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O/N H-1207471

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT**

**RE: BRANDY HILL QUARRY**

**PANEL:**

**PETER DUNCAN  
ANNELISE TUOR  
STEPHEN O'CONNOR**

**ASSISTING PANEL:**

**HELEN MULCAHY  
CALLUM FIRTH**

**COUNCIL:**

**STEPHEN O'DONOGHUE  
GENEVIEVE LUCAS**

**LOCATION:**

**VIDEO CONFERENCE**

**DATE:**

**12.59 PM, FRIDAY, 29 MAY 2020**

MR DUNCAN: I'll start off, Steve and Genevieve, with just an – the standard introduction, and we'll take it from there. Good afternoon. Before we begin, I'd like to acknowledge the traditional custodians of the lands on which we meet and pay my respects to their elders past and present. Welcome to the meeting today. Hanson  
5 Construction Materials, the applicant, is proposing to expand and intensify operations at the Brandy Hill Quarry near Seaham, within the Port Stephens Local Government Area of New South Wales. My name is Peter Duncan, and I'm the chair of this IPC panel. Joining me are my fellow Commissioners Annelise Tuor and Steve O'Connor, as well as Helen Mulcahy and Helen Perth from the office of the  
10 Independent Planning Commission.

Representing the Department Planning, Industry and Environment are Steve O'Donoghue and Gen Lucas. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded, and a full  
15 transcript will be produced and made available on the Commission's website. The meeting is one part of the Commission's decision-making process. It is being conducted via electronic means, in line with the COVID-19 rules around social distancing and gatherings, is taking place at a preliminary stage of the determination process and will form one of several sources of information upon which the  
20 Commission will base its decision.

It is important for the Commissioners to ask questions of meeting attendees to clarify issues as we consider it appropriate. If you're asked a question and you're not in a position to answer, please feel free to take the question on notice and provide any  
25 additional information in writing, which will then be put on the website. I would ask that all participants here today introduce themselves when they first speak, and please be mindful to speak one at a time, and if we can all go on mute if we're not speaking, I think it makes it easier, and that way, we will ensure the accuracy of the transcript, so we will now work through the agenda.  
30

There were a list of questions set out, so possibly the best thing to do, Genevieve or Steven, if you give a short overview, we have the documents, so you don't need to spend a lot of time on that, and then go through the questions, would be the easiest.  
35 Okay?

MR O'DONOGHUE: Yes. Well, that – yes .....

MR DUNCAN: ..... Q&A at the end. Okay?

40 MR O'DONOGHUE: Yes.

MR DUNCAN: Thank you.

MR O'DONOGHUE: Okay. So Steve O'Donoghue, director, resources  
45 assessments with the department. I'll – I'll get Gen just to introduce herself as well.

MS LUCAS: Hi there. My name's Gen Lucas. I'm a team leader with resources estimates at the department.

5 MR O'DONOGHUE: So I – I guess, just in terms of background, it's an existing quarry that's now owned and operated by Hanson Construction Materials. It's an old development consent that was issued by Port Stephens Council in 1983, so the – the quarry has been around for quite a while, but I guess at different – operating at different capacities to what it currently is now and – and I guess what the – the development application is seeking as well. At the moment it operates at around  
10 700,000 tonnes per year. Mainly looking at hard rock – it's a hard rock quarry for aggregate – mainly supply aggregate into construction projects in the Newcastle area, but also into the Sydney markets as well with the – it's located between the New England Highway and the Pacific Highway, so it's got good access to providing aggregate for road construction projects in particular.

15 The – the SSD application was lodged in February 2017, and it was seeking to expand, intensify operations, so, in particular, extending the extraction area quite significantly by about 55 hectares, from 19.5 hectares to around seventy-four and a half hectares, so – so quite a big increase in the – in the extraction area, increasing  
20 the production from 700,000 tonnes per year to 1.5 million tonnes per year, initially seeking quite a – quite extending the product and transport and operating hours significantly into the night and evening periods, constructing and operating a – a concrete batching and recycling facility, in – bringing in concrete waste for reprocessing, beneficial reuse, and I guess a key change in all that as well is the – is –  
25 is a much larger final void left on the site, from a final landform point of view, with a – which would form a pit lake over an extended period of time of about 160 years, so I guess they're the key elements to what Hanson was seeking originally. Did – did you want any figures we can bring up, or do you just want to refer to the report?

30 MR DUNCAN: I – I think we refer to the report. We might ask you some questions about it as we go along and towards the end, if that's okay.

MR O'DONOGHUE: Okay. So just some backgrounds to the exhibitions – so it was exhibited back in 2017. We got 193 submissions, mainly by way of – of  
35 objection, so 169 objections and a – and a lot from the – from the local area, but also from special interest groups as well. I guess the key issues raised in the submissions was – were amount amenity and safety impacts, particularly community concerns about extending operating hours through the night-time period, particularly, you know, primary crusher up to 10 o'clock, but also secondary, tertiary crushers and –  
40 and traffic through – through the – through the entire night, so basically a 24/7 hour operation, which is a significant change from – from current operations.

So that trucking intensity, hours of operation but also concerns about air quality, noise amenity, blasting, social impacts and impacts on biodiversity and – and final –  
45 final landform were the – were the – the sort of key issues raised. As a result of the exhibition period, there was a – a response to the submissions report submitted in – in 2018. Following further input from agencies and – and community

representations, there was a – a further amended RTS submitted in September 2009, so late – so late last year. So that forms, I guess, the – the – the project that Hanson's putting forward.

5 They've made quite a number of changes to the operating hours, but were still seeking – they were still seeking to operate through the night with trucking movements and still seeking primary crusher up to 10 o'clock and – and also secondary, tertiary crushing and screening 24/7 as well, so they – they – they remain significant concerns to the department, but I guess a lot of the conditioning that  
10 we've brought in is really to constrain the – that activity through the late evening and night-time period in particular, but allowing some – some activity from that 5 to 7 in the morning, particularly trucking to get to – to construction markets more broadly, but also allowing 20 evenings for – for year to – for trucking to get to some bigger projects, road – road traffic projects and construction projects and provide some  
15 facilitation for that and also allow secondary and tertiary crushing to – to 8 pm, that early evening period, and – but not to 10 pm or – or through the night or ..... Sundays, as proposed by – by Hanson, just to further facilitate community amenity impacts at – at the site, so I guess they're the – they're the key, I guess, condition we put in in trying to – trying to manage those aspects of the – of the development.

20

For road – road safety, I guess, is – was a big – big issue raised by the community. The – particularly the traffic down through Brandy Hill Drive and the interception at the top – top there, from Brandy Hill Drive - - -

25 MS LUCAS: Clarence Town Road.

MR O'DONOGHUE: - - - and – and Clarence Drive, so that impacts around there, so there was safety assessments done on that looking at accidents, and there has been changes to speed limits along there that have mitigated some of those impacts, so I  
30 guess a key part of our evaluation was – was requiring or – was facilitated through a voluntary planning agreement between the company and Port Stephens Council, in terms of building and constructing a number of bus bays along Brandy Hill Drive but also a shared pathway along Brandy Hill Drive, so there is a – terms of agreement between the two parties.

35

The department, however, though to strengthen that. We put a condition in that there – there should be no increase in that 700,000 tonnes per annum until the – until the bus bays were in, so there's – there's a – there is a constraint there in – in doing that until they're in through the – and installed through the voluntary planning agreement,  
40 for the road safety aspect, so there's a whole – there's another range of impacts around air quality and blasting and biodiversity that – that's in the report. Did you want me to touch on any of those aspects at all or – or – or just – just have a Q&A on some of those aspects.

