

Notice of Decision – Ardglan Quarry Extension Project (MP 06_0264 MOD 2)

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	Ardglan Quarry Extension Project (MP 06_0264 MOD 2)
Applicant	Monteath and Powys on behalf of Buttai Gravel Pty Ltd, trading as Daracon Quarries
Consent Authority	Minister for Planning & 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.

A copy of the instrument of modification and the consolidated conditions of consent, as modified, are available here: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9177.

A copy of the Department of Planning, Industry & Environment's assessment report is available here: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9177.

Date of decision

16 / 03 / 2021

Reasons for decision

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

- the relevant matters listed in section 4.15 and section 4.55 (3) of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the modification application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

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 for which consent was originally granted.

The key reasons for granting the modification are as follows:

- the modification would provide increased operational flexibility to transport quarry products by road and facilitate the supply of aggregates for regional infrastructure projects;
- the modification would improve noise and water management on the site;
- the modification is unlikely to significantly increase the impacts of the approved project on the community and the environment, and these impacts can continue to be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through existing and recommended conditions of consent; and
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 11 October 2018 until 25 October 2018 and received 2 community submissions, both in the form of objections.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include traffic safety, noise and dust impacts associated with increased truck movements.

The Department has recommended updated and strengthened conditions of consent to manage environmental and social impacts associated with the development. These conditions reflect current best practice and would require a comprehensive suite of management plans of the modified development.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic safety</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department has carefully considered the findings of the Traffic Impact Assessment in the Amended Environmental Assessment (EA) and the Road Safety and Condition Audit completed in October 2018. • The Department has consulted with Transport for NSW and Liverpool Plains Shire Council. Both agencies are satisfied that the traffic impacts of the proposed modification are acceptable and can be safely managed under recommended conditions of consent. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • The Department has imposed strict limits with respect to: <ul style="list-style-type: none"> – truck speeds within the village of Ardglen (maximum 40 km per hour); – the number of hourly and daily truck movements permitted at the quarry; and – the size and configuration of vehicles which may be used to transport quarry products. • Recommended conditions would also require Daracon to: <ul style="list-style-type: none"> – undertake pavement widening on Ardglen Street (Main Street) to the satisfaction of Council; – maintain the quarry access route to the satisfaction of Council, over the life of the development; – review and update its existing Traffic and Transport Management Plan; and – keep detailed records of all truck movements to and from the site (including registration details of outbound trucks).
<i>Noise</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Acoustic Assessment (AA) in the Amended EA indicates that the modified development can continue to operate in compliance with existing operational noise criteria, subject to the implementation of suitable mitigation measures, including the construction of the proposed noise bunds and barriers. • The AA also indicates that the modified development would comply with the relevant assessment criteria under the <i>NSW Road Noise Policy</i>, subject to the Department's recommended conditions, which limit hourly truck movements during the morning shoulder period. • The Department considers that construction noise generated by the proposed modification would be acceptable and consistent with the principles of the Interim Construction Noise Guideline, provided those works are carried out within standard construction hours, and (where required) in accordance with an approved Construction Noise Protocol. • The EPA has advised that it is satisfied with the assessment of noise impacts for the modification. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Recommended conditions would require Daracon to:

	<ul style="list-style-type: none"> – implement proactive and reactive mitigation measures to ensure compliance with the existing operational noise criteria and to minimise noise impacts during adverse meteorological conditions; – ensure that combined construction and operational noise complies with existing noise criteria, except where construction works are authorised under a Construction Noise Protocol prepared in consultation with affected residents; and – carry out noise monitoring on at least a monthly basis during quarrying operations.
<i>Air quality</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Air Quality Impact Assessment in the Amended EA indicates that the modified development would comply with the relevant assessment criteria under the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW 2016</i> (Approved Methods 2016). <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Existing air quality criteria have been updated to reflect the more stringent requirements of the Approved Methods 2016. • Recommended conditions would require Daracon to: <ul style="list-style-type: none"> – implement best practice dust management on site; – ensure that all loads entering and leaving the site are covered and that vehicles pass through a wheel wash before leaving the site; and – implement an Air Quality Monitoring Program.
<i>Other Matters</i>	<ul style="list-style-type: none"> • Issues relating to compliance <ul style="list-style-type: none"> – The Department has taken the opportunity to strengthen and clarify existing conditions of consent to provide increased certainty for the community with respect to future operations. – Compliance-related issues at other Daracon-operated sites are not a relevant matter for consideration in the assessment of the modification • Aboriginal heritage <ul style="list-style-type: none"> – Relevant government agencies have not raised any concerns regarding the management of Aboriginal cultural heritage. Nevertheless, the Department has taken the opportunity to strengthen existing conditions of consent regarding the management of unexpected finds. • Travelling stock <ul style="list-style-type: none"> – The Department is satisfied that the proposed modification is unlikely to adversely impact any identified travelling stock routes.