

MULTIQUIP QUARRIES ARDMORE PARK QUARRY

Further Responses to the Department of Planning and Environment re. Mod 3 to PA 07_0155

Compiled by R.W. Corkery & Co. Pty Limited

1. INTRODUCTION

This document presents a range of additional information requested by the Department of Planning and Environment (DPE) following the Department's review of the Response to Submissions for Mod 3 for Ardmore Park Quarry submitted on 2 November 2018 and the receipt of further submissions supplied by various government agencies and six local community members.

2. NOISE IMPACT ASSESSMENT

The revised Noise Impact Assessment (Version 3) dated 23 October 2018 has since been updated (see Version 4 included as **Attachment 1**). The updated assessment addresses the following.

- i) Predicted cumulative night noise level.
- ii) Cumulative noise calculations.
- iii) The September 2018 and December 2018 monitoring results prepared for the Pollution Reduction Program under Environment Protection Licence 13213. A copy of the report presenting the monitoring results is included as **Attachment 2**.
- iv) All previous references to the Noise Policy for Industry have been removed with all references retained to the Industry Noise Policy – as requested by the Environment Protection Authority.

3. GROUNDWATER

Considerable information has previously been provided regarding the alleged decline in the flow rate of Phil's Spring on the *Inverary Park* property.

Further information summarising the occurrence of groundwater within the Ardmore Park bore and the bores and springs on the surrounding properties has been compiled by Larry Cook Consulting Pty Limited, a copy of which is included as **Attachment 3**. The following information is included in this attachment.

- A timeline graph illustrating when the bore started to dry up together with key quarry development information, pumping history and rainfall.
- Detailed depth and height of the productive horizon or horizons in the bore.
- Bore drilling data and the rate of decline of groundwater levels during pumping episodes.



4. EXCAVATED NATURAL MATERIAL

Multiquip Quarries has sought to include excavated natural material (ENM) within the range of materials that can be backloaded to the Ardmore Park Quarry to assist in the progressive creation of the final landform within the worked out sections of the extraction area. The existing development consent only provides for the importation of virgin excavated natural materials (VENM) and the inclusion of ENM will simply provide Multiquip Quarries with an increased opportunity to obtain the required quantities of material for the rehabilitation of the extraction area in the manner proposed.

It is noted that the final landform within the 2017 *Environmental Assessment* (**Figure 8** (see following page)) presents a different landform to that originally presented in the 2008 *Environmental Assessment* (**Figure 2.18** (see following page)). The 2017 final landform will require a total of approximately 3.7 million m³ of materials to achieve the final landform displayed. This volume of material is approximately 1.9 million m³ less than that previously required to achieve the 2008 final landform.

Multiquip Quarries proposes that the materials used to backfill the extraction area will comprise:

- 1.9 million m³ of overburden from the combined sand and basalt extraction area;
- 0.6 million m³ of oversize and processing waste materials; and
- 1.2 million m³ of imported VENM and ENM.

For the purposes of defining the limits for the importation of VENM and ENM, it is proposed that the combined maximum quantity of both materials imported is 2.4 million tonnes, i.e. based on a compacted density of 2 tonnes per m³. All VENM and ENM will be imported as backloads to the Quarry within trucks transporting sand and basalt products from the Quarry.

Multiquip Quarries proposes to import ENM meeting the definition provided by *Section 1.1* of the Resource Recovery Order for Excavated Natural Material Order 2014 (ENM Order 2014) under Part 9, Clause 93 of the POEO (Waste) Regulation 2014. That is, naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:

