PANEL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-124 – DA/0313/2122
PROPOSAL	The establishment and operation of a temporary resource recovery facility
ADDRESS	Lot 1 DP235911 and Lot 2 DP874997 282 Carrick Road CARRICK
APPLICANT	Andrew Divall
OWNER	Rose Divall
DA LODGEMENT DATE	5 November 2021
APPLICATION TYPE	Designated and Integrated Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 7(c), Schedule 6 of the *SEPP (Planning Systems) 2021*: waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2021.*
CIV	$ 49,330.43 (excluding GST)
CLAUSE 4.6 REQUESTS	Not applicable
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	• SEPP (Biodiversity and Conservation) 2021 • SEPP (Planning Systems) 2021 • SEPP (Resilience and Hazards) 2021 • SEPP (Resources and Energy) 2021 • SEPP (Transport and Infrastructure) 2021 • Goulburn Mulwaree Local Environmental Plan 2009
TOTAL & UNIQUE SUBMISSIONS	4
DOCUMENTS SUBMITTED FOR CONSIDERATION	Environmental Impact Statement Survey Plan Site Plan Traffic Impact Study Soil and Water Assessment Environmental Noise and Vibration Assessment Air Quality Impact Assessment Bushfire Assessment

	Fire Safety Report SEPP 33 Preliminary Risk Screening Analysis Statement of Environmental Sustainability Visual Impact Study Waste Management Plan
RECOMMENDATION:	29 July 2021 Version No 1 – Survey Plan Undated – Site Plan
SCHEDULED MEETING DATE	15 July 2022
PREPARED BY	Ellie Varga, Senior Development Assessment Officer
DATE OF REPORT	1 July 2022

Contents

Acronyms, Figures and Tables

Acronyms

ADG Code	Australian Code for the Transport of Dangerous Goods by Road and Rail
ENVIA	Environmental Noise and Vibration Impact Assessment
EP&A Act	Environmental Planning and Assessment Act 1979
EPA	Environment Protection Authority
EPL	Environment Protection License
EPRM	Excavated Public Road Material
ESD	Ecologically Sustainable Development
GTAs	General Terms of Approval
GMDCP 2009	Goulburn Mulwaree Development Control Plan 2009
GMLEP 2009	Goulburn Mulwaree Local Environmental Plan 2009
LOS	Level of Service
MBPR Project	Marulan Bypass Pavement Rehabilitation Project
NorBE Guidelines	Neutral or Beneficial Effect Guidelines
POEO Act	Protection of the Environment Operations Act 1997
RBL	Rating Background Level
ROL	Road Occupancy License
SWA	Soil and Water Assessment
TfNSW	Transport for New South Wales
The Regulation	Environmental Planning and Assessment Regulation 2021
TIA	Traffic Impact Assessment
TMP	Traffic Management Plan
TSP	Total Suspended Particles
QEMP	Quarry Environmental Management Plan

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Executive Summary

This report considers a Development Application (DA/0313/2122) for the establishment and operation of a temporary resource recovery facility at 282 Carrick Road, Carrick. The proposed development has been assessed against the relevant requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal would recover and process between 30,000 - 45,000 tonnes of excavated public road material (EPRM) for a maximum period of 18 months. Part of the existing quarry at the site would be used to process EPRM from the proposed Marulan Bypass Pavement Rehabilitation (MBPR) Project.

Pursuant to clause 2.19(1) of *State Environmental Planning Policy (Planning Systems) 2021*, the proposal is declared regionally significant as a consequence of clause 7(c) to Schedule 6.

The site is zoned RU2 Rural Landscape, and in this zone a resource recovery facility is prohibited. The proposal obtains its permissibility pursuant to clause 2.152(1) *of State Environmental Planning Policy (Transport and Infrastructure) 2021*, where development for the purpose of a waste or resource management facility may be carried out by any person with consent on land in a prescribed zone; RU2 is a prescribed zone.

The proposal was notified in accordance with Council's Community Consultation Plan, during which time four (4) submissions were received. Issues raised in the submissions include traffic safety, cumulative locality and context concerns, justification for project, noise, air quality, and the impact of traffic noise and air quality on rental income. The applicant provided a response to the submissions including technical reports which adequately answers the concerns raised.

The proposal was referred externally to Water NSW, Transport for NSW (TfNSW), Essential Energy and APA Group. No objections or concerns were raised. Water NSW provided their concurrence to the application and TfNSW provided recommended conditions.

Issues identified during the Briefing Meeting are considered to be adequately addressed through the submission of additional information and technical reports.

A copy of the draft Notice of Determination was not made available to the applicant before the completion of this report. A copy of the draft Notice of Determination will be available to the Applicant on the NSW Planning Portal when it is uploaded on 1 July 2022.

Accordingly, the proposal is considered to be suitable for the site and in the public interest and is therefore unlikely to result in adverse impacts in the locality. After consideration of the proposal having regard to the matters for consideration under Section 4.15(1) of the EP&A Act and the provisions of the relevant State environmental planning policies, it is considered that the proposal can be approved subject to recommended conditions.

1. Site and Locality Description

1.1 Site Description

The site is known as 282 Carrick Road, Carrick being Lot 1 DP235911 and Lot 2 DP874997 (see **Figure 1 and 2**). It is approximately 424 ha in size and irregular in shape. The site has frontage to both the Hume Highway (as its southern boundary) and Carrick Road (as a north western boundary). An existing hard rock/granite quarry operates within the middle southern area of the site which fronts the Hume Highway and vehicular access for this use is also provided at this point. Access to the quarry has an informal address of 17090 Hume Highway, Goulburn. Vehicular access is also provided from Carrick Road for the existing homesteads upon both properties.
The site undulates and generally falls to the north from a peak height of 705m just east of the quarry, to 650m in the west along Carrick Road. The site has been cleared for agricultural pursuits in the east and north of the site, with established and mature native vegetation within the south western portion of the site.

The site is located approximately 12km east of the Goulburn township and 15km south west of Marulan. The site sits between the Wollondilly River, Osborns Creek and to its south Towrang Creek.

Figure 1: Location Map

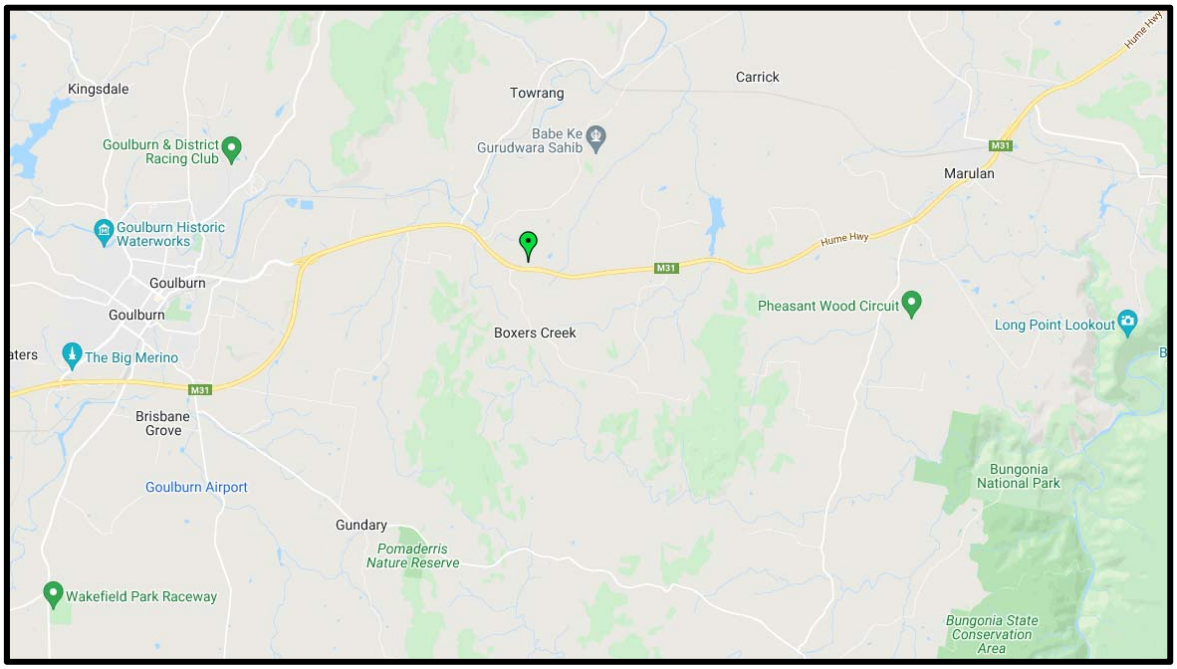


Figure 2: Site

1.2 The Locality

The locality comprises a mixture of agricultural pursuits, and smaller rural lots. Adjoining land to the north is rural in nature however has established and mature vegetation upon it resulting in the locality being bushfire prone. Other agricultural pursuits in the locality comprise a poultry farm to the east on the southern side of the Hume Highway. A quarry is proposed on Lots 3 & 4 DP 247199 (16501 Hume Highway Marulan); this proposal is currently with the Department of Planning for consideration of a Preliminary Environmental Assessment. Approximately 5.5km directly north of the site lies the rural locality of Towrang which the Main Southern Railway runs through. The Hume Highway is the primary connector of the site to the locality, Goulburn in the west and Marulan in the east.

2. Background

2.1 Historical use of site as a Quarry

On 30 July 1996, DA 52/96 a hard rock/granite quarry was approved on the site by (the then) Mulwaree Shire Council. This DA granted approval to the continued operations and enlargement of the two smaller existing quarries on the site. This application acknowledged

that there were two small pits already in operation near the Hume Highway, which have gone on to become the Divalls Quarry site that is operating today. Council holds no other historical approvals prior to this date for the operation of the site as a quarry.

