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NSW GOVERNMENT | Planning

# ASSESSMENT REPORT

## Rockley Falls Quarry - Section 75W Modifications: Vegetation Offset (07_0078 MOD 3) & Dry-Mix Batch Plant (07_0078 MOD 4)

### BACKGROUND

Abigroup Contractors Pty Limited (Abigroup) owns the Rockley Falls Quarry, located 4 kilometres (km) northeast of the village of Holbrook and 60 km north of Albury-Wodonga, in the Greater Hume Shire local government area (see Figure 1).

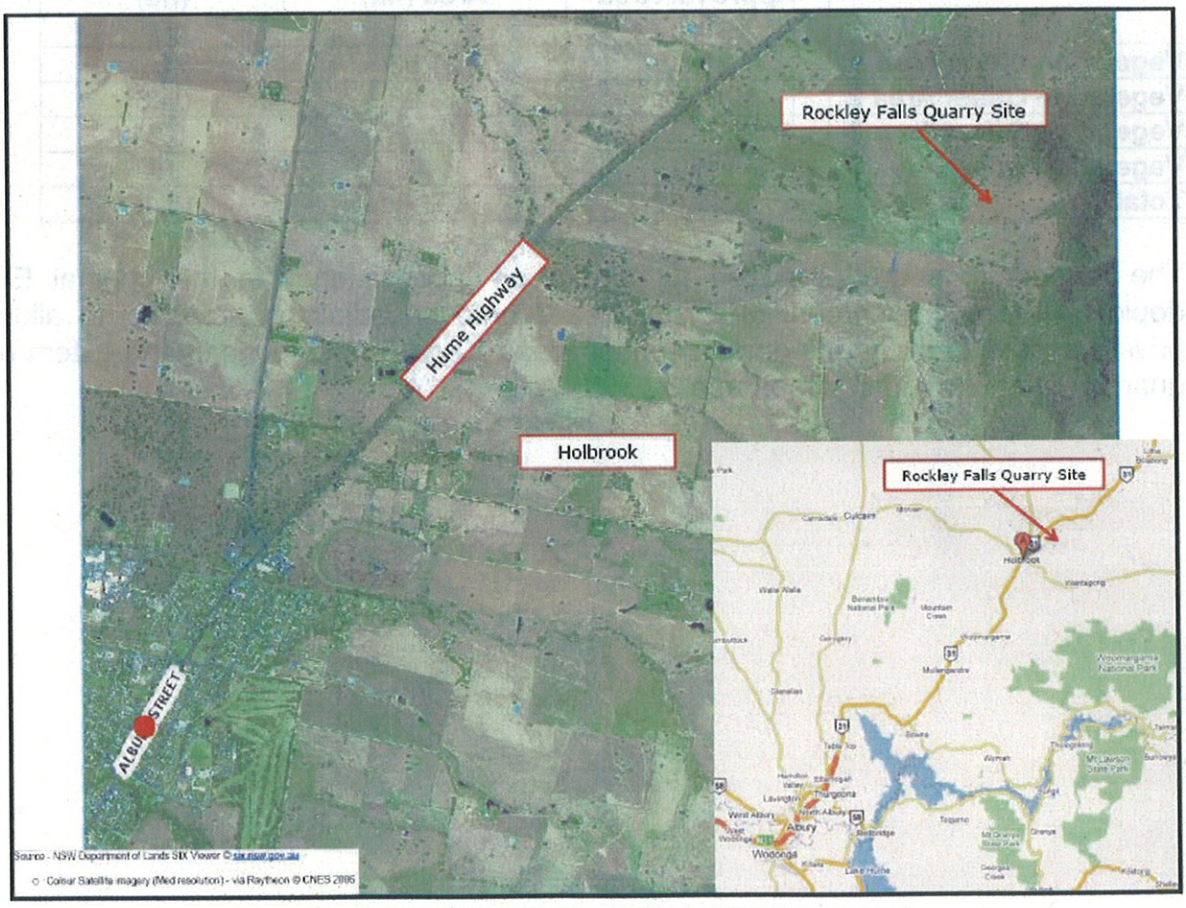


***Figure 1:*** *Rockley Falls Quarry local and regional context*

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

- allows production of up to 700,000 tonnes per annum (tpa) of hard rock quarry product until 2012 and 100,000 tpa from 2012 until 2028; and
- requires rehabilitation of the site post extraction.

