

10 December 2012

The Director General
Department of Planning
GPO Box 39
Sydney NSW 2000

Attention Mr Chris Ritchie

Proposed Glass, Concrete and Sand Facility at Sandy Point Quarry – Request for Director Generals Requirements

The purpose of this letter is to formally request that the Director-General issue the environmental assessment requirements for the provision of an Environmental Impact Statement (EIS) in relation to the abovementioned development.

In brief, the proposal is for a glass, concrete and sand facility at the Sandy Point Quarry located at 14309 Heathcote Road Menai, which is proposed to operate in conjunction with the quarrying operations currently undertaken by Benedict. This proposed facility will import materials to the Sandy Point Quarry which will then be processed and blended with materials which are extracted at the quarry to produce product gradings and achieve engineering properties which are acceptable to the specific requirements of the Sydney construction materials market. It is noted that no development consent is being sought for the quarrying operations as this is already permitted due to an existing development consent.

The types of materials that are proposed to be imported to the Sandy Point Quarry include glass and building and demolition waste materials suitable for processing and incorporation into quarry products such as:

- glass fines from materials recovery facilities
- excavated natural materials
- virgin excavated natural materials
- rail ballast and spoils,
- concrete, masonry, brick and tile, asphalt and the like.

Previous quarrying operations have been licensed to allow the production of 200,000 tonnes per annum of quarry product. The additional activities proposed will increase this to 440,000 tonnes per annum. The net benefit of the proposal is the return of 240,000 tonnes of materials to the productive economy which would have otherwise been landfilled. The proposal plays an important role in the provision of sustainable construction materials for the Sydney region in accordance with the principles of ecologically sustainable development through resource recovery and the recycling of a number of products that would otherwise have been diverted to landfill.

Benedict Industries – Re Request for DGRs for Sandy Point Quarry Proposed Glass, Concrete and Sand Facility and Supporting Document

The volume of materials to be handled on the site is summarised as follows:

Activity Details	Expected annual tonnages
Anticipated crushing, grinding and milling of glass fines as a substitute for naturally quarried materials – tonnes per annum	80,000 – 120,000 tonnes per annum
Anticipated crushing, grinding and milling or importation of other materials (including excavated natural materials, virgin excavated natural materials, rail ballast and other spoils, concrete, masonry, brick and tile, asphalt and the like) to be processed	80,000 – 120,000 tonnes per annum
Exiting Quarrying activities	200,000 tonnes per annum
Total activity – combined processing and export	440,000 tonnes per annum

John Whitehouse of Minter Ellison has provided clarification of the statutory framework and classification as State significant Development which is set out below.

Clause 8(1) of the *State Environmental Planning Policy (State and Regional Development) 2011* (State and Regional SEPP) provides that development will be declared to be State significant development for the purposes of the Environmental Planning and Assessment Act 1979 if that development is specified in Schedule 1 or 2 of the State and Regional SEPP.

The proposed development actually falls within the following category specified in Schedule 1 of the State and Regional SEPP being:

'23 Waste and resource management facilities

(3) Development for the purposes of resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste.'

The proposed glass, concrete and sand facility falls within the above category because it will be able to handle more than 100,000 tonnes per year of waste and as such falls within Schedule 1(23).

Thus, the proposed development constitutes State Significant Development pursuant to the State and Regional SEPP and section 89C of the EP&A Act. This means that the Minister for Planning and Infrastructure will be the consent authority for the proposed facility pursuant to section 89D(1) of the EP&A Act. Further, section 78A(81) of the EP&A Act confirms that an EIS must be prepared and submitted with this development application.

The proposed development will be situated on land that is currently zoned 1(D) Rural - Future Urban under the *Sutherland Shire Local Environmental Plan 2000*. This zone is restrictive, allowing limited uses including drainage, recreational areas, roads, utility installations and demolition only and the existing quarry and the proposed development is not a permissible use in this zone.

However, Council approved extractive industry operations on this site pursuant to the Development Consent and existing operations are also permissible pursuant to the Sydney Regional Environment Plan number 9 – Extractive Industry (No. 2) which permits extractive industries on the site pursuant to clause 7 in Schedule 1, Division 8 *Crushed Sandstone Quarries of Regional Significance, subclause 4 – The Land covered by licence number 76/31 metropolitan, Sandy Point, CSR* (this is the land referred to in this application as the Sandy Point Quarry).

With respect to the proposed development, even though the glass, concrete and sand facility is not a permissible use pursuant to the Sutherland LEP, it is a permissible use pursuant to the provisions of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 ('Mining SEPP')*. Clause 7(4) of the Mining SEPP provides that the following development is permissible with consent:

'(4) Co-Location of Industry

If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land:

- (a) the processing of extractive material,*
- (b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material;*
- (c) facilities for the processing or transport of extractive material,*
- (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.'*

The proposed development is captured by the above clause because it falls within the definition of 'industry' in clause 3 of the Mining SEPP as it involves the manufacturing and processing of goods and it falls within sub clauses (4)(a), (b) and (c) of the Mining SEPP.

Because the Development Consent authorises an extractive industry at the Sandy Point Quarry and the proposed development falls within each of categories (a), (b) and (c) in clause 7(4) then the proposed development is a permissible use pursuant to the Mining SEPP.

