



Bass Point Quarry Modification 4

Alternative Transport Route
State Significant Development Modification Assessment
(MP08_0143 MOD 4)

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Executive Summary

The Bass Point Quarry is an existing hard rock quarry 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.

Quarry products are dispatched via a designated transport route including Bass Point Quarry Road to Dunmore Road and then onto Shellharbour Road. Shellharbour City Council is currently upgrading the Bass Point Tourist Road and seeks road construction material from the quarry. Currently the consent prohibits the use of this road to protect local amenity.

On 17 October 2021, Hanson submitted a modification application under section 4.55(1A) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) to permit the amendment of the approved heavy vehicle transport route to allow direct access to the Bass Point Tourist Road to supply materials to the road upgrade being undertaken by Shellharbour City Council.

Exhibition or notification of an application to modify a consent under section 4.55(1A) is not required by the EP&A Act. The Department made the Modification Report publicly available on its website from 21 October 2021.

Shellharbour City Council supports the application as it would avoid heavy vehicles travelling a longer distance through the Shellharbour area. Without amending the condition, heavy vehicles must travel approximately 14 km through Shellharbour to reach the northern end of Bass Point Tourist Road to deliver the material and then return to the quarry.

The Department has reviewed the scope of the modification and considers it meets the requirement of minimal environment impact for a section 4.55(1A) application. While some minor local impacts regarding dust and noise may change, the Department considers these impacts would not increase the overall approved impacts of the project.

The proposal would not require the construction of any new elements, there are no changes to the approved extraction rate or layout and there would be no change to the heavy vehicle numbers approved under the existing consent.

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 Shellharbour City Council. The modification would allow the efficient supply of construction materials to the Bass Point Tourist Road upgrade project.

The Department considers the minor amendment to condition 27 of Schedule 3 is in the public interest as it would support Council's road upgrade project while avoiding heavy vehicles impacting the broader Shellharbour area. Consequently, the Department considers the modification should be approved, subject to the recommended conditions.

1 Introduction

1.1 Background

The Bass Point Quarry is an existing hard rock quarry approximately 5.5 kilometres (km) northwest 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.

