

28 May 2024

Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

APPLICATION NO: (Our Ref. 25-2023-11-1)

PROPOSAL: Seaham Quarry Project

PROPERTY: 139 Italia Road BALICKERA (LOT: 66 DP: 753200)

ATTN: Kristina Robinson

Dear Kristina,

Thank you for your correspondence dated 17 April 2024 requesting Council's comments for the above development.

Council understands the proposal is to expand the existing quarry by an additional 30.6ha bringing the total area of the quarry to 58.7ha. The proposed expansion will enable access to hard rock resource totalling approximately 40.4 million tonnes. The proposal involves extraction of up to 2 million tonnes of resource per annum for 30 years. To facilitate the proposal, clearing of 26.48 ha native vegetation is proposed. The quarry would generate an average of 224 truck movements per day and up to 325 movements during peak operation.

Council has given consideration to the likely impacts of the proposal and makes the following comments.

Ecology

Council holds concern regarding the long-term impacts on local populations of threatened fauna and highlights that there is a conflict in terms of biodiversity requirements for the existing Seaham quarry consent.

1. Long-term impacts on local populations of threatened fauna

Council has concerns regarding the potential long-term impacts of the project, particularly with consideration to the cumulative impact of developments within the area as detailed in Section 7.6.2 of the BDAR. Council's view is that the impacts associated with the proposed quarry footprint are likely to result in long-term irreversible effects on the local populations of a number of threatened species including:

- Koala (*Phascolarctos cinereus*)
- Brush-tailed Phascogale (*Phascogale tapoatafa*)

- Squirrel Glider (*Petaurus norfolcensis*)

2. Inconsistency with the biodiversity requirements of the current quarry approval

The proposal is inconsistent with the biodiversity requirements of the Conditions of Consent for Development Application No, 2683 (Council Reference No. 7-1985-2683-1).

Condition 4 of the original approval required that the applicant is to undertake all environmental protection measures outlined in the Environmental Impact Statement (EIS), prepared by Blue Metal and Grave (Country) Pty Ltd, and shall ensure that every effort is taken to minimise any adverse impact upon the existing environment.

Section 5.7 of the 'Environmental Factors and Safeguard' of the Blue Metal and Grave EIS provided that only areas absolutely essential for the quarry operation will be cleared, and then only as required so that the area disturbed is always the minimum. Section 5.7 also recommends that the recommendations made in the Fauna and Flora Studies (Appendices 7.2 and 7.3) are endorsed by the company and will be included as part of the quarry operational plan. The endorsed recommendations from the fauna and flora study that conflict with the new proposal include the following:

- That Ballacara Hill, the south-eastern aspect of which would appear to retain similar environmental features and vegetational character to that of the comparable aspect of Seaham Hill, be undeveloped and retained as refuge for species of plants affected by quarry development.
- That a sight screen be left along the crest of Seaham Hill such that extraction is limited to elevations below 150m.a.s.l. This will also ensure that the superb specimens of branched arborescent *Xanthorrhoea australis* R.Br., some of which are probably in excess of 300 years in age and restricted to crest topography, will be retained.
- Lantana is already persistent in the vicinity of the track along the crest of Seaham Hill as well as in the headwater reaches of some major watercourses. Ideally the present and future infestations of lantana and other weed species should be progressively removed and controlled by the Bradley method of bush regeneration (National Trust of Aust.). This is applicable to future infestations of weeds in association with disturbance resulting from quarrying, processing and removal of aggregate.
- To maintain the integrity of the present forest structure, sufficient care should be taken at all times to avoid unnecessary damage, felling or removal of any trees which do not lie within the actual boundaries of development.
- If possible the limited occurrence of an unusual assemblage of species including the protected species *Ceatopetalum gunimiferum* Sm. should be retained. This community was not observed elsewhere on the proposed sites and occurs near the foot slopes at the northeastern end of Seaham Hill, i.e. approximately at the base of the proposed quarry site and the southwestern boundary of the proposed quarry-plan.
- The removal of large, hollow-bearing trees be minimized as much as is feasible.
- That interference with the remainder of the property be avoided, with the possible exception of removing such introduced weeds as lantana (*Lantana camara*). No

clearing, logging or burning of the property should be permitted. In particular, Ballacara Hill should be retained as a refuge for fauna and flora.