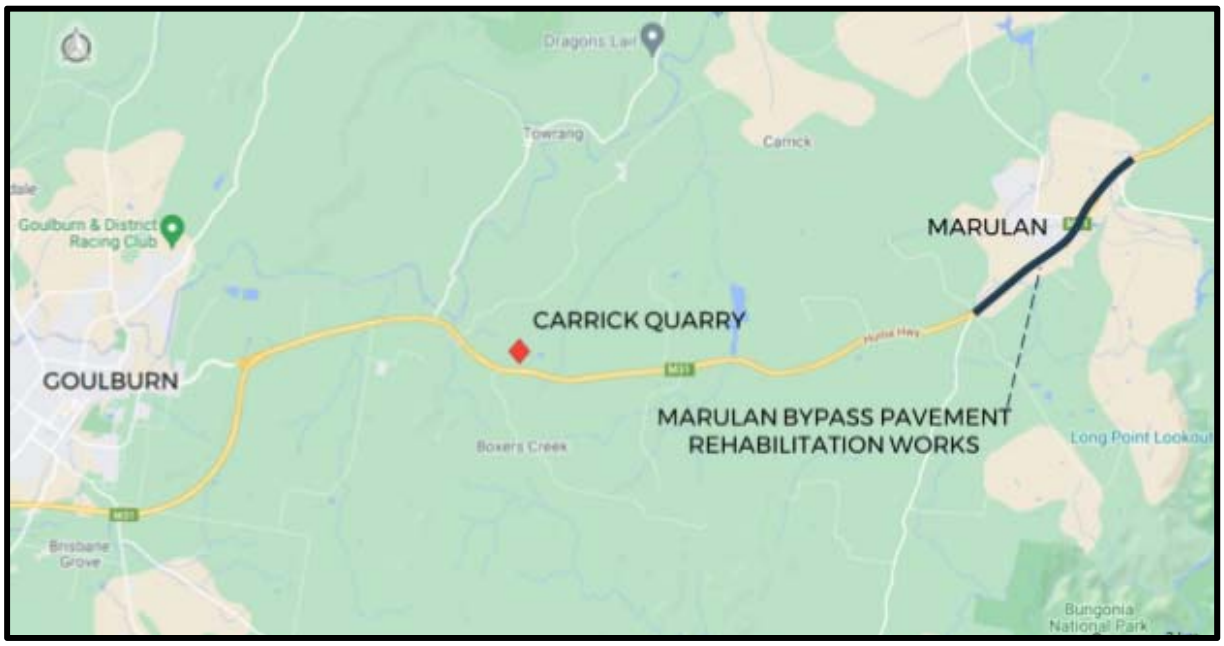
2.2 Project Background

TfNSW proposes to rehabilitate a 7km section of concrete pavement surface of the Hume Highway, known as the Marulan Bypass Pavement Rehabilitation (MBPR) Project (**Figure 3** shows location) TfNSW have already commenced road and site office preparations at the site of the roadworks.

Divall's Earthmoving & Bulk Haulage (the operators at the subject site) have been contracted by TfNSW to receive, store, process and dispatch the EPRM for resurfacing of the Marulan bypass pavement.

This Development Application forms part of the approval process required to facilitate the proposed road rehabilitation along the Marulan Bypass.

Figure 3: Marulan Bypass Pavement Rehabilitation Works Location



2.3 Application Background

A chronology of the Development Application since lodgement is outlined in **Table 1**:

Table 1: Chronology of the DA

Date	Event
5 November 2021	Development Application lodged
15 November 2021	DA referred to external agencies
16 November 2021	Exhibition of the application until 15 December 2021

10 February 2022	Staff site inspection –Environment & Biodiversity Assessment Officer Request for Information letter sent to Applicant (1)
10 March 2022	Staff site inspection – Senior Development Assessment Officer
11 March 2022	Additional information submitted
16 March 2022	Panel briefing and site inspection
7 April 2022	Response to submissions provided
28 April 2022	Independent Noise Assessment response provided to Council
9 May 2022	Panel Record of Briefing issued
13 May 2022	Request for Information letter sent to Applicant (2)
24 May 2022	Meeting held with Mayor, Council and Applicant
27 May 2022	Request for Information letter sent to Applicant (3)
10 June 2022	Additional information submitted
1 July 2022	Council Planning Report and draft Notice of Determination uploaded to Planning Portal
15 July 2022	Panel Determination Meeting

2.4 Site History

Details of previous development consents relating to the site are outlined in **Table 2**:

Table 2: Previous Development Consents

Application No.	Determination Date	Development Description
DA 52/96	Approved, 25 July 1996	Extractive Industry
s102 variation to DA 52/96	Approved, 26 September 1996	Deletion of Condition 8 regarding haulage contributions
MOD/0077/1213 to DA 52/96	Approved, 8 October 2013	Amend property description
DA/0034/0708	Approved, 17 October 2007	Alterations and additions to existing office

MOD/0051/0708 to DA/0034/0708	Approved, 16 April 2008	Alteration to height and addition of mezzanine.

3. Proposal

3.1 The Proposal

The proposal seeks development consent for the establishment and operation of a temporary resource recovery facility that would recover and process between 30,000 - 45,000 tonnes of EPRM for a maximum period of 18 months at 282 Carrick Road, Carrick. Part of the existing quarry at the site would be used as a temporary resource recovery facility to process EPRM from the MBPR Project.

In detail, the operation would comprise:

- The establishment and operation of a temporary resource recovery facility that would recover and process up to 45,000 tonnes of EPRM, which would otherwise be directed to landfill.

- The temporary use would operate for 12-18 months. This timeframe is intrinsically associated with the commencement and completion of the MBPR Project which is being undertaken by TfNSW (subject to separate approvals).

- Hours of operation would be 12.00am Monday to 12.00pm Friday, to align with the hours of the abovementioned bypass project. These hours differ to that of the existing site operations which have operating hours of Monday to Friday 7.00am to 6.00pm, Saturday 7.00am to 1.00pm and no operation on Sundays and Public Holidays.

- The EPRM would be transported to and from the site by a TfNSW sub-contractor from the Marulan Bypass Project location to the site using haul trucks and stockpiled on site. The Traffic Impact Assessment (TIA) assumes haul trucks to be 50% 19m truck and dog combination vehicles and 50% rigid trucks to enter, manoeuvre and exit the site.

- Vehicle movements and haulage activities would be as follows:
    - **Activity 1**: 60 vehicles would arrive at the quarry loaded with un-reconditioned material, material would be stockpiled, then vehicles would leave the quarry empty (a total of 120 movements). This would occur within a 12-hour shift at the beginning of the week.
    - **Activity 2**: 60 vehicles would arrive at the Carrick quarry empty, be loaded with processed material, then vehicles would leave the quarry with a full load (a total of 120 movements). This would occur over a second 12-hour shift towards the end of the week.
    - There would be no overlap between Activity 1 and Activity 2.

- The works would take place within the existing main quarry/general stockpile area, in the location shown in **Figure 4**. Existing equipment on-site would be used to process EPRM.

- Before (and during) the commencement of Activity 2, Divall's would process the EPRM using existing mobile rock crushers and a pugmill, add binder and stockpile it for re-collection by the TfNSW sub-contractor. Once the material is processed with binder, it has an 8 hour window to be laid as road sub base.

- Binding agents would include either hydrated lime or ground granulated blast furnace slag. The binder material would be contained wholly within an existing binder silo which has a capacity of approximately 40 tonnes. The maximum capacity of binder to be stored on the site at any given time is therefore 40 tonnes. There would be no binder material loosely stockpiled on the floor of the site for the duration of the proposed works. Diesel powered loaders would be utilised in the transfer of product on site between the pugmill and stockpiles.

- Delivery of the binder material to the site would be facilitated by a bulk powder tanker which would unload the material through pressurised pipes into the binder silo. Delivery of the binder is reliant on the percentage of binder material applied per dry weight of the removed highway concrete, which may vary. Divall's forecast two (2) deliveries of binder per week throughout the lifespan of the project.

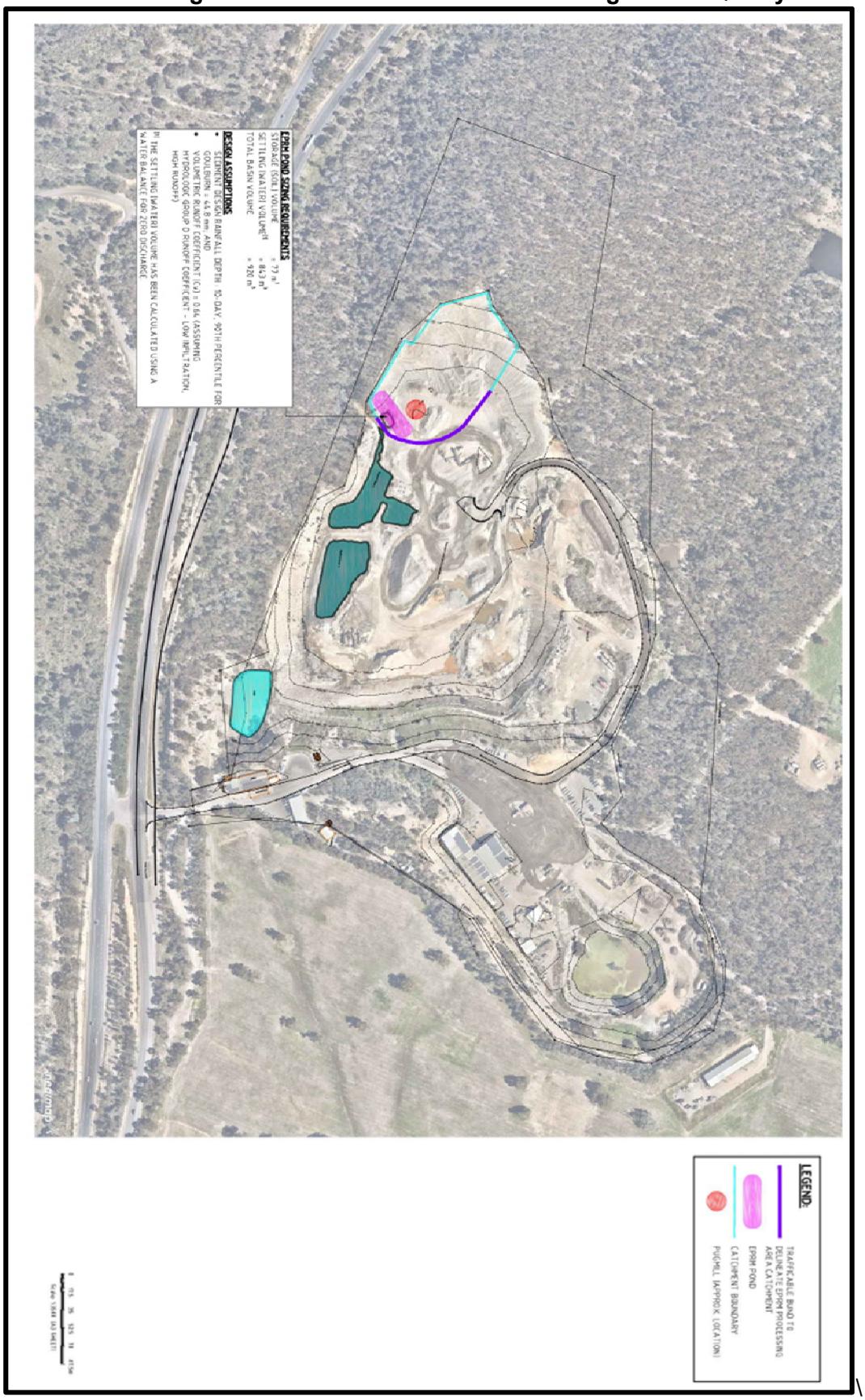
- Site preparation works extend only to the construction of a third sediment basin (Sediment Basin 3) 920sqm. The EPRM processing area would be bunded off from the remainder of the quarry floor via a trafficable bund to ensure that EPRM processing and stockpiling only occurs in the designated location within the quarry.

