considered to have any impacts on flood behaviour and characteristics, evacuation routes or the environment during flood events.	Yes
Acid Sulfate Soils cl 6.1	Requires an ASS management plan for works on Class 5 land that are within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.	Works are proposed within 500m of designated Class 3 land (refer Figure 6). The quarry pit floor will be maintained at 17m AHD and interception of ground water has not occurred in the current operations and is not anticipated.	Yes
Essential Services cl 6.2	Essential services must be available or arrangements in place to make them available when required, including — <ul style="list-style-type: none"> • the supply of water, • the supply of electricity, • the disposal and management of sewage, • stormwater management, • suitable road access. 	All services are existing and connected to the existing site infrastructure. Adjustment to the existing HV and LV overhead power lines may be required. This will be undertaken at the appropriate time in accordance with Essential Energy requirements. Consent conditions are included to address this requirement.	Yes
Earthworks cl 6.3	Matters to be considered; <ul style="list-style-type: none"> • existing drainage and soil stability, • future use or redevelopment of the land, • quality of excavated material, • amenity of adjoining premises • source of fill and destination of material • disturbance of relics • impacts on watercourses or environmentally sensitive areas • measures to avoid, minimise and mitigate impacts 	Operations are to be undertaken in an environmentally sensitive manner and subject to the conditions and limits of this consent and the EPL The site contains reserves of quality basalt used in civil construction throughout the local area. The project is designed to avoid the environmentally and culturally sensitive areas of the site, watercourses are not anticipated to be adversely impacted. Disturbed areas will be managed by diverting all surface water runoff to sediment basins. Ongoing monitoring and management plans including rehabilitation works are required to ensure the final landform is safe and non-polluting.	Yes

Terrestrial Biodiversity cl 6.6	<p>Matters to be considered include;</p> <ul style="list-style-type: none"> • impact on the condition, ecological value and significance of flora and fauna • potential to diminish biodiversity structure and composition • impacts to connectivity • the development is to be designed and sited to avoid, manage and mitigate any impacts. 	<p>The property includes areas mapped as terrestrial biodiversity (refer to Figure 5). These areas are outside the footprint of the proposed development.</p> <p>A flora and fauna assessment undertaken found a BDAR is not triggered. The development will require the removal of as vegetation removal is below threshold and does not result in a significant impact to threatened species or their habitats. The development is designed and will be operated to minimise biodiversity impacts.</p> <p>A consent condition is proposed to prepare a Rehabilitation and Biodiversity management plan for the site to ensure ongoing protection of biodiversity.</p>	Yes
Landslide Risk cl 6.8	<p>Development in the identified area must account for the risk. Consent must not be granted unless the proposal will be designed sited and managed to avoid risk or significant impacts, or</p> <ul style="list-style-type: none"> • that the risk is minimised and mitigated, and • waste water, stormwater and drainage is managed so as to not affect the water leaving the land. 	<p>Two areas on the property are mapped (refer Figure 7). Both areas are outside the proposed excavation site. A small mapped area is adjacent the existing stormwater basin. The basin has been in operation without issue and is operated so as to mitigate stormwater impacts of the site and ensure discharges do not significantly impact the receiving environment including any risk of land slip.</p>	Yes
Wetlands cl 6.10	<p>Development in the identified area must consider whether the proposal will significantly impact native fauna and flora, any quality habitats, surface and groundwater. Consent must not be granted unless the development is designed sited and managed to avoid, minimise and mitigate impacts.</p>	<p>The areas of mapped wetland are all located outside the quarry footprint (refer Figure 7). The measures proposed to manage surface water are considered satisfactory with the EPA granting GTA's including water quality criteria and monitoring requirements.</p>	Yes

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

The instruments which have been the subject of public consultation under the EP&A Act, and which may be relevant to the proposal, including the following:

- Draft Remediation of Land SEPP; and

These proposed instruments are considered below:

Draft Remediation of Land SEPP

The Draft Remediation of Land SEPP was exhibited between 31 January and 13 April 2018. The draft Remediation of Land SEPP seeks to repeal and replace SEPP55 in relation to the management and approval pathways of contaminated land. It is proposed the new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land;
- maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- clearly list the remediation works that require development consent; and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

The proposed development has been assessed against the provisions of SEPP55 through preparation of a Detailed Site Investigation, including soil sampling. The investigation concluded that the site is considered suitable, from a contamination perspective, for its intended use as a quarry. The proposal is satisfactory with regard for the provisions of draft Remediation of Land SEPP.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The Richmond Valley Development Control Plan 2021 (the DCP) is relevant to this application:

The applicable DCP provisions are listed below:

Part I-2 Development In, On, Over or Under a Public Road

- All works and structures to be carried out or erected within a public road require approval under section 138 of the Roads Act 1993.
- A condition of consent is proposed to ensure the necessary approvals are obtained prior to commencement of construction works in the road reserve.
- Parts of the existing and proposed quarry occupy sections of Petersons Quarry Road and Springhill Road. These are Council controlled road reserves, refer **Figure 16** below.
- Historically these sections have been enclosed to secure the safe operations of Petersons Quarry however has not been formalised. Richmond Valley Councils assets department advise agreements for either the lease or closure of the affected sections of public road is possible and accordingly a consent condition has been recommended with the Draft schedule of conditions.

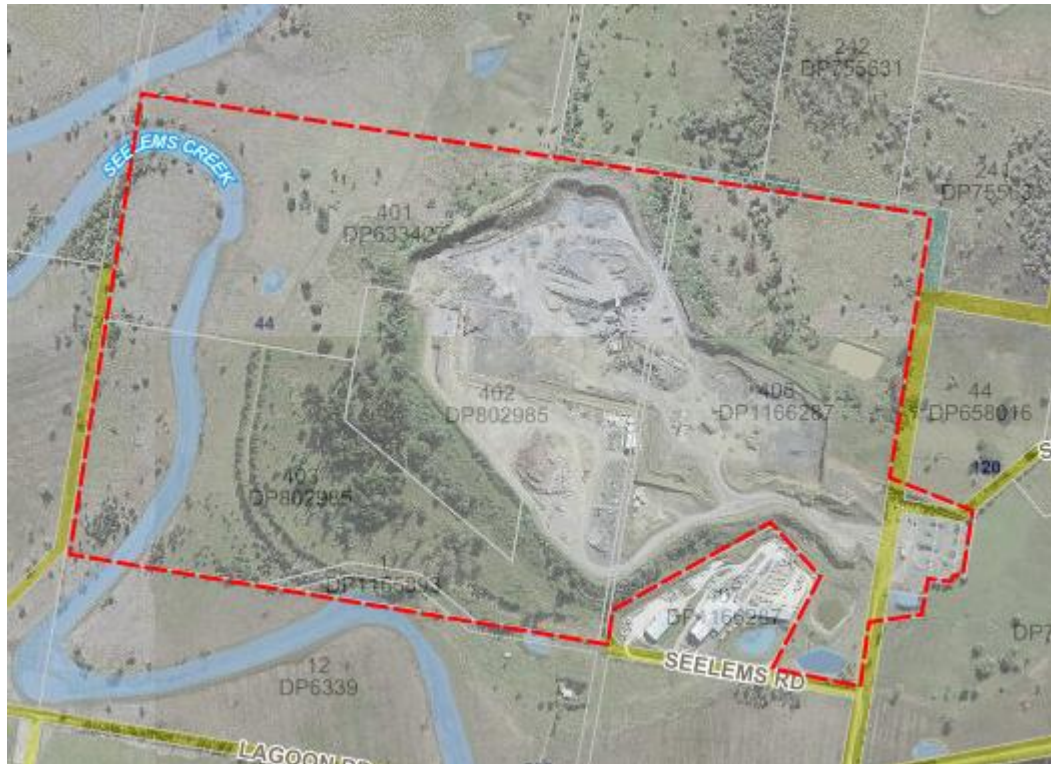


Figure 16 Sections of public road within Quarry footprint shown as yellow

Source: Council mapping

Part I-7 Noise Impact Assessment

- A Noise and Air Quality Assessment prepared by MWA Environmental was submitted as part of the development application.
- The assessment found the adopted project noise limits are 40dB(A) for the day period and 35dB(A) for the evening period. In accordance with NSW Noise Policy for industry (2017).
- Modelling results indicate an exceedance of the criteria at 3 residential receivers (shown as R2, R3 and R7) by up to 8dB. Refer **Figure 3** for receiver locations.
- Formal written agreements are in place with R2, R3 and R7 for exceeding the noise emission criteria for the Petersons Quarry and the Coraki Quarry. It is expected these would continue to be able to be obtained for a new consent.
- The assessment determined that the following noise control measures be implemented:
 - i. The existing processing plant relies upon the landowner agreements in place to comply with the noise limits at receptors R2, R3 and R7. With the landowner agreements in place there are no specific requirements for noise mitigation of the processing plant.
 - ii. Where necessary to achieve compliance with the prescribed noise limits trays of all dump trucks that handle shot rock and oversize material are to be lined with an appropriate absorptive material.
 - iii. The rock pick should be operated at the most shielded location practically available within the pit to provide acoustic shielding to the north and east.
 - iv. Drilling should be undertaken using a proprietary quietened drill rig when operating at elevated / exposed locations.

