

Notice of Modification

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the development consent referred to in Schedule 1, as set out in Schedule 2.



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Director Resource Assessments

Sydney

23 July 2021

SCHEDULE 1

The Development Consent (DA 165-7-2005) for the Haerses Road Sand Quarry Project granted by the Minister for Planning on 14 February 2006

SCHEDULE 2

1. In the list of definitions:
 - a. in the definition of Mod 1 Extraction Area, delete the words “the Modification Disturbance Area in Figure 2” and replace with “Sandstone Extraction Area A and Sandstone Extraction Area B in Figure 1”;
 - b. in the definition of MTSGS buffer zone, delete the words “Extraction Area B in Figure 2” and replace with “Sandstone Extraction Area B in Figure 1”; and
 - c. after the definition for “Mod 1 Extraction Area” insert the following:

MR (Mod 3) The Modification Report titled *Haerses Road Quarry Modification 3 Statement of Environmental Effects*, prepared by Umwelt (Australia) Pty Ltd, dated December 2019, including the Response to Submissions dated 9 April 2020, and additional information accompanying the Response to Submissions
2. In condition 2(a) of Schedule 2:
 - a. after “EA (Mod 2)”, delete “ and” and replace with “,”; and
 - b. after “MR (Mod 4)”, insert “ and MR (Mod 3)”.
3. Delete condition 6 of Schedule 2 delete, “250,000” and replace with “495,000”.
4. In condition 8(a) of Schedule 2, delete “56” and replace with “180”.
5. In condition 9 of Schedule 2, delete “100,000” and replace with “250,000”.
6. In condition 3 of Schedule 3:
 - a. delete Table 2 including its heading, and insert the following:

Table 2: Operational noise criteria dB(A)

Receiver	Day	Shoulder (6.00 am to 7.00 am)	
	<i>L</i> _{Aeq} (15 minute)	<i>L</i> _{Aeq} (15 minute)	<i>L</i> _A (max)
R05, R06	41	35	52
R03	40	37	
R13, R14	40	36	
All other receivers	40	35	

- b. delete “is to” and replace with “must”; and
- c. delete “*NSW Industrial Noise Policy*. Appendix 5 sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria” and replace with “*NSW Noise Policy for Industry*”; and
- d. delete the Note and replace with the following:

Notes:

- Should an agreement with a landowner be terminated for any reason, the Applicant must comply with the noise criteria in Table 2.
- Receiver locations are shown in Appendix 5.

7. In condition 7 of Schedule 3:
 - a. in sub-condition (b), delete the words “meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5)” and replace with “noise-enhancing meteorological conditions”;
 - b. in sub-condition (d) after the word “regular” insert the word “attended”; and
 - c. in sub-condition (d) delete the words “in accordance with Appendix 5”.
8. In condition 8 of Schedule 3:
 - a. in sub-condition (c), delete the words “meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5)” and replace with “noise-enhancing meteorological conditions”;
 - b. at the end of dotpoint three to sub-condition (e), delete the full stop and replace with “; and”; and
 - c. insert the following as sub-condition (f):
 - (f) include a program to either:
 - attenuate the dump trucks prior to commencing quarrying operations in Stages 4 or 5; or
 - identify alternative mitigation measures and demonstrate that these measures will be implemented to achieve compliance with the noise criteria in this consent at all times.
9. In condition 11 of Schedule 3:
 - a. at the end of dotpoint three to sub-condition (e), delete the full stop and replace with “; and”; and
 - b. insert the following as sub-condition (f):
 - (f) include a program to implement the air quality emissions controls detailed in MR (Mod 3), including sealing the Quarry Access Road between Wisemans Ferry Road and the processing plant. Relevant controls must be implemented before:
 - any increase in extractive operations above 250,000 tonnes of product per year; and
 - the commencement of quarrying operations in Stages 4 or 5.
10. In condition 12 of Schedule 3, delete the words “that complies with the requirements in the *Approved Methods* for Sampling and Analysis of Air Pollutants in New South Wales guideline.” and replace with the following:

that:

