



Wagga Wagga Quarry Extension Project

Section 75W Modification
Assessment
(MP 07_0069 MOD 1)



October 2018

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Cover photo

Murrumbidgee River, adjacent to the Wagga Wagga Quarry (DPE 2011)

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Executive Summary

Hanson Construction Material Pty Ltd (Hanson) operates Wagga Wagga Sand and Gravel Quarry (the quarry) located approximately 5 kilometres west of the Wagga Wagga City Centre in the Wagga Wagga local government area.

Hanson applied to modify its project approval to allow for increased truck movements from six per hour to a maximum of 12 per hour between 3:00 pm and 5:00 pm (an increase in laden truck dispatches from three to six per hour). The modification does not involve any changes to disturbance areas, extraction rates and methods, or site infrastructure.

The quarry produces up to 150,000 tonnes per annum of high quality products for the construction industry. The modification would provide flexibility to maintain supply to increasing market demands.

The Department publicly exhibited the modification and requested advice from relevant State agencies and Wagga Wagga City Council. No submissions by way of objection were received.

The Department identified that the key issues of the modification relate to traffic safety and efficiency, noise and air quality. The Department's assessment has concluded that the modification would not result in any significant impacts beyond those that were previously assessed and approved. As such, the Department considers that the proposal should be approved, subject to recommended conditions.



1. Introduction

This report provides an assessment of an application to modify the project approval (MP 07_0069) for Wagga Wagga Sand and Gravel Quarry (the quarry).

The modification application seeks approval to increase truck movements from six per hour to a maximum of 12 per hour between 3:00 pm and 5:00 pm.

The application was lodged on 26 February 2018 pursuant to the now repealed section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

Hanson Construction Material Pty Ltd (Hanson) operates the quarry which is located approximately 5 kilometres (km) west of the Wagga Wagga City Centre in the Wagga Wagga local government area (see **Figure 1**).

1.2 Approval History

The quarry has been in operation since 1987 under several development consents issued by Wagga Wagga City Council (Council). The then Minister for Planning and Infrastructure approved the Wagga Wagga Quarry Extension project on 22 November 2011 permitting the extraction of up to 150,000 tonnes per annum of construction aggregates over a project life of 25 years. Aggregates extracted from the site would be processed at the site and then transported by road to regional customers.

