

ASSESSMENT REPORT POSSUM BRUSH QUARRY

Additional Extraction Area Modification (DA 283/97 MOD 3)

1 BACKGROUND

Pacific Blue Metal Pty Limited (Pacific Blue Metal) owns and operates the Possum Brush Quarry, located approximately 2 kilometres west of the Pacific Highway at Possum Brush, in the Greater Taree local government area (see Figure 1).

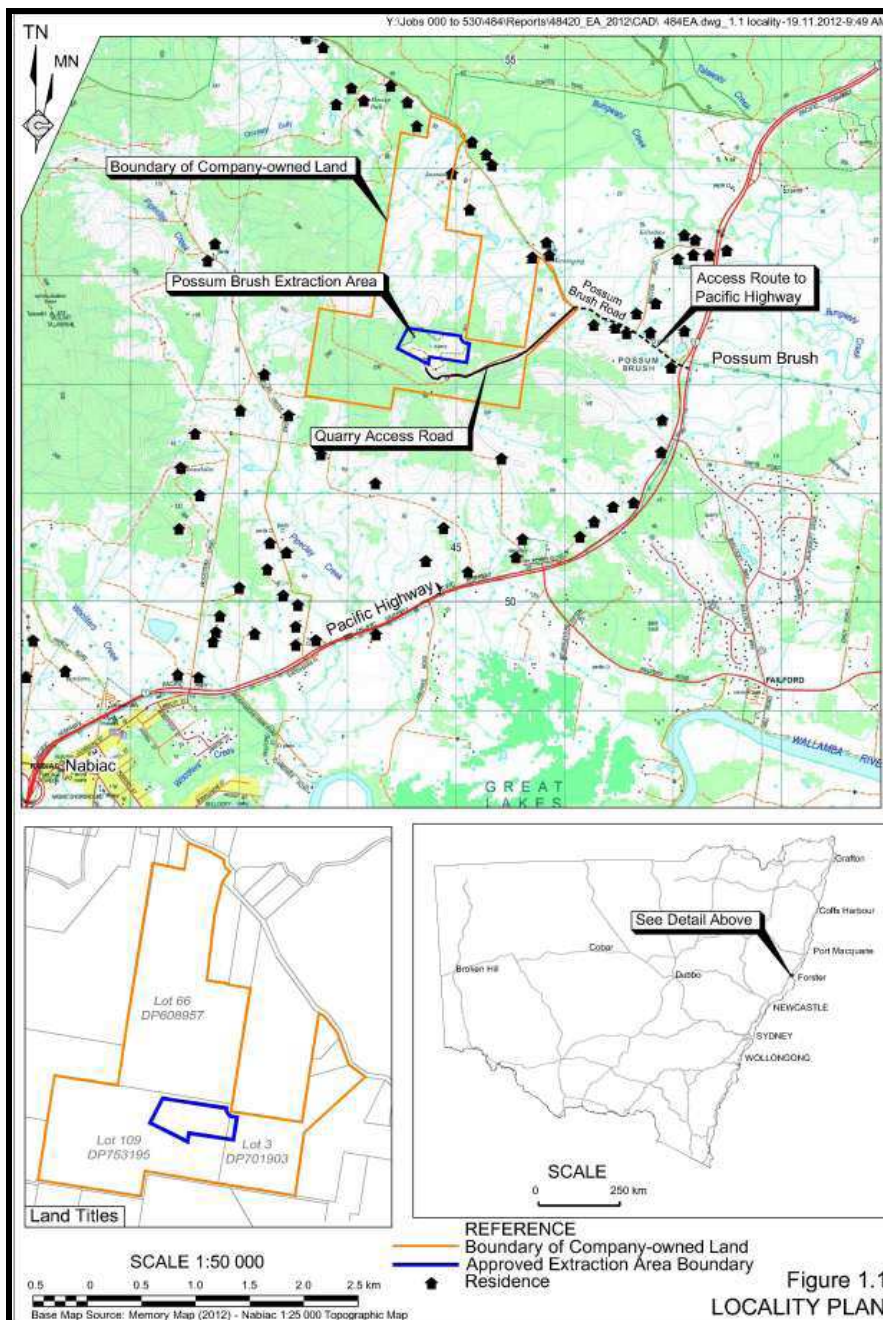


Figure 1: Location of the Possum Brush Quarry

The quarry has been in operation under a Ministerial development consent (DA 283/97) since 1998. The development consent has been modified twice: firstly to upgrade and rehabilitate Possum Brush Road; and secondly to alter the timing and the rate of the road maintenance contribution payable by Pacific Blue Metal to Greater Taree Council.

The consent, as modified, allows Pacific Blue Metal to:

- extract 200,000 tonnes of hard rock a year for 21 years (until 2019);
- process and stockpile the extracted material on site; and
- transport product material by road to local and regional markets

The consent also requires the quarry to comply with strict noise, air quality, vegetation removal and water quality limits, and to rehabilitate the site.

2 PROPOSED MODIFICATION

On 27 November 2012, Pacific Blue Metal submitted a modification application under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for a minor extension to its approved extraction area (shown in red on Figures 2 and 3). The proposed modification would involve the extraction of approximately 30,000 tonnes of weathered greywacke rock in an area of 1,120 m², to create an access road immediately south of the quarry's workshops to separate traffic in and around the workshop, weighbridge and processing area.

