

# Section 3

## Consultation, Issue Identification and Prioritisation

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*This section of the Environmental Assessment provides information outlining the steps undertaken to identify and prioritise the relevant environmental issues that are required to be addressed to allow an assessment of the Project.*

*The steps undertaken to identify environmental issues include:*

- *consultation with the local community;*
- *consultation with State and local government authorities; and*
- *a review of relevant State, Regional and Local Planning policies.*

*This section concludes with an assessment of the priorities of each of the identified environmental issues to be addressed.*

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## **3.1 INTRODUCTION**

In order to prepare a comprehensive *Environmental Assessment* for the Project, appropriate emphasis needs to be placed on those issues likely to be of greatest significance to the local environment, neighbouring landowners and business operators and the wider community. In order to ensure this has occurred, a program of community and government consultation, preliminary environmental studies and a literature review was undertaken to identify relevant environmental issues and potential impacts. This information was used to prioritise the assessment of the identified environmental issues within this *Environmental Assessment*.

## **3.2 CONSULTATION**

### **3.2.1 Community Consultation**

Community consultation in relation to the Project has included both informal and formal consultation.

The Proponent has operated the Nowra Brickworks Quarry since the mining leases were purchased from the previous owners in 2002. During this time, the Proponent has undertaken informal consultation with the owners and occupiers of land in the vicinity of the Project Site. This has included consultation with the owners of the residence to the south of the southern boundary of the Project Site in relation to blasting and noise impacts of the quarry operations. In addition, the Proponent has consulted with the operator of Nowra Brickworks to the north of the Project Site in relation to blasting impacts. Other informal consultation with the owners and occupiers of land to the east of the Princes Highway in relation to noise, blasting and dust aspects of the quarry's operation have been undertaken on an ad-hoc basis.

Formal consultation with surrounding landowners and occupiers was undertaken during October and November 2007. Landowners and residents on properties adjacent to the Project Site and landowners and business operators along the Princes Highway were contacted by Mr Chris Outtersides of City Plan Services.

During the consultation, Mr Outtersides met with the following.

- The occupants of Residences A and B to the north and south of the Project Site on the western side of the Princes Highway.
- The operator of the Nowra Brickworks adjacent to the northern boundary of the Project Site.
- The operator of the saw mill adjacent to the southern boundary of the Project Site.
- The operators of a number of businesses to the east of the Project Site on the eastern side of the Princes Highway.

The consultation was structured into two parts. During Part 1, Mr Outtersides discussed the existing operations with each of the individuals consulted to establish whether there were any previous or outstanding environmental and/or amenity concerns in relation to the current operation of the quarry over the past 5 years since it was operated by the Proponent.

During Part 2 of the consultation, each person consulted was provided with a brief description of the proposal to continue and extend the extractive operations at Nowra Brickworks Quarry and asked to provide comment on the proposal and whether there were any environmental and/or amenity issues that may adversely impact on their commercial operations.

Contact details and follow-up information were then left with each of the individuals in the event that additional concerns came to light after the consultation meeting.

In response to Part 1 of the consultation process, three issues were identified as concerning the respondents, namely:

- air quality;
- blasting and vibration; and
- vehicle movements.

In response to Part 2 of the consultation process, the majority of individuals consulted expressed no objection to the Project, provided it was undertaken to a high standard of environmental management.

### **3.2.2 Government Agency Consultation**

A Planning Focus Meeting for the Project was convened by the Department of Planning on 23 August 2007 and was attended by representatives from the following government agencies.

- Department of Planning.
- Department of Water and Energy,
- Department of Environment and Climate Change.
- NSW Roads and Traffic Authority.
- Shoalhaven City Council.



The Planning Focus Meeting included a site visit and a presentation describing the Project. The meeting allowed the relevant government agencies the opportunity to visit the Project Site and obtain an understanding of the Project as it was then envisaged. Following the meeting, the Department of Planning requested and received formal written requirements from all government agencies in attendance. A summary of these requirements, together with those of the Director-General of the Department of Planning are presented in **Appendix 2**. The frequency that each issue was raised is presented in **Table 3.1**.

### **3.3 ISSUE IDENTIFICATION**

#### **3.3.1 Preliminary Environmental Studies**

During the design phase of the Project, the following preliminary environmental studies were undertaken by the specialist consultants identified below to identify the constraints posed by the local environment and what elements of the local environment would require further consideration and assessment during preparation of the *Environmental Assessment*.

