



Our reference: DOC12/45198
Contact: Robbert Mels 02 6229 7002

Ms Sally Munk
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Metropolitan and Regional Projects North
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001



14 November 2012

Dear Ms Munk

RE: Exhibition of Environmental Assessment for Integrated Residential and Tourist Development, Comberton Grange, Nowra (MP06_0135)

I refer to your letter dated 26 October 2012, inviting comments from the Environment Protection Authority (EPA) in relation to the publicly exhibited Environmental Assessment (EA) for the proposed Integrated Residential and Tourist Development, Comberton Grange South of Nowra.

The EPA has reviewed the EA and provides the following comments in relation to the proposed development.

There is an existing EPA licensed quarry within the proposed development site - Comberton Grange Quarry ("the quarry"). Shaolin Temple Foundation (Australia) Ltd holds Environment Protection Licence No. 3935 in relation to the quarry. The licence authorises the extraction and processing of up to 50,000 tonnes per annum of rock and aggregates from the site. It also authorises blasting operations.

EPA notes that the proposed development of residential and tourist accommodation is planned outside a 1000m buffer zone around the quarry that exists as a control in the Shoalhaven Local Environmental Plan. The only proposed development within the zone is the establishment of a Chinese Garden Precinct around the existing sedimentation dam near the quarry. The precinct is expected to have gardens, pavilions, a traditional Chinese pagoda and walkways to provide for quiet contemplation. Although only briefly assessed in the Environmental Assessment (Appendix 13, §4.4), operations in the quarry are predicted to have no significant noise impact at the proposed residences and noise levels are predicted to comply with the relevant EPA criteria for residential areas.

The EPA understands the quarry is currently not in operation, however the EA mentions the quarry may be used again during the construction of the proposed development as it can provide necessary mineral resources (dolorite/sandstone) to construct roads and other infrastructure. Although the EA indicates the operations of the quarry 'is likely' to cease (see §8.16.3 EA) after completion of construction, it is unclear whether and/or when the quarry is actually going to be closed down.

EPA considers the operation of a quarry, which includes noisy activities such as blasting and the operation of heavy machinery, next to the proposed Chinese Garden Precinct that is designed for quiet contemplation not a compatible land use. There are a number of possible solutions to resolving this incompatibility, which include:

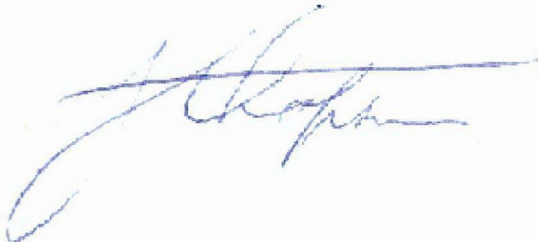
- The parties (the developer and the quarry owner) make a negotiated agreement pursuant to Chapter 8 of the EPA's *Industrial Noise Policy* (EPA, 2000) in relation to any future activities of the quarry;
- The holder of the EPA licence for the quarry make a commitment to close the quarry, and surrender the licence after completion, but before occupation and use, of the development.

The EPA suggests that the proponent consider amending its Statement of Commitments in this regard to ensure either that the future operation of the Comberton Grange Quarry is not compromised by the proposed development (via noise impacts), or that the EPA licence for the quarry is surrendered before occupation of the development.

If the Department of Planning and Infrastructure is minded to approve the proposal, it may wish to consider introducing conditions of approval to secure either of the above outcomes, or another which ensures that the land uses (residential/tourist and industrial) do not conflict.

Thank you for the opportunity to comment on this proposal. Please contact me or Robbert Mels on 02 6229 7002 if you require any further information.

Yours sincerely



JULIAN THOMPSON
Unit Head – South East Region
NSW Environment Protection Authority