



RESPONSE TO SUBMISSIONS REPORT

MODIFICATION 3

BLAKEBROOK QUARRY PROJECT

550 NIMBIN ROAD BLAKEBROOK

January 2020

Response to Submissions Report

FOR

Modification 3 Blakebrook Quarry Project

AT

**550 Nimbin Road
BLAKEBROOK NSW 2480**

Lismore City Council

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INTRODUCTION

The assessment for the Modification 3 Blakebrook Quarry Project – Mod 3 (Asphalt Plant) application number MP07_0020 Mod 3 was exhibited from Thursday 7 August 2019 to Thursday 21 August 2019. The application proposes to modify the conditions of consent for Blakebrook Quarry to incorporate an Asphalt Plant, increase production from 15,000m³ to 50,000m³ and increase daily truck movements. In response to this exhibition one submission from the general public was received and expert advice received from four government agencies as well as the NSW Department of Planning and Environment.

As the proponent of this project, Lismore City Council has considered the various issues raised in the submissions received during the exhibition time.

This report provides responses to the submissions which have been received.

RESPONSE TO SUBMISSIONS

INTRODUCITON

Submissions were received from:

- Department of Planning and Environment
- Office of Environment and Heritage
- Environmental Protection Agency
- Roads and Maritime Services Division
- Department of Primary Industries
- One submission from members of the general public

The following sections are a response to the issues raised in the submissions.

2.2 STATE GOVERNMENT SUBMISSIONS

2.2.1 *Department of Planning and Environment*

The submission provided by the Department of Planning & Environment seeks further clarification of the Modification 3 Blakebrook Quarry Project – Mod 3 (Asphalt Plant) application. Comments submitted are outlined in *Table 2.2.1*

Table 2.2.1 – Department of Planning & Environment Comments

| Comments | | Response |
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| General | Please provide further details of alternative options considered in relation to the proposed modification | <p>Alternatives and Options Considered</p> <p>The options considered in undertaking the proposed modification include:</p> <p>Option 1: ‘Do Nothing’. Maintain the existing operating conditions and site arrangements i.e. two (2) separate development consents operating on the same site under the same environmental pollution license (EPL).</p> <p>Option 2: ‘Modification of Quarry consent’. Modify the quarry’s development consent (MP07_0020) to include the asphalt plant as an ancillary activity to the quarry operations to be in line with the current EPL.</p> <p>Analysis of Options</p> <p>Option 1 (‘do nothing’) would result no change to the current site operations and as a consequence would the continuation of an ineffective and cumbersome development approval, licensing and environmental management process.</p> <p>Option 2 would provide for a more efficient ongoing operation of the facility and environmental management, while not generating additional deleterious environmental impacts. By providing a single development</p> |

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| | | <p>consent, EPL and less duplication of conditions of consent/licensing requirements.</p> <p>As such, Option 2 is the preferred option.</p> |
| Noise Impacts | <p>The Department notes the noise impacts assessment (NIA) stipulates that the proposal has been assessed against the Noise Policy for Industry (NPI).</p> <p>However, the Department notes the NIA has not established Project Noise Trigger Levels (PNTLs) consistent with the NPI, nor has it included an assessment of low frequency noise or the application of noise criteria under all weather conditions.</p> <p>Please provide a revised NIA which appropriately addresses the requirements of the NPI, prepared in consultation with the EPA</p> | <p>Assured Environmental (AE) has prepared a response to provide clarification to the Departments concerns. A summary of the response to the concerns is provided below and a copy of AE's response is attached.</p> <p>Establishment of Project Noise Trigger Levels</p> <p>The initial noise impact assessment applied the noise limits listed in the EPL to all sensitive receptors. It is noted that compliance monitoring at the facility undertaken by Ambience Audio Services identified that compliance with the existing EPL noise limits is being achieved at all nearby sensitive receptors. Similar noise monitoring results provided by Lismore Council for the period 2013 – 2016 suggest that for the majority of the time, noise from the quarry is inaudible at most receptors.</p> <p>The initial Noise Impact Assessment provides the results of baseline noise monitoring undertaken at a location representative of sensitive receptors in the area. The results of the monitoring confirm that existing baseline noise levels in the area are relatively low with the exception of day periods where an RBL of 45 dB(A) was observed.</p> <p>The project trigger level (i.e. the noise limit considered by the assessment) is the lower value of the project intrusiveness noise level and the project amenity level, after the conversion to LAeq, 15 min dB(A) equivalent level. As such, AE also undertook an analysis of these values.</p> <p>The resultant project trigger levels are 50 dB(A) for day, 42 dB(A) for evening and 39 dB(A) for night-time period. These derived noise levels are higher than then those stipulated in the existing EPL. Further, the results of the noise modelling indicate compliance is predicted to be achieved</p> |

