



DOC20/367014-21

Sutherland Shire Council  
(Attention: Mr Slavco Bujaroski)  
Locked Bag 17  
SUTHERLAND NSW 1499

Email: [sbujaroski@ssc.nsw.gov.au](mailto:sbujaroski@ssc.nsw.gov.au)

Dear Mr Bujaroski

**Development Application No: DA20/0278**  
**Import Waste Material – Sandy Point Quarry – 14309 Heathcote Road Menai**  
**Integrated Development - Environment Protection Licence 1924**

The Environment Protection Authority (EPA) refers to the above development application lodged with Sutherland Shire Council (Council) by Benedict Industries Pty Ltd (the proponent) to import, stockpile and blend up to 100,000 tonnes per annum (tpa) of waste material at the Sandy point Quarry.

The proponent holds Environment Protection Licence (EPL) 1924 for activities undertaken at Sandy Point Quarry. The licence currently does not permit waste material to be imported to the premises and will require a variation under Section 58 of the *Protection of the Environment Operations Act 1997* if the Development Application is approved. The EPA therefore considers the development would be an Integrated Development Application (IDA). Council will need to clarify the planning process for the proposed development.

The proponent has stated in the Statement of Environmental Effects the imported products will be EPA defined "waste" products such as:

- Virgin excavated natural material (VENM) and excavated natural material (ENM) as part of large civil work excavations (WestConnex etc); or
- Finished recycled sands and aggregate products that already have an EPA General Resource Recovery Exemption (EPA exempted products such as soils and crushed glass provided to a specification), or
- virgin quarried products imported from other Benedict quarries (sands, aggregates and pebbles) depending on the product supply specification, or
- packaged products such as pH amendments, coir fibre, perlite, peat, and fertilizer.

There is presently insufficient information in the SEE regarding the types and quantities of waste materials proposed to be imported to site. Prior to the EPA providing any detailed comment on the proposed development, the proponent will need to outline the specific type of waste material, and the quantity of material, they are proposing to import. The proponent should also specify which EPA General or Specific Resource exemption will apply to those materials proposed to be imported.

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For example:

- Materials to be blended must be compliant with the requirements of their individual order before they are blended (unless the final blend is controlled by a specific order and exemption);
- Materials to be blended must be permitted to be land applied for the same purpose under their individual exemptions;
- Blending must not be specifically precluded by one of the individual orders (or exemption). The ENM general exemption only applies to excavated natural material that is, or is intended to be, applied to land as engineering fill or for use in earthworks. It does not allow for processing or blending.
- Material generated from large infrastructure projects such as the Sydney tunnelling projects (eg Westconnex, Northconnex) are governed by individual specific orders (or exemptions), which specify what sort of processing may occur.

The proposal appears to relate to materials which will be used for engineering fill, or for use in earthworks. If this is the case, it is unclear why there would be a need to import the packaged products such as pH amendments, coir fibre, perlite, peat, and fertilizer. The EPA requests that Council request additional information from the proponent regarding these elements of the proposal.

Council has advised the development application is on public exhibition until 2 June 2020. The EPA requests Council provide us copies of any public submissions received. The EPA will consider these comments, and the information requested above, prior to providing our final comments on the proposal.

The EPA may require further detail based on its assessment of any additional information supplied by the proponent. If you have questions regarding the above, please phone Chris Kelly on (02) 4224 4100.

Yours sincerely



**02.06.2020**

**WILLIAM DOVE**  
**Unit Head Regulation – Illawarra**  
**Environment Protection Authority**