

Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Attention: Genevieve Seed

Dear Gen,

DA NO: 25-2017-2-1

PROPOSAL: Brandy Hill Quarry Expansion (SSD 5899)

PROPERTY: Clarence Town Road, Seaham NSW 2324

Thank you for your email dated 9 October 2018 requesting Council's comments on the Response to Submissions (RTS) report.

Council have previously commented on the Brandy Hill Quarry Expansion proposal during the exhibition period, raising issues with the level of ecological assessment undertaken, traffic impacts particularly road safety concerns, social planning concerns, discrepancies between the Environmental Impact Statement and the Socio-Economic Impact Assessment and developer contribution requirements.

Council has completed a review of the RTS and provides the following advice.

Operating Hours

The community have raised concerns regarding the proposed 24 x 7 operations. Council notes the applicants comments in part 3.12 Hours of Operation of the RTS that the existing development consent (DA 1983/1920) provides the flexibility to operate 24 hours per day.

A review of the existing consent, specifically Condition 4, notes that *"the applicant is to undertake all those environmental protection measures outlined in the Environmental Impact Statement prepared by Resource Planning"*. On Page 61 of the Environmental Impact Statement (EIS), the following is stated, *"Operations will be conducted during daylight hours 6am to 6pm Monday to Saturday"*. To Council's knowledge there is nothing that overrides this consent (DA 1983/1920).

Noting the above, Council requests that the Department give full consideration to this matter prior to determination.

Ecological

The ecological impacts as discussed in the RTS have been reviewed and the following recommendations are made:

- The rehabilitation plan, as per Council's original submission and as noted in the RTS, include a preclearance protocol for hollow bearing trees and that tree hollows be salvaged at a ratio of 1:1. Where hollows cannot be salvaged it is recommended that a 2:1 ratio of nest boxes be used; with the nest boxes installed to be of a designed that is suitable for the species most likely to use the lost hollow.
- The rehabilitation plan include compensatory feed tree planting, fauna movement structures, speed limits of 40km/hr and road signage where appropriate to minimise the potential impact on the koala population.
- That excavation of the ephemeral drainage lines only occurs after a dry period to help minimise any potential ecological impacts and that bed and bank monitoring points be established downstream of the area of impact to monitor potential downstream impacts. If downstream impacts are evident any rehabilitation should be undertaken in accordance with NSW Office of Water Guidelines.

Traffic and Transport

The predicted levels of traffic as a result of the proposed quarry expansion are likely to have a significant impact on areas of the community particularly on Brandy Hill Drive and on nominated transport routes. Of particular concern is traffic and pedestrian safety along these roads and the associated acoustic impacts resulting from the increase in truck movements. Further the increased traffic will impact on the overall state of, and maintenance requirements on, our existing infrastructure.

Hanson has advised that it is not practical to limit transport routes. Council's previous submission required Hanson to use only the proposed haulage routes unless they have received prior written permission from Council. This advice has not changed. This is consistent with similar processes for all quarries in the Local Government Area (LGA) and enables Council to direct expenditure to repair roads which are utilised by haulage trucks.

In addition, Council recommends the following change to the proposed major haulage route in order to limit use of local roads as far as possible. Instead of turning right into Adelaide Street, Raymond Terrace Council requests a left turn to be required as it would aid for better traffic flow because there is an interchange and a ramp onto the Pacific Highway further along this route. This would avoid entering the Pacific Highway at a roundabout at Heatherbrae.

Developer Contributions

We refer to part 3.17 Developer Contributions of the RTS and we provide the following comments:

Hanson has provided a response to Council's submission on page 171. Council's submission requested that Hanson's proposal be subject to the required levies and processes that apply in accordance with Council's Developer Contributions Plan.

Brandy Hill Quarry is currently:

- Paying their contributions on a quarterly basis in accordance with the current contributions plan;
- Provides the requested information within 14 days of the end of each quarter;
- Pays invoices within 21 days; and
- CPI is adjusted on a yearly basis.

Hanson's response states "The requests of Port Stephens Council are unreasonable and not consistent with the contributions paid by a modern extractive industry operations". Council maintains that the proposed quarry extension should be subject to the required levies and processes that apply through Council's Developer Contributions Plan. All of the quarries, including recently approved quarries in our Local Government Area are subject to these similar processes and levies.

Council notes Hanson's comments suggesting Council have not provided evidence of how levies are expended. Council advises that we have not received any request for evidence on how the levies have been expended by either members of the Brandy Hill Community Consultative Committee (CCC) or Hanson. Council would be happy to provide this information to the Department of Planning and Environment, Hanson or CCC, should this request be made.

Hanson has proposed in the response to submissions that a community based committee should be appointed to provide oversight and direction on how contributions from the quarry should be spent. It should be noted that Council can only expend contributions in accordance with the specific condition of the consent and/or clause 4.5.1 of the Port Stephens Development Contributions Plan i.e. road upgrades and maintenance. Therefore, some of the safety concerns mentioned in the response to submissions may not be able to be addressed using haulage levy contributions. As such, we believe the establishment of a community based committee would be limited in terms of effectively directing where these funds are to be expended.

It is noted that Council currently has a customer request management (CRM) system in place for the community and others to advise of any road maintenance issues and

Council would urge the community and Hanson to utilise this system. This CRM system is reviewed by Council engineers and is used to prioritise maintenance activities in the LGA.

The RTS proposes to enter into a Voluntary Planning Agreement (VPA) with Council. Council is yet to be formally notified of Hanson's proposal which is a requirement for a VPA to be established. Council would be open to entering into a VPA however Hanson would need to contact Council directly with their proposal. Council notes VPA's can include items of infrastructure that haulage contributions may not be able to be used for, such as pedestrian walkways. Council requests that the terms of any VPA are put to, and agreed by, Council prior to the issue of any consent.

Council would be open to negotiating a VPA that includes a pedestrian walkway, in accordance with Council's pathway plan. Road safety is a significant concern with this proposal, as noted in the traffic and transport section above, and a VPA which provides for a pathway which moves pedestrians and cyclists off the roads being used by the quarry operations would assist in mitigating these concerns. This could also be a positive community outcome. We note there are examples in the Southern Highlands where quarries have delivered different types of public infrastructure above and beyond their haulage contribution requirements.

Finally, it is noted that the cumulative social impacts for the Brandy Hill Quarry have not been fully assessed by Hanson. As such, Council has been unable to properly consider the cumulative social impact of these projects. The Department should consider this in detail prior to determination of this application.

If you require any further information please contact me on (02) 4988 0214.

Regards,



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8 November 2018

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