



EPA Reference: DOC20/720258-2

Ms Melissa Anderson  
Environmental Assessment Officer  
Department of Planning, Industry and Environment  
4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW 2150

by MP Portal - PAE-9152091  
16 September 2020

Dear Ms Anderson

**Re: SSD Modification - Advice on Modification Report**  
**Dev Ref: MP06\_0104-Mod-1**  
**Location: PF Formation - Hitchcock Road Quarry - Maroota NSW 2756**

I refer to Environment Protection Licence (EPL) 3407 that the NSW Environment Protection Authority (EPA) has issued to PF Formation Pty Ltd (applicant) permitting extractive activities at 1774 Wisemans Ferry Road, Maroota 2756 (Premises). I also refer to the request from the Department of Planning Industry and Environment (DPIE) dated 21 July 2020 requesting comments on the modification application, including advice on recommended conditions to modify the approval. The modification seeks to:

- Extending 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 (RRO/E) 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.

On 12 August 2020 the EPA requested further information in relation to ENM and 'other approved materials' the applicant is seeking approval to import under an RRO/E. Further information was provided to the EPA on 3 September 2020, which has been reviewed.

It is noted that the applicant acknowledges that ENM can only be applied to land as engineering fill or for use in earthworks. The applicant also understands that any imported ENM cannot be processed. The EPA supports the use of ENM at the Premises for application to land as engineering fill or for use in earthworks.

## Recommendation

The EPA supports the import of VENM to the Premises for application to land as engineering fill, for use in earthworks or to be processed onsite to generate a saleable product.

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The EPA also supports the removal of the sub-limit of 20 laden truck movements per day for importing VENM providing there is no change to the maximum number of daily truck movements.

In relation to the 'other approved materials', it appears that the applicant is seeking a blanket development approval which covers all current and future RRO/E. The EPA does not support this request as assessment of the intended purpose of the individual materials and the suitability of the use of those materials for the proposed use at the Premises will need to be undertaken. In addition, the EPA will individually list each approved material on the EPL. The use of the material must be genuine, fit-for-purpose and cause no harm to the environment or human health.

The EPA recommends that the Development Consent state the title of the exemption/s for the material/s the Premises that has been approved for import and application at the Premises. Once the Development Consent is granted to permit the receipt and use of the exempt material, the applicant can apply to the EPA to vary the EPL to add the RRO/E; please note that some specific RRO/Es limit the receipt and application of exempt material to specific premises. The EPA requests that if the modification is approved, that a condition of consent be included requiring PF Formation to apply for any appropriate resource recovery exemption and vary the EPL.

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

If a new resource recovery order and exemption comes into force for material which the applicant wishes to import to the premises, the applicant will need to request a modification to their consent through the appropriate regulatory authority.

Further information relating to the current orders and exemptions can be found at <https://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/resource-recovery-framework/current-orders-and-exemption>.

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**  
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