

EMAIL FROM DP&E

From: Jacqui McLeod [mailto:jacqui.mcleod@planning.nsw.gov.au]

Sent: Monday, 17 August 2015 10:22 AM

To: Neville Hattingh <neville@elementenvironment.com.au>

Subject: Boral - Peppertree Quarry MOD4 - Comments on Background Scoping Document

Good morning Neville,

I refer to your email of 11 August 2015, advising of the application for a modification to the current Project Approval (PA 06_0074). Good to talk with you on Friday and discuss some of the points below.

The Department confirms that the proposal would be assessed as a modification under the former section 75W of the *Environmental Planning And Assessment Act 1979*, (EP&A Act) and will require an Environmental Assessment (EA) to be prepared, given there are potential impacts from the extending pit operating hours and the new overburden emplacement area. The Department has reviewed the background supporting document and is satisfied that that it would not be necessary to issue Secretary's Environmental Assessment Requirements (SEARs), subject to updating the Background Scoping Document as per the following comments:

Site description

- Explain the rationale for the residential receiver locations in the EA;

The Applicant

- include details about land ownership in the scoping document, noting that Boral is the owner of the land and that landowner consent is not required (as noted in the application);

Planning Approval History

- substitute in Appendix A in the scoping document, the latest consolidated project approval which includes MOD 3 in 2012;

Quarry Activities and Infrastructure

- describe in detail the in-pit processing activities in the EA, considering that impacts from the proposed changes to the operating hours for the in-pit activities are being assessed;
- describe and show the location of existing and proposed haul/access roads in a figure in the scoping document;
- show potential sensitive receptors with respect to existing and proposed haul roads (Figure 2) and/or note the need to identify them in the EA;

Extension of In-pit Operating Hours

- clarify the period of time for the proposed operating hours in the scoping document ie. currently 7am-7pm to be extended to... (from/to hours);

Environmental Management and Monitoring

- note that a summary of the environmental performance of the operation to date will be included in the EA;

Description of modifications

- describe the options considered and justification for the proposal, to be addressed in more detail in the EA;

New Southern Overburden Emplacement

- estimate the volume of material proposed for overburden emplacement and the time period over which emplacement would occur and include in the scoping document;

- note in the scoping document the extent to which the location of the proposed emplacement area may impact on access to the quarry resource and/or cause any sterilisation of the resource;
- describe in more detail in the EA the current and proposed use of the western emplacement area and its relationship to activities under the proposed modification;

Legislative Planning Considerations

- elaborate in the scoping document on why the proposed changes can be considered a modification of the project approval, being subject to transitional arrangements for Part 3A projects;

Preliminary Environmental Risk Analysis

- consider the risks of dust impacts on biodiversity and/or surface water quality and whether these need to be assessed in the EA in consideration of high risk impacts, given the proposed location of the emplacement area adjacent to Morton National Park and drinking water catchment;

Noise and vibration

- include discussion in the EA on the impacts of changes in current and/or proposed use of the western emplacement area on noise sensitive receptors;

Biodiversity

- update the reference to the biodiversity assessment methodology in the scoping document to be consistent with the *Framework for Biodiversity Assessment (FBA): NSW Offsets Policy for Major Projects (2014)* rather than that the methodology will take into account the FBA; given that the FBA is transitional, the EA should indicate a clear commitment from the proponent to apply the FBA;
- note in the scoping document that the development of an offset strategy if considered necessary, would be required in terms of the FBA;

Surface Water

- note in the scoping document that a revised hydrology and water balance assessment will be included in the surface water assessment;
- also note in the scoping document that the EA will include a plan and description of current and proposed site water management;

Other Environmental Factors

- note in the scoping document the need to update the Landscape and Rehabilitation Management Plan, with reference to the volume capacity and duration of use for the proposed southern overburden emplacement area and stabilisation measures, together with a commitment to rehabilitate the area progressively, and as soon as is reasonably practicable following completion of emplacement activities; further detail should be included in the EA;
- note in the scoping document that the EA will consider the relative feasibility of removing the emplaced material to the limestone quarry void or stabilising the material to remain in situ in the southern overburden emplacement area;

Government Stakeholders

- remove the reference to SEARs in the scoping document and identify the need to consult with relevant agencies in the preparation of the EA; and

Community consultation

- make reference in the scoping document to consultation through the project Community Consultative Committee, as part of the consultation process for the EA.

Please revise the Background Scoping Document, as per comments above. Once submitted, it will be made publicly available on the Department's website during the preparation of the EA.