- v. Wherever practicable materials should be stockpiled at locations that shield noise from internal traffic routes and truck loading areas from the nearest residences.
- vi. All internal roads for road haulage and off-road trucks should be constructed and maintained to avoid excessive noise associated with uneven surfaces and potholes.
- vii. It is recommended that mobile plant (e.g. front-end loaders, dozers, haul trucks, excavators) be fitted with broadband reversing alarms to mitigate potential nuisance from tonal characteristics of traditional beeper alarms.

Part I-11 Land Use Conflict Risk Assessment

- o The EIS includes environmental assessments for Noise, Dust, Vibration, Traffic, Flora and Fauna. The assessments determined that with standard mitigation measures the development is unlikely to cause any significant conflict with the land uses in the vicinity of the development or the surrounding environment.
- o The EIS was considered by the Environmental Protection Authority, DPI Agriculture, Transport for NSW, Geoscience NSW, DPE Heritage and Water NSW. The agencies have not objected to the proposal and have provided comments and recommendations that have been included in the Draft consent conditions.
- o The quarry is existing and has operated in accordance with its existing consents and Environmental Protection Licence for many years.
- o The EPA have considered the EIS have issued General Terms of Approval.
- o It is noted the EPA conditions include limits for noise, blasting, stormwater discharge, dust generation as well as monitoring and reporting requirements. These measures ensure the development is designed and operated within standard acceptable limits.
- o It is considered the EIS has adequately demonstrated the continued operation of the quarry in the area is compatible with the area and is able to be undertaken in a manner having limited risk of land use conflict.

The following contributions plan is relevant pursuant to Section 7.18 of the EP&A Act and has been considered in the recommended conditions:

Richmond Valley Council Section 94 Heavy Haulage Contributions Plan 2013

This Contributions Plan has been considered and included the recommended draft consent conditions. The Plan enables Council to levy development contributions under Section 7.11 as the anticipated development, will or is likely to generate additional heavy haulage vehicle movements. Monies collected will fund pavement rehabilitation works within the nominated haulage distance of the development. Such monies are levied based on haulage weight and are collected by Council annually.

3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

The Development Application was made in accordance with the Regulations as Designated and Integrated Development. The application was accompanied by the required

Environmental Impact Statement prepared consistent with Planning Secretary's environmental assessment requirements as issued on 7 December 2020.

The Development Application was publicly notified and exhibited in accordance with Clauses 56 and 58. General Terms of Approval have been sought from the relevant approval bodies in accordance with Clause 42 of the Regulation and are contained within the Draft Schedule of Conditions (refer to **Attachment A**).

The development is identified as a Council related development application pursuant to clause 30B as Richmond Valley Council is the owner of land the subject of this application. However, the savings, transitional and other provisions of Schedule 6 at Part 6 provide that the subject provisions do not apply to a development application made but not finally determined before the commencement of the amendment.

The subject application was accepted on 28 June 2022, being before the commencement date of 3 April 2023. Accordingly, this application is not required to be accompanied by a Conflict of Interest Statement. However, to ensure transparency and in accordance with the Panels request at the Briefing meeting Council has obtained a peer review report prepared by Planit Consulting. A copy of the report is provided separately.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. The potential impacts related to the proposal are considered in response to SEPPs, LEP and DCP controls outlined above and, in the section, below.

The consideration of impacts on the natural and built environments includes the following:

Noise

A Noise and Air Quality Assessment prepared by MWA Environmental and a Blast Impact Assessment was prepared by Groundwork Plus were submitted as part of the EIS. The assessments included consideration of noise from quarry operations including processing plant, transportation and blasting.

Ambient noise monitoring was undertaken in April and August 2015 for the Coraki Quarry application to characterise the ambient background noise levels at locations representative of the nearest residences to the north and east. This monitoring data was obtained six years ago, and is presented as being applicable to this assessment for the following reasons:

- The pre-Coraki Quarry noise monitoring data was generally unaffected by operational quarry noise, which would not be the case now;
- Given no significant land use or transport route changes at the locality, it is generally accepted that ambient background noise will increase gradually overtime and thus the 2015 data is likely to be conservative; and
- The measured background noise levels are below the minimum.

The results of the noise datalogging confirmed a measured rating background level of 30 RBL dB(A) from 7am to 6pm in the Northern location and the Eastern location.

The noise limits adopted in accordance with NSW Noise Policy for industry (2017) for the proposed quarrying activities which are restricted to the 7am to 6pm period only were determined as being 40dB(A).

Modelling results indicate an exceedance of the criteria at 3 residential receivers (shown as R2, R3 and R7) by up to 8dB. Refer **Figure 3** for receiver locations.

Formal written agreements are in place with R2, R3 and R7 for exceeding the noise emission criteria for the Petersons Quarry and the Coraki Quarry. It is expected these would continue to be able to be obtained for a new consent. The assessment determined that the following noise control measures be implemented:

- The existing processing plant relies upon the landowner agreements in place to comply with the noise limits at receptors R2, R3 and R7. With the landowner agreements in place there are no specific requirements for noise mitigation of the processing plant.
- Where necessary to achieve compliance with the prescribed noise limits trays of all dump trucks that handle shot rock and oversize material are to be lined with an appropriate absorptive material.
- The rock pick should be operated at the most shielded location practically available within the pit to provide acoustic shielding to the north and east.
- Drilling should be undertaken using a proprietary quietened drill rig when operating at elevated / exposed locations.
- Wherever practicable materials should be stockpiled at locations that shield noise from internal traffic routes and truck loading areas from the nearest residences.
- All internal roads for road haulage and off-road trucks should be constructed and maintained to avoid excessive noise associated with uneven surfaces and potholes.
- It is recommended that mobile plant (e.g. front-end loaders, dozers, haul trucks, excavators) be fitted with broadband reversing alarms to mitigate potential nuisance from tonal characteristics of traditional beeper alarms.

Council has recommended a condition contained within the Draft Schedule of Conditions requiring the applicant to carry out noise monitoring (at least every 12 months) to determine whether the development is complying with the relevant conditions of consent.

Assessment of noise associated with the haulage of materials from the proposed quarry was undertaken in accordance with the NSW Road Noise Policy for the traffic volumes proposed. Traffic noise modelling was conducted using the SoundPLAN 8.2 software applying the accepted CoRTN traffic noise prediction methodology and site specific topographic information for a domain extending from the quarry access to the Pacific Highway.

This model indicated road noise along the local roads would comply with the Road Noise Policy (RNP) criteria at all assessed sensitive receivers.

- **Blasting**

The EIS included a Blasting Assessment that considered the impact of blasting, including the risk of damage to surrounding structures and utilities, noise (airblast overpressure) and predicted ground vibration. A set of site blast data was supplied and was used as a guide along with AS2187.2-2006 to determine the potential blast vibration, airblast overpressure and flyrock projection. The assessment evaluated multiple blasting scenarios.

The closest sensitive receiver, R1 (refer **Figure 3**) was utilised for the purposes of evaluating blast vibration and airblast overpressure levels. The concrete manufacturing facility to the south of the quarry is also considered a non-sensitive receptor, being 77m from the proposed extraction boundary and 89m from blasting activities in the quarry design. It assumed that

compliance at these locations will result in compliance at the other locations, further away from the blasting activity than this chosen location, or when blasting is conducted further within the quarry pit. A number of blast locations have also been modelled to assess compliance with other receptors located further away than the two (2) receptor locations noted above.

