



28 April 2020

Ms Genevieve Lucas  
Department of Planning, Industry and Environment  
320 Pitt Street  
SYDNEY NSW 2001

**Sent by email to:**  
genevieve.lucas@planning.nsw.gov.au

Dear Genevieve,

**Re: Brandy Hill Expansion Project (SSD 5899) – Draft Conditions**

Thank you for providing a copy of the draft development consent conditions for the Brandy Hill Expansion Project (the Project) for review and comment. The following presents a detailed review of the conditions and justification for any proposed refinement to the limits proposed or where wording may be amended to provide reasonable restrictions on the ongoing operation. The majority of comments focus on the proposed operating hours as these are quite different to those proposed in the *Amended Response to Submissions* document.

Comments on the conditions are provided in numbered order for ease of review. For your reference we have included a Microsoft Word version of the draft conditions with this letter with tracked edits and comments.

**1. Condition A11**

This condition requires that Hanson must not exceed the currently approved annual extraction rate (700,000 tonnes per annum (tpa)) until such time as the bus bays have been constructed. It is noted that the bus bays are to be funded by Hanson and constructed by Port Stephens Council (Council) under a Planning Agreement. While the premise of this condition is accepted, it is noted that Hanson has no control of the timing for construction of the bus bays. This would remain the responsibility of Council in accordance with its Strategic Asset Management Plan. Consequently, any condition of consent incorporating a timeline for construction of the bus bays would unfairly subject Hanson to a liability beyond its control.

It is requested that the condition be amended to include the phrase ‘*unless agreed by the Planning Secretary*’ in the opening sentence. This would permit Hanson to apply to the Planning Secretary to increase annual extraction beyond 700,000tpa should Hanson consider that unreasonable delays are being experienced on behalf of Council in constructing the bus bays. It would then be at the discretion of the Department to decide if Hanson’s request is reasonable.

The reference to a pro-rata extraction limit has also been moved so that it follows reference to extraction of 1.5Mtpa as the pro rata rate applies to this level of extraction.

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There is also a minor clerical error in this condition that has been corrected.

## **2. Condition A13**

Review of the proposed operating hours has identified several activities for which additional operating hours are requesting including the following.

### **Construction Activities**

Operating hours between 7:00am and 5:00pm Saturday are requested for construction activities. It is assumed that the construction hours have been recommended based on the DECC *Interim Construction Noise Guideline* (2009). However, this guideline is relatively old and construction operations to 5:00pm on a Saturday are common practice in the quarrying industry. The *Interim Construction Noise Guideline* (2009) does not technically apply to noise from industrial sources (such as quarries) but is used only as reference.

It is noted that for Stage 1 of operations, construction is principally limited to the development of the amenity barrier. These earthworks would generate noise consistent with extraction activities for which operating hours would be permitted between 6:00am and 6:00pm. This scenario was considered in the noise assessment for the Project and noise levels were predicted to be acceptable. Further to this, for most of the time construction is occurring the activities would require detailed manual works that would generate noise levels consistent with general plant maintenance activities. These activities would be permitted at any time. It is therefore considered appropriate and acceptable for construction activities to occur until 5:00pm on a Saturday.

### **Product Loading and Despatch**

Production loading and despatch is requested to commence from 6:00am on Saturdays. This is consistent with current practice and is considered an important component of the operation on this day. The construction industry commences on a Saturday at 7:00am, consistent with operations Monday to Friday. Concrete production and delivery peaks at the commencement of construction activities, with deliveries from quarries at this time needed to re-stock storage at concrete batching plants.

The noise assessment for the Project has demonstrated that these operating hours are acceptable.

### **Quarrying Operations**

It is requested that quarrying operations be split into two separate activities for the purpose of setting operating hours, with load and haul and primary crushing to be limited separately to secondary and tertiary processing. The following operating hours are requested for these activities.

- Load and haul, Primary processing, ancillary quarrying activities – 6:00am to 6:00pm Monday to Saturday only.
- Secondary and tertiary processing – 6:00am to 10:00pm Monday to Friday and 6:00am to 6:00pm Saturday only.

