

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-279 & DA 16-2023-377-1
PROPOSAL	Road infrastructure - upgrades to Italia Road and Pacific Highway Intersection
ADDRESS	Italia Road and Pacific Highway Intersection and 139 Italia Road, Balickera (Lot 66 DP 753200)
APPLICANT	John Arnold – Arnold Planning
LAND OWNER	Transport for NSW & BORAL Resources (NSW) Pty Ltd
DA LODGEMENT DATE	24 January 2024
APPLICATION TYPE	Nominated Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 5, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Road infrastructure development over \$5 million
CIV	\$6,015,234 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Resources and Energy) 2021</i> <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> <i>Port Stephens Local Environmental Plan 2013</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	13
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment A – Recommended Conditions of Consent Attachment B – Civil Engineering Plans Attachment C – Aboriginal Cultural Heritage Report Attachment D – Preliminary Site Investigation Attachment E – Geotechnical Desktop Assessment Report Attachment F – Strategic Design Report

	Attachment G – Biodiversity Development Assessment Report Attachment H – Transport Impact Assessment Attachment I – Construction Noise and Vibration Impact Assessment Attachment J – Estimated Cost of Development Report Attachment K – Hunter Water Comments Attachment L – Ausgrid Comments Attachment M – Department of Primary Industries – Fisheries – General Terms of Approval Attachment N – Department of Planning and Environment – Water - General Terms of Approval Attachment O – Transport for NSW - General Terms of Approval
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	3 December 2024
PLAN VERSION	1
PREPARED BY	Isaac Lancaster
DATE OF REPORT	25 November 2024

EXECUTIVE SUMMARY

The subject development (the proposal) seeks consent under Development Application (No. 16-2023-477-1), for 'road infrastructure - upgrades to Italia Road and Pacific Highway Intersection' at the intersection of Italia Road and Pacific Highway and 139 Italia Road, Balickera (Lot 66 DP 753200). The proposed road infrastructure seeks to support the expansion of three (3) quarries which would all direct haulage through the Italia Road and Pacific Highway intersection. Specifically, the proposal involves:

- Construction of a dedicated left-turn north-bound acceleration lane from Italia Road onto the Pacific Highway, measuring 435m in length. The proposed acceleration lane would replace the current left-turn give-way movement with a downstream merge movement;
- Widening of the existing bridge over the Balickera Canal (to accommodate the north-bound acceleration lane);
- Lengthening of the north-bound deceleration lane into Italia Road from by 10m, making the lane a total of 235m in length;
- Establishment of a temporary construction compound at the Boral Seaham Quarry;
- Relocation of assets/utilities;
- Removal of 46 preferred koala feed trees;
- Cut and fill associated with embankment widening and installation of piers for the Balickera Canal bridge widening; and

- Associated stormwater and water quality infrastructure.

Development consent is sought for the proposal under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act), as works undertaken under Part 5 must be on behalf of a public authority. Given the intersection upgrades are necessitated by the proposed quarry expansions, neither Council or TfNSW were accepting of a role as the public authority to assess this proposal under Part 5 of the Environmental Planning and Assessment Act 1979.

The site, which comprises the Pacific Highway road reserve, Italia Road reserve and Seaham Quarry is zoned SP2 Infrastructure and RU2 Rural Landscape respectively under the Port Stephens Local Environmental Plan 2013 (PS LEP 2013); with road infrastructure a permissible land use within both zones. The site comprises an area of approximately 11,720m² covering the Italia Road and Pacific Highway intersection to a distance of approximately 450m north and 250m south of the intersection.

The site consists of a classified road and shoulder, with TfNSW advising the existing seagull intersection was constructed in the 1990's and early 2000's as part of wider upgrades to the highway. Quarry trucks have been regularly utilising this intersection, since the establishment of the Boral Seaham Quarry at 139 Italia Road Balickera in 1985 under DA 7-1985-2683-1. Consent condition 11 of DA 7-1985-2683-1 required construction of an intersection upgrade to cater for heavy vehicle deceleration, accelerating and turning movements to the Department of Main Roads and Council's standard at this time.

DA 16-2023-477-1 was lodged on 24 January 2024, with statutory referrals and public exhibition subsequently completed in accordance with the Environmental Planning and Assessment Regulations 2021 (EP&A Reg). The DA was accepted by the Panel on 26 February 2024 and received a 'Kick-Off' briefing from the Applicant on 17 April 2024. Two further information requests were issued during Council's assessment. The Applicants response to both information requests was received on 9 August 2024. This response to information request included a request to amend the development application to include a temporary construction compound. The amended application was re-referred to internal officers and external agencies, with the strategic design of the proposal supported in principle.

