



DOC18-327885-33

May Patterson  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Patterson

**Sutton Forest Quarry Project, Hume Highway, Sutton Forest (SSD 6334)**

I am writing in reply to your email to the Environment Protection Authority (EPA) dated 23 May 2018 seeking comments on the above development application and accompanying Environmental Impact Statement.

Based on a review of the information provided, the EPA provides this initial response to assist Department of Planning and Environment (DPE) in the assessment of this proposal. These matters are outlined in **Attachment A**.

As discussed with the Department, the EPA will be providing an additional detailed submission in relation to specific environmental issues associated with the project as soon as possible. This includes but is not limited to air quality, noise and groundwater and surface water quality. The EPA may have further comments upon receipt and review of any requested information.

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.  
Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Bloem', with a stylized flourish at the end.

**PETER BLOEM**  
**Manager Regional Operations Illawarra**  
**Environment Protection Authority**

Contact officer: CRAIG PATTERSON  
(02) 4224 4100

Attachment

## Attachment A

### Regulation

1. Section 3.3.3 indicates that the Applicant would require an Environment Protection Licence under the Protection of the Environment Operations Act 1997 (POEO Act) to carry out 'land-based extractive activities'. The EPA requested in its environmental assessment requirements that the proponent review Schedule 1 of the POEO Act and identify all scheduled activities and ancillary activities that will apply to the proposed development. Other scheduled activities that may apply include crushing, grinding or separating. The proponent should review Schedule 1 of the POEO and provide clarification on whether any additional activities apply.

### General comments

2. Section 2.1.2 of the Environmental Impact Statement (EIS) states that the development consent currently being sought would enable extraction of the resource until Year 30 (Stages 0 to 5). It also states that an additional development consent beyond Year 30 (Stages 6 and 7) would be required. The EIS states that this approach is necessary as a development consent is not issued in excess of 30 years for a State Significant Development.

The EIS appears to include an assessment of Stages 6 and 7 as well as Stages 0 to 5. The assessment criteria and potential impacts from Stages 6 and 7 may change after 30 years of operation. Potential impacts associated with Stages 6 and 7 should be re-assessed against relevant assessment criteria and appropriate/contemporary guidelines as part of the second development application process should consent be granted for the proposed activity. The EPA requests that additional information is provided to clarify this matter.

3. Section 2.3 and Figures 2.1 and 2.4 indicates that the "Fines Storage Area 2" and the "Temporary topsoil and mulch stockpile area" are located within the area allocated for Stage 6 and possibly part of the Stage 7 extraction area. The EIS states that the Fines Storage Area 2 is located within the area to be developed in Stage 4. According to Figures 2.1 and 2.4, the Fines Storage Area 2 is located within the proposed area for Stage 6.

The EIS also states that the temporary topsoil and mulch stockpile area is located within the area to be developed in Stage 6 to avoid the need to stockpile soil or mulch in an area requiring clearing of native vegetation. As stated in Section 2.1.2 of the EIS, Stages 6 and 7 will be the subject of a separate development application. According to a Google Maps image, Stages 6 and 7 are in areas which would require removal of vegetation for the storage of topsoil and mulch. Should development consent be granted for the proposed project, activities undertaken within Stages 6 and 7 would not appear to be covered by the consent and these areas should not be impacted by the proposed development. The EPA requests that additional information is provided to clarify this matter.

4. Section 2.5.3.3 states that surface water and/or erosion and sediment controls would be installed/constructed either prior to or immediately following vegetation clearing activities. These surface water controls must be installed prior to any clearing works commencing. The EPA requests additional information that this will be addressed in the proposed Water Management Plan.
5. Figure 2.6 indicates the proposed area of blasting that will occur at the "final stage". The proposed blasting area appears to cover extraction Stages 1 to 6 when compared to Figure 2.4. It is unclear as to what area and project stages blasting will occur. The EPA requests that additional information is provided to clarify this matter.

Figure 2.6 also indicates that an indicative final sump is to be located within the Stage 6 extraction area. It is unclear from the information provided as to whether this sump is required during Stages 0 to 5. EPA's comments regarding Stages 6 and 7 provided above should be considered.

6. Section 2.8.2.3 indicates that Virgin Excavated Natural Material (VENM)/ENM will be imported to the site for use as backfill to create the final landform. All material imported to the site must be classified in accordance with the EPA's Waste Classification guidelines. VENM is a waste that has been pre-classified as general solid waste (non-putrescible). Classification of excavated material as VENM requires certainty that all aspects of the definition are met. Chemical testing may be required to ascertain whether an excavated material is contaminated with manufactured chemicals or process residues, or whether it contains sulfidic ores or soils. Where an excavated material cannot be classified as VENM, it may be eligible for reuse under the excavated natural material order and exemption.
7. Section 2.9.5 states that diesel fuel would be stored on site in self-bunded above-ground tanks (nominally 20,000L in capacity). The EIS also refers to all 205L or 20L hydrocarbon drums when not in use would be secured in one or more shipping containers. Section 2.11.3.2 includes waste oil storage in a 3000L self-bunded tank. Appropriate spill kits must be installed at the premises to respond to potential spills/leaks at the site. This mitigation measure does not appear to be included in the Environmental Management and Monitoring Measures prepared for the site operations. All appropriate environmental management and mitigation measures must be identified as part of the EIS assessment.
8. The EPA's environmental assessment requirements identified the need to consider the potential for Naturally Occurring Radioactive Materials (NORM) in materials, minerals and all the resources associated with the proposal. The EIS does not appear to consider whether the presence of NORM is an issue for the proposed quarrying project. Additional information should be provided to address this assessment requirement.