- There would be no increase in Divall's staff numbers as a result of the proposal.

As can be seen in **Figure 4** below, processing of the EPRM would be undertaken within the existing quarry laydown/stockpile area and separated by a trafficable earth bund.

The applicant for DA/0313/2122 is Andrew Divall and the capital investment value for the proposal is $49,330.43.

Figure 4: EPRM Location within existing Divalls Quarry



4. Statutory Considerations

4.1 Protection of the Environment Operations Act 1997

The proposal comprises 'Integrated development' in accordance clauses 43, 48 and 51 of the *Protection of the Environment Operations Act 1997* (POEO Act). These clauses provide that the Environment Protection Authority (EPA) must issue its General Terms of Approval (GTAs) for integrated development, as well as a licence for 'Scheduled activities', prior to such works commencing.

As the proposal would be processing up to 45,000 tonnes per annum, and less than 50% of the waste by weight would require disposal, the development is considered a scheduled activity as it fits within the definition of 'resource recovery' (clause 34 of Schedule 1 to the POEO Act). Consequently, an Environmental Protection Licence (EPL) would be required for this activity pursuant to Section 48 of the POEO Act. As the site holds a current EPL, the existing EPL can be varied to include conditions for the proposal.

The application was referred to the EPA for their GTAs. This is discussed below at Section 4.46 of the EP&A Act.

4.2 Environmental Planning and Assessment Act 1979

Section 1.3 Objects of Act

In making an assessment the objects should be considered to the extent they are relevant. A response to the objects of the Act are provided below:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

- The proposal has the potential to provide a range of social benefits which align with the NSW State Priorities, in particular 'Delivering Infrastructure';
- The proposal would provide for continued construction employment opportunities;
- The development would not negatively impact on the economic welfare of the community or the State's natural resources; and
- The proposal has been designed to minimise impacts to the site's natural and built resources, where possible.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

The Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity, and
- improved valuation, pricing and incentive mechanisms.

Council considers the proposal satisfactorily addresses the ESD principles as follows:

- *The Precautionary Principle*: The proposal would minimise impact on the environment particularly regarding waste materials. The purpose of the proposal is to provide an environmentally conscious approach by re-processing 45,000 tonnes of EPRM for construction use that would otherwise be directed to landfill. This minimises adverse impacts in regard to waste generation and demand on natural resources. The proposal would also minimise impact on the environment with respect to reduced transport costs and vehicular emissions from avoiding the necessity to transport raw materials from an alternative location.

- *Inter-Generational Equity*: The proposal would not cause significant impact on the health, diversity and productivity of the environment. The project would operate within an existing quarry and provide the necessary materials for the MBPR Project without compromising the ability of future generations to meet their needs. The wider Project would support the interests of the community in regard to increased accessibility and connectivity between the Goulburn and Mulwaree regions.

- *Conservation of Biological Diversity and Ecological Integrity*: The proposal would operate within the existing footprint of the quarry onsite. No site preparation would be required in regard to vegetation clearing, excavation or construction required to facilitate operational works. As such, the proposal would not result in threats to endangered species, communities or their habitat.

- *Improved Valuation, Pricing and Incentive Mechanisms*: The cost of the proposal is beneficial given it would utilise existing equipment on site to facilitate operations. It would support an innovative resource recovery strategy that is beneficial for the environment through the recycling and reuse of waste.

(c) to promote the orderly and economic use and development of land,

The proposal is an orderly use and development of the land and would be an additional temporary use within an existing site which is capable of managing expected impacts.

(d) to promote the delivery and maintenance of affordable housing,

Not applicable.

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

The operation of the development would be undertaken within a modified and disturbed environment and would not impact on local or regional biodiversity values.

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

The site is not identified as a heritage item within the GMLEP 2009. The site is heavily disturbed with the likelihood of impacting Aboriginal cultural heritage low.

(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

Not applicable.

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

The application shall be determined by the Southern Region Planning Panel as per *State Environmental Planning Policy (State and Regional Development) 2011*.

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposal was publicly exhibited, including notifying adjoining landowners, placing a notice in newspaper, as well as displaying the proposal on Council's website.

Section 4.5 Designation of consent authority

The proposal is 'Regionally significant development' pursuant to clause 7 of Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*. Consequently, the Southern Region Planning Panel is the consent authority for the proposed development.

Section 4.10 Designated development

The proposal is nominated as designated development pursuant to clause 45(4)(c) of Schedule 3 to the *Environmental Planning and Assessment Regulation 2021* (the Regulation) being a waste management facility that would recover and process waste for reuse on a site within a drinking water catchment.

Section 4.46 What is "integrated development"?

The proposal would process up to 45,000 tonnes of EPRM within a maximum 18 month period, which is classified as general waste, and less than 50% of the waste by weight would require disposal (i.e. nil). The proposal is therefore, a "Scheduled Activity", and requires separate licensing as required by Section 48 of the POEO Act. The proposal was consequently lodged as integrated development.

The application was referred to EPA for their GTAs. In their response dated 22 December 2021, the EPA did not raise objection to the proposal. They advised the applicant already has an EPL for activities listed under Schedule 1 of the POEO Act. The EPA advised they would be able to vary the current EPL to accommodate the proposal, subject to conditions. This would require the applicant making a separate application to the EPA to vary the EPL, should the proposal be approved. The EPA also identified three environmental issues for further consideration of the panel which shall be discussed at the 'Likely Impacts of the Development' section of this report:

1. Surface water management;
2. Noise impacts;
3. Hours of operation.

4.3 Section 4.15 Evaluation

Section 4.15(1) of the EP&A Act outlines the matters which the consent authority must take into consideration when determining a development application. These matters are further considered below.

4.3.1 *Section 4.15(1)(a)(i) any environmental planning instrument*

NSW South East and Tablelands Regional Plan

The NSW South East and Tablelands Regional Plan takes a cross-border approach to economic investment, infrastructure delivery, servicing provision and housing development. The plan nominates four goals for the region comprising:

1. A connected and prosperous economy
2. A diverse environment interconnected by biodiversity corridors
3. Healthy and connected communities
4. Environmentally sustainable housing choices

The proposal would assist with developing and maintaining Goulburn as an inland transport hub to connect the region to local and global markets.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 8 Sydney Drinking Water Catchment

The site is within the Sydney drinking water catchment (Wollondilly River sub catchment) and the development is considered to be a Module 5 under the NorBE Guidelines therefore, the application was referred to Water NSW for their concurrence. On 18 January 2022, Water NSW granted concurrence to the proposal subject to conditions relating to stormwater management specifically requiring the existing Quarry Environmental Management Plan to be updated.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 State and regional development

Clause 2.19(1) declares the proposal as regionally significant development being development nominated at clause 7(c) of Schedule 6 to this SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 Hazardous and offensive development

Potentially hazardous industry

The application was supported with a Preliminary Risk Screening Analysis (PRSA) which found the management of diesel on site, as well as the transport of diesel to not cause the use to be a potentially hazardous industry. As the site is not considered a potentially hazardous industry, a Preliminary Hazard Analysis is not required.

Potentially offensive industry

Industries listed within Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* are identified as potentially offensive industries (see Appendix 3 of *Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines 2011* (the Guidelines)). Consequently, the proposal is considered a potentially offensive industry and clause 3.12 requires consideration.

Clause 3.12 Matters for consideration by consent authorities

a) current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and

The proposal has been supported with a PRSA to consider the potentially hazardous and potentially offensive nature of the proposed industry in accordance with the Guidelines. The PRSA has been satisfactorily prepared in accordance with these guidelines.

b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*

The application was referred to the EPA who raised concern with proposed water discharge methods and noise impacts. They have recommended noise conditions to facilitate and minimise noise impacts.

c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*

N/A

d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*

A number of landholders adjoining the Hume Highway were approached as potential alternative sites which did not eventuate. Further, discussions with Council regarding the use of the Marulan Waste Management Centre found the proposed use of that site challenging in that the ability of the proposal to operate in isolation without impacting upon current operations was not able to be guaranteed. EPA licencing parameters would also prove problematic for the use of this site. Other sites such as the Goulburn Waste Management Centre (Goulburn) or Veolia's Eco Precinct (Tarago) were deemed too far to justify a positive environmental outcome for the proposal. Consequently, the proposed location was found to be the preferred option for the following reasons:

- the existing cut/void in the site assists with the management of noise and dust
- the existing cut/void is clear of environmental constraints such as vegetation or drainage matters
- site proximity to the Hume Highway
- site proximity to the work site in Marulan

e) *any likely future use of the land surrounding the development.*

The temporary nature of the operation would not adversely impact the development potential of surrounding land during its operation or after its completion.

Chapter 4 Remediation of land

This Chapter aims to promote the remediation of land for the purpose of reducing risk to human health or any other aspects of the environment. Clause 4.6 of this SEPP states that a consent authority must not consent to any development on land unless it has considered whether it is contaminated.

A Soil and Water Assessment (SWA) was submitted with the proposal which advised that in light of the natural soils having been substantially removed from the site due to the historical

and current quarrying of the site, it is unlikely that the current site is contaminated. Further, the SWA advised, '*The EPRM has not been identified as potentially contaminated, so the processing and/or temporary stockpiling of that material within the quarry floor is not expected to pose a risk of contaminating any ground waters.*'

Pursuant to the provisions of this SEPP Council is satisfied the site is suitable for the proposed development and therefore, consent can be granted to carry out development on the land.

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2 Mining, petroleum production and extractive industries – As the proposal is in the vicinity of an existing extractive industry, clause 2.19 of this SEPP applies to the application. The consent authority must:

(a) consider:

(i) the existing uses and approved uses of land in the vicinity of the development, and

The lawful uses in the vicinity of the development comprise the approved extractive industry on the subject site, a mixture of agricultural pursuits, and smaller rural lots as well as a poultry farm 1.5km east of the site.

(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and

The temporary nature of the site (maximum 18 months), the mobile nature of the machinery to be used (pugmill) and the at-grade material storage would result in a use that at the conclusion of the works the land would, as far as practicable, be restored to the condition in which it was before the commencement of the use. Consequently, it is unlikely the proposal would have a significant impact on the current and future extraction potential of the site.

(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and

The proposal has the potential to result in increased noise and air borne particles to the locality. The proposal would generate additional traffic movements to and from the site which has the potential to result in incompatibility from a vehicular safety perspective. The intersection of the site access with the Hume Highway is not constructed to cater for the size and quantity of vehicles turning left out of the site. Notwithstanding this, TfNSW have provided advice that they are satisfied with the proposed temporary traffic treatment measures that will be formalised through the issue of a Road Occupancy Licence application.

Incompatibility with other existing and approved land uses surrounding the site is not envisaged, particularly with noise conditions imposed. No incompatibility is envisaged with respect to current or future extraction or recovery, predominantly due to the temporary nature of the proposal.

