

Notice of Decision – Haerses Road Quarry Modification 3 (DA 165-7-2005 MOD 3)

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	Haerses Road Quarry – Modification 3 (DA 165-7-2005 MOD 3)
Applicant	Dixon Sand (Penrith) Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director – Resource Assessments under delegation from the Minister for Planning & Public Spaces has, under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions and any additional conditions.

A copy of the Department of Planning & Environment's assessment report is and instrument of modification are available at: <https://www.planningportal.nsw.gov.au/major-projects/project/25606>

Date of decision

23 July 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15, including the objects of the Act;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- applicable NSW Government Guidelines and Policies;
- all information submitted to the Department during the assessment of the modification application;
- advice from NSW Government agencies;
- the submissions received during the public exhibition of the modification application (see Attachment 1); and
- the findings and recommendations in the Department's Assessment Report.

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development authorised by the consent as last modified.

The key reasons for granting the modification are as follows:

- the modification would facilitate the ongoing and increased supply of sand to the Greater Sydney Region construction market, provide additional 8 full-time positions at the quarry, as well as continued employment for the existing 8 employees;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and guidelines;
- none of the NSW Government agencies objected to the project;
- weighing all relevant considerations, the modification is in the public interest, subject to imposing strict conditions of consent

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 29 January 2020 until 26 February 2020. (28 days) and received 7 public submissions objecting to the project. Comments were also received from the Hills Shire Council.

The table below includes a summary of how key issues raised by the community were taken into consideration.

Table 1 – Community Issues

<i>Issue</i>	<i>Consideration</i>
<i>Traffic related impacts</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The modification would result in an additional 124 additional laden truck movements per day, relative to the existing consent which permits 56 laden trucks from the quarry. The modification would also result in an additional 8 light vehicles per day. • The proposed increase in trucking would result in a limit for laden trucks of 180 per day under the consent (ie 90 inbound and 90 outbound). These movements would be split evenly (50:50) across the two primary transport routes with half the trucks travelling along Wisemans Ferry Road and Old Northern Road. • In line with the recommendation from Transport for NSW, the Department recommended that Dixon Sand monitor trucks queuing in the right turn bay on Wisemans Ferry Road and extended the right turn bay in the instance that the trucks are shown to be queuing. The Department has recommended conditions to enable this. • A review of traffic safety including a review of crash data, revealed that traffic associated with quarrying activities had not led to any incidents over the period between October 2013 – September 2018 and that sight distances for vehicles entering and leaving the quarry remained adequate for the current road alignment and vehicle speeds. • The Department required Dixon Sands to update the existing Traffic Management Plan which incorporates a Drivers' Code of Conduct and specific measures to minimise the impact of heavy vehicles, including restrictions on routes and times in relation to peak hours, holiday periods and times immediately before and after school hours • The Department considered that the relevant intersections would continue to operate at acceptable levels of service and that the road network has adequate capacity to accommodate the increase in heavy and light vehicle movements. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Conditions imposing limits on truck movements and product transport. • Requirements to monitor and if necessary upgrade the length of the right turn bay in the instance that there are trucks regularly queuing at the intersection on Wisemans Ferry Road.
<i>Noise impacts</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has contemporised the project noise criteria in accordance with the <i>NSW Noise Policy for Industry</i>. The Modification would comply with the revised noise criterion with the exception of R02, which is already subject to a negotiated agreement with Dixon Sand. • The Department has recommended a condition which requires Dixon Sand to implement appropriate attenuation of dump trucks to reduce noise emissions and/or implement noise mitigation measures prior to the commencement of extraction in Stage 4. • The Department considers that the impacts of road traffic noise and considers that the modification would increase road traffic noise by up to 1 dBA during the day-time, however would maintain compliance against the <i>NSW Road Noise Policy</i> at all nearby sensitive receivers. • The Department considers that the modification would be unlikely to result in any significant noise impacts (with the exception of Receiver R02) and can be effectively managed with the recommended conditions.

	<p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Revised noise criteria that align with the predicted noise impacts derived under the Noise Impact Assessment, in accordance with the NPfI. • A requirement to either attenuate dump trucks prior to the commencement of quarrying operations in stages 4 or 5 or alternative mitigation measures to achieve compliance with the revised noise criteria in the consent. • Updated operational requirements to minimise noise during noise-enhancing meteorological conditions in accordance with the NPfI. • A requirement to ensure that a meteorological station is operated in the vicinity of Maroota Public School complies with the current <i>Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007)</i> and is capable of measuring meteorological conditions in accordance with the NPfI.
<p><i>Air Quality</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Air Quality Impact Assessment modelled a realistic worst-case operational scenario which were representative of peak daily material processing and extraction predicted at the most affected receiver. The scenarios incorporated a number of operational controls, which the Department has requested be implemented in the recommended conditions. • With the relevant mitigation measures in place, the modification would be expected to comply with the assessment criteria at all sensitive receivers. The Department has also requested Dixon Sand update the Air Quality Management Plan. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • A requirement to implement the relevant mitigation controls used in the Air Quality Impact Assessment be implemented. Prior to the increase in extractive operations above 250,000 tonnes of product per year and the commencement of quarrying operations in stages 4 or 5. • A requirement that the meteorological station operating in the vicinity of Maroota Public School complies with the current <i>Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007)</i> and is capable of measuring meteorological conditions in accordance with the NPfI.
<p><i>Amenity Impacts</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has carefully reviewed the amenity impacts associated with noise, air quality, traffic generation in addition the reduction in buffer zones and considers that the modification would not result in any unacceptable or unforeseen impacts. The Department considers that any unforeseen impacts could be adequately managed under the existing and recommended conditions of consent.