

Badgerys Creek Quarry and Brick Making Project Raw Materials Exportation Modification (MP 10_0014 MOD 2 and MP 10_0033 MOD 2)

Environmental Assessment Report Section 75W of the *Environmental Planning and Assessment Act 1979*

1. BACKGROUND

CSR Building Products Limited (CSR) owns a clay and shale quarry and brick making facility at Badgerys Creek, approximately 41 kilometres south west of Sydney in the Liverpool City local government area (see **Figure 1**). Prior to CSR's acquisition of the facility in October 2016, it was owned and operated by Boral Bricks Pty Ltd (Boral).

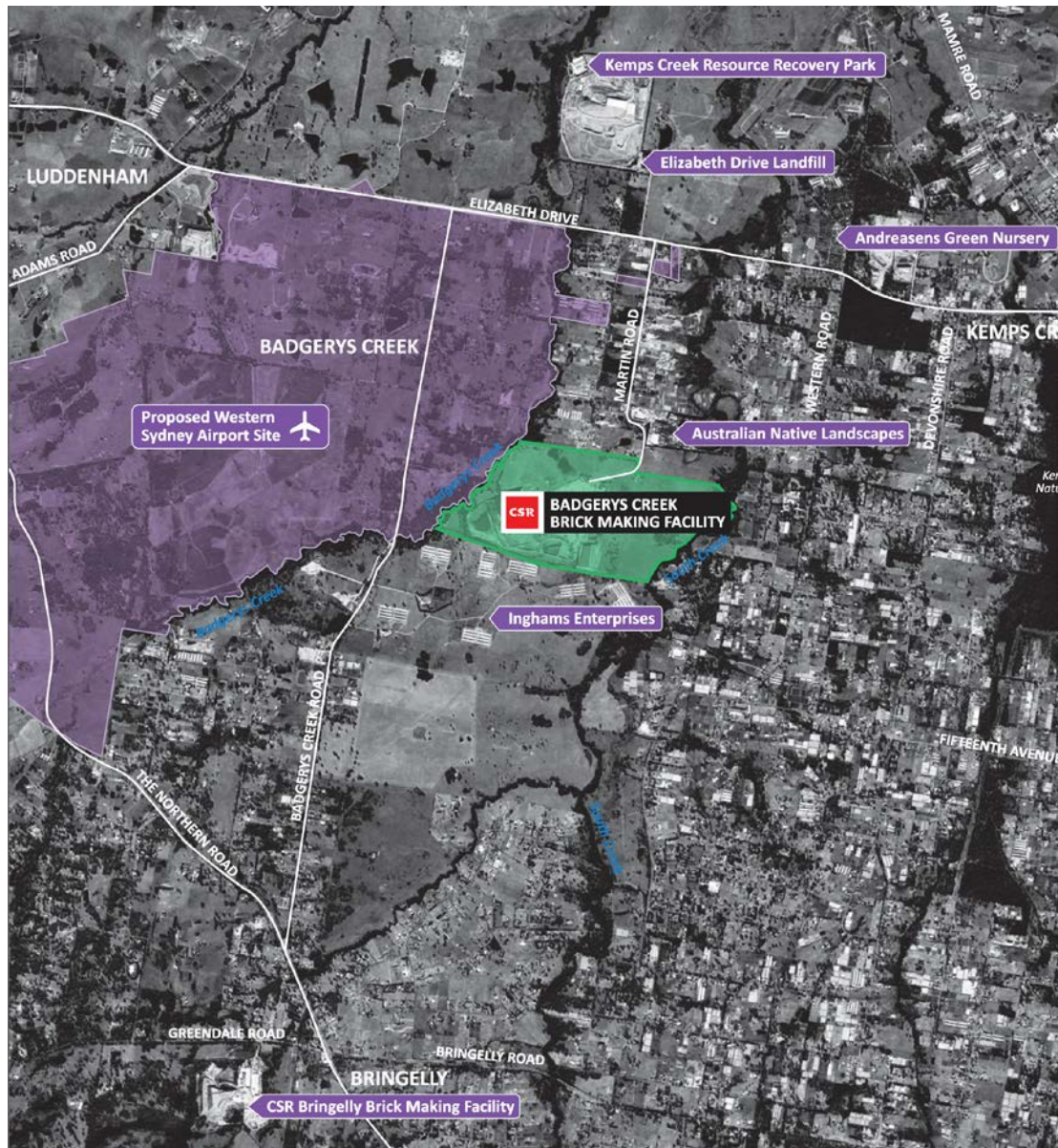


Figure 1: Regional context

The site is located to the east of the Western Sydney Airport site (see **Figure 1**).

Quarrying and brick making operations have occurred at the site since 1976. On 27 September 2011, the Minister's delegate granted a project approval (MP 10_0014) and concept plan approval (MP 10_0033) for the continuation and expansion of operations on the site, under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The project approval allows the extraction of up to 420,000 tonnes per annum (tpa) of clay and shale, and the production and transportation of up to 252,000 tpa of brick products, until 27 September 2031. The project approval also allows CSR to import up to 20,000 tpa of raw materials for brick making purposes. The approved project layout is shown in **Figure 2**.