(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and

The proposal would result in positive environmental and economic benefits for the local community in that it would result in a redirection of 45,000 tonnes of waste materials that would ordinarily go to landfill, provide opportunity for local jobs during construction, invest in local infrastructure and demonstrate a 'closed loop' economy for waste materials.

The temporary nature of the use and the unlikeliness that it would have a significant impact on the current and future extraction potential of the site are comparable to the positive public benefits. In this regard, the proposal is considered to be beneficial for the community.

(c) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).*

The applicant proposes the following mitigation measures at section 4.8 of the TIA to reduce the likelihood of adverse traffic safety:

- Scheduling the EPRM haulage to occur during off peak periods, where possible.
- Provide additional signage alerting drivers to turning trucks ahead/trucks entering the highway,
- Reduce highway driving speed to 80km/hr near the site during the EPRM haulage periods.
- Closure of a section of the fast lane southbound during the EPRM haulage periods to provide additional deceleration and queuing space for trucks turning right into the site.
- Closure of a section of the slow lane northbound during the EPRM haulage periods to provide additional room for trucks accelerating left out of the site to reduce likelihood of conflict with northbound traffic.
- Preparation of a Traffic Management Plan (TMP) in consultation with Transport for NSW. The detailed set out of the temporary lane modifications would be documented within the TMP with considerations for the bus stop, cyclists etc.

Detailed consideration of vehicular access impacts is discussed under section 3.6 of the DCP assessment in this report.

TfNSW have raised no objection to the proposal from a traffic and intersection safety perspective on the basis that the above mitigation measures are implemented.

<u>State Environmental Planning Policy (Transport and Infrastructure) 2021</u>

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 5 Electricity transmission or distribution

Essential Energy were referred the application pursuant to clause 2.48. Essential Energy raised no objections to the proposal; general comments regarding power line proximity and safety were raised.

Division 12A Pipelines and pipeline corridors

The application was referred to APA Group as a precaution pursuant to clause 2.76. No objections or concerns were raised.

Division 17 Roads and traffic

The application was referred to TfNSW pursuant to clauses 2.118 and 2.121 of the SEPP for their comments. The application is considered traffic generating as it is a waste or resource management facility with any size or capacity in accordance with Schedule 3 to this SEPP.

2.118 Development with frontage to classified road

The Hume Highway is a classified road, therefore, consideration of the matters in clause 2.118(2) are required:

> *(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
>
> *(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
>
> *(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
>
> *(i) the design of the vehicular access to the land, or*
>
> *(ii) the emission of smoke or dust from the development, or*
>
> *(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
>
> *(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The application was referred to TfNSW seeking assistance in Council's assessment of the above clause. A response was provided from TfNSW raising no objection to the proposal subject to the implementation of the mitigation measures nominated at section 4.8 of the TIA and imposition of associated conditions. TfNSW advised the following after considering the submissions:

> *"The Marulan Bypass Pavement Rehabilitation Project is expected to take between 12 to 18 months and will result in a number of benefits for road users and the surrounding community. These include a smoother driving experience for motorists; lower ongoing maintenance costs and requirements; more efficient and safer journeys; and reduced wear and tear on vehicles.*
>
> *Having considered the likely impacts of the development, TfNSW believes temporary traffic management measures are the most appropriate solution to delivery this important project in a cost-effective manner for the community and manage the road safety implications associated with the short-term increase in truck movements."*

With TfNSW raising no objections to the proposal for works within their road jurisdiction, Council is therefore satisfied development consent can be granted and the proposal is acceptable in terms of traffic safety, vehicular access and frequency associated with the Hume Highway.

2.121 Traffic-generating development

Before determining a development application for development to which this section applies, the consent authority must:

(a) give written notice of the application to TfNSW within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

The application was referred to TfNSW in accordance with this clause. A response was provided from TfNSW raising no objection to the proposal subject to the implementation of the mitigation measures nominated at section 4.8 of the TIA and imposition of associated conditions. TfNSW consider the proposal to have a reasonable traffic safety outcome.

Division 23 Waste or resource management facilities

Pursuant to clause 2.152(1) of the SEPP a waste or resource recourse management facility is permissible with development consent in a prescribed zone, to which RU2 Rural Landscape is (see clause 2.151). As a resource recovery facility falls under the parent definition of a waste or resource recovery facility, the proposal is permissible with development consent pursuant to this section of the SEPP.

Goulburn Mulwaree Local Environmental Plan 2009

The local environmental plan applying to the site is the *Goulburn Mulwaree Local Environmental Plan 2009* (GMLEP 2009) and is considered below.

1.2 Aims of Plan

The proposal is consistent with the following relevant aims of the GMLEP 2009 in that it would be promoting an ecologically sustainable method of reusing road base that would ordinarily go to landfill. The development would be undertaken on a site that is established and operating in a manner that would be able to appropriately manage environmental risks.

(c) to encourage the sustainable management, development and conservation of natural resources,

(i) to allow development only if it occurs in a manner that minimises risks due to environmental hazards, and minimises risks to important elements of the physical environment, including water quality,

(k) to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Goulburn Mulwaree and Sydney drinking water catchments so as to enable the achievement of the water quality objectives.

2.3 Zone objectives and Land Use Table

The site is located within the RU2 Rural Landscape zone pursuant to clause 2.3 of GMLEP 2009. The proposal is defined as a resource recovery facility and in the RU2 zone, a resource recovery facility is prohibited. The Transport and Infrastructure SEPP makes provision for the permissibility of the proposed development (refer above). Notwithstanding Council must have regard to the objectives of the zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To protect, manage and restore areas with high conservation, scientific, cultural or aesthetic values.*
- *To protect and enhance the water quality of receiving watercourses and groundwater systems and reduce their degradation.*
- *To preserve environmentally sensitive land, including catchment areas, and prevent development likely to result in environmental harm.*
- *To minimise the potential for conflict between adjoining land uses.*

The proposal is considered to satisfy the relevant objectives in that it would not impact the established rural landscape character of the locality, and not result in adverse environmental harm. The proposal has the potential for noise impacts associated with the processing of material to nearby residential receivers. This can be minimised by way of conditions regulating noise.

7.1A Earthworks

Site preparation works involve the construction of a third sediment basin (Sediment Basin 3) being 920sqm in surface area. Consequently, Council must consider the impact of earthworks associated with the proposal and in particular:

a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
b) *the effect of the proposed development on the likely future use or redevelopment of the land,*
c) *the quality of the fill or of the soil to be excavated, or both,*
d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*
e) *the source of any fill material or the destination of any excavated material,*
f) *the likelihood of disturbing Aboriginal objects or other relics,*
g) *proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Conditions of consent would be imposed in relation to the following matters:

- implementation of runoff and erosion control measures conditioned by Water NSW and already on the existing EPL;
- updating the existing Quarry Environmental Management Plan to incorporate stormwater management measures specified in the SWA, and the associated Soil and Surface Water management Plan;
- controls for earthworks, excavation and importation of material.

Compliance with the abovementioned conditions would ensure the proposed earthworks satisfy the relevant matters for consideration.

4.3.2 *Section 4.15(1)(a)(ii) any proposed instruments*

There are no draft instruments relevant to the proposal that require consideration.

4.3.3 *Section 4.15(1)(a)(iii) any development control plan*

The development control plan applying to the site is the *Goulburn Mulwaree Development Control Plan 2009* (GMDCP 2009) and is considered below.

Goulburn Mulwaree Development Control Plan 2009

1.7 Public Participation

The development was notified in accordance with Council's Community Participation Plan for Designated Development i.e. 28 days between 16 November 2021 and 15 December 2021. During this time, five submissions were received from the community. These submissions shall be addressed in the consultation section of this report.

2.4 Rural development objectives

The GMDCP 2009 aims to identify areas suitable for agricultural operations and ensure these operations minimise potential for land use conflict, unnecessary fragmentation or the alienation of existing land uses. The proposed development would not result in detrimental land use conflict, particularly with the imposition of conditions regarding noise and the temporary nature of the proposal.

3.1 Indigenous heritage and archaeology

The proposal was supported with an Archaeological Study which was prepared in 1996. Whilst this is outdated and doesn't effectively consider the potential for impacts on Aboriginal Objects, the site is heavily disturbed with the likelihood of impacting Aboriginal cultural heritage low.

3.6 Vehicular access and parking

The development proposes to use the existing unsignalised staged crossing and driveway access off the Hume Highway frontage to the site. This is also the primary access location for the existing Divall's Quarry operations on site. There is an informal and unlawful rear access to the quarry from Carrick Road (which uses the driveway of 282 Carrick Road). Auxiliary left and right turn lanes are provided on the Hume Highway to support turns into the quarry site. A 200m acceleration lane is also provided to support left turn movements from the quarry access to the Hume Highway to drive northbound. A median storage area of approximately 21m width allows vehicles to queue when crossing the Hume Highway carriageways to drive southbound.

The proposed temporary use of the site would see additional vehicles enter and exit the site to a maximum of 240 vehicular movements in a week. The TIA recognises the left turn acceleration lane for northbound traffic does not meet the criteria for both cars and trucks in accordance with *Austroads Guide to Road Design: 4A*. A compliant acceleration lane length for cars for the left turn out of the site would be 595m, and for semitrailers, 1500m. Consequently, the existing 200m left turn lane does not meet the relevant criteria as an acceleration lane for cars or trucks.

Whilst the access is not constructed to the standards required for such an intensification of the site, it is noted this is a temporary use with mitigation measures proposed to reduce the likelihood of adverse traffic safety as follows:

- Scheduling the EPRM haulage to occur during off peak periods (staff arrival and departure times at the site, morning heavy vehicle school bus services, Hume Highway peak period),
- Provide additional signage alerting drivers to turning trucks ahead/trucks entering the highway,
- Reduce highway driving speed to 80km/hr near the site during the EPRM haulage periods,
- Closure of a section of the fast lane southbound during the EPRM haulage periods to provide additional decleration and queuing space for trucks turning right into the site,
- Closure of a section of the slow lane northbound during the EPRM haulage periods to provide additional room for trucks accelerating left out of the site to reduce likelihood of conflict with northbound traffic, and
- Preparation of a Traffic Management Plan (TMP) in consultation TfNSW. The detailed set out of the temporary lane modifications would be documented within the TMP with considerations for the bus stop, cyclists etc.

The application was referred to TfNSW for their comments as the site access is within the Hume Highway road reserve. They advise:

> *The existing Hume Highway intersection currently operates at a poor Level of Service (LoS) for some movements, particularly the right turn into the property, with vehicles experiencing significant delays (215 seconds) during peak times;*

Notwithstanding, TfNSW have provided their support for the proposal, raising no objection subject to the implementation of the mitigation measures as discussed above and nominated at section 4.8 of the TIA and imposition of associated conditions. TfNSW recognises that the temporary facility is associated with critical infrastructure works to improve the ongoing operation of the Hume Highway.

No additional parking would be required on site to facilitate the proposed development.