Clearly, there is an inconsistency between the Mining SEPP and the Sutherland LEP regarding permissibility. However, clause 5(3) of the Mining SEPP confirms that where there is any inconsistency between the Mining SEPP and another environmental planning instrument the Mining SEPP will prevail to the extent of the inconsistency. Accordingly, the proposed development is a permissible use subject to development consent.

The proposed glass, concrete and sand facility also constitutes designated development because it is captured by clause 16 of Schedule 3 of the EP&A Regulation 2000 as crushing, grinding or separating works:

' 16 Crushing, grinding or separating works

(1) Crushing, grinding or separating works, being works that process materials (such as sand, gravel, rock or minerals) or materials for recycling or reuse (such as slag, road base, concrete, bricks, tiles, bituminous material, metal or timber) by crushing, grinding or separating into different sizes:

- (a) that have an intended processing capacity of more than 150 tonnes per day or 30,000 tonnes per year, or*
- (b) that are located:*
 - (i) within 40 metres of a natural waterbody or wetland, or*
 - (ii) within 250 metres of a residential zone or dwelling not associated with the development.*

(2) This clause does not apply to development specifically referred to elsewhere in this Schedule.'

Benedict Industries – Re Request for DGRs for Sandy Point Quarry Proposed Glass, Concrete and Sand Facility and Supporting Document

To assist in determining the Director General Requirements relating to the preparation of the EIS, this letter contains a Supporting Document which addresses the heads of consideration specified in the Department's Application process. Specifically, this Supporting Document provides an outline of the existing site operations, sets out the scope of the proposed development and the key environmental and planning issues associated with the proposal. It also describes the site and surrounds.

Should you have any questions please do not hesitate to call.

Regards



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Supporting Document

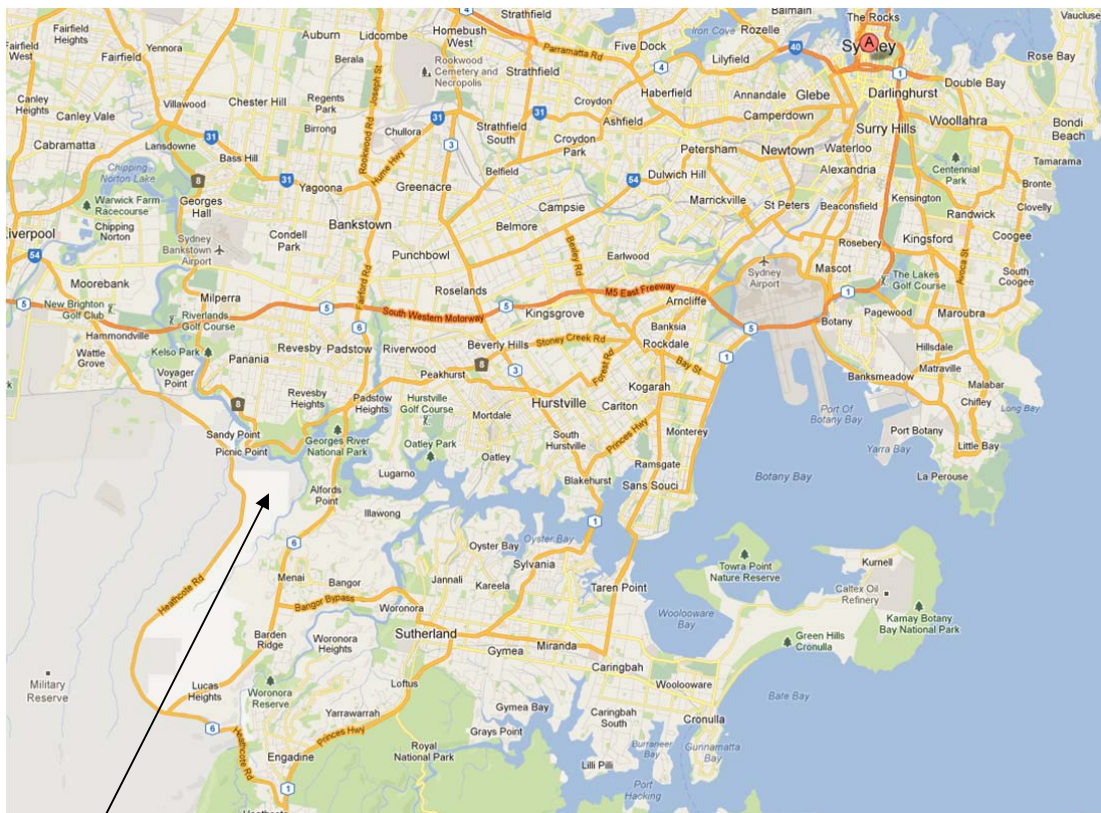
1) Site details:

The site is legally identified as lots 1 and 2 DP 1176153.

See Figures 3 and 3A.

a) The local and regional context of the proposal,

The quarry site comprises an area of approximately 38.12 hectares and is currently occupied by Benedict Industries under an Extractive Industry Licence from the Department of Lands (now known as the NSW Department of Trade and Investment - Crown Lands Division). It is located approximately 45 km southwest of Sydney Central Business District and 13 km south east of Liverpool – see Figure 1 below.