Because 'clay/shale' is a prescribed mineral listed under the *Mining Regulation 2016*, the quarrying component of the project also requires the grant of a mining lease under the *Mining Act 1992*. CSR has lodged an application (MLA 536) for the grant of this mining lease.

The concept plan approval was granted concurrently with the project approval under Section 75O of the EP&A Act. The concept plan was required to overcome an unintentional prohibition of the brick making component of the project under the *Liverpool Local Environmental Plan 2008* (LLEP).

Clay and shale extraction and brick production on site were halted in March 2012, in response to a downturn in residential construction. The project approval was subsequently modified on 9 May 2013 to facilitate the temporary closure of the facility (Modification 1). Modification 1 deferred a number of obligations under the project approval for the duration of the shutdown period, including road upgrading, meteorological monitoring and environmental auditing and reporting.

The facility currently remains in shutdown mode, with limited functions occurring on site, including the operation of a retail display facility and occasional dispatch of the remaining brick inventory. However, CSR has now lodged a series of modification applications to facilitate recommencing operations on site.

Initially, CSR proposes to recommence quarrying operations only. The current proposal (MP 10_0014 MOD 2) would allow CSR to transport extracted clay and shale raw material to its other brick making facilities, and make temporary use of the existing brick storage area until brick making resumes. This proposal also involves a modification to the concept plan (MP 10_0033 MOD 2). The proposal is described in detail in **Section 2**.

Modification 3 involves the upgrading and expansion of the existing brick making facility and the construction and operation of a new roof product manufacturing facility. CSR has indicated that it will also seek a new 30-year lifespan for the project, to commence from the determination of Modification 3. The proposal also involves a modification to the concept plan to facilitate the expansion of the brick making facility (MP 10_0033 MOD 1).

Modification 4 involves the dewatering of and continued extraction from an existing pit within the approved quarry footprint (Pit 1), the importation of Virgin Excavated Natural Material (VENM) for backfilling purposes, and the establishment of a solar farm on site.

Environmental Assessments (EAs) for Modifications 3 and 4 are currently being prepared. These documents are expected to be submitted in early March 2019.

2. PROPOSED MODIFICATION

On 1 December 2017, CSR lodged an application to modify the project approval under section 75W of the EP&A Act (MP 10_0014 MOD 2). The modification involves:

- exporting up to 275,000 tpa of raw materials from the site;
- temporarily storing finished building products on the site;
- changes to approved hours of operation; and
- changes to noise mitigation.

A full description of the proposed modification is provided in the EA (see **Appendix A**).



Figure 2: Approved project layout

Raw materials exportation

CSR proposes to export up to 275,000 tpa of raw material (ie clay and shale) to its other brick making facilities in the region. This would fall well below CSR's approved extraction limit of 420,000 tpa. CSR proposes to continue exporting raw materials following recommencement of brick making on site, however, the extraction limit for the quarry would remain unchanged at 420,000 tpa.

CSR contends that the upcoming closure of clay and shale quarries in the region is likely to reduce the availability of raw materials for its brick making. CSR submits that the proposal therefore is essential for the ongoing supply of raw materials to its other brick making facilities and to ensure the sustainability of its operations.

Temporary storage of finished building products

The current project approval permits the storage of finished brick products in a 41,500 square metre storage yard to the east of the brick making facility (see **Figure 2**). This storage area is currently unused, pending the future upgrading and recommissioning of the brick making facility under Modification 3. In the interim, CSR proposes to use this storage space to temporarily store other building products, including concrete panels and roof products, which have been manufactured off site.

As this component of the proposal is not permissible under the LLEP, CSR has also lodged an application to modify the concept plan approval (MP 10_0033 MOD 2). The proposal would allow the temporary storage of finished building products for a period of up to 36 months. The storage of building products would cease following the recommencement of brick making.

Changes to operating hours

CSR also seeks to amend its approved hours of operation, to allow extended operations on Saturdays (see **Table 1** below).

Table 1: Proposed changes to hours of operation

Activity	Approved Hours of Operation	Proposed Modification
Quarrying operations (excluding overburden removal)	7.00 am to 6.00 pm (Monday to Saturday)	No change proposed
Overburden removal	7.00 am to 6.00 pm (Monday to Friday) 8.00 am to 1.00 pm (Saturday)	7.00 am to 6.00 pm (Monday to Saturday)
Brick making and storage yard activities	24 hours (Monday to Sunday)	No change proposed, however, activities in relation to temporary storage of brick products would be limited to the hours of 7.00 am to 10.00 pm / Monday to Saturday
Deliveries and dispatch	6.00 am to 10.00 pm (Monday to Friday) 6.00 am to 6.00 pm (Saturday)	Exporting raw materials: 7.00 am to 6.00 pm (Monday to Saturday) Finished building products: 7.00 am to 10.00 pm (Monday to Saturday)

CSR is seeking to align the operating hours for overburden removal with all other quarrying operations on Saturdays. CSR submits that overburden removal would comply with existing noise criteria, and as such, should be permitted during the same hours as all other extraction activities.

CSR also proposes to extend approved delivery and dispatch hours until 10:00 pm on Saturdays. This change would relate to finished building products only, and would provide greater flexibility for trucks travelling long distances to and from the site.

