

Mr Michael Kiely
Project Manager
Wedgerock Pty Ltd
Blue Rock Close
Karuah
Karuah New South Wales 2324

31/05/2019

Dear Mr Kiely

**Karuah South Quarry Project (SSD-8795)
Response to Submissions**

The exhibition of the Environmental Impact Statement (EIS) for the Karuah South Quarry Project ended on 21 May 2019. All submissions received by the Department during the exhibition of the proposal are available on the Department's website at www.planningportal.nsw.gov.au/major-projects/projects/on-exhibition.

The Department requires that you provide a response to the issues raised in those submissions, in accordance with clause 85A(2) of the *Environment Planning and Assessment Regulation 2000* (EP&A Regulation). Please provide a response to all issues raised in these submissions, such as are relevant to the Karuah South Quarry Project, at your earliest convenience. Please note that the Department is yet to receive advice from the Crown Lands and Water Division of the Department of Industry, the Environment Protection Authority, the Office of Environment and Heritage or the councillors of MidCoast Council. Once received, these will be forwarded to you for consideration and response.

In particular, the Department has identified issues where further impact assessment or additional information is required (see **Attachment A**). Please address these issues carefully and comprehensively.

Note that under clause 113(7) of the EP&A Regulation, the days occurring between the date of this letter and the date on which your response to submissions is received by the Secretary are not included in the deemed refusal period.

If you have any questions, please contact Anthony Barnes, who can be contacted on 8289 6709 or at anthony.barnes@planning.nsw.gov.au.

Yours sincerely



Howard Reed
Director Resource Assessments
Coal and Quarries Assessments
as delegate for the Secretary

ATTACHMENT A

1. Potential Impacts from Water Discharges

Many submissions have raised concerns about potential impacts to receiving waterways from waters that may overflow from the proposed quarry's sediment dams.

The Department particularly refers you to the matters raised in the submissions of NSW Farmers and the Port Stephens Shellfish Program. Matters raised include:

- whether the discharges from the site are likely to contain or produce biotoxins, algal blooms (enhanced nutrient loads) or heavy metals;
- frequency and likely sediment load of discharges from the site;
- quantification of any impacts to Yalimbah Creek, the Karuah River and the Port Stephens Marine Park; and
- the desire for direct consultation with the Shellfish Industry. Consequently, in preparing your RTS, please consult with both NSW Farmers and the Port Stephens Shellfish Program.

The Department also requires the RTS to consider whether flocculants would be used to assist in settling sediment from water contained in the sediment dams. If flocculants may or would be used, please advise what type of flocculants would be deployed and what would be the potential effects of their use on downstream aquatic and marine environments, shellfish, crustaceans and fish.

Some submissions have questioned the adequacy of the proposed sediment dams in times of large rainfall events such as the June 2007 "Pasha Bulker" storm and the April 2015 storms associated with severe flooding of Dungog. Please provide a response to this matter by describing and estimating the effect of such severe rainfall events on all elements of the water management system proposed for the quarry.

2. Biodiversity

The Department requires more information about the effects of the proposal on biodiversity found on the site. It notes that Koalas have been identified on the site and requires a full description of measures that would be undertaken to ensure that the local Koala population is not put at risk by this proposal.

The Department is seeking further justification or review of the statement on page 4-73 of the EIS, and page 5-63 of the Biodiversity Development Assessment Report (BDAR), that *".....it is considered unlikely that the project would have inadvertent impacts which would reduce viability of any adjacent native vegetation or habitat due to edge effects, noise dust or light spill, or disturbance to breeding habitats."*

The Karuah South Quarry site shares its eastern boundary with a biodiversity offset area established under conditions of consent for the Karuah East Quarry. The Department requires further details as to how the proposed quarry could be operated without generating edge effects (such as those resulting from blasting, noise, dust and weeds) on the adjacent biodiversity offset area.

The issue of threatened species on the site has been raised in many submissions, including the report by MidCoast Council's ecologist. The RTS should carefully consider the issues raised in Council's submission, including those that are critical of the accuracy of the BDAR, the quantum of the field survey effort and the presence of threatened species that are or may be located on the site. In particular, Council's submission has provided details on the expected occurrence of *Asperula asthenes* on the site, as a continuation of the occurrence of this plant on adjacent land to the east.

As the project would impact on Koala habitat, please provide a response to the submissions that have called for the provision of biodiversity offsets within the local area, say within 10 kilometres of the site, and the availability of any such offsets.

Page 4-10 of section 4 of the Specialist Consultant Studies provides the conclusion that:

These assessments, which have been informed by a previous referral to the Commonwealth Department of the Environment and Energy (DoEE; EPBC Ref: 2012/6600), concluded that these entities would not be significantly impacted by the Project and another referral to the DoEE is not required.

The Department questions this position and seeks further information to justify it, because:

- the 2012 referral involved the proposed clearing of 8 hectares (ha) of native vegetation, while the current proposal proposes clearing 11.6 ha of native vegetation;
- the 2012 referral stated that the site did not contain any listed Critically Endangered Ecological Community (CEEC), while the EIS has identified that 0.47 ha of the site consists of a vegetation type that could be considered as “*Lowland Rainforest of Subtropical Australia*” (also referred to in the EIS as “*PCT 1527 Bangalow Palm – Coachwood – Sassafras gully warm temperate rainforest of the Central Coast*”) which is listed as a CEEC;
- there is potential for consideration by the Commonwealth of listings subsequent to 2012 under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act); and
- Koalas are listed as Vulnerable under the EPBC Act.

3. Air Quality

The nearest residence to the quarry’s proposed area of ground disturbance appears to be less than 300 metres to the south, in Mill Hill Close. The RTS must provide details on how drinking water supplies (ie captured rainfall from roofs) would be protected from dust fallout generated by quarry operations.

Please address, in terms of both feasibility and quantification of likely beneficial effects, the potential for the crushing plant to be enclosed to reduce dust emissions.

4. Noise

The proposal includes the commencement of trucking operations from 5.00 am Monday to Saturday. Please provide details of why it is necessary to commence at this time and how the amenity of nearby residents would be either protected or else impacted.

Please address, in terms of both feasibility and quantification of likely beneficial effects, the potential for the crushing plant to be enclosed to reduce noise emissions.