Site Location

Figure 1 - Regional Context

b) surrounding development and any potentially affected properties

The surrounding land uses are characterised as follows:

- i) Immediately to the east the land is owned by the Gandangara Local Aboriginal Land Council. This land comprises some 865 hectares which is currently the subject of a development proposal known as Heathcote Ridge which is being assessed as a State Significant Site (SSS). We understand that the public exhibition of Heathcote Ridge Development by the NSW Department of Planning and Infrastructure (DP&I) is now closed.
- ii) Currently the lands within 1km or so of the Sandy Point Quarry site to the east are vacant and significantly degraded as a result of:
 - (1) Trail bikes;
 - (2) Illegal four-wheel drive activities;
 - (3) Illegal rubbish dumping; and clearing.
- iii) The site is bounded on the west by Heathcote Road.
- iv) The Holsworthy Firing Range is located on the western side of Heathcote Road directly adjacent to the Sandy Point Quarry site.
- v) The township of Sandy Point is located approximately 900 metres to the northwest of the site and comprises a residential precinct of about 600 people.
- vi) The other residential precinct in the area is Picnic Point is located directly to the north of the site across the Georges River.
- vii) Directly to the north of the site there is a major power transmission line easement corridor which provides a physical man made buffer zone between the northern portion of the site and the Georges River National Park.
- viii) Georges River national Park is located directly to the north of the transmission power line corridor which runs parallel to the site's northern Boundary.

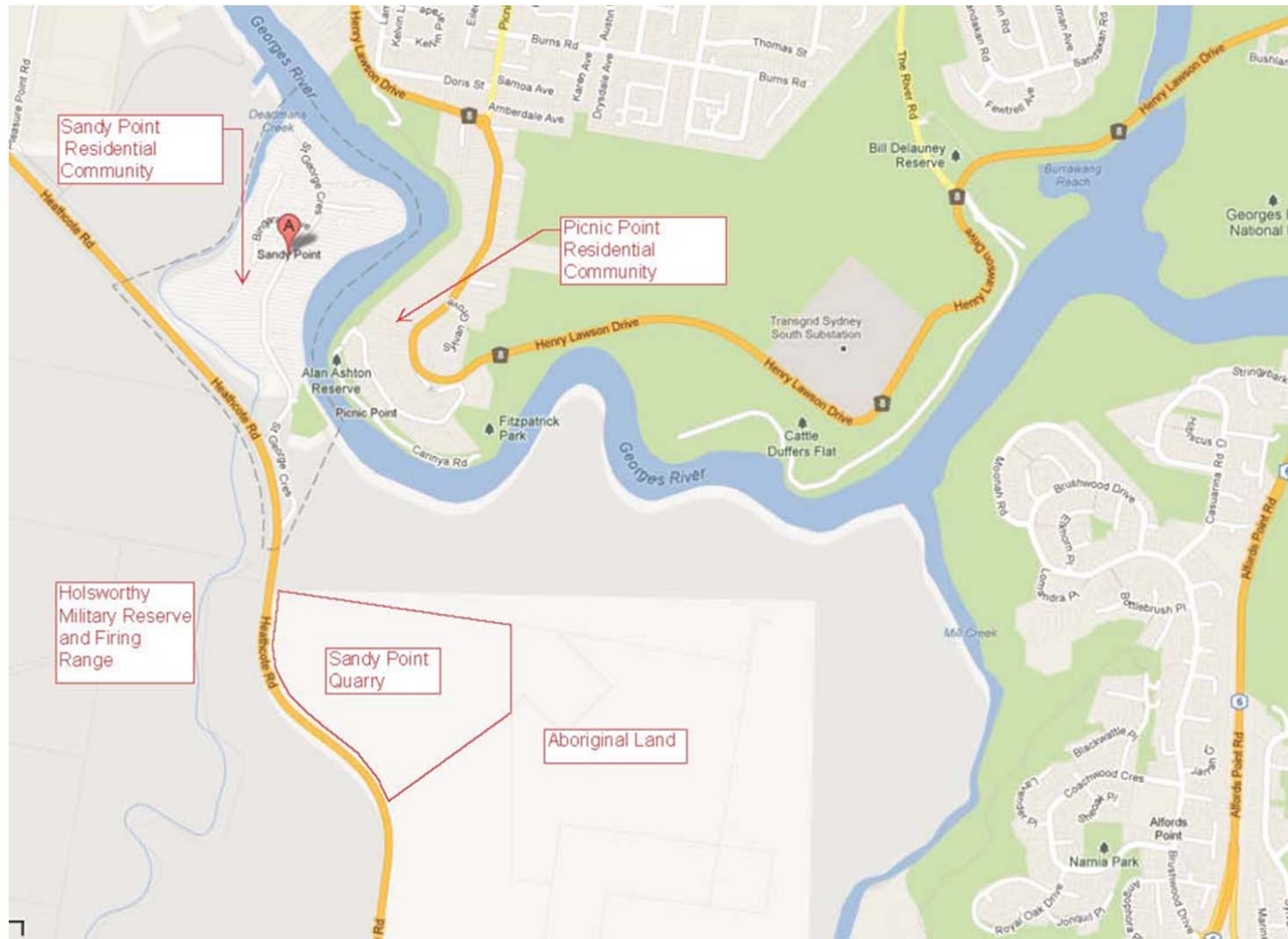
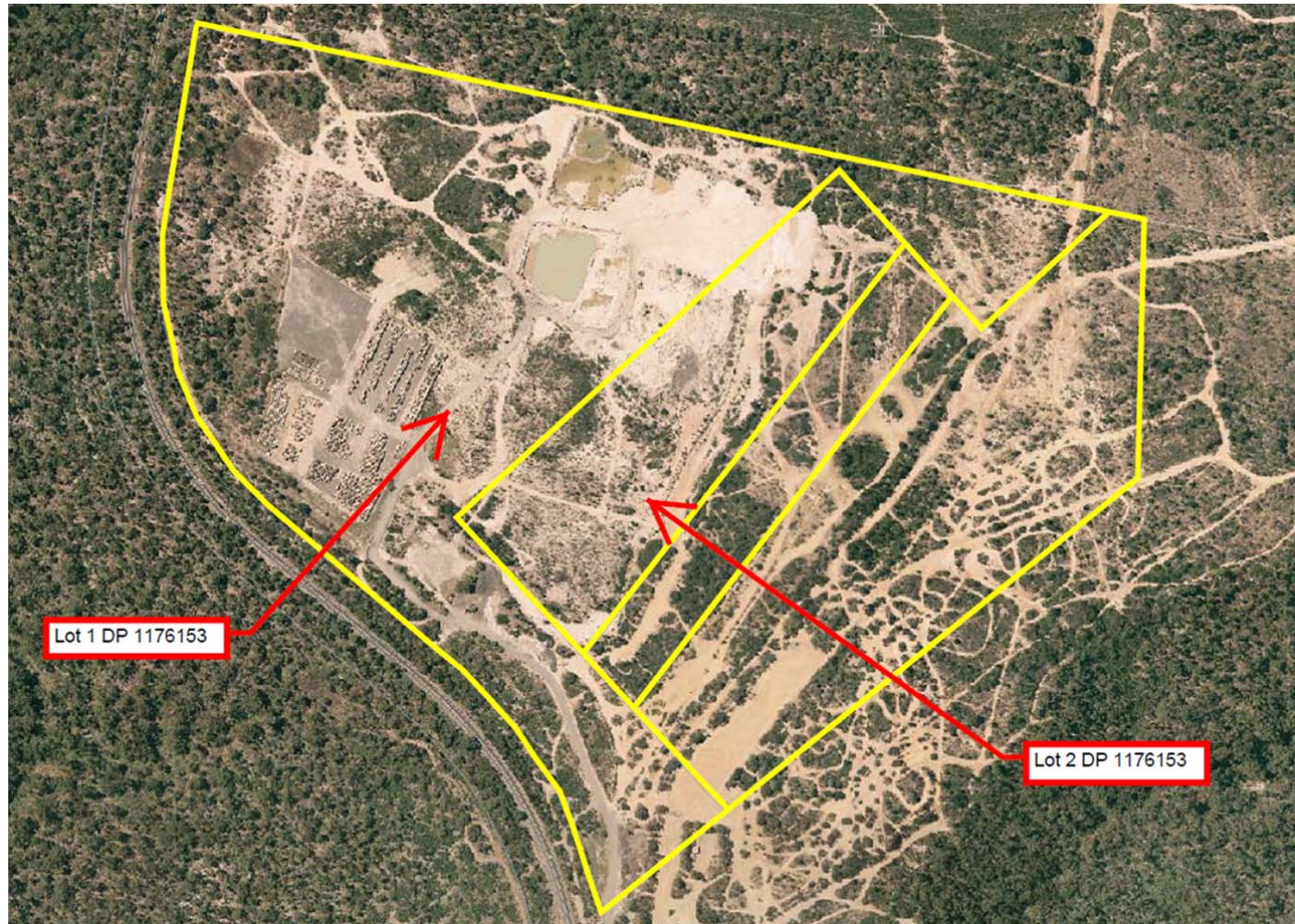


