



Wallerawang Quarry Modification 2

*State Significant
Development
Modification Assessment
(DA 344-11-2001 MOD 2)*



December 2018

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Cover photo

Wallerawang Quarry, (Source Walker Quarries Pty Ltd)

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1. Introduction

1.1 Background

Walker Quarries Pty Ltd (Walker), a subsidiary of Sitegoal Pty Ltd, owns and operates the Wallerawang Quarry, located approximately 8 kilometres north west of Lithgow in the Lithgow local government area (**Figure 1**). The quarry is located over three parcels of land that includes freehold land owned by Sitegoal Pty Ltd and Crown land managed by the Forestry Corporation of NSW and NSW Department of Industry.

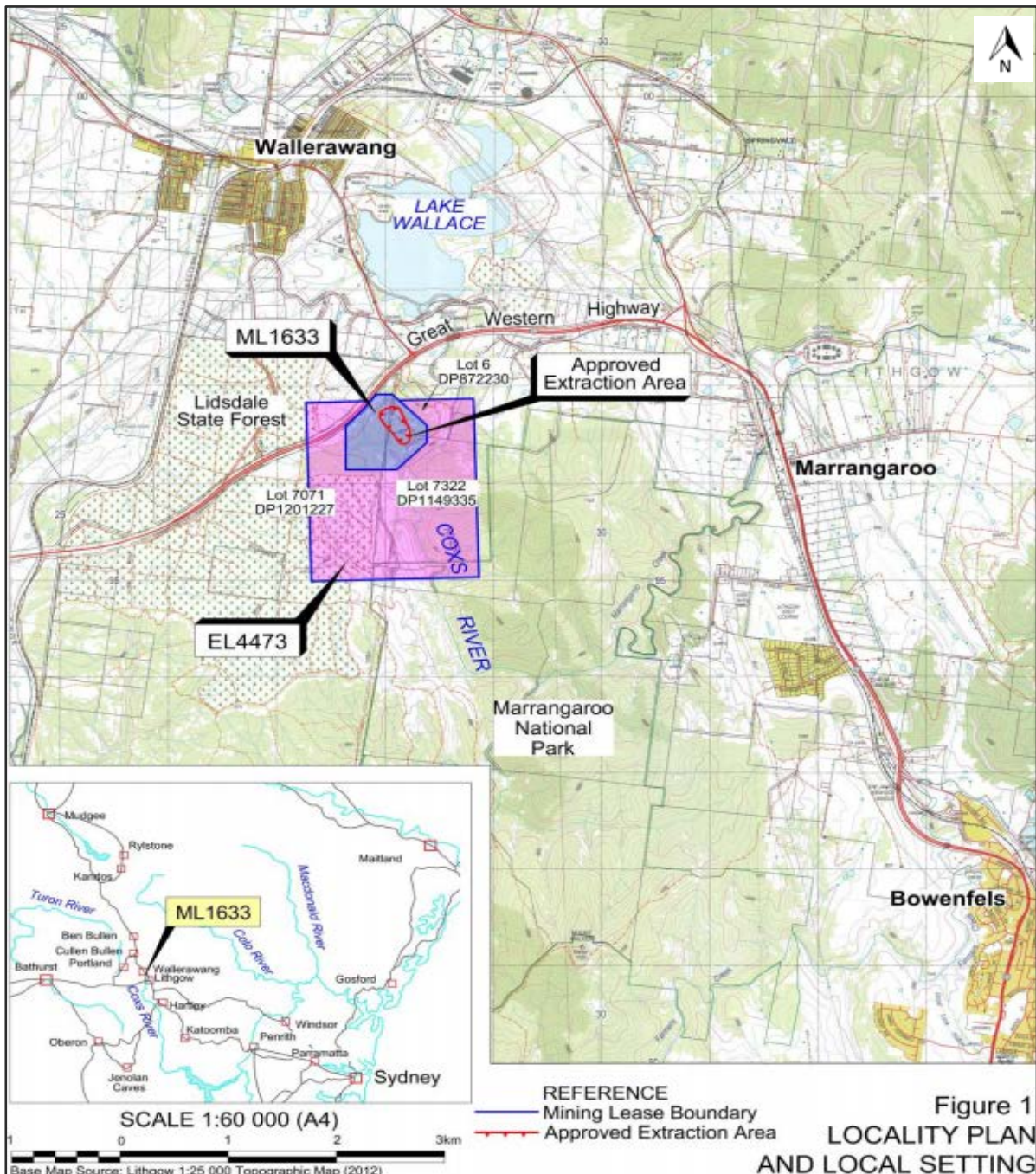


Figure 1 | Location of the Wallerawang Quarry

Wallerawang Quarry operates under a Ministerial development consent, granted under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 19 October 2004 (DA 344-11-2001). All activities associated with the quarry are undertaken within the boundary of an existing mining lease (ML 1633).

The quarry is approved to extract, process and transport up to 500,000 tonnes per annum (tpa) of quartzite and rock aggregate material. This extracted product is transported by road to the Lithgow, Blue Mountains and Sydney regions.

The consent has been modified on one previous occasion to:

- regularise the operation of the eastern and western stockpile extension areas;
- regularise the operation of a screening and working circuit, for the production of products less than 5 mm in diameter; and
- allow for various erosion and sediment control works.



2. Proposed Modification

Condition 5 of Schedule 2 of DA 344-11-2001 allows quarrying operations to occur on site until 15 July 2019. Walker has advised that the extent of the quartzite resource on the site extends beyond the approved disturbance limits of DA 344-11-2001 and that it is preparing a modification application to expand the extraction area and continue quarrying operations on site beyond 15 July 2019. However, it is uncertain as to whether this application would be determined before July 2019, and there is a risk that the quarry would have to temporarily close whilst awaiting a determination.

On 26 September 2018, Walker submitted a modification application for DA 344-11-2001 to extend the life of quarrying operations by one year, until 15 July 2020. This timeframe would allow Walker to continue extracting the approved resource throughout the preparation and assessment of the larger modification. No changes are proposed to the area of disturbance, annual production limit, hours of operation or final landform.



3. Statutory Context

3.1 Scope of Modification

The modification application has been lodged under section 4.55(1A) of the EP&A Act for a modification involving minimal environmental impact.

