



Bass Point Quarry Modification 3

Modification of Amenity Barriers and Importation of Fill
State Significant Development Modification Assessment
(MP 08_0143 MOD 3)

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Executive Summary

The Bass Point Quarry (the quarry) is an existing hard rock quarry located approximately 5.5 kilometres (km) northwest of Shellharbour city centre within the City of Shellharbour local government area on the Bass Point peninsula. The quarry is operated by Hanson Construction Materials Pty Ltd (Hanson) and supplies construction materials to the Illawarra and Sydney markets by road and ship.

During late 2019, Hanson authorised the receipt of material from the Shell Cove Boat Harbour Development and the emplacement of that material near the southern boundary of the quarry site. On 4 February, the Department of Planning and Environment (the Department) determined that the receipt and emplacement of the material was in breach of the Project Approval (MP 08_0143)¹, and accordingly issued Hanson with a Development Control Order (Order) to remedy the breach².

On 9 September 2021, Hanson submitted a modification application under section 4.55(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) to regularise the emplacement of the material in the southern area of the site. The application also seeks approval to import up to 200,000 tonnes per annum (tpa) of virgin excavated natural material (VENM) and/or excavated natural material (ENM) that is generated by surrounding urban, commercial and industrial developments. The material is proposed to be utilised to extend existing amenity barriers at the quarry, and for use in landscaping and progressive rehabilitation of the quarry.

The Department publicly exhibited the modification from 15 December 2021 until 19 January 2022 and requested advice from relevant government agencies, including Shellharbour City Council (Council). The Department received five submissions from government agencies, none of which raised objections. Two objecting submissions were received from the community which questioned the volume and classification of the material to be imported and raised concerns about potential visual and air quality impacts during construction. One submission was received from a special interest group, requesting that the nature of the material proposed to be imported be extended.

The Department has reviewed the scope of the modification and considers it meets the requirement of 'substantially the same development' for a section 4.55(2) application. While some minor amendments to the extent and location of amenity barriers would occur, they remain within the existing disturbance and project boundaries and would result in an increase in visual amenity of the site in the long term. The proposed importation of VENM/ENM materials would be undertaken within the existing heavy vehicle numbers approved under the current approval and would not result in impact beyond those already approved. The proposal would not change the approved extraction rate or quarry life.

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act, including consideration of the objects of the EP&A Act, and in consideration of consultation with government agencies and Council. The modification would remedy an Order issued to Hanson and is considered to be in the public interest as it would result in beneficial reuse of materials for the establishment of amenity barriers and progressive rehabilitation of the quarry. Consequently, the Department considers the modification should be approved, subject to the recommended conditions.

¹ Breach of Schedule 2, Condition 2 of Project Approval MP 08_0143

² In accordance with Item 14, Part 1 of Schedule 5 of the EP&A Act.

1 Introduction

1.1 Background

The Bass Point Quarry (the quarry) is an existing hard rock quarry located approximately 5.5 kilometres (km) north-west of Shellharbour city centre within the City of Shellharbour local government area on the Bass Point peninsula (see **Figure 1**). The quarry is operated by Hanson Construction Materials Pty Ltd (Hanson) and supplies construction materials to the Illawarra and Sydney markets by road and ship.

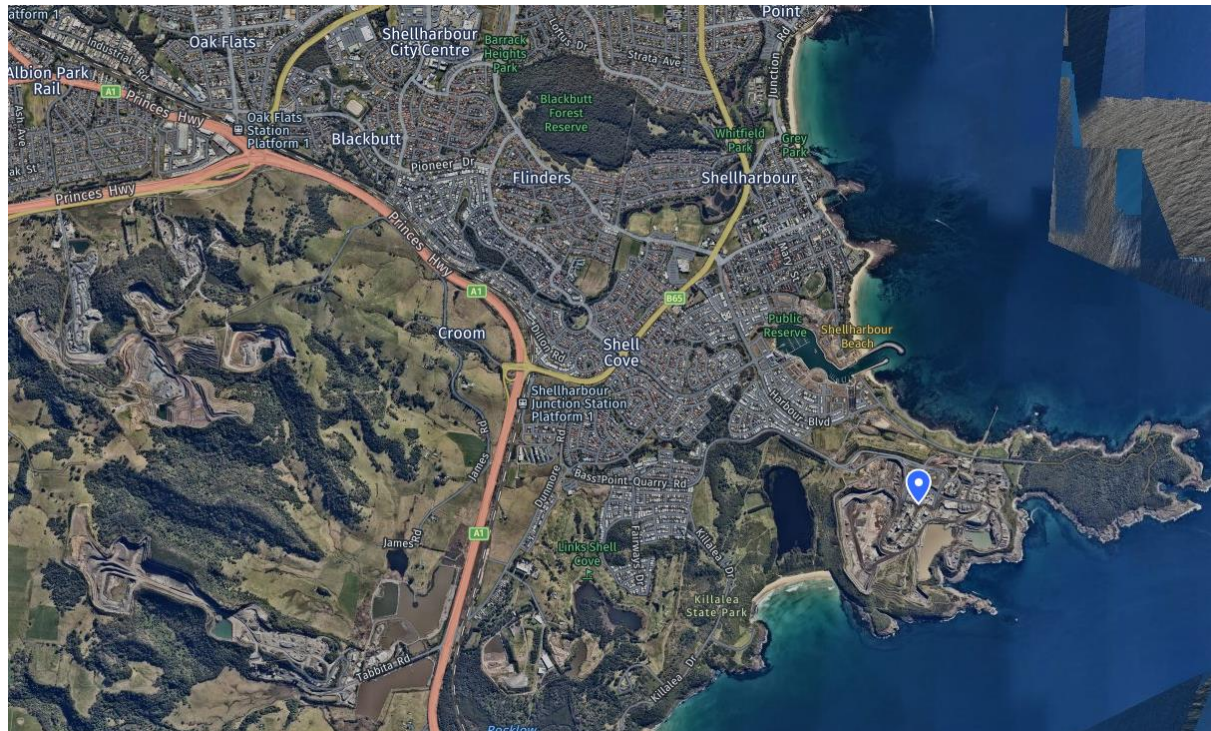


Figure 1 | Regional context map (Source:nearmap.com (2021))

The nearest residential area is the newly developed suburb of Shell Cove which is 1 km to the north-west (**Figure 1**). The Princess Highway is approximately 3 km to the west and the Bass Point Nature Reserve is situated to the east along Bass Point Tourist Road.