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| | | <p>with both the project trigger levels and the significantly lower noise limits provided in the existing EPL.</p> <p>As such, in accordance with the NPI, no further assessment is required.</p> <p>Assessment of Low Frequency Noise</p> <p>Based on AE's experience, low frequency noise is not a concern from quarry or asphalt uses.</p> <p>Further, low frequency noise has not been identified by the annual noise monitoring undertaken to assess compliance against the EPL (as described in Section 3.1 of the Noise Impact Assessment. Given this, no adjustments have been made to the noise source levels.</p> <p>Application of Noise Criteria under all Weather Conditions</p> <p>AE undertook an analysis of the results of the predictive noise modelling incorporating the worst-case (noise enhancing conditions) meteorological conditions as described NPI. The noise levels comply with the project trigger levels for day and night-time periods</p> |
| Traffic Impacts | <p>Please provide a detailed response to issues raised in the public submission, particularly with respect to:</p> <ul style="list-style-type: none"> • the accuracy of the traffic counts presented; • the condition of the road pavement of Nimbin Road; and • compliance with the existing trucking limits. | <p>Public submission</p> <p>With regards to the public submission received please refer to Table 2.2.4 below.</p> <p>Traffic Impact Assessment (TIA)</p> <p>Seca Solutions has prepared an amended TIA to include both current traffic counts data and Sidra Modelling and to provide clarification to the Departments concerns. A summary of the response to the concerns is provided below and a copy of Seca's amended report is attached.</p> <p>Traffic Count Data</p> |

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| | <p>The Department notes the traffic counts used in the Traffic Impact Assessment (TIA) are over 10 years old and that intersection impacts have been assessed based on observational data rather than SIDRA modelling. While this may be acceptable for lower traffic flow intersections, the TIA does not explain how or when these observations were made. The Department is therefore unable to determine if they provide an accurate assessment of peak traffic conditions. Consequently, the Department requests:</p> <ul style="list-style-type: none"> • further explanation and justification of the use of the historic traffic counts and details of how this data is representative of current traffic conditions; • if the use of historic traffic counts cannot be justified, a new methodology to assess the traffic impacts of the proposal must be developed; • further details of all intersections impacted by the | <p>Seca Solution has collected traffic data at the key intersection of Nimbin Road and Wilson Street during a typical morning (08:00 to 09:00) and afternoon (15:00 to 16:00) peak period (Monday 16th December 2019).</p> <p>The surveys show that the current peak hour traffic flows are relatively low in this location with the 2-way flow on Nimbin Road to the immediate west of this intersection being 381 in the AM peak and 333 in the PM peak.</p> <p>On Wilson Street to the immediate south of this intersection the 2 way flows were 395 vehicles in the AM peak and 306 in the PM peak.</p> <p>This intersection was observed to operate very well with very low delays and queues.</p> <p>It was predicted in the prior Traffic Impact Report (Roadnet 2008) that traffic growth along Nimbin Road is approximately 2.2% per annum, based on a comparison of count data between 1970 to 2007. As such, allowing for 10 years growth the current flows along Nimbin Road could be in the order of:</p> <ul style="list-style-type: none"> • Average weekday traffic volume of 3,300 vehicles north of the quarry access • Average weekday traffic volume of 3,900 vehicles near Wilson Street. <p>The RMS Guide to Traffic Generating Developments provides advice on peak hour flows typically representing 8-12% (average 10%) of daily flows. As such, the current peak hour flows along Nimbin Road would be in the order of 330 vehicles per hour near the quarry access and 390 vehicles per hour near Wilson Street.</p> <p>The traffic data collected by Seca Solution in December 2019 confirms the above traffic assumptions. Based on the peak flows typically representing</p> |
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| | <p>proposal and justification that the current methodology employed to assess the impact of the proposal is appropriate for all intersections; and</p> <ul style="list-style-type: none"> • further details of the methodology employed during traffic counts, including the timeframe over which traffic counts were undertaken and how traffic movements were captured. <p>Please also provide a detailed response to the advice provided by the Roads and Maritime Services.</p> | <p>around 10% of the daily flows, the daily traffic flow on Nimbin Road to the immediate west of Wilson Street is 3,570 vehicles 2-way.</p> <p>Sidra Modelling</p> <p>As requested, the operation of the intersection of Nimbin Road and Wilson Street has been observed during the morning and afternoon peak periods by Seca Solutions and has been assessed with Sidra modelling (see Appendix B of the amended TIA attached). The Sidra modelling demonstrates that this intersection is working very well with levels of service on each approach of A, the highest level of service with minimum delays and queues. The potential for 5-6 additional trucks per hour to turn right here shall have a minimal impact upon these delays and the future level of service shall remain at AB.</p> <p>Other intersections along the haul routes typically operate very well with low delays and queues. The haul route via Wilson Street and Three Chain Road to the Bruxner Highway operates very well with minimal delays during the peak periods. The roundabout controlled intersection with the Bruxner Highway operates very well with minimal delays and congestion and is considered to have capacity for the on-going use of the project site. The additional 6 truck movements per hour inbound and outbound shall have a minimal impact at this roundabout.</p> <p>RMS submission</p> <p>With regards to the advice received from the NSW RMS please refer to Table 2.2.3 below.</p> |
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2.2.2

