

RESPONSE TO SUBMISSIONS

for

Proposed Modification No 2 (MOD2) to DA 344-11-2001 (Wallerawang Quarry)

Prepared by:



R.W. CORKERY & CO. PTY. LIMITED

November 2018

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RESPONSE TO SUBMISSIONS

for

Proposed Modification No 2 (MOD2) to DA 344-11-2001 (Wallerawang Quarry)

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November 2018



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LIST OF ACRONYMS

AHD	Australian Height Datum
DA	Development Approval
DPE	Department of Planning and Environment
EA	Environmental Assessment
MOP	Mining Operations Plan
SoEE	Statement of Environmental Effects



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1. INTRODUCTION

Walker Quarries Pty Ltd (the Applicant) submitted a Proposed Modification (MOD 2) to Development Approval (DA) 344-11-2001 on 26 September 2018 under the provisions to modify a State Significant Development consent that to which Part 3A of the *Environmental Planning and Assessment Act 1979* formerly applied.

The Proposed Modification was accompanied by a *Statement of Environmental Effects* prepared by R.W. Corkery and Co. Pty Limited (RWC) hereafter referred to as RWC (2018). MOD 2 proposes an extension to the term of *Condition 2(5)* of DA 344-11-2001 to 15 July 2020. All other operations and activities undertaken on the Quarry Site would remain unchanged, including the proposed rehabilitation of the Quarry.

The Proposed Modification was publicly exhibited on the Department of Planning and Environment's (DPE) 'Major Project Assessment' website from 22 October 2018 to 5 November 2018. During the exhibition period, submissions were received from the following government agencies (**Appendix 1**).

- DPE - Division of Resources and Geoscience.
- DPE – Resources Regulator.
- Environment Protection Authority.
- Roads and Maritime Service.
- Office of Environment and Heritage.
- Forestry Corporation of NSW.
- Lithgow City Council.
- WaterNSW

The proposed modification was also advertised in the local newspaper, The Lithgow Mercury on 9 October 2018. No submissions from other organisations or members of the public were received.

This document has been prepared by RWC on behalf of the Applicant to provide a response to each of the submissions received. In order to facilitate review of this document, text drawn from submissions received is presented as italicised text. The Applicant's response is presented in non-italicised text.

2. GOVERNMENT AGENCY SUBMISSIONS

2.1 DEPARTMENT OF PLANNING AND ENVIRONMENT - DIVISION OF RESOURCES AND GEOSCIENCE

Representative Comment(s)

The Division has assessed the resource and economic impacts related to the Project as outlined in SEE and makes the following assessment. The Proponent states that employment at the quarry currently amounts to six full-time equivalent personnel. The proposed modification

would provide continued employment for one more year for these workers. Consequently, it would provide an additional year of employment effects at the local level, both regarding the direct impact on workers' income, and the flow-on employment created as some of this income is spent in the local economy. Similarly, the wider economic benefits to the local area in the form of demand for goods and services would also be perpetuated for another 12 months. The Proponent's stated intention is that the additional 12 months would allow for the preparation of a proposal for a larger modification, without the need to put the operation on care and maintenance.

At the state level, the main economic effects of the modification would be in terms of royalty payments. The Proponent's production schedule estimates output of around 260,000 tonnes of product during the term of the modification. This would represent a significant increase from production in 2017-2018 of around 70,000 tonnes. If the 260,000 tonnes were produced, it would equate to around A\$180,000 in royalties to the NSW Government. There would also be the potential for employment numbers to increase as output rose.

Response

The Applicant notes the Division's comments.

2.2 DEPARTMENT OF PLANNING & ENVIRONMENT – RESOURCES REGULATOR

Representative Comment(s)

The Resources Regulator notes an inconsistency in the SEE which may require clarification by the proponent. Specifically, the statement that MOD 2 will;

- "not require any changes to the approved operations and ... would not result in any additional impact on the biophysical environment",*

appears inconsistent with changes in Table 5 - Summary of Rehabilitation , of the SEE which identifies that changes during the extended Mining Operations Plan (MOP) period will be:

- An increase in Domain 6I - 'Open Cut Void - Final Void' size from 1 ha to 2ha.*
- A decrease in Domain 6E - 'Open Cut Void - Woodland' size from 3ha to 2ha*

A decrease in Domain 9 - Conservation and Biodiversity Offset Areas from 27.3 ha to 26.3ha (Note - it appears this may be a duplicate area to the Domain 6E decrease, above).