The principle planning considerations relevant to the proposal include:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Resources and Energy) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- Port Stephens Local Environmental Plan 2013; and
- Port Stephens Development Control Plan 2014 ('DCP').

The proposal is generally consistent with various provisions of the planning controls.

The 'key issues' arising from Council's assessment of the proposal including the approval pathway, transport impacts, intersection design, biodiversity impacts, flooding impacts, and water quality, have all been satisfactorily addressed or are resolved by the recommended draft conditions.

The proposal was exhibited for a period of 28 days from 2 February 2024 – 1 March 2024 in accordance with the EP&A Act, EP&A Reg and the Port Stephens Community Participation Plan. A total of 13 unique submissions, all comprising objections to the proposal were

The Hunter and Central Coast Regional Planning Panel (HCCRPP) is the consent authority in accordance with clause 5, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (SEPP Planning Systems), as the proposal is for a road infrastructure facility (vehicle or pedestrian bridge) with a capital investment value greater than \$5 million.

1. THE SITE AND LOCALITY

The site comprises an area of approximately 11,720m² covering the Italia Road and Pacific Highway intersection to a distance of approximately 450m north and 250m south of the intersection, as shown in **Figure 1** below. The site slopes gently from south west to north east from 30m AHD to 20m AHD. The embankment of the Balickera Canal falls steeply to approximately 12.6m AHD which represents the normal operating level of the canal.



Grahamstown Dam is located approximately 1.5 km to the south-east of the site. The Balickera Canal starts approximately 950 m west of the site from the Balickera Canal Tunnel, which flows from the Williams River to the Grahamstown Dam.

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Two unnamed creeks join the Balickera Canal immediately north of the Pacific Highway road reserve.

The surrounding land is zoned RU2 Rural Landscape and SP1 Hunter Water Corporation. Two rural residential dwellings are located on lots adjoining the site boundary. One of the dwellings is located between Italia Road and the Balickera Canal while the other is on the southern side of the Pacific Highway. Remaining land adjoining the site includes a motorsport track and land owned by Hunter Water Corporation.

The existing Italia Road and Pacific Highway intersection is a seagull type intersection with short right turn and left turn deceleration lanes, as shown in **Figure 2** below. The intersection includes an acceleration lane for south bound vehicles turning right out of Italia Road which forms a third lane on the Pacific Highway until it merges approximately 1.2 km downstream of the intersection.



Figure 2: Existing intersection layout

The applicant has identified the following utilities on the site through a dial before you dig search:

- An overhead power line, running parallel to the north-bound carriageway of the Pacific Highway and crossing Italia Road. The line is located within the footprint of the proposed acceleration lane.
- HWC owned high voltage lines cross the Pacific Highway south of Italia Road traveling parallel to Italia Road.
- An underground Telstra fibre optic cable on the northern side of Italia Road is in proximity to the proposed works.
- Other Telstra assets cross the Pacific Highway in the area of the proposed acceleration lane widening.

Utilities requiring relocation is discussed in the proposal description section of this report.

A temporary construction compound is proposed at the Boral Seaham Quarry located approximately 1.3km north-west along Italia Road from the Pacific Highway, as shown in **Figure 3** below.

The temporary construction compound site is proposed to be located at a former concrete plant site approximately halfway along the main entrance to the quarry site. It is approximately 4,800m² and comprises an existing hard stand area with eight concrete storage bays and a separate car parking area.



Figure 3: Site compound area proposed

The site is subject to a number of environmental and heritage constraints (as mapped on Councils' GIS system) including:

- Bushfire Prone Land – Vegetation Category 3 and Buffer
- Acid Sulfate Soils – Class 5
- Biodiversity Values Map
- Comprehensive Koala Plan of Management Habitat Map – Preferred Koala Habitat, Preferred Koala Habitat Link over Marginal Land and Preferred Koala Habitat over Marginal
- Koala Combined Corridor Map – Landscape Habitat Link and Local Link
- Hunter Water Special Areas (Grahamstown Dam) and Drinking Water Draw Zone
- Flood Prone Land
- Water course – Balickera Canal
- Weed Infestation
- Bird Strike – Group A
- RAAF Williamtown Obstacle Limitation Map – Refer structures higher than 7.5m

A site inspection was carried out on 1 November 2024. The subject site can be seen in images 1-5 below:



Image 1: Limit of road works – Italia Road

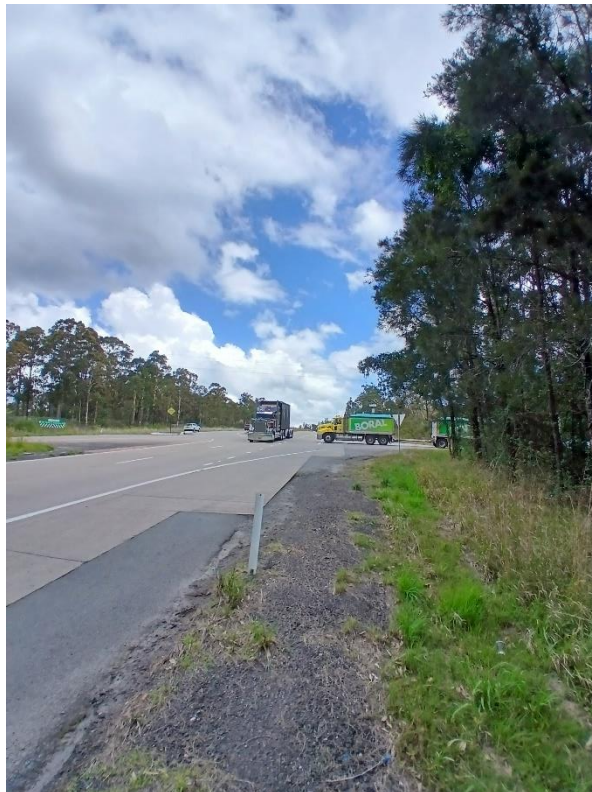


Image 2: Italia Road intersection as viewed from Pacific Highway (south perspective)



Image 3: Limit of north bound Pacific Highway roadworks



Image 4: Balickera Canal Bridge to be widened



Image 5: Italia Road intersection as viewed from Pacific Highway (north perspective)

1.2 The Locality

The site is located approximately 10 km north of Raymond Terrace, 25 km north of Newcastle and is within Port Stephens local government area.

The site is zoned SP2 Infrastructure and RU2 Rural Landscape, specifically for the purposes of road infrastructure. The surrounding land is predominately zoned RU2 Rural Landscape and SP1 Hunter Water Corporation. Specific land uses surrounding the site include extractive industries (Rock Quarries), outdoor recreation (Motorsport track), rural residential dwellings and Hunter Water Corporation infrastructure associated with the Grahamstown Dam which is located approximately 1.2km from the site.

A number of existing, approved and proposed hard rock quarries are located within the locality. The quarries include the existing Boral Seaham Quarry located at 139 Italia Road Balickera, the proposed Australian Resource Development Group (ARDG) Stone Ridge Quarry at 150 Italia Road Balickera, and the proposed Eagleton Hard Rock Quarry at 13 Barleigh Ranch Way, Eagleton. Further details regarding the quarry proposals is provided within the Background section of this report.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development seeks consent for upgrades to the intersection of Italia Road and Pacific Highway (shown in **Figure 4** below), including the following:

- Construction of a dedicated left-turn north-bound acceleration lane from Italia Road onto the Pacific Highway, measuring 435m in length. The proposed acceleration lane which would replace the current left-turn give-way movement with a downstream merge movement;
- Widening of the existing bridge over the Balickera Canal (to accommodate the north-bound acceleration lane); and
- Lengthening of the north-bound deceleration lane into Italia Road from by 10m, making the lane a total of 235m in length.

The proposal includes a restriction on quarry trucks from using the right out turn from Italia Road to the Pacific Highway. However, existing right-out movements from Italia Road to Pacific Highway are proposed to remain for light vehicles. Existing right in movements from Pacific Highway to Italia Road are proposed to remain for all vehicles.

The proposed intersection upgrade is intended to support the expansion of three (3) quarries which would all direct haulage through the Italia Road and Pacific Highway intersection. Further details regarding the quarry proposals is provided within the Background section of this report.



Figure 4: Proposed Intersection Layout

Further details regarding each key component of the proposal are discussed in the following sections.

2.1.1 Construction of dedicated left-turn north bound acceleration lane

The proposal includes upgrade of the existing left out treatment from Italia Road to the Pacific Highway to include a channelised left out treatment (CHL) and dedicated acceleration lane for north-bound vehicles as shown in **Figure 5** below. The approximate length of the acceleration lane required is 435 m (including 110 m merge).

To facilitate the new left turn treatment, a road widening of Italia Road is required for approximately 90 m prior to the Pacific Highway intersection to allow for sufficient deceleration length.