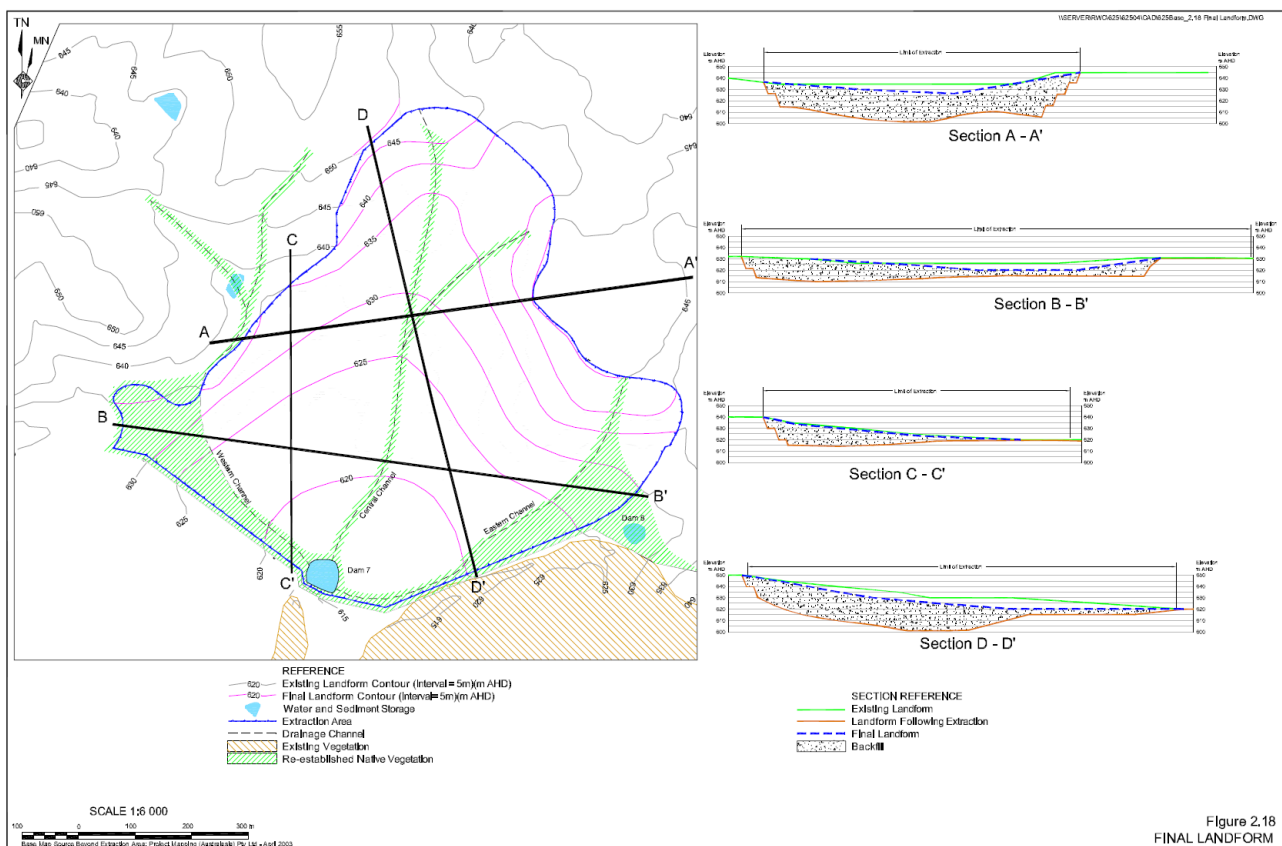
- a) been excavated from the ground;
- b) contains at least 98% (by weight) natural material; and
- c) does not meet the definition of VENM (as defined in the POEO Act).

Multiquip Quarries would require the supplier of any ENM to satisfy the sampling and quality requirements of the ENM Order 2014. On this basis, the material would not be considered a trackable waste under Schedule 1 of the POEO (Waste) Regulation 2014.

