

ASSESSMENT REPORT ADDENDUM

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
Addendum Matter	Noise agreements for exceedance of applicable noise criteria.

21 June 2022

BACKGROUND

The Northern Regional Planning Panel undertook inspection of the subject site on Friday 16 June 2023. During the site inspection Panel members raised questions relating to the noise impacts of the development and in particular the noise agreements proposed (currently held) with the affected residential premises.

In response additional information has been sought from the applicant including copies of the subject agreements. The applicant's response was received by email 19 June 2023 and is attached. Copies of the submitted land owner agreements are provided separately.

The letter and associated email confirm the Noise and Air Quality Impact Assessment in Section 2.6.2 identifies that the location of the existing processing plant relies upon the landowner agreements in place to comply with the noise limits at receptors R2, R3 and R7. Also, that in additional information provided to Council on 13 February 2023 it was confirmed that if a noise agreement is not able to be obtained then noise mitigation to the processing plant is required.

Council has recommended Consent conditions (numbers 38, 39 and 40) to ensure both the scale of operations are adjusted and specific attenuation measures are identified and implemented, (by way of acoustic reporting), if such agreements are not available or are withdrawn. The relevant conditions are provided below;

Noise Attenuation

38. Where a written agreement, as set out in condition 35, is not obtained or is withdrawn, the Operator must adjust the scale of operations and/or activities, and undertake noise monitoring to ensure compliance with the Noise Criteria.
39. Prior to undertaking any noise mitigation, the Operator shall obtain an acoustic report from a suitable qualified and experienced acoustical consultant, outlining the measures proposed to be taken to achieve compliance to the satisfaction of Council and the EPA.

40. The Operator must implement any recommendations in accordance with the report and Council/EPA requirements.

In regard to the provided agreements in the attached letter, Council notes the following;

- R2 - 95 Spring Hill Road (Lot 12 DP714770) – Council records indicate there are two listed owners. Only 1 provided authority.
- R3 – 75 Spring Hill Road (Lot 1 DP702544) – Council records indicate there are two listed owners. Only 1 provided authority.
- R7 – 140 Newmans Road Coraki (Lot 4 DP6339) – Council records indicate only one listed owner. Two signatures provided.
- R2 & R3 agreements are dated 2019.

In discussion with the consultant the proponent is agreeable to a further consent condition requiring new agreements be sought and provided, if required. Should the Panel consider this appropriate the following condition suggested;

Prior to commencing operations, the Operator shall obtain and maintain current written agreements with each of the relevant landowners (R2, R3 and R7) to exceed the noise criteria. Copies of the written agreements are to be provided to Council and the EPA.

Cherie Smith

From: Jim Lawler <jlawler@groundwork.com.au>
Sent: Monday, 19 June 2023 3:00 PM
To: Cherie Smith
Subject: RE: Petersons Q - Noise agreements
Attachments: 2513_DA1_019_Comment on noise agreements_R1.pdf

Hi Cherie

I have provided a revised letter (attached) to try and clarify things. As you are aware, the assessment identified noise mitigation of the plant was not required if the noise agreements were held. Which means that if the noise agreements are not held then noise mitigation to the processing plant is required (as discussed in our letter of 13 February 2023). R7 is owned by Jennifer Roberts who is the wife of Mr Peter Roberts who is a Director of the Applicant. R2 and R3 are signed by the representatives of the landowners with whom the previous operators negotiated. My understanding is the agreements are current.

Thanks,

Jim Lawler | Associate | MPIA Registered Planner PLUS EIA



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19 June 2023
Council Ref: DA2022 0250
GW+ Ref: 2513 DA1 019 R1

Cherie Smith
Development Assessment Planner
Richmond Valley Council
Via email: cherie.smith@richmondvalley.nsw.gov.au

RE: Development Application DA2022/0250. Comment on noise agreements.

Groundwork Plus Pty Ltd continue to act on behalf of KIS Quarries Pty Ltd (the Applicant), in relation to the Proposal for an extension to the Petersons Quarry (Council reference: DA2022/0250). Richmond Valley Council (Council) verbally advised that the Panel Members had questions about the implications of the noise agreements that the Applicant intends to maintain with the landowners of R2, R3 and R7. This letter is provided to Council to assist in explaining those noise agreements and the implications for the Petersons Quarry.

Quarry Noise Modelling Results

The development application for the Proposal is supported by a Noise and Air Quality Impact Assessment (the assessment). Table 7 of Section 2.6.4 of the assessment summarises the noise model results for the Proposal, which are presented below for ease of reference, which indicates compliance with the relevant noise criteria of 40dB(A) except for R2 and R3.

Table 7 from the assessment		
Receptor	Predicted LAeq, 15min dB(A)	Limit
R1	38	40
R2	47	-
R3	43	-
R4	35	40
R5	34	40
R6	34	40
R7	37	-
R8	25	40
R9	25	40

Noise Agreements

As discussed in the assessment the Applicant maintains noise agreements with the landowners of R2, R3 and R7 to exceed the noise criteria (refer Attachment 1). The location of R2, R3 and R7 is shown in Figure 2 of the assessment which is replicated below for ease of reference. R7 is owned by Mrs Jennifer Roberts, wife of Mr Peter Roberts who is a Director of the Applicant. R2 and R3 are privately owned residential dwellings.



Section 2.6.2 of the assessment explains that the 'existing processing plant at the location shown on Groundwork Plus Plan 1837 DRG 027 17 May 2018 relies upon the landowner agreements in place to comply with the noise limits at receptors R2, R3 and R7 (refer Figure 2). With the landowner agreements in place there are no specific requirements for noise mitigation of the processing plant'.

Therefore, it is apparent that without the landowner agreements, noise mitigation of the processing plant would be required. This was outlined in our letter dated 13 February 2023 which discussed that if, 'a noise agreement with an affected landowner/resident is not able to be obtained or is withdrawn then acoustic screening and enclosures shall be installed to the crushers, screens and any other processing equipment as necessary to comply with the relevant noise limits'.


Conclusion

The assessment prepared for the Proposal indicates compliance with the relevant noise criteria of 40db(A) can be achieved at all nearby sensitive receptors except for R2 and R3. The assessment outlines noise mitigation of the processing plant is not required if the noise agreements are held with the landowners of R2, R3 and R7.

The Applicant currently holds noise agreements with those landowners. The Applicant intends to maintain those noise agreements. The Applicant understands that if the landowners change then new agreements would be entered into with the new landowners or the Applicant would need to implement noise mitigation of the processing plant to achieve compliance with the noise criteria.

If you have any questions about this matter, please do not hesitate to contact me.

Yours faithfully
Groundwork Plus Pty Ltd



Jim Lawler
Associate
MPIA, Registered Planner Plus EIA

Attachment 1 – Noise agreements with R2, R3 and R7