The report found blasting activities associated with the operations at Petersons Quarry can be safely completed without damage to surrounding structures or nearby sensitive receivers, provided that the proposed blasting methods/design parameters noted in this report are implemented. All recommendations should be adhered to ensure the safety of personnel and to prevent any damage to the site's infrastructure and surrounding properties. Recommendations are provided and are to be included in the sites Blast Management Plan.

As an existing quarry blast management has been undertaken and monitored at the site for some time. The operator currently has a Blast Management Plan that was required for operation of the Coraki quarry. In respect of the identified Blast Exclusion Zone (BEZ) the proponent advises the existing Blast Management Plan for the Coraki Quarry states;

'The BEZ will be determined for each blast by the shotfirer and implemented by the Quarry Manager and documented in the Shot Plan. The proposed (minimum) BEZ will include establishment of sentry guards at the Petersons Quarry Road entrance to the site and also at the internal quarry access road from the weighbridge to the pit. Additional sentry points will be established depending on the location, size and timing of the blast by the shotfirer as part of the Shot Plan.'

And

'If any of the nine (9) neighbouring residences are located within the BEZ, landowner agreements will be obtained prior to blasting occurring. These residences, R1 to R9 will be notified by the Quarry Manager of upcoming blasts and blasting schedule in accordance with each landowner agreement. These neighbouring residents will be provided with a telephone number to contact the Quarry Manager should concerns arise as a result of blasting activities. Subject to landowner agreement, routine blast compliance monitoring will be undertaken at the closest residence.'

The EPA have reviewed the Blast Assessment and issued GTA's with appropriate conditions additional recommended conditions are contained within the Draft Schedule of Conditions to ensure noise impacts are effectively managed, including standard hours of operation, noise criteria, blasting criteria, operating conditions, noise attenuation and the preparation/implementation of a Noise and Blast Management Plans (refer to Attachment A).

- Air quality

Operations of the quarry including extraction, stockpiles, processing and activities associated with transportation of products have potential to generate dust emissions at the site. An Air quality assessment prepared by MWA Environment has been undertaken in accordance with the *NSW Approved Methods for the Modelling and Assessment of Air Pollutants* (EPA, 2016) (Approved Methods),

Emissions from each identified source was modelled based upon maximum extraction and production rates at each source for the proposed operating hours. The key particulate emissions sources are vehicles operating on unsealed roadways (product truck routes and pit to plant haulage and crushing and screening plant including conveyor drop points. These two key emissions sources are critical and specific recommendations for dust control have been provided as follows;

- Watering of haul and access roads at a rate of at least 2 litres/m²/hour at times when dust emissions are visible from vehicle movements,
- Enclosure and/or use of effective water sprays to crushers and screens
- Effective water misting sprays to permanent processing plant at transfer points including load-out points from elevated storage bins if utilised
- Rock drill to have an appropriate dust extraction system
- Management of stockpiles during high winds through use of sprinklers and/or chemical suppressants.

The report concludes that predictions demonstrate that, subject to the implementation of dust mitigation measures as recommended, the quarrying activities can comply with the relevant air quality criteria at surrounding sensitive receivers.

In addition to the EPA's GTAs, Council has recommended conditions contained within the Draft Schedule of Conditions to ensure air quality impacts are effectively managed, including air quality criteria, operating conditions and the preparation/implementation of an Air Quality Management Plans (refer to **Attachment A**).

- Traffic and transport

Transportation of quarried materials is a necessary activity of the proposal and due to the nature and frequency of heavy vehicle movements has the potential to impact the amenity of the area and local traffic conditions. The EIS was accompanied by a Traffic Impact Assessment Report prepared by Traffic Transport Plus that has been reviewed by Council's Traffic Engineer and provided to Transport for NSW for comments.

The proposed development will generate up to 10 truck movements per hour and up to 110 truck movements per day inclusive of both incoming and outgoing trucks along the haul route. Car trips are expected to relate to staff working on-site and are considered to be minimal.

A Haulage route is identified to enable distribution of product to the major local towns and onto main transport routes (refer **Figure 12**). The haulage route from the site is described below;

- Towards Casino via Petersons Quarry Road, Lagoon Road and Casino-Coraki Road
- Towards Lismore via Petersons Quarry Road, Lagoon Road, Coraki-Gundurimba Road, Coraki Road and the Bruxner Highway, and
- Towards the Pacific Highway (south) via Petersons Quarry Road, Lagoon Road, Queen Elizabeth Drive, Woodburn-Coraki Road, Uralba Street and the Pacific Highway (south).

Casino- Coraki Road (MR145) and Coraki Road (MR148) are classified (Regional) roads and Petersons Quarry Road and Lagoon Road are local roads. Characteristics of the existing road network are provided in the TIA and copied below as **Figure 17**.

Table 2-1 – Existing Local Road Hierarchy

Road	Traffic Lanes	Authority	Speed Limit
Seelems Road	2	Richmond Valley Council (RVC)	100km/h*
Petersons Quarry Road	2	RVC	100km/h*
Lagoon Road	2	RVC	100km/h
Queen Elizabeth Drive	2	RVC	80km/h**
Woodburn-Coraki Road	2	RVC	100km/h
Uralba Street	2	RVC	50km/h
River Street	2	RVC	50km/h

* There is no posted speed limit – the default speed limit of rural roads and for roads in non-built-up areas in NSW is 100km/h.

**The speed limit reduces to 40km/h from 8:00am to 9:00am and from 2:30pm to 4:00pm on school days within the school zone.

Figure 17: Haulage Roads characteristics

Source: Traffic Impact Assessment EIS

Transportation vehicles are identified in the TIA as being 18t trucks (10%), 40t B-double that are 30m long (10%) and 36t truck and dog combinations that are 26m long (80%). Assessment of the TIA resulted in the need for the applicant to supply swept path movements of all over-length and/or over-mass vehicles proposed on all key locations along the proposed haul routes. The analysis identified that B-Doubles would conflict with Truck and Dogs when moving through the Lagoon Road/Coraki Road intersection. On that basis, the applicant advised the use of B-Doubles was no longer proposed.

Transport for NSW were consulted and have advised as the Roads Authority Council sets standards, determines priorities and carries out works on this road. It is appropriate for Council to consider and determine if proposed arrangements for the development are acceptable from a safety and efficiency perspective. TfNSW provided advice to Council including;

- The Traffic Impact Assessment indicates that turn lane treatments is not required at the Lagoon Road / Queen Elizabeth Drive / Coraki-Gundurimba Road / Casino Coraki Road. When Council considers the road safety impacts of additional vehicle movements including heavy vehicle movements the requirement to upgrade the intersection to provide Channelised Right-turn (CHR(S)) treatment and a Basic Left-turn Treatment (BAL) should be considered.
- Additionally, the reported crash data in Section 6.3 should be taken into account when determining the possible need for intersection improvements.
- Council should ensure that appropriate traffic measures are in place during the construction phase.
- Council should have consideration for appropriate sight line distances and should be satisfied that the location of proposed driveway promotes safe vehicle movements.

Council's Traffic Engineer was not satisfied with the TIA, notably:

- Findings and recommendations were clouded by inclusion of data for the Coraki Quarry which is a time limited consent with operations to cease on 30 June 2023.
- Use of an ambiguous "peak hour factor".
- Traffic counts undertaken at intersections on the transport route over a period of not more than 8 hours, (traffic counts over 3+ weeks would be expected).
- Crash data was not the most up to date information at the time of assessment.
- No inclusion of swept path movements at key locations along the proposed transport routes, (30m B-doubles proposed which are currently not permitted along any section of the proposed transport routes).