Council makes the following recommendations on ecological grounds:

- A reduced footprint that minimises biodiversity impacts.
- Council strongly requests that there be a requirement that the remainder of the Boral landholdings (on and adjacent to the site) be secured under a Biodiversity Stewardship Agreement or similar, so that remaining habitat is protected in-perpetuity and improved to appropriately mitigate the loss of habitat associated with the project. It is a requirement of the SEARs that measures to maintain or improve the biodiversity values of the region in the medium to long term be provided. Council is of the opinion that the mitigation measures currently proposed do not fulfil this requirement of the SEARs.
- The blast plan should be designed to ensure that charge mass and spacing minimises potential vibration impacts on cave roosting microbats within the Balickera tunnel.

Traffic and Transport

The Road Safety Audit (RSA) provided identified a number of existing road safety deficiencies.

Consistent with advice offered for other quarry proposals in the locality, it is considered that an enforceable undertaking will be required to ensure that all heavy vehicles use the left-in/left-out of Italia Road.

A proposed upgrade to the intersection of Italia Road and the Pacific Highway has recently been lodged with Council under DA 16-2023-477-1. The consent authority for this DA is the Hunter and Central Coast Regional Planning Panel (HCCRPP).

Both Council and TfNSW have expressed previously that support for the traffic movements associated with the proposed Seeham Quarry expansion and other quarries in the locality are contingent upon an upgrade to the Italia Road intersection, along with the diversion of southbound quarry trucks left (i.e. northbound) onto the Pacific Highway in order to utilise the Tarean Road Interchange to perform a U-turn.

Council holds concerns about how the left-in/left-out requirement can be enforced and recommends a condition requiring that prior to the commencement of quarrying, the intersection at the junction of the Pacific Highway and Italia Road is upgraded to the satisfaction of TfNSW, including restricting heavy vehicles to left in and left out access and egress to the Pacific Highway.

Given there is an active DA for upgrades to the intersection under DA 16-2023-477-1, it is recommended that the Seaham Quarry not be determined until DA 16-2023-477-1 has been approved.

In addition, the RSA identifies a lack of sight distance at the existing Seaham Quarry access to Italia Road. Council recommends installation of a vehicle activated sign,

warning approaching drivers when vehicles are exiting the Boral Quarry access to help reduce road safety risk associated with the lack of sight distance, described in the RSA.

Stormwater

Further water quality treatment design details including peak flow, scour control and modelling is required to enable adequate assessment of the application. Comments from Hunter Water Corporation are essential due to the sites location within the Grahamstown Dam drinking water catchment.

Noise and Vibration

The results of the Noise and Vibration Impact Assessment (NVIA) include a number of Project Noise Trigger Level exceedances during day, evening and night time hours. The exceedances range between 1dB and 4dB $L_{Aeq, 15 \text{ minutes}}$.

The NVIA acknowledges the exceedance but rules out typical noise control options, including reduced hours of operation and the use of noise barriers. The NVIA states that reducing the hours of operation (currently proposed from 6am to 10pm) because the quarry is already operating at capacity during these hours and demand is expected to grow in the future. This justification is not founded in any technical acoustic or planning grounds. It is noted that the proposed 6am to 10pm operating hours align with the existing quarries operations, which were approved by Council in a modification to DA 7-1985-2683 in 2001 based on a Section 96 Modification Report prepared by Environmental Resources Management Australia (ERM) dated March 2001, and Acoustic report prepared by Richard Heggie and Associates dated 20 December 1999.

The Applicant's justification for the proposed hours of operation is not based on technical acoustic or planning grounds, and therefore it is recommended DPHI consider whether a further restriction on the use of hours is warranted. It is noted that the nearby Eagleton and Stone Ridge Quarries propose to operate on the more restrictive hours of 7:00am – 6:00 pm Monday to Friday and 7:00am to 4:00pm/3:00pm Saturdays.

Regarding noise barriers, the NVIA explains that natural shielding is reduced from Stage 1 to 5 causing the operational noise model results to increase. It is recommended DPHI consider whether the noise impacts, particularly of the later stages could be mitigated though a reduction in extraction area that maintains additional natural shielding.

Other noise mitigation measures considered in the NVIA include the attenuation of heavy vehicles, mobile crushing and screening equipment. However the NVIA concludes:

“Discussions with Boral indicated that attenuation of heavy road vehicles and mobile crushing and screening equipment, which are primarily owned and operated by various contracting companies, was not considered reasonable or feasible.”

Council considers it irrelevant that the mentioned noise generating activities are by contractors. The impacts from these operations form part of the proposal and should be

carefully considered based on technical acoustic and planning grounds, irrespective of machine and vehicle operators. This justification is not considered sufficient to preclude the need for noise mitigation measures.