In the absence of SEARs, it is important that the noise and vibration, air quality, biodiversity, Aboriginal heritage and surface water impact assessments are prepared in accordance with the relevant agency's regulatory requirements so that the information presented in the EA is of sufficient detail to enable these matters to be confidently assessed. The Department reiterates the importance of consulting with relevant agencies in the preparation of the EA, in the absence of SEARs.

Once the EA is received and considered suitable, it will be placed on exhibition and distributed to government agencies for their consideration.

Please contact me if you have any questions.
Thanks. Jacqui.

Jacqui McLeod

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Table 1 Summary of Correspondence from DP&E on Background Scoping Document

Stakeholder	Environmental Requirement	Response/BSD Section Reference
Department of Planning and Environment (DP&E)	To Be Addressed in the Background Scoping Document:	
	<p>The Applicant</p> <ul style="list-style-type: none"> include details about land ownership in the scoping document, noting that Boral is the owner of the land and that landowner consent is not required (as noted in the application); 	Addressed in Section 1.3.
	<p>Planning Approval History</p> <ul style="list-style-type: none"> substitute in Appendix A in the scoping document, the latest consolidated project approval which includes MOD 3 in 2012; 	Substituted.
	<p>Quarry Activities and Infrastructure</p> <ul style="list-style-type: none"> describe and show the location of existing and proposed haul/access roads in a figure in the scoping document; 	Existing haul/access roads are evident on the aerial photography. I have focused on the proposed haul route for the MOD4 proposed new southern overburden emplacement. Described in Section 3.1.2 and drawn and labelled on Figure 7.
	<p>Extension of In-pit Operating Hours</p> <ul style="list-style-type: none"> clarify the period of time for the proposed operating hours in the scoping document i.e. currently 7am-7pm to be extended to... (from/to hours); 	I have stated in Section 3.1.1 that "The time of the additional 6 hour period outside of the approved 7am and 7pm in-pit operating hours will be informed by the various technical studies, primarily noise and air quality".
	<p>New Southern Overburden Emplacement</p> <ul style="list-style-type: none"> estimate the volume of material proposed for overburden emplacement and the time period over which emplacement would occur and include in the scoping document; note in the scoping document the extent to which the location of the proposed emplacement area may impact on access to the quarry resource and/or cause any sterilisation of the resource; 	<ul style="list-style-type: none"> Addressed in Section 3.1.2 Addressed in Section 3.1.2
	<p>Legislative Planning Considerations</p> <ul style="list-style-type: none"> elaborate in the scoping document on why the proposed changes can be considered a modification of the project approval, being subject to transitional arrangements for Part 3A projects; 	<ul style="list-style-type: none"> Agreed with DP&E that no additional explanation is required in section 4.1. Have just included a reference to Section 3.

Stakeholder	Environmental Requirement	Response/BSR Section Reference
	<p>Preliminary Environmental Risk Analysis</p> <ul style="list-style-type: none"> consider the risks of dust impacts on biodiversity and/or surface water quality and whether these need to be assessed in the EA in consideration of high risk impacts, given the proposed location of the emplacement area adjacent to Morton National Park and drinking water catchment; 	<ul style="list-style-type: none"> Added sentence to Section 5.2.3 “Potential Impacts” and “Further Assessment” to address dust impacts on biodiversity. Added sentence to Section 5.2.5 “Further Assessment” to address dust impacts on surface water quality.
	<p>Biodiversity</p> <ul style="list-style-type: none"> update the reference to the biodiversity assessment methodology in the scoping document to be consistent with the Framework for Biodiversity Assessment (FBA): NSW Offsets Policy for Major Projects (2014) rather than that the methodology will take into account the FBA; given that the FBA is transitional, the EA should indicate a clear commitment from the proponent to apply the FBA; note in the scoping document that the development of an offset strategy if considered necessary, would be required in terms of the FBA; 	<ul style="list-style-type: none"> Amended wording in Section 5.2.3 “Further Assessment”. Amended wording in Section 5.2.3 “Further Assessment”.
	<p>Surface Water</p> <ul style="list-style-type: none"> note in the scoping document that a revised hydrology and water balance assessment will be included in the surface water assessment; also note in the scoping document that the EA will include a plan and description of current and proposed site water management; 	<ul style="list-style-type: none"> As the proposed southern overburden emplacement is not going to result in significant changes to the current water demands or the way water is managed on site, our technical specialist on surface water has confirmed that a revision of the hydrology and water balance assessment would not be necessary. Further justification for this can be provided in the EA if required. Added additional wording to Section 5.2.5.
	<p>Other Environmental Factors</p> <ul style="list-style-type: none"> note in the scoping document the need to update the Landscape and Rehabilitation Management Plan, with reference to the volume capacity and duration of use for the proposed southern overburden emplacement area and stabilisation measures, together with a commitment to rehabilitate the area progressively, and as soon as is reasonably practicable following completion of emplacement activities; further detail should be included in the EA; 	<ul style="list-style-type: none"> As discussed with DP&E, the volume and duration has been outlined in Section 3.1.2. Additional wording on investigating the need to update the Rehabilitation Management Plan has been added to Section 5.3.