The key limitation on processing is the capacity of processing equipment with the different speed of equipment potentially creating 'bottlenecks' in the process flow. It is not proposed to significantly modify or upgrade the existing processing equipment over the life of the operations. The existing primary crushing equipment has a capacity of 450 tonnes per hour (tph). If the primary crushing equipment operates for 12 hours in a day, the maximum capacity of processing would be:

- 5,400t each day (450t x 12 hours);
- 32,400t per week (5,400t x 6 days); and
- 1,684,800t per year (32,400t x 52 weeks)

Assuming that the plant has no extended shut down periods and maintenance days are limited throughout the year, the maximum extraction limit of 1.5Mtpa may be reached with a small buffer for unexpected limitations.

However, the secondary and tertiary processing equipment operates at a slower rate of 313tph and therefore would not be capable of processing 1.5Mtpa in a year based on six operating days over 12 hours. The secondary and tertiary processing equipment would need to operate for over 17 hours per day to process the output of the primary crushing equipment (5,400t / 313tph). Extended hours for this equipment are necessary to maintain production levels and avoid 'bottlenecks' in production.

It is requested that only the secondary and tertiary processing activities occur in the evening period: until 10:00pm Monday to Friday; and until 6:00pm on Saturday, acknowledging the reduced hours on the weekend for local amenity. Aside from the limitations from processing equipment, this request is considered justified based on the following.

- Secondary and tertiary processing do not generate the same level of noise as primary processing, which is the major noise source for quarrying operations.
- The secondary and tertiary processing during the evening would not be accompanied by load and haul or product loading and despatch activities. Therefore, the use of mobile equipment would not be occurring at the same time. This is excepting the 20 nights per calendar year on which product loading and despatch may be permitted between 6:00pm and 10:00pm.
- The noise assessment for the Project has identified that noise levels during this period would comply when assessed to include all quarrying operations. With only secondary and tertiary processing, the noise levels would be significantly lower.
- The maximum extraction level of 1.5Mtpa has been proposed based on both short and long term planning for Hanson's local and regional supply. This includes that required for the Greater Sydney Metro Region, noting that there are no hard rock sources remaining in that area and supply from regional locations such as the Brandy Hill Quarry will be relied upon into the future.

### **3. Condition B1**

A review of the proposed operational noise criteria for the Project is requested due to the following.

- The criteria are not consistent with that presented by the EPA in its recommended conditions. This is particularly relevant for night-time operations.
- Criteria for night-time operations do not consider the intended operations between 5:00am and 7:00am that include product loading and despatch and quarrying operations. A morning shoulder period may be appropriate to resolve this.
- The consent generally references the *NSW Industrial Noise Policy* (INP) (EPA, 2000). While it is accepted that transitional arrangements for the *Noise Policy for Industry* (NPI) (EPA, 2017) were in place during assessment of the Project, the NPI was referenced for several aspects of the final assessment. The INP assessment was only retained as it is more stringent in terms of the assessment of day-time operational noise and Hanson preferred to plan operational mitigations to these levels to ensure modern standards were met.

It is noted that should the assessment have been commenced more recently, the day-time operational noise limit of 40dB ( $L_{Aeq}(15min)$ ) would apply. In addition, applying the criteria in accordance with the NPI would not change the key operational mitigations that include enclosure of all fixed processing equipment (including partial enclosure of mobile recycled concrete crushing equipment) and the construction of a noise barrier to the south of the Quarry Site. Other mitigations such as on-site speed limits, grading of unsealed roads and limiting drop heights when loading heavy vehicles are all standard operating measures in the quarrying industry.

#### **4. Condition B2**

Reference to the INP should be adjusted to the NPI as per the above.

#### **5. Condition B4**

It is requested that the reference to quarterly monitoring under item (c) is removed as it is preferred that the particulars of all environmental monitoring programs are specified and managed through Environmental Management Plans.