The Department considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the development as approved;
- is substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas.

Consequently, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act.

3.2 Consent Authority

The Minister for Planning is the consent authority for the modification application. However, under the Minister's delegation of 11 October 2017, the Director Resource Assessments may determine the application as there were no public objections, Lithgow City Council did not object to the proposal and no political donations have been declared by Walker.

3.3 Objects of the 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 modification against the current objects of the EP&A Act (see section 1.3 of the EP&A Act). The objects of most relevance to the decision on whether or not to approve the proposed modification 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 (ESD) 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(d): to promote the delivery and maintenance of affordable housing;*
- *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); and*
- *Object 1.3(j): to provide increased opportunity for community participation in environmental planning and assessment.*

The Department has considered these objects in its assessment of the modification.



4. Engagement

4.1 Department's Engagement

Following receipt of the modification application and accompanying Statement of Environmental Effects (SEE, see **Appendix B**), the Department:

- publicly exhibited the SEE from Monday 22 October until Monday 5 November 2018 on the Department's website and at:
 - NSW Service Centres;
 - Lithgow City Council's office; and
 - the Nature Conservation Council's office;
- advertised the exhibition of the SEE in the *Lithgow Mercury*; and
- notified relevant state government agencies and Lithgow City Council.

In undertaking these processes, the Department is satisfied the notification process met the requirements of the EP&A Act and the *Environmental Planning & Assessment Regulation 2000*.

In response to the exhibition, the Department received eight submissions from government agencies. No submissions were received from members of the public or special interest groups.

Full copies of these submissions and Walker's Response to Submissions are provided in **Appendix C** and **D**, respectively. A summary of these submissions is provided below.

4.2 Key Issues – Government Agencies

The **Environmental Protection Authority** (EPA) advised that the modification would not result in any changes to the site's Environmental Protection License, EPA raised concern that the vegetation screen required by condition 34 of Schedule 3 of DA 344-11-2001 is not in a satisfactory condition. In its RTS, Walker advised that an extended period of no rainfall has contributed to the current condition of the vegetation screen and that this matter does not relate to the current application.