Other noise mitigating controls such as enclosing plant equipment, real time & attended noise & blast monitoring, forecasting meteorological conditions and reduced mobile crushing and screening hours to 7am to 8pm are supported, in principle, but a further reduction of these hours should be considered to avoid PNTL exceedances. Real time and attended monitoring are reactive mitigation measures and therefore do not guarantee PNTL would not be exceeded.

Air Quality

Council acknowledges the applicant has provided sufficient detail for DPHI to make an informed assessment on air quality. It is acknowledged the proposed development has the potential to impact local air quality from the drill and blast extraction methods, crushing and screening, earthworks, erosion, stockpiling and transport of materials and combustion of diesel fuel. The assessment finds that the predicted concentrations and deposition rates for incremental particulate matter (TSP, PM₁₀, PM_{2.5} and dust deposition) and NO₂ are below the applicable impact assessment criteria at all assessment locations.

The AQIA includes assessment of cumulative air quality impacts, taking into account the operation of neighbouring proposed quarries and concludes that the modelled levels would be compliant with the NSW EPA impact assessment criteria at all surrounding assessment locations with the exception of a single exceedance day of 24-hour average PM₁₀ at the recreational property, Hunter Valley Paintball. DPHI should carefully consider whether the exceedances at Hunter Valley Paintball are acceptable.

Should DPHI and the EPA find the air quality impacts of the proposal to be acceptable, the mitigation measures recommended in the Air Quality Impact Assessment and other applicable best practice dust control management measures should be included as conditions of consent.

Visual Impact

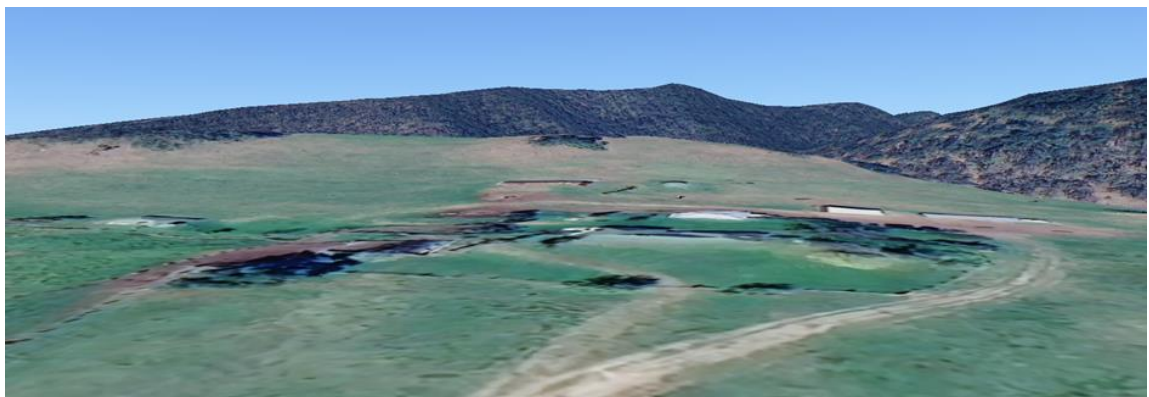
The submitted Visual Impact Assessment (VIA) show noticeable visual impacts at all surveyed viewpoints to varying degrees. In particular, visual impacts at viewpoints 2, 3, 4 and 7 show the substantial modification proposed to the natural ridgeline, which includes creating a long expanse of uniform ridgeline in an area that is currently undulating.

The VIA has been reviewed and the following comments are made:

- The VIA should include extracts of the quarry site and cross sectional plans, showing depth of excavation relative to existing ground level. Cross sections should be taken across the impacted ridgelines and design contours labelled with RLs.
- The view point locations should be shown on Figure 5.2 to inform representative impacts of nearby receivers.

- The VIA should confirm the camera lens used in photographs. Typically, a 50mm fixed focal length lens is used as it most closely matches the range of view the human eye.
- A further viewpoint from 1004 Newline Road, East Seaham should be taken and assessed for visual impacts as the dwelling at this location is less than 2.5km from the quarry footprint and will likely be subject to a higher visual impact rating than other locations already assessed.
- A further viewpoint from near 5, 7 and 4 Killaloe Lane, East Seaham should be taken and assessed for visual impacts given these properties are marked as a location where the quarry is visible in the zone of influence map on Figure 5.2.
- A further viewpoint should be taken near Viewpoint 6 that is not obscured by vegetation. A review of street view imagery indicates an unobstructed view could be easily obtained from the public road reserve adjacent the private property fence line. This will provide an important view point within 2.5km of the proposal which may be subject to a higher visual impact rating.
- A full visual impact assessment and rating should be undertaken for the views available from Balickera House. At present, the VIA relies on the assessment undertaken at Viewpoint 5, approximately 600m further away from the proposal and a photograph taken from near the Balickera Pumping Station, approximately 400m away from Balickera House. The VIA concludes *“the visual impact at viewpoint 5 is assessed as low, and the impact at Balickera House is likely to be similar”*.