- Hydrology (Martens and Associates Pty Ltd).
- Noise (Heggies Pty Ltd).
- Air Quality (Heggies Pty Ltd).
- Geology (Douglas Partners Pty Ltd).
- Traffic and Transportation (John Coady Consulting Pty Ltd).
- Ecology (Gaia Research Pty Ltd).
- Aboriginal Heritage (Australian Archaeological Survey Consultants Pty Ltd).

The results of each of the above studies were incorporated into the *Preliminary Environmental Assessment* that was prepared to accompany the Major Projects Application for the Project. The above studies concluded that, in the absence of appropriate safeguards and mitigation measures, the proposed activities could potentially have an impact upon the following aspects of the local environment.

- Hydrology.
- Traffic and transportation.
- Ecology.

### 3.3.2 State Planning and Environmental Guidelines and Policies

#### 3.3.2.1 Introduction

The Project is identified as a Major Project under Paragraph 5, Schedule 1 of the *State Environment Planning Policy (Major Projects) 2005*. Under Section 75D of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Minister for Planning is the approval authority.

Relevant State Environmental Planning Policies (SEPPs) are outlined below.

In addition, the NSW Government has released a number of other policies and guidelines that need to be taken into account during the planning and assessment of new projects. Where relevant, these policies are referred to throughout Section 4 of this document in the context of the discussion relating to each environmental issue.

#### 3.3.2.2 State Environmental Planning Policy (Major Projects) 2005

*State Environmental Planning Policy (Major Projects) 2005* was gazetted on 25 May 2005 and applies to applications for all projects satisfying nominated criteria made following that date. Clause 6 of this SEPP states that development described in Schedule 1 of the SEPP is a Project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies. Schedule 1, paragraph 7 of this SEPP identifies:

*“development for the purpose of extractive industry that extracts more than 200,000 tonnes of extractive materials per year, or extracts from a total resource ... of more than 5 million tonnes.”*

As the proposed continued and expanded use of the Nowra Brickworks Quarry meets both thresholds described above, the Project is classified as a Major Project under the SEPP and will be assessed under Part 3A of the *Environmental Planning and Assessment Act 1979*.

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

*State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* was gazetted and commenced on 16 February 2007. Part 3 of this SEPP sets out a number of matters that must be considered when determining an application for project approval for an extractive industry. These matters to be considered include the following.

- The compatibility of proposed the extractive industry with other land uses.
- Whether impacts on significant water resources or threatened species and biodiversity are avoided, or are minimised to the greatest extent practicable.



- Whether greenhouse gas emissions are minimised to the greatest extent practicable.
- Whether the project optimises the efficiency of recovery and to minimises the creation of waste in association with the extraction of extractive materials.
- Whether conditions should be imposed to ensure the rehabilitation of land that will be affected by the development.

In addition, Paragraph 16 of the SEPP requires that where materials are to be transported by public road, the consent authority is to provide the relevant roads authority with a copy of the application and must not determine the application within 21 days of the roads authority being supplied with the application. The Project Site would be accessed via the Princes Highway. As this road is a State Highway, the relevant roads authority is the NSW Roads and Traffic Authority.

#### **3.3.2.4 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

Hazardous and offensive industries, and potentially hazardous and offensive industries, relate to industries that, without the implementation of appropriate impact minimisation measures would, or potentially would, pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

The Project would involve the storage of small amounts of hydrocarbons including, unleaded petrol lubricating oils and grease, Class 3 C2 combustible liquids. No diesel would be stored on site. As the hydrocarbons and lubricating oils and greases would not be stored adjacent to any other hazardous materials of the same class, DUAP (1997) does not require these to be considered further. As a result, the Project would be unlikely to be considered potentially hazardous under SEPP 33. As such, there is no requirement to undertake a Preliminary Hazard Analysis for the Project.

#### **3.3.2.5 State Environmental Planning Policy No. 44 - Koala Habitat Protection**

The Shoalhaven Local Government Area (LGA) is listed under Schedule 1 of this SEPP. This requires an investigation be carried out to determine if “core” or “potential” Koala habitat is present within the Project Site and whether it is likely to be disturbed. “Core Koala habitat” comprises land with an identified resident population of Koala. “Potential Koala habitat” comprises land with known Koala feed trees listed under Schedule 2 constituting at least 15% of the total number of trees present on a site.