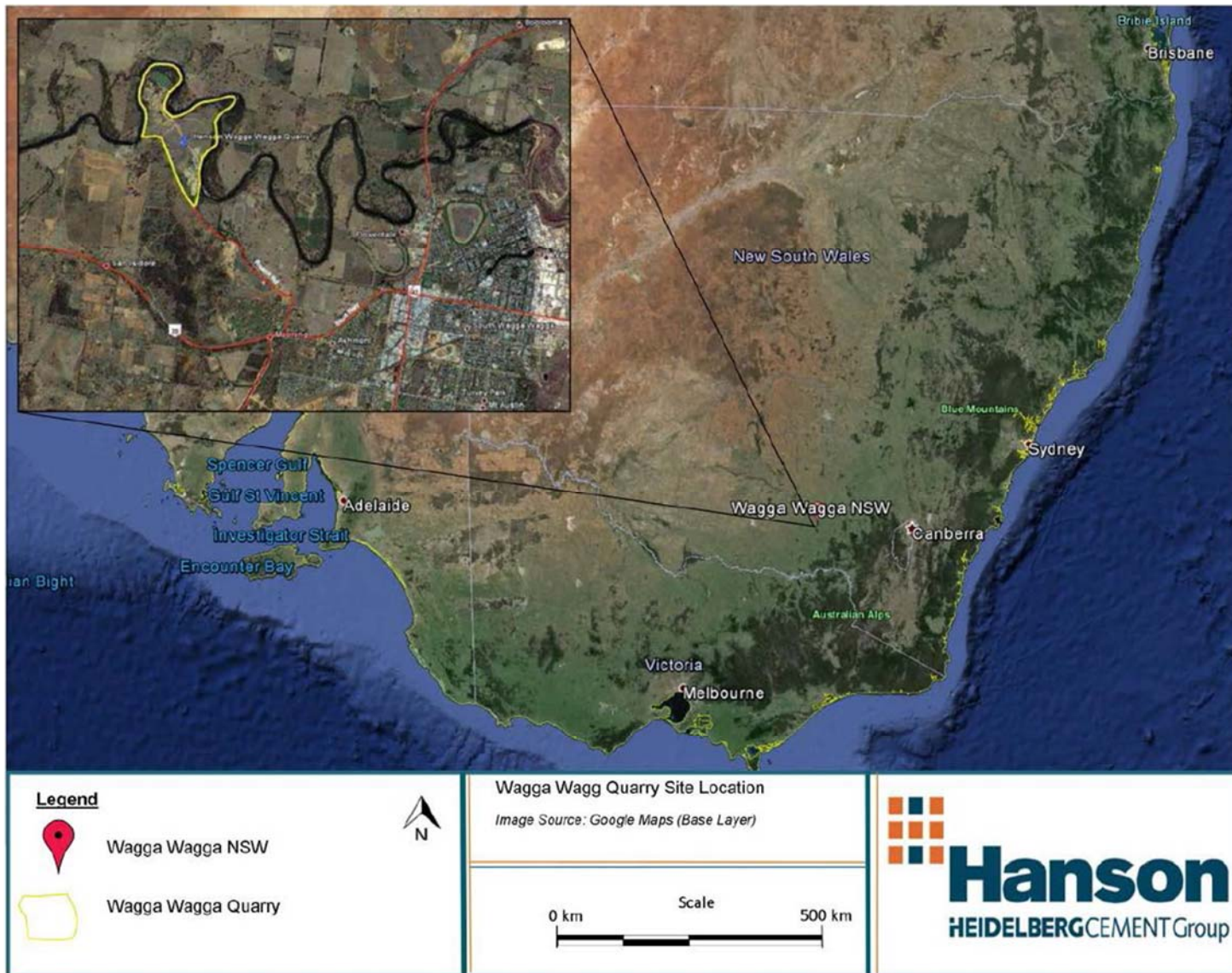


Figure 1 | Location of the quarry



2. Proposed Modification

The proposal seeks to increase the quarry's maximum truck movements from six to 12 per hour (an increase in laden truck dispatches from three to six per hour), between 3:00 pm to 5:00 pm weekdays but would not alter the maximum truck movements between 5:00 pm and 6:00 pm. The modification application is supported by an Environmental Assessment (see **Appendix A**).

The modification would not result in changes to disturbance boundaries, site facilities, rates, depths and methods of extraction, transport routes, project life, operating hours and requirements for rehabilitation.



3. Statutory Context

3.1 Section 75W

MP 07_0069 was granted approval on 22 November 2011 under the now repealed Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 of the *EP&A (Savings, Transitional and Other Provisions) Regulation 2017*. The power to modify transitional Part 3A projects under section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 is being wound up. However, because the request for this modification was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply and the application must be handled under the former section 75W of the Act.

The Department is satisfied that the proposed modification is within the scope of section 75W and may be determined accordingly.

3.2 Approval Authority

The Minister for Planning is the approval authority for the application. However, under the Minister's delegation of 11 October 2017, the Director, Resource Assessments may determine the application, as less than 25 objections from the public were received, Council did not object to the proposal and Hanson has not reported any political donations.

3.3 Environmental Planning Instruments

The following environmental planning instruments (EPIs) apply to the project:

- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*;
- *State Environmental Planning Policy No.33 (Hazardous and Offensive Development)*;
- *State Environmental Planning Policy No.44 (Koala Habitat Protection)*;
- *State Environmental Planning Policy No.55 (Remediation of Land)*;
- *State Environmental Planning Policy (Infrastructure) 2007*; and
- *Wagga Wagga Local Environmental Plan 2010*.

