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## Karuah East Quarry

### Response to Submissions Section 75W Application (MOD 1) to amend Part 3A Project Approval 09\_0175 Minor Increase to Approved Disturbance Area

**Property:**

Various Lots  
Blue Rock Close, Karuah

**Applicant:**

Karuah East Quarry Pty Ltd

**Date:**

March 2018

Project Management • Town Planning • Engineering • Surveying  
Visualisation • Economic Analysis • Social Impact • Urban Planning

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## Document Control Sheet

Issue No.	Amendment	Date	Prepared By	Checked By
A	Draft	8 March 2018	MR	MLOU
B	Final	9 March 2018	MR	MLOU

### Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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The Client should be aware that this report does not guarantee the approval of any application by any Council, Government agency or any other regulatory authority.

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PORT STEPHENS COUNCIL CORRESPONDENCE DATED 21 FEBRUARY 2018

# 1.0 Response to Submissions

This document has been prepared to respond to the submissions received in relation to the MOD 1 application to modify Project Approval 09\_0175 for the Karuah East Quarry.

The MOD 1 application is minor in nature and proposes to nominally expand the approved area of disturbance (31.63ha) by an additional 2,500m<sup>2</sup> as described in the Environmental Assessment (EA) dated 18 January 2018.

Public exhibition of the EA occurred between the 8<sup>th</sup> to 22<sup>nd</sup> of February 2018. During this time no public submissions were received and five (5) authority submissions were received as follows:

- NSW Office of Environment and Heritage (refer to **Appendix A**);
- NSW Environment Protection Authority (refer to **Appendix B**);
- NSW Department of Industry (Resources & Energy) (refer to **Appendix C**);
- NSW Department of Industry (Water) (refer to **Appendix D**); and
- Port Stephens Council (refer to **Appendix E**).

Each of the five (5) authority submissions raised no objection to the proposed MOD 1 development.

Correspondence received from the NSW Department of Planning & Environment (DPE) dated 27 February 2018 requests that the proponent prepare a report to respond to the submissions made. This document addresses each of the authority submissions below.

## 1.1 NSW OFFICE OF ENVIRONMENT & HERITAGE

### 1. OEH Comment

*OEH is satisfied with the biodiversity assessment provided and no further assessment is required.*

#### Response

Noted.

### 2. OEH Comment

*The conservation agreement should include a ledger clearly showing the allocation of the offset credits to the impacts of the original project and this modification. This will ensure that any future modifications do not utilise already allocated funds.*

#### Response

Condition 29 of Schedule 3 of the Project Approval (09\_0175) requires suitable arrangements to be implemented to provide long term security for the offset area. The proponent and OEH have agreed to the use of a Conservation Agreement under the provisions of the *National Parks & Wildlife Act 1974* as the mechanism to secure the offset area.

The proponent is willing to accept a condition of approval requiring the Conservation Agreement to be amended to include a ledger to show the allocation of the offset credits for the original project approval and the MOD 1 application.

### 3. OEH Comment

*OEH is satisfied with the Aboriginal cultural heritage assessment and no further assessment is required.*

#### Response

Noted.

### 4. OEH Comment

*OEH recommends that the current modification area be integrated into the approved Heritage Management Plan (RPS 2015).*

#### Response

The proponent has committed to complete this task in Section 7.2 of the EA (Revision of Management Plans - Statement of Commitments Relative to MOD 1).

### 5. OEH Comment

*OEH is satisfied with the surface water assessment provided and no further assessment is required.*

#### Response

Noted.

## 1.2 NSW ENVIRONMENT PROTECTION AUTHORITY

The EPA submission notes:

*The EPA has reviewed the proposal and does not have any issues or recommended conditions of approval to provide. The proposed modification is considered minor in nature and is not anticipated to result in any significant impacts to the environment. Based on the works described in the EA the existing Environmental Protection Licence (No. 20611) for the site is not expected to require amendment if the modification is approved.*

The EPA's commentary is noted by the proponent. No further action is necessary.

## 1.3 NSW DEPARTMENT OF INDUSTRY (RESOURCES & ENERGY)

The NSW Department of Industry (Resources & Energy) submission notes:

*The modification does not propose to increase the extraction area, or remove identified or approved construction material resources from production. As such GSNSW have no issues with the proposed modification.*

The NSW Department of Industry (Resources & Energy) commentary is noted. No further action is necessary.

