

CORAKI QUARRY

Transport Route Changes Modification SSD 7036 MOD 1

Environmental Assessment Report

Section 96 (1A) of the *Environmental Planning and Assessment Act 1979*

1. BACKGROUND

Quarry Solutions Pty Ltd (Quarry Solutions) operates Coraki Quarry, located adjacent to Seelems Road and Petersons Quarry Road, Coraki, on the Far North Coast of NSW (see **Figure 1**). The site is located in the Richmond Valley local government area, approximately 2.5 kilometres northwest of Coraki. Coraki Quarry was granted development consent (SSD 7036) on 18 April 2016. Coraki Quarry is approved to extract a maximum of 1 million tonnes per annum of high quality basalt over a 7 year period, with consent to conduct quarrying operations lapsing on 30 June 2023.



Figure 1: Location of Coraki Quarry

2. PROPOSED MODIFICATION

Quarry Solutions has applied for a modification to SSD 7036 under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to change the route that quarry trucks take when returning to the quarry and to subsequently delay the sealing of Seelems Road. Condition 22 of Schedule 3 currently requires trucks returning to the quarry to return via Seelems Road, as follows:

Transport Routes

22. All laden trucks travelling from the development to the Pacific Highway must travel via Petersons Quarry Road, Lagoon Road, Casino – Coraki Road, Queen Elizabeth Drive and Coraki – Woodburn Road. Trucks returning to the site from the Pacific Highway must return via the same route and enter the development via Seelems Road.

This condition does not apply:

- (a) when road closures on the above route are in place;
- (b) when delivering to sites not involving travel on the Pacific Highway, such as within the local area or sites to the northwest or north of the quarry (eg Casino or Lismore); and
- (c) in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.

Condition 23 of Schedule 3 currently requires Seelems Road to be sealed prior to the commencement of despatch of quarry trucks, unless otherwise agreed by the Secretary, as follows:

Road Upgrades

23. Prior to commencing despatch of laden trucks from the development, unless otherwise agreed by the Secretary, the Applicant must cause the following road upgrade works to be undertaken to the satisfaction of the Council or the RMS (whichever is the relevant roads authority):
- (a) provision of a minimum 6 metre sealed carriageway on Seelems Road from Petersons Quarry Road to a point approximately 200 metres west of the entrance to the industrial facility at 30 Seelems Road; and
 - (b) asphaltic concrete/hot mix sealing of the intersections of Petersons Quarry Road and Lagoon Road; Lagoon Road and Casino – Coraki Road; and Woodburn – Coraki Road and the Pacific Highway.

Quarry Solutions proposes to have quarry trucks return via Petersons Quarry road until such time as Seelems Road is sealed. The location of the currently approved transport route is shown in **Figure 2**.



Figure 2: Approved Transport Route

3. STATUTORY CONTEXT

The application is seeking to modify SSD 7036 in accordance with section 96(1A) of the EP&A Act. A consent cannot be modified under section 96(1A) unless the consent authority is satisfied that the modification is of minimal environmental impact and the development would remain substantially the same development as the development for which consent was originally granted.

The modification application does not seek to change the nature or scale of the development approved under the consent. Rather, the modification involves a minor change to the return route of quarry trucks that results in minimal environmental impact. As such, the Department is satisfied that the proposed modification is within the scope of section 96(1A), and may be determined accordingly.

The Minister for Planning is the consent authority for the application. However, as Quarry Solutions has not reported any political donations, the local Council does not object to the proposal, and there was only one public objection, the Executive Director Resource Assessments and Compliance may determine the application under the Minister's delegation of 16 February 2015.

4. CONSULTATION

The Department is not obliged to undertake any consultation relating to the proposed modification. However, the application and supporting documentation (see **Appendix A**) were made publicly available on the Department's website. The Department also notified all adjoining residents and all surrounding residents that currently hold private agreements with Quarry Solutions in relation to permitted noise levels. All three residents that lodged a submission on the original application were also notified and invited to comment on the proposed modification. In total there were eight private residents notified of the proposed modification. The neighbouring industrial facility, Total Precast Systems Pty Ltd, located on Seelems Road, was also notified.