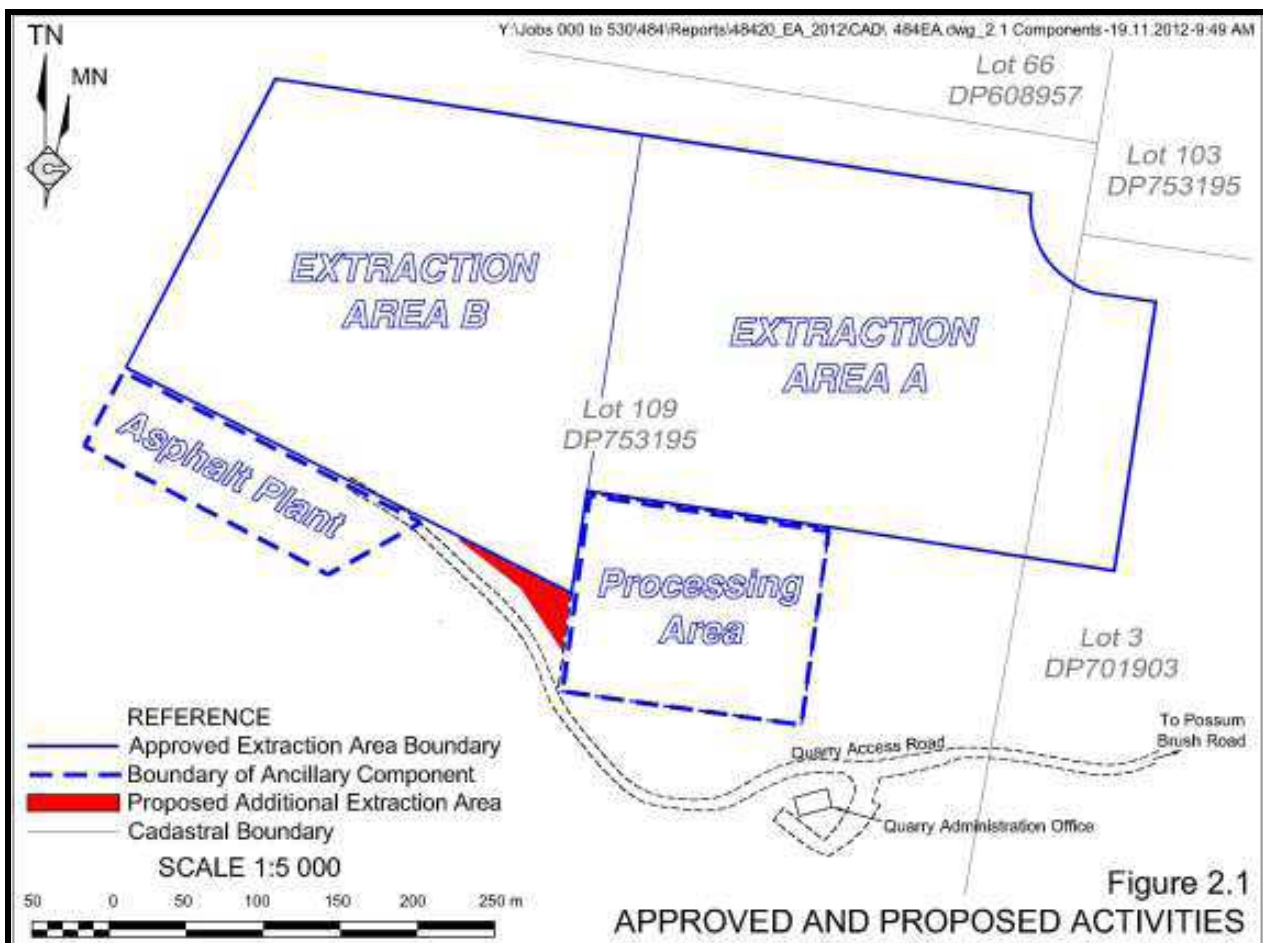


Figure 2: Proposed modification area

Off-road haul trucks at the quarry are directed from the processing plant with crushed or blended products to the site stockpile area northwest of the site workshops. Further, these haul trucks are required to travel through the processing area to deliver products to an on-site pug mill. Light vehicles (eg service suppliers) are also required to travel through this area to reach the processing plant, which leads to this area being congested during peak periods.

Therefore the proposed modification would allow light vehicles to be redirected to the south of the workshops (see Figure 3) and away from other quarry traffic, which would reduce traffic congestion in the processing area.

The proposed extraction activities would be undertaken over a two month period. The proposed modification would not involve any other changes to quarrying activities, does not seek to increase the approved production limit or alter the approved hours of operation.



Figure 3: Location of the proposed modification in relation to the workshops

3 STATUTORY CONTEXT

3.1 Clause 8J(8)

Under Clause 8J(8)(a) of the *Environmental Planning and Assessment Regulation 2000*, section 75W of the EP&A Act (although repealed) continues to apply to any modification of a development consent which was granted by the Minister under section 101 of the EP&A Act. The Possum Brush Quarry consent (DA 283/97) was granted under section 101. In accordance with clause 12 of Schedule 6A of the EP&A Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 continues to apply to any such modification. Consequently, section 75W of the EP&A Act is the appropriate statutory provision under which this modification application must be determined.

3.2 Approval Authority

Under section 75W of the EP&A Act, the Minister for Planning and Infrastructure is the approval authority for this modification application. However, under the Minister's delegation of 14 September 2011, the Director, Mining and Industry Projects, can determine the application.

3.3 Modification

The Department has considered the nature of the proposed modification and is satisfied that it can be characterised as a modification to the original development. In this respect, the Department notes that there would be no change to the approved extraction methods, no increase in production, no change to processing or transportation systems, and the resulting environmental impacts would be substantially the same as the approved development. Consequently, the Department is satisfied that the proposed modification is within the scope of section 75W of the EP&A Act.

4 CONSULTATION

Under Section 75W of the EP&A Act, the Department is not obliged or required to undertake formal notification or to exhibit the application. Given the minor nature of the proposed modification, the Department did not undertake any formal public consultation. However, the Department placed the

application on its website, and notes the in-principle support given to the proposal by Greater Taree Council (see Council's letter to Pacific Blue Metal in the environmental assessment (EA), at **Appendix B**).

No public or special interest group submissions were received.

5 ASSESSMENT

The Department's assessment of relevant issues is summarised in Table 1 below.

