



15 June 2018

Mr Anthony Barnes
Senior Environmental Assessment Officer
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Our ref: 2218823-41
Your ref: MP06_0030 Mod 2

Dear Anthony

Dunloe Park Sand Quarry Modification (Reference: MP06_0030 Mod 2) Response to Tweed Council Comments

I refer to Tweed Shire Council's (Council) letter dated 30 April 2018, providing comment on the Dunloe Park Sand Quarry Modification (Reference No: MP06_0030 Mod 2). Please find below GHD's response to Council's comments, on behalf of our client, Holcim (Australia) Pty Ltd.

1 Response to Council comments

1.1 Item 1: Traffic

It is acknowledged that Council accept the proposed Option 1 Clear Zone provisions outlined in GHD's (draft) Response to the Road Safety Audit (RSA), dated March 2018 be adopted for the proposed development, with additional signage warning motorists that trucks may be entering the priority road. The proposed road improvement works to direct drivers (particularly around curves) and preventing run-off road crashes include:

- Apply new and clear pavement line marking (i.e. no overtaking barrier lines, edges lines, auxiliary lane continuity line)
- Consider audio-tactile edge lines
- Apply new road edge guide posts
- Apply reflective raised pavement markers
- Install relevant signage such as W1-3 (on approaches to bends) and D4-6 (chevron alignment markers).

Further, Council have recommended that the comments provided to GHD on 28 March 2018 (noted above) form the basis of an appropriate condition (Condition 35A), as follows:

The Proponent must implement all recommended road improvement works listed in Option 1 of Section 3.4 Clear Zone Assessment of the (Draft) Response to Road Safety Audit prepared by GHD, dated March 2018, in consultation with Council. Additional signage (as required by Council) shall also be installed. The works must be implemented prior to any increase in truck movements associated with Mod 2.

GHD have reviewed Council's proposed wording of Condition 35A and accept this wording.

It is also acknowledged that any works within the road reserve will require a s138 approval from Council. We confirm that the implementation of all recommended road improvement works outlined above will not require vegetation removal, nor will this impact on biodiversity values. This is discussed in further detail in section 1.3 below. Accordingly, further approvals for any vegetation removal are not required.

1.2 Item 2: S94 contributions

Council have requested that Condition 13A of the modification is amended as follows:

*13A. Prior to carrying out any **increase in truck movements associated with Mod 2**, or as otherwise agreed by Council, the Proponent shall pay Council **\$173,480** in accordance with Council's Tweed Road Contribution Plan.*

At the time Project Approval 06/-0030 was approved, a one-off heavy haulage payment of \$47,250 was paid by the then operator of the quarry based on the approved annual output of the facility being 300,000 tonnes. No change to the approved annual output of the facility is proposed as part of this modification application. As such, Holcim is not seeking any increase in the total approved annual truck movements for the facility. Holcim's application is limited to increased daily variability in the pattern or peak time of truck movements only. On this basis, Holcim strongly believe no additional contribution is justified.

While the annual approved output of 30,000 tonnes is sufficient to meet the local and regional market requirements, the current Project Approval restricts Holcim's ability to service peaks and troughs in market demand throughout the year. Accordingly, the proposed modification is seeking flexibility in daily quarry heavy vehicle movements only.

As outlined in the EA report (dated July 2017) prepared by GHD, the patterns of heavy vehicle arrival and departure would change, however the overall number of daily heavy vehicle movements required to service the approved 30,000 tonne annual output would not change. The EA has been prepared to support a peak allowance of up to of 12 heavy vehicle movements per hour (one way) each day compared to the current limit of eight. This change would enable Holcim's operation to cater to peak periods, such as mornings or following periods of heavy rain. Once again, the proposed modification does not seek to alter the operation or intensify activities beyond the current approved development and the annual output of the site will not change. In light of the above, it is not accurate to apply a trip rate for the purpose of calculating contributions as a one-off heavy haulage payment has already been paid for the total approved annual output of the facility.

1.3 Item 3: Ecological concerns

With regard to Council's comments in relation to ecological concerns, we have considered and addressed each of these matters below.