Response

The Applicant notes that there was a mathematical error made when calculating the areas of Domains 6I and 6E. The corrected figures are presented in **red** in **Table 1**.

Table 1
Rehabilitation Domain Areas

Summary of Rehabilitation Primary Domain	Secondary Domain	Rehabilitation Phase	Start of MOP ¹ (ha)	End of MOP ¹ (ha)	End of Extended Term
...
6 – Open Cut Voids	I – Final Void	Active	0.6	1.0	1.8
		Total	0.6	1.0	1.8
	E – Woodland	Active	2.1	3.0	3.2
		Total	2.1	3.0	3.2
9 – Conservation and Biodiversity Offset Areas	J – Conservation and Biodiversity Offset Areas	Active	28.6	27.3	26.3
		Total	28.6	27.3	26.3
Grand Total			44.3	44.3	44.3
Note 1: MOP = Mining Operations Plan.					
Source: Walker Quarries Pty Ltd.					

Changes in area from the End of MOP to the End of Extended Term are as follows.

- An increase in Domain 6I - ‘Open Cut Void – Final Void’ size from 1.0ha to 1.8ha.
- An increase in Domain 6E – ‘Open Cut Void – Woodland’ size from 3.0ha to 3.2ha.
- A corresponding decrease in Domain 9 – ‘Conservation and Biodiversity Offset Areas’ size from 27.3ha to 26.3ha.

These differences in domain areas between the end of the MOP term on 15 December 2019 and the end of the proposed extended term of Development Approval (DA) 344-11-2001 on 15 July 2020 are due to the identification of a small area within the approved Extraction Area that could be cleared and developed over the extended term of the MOP beyond 15 December 2019. Following approval of the Proposed Modification, the Applicant would amend the MOP to match the extended term of DA 344-11-2001 and to reflect these changes in domain areas. This is stated in Section 3.3.4 of the *Statement of Environmental Effects* (SoEE).

Over the term of the proposed modification, the extraction will extend no further to the north and west than identified in the MOP, however, some extension to the east and south may be undertaken. This extraction areas remains within the limits approved by DA 344-11-2001 and identified in the MOP. The Applicant intends on making an application to amend the MOP following the approval of the proposed modification to extend the term of the MOP to July 2020 and account for any minor changes to the extraction area.

Since the areas of disturbance proposed in the SoEE that are additional to those stated in the MOP are still within the total area approved to be disturbed by DA 344-11-2001, and since the MOP would be amended to reflect these changes following approval, the Proposed Modification would not require any changes to the approved operations and so would not result in any additional impact on the biophysical environment.

Representative Comment(s)

The Resources Regulator requests that condition 31 of DA 344-11-2001 be modified to ensure a revised Rehabilitation Management Plan (or equivalent Mining Operations Plan) be submitted to the Resources Regulator for approval within three months of the determination of Modification 2, unless the Secretary agrees otherwise;

Response

It is anticipated that minimal changes will be required for the MOP. The Applicant would submit a revised MOP to the Resources Regulator for approval within three months of the determination of MOD 2.

2.3 ENVIRONMENT PROTECTION AUTHORITY

Representative Comment(s)

The EPA has reviewed the Statement of Environmental Effects (R.W. Corkery, October 2018) and understands that [Environment Protection Licence 13172] does not require modification. As such, the EPA has no comment regarding the Modification Application.

The EPA would however, like to draw the Proponent's attention to consent condition 34 which requires bunds and a vegetation screen. The EPA understands that the vegetation screen is not in a satisfactory condition.

Response

It is noted that the vegetation screen is not part of the MOD 2 submission. It is further noted that the required application of hydro mulching material was completed to the satisfaction of the Resources Regulator and that an extended period of no rainfall has contributed to the current condition of the vegetation screen.

2.4 ROADS AND MARITIME SERVICE

Representative Comment(s)

Roads and Maritime does not object to the proposed modification and makes no submission.

Response

The Applicant notes the Roads and Maritime Service's comments.

2.5 OFFICE OF ENVIRONMENT AND HERITAGE

Representative Comment(s)

Given that the proposed modification will have no additional impact on biodiversity, Aboriginal cultural heritage, or flooding and hydrology, OEH has no specific comments for consideration by DPE.

Response

The Applicant notes the Office of Environment and Heritage's comments.

