



ISAAC LANCASTER

COMMENT

Submission ID: 213529

Organisation: <i>Port Stephens Council</i>	Key issues: <i>Biodiversity, Traffic</i>
Location: <i>New South Wales</i>	
Attachment: <i>Attached overleaf</i>	

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Please see attached document - 'PSC Submission on DPHI proposed conditions - SSD-10432 - Stone Ridge Quarry Project'.

13 November 2024

Independent Planning Commission
Suite 15.02, 135 King Street
SYDNEY NSW 2000

PROPOSAL: Stone Ridge Quarry Project (SSD-10432)
PROPERTY: 150 Italia Road BALICKERA (LOT: 65 DP: 753200)

ATTN: Janett Milligan (Panel Chair)

Following a stakeholder consultation meeting between Port Stephens Council (Council) and the Independent Planning Commission (IPC), we are writing this submission seeking amendments to the recommended conditions of consent prepared by the NSW Department of Planning, Housing and Infrastructure.

Council has reviewed the recommended conditions and make the following comments.

Transport

The proposed southbound truck route requires an upgrade to the intersection of the Pacific Highway and Italia Road. A proposed upgrade to the intersection has been lodged with Council under DA 16-2023-477-1. The consent authority for the DA is the Hunter and Central Coast Regional Planning Panel (HCCRPP).

Council have expressed previously that support for the traffic movements associated with the proposed Stone Ridge Quarry Project (and other quarries in the locality) are contingent upon an upgrade to the Italia Road intersection, along with the diversion of southbound quarry trucks left (i.e. northbound) onto the Pacific Highway in order to utilise the Tarean Road Interchange to perform a U-turn. This requirement is reflected in proposed condition A10 and B33.

Condition B33

Condition B33(a) notes that prior to transporting any quarry products from the site, the applicant must ensure the intersection at the junction of the Pacific Highway and Italia Road is upgraded to the satisfaction of TfNSW and Council. Council reiterates its previous position, that heavy vehicle traffic movements to and from Italia Road should be restricted to left-in and left-out and concern is raised about how this can be enforced.

It is recommended that an intersection treatment limiting heavy vehicles to left in and left out access and egress to the Pacific Highway be implemented as part of the Works

Authorisation Deed, administered by TfNSW. Therefore, it is recommended that condition B33(a) be amended as shown in red below:

- B33. Prior to transporting any quarry products from the site on public roads, the Applicant must:
- (a) ensure the intersection at the junction of The Pacific Highway and Italia Road is upgraded to the satisfaction of TfNSW, **including restricting heavy vehicles to left in and left out access and egress to the Pacific Highway. The works are to be approved and delivered under a Works Authorisation Deed; and**
 - (b) ensure the intersection of Hamburger Trail and Italia Road is upgraded in accordance with the EIS and the latest Austroads standards.

Given there is an active DA for upgrades to the intersection under DA 16-2023-477-1, it is recommended that the Stone Ridge Quarry Project not be determined until DA 16-2023-477-1 has been determined. In the event that DA 16-2023-477-1 is approved by the HCCRPP, a further condition B33.(c) could be included requiring that the intersection upgrades proposed in DA 16-2023-477-1 are completed and operational prior to the transport of quarry products occurring. Alternatively, a deferred commencement condition could be considered.

Condition B35

Amendments to condition B35 are also recommended to provide a means of monitoring compliance with the proposed left-out heavy vehicle movement onto Pacific Highway, as shown in red below:

- B35 The Applicant must prepare a Traffic Management Plan for the development. This plan must:
- (a) be prepared by suitably qualified and experienced person/s;
 - (b) be prepared in consultation with TfNSW and Council;
 - (c) include details of:
 - (i) construction related traffic management measures;
 - (ii) all transport routes and traffic types to be used for development-related traffic and **GPS tracking to monitor compliance with the required transport routes;**
 - (iii) processes in place for the control of truck movements entering and exiting the site;
 - (iv) measures to be implemented to:
 - ensure compliance with the traffic operating conditions and other traffic related conditions of this consent;
 - manage the traffic impacts from contractors and subcontractors;
 - minimise traffic safety issues and disruption to local road users, including minimising potential for conflict with school bus operations;
 - minimise the transmission of dust and tracking of material onto the surface of public roads from vehicles exiting the site;
 - monitor driver behaviour; and
 - participate in transport management investigations initiated by Council;
 - (d) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:
 - (i) adhere to posted speed limits or other required travelling speeds;
 - (ii) adhere to designated transport routes and travel times; and

- (iii) implement safe and quiet driving practices, including restriction on the use of compression braking;
- (e) describe the measures to be put in place to ensure compliance with the Drivers' Code of Conduct.