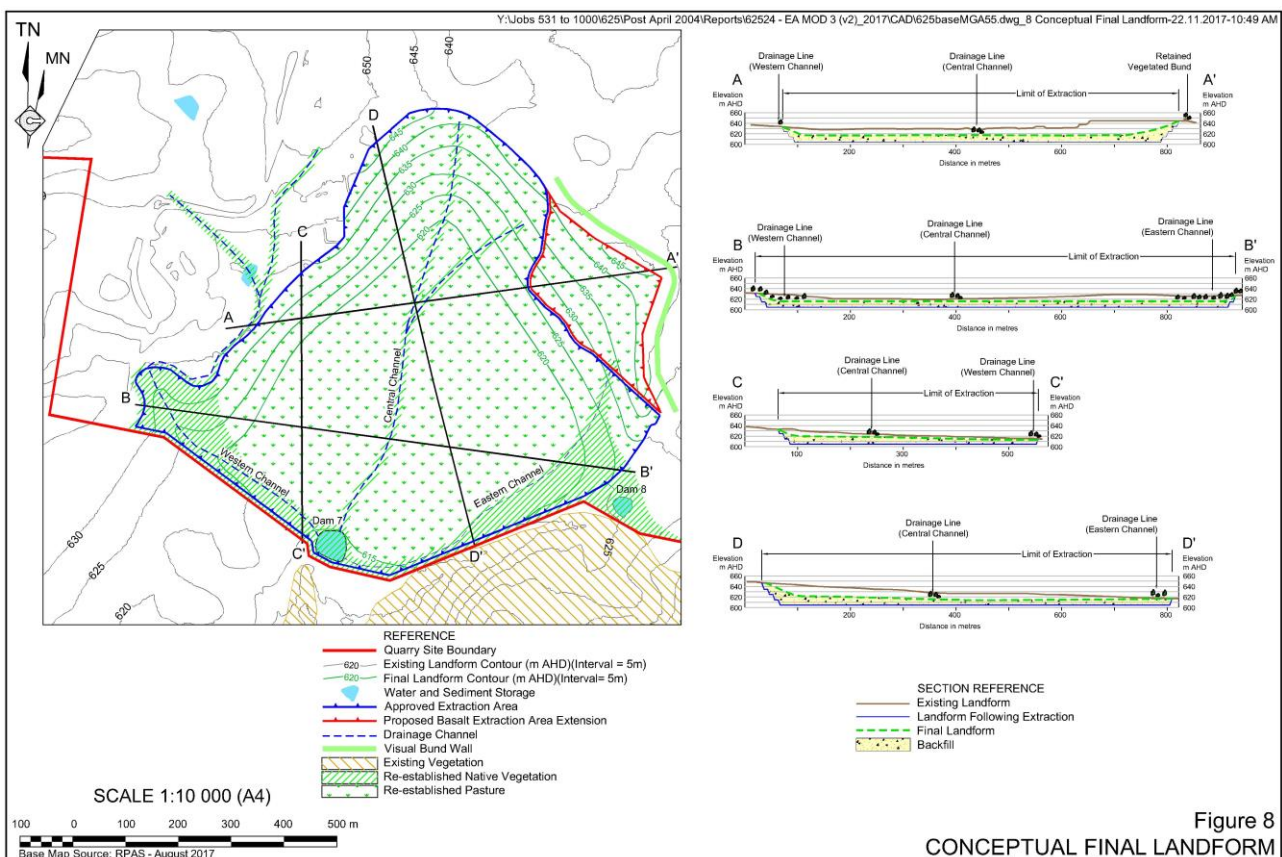
The ENM accepted to the Quarry Site would be:

- applied to land in accordance with the Resource Recovery Exemption for Excavated Natural Material 2014 (ENM Exemption 2014) issued under Part 9, Clauses 91 and 92 of the POEO (Waste) Reg;
- despatched from the Quarry Site in satisfaction of the ENM Order 2014 within 12 months of acceptance; or
- screened and blended with Quarry materials to produce a specialty product.