Stakeholder	Environmental Requirement	Response/BSD Section Reference
	<ul style="list-style-type: none"> note in the scoping document that the EA will consider the relative feasibility of removing the emplaced material to the limestone quarry void or stabilising the material to remain in situ in the southern overburden emplacement area; 	<ul style="list-style-type: none"> As discussed with DP&E, although the southern overburden emplacement may be relocated in the future, this is unlikely to be required for at least the next 25 years. The proposed emplacement will therefore be landscaped and rehabilitated in accordance with the existing Peppertree Quarry Landscape and Rehabilitation Management Plan. Additional wording to reflect this has been added to the end of Section 3.1.2
	Government Stakeholders <ul style="list-style-type: none"> remove the reference to SEARs in the scoping document and identify the need to consult with relevant agencies in the preparation of the EA; 	Amendment made to section 6.1
	Community consultation <ul style="list-style-type: none"> make reference in the scoping document to consultation through the project Community Consultative Committee, as part of the consultation process for the EA. 	Amendment made to section 6.2
	Note: <ul style="list-style-type: none"> In the absence of SEARs, it is important that the noise and vibration, air quality, biodiversity, Aboriginal heritage and surface water impact assessments are prepared in accordance with the relevant agency's regulatory requirements so that the information presented in the EA is of sufficient detail to enable these matters to be confidently assessed. The Department reiterates the importance of consulting with relevant agencies in the preparation of the EA, in the absence of SEARs. 	Noted.
	To Be Addressed in the EA:	
	Site description <ul style="list-style-type: none"> Explain the rationale for the residential receiver locations in the EA; 	<ul style="list-style-type: none"> Noted. Will be explained in the EA.
	Quarry Activities and Infrastructure <ul style="list-style-type: none"> describe in detail the in-pit processing activities in the EA, considering that 	

Stakeholder	Environmental Requirement	Response/BSD Section Reference
	<p>impacts from the proposed changes to the operating hours for the in-pit activities are being assessed;</p> <ul style="list-style-type: none"> show potential sensitive receptors with respect to existing and proposed haul roads (Figure 2) and/or note the need to identify them in the EA; 	<ul style="list-style-type: none"> Noted. Will be explained in the EA. All receptors are identified in Figure 2. As outlined above, existing haul/access roads are evident on the aerial photography. I have focused on the proposed haul route for the MOD4 proposed new southern overburden emplacement. Described in Section 3.1.2 and drawn and labelled on revised Figure 7.
	<p>Environmental Management and Monitoring</p> <ul style="list-style-type: none"> note that a summary of the environmental performance of the operation to date will be included in the EA; 	<ul style="list-style-type: none"> Noted. Will be included in the EA.
	<p>Description of modifications</p> <ul style="list-style-type: none"> describe the options considered and justification for the proposal, to be addressed in more detail in the EA; 	<ul style="list-style-type: none"> Noted. Will be described in the EA.
	<p>New Southern Overburden Emplacement</p> <ul style="list-style-type: none"> describe in more detail in the EA the current and proposed use of the western emplacement area and its relationship to activities under the proposed modification; 	<ul style="list-style-type: none"> Noted. Will be described in the EA.
	<p>Noise and vibration</p> <ul style="list-style-type: none"> include discussion in the EA on the impacts of changes in current and/or proposed use of the western emplacement area on noise sensitive receptors; 	<ul style="list-style-type: none"> Noted. Will be discussed in the EA.
	<p>Biodiversity</p> <ul style="list-style-type: none"> given that the FBA is transitional, the EA should indicate a clear commitment from the proponent to apply the FBA; 	<ul style="list-style-type: none"> Noted. Will be discussed in the EA.