

30 October, 2015

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Resource Assessments  
Department of Planning & Environment  
23-33 Bridge Street  
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**RE: Submission Clarence Valley Council October 2015 SSD6624, Expansion of Extractive Industry, Sly's Quarry, Lot 2 DP 1055044**

Thank you for the opportunity to comment on the submission report. Council's comments to the submissions report are provided below.

While Council does not object to the application for the expansion of the quarry comments are provided in relation to the proposed rehabilitation of disused extractive areas on the lot, the assessment of biodiversity offsets, proposed hours of operation, developer contributions and increased traffic impacts.

Rehabilitation

It is noted that under the current approval DA1995/0111 (approved by the Land & Environment Court Appeal No. 10377 of 1998) *rehabilitation is to commence immediately in all areas no longer subject to extraction or required for access...* (Condition #25).

Of concern to Council is the ongoing ineffectiveness for the rehabilitation of potholing areas of Site C. Currently there is a large area of Site C (Approximately 8 ha in area) that has not been successfully rehabilitated in accordance with the existing approval. The current approval allows only up to 1 hectare areas to be exposed (Condition #4 point (o)). Site B should have already have been rehabilitated as it is no longer active.

The approval for the placement of fill under DA2004/0439 was approved in 8 September 2008 and was to be in accordance with a 5 year management plan for Site C (sand extraction by pot-holing).

The proposal under SSD6624 includes the closing and rehabilitation of two previous quarry sites on the lot being Site B and Site C. The rehabilitation of quarry areas Site B and Site C, identified under the current approval under DA1995/0111, should begin from the commencement of any consent approved under SSD6624. A strict time frame for completion of the rehabilitation and revegetation of these sites should also be a requirement of the consent.

Current approvals on the site being Development Application No. 1995/0111 and DA2004/0439 (placement of fill) should be formally surrendered prior activation of any consent under SSD6624.

### Biodiversity Offsets

Clarence Valley Council has adopted a Biodiversity Management Strategy which includes a Biodiversity Offset Policy detailing acceptable actions to counterbalance specific impacts on biodiversity. Under the policy offsets for development actions in the Clarence Valley Council Local Government Area (LGA) must be located within the LGA. A copy of the policy is provided with Council's submission.

The selection of land proposed for an offset must achieve replication of biodiversity values being impacted in a development site as closely as possible at the regional, landscape and local scales to cater for representativeness, ecosystem function and context and site specific characteristics and it is preferable to locate offsets on-site but outside the development envelope. This is due to the likelihood of achieving a higher level of equivalence (like-for-like) of the impacted values within the Local Government Area.

Council requests that any Biodiversity Offsets be provided in accordance with Council's adopted Biodiversity Offset Policy and be implemented through a Biodiversity Offset Management Plan. This should be reflected in conditions of consent for SSD6624.

### Hours of operation

The EPA recommends hours to be:

All activities;

- Weekdays – 7.00 am - 6.00pm
- Saturdays – 8.00 am - 1.00pm
- Sundays or public holidays - No work
- Blasting 9.00 am to 3.00pm Monday to Friday

The applicant / GHD have requested hours to be:

- Weekdays – 6:30am - 6.00pm
- Saturdays – 6:30am - 4.00pm
- Sundays or public holidays - No work
- Excavation, crushing or loading would not commence until after 7am. Blasting would only occur on weekdays between the hours of 10am and 4pm.

Council supports the hours recommend by the EPA as the hours will help protect the amenity of adjoining land owners and lessen traffic impacts for Tullymorgan - Jackybulbin Road users. These hours will be consistent with the current operating hours that local residents are accustomed to. The hours should be reflected in conditions of consent for SSD6624.

### Traffic Impacts

The approved haulage route is from the quarry via Tullymorgan – Jackybulbin Road to the Pacific Highway. Tullymorgan – Jackybulbin Road has a speed limit of 100kph (State limit - unposted).

