



Tumbulgum Community Association
PO Box 19
Tumbulgum NSW 2490
Tumbulgumcommunityassociation@hotmail.com

Mr Troy Green
General Manager
Tweed Shire Council
PO Box 816
Murwillumbah NSW 2487

Attention: D Galle

12 June 2018

Dear Sir

RE: DA 04/0162.03 Workshop on 15 June 2018

Thank you for advising us that a workshop is now planned for the 15 June 2018 to deal with community issues raised relating to DA01/0162.03.

It is noted in the quarry operator's response to Council, as referenced on page 183 of the report to the May Planning Committee Meeting, that the operator states they do not propose to change the annual extraction volume or the average daily truck trips. However, the application and additional material shows evidence to the contrary.

The following are significant matters relating to the DA04/0161.03 which remain unresolved for the Tumbulgum Community Association (TCA).

1. Material Definition

The Council, the quarry operator and the TCA now agree that the original consent refers to the annual extraction rate as "bulked" cubic metres of material as appears in the source documents and identified in the report to the May Planning Committee.

In your email of the 15 May 2018, you state your preference is working with the terminology "bulked" as "extracted material sitting in a truck". The TCA accepts this definition as it applies to a truck loaded to leave the quarry but not one used to transport unprocessed or "unbulked" material within the quarry.

The latest report to the Planning Committee introduced the new terminology, "Bank Cubic Metres (BCM)" as if it is interchangeable with "bulked Cubic metres". The TCA had not heard of BCM prior to receiving of the meeting report. The TCA has not found any reference to the term as a measurement of quarry activity in any other quarry development consent in NSW.

The TCA does not accept "banked" as a descriptor relevant to the current consent and believe it is misleading therefore we are requesting all reference to this term be removed.

2. Measurement of Material

Under Schedule B General Condition 2 of the Development Consent DA 04/0162 it states:

'...the maximum annual rate of extraction in any 12 month period is 200,000m³. The maximum average rate of extraction is 195,000m³ over any 3 year period.'

The material in the development consent is only calculated in cubic metres and has no reference to tonnes.

The Council has accepted cubic metres of “bulked” material as the measure for annual extraction but not required the quarry to report its annual activity using this measure.

The latest report to the Planning Committee describes annual extraction in tonnes only. These figures indicate the extraction rate in bulk cubic metres has been exceeded for 2015/6 and 2016/7.

The TCA requests that quarry activity reports reflect the consent conditions of bulked cubic metres or both cubic metres and tonnes. The tonnes need to also reference an agreed conversion rate.

3. Reporting of Material

The reporting of activity in only tonnes does not clearly indicate the annual extraction rates without an agreed conversion to cubic metres. The TCA requests that all documents containing measures be reported in both tonnes and bulked cubic metres to avoid further confusion.

4. Truck Movements

Under Schedule B General Condition 3 of the Development Consent DA 04/0162 it states:
“The average number of trucks departing the quarry is to be 40 vehicles per day”

The maximum annual number of laden truck trips under this condition is 12,480, based on 312 operating days (52 weeks x 6 working days per week: refer EIS) with an average of 40 trucks per day.

The calculation of the number of trucks permitted to depart the quarry is based on the original 2004 consent and confirmed by sequential review of the documentation.

The development is outlined at page 6 of the Statement of Environmental Effects by Jim Glazebrook and Associates in February 2004. Scanned extract follows.

The proposed expanded and amalgamated quarry would operate generally within the parameters contained in the approved Reedy Creek Rehabilitation and Environmental Management Plan (REMP). That is:

- The maximum extraction rate would be 200,000m³ per annum with an average of 195,000m³ per annum over a 3 year period.
- Hours of operation would be 7.30 am to 6.00 pm Monday to Friday and 7.30 am to 12 noon Saturdays, with no work on Sundays or public holidays.
- The maximum number of trucks accessing the site would be 40 per day.
- Maximum of three (3) blasts per month.

This proposal sequentially lists in the first three (3) bullet points the extraction amount followed by operating hours and days/half day of operation then followed by allowable numbers of truck movements. Reading down of this document clearly implies the linkage between operating days and truck movements.

Although the latter letter from Jim Glazebrook and Associates of 8 October 2004 misrepresents the Development Consent 98/178 by replacing maximum number of trucks with average per day, it does **NOT** remove the relationship between operating days and truck activity. Trucks cannot enter or leave the quarry on non-working days.

The 1998 EIS for Reedy Creek Quarry is also referenced by the above documents by Jim Glazebrook. On page 61 at Exhibit 4.20 the same relationship is established. Refer to scanned extract following.

GeoLINK
Engineers, Planners & Landscape Architects

Reedy Creek Quarry
North Tumbulgum EIS

- the 1994 production level of Reedy Creek Quarry was distributed approximately 90% northwards and 10% southwards. This distribution ratio is expected to continue with quarry expansion.

4.9.3 Future Traffic Conditions

Production at the quarry is proposed to increase from 16,000 m³ to a maximum of 200,000 m³ per annum. At this production level it is envisaged that the capacity of trucks used for transportation will be of 20 m³. Forecast of truck movements for 200,000 m³/annum production are set out in Exhibit 4.20.