## PROPOSED MODIFICATIONS

On 29 March 2010, Abigroup asked the Minister to modify the project approval for the Rockley Falls Quarry under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposed modification involves amendments to the boundaries of the approved vegetation offset areas as shown in Figure 2 below, and the redefinition of the offset area fencing requirements. Details of the proposed amendments are presented in Table 1 below.

***Table 1:*** *Amendments to the Approved Vegetation Offset Areas*

| Vegetation Offset Area | EA/Project Approval Area (ha) | Modified Plan Area (ha) | Change in Area (ha) |
|---|---|---|---|
| **Vegetation offset Area 1** | 21.63 | 21.63 | 0 |
| **Vegetation Offset Area 2** | 12.60 | 13.09 | 0.46 |
| **Vegetation Offset Area 3** | 18.39 | 18.08 | -0.31 |
| **Vegetation Offset Area 4** | 190 | 209 | 16 |
| **Total** | **242.62** | **258.80** | **16.15** |

The amendments are proposed to correct an inconsistency in the original EA depicting the encroachment of offset area 2 onto an adjoining property; to allow private access to the farms dams in offset areas 2 and 3; and to clarify the extent of quarry operations within offset area 3.


***Figure 2:*** *Proposed Vegetation Offset Areas*

On 7 April 2010, Abigroup sought a second modification to the project approval, as it proposes to establish a Dry-Mix Concrete Batch Plant within the existing aggregate stockpile area for the site (see Figure 3). The batch plant would be used for approximately 12 months, to supply concrete for the construction of the Woomargama Bypass project.