## 1.4 NSW DEPARTMENT OF INDUSTRY (WATER)

The NSW Department of Industry (Water) submission raises no objection to MOD 1. The following recommendations are provided:

- *Lands & Water has no objection to the proposed modification (MOD 1) provided that conditions of approval are consistent with the previously issued approval for MP 09\_0175.*

### Response

The proposal is minor in nature and any conditions of approval for MOD 1 will be generally consistent with the conditions of Project Approval 09\_0175.

- *All groundwater-related data collected to date in association with the quarry operation should be provided to Dol Water (via [water.referrals@dpi.nsw.gov.au](mailto:water.referrals@dpi.nsw.gov.au)) electronically.*

### Response

The DPE may wish to advise Dol Water that all groundwater data collected to date is publicly available on the proponent's website ([www.hunterquarries.com.au](http://www.hunterquarries.com.au) by following the tab 'Karuah East Documents'). The website was established in accordance with the original Project Approval (Condition 11 of Schedule 5).

Alternatively, the proponent is willing to accept a condition of consent confirming that all groundwater data collected at the date of MOD 1 approval be supplied to Dol Water electronically.

Groundwater monitoring is ongoing in accordance with the approved Water Management Plan (SLR, December 2015) and results are regularly uploaded to the proponent's website.

- *If not already established, the proponent must initiate the monitoring of groundwater levels and quality to obtain adequate background data to comply with the requirements of the NSW Aquifer Interference Policy (ie. to demonstrate the ongoing minimal impact of the quarrying operation).*

### Response

A groundwater level and quality monitoring program was established within the approved Water Management Plan (SLR, December 2015). Monitoring commenced in March 2016 and is ongoing.

The approved Water Management Plan (SLR, December 2015), monitoring results and annual reviews are available on the proponent's website ([www.hunterquarries.com.au](http://www.hunterquarries.com.au) by following the tab 'Karuah East Documents').

## 1.5 PORT STEPHENS COUNCIL

Noting the nominal increase in the total area of disturbance (less than 1%), Port Stephens Council does not raise any concern with the proposed modification. No further action is necessary.

Council's submission confirms that indirect impacts associated with noise, air quality and traffic movements are important considerations. The proponent is satisfied that these matters have been appropriately addressed with the EA.

The proponent also notes that the abovementioned EPA submission (Section 1.2) confirms that the EPA is satisfied that the proposal is acceptable in terms of acoustic and air quality considerations.

## 2.0 Conclusion

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As identified in the Environmental Assessment, the proposed modification is minor in nature and will result in improved operational efficiency of the Karuah East Quarry.

During the exhibition period no public submissions were received and five (5) authority responses were received. All five (5) authority submissions raised no objection to the proposed modification.

It is considered that this Response to Submissions has appropriately addressed the authority submissions and NSW DPE can progress with assessment of MOD 1 to determination.

## Appendix A

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NSW OFFICE OF ENVIRONMENT & HERITAGE CORRESPONDENCE DATED 21 FEBRUARY 2018





DOC 18/72348-1  
MP09\_0175 MOD 1

Mr Anthony Barnes  
Senior Environmental Assessment Officer – Resource Assessments  
Resource Assessments & Compliance Division  
Department of Planning & Environment  
[anthony.barnes@planning.nsw.gov.au](mailto:anthony.barnes@planning.nsw.gov.au)

Dear Anthony

**Karuah East Quarry – Modification 1 (MP 09\_0175 MOD 1), Karuah – Mid-Coast Council – OEH Review of Environmental Assessment**

I refer to your e-mail dated 8 February 2018, seeking comments on the Environmental Assessment (EA) for Modification 1 to the Karuah East Quarry (MP 09\_0175 MOD 1), near Karuah, in the Mid Coast local government area. OEH has reviewed the document titled '*Karuah East Quarry – Environmental Assessment, Section 75W Application (MOD 1) to amend Part 3A Project Approval 09\_0175 – Minor Increase to Approved Disturbance Area*' (and relevant appendices) (prepared by ADW Johnson Pty Limited and dated January 2018) in relation to Aboriginal cultural heritage, flood risk, and impacts on biodiversity.

OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4927 3158.

Yours sincerely

**STEVEN COX**  
**Senior Team Leader Planning**  
**Hunter Central Coast Branch**  
**Regional Operations Division**

21 February 2018

Contact officer: STEVE LEWER  
02 4927 3158

Enclosure: Attachments A and B

**Attachment A****OEH's recommendations****Karuah East Quarry (MP 09\_0175 MOD 1)**

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1. OEH is satisfied with the biodiversity assessment provided and no further assessment is required.
2. The conservation agreement should include a ledger clearly showing the allocation of the offset credits to the impacts of the original project and this modification. This will ensure any future modifications do not utilise already allocated offset lands.
3. OEH is satisfied with the Aboriginal cultural heritage assessment and no further assessment is required.
4. OEH recommends that the current modification area be integrated into the approved Heritage Management Plan (RPS 2015).
5. OEH is satisfied with the surface water assessment provided and no further assessment is required.

