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**GROUNDWORK**  
plus

**40**  
YEARS  
Est. 1980

13 March 2023  
DPE Ref: SSD 7036  
GW+ Ref: 2513 DA2

Director, Resource Assessments  
Department of Planning and Environment  
Via NSW Planning Portal

Attention: James McDonough, Team Leader, Resource Assessments

State Significant Development 7036 Coraki Quarry. Section 4.55(1A) Modification Application.  
Extension of Quarry Operations until 30 June 2025.

Groundwork Plus Pty Ltd act on behalf of KIS Plant Pty Ltd (trading as KIS Quarries) to submit this modification application to the Department of Planning and Environment (the Department). This application seeks to modify the development consent SSD 7036 (the Consent) for the Coraki Quarry pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (the Act). The consent was issued by the Department on 18 April 2016 and modified in October 2016 (Mod 1), June 2017 (Mod 2) and May 2019 (Mod 3).

#### Background

The Coraki Quarry operated at up to 1,00,000 tonnes per annum (tpa) to supply material to the Pacific Highway Upgrade Project. The Coraki Quarry operated in parallel with and shared common land, infrastructure, facilities and access with the existing Petersons Quarry. The Petersons Quarry is permitted to operate at up to 320,000tpa pursuant to Development Consent 1985 0103 03. The Pacific Highway Upgrade Project is largely complete and almost all material within the Coraki Quarry extraction area has been extracted.

Lot 401 DP633427 and Lot 1 DP1225621 are owned by KIS Plant Pty Ltd (the KIS Plant Land) and are the approved extraction area for the Coraki Quarry and are outside the approved quarry footprint for the Petersons Quarry.

The remaining land including Lots 402 and 403 DP802985, Lot 408 DP1166287, Lot A DP397946, Lot A DP389418, Lot 3 DP701197, Lot 2 DP954593, Lot 1 DP954592, Lot 1 DP310756 and Lot 1 DP1165893 are owned by Richmond Valley Council (Council) (the Council Land), which forms part of the existing Petersons Quarry.

Mod 3 of the Consent amended the approved plan for the Coraki Quarry to reflect the as-constructed location of the processing plant partly within the KIS Plant Land which is the approved extraction area for the Coraki Quarry, but outside the approved quarry footprint for the Petersons Quarry.

A development application has been submitted for the 'Petersons Quarry Extension' (Council ref: DA2022/0250). That application is for an extension to the Petersons Quarry footprint to include the existing area of disturbance established for the Coraki Quarry, including the ongoing utilisation of the existing processing plant. The proposal includes increasing the scale of the Petersons Quarry

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operation from 320,000tpa to a maximum of 350,000 tonnes per annum (tpa) and a maximum of 4,900,000 tonnes of material in total over the life of the quarry. The application was submitted in June 2022, was exhibited in July and August 2022 and will be reported in due course to the Northern Regional Planning Panel (the Panel).

Condition 6 of Schedule 2 of the Consent states, 'The Applicant may carry out quarrying operations for the development until 30 June 2023'.

#### The Proposed Modification

The proposed modification seeks to amend Condition 6 of Schedule 2 of the Consent to extend the quarrying operations for the Coraki Quarry from 30 June 2023 until 30 June 2025. That is an extension of two (2) years. No other changes to the conditions of the Consent are proposed.

#### Justification for the Proposed Modification

Additional time is required to progress the assessment of the Petersons Quarry Extension, and if it is approved sufficient time is then required to comply within any pre-commencement conditions and obligations. The Petersons Quarry relies on the processing plant in the KIS Plant Land.

If the Coraki Quarry operations are not permitted to occur beyond 30 June 2023, the location and operation of the processing plant on the KIS Plant Land is outside the approved area of the Petersons Quarry and would be non-compliant with the Petersons Quarry Development Consent.

Therefore, a view could be formed that all operation of the processing plant and stockpiling on the KIS Plant Land must cease on 30 June 2023 or be non-compliant with both the Coraki Quarry and Petersons Quarry development consents.

It is important to understand that the operation of the Coraki Quarry has reduced significantly in 2021 to 19,496t and 2022 to 8,115t. This means the amount of resource (and thus noise, dust and traffic impacts) being produced by the Coraki Quarry is now less than the ongoing operation of the Petersons Quarry. For example, no blasts occurred within the KIS Plant Land under the Coraki Quarry Consent in 2022.

#### Modification Application Assessment

The proposed modification to development consent number SSD7036 is sought pursuant to Section 4.55 (1A) of the EPA Act. In accordance with Section 4.55 (1A) Modification involving minimal environmental impact, the consent authority may modify the consent if:

Section 4.55(1A) of the Act	
Provision	Response
<i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—</i>	
<i>(a) it is satisfied that the proposed modification is of minimal environmental impact, and</i>	The proposed modification is of minimal environmental impact because it would not impact additional biodiversity values or generate more noise or air quality emissions or traffic movements or increase the depth of extraction beyond that which is already

Section 4.55(1A) of the Act	
Provision	Response
	approved. The proposed modification would provide additional time for the relevant authorities to assess the Petersons Quarry Extension so that the operation of the processing plant on the KIS Plant Land would not need to cease on the 30 June 2023.
<i>(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</i>	The development will be substantially the same development for which the consent was originally granted being Extractive industry. The size, scale, footprint and intensity of the Quarry is not proposed to change and in fact has substantially reduced in 2021 and 2022 to be less than the ongoing operation of the Petersons Quarry.
<i>(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</i>	This is a matter for the Department.
<i>(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.</i>	This is a matter for the Department.
<i>Subsections (1), (2) and (5) do not apply to such a modification.</i>	
<i>(3) 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.</i>	Refer below.