2008 Environmental Assessment



2017 Environmental Assessment



As discussed above, Multiquip Quarries may be able to blend a small proportion of the VENM and/or ENM imported to the Quarry to produce products with improved quality or to meet a customer's individual specifications. The use of these materials, and satisfying the relevant provisions of the POEO Act, as discussed above, is recognised as responsible resource management.

5. VOLUNTARY PLANNING AGREEMENT

Multiquip Quarries has negotiated a Voluntary Planning Agreement with the Goulburn Mulwaree Council focussing on the transport route used by heavy vehicles transporting products from the Ardmore Park Quarry to the Hume Highway.

Attachment 4 reproduces the business paper for Goulburn Mulwaree Council for its meeting held on 18 December 2018. The agreement which is presented in full in the business paper was accepted by Council by a unanimous vote at the meeting. Council will separately provide written documentation relating to the agreement to the DPE.

It is now proposed that the agreement is formally advertised in accordance with the standard procedures for Voluntary Planning Agreements.

6. VISUAL BUND WALL

Multiquip propose to install an additional bund wall to visually isolate the quarry from the neighbouring properties to the east, as views of some of the quarry activities are, and/or will be, visible from these properties. The bund wall, which is located within the approved project area, approximately 20m offset from the boundary, will be constructed on a progressive basis over an extended period of time, with overburden material sourced from the site. The bund will be grassed and suitably vegetated once constructed and is expected to have a total volume of 180,000m³. Further detail of the structure will be incorporated within the project Landscape Management Plan, which is currently under review and will be completed 2019.

7. ROAD SAFETY

The key road safety issue relevant to the use of Oallen Ford Road and Jerrara Road is the interaction between the school bus and the heavy vehicles travelling to and from the Ardmore Park Quarry. The existing development consent provides for up to 14 heavy vehicle movements per hour during those periods when the school bus is operating on the above roads. It is noted that the Culmone's School bus service operates on Jerrara and Oallen Ford Roads for a 30 minute period between 7:30am and 8:00am in the morning and 4:15pm to 4:45pm in the afternoon. Multiquip Quarries now proposes to limit the maximum number of heavy vehicle movements to 10 movements during the 7:00am to 8:00am and 4:00pm to 5:00pm periods. This maximum level is 2 movements per hour greater than that nominated in Table 1 (page 12) of the RTS simply to cater for the occasional truck that may enter the transport route ahead of time and within the nominated period of school bus travel.

It should be noted that the issue of road safety (including for school buses) prompted the widening of the entire transport route to the Hume Highway, which has been largely completed. The widening of the roads along the transport route has substantially improved the safety for all vehicles travelling along the route, including school buses. The Quarry has been operating on a commercial basis for approximately 12 months and there have been no reported incidents involving the school buses operating along the transport route.

Multiquip Quarries will continue to ensure all truck drivers operate fully in accordance with the Drivers' Code of Conduct whereby truck drivers maintain contact with the school bus driver through a 2-way radio to establish the bus's location on the transport route – thereby allowing the truck drivers the opportunity to adopt additional precautions, if required, in the event that they are likely to pass the school bus during their travel along the transport route, particularly in the vicinity of one of the locations where the bus collects or drops off school children.

8. GOVERNMENT AGENCIES FURTHER SUBMISSIONS

A total of eight agencies provided further comments in submissions to DPE following the circulation of the RTS. Additional responses are provided below to those matters raised by these authorities that require further comment. It is noted that further comments are not required for the additional responses provided by:

- Department of Planning and Environment – Land Use and Titles
- Roads and Maritime Services
- Transport for NSW

With the exception of the request from Department of Industry – Crown Lands, Multiquip Quarries supports the recommended conditions included in the submissions by each of the agencies.

