

Department of Planning, Housing and Infrastructure

Mr Stephen Barry
Planning Director Independent Planning Commission
Via email [REDACTED]

4 December 2024

Stone Ridge Quarry (SSD-10432) Response to Request for Advice - Recommended Conditions of Consent

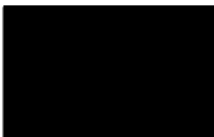
Dear Mr Barry

I refer to your letter dated 29 November 2024, seeking the Department's advice on the proposed conditions of consent for the Stone Ridge Quarry (the project) for consideration of the NSW Independent Planning Commission (the Commission), should it approve the project.

As requested by the Commission, the Department has considered workability, enforceability and any potential unintended consequences of the proposed conditions. The Department's responses to the Commission's proposed revisions to the recommended conditions are presented in the tables in Attachment A.

If you have any questions, please contact me on [REDACTED]

Yours sincerely,



Jessie Evans
Director Energy and Resource Assessments

Department of Planning, Housing and Infrastructure

Attachment A

Table 1: Department's response to the Commission's proposed revised conditions for the Stone Ridge Quarry

Condition No.	Commission's Intended Outcome	Revised Condition ¹	DPHI Comments				
Hours of Operation A11.	To align hours of operation for loading and dispatch of product trucks with the Applicant's statement on the matter during the Commission's Public Meeting. Considered prudent to further mitigate potential amenity impacts for sensitive receivers.	<p><i>Table 1: Operating hours</i></p> <table border="1"> <thead> <tr> <th>Activity</th> <th>Permissible Operating Hours</th> </tr> </thead> <tbody> <tr> <td>Loading and dispatch of product trucks</td> <td> <ul style="list-style-type: none"> 76 am to 10 pm Monday to Friday 7 am to 3 pm Saturday At no time on Sundays or public holidays </td> </tr> </tbody> </table>	Activity	Permissible Operating Hours	Loading and dispatch of product trucks	<ul style="list-style-type: none"> 76 am to 10 pm Monday to Friday 7 am to 3 pm Saturday At no time on Sundays or public holidays 	The application proposes operating hours for loading and dispatch of trucks between 6 am and 10 pm. Amenity impacts have been assessed on this basis and no exceedances of relevant criteria have been identified. Accordingly, the Department considers that the proposed change to operating hours is not warranted.
Activity	Permissible Operating Hours						
Loading and dispatch of product trucks	<ul style="list-style-type: none"> 76 am to 10 pm Monday to Friday 7 am to 3 pm Saturday At no time on Sundays or public holidays 						
NOTIFICATION OF COMMENCEMENT A13.	To ensure Council is also notified.	The date of commencement of each of the following phases of the development must be notified to the Department and Council in writing, at least one month before that date:	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.				
DEMOLITION A21.	To ensure a more recent version of the Australian Standard (should it be released) is captured.	All demolition must be carried out in accordance with <i>Australian Standard AS 2601-2001 The Demolition of Structures</i> (Standards Australia, 2001), <u>or its latest version as may be in force.</u>	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.				
Property Inspections B9.	As landowners may not be aware of their ability to seek this inspection/investigation, these proposed amendments ensure the applicant proactively makes the landowners aware.	The Applicant must advise in writing the owners of sensitive receiver R19 (Balickera House) as shown in Appendix 3 and the owners of all privately- owned land within 1 kilometre of any approved extraction area on the site that they may request a property inspection in accordance with this condition. If the Applicant receives a written request from the owners of sensitive receiver R19 (Balickera House) as shown in Appendix 3 and/ or the owner of any privately-owned land within 1 kilometre of any approved extraction area on the site for a property inspection to establish the baseline condition of any buildings and structures on their land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must:	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause. However, the Department recommends the condition is amended as follows: 'Prior to the commencement of quarrying operations, the Applicant must advise in writing the owners of sensitive receiver R19 (Balickera House) ...' The proposed amendment would link the requirement to a project milestone that is defined in the consent (i.e. quarrying operations).				
Property Investigations B11.		<u>The Applicant must advise in writing the owners of all privately-owned land within 2 kilometres of any approved extraction area on the site that they may request a property investigation in accordance with this condition.</u> If the owner of any privately-owned land within 2 kilometres of any approved extraction area on the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the Applicant must:	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause. However, the Department recommends the condition is amended as follows: 'Prior to the commencement of quarrying operations, the Applicant must advise in writing the owners of all privately-owned land...' The proposed amendment would link the requirement to a project milestone that is defined in the consent (i.e. quarrying operations).				
Blast Operating Conditions B14.	Adding proposed new point (a)(i) makes the applicant aware of potential cumulative impacts arising from blasting activities and that they must coordinate with other quarries to minimise blasting impacts. This is also consistent with the Applicant's Blast Impact Assessment.	(i) <u>consult and coordinate with nearby quarries within the locality to ensure blasting activities are conducted in a manner to minimise interference with the amenity of the locality;</u>	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.				

