



ASSESSMENT REPORT

Rockley Falls Quarry Section 75W Modification

1 BACKGROUND

Abigroup Contractors Pty Limited (Abigroup) owns the Rockley Falls Quarry, located 4 kilometres north-east of the village of Holbrook and 60 km north of Albury-Wodonga on the border of NSW and Victoria (see Figure 1).

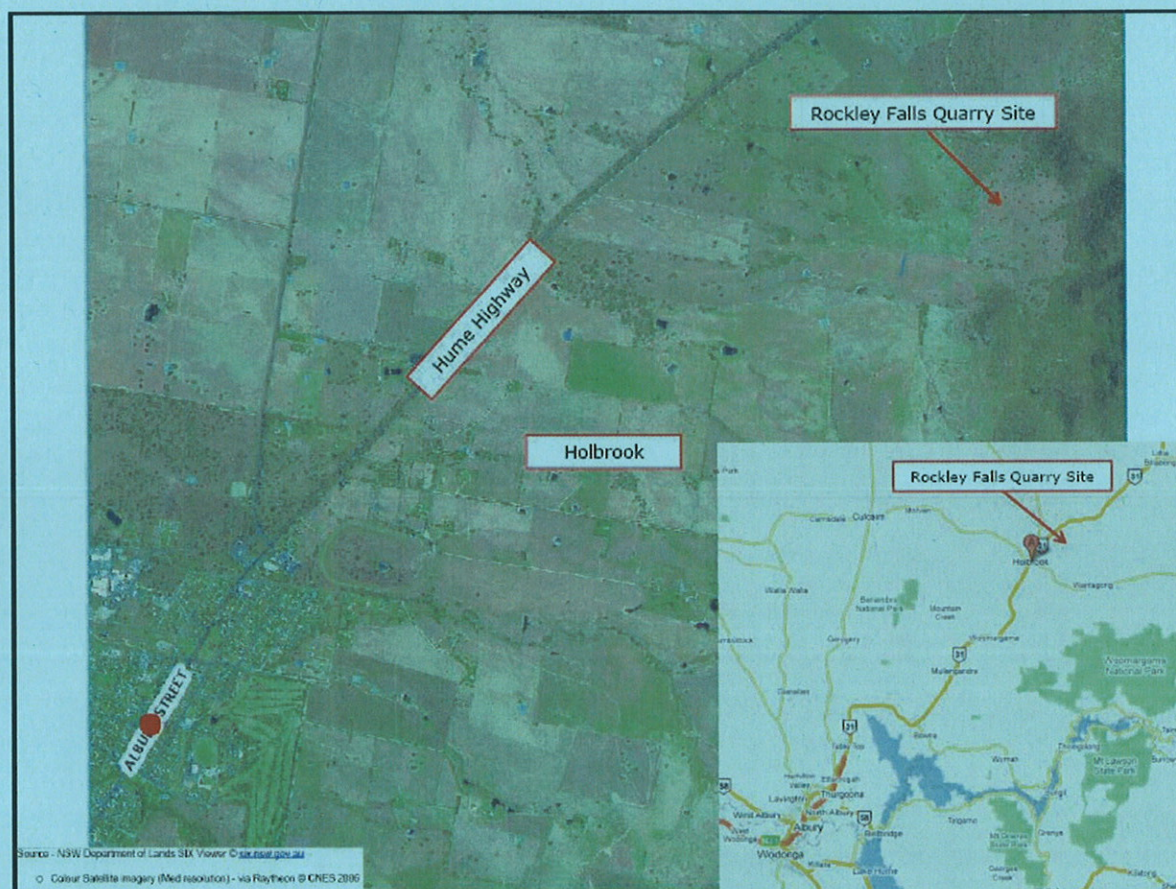


Figure 1: Rockley Falls Quarry local and regional context

The quarry was approved by the Minister in 2008 and is operated by the Hume Highway Southern Alliance (HHSa), a consortium consisting of Abigroup, RTA and SKM. Extracted material is used by HHSa to construct the duplication of the Hume Highway between the townships of Woomargama and Tabletop. The Minister's approval allows:

- production of up to 700,000 tonnes of hard rock quarry product per year until 2012 and 100,000 tonnes per year from 2012 until 2028; and
- rehabilitation of the site post extraction.

2 PROPOSED MODIFICATION

On 1 June 2009, Abigroup asked the Minister to modify the terms of its approval for the Rockley Falls Quarry under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Abigroup seeks to remove a conflict created by the approval conditions relating to design requirements for the quarry's sediment dams.

