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Date: 19/08/2016
Ref: 1837_DA3_001

Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: Howard Reed, Director, Resource Assessments
Via e-mail: howard.reed@planning.nsw.gov.au

Dear Howard,

APPLICATION TO MODIFY DEVELOPMENT CONSENT (SSD7036)

Coraki Quarry – Seelems Road, Coraki NSW

Groundwork Plus acts on behalf of Quarry Solutions Pty Ltd (Quarry Solutions) to submit this modification application to the Department of Planning and Environment (DP&E). The application seeks to modify development consent SSD7036 for the Coraki Quarry pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* (EPA Act). The Coraki Quarry development consent was issued by DP&E on 18 April 2016.

Background

Quarry Solutions are currently working on compliance actions required under the development consent for the Coraki Quarry. Schedule 3, Condition 23(a) of the consent requires the upgrade of Seelems Road prior to despatch of laden trucks from the development. Quarry Solutions wish to constrain the areas of disturbance to the absolute minimum amount necessary at any one time and do not intend to use Seelems Road and the western stockpile area on Lot 401 DP633427 upon commencement of the operation. It is preferable that Petersons Quarry Road be utilised as the only vehicular access point during the initial stage of the development.

Whilst provision has been made in the development consent to amend the timing for the upgrade when agreed by the Secretary, Schedule 3 Condition 22 requires all trucks to return to the Site via Seelems Road. Therefore, to ensure the operation of the quarry complies with the conditions of the development consent, a modification application has been prepared to amend the requirement for trucks to return to the development via Seelems Road.

Proposed amendment

Table 1 below sets out the proposed amendments to the conditions of the development consent.

Table 1. Proposed amendments to Schedule 3, Condition 22 and 23	
Current condition	Proposed amendment
<p><u>Schedule 3, Condition 22 – Transport Routes</u> 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.</p> <p>This condition does not apply:</p> <ul style="list-style-type: none"> (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. 	<p><u>Schedule 3, Condition 22 – Transport Routes</u> 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 if Schedule 3, Condition 23(a) is satisfied or otherwise via Petersons Quarry Road only.</p> <p>This condition does not apply:</p> <ul style="list-style-type: none"> (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.
<p><u>Schedule 3, Condition 23 – Road Upgrades</u> 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):</p> <ul style="list-style-type: none"> (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. 	<p><u>Schedule 3, Condition 23 – Road Upgrades</u> 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):</p> <ul style="list-style-type: none"> (a) prior to utilising Seelems Road, 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) prior to commencing despatch of laden trucks from the development, 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.

Modification Application Assessment

Section 96(3) of the EPA Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Therefore, to ensure the modification application has been assessed against matters outlined in section 79C (1) of the EPA Act. Section 79C (1) of the EPA Act states:

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

This modification application seeks to amend the timing for the required Seelems Road upgrade works and the designated return haul route from the Pacific Highway. All matters outlined in the EPA Act have been considered as outlined below. Special considerations have been given to the assessment of the noise and traffic impacts as requested by DP&E.

Planning instruments

The proposed modification remains consistent with the objectives and provisions of the Richmond Valley Local Environmental Plan, Development Control Plan and State Environmental Planning Policies on the basis that it continues to utilise Petersons Quarry Road to access the Site which is the existing point of vehicular access for the Petersons Quarry and already approved to provide the point of egress from the Coraki Quarry. It is also understood that the proposed modification does not require any change to Environment Protection Licence 3397 held for the Site.

Noise impacts

The potential noise impacts of the proposed modification to the surrounding environment have been considered. Whilst the proposed modification seeks to change the designated return haul route, the operation of the quarry will remain unchanged. It is noted that Petersons Quarry Road is currently being utilised as the haul route and access point for the Petersons Quarry operation. It is anticipated that the proposed modification will result in a reduced noise levels to R1, as the Seelems Road site access will not be utilised until necessary. No change to the potential noise impacts are anticipated for R2 to R5 as the existing topography between Petersons Quarry Road and those residents will remain unchanged, shielding those residences from traffic movements on Petersons Quarry Road north of the Seelems Road intersection. The potential impacts for sensitive receptor

R6 and R7 will also remain unchanged, as the proposed modification will not change the internal traffic movements and therefore the previous noise model undertaken remains relevant.