The Department also invited comment from the Environmental Protection Authority (EPA) and Richmond Valley Council. The EPA replied, noting that it had no objection to the proposed modification. Council also had no objection but requested that the requirement for sealing of Seelems Road prior to its use by Coraki Quarry be maintained through a condition of consent. Copies of the EPA and Council responses are included in **Appendix B**.

One response was received from a private resident located in Coraki township objecting to the proposed modification. The issues raised related to impacts from the operation of both Coraki Quarry and the neighbouring Petersons Quarry. These included impacts from trucks on the amenity of residents and damage to local roads, and impacts on air quality. The issues raised were not specific to the proposed modification, which relates only to a minor change in the transport route in close proximity to Coraki Quarry and does not change the route as it passes through Coraki township.

Quarry Solutions informed the Department that it also consulted surrounding landowners R1 to R9 (see **Figure 3**) in relation to the proposed modification. The concerns raised during this consultation were in relation to quarry trucks travelling through Coraki township. There were no concerns raised that were specific to the proposed modification.



Figure 3: Location of Surrounding Residents

5. ASSESSMENT

In assessing the merits of the proposal, the Department has considered the:

- application documentation;
- existing conditions of consent;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act, including the objects of the Act.

The Department considers that the proposed modification has the potential to result in impacts relating to traffic and noise. The Department's assessment of the proposal's potential impacts is provided below.

5.1 Traffic

The proposed modification involves a minor change to the route taken by quarry trucks returning to the quarry compared with that currently permitted under the development consent. This change involves trucks re-entering the quarry via Petersons Quarry Road instead of Seelems Road, until such time as Seelems Road is sealed. The modified return route is located in close proximity to Coraki Quarry and affects only a short section of a local public road, Petersons Quarry Road. Instead of trucks turning left onto Seelems Road, they would continue approximately 200 metres further north along Petersons Quarry Road and then turn left into Coraki Quarry. There are no private residents located along this section of Petersons Quarry Road.

The proposed modification does not involve any other changes to truck movements or transport routes including through Coraki township.

Under the proposal, traffic on Seelems Road would need to give way to trucks travelling on Petersons Quarry Road as they return to Coraki Quarry. Seelems Road is not used to access any private residences but is used to access an industrial facility run by Total Precast Systems Pty Ltd. Quarry Solutions has confirmed that there is currently a stop sign located at this intersection. The Department is satisfied that the stop sign provides adequate safety treatment on the intersection of Seelems Road and Petersons Quarry Road for vehicles turning right onto Petersons Quarry Road from Seelems Road.

The Department has therefore recommended that condition 22 of Schedule 3 be modified to permit entry via Seelems Road or Petersons Quarry Road. It is also recommended that condition 23 of Schedule 3 be modified to ensure sealing of Seelems Road is still undertaken prior to its use by quarry trucks and that the required road upgrades under condition 23(b) still occur prior to commencing despatch of laden trucks from the development.

The Department notes that under the recommended conditions there is no timing requirement, other than prior to use of the road, for Quarry Solutions to seal the Seelems Road. This could potentially mean that the road may not be sealed and that Quarry Solutions would use Petersons Quarry Road for the life of the development. The Department considered this issue in making its recommendation; however notes that the use of Seelems Road is predominantly for the benefit of the quarry operators rather than the environment and community. The use of Seelems Road would enable the trucks on the quarry site to use a more efficient network of internal roads that would enable one-way operation of trucks within the quarry site. Given the above, the Department does not consider the sealing of Seelems Road in the near future to be a pressing environmental or community issue and is nonetheless satisfied that it would be appropriately sealed prior to its use under the recommended conditions.

The existing conditions of consent require Quarry Solutions to prepare and implement a Traffic Management Plan (see condition 27 of Schedule 3) which must include, but is not limited to, a:

- clear description of the transport routes;
- description of the measures to be implemented to minimise noise from transport operations (see **Section 5.2**);
- description of the processes in place to control truck movements; and
- Driver's Code of Conduct that details the safe and quiet driving practices that must be used by drivers transporting products to and from the quarry, having particular regard to school bus routes, and the location of residential properties and associated access roads.