Quarry products are dispatched via a designated transport route including Bass Point Quarry Road to Dunmore Road and then onto Shellharbour Road (**Figure 2**). Materials can also be dispatched by ship via a conveyor to the Bass Point jetty.

The existing approved quarry layout includes the establishment of amenity barriers in the form of vegetated earth mounds around the north-western, north and north-eastern boundaries of the quarry site (**Figure 2**). To date, only small areas of these amenity barriers have been established.

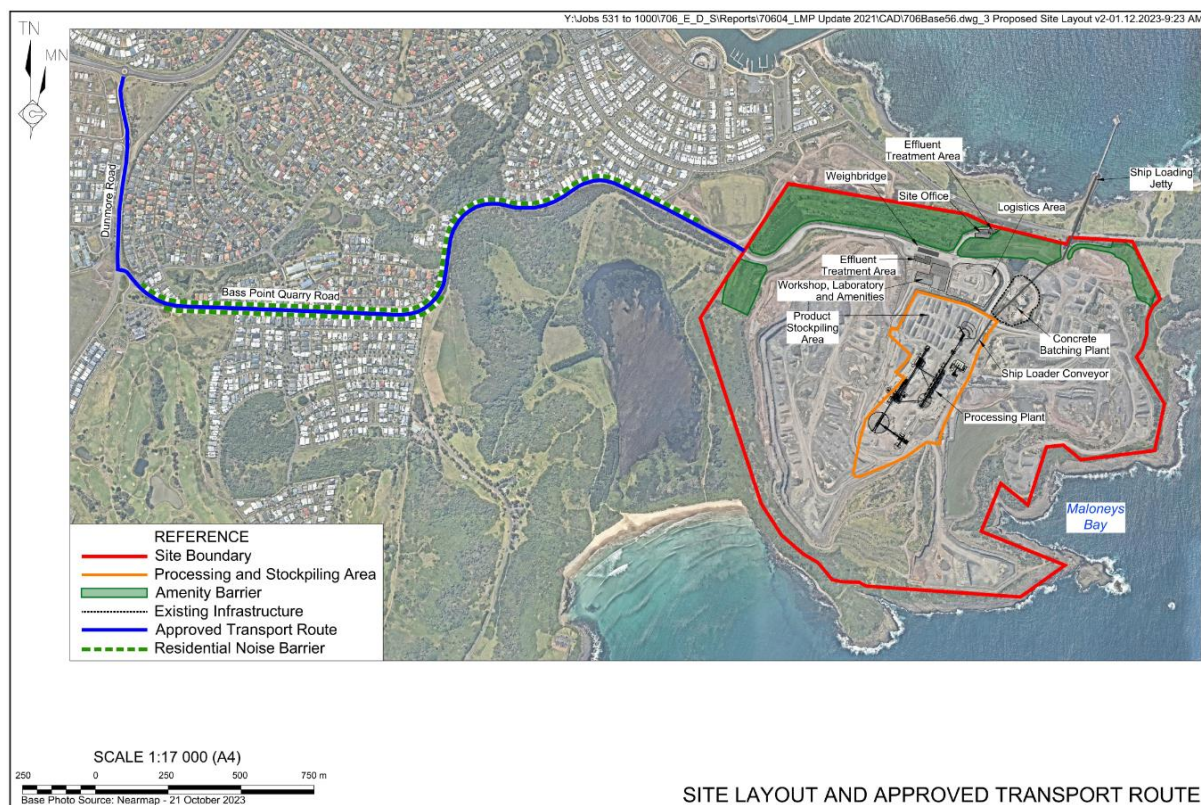


Figure 2 | Existing approved site layout and transport route

1.2 Approval history

Quarrying has occurred on the site periodically since the 1880s and continuously since the 1960s under various approvals. The quarry currently operates under development consent MP 08_0143, granted on 28 January 2014 by a delegate of the then Minister for Planning and Infrastructure under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The project was transitioned to a State significant development under clause 6 of Schedule 2 of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017* on 25 January 2019.

The development consent permits the extraction and transportation of up to 4 million tonnes per annum (Mtpa) of hard rock material from the site until 31 January 2044, including transportation of up to 3 Mtpa of quarry product by road and 1 Mtpa by ship.