Upon review of the TIA, traffic information in the EIS and Transport for NSW comments, Council's Traffic Engineer considered the below was needed:

- more recent and appropriate traffic count data
- actual peak day/hour truck movement scenarios rather than an ambiguous "peak hour factor"
- updated crash statistics

Council determined that intersections of Petersons Quarry Road with Lagoon Road and Woodburn Coraki Road with River/Uralba Street were well within their operational measures. However, there was uncertainty with the intersection of Lagoon Road with Casino Coraki Road, Queen Elizabeth Drive & Dawson Street. As such Council's Traffic Engineer undertook a detailed assessment of Council's own traffic counts and data at this intersection that ranged from 2009 to 2022 and was satisfied that:

- While the RVC traffic count numbers suggest the intersection is worse off than the observed values the TIA suggest, the conclusion is that a CHR/AUL intersection treatment is not warranted (refer **Figure 18**).
- The intersection requires a sealed BAR/BAL intersection treatment, a design check should be undertaken on the intersection to determine if the existing intersection has a BAR/BAL arrangement at current. If not, a sealed BAR/BAL intersection should be constructed
- Swept path analysis for the over length vehicle types is still required at each intersection and any key areas.

A request for information was forwarded to the applicant as follows:

"Given Casino Coraki Road & River/Uralba Street are pre-approved 26m B-double routes I wouldn't expect a 26m Truck and dog swept path analysis on the intersection where these roads connect.

It is noted that Lagoon Road and Dawson Street both are currently not approved 26m B-double routes, hence the swept path analysis at the intersection of these roads and Casino Coraki Rd/Queen Elizabeth Road would still be needed.

To summarise, the below is required:

- A 30m B-double swept path analysis still needed for:
 - Petersons Quarry/Lagoon intersection
 - Uralba/River/Casino Coraki intersection
 - Lagoon/Dawson/Casino Coraki/Queen Elizabeth intersection
 - Glebe Bridge – only if they are proposed to take Dawson Street/Coraki Road route
- A 26m truck and dog swept path analysis still needed for:
 - Petersons Quarry/Lagoon intersection
 - Lagoon/Dawson/Casino Coraki/Queen Elizabeth intersection
 - Glebe Bridge
- Design review of Lagoon/Dawson/Casino Coraki/Queen Elizabeth intersection against BAR/BAL requirement (BAR/BAL arrangement should be sealed given borderline need for CHR/AUL)
- Update of TIA to address above and previous stated items"

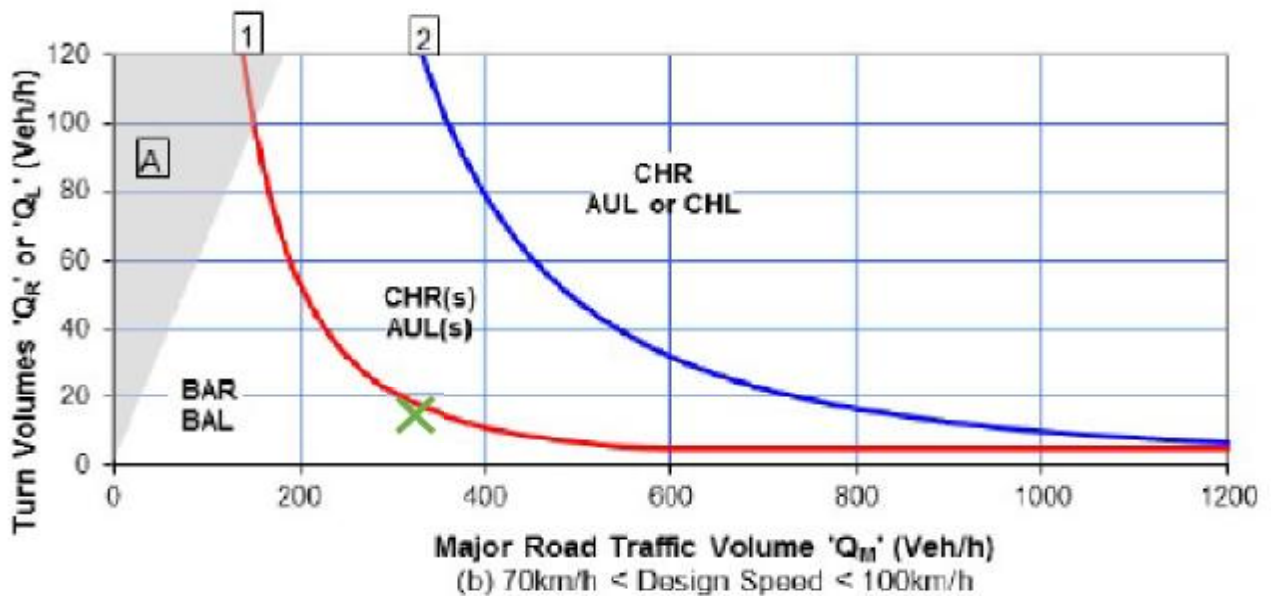


Figure 18: 2033 design AM peak hour (worst case scenario) from Council assessment

The applicant replied by covering letter detailing the subject intersection does not meet requirements for a sealed BAR/BAL intersection treatment (refer **Figure 19** below) and that there are conflicting traffic movements for the 30m B-double. The applicant confirmed the 30m B-doubles would not be used by the Quarry as originally proposed, and that the intersection upgrade works should not be warranted given:

- the relatively minor increase in extraction per annum (320,000t to 350,000t),
- the historical operation of the Coraki Quarry (1,000,000t), and
- that the vehicles trafficking the intersection are unchanged.

Further, the applicant detailed the required upgrade works would be inhibited by an existing power pole in the southeast corner of the intersection.

It is of Council's view that the intersection works are required for the following reasons;

- Council has undertaken a traffic assessment of the Quarry proposal (without existing Coraki Quarry), the results outlined in **Figure 18** clearly shows need for a sealed BAR/BAL at minimum.
- The most recent 5 year period (2016-2021) of crash history at the intersection showing there has been 6 accidents in that period.
- It is likely the power pole will remain outside of the intersection, if works do encroach into the clear zone (set by the asset owner) it would need to be moved.



Figure 19: Extent of the sealed BAR/BAL intersection treatment at subject intersection
Source: BAR/BAL design assessment in Applicant response to Council RFI

In summary Councils Engineers have considered that the existing road network can be made satisfactory for the number and types of vehicles proposed subject to the intersection of Lagoon Road with Casino Coraki Road, Queen Elizabeth Drive and Dawson Street meeting a sealed BAR/BAL intersection treatment. These works include but may not be limited to:

- Full pavement depth construction of new road area,
- Reconstruction/extension of existing stormwater infrastructure under intersection,
- Re-line marking of intersection.

Richmond Valley Council has a Heavy Haulage Contributions Plan 2013, which enables Council to levy development contributions under Section 7.11 of the EP&A Act where a development will generate additional heavy haulage vehicle movements.

Recommended conditions are contained within the Draft Schedule of Conditions to ensure traffic impacts are effectively managed, including road upgrades, road haulage, product transport monitoring and the preparation/implementation of a Traffic Management Plans supported by a Driver Code of Conduct (refer to **Attachment A**).

Water resources

Surface Water

Extractive industries by the nature of their activities result in large area of exposed surfaces and therefore require measures to manage surface water flows to protect the environment

including any downstream watercourses. A surface water assessment has been prepared for the proposal, including a detailed site water balance and description of the proposed surface water management systems.

The proposal will manage the disturbed areas of the site by diverting all surface water to sediment basins. Collected water will be used onsite for dust suppression, with excess water discharged via a licenced discharge points in accordance with EPA licencing limits.

In order to meet the requirements of the EIS, the two (2) existing sediment basins constructed for the Coraki Quarry operation, will be relied upon and one (1) additional basin will be designed, constructed and operated to retain all disturbed runoff on the site in accordance with DECC (2008) Managing Urban Stormwater – Soils and Construction (Volume 2E).

The site will have two primary catchments with three basins as indicated in **Table 5** and **Figure 20** below.