3.12 Groundwater

The proposal would not adversely impact runoff or infiltration patterns given the EPRM processing area would be within the existing quarry.

Given the proposed development does not constitute any change in the extent or depth of extraction and does not change the runoff versus infiltration characteristics of the site, no changes to groundwater conditions downstream are envisaged from the development.

3.16 Stormwater pollution

The site is controlled by an EPL and is a nil-discharge site. Consequently, stormwater is to be retained onsite and used for works within the quarry. The Soil and Water Assessment (SWA) advises:

> *"Erosion of exposed areas is expected during rainfall and, as such, appropriate sediment retention infrastructure must be in place. An existing sump within the EPRM processing area has a capacity of approximately 100m^3, so is insufficient to detain sediment-laden runoff from the EPRM processing area. As such, the existing sump*

requires enlarging to minimise the risk of offsite pollution of waters resulting from sediment egress."

Consequently, the proposal involves the creation of a third sediment basin, known as Sediment Basin 3, of 920m3 (sediment store = 77m^3, settling zone/retention = 843m^3) would be created within the trafficable bund for the EPRM project. Council is satisfied Sediment Basin 3 is suitably sized to accommodate a 10-day, 90th percentile rainfall event for Goulburn.

In Water NSW advice, it was raised that there appears to be a discharge point being used at the location where the EPRM project is to occur:

"It is noted that the site is currently operated under an Environmental Protection Licence as a nil-discharge site. The Soil and Water Assessment indicates that management measures can be put in place to ensure that the site remains nil discharge. However, in the unlikely event of discharge, the discharge requirements of the "Blue Book" (Landcom 2004) would be met. Although, such a discharge would meet the requirements of the SEPP, Water NSW would prefer that the surface water management systems are operated to retain the site as a nil-discharge site. It is noted that recent aerial photos appear to show a discharge point from the existing sediment basins on the site."

A site inspection on 10 March 2022 confirmed that there is a discharge point on the southern boundary of the site near the EPRM project. EPA were advised of Water NSW and Council's findings on 10 March 2022. On 11 March 2022, EPA advised that all EPL holders in areas recently experiencing high rainfall within the South East region of NSW have been contacted advising that discharge to reduce water storage on the site is accepted at this point in time. EPA will work with EPL holders in the future to ensure these discharge points are removed once rainfall events reduce (i.e. La Nina ceases).

3.17 Bushfire risk management

The site is identified as being bushfire prone. The application was supported with a Bushfire Assessment which concludes that the potential for the plant to be ignited by a bushfire, including a bushfire of a catastrophic intensity is zero. This is due to the distance of the plant from the 50m APZ which comprises of bare rocky earth and a down slope to the quarry floor.

The proposal has demonstrated consideration of the NSW Fire and Rescue's Fire Safety in Waste Facilities (27 February 2020). To ensure continued compliance and fire safety for the site, Divalls commit to:

- Continued implementation of existing management procedures, including implementation of the incident and emergency management plan, for all staff induction, safety inspections and emergency drills in preparation for the unlikely case of fire events.
- Maintain housekeeping and maintenance on the site at a high standard to remove any possibility of flammable material being left unattended in the laydown area to reduce the risk of on-site fires escalating into bushfire areas.
- Maintain the existing no smoking enforcement at the site, other than in designated areas.
- Provide periodic maintenance of APZ of bare rocky ground with zero flammability, minimizing the low risk of fire or bushfire at the site.

4.2.7 Noise & vibration – general

Noise

The proposal was supported with an Environmental Noise and Vibration Impact Assessment (ENVIA) as the use has the potential to generate industrial noise to sensitive receivers. In light of the proposal potentially operating at night time, a key issue for the proposal is the noise impacts to nearby residential receivers who aren't ordinarily used to industrial noise at night and the potential for disturbance to their sleep. Noise sources associated with the operation of the Quarry include the following machinery:-

- Chieftan 2100x power screen,
- Volvo 150H front end loader,
- HARTL mobile concrete crusher,
- Rapidmix 400 CW Pugmill,
- Heavy vehicle movements, and
- Operation of a Dozer to clear overburden at the top of the pit.

A noise logger was placed at receptor R1, 51 Tiyces Lane, between Tuesday 31 August 2021 and Tuesday 7 September 2021. The Report identified three potential residential receivers as follows:

- R1 – 51 Tiyces Land (615 metres);
- R2 – 63 Curlewin Lane, Boxers Creek (970 metres); and
- R3 – 282 Carrick Road (circa 1030 metres).

Figure 5: Location of Residential Receivers

It is noted that R3 represents dwellings located toward the north and northeast of the quarry location and these properties are owned by the Proponent.

Condition 3 of DA52/96 imposes noise parameters as follows:

"Noise emitted from the site is not to exceed 5 dB(A) above normal background conditions."

Council and the EPA take the normal background level referred to in Condition 3 as the Rating Background Level (RBL). The *NSW Noise Policy for Industry* (2017) allows for an intrusiveness level for an industrial noise source to be RBL+5dB. Noting this, the EPA has prescribed noise limits in their GTAs based on:

- the minimum criteria under the Noise Policy for Industry during the day at receivers R2 and R3; and
- the predicted LAeq,15minute noise level during the day at R1, and during the evening and night at R1, R2 and R3.

The proposed EPA noise limits are as follows:

L3. Noise limits

L3.1 Noise generated at the Premises must not exceed the noise limits at the times and locations in the table below:

Location	Noise Limits in dB(A)			
	Day $L_{Aeq(15\ minute)}$	Evening $L_{Aeq(15\ minute)}$	Night $L_{Aeq(15\ minute)}$	Night L_{AFmax}
R1	42	42	42	47
R2	40	36	36	40
R3	40	38	38	42

In the absence of predicted night LAeq,15minute noise levels in the Report, the EPA has assumed that as the proposal seeks to operate at times during the evening and night (for two 12 hour periods in one week), the predicted night noise levels are to be equivalent to the predicted evening noise levels nominated in the Report.

As an outcome of the Panel Briefing Meeting, Council engaged an independent review of the submitted ENVIA. The independent review found the report to not be

"…consistent with the requirements of the EPA's Noise Policy for Industry or the NSW Road Noise Policy, therefore providing no assurance that the acoustic amenity of the nearby potentially affected residential receivers would be maintained during the temporary use period."

The review also advised the report:

"… has not demonstrated that if approved, the development would not cause an adverse impact on adjoining land and amenity of the neighbourhood."

Consequently a revised ENVIA and an explanatory cover letter dated 9 June 2022 was submitted for consideration. The revised ENVIA was amended to properly address the following main issues found with the original report:

- The establishment of appropriate rating background noise levels at each residential receptor location,
- The establishment of appropriate intrusiveness and amenity project noise trigger levels, at each residential receptor location, and
- Assessment of on-road traffic noise levels including correct assessment methodology contained in the NSW EPA's Road Noise Policy 2011 and the sound level ascribed to on-road truck movements.

The revised ENVIA identified that the overall level of noise emission from the operation of the site is at or below the EPA's Project Noise Trigger Levels at all receptors during the day, evening and night time periods, with the exception of Receptor R3 on some occasions. Receptor R3 is a residence on the same property as the proposal and is owned by the applicant. Therefore, it is understood that the applicant is aware of this occasional noise impact at this location. The conditions recommended by EPA would be included in any favourable determination which would aim to mitigate noise impacts to the nominated sensitive receivers.

Vibration

There would be no blasting undertaken at the site as a consequence of the temporary proposal (or the existing approval) and given the significant distances from the concrete crusher to the residential receivers, ground borne vibration from any on-site activities would not be noticeable at any receptor locations. Consequently, consideration of vibration impacts is not considered necessary.

4.2.8 Air pollution – industrial

The proposal has the potential for causing air pollution such as suspended particulate matter (total suspended particles (TSP), PM10 (particles, and PM2.5) and dust deposition associated with processing EPRM at the site. Consequently, the proposal was supported with an Air Quality Impact Assessment.

In the report, dispersion modelling predicted the cumulative annual average TSP concentrations and annual average dust deposition rates would be below the respective EPA impact assessment criteria at all sensitive receptors for both the existing and proposed operations.

Exceedances of the cumulative annual average PM10 and PM2.5 impact assessment criteria were predicted at each of the sensitive receptors due to the background concentrations already being above criteria. That being said, increases predicted at less than 1% of the criteria in all case.

The results of the dispersion modelling indicate compliance for long term (annual average) particulate averages and potential non-compliance of short term (24-hour average) criteria for PM10 and PM2.5 only due to elevated background concentrations. Notwithstanding, these exceedances are less than 1% of the relevant impact assessment criterion.

In order to ensure that impacts on off-site air quality are minimised, mitigation measures for dust emissions were recommended in Section 8 of that Report as follows:

Table 3: Recommended dust mitigation measures

Pollution Source	Control Measure
Wind Generated dust from exposed areas and stockpiles	Wet suppression or chemical coating
	Revegetation of exposed areas
Haul and road trucks	Covering all loads leaving the site
	The speed limit on unpaved surfaces is limited to 10km/hr
	High level watering (greater than 2L/m2/hr) may be done on unpaved road surfaces. This can be achieved through the use of a water cart

	Low silt aggregate used on unpaved roads
Fixed materials handling activities: • **crushing and screening** • **dumping of product to the crushing facility**	Minimising dust-generating activities during times of high wind speeds
	Reduction of the intensity/rate of activities in response to excessive dust generation
Other quarrying activities • **dumping of material to stockpiles**	Minimising dust-generating activities during times of high wind speeds
	Relocation of offending plant and equipment to less sensitive onsite areas
	Reduction of the intensity/rate of activities in response to excessive dust generation

5.8 Hazardous Chemicals

There would be no storage of Dangerous Goods, as per the *Australian Code for the Transport of Dangerous Goods by Road and Rail* (ADG Code) associated with the proposal. As the proposal would be supported by existing operations occurring within the quarry site, there would be no requirement to install any additional storage. Refuelling of plant equipment occurs once per day by mobile fuel tankers for existing operations. Council is satisfied this addresses this section of the DCP.

5.9 Rural Land Use Conflict

A waste management facility requires a 500m buffer distance to rural dwellings and proposed dwelling envelopes. The closest residential receiver is at 51 Tiyces lane which would be approximately 615m from the EPRM project site within the quarry. Council is satisfied this addresses this section of the GMDCP 2009.

7.2 Roads

7.2.3 Heavy vehicle haulage development routes – While the proposal relies on truck haulage to receive the EPRM at the site, the subject application is considering the processing of EPRM from the Marulan Bypass road upgrade which uses the Hume Highway (not a Council road). No Council roads are required to undertake the route from the Marulan Bypass upgrade location to the Divalls site.

4.3.4 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 proposed for the site.

4.3.5 Section 4.15(1)(a)(iv) provisions of Regulations

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining an application. No matters raised in this clause are relevant for consideration with this proposal.

