



APPENDIX B –
DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT LETTER –
MATTERS FOR CONSIDERATION

Mr Phil Towler
Associate Director
EMM Consulting
20 Chandos Street
St Leonards NSW 2065

05/05/2020

Dear Mr Coombes

Luddenham Shale and Clay Quarry DA 315-7-2003 – Modification 5

I refer to your Scoping Report dated 16 March 2020 prepared for the Coombes Property Group, concerning a proposed modification to the Luddenham Shale and Clay Quarry development consent (DA 315-7-2003), located at 275 Adams Road in Luddenham. I understand that this modification request seeks to relocate the site access and extend the project life for a further five years.

The Department understands that the proposed modification is seeking to relocate the quarry access point to a different road, and notes that road transport impacts were a material consideration in the original assessment of the project and remain an important consideration in relation to public safety, amenity and road network functionality. In addition, the modification would materially extend the duration of operations by a further 25% on the currently approved operational life, with associated prolonging of amenity impacts at surrounding receiver locations and impacts on road users. While the physical disturbance footprint of the modification may be relatively small, the Department considers that the modification application falls within the scope of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

The Department has reviewed the Scoping Report and proposed assessment approach. The Department is satisfied with the proposal to provide qualitative assessments of visual, heritage, hazards, waste and social impacts, noting that a proportionate amount of information is needed to ascertain the relative impacts of the modification. However, the Department notes that the regional context, site surrounds and planning considerations have changed substantially since the development was originally approved, modified and subsequently ceased operations.

The proposed Modification 5 is seeking to extend the duration of quarrying by a further 5 years, which would mean that it would potentially be operating concurrently with the adjacent Western Sydney Airport. The Department considers this to be a material change in the operating environment of the quarry and requests that you consider appropriate management and mitigation methods (eg for dust, wildlife, wind shear, lighting, etc) to ensure the ongoing quarry operations are compatible with surrounding land uses and reflect consideration of relevant planning objectives under the *Draft Western Sydney Aerotropolis Plan* (as may be amended or supplemented from time to time).

The Department requires that the Modification Report provide robust and contemporary assessments of the predicted impacts of the modified project in the current setting and with the operation of the adjacent airport, including but not limited to air quality, noise, surface water, groundwater, lighting, biodiversity, agricultural impacts, final landforms and land use compatibility.

In addressing these matters, the Department requests that the Modification Report includes:

- a detailed Traffic Impact Assessment that includes:
 - the predicted impact of the modification on the capacity and safety of the Elizabeth Drive/Adams Road and Adams Road/Northern Road intersections;
 - road safety impacts of trucks turning into/out of the access road/Adams Road intersection;
 - consideration of changes in traffic volumes and routes in the area, including cumulative traffic impacts associated with other developments such as the Western Sydney Airport;
- a detailed Air Quality Impact Assessment, that includes:
 - assessment of construction and operational air quality impacts, in accordance with the *Approved Methods for Modelling and Assessment of Air Pollutants in NSW* (EPA, 2016) and

- with a particular focus on PM_{2.5} and PM₁₀ emissions over the prolonged operational life, and having regard to the *Voluntary Land Acquisition and Mitigation Policy*;
- the assessment of the proposed modification's air quality emissions should consider:
 - current zoning and residential properties;
 - future zoning / land use and remnant residential properties; and
 - review the proposed air quality impacts and mitigation requirements;
 - a detailed Noise Impact Assessment, that includes:
 - assessment of road traffic and construction noise in accordance with the *Road Noise Policy* and *Interim Construction Noise Guideline*;
 - the assessment of the proposed modification's operations against Project Noise Trigger Levels in accordance with the *Noise Policy for Industry* should consider:
 - current zoning and residential properties;
 - future zoning / land use and remnant residential properties; and
 - review the proposed noise impacts and mitigation requirements;
 - a detailed assessment of the proposed rehabilitation of the site including consideration of how the final landform and land use will meet the objectives of the Agribusiness Precinct detailed in the *Draft Western Sydney Aerotropolis Plan*; and
 - a qualitative surface and groundwater impact assessment, paying particular note to the relative impacts of approved vs modified project.

In relation to the assessment of biodiversity impacts, the Department is satisfied that a qualitative assessment can be undertaken if the modification is proposed in such a way as to avoid any additional impacts or disturbance of native flora or potential threatened species habitat. Importantly, the Department notes that the site contains known Southern Myotis habitat and nest areas and considers that any additional impacts to biodiversity beyond those already approved would need to be considered and quantified in the Modification Report, with demonstrated application of the efforts undertaken to avoid, mitigate and if necessary offset these impacts.

In relation to Biophysical Strategic Agricultural Land (BSAL), the Department is not satisfied with the level of information provided to date to support the absence of BSAL on the site, particularly given the proposed agribusiness land use detailed in the *Draft Western Sydney Aerotropolis Plan*. Consequently, in the absence of any further supporting information the Department considers that a Site Verification Certificate must be obtained prior to lodging the Modification Report.

Finally, the existing Development Consent requires a report to be prepared and submitted to the Department identifying the final land use of the site and method of treatment for the final void, 5 years prior to scheduled quarry closure. While the Department acknowledges that the Coombes Property Group has recently acquired the site, I wish to advise that this report is now overdue. Accordingly, the Department requests this report be prepared and submitted in conjunction with, but severable from, the Modification Report. This would mean that regardless of the outcome of the Modification 5, an appropriate closure report covering the current context, final landform and future land uses of the site that could be implemented at an appropriate time under the existing or modified consent.

I would encourage you to consult with all relevant government agencies during the preparation of your Modification Report and note that this report should be lodged through your dashboard on our new major projects website (<http://www.planningportal.nsw.gov.au/major-projects>).

If you require further information, please contact Nagindar Singh on 8289 6873.

Yours sincerely



Matthew Spratt
Director
Resource Assessments
as nominee of the Secretary