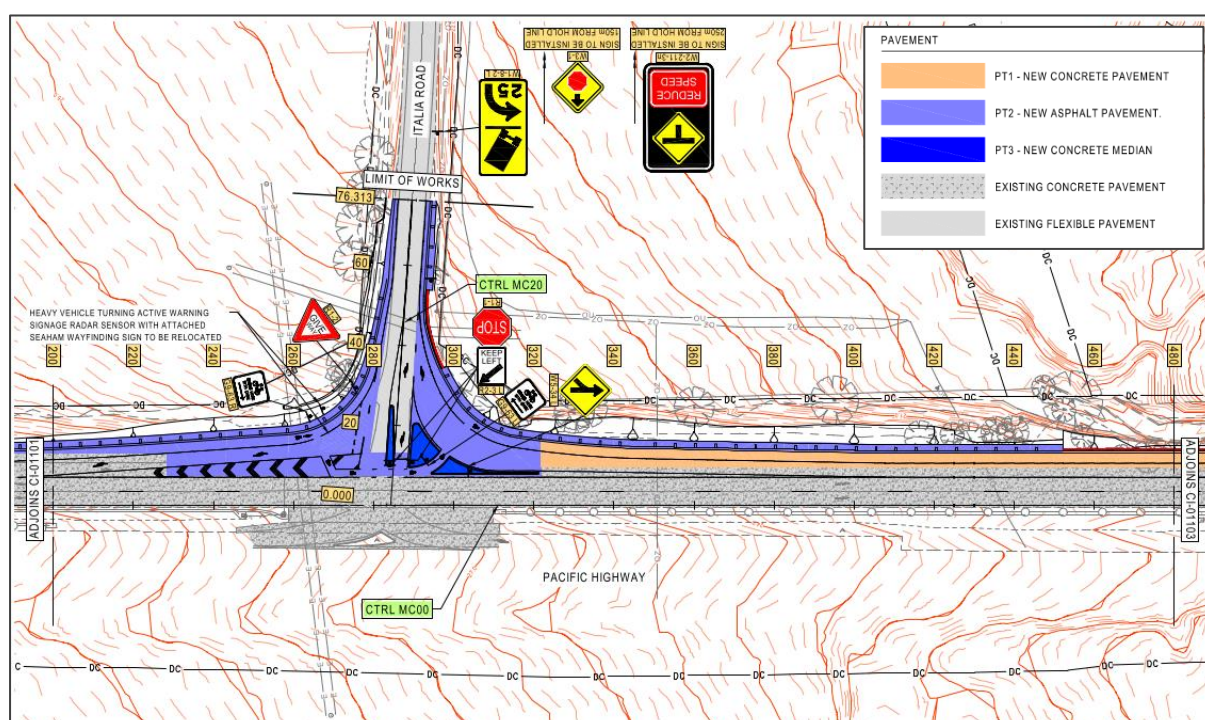


Figure 5: Proposed Left-Turn North Bound Acceleration Lane

2.1.2 Widening of existing bridge over Balickera Canal

The proposal includes widening of an existing bridge over Balickera Canal an additional 3.5m, bringing the total width of the bridge to 14m between bridge barriers. The widened bridge would accommodate the following:

- Two 3.5 m wide through lanes;
- One 3.5 m wide acceleration lane;
- A 1 m wide shoulder on the right side of the right through lane to match existing shoulder width; and
- A 2.5 m wide shoulder on the left side of the acceleration lane to match existing shoulder width.

The bridge widening is proposed to be supported with single bored piles for both the pier and abutment substructure, as shown in **Figure 6** below. The road deck is a 'cast in place deck' which matches the dimensions of the existing deck, with the exception of the thickness, which is proposed to be increased to 210mm to increase structural capacity and meet updated

concrete cover requirements. The existing concrete barrier will be removed and a new barrier installed on the new widened outer edge of the bridge. A cross section of the bridge is shown in **Figure 7** below.