The development consent has been modified on three occasions, with a further two modifications currently being prepared by Hanson (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Change the location of the site office facilities and amend noise monitoring requirements	Minister's delegate	75W	29 June 2017
MOD 2	Increase to morning trucking limit	Minister's delegate	75W	17 January 2019
MOD 4	Allow the use of Bass Point Tourist Road to supply quarry trucks specifically to the Bass Point Tourist Road Upgrade Project.	Minister's delegate	4.55(1A)	9 November 2021
MOD 5	Development of a solar panel system at the quarry site	-	4.55(2)	Hanson preparing Modification Report
MOD 6	Importation of up to 200,000 tpa of waste concrete and other materials for progressing as recycled aggregate	-	-	Hanson preparing Modification Report

2 Proposed modification

On 9 September 2021, Hanson submitted the modification application (MOD 3) and accompanying Modification Report to the Department (**Appendix A**). Hanson propose to modify the existing development consent to:

- permit importing of up to 200,000 tonnes per annum (tpa) of virgin excavated natural material (VENM) and/or excavated natural material (ENM) that is generated by surrounding urban, commercial and industrial developments, and utilise the fill to extend the existing amenity barriers at the quarry, and for use in landscaping and progressive rehabilitation; and
- modify approved amenity barriers to:
 - *Southern barrier*: regularise the establishment of the barrier;
 - *North-western and Central barriers*: extend the footprint of the barriers; and
 - *North-eastern barrier*: extend the footprint of the barrier and increase the approved maximum height of the barrier by 10 meters (m) from 30 m AHD to 40 m AHD to allow for a more consistent landform compared to the existing areas to the north-west.

2.1 Importation of fill

In recent times the areas surrounding the quarry have been experiencing significant urban development and growth. Hanson indicated that urban-encroachment into the areas surrounding the quarry has resulted in potentially increased views of the quarry operations from surrounding residences and an increase in the volume of fill material that is generated by urban, commercial and industrial developments. Hanson is proposing to reuse the fill materials from surrounding areas to develop and extend the amenity barriers and facilitate landscaping and progressive rehabilitation of the quarry.

Hanson consider the proposal is beneficial re-use of the imported materials given that the likely alternative is for the material to be disposed in a landfill. Hanson also note that an added benefit is that

the modification would result in an increase in visual amenity of the quarry site from surrounding residences.

2.1.1 Fill material volumes

The estimated volume of fill required for the establishment of the amenity barriers and for rehabilitation are provided in **Table 2**. Hanson estimate that a total volume of approximately 1.28 million tonnes (Mt) of fill material would be required over the life of the quarry, the majority of which is likely to be imported towards the latter stages of quarry development.

Hanson note that the precise timing for importation of the fill material is dependent on the material being available for use. Material may be received from a variety of sources between the Kiama region and the Greater Sydney Metropolitan Area but is most likely to be sourced locally in the Shellharbour region.

The material is proposed to be imported at a maximum rate of up to 200,000 tpa. Hanson indicate that at this rate it would take approximately 7 years to import, however the material would be imported on a campaign basis over the remaining life of the quarry (i.e. until 31 January 2044 or another 21 years).

Table 2 | Fill material requirements

Location	Tonnes	Indicative timing
Amenity barriers		
<i>North western barrier</i>	164,888	End 2025
<i>North central barrier</i>	210,560	End 2030
<i>North eastern barrier</i>	818,325	End 2040
Rehabilitation	90,098	Over quarry life
TOTAL	1,283,871	

2.1.2 Fill material classification

Following feedback from the Department, Hanson has committed to restricting the classification of fill that would be accepted by the quarry to 'clean' fill material defined as VENM and ENM under the *Protection of the Environment Operations Act 1997* (POEO Act).

VENM and ENM are naturally occurring materials which can be beneficially reused on batters or in landscaping and revegetation works. VENM is defined in the POEO Act as "*natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities; and that does not contain any sulfidic ores or soils or any other waste*". ENM is defined as "*naturally occurring rock and soil that has been excavated from the ground, contains at least 98% (by weight) natural material and does not meet the definition of VENM*".

Under the provisions of the POEO Act, the supplier of VENM/ENM must provide certification to Hanson that the materials meet the above specifications before they can be transported and emplaced at the quarry.

2.1.3 Transportation of fill

Hanson estimate that approximately 5,714 heavy vehicle movements would be required to import up to 200,000 tpa of fill material. This equates to approximately 16 heavy vehicle movements per 24-hour period during import campaigns over a period of a year.

The quarry operations are currently approved for no more than 500 heavy vehicle movements in a 24-hour period, with hourly limits of between 23-40 movements at different times of the day (in accordance with condition 8, Schedule 2 of the project approval). Hanson has committed to ensuring that heavy vehicle movements associated with the importation of fill material would be accommodated within these existing approved limits (i.e. no additional movements above those already approved would occur as a result of the modification).

The company also committed to restricting all heavy vehicles used to import fill material to the existing approved transport route, including Dunmore Road and Bass Point Quarry Road (**Figure 2**). If any generators of fill material propose to utilise other public roads to transport fill to the quarry, then they would be required to obtain separate independent approval.

2.2 Amenity barriers

2.2.1 Southern amenity barrier

During late 2019, Hanson authorised the receipt of material from the Shell Cove Boat Harbour Development and the emplacement of that material near the southern boundary of the quarry site. On 4 February, the Department determined that the receipt and emplacement of the material was in breach of the Project Approval³, and accordingly issued Hanson with a Development Control Order (Order) to remedy the breach⁴. This application is seeking to regularise the emplacement of the material in the southern area of the site.

Hanson has confirmed that the southern amenity barrier has been formed to a height of about 65 m AHD with approximately 150,000 t of materials imported from the Shell Cove Boat Harbour Development during 2019. Hanson provided documentation which confirms via sampling and validation that the fill material imported and emplaced to form the barrier is classified as VENM (refer to **Section 5.1** of this report).

2.2.2 Other amenity barriers

Hanson propose to develop and extend the approved amenity barriers around the north-western, north central and north-eastern boundaries of the site as illustrated in **Figure 3**. The maximum height of the north-eastern barrier is also proposed to be raised by 10 m to allow for a more consistent landform compared to the existing areas to the north-west.