45 MR DUNCAN: Could I just ask a question while we're at the bus bay and pathway. Why is that we've – we've sort of suggested that bus bay not before their volume increases – what about the pathway as well? Is that possible?

MR O'DONOGHUE: Look, I – there are some difficulties around that, I think, in terms of the – the – the timing for that to occur, just in discussions with the – the company and council. Some of the funding for that's coming from council, and there's also issues around that that some land would need to be acquired to put those  
5 shared pathways in, so the timing on that was – would probably take, in terms of getting the – the shared pathway constructed and built is – is a bit uncertain, but we're probably looking at about a five-year period to – to do that, so that would – I guess, in some ways, that will constrain increase in extraction for a considerable amount of time, and – and we see the – the bus bays as a – as options they can get in  
10 relatively quickly, and it would facilitate road safety, at least for people waiting by the side of the road, getting picked up through that – through school – school period, in particular.

MR DUNCAN: So, as you know, it's probably the land acquisition, by the sound of  
15 it that's the limiting factor here.

MR O'DONOGHUE: Look, it – it could be .....

MR DUNCAN: ..... the pathway, that is.  
20

MR O'DONOGHUE: Yes.

MR DUNCAN: Yes, because it would be good to find a – a resolution that would speed that up, particularly given the road safety concerns.  
25

MR O'DONOGHUE: We agree. I think the – the – the quicker it can go in the better. I guess there's a funding aspect to it from council. Like, some of the money would – is being provided by the company, but there'd still be some funding provision from council to do that, and the – and the design and construction, but  
30 certainly, the – the quicker it can get in through the – through the facilitation of the VPA, the better.

MR DUNCAN: Okay.

MR O'CONNOR: Can I just – Steve O'Connor here. Can I just ask a sort of supplementary question. We – we had it put to us by one of the councillors that we just spoke to that – because you – you've raised, Steve, the issue of the – the 1.5 million isn't the total amount that the - - -  
35

MR O'DONOGHUE: Yes.  
40

MR O'CONNOR: - - - works will cost – that that 1.5 million, if that was spent to build 75 per cent of the pathway, that would cover something like 90 per cent of the dwellings fronting Brandy Hill Drive and get an immediate solution, and then  
45 council's money for the balance of it could come at some later date. Did – was that considered at all?

MR O'DONOGHUE: Look, the – look, it wasn't flagged by either council or – or the – the company in discussion we – we had with them, in terms of a – like, a stage – the staging approach of putting in the shared pathway, so we haven't seen any – any information on that .....

5

MS LUCAS: I mean, it might have been discussed generally, but nothing has been provided formally. No.

MR DUNCAN: Yes. It might be a way to – to sort of satisfy, because the concern about safety, in a – in a sense, it would – it would – particularly avoiding the land acquisition areas to get it staged, I guess we'd need to have a look at that in more detail or .....

10

MR O'DONOGHUE: Yes.

15

MR DUNCAN: But it might be a way to – to fast track it.

MR O'DONOGHUE: Well, I think so. I mean, if there – if there are options there for that, and – and council, I guess, through the – executing the VPA - - -

20

MR DUNCAN: Yes.

MR O'DONOGHUE: - - - can facilitate through the – through that. That might be – that might be a – a way to go.

25

MR DUNCAN: That's good. Okay. All right. Sorry.

MR O'DONOGHUE: Sorry. Sorry. Yes. Just going to say, so is there any – so the report covers, you know, noise and dust and biodiversity, etcetera, and heritage. Did you want – you – there's probably no point going through touching on that. Is – is there any sort of more background you want before we go into, I guess, the – the specific questions at all or - - -

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MR DUNCAN: I don't think so. Annelise, you okay?

35

MS TUOR: I think there are – there are obviously questions about those things, but I don't think you need to do an explanation of what's in the report.

MR DUNCAN: Yes.

40

MS TUOR: It's more just - - -

MR DUNCAN: Yes.

MS TUOR: - - - getting – cutting to the chase, and we will get to the questions.

45

MR O'DONOGHUE: Yes. Okay. I think that's good. So how did you want to do this – do this, Peter? We just go through the questions one by one or - - -

5 MR DUNCAN: I think that's the easiest. I mean, it was here to prompt a discussion today, to give a view of where we had some questions, and - - -

MR O'DONOGHUE: Yes.

10 MR DUNCAN: - - - if you wish to do more work on it and get back to us, feel free to do that as well, because .....

MR O'DONOGHUE: Okay.

15 MR DUNCAN: Okay. So we're in your hands, Steven.

MR O'DONOGHUE: Okay. Well, we'll just go – we'll go to the – the first question was about background to constraining the practical limit of production to, what, 1.35 million tonnes rather than 1.5, so I guess that was – that was really derived from the conditions we put in, in terms constraining, in – in particular the –  
20 the second and tertiary processing. That – that has a – that has a lower production rate than the primary crusher, so the primary crusher runs at 450 tonnes per hour, but the secondary and tertiary only has a 330 tonne per hour capacity, so that – which is one of the reasons why the company was seeking more hours of operation for the tertiary and secondary equipment than the – the – the primary equipment, because  
25 there's sort of a disconnect between – between the – the two and the – and that equipment has to run longer to get the – the aggregate sort of quality and type that they need to – to market.

30 So that – Hanson also advised that most of the extracted material for – of the hard rock quarry needs to go through the secondary and tertiary ..... equipment to meet the market specks, so really, that's – that – the 1.35 is really calculation based on the – the – the lower production rate of the secondary, tertiary equipment at the 330 tonnes, and overlaying that, the – the constrained hours of operation that we – we put on in terms of only allowing operation to 8 pm in the – in the evening, in particular,  
35 and the Sunday operations as – as well, and not allowing Sunday operations or through the night, so just allowing – allowing for some downtime. They're - they're only operating 50 years – 50 weeks a year, and that – that comes to about 1.35 million tonnes, so it's really about – it's really about the capacity of the – of the secondary and tertiary crusher.

40

MR DUNCAN: Right.

MS TUOR: I've just got a quick question. So if they had an upgraded crusher or a different crusher, then potentially they could achieve a greater - - -  
45

MR O'DONOGHUE: They - - -

MS TUOR: - - - output.

MR O'DONOGHUE: Yes.

5 MS TUOR: So - - -

MR O'DONOGHUE: .....

10 MS TUOR: - - - the particular ways of getting the output – you either extend your hours or you look at how your tech facility can – can – whether that can be improved.

15 MR O'DONOGHUE: That – look, that's right, and that – and – and we did have – if you have a look at the – I think – I think on our website there that, you know, we refer to three responses from the company, because we – we – we were – yes. We were mindful that – that constraining the hours would – would limit – limit production, and I guess if you look at, you know, certainly with the – the – the – the newer Noise Policy for Industry now, I guess one of the key planks of that is – is trying to push high production rates to the – to the daytime period, which is – which is less sensitive than ..... night time, so I guess that a core principle is trying to – trying to achieve that rather than – than operating through the night and having impact, you know, in – in that more sensitive period, where you've got inversions occurring and – and poorer ..... conditions in terms of causing impacts, so I guess that's a key plank that we – we try to achieve in that, so that – so I guess while we 20 allowed some increase to 8 o'clock, we certainly had – had concerns about going, you know, to – to 10 pm and through the night-time period for that secondary and tertiary crushing equipment.

25 But certainly that – one of the – I guess, if you look at the responses, the company argues that it's not cost – cost effective or reasonable to do that, but there wasn't a lot of supporting information around that that – that – that supported their conclusion on that, we would have to say.