Office of Environment and Heritage

The submission provided by the Office of Environment and Heritage has provided comments relating to Modification 3 Blakebrook Quarry Project – Mod 3 (Asphalt Plant) application. Comments submitted are outlined in *Table 2.2.1*

Table 2.2.2 - Office of Environment and Heritage Comments

| Comments | Response |
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| Increased daily truck movements may elevate the risk of fauna injury or death from vehicular collisions, particularly for ground-dwelling birds, mammals such as koala and reptiles. | Site operators to be aware of increased risk to avoid incidents. Lismore City Council will continue to monitor and implement measures to prevent and mitigate any fauna impacts. All site operators will be made aware of increased risk to avoid incidents and further the requirement outlined in the environmental management plans: Environmental Management Strategy, Aboriginal Heritage Management Plan, Biodiversity Offset Strategy and Biodiversity & Rehabilitation Management Plan. Further by incorporating both activities all associated truck movements will be required to adhere to Operational Traffic Management Plan requirements and to utilise the weighbridge providing improved monitoring and traffic management. |

2.2.3

Environmental Protection Agency

The submission provided by the Environmental Protection Agency (EPA) indicates that the issue of licence for the Modification 3 Blakebrook Quarry Project – Mod 3 (Asphalt Plant) is able to be obtained.

2.2.4

Roads and Maritime Services Division

The submission provided by the Roads and Maritime Services Division has provided comments relating to the Modification 3 Blakebrook Quarry Project – Mod 3 (Asphalt Plant) application. Comments submitted are outlined in *Table 2.2.3*

Table 2.2.3 - Roads and Maritime Services

| Comments | Response |
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| <p>The Quarry Access Road and Nimbin Road intersection has a 'Type AUR Intersection Treatment' which is no longer the preferred intersection treatment recognised by Austroads. The intersection should be upgraded to provide an Austroads shortened channelised right-turn (CHR-S) treatment on the major road.</p> | <p>Page 78 of the SEE states: <i>"All intersections along the primary transport route are currently operating well within their capacity, with sufficient spare capacity to accommodate the minor increase in peak hour vehicles movements as a result of this proposal"</i>.</p> <p>Furthermore, Pages 9-10 of the Traffic Impact Assessment included as part of the application (SEE, Appendix H), states: <i>"the surrounding roads and intersections have been upgraded in recent years in order to ensure road safety can be managed. There are no changes proposed to the current transport routes. Given the minor increase in additional movements per hour, it is considered there are no further safety issues generated by the proposed modification to consent for the site operations"</i>.</p> <p>As detailed above, it is considered that the proposed increase in traffic movements does not justify any further upgrade of the intersection of the quarry's access road and Nimbin Road, which has been upgraded in accordance with Condition 21 of the existing Consent.</p> |
| <p>It is noted on page 79 (section 6.6) of the Statement of Environmental Effects provided with the application, that <i>'separate lanes for left and right-turning vehicles may be desirable on the major road for safety reasons'</i> are recommended. Roads and Maritime supports this position.</p> | <p>As detailed on page 79 of the SEE, a detailed traffic analysis is suggested to accurately determine if any intersection works are required, i.e. whether separate lanes for left and right-turning vehicles on the major road are required for safety reasons. In this regard however, the SEE submits that a detailed traffic analysis is not needed given the volumes at the intersection of Nimbin Road and Wilson Street are less than those shown in the table on page 80. Furthermore, the SEE submits that the</p> |