The Ecology Assessment (see Section 4.3 of this document and Part 2A *Specialist Consultant Studies Compendium*) did not identify any Koala nor signs of Koala within the Project Site. In addition, only one species of koala feed tree, namely the Grey Gum, was identified within the Project Site and it occurs at abundances less than 15% of all trees. As a result, this SEPP does not apply to this Project.

### **3.3.2.6 State Environmental Planning Policy No. 55 – Remediation of Land**

No parts of the land within the Project Site are known to be contaminated, or have been identified as such. Hence this SEPP does not apply.

### **3.3.3 Regional and Local Planning and Environmental Guidelines and Policies**

#### **3.3.3.1 Introduction**

Section 75R(3) of the *Environmental Planning and Assessment Act 1979* states that environmental planning instruments, other than SEPPs, do not apply to or in respect of an approved project. However, the Director-Generals Requirement's state that the *Environmental Assessment* is required to assess "the potential impacts of the project on any strategic land use planning initiative that Council may have for the Nowra Bomaderry area".

Shoalhaven City Council has prepared a draft document entitled the "Nowra Bomaderry Structure Plan" (dated January 2006) (the "structure plan"). This subsection provides a summary of this document and assesses the potential impacts of the Project upon the structure plan.

#### **3.3.3.2 Nowra Bomaderry Structure Plan**

The goals of the structure plan are as follows.

- *Sustainable Living - manage development and change to accommodate economic and population growth, in a manner which endorses community values, conserves natural resources and safeguards ecological systems.*
- *Economic Vitality - facilitate the diversification and expansion of Nowra Bomaderry's economy by building on the town's human resources, skills base and environmental quality of the Shoalhaven whilst strengthening regional linkages, providing efficient support networks, fostering innovation and rewarding enterprise.*
- *Community Wellbeing - provide living areas in Nowra Bomaderry, which maximise lifestyle quality and choice by engendering a healthy, caring and harmonious society where both individual and collective rights are respected and there is fair and reasonable access to facilities and services.*



Section 6.4 assesses the ecological sustainability of the Project. The economic contributions of the Project are described in Section 2.1.3 and the socio-economic contributions are assessed in Section 4.13. In summary, the Proponent contends that the Project would promote the goals of the structure plan.

The Plan identifies the following principles to guide development of the Nowra Bomaderry area towards these goals.

- *Facilitate the delivery of environmental benefits.*
- *Respond to local features.*
- *Respect the past and present when creating the future.*
- *Engender continuing adaptation and change.*
- *Facilitate the achievement of high quality design.*
- *Plan for the 'post industrial economy'.*
- *Provide for the traditional 'industrial economy'.*
- *Develop the urban areas in a cost-effective manner.*
- *Endeavour to distribute benefits widely within the community.*
- *Respond to community needs.*
- *Engage the interest of the community.*

The Proponent contends that the Project would, through the reestablishment of a final landform and vegetation community that would mimic the pre-extraction landform and vegetation community, provide environmental benefits and would be consistent with the above principles.

Section 3 of the Plan identifies conservation goals and recommendations related to conservation of biodiversity in the Nowra Bomaderry area. Biodiversity Recommendation 4 states that stands of Spotted Gum should be reserved. Map 3.1 identifies the Project Site an area where this recommendation may apply. Section 3.5 of the structure plan identifies the requirement for the establishment of a network of 90m wide riparian corridors for the maintenance of stream water quality and for providing opportunities for biodiversity connectivity.

The Biodiversity Offset Strategy would preserve an area of Spotted Gum forest to compensate for the removal of approximately 7.4ha of Spotted Gum forest within the Project Site. In addition, the Project would not impact upon the riparian corridor within 45m of Nowra Creek.

Section 6 of the Plan describes the existing and future planning challenges presented by transportation-related issues in the Nowra/Bomaderry area. Section 6.1 of that document identifies the following objectives for transportation facilities.

- *Make provision for a transport system that maximises accessibility to activity areas which is equitable and affordable.*
- *Provide for a system of roads which can provide for the efficient, safe and convenient movement of people and goods.*
- *Implement a network that offers and encourages safe and efficient alternatives for mode choice other than the private passenger car.*
- *Facilitate the development and operation of public transport.*
- *Allow road network planning to provide for a system of practical staging with adequate capacity.*
- *Provide network planning for a hierarchy of roads with provision of safe, efficient and logical public transport (bus) routes with good connectivity to the local and main road network.*
- *Ensure road network planning provides for safe, efficient and logical pedestrian and cyclist routes with good connectivity to the local and main road network.*

In addition, the Plan identifies the following objectives related to providing for the efficient movement of people and goods within the Nowra/Bomaderry area.