Council considers viewpoint 5 offers little benefit for assessing impacts to Balickera House and further assessment should be undertaken, given the sites heritage listing. The VIA should be undertaken either from Balickera House, with landowner permission, or if access is not granted to the property, the assessment should be undertaken using topographical data to 3D model the visual impacts from Balickera House and generate a cross sectional diagram. 3D modelling available online indicates that the impacted ridgeline is visible from Balickera House, as shown in the screenshot below. The amended findings of the VIA then need to be incorporated in an updated Statement of Heritage Impact.



Given the scenic quality of the natural ridgeline will be substantially impacted by the proposal, DPHI should consider whether a reduced extraction footprint would limit the impacts, whilst also offering improved natural acoustic shielding.

Heritage

Council acknowledges the applicant has provided an Aboriginal Cultural Heritage Assessment for DPHI and Heritage NSW to make an informed assessment on European and Aboriginal heritage impacts. Council notes the Aboriginal Cultural Heritage Assessment submitted with the application indicates none of the three Aboriginal sites identified in the project area would be subject to impacts by the proposed quarry. Council recommends that the cultural significance of the impacted ridgeline to Aboriginal people be considered.

As noted in the visual impact section above, the Statement of Heritage Impact will need to be updated to reflect the outcomes of the amended VIA.

On-site Sewage Management

The proposed expansion to the quarry may require an upgrade to the capacity of the existing onsite wastewater system (EPO) if more staff are anticipated to be on-site at any given time. A waste water report confirming the existing system capabilities, including pump-out frequency and/ or proposed recommended system upgrade to treat increased hydraulic loading should accompany any future wastewater application under the LG Act s68.

Community Consultation

It is expected the proposal will attract substantial community interest and likely objection, as evidenced by the community engagement undertaken to date and recent media coverage. Consultation should be undertaken with affected landholders surrounding the development and community groups in accordance with Undertaking Engagement Guidelines for State Significant Projects (DPIE, 2021). The consultation should be comprehensive and any concerns clearly addressed as part of the EIS.

Council has received feedback from community members that the exhibition period was insufficient to respond to the complex proposal which was exhibited at a time when other quarry proposals in the locality were also on exhibition. Opportunities for further community consultation should be considered by DPHI.

Development Contributions

Section 7.11 (haulage) contributions apply whereby the Developer is charged a per tonne / kilometre rate. This is because extractive industries generate significant truck movements which impact the road performance and conditions along haulage routes. To offset the impact of haulage associated with mining and the extractive industry, the Port Stephens Local Infrastructure Contribution Plan (LIC) Plan authorises the consent authority to apply a haulage contribution rate where an application is made for such a use.

It should be noted that the haulage rate will apply to the proposed haulage route for the life of the development (subject to CPI amendments).

It is noted that the Developer along with two other quarry operators will upgrade the Italia Road and M1 intersection. This should not be in lieu of contributions. Council therefore requests any determination include a condition for payment of contributions to Council in accordance with the LIC plan prior to commencement (this would include haulage levies to fund the maintenance of local roads proposed to be included in the haulage route or the capacity for the applicant to submit a variation to this rate where it is justified by a Traffic and Transport Economic Study). It is requested Council be consulted prior to the imposition (or exclusion of) any contributions conditions that impact local infrastructure. This is because the LIC plan is amended from time to time and an amendment regarding haulage fees could be made.

Cumulative Impacts

There are currently two other new quarry proposals in the locality, generating ecological, traffic, heritage, noise, vibration, visual and air quality impacts, which would be exacerbated due to the potential cumulative impact of all three quarries operating at the same time.

Council requests the assessment give critical consideration as to whether the demand for quarry resources is significant enough to warrant the approval and operation of the three quarries at the same time, noting the extensive impacts associated with these operations. A more sustainable alternative could be to grant approval to only one or two quarry proposals at this time and revisit the merits of further quarry expansion in the future pending impacts associated with the approved operations.

Conclusion

Council recommends that DPHI consider the cumulative impacts of the proposal and two other quarries proposed in the locality. Council recommends DPHI consider whether a reduced extraction footprint could mitigate the likely impacts of the development to an acceptable level.

Thank you for the opportunity to comment on the proposed Seaham Quarry. If you wish to discuss the matters raised above or have any questions, please contact me.

Yours Faithfully,

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