 - (a) complies with the requirements in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales* (DEC, 2007); and
 - (b) is capable of measuring meteorological conditions in accordance with the *NSW Noise Policy for Industry* (EPA, 2017),

unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.
11. After condition 24 of Schedule 3, insert:
 - 24A. The Applicant must monitor trucks queuing within the right turn bay at the quarry intersection on Wisemans Ferry Road and, in the instance that there are trucks regularly queuing at the intersection, extend the length of the right turn bay to the satisfaction of TfNSW.
12. In condition 28 of Schedule 3:
 - a. in sub-condition (f), after the words “3.30 pm);” delete “and”;
 - b. at the end of sub-condition (g), delete the full stop and replace with “; and”; and
 - c. insert the following as sub-condition (h):
 - (h) include a protocol to monitor truck queuing behaviour in the right turn bay at the quarry intersection on Wisemans Ferry Road, and trigger points for implementing the intersection upgrade required under condition 24A.
13. In condition 31 of Schedule 3, delete the words “Figure 2,”.
14. In condition 32 of Schedule 3, delete the words “Figure 2,”.

15. In Appendix 1, delete Figures 1 and 2, including their titles, and replace with the following:

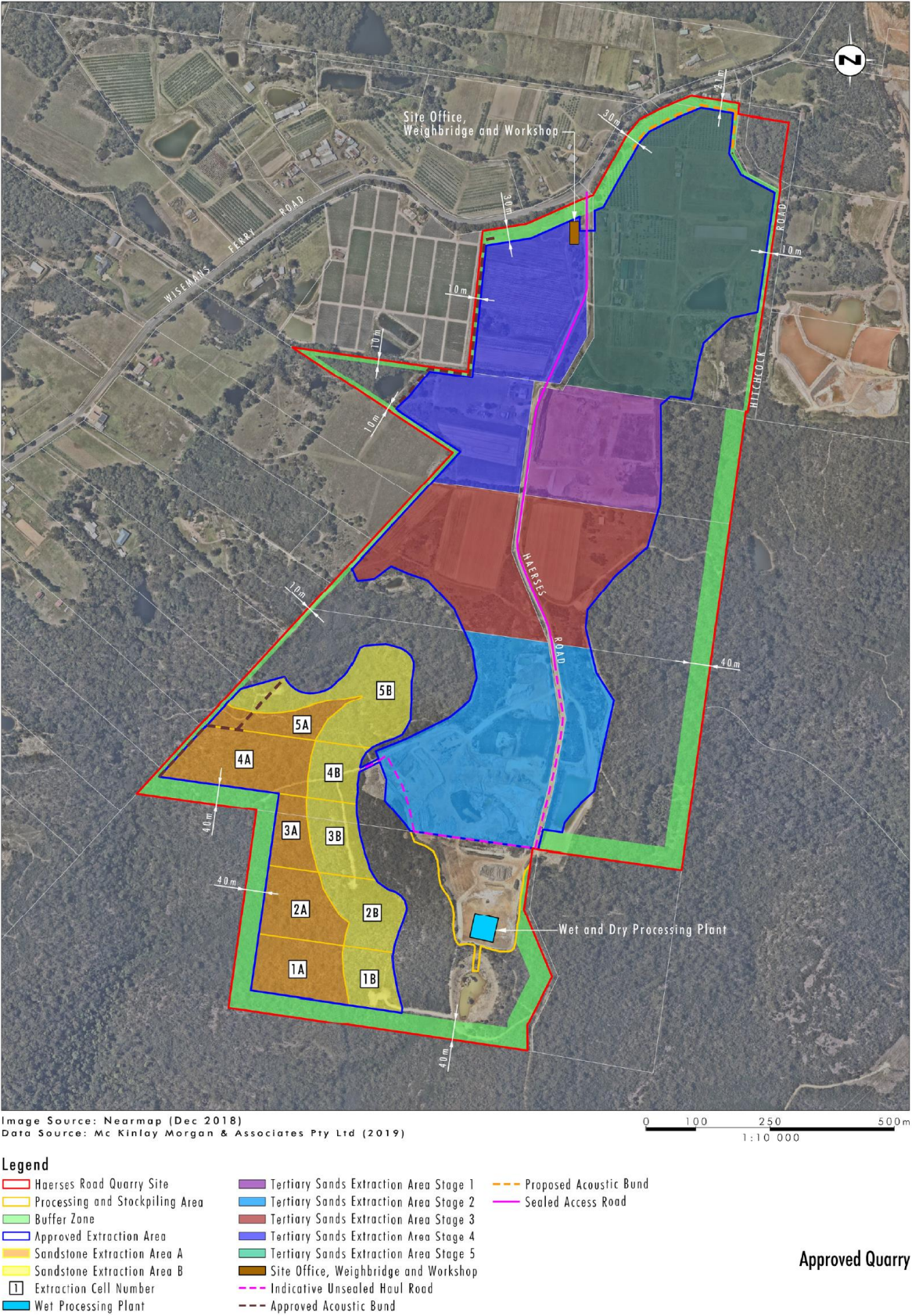


Figure 1 – Tertiary Sands and Friable Sandstone Extraction Areas

16. In Appendix 2, delete the Figure, and replace with the following:

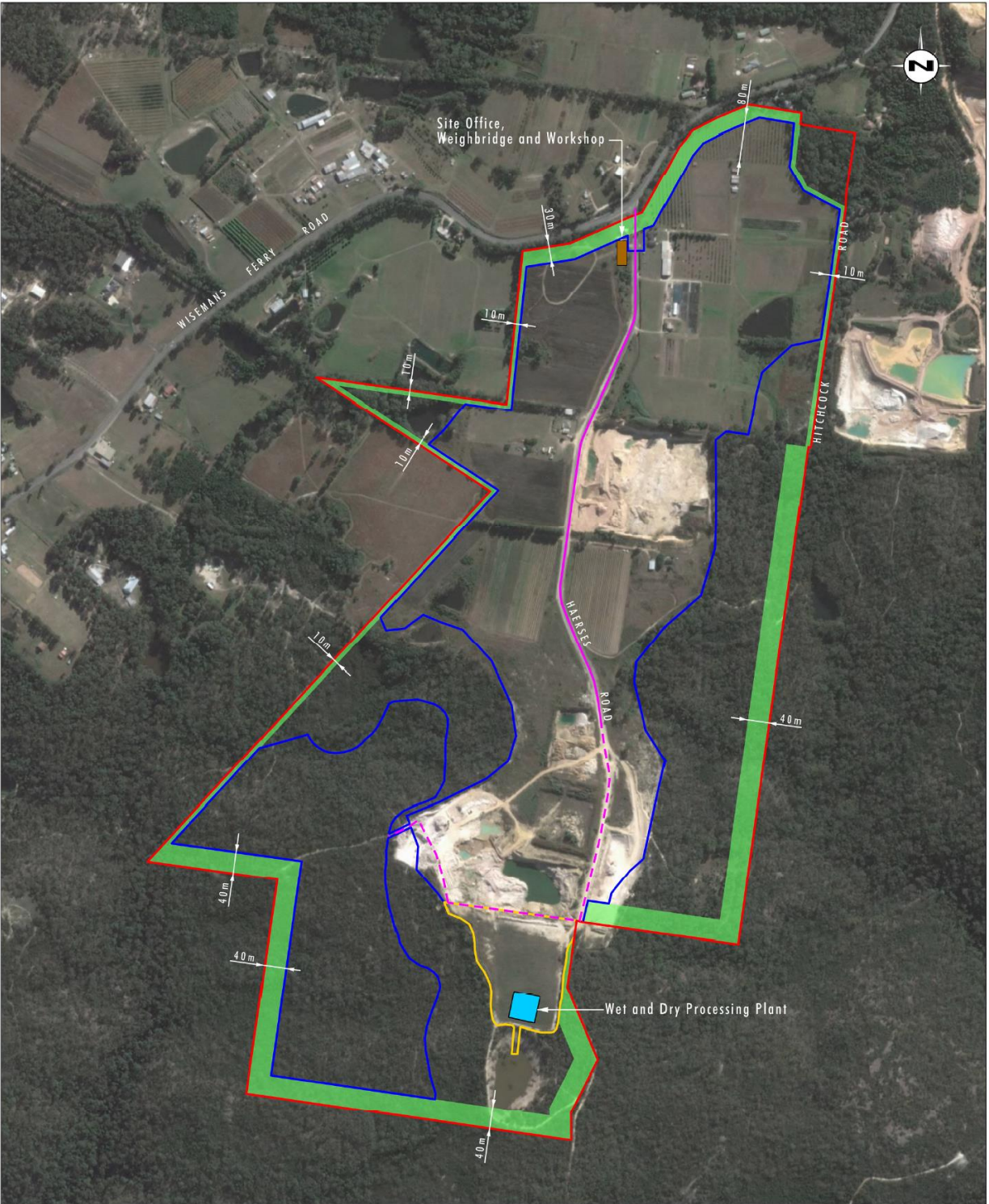
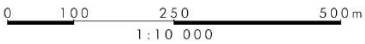