## OEH's detailed comments

### Karuah East Quarry (MP 09\_0175 MOD 1)

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## Biodiversity

### 1. OEH is satisfied with the biodiversity assessment

The proposal will impact on 0.25 ha of Smooth-barked Apple – Red Bloodwood Open Forest, including one hollow-bearing tree, a dead stag and 13 individuals of the threatened plant *Tetratheca juncea*. The EA and Appendix C conclude that the proposal will not significantly impact on threatened biodiversity. The established Biodiversity Offset Area, required under the Part 3A approval, contains residual vegetation, including surplus *Tetratheca juncea* clumps to offset the minimal vegetation to be cleared and the species credits that would be generated from the modification proposal. OEH is satisfied with the biodiversity assessment.

#### Recommendation 1

OEH is satisfied with the biodiversity assessment provided and no further assessment is required.

### 2. OEH recommends that the conservation agreement documents the offset allocations of the original project and this modification

OEH notes that the Biodiversity Offset Area is to be secured with a conservation agreement under the *National Parks and Wildlife Act 1974*. OEH has agreed to the use of this mechanism. The biodiversity offset credit impact and credit calculations identified in the EA and Appendix C should be documented in the conservation agreement to clearly identify the offset allocations of the original project and this modification. This will ensure that there is a clear ledger of offset credit allocations for the offset site.

#### Recommendation 2

The conservation agreement should include a ledger clearly showing the allocation of the offset credits to the impacts of the original project and this modification. This will ensure any future modifications do not utilise already allocated offset lands.

## Aboriginal Cultural Heritage

### 3. OEH is satisfied with the Aboriginal cultural heritage assessment provided.

Due to the small scale of the proposed modification to the Karuah East Quarry Project, the Cultural Heritage Assessment supplied is considered adequate. The modification seeks to remove 2,500 square metres of vegetation to improve vehicle access and manoeuvring within the quarry site. The cultural heritage assessment supplied concludes that due to the level of disturbance and known Aboriginal occupation patterns of the area, that the works can proceed with caution. OEH considers that this assessment is reasonable and adequacy reflects the nature and scope of the proposed works.

#### Recommendation 3

OEH is satisfied with the Aboriginal cultural heritage assessment and no further assessment is required.

### 4. The approved Heritage Management Plan should be updated

OEH notes that the existing Heritage Management Plan is a comprehensive guiding document that provides a framework to manage all aspect of Aboriginal cultural heritage within the Karuah

East Quarry Project. This plan should be updated to reflect the inclusion of lands within the proposed modification footprint for the quarry.

Recommendation 4

OEH recommends that the current modification area be integrated into the approved Heritage Management Plan (RPS 2015).

## **Flooding**

**5. OEH is satisfied with the surface water assessment provided.**

OEH is satisfied with the surface water assessment undertaken.

Recommendation 5

OEH is satisfied with the surface water assessment provided and no further assessment is required.

## Appendix B

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NSW ENVIRONMENT PROTECTION AUTHORITY CORRESPONDENCE DATED 22 FEBRUARY 2018



DOC18/72051-05; EF15/9364

Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Mr Anthony Barnes  
By email: [anthony.barnes@planning.nsw.gov.au](mailto:anthony.barnes@planning.nsw.gov.au)

Dear Mr Barnes

**Karuah East Quarry Project, Modification 1 (MP 09\_0175 MOD.1)  
Environmental Assessment – Minor Increase to Approved Disturbance Area**

I refer to your email to the Environment Protection Authority (EPA), dated 8 February 2018, regarding the proposed modification to the approved disturbance area for the Karuah East Quarry, application reference MP 09\_0175 Modification 1. Provided with the application is the report '*Karuah East Quarry – Environmental Assessment*' (EA), dated January 2018 and prepared by ADW Johnson Pty Limited.

The EPA has reviewed the proposal and does not have any issues or recommended conditions of approval to provide. The proposed modification is considered minor in nature and is not anticipated to result in any significant impacts to the environment. Based on the works described in the EA the existing Environment Protection Licence (No. 20611) for the site is not expected to require amendment if the modification is approved.

The MOD will result in a minor (3.5%) increase in the catchment of Dam 1 and the dam is adequately sized. The EA also proposes to capture and direct dirty water from the expanded area of disturbance to the dirty water management system and proposes erosion and sediment controls.