The proposed changes would apply on a temporary basis only, and CSR would revert to its existing hours of operation when brick making resumes.

Changes to noise mitigation

Under the existing project approval, CSR is required to construct noise bunds along the northern and eastern site boundaries. These bunds are to be constructed on a staged basis, concurrent with early extraction in Pits 3 and 4 (see **Figure 2**). CSR is also required to apply noise attenuation treatment to all dozers and excavators used in quarrying operations.

CSR is seeking to recommence quarrying operations in Pit 3, without constructing the noise bunds or applying noise attenuation to its equipment. CSR contends that all quarrying operations would comply with existing noise criteria, without any specific noise mitigation measures in place. Further details are provided in **Section 5.1**.

3. STATUTORY CONTEXT

3.1 Section 75W and modification of a Minister's Approval

Both the project approval and concept plan were approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2011 has been discontinued. However, as this modification request was made before the 'cut-off date' of 1 March 2018, the provisions of Schedule 2 (clause 3) of this Regulation continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

Project approval

The proposed modification is of a minor nature, and would not significantly alter the nature or scale of approved operations. Consequently, the Department is satisfied that the proposed modification of the project approval is within the scope of section 75W, and may be determined accordingly.

Concept plan approval

Section 75W allows the modification of any approval granted by the Minister under Part 3A, including a concept plan approval. Section 75W(7) does not limit the circumstances in which the Minister (or delegate) may modify a determination made in connection with a concept plan.

In its original Assessment Report, the Department stated that the approval of the concept plan was based on the following key considerations:

- *Council confirmed that the prohibition of the brick making component of the facility was not intentional, and is principally due to the application of a standard rural zone across a large area;*
- *the brick making component is consistent with the desired future character of the area in the Growth Centres SEPP, Sydney Metropolitan Strategy, draft South West Subregional Strategy and the Council's Industrial Lands Strategy; and*
- *it would facilitate the assessment and determination of a major project, and allow the continued use of the existing brickworks which is a major supplier of bricks to the Sydney construction market.*

CSR proposes to modify the concept plan to make temporary use of the existing brick storage yard, pending the recommencement of brick making at the site. The Department is satisfied that the storage of finished building products would be consistent with the desired character of the area, and would assist in the supply of materials for the Sydney construction market. Consequently, the Department is satisfied that the proposed modification of the concept plan 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 proposed modifications. However, under the Minister's delegation of 11 October 2017, the Director, Resource Assessments, may determine the two applications as there were no public objections, Liverpool City Council did not object to the proposal, and no political donations have been reported by CSR.

3.3 Environmental Planning Instruments

A number of environmental planning instruments apply to the modifications, including:

- *State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007;*
- *SEPP (Infrastructure) 2007;*
- *SEPP (State and Regional Development) 2011;*
- *SEPP No 33 – Hazardous and Offensive Development; and*
- *the LLEP.*

The Department has assessed the proposed modifications against the relevant provisions of these instruments. The Department is satisfied that the proposed modifications can be carried out in a manner that is consistent with the aims, objectives and provisions of these instruments. The issue of permissibility under the LLEP is discussed in **Sections 2 and 3.1** above.

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 modifications against the current objects of the EP&A Act. The objects of most relevance to the proposed modifications are found in section 1.3. They 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);*
- Object 1.3(i): *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and*
- Object 1.3(j): *to provide increased opportunity for community participation in environmental planning and assessment.*

The Department is satisfied the proposal would encourage the proper management and development of a regionally significant clay/shale resource (Object 1.3(a) and (i)). The Department is also satisfied that the proposal represents an orderly and economic use of land (Object 1.3(c)).

The Department has considered the principles of ecologically sustainable development (ESD, Object 1.3(b)) in its assessment of the proposed modifications. The Department considers that the proposal may be carried out in a manner that is consistent with the principles of ESD. The Department's assessment has sought to integrate all significant environmental, social and economic considerations.

The Department has carefully considered the environmental impacts of the proposal, including potential impacts on the natural, cultural and built environments (Object 1.3(e) and (f)). The key findings of the Department's are summarised in **Section 5** of this report.

The Department publicly exhibited the proposal and consulted with Liverpool City Council (Object 1.3(i) and (j)). The outcomes of the consultation process are outlined in **Section 4** below.

4. CONSULTATION

Under section 75W of the EP&A Act, the Department is not required to exhibit the modification applications. However, after accepting the initial modification application (MP 10_0014 MOD 2) and accompanying EA, the Department:

- publicly exhibited the EA from 7 December to 21 December 2017 on the Department's website and at the offices of:
 - Liverpool City Council; and
 - the Nature Conservation Council;
- advertised exhibition of the EA in the *Liverpool City Champion* and the *Liverpool Leader*;
- notified affected landowners; and
- notified Liverpool City Council and the relevant State Government authorities.

Following conclusion of the public exhibition period, CSR lodged the application to modify the concept plan (MP 10_0033 MOD 2). This application was not publicly exhibited, however Liverpool City Council and the relevant State Government authorities were notified.

4.1 Agency Submissions

The Department received four submissions from government agencies. None of these agencies objected to the proposal.

The Crown Lands and Water Division of the **Department of Industry** (DoI Water) did not raise any concerns regarding the proposal.