The Department has considered the modification against the relevant provisions of these EPIs. The Department is satisfied that the modification is permissible and can be undertaken in a manner that is generally consistent with the aims, objectives and provisions of these EPIs.

3.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The objects of the EP&A Act changed on 1 March 2018. The Department has assessed the proposed modification against the current objects of the EP&A Act. The objects of most relevance to the decision of whether or not to approve the proposed modification are found in section 1.3, which are:

- Object 1.3(a): *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;*
- Object 1.3(b): *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;*
- Object 1.3(c): *to promote the orderly and economic use and development of land;*
- Object 1.3(e): *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;*
- Object 1.3(f): *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage); and*
- Object 1.3(j): *to provide increased opportunity for community participation in environmental planning and assessment.*

The Department is satisfied that the proposed modification encourages the proper management and development of resources (Object 1.3(a)) and the promotion of the orderly and economic use of land (Object 1.3(c)), since the:

- modification involves a permissible land use on the subject land;
- sand and gravel resources have previously been determined by the Division of Resources and Geoscience (DRG) within the Department to be essential, quality materials able to supply a local growing market;
- modification would utilise the existing quarry site and transport infrastructure; and
- modification would provide ongoing socio-economic benefits to the community of NSW.

The Department has considered the principles of ecologically sustainable development (ESD) (Object 1.3(b)) in its assessment of the proposed modification. The Department has also noted Hanson's consideration of these matters in the EA for the application and considers that quarrying operations would remain consistent with the principles of ESD under the proposed modification. The Department's assessment has sought to integrate all significant environmental, social and economic considerations.

Consideration of the protection of the environment (Object 1.3(e)) is provided in **Section 5** of this report. The Department considers that the modification would cause negligible additional environmental impacts as the approved disturbance area would remain unchanged.

The Department notes that consideration of Aboriginal cultural heritage required by Object 1.3(f) occurred as part of the initial application. The Department considers that the quarry's operations would remain consistent with Object 1.3(f) as no additional site disturbance is proposed.

The Department exhibited the modification application and made the accompanying Environmental Assessment (EA) publicly available (Object 1.3(j)). No public submissions were received.



4. Engagement

4.1 Department's Engagement

Clause 118 of the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation) requires the Secretary to make the modification application publicly available. The Department placed a public exhibition notice in the *Wagga Wagga Daily Advertiser* and *Wagga Wagga Riverina Leader* and made the application and supporting documents publicly available from Monday 10 September 2018 until Monday 24 September 2018:

- on the Department's website;
- at Council's office in Wagga Wagga; and
- at Nature Conservation Council's office in Sydney.

The Department also requested advice from the Environmental Protection Authority (EPA), Office of Environment and Heritage (OEH), Roads and Maritime Services (RMS) and Council.

The Department is satisfied that the notification process met the requirements of the EP&A Act and the EP&A Regulation.

4.2 Hanson's Engagement

Hanson raised the prospect of the modification with the members of its Community Consultative Committee (CCC) in its meetings in May 2017 and again in February 2018. No concerns about the proposal were raised at either meeting.

4.3 Summary of Submissions

The Department received no submissions from the community objecting to the modification.

The Department received advice from four agencies (see **Appendix B**).

EPA advised that there is a current Environment Protection Licence (EPL) for extractive activities at the quarry. Following its review of the modification, EPA advised that the EPL would not require any amendments.

RMS advised that the proposed increased truck movements would not impact the classified road network.

OEH advised that it did not have any concerns regarding the modification.

Council did not object to the proposal but requested that the Department carefully consider the potential impacts resulting from additional truck movements, including potential impacts to local roads (ie Roach Road and McNickle Road).

Following the Department's review of submissions received, Hanson was not requested to provide a response to submissions.



5. Assessment

In assessing the merits of the proposal, the Department has considered the:

- modification application and EA;
- advice from agencies;
- existing conditions of approval;
- relevant EPIs, policies and guidelines, and
- requirements of the EP&A Act, including the objects of the Act.