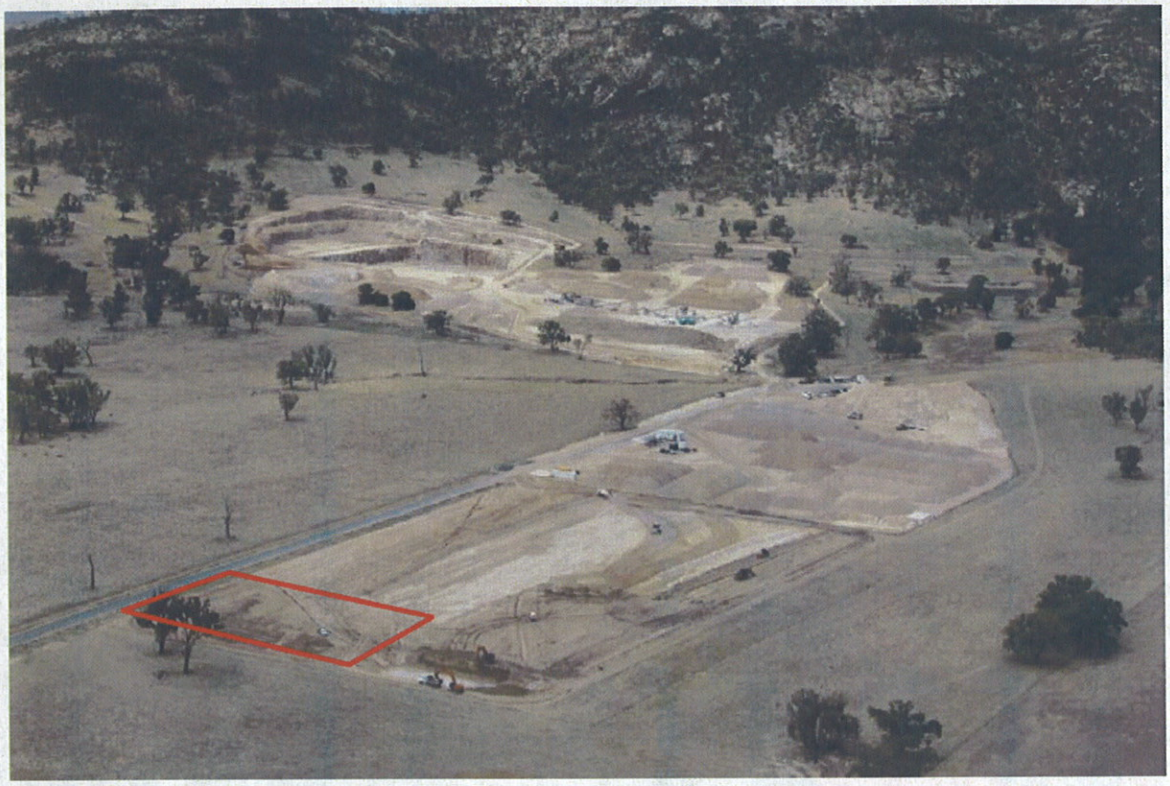

***Figure 3:*** *Proposed Dry-Mix Batch Plant Location*

**STATUTORY CONTEXT**

*Approval Authority*

The Minister was the approval authority for the original project application, and is consequently the approval authority for the two modification applications. However, as the proposed modifications each involve development with less than 10 public submissions, the Director Mining & Industry Projects may determine the applications under the Minister's delegation of 25 January 2010.

*Modifications*

The proposed modifications do not involve changes to any of the quarry's operating functions or approved extraction volume. Consequently, the Department is satisfied that both proposed modifications fall within the scope of Section 75W of the EP&A Act and may therefore be determined.

*Consultation*

Under Section 75W of the EP&A Act, the Department is not required to exhibit the modification applications or undertake consultation. Notwithstanding, the Department referred the vegetation offset modification application to the Department of

Environment, Climate Change and Water (DECCW). DECCW does not object to the proposal.

## 4 CONSIDERATION OF ISSUES

The Department has assessed the two modification applications in accordance with the relevant requirements of the EP&A Act. The key environmental issues for the two applications are discussed below, in an integrated fashion.

| *Issue* | *Consideration* |
|---|---|
| *Flora and Fauna* | The existing project approval requires Abigroup to offset nearly 243 hectares (ha) of native vegetation. Abigroup calculated that an additional 16.15 ha would be protected as a result of the proposed modification (see Table 1). However, DECCW highlighted that the additional 16 ha shown in Offset Area 4 simply arose from a survey (conducted after the original project approval) which gave a better understanding of the actual size of the originally-proposed offset area. The Department therefore notes that, overall, only an additional 0.15 ha would actually be added to the previously-agreed offset area, notwithstanding that the offset is now 258.8 ha.<br><br>Abigroup has also proposed a fencing strategy to prevent the intrusion of stock into the offset areas. This strategy was developed in consultation with DECCW and provides a practical alternative to fencing off the entire offset area. DECCW supports the proposed fencing strategy as described, but identified an inconsistency in the manner in which the strategy was depicted in a figure in the EA for the proposed modification. DECCW sought confirmation that the farm dam and diversion structures, constructed by Abigroup at the beginning of the project and located within the offset area, would be backfilled and rehabilitated on completion of quarrying operations. To satisfy these concerns, Abigroup has proposed to amend its Statement of Commitments to include reference to the removal of the dam following completion of quarrying on site.<br><br>The proposed dry-mix batch plant would not disturb any additional vegetation as it would be located in the existing, highly-disturbed aggregate stockpile area.<br><br>The Department is satisfied that the proposed modification would not detract from flora and fauna values in the area or deleteriously impact on the agreed offset package. However, the Department considers that the Rehabilitation and Vegetation Offset Management Plan should be updated to include details of the amended vegetation offset areas and Abigroup's commitments regarding the farm dam. The Department has recommended conditions which would allow it to require these updates and also conditions to update Abigroup's Statement of Commitments. |
| *Noise* | Operations at the proposed dry-mix concrete batch plant have the potential to increase noise levels on site. The batch plant includes a motor driven conveyor, cement/fly ash augers and a loader supplying sand and aggregate to the feed hopper. However, the major source of noise for the batch plant is the operation of the agitator trucks, particularly during loading and slumping. These trucks were recorded with a $L_{Aeq}$ noise level of 75 dB(A) from 25 m to the side, which is the equivalent of a sound power level of 112 dB(A).<br><br>Abigroup has proposed to enclose the loading bay on 3 sides and the slump stand on 2 sides, in order to minimise noise emissions from the site.<br><br>With these mitigation measures in place, modelling predicts that, at the majority of surrounding sensitive receivers, there would be an increase of 1-2 dB(A) above existing noise levels. This amounts to a 1 dB(A) exceedance of the noise criteria levels at the Quambatook residence. Further, the two farthest sensitive receivers from the site, Spinghaven and Tumbarook, are predicted to experience the highest increase in noise emissions as a result of operations at the dry-mix batch plant. Springhaven, which is approximately 2.8 km southwest of the site, is predicted to experience an 11 dB(A) increase in noise levels. However, this remains below the |