The **Division of Resources & Geoscience** (DRG) of the Department did not object to the proposal. DRG advised that, while the EA addressed its requirements with respect to rehabilitation, further data was required regarding the clay/shale resource on site. In its Response to Submissions (RTS), CSR noted that no changes to quarrying operations are proposed as part of Modification 2, and committed to provide the required data as part of Modification 3. Following subsequent discussions with the Department, DRG accepted this response.

The **Environment Protection Authority** (EPA) did not object to the proposed modification. However, the EPA noted that the noise criteria imposed under the project approval are inconsistent with current noise limits in the site's Environment Protection Licence (EPL). The EPA also recommended that CSR's noise assessment be revised to include more detailed consideration of background noise levels. CSR subsequently provided a revised Noise Impact Assessment (NIA), which included updated background noise levels.

The EPA also recommended that noise monitoring locations be clearly defined and provided advice regarding recommended air quality conditions. These matters were subsequently addressed by CSR in its RTS. Following its review of the RTS, EPA advised that it had no further comment on the proposal.

Noise and air quality impacts are discussed in **Sections 5.1** and **5.3**, respectively.

Liverpool City Council (Council) expressed its general support for the proposal. However, Council noted that the proposed storage of building products would not be permissible under the LLEP. Council also expressed concern that storage activities could continue on site indefinitely, following the recommencement of brick making. In response to Council's concerns, CSR lodged an application to modify the concept plan approval for the site, and committed to limit the storage of finished building products to a period of up to 36 months.

Council also raised concerns regarding potential traffic impacts and requested that CSR provide a detailed traffic impact assessment. Council noted that existing conditions require CSR to enter into an agreement for the upgrading and ongoing maintenance of Martin Road (see **Figure 2**). This agreement has not been formalised, due to the temporary shutdown of the facility. No changes to traffic volumes are proposed as part of Modification 2. The Department also notes that detailed traffic assessments will be undertaken as part of Modifications 3 and 4. However, the Department understands that CSR is currently finalising negotiations with Council regarding the upgrading and maintenance of Martin Road. This matter is discussed further in **Section 5.2**.

Council also requested that CSR provide a comprehensive hydrological and water quality assessment. The Department considers that these concerns relate to Modifications 3 and 4. As such, no additional information was provided. Impacts on water resources are considered in **Section 5.3**.

Council also emphasised the need for an assessment of cumulative impacts arising from Modifications 2, 3 and 4. Council's comments are noted and will be considered in the assessment of Modifications 3 and 4.

No comments were provided by the **Office of Environment and Heritage** (OEH) or **Roads and Maritime Services** (RMS). Copies of all agency submissions are included in **Appendix B**.

4.2 Public Submissions

The Department received one public submission from Australian Native Landscapes Pty Ltd (ANL), which operates a landscaping and building supply business off Martin Road, to the north-east of the site (see **Figure 1**).

The submission states that while ANL does not object to the proposal, the company has significant concerns regarding increased traffic on Martin Road. The submission stressed the need for road

upgrading along Martin Road and its intersection with Elizabeth Drive (see **Figure 1**). Potential traffic impacts are discussed in **Section 5.2**.

A copy of the submission is included in **Appendix B**.

4.3 Response to Submissions

CSR provided an RTS on 5 February 2018. The RTS was provided to Council and the relevant agencies, and was made available on the Department's website. A copy of the RTS is included in **Appendix C**.

5. ASSESSMENT

In assessing the merits of the proposed modifications, the Department has considered the:

- EA for the original project application;
- conditions of approval for the project;
- modification applications, EA, submissions and RTS; and
- relevant environmental planning instruments, policies and guidelines.

The Department considers that the key assessment issues relate to noise, traffic and transport. The findings of the Department's assessment are summarised below.

5.1 Noise

The original EA for the project included a Noise Addendum Report (NAR), prepared in accordance with the *NSW Industrial Noise Policy* (INP). The NAR predicted that day-time operations would exceed the 40 dB(A) Project Specific Noise Level (PSNL) for the development at several receivers. The NAR proposed a series of measures to mitigate the noise impacts of the project, including:

- constructing noise bunds along the northern and eastern site boundaries during initial stages of overburden removal in Pits 3 and 4 (see **Figure 3**); and
- applying a 5 dB(A) noise reduction treatment to all dozers and excavators used in quarrying operations.

With these mitigation measures in place, the NAR predicted exceedances of between 1 and 4 dB(A) at a number of receivers during day-time operations. The Department's assessment concluded that these impacts were acceptable, on the basis that all reasonable and feasible mitigation measures had been applied, and that quarrying operations would only take place for two to three months per year.

Consequently, the Department established operational noise criteria for the project based on the maximum noise levels predicted in the NAR (see **Table 2**).