³ Breach of Schedule 2, Condition 2 of Project Approval MP 08_0143

⁴ In accordance with Item 14, Part 1 of Schedule 5 of the EP&A Act.

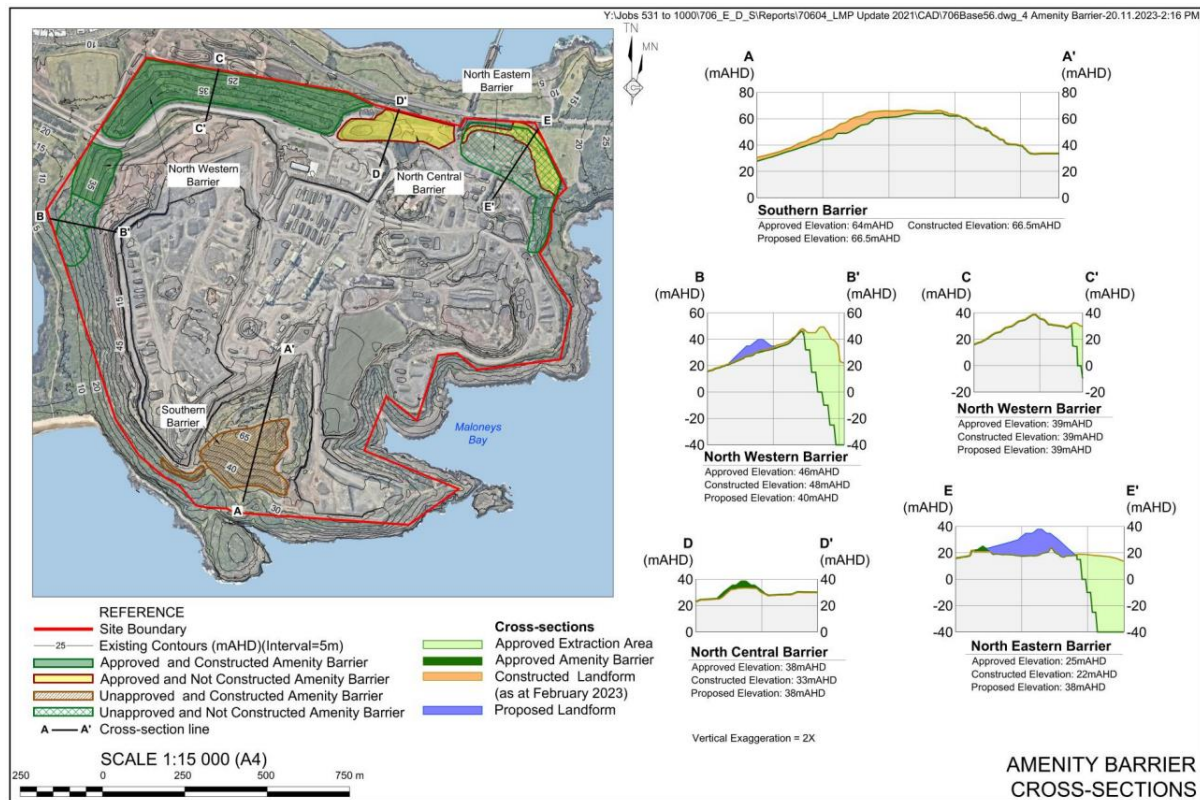


Figure 3 | Existing and proposed amenity barriers

2.3 Changes to the modification

As discussed in more detail in **Section 4** of this report, throughout the assessment process Hanson refined the proposed modification to seek approval to extend the definition of the materials that could be imported to the quarry to include VENM as well as materials permitted by an Environment Protection Licence (EPL) where an applicable Resource Recovery Order and Exemption, issued in accordance with Clauses 91 and 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* is in place.

In response to concerns raised by both the Environment Protection Authority (EPA) and the Department, Hanson subsequently informed the Department of its intention to revert to its original proposal to restrict importation materials to VENM/ENM only. This assessment is based on this original proposal.

Hanson originally proposed to extend the footprint of the southern amenity barrier to allow for increased visual impact mitigation during the latter stages of extraction in the southern areas of the quarry. However, in response to concerns raised in community submissions, Hanson agreed to retain the existing extent of the southern amenity barrier and not further extend the barrier or place additional fill material in the southern area of the quarry. This was agreed to avoid disturbing already established vegetation or cause potential visual and environmental impacts during emplacement campaigns. This assessment is based on the proposal to retain the southern amenity barrier in its existing form.

3 Statutory context

3.1 Scope of modification

The modification application was lodged under Section 4.55(2) of the EP&A Act. Under this section, a development consent can only be modified if the consent authority is satisfied that the modified development would remain substantially the same as the development for which the consent was last modified under Section 75W of the EP&A Act. The Department has reviewed the scope of the modification application and considers this to be the case, as:

- the modification would not change the nature or scale of the approved development and would not result in any changes to approved quarrying project boundaries, quarry life, production rates, levels of employment or hours of operation;
- the heavy vehicle numbers required to import the proposed fill material to the quarry would be accommodated within the currently approved heavy vehicle movements for the quarry; and
- environmental impacts of the development as modified would be similar to the approved development.

3.2 Consent authority

Under Section 4.5(a) of the EP&A Act, the Minister for Planning and Public Spaces (the Minister) is the consent authority for the modification application. However, under the Minister's delegation of 9 March 2022, the Director, Energy and Resource Assessments may determine the modification application as less than 25 objections were received, Shellharbour City Council did not object, and no reportable political donations have been made by Hanson.

3.3 Mandatory matters for consideration

In determining the modification, the consent authority must take into consideration the relevant matters referred to in section 4.15(1) and 4.55(3) of the EP&A Act, including the objects of the Act, applicable environmental planning instruments, the likely impacts of the modification application, site suitability and the public interest.