4.3.6 Section 4.15(1)(b) likely impacts of the development

The likely impact of the proposed development, including impacts on both the natural and built environments, and social and economic impacts in the locality must be considered.

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

Context and setting

The site is situated within a predominantly rural and agricultural setting. The area surrounding the site is used primarily for rural, agricultural and commercial purposes. The locality is undulating and heavily vegetated in parts with spanning views of articulated topography and watercourses.

Access and traffic

Vehicular access and parking has been discussed previously in this report. Traffic is discussed below.

The proposed temporary use would see additional vehicles enter and exit the site. A total of 120 additional haul vehicle movements associated with the use would occur twice in a week (totalling 240 additional vehicle movements to the site). It is anticipated other minor additional vehicular movements associated with Divall's staff and TfNSW contracted staff, as well as delivery of binder would also occur as a consequence of the proposal.

To address the increase in heavy vehicles to the site, noting that the site access is not constructed to the appropriate standard for the proposed temporary intensification, mitigation measures and temporary traffic control measures are suggested in the TIA as discussed previously in this report. These measures have the potential to alter traffic behaviour for motorists using the Hume Highway. The consideration of highway traffic road safety is a matter for TfNSW when assessing a Road Occupancy License (ROL) for the proposal.

Notwithstanding, the EIS and TIA argue that due to the slow speed and acceleration rate of trucks, and as the quarry has been operating for some years, the risk of any conflict can be managed by regular motorists knowing to shift to the right lane to overtake any merging trucks at this site. Whilst this is an unacceptable justification for vehicular safety, TfNSW have raised no objection to the proposal subject to the imposition of conditions regarding preparation of a Traffic Management Plan and obtaining a ROL.

<u>Functionality of the proposal</u>

The EIS describes the proposal as seeking approval for two 12 hour periods to haul trucks to and from the site, with those two periods never overlapping and those periods occurring anytime between Midnight Sunday to Midday Friday. It also states the proposal would schedule the EPRM haulage to occur during off peak periods peak 'where possible'. It is noted the existing Divall's hours of operation are:

Monday to Friday	7.00am to 6.00pm
Saturday	7.00am to 1.00pm
Sunday and Public Holidays	Nil

The peak periods for vehicles using the site and the Hume Highway in the TIS are shown in **Table 4** below:

Table 4: Peak vehicular movements

Time Period	Activity
8.00am – 9.00am	Light vehicle inbound staff arrival School Buses
9.00am – 10.00am	Heavy vehicles leaving the site
2.00pm – 4.00pm	2019 sustained Hume Highway traffic flow peak (figure 3.5 in TIA) Note: the TIS indicate 3.00pm-4.00pm School Buses
5.00pm – 6.00pm	Light vehicle outbound staff departure

Council's position has consistently been that the proposal, as submitted, would result in both detrimental cumulative impacts on the intersection to the site and conflicts with the existing use in terms of permitted vehicular movements. Therefore, the proposal would likely result in poor safety outcomes for road users and users of the access to the site. Consequently, an upgrade to the north bound acceleration lane leaving the site was recommended.

The Applicant was not satisfied with this outcome and so after further consideration of the proposal and in an effort to find a favourable outcome for all parties involved, Council recommended the following to the applicant:

> *"The TIS identified and committed to only avoiding peak periods 'where possible' during the haulage activities which does not satisfactorily address Council's concerns. In order to circumvent road upgrades, Council would be recommending to the Southern Region Planning Panel (the Panel) to formalise the proposed twice weekly haulage periods to 7.00pm to 7.00am each, by way of conditions in any Notice of Determination granting approval. Without a formalised haulage activity period, Council was not previously satisfied the cumulative impacts associated with the increased vehicles using the intersection during peak periods could be ignored.*
>
> *To ensure the formalised haulage periods work effectively and do not conflict with the existing Divall's site operations (notably hours of operation), Council would be recommending to the Panel a condition that the installation of temporary traffic control measures commence from 7.00pm and be removed before 7.00am, so as to not interfere with the approved hours of operation under MOD/0077/1213 (to DA 52/96). Consequently, it is important this condition is conveyed and understood by all parties involved in the project before the Application is presented to the Panel."*

The Applicant informally discussed the above suggestion with Council and advised that it would be too restrictive and would not allow the project to proceed as intended. In a formal response, the Applicant advised:

> *"Whilst we appreciate Council identifying an alternative solution/condition to the upgrade, we have been advised by TfNSW (Attachment 2) that* "given the already constrained program for the [broader/related MBPR Project] works due to ROL restrictions….should these conditions be realised, it is unlikely that that it will be feasible for Transport to utilise Divalls services for material processing and supply"*. TfNSW has indicated they would need to consider alternatives for reprocessing, if feasible, or consider redesign of the pavement to avoid reuse of the existing damaged concrete pavement material. The latter would undermine the overall intent of the project to*

promote a circular economy and the sustainable reuse of material that would otherwise be disposed of. An alternative condition, restricting haulage Monday to Thursday could more feasibly be implemented."

In full, TfNSW (Project Team) advised:

"Transport recognised there may be conditions imposed on haulage operations in and out of your facility restricting supply of material for the project to 2 nights per week (7pm to 7am). Given the already constrained program for the works due to ROL restrictions (see the above list), should these conditions be realised it is unlikely that it will be feasible for Transport to utilise Divalls services for material processing and supply.

Regrettably, Transport would need to consider alternatives for reprocessing, such as establishing a temporary roadside facility or pavement redesign to avoid reuse of the existing damaged concrete pavement material."

It is evident the Application as submitted contradicts the responses from both the Applicant and TfNSW (Project Team). Operating a 12 hour haulage period outside of peak periods is clearly not possible due to when the peak periods are, but both parties have stated that operating outside of peak periods is not possible. To make what has been proposed possible, the haulage activities should be at night moreso than in the day, or as a minimum within the hours of 6.00pm and 8.00am. 'Where possible' is therefore, not possible. It is noted, the option for formalising haulage periods was not conveyed to TfNSW (Development Southern) as the applicant was not comfortable committing to the recommendation.

Irrespective of the above, Council have the advice of TfNSW (Development Southern) that they raise no objection to the proposal subject to the mitigation measures recommended in the TIA and the imposition of conditions as discussed previously in this report.

Other land resources

Discussed previously in this report. The temporary nature of the proposal would not result in an adverse impact on the existing mineral and extractive resources of the site.

Water

In order to process the EPRM with binder, the pugmill requires water. The expected water demand for the proposal is 50L per tonne of processed material. With an estimated 2000 tonnes of weekly material, the maximum weekly water demand would be 100,000L.

The proposal would use Sediment Basin 3 (constructed for the proposal), as the primary water source for processing the EPRM. In the event that Sediment Basin 3 could not meet the water demand, make-up water is available in Sediment Basins 1 and 2 within the existing quarry. Sediment Basins 1 and 2 are only used for sourcing water for dust suppression so generally contain a surplus of water that is available for other onsite uses.

An assessment of water supply (rainfall) and water demand (pugmill) was undertaken in the SWA and the basin was determined to require a storage volume of 843m^3. A basin of this size would have a supply reliability of approximately 50%, with three existing water dams and sediment basins on site with totalling a capacity of 20,000m^3 able to be used should extra water be needed.

Minimal water is drawn from these storages for existing quarry operations, and also for dust suppression. The EIS advises these dams have never run dry over the quarry life to-date. As such, drawing water (if and when needed) from other water storage basins onsite is unlikely to impact on existing quarry operations.

As per the recommendations in the SWA, conditions would ensure the following are completed prior to the commencement of the EPRM project:

- the Quarry Environmental Management Plan (QEMP) is updated;
- the trafficable earth bund is established across the quarry floor to delineate the EPRM processing area and separate stormwater catchments;
- the existing sump with the EPRM processing area is to be enlarged to become Sediment Basin 3.

Conditions would also regulate a nil-discharge of water occurring from the site, consistent with the EPL and advice from the EPA. The basin would need careful management to ensure that sufficient capacity remains at all times to prevent unauthorised discharges.

Air and Microclimate

Air quality has been discussed previously in this report.

Water for dust suppression associated with the EPRM project would be sourced from Sediment Basin 1 & 2.

Waste

The proposal would process up to 45,000 tonnes of EPRM at the subject site within an 18 month period, which is classified as 'general waste'. This DA seeks to have the EPRM, which would ordinarily be sent to landfill, be reprocessed for construction re-use. This is considered a positive solution that lessens the environmental costs of waste generation and disposal.

The Waste Management Plan (WMP) identifies that no more than 5000 tonnes of EPRM would be stock piled at any one time.

The EPRM would be delivered to the site in set quantities according to the construction contractor's schedule. It is estimated that these sections would be around 1000-2000t per section. The sections or batches are to be processed by Divall's existing mobile rock crushers, screens and pugmill to produce a product that would be tested to comply with the applicable road construction standards.

The processed EPRM would then be placed back into the haul trucks for transportation by the contractor back to the construction area for direct placement as a road base or bedding product. Any binding agents used in processing will be delivered to site in powder tankers and pumped directly to existing silo storage. There would be no waste created by any binding agent used as it would be wholly mixed with the reprocessed road base material.

Noise

Noise has been discussed previously in this report.

Economic impact

Overall, the proposal would provide a positive economic impact by providing a local industry the opportunity to participate in an environmental and economic initiative by TfNSW.

4.3.7 Section 4.15(1)(a)(c) suitability of the site

- The site is considered suitable for the proposal on the following basis:

- The development is compatible with and sympathetic to the existing built environment;
- The site is located within an established quarry and considered appropriate for the operation of a temporary resource recovery facility.
- Utilities and services available to the site are adequate for the development;
- The air quality and microclimate are appropriate for the development, subject to recommended conditions;
- No hazardous land uses or activities are within the vicinity of the site;
- It has been demonstrated that impacts of the development can be mitigated and managed, where required, through compliance with conditions of consent;
- Noise levels would not impact on nearby sensitive receivers, with the imposition of recommended conditions;
- The development is compatible with the identified bushfire risk; and
- The development would not result in removal of any native and/or significant vegetation.

4.3.8 Section 4.15(1)(a)(d) public submissions

The proposal was notified in accordance with the Council's Community Participation Plan from 16 November 2021 until 15 December 2021. A total of four (4) unique submissions, comprising four (4) objections towards the proposal were received. It is noted one (1) blank submission was received, raising the total to five (5) submissions however, only four (4) have been considered. Council attempted to follow up the submitter of the blank submission, to no avail. The submissions were referred to the applicant on 21 December 2021 and a response to the issues raised in the submissions was received from the applicant on 10 June 2022. The issues raised in the submissions and the subsequent response from the applicant are addressed below:

Issue: Cumulative locality and context concerns

The submitter is concerned that there are multiple extractive industries and industrial related uses occurring in the locality which is affecting the context and setting of the 'beautiful Southern Tablelands'. The submitter is referring to other developments being the proposed Waste to Energy proposal (on Jerrara Road) and proposed Winfarthing Road Quarry.

