

24 November 2016

NSW Department of Planning & Environment
Attention: Thomas Watt
Level 22, 320 Pitt Street
SYDNEY NSW 2000

Dear Sirs,

Re: Application Number: SSD 14_6612
Martins Creek Quarry

We refer to the exhibition of the Environmental Impact Statement (EIS) by Buttai Gravel Pty Limited and thank you for the opportunity to make a submission. Council makes the following comments specific to the EIS as follows:

Key points to consider

- Further information on truck routes are required to be consistent with the requirements under Schedule 2 of the *Environmental Planning and Assessment Regulations 2000*;
- Reduce the starting operation time of the quarry from 5.30 am to 7.30 am;
- The Quarry to contribute to the upgrade of Butterwick Road and consideration be made to the environmental values and constraints;
- The Quarry to contribute to the upgrade of Butterwick Road/Clarence Town Road intersection;
- The Quarry to contribute to the upgrade of Clarence Town Road and Brandy Hill Road intersection to include a right-turn bay;
- A reduction of truck movements and compression braking on the proposed haulage route for Port Stephens;
- The Quarry to contribute towards the construction of a pathway and bus stops along Brandy Hill Road;
- The Quarry to make a monthly contribution towards the ongoing maintenance, repair and upgrade of roads within the haulage route;
- Lack of consultation from the Quarry with Council regarding a VPA

General Requirements

The EIS statement does not include the impact of the "likely interactions between the development and any other existing, approved or proposed extractive industry development in the vicinity of the site (such as the Brandy Hill Quarry)" as stated in the Secretary's Environmental Assessment Requirements.

Section 2.10 of the Traffic Assessment by Seca Solutions makes reference as follows "Further information on this project with regard to routes for trucks, split of demand for the end products or details on truck movements generated by this project has not been made available by Brandy Hill Quarry to the study team for Martins Creek" (page 26).

These two developments will have a significant effect on Port Stephens Council Local Government Area. In particular the communities of Duns Creek, Butterwick, Woodville, Seaham and Brandy Hill. Accordingly Council has been unable to satisfactorily assess the overall impact that both developments will have on the environment, communities and Council owned roads.

Council is of the opinion that the EIS does not comply with the requirements of the *Environmental Planning and Assessment Regulation 2000* (C6 and 7, S2)(NSW) and therefore the application cannot be accurately assessed until such time as Brandy Hill Quarry provides the relevant information to determine such effects.

Environmental

The haulage route proposed in Port Stephens has high environmental values and thus environmental constraints.

Butterwick Road in particular contains important vegetation including remnant and rehabilitated Spotted Gum Ironbark Forest, an Endangered Ecological Community, *Callistemon linearefolius* a threatened species and tree species representing habitat for koalas and other threatened fauna species. Recent road works encountered a variety of threatened fauna species.

Butterwick Road has been targeted for internally and externally funded environmental projects including compensatory rehabilitation by Council and is a key component of a wider multi council regional project to conserve and improve road corridor Endangered Ecological Communities (EEC).

The Martins Creek Quarry EIS must address all potential impacts as a result of its operation. If road upgrades are likely to be required as a result of the increased truck movements, potential impacts to roadside EEC and environmental attributes need to be considered in the EIS as impacts related to the development proposal.

Consideration also appears to have not been given to the haulage route through Port Stephens Local Government Area and the effect of State Environmental Planning Policy 44 – Koala Habitat Protection.

Key issues

Traffic and Transport

Council raises the following issues in relation to the Traffic and Transport Impact Assessment study.

The Assessment has identified the lack of shoulder width on Butterwick Road as being one of the main safety concerns on the proposed haulage routes. The assessment notes that the width of Butterwick Road does not comply with current design standards but dismisses these concerns because there have been no recorded crashes involving haulage trucks from the quarry.

Port Stephens Council was granted Federal Blackspot funding during the 2015 - 2016 financial year to allow hazard removal and shoulder upgrade along part of Butterwick Road. This Blackspot funding was received as a result of the number of crashes that had occurred along this route over a 5 year period.

Although the Blackspot funding has allowed Council to improve an 800m section of Butterwick Road, there remains approximately 1400m length of road at the northern end of Butterwick Road that still does not meet the required standards.

At present the existing road pavement is deteriorating at a rate which is considered the normal lifecycle. This is consistent with engineering standards expected for this volume of historical vehicular traffic. Additional trucking traffic on the road would reduce the lifespan of the existing road pavement. Traditionally an income of per cents per tonne per kilometre of haulage carried would be used as a measure to maintain road pavement that is deteriorating at a faster rate due to the increased trucking movements. This is suitable for most of Council's roads with the exception of Butterwick Road.

It should be noted that the proposed trucking movements will increase the ESA (Equivalent Standard Axels) by a factor of seven. This factor of seven indicates the Butterwick Road pavement will deteriorate within a number of years. This rate of deterioration will result in any maintenance works failing and hence the need for a full upgrade to the pavement to withstand the proposed ESAs.

Full scoping has not yet been determined, however the anticipated cost to upgrade Butterwick Road is in the vicinity of \$12million. This includes the upgrade to pavement, safety measures to ensure road users have safe passage on this road and the environmental considerations as mentioned above.

Council does however support the upgrade of the intersection at Butterwick Road and Clarence Town Road intersection.

The intersection of Brandy Hill Drive and Clarence Town Road is also a safety concern with the lack of a right-turn bay posing a safety risk to road users. The report links an upgrade of this intersection to the proposed expansion of the Brandy Hill Quarry.