Traffic impacts

The Seelems Road and Petersons Quarry Road intersection is suitably configured in its current format to give priority to the movement on Petersons Quarry Road. Traffic travelling on Seelems Road is required to stop at the intersection and give way to traffic on Petersons Quarry Road. Therefore, no change is required to the Seelems Road and Petersons Quarry Road intersection to accommodate the proposed modification. Otherwise the proposed modification would not alter the movements on the remainder of the approved haulage route south of the Seelems Road intersection with Petersons Quarry Road. Quarry Solutions have advised that Seelems Road is only required to access the most western stockpile on Lot 401. Therefore, in the event that access to the western stockpile area is not required for the life of the project, Seelems Road would not be constructed.

Other matters

Further to the above, the proposal is not expected to result in any other additional environmental, social or economic impacts to the surrounding area or community beyond what was previously assessed. The site suitability also remains unchanged as the proposed modification does not intend to change the nature and scale of the approved operation.

Community consultation

Quarry Solutions remains committed to liaising with the adjoining residents about the operation of the quarry. Quarry Solutions maintains regular (fortnightly and monthly contact) with the adjoining residents and during the most recent discussion the residents have been informed of the proposed modification application. Consultation has also been undertaken with the Richmond Valley Council to seek their comments in relation to the proposed modification.

Conclusion

The proposed modification does not seek to any aspect of the approved use other than allowing truck traffic to enter the Site via Petersons Quarry Road, until such time as Seelems Road is constructed. The proposed modification is not anticipated to detrimentally impact nearby residents or the local road network. On this basis it is considered that the proposed modification is substantially the same development as that originally approved.

As required, the application form, 'Application to Modify a Development Consent', is attached to support the application (refer Attachment 1 – Application Form). As confirmed by the DP&E, the application fee for the modification application is \$5,000.00. The application fee will be paid once an invoice has been issued.

Should you have any questions in relation to this application, please feel free to contact me on (07) 3870 0411 or email jlawler@groundwrk.com.au.

Yours faithfully,
Groundwork Plus



Jim Lawler
Team Leader - Planning

Enc:

Attachment 1 – Application Form

Attachment 1

Application Form



Application to Modify a Development Consent

DA Modification Number: _____

1. Before you lodge

You can use this form to apply to modify a development consent given by the Minister for Planning. If the changes you propose mean the development will not be substantially the same as that originally approved, please do not use this form. You will need to submit a new development application.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations

Lodgement

To minimise delay in receiving a decision about your application, please ensure you submit all relevant information to us. When your application has been assessed, you will receive a notice of determination.

To complete this form, please place a cross in the appropriate boxes and complete all sections.

2. Details of the applicant

NAME

Mr Ms Mrs Dr Other

First name

Family name

Company/organisation

ABN

STREET ADDRESS

Unit/street no.

Street name

Suburb or town

State

Postcode

POSTAL ADDRESS (or mark 'as above')

Suburb or town

State

Postcode

CONTACT DETAILS

Daytime telephone

Fax

Mobile

Email

How would you prefer to be contacted?

3. Identify the land

Unit/street no. (or lot no. for Kosciuszko ski resorts)

Street or property name

Seelems Road

Suburb, town or locality

Coraki

Postcode

2471

Lot/DP or Lot/Section/DP or Lot/Strata no.

Please ensure that you put a slash (/) between lot, section, DP and strata numbers. If you have more than one piece of land, you will need to separate them with a comma eg 123/579, 162/2.

401 DP633427, 402&403 DP802985,
408 DP1166287, A DP397946, A DP389418,
3 DP701197, 2 DP954593, 1 DP954592,
1 DP310756 and 1 DP1165893

- (1) (Note: You can find the lot, section, DP or strata number on a map of the land or on the title documents for the land, if title was provided after 30 October 1983. If you have documents older than this, you will need to contact Land & Property Information (LPI), a division of the Department of Finance, Service and Innovation, for updated details.
- (2) Note: If the subject land is located within the Kosciuszko ski resorts area, DP and strata numbers may not always apply.

