

Our Reference: DA2022/0107
Planning Panel Reference Number: PPSNTH-141

11 March 2022

R & S Contracting Pty Ltd
1465 Bentley Road
Bentley NSW 2480

Via Email: ben.luffman@ghd.com

Attention: Mr Ben Luffman

**Development Application No. DA2022/0107
Proposed Designated and Integrated Development - Extractive Industry
Lot 2 DP 1196757, 1465 Bentley Road, Bentley**

Dear Ben,

Richmond Valley Council has appointed Planit Consulting to undertake assessment of Development Application DA2022/0107 on its behalf. I am writing to you in relation to this DA following our preliminary assessment of the current application documentation and to provide you with an opportunity to respond to the submissions received during exhibition of the proposal.

Pursuant to clause 54 of the *Environmental Planning and Assessment Regulation 2000*, we require the provision of additional information relating to the application. This information is considered essential to allow proper consideration of the application in accordance with clause 4.15 of the *Environmental Planning and Assessment Act 1979*.

1. Integrated Development Authorities

Section 4 of the Bentley Quarry Environmental Impact Statement (EIS) identifies that the project is Integrated Development, requiring approvals from the:

- NSW Environment Protection Authority (EPA); and
- Transport for NSW.

Water NSW has raised concern in its submission to the DA, that suitable documentation has not been provided to confirm the project achieves exemptions under sections 89, 90 and 91 of the *Water Management Act 2000*. We note that the Water Resources Assessment in Appendix G of the EIS states that no surface water or groundwater access licences or works approvals are required; however, there is limited detail provided to adequately demonstrate these assertions. We therefore seek that you provide clarification of all specific surface water and groundwater exemptions sought and evidence to demonstrate how the exemptions are met.

Please be aware that should the project require Integrated Development approval from Water NSW, the DA may require re-exhibition given clause 56(g) of the *Environmental Planning and Assessment Regulation 2021* requires the notice of the development application include a statement of the required approvals and the approval bodies for the approvals.

2. Extraction limit versus transport (sales) limit

Chapter 3 of the EIS refers to a maximum annual extraction volume of 300,000 tonnes, a maximum daily extraction volume of 2,000 tonnes and a maximum of 70 truck and dog loads or 140 truck movements per day.

It is unclear whether the proposed annual extraction volumes refer to:

- Run of quarry (extraction) volumes, or
- Transport (sales) volumes.

Please confirm the maximum limit being sought for:

- Annual run of quarry,
- Daily run of quarry,
- Annual sales volume, and
- Daily sales volume.

3. Site preparation

Section 3.4.1 of the EIS states that topsoil stripping would occur progressively prior to excavation. It also notes that overburden would be stripped progressively and either stockpiled for future rehabilitation works or placed in final location as voids are created. No stockpile locations or sizes are nominated on the proposed quarry plan.

Please provide updated plans showing the proposed location and capacity of both topsoil and overburden storage stockpiles for each of the four stages of the pit development.

Further detail is also requested to confirm the staging of the proposed screening bund. It is unclear at what stage the full bund, as shown on the proposed quarry plan, will be completed, nor how the progressive development of the bund relates to the visual assessment in Section 7.8 of the EIS.

4. Raw material processing

Section 3.4.3.2 of the EIS specifies that contractors will utilise a mobile plant to crush and screen the extracted material. No information has been provided regarding the capacity of the mobile plant, nor the power source.

Please confirm the maximum daily and annual processing capacity of the mobile crushing and screening plant, as well as the power source/capacity.

Section 3.4.4 of the EIS notes that a mobile pre-coat plant would be periodically used onsite and that pre-coated materials would be stockpiled within the quarry until sold. Limited detail has been provided regarding this proposed activity. Further detail is requested regarding this process including but not limited to:

- Where onsite the activity will be undertaken,
- A list of the pre-coat materials, anticipated volumes and where these raw materials will be stored,
- Plans showing the proposed location and capacity of the pre-coat storage stockpiles for each of the four stages of the pit development,
- Whether the proposed stockpile area will be bunded to contain wastewater and prevent leachate.