2.6 FORESTRY CORPORATION OF NSW

Representative Comment(s)

FCNSW has no comment further to what has been included within the Environmental Assessment (EA). We confirm consultation on the modification was sought by Wallerawang Quarry and FCNSW provided comment directly to the consultant, which has been included in the EA.

Response

The Applicant notes Forestry Corporation of NSW's comments.

2.7 LITHGOW CITY COUNCIL

Representative Comment(s)

Council Officers consider the Environmental Assessment adequately highlights the relevant issues, and has no objection to the project subject to Council's original conditions remaining on the consent.

Response

The Applicant notes Lithgow City Council's comments.

2.8 WATERNSW

Representative Comment(s)

WaterNSW appreciates the opportunity to review the Modification Application and Statement of Environmental Effects prepared by R.W. Corkery & Co. Pty Ltd (dated October 2018) and notes that the modification would not require any changes to the approved operations, area of disturbance, annual production limit or approach to rehabilitation of the site and would continue within the existing Mining Operations Plan. WaterNSW therefore considers the

carrying out of the proposed modification would have a neutral or beneficial effect on water quality provided existing mitigation measures continue to be implemented.

WaterNSW notes that Wallerawang Quarry intends to submit a further modification in 2019 to access the 3.5Mt quartzite resource which remains in situ. WaterNSW would appreciate being consulted on this further modification at each stage of the assessment, to ensure the opportunity for an outcome of a stable and non-polluting site.

Response

The Applicant notes WaterNSW's comments and will continue to consult with the relevant government agencies regarding ongoing modifications to operations at Wallerawang Quarry.

3. REFERENCES

R.W. Corkery & Co Pty Limited (RWC) 2018. *Statement of Environmental Effects for Proposed Modification No 2 (MOD 2) to DA 344-11-2001 (Wallerawang Quarry)*, January 2018.

Appendix 1

Government Agency Submissions

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**Planning &
Environment**
Resources & Geoscience

DOC18/843509

Ingrid Berzins
Environmental Assessment Officer
Resource Assessments - Planning Services Division
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Ingrid.Berzins@planning.nsw.gov.au

Dear Ingrid

Re: Wallerawang Quarry Modification 2 – Review of Statement of Environmental Effects
Dev Ref: DA 344-11-2001 MOD 2

I refer to your email dated 18 October 2018 inviting the Division of Resources & Geoscience (the Division) to provide comments on the Wallerawang Quarry Modification 2 (the Project or Modification) Statement of Environmental Effects (SEE) submitted by Walker Quarries Pty Ltd (the Proponent).

The relevant units internal to the Division have been consulted where required in generating this advice. Further, the Department of Planning and Environment - Planning Services Division and the Proponent should be aware that matters pertaining to rehabilitation, final landform, environmental impacts of subsidence, subsidence management, mine operator and safety are assumed and assessed by the Resources Regulator.

The Division has issues of concern regarding the proposed Modification as it will not result in any changes to the size of the approved quarry footprint, quarrying methods, staged extraction or operating hours.

The Division has assessed the resource and economic impacts related to the Project as outlined in SEE and makes the following assessment. The Proponent states that employment at the quarry currently amounts to six full-time equivalent personnel. The proposed modification would provide continued employment for one more year for these workers. Consequently, it would provide an additional year of employment effects at the local level, both regarding the direct impact on workers' income, and the flow-on employment created as some of this income is spent in the local economy. Similarly, the wider economic benefits to the local area in the form of demand for goods and services would also be perpetuated for another 12 months. The Proponent's stated intention is that the additional 12 months would allow for the preparation of a proposal for a larger modification, without the need to put the operation on care and maintenance.

At the state level, the main economic effects of the modification would be in terms of royalty payments. The Proponent's production schedule estimates output of around 260,000 tonnes of product during the term of the modification. This would represent a significant increase from production in 2017-2018 of around 70,000 tonnes. If the 260,000 tonnes were produced, it would equate to around A\$180,000 in royalties to the NSW Government. There would also be the potential for employment numbers to increase as output rose.

Additional Information:

The Division collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

The Division notes that DA 344-11-2001 includes the requirement for Walker Quarries to provide production data as per the existing *Condition 12(a)*:

In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data, including tonnages for each size fraction of aggregate produced for the subject site to the Division as a condition of any new or amended development consent.

