

16 May 2019

Section

Attention: Assessments Section
Environment Protection Authority
Assessments Section
134 Macquarie Street
Hobart TAS 7000

RE: Tylers Quarry – Upgrade – Supplement to Environmental Effects Report (EER)

Huon Valley Council (HVC) Infrastructure Services operate a hard rock quarry off Tylers Road at Strathbane in Southern Tasmania. The quarry functioned as a Level 1 quarry since being acquired by HVC from Forestry Tasmania. Schedule 2 of the *Environmental Management and Pollution Control Act 1994* (EMPCA) places the following limits on the scale of Level 1 operations:

Section 5. Extractive Industries (a) Quarries: the extraction of any rock or gravel producing 5 000 cubic metres or more of rock or gravel per year.

Section 6. Materials Handling (a) Crushing, Grinding or Milling: processing (by crushing, grinding, milling or separating into different sizes by sieving, air elutriation or in any other manner) of (ii) rock, ores or minerals at a rate in excess of 1 000 cubic metres per year.

Modern pavement materials specifications require the properties of pavement gravels to be strictly engineered. To achieve specifications standards, the product at Tylers Quarry needs to be crushed and screened. It is not economically viable to engage a crushing contractor to run less than 1 000 cubic metres of product. The quarry operation therefore triggers the 6 (a) (ii) section of EMPCA. To run Tylers Quarry efficiently it is necessary to upgrade the permit to a Level 2 Activity processing up to 10 000 cubic metres of rock annually.

The actual demand for the product from Tylers Quarry has not increased. In fact, several previously gravel roads south of Tylers Quarry which would have needed periodic re-sheeting have been sealed and hence removed from the annual gravel maintenance program. The upgrade of the permit for Tylers Quarry was initiated to ensure HVC can undertake a contract crushing campaign once every 3 or 4 years to produce a stockpile of around 10 000 cubic metres which can be depleted over time to satisfy demand.

Under *Section 27I Additional Information* of EMPCA the Board of the Environment Protection Authority (EPA) is entitled to request further information following the relevant period for representations in order to complete the assessment of a proposal referred to them by a Planning Authority. The EPA requested further information in this

instance and produced a Summary of Issues paper *Huon Valley Council – Tylers Quarry Upgrade, Strathblane*.

The HVC Planning Section sent a request for further information / clarification of some issues in a letter dated 6 July 2018. The Summary of Issues from the EPA was enclosed with the letter. This document seeks to satisfy the request from the EPA and HVC Planning Section and facilitate the conclusion of the assessment of the proposal from both agencies. The sections in this document will follow the format of the Summary of Issues paper and seek to answer specific questions put by HVC Planning Section in the above correspondence.

Author: Barry Williams

Issue	Date	Recipient	Organisation
Revision 0	21 February 2019	Infrastructure Services	Huon Valley Council
Revision 1	16 May 2019	Planning Section	Huon Valley Council