30 MR DUNCAN: Yes. I suppose they – they also argue that their – their demand delivery now too is – is in the early hours of the morning in their markets, isn't it, so that's their probably position on that – on - - -

MR O'DONOGHUE: Yes.

40 MR DUNCAN: - - - 24 hours or a lot of night-time work, from the point of view of - - -

MR O'DONOGHUE: Look - - -

45 MR DUNCAN: - - - movements off site.



MR O'DONOGHUE: Look – look, that – look, that's right, and I guess that's the – that's the weighing up of your supplying that product to – to market, versus trying to protect amenity impacts for the local - - -

5 MR DUNCAN: Yes.

MR O'DONOGHUE: - - - community, you know.

10 MR DUNCAN: No. That's right. That's correct. All right.

MR O'DONOGHUE: So - - -

MR DUNCAN: Anything more on – on that one?

15 MS TUOR: Just, again, a follow up question – so the principle that you referred to about pushing higher production rates to the daytime period - - -

MR DUNCAN: Yes.

20 MS TUOR: - - - that's in the later version of the noise - - -

MR O'DONOGHUE: It – it is. Yes.

25 MS TUOR: ..... so .....

MR DUNCAN: Yes.

30 MS TUOR: Has been assessed under the previous version, so I – I suppose is that concept also something that's in the previous version, or is it – because you obviously can't cherry pick your policies, and it's the weight that we should be giving to that later policy, as opposed to the earlier policy.

35 MR O'DONOGHUE: You – the – under the – I mean, under the IMP, it's still required to look at reasonable and feasible measures to – to mitigate the impact of noise, so that's still a – a principle to be demonstrated in trying to achieve – achieve the noise – noise levels and – and – and the impacts on receptors, so – so certainly even – even under the IMP, the options for trying to – to put the noisier activities during the day time ..... is – is still a – is still a part of that policy. The – but the main - - -

40

MS TUOR: Yes.

45 MR O'DONOGHUE: The main difference with the Noise Policy for Industry, I guess one thing that that did was allow – formally allow higher noise levels during the daytime period, so the background of the Noise Policy for Industry – you can go to do 10B – 10DBA, above background, during the day, so it's – it's trying to

provide a – provide a compromise to allow, you know, more activity during the day, but you’ve got a – you’ve got a higher – higher limit.

5 MS TUOR: And the other thing that has been raised is that the concept that they are – actually have demonstrated that they would be able to comply with the noise – project noise-specific levels in the night-time period and, therefore, what are the amenity impacts, forgetting about the roads, but just dealing with the onsite issues first? If there’s compliance, are there impacts that you envisage would be occurring, such as – you referred to weather conditions and things like that, so is the compliance  
10 sort of a general compliance, but there would be times when that would not be met? Is – is that the concern or - - -

MR O'DONOGHUE: I – I think – I think it’s more for extractive industry in – in particular, there’s very – there’s very few cases of quarries operating through –  
15 through the night in New South – in New South Wales as – as an industry, and partly that’s because it – it – partly that’s – that’s because, I guess, the capital costs in setting up the infrastructure, when you compare it to, like, a coal mine, for example, which, from an investment point of view, it operates a 24/7 operation through the night because of the high – very high capital costs associated with the – with those  
20 particular industries. With quarries, there more – more opportunity to meet – meet the market in operating through – through the day time – through the – more daytime periods. It’s more typical for quarries to be more – to be daytime operations rather than 24/7 operations.

25 MS TUOR: But was there a concern specifically with this one about the actual noise that - - -

MR O'DONOGHUE: Look - - -

30 MS TUOR: - - - could be generated at night? Is it that there’s – will be a residual impact even if there is compliance, that people would still be having an impact from it? Is that - - -

MR O'DONOGHUE: But there would – I mean, there – there always is, because it  
35 – the – even if – if you look at in a – of a quiet evening, with an inversion through the night-time period, and particular under inversion conditions, you – you can still – you – people are going to hear the quarry get – with a – quite a background noise through that night-time period, so it’s just not a question of it’s inaudible. You can still have – you can – people will still potentially be annoyed – have a noise factor  
40 even if they’re complying with – with the conditions.

MS TUOR: Okay. So that’s the concern, is it, at night, that it – compliance still has an impact, and if you can shift that impact into the day time, which is less sensitive, it’s better to have that impact there than to have it spread out over a 24 hour period?  
45

MR O'DONOGHUE: It is. Yes.

MS TUOR: Yes. Okay. I get you. Thanks.

MR O'DONOGHUE: So just – so I guess the next question is about the 30 years quarry life, so in – in the – in the resource estimate, Hanson identified there's about  
5 78 million tonnes of – of – of resource. Some of that – most of that is the hard rock quarry going into aggregates, I think about – about 50 – 50-plus million tonnes is the hard rock, and then the – of the next large components is – is sandstone, so ..... with the 1.5 or the one – if it's 1.5 million tonnes, there's more resource that they would have extracted in 30 – 30 years anyway.

10 Hanson, you know, proposed a 30 year mine – mine timeframe, and we we've reflected that in the conditions, but I guess the other – the other aspect is, in general, you know, the department doesn't approve mines or quarries for – for development horizons more than 25 to 30 years anyway, because it really a reasonable planning  
15 horizon, and then it – then any impacts could be re-evaluated after that timeframe, in accordance with, you know, policy and environment guidelines at that time, so it's – it's a – it's a reasonable 25 to 30 year maximum period – is – is – is in keeping with ..... quarries and mining approvals.

20 MR DUNCAN: Okay. That's fine.

MR O'DONOGHUE: Okay. So just on the 711 contributions, so we – we consulted closely with councils – both councils on – on that, both the – the wording of the condition and their requests. They were – they were – they were in consultation, and  
25 I guess, in their submissions, they clearly laid out that they wanted contributions to be paid in accordance with their 711 plans, which set out – those plans set out a haulage contribution rate based on axle loading, the – the – the length of road travelled, and there's – there's clear equations on how to work that out which apply, so it's not – it's not a – both councils ..... have different methodologies, but it's sort  
30 of locked in their – in their plans on how to do that, so – so there's a clear methodology there on how to work that out, and both the company and the councils are – are – are okay with applying that methodology, in terms of working out their contributions.

35 MR DUNCAN: That's a matter for them, really, on that basis.

MR O'DONOGHUE: It is. It – and generally the way that works is that every year they'll work out, you know – they've – they've got a tally of – of what – what – what loads of gravel or other materials left the site, what roads they travelled, and they can  
40 feed that into that – that calculation and – and they'll – they'll pay that – pay that road matters contribution on a – on an annual basis, generally.

MR DUNCAN: Okay. 5.

45 MR O'CONNOR: Just before we leave that one, Steve, as I understand it, when we did talk earlier with council, that is, Port Stephens Council – we haven't talked to Maitland Council yet – Port Stephens Council just revamped their contributions plan

and their – their rate has doubled that – compared to what it was, so in the EIS, it says there will be something like \$12 million of funding provided for road maintenance over the 30-year life of the project. That – that’s probably going to be more like 24 million, given the change that’s happened. Is that a concern - - -

5

MR O'DONOGHUE: Well – well - - -

MR O'CONNOR: - - - to the department, or are you just happy to leave it for the councils to work out?

10

MR O'DONOGHUE: I – I think that’s really up – I mean, that’s – that’s the – they’ve gone through a – a probative process to work out, you know, what the rate should be, and it applies to heavy extractive industries that – that – that use their route, so it’s – it’s a equitable approach, on that basis.