Figure 2 – Surrounding Land Uses

Figure 3 – 14309 Heathcote Road Menai Lots 1 and 2 DP 1176153 (Source LPMI)



Figure 3A – 14309 Heathcote Road Menai lots 1 and 2 DP 1176153 (Source LPMI) with satellite imagery highlighted.



c) The location of key infrastructure and environmental features

The proposed development will include the following infrastructure

- i) **Shed A** - This facility encompasses a Pale Eucalypt Green Colorbond prefabricated industrial shed (approximately 25 X 25 m X 10 m high) open sided gable structure to provide an undercover stockpile area for feedstock for the facility. It is proposed that all unprocessed glass will be stored undercover.
- ii) **Shed B** - A second building will house plant to process the glass fines. This will be a plain Pale Eucalypt Green Colorbond prefabricated industrial shed (approximately 30m X 45m X 10 metres high).
- iii) **Stockpile Areas** - Processed glass is proposed to be stored in the finished stockpile area prior to blending with other quarried products prior to supply to customers. These operations will be located in the existing quarry floor and will not be visible from any location other than directly on the site itself as the entire operation is located on the existing quarry void

The plant to be utilised includes some \$2.5 million of specialised equipment that will be housed in the enclosed shed including specialised crushers, screens and additional sorting/beneficiation equipment. Plant items that are already utilised in the course of normal quarry operations being mobile plant such as loaders, excavators and crusher and screens will also be used. Details of the location of this infrastructure are set out below on excerpts of the Site Analysis Plans and Process and Activity Plan.