Summary of Issues Huon Valley Council – Tylers Quarry Upgrade, Strathblane

Table 1 – Additional information required for assessment by EPA

Representation	Issue	Comments	Additional information required.																				
1	Noise	Representor is concerned about the impact of noise levels on their residence from quarry machinery and truck movements.	Provide a technical evaluation, by a suitably qualified professional, to show that the noise limits in the Quarry Code of Practice will be achieved at the nearest houses when all equipment is operating at the quarry.																				
<p>Response:</p> <p>The Proponent engaged Noise Vibration Consulting to undertake a noise assessment of the likely impact of noise from the quarry operations on the two nearest residences at slightly over 1 kilometre away to the west. The development application includes a future mining plan with alternative future set up locations for the crushing operation at the 130, 145 and 163 metre elevation levels.</p> <p>Each successive increase in level is associated with a decrease in topographic screening from existing perimeter bunds and landforms but also an increase in horizontal distance from the residence. The proponent provided information about the actual equipment that will be used on the site from which the consultant was able to calculate the likely noise impact at each residence. The table below portrays the results of the noise assessment with respect to these properties:</p> <p>Table 1: Results of noise assessment</p> <table border="1" data-bbox="421 754 1856 970"> <thead> <tr> <th data-bbox="421 754 595 810" rowspan="2">Location</th> <th data-bbox="595 754 931 810" rowspan="2">Distance from quarry (m)</th> <th colspan="3" data-bbox="931 754 1856 810">Predicted noise level, SPL (dBA)</th> </tr> <tr> <th data-bbox="931 810 1240 863">130m level</th> <th data-bbox="1240 810 1550 863">145m level</th> <th data-bbox="1550 810 1856 863">163m level</th> </tr> </thead> <tbody> <tr> <td data-bbox="421 863 595 916">A</td> <td data-bbox="595 863 931 916">1150</td> <td data-bbox="931 863 1240 916">36</td> <td data-bbox="1240 863 1550 916">36</td> <td data-bbox="1550 863 1856 916">39</td> </tr> <tr> <td data-bbox="421 916 595 970">B</td> <td data-bbox="595 916 931 970">1190</td> <td data-bbox="931 916 1240 970">36</td> <td data-bbox="1240 916 1550 970">35</td> <td data-bbox="1550 916 1856 970">39</td> </tr> </tbody> </table> <p>These values can be compared to the noise levels considered acceptable in the <i>Quarry Code of Practice 2017</i> as below:</p> <p>7.00 am to 7.00 pm (day time hours) – 45 dBA 7.00 pm to 10.00 pm (evening hours) – 40 dBA 10.00 pm to 7.00 am (night time hours) – 35 dBA</p> <p>The noise assessment concluded that if operated within the hours of operation stipulated in the EER, the proposed operation will continue to meet the acceptable standard set out in the Quarry Code of Practice. The assessment made recommendations that noise received at the residences could be further reduced by locating crushing equipment on the eastern side of the quarry level (further away from receptors) and stockpiles positioned to screen operations.</p> <p>The entire noise assessment report is included as Appendix 1 to this document.</p>						Location	Distance from quarry (m)	Predicted noise level, SPL (dBA)			130m level	145m level	163m level	A	1150	36	36	39	B	1190	36	35	39
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Table 2 – Other matters raised during the consultation period			
Representation	Issue	Comments	EPA comments
1	Transport route	Representor queries where the trucks will go from the quarry.	Sufficient information provided in document
	<p>Response:</p> <p>Additional clarification of truck movements is warranted.</p> <p>The objective of the Level 2 permit application is to facilitate a less frequent crushing campaign that will process up to 10 000 cubic metres of rock in a single event to reduce costs. Currently no additional markets are anticipated and existing markets are gradually reducing as more roads in the municipality are coated in primer seal.</p> <p>The portion of the overall traffic from the quarry travelling south and hence using the Link Road will not change. This component of the overall number of loads leaving the quarry amounts to approximately 30 loads or 60 movements per year. As more roads south of Strathblane are sealed this number is likely to reduce further.</p> <p>The balance of the truck movements will occur on Tylers Road towards Narrows Road. As stated in the EER if the entire annual production were carted in 1 year, which is not anticipated, the overall daily traffic associated with the quarry would be 4 movements.</p>		
1	Future quarry development	Representor notes that their land adjoins the quarry land parcel (138217/1) on two sides, and that this is available to quarry in the future. Representor moved to the country for peace and quiet and is concerned that future quarry sites might be established near their property boundary.	Beyond the EPA Board’s responsibility.
	<p>Response:</p> <p>Level 2 quarry operations are regulated by three agencies using three separate legislative acts:</p> <p><i>Land Use Planning and Approvals Act 1993.</i> Extractive industries of a commercial nature not associated with forestry operations are required to have a permit under the current interim planning schemes in force throughout Tasmania. The Rural Resource Zone identifies land suitable for primary production including forestry, agriculture, mining and quarrying. A permit issued through the Planning Authority (Council) are associated with the certificate of title of the land on which the activity takes place.</p> <p><i>Environmental Management and Pollution Control Act 1994.</i> Level 2 activities including extractive industries must be assessed and have environmental conditions imposed by the Board of the Environment Protection Authority (EPA). These conditions are current for such time as the permit is current and refer to ‘The Land’ which may be the certificate of title or another logical boundary to properly define the operation.</p> <p><i>Mineral Resources Development Act 1995.</i> Any commercial quarry that is not associated with a forestry operation is required to have a Mining Lease issued by the Minister for Resources. The mining lease boundary is applied for and agreed with the land owner or land manager and completely confines the quarry operation. No quarry activities are allowed to approach closer than 10 metres of the mining lease boundary.</p> <p>The mining lease for Tylers Quarry is shown on the EER and the quarry operation and regardless of the outcome of this application process will remain constrained to the area contained within the mining lease boundary.</p>		