For enquiries regarding this matter please contact the Assessment Coordination Unit on (02) 4063 6534 or assessment.coordination@planning.nsw.gov.au

Yours sincerely



Mr. Matthew Gagan
A/Manager Assessment Coordination
5 November 2018

for
Dr David Blackmore
A/Executive Director Resource Operations
Division of Resources & Geoscience



Our Ref: DOC18/842499
MCV18/1231

Ingrid Berzins
Environmental Assessment Officer
Resource Assessments
Planning Services
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

By email: ingrid.berzins@planning.nsw.gov.au

Wallerawang Quarry MOD 2 (DA 344-11-2001) – Request for Comments and Recommended Conditions of Consent

Dear Ingrid,

I refer to the Department of Planning and Environment – Resources Assessments (DPE – Resources & Assessment) email dated 18 October 2018 inviting the Resources Regulator to provide comments and recommended conditions of consent for Project **Wallerawang Quarry MOD 2**.

Development Details

The Wallerawang Quarry is an open cut operation located approximately 4 kilometres from Wallerawang, NSW. The Wallerawang Quarry MOD 2 proposes a 12 months time extension to the existing Development Consent. Quarrying operations at Wallerawang Quarry are currently permitted to 15 July 2019. The Modification seeks to extend this to 15 July 2020.

Environment and Rehabilitation

The Compliance Operations unit within the Resources Regulator has responsibility for providing strategic advice for environmental issues pertaining to the proposed project in so far as they relate to or affect rehabilitation.

The Resource Regulator has determined that sustainable rehabilitation outcomes can be achieved as a result of the project and that any identified risks or opportunities can be effectively regulated through the conditions of mining authorities issued under the *Mining Act 1992*.

The Resources Regulator notes an inconsistency in the SEE which may require clarification by the proponent. Specifically, the statement that MOD 2 will;

- “not require any changes to the approved operations and... would not result in any additional impact on the biophysical environment”,

appears inconsistent with changes in Table 5 – Summary of Rehabilitation, of the SEE which identifies that changes during the extended Mining Operations Plan (MOP) period will be:

- An increase in Domain 6I – ‘Open Cut Void – Final Void’ size from 1ha to 2ha.
- A decrease in Domain 6E – ‘Open Cut Void – Woodland’ size from 3ha to 2ha

Resources Regulator
516 High Street MAITLAND NSW 2320 Australia | PO Box 344 HRMC NSW 2310 Australia
Tel: +61 2 4931 6666

- A decrease in Domain 9 - Conservation and Biodiversity Offset Areas from 27.3 ha to 26.3ha (Note - it appears this may be a duplicate area to the Domain 6E decrease, above).

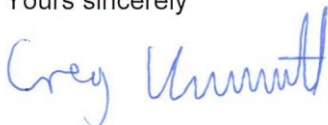
The Resources Regulator requests that condition 31 of DA 344-11-2001 be modified to ensure a revised Rehabilitation Management Plan (or equivalent Mining Operations Plan) be submitted to the Resources Regulator for approval within three months of the determination of Modification 2, unless the Secretary agrees otherwise;

The Resources Regulator requests that Walker Quarries Pty Ltd provide information responding to the comments above.

The Resources Regulator requests a review of the draft development consent conditions prior to finalisation and any granting of a revised development consent.

For enquiries regarding this matter please contact me on (02) 4063 6444 or minres.environment@planning.nsw.gov.au

Yours sincerely



On behalf of
Matthew Newton
Director Compliance Operations
Resources Regulator
NSW Department of Planning and Environment

5 November 2018



DOC18/792412-02

Ms Ingrid Berzins
Environmental Assessment Officer
NSW Planning and Environment
GPO Box 39
SYDNEY NSW 2001

By email: ingrid.berzins@planning.nsw.gov.au

2 November 2018

Wallerawang Quarry – Modification Application 2 to DA 344-11-20017

Dear Ms Berzins,

I am writing in response to the application by Walker Quarries Pty Ltd (the Proponent) to permit the ongoing operation of the Wallerawang Quarry for an additional twelve months, up until 15 July 2020 (the Modification Application). The EPA notes that the Proponent intends to submit a separate modification application for an additional twenty years, up until 15 July 2040.

The Proponent holds environment protection licence number 13172 (the Licence), issued by the Environment Protection Authority (the EPA) under the *Protection of the Environment Operations Act* 1997, to authorise scheduled activities on land adjoining the Great Western Highway, Wallerawang.

The EPA has reviewed the Statement of Environmental Effects (R.W. Corkery, October 2018) and understands that the Licence does not require modification. As such, the EPA has no comment regarding the Modification Application.