The Department considers that the key issues resulting from the modification are traffic safety and efficiency, operational and traffic noise and air quality impacts (see **Table 1**).

Table 1 | Key assessment issues

Issue	Consideration	Recommendation
Traffic and transport	• The restriction to 6 truck movements per hour was based on the Department and residents' safety concerns of school children using Roach and McNickle Roads between 3:00 pm and 6:00 pm. • Hanson has demonstrated through consultation with its CCC that local residents wish to retain the current restriction between 5:00 pm and 6:00 pm as this is when most people are home. • However, as there are no school buses using these roads (as was thought might be the case in 2011), the residents do not consider Hanson's proposed increase in truck numbers between 3:00 pm and 5:00 pm would compromise the safety of school children. • Access to the quarry is via Roach Road and McNickle Road from the Sturt Highway. Both Roach Road and McNickle Road are two-lanes and sealed. • The intersection of McNickle Road with the Sturt Highway has a constructed channelised right turn from the Sturt Highway into McNickle Road. • This intersection has an excellent intersection sight distance as the land is mostly flat in all directions and vision of the road largely unobstructed. • The extent of traffic increase from the modification would be six additional truck movements (in and out) per hour for two hours (3:00 pm to 5:00 pm).	• As school buses do not use Roach and McNickle Roads, the Department considers that Hanson's proposed increase in trucks using these roads between 3:00 pm and 5:00 pm would not compromise the safety of school children and should be accepted. • The Department has reviewed the existing conditions of approval regarding traffic and transport and is satisfied that these conditions would appropriately mitigate any adverse traffic safety and efficiency impacts. • The conditions of approval also require Hanson to review, and if necessary, revise management plans within 3 months of the approval of a modification. This would ensure that the Transport Management Plan reflects the effects of this modification.

	• RMS did not express any concerns about the additional traffic or its interaction with the classified road network. • Similarly, Council's advice did not express concerns about the potential impact on the local road network. • Hanson pays an annual contribution to Council for maintenance of the local roads (Roach Road and McNickle Road). • Hanson is currently required to develop a Traffic Management Plan in consultation with the RMS, Council and the local community, including a Truck Driver Code of Practice that would apply to project trucks travelling along Roach Road.	
Noise	• The proposed increase in truck movements has the potential to increase road noise between the hours sought. • Road noise for the project was assessed under the (then) EPA's <i>Environmental Criteria for Road Traffic Noise 1999</i> (ECRTN). • The results of the noise impact assessment demonstrated that road noise would not exceed the daytime criterion of 60 dB(A) LA_{eq} (1 hour) when measured at the nearest residence to either Roach or McNickle Roads. • The increased noise level resulting from the modification is predicted to be less than 2 dB(A). • According to the ECRTN, an increase of less than 2 dB(A) would be indiscernible to a receiver and therefore no additional assessment is necessary. • The Department also considered the modification in accordance with the <i>Road Noise Policy 2011</i>, which also identifies that a predicted increase of less than 2 dB(A) does not require any additional assessment of road noise impacts. • EPA did not express any concerns about the predicted increase in traffic noise due to additional truck movements. • The Department is satisfied that the noise assessment demonstrates that the quarry's vehicle operations would not exceed the relevant criteria. • The EA also considered the increase in operational noise as a result of loading three additional trucks each hour in the afternoon period.	• The Department is satisfied that additional traffic noise resulting from the modification would be negligible and could be appropriately managed via existing conditions. • The Department considers that the existing operational noise criteria remain appropriate and achievable due to minor nature of the proposal. • The conditions of approval also require Hanson to review, and if necessary, revise management plans within 3 months of the approval of a modification. This would ensure that the Transport Management Plan reflects the effects of this modification.