15

MR O'CONNOR: Thank you.

MR DUNCAN: Okay. Move on to 5.

20

MR O'DONOGHUE: I think we talked a bit about this earlier. Did you – this is about the bus bays and shared pathways.

MR DUNCAN: No. I think it’s the dedication of the – of the – this quarry to council.

25

MS LUCAS: Yes. Have we skipped 4? Was that - - -

MR O'DONOGHUE: We had – the next one we had was - - -

30

MR DUNCAN: I’m sorry. I’ve jumped ahead. Yes. Sorry. Yes. That’s right. We have covered the bus bays, I think.

MR O'DONOGHUE: Did you want to go through anything else on that? So I guess the key – the key elements is that – you know, tied up in that – the – the VPA of council, in terms of the – the bus bays and – and the shared pathway.

35

MR DUNCAN: Yes. Our interest, I think, shared on that is to get it in as early as possible is what - - -

40

MR O'DONOGHUE: Yes. Yes.

MS TUOR: I suppose the – the issue is if the bus bays and the footpath are seen as being needed to address safety, then you – you would think you need to have both of them in place before you increase the – the tonnage, and it’s how that can be achieved, given that, as we understand it, the applicant is, you know, happy to pay and do those things but is largely – it’s largely dependent on council, because council

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is the one doing the work, so it's – it's – and at the moment, you've got a condition that requires, for the bus bays, that they can't do - - -

MR O'DONOGHUE: Well – well - - -

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MS TUOR: They can't increase their limit until they're done, but for the footpath, you haven't got that, so it's – it's sort of - - -

MR O'DONOGHUE: Well – well - - -

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MS TUOR: Yes.

MR O'DONOGHUE: - - - I – I guess we see the bus bays as – as more critical for safety along there in terms of getting – getting the – the buses off – off the – you know, providing that protection for people waiting by the side of the road. The – the shared pathway, while – while – while there are – there are some additional safety there, it's – it's – there's a broader community benefit in providing that shared – shared pathway. The – the primary – you know, we see the – the – the bus bays as more important to get in early, in terms of providing that – that – that protection for – then in the road safety aspect.

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MR O'CONNOR: I think the – the view that's been put to us, Steve, is that the – in fact, the shared pathway's more important than the bus bays, because the bus bays allow school kids to be dropped off at the bus bays, but then they've got to get to their houses, and you know, that might mean having to walk on the road with these trucks tearing along, whereas if you had the pathway, that – that allows the means to get safely, you know, from any of the dwellings that front Brandy Hill Drive to any other dwelling.

25

MR DUNCAN: We're – we're expecting to hear more about that at the – at the community meetings, and it seemed to be – seemed to be the view coming out of the CCC, the community consultative committee. One of the councillors has raised it on – on the basis that he – he's in that committee.

30

MR O'DONOGHUE: Sure. Okay. Yes.

35

MR DUNCAN: Okay. We'll - - -

MR O'DONOGHUE: Go ahead?

40

MR DUNCAN: - - - go to the next one, then, about the dedication to council of that completion.

MR O'DONOGHUE: Yes. Yes. Okay. So – so dedication – so I guess it – it didn't form part of the scope of the project, so it wasn't put up by the proponent to – to provide that dedication, and council, in their submissions, weren't – weren't seeking that or provide any commentary as – as requiring that.

45

MR DUNCAN: Yes. We've spoken to them about that as well, and they seem to have moved on since the original ..... in 1983 as well.

5 MR O'DONOGHUE: Yes. So – so, I mean, I guess the issue here with that, we've got conditions in there about – and I think we touch on the later – one of your questions later about rehab objectives for the site and requiring a – a detailed rehab plan, you know, which council has – which council has consulted on, and requirements for bonds and that, so I guess that long-term of the site will be more of a matter at the – at the – at that point of closure as to whether – you know, is that – is that something that counsel would like to see dedicated to them at that point of time or – or – or not, so that's probably a decision that – that's made, like, you know, later in the – in the mine life as whether, as part of the consultation, council would see that as a appropriate outcome.

15 MR DUNCAN: Okay – or some other use. Yes.

MR O'DONOGHUE: Yes.

20 MR DUNCAN: Okay.

MR DUNCAN: 6.

25 MS TUOR: Just on that, remind me, is this consent requiring the surrender of the earlier consent, or is it amending the earlier consent or how would that .....

MR O'DONOGHUE: .....

MS TUOR: .....

30 MR O'DONOGHUE: It's – it's – there's a condition there requiring the surrender of the - - -

MS TUOR: Okay.

35 MR O'DONOGHUE: - - - earlier consent, and this – this one would – would be a new consent that – that covers the – the – I guess, the existing extraction area as well.

MS TUOR: Thank you.

40 MR O'DONOGHUE: So next question on first flush diverters, so I guess the – the – the question is, yes, we did consider – we did consider the first flush diverters and whether, you know, we – the conditions should be imposed or not. I guess the – the fundamental thing is that – that the project didn't predict any exceedances of, you know, TSP or other air-quality criteria. I guess the – the – the dust issue in particular, total suspended particulates, it was complying with the – the – the – the air-quality criteria for that. The – so there's no clear justification to put in a – you know, a condition requiring the – the – the – the company to put in first flush

diverters under the current regulatory regime, but we're – you know, Hanson has made a corporate commitment to doing that to – to some of the – some of the residents who sort of requested that, so it's – that's a community initiative.

5 They made other – they put forward other community initiatives as well, and that's – that's – where companies do that, we generally leave that up to the company to do that and not – and not specifically regulated under the – the development consent, unless – unless there's a clear requirement because it's exceeding ..... criteria.

10 MR DUNCAN: All right.

MR O'DONOGHUE: And I guess the next one sort of comes into it as well, so that's the bit about:

15 *Consider recommending a condition to fund local community groups.*

I guess, similarly, we – we don't regulate corporate commitments of that sort. That's really up to the – the company, and there – and there's – there's limited powers to formalise these, unless they're – they're part of a voluntary planning agreement, you  
20 know, that – through council and the – and the – and the company, so – so it's constrained on that basis anyway, in terms of – of what financial commitments we can put in conditioning, so unless they are incorporated into a VPA, you – it's – it's not one that the – the company would put in as a condition, and it's really for Hanson to manage their corporate – their – how – how they put their corporate commitments  
25 to the community on – on those aspects that are outside the VPA.

MR DUNCAN: Okay. Number 8.

30 MR O'DONOGHUE: This – is this the – the truck movements?

MR DUNCAN: That's right.

MR O'DONOGHUE: Yes.

35 MR DUNCAN: 600 truck movements, yes.

MR O'DONOGHUE: Well, I guess this is really – the amended RTS proposed – proposed, yes, 301, like, around 300 laden dispatches during – during the – the daytime period, so really we – we would – we – we put conditions up to regulate  
40 movements rather than dispatches in that, and it's – it's really a – it's a dispatch and a remove movement. The return makes the – the two movements is how we came up to 600, so it was really looking at a total number of vehicles entering and leaving the site, keeping in mind that there are some – there's delivery of other materials would be coming, albeit of a smaller quantity, but there would be – there will be – when the  
45 cement batching goes, there'll be – there'll be deliveries of cement.

There'll be deliveries of bitumen – materials for the bitumen plant. There will be delivery of the – the crush – crushed – the concrete recycling as well, so there's – there's additional movements coming in, so it's just capping the – the total number of movements rather than – the alternative was putting in condition of the total number of dispatches, which would have been 300, so it's really looking at movements rather than laden loads dispatched, is where that came from.