The proposed frequency of monitoring is established through Condition A2 that references the information presented in the EIS<sup>1</sup> and Condition B5 that requires a monitoring program as a component of the Noise Management Plan. It is intended that initial noise monitoring would occur quarterly in order to validate the outcomes of the noise assessment, but that once this is confirmed and environmental performance demonstrated, a request would be made to reduce the frequency. It would be preferred that this request not conflict with this condition.

#### **6. Condition B6**

The requirement to have Environmental Management Plans ‘approved’ by the Planning Secretary prior to commencement is considered onerous given the delays experienced in the Department and other Government agencies in reviewing plans and the detailed comments and requests that often accompany the review of these plans when they are ‘under consultation’. While it is appreciated that the Department would prefer to see progress with these plans prior to operational impacts occurring, delays in the commencement of operations due to external parties is introducing a liability outside of the control of Hanson.

It would be considered more appropriate that the phrase ‘unless otherwise agreed by the Planning Secretary’ be added to this condition to permit Hanson to apply to the Department for permission to commence operations at the discretion of the Department.

It is noted that the same request applies equally to **Condition B19, Condition B26, Condition B37, Condition B42 and Condition B52 and Condition D1.**

#### **7. Condition B11**

This condition should reference Condition B10 rather than B8. In addition, the notes to this condition should apply under Condition B10.

#### **8. Condition B28**

Reference to the INP should be adjusted to the NPI as per the above.

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<sup>1</sup> As defined in the consent to include the EIS and Amended RTS as well as other information submitted by Hanson in support of the application.

## **9. Condition B39 and Condition B40**

It would not be possible to demonstrate compliance with these conditions. Where vehicles regularly deliver materials from the Quarry, they are not weighed on each entry to the Quarry Site but weighed at periods no greater than 3 months apart in order to provide a reasonably accurate unloaded vehicle weight while maintaining operating efficiency. Consequently, it is not possible to determine what time trucks arrive as they do not register entry and are only weighed on exit. It is requested that this requirement be managed through the Traffic Management Plan and the Driver's Code of Conduct rather than the development consent.

## **10. Condition B48**

Minor clerical error – extra bullet

## **11. Condition B56**

Minor clerical error – 'the' instead of 'this'

## **12. Condition C3**

Reference to 'a landowner' is considered too broad and it is requested that this be limited to landowners within 1km of an extraction area within the Quarry Site.

## **13. Condition D7 and Condition D8**

Minor clerical error – it may be more suitable to require that 'The notification must be *'submitted'* in writing.....'

## **14. Appendix 1 – Schedule of Lands**

This table has been completed.

## **15. Appendix 2 – Development Layout Plans**

The three figures in this appendix have been amended to remove previous figure titles and the make the final landform consistent with Appendix 6.

## **16. Appendix 3 – Receiver Locations**

This figure has been amended to remove the Noise Monitoring Location icons as these are not relevant to the intention of this figure and may confuse readers.

We trust that the above requests have been satisfactorily justified and are considered reasonable, noting the changes to many of these matters that have occurred since the exhibition of the Environmental Impact Statement. It is also noted that at each stage Hanson has consulted with the local community through the Community Consultative Committee and through more broadly targeted drop-in sessions that have provided community members with the opportunity to ask questions on what is proposed. It is noted that there are members of the community that oppose aspects of the development, however it is anticipated that over time and through consistent environmental management performance, Hanson will demonstrate that operations are consistent with the predictions made in the various assessments for the Project.

The opportunity to review and comment on the draft conditions for the Project is appreciated. Hanson welcomes further discussion on any of the above matters, should it be beneficial. Should you have any questions on the above, please don't hesitate to contact myself, Andrew Driver or Belinda Pignone.



Yours sincerely



Nick Warren  
Principal Environmental Consultant

Enclosed: Draft Development Consent - Conditions to Hanson 21-4-20 – Hanson Comments  
Appendix 2 Figures  
Appendix 3 Figure

Copy: Hanson Construction Materials Pty Ltd