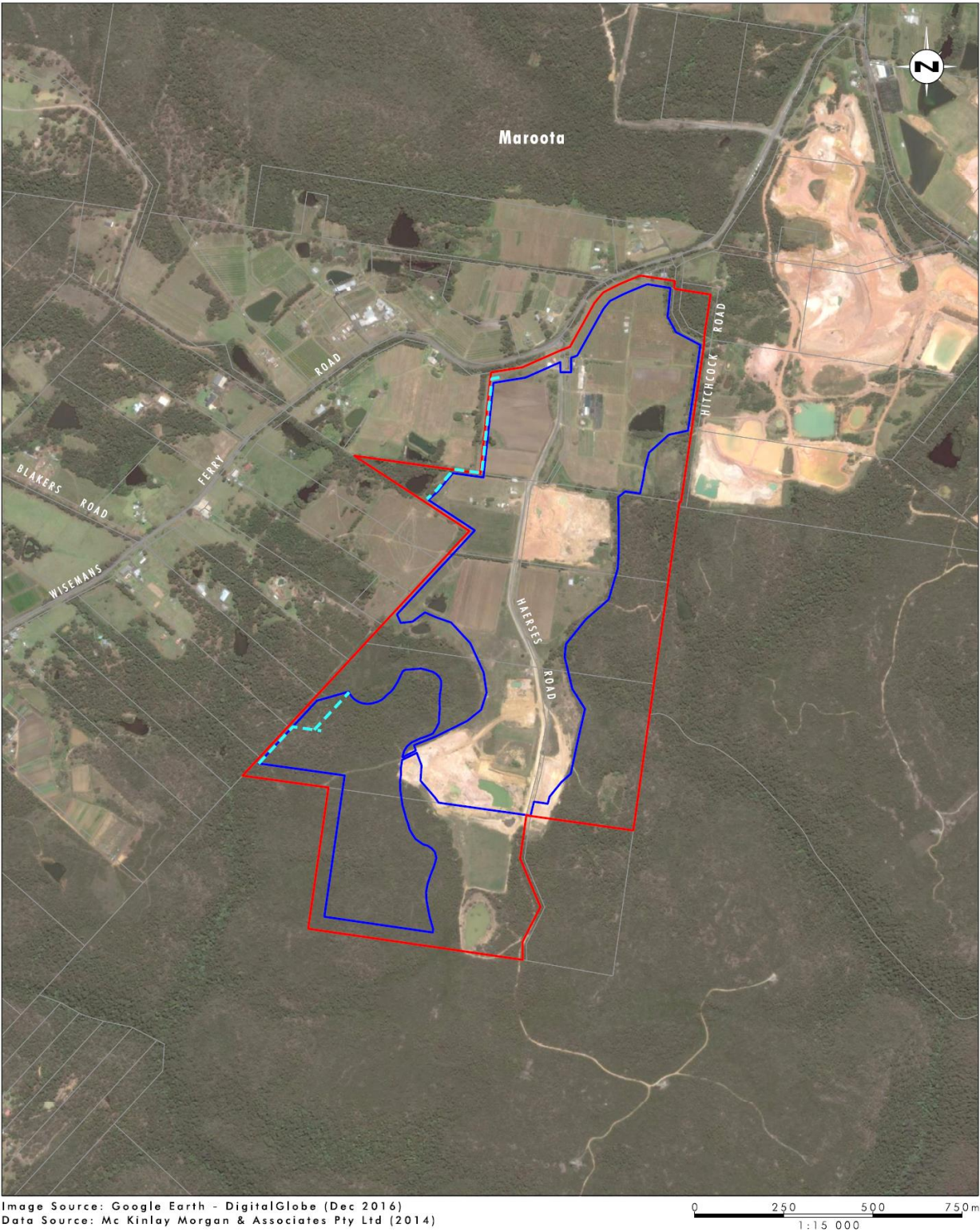
Image Source: Google Earth - DigitalGlobe (May 2016)
Data Source: Mc Kinlay Morgan & Associates Pty Ltd (2014)