MS TUOR: So that 600 movements includes all trucks - - -

10 MR O'DONOGHUE: That's right.

MS TUOR: - - - including the concrete ones that – and things - - -

MR O'DONOGHUE: Yes.

15

MS TUOR: .....

MR O'DONOGHUE: Yes.

20 MS TUOR: Okay. Thanks.

MR O'DONOGHUE: It's all heavy – all heavy vehicles.

MS TUOR: Yes.

25

MR O'DONOGHUE: Yes. Yes. And just on the – in comparing it to the current truck movements, Hanson, in its information, provided – identified that – that's its – its peak dispatch was about – was 170 laden loads leaving the site, so from a movement point of view, that's about 340 movements of, you know, return – return trips.

30

MR DUNCAN: Okay.

MR O'DONOGHUE: ..... one other point of view is that while – while – while there's a total daily limit of – you know, through the daytime period of – of 300 laden loads or – or 600 movements, it – it – it – in reality, it – it – it's based on a, you know, peak demand. That's – that's a – that's a peak day, in terms of if they were delivery to large project, which isn't going to happen every day of the year. If you look at, you know, some of the figures they provide in terms of the – the types of loads a truck would carry, like, to big projects – is about 33 tonnes per truck. If – if you – if you applied that – that – that consistently – if you averaged that out through the year, you'd only be able to do about a – 150 – 150 loads or about 300 movements on average through the year, for that – for that – if – if all the truck deliveries were that size.

45



There's going to – there – there will be a range of truck loads, though, you know, ranging – depending on what sort of vehicle it is, but that's just as an example, so it's not like they can deliver at that – that capacity throughout the whole year.

5 MR DUNCAN: Yes.

MS TUOR: What was that amount that you said that you'd be able to do if – you said 33 tonnes per truck - - -

10 MR O'DONOGHUE: .....

MS TUOR: - - - if averaged over the year. You'd only be able to do – how many was it .....

15 MR O'DONOGHUE: Well, it – for a 33 tonne-load truck, which like a dog and trailer and a – delivering to, you know, road construction, or something like that, if you look – if you're looking at the – the – you know, the one – around the 1.5 million tonnes or ..... 1.3, 1.5 capacity, and ..... operating, you know, around 320, taking off  
20 the Sundays, etcetera, you're probably going to average out – out at about 350 dispatches of that load, which is 300 – around 300 movements, compared to a peak of 600. So it's – it is limited by the – by the 1.5 million tonnes which is further limited because of the secondary extraction, you know, which we estimated about that 1.35 million tonnes, so they – they can't consistently send trucks out at that capacity and – and meet their – their extraction limit for the year.

25 MR DUNCAN: Yes. So it's a – it's a capacity issue rather – it – it's a debate about consistently at a certain capacity - - -

MR O'DONOGHUE: Yes.

30 MR DUNCAN: - - - and the peaks. Yes.

MR O'DONOGHUE: But a lot – and a lot of quarries operate like that. They'll get, you know, a big project on, and they'll – they'll want to dispatch a lot of trucks out  
35 to – to a project.

MR DUNCAN: Yes.

MR O'DONOGHUE: And that might – they might last for a – for a couple of  
40 weeks, and then there might – there'll be less production, you know, following that when they get to routine sort of deliveries, and then might ramp up again.

MS TUOR: So the 58 trucks that they want during the night-time period, which is – it's in – I suppose, in table 3, on page 18 of your report, it says:

45 *Night, 10 pm to 7 am.*

MR O'DONOGHUE: Yes.

MS TUOR: But – but then it also – sorry. I'm just going to – rings on my  
computer. Sorry. Then it also says that it's – and that was meant to generate 58  
5 trucks, but then there's the 5 am to 6 am and the 6 am to 7 am, which is 12 plus 19.  
Are they included in that amount?

MR O'DONOGHUE: No. I haven't – I haven't – haven't included them. It's just a  
– it's just a rough estimate, you know, like, just based on that daytime period, but  
10 that – the – the evening – I guess we're restricting for the – that evening period.  
We've – we've conditioned that they can only – on – on 20 evenings per year, you  
know, between 6 and 10 have truck haulage during that evening periods, so we're  
limiting that to 20 – 20 evenings per year.

15 MS TUOR: Yes. It's just that, in our discussions with them – I'm just trying to  
clarify, 50 EA is between 10 pm and 7 pm. Is that then – you add – say, 58 includes  
the 9 that's between 5 am and 6 am and the 12 lets in 6 am to 7 am, so the total is 58,  
or is it 58 plus nine plus 12?

20 MS LUCAS: No. It was the total. That would include those two morning shoulder  
hours.

MS TUOR: Okay. And as I understand, the reason why – from what you have  
explained, they can deal with their capacity in the hours that you're putting forward  
25 for truck movements, but they're saying that they need the night-time truck  
movements because of being able to deliver to, say, where the concrete's made.  
They want to leave at 12 o'clock, get there by 3 o'clock so that the people can start  
making concrete, so it's not that they can't get their gravel out. It's that the times  
that they need to get it out rely on night-time truck movements. Have you got  
30 comments on that?

MR O'DONOGHUE: Look, we – again – again, it comes back to where – we're not  
supportive of quarrying activities through that – through that night-time period, so  
we've given some allowance for that 5 am. We did get differing advice out of the –  
35 from the company about, you know, the impact of that. Part – part of it was that they  
– we got some advice that they – that the evening was acceptable for – to – to get  
night-time product out, so we've – we've conditioned it accordingly that – to only  
allow that 20 nights for the – for evening, and – and we're – we're not – we're not  
supportive of that – or of truck movements with the – through the – through the –  
40 that night-time period from, you know, 10 till 5.

MS TUOR: And is the principle behind that similar to what you've explained  
before, about the operation internally on the site, that even if you comply you've still  
got impacts, and it's not necessarily – it's better to put it into the less sensitive  
45 daytime period as opposed to having it - - -

MR O'DONOGHUE: .....

MS TUOR: - - - spread over 24 hours?

MR O'DONOGHUE: It – it – it is, but we – but we ..... like this. We – we did think about it in terms of evaluating it, and – which is why we – we did extend the hours at  
5 both ends for some activities, you know, rather than through the whole night, so to – to allow – to allow some of that product delivery, you know, during – to – to ..... some of the markets through the night time – night-time period and – and that early – and depart – dispatched during that early morning.

10 MS TUOR: Yes. And we may get onto this a bit later, but specifically back on that table, table 3, it has existing noise levels as being between 5 am and 6 am 59.7, and that's over a – a one-hour period, so presumably that's an average of noise during a – one hour, so you could have no noise, and then you could have a very loud noise, and that would give you the average.

15 MR O'DONOGHUE: Yes.

MS TUOR: But there – at the moment, there are no Hanson trucks during that period, so I'm just trying to understand why it's such a high average noise level,  
20 given that the background noise on site at the night time is something like 30, or background noises at receivers seem to be – which is shown on page 25. They seem to be very, very low.