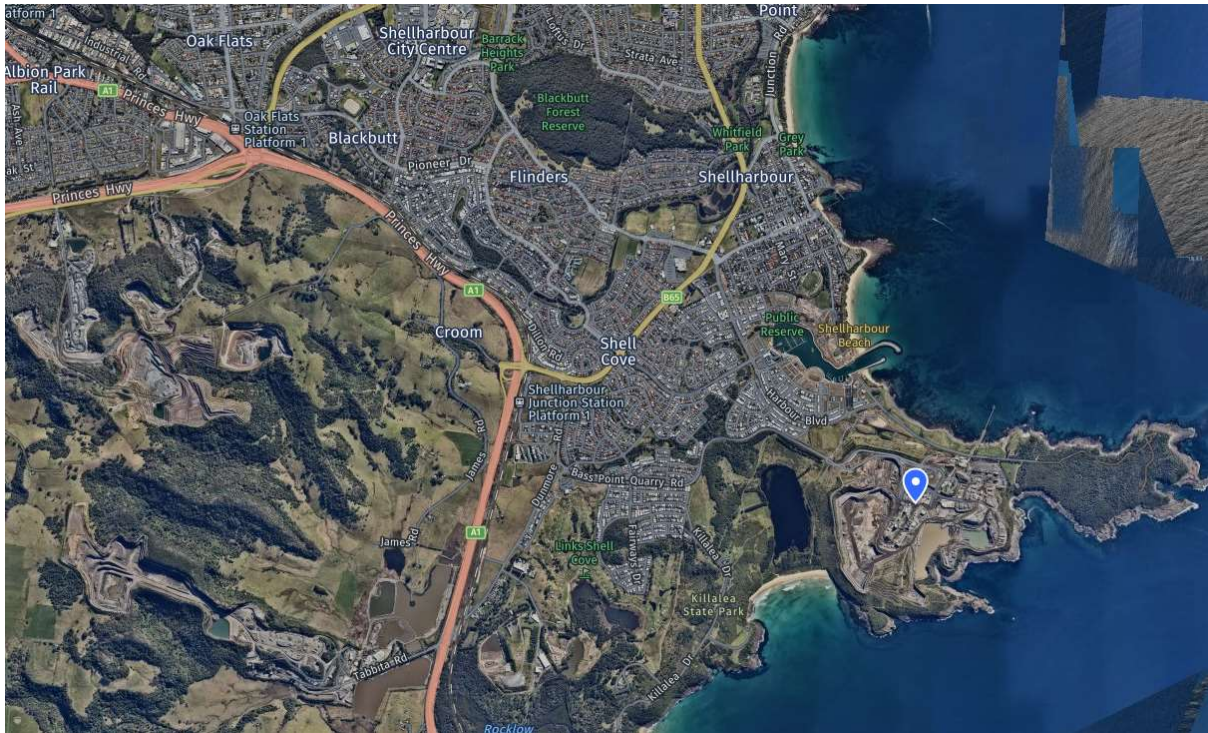


Figure 1 | Regional context map (Source:nearnmap.com (2021))

The nearest residential area is the newly developed suburb of Shell Cove which is 1 km to the northwest (**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. Materials can also be dispatched by ship via a conveyor to the Bass Point jetty.

Shellharbour City Council is currently upgrading the Bass Point Tourist Road and seeks road construction material from the quarry. Currently the consent prohibits the use of the road to protect local amenity. Hanson is seeking to amend the relevant conditions to allow it to supply quarry materials to the road construction upgrade works, only.

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 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 two occasions, with a third modification also currently under assessment (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amend the location of the site office facilities and noise monitoring requirements	Minister's delegate	75W	29 June 2017 12
MOD 2	Increase to morning trucking limit	Minister's delegate	75W	17 January 2019
MOD 3	Proposed modification(s) to change amenity bund locations	-	4.55(2)	Under assessment

2 Proposed modification

On 17 October 2021, Hanson submitted the Modification 4 application (**Appendix A**) under section 4.55(1A) of the EP&A Act to permit the amendment of the approved heavy vehicle transport route to allow direct access to the Bass Point Tourist Road to supply materials to the road upgrade being undertaken by Shellharbour City Council (see **Figure 2**).

Condition 27 of Schedule 3 of the development consent currently mandates that all heavy vehicles transporting quarry products must adhere to the approved haul route shown in blue on **Figure 2**. Hanson is seeking to amend this condition to allow heavy vehicles to access Bass Point Tourist Road from the quarry's existing site access for the purpose of upgrading it.

Without amending the condition, heavy vehicles must travel approximately 14 km through Shellharbour to reach the northern end of Bass Point Tourist Road to deliver the material and then return to the quarry.