| Issue | Consideration |
|---|---|
| | existing noise criteria of 35 dB(A) and is therefore considered to remain acceptable. The increase in noise levels as a result of the modification are therefore not considered to have a significant impact on noise levels at surrounding residences.<br><br>The Department is satisfied that the proposal is unlikely to result in any significant noise-related impacts at surrounding sensitive receivers, but has updated the noise criteria levels in the conditions of approval to include the Springhaven residence. |
| *Air Quality* | The use of a dry-mix batch plant, which comprises a feed hopper and two storage silos for cement and flyash, as well as an increase in truck movements to and from the site; would result in an increase in dust emissions in the area.<br><br>Additional dust is likely to be generated only within existing disturbed areas. These are far enough away from surrounding sensitive receivers (the nearest residence is Beenly, at 1400 m) that any increase in dust would be insignificant.<br><br>The quarry currently implements a dust management plan and monitors dust levels at a number of locations around the quarry. Modelling predicts that the addition of a dry-mix batch plant is not likely to increase dust levels above the relevant consent conditions and that existing air quality criteria remains appropriate.<br><br>DECCW agrees that any dust related impacts can be adequately managed under the existing EPL for the site. The Department is therefore satisfied that impacts on air quality as a result of the proposed modifications would be minimal. |
| *Traffic* | The dry-mix batch plant would operate over a 12 month period to coincide with construction works associated with the Woomargama Bypass.<br><br>For over 50% of the time, the plant would produce less than 150 $m^3$ of concrete per day, resulting in 25 agitator truck movements per day. These truck movements would only slightly increase total truck movements to and from the site, as although concrete agitator trucks would now access the site to load concrete for transportation, the truck movements generated from the delivery of aggregate and sand to the offsite batch plant would no longer be required.<br><br>However, for 5 weeks out of the 12 month period, the plant is expected to operate at a production rate of 300 $m^3$ per day, generating approximately 4 additional truck movements per hour. Further, at maximum production (450 $m^3$ per day, which is predicted to occur for less than 4% of the time) 7 additional truck movements per hour would be generated above existing traffic levels.<br><br>The proposed modification would result in an average of 6 additional truck movements per day. Due to the short time periods of doubled and peak concrete production (when additional truck movements of up to 7 per hour would result), the proposal is not considered to result in any significant traffic-related impacts. The Department is satisfied that traffic-related impacts as a result of the modification can be managed through the existing conditions of approval. |
| *Water* | The establishment of the dry-mix batch plant at the eastern boundary of the existing stockpile area would not result in any significant soil and water impacts. The existing sediment basin is sufficient for capturing and treating any increased runoff generated as a result of the batch plant.<br><br>The proposal would result in a slight increase in water usage for the site as the production of concrete would require a 10% increase in site water consumption. However, the total water volume used onsite would remain below the licensed capacity of the quarry's groundwater bore.<br><br>Abigroup has proposed that the existing management plans applying to landforms on site, including the Concept Erosion and Sediment Control Management Plan, would be reviewed and if necessary updated to include the modified project.<br><br>The Department and DECCW are satisfied that the applications contain sufficient assessment of potential water impacts from the proposed modifications and that any water related impacts would be minimal. |
| *Visual* | The dry-mix batch plant would result in minor increases in the visibility of the quarry site from surrounding viewpoints. Visibility from the Hume Highway is considered to |