The Department has considered these matters carefully and has summarised its findings in **Section 5** and **Appendix B** of this report.

3.4 Biodiversity development assessment report

Under Section 7.17(2) of the *Biodiversity Conservation Act 2016* (BC Act), the Department is satisfied that a Biodiversity Development Assessment Report (BDAR) is not required to be submitted for the proposed modification as the application would not increase impacts on biodiversity values.

4 Engagement

4.1 Department's engagement

After accepting the modification request and Modification Report, the Department publicly exhibited the modification from 15 December 2021 until 19 January 2022 on the NSW planning portal and notified and invited comment from relevant government agencies and Shellharbour City Council (Council).

4.1.1 Advice received from government agencies and Council

The Department sought and received advice from four government agencies and Council on the Modification Report. A summary of the agency advice is provided in **Table 3**. A link to the full copy of the advice is provided in **Appendix C**.

4.1.2 Summary of public and special interest group submissions

During the public exhibition period of the modification, the Department received two public submissions objecting to the modification (both from members of the Community Consultative Committee) and one submission from a special interest group providing comments. A link to the submissions in full is provided in **Appendix C**. Key issues raised in the public submissions included:

- air quality impacts during fill importation and emplacement operations;
- limited visual amenity benefits of the proposal;
- missing details in the modification documentation, including where the amenity barriers would be established, the volume of fill proposed to be imported, the haul route and the termination date of importation;
- the nature of the fill already imported to form the southern barrier, including testing results and certification of the material;
- limited attempts to remediate damage done to the southern headland, and requests to replant/manage the area to restore the wildlife corridor between the Bass Point and Killalea State Park; and
- historical impacts of quarrying operations on surrounding residents, including dust and blasting impacts.

The special interest group submission received from Austrland Corporation (NSW) Pty Ltd requested that the classification of the material permitted to be imported be broadened, given the geological nature of the surrounding area which naturally exhibits elevated levels of copper.

4.1 Response to submissions and requests for information

Following the public exhibition period, the Department asked Hanson to respond to the issues raised in submissions and the advice received from government agencies. A submissions report was submitted to the Department on 31 May 2022 and responses to requests for additional information from the Department were received on 15 September 2022, 21 April 2023, 27 September 2023 and 21 November 2023. Several government agencies provided additional comments on the additional information provided. All submissions and responses are provided in **Appendix C**.

Table 3 | Summary of agency and Council advice and consideration

Agency / Council	Advice summary	Department's consideration
Transport for NSW (TfNSW)	<p>In its advice on the Modification Report, TfNSW:</p> <ul style="list-style-type: none"> • did not support the position that the modification would not result in an increase in heavy vehicles on the approved transport route; and • requested a supporting traffic assessment for the proposed importation of VENM/ENM. <p>In its advice on the submissions report, TfNSW indicated that any approval of the modification should include conditions requiring:</p> <ul style="list-style-type: none"> • the material to be imported is only transported to the quarry on the approved transport route; • accurate records to be kept of the amount of material transported to the site and the number of trucks received at the site; • limitation of the number of laden trucks to and from site to a maximum of 500 trucks in a 24-hour calendar day period; • limitation on the amount of material to be imported to the quarry of no more than 200,000 tpa; • all material to be imported by using public roads to be undertaken through backfilling of despatched quarry vehicles returning to the quarry; and • the Transport Management Plan (TMP) to be updated. <p>In its advice on the additional information, TfNSW stated that it has no objections to the modification subject to the imposition of the conditions outlined above. TfNSW accepted that the conditions in relation to the use of backfilled vehicles be imposed so far as reasonable and feasible.</p>	<p>The Department has recommended conditions which reflect TfNSW's advice.</p>
Environment Protection Authority (EPA)	<p>In its advice on the Modification Report, EPA requested that Hanson:</p> <ul style="list-style-type: none"> • ensure that all imported material is managed in a way that minimises dust emissions; • restrict works to approved hours of operation and appropriate weather to minimise noise impacts; • provide contemporary information to the local community; and • comply with the requirements of the POEO Act when importing material to the site, including ensuring the material meets VENM/ENM specification. <p>EPA also recommended conditions of consent related to approved limits of material imported, material specifications, and dust and noise management.</p> <p>In its advice on the submissions report, in relation to the proposed extension of the definition of the material proposed to be imported, EPA recommended that each resource recovery order/exemption (RRO/E) proposed to be utilised is specified to allow the appropriateness of the proposed reuse to be fully assessed.</p>	<p>The Department notes that the existing Air Quality Management Plan (AQMP) and Noise Management Plan (NMP) would be required to be updated to incorporate measures to minimise air and noise impacts associated with the modification.</p> <p>The Department has recommended conditions which reflect EPA's advice, including limiting the volume of VENM/ENM to not more than 200,000 tpa and 1,284,000 tonnes over the life of the quarry; and requiring that the POEO Act be complied with when importing the material.</p>