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| | <p>increased traffic as a result of the proposed modification will not reduce the level of service of the intersection of Nimbin Road and Wilson Street.</p> <p>Notwithstanding the above, it appears that the intersection of Nimbin Road and Wilson Street has already been constructed so as to have the stated '<i>separate lanes for left and right-turning vehicles</i>'.</p> |
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2.2.5 **Department of Primary Industries**

The submission provided by the Department of Planning, Industry and Environment (DPIE) – Lands, Water and Department of Primary Industries (DPI) has indicated that they have no further comments relating to the Modification 3 Blakebrook Quarry Project – Mod 3 (Asphalt Plant) are required.

2.4 **GENERAL PUBLIC SUBMISSIONS**

One submission was received from members of the general public. The issues raised in the submission are summarised in *Table 2.2.4*.

Public submission – *'As a resident who lives on Nimbin Rd approx. 150m from the entrance to the quarry, I am concerned that this application will increase traffic as a result of the extra modifications to the quarry. To date the Nimbin Rd has had minimal maintenance between the quarry entrance and Wilson Street over the past 40yrs of my residence. This has resulted in a speed limit of only 80kms per hour. I would surmise that trucks have been a major contributor to damage of the road surface, as it is worse on the side where loaded trucks are travelling. The traffic counts supplied in the application appear to be an extrapolation of data collected in 2008 and as a resident I do not believe this actually represents the current volume of traffic. Increasing the volume in the quarry operations, in addition to the noise, will increase damage to the already poorly maintained road surface. There does not appear to be a provision for road maintenance (such as surface repair, repair of damaged safety barriers) or significant road upgrades with the application. This is of concern to me as a resident who travels on this road frequently. While application outlined reported accidents, I have witnessed that condition of the road has contributed to the rate of unreported accidents. The road is frequently marked with painted areas to highlight problems like potholes and unexpected dips. I would like the project to have lower prescribed limitations on volume of trucks which is monitored and adhered to during the time of operation. The current*

operational conditions of 100 trucks per day with no night trucks is often not adhered to as there are trucks operating prior to sunrise and after sunset. Therefore, increasing volume of truck activity, I would also be concerned that these breaches of operational conditions would increase and be flaunted even more.'

Table 2.2.4 *Issues raised in submission from the Public.*

| Comments | Response |
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| Road Maintenance | <p>Heavy vehicle traffic does cause a level of deterioration of existing road pavements, which then requires the need for expenditure to maintain, repair and, where necessary, reconstruct the roads. As a result, Lismore City Council's s94 Contributions Plan provides the necessary framework for the efficient and equitable determination and collection of developer contributions towards the maintenance, upgrade and construction of roads utilised by heavy vehicles associated with developments which generate a significant amount of heavy vehicle movements.</p> <p>Consistent with the above, the Blakebrook Quarry currently pays Section 94 contributions (heavy haulage) to Lismore City Council each year towards the maintenance, upgrade and construction of roads utilised by heavy vehicles (Condition 13 of the Consent). These contributions are calculated under Council's s94 Contributions Plan using quarry tonnage output, which correlates to truck movements. Council acknowledges that an increased asphalt plant tonnage and truck movements will result in an increase in the s94 contributions levied for the development under the Lismore City Council's S94 Contributions Plan. Condition 13 of the existing consent adequately addresses this matter. In addition, Blakebrook Quarry will make a customer service request to Council (roads division) to assess the current maintenance regime of Nimbin Road.</p> |
| Current speed limit | <p>The current posted speed limit is not based on the road pavement condition but rather the alignment and position of the road together with interaction with driveways, side roads, etc in consideration of the Austroads guideline. Based upon the current horizontal and vertical alignment of Nimbin Road, the current 80 km/h is considered appropriate. All speed zones in NSW are set by the Roads and Maritime Services. An approved traffic management plan will continue to be implemented for the site to manage onsite traffic impacts and speed limits.</p> |