- Legend**
- Haerses Road Quarry Site
 - Processing and Stockpiling Area
 - Buffer Zone
 - Approved Extraction Area
 - Site Office, Weighbridge and Workshop
 - Wet Processing Plant
 - Indicative Unsealed Haul Road
 - Sealed Access Road

Buffer Zones

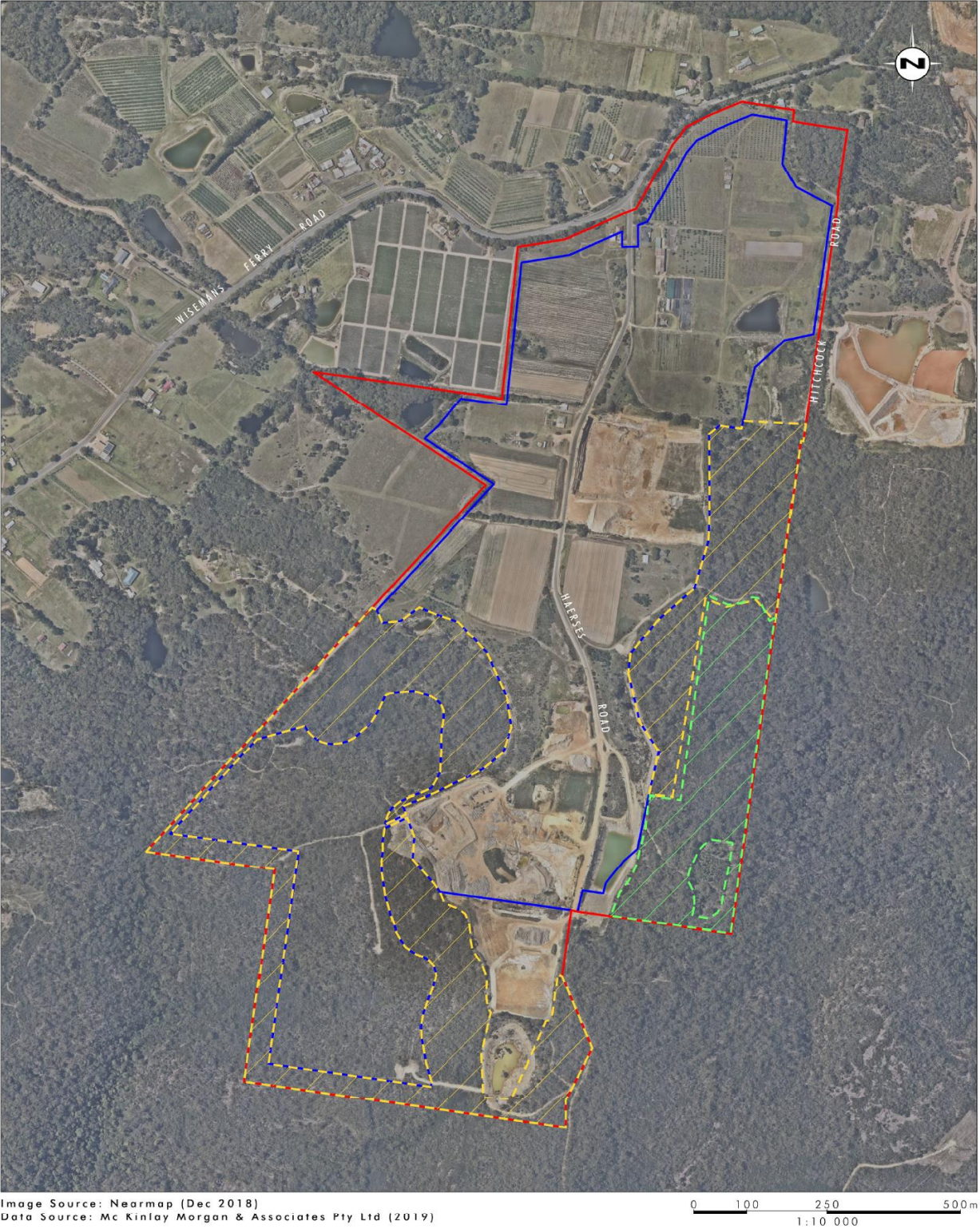
17. In Appendix 3, delete the Figure, and replace with the following:



- Legend**
- Haerxes Road Quarry Site
 - Approved Extraction Area
 - Acoustic Bund