Agency / Council	Advice summary	Department's consideration
Cont/...	<p>In subsequent advice on the additional information, EPA:</p> <ul style="list-style-type: none"> noted that extension of the definition of materials that may be imported is beyond the scope of the modification; recommended conditions that clearly identify appropriate management strategies for imported materials, including defined uses, quantities, timeframes and location of placement; noted the reduced scope of the modification to restrict import materials to VENM/ENM only and removal of the proposal to place material on the southern amenity barrier; and indicated that it may vary the EPL to include specific conditions if necessary. 	
Biodiversity & Conservation Division (BCD)	<p>In its advice on the Modification Report, BCD requested clarification on whether a BDAR is required for the modification. Hanson indicated that as the modification would not increase impacts on biodiversity values, no BDAR is required. BCD accepted this outcome.</p>	Noted.
Heritage NSW	<p>In its advice on the Modification Report, Heritage NSW noted that the modification is adjacent to State Heritage Register (SHR) item Bass Point Reserve (SHR 01896) and indicated that it supported maintaining an appropriate buffer between the quarry operations and this Reserve.</p>	<p>The Department notes that the modification would not change the existing buffer distances between the quarry and Bass Point Reserve.</p>
Council	<p>In its advice on the Modification Report, Council requested additional information and plans which:</p> <ul style="list-style-type: none"> show the existing and proposed contours across the site; identify existing and proposed amenity barriers, including heights; identify rehabilitation areas; and clarify the additional volume of material required, where it is likely to be sourced, how it would be transported to site and what it would be used for. <p>In its advice on the submissions report, Council:</p> <ul style="list-style-type: none"> acknowledged the role of retaining the existing amenity barriers to prevent views of the existing operations; supported the proposed amenity barriers and rehabilitation to prevent views from locations within Minnamurra and Killalea Beach; and recommended a detailed plan of management outlining the maintenance regime for the barriers, a condition mandating when the barriers must be installed and requiring fill material to meet VENM/ENM specifications. <p>In its advice on the additional information, Council:</p> <ul style="list-style-type: none"> agreed with TfNSW's requirements regarding the importation on the approved transport route; and requested conditions be imposed enforcing an end date for the importation of fill, maximum number of truck movements and trucking times paying attention to school hours and impact on local residents. 	<p>The Department notes that the modification would not increase the number of truck movements already approved or change the approved trucking route. The Department has recommended conditions which reflect TfNSW advice.</p> <p>The existing Landscape Management Plan would be required to be updated to reflect the modification.</p>

5 Assessment

The Department considers that the proposed importation and emplacement of fill material has the potential to result in minor traffic, visual, air and noise impacts and require specific rehabilitation outcomes. The Department's consideration of these issues is summarised in **Table 4** in **Section 5.1**.

The Department's consideration of the classification of the fill material used to establish the existing southern and part of the northern amenity barriers is discussed in **Section 5.2**.

5.1 Importation of fill

Table 4 | Assessment of issues associated with the importation and emplacement of fill material

Issue	Findings and conclusions
Traffic	<ul style="list-style-type: none"> In response to a request from TfNSW, the submissions report contained a Traffic Assessment prepared by R.W. Corkery & Co. Pty Limited (Corkery) for the proposed importation of fill material. Corkery noted that the material proposed to be imported to the quarry would occur on an irregular campaign basis, and the timing would be dependent on the generation of materials at nearby developments. However, based on the average maximum capacity of the heavy vehicles that would transport the materials (i.e. 35 t), it was estimated that approximately 5,714 heavy vehicle movements would be required to import up to 200,000 t of fill material per annum. This equates to approximately 16 heavy vehicle movements per 24-hour period during import campaigns over a period of a year. Hanson is currently approved to dispatch no more than 500 laden heavy vehicles from the quarry in a 24-hour period, with hourly limits of between 23-40 movements at different times of the day (in accordance with condition 8, Schedule 2 of the project approval). Hanson has committed to ensuring that heavy vehicle movements associated with the importation of fill material would be accommodated within the existing approved limits. Therefore, no additional movements above those already approved would occur as a result of the modification. Further, Hanson committed to ensuring that all vehicles used to import fill to the quarry only utilise the existing approved transport route, which includes Dunmore Road and Bass Point Quarry Road (Figure 2). The Department supports these commitments and has recommended conditions to give them effect. The Department has also recommended conditions requiring Hanson to keep accurate records of the amount of material transported to the site and the number of trucks received at the site. The Department notes that if any generators of fill material propose to utilise other public roads to transport fill to the quarry, then they would be required to obtain separate independent approval. The Department has included a note to the existing transport operating conditions to make this clear. These vehicle numbers would be required to be counted and included in the overall approved vehicle movement limits associated with the quarrying operations. In order to minimise truck movements, TfNSW recommended that so far as reasonable and feasible, Hanson be required to ensure the fill material that is imported to the quarry is undertaken through the backfilling of despatched quarry vehicles returning to the quarry. The Department agrees that backfilled vehicles should be prioritised and has recommended a condition accordingly. Overall, the Department accepts that the proposed importation of fill materials would be undertaken within existing approved heavy vehicle number limits and on the existing approved transport route and would therefore not result in any traffic or transportation related impacts beyond those that are already approved. The existing Transport Management Plan would be required to be updated to reflect the changes associated with the modification.
Visual	<ul style="list-style-type: none"> The visually prominent nature of the existing unapproved southern barrier at the quarry was the source of complaints received by the Department during 2019.

