



22 May 2020

Mr Steve O'Donoghue
Director, Resource Assessments
Department of Planning, Industry & Environment

via email: [REDACTED]

Dear Steve,

Brandy Hill Quarry Expansion – SSD 5899

I write in relation to the above application which is currently before the Independent Planning Commission (**Commission**) for review. In its consideration, the Commission has identified a number of matters that require further clarification.

The Commission seeks clarification from the Department on the following points:

1. Can the Department please explain the comments at the top of page vii of the Executive Summary of the Department's Assessment Report related to the practical limit of production being 1.35 million tonnes per annum, rather than the 1.5 million tonnes per annum applied for?
2. Does the 1.35 million tonnes per annum extend the life of the quarry beyond 30 years? If so, by how much?
3. Did the Department seek advice regarding the ability to place conditions on the development consent requiring the payment of Section 7.11 contributions to both Port Stephens Council and Maitland City Council?
4. Is the Department satisfied that the VPA will deliver the bus bays and the shared pathway along Brandy Hill Drive ahead of the increased traffic loads anticipated along Brandy Hill Drive if the project is approved?
5. Did the Department consider whether the site should be dedicated to Council at the completion of quarrying as required in Condition 6 of the 1983 development consent?
6. Did the Department consider adding a recommended condition which requires Hanson to provide funding to install a first flush diverter on rain water tanks on rural properties within proximity to the quarry?
7. Did the Department consider adding a recommended condition which requires Hanson to provide funding to local community groups from a fund financed from a percentage of the income generated from the product sold from the quarry?



8. How did the Department derive the maximum 600 truck movements limit specified in recommended Condition A12? How does this compare to current truck movements from the quarry?
9. What is the basis for the distinction between proposed Conditions B12 and B14 which impose different regimes in relation to properties within 1 km from the extraction area and within 2km from the extraction area in terms of potential damage to property?
10. Why does proposed Condition B63 reference PBP 2006 rather than PBP 2019? What are the implications if PBP 2019 was substituted in this condition?
11. Did the Department consider the proposal in the context of the impacts of the Summer 2019 / 2020 bushfires on both habitats and flora and fauna species, and in particular, in relation to the Koala.
12. What would the implications for the project be if the provisions of SEPP (Koala Habitat Protection) 2019 had been applied, rather than SEPP 44? Does the new SEPP embody more stringent requirements that may have altered the outcome for this site?
13. Para. 5.3.24 of the Department's assessment report indicates that conditions have been recommended which reflects the RFS recommendation that no potentially igniting activities are undertaken on Total Fire Ban days unless approval has been sought from RFS. Can the Department advise how / where this is captured in the recommended conditions?
14. Can the Department provide an update on the status of Daracon's Martins Creek Quarry and Boral's Seaham Quarry?
15. There does not appear to be a clear statement about road safety. Can the Department provide clarification about overall traffic and road safety in the locality, including existing safety statistics for Brandy Hills Road / Seaham Road.
16. Is there anything that can be done to improve the predicted Level of Service ("E") at intersections on the secondary haulage route?
17. Can the Department clarify the information presented in Table 3 on p.18 of the assessment report pertaining to noise? What are the underlying assumptions and what hours has the quarry been operating in the period since the Application was submitted?
18. Para. 6.2.3 of the assessment report cites the noise limits for all receivers (as set out in the site's existing EPL). The 36 dB(A) level specified for day, evening and night periods seems low, given that the quarry currently operates during the day. Can the Department clarify?



19. Para. 6.3.3 indicates that local ambient particulate modelling data was not available to inform background air quality levels of the project site and as such a range of other data sources were used to determine the most representative background dataset. Can the Department explain why this information was not available, given that there is an existing operational quarry in this location?
20. Can the Department provide clarification around permissibility? Are all the proposed uses permissible under the Port Stephens LEP or does the application rely upon State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007?
21. Can the Department clarify why it does not consider it appropriate / necessary to impose the EPA's recommended daily extraction and processing limit of 5,000 tonnes a day?
22. Para. 6.7.33 and 6.7.34 provides a narrative in relation to recharge and groundwater flow paths and the fact that there is uncertainty about the potential impacts on groundwater dependent ecosystems and that the full extent of any adverse impacts will rely on monitoring. Can the Department provide further advice about why the potential impacts cannot be established / predicted as part of the assessment?
23. Can the Department provide further clarification in relation to the rehabilitation of the quarry and the degree of certainty about the nature and extent of the rehabilitation.

The Commission would be grateful if the Department could prepare a response to these matters for its meeting with the Commission on 29 May 2020.

If you have any questions, I have asked Ms Helen Mulcahy, Helen.Mulcahy@ipcn.nsw.gov.au to liaise directly with you.

Yours sincerely,

A handwritten signature in black ink that reads 'Stephen Barry'.

Stephen Barry
Director of Planning