Figure 4 – Location of Infrastructure

Shed A and Shed B

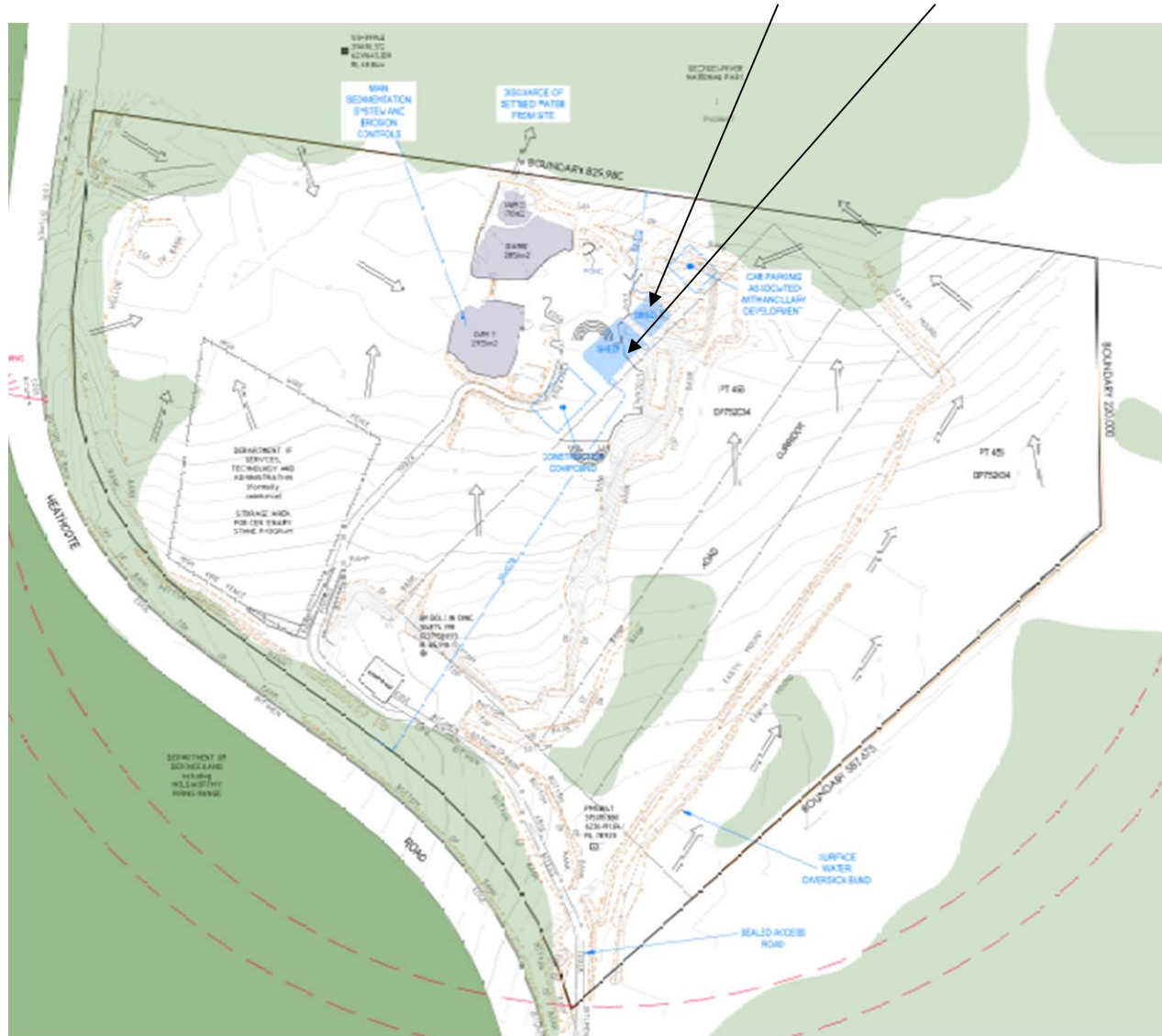


Figure 5 – Detail of Shed A and Shed B location

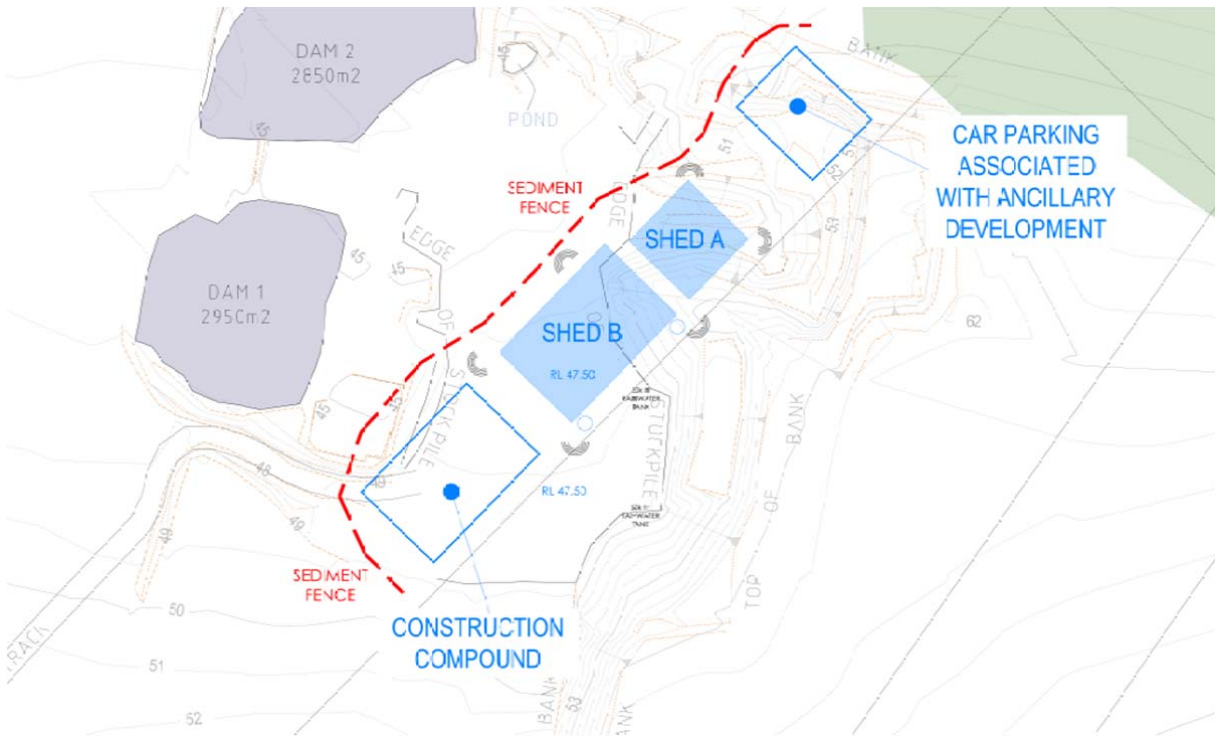
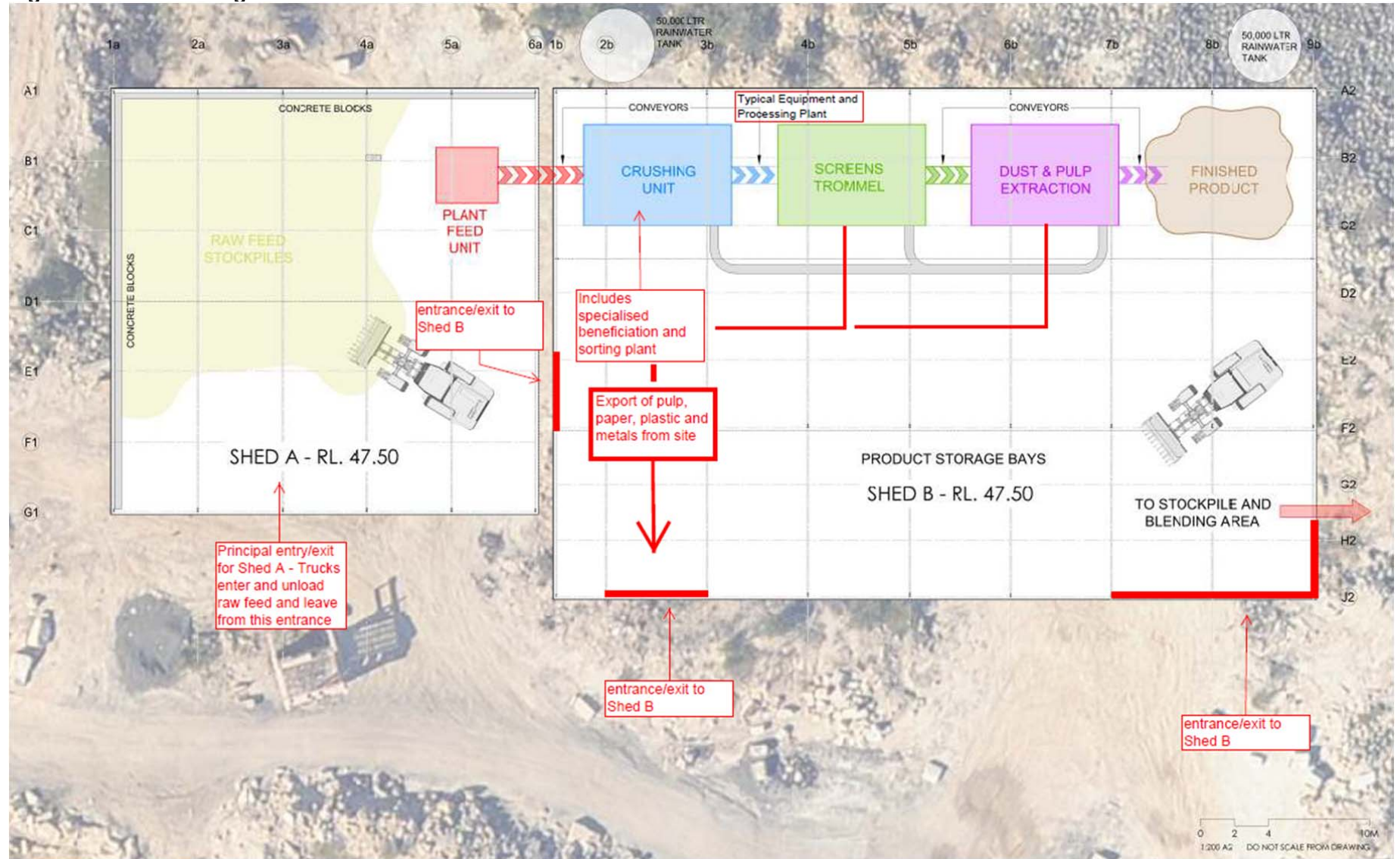


Figure 6 – Process Diagram



- 2) **Development description:** Provide a clear and concise summary of the proposal that describes the types of activities that will be undertaken during each stage of the development.