The Blue Book is the state-wide industry standard used to determine sediment dam size, based upon standards which include the capacity to handle a 90th percentile ARI storm event (or 95th percentile ARI storm event on land considered to have high conservation value).

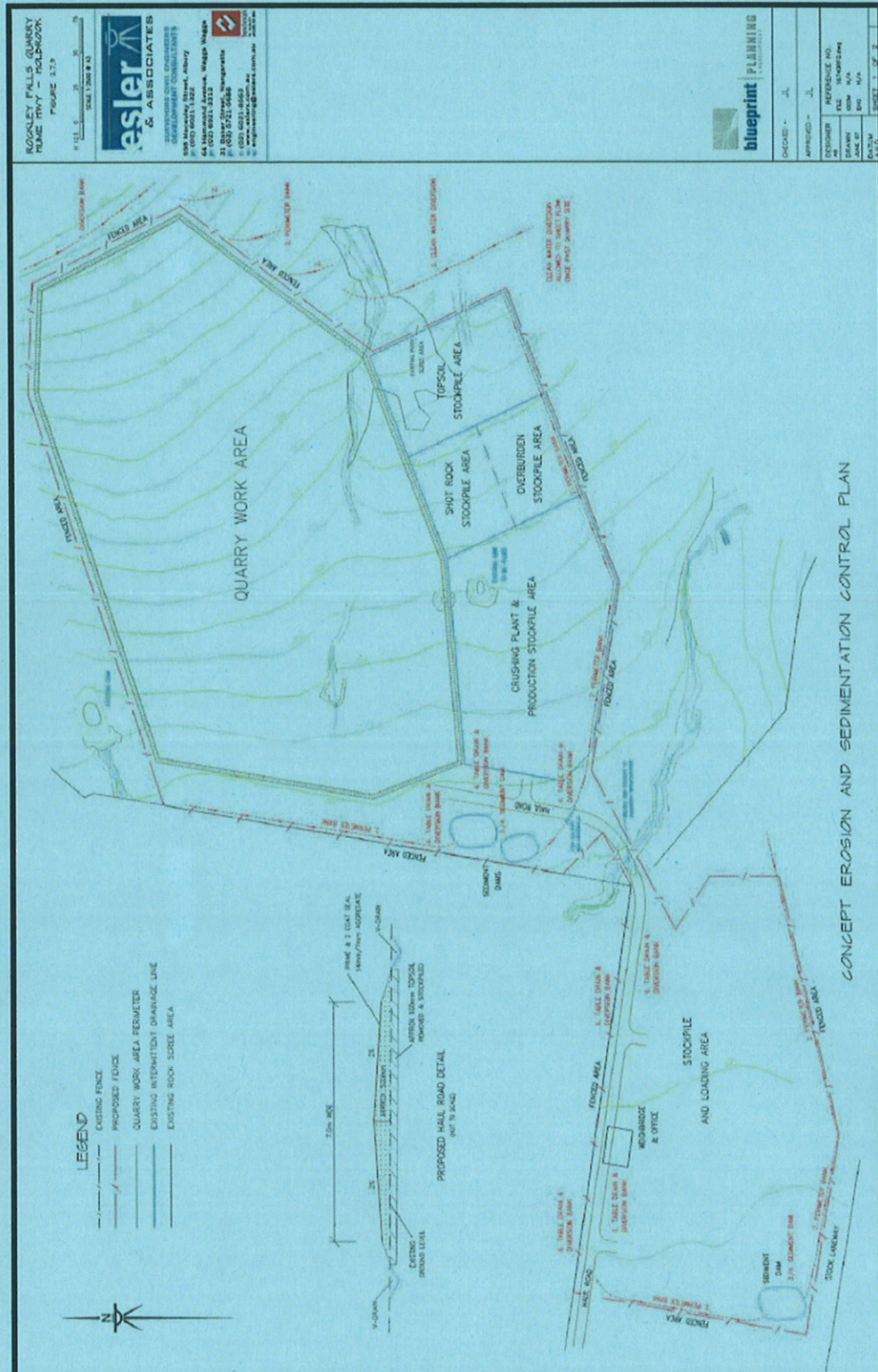


Table 1 provides a comparison of the resultant sizes of the project's sediment dams when applying either condition 20 and condition 24.