- Catchment Q1 has an area of 32.05ha. Flows are directed to existing drainage inlet discharging to sediment basins 1 and 2 to the north east.
- Catchment Q2 has an area of 7.31 ha with flows directed to sediment basin 3 located to the south

Table 5: Sediment Basin Parameters

	Basin 1	Basin 2	Basin 3
Total Volume (ML)	12.91	14.25	12.8
Upper Settling (ML)	5.03	9.44	3.26
Freeboard (m)	1.5	2.7	1.0
Spillway (AHD)	17.0	13.4	10.8

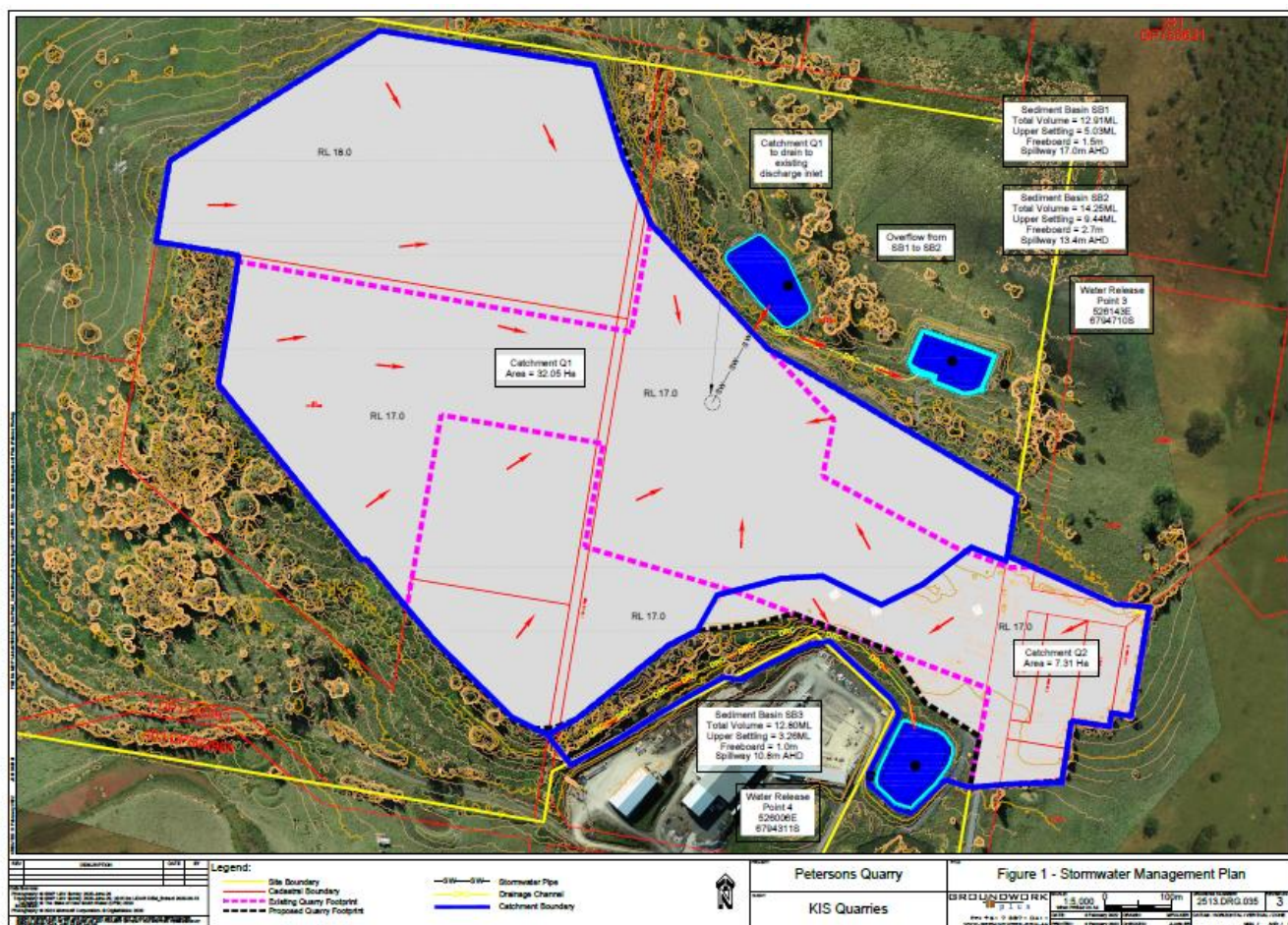


Figure 20: Stormwater Catchments and sediment basins

Source: Surface Water Assessment EIS

A water balance assessment (WBA) in Attachment 2 of the Surface Water Assessment has been reviewed by the EPA. Originally issued GTA's included a condition requiring the preparation of a revised WBA due to the age of modelled data and change in site dynamics. Accordingly, the applicant provided additional information to the EPA clarifying the method and process for the WBA and requesting revision of the issued GTA's. This has been considered and the original request and conditions removed from the revised GTA's.

The WBA shows there are 16 days per annum expected where water will be discharged due the basins exceeding capacity in the above average rainfall (wet) scenario and 11 days per annum in the below average (dry) rainfall scenario for Basins 1 and 2. The WBA also found that the 5-day 90th percentile settling volume is restored following a 4 day period of no further rainfall providing basins are treated and pumped as controlled release in accordance with EPL requirements.

It is expected the quarry would be self sufficient in water supply however if the sediment basins were dry water would be purchased from licenced water suppliers.

Groundwater

To date neither the Petersons Quarry or Coraki Quarry have intercepted groundwater. Groundwater investigations undertaken for the Coraki Quarry operation concluded that groundwater would not be intercepted if extraction was limited to RL 18m AHD and Petersons Quarry has not intercepted groundwater with a pit floor of RL 17m AHD.

The proposal will maintain the existing limits to avoid intercepting groundwater, being:

- a maximum depth of extraction of RL 18m AHD in Lot 401 DP633427 and Lot 1 DP1225621;
- a maximum depth of extraction of RL 17m AHD in the Council owned land;

The EIS and Surface Water Assessment has been reviewed by Water NSW who advise no approvals are required from Water NSW under the *Water Management Act 2000*. If there are any changes to the proposal that impact surface and/or groundwater, the applicant is to contact Water NSW and may be required to obtain approvals and/or water access licence.

Surface and Groundwater monitoring is to be undertaken in accordance with the EPL to ensure protection of the water sources.

Recommended conditions are contained within the Draft Schedule of Conditions to ensure sufficient water for operational requirements is provided and water impacts are effectively managed, including water discharges, groundwater monitoring and the preparation and implementation of a Soil and Water Management Plan (refer to **Attachment A**).

Heritage

An Aboriginal Cultural Heritage Management Plan Addendum has been undertaken by Eco Logical Australia. The assessment included review of the relevant legislative requirements and registers, previous investigations, field survey of the quarry site and attempted consultation with the aboriginal community in accordance with the SEAR's requirements.

The assessment found the proposed expansion areas are significantly disturbed by past and current land uses including, quarrying and agricultural land uses. The proposed expansion areas encompass significant sloping landscapes that were determined to have a low likelihood of being a location of past Aboriginal occupation. No areas of potential archaeolocal deposit were identified.

The report notes the land contains a previously identified site AHIMS site 04-4-0421 which has been previously identified as an 'Aboriginal Water hole, Dreaming site'. It is located in close proximity to but not within the proposed extraction area. A previous assessment of this site determined that it should be classified as an Aboriginal Heritage Conservation Zone. The zone is shown on the Site Layout Plan and comprises two areas.

The report makes recommendations that a protocol for unsuspected finds be established and that the previously identified are of Aboriginal heritage should still be considered a valid exclusion zone. The exclusion zone should continue to be included on future development management plans.

The development application has been referred to Heritage NSW who recommend that the Aboriginal heritage exclusion areas are maintained and clearly mapped in all construction environmental management plans to ensure no inadvertent harm occurs and have provided recommended consent conditions.

The property does not contain any heritage items listed in the NSW State Heritage Inventory or Schedule 5 of the Richmond Valley LEP 2012. No further consideration of European heritage is warranted.

Recommended conditions are contained within the Draft Schedule of Conditions to ensure heritage impacts are effectively managed and ongoing protection of the known site, including requiring the submitted addendum be attached to the current Aboriginal Cultural Heritage Management Plan and the area be maintained and clearly mapped in all plans and strategies (refer to **Attachment A**).

· Visual amenity

The proposed development is located in a predominantly rural setting that has been predominantly cleared of vegetation. The landscape comprises large open grassed paddocks with scattered pockets of vegetation located mostly on the lower floodplains and adjacent wetlands and watercourses. The surrounding land is primarily used for cattle grazing.