Acoustic Bunds

18. In Appendix 4, delete Figure 1, including its title, and replace with the following:



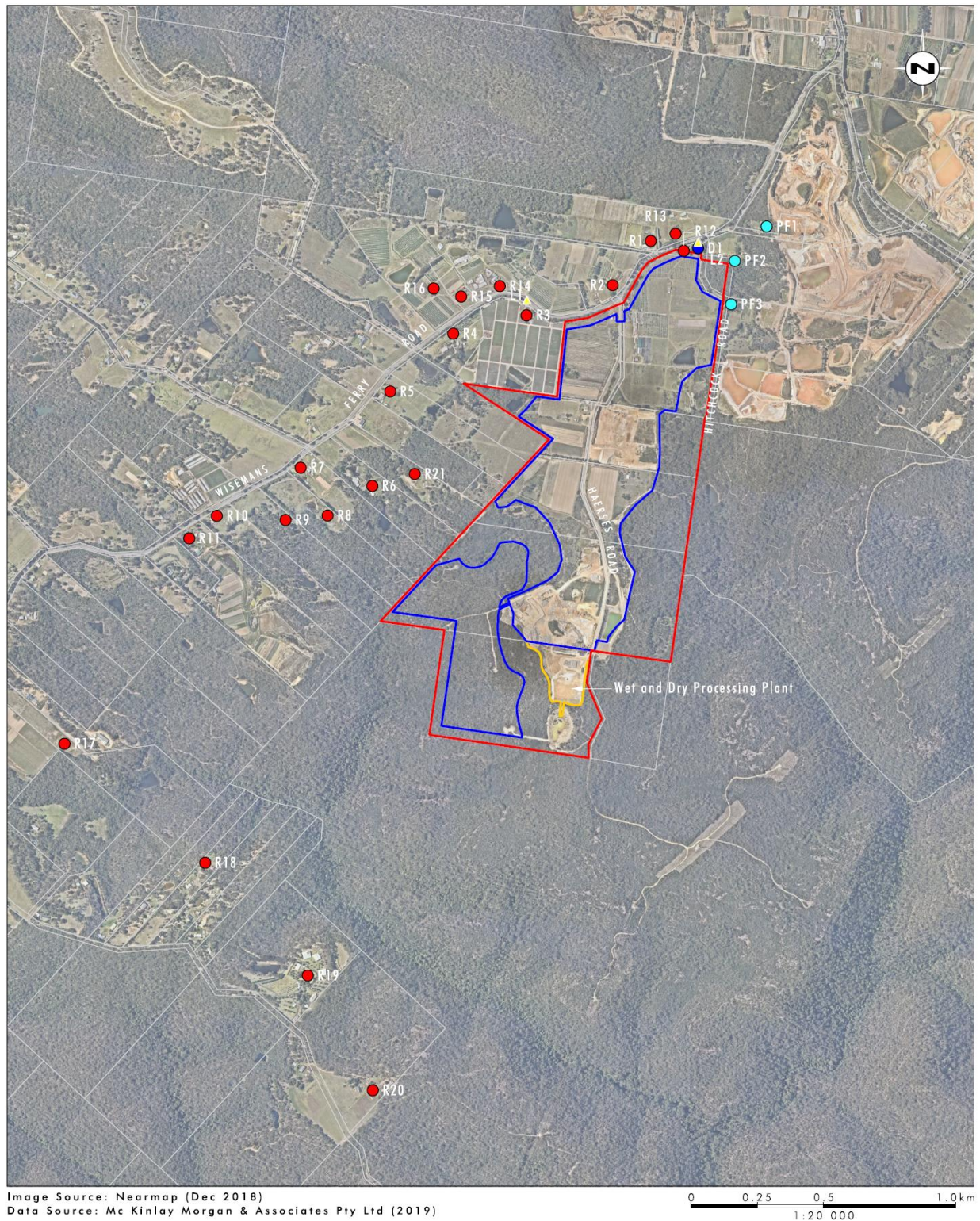
- Legend**
- Haerses Road Quarry Site
 - Approved Extraction Area
 - Biodiversity Offset Area for Old Northern Road Quarry
 - Biodiversity Offset Area for Haerses Road Quarry

Biodiversity Offset Areas

Figure 1– Haerses Road Offset Area

19. Delete Appendix 5 and replace with the following:

APPENDIX 5 RECEIVER LOCATIONS



Legend

- Haerxes Road Quarry Site
- Approved Extraction Area
- Processing and Stockpiling Area