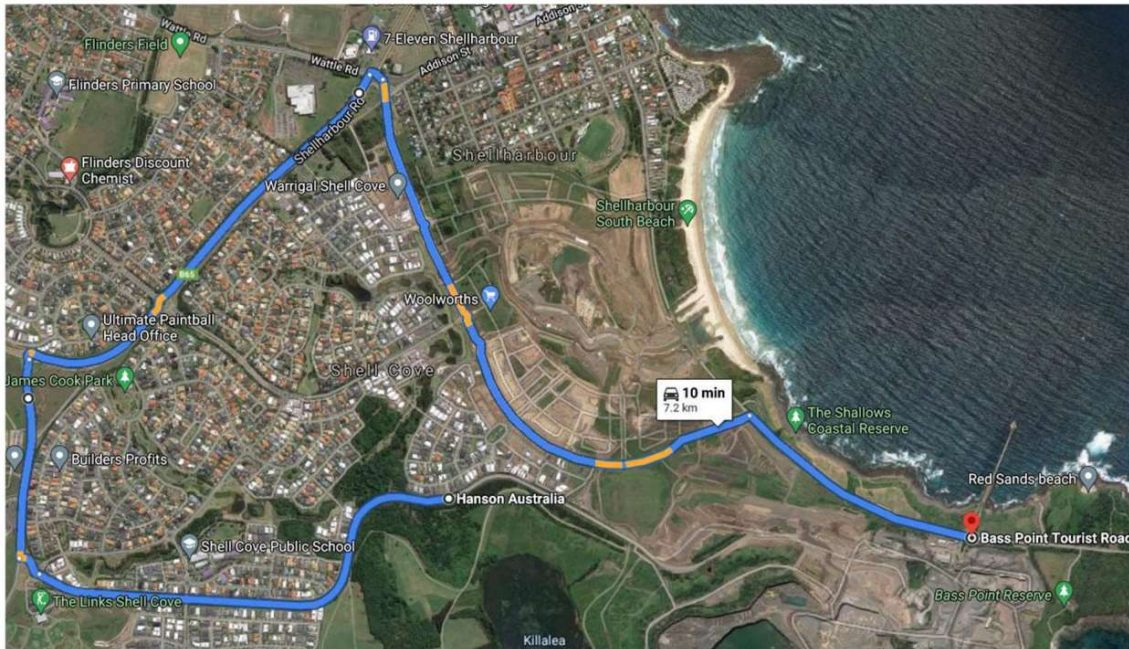


Figure 2 | Approved heavy vehicle route to Bass Point Tourist Road shown in blue.

3 Statutory context

3.1 Scope of modifications

The Department has reviewed the scope of the proposed modification and is satisfied that it can be characterised as a modification involving minimal environmental impacts under section 4.55(1A) of the EP&A Act, as the proposal:

- would reduce the overall distance heavy vehicles would have to travel to supply materials to the Bass Point Tourist Road upgrade; and
- the modified development would remain substantially the same development as that which was last modified under the former section 75W of the EP&A Act.

No other changes are proposed.

3.2 Permissibility

The quarry site is zoned E3 – Environmental Management under the *Shellharbour Local Environmental Plan 2013* (LEP). While extractive industries are not permissible within this zoning of the LEP - the proposal is permitted with consent by way of *State Environmental Planning Policy (Mining, Extractive Industries and Petroleum Production) 2007*, which allows extractive industries to be developed in zones where agriculture is permitted.

3.3 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application under Section 4.5(a) of the EP&A Act. However, under the Minister's delegation of 26 April 2021, the Director, Resource Assessments may determine the modification application as Hanson did not make a political disclosure, Shellharbour City Council did not object to the modification, and there were no objections to the modification from the public.

3.4 Mandatory matters for consideration

In accordance with section 4.15(1) of the EP&A Act, a consent authority must consider the following matters, to the extent they are relevant, when considering the merits of the application:

- the objects of the Act (Section 3.5);
- the applicable environmental planning instruments (Section 3.6);
- any submissions (Section 4);
- likely impacts of the modification application, including environmental, social and economic impacts (Section 5);
- suitability of the site (Section 3 and Section 5); and
- the public interest (Section 6).

The Department has considered these matters carefully and summarised the findings in the relevant sections of this report.

3.5 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department has assessed the proposed modification against the objects set out in section 1.3 of the Act. The objects of most relevance to the proposed modification are:

- (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;
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;
- (c) to promote the orderly and economic use and development of land;
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats;
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State; and
- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department considers the proposed modification encourages the proper management and development of resources (Object (a)) and promotion of the orderly and economic use of land (Object (c)). The Department has considered the principles of ecologically sustainable development (ESD, Object (b)) in its assessment of the proposed modification. The Department considers the proposal

can be carried out in a manner that is consistent with the principles of ESD. The Department's assessment has sought to integrate all significant environmental, social and economic considerations.

Consideration of the protection of the environment (Object (e)) is provided in Section 5 of this report. The Department considers the proposal has been designed to minimise potential environmental impacts.

The Department considers that consultation undertaken with key stakeholders satisfies the objectives to share responsibility between different levels of government (Object (i)), while making the application publicly available on its website and seeking submissions satisfies the objectives of Object (j).

3.6 Environmental planning instruments

In undertaking its assessment, the Department has considered the objects of the EP&A Act and the provisions of relevant EPIs, including:

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

3.7 Other approvals

The quarry's activities are regulated under Environment Protection Licence 2193, granted under the *Protection of the Environment Operations Act 1997*.

4 Engagement

Exhibition or notification of an application to modify a consent under section 4.55(1A) is not required by the EP&A Act. The Department made the Modification Report publicly available on its website from 21 October 2021. The Department sought evidence from Hanson that it had consulted with Shellharbour City Council on the application.

No representations from members of the public were received and the advice received from Shellharbour City Council is summarised below.