Department of Industry – Crown Lands

- *DoI Crown Lands should be identified as a landholder impacted by the proposal.*
- *The proponent should acquire Land Owner Consent for occupation of the crossing (through truck movements) of Bungonia Creek.*
- *The proponent should consult with the Bungonia Park Reserve Trust (as an adjoining landholder).*

It is recommended that the applicant either provide evidence that the existing crossing is suitable for the increased loads or upgrade the crossing as part of this proposal (no works can occur prior to an authority to occupy being issued). It is requested that the Department of Planning and Environment liaise with the Department regarding appropriate compliance approaches due to possible dual non-compliance; i.e. non-compliance with consent conditions requiring approval before development commenced which have arisen from unauthorised occupation of Crown land.

The source of our immediate concern is that the private by-pass crosses a Crown waterway (Bungonia Creek) and the applicant is seeking to put heavier trucks across this crossing as part of this modification. This crossing was constructed under a previous approval however no record can be found of a consent or ongoing authority to occupy the Crown waterway. This means that there is no clear indication of who is responsible (and who is liable) for the appropriate use and maintenance of the infrastructure on the Crown waterway. The applicant supplied a number of structural assessments for other waterway crossings that will be used however this crossing was not one of them.

As well as an authority to occupy Crown land (i.e. the waterway) we are seeking an assurance that the infrastructure is suitable for the proposed use.

Response

This is the first time this issue relating to the requirement for landowner consent, etc. for the bridge constructed by Multiquip Quarries across Bungonia Creek has been raised by an agency responsible for the administration of Crown land in NSW. Multiquip Quarries consulted with the former Department of Lands between 2005 and 2008 regarding Crown land along the Bungonia Bypass and at no time was the issue of landowner consent raised with respect to the crossing of Bungonia Creek. Rather, the Department focussed on two portions of land, namely Lots 7005 and 7006, DP 1002591 located at the western end of the bypass which were Crown land (see attached correspondence dated 25 October 2007). Multiquip Quarries subsequently purchased both lots.

In light of this information raised by Department of Industry – Crown Lands, Multiquip Quarries respectfully requests that the resolution of this matter is not tied to the determination of Mod 3 of PA 07_0155 but rather is left for Multiquip Quarries to separately resolve with the Department of Industry – Crown Lands.

Environment Protection Authority

The EPA recommends that DP&E require the proponent to redraft the RNIA based solely on the INP (except for Point 8 of the transitional arrangements) to allow a consistent comparison of the original NIA and the RNIA.

Response

The revised Noise Impact Assessment has been updated by VMS Australia Pty Ltd in the manner requested by the EPA – see **Attachment 1**.

Department of Education

Our submission to the proposed modification which seeks to increase the production limit by 45%, maximum daily truck movements by 41% and increase overall operating hours for both product loading and transport sought to secure suspension of truck movements for a total of 90 minutes on school days along Ollen (sic) Falls Road and Jerrara Road. The applicant's response indicating the existing consent permits truck movements at these times does not respond to the issue of the safety of students using buses during this very limited timeframe. Further, as previously stated, the discretionary nature of the proposed management procedure does not limit the potential increase in truck movement beyond that which exists under the current consent. Table 1 in Section 2.3 provides "indicative operations" data which is not based on "likely product delivery schedules" and "proposed scheduling" – this does not give the certainty around the limitation of truck movements at the times of school bus services in the interests of student safety.

The Department reiterates its submission, preference to suspend all truck movements along Ollen (sic) Falls Road and Jerrara Road during the school bus operation on school days. If this approach is not supported due to the current approval, the Department seeks certainty that truck movements will not exceed the stated existing indicative daily movements of 8 trucks per hour during the morning school bus run and 4 trucks per hour during the afternoon school bus run by the imposition of a specific condition which provides certainty around the maximum number of truck movements.

Response

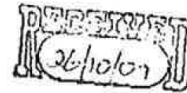
The approach of Multiquip Quarries to this issue has been addressed in Section 7 above.