Section 4.15(1) of the Act requires the Department to consider certain relevant matters when determining a development application. These are considered below in further detail.

Section 4.15(1) of the Act	
Provision	Response
Any environmental planning instrument (EPI)	The relevant EPIs include: <ul style="list-style-type: none"> <li>• The LEP</li> <li>• The Protection of the Environment Operations Act 1997</li> <li>• State Environment Planning Policy (SEPP) Planning Systems 2021</li> <li>• SEPP Biodiversity and Conservation 2021</li> <li>• SEPP Primary Production 2021</li> <li>• SEPP Resources and Energy 2021</li> <li>• SEPP Transport and Infrastructure 2021</li> </ul>
The LEP	The development has previously been assessed as consistent with the objectives of the RU1 Zone of the LEP. The proposed modification does not change the permitted land use of Extractive industry.
The Protection of the Environment Operations Act 1997	The Quarry is Integrated Development being operated pursuant to an EPL. It is anticipated that the Department will refer the modification application to the EPA for consideration. No change is proposed to the operational methods, plant and equipment or hours of operation and so no change is anticipated to the environmental impacts previously assessed.
The SEPP Planning Systems 2021	The Quarry is State Significant Development and will be assessed by the Department.
SEPP Biodiversity and Conservation 2021	This modification application does not propose to change the approved development footprint and so no new or additional vegetation clearing is proposed.
SEPP Primary Production 2021	This modification application does not propose to change the approved development footprint and so there will be no new or additional impacts to the ongoing rural use of the balance of the Site.
SEPP Resources and Energy 2021	The LEP provides that Extractive industry is permitted with consent in the RU1 zone.  Regarding Section 2.17 of the SEPP, the Quarry was previously assessed to be compatible with surrounding land uses and the proposed modification does not increase the scale or intensity of the development and therefore will remain compatible with the surrounding land uses.  Regarding Section 2.21 of the SEPP, the operational methods of the Quarry will not change such that the resource continues to be efficiently and effectively recovered.  Regarding Section 2.22 of the SEPP, the annual extraction volume is not proposed to change and so no change to the traffic impacts of the development will occur.

Section 4.15(1) of the Act	
Provision	Response
	Regarding Section 2.23 of the SEPP, the proposed modification delays but does not alter the rehabilitation outcome of the development.
SEPP Transport and Infrastructure 2021	As previously discussed, the annual extraction volume is not proposed to change and so there is no change to the traffic impacts of the development.
Any proposed instrument	It is understood that there are no relevant proposed EPIs.
Any development control plan	Extension of the quarrying operations would not be inconsistent with the provisions of the development control plan.
Any planning agreement	There is not voluntary planning agreement for the development.
The likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.	As previously discussed, the proposed modification to extend the quarrying operations from 30 June 2023 till 30 June 2025 will not cause any new or additional environmental impacts to the natural and built environments. Furthermore, no new or additional detrimental social or economic impacts are anticipated.  Extension of the life of the development will enable the Petersons Quarry to continue to rely on the existing processing plant in the KIS Plant Land until such time as the application for the Petersons Quarry Extension is resolved.
The suitability of the site for the development.	The Site has previously been considered suitable for the development.
Any submissions	The Department will consider any submissions.
The public interest	The continued operation of the Petersons Quarry relies on the existing processing plant located in the KIS Plant Land, and thus the continued operation of the Coraki Quarry Consent is in the public interest because it will provide continuity of supply to the market which is an essential resource for the building and construction industry.

#### Conclusion

The proposed modification seeks to extend the operation of the Coraki Quarry Consent until 30 June 2025 to facilitate the continued operation of the Petersons Quarry which relies on the existing processing plant located in the KIS Plant Land.

The operation of the Coraki Quarry has reduced significantly in 2021 to 19,496t and 2022 to 8,115t. Practically this means the amount of resource (and thus noise, dust and traffic impacts) being produced by the Coraki Quarry is now less than the ongoing operation of the Petersons Quarry.

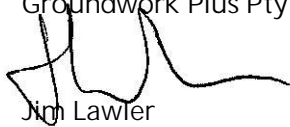
If the Coraki Quarry operations are not permitted to occur beyond 30 June 2023, the location and operation of the processing plant on the KIS Plant Land is outside the approved area of the Petersons Quarry and would be non-compliant with the Petersons Quarry Development Consent.

On this basis, the continued operation of the Coraki Quarry Consent is in the public interest because it will enable the Petersons Quarry to continue to operate to ensure continuity of supply to the market which is an essential resource for the building and construction industry.

It is anticipated that extension of the operation of the Coraki Quarry operations until 30 June 2025 will provide sufficient time for the assessment of the Petersons Quarry Extension and completion of any associated pre-commencement conditions or obligations.

Should you have any questions in relation to this application, please contact me.

Yours faithfully  
Groundwork Plus Pty Ltd



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