Table 2: Operational noise criteria

Activity	Location	Day	Evening	Night	
		dB(A) L_{Aeq} (15 min)		dB(A) L_{Aeq} (15 min)	dB(A) L_{A1} (1 min)
Quarrying operations	All residential premises	44	NA	NA	NA
Brick making and storage yard activities		44	38	35	45

CSR now intends to recommence operations on site, on a limited basis, pending the future expansion and recommissioning of the brick making facility (Modification 3). The reduced operations would include:

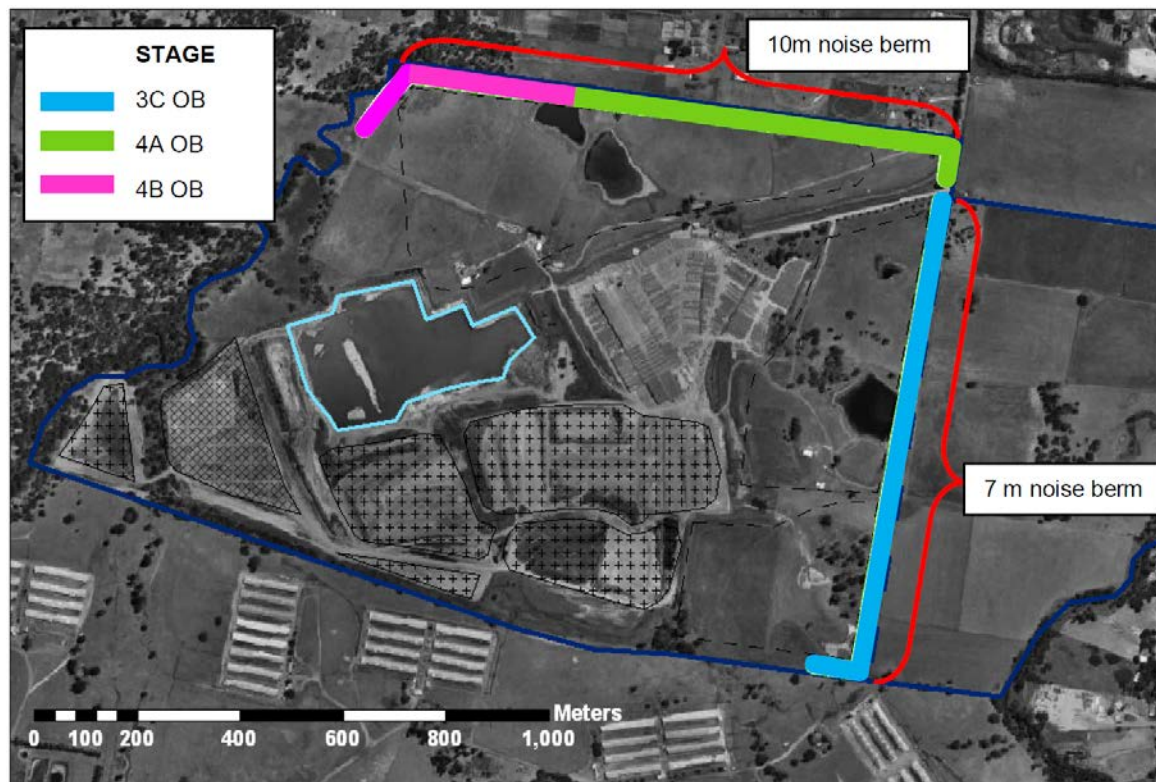
- recommencing quarrying operations in Pit 3 only;
- backfilling of Pit 2;
- use of the raw material stockpiling area;
- loading and unloading of finished building products in the storage area; and
- truck arrival and dispatch.

CSR submits that these limited operations would comply with the existing noise criteria (see **Table 2**), without any mitigation measures in place. On this basis, CSR is seeking to delay the construction of the bunds and noise attenuation of its equipment, until quarrying begins in Pits 4 or 5, or until brick making resumes.

CSR is also seeking to extend its operating hours to allow:

- extended operating hours for overburden removal on Saturdays (consistent with other quarrying activities); and
- truck arrival and dispatch until 10:00 pm on Saturdays (finished building products only).

However, for the duration of Modification 2 operations, truck arrival and dispatch would begin one hour later, at 7:00 am.



OB = overburden removal stage

Figure 3: Location of acoustic bunds

CSR provided a Noise Impact Assessment (NIA), prepared in accordance with the recently-adopted *NSW Noise Policy for Industry (NPI)*, in support of the proposal. The NIA provided updated Project Noise Trigger Levels (PNTLs) for the project, replacing the original PSNLs in the NAR.

The NIA identified 28 key receivers surrounding the site (see **Figure 4**). Receivers 7, 47, 48 and 53 were not assessed, as these dwellings are located on the future Western Sydney Airport site, and the NIA indicates that these dwellings have either been demolished, or will soon be demolished, as part of the airport development. Receiver 10 was not assessed, as it is owned by CSR. A new receiver, 12a, was added.

The PNTLs were established by measuring current background noise levels, at three locations most representative of the affected receivers, to determine the Rating Background Levels (RBLs). The PNTLs were then established, based on the RBL plus 5 dB(A) (see **Table 3**).

Table 3: Project Noise Trigger Levels

Receiver	RBL	Day (7:00 am to 6:00 pm)	Evening (6:00 pm to 10:00 pm)
	Day/Evening	dB(A) <small>L_{Aeq}, 15 minute</small>	
9, 25 & 35	40/35	45	40
6, 26, 27, 28, 29, 30, 31, 32, 34, 42, 43, 44, 45 & 46	37/36	42	41
11, 12, 12a, 13, 14, 15, 36, 37, 38, 39, 40 & 41	38/38	43	43

The NIA included modelling of Modification 2 operations based on a worst-case operating scenario, with overburden removal, extraction and backfilling activities occurring concurrently, at or around the existing ground level, and up to two trucks entering and exiting the site within a 15 minute period.