Council is of the opinion that the right hand turn will only affect Martins Creek Quarry and not Brandy Hill Quarry, as the Brandy Hill Quarry trucks do not turn right from Clarence Town Road on to Brandy Hill Drive. Council will require this intersection to be upgraded to allow a right turn.

The Traffic Impact Assessment (TIA) highlights the potential for virtually 100% of quarry product to be transported on a single route, depending on product sales and demand. This could potentially result in daily truck movements of up to 640 trucks on a single route from Martins Creek Quarry alone. This is unacceptable to the local community and would result in severely accelerated damage to Council's road network. While it is acknowledged that this scenario is unlikely to occur in practice, the potential for high volume traffic movements in this area should be considered in any approval process.

Residents of the Brandy Hill advised Council that in 2015, Martins Creek Quarry and Brandy Hill Quarry generated in excess of 1,000 truck movements per day. The residents reported their quality of life was diminished as a result of truck movements during this period. Council considers this amount of truck movements unacceptable and seeks to cap a limit on the truck movements. Mechanisms need to be considered and imposed to limit the movement of product to the distribution proportions considered in the TIA.

Council requests the Department significantly reduce the proposed one way truck movements per day on Port Stephens Council roads as we are unable to accurately assess how many trucks movements will be made per day between Martins Creek Quarry and Brandy Hill Quarry and the overall effects this will have on roads and residents of the proposed haulage routes in Port Stephens.

Further, Council notes that the report does not consider the effects of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)* 2007, Part 3, sub paragraph 16 in relation to Transport and in particular (1)(b) to the haulage route in Port Stephens Local Government Area.

Finally, Council recommends a clause in the approval relating to the Port Stephens Section 94 Development Contributions Plan 2007, Section 4.5.1, in respect of the proposed haulage route within the Port Stephens Local Government Area.

Section 4.5.1 of the Section 94 Development Contributions Plan identifies the need for Council to seek contributions from developments that generate significant truck movements. This is due to the increasing deterioration and impact on of roads within the Port Stephens Local Government Area. These funds would be expended on road upgrades, repairs and ongoing maintenance to roads affected by the haulage route.

Noise

Issues have been raised in relation to the off-site transport noise impacts the development will have on the communities of Butterwick and Brandy Hill. Council

considers the dispatch of road transportation from 5.30 am to 7.00 pm excessive. This inherently means that empty trucks will need to travel along the haulage routes prior to this time thus creating noise prior to 5.30 am and possibly after 7.00 pm each day. Council asks that the Department reconsider the time for loading trucks for the haulage route through Port Stephens Council LGA from 5.30 am to 7.00 am.

Information provided in the EIS suggests Martins Creek Quarry will have 215 one way truck movements per day with 25.1% of those truck movements traversing through the proposed haulage route through Port Stephens. This equates to approximately 42 one way truck movements or 84 two way truck movements per day. Council considers that truck movements from Martins Creek Quarry together with the expected increase for Brandy Hill Quarry is excessive for residents particularly within the Brandy Hill community.

Council requests that the Department consider limiting of the use of compression braking for haulage trucks in residential and rural residential areas, particularly along Paterson Road, Butterwick Road and Brandy Hill Drive.

The EIS advises that the Quarry has an internal policy and code of conduct for their drivers however a copy of these documents was not supplied in the EIS for review.

Hazards

A number of potential risks to public safety have been raised particularly through Butterwick Road and Brandy Hill Drive. With the increase of truck movements in this area there are safety concerns in terms of a lack of bus pick up and drop off areas for school children. There is also concerns regarding the lack of pathways for residents to walk and ride their bikes. These pathways have been identified in Council's pathways plan particularly for Brandy Hill Drive. Council asks that a contribution towards the construction of the pathway be made to assist the residents of Brandy Hill Drive.

Given the heightened risk of public safety for walking and driveway access exists along Brandy Hill Drive and Butterwick Roads, Council will consider an application for the reduction of speed limits along these roads.

Social & Economic

The EIS discusses a proposed Voluntary Planning Agreement (VPA), however Council has not received information in relation to a proposed VPA. Such items that Council would consider in a VPA would be the upgrade of roads, pathways, bus stops and a road haulage levy for the maintenance of the proposed haulage route. Until such time as the developer approaches Council with a proposal to enter into a VPA, Council cannot provide further comment.

Summary

Council is unable to adequately consider the proposal due to the lack of information provided for the proposed extension of Brandy Hill Quarry. The combined effect of both quarry extensions on the proposed haulage route from Brandy Hill Road through to Raymond Terrace is currently unknown.

Council recommend the following be given due consideration:

1. Reduce the starting operation of the quarry from 5.30 am to 7.30 am;
2. The Quarry to contribute to the upgrade Butterwick Road and consideration be made to the environmental values and constraints;
3. The Quarry to contribute to the upgrade of Butterwick Road and Clarence Town Road intersection;
4. The Quarry to contribute to the upgrade of Clarence Town Road and Brandy Hill Road intersection to include a right-turn bay;
5. A reduction of truck movements and compression braking on the proposed haulage route for Port Stephens;
6. The Quarry contributes towards the construction of a pathway and bus stops along Brandy Hill Road;
7. The Quarry makes a monthly contribution towards the ongoing maintenance, repair and upgrade of roads within the haulage route in accordance with the Port Stephens Section 94 Development Contributions Plan, road haulage chapter. Such a contribution is to be increased in accordance with CPI.

If you require any further information please do not hesitate to contact Karen Forsyth on 4980 0240.

Yours sincerely,



Jeffrey Bretag
Strategic Planning Coordinator