Issue	Findings and conclusions
	<ul style="list-style-type: none"> • Subsequent public submissions on the modification questioned the level of visual amenity benefit the proposed barriers would achieve for the community. • The Modification Report contained a 3-dimensional topographic model of the quarry and surrounding landforms to predict the visual impact of the existing and proposed amenity barriers on views from surrounding areas. • The modelling confirmed that the greatest visual impacts of the modification are associated with the southern barrier, which is clearly visible to the public in the areas south of the quarry, in particular users of the Killalea Beach and Minnamurra. • As discussed previously, in order to avoid disturbing already established vegetation or cause further potential visual impacts during emplacement campaigns, Hanson has agreed to retain the existing extent of the southern amenity barrier and not further extend the barrier or place additional fill material in the southern area of the quarry. • The existing processing plant, equipment and stockpiles located in the northern areas of the quarry were also determined to be visually prominent when viewed from the north, particularly from areas such as Barrack Point and Windang Island. Construction of amenity barriers in this area was considered beneficial to obscure and improve views towards the quarry, except during short-term construction and vegetation establishment periods. • The Department accepts that the modification may result in temporary visual impacts during short-term construction and vegetation establishment periods. However, the Department considers that in the longer-term the development of the northern barriers would improve the visual amenity of the quarry from surrounding areas. As discussed in more detail below, the Department has recommended conditions requiring the landforms (including the southern amenity barrier) to be revegetated to create views that are consistent with surrounding coastal views, including towards Bass Point Reserve. • On this basis, the Department considers that the modification would result in an overall long-term improvement to the visual amenity of the quarry when viewed from surrounding areas.
Air quality	<ul style="list-style-type: none"> • A key concern raised in public submissions was the potential for additional dust impacts during the fill transportation and amenity barrier construction operations. • EPA noted that it had received complaints about dust from normal quarrying operations and requested that Hanson be required to ensure that all imported material is managed to minimise dust emissions. • Corkery indicated that the importation of material to the quarry has the potential to generate dust emissions from trucks travelling and operating on unsealed sections of roads and from the emplacement of material during construction. Trucks that are used for the import of material may also cause minor impacts from dust lift-off. • Hanson committed to continue to implement its existing dust management practices during fill importation and emplacement activities, including water spraying of haul routes, unsealed surfaces and stockpiles; halting of activities during adverse weather conditions; and progressive rehabilitation. • With these measures in place and given the importation of material would be limited to a campaign basis, Corkery predicted that the proposed activities are unlikely to result in dust emissions that are discernible from existing quarry activities or other local dust sources. • The Department acknowledges that there has been a history of dust complaints from local residences, and that dust emissions have been associated with the quarry and surrounding developments, including during the construction of the Shellharbour Marina. However, air quality monitoring results presented in Hanson's Annual Review for 2022 has generally shown compliance with air quality criteria during this reporting period. • Hanson is currently required to operate under its existing Air Quality Management Plan (AQMP) which was approved by the Department in November 2021. The AQMP describes the existing air quality monitoring program, which includes real-time air quality monitoring to guide day-to-day operations at the quarry to minimise dust impacts. This system would be required to continue operating during fill importation and emplacement activities. The AQMP would be required to be updated to include specific dust mitigation and management measures during activities associated with the modification. • On this basis, the Department considers that the potential impact of the modification on air quality would be appropriately managed, and it is unlikely that dust levels would be noticeably or significantly higher at surrounding residences.

Issue	Findings and conclusions
Noise	<ul style="list-style-type: none"> • Corkery indicated that the key potential sources of noise associated with the modification would be from delivery trucks to and from the quarry and the operation of equipment at the quarry to construct the amenity barriers. • The existing noise environment in the local area is influenced by activities at the quarry, as well as construction activities at the Shell Cove Harbour Precinct, the Shell Heights residential development, trains around the station and traffic on surrounding roadways. • As noted above, Hanson has committed to ensuring that heavy vehicle movements associated with the importation of fill material would be accommodated within the existing approved limits, therefore no additional truck noise above what is already approved would occur as a result of the modification. • Hanson has also committed to utilising existing site equipment or equipment that has similar or lower sound power levels (i.e. potential noise generation) for the construction and management of the landforms. • The proposed modification would not change the approved hours of operation. • On this basis, Corkery considered it unlikely that the noise from the proposed activities would be discernible from existing quarry operations. • The Department notes that no noise complaints in relation to quarrying operations were received during the last reporting period (i.e. 2022) and all noise monitoring results were below the noise limits specified in the existing project approval. • The Department accepts that noise emissions from heavy vehicle movements would not increase beyond what is already approved, and that Hanson would need to ensure that any noise generated during construction of the amenity barriers would be maintained below existing noise criteria. The existing Noise and Blast Management Plan would be required to be updated to include management and monitoring measures specific to the modification. • The Department considers that in the longer term once construction of the amenity barriers is complete, the modification would result in a higher level of noise amenity for surrounding residences.
Rehabilitation	<ul style="list-style-type: none"> • The modification would provide additional clean fill material necessary to allow progressive rehabilitation of the quarry site. Hanson has estimated that approximately 90,000 t of the material proposed to be imported to the quarry would be used for rehabilitation. • Rehabilitation of the quarry is currently undertaken in accordance with the Landscape Management Plan (LMP), which was approved by the Department in August 2021. The Modification Report contained an updated draft of the LMP which incorporates the proposed location, extent and progressive establishment of the amenity barriers. Hanson propose that the barriers would be seeded with a mix of native grass and herb species to stabilise the surface, then planted with shrub and tree species endemic to the region. • The Department supports these rehabilitation outcomes. • The submissions objecting to the modification noted the limited rehabilitation that Hanson has completed on the southern amenity barrier and requested that the company be required to replant/manage the area to restore the wildlife corridor between Bass Point and Killalea State Park. • The Department agrees that the existing southern barrier and the proposed extended northern barriers should be fully rehabilitated to ensure stable landforms, improve visually amenity and create vegetated connectivity between Bass Point Reserve and Killalea State Park in the longer term. The Department has therefore recommended a rehabilitation objective be added to the project approval requiring the amenity barriers to be landscaped and revegetated utilising native tree and understory species. The LMP would be required to be updated to reflect these outcomes.

5.2 Existing fill material classification

The public submissions objecting to the modification raised concerns in relation to the nature and classification of the fill materials imported to the quarry during 2019 to establish the existing southern amenity barrier and sections of the northern barriers. In response, Hanson provided documentation from the generator of the material imported (i.e. Frasers Property Australia / Coastwide Civil), including

the results of a program of sampling and validation of the material. Evidence of correspondence from EPA, which approves the proposed validity testing and sampling regime, was also provided. Copies of the documentation is included at **Appendix A**.