- *Minimise total private passenger vehicle travel (offer attractive, safe and efficient mode choice alternatives other than the private passenger car and encourage/promote alternatives to private passenger vehicle travel).*
- *Minimise total vehicle travel (time/kilometres/costs).*
- *Determine optimum staging of residential expansion and infrastructure.*
- *Determine implication of greater public transport usage and urban consolidation on the need for additional transport infrastructure (rail, roads, paths, and parking).*

Section 6.2.1 of the Plan describes the major infrastructure required in the short to medium term to assist with capacity issues associated with the road network in the Nowra/Bomaderry area. These items of major infrastructure include:

- construction of a North Nowra to Bomaderry link road;
- upgrades to the Princes Highway intersections immediately to the north and south of the Shoalhaven River Bridges;
- construction of the East Nowra Sub-Arterial road linking Greenwell Point Road to the Princes Highway; and
- development of a South Nowra Road Strategy.



The Plan identifies a number of proposed road network links, one of which includes linking the Princes Highway to the east of the Project Site with the Flinders Industrial Estate to the northwest of the Project Site in the vicinity of Warra Warra Road. **Figure 3.1** presents the conceptual location of this road in the context of the Project and the proposed South Coast Correctional Facility.

**Figure 3.1** identified that the structure plan identifies a conceptual western extension of Warra Warra Road that would pass through the Project Site. This conceptual road would also pass through the proposed South Coast Correctional Facility, a project which has previously received public support from the Shoalhaven City Council.

The Proponent contends that construction of the conceptual western extension of Warra Warra Road would result in sterilisation of shale resource and disruption to the Council-supported proposal to construct the South Coast Correctional Facility. In addition, as the Proponent would progressively re-establish the pre-extraction landform within the Project Site, the Project would only temporarily limit the construction of the conceptual western extension of Warra Warra Road until Stage 5 of the Project has been completed.

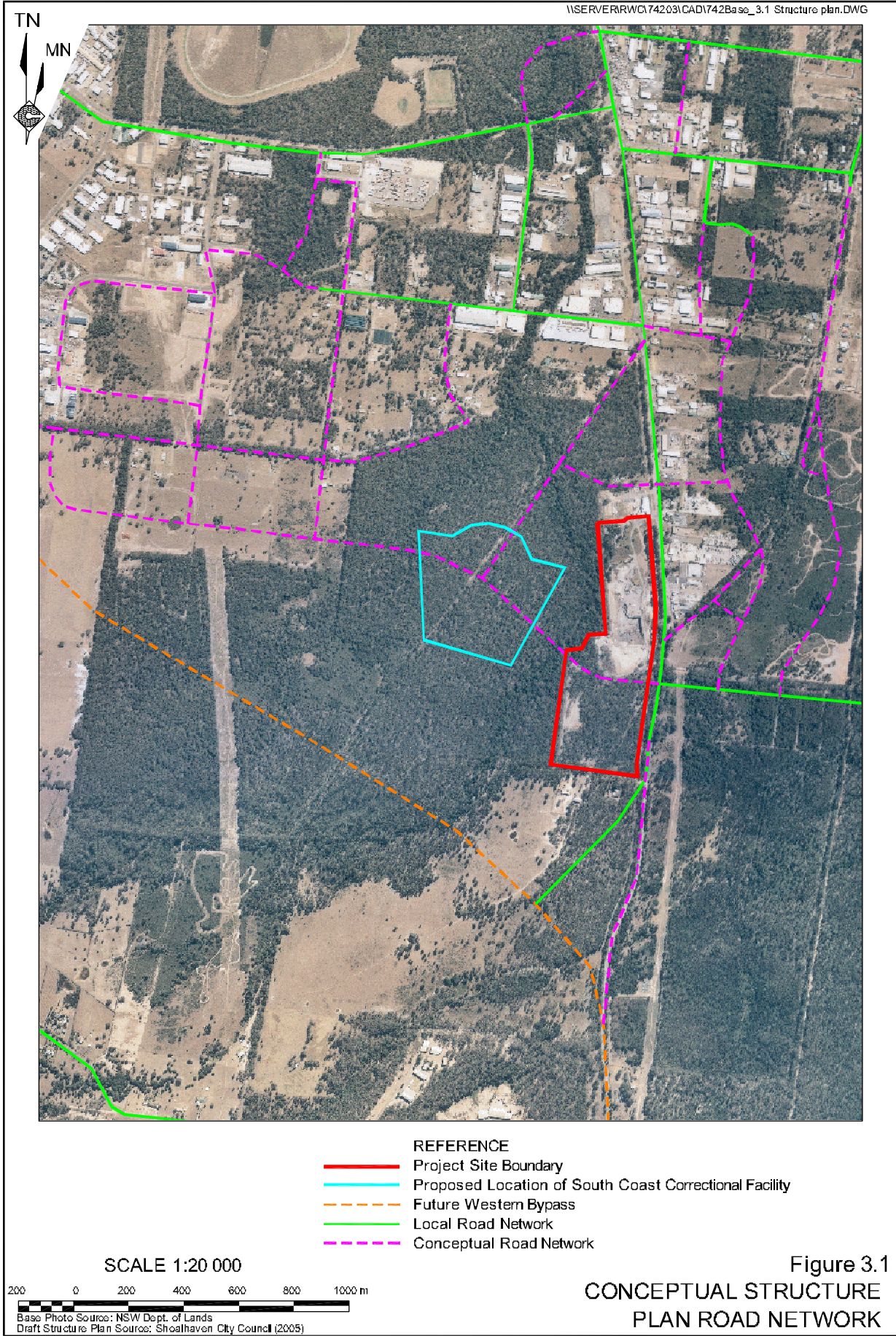
### **3.3.4 Summary of Identified Issues**