Exhibit 4.20 - Forecast Truck Movements Departing Reedy Creek Quarry

	1994	Proposed Future Extraction
Production/yr (m ³)	16,000	200,000
Trucks/yr	1,600	10,000
Trucks/day	5	32

Note: : 1994 Based on 10 m³ truck capacity
: Future extraction based on 20 m³ truck capacity
: All figures based on a 6 day working week.

The forecast given in Exhibit 4.21 shows that as production expands from 16,000 m³ to 200,000 m³ the number of truck movements departing the quarry will increase from 5 to 32. Total movements, that is, out and return, will increase from 10 to 64 movements per day.

Combining the existing 700 AADT with the forecasted increase above, the capacity for Dulguigan road is not exceeded.

Annual Average Daily Traffic (AADT) is a road traffic study term and appears in the final paragraph of the extract. It is used out of context in the 8 October 2004 Jim Glazebrook letter and appears as shorthand for daily quarry traffic. The use of non-working days in calculation of allowable truck numbers has never been mentioned prior to 2016.

The interpretation of truck numbers by the quarry operator which relies on AADT to calculate the annual allowable number of trucks using 365 days, i.e. include non-operating days in calculating annual permitted truck numbers, is not in keeping with the original intent or meaning.

In summary, the maximum allowable trucks per year should be 12,500 based on 312 operating days x 40 trucks per day (rounded to the nearest 100) and not 14,600 trucks per year.

The TCA does not accept 14,600 as the allowable number of trucks per annum.

5. Safe Daily Truck Numbers - Request for Variation to Condition 3

The current consent does not include a daily cap, effectively permitting all 12,500 loaded trucks to leave the quarry on a single day, creating an unsafe situation in the road leading from the quarry. Note that the original Reedy Creek DA (2000) had a daily cap on movements.

The TCA requests that a daily cap be put back on this DA at a safe level.

The TCA has requested and is yet to receive a daily breakdown on truck numbers, but expects the figures per day to reach up to five (5) times the average, particularly at the time leading up to the most recent truck rollover.

The TCA is aware of statements by TSC staff about the ability of the current road to safely manage this uncontrolled volume of heavy vehicle traffic. Statements were made questioning the suitability of the road to sustain current truck movements at the February PBS workshop with the TCA. At that workshop it was proposed that an evaluation of the road be conducted. To date the TCA have not received a copy of this study.

The TCA disagrees with any variation to the s96 that seeks to increase truck numbers for any defined period of time by the operator. This has been proven to have not worked previously with several breaches of the original DA resulting with truck numbers in excess of allowable limits.

Furthermore, the TCA seeks to have a cap put back on maximum number of trucks per day. We draw Councils attention to other quarry' documents at both Lithgow and Teven which include capping on truck numbers, per day.

The TCA welcomes the offer to install a traffic counter. Given this is critical to the open and transparent operation of the quarry we believe the quarry should only be able to open on days when this is in operation.

6. Truck Size

The EIS states the truck size associated with the Development Consent is 20 cubic metres (Refer to the 2nd extract in 4 above). 20 cubic metres of processed material equals 34 tonnes and you would expect it to be carried in a truck of gross weight of 50.5 tonnes

As stated at the workshop on the 31 October 2017 by the quarry operator and the truck company representative, and weighbridge docket of the truck that overturned in August 2017, trucks at a gross weight of 57.5 tonnes are being loaded out of the quarry, representing 40 tonnes of processed material, representing 23.5 cubic metres. This is above the DA allowance.

Whilst the Council road manager may grant permission for the trucks of this size to travel on local roads, it is not consistent with the current Development Consent.

If the quarry operator is seeking to increase the truck capacity size, the community would be seeking an equivalent decrease in truck numbers as per the aim of the PBS system.

The community supports action to address past non-compliance. We also support monitoring of quarry activity to discourage future non-compliance and allow action to be taken in a timely manner.

Conclusion

The TCA seeks an undertaking from the council that:

1. The allowable extraction rate is measured as bulked material;
2. The term “banked” is explicitly excluded to avoid future confusion;
3. The conversion rate of 1.7 tonnes per cubic metre is established;
4. Extraction rates were exceeded in 2015/6 and 2016/7 be acknowledged;
5. Annual permitted laden truck numbers are established at 12,500;
6. A daily cap be agreed with TCA for laden trucks leaving the quarry be re-introduced;
7. Rules be established for the operation of the proposed traffic counter, including penalties for days that it is not operational (including provision to close the quarry on days the counter is non operational); and
8. The current ad hoc activity compliance monitoring system should be replaced by a regular monthly reporting of daily truck and material volume by the quarry operator to the Council and be made available to the Community and other interested parties.

Should anything in this letter not be supported, the TCA requests evidence be provided as to why this will not occur prior to the workshop commencing. This will better facilitate discussion at the workshop making it more effective and determinate of an outcome.

Do not hesitate to contact me if you have any queries.

Jenny Kidd
President
Tumbulgum Community Association Inc
0431 989 477