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LATERALS

PAGE 02/02



Department of Lands

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P.O. Box 1326,
GOULBURN NSW 2580

Land Administration & Management
Property & Spatial Information
Website: www.lands.nsw.gov.au

Contact Officer: John Flarrey
Telephone: (02) 4824-3714
email: john.flarrey@lands.nsw.gov.au

25th October 2007

Dear Mr Allen,

**RE: USE OF CROWN LAND COMPRISING LOTS 7005 & 7006 DP 1002591 AT
BUNGONIA FOR A HAUL ROAD.**

Reference is made to the meeting held at the Goulburn Office on Wednesday 17th October 2007 concerning the use of Lots 7005 and 7006 DP1002591 to construct a haul road.

Please be advised that the Department is now prepared to give consideration to the granting of owners consent to the lodgement of a development application (DA) in respect of the proposal indicated.

However the following should be noted when the DA is submitted for owners consent:

- Because the owners consent will be in respect of both Lots 7005 and 7006, the written concurrence of the local Rural Lands Protection Board will be required for the lodgement of the DA for Lot 7006 which is a travelling stock reserve under that Board's control;
- The DA should be accompanied by a full description of the proposal / proposed activities as it affects the Crown land and surrounding lands, a diagram showing the proposed haulage route, and any associated environmental / other studies;
- If development consent / approval is granted, the Department would require lodgement of an application to purchase the Crown land required for the haul road in addition to any land to the west severed by the road. Your clients should note that no guarantee can be given that such an application will be successful as it will be dealt with on its merits when received.
- Such an application would be subject to all the normal statutory processes including (but not limited to) land assessment and native title. These processes would have to be satisfactorily resolved before any purchase could be considered. Compensation would be sought if the purchase proceeds with the amount determined on a current market value basis with all the normal processing costs having to be borne by the proponent.

The proponent should also provide any conditions of consent regarding the location and access to the proposed haulage road from the main Goulburn Bungonia Road.

If you have any queries regarding any matter in this letter, please do not hesitate to give this office a call at the telephone number hereon.

Yours sincerely


John Flarrey
Program Manager
Land Administration East
South Region

Water NSW

It is noted that the exact quantities of Excavated Natural Material (ENM) imported to the site cannot be quantified due to the reasons given in the RTS, however WaterNSW would appreciate being consulted on any application for 'waste processing facility' i.e. blending of ENM with excavated sand and/or basalt.

Response

The maximum quantity of VENM and ENM to be imported to Ardmore Park Quarry has been clarified in 4. above. The reference to a "waste processing facility" is not correct. Selected VENM or ENM would simply be stockpiled adjacent to the sand processing plant and processed in a similar manner to the sand.

Office of Environment and Heritage

We note that the Aboriginal cultural heritage assessment provided is not in accordance with the Secretaries Environmental Assessment Requirements (SEARS) as it has not included consultation with the Aboriginal community to determine their views regarding the likely impact of the development on their cultural heritage. The assessment was also not undertaken in accordance with the relevant OEH guidelines included in Attachment 1 of the SEARs.

Response

The initial Cultural Heritage Management Australia (2008) Cultural Heritage Assessment and current Aboriginal Heritage Management Plan (Kayandel 2009) did involve consultation with Pejar Local Aboriginal Land Council. These assessments covered the entire area of the Quarry, including the additional 3.5ha on the northeastern side of the basalt extraction area which is the subject of Mod 3.

The due diligence assessment undertaken by OzArk effectively confirmed the earlier observations. Importantly, OEH in its submission acknowledges that "there is predicted to be limited impact to Aboriginal cultural heritage values from the proposed modification".

Multiquip Quarries will review the existing Aboriginal Heritage Management Plan within 3 months of the determination of Mod 3.

9. SUBMISSIONS FROM BUNGONIA DISTRICT RESIDENTS

A total of six further submissions were received from Bungonia district residents. Each submission has been reviewed and, where appropriate, additional comments have been provided. It is recognised that, in most cases, each submission has presented information previously addressed in the Response to Submissions. A brief commentary is provided below to various issues raised in residents' submissions.

