

1 March 2018

Our Ref: P-15211

Melissa Anderson

NSW Department of Planning & Environment
320 Pitt Street
SYDNEY NSW 2001

Dear Melissa,

RE: MP 07_0123 | NOWRA BRICK QUARRY | PROPOSED S75W MODIFICATION

City Plan Strategy & Development P/L (CPSD) has been engaged by SCCR Quarries to prepare an Environmental Assessment (EA). The EA accompanies a Modification Application, pursuant to Schedule 6A of the Environmental Planning & Assessment Act, 1979 (EP&A Act). Schedule 6A of the EP&A Act contains the provisions of the now repealed 'Part 3A', inclusive of provisions to modify Major Project Approvals (i.e. S75W provisions).

Background

On 1 December 2009, SCCR Quarries was issued with Major Project Approval 07_0123 in relation to land at Lot 464 in DP 1058778 (the subject site). In summary, MP 07_0123 allows for the extraction of up to 364,000 tonnes per year of clay or similar products from the subject site. It also allowed for the importation of a range of materials to the subject site, including virgin excavated natural material (VENM), blending materials as well as recycling materials.

Proposed Modification

This Modification Application seeks to amend Condition 8(d) in Schedule 2 of MP 07_0123. Currently, the condition is worded as follows:

8. The Proponent shall not:
- (a) extract more than 364,000 tonnes per year of clay/shale, structural clay and associated materials (in total) from the site;
 - (b) import more than 50,000 tonnes per year of recycling materials to the site;
 - (c) import more than 125,000 tonnes per year of blending materials to the site;
 - (d) import more than 200,000 tonnes per year of VENM to the site; or
 - (e) despatch more than 500,000 tonnes per year of quarry products from the site.

The proponent seeks to modify Condition 8(d) such that it can import 200,000 tonnes of excavated natural material (ENM) **and** VENM, per annum. It does not seek to increase the annual tonnage of material to which Condition 8(d) relates to, simply to allow for the importation of ENM **as well** as VENM. Neither does it propose an increase in truck movements or any

other operational measures associated with accepting or managing imported material, such as increasing the physical area over which the facility operates. The ENM will be used for blending and rehabilitation purposes.

As such, it is proposed to amend the condition to read as follows:

8. *The Proponent shall not:*

(d) *Import more than 200,000 tonnes per year of VENM or ENM to the site; or...*

Need for Proposed Modification

SCCCR Quarries has experienced a high number of enquiries to accept ENM. Such enquiries outweigh enquiries to accept VENM. Enquiries are typically received from those undertaking 'cut and fill' for dwellings, excavations for large construction sites, undertaking civil works for greenfield subdivisions, as well as plumbing and electrical work. As such, SCCCR Quarries seeks to respond to this demand.

The other primary purpose for the modification is that ENM is increasingly finding its way into minimally controlled filling locations with the Shoalhaven Local Government Area (LGA). These locations are not stringently controlled and, as such, the potential for significant adverse environmental impacts is high. The proposed modification would minimise this risk.

Assessment of Potential Environmental Impacts

Overall, potential environmental impacts arising from the proposed modification are likely to be negligible given the proposal does not seek to increase the annual tonnage of imported material. It is simply seeking to allow for ENM in addition to VENM, both of which are generally regarded as 'clean fill'. Further, the proposal does not seek to change any operational procedures, such as an increase in heavy rigid vehicles accessing the site to offload material or its currently approved operational area. For the same reasons, amenity impacts are likely to be negligible. Impacts to the natural environment, are, in fact, likely to be positive as the modification will minimise such fill being disposed of at sites with much fewer environmental controls.

It should also be noted that SCCCR Quarries has generally operated with a high standard since receiving the original Major Project Approval. There is no evidence of any major breaches of the Major Project Approval conditions, neither has the local community raised any particular objection to the site's current operation.

An assessment of relevant individual potential environmental impacts is provided below.

Surface and Ground Water

The modification does not seek to extend any excavated area already allowed for in the Major Project Approval. Further, the proposal would not allow for the importation of contaminated fill. As such, the modification would not result in any additional surface and groundwater impacts.

Flora and Fauna

As indicated earlier, the modification would not increase the existing quarries operational area. As such, the modification would not result in any further flora or fauna related impacts.

Traffic

The modification does not rely on additional heavy rigid vehicles or the like. Although the modification may result in an overall increase in the number of vehicles accessing the site and the local road network, they are likely to be small scale vehicles only, such as small or medium rigid vehicles. It is considered that the existing road network and vehicular facilities on the subject site can cater for any increase.

Noise

As indicated earlier, the proposal does not seek to change any operational procedures at the subject site. It does not involve, for example, any additional blasting or crushing than what was contemplated as part of the original Major Project Approval application. Any increase in transport related traffic would be negligible. As such, it is considered that any noise related potential impacts are negligible.

It should be noted that since implementing Major Project Approval MP 07_0123, there has been less than five (5) noise related complaints associated with the subject site. This is a good indicator that the site operates in accordance with any noise related conditions and/or standards, as well as in line with community expectations.

Air Quality

As the modification does not seek to change any operational procedures at the site, such as existing blasting or crushing procedures for example, it would not result in any further air quality potential impacts.

Heritage

The modification will not amend the existing operational area of the subject site. It would not, for example, extend into any further undeveloped area. As such, the modification would not affect any areas which may be of high heritage value.

Bushfire

The modification will not amend the existing operational area of the subject site. It would not, for example, extend into any further undeveloped area. As such, the modification would not affect any areas which may be bushfire prone.

Visual Amenity

The proposal does not seek to increase the quantity of imported material. Neither does it seek to modify the currently approved operational area. As such, the modification would not result in any further visual amenity potential impacts than those considered in the original Major Project Approval application, which was subsequently approved.

Consistency with EP&A Act Objectives

It is considered that the proposal would be consistent with the relevant objectives as prescribed in Section 5 of the EP&A Act. In particular:

The modification encourages the management of material in a facility with stringent standards. Observations indicate ENM is currently being disposed of at facilities in the Shoalhaven LGA with much lower standards, or that are not approved to accept such fill. As such, the

modification will assist with the proper management of natural resources and the general protection of the natural environment.

Allowing for the importation of ENM at the subject site assists with the orderly and economic use of other land. Specifically, it provides an additional recognised provider of waste services for principally building contractors in the area.

Conclusion

This report provides an environmental assessment of a proposed modification to MP 07_0123. The modification seeks to amend condition 8(d), by allowing for the importation of ENM as well as VENM at the subject site. It does not seek to modify the quantity of material to be imported to the site, neither is there any other modifications to existing operational procedures at the subject site.

Given the minor nature of the modification, this EA finds that any related potential environmental impacts are negligible. In terms of the natural environment, the proposal is likely to result in positive impacts given it encourages the management of ENM at a recognised facility.

In light of the above, this EA recommends that the modification requests warrants support from the NSW Department of Planning & Environment.

Should there be any enquiries in relation to the abovementioned information, please contact the undersigned on 8270 3500.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'C. Di Giulio', with a stylized flourish at the end.

Carlo Di Giulio
Associate Director