The NIA concluded that noise generated by Modification 2 operations would comply with the existing noise criteria (**Table 2**), and the new PNTLs (**Table 3**) at all receivers, without implementing the mitigation measures previously outlined in the NAR.

This is likely due to a combination of factors. Firstly, the brick making facility would not be operating, thereby eliminating a significant source of noise on site. Secondly, the acoustic bund along the eastern boundary was partially constructed prior to the shutdown of the facility. This provides a degree of protection for the most affected receivers to the south-east. Finally, the NIA provided adjusted sound power levels for the equipment which would be used during extraction of Pit 3. The two major noise sources, the excavator and the dozer, would have lower sound power levels than previously assumed in the NAR.

Under the NPI, CSR is only required to apply all reasonable and feasible mitigation measures if its operations are predicted to exceed the PNTLs. Consequently, the Department is satisfied that quarrying operations may recommence on site, on a limited basis, without the bunds being constructed.

The Department notes that further noise assessments will be required for Modifications 3 and 4, which may result in significant changes to the management of noise impacts on site. In particular, the Department understands that CSR intends to review other options to manage noise, without the need for substantial bund construction. This would facilitate the future redevelopment of the site as part of the Western Sydney Priority Growth Area.

The Department accepts that there may be preferable alternatives to manage noise impacts on site, and has therefore recommended conditions to provide greater flexibility for future operations. The modified conditions would:

- allow bund construction and attenuation of plant and equipment to be deferred for the duration of Modification 2 operations; and
- require CSR to prepare an Acoustic Bund Construction Management Plan (ABCMP) prior to commencing quarrying operations in Pits 4 or 5.

As part of the ABCMP, CSR would be required to provide an updated schedule for the construction of the bunds, in alignment with the projected extraction schedules for Pits 4 and 5. This requirement may be amended as part of Modifications 3 or 4, if CSR can demonstrate that the bunds are no longer needed.

No changes to the existing noise criteria have been sought as part of Modification 2, notwithstanding the changes to PNTLs. The Department recommends that existing noise criteria be retained, pending the assessment of Modifications 3 and 4.

CSR would still be required to implement best practice noise management for the duration of the Modification 2 operations. The Department has recommended conditions requiring CSR to:

- take all reasonable steps to minimise the noise impacts of its operations;
- undertake regular noise monitoring to ensure compliance with the noise criteria; and
- prepare an updated Noise Management Plan (NMP) prior to recommencing quarrying operations.

Road traffic noise

Under existing conditions, CSR must ensure that road traffic noise associated with its operations does not exceed 55 dB(A) L_{Aeq} (1 hour) at any residence on Martin Road between the hours of 7.00 am and 10.00 pm. This is the 'day period', as defined under the *NSW Road Noise Policy* (RNP).

The proposal would not increase traffic movements to or from the site. Consequently, the Department is satisfied that the modified development could continue to operate in compliance with its existing road traffic noise criteria.