MR O'DONOGHUE: It's – I think it's partly because the way – the – the  
25 methodology of working out the background noise under the IMP and background noise under the – the road policy are different. So it's not – it's not comparing apples and apples, really, so the – the – for – for the – the – the intrusive noise under the industrial noise policies over a – like, a 15 minute – 15 minute period - - -

30 MS TUOR: Yes.

MR O'DONOGHUE: The – it takes the – it takes the 10 percentile, so it's the lowest – if – if you look at the range of data captured over that – over that night-time period, you – you're looking at the 10 percentile lowest values there, so you're  
35 cutting out 90 per cent of – of all those higher values, and that set – that – that 10 percentile sets your background. So – whereas – whereas the background – the existing noise levels is really all – is – is that average noise level coming from all sources through that period, so – so under the IMP, it's really pushing it down to that 10 percentile for the – for the – for the – under the road-noise policy. It's really that  
40 – what's the – what is the background noise more as an average over that period – over that one-hour period in that instance, or the 10-hour for the day time or the – the – or for the – for the night-time period – the nine hour for the night – for the night-time or – sorry – 15 hour for the day time and night – nine hour for night time, just averaging it over that period, and it's not taking a percentile approach like the IMP,  
45 but more of the – but more the – the noise over that period as – as a total average.

MS TUOR: Okay. I think – I think I understand. Right.

MR DUNCAN: Okay. We've got a few to through.

MR O'DONOGHUE: Okay.

5 MR DUNCAN: We can go a little over, but we've got another meeting after this.

MR O'DONOGHUE: ..... number 7?

MR DUNCAN: Yes.

10

MR O'DONOGHUE: Okay.

MR DUNCAN: Sorry. The - - -

15 MS LUCAS: 9.

MR DUNCAN: Oh, we're at 10, I think:

*How does the proposed condition ..... reference PBP - - -*

20

MR O'DONOGHUE: Oh, yes. Yes.

MR DUNCAN: .....

25 MS LUCAS: We haven't covered number 9, about the distinction between the – the blasting - - -

MR DUNCAN: Oh, thanks, Gen. Yes. You've – you've picked me up again. Yes. Thank you.

30

MR O'DONOGHUE: So – so I guess the one versus two. I guess the first thing I – the – the impact assessment didn't predict any exceedances at any receivers so it complied with the – with the – the criteria, and there – there are some – I think there's four receivers within – within one kilometre of the – the blast area and a – and a couple more just outside it, so our standard conditions for quarries really require the – the, well, one kilometre radius to be applied to both those conditions, B12 and B14, in terms of property inspections and damage investigation. Partly, like, compared to the, like, coal mine, for example, the – the – the charges are must lower, so that the – so the – the distance of impact is – is less and the – and the vibration.

40

The – and this is sort of reflected in their – in their blast assessment as well, in that there was no – no exceedances. The – however, because there was only – there was only four properties within that one k zone that would be picked up, there would be – there was a lot of submissions concerned about potential for blast – blast impacts around the quarry and in the – because that – properties will still get some ground – if a blast goes off, there – there'll still be – they will feel a ground vibration, even

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though it doesn't exceed the – the criteria, you know, so there are concerns about – about what impact may be occurring, so just in – I guess, in lieu of the submissions and the fact that there were – there weren't very many residences within that one k, and this is the instance we extended that out to two ks to pick up – so – so if people  
5 did have concerns within that two ks, that – that it was opportunity for people ..... flag potential impact and – and get it investigated.

MR DUNCAN: Okay. All right. If we just keep moving through, given the time.

10 MR O'DONOGHUE: So just on the – so the RFS document, on bushfire – bushfire protection, 2006 rather than 219, I guess it was just a – it was a ..... that one really, in that the advice from the RFS through the – through the process was about the – the earlier guideline, and this one came in through 2019.

15 MS LUCAS: .....

MR O'DONOGHUE: I'm not quite sure what month it came in, so it's more a reflection of that in terms of the conditioning, but looking – looking at it, we don't see if – in referencing the new document, it wouldn't make much difference in – for  
20 the quarry, in terms of what requirements for them, in terms of asset protection and – and bushfire management, so I guess they've committed to a bushfire management plan to be developed for the site, and that they – they will be – we haven't conditioned that explicitly. That's a commitment they've made, and I – and I – we – we feel that the condition, even if it reflects the – the – the newer reference to the –  
25 the – the bushfire document, that should adequately manage the – the bushfire risk at the site.

MR DUNCAN: Okay. All right. Next two are on koala habitat protection.

30 MR O'DONOGHUE: Yes. So the – I – first one about the – the bushfires – 2019/20 bushfires on habitat, I guess the first point is that, just in terms of the question, maybe – maybe can explain the question ..... the – the – the first one is that the – the BCD, or the biodiversity conservation division, brought in new guidelines after the – those bushfires about how to do surveys in – in areas impacted by – by bushfire. I  
35 guess this area wasn't – wasn't impacted by – by bushfires, so from a survey point of view, it didn't matter, so they – they collected the right information in terms of identifying habitat for koalas, so from an information point of view, the bushfires – bushfires didn't affect the assessment, so we – we completed the assessment in – in accordance with the – the – the guidelines – the relevant guidelines, and we can put  
40 from biodiversity conservation division ..... about the impacts of – on – on koalas.

MR DUNCAN: What – I suppose with that one, too – embedded in those two questions is has anything changed since the 2019 - - -

45 MR O'DONOGHUE: Look, not - - -

MR DUNCAN: .....

MR O'DONOGHUE: Not in terms of – not in terms of our assessment. I guess the – part of it, I guess – if we go to question 12, about the – the new SEPP, I guess part of it is that – that the – the assessment report identified pretty much all the vegetation in the community as koala habitat, on the site.

5

MR DUNCAN: Right.

MR O'DONOGHUE: So I think fifty – 52 hectares of about 54 hectares was reflective of – of koala habitat, so – so the assessment was correctly done, you know, over the whole site, in terms of assessing the impacts and – but also looking at biodiversity offsets for the – for the site, so the – the BCV was satisfied with the assessment in – in terms of providing avoidance, mitigation but also offsets, you know, identifying species credits that could be offset in the – in the local area, so the company's made – you know, they've identified bio-banking sites in the area where there's suitable credits available for – for koala, and that would be – that – that's conditioned into the – into – at the recommended conditions, and just on the – the SEPP, the – the change to the SEPP - - -

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MS TUOR: No. Can I just ask a question - - -

MR O'DONOGHUE: Yes.

MS TUOR: - - - about that. So if you go to page 46 of the assessment report - - -

25

MR O'DONOGHUE: Yes.

MS TUOR: - - - the BAR, it identified, or it – the updated BAR – it says:

30

*...identifies that, as a result of these threats, the project is likely to significantly impact koalas.*

Then, following on from that, there's a discussion about why that impact isn't going to be as significant as thought, and to some extent that's largely dependent on, I suppose, the – the habitat that exists elsewhere, and I – I suppose it's just whether given the – a large proportion of that habitat and also a large proportion of the – or not a large, but a – a percentage of the actual population of koalas has gone, whether that should have been updated, given that the initial findings were that it would be a significant impact. I think that's what our question was .....

40

MR O'DONOGHUE: Yes. Okay. I mean, I – I guess that the – this is under the – this is a - - -

MS LUCAS: The .....

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MR O'DONOGHUE: Under the bilateral, as well, controlled action, so – so it's been identified as a species under both the Commonwealth and – and State Acts. I guess where – where there is a significant impact, that's – that's where there's a

requirement, you know, under the – under the Commonwealth legislation to provide – provide offsets. Also under the State, in terms of identifying based on the habitat, it generates the species credits which – which need to be retired, so – so the first thing is – is they need to find suitable habitat where there – in – in – in areas where  
5 there’s either stewardship by banking agreements in the area, which they – they’ve – they’ve found – found available or either retiring the credits through payment into the – the Biodiversity Conservation Fund or finding other land-based offsets.

10 MS TUOR: Keep turning myself – I’m not totally familiar with how you actually work out your credits, but I - - -

MR O’DONOGHUE: Yes.