Response: The uses identified by the submitter are permissible with development consent. The cumulative impact of multiple uses in a locality is a consideration for such developments. Notwithstanding, it is not envisaged the temporary nature of the subject use would be adverse on the locality from a context and setting perspective.

Issue: Traffic safety

- Concerns regarding the existing safety of the Hume Highway and the cumulative effect the proposal would have on these traffic concerns was the key issue raised in three of the four submissions received. Submitters were repeatedly concerned with the impact the proposal would have on traffic flow with their commutes along the Hume Highway subsequently affected. A submission noted that whilst lane closures were of a temporary nature, in their experience they would have the potential for severe traffic delays and accidents at the points where traffic would merge into one lane. Concern was raised about the time in which the lane closures would occur, advising that having lane closures at night could lead to further potential accidents.

  Response: Council raised the same concerns as the submitters with respect to traffic

safety of the intersection and this is the key issue for this proposal. Notwithstanding, this issue is one for TfNSW to consider in their assessment of a ROL for the temporary traffic mititation measures proposed.

- Concern was raised regarding the TIS not including and addressing all traffic considerations along the length of the Hume Highway associated with the proposal. This same submission asks to view the Traffic Management Plan for the length of the Hume Highway between the MBPR Project site and the subject site.

  Response: Truck haulage movements along the Hume Highway are not a consideration for this proposal. This application is considering the treatment and reuse of EPRM at an existing extractive industry only. TfNSW would be required to consider traffic movements associated with the haulage and the overall highway with any ROL issued for any temporary traffic treatments.

- A submitter suggests upgrading the existing intersection at the subject site instead of providing a temporary solution (referring to the mitigation measures proposed in the TIS).

  Response: The mitigation measures have been accepted by TfNSW as an alternative option to upgrading the intersection as the development as proposed is temporary.

- A submitter points out that 200m east of the site's Hume Highway access on the southbound side there is a Black Spot Zone sign.

  Response: The existing "Black Spot" sign located approximately 220m east of the site entrance is retained as part of the Australian Government Black Spot Program. The associated road safety upgrade work on the Hume Highway was located 300m to 800m east of Tiyces Lane. These works were completed in 2016.

- Concern is raised regarding the fact that the proposed Marulan Quarry on Winfarthing Road has not been raised or considered. Consequently the submissions were concerned with the cumulative impacts on road safety should this proposal and the proposed quarry both be approved.

  Response: Whilst the application is not approved or imminently close to determination, it is not necessary for the TIS to include it in its consideration.

- A submitter suggested using the Goulburn South interchange approximately 18km west of the site to avoid using the right turn into the site. The same submitter also suggested entering and exiting the site using the Carrick Road intersection (1.5km west of the site) and accessing the Divall's quarry from its rear instead of the Hume Highway intersection with the site.

  Response: The use of the Goulburn South Interchange is an unreasonable request for the subject proposal. Using this Interchange would reduce the environmental benefits of the proposal and would not resolve the noncompliant left acceleration lane out of the site. Council has not investigated the use of the Carrick Quarry intersection as from a brief review the left turn out of the intersection also does not have a compliant acceleration lane.

<u>Issue: Justification for location</u>

A submission queried why the process of crushing the EPRM is not undertaken at the site of the highway upgrade work at Marulan, suggesting this would eliminate haulage vehicles on

the highway.

Response: In a response to the submissions, the following was provided:

> *"… the first site that was considered for the processing of the EPRM was the road reserve of the Marulan Bypass site. This location was immediately discounted given the road reserve is not sufficiently sized to permit a suitably sized area to be established that could stockpile the excavated material, process it, and stockpile the processed material prior to using it on site. Coupled with the fact that the Marulan Bypass work area is over several kilometres long, a single processing site at the bypass would still require haulage of materials to this work area.*
>
> *There are additional benefits associated with utilising the Carrick Quarry site for the processing of the aforementioned EPRM. These include noise, air quality dust generation during the processing / stockpiling, water quality, and quality of processed product produced that could not be addressed if a temporary site was established within the Marulan township area."*

On this basis, it is considered that the matter raised is satisfactorily addressed.

Issue: Noise

- Concerns about truck noise from highway increased during temporary time period, particularly at night were raised. Similarly, concerns about truck noise disrupting animals was also mentioned.

  Response: TfNSW would be required to consider traffic noise associated with the haulage and overall highway amenity with any ROL issued for any temporary traffic treatments.

- Concerns regarding noise from trucks arriving and operating on site at night was raised.

  Response: At the request of the Panel, Council engaged an independent acoustic consultant to review the ENVIA submitted with the Application. The independent review found the report had not been adequately prepared, was not technically correct, and did not demonstrate that if approved, the development would not cause an adverse impact on adjoining land and amenity of the neighbourhood. Consequently, the Applicant was requested to provide a revised Noise Report.

  An updated ENVIA was provided for consideration with the proposal which found the overall level of noise emission from the operation of the site is at or below the EPA's Project Noise Trigger Levels at all receptors during the day, evening and night time periods. Noise conditions would be imposed to regulate potential noise impacts to sensitive receivers.

Issue: Air Quality

Concerns were raised regarding dust and fine air particles not being transported safely and settling on property where livestock (horse and cattle) are potentially causing health issues.

Response: As addressed in the Air Quality Impact Assessment, conditions can be imposed ensuring all trucks entering the site are fitted with dust suppression measures to minimise wind-borne emissions. Standard air quality conditions would also be imposed on the EPRM processing at the subject site. In a response to the submissions, comments from the author of the Air Quality report were provided as follows:

"Divall's have confirmed that, as is legally required, all truck loads will be covered during transportation of EPRM to the Site. As such wind erosion of loads will be minimised and therefore we do not consider that wind erosion of truck loads will be a source of air borne particulate. We consider it is unlikely that there will be any noticeable increase in dust along the Hume Highway transport route as a result of covered trucks bringing EPRM to the Site.

It is worth noting that livestock are exposed to particulate matter from many natural sources, including airborne dust as a result of dust storms, yarding or general stock movements, and from existing rural anthropogenic sources such as from domestic wood burning heaters, and in this case, existing traffic on the Hume Highway. Based on the minor increase in truck movements as a result of the DA, it is unlikely that traffic would result in any dust-related impact on livestock, nor effect on pasture palatability, particularly given the aforementioned comment that the loads to and from the Site will be covered."

On this basis, it is considered that the matter raised is satisfactorily addressed.

Issue: Income from business

Concerns that the truck movements and their associated noise and air impacts will implicate rental income and lease-ability of a submitters' property.

Response: Rental income loss and property value are not a consideration under section 4.15 of the EP&A Act.

4.3.9 Section 4.15(1)(a)(e) public interest

The proposal is considered to be in the public interest on the following basis:

- Potential impacts associated with the proposal are mitigated or are addressed through the imposition of conditions of consent, as demonstrated throughout this assessment report.
- The development lessens the environmental costs of waste generation and disposal by reprocessing EPRM for construction re-use.
- The assessment in this Report indicates the proposal is generally consistent with all relevant planning controls.
- The proposal would result in reduced transportation requirements for raw, waste and reprocessed materials.
- Neighbouring landowners were notified of the proposal and the issues raised in the submissions have been satisfactorily addressed and mitigated by way of recommended conditions, where relevant.
- The proposal would not have a detrimental effect on the health and safety of the public as a result of compliance with relevant planning controls, standards, construction codes and recommendations made in supporting technical reports.

5. Referrals and Submissions

5.1 Agency Referrals

The DA was referred to the following Government Agencies for concurrence or comment as outlined in **Table 5**:

Table 5: Consideration of Government Agency referrals

Officer	Comments
Southern Region Planning Panel	The Panel participated in a Briefing Meeting and Site Inspection on 16 March 2022. The Panel issued their Record of Briefing on 9 May 2022. A response to the matters raised in the Record of Briefing is provided at Section 6 of this Report.
Environment Protection Authority	The proposal would process up to 45,000 tonnes of EPRM within a maximum 18 month period, which is classified as general waste, and less than 50% of the waste by weight would require disposal (i.e. nil). The proposal is therefore, a "Scheduled Activity", and requires separate licensing as required by Section 48 of the POEO Act. The proposal was consequently lodged as integrated development and referred to the EPA for their GTAs. The EPA did not raise objection to the proposal. They advised the applicant already has an EPL for activities listed under Schedule 1 of the POEO Act. The EPA advised they would be able to vary the current EPL to accommodate the proposal, subject to conditions. This would require the applicant making a separate application to the EPA to vary the EPL, should the proposal be approved. The EPA also identified three environmental issues for further consideration of the Panel which were discussed in the Briefing Report to the Panel and are also further discussed in this Planning Report. • Surface water management; • Noise impacts; • Hours of operation.
Water NSW	Pursuant to clause 8.9(1) of SEPP (Biodiversity and Conservation) 2021, concurrence from Water NSW is required as the site is within the Sydney drinking water catchment (Wollondilly River sub catchment) and the proposal is considered to be a Module 5 under the NorBE Guidelines. On 18 January 2022, Water NSW granted concurrence to the proposal subject to conditions relating to stormwater management specifically requiring the existing QEMP to be updated.
Transport for NSW	The application was referred to TfNSW pursuant to *clause 2.118 Development with frontage to classified road*, and *clause 2.121 Traffic generating development*.

	A response was provided from TfNSW raising no objection to the proposal subject to the implementation of the mitigation measures nominated at section 4.8 of the TIA and imposition of associated conditions. With TfNSW raising no objections to the proposal for works within their road jurisdiction, Council is therefore satisfied development consent can be granted and the proposal is acceptable in terms of traffic safety, vehicular access and frequency associated with the Hume Highway.
Essential Energy	The application was referred to Essential Energy pursuant to clause 2.48 of SEPP (Transport and Infrastructure) 2021. No objections to the proposal were raised, general comments regarding power line proximity and safety were raised.
APA Group	The application was referred to APA pursuant to clause 2.76 of SEPP (Transport and Infrastructure) 2021. No objections or concerns were raised.

5.2 Council Referrals

The DA was referred to the following Council Officers for technical review as outlined in **Table 6**.

Table 6: Consideration of Council referrals

Officer	Comments
Engineering	Initial comments from Council's Development Engineer raised concern with the existing left turn out, noting that as the acceleration lane was inadequate in length and width it was not adequate and its safety could be improved. This was also raised in section 4.8.1 of the TIS. Consequently, in an additional information letter to the applicant, Council recommended upgrading the existing access instead of accepting the mitigation measures recommended at section 4.8 of the TIS. As discussed previously, the applicant was not satisfied that this would be recommended. Council provided an alternative option which was to formalise the haulage periods to between 7.00pm and 7.00am which was not accepted by the Applicant or TfNSW (Project Team). The applicant has provided information justifying why an upgrade is not recommended (11 March 2022, 6 April 2022 and 10 June 2022). In response to the additional information package dated 10 June 2022, the following engineering advice was provided: *The intersection configuration from the Hume Highway into 282 Carrick Road, Carrick would be under the arrangements of a Traffic Management Plan and approved by TfNSW. The proponent would also be required to obtain a Road Occupancy Licence to establish the requirements of the Traffic*

	Management Plan that aligns with the duration and operating hours of the proposal.