| Issue | Consideration |
|---|---|
| | be minimal due to the low-lying nature of the site and the presence of trees between the quarry and the highway.<br><br>However, the proposed modification would slightly increase the visibility of the quarry site from the Tumbarook, Quambatook and Beenly residences, from each of which the existing stockpile area can already be seen.<br><br>The existing aggregate stockpile area where the batch plant would be located is up to 5 m in height. The batch plant would be approximately 10 m high and 30 m long. Due to the level of disturbance and existing machinery used in the area, as well as the distance from sensitive receivers, the Department is satisfied that any visual impacts associated with the proposed batch plant would be minimal. |
| *Heritage* | The proposed dry-mix batch plant would be situated in highly disturbed area and therefore would not impact on any known Aboriginal sites in the locality.<br><br>Existing vegetation offset area 2 contains two Aboriginal heritage sites. This offset area would be slightly enlarged, and consequently the two sites would not be impacted. The modification would not impact on any other known Aboriginal heritage sites. There are no identified non-Aboriginal heritage sites in the vicinity of the proposed works.<br><br>The Department is satisfied that the proposed modification would not result in any additional impacts on Aboriginal cultural heritage and non-Aboriginal heritage. |
| *Socio-Economic* | Farm dams in both vegetation offset areas 2 and 3 would be excluded from the offset strategy. These dams are important to the landowners and future property values. Continued access to these dams would therefore result in a positive impact to the landowners.<br><br>Further, the production of concrete on-site would contribute to the efficient and cost-effective delivery of the Woomargama Bypass Project. |
| *Other Issues* | The Department is satisfied that other issues associated with the proposal are minor and can be effectively managed under the existing conditions of approval. |

## RECOMMENDED CONDITIONS

The Department is satisfied that the existing conditions of consent for the Rockley Falls Quarry are generally adequate to manage the development as modified by the application. The Department has recommended additional conditions, including a requirement to update any strategies, plans or programs necessary to encompass the proposed modification, as well as administrative updates of certain other conditions, including the total area of land to be secured for the vegetation offset strategy. The Department has prepared a single notice of modification to satisfy the two applications.

The Applicant does not object to the proposed conditions.

## CONCLUSION

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

- allow for the production of concrete to be supplied for the Woomargama Bypass Project efficiently and cost-effectively;
- increase the area of land to be secured as a biodiversity offset;
- result in the adequate protection of the amended offset areas; and
- not cause any significant additional environmental impacts for the approved project.

The Department therefore believes that the modifications are in the public interest and should be approved.

**RECOMMENDATION**

**It is RECOMMENDED that the Director Mining and Industry Projects:**

- **consider** the findings and recommendations of this report;
- **determine** that the proposed modifications fall within the scope of section 75W of the EP&A Act;
- **approve** the proposed modifications under Section 75W of the EP&A Act; and
- **sign** the attached Notice of Modification.

Howard Reed 24.5.10

Howard Reed
**Manager Mining Projects**

DKitto 24/5/10

David Kitto
**Director Mining & Industry Projects**