The **NSW Resource Regulator** requested clarification that the proposal would not change any aspects of approved operations, since Table 5 of the SEE identified minor increases to the size of the open cut voids in Domains I and E. In its RTS, Walker clarified that the term of the existing Mining Operations Plan (MOP) concludes on 15 December 2019. The identified void increases reflect differences between the existing and proposed term of the MOP, within the approved extraction area. Resource Regulator made no further comment in relation to this matter.

The **Department's Division of Resources and Geoscience** (DRG) raised no issues with the proposed modification and commented on the economic benefits that the modification would provide. These benefits include continued employment for six full time equivalent personnel, flow-on effects to the local economy and continued royalty payments to the State.

The **Department of Industry's Land and Water Division** noted that the modification would have a neutral or beneficial effect on water quality, provided existing mitigation measures continue to be implemented.

Forestry Corporation NSW (FCNSW) had no comments on the proposed modification and advised that it would take great interest in the forthcoming major modification.

Roads and Maritime Services (RMS) noted that no changes are proposed to transport operations, and as such, had no further comments on the proposal.

Office of Environment and Heritage (OEH) noted that the proposal would have no impact on biodiversity, Aboriginal cultural heritage or flooding and advised that it had no specific comments for consideration.

Lithgow City Council (Council) did not object to the proposal, subject to its original conditions remaining in the consent.



5. Assessment

In assessing the merits of the proposal, the Department has considered the:

- Environmental Impact Statement (EIS) for the original development application;
- existing conditions of approval, as modified;
- modification application, SEE, RTS and additional information provided by Walker;
- submissions from Government agencies; and
- relevant environmental planning instruments, policies and guidelines.

The modification application seeks to extend the approved duration of quarrying activities for one year, until July 2020. It does not propose to intensify, enlarge or alter the quarry's operations. As such, there would be no changes to the extent of existing impacts.

The key change is therefore in respect of length of time that existing impacts would occur. These impacts include noise, air quality, traffic and visual amenity. Although these impacts and their associated mitigation measures would occur for an additional year, the existing conditions of consent contain strict impact assessment criteria and other restrictions and requirements to appropriately manage these impacts.

The Department has considered the alternative of not extending the duration of operations. This would leave behind a significant but commercially recoverable amount of quartzite and rock aggregate resource and could pose difficulty in achieving the final rehabilitated landform. The Department also acknowledges that this short-term extension would allow for the continued employment of six full time equivalent personnel and would have flow on effects for the local and state economy.



6. Evaluation

The Department has assessed the merits of the proposed modification in accordance with the requirements of the EP&A Act. The proposed change relates solely to the quarry's life, and there would be no changes to existing operations, impacts or mitigation measures. The Department considers that the proposed modification presents a number of economic benefits and can be carried out with minimal environmental impact.

On this basis, the Department is satisfied that the proposed modification is in the public interest and should be approved.

The Department has drafted a Notice of Modification (**Appendix E**) for the proposed modification, as well as a consolidated version of the consent (**Appendix F**) as proposed to be modified.



7. Recommendation

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

- **considers** the findings and recommendations of this report;
- **determines** that the application falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **grants** approval for the application DA 344-11-2001 MOD 2, subject to the conditions in the attached notice of modification; and
- **signs** the attached notice of modification (**Appendix E**).

Recommended by:

6.12.18.

Ingrid Berzins

Environmental Assessment Officer
Resource Assessments

Recommended by:

6/12/18

Genevieve Seed

Senior Environmental Assessment Officer
Resource Assessments



8. Determination

The recommendation is: **Adopted by:**

Howard Reed

Director

Resource Assessments

7.12.18



Appendices

Appendix A – List of Documents

Statement of Environmental Effects for Wallerawang Quarry, R.W. Corkery & Co. Pty Ltd, October 2018.

Response to Submissions for Wallerawang Quarry, R.W. Corkery & Co. Pty Ltd, November 2018.

Appendix B – Statement of Environmental Effects/ Environmental Assessment

See the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9647

Appendix C – Submissions

See the Department's website at:

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