

Notice of Decision

Austen Quarry Extension Project – Modification 1

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	SSD 6084 MOD 1 Austen Quarry Extension Project Modification 1
Applicant	Hy-Tec Industries Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director Resource Assessments under delegation from the Minister for Planning has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979 (the Act)* modified the consent subject to conditions.

A copy of the instrument of modification and conditions is available [here](#).

A copy of the Department of Planning & Environment's assessment report is available [here](#).

Date of decision

15 August 2018

Reasons for decision

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

- the relevant matters listed in section 4.15 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;
- the considerations under s 7.14(2), 7.16(3) and 7.17(2) of the *Biodiversity Conservation Act 2016*;
- all information submitted by the Applicant with the modification application and during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; 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:

- Benefits - the modification will provide a range of benefits for the region and the State as a whole, including a total capital investment of approximately \$100,000 and employment of an additional 15 transport personnel and potential employment of nine additional local operational employees;
- Consistent with NSW Government Policy - the modification is permissible with consent, and is consistent with NSW Government policies including the *State Environmental Planning Policy (SEPP) (State and Regional Development) 2011*, *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*, *SEPP No. 33 – Hazardous and Offensive Development* and *SEPP (Sydney Drinking Water Catchment) 2011*.
- Impacts can be managed - 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 standards. The Department considers that the key potential impacts are noise, traffic, biodiversity and changes to final landforms, which will be successfully managed under slightly modified conditions and updated management plans; and
- Community views considered - community concerns have been considered and adequately addressed during the assessment of the project and in the recommended conditions of consent.
- Public interest - weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification request from 14 March until 10 April 2018 (28 days) and received 10 submissions from public authorities, principally NSW Government agencies and also Blue Mountains City Council (BMCC) and Lithgow City Council (LCC). The Department received no submissions from the public or special interest groups during the exhibition period.

The key issues raised by local community members and representatives and considered in the Department's Assessment Report and by the decision maker were impacts to sleep disturbance, road noise, road safety and maintenance.

Other issues are addressed in detail in the Secretary's Assessment Report.

Community Issue	Departmental Consideration
Sleep disturbance <ul style="list-style-type: none"> earlier weekday loading and dispatch times potentially causing sleep disturbance (<i>LCC and R24A</i>) 	Assessment <ul style="list-style-type: none"> The Department assessed the Noise and Blasting Impact Assessment (NBIA) which was prepared for the Applicant in accordance with the <i>Noise Policy for Industry 2017</i> in consultation with the EPA. The Department determined that earlier truck loading and dispatch would not exceed the morning shoulder noise criteria and would not result in additional sleep disturbance at privately-owned residences surrounding the quarry. Conditions <ul style="list-style-type: none"> A condition requiring compliance with specified sleep disturbance criteria to ensure that loading and dispatching activities will not impact receivers surrounding the quarry.
Road noise <ul style="list-style-type: none"> additional traffic noise from increase in truck movements; and ongoing maintenance on Jenolan Caves Road and Glenroy Bridge to reduce potential noise impacts to the area (<i>LCC and R24A</i>) 	Assessment <ul style="list-style-type: none"> The Department assessed the NBIA and determined that quarry-related traffic contributions to road noise levels are consistent with criteria set out in the Road Noise Policy. Conditions <ul style="list-style-type: none"> Implementation of noise monitoring at a nearby sensitive receiver and requirements for a detailed Transport Management Plan and Drivers' Code of Conduct.
Road safety <ul style="list-style-type: none"> increases to the maximum daily and monthly average truck dispatches will impact on the safety of cyclists and tourists along Jenolan Caves Road and the Great Western Highway (<i>BMCC and LCC</i>) 	Assessment <ul style="list-style-type: none"> The Department assessed the Traffic Impact Assessment, which identified that tourist traffic is more frequent during weekends. The Department determined that the increase in heavy vehicle movements would have a very small impact on road safety along the Great Western Highway. However, the Department considered that the quarry should maintain a focus on road safety. Conditions <ul style="list-style-type: none"> Maximum truck dispatch limits for Saturdays and implementation of a detailed Transport Management Plan and Drivers Code of Conduct.
Road maintenance <ul style="list-style-type: none"> additional maintenance will be required to ensure the current standards of the Great Western Highway are maintained (<i>BMCC</i>) 	Assessment <ul style="list-style-type: none"> The Department assessed the increase in heavy vehicle movements and took into consideration that the Great Western Highway and Jenolan Caves Road are State-managed roads, approved for heavy vehicle use 24 hours a day, 7 days per week. Conditions <ul style="list-style-type: none"> No additional conditions are required, as maintenance costs would be the responsibility of and funded by RMS.