The existing development consent also requires Quarry Solutions to commission an Independent Traffic Audit every three years. This audit must assess the impact of the development on the road network,

investigate any incidents and/or complaints, assess the effectiveness of the Driver's Code of Conduct and recommend any necessary measures to reduce or mitigate any adverse impacts.

The Department is satisfied that, subject to the existing and recommended conditions of consent, there would be negligible impacts on traffic, the road network or amenity of the community as a result of the proposed minor change in the transport route.

5.2 Noise

The Department considers that the minor change to the transport route for trucks returning to Coraki Quarry has potential to increase noise levels for the nearest residents. The Noise Impact Assessment included in the quarry's original EIS predicted that noise levels would be 35 dB(A) at R1, R2, R6 and R7 and 34 dB(A) at R3 (see **Figure 3**), compared with a Project Specific Noise Level (PSNL) of 35 dB(A). It is therefore possible that any minor change to noise levels resulting from the proposal could result in the development exceeding the noise criteria of 35 dB(A) contained in condition 4 of Schedule 3.

However, condition 4 of Schedule 3 also states that these noise criteria do not apply if Quarry Solutions has an agreement in place with the relevant landowner to exceed the criteria, and it has advised the EPA and the Secretary in writing of the terms of this agreement. Quarry Solutions provided the Department and the EPA with copies of its agreements with residents R1, R2, R3, R6 and R7 permitting Coraki Quarry to exceed the noise criteria by up to 5 dB(A) at these residences.

The proposed modification involves quarry trucks travelling approximately 200 metres further north to re-enter the quarry along Peterson Quarry Road. It does not involve a change to the number of approved truck movements and does not result in more trucks travelling past private residences. The Department therefore considers that the noise associated with the proposed modification is very unlikely to result in levels increasing by more than 5 dB(A) and is therefore satisfied that a quantitative assessment of noise associated with the proposed modification is not necessary. The Department is satisfied that it is unlikely that private residents would be impacted by noise levels above the noise criteria contained in condition 4 of Schedule 3 and, that if this was the case, it is extremely unlikely that these noise levels would exceed those permitted by the private agreements.

Furthermore, the existing conditions of consent require Quarry Solutions to implement best practice management to minimise road transportation noise and carry out regular noise monitoring to determine compliance with the relevant conditions of consent. Quarry Solutions must also prepare and implement a Noise Management Plan for the development, which would include the proposed modification, and outline measures that would be implemented to ensure compliance with the conditions and describe the noise management system (see condition 6 of Schedule 3).

6 RECOMMENDED CONDITIONS

The Department has drafted a recommended notice of modification (see **Appendix C**) and a consolidated version of the consent as it is proposed to be modified (see **Appendix D**).

Quarry Solutions does not object to the recommended conditions.

7 CONCLUSION

The Department has assessed the merits of the proposed modification in accordance with the requirements of the EP&A Act. The assessment has shown that the minor change to the transport route for trucks returning to Coraki Quarry would result in negligible impacts on the environment and community.

The Department is satisfied that the proposed modification is in the public interest and should be approved, subject to changes to conditions 22 and 23 of Schedule 3.

8 RECOMMENDATION

It is **RECOMMENDED** that the Executive Director, Resource Assessments & Compliance, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the modification is within the scope of section 96(1A) of the EP&A Act;

- **approves** the modification application under section 96(1A), subject to conditions; and
- **signs** the notice of modification at **Appendix C**.

Howard Reed

Howard Reed 12.10.16
Director
Resource Assessments

Oliver Holm

19/10/16
Oliver Holm
Executive Director
Resource Assessments & Compliance

APPENDIX A: APPLICATION DOCUMENTATION

Refer to the following link:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7918

APPENDIX B: SUBMISSIONS

Refer to the following link:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7918

APPENDIX C: NOTICE OF MODIFICATION

APPENDIX D: CONSOLIDATED CONSENT