The proposal is for a glass, concrete and sand facility at the Sandy Point Quarry which is proposed to operate in conjunction with the quarrying operations currently undertaken by Benedict. In brief, the proposal is for a glass, concrete and sand facility at the Sandy Point Quarry located at 14309 Heathcote Road Menai, which is proposed to operate in conjunction with the current quarrying operations currently undertaken by Benedict. This proposed facility will import materials to the Sandy Point Quarry which will then be processed and blended with materials which are extracted at the quarry to produce product gradings and achieve engineering properties which are acceptable to the specific requirements of the Sydney construction materials market. It is noted that no development consent is being sought for the quarrying operations as this is already permitted due to an existing development consent.

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A schematic of the processes and tonnages is provided overleaf.

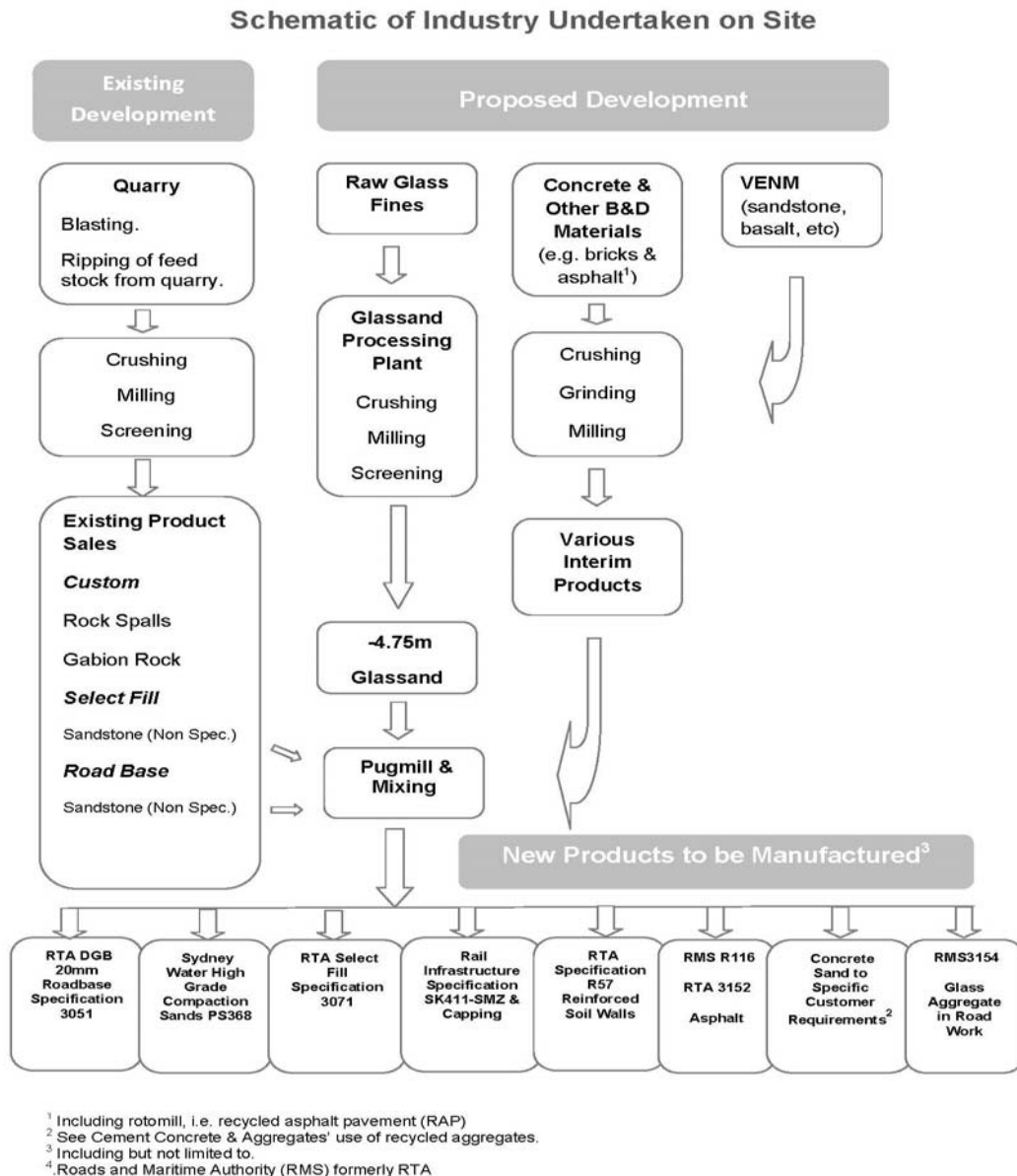


Figure 7 – Schematic of Activities

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Total activity – combined processing and export	440,000 tonnes per annum

- 3) **Permissibility and Strategic Planning:** Identify the strategic planning documents, environmental planning instruments and key development standards applying to the development, including any development standards not being met

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(b) that are located:

(i) within 40 metres of a natural waterbody or wetland, or

(ii) within 250 metres of a residential zone or dwelling not associated with the development.

(2) This clause does not apply to development specifically referred to elsewhere in this Schedule.'

4) **Impact identification and assessment:** Identify and prioritise the expected environmental impacts (positive and negative) associated with the development, based on a preliminary risk assessment. Briefly outline any strategies to address the impacts identified.