Existing noise monitoring results comply with construction noise criteria and the MOD is not likely to cause additional construction or operational noise impacts above those already approved for the premises.

Existing air quality monitoring demonstrates results are within ambient air quality criteria and are below the project approval criteria. The design of the expanded area of disturbance will reduce internal vehicle movements. Regular watering and gravel cover material is proposed to assist with dust minimisation in the expanded area of disturbance.

If you have any questions about this matter, please contact me on (02) 4908 6819.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Howat'.

22/2/18

**MICHAEL HOWAT**  
**A/Head Strategic Programs Unit – Hunter**  
**Environment Protection Authority**

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## Appendix C

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NSW DEPARTMENT OF INDUSTRY (RESOURCES & ENERGY) CORRESPONDENCE DATED 22  
FEBRUARY 2018



22<sup>nd</sup> February 2018

Anthony Barnes  
Senior Environmental Assessment Officer  
NSW Planning & Environment – Planning Services – Resource Assessments  
GPO Box 39  
Sydney NSW 2001

Emailed: [anthony.barnes@planning.nsw.gov.au](mailto:anthony.barnes@planning.nsw.gov.au)

Your Reference: MP 09\_0175 MOD1  
Our Reference : OUT18/3141

Dear Mr Barnes

**Re: Karuah East Quarry – MP09\_0175 – MOD1 – EA**

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

Karuah East Quarry Pty Ltd proposes to amend Project Approval 09\_0175 to remove vegetation and increase the total disturbance area to facilitate improved vehicle manoeuvrability. The modification does not propose to increase the extraction area, or remove identified or approved construction material resources from production. As such GSNSW have no issues with the proposed modification.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at [landuse.minerals@industry.nsw.gov.au](mailto:landuse.minerals@industry.nsw.gov.au).

Yours sincerely

Cressida Gilmore  
Manager - Land Use



## Appendix D

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NSW DEPARTMENT OF INDUSTRY (WATER) CORRESPONDENCE DATED 8 MARCH 2018

OUT18/2438

Mr Anthony Barnes  
Resource Assessments  
NSW Department of Planning and Environment

anthony.barnes@planning.nsw.gov.au

Dear Mr Barnes

**Karuah East Quarry Project - Modification 1 (MP 09\_0175 MOD 1)  
Comment on the Environmental Assessment**

I refer to the email of 8 February 2018 to the Department of Industry in respect to the above matter. Comment has been sought from relevant branches of Lands & Water and Department of Primary Industries.

Any further referrals to Department of Industry can be sent by email to [landuse.enquiries@dpi.nsw.gov.au](mailto:landuse.enquiries@dpi.nsw.gov.au).

The department has reviewed the environmental assessment and provides the following recommendations for consideration in assessment of the proposal.

**Recommendations**

- Lands & Water has no objection to the proposed modification (MOD 1) provided that conditions of approval are consistent with the previously issued approval for MP 09\_0175.

**Prior to modification approval**

- All groundwater-related data collected to date in association with the quarry operation should be provided to DoI Water (via [water.referrals@dpi.nsw.gov.au](mailto:water.referrals@dpi.nsw.gov.au)) electronically.

**Following modification approval**

- If not already established, the proponent must initiate the monitoring of groundwater levels and quality to obtain adequate background data to comply with the requirements of the NSW Aquifer Interference Policy (i.e. to demonstrate the ongoing minimal impact of the quarrying operation).

Yours sincerely



Alison Collaros  
**A/Manager, Assessment Advice**  
8 March 2018

## Appendix E

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PORT STEPHENS COUNCIL CORRESPONDENCE DATED 21 FEBRUARY 2018

Attention: Department of Planning & Environment, Anthony Barnes

**DA NO: 25-2018-2-1**

**PROPOSAL: Karuah East Quarry (SSD 09\_0175 MOD 1)**

**PROPERTY: Karuah Mountain, 3km North of Karuah (Lots 12 and 13 DP 1024564)**

Dear Anthony,

Thank you for your email dated 8 February 2018 requesting Council's comments for the above development. Council has completed a review of the proposed development modification and can confirm that no significant concerns are raised, due to the nominal increase in the total area of disturbance (approximately 1%).

The subject site(s) are located outside of the Port Stephens Council Local Government Area, however indirect impacts associated with noise, air quality and traffic movements are an important consideration.

Thank you for the opportunity to comment on the proposed modification. If you wish to discuss the application further, please contact me on the number below.

Yours Faithfully



**Erin Daniel**  
Development Planner

**Port Stephens Council**

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**21 February 2018**