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| Increase traffic noise | Impacts associated with the increased traffic flows were assessed as part of the planning submission. The assessment of potential road traffic noise impacts was conducted in accordance with the <i>NSW Road Noise Policy</i> (RNP). The Noise Impact Assessment, AE, 2019 predicted compliance with the RNP requirements and outlined marginal noise generation with no adverse impacts anticipated. An approved traffic management plan will continue to be implemented for the site to manage onsite traffic impacts and noise. |
| Accuracy on accident data | As per standard practice, Seca Solution is limited to the use of official accident data provide by the Roads and Maritime Services which is obtained by the NSW Police as part of their response to reported accidents. |
| Validity of traffic counts | <p>The traffic data utilised in the Traffic Impact Assessment were based on the 2008 traffic data collected by RoadNet and supplemented by traffic surveys undertaken by Seca Solutions in December 2019.</p> <p>As previously stated, the surveys show that the current peak hour traffic flows are relatively low in this location with the 2-way flow on Nimbin Road to the immediate west of this intersection being 381 in the AM peak and 333 in the PM peak.</p> <p>On Wilson Street, to the immediate south of this intersection, the 2 way flows were 395 vehicles in the AM peak and 306 in the PM peak.</p> <p>This intersection was observed to operate very well with very low delays and queues.</p> <p>It was predicted in the prior Traffic Impact Report (Roadnet 2008) that traffic growth along Nimbin Road is approximately 2.2% per annum, based on a comparison of count data between 1970 to 2007.</p> <p>The RMS Guide to Traffic Generating Developments provides advice on peak hour flows typically representing 8-12% (average 10%) of daily flows. As such, the current peak hour flows along Nimbin Road would be in the order of 330 vehicles per hour near the quarry access and 390 vehicles per hour near Wilson Street.</p> <p>The traffic data collected by Seca Solution in December 2019 confirms the above traffic assumptions. Based on the peak flows typically representing around 10% of the daily flows, the daily traffic flow on Nimbin Road to the immediate west of Wilson Street is 3,570 vehicles 2-way.</p> |

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| | Based upon this the traffic data utilised in the report it is considered to be adequate to facilitate the assessment of potential impacts generated by the proposal. |
| Traffic movements | <p>Important to note that the Asphalt Plant is already operational with an approximate 10-25 truck movements per day (production dependent). These truck movements are currently not captured within Quarry counts nor are they bound by the Quarry consent conditions. This modification is to amalgamate the Quarry consent and the Asphalt Plant consent into one approval. Further, to permit a marginal increase in Asphalt production. The assessment conducted by Seca Solution concluded that the additional truck numbers (an additional 50 per day) above the current consent of 100 trucks per day typically results in approximately three (3) truck movements per hour per direction. Noting the actual impact is approximately 30 per day as 10-25 truck movements are already occurring.</p> <p>The assessment also concluded that based upon the anticipated increase in traffic numbers, Nimbin Road will continue to operate to an acceptable level of service.</p> |
| Road Surface Condition | <p>Given the various road and intersection upgrades required by the previous conditions of consent for this development the existing road surface is considered adequate to accommodate the minor increase in traffic numbers.</p> <p>As previously stated, the Blakebrook Quarry currently pays Section 94 contributions (heavy haulage) to Lismore City Council each year towards the maintenance, upgrade and construction of roads utilised by heavy vehicles. This is considered to be adequate to facilitate the continued maintenance of the road.</p> |
| Hours of operation | <p>The current quarry operation maintains a record of vehicle movements in and out of the site as they traverse the existing weighbridge. Currently the Asphalt Plant movements are not captured by the weighbridge or bound by the Quarry's consent conditions. The Quarry's movement records are submitted to the Department as part of the periodic reporting requirements and, as such, Lismore City Council is able to closely and accurately monitor the hours of use. Noting that emergency works are permitted outside standard operational times for the Quarry when required.</p> <p>The proposal will result in the weighbridge capturing all movements (i.e. both Quarry and Asphalt Plant) associated with the site. This is anticipated to improve the management of operational times and records.</p> |

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| | | Further, a traffic management plan and associated drivers code of conduct will apply to both activities. These documents will reinforce the hours of use together with monitoring by the road authority. |
| Adherence Limits | to | For both the current and future situation the absolute maximum number of outbound trucks per hour is 25; this being based upon the capacity of the weighbridge on site. The weighbridge will not be upgraded as part of this project. Hence, this upper limit on hourly flows will remain. |

3.1 STATEMENT OF COMMITMENTS

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| Addition 1 | The operator of Blakebrook Quarry will submit a customer service request to Lismore City Council by 30 June 2020 to assess the current maintenance regime of Nimbin Road. |
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