The EPA would however, like to draw the Proponent's attention to consent condition 34 which requires bunds and a vegetation screen. The EPA understands that the vegetation screen is not in a satisfactory condition.

If you would like to discuss this matter, please contact Ms Alex McGuirk on 6333 3807.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Allan Adams'.

ALLAN ADAMS
A/Head Regional Operations Unit - Central West
Environment Protection Authority

PO Box 1388 Bathurst
NSW 2795
Level 102, 346
Panorama Avenue
Bathurst NSW 2795
Tel: (02) 63 333800
ABN 30 841 387 271



DOC18/825642

Ms Ingrid Berzins
Environmental Assessment Officer
Resource Assessments
Department of Planning and Environment
Ingrid.Berzins@planning.nsw.gov.au

Dear Ingrid

Wallerawang Quarry MOD 2 - Exhibited Environmental Assessment

I refer to an email dated 18 October 2018 from the Department of Planning and Environment (DPE) inviting comments from the Office of Environment and Heritage (OEH) on the publicly exhibited environmental assessment for the Wallerawang Quarry Modification 2 project.

OEH understands that the proposed modification involves extending the quarrying operations by 12 months to 15 July 2020. This will be achieved by modifying Condition 2(5) of DA 344-11-2001.

Section 1.3.2 of the Statement of Environmental Effects (SoEE) states that:

"no changes to the area of disturbance, annual production limit, hours of operation or approach to rehabilitation of the Quarry are proposed" (page 4).

Given that the proposed modification will have no additional impact on biodiversity, Aboriginal cultural heritage, or flooding and hydrology, OEH has no specific comments for consideration by DPE.

If you have any further questions regarding this matter please contact Renee Shepherd, Senior Conservation Planning Officer on 02 6883 5355 or renee.shepherd@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "P. Christie".

PETER CHRISTIE
Director North West
Conservation and Regional Delivery

2 November 2018

Contact officer: RENEE SHEPHERD
02 6883 5355



05 November 2018

SF2017/112228; WST08/00090/06

The Manager
Resource Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Ingrid Berzins

Dear Ms Berzins

DA 344-11-2001; Wallerawang Quarry; Modification 2

Thank you for your email on 18 October 2018, referring DA 344-11-2001 (MOD 2) to Roads and Maritime Services for comment.

The documentation submitted in support of MOD 2 has been reviewed. Roads and Maritime notes the proposed modification includes extending the life of the project by 12 months, until July 2020.

It is further noted:

- This is an interim measure while environmental studies are completed for a more significant modification to be undertaken and consequently submitted.
- There is no change to transport operations including traffic volumes or types generated by this proposed extension.
- No changes to approved hours of operation during this extension.

Roads and Maritime does not object to the proposed modification and makes no submission.

Should you require further information please contact the undersigned on 02 6861 1453.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Andrew McIntyre".

Andrew McIntyre
Manager Land Use Assessment
Western Region

Roads and Maritime Services



Forestry Corporation of NSW ABN 43 141 857 613

Northern Softwood Region

Cnr Browning St & Panorama Ave Bathurst NSW 2795
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www.forestrycorporation.com.au

31/10/2018

Ref No.: F2010/01613

Ingrid Berzins
Resource Assessments
NSW Department Planning & Environment
GPO Box 39
Sydney NSW 2001

Sent via email: ingrid.berzins@planning.nsw.gov.au

Dear Ms Berzins,

Wallerawang Quarry - Modification 2

Thank you for the opportunity to comment on the proposed modification to the Wallerawang Quarry. I note the request for comments was sent to the general Forestry Corporation of NSW (FCNSW) e-mail address (info@fcnsw.com.au), which has also been the contact address used in previous correspondence. I request, again, for all correspondence related to activity within the Central Tablelands, in particular Wallerawang Quarry, be directed to Jason Molkentin, Regional Manager, Northern Softwoods Region at jason.molkentin@fcnsw.com.au

In relation to the above modification, FCNSW has no comment further to what has been included within the Environmental Assessment (EA). We confirm consultation on the modification was sought by Wallerawang Quarry and FCNSW provided comment directly to the consultant, which has been included in the EA. FCNSW will take great interest in the forthcoming major modification of DA 344-11-2001, particularly in relation to rehabilitation.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Klootwijk".

Melanie Klootwijk
Stewardship Supervisor
Northern Softwood Region