Representation	Issue	Comments	EPA comments
2	Quarry noise and transport impacts on future residence and tourism facility	Tyler Quarry will result in considerable industrial noise and greatly increase traffic on Tylers Road (which is unmade and only gravel). This will have an adverse effect on the representor's plans to build a residence and tourist accommodation (subject to Council approval) on their land parcel, CT 124000 Fol 1&2. The representor stated that, as a consequence, they may sell the land and seek another outside the Huon Valley.	Land title CT 124000 Fol 1&2 is zoned Rural Resource. There is currently no residential or tourism development on the land.
<p>Response:</p> <p>Tylers Quarry is located within the Rural Resource land use zone, as is the parcels described above. This land has been identified by the Huon Valley Council as being suitable for primary industries including quarrying. Residential use and tourism are not included in the zone intent and can only be permitted if those uses do not fetter primary industries development on the land.</p>			
2	Quarry hours	If the quarry proposal must proceed, the operating hours need to be reasonable. It is not a major operation and it does not require extended operating hours. Operating hours need to be restricted to Monday to Friday between 9.00am to 4.00pm, and not operate on public holidays.	The hours proposed are in line with those recommended in the Quarry Code of Practice.
<p>Response:</p> <p>The quarry operating hours comply with the Quarry Code of Practice and are appropriate for a quarry located outside the Standard Recommended Attenuation 'separation' Distances from sensitive uses.</p>			

Representation	Issue	Comments	EPA comments
2	Planning (Dover tourism potential)	Representor acknowledges that there may be a need for some industrial operations, but considers the Dover area to be a beautiful and unique environment for tourism, which seems to be unappreciated or not recognised. Industrial development needs to be tightly regulated so that the valuable tourism asset is protected and tourism encouraged. The representor believes that there is a need for tourist accommodation close to Dover, but that feels quiet and remote.	Beyond the EPA Board's responsibility.
<p>Response:</p> <p>There is ample land zoned appropriately for residential or tourism development situated closer to Dover.</p>			

3	Planning (Development Application)	Land Title 124000/2 has not been included within the application.	Beyond the EPA Board's responsibility.
<p>Response:</p> <p>HVC Infrastructure Services clarified the proposed transport route. The increase in processing and production at Tylers Quarry will not cause an increase in traffic on the section of road known as Link Road which passes through the parcel, land title 124000/2. Public consultation included a notice directed to the land owner of land title 124000/2 in accordance with the Planning Authorities responsibilities under the Act.</p>			
3	Planning (Road and Rail Asset Code)	The assessment documentation has not addressed the Road and Rail Asset Code, which is a mandatory Code. Page 24 states, 'The road has been developed for forest harvesting activities and has reasonable width and sight distance onto the Huon Highway.' Does this comply with the Scheme?	Beyond the EPA Board's responsibility.
<p>Response:</p> <p>The Planning Authority is required to consider whether the proposal meets all aspects of the Planning Scheme. A determination of whether application will comply with the 'scheme' will form part of the report prepared by the Planning Authority.</p>			

Representation	Issue	Comments	EPA comments
3	Truck movements	The movements per week and per day in Table 22 are irrelevant, as the quarry would be campaign based, not operated on a regular basis. Page 4 states, ' The quarry will continue as an intermittent campaign style operation.' Campaign operations do not regularly operate, they have peaks and troughs in activity, this is not reflected in Table 22.	Sufficient information on truck movements has been provided in the EER.
<p>Response:</p> <p>The permit sought under this application is for an activity listed under EMPCA Schedule 2 Section 6 (a) (ii) which is for a materials processing facility. The purpose of the upgraded permit is to facilitate the crushing / screening component of the operation to be run on a campaign style basis. Each campaign will produce stockpiles which will be depleted over time by trucks servicing various maintenance and capital projects.</p> <p>The number of truck movements occurring annually will vary according to the works program. Table 22 of the EER is adequately supported with further comments "The traffic from the quarry will vary according to how contracts are serviced and there may be occasions when up to 20 movements per day will occur for a short duration. All cartage traffic will be generated during the daytime hours."</p>			