Vegetation removal, including general biodiversity impact and specifically core koala habitat

As stated in section 1.1 above, we confirm that the implementation of all recommended road improvement works outlined above will not require vegetation removal. Accordingly, this will have no impact on general biodiversity in the area, or core koala habitat.

Potential impacts of additional truck movements (koala mortality) both within the site and on Pottsville-Mooball Road

A review of Council koala habitat mapping identifies that portions of vegetation along the Quarry Access Road and Pottsville Road contain koala vegetation and one koala record is present. Council mapping also shows locations mapped as 'koala linkages,' however it is noted that the intersection of the Quarry Access Road and Pottsville Road appears not to be identified as a significant crossing point for koalas. There is an existing koala warning sign (to indicate koalas crossing and to slow down) in this location. Further, discussions held with the NSW Office of Environment and Heritage (OEH) confirmed that the likelihood of potential impacts to koalas (such as vehicle strike) as a result of additional truck movements are unlikely as truck movements will be restricted to daylight hours.

Inconsistency with the development provisions of the Tweed Coast Comprehensive Koala Plan of Management

It is noted that the *Tweed Coast Comprehensive Koala Plan of Management* (KPOM) has not been endorsed by the State. This has been acknowledged in a recent case in the NSW Land and Environment Court, *Denning Tweed Heads Pty Ltd v Tweed Shire Council No. 2 [2018] NSWLEC 1186*, in particular clause 92 which states that the KPOM has no effect pursuant to clause 13 of the *State Environmental Planning Policy 44 – Koala Habitat Protection* (SEPP 44) as it has not been approved by the Director-General of National Parks and Wildlife. Accordingly, no detailed assessment against the KPOM has been undertaken.

No consideration of the Tweed-Brunswick endangered koala population status

As per comments made in the preceding sections, the implementation of all recommended road improvement works outlined above will not require vegetation removal, nor is there significant risk to koalas from vehicle strike as truck movements will be restricted to daylight hours.

Concerns with the accuracy of the Environmental Assessment

The environmental assessment undertaken in section 6.2 of the Modification to Project Approval 06/-0030 Environmental Assessment report (dated March 2018) has identified that the majority of the potential environmental impacts identified and assessed in the original approved development are considered unchanged as a result of the modified proposal. Detailed environmental assessment was undertaken in accordance with the applicable legislation, guidelines and standards for traffic and access, noise and air quality.

1.4 Item 4: Amenity impact

Council's letter discusses concerns with the overall amenity impacts associated with an increase in the truck movements from a general road user perspective and local residential amenity for dwellings around the quarry and along the haul route.

Sections 6.2.2 and 6.2.3 of the Modification to Project Approval 06/-0030 Environmental Assessment report discuss impacts related to noise and air quality which may result from the proposed increase in truck movements. From the results of these assessments, the proposed development is predicted to comply with the noise and air quality criteria. However, additional general in-principle noise and air

quality mitigation and management measures have been provided in order to ensure impacts to local amenity are minimised to every extent possible.

Further, as discussed in section 2.1.6 of the Modification to Project Approval 06/-0030 Environmental Assessment report, Holcim have prepared an environmental management plan in accordance with Schedule 5, Condition 1 of the Project Approval which outlines the environmental management strategy for the site. It outlines the ongoing compliance with environmental commitments made by Holcim and required by the Project Approval and any associated licences. The key environmental commitments made by Holcim include:

- An annual environmental management plan report is prepared and submitted to DP&E and any relevant agencies annually
- An environmental monitoring report in accordance with Schedule 5, Condition 10 of the Project Approval is prepared quarterly to enable staff on-site to respond in a reasonable timeframe to any environmental outcomes
- An independent environmental audit is carried out every five years
- A community consultative committee (CCC) has been established to provide a forum for open discussions between representatives of Holcim, the community, Council and other stakeholders on issues relating to the site's operations.

The proposed modification has been actively communicated to the local community through a newsletter. Any issues raised through this process have been addressed by Holcim in the EA or on an individual basis with community members.

2 Summary

I trust this response is satisfactory for your purposes, however should you have any questions, please don't hesitate to contact Ashleigh Douglas on the details below. Otherwise we look forward to your earliest consideration of this application.

Sincerely
GHD



Ashleigh Douglas

Senior Town Planner
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