The existing quarry has been developed in a manner that retails the leading edge of Spring Hill to screen its operations. Large trees are located on its lower slopes providing a screen to upper elevations. The existing noise bunds established under for the combined operation of Petersons Quarry and Coraki Quarry are to be retained providing screening to residences to the east and south east.

Rehabilitation outcomes are to restore the exposed surfaces to a landform consistent with the surrounding area comprising grassed pastures and vegetation corridors. Although specific staging of extraction over the site is not identified, exposed areas are to be progressively rehabilitated where possible. exposed benches would be revegetated. The remainder of the site would be returned to pasture.

Recommended conditions are contained within the Draft Schedule of Conditions to ensure visual impacts are effectively managed, including maintaining the perimeter bunds and undertaking rehabilitation works (refer to **Attachment A**).

· Agricultural resources

The Land and Soil Capability mapping for NSW mapping identifies the site as Class 3 having moderate limitations that must be managed, and the Biophysical Strategic Agricultural Land (BSAL) mapping shows the land with soil and water resources capable of sustaining high levels of productivity. The available agricultural land mapping for the site is shown in **Figures 3 and 4** above.

The NSW Department of Primary Industries (DPI) has reviewed the Development Application and its potential impact on agricultural land, noting that the proposal will not have an adverse impact on any agricultural land use or agricultural production. DPI has raised no objections to the proposed development or concerns regarding any incompatibility with the surrounding agricultural activities.

The proposal is located at an existing quarry site that due to past extractive activities is highly disturbed. However, the land surrounding the quarry footprint and adjoining lands retain ongoing agricultural uses, mainly rural grazing activities. With the limited footprint expansion proposed the development is not considered to significantly impact the sites current or potential capacity to undertake agricultural activities.

• Hazards and risks

The proposed development will result in small quantities of hazardous materials being held or used onsite during operations including fuel, other hydrocarbons, along with lubricating oils and greases. The proposed development does not propose storage of any explosives onsite. A suitably qualified blasting contractor would bring explosives to site as required. Likewise, no fuel would be stored onsite. Mobile plant refuelling would take place on site from a portable fuel truck with a capacity of up to 10,000 litres as required.

The EIS does not identify any storages of hazardous materials above the thresholds specified in the guidelines Hazardous Development under *State Environmental Planning Policy (Resilience and Hazards) 2021*. Accordingly the project is not considered to be a potentially hazardous development with respect to the storage, use or transportation of hazardous substances. Nor is the proposed potentially offensive development.

Consent conditions are recommended that such materials be stored, handled and transported in accordance with the relevant Australian Standards, particularly AS 1940 and AS 1596, and the Dangerous Goods Code and the Guidelines.

• Waste

The proposed development has the potential to generate waste from quarry activities and general site use however the types of waste generated are not expected to be in significant quantities. The principal wastes may include, general solid wastes, machinery components such as batteries, oil filters, waste oils/hydrocarbons and their containers, tyres, domestic wastewaters and vegetation debris from clearing.

Site waste would be managed by establishing waste stations including facilities for segregation of wastes. Conditions of consent have been recommended to ensure wastes are appropriately stored, handled and disposed of.

• Social and Economic

The proposed development encompassing an extension to Petersons Quarry will enable the continued operation of the quarry and long term supply of construction materials to the region. The Resource Assessment including petrographic analysis and material property testing identifies the slightly weathered basal to fresh basalt as suitable for use as unbound pavement or as high quality aggregate, and the extremely to highly weathered basalt, has potential uses in unbound pavement and general fill.

The proposed development will provide direct full time employment for between 10 to 15 staff. Flow on economic benefits will arise from the procurement of associated goods and services from time to time creating further opportunities in the region.

There is a long history of quarrying at the site and the EIS adequately demonstrates that the proposal is suitably located having regard to the existing and likely future land uses in the vicinity.

- Biodiversity

A Flora and Fauna Assessment prepared by Eco Logical Australia has been submitted. The assessment examined the extent of native vegetation present and potential impacts to threatened species, their habitats and Threatened Ecological Communities (TEC). It also considered the legislative requirements in accordance with the Biodiversity Offsets Scheme (BOS).

The BOS applies to local development that is likely to significantly affect threatened species. Local development is likely to significantly affect threatened species and require a biodiversity development assessment report (BDAR) if impacts:

- exceed the Biodiversity Offsets Scheme threshold (BC Act, section 7.4); the threshold includes clearing on land within the Biodiversity Values Map or clearing of an area that exceeds the threshold, or
- are carried out on an Area of Outstanding Biodiversity Value (AOBV), or
- are likely to significantly affect threatened species, ecological communities and their habitats according to the test in section 7.3 of the BC Act

The land has a minimum lot size of 40 ha under RVLEP therefore the applicable clearing threshold is 1ha for the proposal. The Flora and Fauna Assessment found the proposed development will directly impact both native and exotic species. It determined a total area of 3.94ha including only 0.31ha of native vegetation would be directly impacted. Accordingly, the proposed clearing does not exceed the BOS threshold.

Tables 9 of the Flora and Fauna Assessment calculates the clearing impacts associated with the development on both native and non native vegetation being a total of 3.94ha (refer **Figure 21**).

Table 10 calculates the impact to native vegetation as 0.31 hectares, demonstrating the BOS threshold is not triggered (refer **Figure 22**).

Table 9: Area of direct impact for vegetation and habitat types within the subject site

Vegetation type	Status	Habitat type	Area impacted (ha)
PCT 782 - Coastal freshwater meadows and forblands of lagoons and wetlands [artificial]	Native	Wetland	0.16
PCT 837 - Forest Red Gum of the Clarence Valley lowlands	Native	Woodland	0
PCT 887 - Hoop Pine dry rainforest (mod)	Native	Rainforest	0
PCT 887 - Hoop Pine dry rainforest (low)	Native	Rainforest	0.06
Exotic trees and shrubs	Exotic	Exotic shrubby woodland	1.12
Exotic grassland	Exotic	Cleared/non-native grassland	2.60
Cleared	Infrastructure	N/A	0
Dam	Infrastructure	Waterbody	0
Not assessed	N/A	N/A	0
Total			3.94

Figure 21: Direct clearing vegetation impacts

Source: Flora and Fauna Assessment EIS

Table 10: Area clearing threshold calculations

Vegetation zone	Impacted area (ha)	Proportion of zone assessed as native (%)	Area of native vegetation impacted (area x % native) (ha)
PCT 782 - <i>Coastal freshwater meadows and forblands of lagoons and wetlands</i> [artificial]	0.16	100	0.16
PCT 887 - Hoop Pine dry rainforest (low)	0.06	100	0.06
Exotic trees and shrubs	1.12	4.6	0.05
Exotic grassland	2.60	1.5	0.04
Total			0.31

Figure 22: Native vegetation clearing impacts

Source: Flora and Fauna Assessment EIS

The assessments identify;

- Two threatened ecological communities were recorded at the site corresponding to PCT 782 *Coastal freshwater meadows and forblands of lagoons and wetlands* (artificial) and PCT 887 *Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions*.
- Within PCT 887 two condition zones were identified, low and moderate.
- Clearing associated with the project would result in the area of PCT 782 (0.16ha) and 0.06ha of the PCT 887 low category being removed.

The location of vegetation and the proposed quarry footprint are shown in **Figure 23** below.



Figure 23: Site Vegetation Assessment

Source: Flora and Fauna Assessment EIS

Threatened species tests of significance were completed for four threatened flora species and 16 threatened fauna species considered to potentially occur at the site. The assessments concluded that it is unlikely that the proposal would significantly impact threatened species for the following reasons;

- The area to be impacted is relatively small
- Larger amounts of similar and higher quality habitat are available with the immediate vicinity
- The extension is unlikely to significantly affect the ability of local populations, if present, to persist in the study area in the long-term
- No isolation or fragmentation of populations of any of these species would occur.

No areas of outstanding biodiversity value (AoBV) occur within the area, therefore this threshold is also not triggered.

Based upon the information provided and assessments undertaken in the Flora and Fauna report the proposal is not located on an area of mapped Biodiversity Value, does not exceed the relevant clearing threshold and does not significantly affect threatened species. Therefore, the Biodiversity Offset scheme is not triggered and a Biodiversity Development Assessment Report (BDAR) is not required.