The materials sampling and testing results validated that the fill material imported and emplaced at the quarry to form the southern barrier was generally classified as VENM and would therefore be unlikely to result in adverse environmental impacts. The Department accepts this outcome.

The Department has recommended a condition restricting the fill material proposed to be imported and emplace at the quarry to VENM and/or ENM only, as defined and classified by the POEO Act.

6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act, in consultation with relevant Government agencies and Council, and with consideration of public submissions.

The Department considers that the unauthorised importation of fill material and emplacement to form the southern amenity barrier at the quarry does not present unacceptable existing or future environmental or social impacts. Approval of the modification would regularise the southern barrier landform and remedy an existing Order issued to Hanson.

The Department considers that the importation of fill material classified as VENM/ENM for the establishment of amenity barriers and progressive rehabilitation of the quarry would result in beneficial reuse of materials. As the proposed importation of fill materials would be undertaken within the existing approved heavy vehicle numbers and would utilise the existing approved transport route, it would not result in traffic-related impacts beyond those already approved.

The Department acknowledges that the emplacement of the fill materials may result in temporary visual and dust impacts during short-term construction and vegetation establishment periods, however it is considered that these impacts can be adequately managed via existing and proposed conditions. In the longer term, the establishment of the barriers is likely to improve visual amenity and create vegetated connectivity between the quarry and Bass Point Reserve.

Consequently, the Department considers the modification is in the public interest and should be approved, subject to the recommended conditions. Hanson has accepted the recommended conditions in the Notice of Modification (**Appendix D**).

7 Recommendation

It is recommended that the Director – Energy and Resource Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** that the modification application MP08_0143 MOD 3 falls within the scope of section 4.55(2) 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 approve the modification;
- **agrees** with the key reasons for approval;
- **modifies** the consent MP08_0143; and
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:

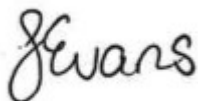


11/12/2023

Jarrod Blane
A/Team Leader
Resource Assessments

8 Determination

The recommendation is **Adopted** by:



18/12/2023

Jessie Evans
Director
Energy and Resource Assessments
as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

A1 – Modification Report: See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/bass-point-quarry-mod-3-amenity-barriers>

A2 – Submissions Report: See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/bass-point-quarry-mod-3-amenity-barriers>

A3 – Additional information: See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/bass-point-quarry-mod-3-amenity-barriers>

Appendix B – Statutory considerations

See over page.

Appendix C – Submissions and government agency advice

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/bass-point-quarry-mod-3-amenity-barriers>

Appendix D – Notice of modification

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/bass-point-quarry-mod-3-amenity-barriers>

Appendix E – Consolidated development consent

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/bass-point-quarry-mod-3-amenity-barriers>

Objects of the EP&A Act

Table C1 summarises how the relevant objects of the EP&A Act have been considered in the Department's assessment of the modification.

Table C1 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(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,	<p>The modification meets this objective because it would:</p> <ul style="list-style-type: none"> • allow beneficial reuse of fill material generated by local and regional urban, commercial and industrial developments; • enable the development and extension of amenity barriers, and facilitate landscaping and progressive rehabilitation of the quarry; and • result in increased visual amenity for surrounding residences. <p>Overall, the Department notes that increases in heavy vehicle movements can be accommodated within existing approved transport numbers, and considers that any visual and environmental impacts (primarily relating to temporary noise and dust during emplacement campaigns) can be appropriately managed under existing conditions.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The Department considers that the modification is minor and can be carried out in a manner that is consistent with the principles of ecologically sustainable development as it would:</p> <ul style="list-style-type: none"> • not require clearing of native vegetation; • have no impact on Aboriginal cultural heritage or historic heritage; • have minimal environmental impact beyond what is already approved; and • provide beneficial reuse of fill materials.
(c) to promote the orderly and economic use and development of land,	<p>The modification represents a continuation of a long-standing historical land use which is permissible on the subject land. The modification would not require any additional land clearing and would result in no additional impacts to built or natural features beyond what is already approved. The Department considers this represents an orderly and economic use of the land.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The modification would not change the existing approved project boundary and would not impact the delivery of any new housing in the surrounding areas.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The modification does not require any land clearing and avoids any impacts on threatened species and communities and key habitats.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The modification would not directly impact Aboriginal cultural heritage or historic heritage.</p>
(g) to promote good design and amenity of the built environment,	<p>The modification would not require any changes to the existing built environment.</p>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	<p>The modification does not require the construction of any buildings. The modification would result in the beneficial reuse of fill material generated by local and regional urban, commercial and industrial developments that would likely otherwise be disposed of in landfill.</p>

Object	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the state,	The Department has assessed the modification application in consultation with Shellharbour City Council and other relevant NSW government authorities, and given consideration to the issues raised by these agencies in its assessment.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the Modification Report and application and considered all submissions in its assessment.

Environmental Planning Instruments (EPIs)

In undertaking its assessment, the Department has considered the provisions of relevant environmental planning instruments including:

- *Shellharbour Local Environmental Plan 2013;*
- *State Environmental Planning Policy (Coastal Management) 2018;*
- *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP);*
- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP);*
- *State Environmental Planning Policy 55 (SEPP No. 55) – Remediation of Land; and*
- *State Environmental Planning Policy 33 (SEPP No. 33) – Hazardous and Offensive Development.*

The Department has considered the proposed modification against the relevant provisions of these instruments. The Department has concluded that the proposed modification can be carried out in a manner that is generally consistent with the aims, objectives and provisions of these instruments.