4. Details of the original development consent

Describe what the original consent allows

The consent allows the applicant to carry out quarrying operations for the development until 30 June 2023. The maximum extraction volume is 1 million tonnes from Lot 401 DP633427 in any calendar year.

What is the development application no.?

SSD7036

What is the date of consent?

18 April 2016

What was the original estimated cost of development (including GST)?

\$ 617,000

5. Describe the modification you propose to make

Please indicate the type of modification you propose to make by placing a cross in the appropriate box below.

You need to submit with your application form a full description of the expected impacts of the modifications proposed, including relevant plans, drawings and compliance with relevant controls.

- A modification to correct a minor error, misdescription or miscalculation

Describe the error, misdescription or miscalculation

(Refer to section 96(1) of the *Environmental Planning and Assessment 1979* (EP&A) Act)

- A modification that will have minimal environmental impact

Describe the modification and its expected impact
(Refer to section 96(1A) of the EP&A Act)

Please refer to letter prepared by Groundwork Plus
(reference 1837_DA3_001)

- Any other modification

Describe the modification and its expected impact
(Refer to section 96(2) of the EP&A Act)

Will the modified development be substantially the same as the development that was originally approved?

No Please submit a new development application.

Yes Please provide evidence that the development will remain substantially the same.
(If you need to attach additional pages, please list below the material attached).

Please refer to letter prepared by Groundwork Plus (reference
1837_DA3_001).

6. Number of jobs to be created

Please indicate the number of jobs this will create. This should be expressed as a proportion of full time jobs over a full year. (e.g. a person employed full-time for 6 months would equal 0.5 of a full-time equivalent job; six contractors working on and off over 2 weeks equate to 2 people working full-time for 2 weeks, which equals approximately 0.08 of an FTE job.)

Construction jobs (full-time equivalent)

0

Operation jobs (full-time equivalent)

0

7. Application fee

For development that involves a building or other work, the fee for your application is based on the estimated cost of the development.

Clause 258 of the Environmental Planning and Assessment Regulation 2000 and the table attached to that clause set out how to calculate the fee for an application for modification of a consent.

If your development needs to be advertised to the public you may also need to include an advertising fee. Clause 258 of the regulations includes details on these fees.

Note: Contact us if you need help to calculate the fee for your application.

Estimated cost of the development

\$ 0

Total fees lodged

\$ 5,000

8. Political donation disclosure statement

Persons lodging a development application are required to declare reportable political donations (including donations of or more than \$1000) made in the previous two years. Disclosure statements are to be submitted with your application.

Have you or any person with a financial interest in the application or any persons associated with the application made a political donation?

No

Yes

Have you attached a disclosure statement to this application?

No

Yes

Note: for more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

9. Signatures

The lessee(s) of the land this application relates to must sign the application.

As the lessee(s) of the above property, I/we consent to this application:

Signature

B.R. Turner

Name

BRIAN TURNER

Date

11/9/16

Capacity in which you are signing

DIRECTOR

Signature

Name

Date

Capacity in which you are signing

10. Applicant's Signature

The applicant must sign the application.

Signature

B.R. Turner

Name

BRIAN TURNER

Date

11/9/16

11. Privacy policy

The information you provide in this application will enable us, and any relevant state agency, to assess your application under the *Environmental Planning and Assessment Act 1979* and other applicable state legislation. If the information is not provided, your application may not be accepted. If your application is for designated development or advertised development, it will be available for public inspection and copying during a submission period. Written notification of the application will also be provided to the neighbourhood. You have the right to access and have corrected information provided in your application. Please ensure that the information is accurate and advise us of any changes.

12. Contact details

Alpine Resorts Team

Shop 5A, 19 Snowy River Avenue
PO Box 36, JINDABYNE NSW 2627
Telephone: 02 6456 1733
Facsimile: 02 6456 1736
Email: alpineresorts@planning.nsw.gov.au

Head Office

23-33 Bridge Street, SYDNEY 2000
GPO Box 39, SYDNEY NSW 2001
Telephone: 02 9228 6333 or 1300 305 695
Facsimile: 02 9228 6555
Email: information@planning.nsw.gov.au

Note: for contact details of other Sydney Metropolitan and Regional Offices, go to www.planning.nsw.gov.au