As part of the Flora and Fauna assessment a Koala Habitat Assessment was undertaken under *State Environmental Planning Policy (Koala Habitat Protection) 2020*. It found one tree species within reasonable proximity to the quarry site as potential koala habitat, this tree would not be directly affected. Field assessment identified no evidence of koala's use. The assessment concluded nearby the study area may host a resident Koala population however the site is too degraded therefore not identified as potential or core Koala Habitat.

The Flora and Fauna Assessment reports submitted with the EIS demonstrate that the proposal does not have significant impacts on threatened species or their habitats and does not require the submission of a Biodiversity Development Assessment Report (BDAR). Consultation with the DPE has been undertaken regarding the Biodiversity and Rehabilitation outcomes (as further outlined below) and DPE are satisfied the proposal is generally consistent with the requirements of the Coraki Quarry and have recommended consent conditions to ensure protection of the environment.

The ongoing management of the ecological values on the site will be addressed by the implementation of mitigation measures including pre-clearing surveys within the wetland habitat (PCT782) if clearing is proposed from spring to early autumn. Further consent conditions are contained within the Draft Schedule of Conditions to ensure biodiversity impacts are effectively managed, including vegetation removal, mitigation measures proposed by the Flora and Fauna Assessment and the preparation/implementation of a Biodiversity and Rehabilitation management plan as requested by the State. (refer to **Attachment A**).

Rehabilitation and closure

The extractive activities undertaken at the site will leave a void at the site that needs a strategy for rehabilitation and closure. As outlined previously the site has recently operated under two separate but interlinked approvals that are proposed to be surrendered, therefore the project will require a revised rehabilitation and closure strategy.

In relation to the State approval DPE advice has been sought to ensure that consent is able to be surrendered and that any outstanding rehabilitation and closure obligations can be satisfied. The originally submitted rehabilitation outcomes outlined in the EIS were to provide a landform suitable for future industrial activities, however as the quarry footprint is located within the RU1 Primary Production Zone and as a result of consultation with the DPE this outcome has been revised and amended. The amended/revised rehabilitation plan is shown in Figure 13.

The amended Rehabilitation Plan and Management Measures are to achieve a safe, stable and not-polluting final landform that is integrated with surrounding natural landforms where possible and designed to minimise the visual impacts. On that basis, the amended post-extraction landuse and rehabilitation outcome for the Quarry is rehabilitation of disturbed areas to a safe, stable and non-polluting state, suitable for Rural uses including but not necessarily limited to cattle grazing. An addendum to the EIS has been submitted including a revised Rehabilitation Management Plan and management measures.

Surface infrastructure is to be removed unless required for an ongoing use. Quarry benches and the pit floor are to be revegetated using a combination of pasture and native vegetation corridors which link to other remnant vegetation on site. Progressive rehabilitation is identified to commence in an area when;

- Terminal benches and the final pit floor are reached, and
- The area is no longer required for operation or ancillary purposes; and
- There is a minimum 100m of separation to the active working area(s).

Completion criteria for site rehabilitation activities are as follows:

- Rehabilitation areas are grassed with pasture species suitable for livestock grazing.
- Sediment basins are converted into stock watering dams.
- Terminal faces are assessed by a suitably qualified expert as being safe and stable.
- Rehabilitation areas are free of any contamination and hazardous materials.
- Runoff water quality from the site does not pose a threat to downstream water quality.
- There is no evidence of erosion from rehabilitation areas.
- There are no significant weed infestations within the rehabilitation areas.
- Open forest vegetation is established on terminal benches.

DPE have reviewed the documents and consider that the proposed rehabilitation strategy is unlikely to preclude the proponent from being able to demonstrate that rehabilitation of the Coraki Quarry has been achieved to the satisfaction of the Secretary and subsequently surrendering this consent. Further DPE have requested conditions be included on the proposal to ensure the Biodiversity and Rehabilitation outcomes are consistent with the Coraki quarry consent.

To ensure the site is rehabilitated conditions of consent are proposed to include the preparation of a detailed Biodiversity and Rehabilitation Management Plan, progressive rehabilitation of disturbed surfaces wherever feasible, as well as the lodgement of a

conservation and rehabilitation bond that is reviewable every five years. Additionally, a Quarry closure strategy is to be developed at least 5 years prior to cessation of quarry operations to ensure the site is prepared for closure and any future use.

The recommended conditions are contained within the Draft Schedule of Conditions (refer to **Attachment A**).

Cumulative impacts

The proposed development has the potential to result in cumulative impacts, principally through increase ground disturbance leading to dust emissions, operation of plant and equipment leading to noise emissions and increased traffic.

The technical impact assessments for air quality, noise and traffic have considered cumulative impacts through assessment against existing background air quality, noise and traffic levels. Given the historical quarrying operations occurring at the site the site is a highly modified landscape and therefore the projects additional impacts are minimal and it does not significantly contribute to cumulative impacts in the locality.

3.7 Section 4.15(1)(c) - Suitability of the site

The subject site has a long history of quarrying operations with activities and infrastructure well established. The site is relatively unconstrained, in particular the majority of the quarry footprint is already disturbed and is not identified as being bushfire prone, flood prone or landslide risk.

The resource assessment has identified a reserve of high quality material suitable for production of various aggregate materials needed in road construction, building and other construction activities. The scale of extraction proposed is not expected to exhaust the resource reserve, with an estimated reserve of 2.8M tonnes remaining for future use.

The site has suitable road access and connections to the regional road network that provide a safe and efficient haulage route for the transportation of quarried materials to the local and regional market. Measures for the management of transportation impacts including a Drivers Code of Conduct and the collection of monetary contributions by Council are included to ensure ongoing safety and maintenance of the haulage route.

The development is largely screened visually from the surrounding rural properties due to site topography, remnant vegetation, existing vegetated bunds. Furthermore, the limited expansion footprint ensures the larger visible portion of the land remains as rural grazing lands of similar appearance as the surrounding landscape.

Environmental assessments for noise, vibration and air quality demonstrate the expected impacts of the development on the residences within proximity to the quarry are acceptable with the management measures and existing landholder agreements proposed. The premises has operated under an EPL for many years with the likely impacts well understood and the EPA being satisfied with the amenity impacts having issued GTA's.

Consequently, the subject site is considered to be suitable in its current state for the purposes of the proposed development and given the history of quarrying at this location. The proposed development will not change the existing land uses on the site.

3.8 Section 4.15(1)(d) - Public Submissions

Council received a total of two unique submissions following notification of the proposed development in accordance with Richmond Valley Council's Community Participation Plan 2020. These submissions are considered in Section 5 of this report.

3.9 Section 4.15(1)(e) - Public interest

The proposal complies with the relevant legislation, is consistent with the zone objectives of the Richmond Valley Council LEP 2012 and the development standards for the site. The proposal provides for the ongoing operation of an extractive industry to supply aggregate materials essential to the civil and building construction industries in the local area. The security of supply of these resources benefits the wider community by supporting growth and construction including road infrastructure projects within Richmond Valley and surrounding local government areas. The development will provide employment for 10-15 full time staff and generate the needs for goods and services, creating flow on opportunities for business development in the region.

The proposal has been notified to relevant government agencies with no agencies raising objection to the proposal. Where provided the agencies recommendations have been included within the proposed consent conditions.

The issues raised in submissions have been addressed in the application and are demonstrated to be compliant with the relevant legislation and guidelines. Quarrying activities have occurred on this site for many years and as evidenced by the small number of submissions received has done so without causing unreasonable impacts on nearby neighbours.

Reasonable operational limits and ongoing measures to protect the environment and the amenity of the area, consistent with community expectations are proposed within the conditions outlined in the Draft Schedule of Conditions. It is considered these provide that potential impacts from the development can be mitigated such that the development can proceed and public interest issues are balanced.

Consequently, the development is considered to promote the orderly and economic use and development of the land, ensuring that the public interest is maintained. The proposal is therefore deemed to be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 6. There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended Draft Schedule of Conditions being imposed.