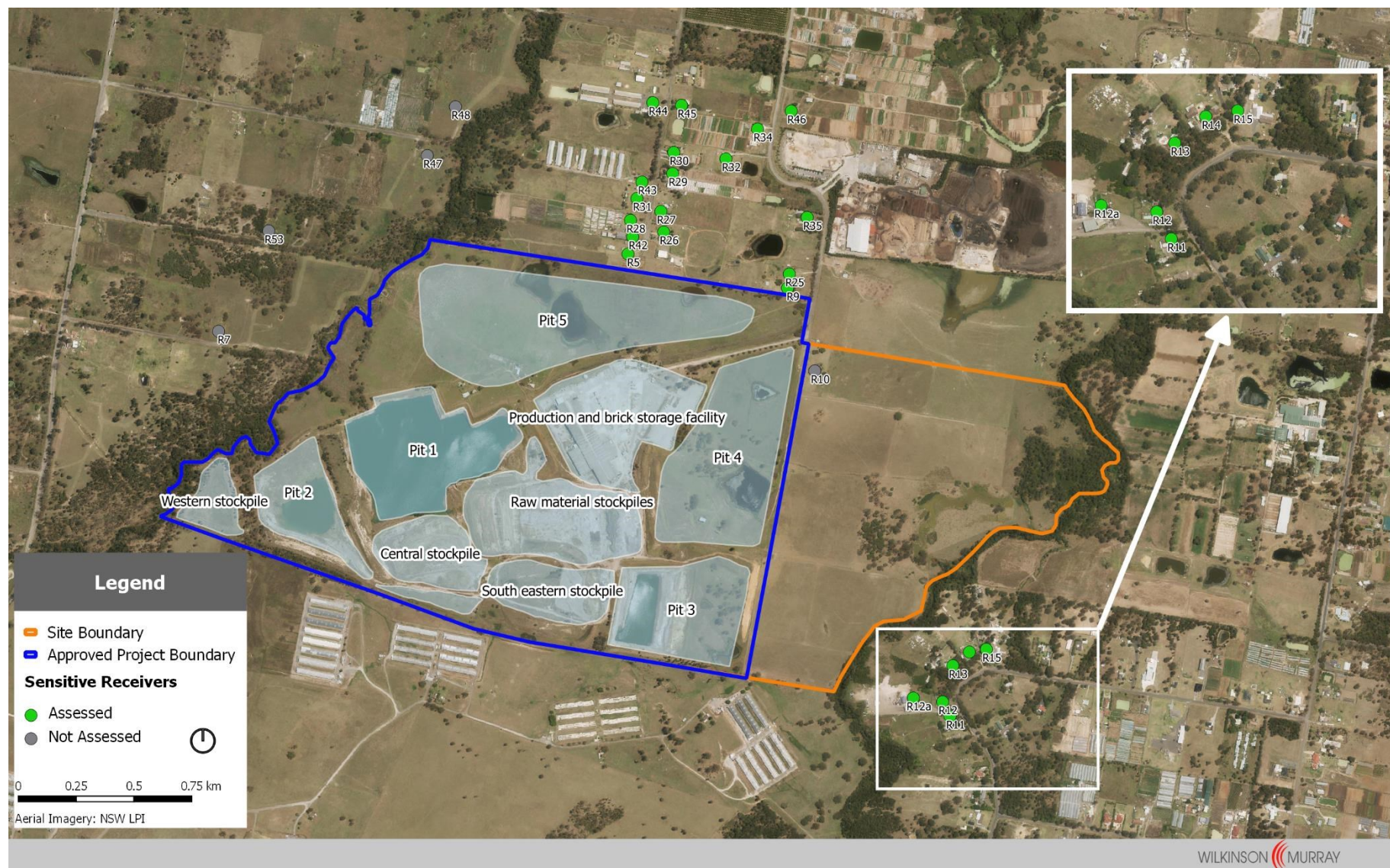


Figure 4: Receiver locations

However, the Department notes the current project approval does not impose any road noise criteria for operations between 6.00 am and 7.00 am. These operations form part of the 'night' period under the RNP, and should therefore be subject to a limit of 50 dB(A) L_{Aeq} (1 hour). The Department has therefore included separate criteria for the night period in its recommended conditions.

Conclusion

The Department is satisfied that Modification 2 operations could comply with the project's existing noise criteria in the absence of any additional bund construction or noise attenuation. Given that the future of the site remains in a state of flux, the Department accepts that these obligations should be deferred, pending the assessment of Modifications 3 and 4.

The Department considers that the proposed changes to Saturday operating hours are acceptable, and would provide additional flexibility for the duration of Modification 2 operations only.

Overall, the Department is satisfied that the noise impacts of the proposed modification would be minimal, and would be suitably managed under modified conditions, an ACBMP and an updated NMP.

5.2 Traffic and Transport

The existing project approval allows CSR to transport all material via the public road network. Existing conditions allow CSR to dispatch up to 60 laden brick trucks per day (ie 120 total inbound and outbound truck movements) Monday to Friday and up to 20 laden brick trucks (ie 40 total movements) on Saturdays.

The proposed modification would not change the total number of truck movements per day, or the number of laden truck movements per day. However, the modification would provide greater flexibility with respect to what loads are delivered to or dispatched from the site. The proposed changes are summarised in **Table 4** below.

Table 4: Proposed changes to truck movements

	Approved	Proposed
Total daily truck movements (in/out)	120 (Monday to Friday) 40 (Saturday)	120 (Monday to Friday) 40 (Saturday)
Laden truck movements	60 out (Monday to Friday) 20 out (Saturday)	60 in/out (Monday to Friday) 20 in/out (Saturday)
Haulage	Bricks (out) Raw materials (in)	Bricks (out) Raw materials (in/out) Finished building products (in/out)

The Department is satisfied that these changes would have a negligible impact on the local road network.

Road upgrading and maintenance

Under the original project approval, the Proponent (then Boral) was required to enter into an agreement with Council for the upgrading of Martin Road by December 2011. Due to the temporary shutdown of the facility, this agreement was not finalised. Road upgrading and maintenance requirements were subsequently amended under Modification 1. Under the modified conditions, Boral was required to:

- carry out urgent repair works on Martin Road by the end of June 2013; and
- enter into a formal agreement with Council for the upgrading and widening of Martin Road, and the payment of ongoing road maintenance contributions, prior to recommencing quarrying operations.

The urgent repair work was completed in 2013. However, the formal agreement between Council and CSR has not yet eventuated. The Department understands that CSR is currently finalising negotiations with Council to fund the widening and reconstruction of Martin Road by the end of the 2018/2019 financial year. This agreement would cover the road upgrading required for Modifications 2, 3 and 4, collectively, and include an ongoing monthly contribution for the maintenance and repair of Martin Road.

The Department has recommended modified conditions requiring CSR to formalise this agreement prior to recommencing quarrying operations at the site, and to implement the agreement over the life of the project.

The Department also acknowledges the concerns raised by ANL regarding the Elizabeth Drive intersection. However, it is noted that no increases to traffic volumes are proposed as part of

Modification 2. The current condition and performance of this intersection will be subject to detailed assessment as part of Modifications 3 and 4, and additional upgrading works may be required in conjunction with those proposals.