15 MS TUOR: - - - would imagine that part of the input into establishing what your credit is the degree of threat that the community is under, so potentially, when the credits were calculated, the number of koalas that existed in the population was greater than there is now, so there may be a different multiplier that gets put in as a result of what has happened. I don’t know. I’m – it just seems to me that, in a  
20 situation where it’s common knowledge that the number of koalas has significantly reduced in recent times, then presumably their – the threat to – or their – their likelihood to survive would have changed, so it’s just a matter of - - -

MR O’DONOGHUE: .....

25 MS TUOR: - - - I suppose, whether some sort of update or addendum should have been done that just says, “No. It’s all fine. Nothing’s changed. It’s – everything’s – the credits are all fine,” or that, yes, it has changed, and maybe you need more credits. I – I – I – I just don’t know, but - - -

30 MR O’DONOGHUE: Well, I – I guess this has been – it’s just under a – we – when you look at the, you know – there’s been changes to credit calculators in the – in the last year – in the last 10 years, as – as there’s a framework for biodiversity assessment which this is being assessed under, and I guess that’s replaced now by the  
35 – by the biodiversity assessment method under the Biodiversity Conservation Act, so where – in terms of working out the credits, this has been work done under the regime that applied for the – for this assessment, and – and that’s – I guess that’s the – the statutory regime that we’re – we’re working under.

40 In terms of updating calculators as – as threats change, the – the – I think there are reviews of – of – of calculators, but I – I – you perhaps take on advice as to how that’s done and – from BCD and how – how frequently that’s done and whether – whether calculator – calculations have changed subsequently to – to the bushfire threat, but I – I suspect not that fast, but – in – in – in the process we’re doing it, but we’ve assessed it under the – the requirements of the SEARS and the regulatory  
45 regime, which is the FBA calculator in this instance

MR DUNCAN: Okay.

MR O'DONOGHUE: Okay.

5 MR DUNCAN: The next one is the RFS and - - -

MR O'DONOGHUE: Yes.

MR DUNCAN: - - - total fire ban days.

10

MR O'DONOGHUE: Look, we sort of – we touched on this a little bit earlier. I guess we – the condition B63(a) still refers to the planning for bush fire protection and there's provision in there in terms of bushfire management plans in identifying what actually shouldn't occur on total fire ban days. So partly that will be embedded  
15 in the requirements of that condition and also in the bushfire management plan they'll prepare for the side. Also, it will be captured, to some degree, by just the statutory requirements under the Rural Fires Act in terms of banning certain igniting activities and exemptions under that Act. So there'll be straight out statutory requirements anyway under that, but also our condition, which refers to the planning  
20 for bush fire, will – and under the proposed bush fire management plan for the site, we'll provide some guidance on that.

MR DUNCAN: So it sounds like that's the key plan for that issue.

25 MR O'DONOGHUE: Yes.

MR DUNCAN: Okay. The next one's probably fairly general but an update on the status of the Martins Creek Quarry and the Seaham Quarry. Is there anything from a regional nature that we should be aware of? Of those two.

30

MR O'DONOGHUE: I think from Martins Creek Quarry there we still haven't received an amended development application. I think that's still in hand.

35 MS LUCAS: Yes. They advised us, I believe it was last year some time, that they would be submitting an amended application but nothing's come in to date.

MR DUNCAN: Okay.

40 MS LUCAS: And with the Boral Seaham Quarry, which is a council regulated quarry, I think they're looking to extract additional resource from an existing pit and that application was re-exhibited recently, so from the 27<sup>th</sup> of March to the 10<sup>th</sup> of April, and it hasn't been determined yet. So there's information on, like, Port Stephens website about that one - - -

45 MR DUNCAN: Okay.

MS LUCAS: - - - and Boral's website. Yes.



MR DUNCAN: All right. Thank you.

MS TUOR: So the traffic impact assessments, were they done while the Martins Creek is dormant or were they done when it was operational?

5

MS LUCAS: The traffic impact assessments assumed truck movements under the proforma proposed Martins Creek SSD so it included – they did propose to dispatch trucks down Brandy Hill Drive and those – that proportion of trucks were included in Hanson’s assessment to account for those impacts.

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MR DUNCAN: Thank you. Okay. So I’m going to try and pick up on some of these, because of time, but I think some of them you have already gone to as well.

MR O'DONOGHUE: Yes.

15

MR DUNCAN: We talked a fair bit about the safety issue and I think it’s quite clear – I think we have a combined view about, you know, when the walk way, cycle way, that sort of thing, should occur. They’re also proposing some road safety things themselves in the way of restricting speed limits voluntarily and codes of conduct, and things like that. And it appears that’s been through the consultative community process as well.

20

MR O'DONOGHUE: That’s right. And I guess a key part of it will be – there’s a requirement for a traffic management plan and some of those things will be embedded in the traffic management plan, you know, the commitments they’ve made through the EA process so they’ll be required to prepare that and implement that traffic management plan as part of the project.

25

MR DUNCAN: And if those things were successful there would be nothing to stop a local traffic committee or somebody putting those into some sort of regulation locally as well? Speed limits and things like that?

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MR O'DONOGHUE: I guess that would be – yes, that would be up to - - -

35

MR DUNCAN: To council .....

MR O'DONOGHUE: - - - Council to see, you know, whether, apart from a voluntary approach, whether they could be incorporated. Yes.

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MR DUNCAN: Okay. All right, 16, level of service of intersections.

MR O'DONOGHUE: Probably the main thing here is that, I guess, at the intersection we’re talking about that Maitland City Council preference for the secondary haulage route via – to New England Highway via Clarence Town, Patterson Road, Flat Road and Melbourne Street and that was mainly to avoid trucks going into Maitland City and the village of Lorn. I guess the intersections are already at level of service E and I guess the volume of trucks moving through there

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aren't changing that level of service. So it's already a poor level of service that the number of trucks isn't really affecting that. It's already an issue for Council to look at how to upgrade that intersection.

5 It also – I guess in terms of their assessment, they assume that all trucks would go via that route so it's a fairly conservative assessment in terms of impacts. And the intersections are also traffic light controlled as well. Council did not raise any specific concerns about the level of service related to this project at those intersections and weren't seeking any upgrades for this project in relation to that. So  
10 I think it's, probably, a broader traffic issue at those intersections for Council rather than a project specific issue.

MR DUNCAN: Okay. All right. The next two questions, I'll ask the commissioners, are we comfortable – we've discussed the noise one enough or is  
15 there something further we want on question 17 and 18? I think that's sort of covering the issues we raised before.

MS TUOR: Yes.

20 MR DUNCAN: Yes. So if we go to 19. This one's about the ambient particular modelling.

MR O'DONOGHUE: Yes. Did you want to talk about the 36 DB(a)? Did you want to talk about that with me or did you want to - - -  
25

MR DUNCAN: We did talk about that before, didn't we? Didn't we cover that before previously?

MR O'DONOGHUE: Yes. Just in terms of explaining background noise, yes.  
30 Okay.

MR DUNCAN: Yes.

MR O'DONOGHUE: So just on the dust, I guess the first is that for quarry  
35 operations, you know, particularly an existing one like this, in most cases there's very few continuous particular monitors that look at ambient quality for PM10 and PM2.5. Generally they have – there's a network of deposited dust gauges which are looking more at the total suspended particulars. And this is the case for this one. So the only – to date, the only air quality monitoring sort of imposed by council and  
40 EPA has been deposited dust gauges, which is really looking at the heavier matter of nuisance dust. So there is a reliance in this case, and for a lot of quarries, to get ambient background air quality from the closest ..... available, in this one. And there are ones run by the OEH or Air Policy from BCD EPA available that they use in this instance. But the Department and EPA, the air policy group were satisfied that the  
45 background – I guess the background data it used for the project was satisfactory and in accordance with the guidelines.