Table 1: Comparison of sediment dam sizes resulting from the application of Conditions 20 & 24

Dam	1:20 ARI (24 hour) storm event	90th percentile ARI storm event (Blue Book recommended)	95th percentile ARI storm event
Crushing area	3462 m ³	1341 m ³	1697 m ³
Stockpile area	2720 m ³	1002 m ³	1290 m ³
Total dam storage	6182 m³	2343 m³	2987 m³

As indicated in Table 1, designing the dams to handle a 1:20 ARI 24 hour duration storm event as prescribed by condition 20 would result in the dams having more than twice the capacity than required using the Blue Book methodology.

Abigroup contends that the Blue Book is the more appropriate methodology as it uses a range of site-based factors to determine resultant dam sizes rather than only applying the level of rainfall as prescribed by condition 20. It also argues that the quarry pit itself would act as a sediment dam, providing additional storage capacity.

It is noted that Abigroup's ESCP was prepared in consultation with DECC and DWE and the sediment dams have been designed using the Blue Book's 95th percentile ARI storm event criteria to give added protection to their performance, despite the fact that the site has been extensively cleared and is not considered to have high conservation value.

Abigroup therefore requests the removal of condition 20 from the project approval to allow the Blue Book's methodology to prevail.

3 STATUTORY CONTEXT

Approval Authority

The Minister was the approval authority for the original project application, and is consequently the approval authority for this modification application. However, as the proposed modification involves development with a capital investment of less than \$50 million, the Deputy Director-General (Development Assessment and Systems Performance) may determine the modification application under the Minister's delegation of 4 March 2009.

Modification

The proposed modification does not involve changing any of the quarry's operational functions or production rates. Therefore the Department is satisfied that the proposed modification would not involve a "radical transformation" of the project and can be determined under Section 75W of the EP&A Act.

Consultation

Under section 75W of the EP&A Act, the Department is not required to exhibit the modification application or undertake consultation. The Department considers that the proposed modification seeks to remove conflict between project approval conditions and therefore did not undertake consultation.

4 ASSESSMENT

The Department agrees with Abigroup that application of condition 20 would result in the sediment dams being larger than would be necessary. The design methodology in the Blue Book takes into consideration a number of site characteristics such as soil type and erodibility, the total area disturbed by quarrying, slope level and the level of rainfall in the subject catchment area. The design methodology using the 1:20 ARI 24 hour duration storm event criteria only takes into consideration the level of rainfall.

The Department also reviewed key background assessment material relative to the original project and has not identified any specific requirement for the inclusion of 1:20 ARI 24 hour duration storm event design criterion.

Given the absence of any specific requirement for the inclusion of the 1:20 ARI 24 hour duration storm event design criterion, the acknowledgement of the Blue Book being the state-wide industry standard applied to the design of sediment dams and considering site-based factors including the use of the quarry pit as a sediment dam, the Department is satisfied that the Blue Book methodology is the appropriate standard for the design of the dams.

The Department also acknowledges that Abigroup has applied a stricter standard (ie the 95th percentile ARI storm event) to the design of its dams than is required under the circumstances.

The Department is therefore satisfied that the sediment dams have been adequately designed and that Abigroup has applied a conservative approach consistent with the Blue Book. The Department therefore believes the ~~the~~ standards prescribed by condition 24 should prevail over those in condition 20, and therefore recommends that condition 20 be deleted to remove the conflict created by these two conditions.

5 CONCLUSION

The Department has assessed the application in accordance with the relevant requirements of the EP&A Act. The proposed modification would:

- remove conflict in the project approval regarding the design requirements for the quarry's sediment basins; and
- not cause any additional environmental impacts for the approved project.

The Department therefore believes that the modification is in the public interest and should be approved.

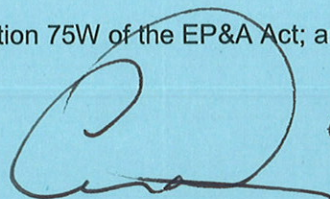
6 RECOMMENDATION

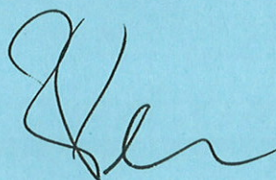
It is RECOMMENDED that the Deputy Director-General:

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modification would not "radically transform" the approved project;
- **approve** the proposed modification under Section 75W of the EP&A Act; and
- **sign** the attached Notice of Modification.


17/6/09

David Kitto
Director, MDA


17.6.09
Chris Wilson
Executive Director, MPA


19/6/09

Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance