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Willow Tree Gravels Quarry

Statement of Environmental Effects S4.55(1A) Amendment to DA 3/2018-02

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Principal Author:	J Lawler
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Recipient	
Regional Group Australia Pty Ltd	1e

GROUNDWORK PLUS
Phone: 1800 GW PLUS (1800 497 587)
Email: info@groundwork.com.au
Website: groundwork.com.au
ABN 13 609 422 791

QLD/NSW
6 Mayneview Street, Milton Qld 4064
PO 1779, Milton BC Qld 4064
Phone: +61 7 3871 0411
Fax: +61 7 3367 3317

SA/WA/NT
2/3 16 Second St, Nuriootpa SA 5355
PO Box 854, Nuriootpa SA 5355
Phone: +61 8 8562 4158

VIC/TAS
PO Box 438, Altona VIC 3018
Phone: 0437 523 282

Geotechnical Laboratory
Unit 78/109 Leitchs Road, Brendale Qld 4500
Phone: 0417 615 217

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1 Introduction

1.1 Application for modification of a consent

Reference is made to the Development Consent No. DA3/2018-02 (the development consent) issued to Mr P Marheine by the Liverpool Plains Shire Council on 2 March 2021 for the Willow Tree Gravels Quarry, located at 250 to 256 Merriwa Road, Willow tree NSW 2339 being described as Lot 121 DP857377 and Lot 1 DP502092 (refer Attachment 1 – Development Consent 57/94) (the Site).

This modification application is made pursuant to Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (the Act).

The application seeks to amend the conditions of development consent to enable:

1. less than 2,500 tonnes (at any one time) and 12,000 tonnes (per year) of solid concrete washout product to be imported, processed and blended with material extracted from the Site to produce a range of quarry products; and
2. fly ash under the Coal Ash Exemption 2014 to be imported, processed and blended with material extracted from the Site to produce a range of quarry products.

This Statement of Environmental Effects provides a review of the proposed amendment to the development consent and whether the amendment is substantially the same as the original approval in accordance with the requirements of s4.55 of the Act. The proposed modification to the original approval does not alter the approved land use. Nor does the proposed modification alter the previously identified environmental and amenity impacts and the measures employed at the Site to manage and mitigate those potential impacts.

The applicant is Regional Group Australia Pty Limited (RGA) the operator of the quarry.

The landowner of Lot 121 DP857377 and Lot 1 DP502092 is Regional Hardrock (Willow Tree) Pty Ltd which is part of RGA.

A right of carriageway easement over Lot 213 DP1173230 is relied upon to access the Site. The landowner of Lot 213 DP1173230 is the Liverpool Plains Shire Council.

1.2 Background

The Site is operated pursuant to Environment Protection Licence (EPL) No. 5154 (refer Attachment 2 – Environment Protection Licence). It is understood the NSW Environment Protection Authority (EPA) will be consulted in relation to the proposed modification.

The EPA have provided written advice confirming that the importation and processing of the fly ash and solid concrete washout product whilst being a 'General solid waste (non-putrescible)' under the *Protection of the Environment Operations Act 1997* (POEO Act) does not trigger a scheduled activity under the POEO Act in certain circumstances (refer Attachment 3 – EPA Written Advice). The EPA have in summary advised that:

'The EPA considers that applicable activities under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act) are clause 34 'resource recovery' and clause 42 'waste storage'.'

And

'Under the Coal Ash Exemption 2014 (the exemption), coal ash is defined as coal combustion products from burning Australian black coal which includes fly ash. Blended coal ash is coal ash blended with other materials that is intended to be applied to land as an engineered material. Both coal ash and blended coal ash are exempt from the licensing provisions in clauses 34 and 42 of Schedule 1 of the POEO Act, provided the conditions outlined in the exemption and the associated Coal Ash Order 2014 (the order) are met.'

And

'If more than 2,500 tonnes or 2,500 cubic metres of concrete washout waste is proposed to be stored at each premises at any one-time clauses 34 (resource recovery) and 42 (waste storage) will apply and the proposal will need to be licensed.'

Based on the advice from the EPA, it is understood that:

1. Importation and processing of fly ash of any amount, where in accordance with the Coal Ash Exemption 2014 are exempt from the licensing provisions in clauses 34 and 42 of Schedule 1 of the POEO Act; and
2. Importation and processing of solid concrete washout product, if less than 2,500 tonnes or 2,500 cubic metres at any one time and less than 12,000 tonnes per annum, does not constitute scheduled activities under clauses 34 (resource recovery) and 42 (waste storage) of Schedule 1 of the POEO Act.

Therefore, the proposal does not trigger new scheduled activities under clauses 34 (resource recovery) and 42 (waste storage) of Schedule 1 of the POEO Act, because the application seeks to amend the conditions of development consent to enable:

1. less than 2,500 tonnes (at any one time) and 12,000 tonnes (per year) of solid concrete washout product to be imported, processed and blended with material extracted from the Site to produce a range of quarry products; and
2. fly ash under the Coal Ash Exemption 2014 to be imported, processed and blended with material extracted from the Site to produce a range of quarry products.

2 Proposed Modification

This application for modification is made pursuant to s4.55(1A) of the Act and seeks to modify the conditions of the consent to enable:

1. less than 2,500 tonnes (at any one time) and 12,000 tonnes (per year) of solid concrete washout product to be imported, processed and blended with material extracted from the Site to produce a range of quarry products; and
2. fly ash under the Coal Ash Exemption 2014 to be imported, processed and blended with material extracted from the Site to produce a range of quarry products.

The importation of the material is ancillary to the existing quarry operation and is not a separate and stand-alone use. The materials would be stockpiled within a designated area in the existing quarry footprint close to the processing plant which would report to the existing surface water management infrastructure and sediment basins at the Site. Management measures would be implemented (e.g. bunding of storage areas) to ensure the solid concrete washout product and fly ash is not discharged from the Site.

Coal (fly) Ash

Coal (fly) Ash is classified as 'General solid waste (non-putrescible)' under the POEO Act. However, only fly ash which complies with the Resource Recovery Order (RRO) for coal ash (Coal Ash Order 2014) issued by the EPA would be used. In that instance, the fly ash is no longer a waste under the POEO Act. Fly ash is inert and does not react with water. It is not cement powder but looks and feels similar. It would be blended with the rock extracted from the Site to produce aggregates used for example in concrete batching plants for pre-mixed concrete for a range of construction and infrastructure projects. The Cement Concrete & Aggregates Australia (CCAA), Technical Note 77 'Fly Ash Properties, Characterisation and Uses', September 2017, identifies the following about fly ash:

'Fly ash, a by-product or 'waste' product from the combustion of coal, has become an important material in a variety of construction industry applications.'

'Fly ash use in concrete began in the USA in the 1930's, though its first use in Australia was not until 19492 when fly ash imported from the USA was used in grouts in the Snowy Mountains Hydro-Electric scheme in NSW. Subsequently, and certainly since the 1960's, fly ash has become a standard component in concrete mixes in regions where fly ash is available.'

Concrete Washout

The CCAA, NSW Concrete by-product Recycling and Disposal Industry Guidelines 2014 describes that concrete batching plants generate a number of concrete by-products and wastes including, hardened returned concrete, wash water, liquid wash out/slurry and solid wash out.

It is proposed to import solid wash out, which the CCAA identify as having, 'the consistency of clay and is returned concrete that has been washed out and dried'. Solid wash out is classified as 'General solid waste (non-putrescible)' under the POEO Act. It is a mixture of aggregates (rock) and sand from the original concrete which is drained and dried at the concrete batching plant before being transported to the quarry to be blended with the rock extracted from the Site to produce a range of quarry products for construction and infrastructure projects.

3 Assessment – Substantially the Same

Section 4.55(1A) of the Act outlines that a consent authority may modify the development consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

In relation to the matter of 'substantially the same', application of the phrase 'substantially the same' has been a matter of some consideration by the Court. Moto Projects (No2) Pty Ltd v North Sydney Council (1999 NSWLEC 280, 17 December 1999) identified the relevant test and stated, '*The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is essentially or materially the same as the (currently) approved development. The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper context (including the circumstances in which the development consent was granted)*.'

With respect to the definition of 'substantially', the Court held, in the case of Vacik Pty Ltd v Penrith Council (unreported 24 February 1992, Stein J), that substantially means, '*essentially or materially or having the same essence*'. With respect to the definition of 'materially', the Macquarie Concise Dictionary defines material to mean, amongst other things, '*of such significance to be likely to influence the determination of a cause*.'

The law concerning modifications to consents has developed since Vacik Pty Limited v Penrith City Council [1992] NSWLEC 8 (Vacik) and Moto Projects (No 2) Pty Ltd V North Sydney Council [1999] NSWLEC 280 (Moto Projects).

Courts have applied numerous interpretations to the concept of 'substantially the same development'. In addition to the interpretations in Vacik and Moto Projects, these interpretations include:

a) the word 'modify' has been held to mean 'to alter without radical transformation': Sydney City Council v Ilenace Pty Ltd (1984) 3 NSWLR 414 at 421;
b) where a 'new component' of development (such as subdivision) is sought to be introduced via a modification application, this may result in an '*overall development that was different in its essence from the development for which consent was granted*': Young v Parramatta City Council [2006] NSWLEC 116; and

c) if a modification is sought that comprises of many individual changes which, individually, may not render the development as constructed a different development, the cumulative impact of the alterations must be considered: Austcorp No 459 Pty Ltd v Baulkham Hills Shire Council [2002] NSWLEC 90.

However, recently, in Arrage v Inner West Council [2019] NSWLEC 85 (Arrage), Preston CJ cautioned against placing too much attention on the characterisation of the statutory test by Bignold J in Moto Projects to the distraction of focusing on the words of section 4.55(2)(a) itself. In Arrage, Preston CJ, referring specifically to the principles identified in earlier cases including Moto Projects, held that while identifying and undertaking a comparative analysis of the material and essential features of the originally approved and modified developments: *'... is one way, probably in most cases the most instructive way, to identify whether the modified development is substantially the same development as the originally approved development, but it is not the only way to ascertain whether the modified development is substantially (in the sense of essentially or materially) the same development as the originally approved development. For example, comparison could be made of the consequences, such as the environmental impacts, of carrying out the modified development compared to the originally approved development'.*

In other words, the principles identified in earlier case law, while instructive, do not replace the plain meaning of the statutory test, which is that the consent authority considering a proposed modification must be satisfied that the original and modified developments are 'substantially the same' having regard to all relevant planning and environmental considerations.

Department of Planning, Industry and Environment (DPIE) provide the following guidance about demonstrating whether a proposal is 'substantially the same development' in 'Modifying an Approved Project, Draft Environmental Impact Assessment Guidance Series, June 2017':

- *''Substantially'' means ''essentially or materially'' or ''having the same essence.''*
- *A development can still be substantially the same even if the development as modified involves land that was not the subject of the original consent (provided that the consent authority is satisfied that the proposal is substantially the same).*
- *If the development as modified, involves an ''additional and distinct land use'', it is not substantially the same development.*
- *Notwithstanding the above, development as modified would not necessarily be substantially the same solely because it was for precisely the same use as that for which consent was originally granted.*
- *To determine whether something is ''substantially the same'' requires a comparative task between the whole development as originally approved and the development as proposed to be modified. In order for the proposal to be ''substantially the same'', the comparative task must:*
    - *result in a finding that the modified development is ''essentially or materially'' the same*
    - *appreciate the qualitative and quantitative differences in their proper context*
    - *in addition to the physical difference, consider the environmental impacts of proposed Modification Applications to approved developments.*
- *The results of the comparative task "does not eclipse or cause to be eclipsed a particular feature of the development, particularly if that feature is found to be important, material or essential."*

DPIE provide guidance on undertaking the 'comparative task':

'A proponent should consider the following elements of the proposed project change when undertaking a comparison:

- *development size, scale and footprint*
- *intensity including rates of production*
- *primary, secondary and ancillary use*
- *project life and hours of operation*
- *extent, duration and severity of impacts.*

The updated project description will assist in carrying out a comparative analysis because it highlights any changes in key elements of the development.'

Having considered the above, the following comparative assessment is provided.

3.1 Development size, scale and footprint

The size, scale and footprint of the quarry is not proposed to change as a result of the proposed modification. The imported material will be stockpiled within the existing quarry footprint in proximity to the processing plant and therefore an extension of the quarry footprint is not required.

3.2 Intensity including rates of production

The rate of production of the quarry would not increase as the imported material will be blended with the quarry materials and no change to the annual extraction volumes of the quarry is proposed.

3.3 Primary, secondary and ancillary use

The primary use of the Site is and will remain extractive industry. The importation of the material is ancillary to the primary use of the Site of extractive industry.

3.4 Project life and hours of operation

The development consent does define the project life in terms of total extraction volume but the importation of the material will not affect the total extraction volume or significantly extend the overall project life. The quarry will continue to operate pursuant to market demand which fluctuates over time. The proposed importation of material would not change the existing hours of operation.

3.5 Extent, duration and severity of impacts – Traffic

The proposed importation of material would not change the number of truck movements of the quarry because the material would be backloaded into trucks already travelling to the quarry to deliver quarry materials.

3.6 Extent, duration and severity of impacts – Environment

The quarry is subject to an EPL administered by the EPA. This EPL regulates the operation of the quarry to ensure environmental harm and nuisance is avoided and risks are appropriately managed. The EPL

regulates waste management, noise, vibration, dust and surface water impacts as well as hours of operation and environmental monitoring and reporting obligations.

As previously discussed, the EPA have advised the proposal does not constitute a scheduled activity under the POEO Act.

The quarry will continue to be managed to ensure compliance with the waste management, dust, noise, vibration and other environmental criteria as set out in the EPL.

As all the environmental impacts associated with the quarry operation will remain unchanged, the proposed modification is of minimal environmental impact. Therefore, as the operation will continue to comply with the ELP there will be no additional impact to public amenity.

3.7 Substantially the same

Having considered the above comparative assessment and the guidance provided by case law and other documents, the proposed modification remains substantially the same as the original development on the basis that the development size, scale and footprint, intensity (including rates of production), the primary, secondary and ancillary use, the project life and hours of operation and extent, duration and severity of impacts do not substantially change.

4 Assessment – Section 4.55(3) of the Act

Clause 3 of s4.55 of the Act states that:

"In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified".

Section 4.15(1) of the Act states that:

"Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

c) the suitability of the site for the development,

d) any submissions made in accordance with this Act or the regulations,

e) the public interest."

This section of the Statement of Environmental Effects considers the proposal assessed against the relevant provisions identified in s4.15(1) of the Act.

4.1 Relevant Environmental Planning Instruments

4.1.1 Protection of the Environment Operations Act 1997

The Site is operated pursuant to an existing EPL and the EPA have advised that the proposal does not trigger a scheduled activity under the POEO Act. The EPA have indicated that specific conditions may be added to the existing EPL as a result of the modification application.

4.1.2 Biodiversity Conservation Act 2016

The stockpiling of the imported material would occur within the existing quarry footprint and therefore no new or additional impacts on biodiversity values are anticipated and no change to the previously approved Biodiversity Offset Strategy and ecosystems credits calculation is required.

4.1.3 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (the 'SEPP') is a relevant Environmental Planning Instrument (EPI) for the application being for modification to an existing approval for extractive industry identified within a Local Environmental Plan (LEP) as a mineral and extractive resource. The aims of the SEPP are set out in Clause 2 of the SEPP which intend to provide, facilitate and promote the development of significant mineral resources. Clause 5 of the SEPP details the relationship of the SEPP with other relevant EPIs and provides that, 'if this Policy is inconsistent with any other environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency'.

Clause 12 of the SEPP provides matters to be considered by the consent authority, including as follows:

'the consent authority must:

1) *consider:*
   a) *the existing uses and approved uses of land in the vicinity of the development, and*
   b) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*
   c) *any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*
2) *evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*
3) *evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).'*

The existing and approved use of land in the vicinity of the development are rural activities and dwellings. The rural village of Willow Tree is located Northeast of the Site. The area where the imported material would be stored and processed adjacent to the existing process plant is almost 2km from the village. The proposed modification is unlikely to have a significant impact on the surrounding land uses based on the comparative assessment above. Therefore, the proposed modification is unlikely to result in the development becoming incompatible with the surrounding land uses. Given that the proposed modification is unlikely to have a significant impact on the surrounding land uses and is unlikely to result in the quarry becoming incompatible with those land uses, the public will benefit from the sustainable reuse of a waste which would otherwise have been sent to landfill.

4.1.4 Local Environmental Plan

The Liverpool Plains Local Environmental Plan 2011 is the relevant Local Environmental Plan (LEP). The quarry is located within the RU1 land zone of the LEP. The objectives of the RU1 Primary Production Zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

As the proposed modification does not change the land use or increase the associated impacts to the community, it remains consistent with the aims of the LEP and the objectives of the RU1 land zone.

The LEP is supported by mapping which identifies the site as Bushfire Prone Land. However, the proposed importation of material would not increase the potential bushfire risk to the quarry as the material is inert and not a fire hazard and would be stored within the existing quarry footprint away from vegetation.

4.1.5 Environmental Planning and Assessment Regulation 2000

Clause s4.15(1)(a)(iv) of the Act states that in determining a development application, a consent authority is to take into consideration the following, '*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).*

The quarry was originally considered 'designated development' under the Act. Accordingly, consideration must also be given to schedule 3, clause 35 and 36 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) for the purpose of this application.

4.1.5.1 Clause 35

Schedule 3, clause 35 of the Regulation states that, '*Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development'.*

The proposed modification would not significantly increase the environmental impacts of the total development as discussed previously in the comparative assessment. The quarry will continue to operate in accordance with the operating conditions of the EPL. Accordingly, the proposal is not designated development as it is unlikely that the proposed modification would have any additional environmental impacts above and beyond that already contemplated by the original development consent and current EPL.

4.1.5.2 Clause 36

Schedule 3, clause 36 of the Regulation states that, '*In forming its opinion as to whether or not development is designated development, a consent authority is to consider:*

(a) the impact of the existing development having regard to factors including:
  i. previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and
  ii. rehabilitation or restoration of any disturbed land, and
  iii. the number and nature of all past changes and their cumulative effects, and

(b) the likely impact of the proposed alterations or additions having regard to factors including:
  i. the scale, character or nature of the proposal in relation to the development, and

ii. the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and

iii. the degree to which the potential environmental impacts can be predicted with adequate certainty, and

iv. the capacity of the receiving environment to accommodate changes in environmental impacts, and

(c) any proposals:

i. to mitigate the environmental impacts and manage any residual risk, and

ii. to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities."

In response to the above, it is understood that the quarry has been operated by a range of operators over time but with recent oversight by RGA and the environmental management performance and compliance with conditions is understood to be good. The quarry will continue to operate pursuant to the existing development consent and EPL and has not yet reached terminal benches and therefore progressive rehabilitation of the disturbed areas has not yet commenced. The importation of material would not impact on the extent or timing of progressive rehabilitation. The scale, character and nature of the proposal and the existing character and features of the land have been addressed in the comparative assessment within this SEE. The potential environmental impacts can be predicted with reasonable certainty based on the long-term operation of the quarry. No additional environmental impacts are anticipated because of the modification and therefore it is anticipated that the receiving environment has sufficient capacity to accommodate the ongoing operation of the quarry. The quarry is operated pursuant to an EPL. The EPL includes conditions that regulate environmental performance of the quarry that includes noise, air quality, waste, water quality and blasting impacts. These obligations will continue and the EPA may include specific new conditions as a result of the modification application.