Issue	Response
Land devaluation	Land values have previously been discussed in the RTS (Section 5.2.6, page 140). The value of the agricultural land surrounding the Quarry is largely controlled by its agricultural production potential. The results of the noise, air quality and groundwater monitoring of the Quarry's operations indicate there is no evidence of environmental pollution and/or exceedances of environmental criteria which could reduce amenity sufficiently to affect land values.

Issue	Response
Groundwater use	This issue is addressed in Section 3. above. It is also noted that Multiquip Quarries' site environmental officer records the level of Daryl Knights' bore weekly. Over time, this will be compared to water use at the Quarry (also assessed weekly). At this stage, the standing water level in Daryl Knights' bore appears stable. Groundwater issues on "Inverary Park" have been the subject of two previous studies conducted by Multiquip Quarries and are currently the subject of an independent review co-ordinated by the DPE. Allegations of declines in groundwater use occurring as a result of Multiquip Quarries' water use are not supported by facts. Multiquip Quarries maintains a monitoring program for groundwater which includes recording the standing water level of 10 monitoring bores on the Ardmore Park property, which are screened in different water-bearing layers located to the north, east, south and west of the production bore. None of these bores have shown sustained declines in standing water level (see 2017-2018 AEMR). The fact that bores a greater distance away from the monitoring bores are in decline cannot be considered prima facie evidence that any conical depression is occurring from water use at Ardmore Park.
Extension of hours, noise	Recent noise monitoring (see Attachment 2) has confirmed the Quarry is generating noise levels that, whilst occasionally audible at surrounding properties, are well within criteria nominated by the DPE and EPA.
Heavy vehicle use of haul road Hours of operation, the condition of the road upgrades	Heavy vehicle use of the transport route has been subject to strict controls including the number of heavy vehicles that use the road per day, hours of product transport and noise limits. Suggestions that the quarry could be located next to the highway are irrelevant as extractive industries can only be located where viable resources are identified. Comparisons to Lynwood, Peppertree and Gunlake Quarries are invalid as each of these are solely hard rock quarries as opposed to Ardmore Park, which is primarily a sand quarry (with some hard rock resources). Alternative methods of product transport (e.g.) rail are impractical given the modest size of the operation and location of the resource. There is already a local precedent for larger quarries than Ardmore Park to rely on road transport (e.g. Gunlake). Characterising the Modification as a blanket increase from 44 laden trucks (88 total) to 62 laden trucks (124 total) per day is misleading as it does not recognise that the total laden vehicle loads will remain the same on a monthly basis. Whilst the condition of the transport route in some areas along the transport route require improvement, both Council and Multiquip Quarries have already commenced the process to rectify these areas. Council has requested reconstruction of certain parts of the failed pavement and will share the cost with Multiquip Quarries of re-sheeting the entire road. Importantly, the overall standard of the roads along the transport route has been substantially improved by Multiquip Quarries to the benefit of all motorists. This has been recognised by Goulburn Mulwaree Council.
ENM, alleged non-compliances, noise	Concerns about contaminated ENM are not supported. Chain of custody measures will ensure all material brought to site can be tracked. Periodic sampling of received ENM will ensure no contaminated material is brought to site. Alleged non-compliances include: Bypass road alignment – Multiquip has not received any notification from a regulator advising the inadequacy of the alignment of the Bungonia bypass road. Road width – any defects in roadworks will be repaired in conjunction with Council. Blending of ENM without approval – this has not, and is not, occurring. Adequate groundwater monitoring – all required monitoring is being undertaken. Noise measurements provided are consistent with expected levels 20m from a road. The important levels are those experienced at residences which are set back considerable distances from the road network.
5:00am commencement of product deliveries	The early commencement of product deliveries is necessary for trucks to avoid peak hour traffic in Sydney – a factor recognised in containing delivery costs for construction materials used in the construction of homes, public buildings and new infrastructure in the Sydney metropolitan area.