¹ Additions in bold and underline. Deletions in strikethrough

Condition No.	Commission's Intended Outcome	Revised Condition ¹	DPHI Comments
Quarry owned Land B19.	Amended to reflect that the Site is not owned by the Quarry.	The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria in Table 4 at any occupied residence on quarry-owned land <u>the Site</u> unless:	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.
NEW CONDITION B24.	The Commission is seeking to ensure the Applicant undertakes water testing as committed to during the Public Meeting for the project. Baseline testing will also assist with any potential future disputes. Receivers R1 to R23 are specified as this is consistent with the receivers considered in the Air Quality Assessment in the EIS.	<u>Prior to the commencement of any work s, the Applicant must undertake potable water supply testing on water tanks located at sensitive receivers R1 to R23 as identified in Appendix 3 to establish a water quality baseline against which to monitor and assess potential water quality impacts arising from the proposed development. Testing must be undertaken by a qualified, experienced and independent professional with results and testing reports provided to the landowners and Planning Secretary . If landowner consent for potable water testing is not provided by the relevant sensitive receiver, evidence of this and/or the Applicant's engagement with the sensitive receiver seeking to undertake the testing must be provided to the Planning Secretary. </u>	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause. However, the Department recommends the condition is amended as follows: <i>'Prior to the commencement of <u>any works construction</u>, the Applicant must undertake...'</i> The proposed amendment would link the requirement to a project milestone that is defined in the consent (i.e. construction).
NEW CONDITION B25.		<u>If there is a dispute over the selection of the suitably qualified, experienced and independent professional as identified in condition B24, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution</u>	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause. However, the Department recommends the condition is amended as follows: <i>If there is a dispute over the selection of the suitably qualified, experienced and independent professional as identified in condition B24, or the Applicant or the landowner disagrees with the findings of the <u>property inspection water quality</u> report, either party may refer the matter to the Planning Secretary for resolution.</i>
Transport Route B34. (to become B36.)	To address Council, community and Panel concerns regarding traffic safety.	Prior to transporting any quarry products from the site on public roads, the Applicant must: (a) ensure the intersection at the junction of The Pacific Highway and Italia Road is upgraded to the satisfaction of TfNSW <u>including restricting heavy vehicles to left in and left out access and egress to the Pacific Highway</u> ; and (b) ensure the intersection of Hamburger Trail and Italia Road is upgraded in accordance with the EIS and the latest Austroads standards. <u>This includes ensuring:</u> (i) <u>heavy vehicles and haulage trucks leaving the site turn left only onto Italia Road; and</u> (ii) <u>heavy vehicles and haulage trucks entering the Site turn right only from Italia Road</u> .	The Department considers that the proposed amendment to condition B34 (a) is unworkable and may have unintended consequences. The proposed amendment to the condition implies that the upgrade of the Italia Road / Pacific Highway intersection would include physical restrictions on heavy vehicle turning. In practice, the turning restrictions on heavy vehicles turning travelling to and from the quarry would be achieved via operational controls implemented through the Traffic Management Plan and Drivers Code of Conduct. The proposed upgrade of the Italia Road / Pacific Highway intersection would not restrict heavy vehicles from turning right onto the Pacific Highway. Non-quarry related heavy vehicles would still be permitted to turn right out of Italia Road onto the Pacific Highway once the intersection is upgraded. Further, there is an existing right turn into Italia Road southbound off the Pacific Highway that would remain in place once the intersection is upgraded. Again, heavy vehicles would still be permitted to utilise this right turn into Italia Road. The Department considers that the proposed amendment to condition B34 (b) is workable and enforceable and is not aware of any intended consequences.
Traffic Management Plan B36. (to become B38.)	To address Council, community and Panel concerns regarding compliance monitoring and enforcement for the project's transport route.	(c) include details of: (i) construction related traffic management measures;	The Department acknowledges the need to ensure all quarry trucks adhere to the proposed road haulage route and generally supports the intent of the condition. The Department notes however it may be difficult for the applicant to ensure all heavy vehicles (particularly contractor vehicles) accessing the