Shellharbour City Council provided a letter to Hanson (refer Appendix C, within **Appendix A**) to support the modification application as it would allow the supply of essential road construction materials directly via the quarry's site access to Bass Point Tourist Road. Council noted that if the modification was not approved heavy vehicles would have to drive through Shellharbour causing potential traffic and amenity issues.

5 Assessment

The Department has assessed the merits of the proposed modification in accordance with the relevant objects and requirements of the EP&A Act. In assessing the merits of the modification application, the Department has considered the:

- modification application and supporting information;
- existing conditions of consent for the project;
- previous environmental assessments (EA) for the project;
- agency advice on the application;
- relevant environmental planning instruments, policies and guidelines; and
- requirements of the EP&A Act.

The proposal would not require the construction of any new elements, there are no changes to the approved extraction rate or layout and there would be no change to the heavy vehicle numbers approved under the existing consent.

Hanson identified that amending the condition would result in changes to the operation of the quarry resulting in trucks using different internal haul roads to access the Bass Point Tourist Road access gate. This could result in some minor changes to amenity impacts and these are discussed further in the table below.

Table 2 | Assessment of Impacts

Issue	Findings	Recommendations
Air Quality	Hanson identified that dust generation from heavy vehicles using different internal haul roads may have a minor impact on dust generation from the quarry. The Department notes that the overall number of heavy vehicles permitted to move within the site would not change and that there are existing conditions of consent to minimise and monitor dust generation from the site. The Department considers that there would be no material change to the dust being generated from the amended project.	The existing strict conditions of consent requiring stringent air quality criteria to be met and the implementation of a robust air quality management plan would ensure Hanson appropriately manages any changes to dust generation on the site.
Noise	Hanson identified heavy vehicles supplying material to the upgrade of Bass Point Tourist Road via its site entrance would introduce noise into a new area. The Department notes that the distance to the nearest receivers is over 1 km away and that the road upgrade works themselves would be the dominant noise source at this location. Further the road upgrade would have the	The existing strict conditions of consent requiring stringent noise criteria to be met and the implementation of a robust noise management plan would ensure Hanson appropriately manages any changes to noise generation from the site.

Issue	Findings	Recommendations
	relevant council approvals to manage noise during the upgrading works. Given the above, the changes to noise impacts are considered minor and no further conditions of consent are required to manage this activity.	
Traffic	The current approved haul route (Figure 2) requires all heavy vehicles to travel via Bass Point Quarry Road to Dunmore Road. If Hanson were to follow this route, it would require heavy vehicles to travel approximately 14 km through Shellharbour to access Bass Point Tourist Road and return to the quarry. By permitting access onto Bass Point Tourist Drive from the site access gate this modification would avoid this impact.	While the Department accepts this is a good outcome in this circumstance it does not consider that any amendments to the conditions should be open-ended. Accordingly, the Department's recommendation only permits the use of Bass Point Tourist Road, at the request of Council to supply material for the purpose of upgrading or maintaining the road.

6 Evaluation

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 Shellharbour City Council.

The modification would allow the efficient supply of construction materials to the Bass Point Tourist Road upgrade project. While some local impacts regarding dust and noise would change, these impacts would not increase the overall approved impacts of the project.

Council highlighted that if the modification were not approved heavy vehicles would have to make a 14 km return journey through Shellharbour creating traffic and amenity concerns for local residents and businesses.

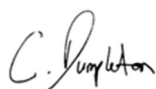
The Department considers the minor amendment to condition 27 of Schedule 3 is in the public interest as it would support Council's road upgrade project while avoiding heavy vehicles impacting the broader Shellharbour area. Consequently, the Department considers the modification should be approved, subject to the recommended conditions. Hanson has accepted the recommended conditions in the Notice of Modification (**Appendix B**).

7 Recommendation

It is recommended that the Director – 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 4 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 approve the modification
- **agrees** with the key reasons for approval;
- **modifies** the consent MP08_0143; and
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



8/11/2021

Carl Dumbleton

Team Leader

Resource Assessments

7 Determination

The recommendation is **Adopted** by:



09/11/2021

Jessie Evans

Director

Resource Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – Modification report

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/18381>

Appendix B – Notice of modification

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/18381>