**Table 3.1** presents a summary of the environmental issues identified, and the frequency with which each was identified, as part of the issue identification process. The frequency of identification provides an initial indication of those environmental aspects perceived to be at greatest risk and hence of greatest priority and **Table 3.1** has been ordered accordingly (from most to least frequently identified).

Based on the summary of identified environmental issues in **Table 3.1**, the identified environmental issues have been prioritised in order of decreasing priority. This order of priority has been used to inform the level of assessment undertaken for each identified environmental issue and the order in which each issue is addressed in Section 4 of this *Environmental Assessment*.

1. Hydrology (groundwater and surface water).
2. Ecology.
3. Traffic and Transportation.
4. Air Quality.
5. Noise and Blasting.
6. Aboriginal Heritage.
7. Soils and Land Capability.
8. Strategic Planning.
9. Visual Amenity.
10. Bushfire.
11. European Heritage.
12. Socio-economic impacts.

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**Figure 3.1**  
**CONCEPTUAL STRUCTURE**  
**PLAN ROAD NETWORK**

**Table 3.1**  
**Identified Environmental Issues**

| Environmental Issue                        | Source and Frequency of Identification |                         |                                |                                   |
|--|--|-------------------------|--------------------------------|-----------------------------------|
|  | Community Consultation                 | Government Consultation | Planning Policies & Guidelines | Preliminary Environmental Studies |
| Hydrology<br>(groundwater + surface water) |  | 27                      | 2                              | 1                                 |
| Ecology                                    |  | 17                      | 4                              | 1                                 |
| Traffic and Transportation                 | 1                                      | 5                       | 3                              | 1                                 |
| Air Quality                                | 1                                      | 7                       | 2                              |                                   |
| Noise and Blasting                         | 1                                      | 6                       |                                |                                   |
| Aboriginal Heritage                        |  | 7                       |                                |                                   |
| Soils and Land Capability                  |  | 3                       |                                |                                   |
| Strategic Planning                         |  | 2                       |                                |                                   |
| Visual amenity                             |  | 2                       | 1                              |                                   |
| Bushfire                                   |  | 1                       | 1                              |                                   |
| European Heritage                          |  | 1                       |                                |                                   |
| Socio-economic impacts                     |  | 1                       | 2                              |                                   |
| Rehabilitation, final landform             |  | 2                       | 1                              |                                   |
| Waste management                           |  |                         |                                |                                   |
| Contaminated land                          |  | 1                       |                                |                                   |
| VENM importation and placement             |  | 3                       | 2                              |                                   |

Other identified environmental issues, namely rehabilitation/final landform, waste management, contaminated land and VENM importation and placement are addressed to the level considered appropriate throughout the *Environmental Assessment*.

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