Conclusion

The Department has recommended modified conditions which require CSR to finalise its agreement with Council, and to prepare an updated Traffic Management Plan (TMP) for the site, prior to recommencing quarrying operations. The Department is satisfied that the traffic impacts associated with the proposal would be negligible, and would be suitably managed under modified conditions and an updated TMP.

5.3 Other Impacts

Other issues associated with the modification include potential impacts on air quality, water resources and rehabilitation. **Table 5** summarises the Department's assessment of these impacts, including recommended changes to existing conditions.

Table 5: Other Impacts

Issue	Impact and Consideration	Recommendation
<i>Air Quality</i>	<ul style="list-style-type: none"> No additional dust generation is predicted as a result of the modification. The modified development is expected to comply with existing air quality criteria. Existing conditions require CSR to implement best practice air quality management on site, to carry out real-time air quality monitoring, and to undertake a Dust Management Audit prior to commencing extraction in Pit 5. 	<ul style="list-style-type: none"> The Department has recommended conditions requiring CSR to prepare an updated Air Quality Management Plan (AQMP) for the site prior to recommencing quarrying operations. The Department is satisfied that the air quality impacts of the proposed modification would be negligible and would be suitably managed under modified conditions, and an updated AQMP.
<i>Water Resources</i>	<ul style="list-style-type: none"> CSR proposes to recommence quarrying operations in Pit 3. This would also involve dewatering and backfilling Pit 2, consistent with the approved Water Management Plan (WMP) for the site. 	<ul style="list-style-type: none"> The Department has recommended conditions requiring CSR to update its WMP prior to recommencing quarrying operations. The Department has also recommended minor amendments to existing water management conditions to reflect current drafting standards.
<i>Rehabilitation</i>	<ul style="list-style-type: none"> CSR proposes to backfill Pit 2 with overburden from Pit 3, consistent with the approved Rehabilitation Strategy for the site. However, CSR now proposes to use an engineered fill approach (ie layering and compacting the overburden) to better facilitate future redevelopment of the site. DRG stated that it was satisfied the proposal can achieve sustainable rehabilitation outcomes, and that any identified risks can be effectively regulated under CSR's mining lease. 	<ul style="list-style-type: none"> The Department is satisfied that the proposal would not result in any significant changes to CSR's existing Rehabilitation Strategy for the site. The Department has recommended conditions requiring CSR prepare an updated Rehabilitation Management Plan within 12 months of the determination of Modification 2.

6. RECOMMENDED CONDITIONS

The Department has drafted recommended Notices of Modification for MP 10_0014 and MP 10_0033 (see **Appendix D**) and consolidated versions of the project approval and concept plan approval as they are proposed to be modified (see **Appendices E** and **F**, respectively). The Department has taken the opportunity to undertake a comprehensive update of existing conditions, in consultation with CSR, to align with the Department's current drafting standards. The Department considers that the environmental impacts of the project can be appropriately managed under the modified conditions.

CSR has reviewed and accepted the recommended conditions.

7. CONCLUSION

The Department has assessed the modification applications, the EA and RTS in accordance with the relevant requirements of the EP&A Act. The Department has carefully considered the proposal's potential impacts on the natural and cultural environment and on nearby residents.

The Department has concluded that these impacts can be suitably managed under modified conditions, and an updated suite of management plans for the site. The recommended conditions would require CSR to prepare and submit the majority of these updated plans prior to recommencing quarrying operations.

On balance, the Department supports the proposal to export raw materials from the site. The Department considers that the proposal would facilitate the recommencement of quarrying operations on site and contribute to the ongoing supply of brick products for the Sydney construction market. Furthermore, the Department is satisfied that the proposed storage of finished building products would make use of the existing storage facility on site, pending the future upgrading and recommissioning of the brick making facility. The Department is satisfied that these activities may be carried out without increasing the environmental impacts of the project.

The Department is therefore satisfied that the modifications are in the public interest and should be approved, subject to conditions.

8. RECOMMENDATION

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

- **considers** the findings and recommendations of this report;
- **determines** that the modifications are within the scope of section 75W of the EP&A Act;
- **approves** the modification application of the project approval under section 75W, subject to conditions;
- **approves** the modification of the concept plan approval under section 75W, subject to conditions; and
- **signs** the attached notices of modification (**Appendix D**).

Recommended by:



Lauren Evans
Senior Planning Officer
Resource Assessments

4/5/18

Recommended by:



Jessie Evans
Team Leader
Resource Assessments

4/05/18

9. DECISION

The recommendation is: Approved / Not approved by:



Howard Reed
Director
Resource Assessments

4.5.18

as delegate of the Minister for Planning

APPENDIX A: ENVIRONMENTAL ASSESSMENTS

See: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8363 and
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9091

APPENDIX B: SUBMISSIONS

See: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8363

APPENDIX C: RESPONSE TO SUBMISSIONS

See: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8363

APPENDIX D: NOTICES OF MODIFICATION

APPENDIX E: CONSOLIDATED PROJECT APPROVAL

APPENDIX F: CONSOLIDATED CONCEPT PLAN APPROVAL