Please also confirm whether any washing of materials is proposed.

4. Sensitive receivers

Council has been notified that a Complying Development Certificate was issued in October 2021 for a residential dwelling on Lot 10 DP 1065523 about 400m to the north-east of the proposed quarry.

We therefore seek that you provide an assessment of the proposed development on this sensitive receiver addressing such areas of concern as noise, dust, vibration and odour.

5. Pit Floor Levels

The EIS specifies the final pit floor level as RL 49m, however, the final RL for the in-pit sump is not specified. We therefore seek that you specify the final RL for the floor of the in-pit sump.

6. Heavy vehicle traffic

As noted previously, Chapter 3 of the EIS states that at maximum daily production the quarry is expected to generate a maximum of 70 truck and dog loads or 140 truck movements per day. The truck movements would start at 7.00am and continue evenly throughout the day until 6pm, making about 7 truck loads or 14 movements per hour.

The general hours of operation are specified as 7.00am to 6.00pm Monday to Friday and 7.00am to 2.00pm on Saturday.

It is unclear how truck movements will be coordinated to occur evenly throughout the day, without the imposition of an hourly limit. Unless for specific night works, it is considered unlikely that customers would schedule deliveries to occur after 4pm. Further, no details are provided on the fleet or garaging location of the trucks.

Please confirm how truck movements will be coordinated to occur evenly throughout the day and whether all material is to be delivered by company owned/leased/managed trucks directly to customers, or whether some direct sales are anticipated from the site.

Similarly, please confirm the anticipated number of truck and dog combinations in the company owned/leased/managed fleet and whether the vehicles will be parked onsite or at an offsite transport depot overnight. If an offsite transport depot is to be utilised, please nominate the location. If parked onsite, please indicate the parking area on the site plan.

7. Lighting

Section 3.6.6 of the EIS states that quarrying would be limited to daylight hours only, avoiding the need for lighting infrastructure and services. Operating hours for excavation, crushing and loading are specified as 7.00am to 6.00pm Monday to Friday and 7.00am to 2.00pm on Saturday.

It is noted that for 6 months of the year, sunset occurs prior to 6pm and as early as 5pm in May, June and July. Please confirm that no lighting will be required or used onsite, or alternatively, provide details of lighting, to enable assessment.

8. Amenities

The proposal outlines in Section 3.6.7 of the EIS that drinking water and toilet facilities for the proposed quarry development will be provided by an existing farm shed, approved as part of DA2017/0139. This is not supported.

Please provide an Onsite Sewage Management Design Report that quantifies the size and location of the required septic system to manage the toilet and kitchen wastewater. Based on a preliminary review, a minimum 3,000 litre septic tank is considered necessary.

Furthermore, please confirm the 'as built' facilities meet the relevant Australian Standards for commercial facilities, in particular any accessibility requirements.

9. Consultation

It is a requirement of the SEARs that in preparing the EIS you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers and any surrounding landowners that may be impacted by the development.

Chapter 5 of the EIS provides details of consultation with the Richmond Valley Council, the Local Aboriginal Land Council and surrounding landowners.

Considering comments received from Water NSW and the integrated designation of this application, please confirm details of any consultation undertaken with State or Commonwealth Government authorities, infrastructure and service providers, in preparing the EIS.

10. Public Submissions

During the exhibition period, one petition with 124 signatures and 225 community submissions were received. An additional 5 authority submissions were received. A copy of the submissions is available via the portal for your review and comment.

Considering the substantial number of submissions received and comprehensive detail provided in many of the submissions, we request you provide a detailed response to the key issues and concerns raised in the submissions, as part of your response to this RFI.

Please note this request for information is based upon preliminary review only. Further requests may be made pending outstanding referral comments, following submission of the information and assessment of the application.

You are requested to submit this information within 35 days from the date hereon to enable a timely determination of your application.

Should you require any further information regarding this matter, please contact the undersigned on [02 6674 5001](tel:0266745001) or alternatively via email at rachel@planitconsulting.com.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "R. Heath".

Rachel Heath
Planit Consulting Pty Ltd