	• The modification application would not change the quarry's operational hours, method of extraction or operational plant used on site. • The EA concludes that the change in operational noise impacts resulting from the proposed modification would be minor and most likely barely perceptible. • The existing conditions require Hanson to continue to apply all reasonable and feasible measures to attenuate traffic noise impacts, including: - o complying with operating hours, truck dispatch levels and use of the approved transport route; - o notifying Council of required maintenance of McNickle Road and Roach Road to limit noise sources such as potholes or edgewear; - o continued implementation of the Truck Driver's Code of Conduct; - o maintenance of a complaints and incidents register for all traffic related matters; and - o monitoring of vehicle compliance through quarterly spot checks.	
Air quality	• The key risks for local air quality is dust generation from heavy vehicles travelling along local roads and from minor intensification of loading activities during the afternoon period. • Roach and Mc Nickle Roads are sealed, which would limit wheel-based dust generation. Furthermore, all trucks are required to have their loads covered. • The loading of additional heavy vehicles would be limited to product stockpiling areas. The Department notes that the closest sensitive receiver to this area is 1 km away. • Therefore, the Department is satisfied that the additional truck movements proposed between 3:00 pm and 5:00 pm would not result in dust generation that would exceed the currently approved criteria under the existing approval. • The existing project approval conditions require Hanson to review, and where necessary update, its current Air Quality Management Plan. • A requirement of this plan is to include a description of all reasonable and feasible dust attenuation measures to be implemented.	• The Department has reviewed the existing conditions of approval regarding air quality and is satisfied that these conditions would appropriately mitigate any adverse air quality impacts.



6. Evaluation

6.1 Conclusion

The Department has assessed the merits of the proposed modification in accordance with the requirements of the EP&A Act. The modification application and accompanying information demonstrate that the increased truck movements between 3:00 pm and 5:00 pm would pose a negligible increased impact on the environment and community.

RMS and Council did not express any concerns regarding road safety, local roads or interactions in the State road network. As there are no school bus routes along Roach and McNickle Roads, the proposed increase in truck movements would not compromise the safety of school children. The potential impacts on traffic safety and efficiency would be appropriately managed through conditions of approval and the requirement to prepare and implement a Traffic Management Plan, including a Driver's Code of Conduct.

The current impact assessment criteria for noise and air quality would not change as a result of the proposed modification. The predicted traffic noise level increases would not be discernible at sensitive receivers as the incremental increase would be less than 2 dB(A).

Therefore, the Department is satisfied that the increased truck movements would not create significant noise or air quality impacts. Based on its assessment, the Department is satisfied that the modified project would not cause more than negligible impacts on the environment and the community, and would continue to provide sand and gravel products to the local and regional markets. Therefore, the proposal is in the public interest and approvable.

6.2 Recommended conditions

A notice of modification (see **Appendix C**) and a consolidated version of the Wagga Wagga Quarry Extension project approval (see **Appendix D**), as modified, have been prepared.

The primary change is to the transportation limit in condition 6 of Schedule 3, allowing for the requested additional truck movements. The Department has also updated the definitions and relevant conditions to reflect current drafting standards.

The Department considers that Wagga Wagga Quarry Extension Project, as modified, would continue to provide benefits to the region by supplying construction materials, namely construction sand, to the region's and State's construction projects. The Department is therefore satisfied that the proposed modification is in the public interest and should be approved.

Hanson has accepted the proposed modified conditions of approval.



7. Recommendation

It is recommended that the Director, Resource Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the modification falls within the scope of section 75W of the EP&A Act;

- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **grants approval** for the application in respect of MP 07_0069 as modified, subject to the conditions in the attached Notice of Modification; and
- **signs** the attached Notice of Modification (**Appendix C**).

Recommended by:

Recommended by:


30/10/18

Anthony Barnes

Senior Environmental Planning Officer
Resources Assessments


30/10/18

Colin Phillips

Team Leader
Resource Assessments



8. Determination

The recommendation is: **Adopted / Not adopted by:**


30.10.18

Jessie Evans

A/Director
Resource Assessments



Appendices

Appendix A – Environmental Assessment

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9136

Appendix B – Submissions & Expert Advice from Agencies

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9136

Appendix C– Notice of Modification

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9136

Appendix D –Consolidated Approval

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9136