MR DUNCAN: Okay. All right. 20, that was the question about permissibility.

MR O'DONOGHUE: Yes. So on this one, there's a couple of things here for – so the quarry is ..... to rural landscape and E3 environmental management under the Port  
5 Stephens LEP. So extractive industries is permitted with consent in RU2 but prohibited in E3. I guess, one thing here is that while part of the project site is within the E3 zoning, there's no extractive parts of the project where there's extraction or ancillary activities occurring within that zone. So it's all within the RU2 zone where the actual project  
10 activities are occurring. So that's one point.

MR DUNCAN: Okay.

MR O'DONOGHUE: And I guess the mining SEP allows all – compose the project  
15 to be permissible in that rural zone land as well or a zoned agriculture.

MR DUNCAN: Okay. 21, EPA's daily recommended extraction and processing limit at 5000 tonnes a day.

MR O'DONOGHUE: This comes back to – and we did have a discussion with the EPA about this as well. I guess, if you look at the primary crusher which has a limit of 450 tonnes per hour, by limiting that to 12 hour, you know, 6.00 to 6.00 operation, it constrains the amount that they can put through anyway. So they can physically only get 5400 tonnes through the primary crusher.  
25

MR DUNCAN: Okay.

MR O'DONOGHUE: And we discussed this with the EPA and they were satisfied that that would constrain that and that the 5400 tonnes from the air impact point of view, in terms of the modelling that was done, would not make a big difference. So that they were satisfied that that would constrain the quarry just through the actual production that they could put through.  
30

MR DUNCAN: Okay. All right.

35

MS TUOR: Just on that, though, if that's to happen anyway, so presumably if you were to somehow upgrade your crusher or change your crusher then that could change. So what's the problem of having a condition as well that just reflects what would be achievable?  
40

MR O'DONOGHUE: Well, we just didn't think it was ..... was necessary. There's enough constraints there anyway. So - - -

MS TUOR: Yes. It's just that, obviously, if they got a new crusher or somehow it got upgraded then they could produce more.  
45

MR O'DONOGHUE: I mean, we'd have to look at the materiality of that, you know, whether it would be in modification of the approval as well. You know, and if it was – if it wasn't generally in accordance with the approval and then a modification would be required which would require new assessments to be undertaken.

MS TUOR: But in terms of what's acceptable, the 5000 to 5400 is acceptable, has an acceptable impact, but if you go beyond that you don't necessarily. Is that correct in my understanding?

MR O'DONOGHUE: Well, I guess you can't – I mean, you'd probably have to ask the – get clarification from the EPA on that because they recommended the 5000 tonnes. And I think that came more from the assumptions in the modelling that they modelled and I think that's where it came from in terms of modelling assumptions.

MS TUOR: Yes. Okay. Thanks.

MR DUNCAN: All right. 22, this is about recharging ground water.

MR O'DONOGHUE: So I guess here the – this is coming more from DPI water were generally satisfied with the – and didn't require any additional information upfront in terms of the work that was done on the ground water GDE and surface water. But they did recommend that a water management plan be prepared and they be consulted on that ongoing post approval. They also recommended that the water management plan include, you know, adaptive management approach and with development of trigger action response plans which the company has committed to.

And also, I guess, in the response on the – the amended response to submissions or the RTS, the only additional comment they made was to keep that 30 metre buffer between the development and the creek for, you know, further protection which is incorporated as well. So I guess the ground water impact assessment identified that GDEs were more likely reliant on the soil and moisture rather than the deeper ground water aquifers. And, therefore, impacts would be unlikely. So in this instance we agreed with DPI water that it incorporated standard conditioning for this one, which is fairly standard for mining and extractive industry projects for the water management plan and ongoing monitoring triggers investigation reporting to be undertaken as the mine progresses.

MR DUNCAN: Okay. Well, final one, then, clarification on rehabilitation of the quarry. We talked a little bit about that before.

MR O'DONOGHUE: Yes.

MR DUNCAN: Anything you'd like to add on that?

MR O'DONOGHUE: Probably only that there's a couple of things here with – if you look at the conditions we've put in they're fairly standard conditioning in terms

of imposing rehab objectives which is table 6 of the conditions so that with consultation with key parties and to the secretary's satisfaction. Then in conjunction with that there's the biodiversity and rehab management plan will describe how the objectives will be achieved over the life of the mine and towards closure. There's  
5 also conditioning around rehabilitation bonds so that there's sufficient money available to get rehabilitation undertaken if the company's not meeting its obligations. So there's a lot of standard conditions in there that ensure that rehabilitation will be done and there's ongoing consultation around that up to closure, you know, with Council in terms of the final land for.

10 And I guess these conditions, they're fairly contemporary for quarries in New South Wales and provided sufficient certainty around the rehab activities. And, certainly, they'll be monitored. Annual reviews are undertaken in terms of showing they're trending towards rehab. I guess this one's a bit different in some ways in that there'll  
15 be rehab undertaken with benches in the quarry itself but over time that will be inundated by water anyway. But there'll be temporary rehabilitation within the quarry. I guess a key focus area will be the infrastructure area itself where there's opportunity to bring that back to – and there's objectives in there about rehab-ing that back to woodland, particularly providing further koala habitat as an objective for  
20 the rehab in those areas where it can be established.

MR DUNCAN: Yes. We saw some on the high – well at a distance saw some of the higher parts of the site on Monday when we were up there.

25 MR O'DONOGHUE: Yes.

MR DUNCAN: Some of their earlier work. All right. That's – thanks for going through that. It was a lengthy list. Annalise or Steve, have you got any final questions?

30 MR O'CONNOR: I just have a question relating to – there were three supplementary questions and they all relate to property descriptions in the original DA and the property as described in, I think it's schedule – or appendix A. I can't quite remember now. But if you can clarify that via correspondence, if we haven't  
35 got time now, that's fine.

MR O'DONOGHUE: We can clarify that. We've asked the company for a bit more detail and another map figure on that so we can send that through to you and provide written clarification.

40 MR O'CONNOR: That would be good. Thank you.

MR O'DONOGHUE: Yes.

45 MR DUNCAN: Clearly in the last 12 or 18 months they bought a new property as well so - - -

MR O'DONOGHUE: Yes.

MR DUNCAN: Okay.

5 MR O'DONOGHUE: That appears to be .....

MS TUOR: No. I think I'm fine.

10 MR DUNCAN: Okay. Steven, again, is there anything more you want to add at this stage?

MR O'DONOGHUE: Probably not, Peter. But if you've got any – happy to – if there's any more questions come up we're happy to brief you further on any aspects.

15 MR DUNCAN: Okay. Appreciate that. And we may need to get back to you but we have Maitland Council after this and then we've got the meeting in a couple of weeks' time.

MR O'DONOGHUE: Okay.

20

MR DUNCAN: So I'm sure there'll be more issues before we're finished but we'll try and get everything as promptly as possible.

MR O'DONOGHUE: Well, thanks for the opportunity anyway.

25

MR DUNCAN: Thank you. Thanks again for your time.

MS LUCAS: Thank you.

30 MR O'CONNOR: Thank you.

MR O'DONOGHUE: See you.

MR DUNCAN: Talk soon. Bye, bye.

35

MS TUOR: Thank you. Thanks.

MR DUNCAN: That's the end of the recording at this stage.

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**[2.17 pm]**