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Contact: Julian Thompson 02 6229 7002

Ms Sally Munk
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Industry, Key Sites and Social Projects
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

10 January 2014

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 8 January 2014, inviting comments from the Environment Protection Authority (EPA) on the Response to Submissions and Preferred Project Report for the proposed Integrated Residential and Tourist Development, at Comberton Grange south of Nowra.

The EPA has reviewed the report and provides the following comments in relation to the proponent's response to the EPA's prior submissions.

Background

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. The Licence also authorises blasting operations.

The EPA expressed its concerns during the EIS exhibition stage of the assessment (dated 14 November 2012) about the operation of a quarry, which includes noisy activities such as blasting and the operation of heavy machinery, located next to the proposed Chinese Garden Precinct that is designed for quiet contemplation. These land uses do not appear to be compatible and the EPA requested clarification about the proponent's intentions for future operations (or closure) of the quarry.

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. Operations at 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 only proposed development within the buffer 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.

Status of the Quarry

The EPA understands from the "Response to Submissions Report" that the quarry is currently not in operation. However the Report mentions the possibility the quarry may be used again in the future and advises the proponent will continue to hold the Environment Protection Licence.

The 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 to be a compatible land use.

The EPA, in its previous letter suggested possible solutions to resolving this incompatibility, which included:

- 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 "Response to Submissions Report" (Appendix 5, p.15) states that these solutions "can be complied with" but does not offer any commitments in this regard. The Report states that "The Chinese Garden Precinct would be suspended from use should the quarry be re-opened in the future" (p.20). This does not however, appear to be reflected in the amended Statement of Commitments in the Report.

Clarification

The Report states "The Environmental Protection Agency has indicated to the proponent that the licence for the quarry should not be surrendered, even though there is no foreseeable intention to reopen the quarry" (p. 20). Similarly, Appendix 5 of the Report (p.15) states "The EPA does not wish the licence for the quarry to be surrendered." These statements are not correct. The Licensee is free to retain the licence or apply to surrender it at any time. The EPA has no preference as to whether the quarry continues to exist. Our only aim is to prevent any possible land use conflicts between the quarry and an aspect of this proposed 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 the suspension of use of the Chinese Garden should the quarry be re-opened in the future, to avoid a potential land use conflict.

Thank you for the opportunity to comment on the Response to Submissions Report. Please contact me on Ph: 6229 7002 if you require any further information.

Yours sincerely



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