New Condition

Further to this, a condition is recommended to ensure GPS data of the haulage truck transport routes are collected and monitored for compliance. The suggested condition is as follows:

The applicant must ensure that GPS data tracking the transport routes for haulage trucks is collected to ensure compliance with the approved transport routes. The GPS data is to be made available to Council, TfNSW and the Planning Secretary on upon request.

Pacific Highway Flyover

At its Ordinary Meeting of 23 July 2024, it was resolved by the elected body of Council that the safest solution for any traffic moving onto the Pacific Highway from Italia Road is via a purpose-built fly-over, constructed to Transport for NSW specification. It is requested you consider the elected body of Council's position regarding the need for a grade separated, fly-over interchange at the Italia Road and Pacific Highway as part of any approval for quarrying at Stone Ridge Quarry.

Biodiversity and Rehabilitation

In terms of biodiversity and rehabilitation, Council's Environmental Planners still have concern with regard to the extent of impact for the project as outlined in previous submissions to the NSW Department of Planning, Housing and Infrastructure as part of agency consultation. Notwithstanding, should the IPC resolve to determine the project by way of approval, additional measures and conditions are suggested below to minimise the extent of impact.

1. Concerns over the extent of clearing required for the project

The project will remove 68 ha of native vegetation that provides important habitat for Koala, Brush-tailed Phascogale and Squirrel Glider and will have additional groundwater drawdown impacts outside of the development footprint. Council maintains that a further reduction to the project footprint should be applied to preserve local biodiversity to a greater extent.

2. Additional measures required to avoid and minimise impacts

Should this project be approved, further measures should be applied to satisfy the avoid and minimise requirements of the *Biodiversity Conservation Act 2016* (BC Act) Act. Specifically, avoided areas of high biodiversity value should be protected from future development. It is strongly suggested that the remainder of the site outside the impact area be protected and managed under a Biodiversity Conservation Agreement or Biodiversity Stewardship Agreement (BSA).

Section 7.14 of the BC Act states that:

“The residual impact is the impact after the measures that are required to be carried out by the terms or conditions of the consent or approval to avoid or minimise the impact on biodiversity values of the proposed development.”

Section 3 of the Biodiversity Assessment Method 2020 Operational Manual – Stage 2 states that:

- *“reasonable measures [to avoid impacts] are [to be] supported by implementation approaches that seek to maintain the biodiversity values of avoided land; for example, consent conditions, conservation agreements or similar covenants that prevent disturbance and degradation.*
- *mechanisms to assure biodiversity values in avoided areas are not degraded or lost (e.g. a biodiversity management plan (BMP) or vegetation management plan (VMP) required by consent conditions or a conservation agreement).”*

As such, it is Council's position that the remaining lands surrounding the quarry development area should be protected and managed in perpetuity to preserve and improve biodiversity values in those lands in order to satisfy the avoid and minimise requirement of the BC Act.

3. Additional conditions to be included

If the proposed development is to be approved, the conditions of approval should include:

- a) Any requirements to secure and manage the retained / avoided lands under a conservation agreement of BSA
- b) A requirement that other approvals are granted (i.e. EPBC Controlled Action Approval) prior to commencement of works.

For other localised impacts relating to air quality, dust, blasting, and noise management, Council will rely on the advice from the NSW EPA and associated Environmental Protection Licence (EPL).

Thank you for the opportunity to comment on the draft conditions for the Stone Ridge Quarry Project. If you wish to discuss the matters raised above or have any questions, please contact me on the number below.

Yours Sincerely,

STEVEN PEART
COMMUNITY FUTURES DIRECTOR

Port Stephens Council

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