Table 1: Consideration of Assessment Issues

Issue	Consideration	Recommendations
<i>Noise</i>	<ul style="list-style-type: none"> The extraction of the additional material would be undertaken using existing equipment used in the normal extraction operations of the quarry. Noise levels at the quarry have consistently complied with applicable limits and the proposal is not expected to increase the overall noise level. 	<ul style="list-style-type: none"> No change to existing conditions is necessary. The quarry's Environmental Protection Licence (EPL) would continue to effectively regulate noise impacts.
<i>Air Quality</i>	<ul style="list-style-type: none"> The proposed modification does not seek to change the production rate or any of the quarry's operating processes. Therefore no additional air quality impacts would be expected. The quarry's shielded location and the substantial amount of native vegetation surrounding it would also reduce the potential for increased air quality impacts in the surrounding area. 	<ul style="list-style-type: none"> No change to existing conditions is necessary. The quarry's EPL would continue to effectively regulate air quality impacts.
<i>Surface Water</i>	<ul style="list-style-type: none"> Surface water runoff from the proposed additional extraction area would be directed to the existing site dam. Upslope runoff from the proposed additional extraction area would be limited, as the site access road collects the bulk of the upslope runoff and diverts it to the site water management system. Appropriate drainage structures would be installed to direct runoff from the extraction area and its upslope surrounds. 	<ul style="list-style-type: none"> No change to existing conditions is necessary. The quarry's EPL would continue to effectively regulate water quality at the quarry.
<i>Visual</i>	<ul style="list-style-type: none"> The proposed additional extraction area is shielded visually from surrounding residences and the public road network. Therefore the proposed modification is unlikely to increase the visual impact of the quarry. 	<ul style="list-style-type: none"> No change to existing conditions is necessary.
<i>Biodiversity</i>	<ul style="list-style-type: none"> The additional extraction area is already largely cleared due to bushfire regulations. Clearing of a minimal amount of scrub and four regrowth trees would be required. As only low scrub and regrowth vegetation is proposed to be cleared, the proposed modification is expected to have a negligible biodiversity impact. 	<ul style="list-style-type: none"> No change to existing conditions is necessary.
<i>Site safety</i>	<ul style="list-style-type: none"> The proposed modification would separate off-road haul trucks and light vehicles within the processing area. The risk of vehicle accidents occurring would accordingly be reduced. 	<ul style="list-style-type: none"> No change to existing conditions is necessary

6 RECOMMENDED CONDITIONS

The Department has recommended modified conditions of consent for the Possum Brush Quarry. These modified conditions are largely administrative in nature, and require the proposed modification to be undertaken generally in accordance with the EA for the proposal. The consent as proposed to be modified is set out in **Appendix A**.

7 CONCLUSION

The Department has assessed the modification application in accordance with the relevant requirements of the EP&A Act. The Department is satisfied that the proposed modification is justified, and should be approved as it would allow a safer internal road network to be developed on site. The Department is also satisfied that the proposed modification would have either nil or negligible increased impacts to current noise levels, air quality, surface water, visibility or biodiversity, either at the quarry or within its surrounds.

The Department considers that these impacts would be able to be successfully managed under the existing conditions of consent.

8 RECOMMENDATION

It is RECOMMENDED that the Director, Mining and Industry Projects:

- **considers** the findings and recommendations of this report;
- **determines** that the proposed modification is within the scope of section 75W of the EP&A Act;
- **approves** the proposed modification under section 75W of the EP&A Act; and
- **signs** the attached Notice of Modification (see **Appendix C**).

Howard Reed

Howard Reed 10.12.12
Manager
Mining Projects

David Kitto 12/12/12

David Kitto
Director
Mining and Industry Projects

**APPENDIX A: PROPOSED MODIFIED DEVELOPMENT
CONSENT (DA 283/97)**

APPENDIX B: ENVIRONMENTAL ASSESSMENT

APPENDIX C: NOTICE OF MODIFICATION