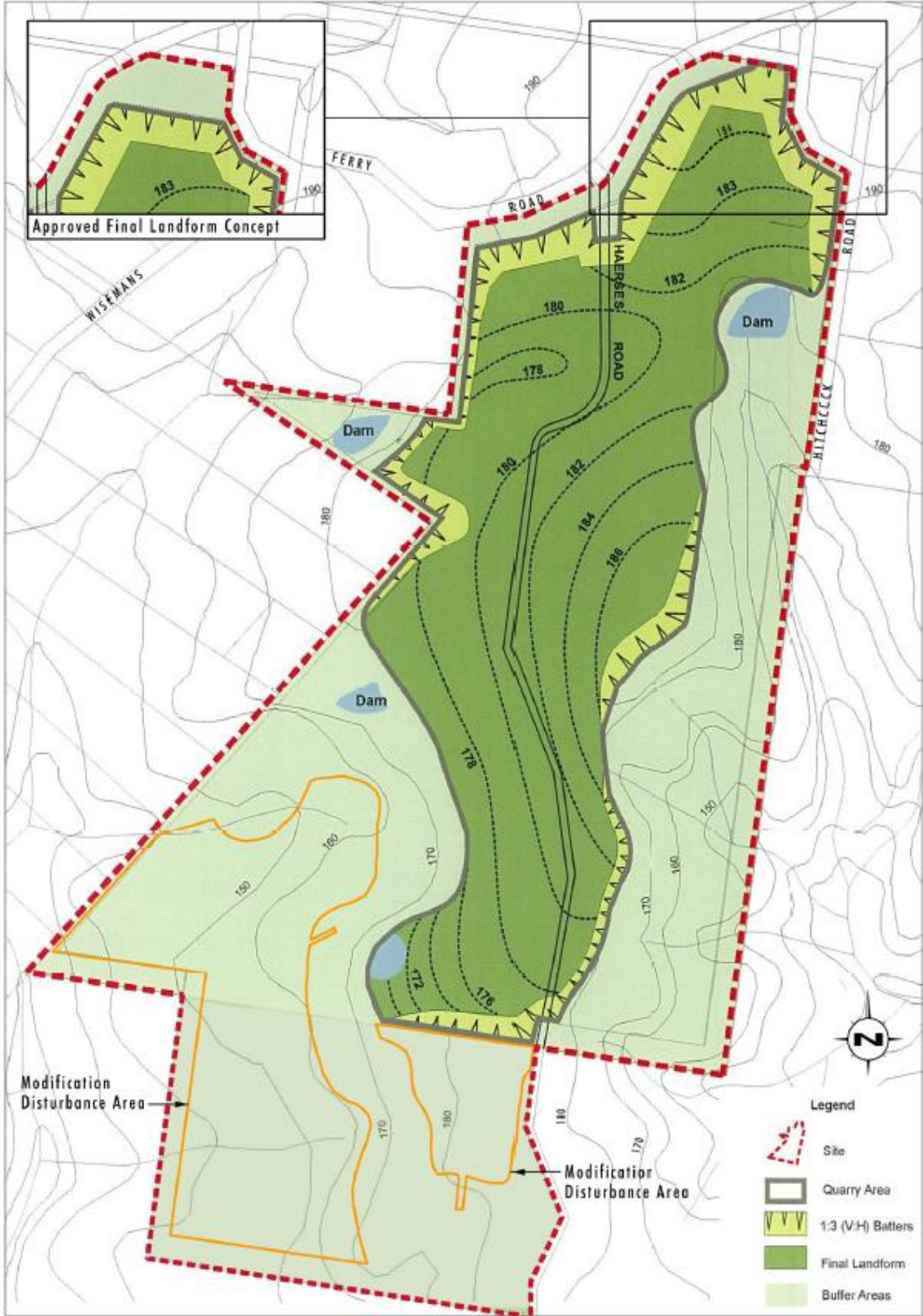
- ★ Noise Logging Locations
- Noise Receiver Locations
- Residential
- Owned by Dixon Sand
- Owned by PF Formation

FIGURE 3.1

Background Noise Logging and
Noise Receiver Locations

Figure 1 – Residential Receiver Locations

20. In Appendix 6, delete the Figure, and replace with the following:



21. In the Table of Contents, update all page numbers and headings to reflect changes made by this instrument.

End of Modification