4.1.6 Clause 4.15(1)(b) of the Act

Clause 4.15(1)(b) of the Act states that in determining a development application, a consent authority is to take into consideration, '*the likely impacts of that development, including impacts on both the natural and built environments, and social and economic impacts in the locality'.*

As outlined above, the proposal would not significantly increase the impact of the development on the natural and built environment and social and economic impacts in the locality.

4.1.7 Clause 4.15(1)(c) of the Act

Clause 4.15(1)(c) of the Act states that in determining a development application, a consent authority is to take into consideration, '*the suitability of the site for the development'.* It is evident by the long-term operation of the quarry that the Site is suitable for the continued operation of an extractive industry.

4.1.8 Clause 4.15(1)(d) of the Act

Clause 4.15(1)(b) of the Act states that in determining a development application, a consent authority is to take into consideration, *'any submissions made in accordance with this Act or the regulations'.* This is a matter for Council to consider during the assessment of this application.

4.1.9 Clause 4.15(1)(e) of the Act

Clause 79C (1)(e) of the Act states that in determining a development application, a consent authority is to take into consideration, *'the public interest'.*

Quarried products are used in the building and construction industries and are essential components for providing shelter and infrastructure. In Australia, the trend has been for annual production of quarried products to increase in response to population growth which drives development and infrastructure projects. The quarry industry is market driven and therefore is focused on price, quality and service. The industry is dominated by a few large, national, vertically integrated companies. However, independent operators provide market choice and special services and contribute to a vital and vigorous industry.

Every Australian requires 7 tonnes of stone, sand and gravel every year to build the roads, houses and other infrastructure they need. To build the average new house we use about 110 tonnes of construction aggregates and 53m3 of concrete. To build one kilometre of a two-lane highway requires about 14,000 tonnes of construction aggregates.

Extractive industries are a significant contributor to the material needs of local and regional communities and to economic activity and development. Extractive resources are site specific, limited in occurrence by geological conditions and are finite. Because they are high-volume, low-cost materials, they need to be located close to the communities that use them as the cost of transport to the end user contributes greatly to the overall cost of the delivered product. Extractive resources underpin all urban and infrastructure development and make a major contribution to ongoing economic growth through direct and indirect employment opportunities.

The continued operation of the quarry with the inclusion of imported material to be processed and blended with material extracted from the Site to produce a range of quarry products is in the public interest because it is the sustainable reuse of material which would otherwise be confined to landfill.

5 Conclusion

This application for modification is pursuant to clause S4.55(1A) of the Act. The application seeks to amend the conditions of development consent to enable:

1. less than 2,500 tonnes (at any one time) and 12,000 tonnes (per year) of solid concrete washout product to be imported, processed and blended with material extracted from the Site to produce a range of quarry products; and
2. fly ash under the Coal Ash Exemption 2014 to be imported, processed and blended with material extracted from the Site to produce a range of quarry products.

The proposed modification does not alter the approved land-use or the quarry footprint and no additional truck movements are proposed or any change in the hours of operation of the quarry. The proposed modification does not alter the previously identified environmental, amenity or traffic impacts and the measures employed at the Site to manage and mitigate those potential impacts.

The quarry will continue to comply with the operating conditions specified in the EPL and therefore will not result in additional impacts to public amenity or the environment.

The proposed modification has been assessed against the relevant environmental instruments and it is considered that it remains consistent with the intent, purpose and aim of those documents and that the modified development would remain substantially the same as the original development.

ATTACHMENTS

Attachment 1

Development Consent

Attachment 2

EPL

Attachment 3

EPA Written Advice