



EPA Reference: DOC20/589626-3

Mr Caleb Ferry  
Student Para Planner  
Department of Planning, Industry and Environment  
4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW 2150

by MP Portal - PAE-8574503  
12 August 2020

Dear Caleb

**Re: Modification – Advice on recommended conditions of approval**  
**Dev Ref: MP06\_0104-Mod-1**  
**Description: Advice on Modification Report**  
**Location: PF Formation - Hitchcock Road Quarry - Maroota NSW 2756**

The Environment Protection Authority (EPA) refers to the request from Department of Planning Industry & Environment (DPIE) dated 21 July 2020 requesting comments on the modification application with reference MP06\_0104-Mod-1 (modification), including advice on recommended conditions to modify the approval. The modification seeks to:

- Extend the life of the quarry by ten years to 2038;
- Importation of Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) and other materials with applicable Resource Recovery Orders and Exemptions for on-site processing and site rehabilitation;
- Removal of the sub-limit of 20 laden truck movements per day for importing VENM with no change to the maximum number of daily truck movements;
- Removal of an extraction buffer to a property now in the ownership of PF Formation Pty Ltd; and
- A revision to the quarry's Biodiversity Offset Strategy.

PF Formation Pty Ltd (applicant) holds Environment Protection Licence 3407 for the premises located at Wisemans Ferry Road, Maroota, which permits extractive activities.

#### **Further information required for assessment**

The EPA has reviewed the Statement of Environmental Effects (SEE) report and wishes to advise that further information is required to provide comments and recommended conditions in relation to the importation of:

1. Virgin Excavated Natural Material (VENM),
2. Excavated Natural Material (ENM) produced in compliance with the EPA Resource Recovery Order and Exemption; and

**Phone** 131 555  
**Phone** 02 9995 5555  
(from outside NSW)

**TTY** 133 677, then  
ask for 131 155

Locked Bag 5022  
PARRAMATTA  
NSW 2124

4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW  
2150

**info@epa.nsw.gov.au**  
**www.epa.nsw.gov.au**  
**ABN 43 692 285 758**

3. Other materials to be processed and/or used onsite under applicable Resource Recovery Orders and Exemptions.

Section 2.2 of the SEE states:

*“Currently PA06\_0104 provides for the receipt of up to 20 loads per day of VENM to the project site. Received VENM is then processed to generate saleable products. Pending the nature of the received VENM, this may or may not involve washing”.*

*“Orders and exemption have also been issued under the Protection of the Environment Operations (Waste) Regulation 2014 including, for example, materials generated from specific projects such as the Sydney tunnels. Additional orders and exemptions will continue to be issued by the NSW Environment Protection Authority as appropriate. As for the ENM order and exemption, there will include a specification of the material and what the material can be utilised for”.*

*“It is proposed that, in addition to VENM, ENM and other materials with applicable Resource Recovery Exemptions and Orders also be received on the Project Site for processing and generation of saleable products in the same manner as VENM. It is also proposed that suitable materials be applied to land within the Project Site as part of ongoing rehabilitation activities. This may include capping of silt ponds, filling to achieve the final landform, and use as soil material for revegetation”.*

*“Receipt of ENM and other approved materials and the utilisation of these materials for selected rehabilitation activities would not result in any functional changes to the approved operations, however, appropriate updates to the existing Environment Protection Licence 3047 would be sought and documented procedures established for receipt and verification of ENM and other materials in accordance with the applicable Resource Recovery Order and Exemption”.*

Please note that, in accordance with EPA’s documents *The excavated natural material order 2014* (ENM Order) and *The excavated natural material exemption 2014* (ENM Exemption), ENM cannot be processed or blended with other material, it can only be imported for the purposes of application to land as engineering fill or for use in earthworks.

The ENM Order states:

### **1. Waste to which this order applies**

- 1.1. This order applies to excavated natural material. In this order, excavated natural material means naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:
  - a) been excavated from the ground, and
  - b) contains at least 98% (by weight) natural material, and
  - c) does not meet the definition of Virgin Excavated Natural Material in the Act.

**Excavated natural material does not include material** located in a hotspot; **that has been processed**; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

The ENM Exemption states:

### **1. Waste to which this exemption applies**

- 1.1. This exemption applies to excavated natural material that is, or is intended to be, applied to land as engineering fill or for use in earthworks.

- 1.2. Excavated natural material is naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:
  - a) been excavated from the ground, and
  - b) contains at least 98% (by weight) natural material, and
  - c) does not meet the definition of Virgin Excavated Natural Material in the Act.

**Excavated natural material does not include material** located in a hotspot; **that has been processed**; or that contains asbestos, Acid Sulfate Soils (ASS), Potential Acid Sulfate soils (PASS) or sulfidic ores.

## **7. Conditions of exemption**

The exemption is subject to the following conditions:

- 7.1. At the time the excavated natural material is received at the premises, the material must meet all chemical and other material requirements for excavated natural material which are required on or before the supply of excavated natural material under 'the excavated natural material order 2014'.
- 7.2. The excavated natural material can only be applied to land as engineering fill or for use in earthworks.

The EPA requests further information in relation to:

1. what the applicant intends to do with the imported ENM; and
2. provide specific details of 'other approved materials' including what the materials are and what the applicant proposes to do with the materials.

If the proposal is further modified by the applicant prior to the granting of consent, the EPA requests that DPIE consult with the EPA about the changes before modifying the consent. This will enable the EPA to determine whether the proposed licence conditions need to be modified in light of the changes.

Should you have further questions in relation to this matter, please contact Lisa Crambrook on 02 8837 6079 or email [lisa.crambrook@epa.nsw.gov.au](mailto:lisa.crambrook@epa.nsw.gov.au).

Yours sincerely



**LARA BARRINGTON**  
**Unit Head - Regulatory Operations Metropolitan West**