5.3 Community Consultation

Notification of the proposal has been addressed at section 4.3.8 of this Planning Report.

6. Key Issues Identified in Briefing Report

The following key issues were identified in the Record of Briefing and are discussed in detail below.

6.1 Operations

No information was requested at this section of the Record of Briefing.

6.2 Noise

Information Requested

The Record of Briefing recommended Council engage an independent review of noise and sleep disturbance to be able to properly address the issues raised in the submissions.

Response

An updated Environmental Noise & Vibration Impact Assessment (ENVIA) dated 9 June 2022 was provided for consideration with the additional information package submitted on 10 June 2022. The following response to this matter was provided for consideration:

> *"In considering a cumulative assessment of noise impacts from the quarry operations and the proposed temporary waste management operations, there is the potential for the evening and night-time period intrusiveness noise limit of 35dBA to be exceeded at sensitive receptor R3, but only if the bulldozer was to be operated during these times at the natural ground level above the pit on the northern side of the quarry, which are very specific and unlikely circumstances. Not only is that particular receptor under the same ownership of the quarry owner, but this potential exceedance does not occur as a result of the proposed development, but rather, the existing quarry operations. It arises from the clearing over burden once every four to six months and therefore, on a very ad hoc basis.*
>
> *In order to eliminate any potential for this occurrence, a condition could be imposed to ensure the use of the bulldozer is restricted to day-time hours when it is required to operate at the northern or north-western extent of the quarry site. In addition, a condition could be imposed requiring the resident of receptor R3 to be notified in advance of scheduled bulldozer activity. Beyond this minor matter, Harwood Acoustics confirms that subject to implementation of the recommended mitigation measures, all relevant acoustic requirements can be complied with, and no adverse cumulative noise or vibration impact will result from the proposal."*

This updated ENVIA is addressed in further detail at Section 4.3.3 (noise assessment under GMDCP 2009) of this report. Essentially, it has been identified that the overall level of noise emission from the operation of the site is at or below the EPA's Project Noise Trigger Levels

at all receptors during the day, evening and night time periods, with the exception of Receptor R3 on some occasions. Receptor R3 is a residence on the same property as the proposal and is owned by the applicant. Therefore, it is understood that the applicant is aware of this occasional noise impact at this location. On this basis, and with the imposition of recommended noise conditions, it is considered that the issue identified is resolved.

6.3 Notification

No information was requested at this section of the Record of Briefing. It is noted the key issues raised through notification (traffic, existing traffic arrangement of the Hume Highway, and intersection treatment at Carrick Road and Hume Highway) are all addressed above at 4.3.8 of this Report.

6.4 Traffic Management

Information Requested

The Panel requested the TIA be amended to include a queue length calculation of the right turn storage lane. The Panel also requested discussions regarding the existing left out of Carrick Road arrangements including the acceleration lane on leaving Carrick Road (left turn out) and width and ability of trucks to turn left.

Response

In the additional information package received on 10 June 2022, a TIA addendum was provided with queue length calculation data (**Table 7**). The applicant's response to this request is provided below:

> *"Table 1 in Attachment 1* [**Table 7** in this Report] *shows the right turn volumes into the quarry site for each "peak" assessment period (existing and proposed cumulative volumes), with the arrival of these vehicles noted to spread across each hour period, as would be anticipated. The addition of trucks to the overall existing volume equates to an average of 5 inbound and 5 outbound per hour. Tables 2 to 5 in Attachment 1, as extracted below, for the peak hour scenarios, demonstrate (in green) the estimated queue length for the right turn into the quarry site, assuming a mix of heavy vehicle types:*

Table 7: Queue Length Calculation Data

Table 2 Right turn SIDRA results: 8.00 am – 9.00 am

Vehicle Movement Performance

Mov ID	Turn	INPUT VOLUMES [Total veh/h	HV] veh/h	DEMAND FLOWS [Total veh/h	HV] %	Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE [Veh. veh	Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
South: Median Storage														
5	T1	31	9	33	29.0	0.109	11.3	LOS A	0.4	3.4	0.75	0.75	0.75	12.8
Approach		31	9	33	29.0	0.109	11.3	LOS A	0.4	3.4	0.75	0.75	0.75	12.8

Table 3 Right turn SIDRA results: 9.00 am – 10.00 am

Vehicle Movement Performance

Mov ID	Turn	INPUT VOLUMES [Total veh/h	HV] veh/h	DEMAND FLOWS [Total veh/h	HV] %	Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE [Veh. veh	Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
South: Median Storage														
5	T1	14	13	15	92.9	0.154	38.8	LOS C	0.5	6.1	0.90	0.90	0.90	5.7
Approach		14	13	15	92.9	0.154	38.8	LOS C	0.5	6.1	0.90	0.90	0.90	5.7

Table 4 Right turn SIDRA results: 3.00 pm – 4.00 pm

Vehicle Movement Performance

Mov ID	Turn	INPUT VOLUMES [Total veh/h	HV] veh/h	DEMAND FLOWS [Total veh/h	HV] %	Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE [Veh. veh	Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
South: Median Storage														
5	T1	8	7	8	87.5	0.504	304.0	LOS F	1.4	17.1	0.99	1.08	1.12	0.9
Approach		8	7	8	87.5	0.504	304.0	LOS F	1.4	17.1	0.99	1.08	1.12	0.9

Table 5 Right turn SIDRA results: 5.00 pm – 6.00 pm

Vehicle Movement Performance

Mov ID	Turn	INPUT VOLUMES [Total veh/h	HV] veh/h	DEMAND FLOWS [Total veh/h	HV] %	Deg. Satn v/c	Aver. Delay sec	Level of Service	95% BACK OF QUEUE [Veh. veh	Dist] m	Prop. Que	Effective Stop Rate	Aver. No. Cycles	Aver. Speed km/h
South: Median Storage														
5	T1	6	6	6	100.0	0.565	470.6	LOS F	1.5	19.7	0.99	1.08	1.13	0.6
Approach		6	6	6	100.0	0.565	470.6	LOS F	1.5	19.7	0.99	1.08	1.13	0.6

"WSP notes that the right turn storage lane is approximately 190m long, which can accommodate approximately eight queued 19.5m truck and dog combination vehicles (allowing for spacing). WSP further notes that "the likelihood of all five trucks arriving [from the bypass site] at the same time is very low, due to the nature of the material haulage: only one truck will be loaded or unloaded at a time". This will result in truck movements between the bypass site and the subject site being staggered across each hour period. WSP confirms that even if all of these five trucks were queued at once, the back of the queue will not exceed the available turn lane storage. If (however unlikely) there was any queuing that was shown to disrupt the flow of traffic along the Hume Highway, a temporary traffic management strategy for the southbound Hume Highway

traffic lanes will be implemented, in agreement/consultation with TfNSW. This would be developed as a part of the recommended Temporary Traffic Management Plan (TTMP), which would be prepared prior to the commencement of the development.

The intersection analysis was based on the SIDRA Intersection 9.0 modelling tool which is the industry recognised analysis program for the assessment of intersection operation. As noted, the primary peak periods considered the impacts of the existing operations/movements associated with the quarry, as well as the cumulative impact of the existing arrangements and proposed additional truck movements associated with the bypass haulage activities.

A series of reasonable assumptions were made in the analysis around size and type of trucks as well as the spread of the arrival of these vehicles across each peak hour period. The assessment undertaken by WSP also split the intersection into 2 stages, to reflect the movement of vehicles. It has also taken into account the amended arrangement associated with the proposed temporary northbound lane closure (that would be implemented during the bypass haulage activities)."

Essentially, during the afternoon peak traffic, and when mitigation measures are implemented on the Hume Highway, vehicles associated with the existing use and proposed temporary use would need to wait at worst 7.8 minutes to turn right into the site. Similarly, one/two trucks (at a length of just over 19.7m) between 5.00 and 6.00pm. On this basis, it is considered that the issue identified is resolved.

It is also important to note that the traffic and intersection level of service for this scenario would be LOS F and TfNSW have raised no objection to the proposal subject to the recommended mitigation measures in section 4.8 of the TIA and conditions regarding the preparation of a TMP and obtaining a ROL.

No response was provided by the applicant regarding the use of the Carrick Road intersection. Notwithstanding, Council has not investigated the use of the Carrick Quarry intersection as from a brief review the left turn out of the intersection does not have a compliant (long enough) acceleration lane.

6.5 Scope of Approval

No information was requested at this section of the Record of Briefing. It is noted however that conditions would be imposed regarding the commencement of the temporary use to be tied to the commencement of the Marulan Bypass Upgrade project, not the resultant approval date of any favourable determination.

6.6 General

Information Requested

The Panel acknowledged that the Response to Submissions report was still outstanding.

Response

A Response to Submissions report was uploaded to the NSW Planning Portal on 4 June 2022 at which time both Council and the Panel had access to review.

7. Conclusion

A review of the Environmental Impact Statement, plans and all associated documentation submitted with the Application has been undertaken, and the merits of the proposal have been assessed. The assessment has included consideration of internal referrals, external government agencies and the public submissions, in conjunction with analysis of the potential environmental impacts of the proposal.

Council considers the key issues associated the proposal relates to:

- Cumulative traffic safety with the existing operations of the site and the proposed temporary use;
- Noise impacts
- Water management

Further to the measures proposed by the applicant that mitigate any potential impacts of the proposal, conditions have been recommended to ensure that these matters are satisfactorily addressed as part of the application.

The proposal is consistent with the objects of the EP&A Act, as well as the goals nominated in the South Eastern and Tablelands Regional Plan.

The proposal complies with the applicable State Environmental Planning Policies, the aims, objectives and controls contained in the GMLEP 2009 and the GMDCP 2009. The proposed temporary use would not result in any significant impacts on water quality, environment, amenity, traffic or parking with the imposition of the recommended conditions.

This assessment has concluded that the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent. The proposal is considered to be in the public interest and is recommended for approval, subject to the imposition of the appropriate conditions.

8. Recommendation

It is recommended that the Southern Region Planning Panel, as the consent authority, pursuant to s4.16 of the EP&A Act:

- Consider the findings and recommendations contained in this Planning Report;
- Accept and adopt the findings and recommendations in this Planning Report, as the reasons for making the decision to grant consent to the applicant; and
- Grant development consent for the establishment and operation of a temporary resource recovery facility at 282 Carrick Road, Carrick for the Application in respect of DA/313/2122 subject to the draft Notice of Determination at **Attachment 1**.