Condition No.	Commission's Intended Outcome	Revised Condition ¹	DPHI Comments
		<p>(ii) all transport routes and traffic types to be used for development-related traffic, <u>and GPS tracking to monitor compliance with the required transport routes. This must include details of how GPS tracking will be installed in all heavy vehicles and haulage trucks</u> ;</p> <p>(d) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:</p> <p>(i) adhere to posted speed limits or other required travelling speeds;</p> <p>(ii) adhere to designated transport routes and travel times, <u>including GPS tracking</u> ; and</p>	<p>site have GPS tracking and are able to readily provide GPS tracking data on request.</p>
Traffic Management Plan B38. (to become B40.)		The Applicant must implement the approved Traffic Management Plan <u>and ensure that GPS data tracking of the transport routes for heavy vehicles and haulage trucks is collected to ensure compliance with the approved transport routes. The GPS data is to be made available to Council, TfNSW and the Planning Secretary upon request.</u>	The Department considers the proposed amendments to condition B38 may not be workable. Given the quarry would operate as a commercial quarry, it may be difficult for the applicant to ensure all heavy vehicles (particularly contractor vehicles) accessing the site have GPS tracking and are able to readily provide GPS tracking data on request.
Biodiversity Management Plan B48 (to become B50)	Minor amendment to capture the process for monitoring, reviewing, and implementing the plan.	(h) include details of <u>the process and</u> who would be responsible for monitoring, reviewing, and implementing the plan.	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.
Rehabilitation Management Plan B53 (to become B55)	Minor amendment to: <ul style="list-style-type: none"> ensure adaptive management for rehabilitation is considered; and capture the process for monitoring, reviewing, and implementing the plan. 	<p><u>(g) include an adaptive management framework for rehabilitation of the site;</u></p> <p>(h)(i) <u>include details of the process and</u> who would be responsible for monitoring, reviewing, and implementing the plan.</p>	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.
VISUAL B60 (to become B62)	To refer to most recent version of the standard.	(b) ensure that all external lighting associated with the development complies with relevant Australian Standards including <u>Australian/New Zealand Standard AS/NZS 4282:2023: Control of Obtrusive Effects of Outdoor Lighting</u> , or its latest version as may be in force Australian Standard AS4282 (INT) 1997 - Control of Obtrusive Effects of Outdoor Lighting ;	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.
INDEPENDENT REVIEW C3	Water quality criterion also considered to be prudent in this condition.	If a landowner considers the development to be exceeding any noise, blasting, <u>water quality</u> or air quality criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their land.	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.
ACCESS TO INFORMATION D17	New D17(a)(iii) for the community to be aware of the construction progress	<p>(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:</p> <p>(i) the document/s listed in condition A2(c);</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) <u>construction progress updates at appropriate milestones, including any substantial delays;</u></p>	The Department considers the condition is workable and enforceable and is not aware of any unintended consequences that it may cause.