The key environmental and land use planning issues that have been identified as needing to be addressed in the EIS are:

- Air, Dust and Noise
- Flora and fauna
- Visual impacts
- Traffic and parking
- Hazards and fire
- Heritage
- Social impacts, economic impacts

a) Air, dust and noise and dust

The anticipated impact of the combined operations in relation to air and dust emissions during the construction and operation of the facility will be quantified in an assessment of air quality would be carried out as part of the EIS. Recommended mitigation measures from this assessment would be incorporated into the detailed design of the proposed facility. However, dust mitigation measures are a standard part of quarrying and related activities and the proposal is not expected to require non standard control measures.

In relation to noise, the EIS will be accompanied by an acoustic assessment to determine the impacts of the development on local residential receptors to the north and northeast of the site. Preliminary investigations undertaken by Todoroski Air Sciences and Heggies have revealed that significant acoustic bunding will be required to be incorporated into the detailed design of the proposed facility, so as to comply with the relevant noise criteria. This issue will be addressed in the EIS.

b) Flora and Fauna

A Flora and Fauna assessment will be undertaken as part of the EIS. Recommended mitigation measures from this assessment would be incorporated into the detailed design of the proposed facility. This assessment will specifically address the impact of the construction of the acoustic bunding.

c) Visual Impacts

The acoustic bund will also provide a visual barrier and landscaping to screen the proposed development from other properties. This will be particularly important to protect the vista from the National Park as well as residential precincts across the river at Picnic Point. In addition this visual barrier will become important as and when as the development of the MALC Land to the south and southeast of the site progresses.

d) Traffic and Parking

The existing facility has been previously licenced to process and export up to 200,000 tonnes per annum. The proposed operations will result in an additional 220,000 tonnes per annum. Preliminary studies by traffic engineers Colston Budd Hunt & Kafes Pty Ltd have indicated that the impacts of these additional movements on the local traffic network will be negligible. The site is 38.12 ha and ample space is available for parking

The likely impacts of the proposal on the existing access point, the surrounding road network and intersections as well as mitigation measures will be documented in the EIS.

e) Hazards and Fire

The EIS will provide details on the environmental protection equipment to be installed in the premises including air, water and noise controls, spill clean-up, equipment and fire management and containment measures.

f) Heritage

The site has been extensively disturbed and preliminary Heritage investigations have revealed no evidence of any indigenous or European heritage values. Notwithstanding this finding, a heritage assessment will be undertaken and included in the EIS setting out any impacts that are identified as well as mitigation measures.

g) Social impacts and economic impacts

The proposed redevelopment would provide a number of positive public benefits which are summarised as follows:

- Assisting in closing the loop on the recycling of glass containers collected from curbside. Approximately 40% of the glass collected from curbside is unsuitable for processing back into glass containers due to contamination and problems associated with sorting broken glass. The proposed facility plant will return reject glass destined for landfill disposal back into the productive economy.
- Allowing higher levels of recycled content in construction materials. Importantly, the materials will be recovered and incorporated back into products close to end use markets. This translates into significant savings in terms of transport costs and greenhouse impacts resulting from reduced emissions from transport operations.
- The development will maximise the life of an existing quarry which is located on an already environmentally degraded site and as such will forestall the need to develop a greenfield site to accommodate Sydney's growing need for construction materials such as sand. It is recognised that while sandstone is ubiquitous in the Sydney basin, approvals to mine this resource are in short supply and are difficult to obtain due to competing land uses and NIMBYSM.
- The proposal will result in 12 full time equivalent jobs in a smart, sustainable industry.
- The proposal involves capital expenditure of approximately \$3-5 million on resource recovery infrastructure required to meet State Government recycling targets.

- 2) **Justification:** Explain why the site was chosen for the proposal and briefly discuss the alternatives considered. Outline the strategic context for the proposal, including the benefits it would bring to the wider region and/or State.

This is a site specific project. Consideration of the development of other sites is neither applicable nor realistic. The site is occupied subject to a tenure agreement with the Department of Lands as a result of a public tender process managed by the NSW Government to develop the quarry which is a resource recognised in various SEPPs and SREPs. In addition, the proposed facility is being developed because this use offered the best outcome in terms of highest and best value of the land use principally because of the existing development consent permitting the quarrying operations.

The proposed glass, concrete and sand facility has the following objectives:

To develop the remaining quarry reserves in a sustainable manner by integrating recycled materials into the production processes. While sandstone and sand is recognised as being ubiquitous in the Sydney basin, approvals to extract this resource are extremely difficult to obtain and it is recognised that Sydney's main sources of supply at Kurnell and the Penrith Lakes scheme are rapidly approaching exhaustion.

The demand for materials which will be produced by the quarry is well documented by the Department of Planning in the Sydney Construction Materials Strategy. Sydney consumes 6-9 million tonnes a year of fine aggregates (alone) and the Sandy Point Quarry has been identified by the Department of Planning as an important extractive industry resource.

- 3) **Consultation:** Outline any consultation (with the community, local councils, other Government agencies) already undertaken and proposed to be carried out for the proposal.

Preliminary consultation has been undertaken with:

- Sutherland Council
- Sandy Point Residents Association
- Sutherland LAC Police
- Department of Lands
- NSW Office of Environment and Heritage

Further consultation will be undertaken with these groups

- 4) **Capital investment value:** Provide an accurate estimate of the cost of carrying out the proposal. If your proposal is identified as State significant development by a capital investment value threshold in Schedule 1 of SRD SEPP, a quantity surveyor's report confirming the capital investment value of the development is required.

It is estimated that the development will entail \$3-5 million depending on consent conditions including EPA requirements.