Table 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A	N/A	N/A	N/A
Referral/Consultation Agencies			
Transport for NSW	Cl. 2.22 SEPP Resources and Energy	<p>Casino- Coraki Road (MR145) and Coraki Road (MR148) are classified (Regional) roads and Petersons Quarry Road and Lagoon Road are local roads.</p> <p>It is appropriate for Council as the Roads Authority to consider and determine if proposed arrangements are acceptable from a safety and efficiency perspective.</p> <p>TfNSW concurrence is required for any roadworks required that would affect the classified Regional roads.</p> <p>TFNSW advises;</p> <ul style="list-style-type: none"> • When Council considers the road safety impacts of additional vehicle movements including heavy vehicle movements the requirement to upgrade the intersection to provide Channelised Right-turn (CHR(S)) treatment and a Basic Left-turn Treatment (BAL) should be considered. Reported crash data should be considered. • Appropriate traffic measures during the construction phase should be in place. • Appropriate sight distances should be satisfied in accordance with Section 3 Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersection) and the Australian Standards (AS2890:1:2004). • Council to consider any impacts of ancillary road works, and internal site arrangements. <p>Councils Traffic Engineer is satisfied the road network is satisfactory and consent conditions are recommended.</p>	

Department of Primary Industries – Agriculture	Courtesy	Considers the proposal will not have an adverse impact any agricultural land use or agricultural production.	Y
Water NSW	Courtesy	<p>The EIS reports have stated that the pit floor will not exceed the current level (RL18m AHD) and there has been no groundwater infiltration to date. The sediment and erosion basins have been designed and comply with the exemptions within Schedule 1 of the Water Management Regulations 2018.</p> <p>Based on the documents reviewed, no approvals are required from Water NSW under the Water Management Act 2000.</p>	Y
Department of Planning and Environment - Heritage	Courtesy	<p>DPE Heritage comments provided confirming that no impact to Aboriginal cultural heritage is proposed. Recommends that the Aboriginal heritage exclusion areas are maintained and clearly mapped in all construction environmental management plans and provided recommended conditions of consent.</p>	
Department of Regional NSW – Mining, Exploration & Geoscience	Courtesy	Supports expansion of the quarry and maximizing resource recovery from the site. Requests condition requiring provision of annual production data to MEG.	Y
Essential Energy	Cl. 2.48 SEPP Transport and Infrastructure	<p>The site contains existing high and low voltage overhead powerlines in the area of the existing and proposed works.</p> <ul style="list-style-type: none"> • A minimum clearance of 20m (or the easement width noted on title) must be maintained around the 11Kv powerline. • The LV appears to be a service connections to the quarry. Any works near LV powerlines must meet requirements of the NSW Service and Installation Rules 	Y
Integrated Development (S 4.46 of the EP&A Act)			
NSW Environment Protection Authority (EPA)	s53 – <i>Protection of Operations Act</i> Environment Protection Licence	The EPA reviewed the DA and has determined that it is able to issue a licence for the proposal, subject to conditions.	Y

		<p>The applicant will need to make a separate application to EPA to obtain this licence.</p> <p>The EPA issued its revised GTAs for the proposal on 1 June 2023.</p>	
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4.2 Council Referrals

The development application has been referred to various Council officers within Richmond Valley Council for technical review as outlined Table 7.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	<ul style="list-style-type: none"> B-doubles conflict at the intersection and have been removed from the proposal. The existing road network can be made satisfactory for the number and types of vehicles proposed subject to the intersection of Lagoon Road with Casino Coraki Road, Queen Elizabeth Drive and Dawson Street meeting a sealed BAR/BAL intersection treatment. These works include but may not be limited to: <ul style="list-style-type: none"> i. Full pavement depth construction of new road area, ii. Reconstruction/extension of existing stormwater infrastructure under intersection, iii. Re-line marking of intersection. The proposed Safe Intersection Sight Distances and Approach Sight Distances are considered adequate. Section 138 Roads Act application will be forwarded to TfNSW for concurrence as the road is classified. Traffic Management Plan and Drivers Code of Conduct are required. These considerations have been addressed through the inclusion of recommended Draft Schedule of Conditions (Attachment A). 	Yes
Environmental Health	<ul style="list-style-type: none"> EPA are satisfied discharges to air and water are within acceptable limits and a licence can be issued for the proposal. Noise limits rely on landowner agreements conditions recommended to require mitigation if agreement is withdrawn. Road traffic noise is compliant with the NSW Road Noise Policy. An unexpected finds protocol is recommended to ensure land contamination is adequately managed. Management Plans for Noise, Blasting, Air Quality, Soils and Water, Transportation, as well as an overall Environmental Management Strategy are recommended. 	Yes
Certifier	<ul style="list-style-type: none"> Notes that no new structures are proposed. Any demolition is to comply with AS 2601 - 2001 "The Demolition of Structures". 	Yes

4.3 Community Consultation

The proposal was notified in accordance with the Richmond Valley Council's Community Participation Plan 2020 from 18 July 2022 until 15 August 2022. The notification included the following:

- A sign placed on the site;
- Notification letters sent to 43 properties within a 1.5km radius;
- Notification on the Council's website;
- Social media post.

The Council received a total of two unique submissions were received. The issues raised in these submissions are considered in **Table 8**.

Table 8: Community Submissions

Issue	Council Comments
<u>Submission 1</u> Mostly supports development. Have previously experienced blasting impacts.	<p>A Blast Assessment prepared by Groundwork Plus has been provided with the EIS. The Assessment undertook review and evaluation of the impact of blasting, including the risk of damage to surrounding structures and utilities, noise (airblast overpressure) and predicted ground vibration, whilst also providing blasting recommendations. NSW EPA have assessed the proposal and issued GTA's indicating vibration impacts are acceptable and able to be managed. EPA have provided conditions Council that include ongoing monitoring, neighbour notification and prescribed maximum limits associated with blasting activities.</p> <p>It is noted the submitters premises is located more than 1.8km north of the Quarry site and not located within the identified sensitive receiver locations. All blasts are to be undertaken in accordance with EPA licence requirements and Blast Management Plan that is to be developed in consultation with the EPA for the site. Blasts are required to be monitored and undertaken by suitably licenced contractors.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended Draft Schedule of Conditions (Attachment A).</p>

<p><u>Submission 2</u></p> <p>Preserving resource for local requirements.</p> <p>Waterways impacts including flood.</p> <p>Traffic and noise</p>	<p>The proposal provides for the continued operation of the quarry which will supply materials to the local area. The application seeks to enable ongoing extraction of the resource available at the site, and while a maximum yearly extraction of 350,000 tpa is sought this may not be reached every year as production will fluctuate depending upon demand.</p> <p>The quarry site is not affected by flood and does not impact the flood function or behaviour of surround land or watercourses.</p> <p>Traffic and Noise assessments have been undertaken and found to be acceptable subject to the recommended management and mitigation measures outlined in this report and the Draft conditions.</p> <p>Outcome: This issue has been satisfactorily addressed subject to the imposition of relevant recommended Draft Schedule of Conditions (Attachment A).</p>
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5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application warrants support.

The proposed development will not change the existing land uses on the site. Minimal establishment works are required with the site benefiting from existing infrastructure, processing plant, services, and amenities needed for its operation. Furthermore, the subject site is relatively unconstrained and sited on land which has been heavily modified by past quarrying and agricultural activities.

The quarry site is positioned away from major population centres and has convenient access to the regional road network. The haulage route is considered satisfactory subject to upgrading to a BAL/BAR standard and linemarking for the proposed frequency and types of heavy vehicles proposed and requires only minimal upgrades.

The quarry maximises resource recovery associated with the existing quarry disturbance footprint, limiting the potential environmental impacts. Extraction of the site resources will provide a long-term supply of construction materials with access provided facilitating public and private development in both Richmond Valley and adjoining local government areas.

The proposed development will provide employment for 10-15 full time staff, provide direct economic benefit in the form expenditure associated with operations and wages, as well as generating the need for goods and services, creating flow on opportunities for business development in the region

Consequently, the subject site is considered to be suitable in its current state for the purposes of the proposed development and given the history of quarrying at this location.

It is considered that the likely impacts as outlined in Section 3.6 have been resolved satisfactorily through the recommended Draft Schedule of Conditions at **Attachment A**.

6. RECOMMENDATION

That the Development Application DA No 2022/0250 for an extractive industry with an intended capacity of up to 350,000 tonnes per annum be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the Draft Schedule of Conditions attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Schedule of Conditions
- Attachment B: Development plans