The level of assessment of the suitability of the intersection / driveway layout for heavy vehicles (truck & dog configurations) entering / leaving the quarry is inadequate. Turning movements of heavy vehicles and Road Safety must be considered.

It is noted that an 80 km speed limit is proposed from the access of the quarry Tullymorgan - Jackybulbin Road to the Pacific Highway. Council advises that a change to the speed limit for Tullymorgan - Jackybulbin Road would require referral to and approval of Council (as the Road Authority) and the concurrence of the Local Traffic Committee. This process should be reflected in conditions of consent for SSD6624.

The intersection for the quarry on Tullymorgan - Jackybulbin Road is not constructed to a formalised BAL and BAR treatments as described in the EIS Traffic Impact Assessment Report. The approval for the quarry should ensure that the road pavement is widened and constructed to BAL & BAR treatments prior to commencement of quarrying under any approval under application SSD6624.

A formal 'Road Safety Audit' was recommended by Council, however this has not been provided. Council does not accept the level of assessment provided and requires that a formal road safety audit be conducted in accordance with the RMS guidelines for Road Safety Audits.

In particular there is no consideration of whether an upgrade at the intersection of the Pacific Highway and Tullymorgan - Jackybulbin Road is required for right turning movements of heavy vehicles (truck & dog configurations) onto the Pacific Highway from Tullymorgan - Jackybulbin Road under the existing traffic volumes on the Pacific Highway. This section of the Pacific Highway has a speed limit of 100kph and the intersection will be the predominant turning movement for laden heavy vehicles (truck & dog configurations) transporting quarry product south of this intersection. A formal Road Safety Audit should be completed and any recommendations of the report completed prior to commencement of haulage activities under any approval under application SSD6624.

A Traffic impact / pavement impact report for Tullymorgan - Jackybulbin Road is required due to the significant increase in heavy vehicle traffic (160 heavy vehicles per day + 28 light vehicles per day - Section 2.4.1 Traffic Impact Assessment Report). The heavy vehicle impact should be converted to Equivalent Standard Axles (ESA's) to allow for 'truck & dog' configurations. Any recommended repairs / improvements to the pavement from the report should be completed prior to the commencement of any consent approved under SSD6624.

It will be some time before the Tullymorgan - Jackybulbin Road / Pacific Highway intersection will be upgraded to a Seagull T intersection under the Pacific Highway upgrade works. No consideration has been provided for traffic management and movements during the impending Pacific Highway upgrade works. Consultation with the RMS for an agreed Traffic Management Plan during the road works should be considered prior to commencement of haulage activities under any approval under application SSD6624.

Council is in agreement for the RMS code of conduct for drivers to be adopted. This should be reflected as a condition of consent.

#### Section 94 contributions

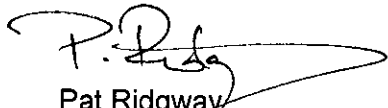
- (a) Council requests that Section 94 contributions apply to any approval in accordance with the Clarence Valley Contributions Plan 2011. The calculation used is as per the table below.

| <b>Clarence Valley Contributions Plan 2011 Section 94A Levy Rates for Development Other Than Residential Accommodation.</b> |                                        |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Development Type*                                                                                                           | Levy Rate                              |
| Proposed cost of carrying out the development is up to and including \$100,000                                              | Nil                                    |
| Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000                      | \$ (Value of Development) x 0.005 = \$ |
| Proposed cost of carrying out the development is more than More than \$200,000                                              | \$ (Value of Development) x 0.01 = \$  |

It is noted that the applicant has agreed to the inclusion of Council's Section 94 contributions plan for maintenance of roads used by extractive industry trucks.

Council thanks you for this opportunity to provide comment. If you require further information please contact Pat Ridgway Council's Environment Planning and Regulatory Services on 6643 0288.

Yours faithfully,



Pat Ridgway  
Senior Development Planner