Department of State Growth	Junction of Tylers Road and the Huon Hwy.	<p>The junction of Tylers Rd and the Huon Hwy is of concern if use is to be increased as the available sight lines are very substandard, the junction is currently gravel and the angle of approach to the highway is less than ideal. If the intent is to use Tylers Rd then there will be a need to upgrade the junction by:</p> <ul style="list-style-type: none"> • Sealing for a minimum of 25m from the edge of the Huon Hwy, • Undertake extensive vegetation clearing to enable safe intersection • sight lines (SISD) to be achieved; and • Correct the angle of intersection to ensure both a 90deg approach • and the capacity to handle the swept paths of the transport vehicles. <p>All of these works will require a permit as per the requirements of the Roads & Jetties Act, application for which is available via https://iconnect.stategrowth.tas.gov.au/iconnect/stateroads/Pages/activities_permits.aspx.</p>	Beyond the EPA Board's responsibility.
<p>Response:</p> <p>It is assumed the road referred to in the submission from State Growth is in fact the Link Road and not Tylers Road. HVC Infrastructure Services clarified the proposed transport route. The increase in processing and production at Tylers Quarry will not cause an increase in traffic on the section of road known as Link Road which forms a junction with Huon Highway.</p>			

Letter to ILMP 6 July 2018 Proposed development/use – upgrade existing gravel quarry at Tylers Quarry, Tylers Road, Strathblane (CT138217/1)

Table 1 – Additional information required to address matters raised by representor

Matter	Comments by Planning Authority	
1.	<p>Within representations received was the concern raised that the Land Title CT: 124000/2 was not included within the documentation submitted for the Development Application. The quarry will gain access via Tyler 's Road, which traverses through the Land Title CT: 124000/2, a title that has not been submitted with the Application, with the implication being that the Development Application is not a valid application.</p> <p>The road is not marked on the title but is a Council maintained road. However, a forestry road coming off Tyler's Rd connecting to Huon Highway is not maintained by Council but does also traverses through the abovementioned title. This link road route is the shortest route to the highway and has less residential dwellings to pass before getting to the highway, making it appear the logical and practical route. However, the following matters need to be clarified:</p>	
a.	Additional information required.	Can you please clarify the route tracks and all vehicles associated with the quarry will take,
	<p>Response:</p> <p>The certificate of title for parcel 124000 / 2 enclosed as Appendix 2, shows that the road reserve accommodating Tylers Road runs completely within the neighbouring parcels and not within the 12400 / 2 parcel. The link road does encroach within the boundary of 12400 / 2 parcel for a distance. As stated earlier in this document but not made clear in the EER, the proposed development will not increase traffic on the link road.</p>	
b.	Additional information required.	can you please indication if any works or intensification of activity is required through this title the Land Title CT: 124000/2 and any other access route,
	<p>Response:</p> <p>As stated earlier the change to a Level 2 permit is as a result of a need to undertake crushing and screening in excess of the limits imposed on Level 1 Activities. The objective is to make crushing and screening campaigns economically viable by processing up to 10 000 cubic metres of product in each campaign. No additional works are anticipated as being necessary on any transport route.</p>	
c.	Additional information required.	please confirm or clarify the legal rights for vehicles associated with the quarry to traverses through all titles along the access route to the quarry, and

	Response: Legal advice received suggests that it is not required under the <i>Huon Valley Interim Planning Scheme 2015</i> or <i>Land Use Planning Approvals Act 1993</i> to prove legal rights for vehicles to access all titles along an access road to a development.	
d.	Additional information required.	please provide a complete copy of all titles associated with the entire development.
	Response: Tylers Quarry is accessed via Tylers Road. The quarry is secured behind a boom gate. Once beyond the boom gate quarry traffic merges with other public traffic on Tylers Road which is a Council maintained road and is accommodated in a road reserve. Titles relevant to this development application are: 138217/1 and 155316/1 copies included as Appendix 3.	