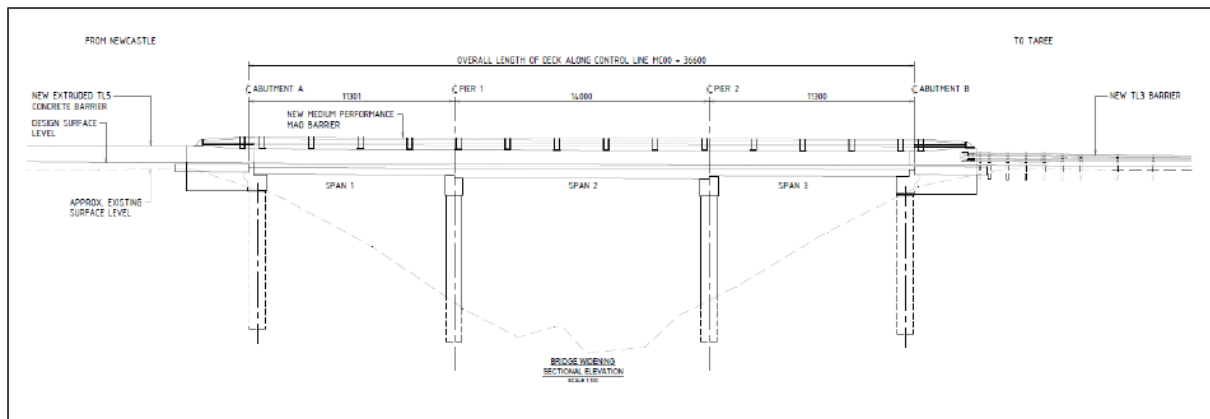


Figure 6: Long Section of proposed bridge widening

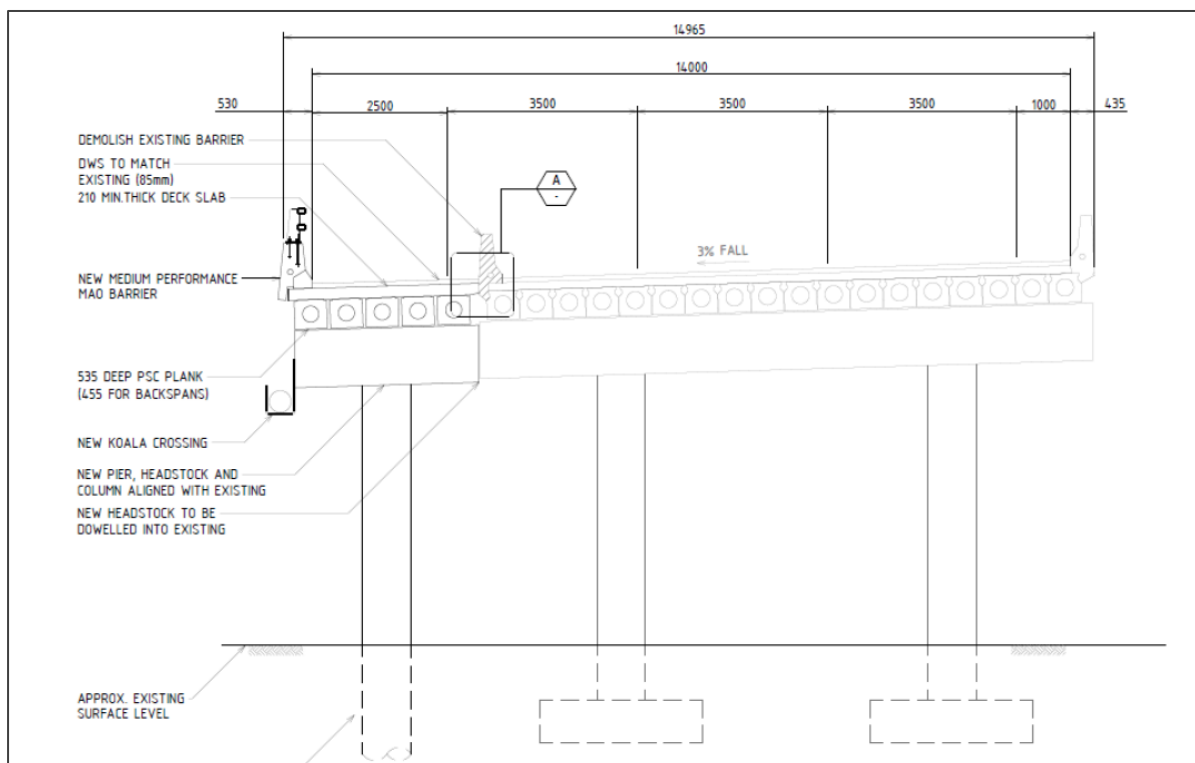


Figure 7: Cross section of existing and proposed bridge sections

2.1.3 Extension of North-bound deceleration lane into Italia Road

The proposal includes an extension of the channelised left in treatment from the Pacific Highway left into Italia Road, bringing the total length of the lane from 225m to 235m. The proposed deceleration lane is shown in **Figure 8** below.

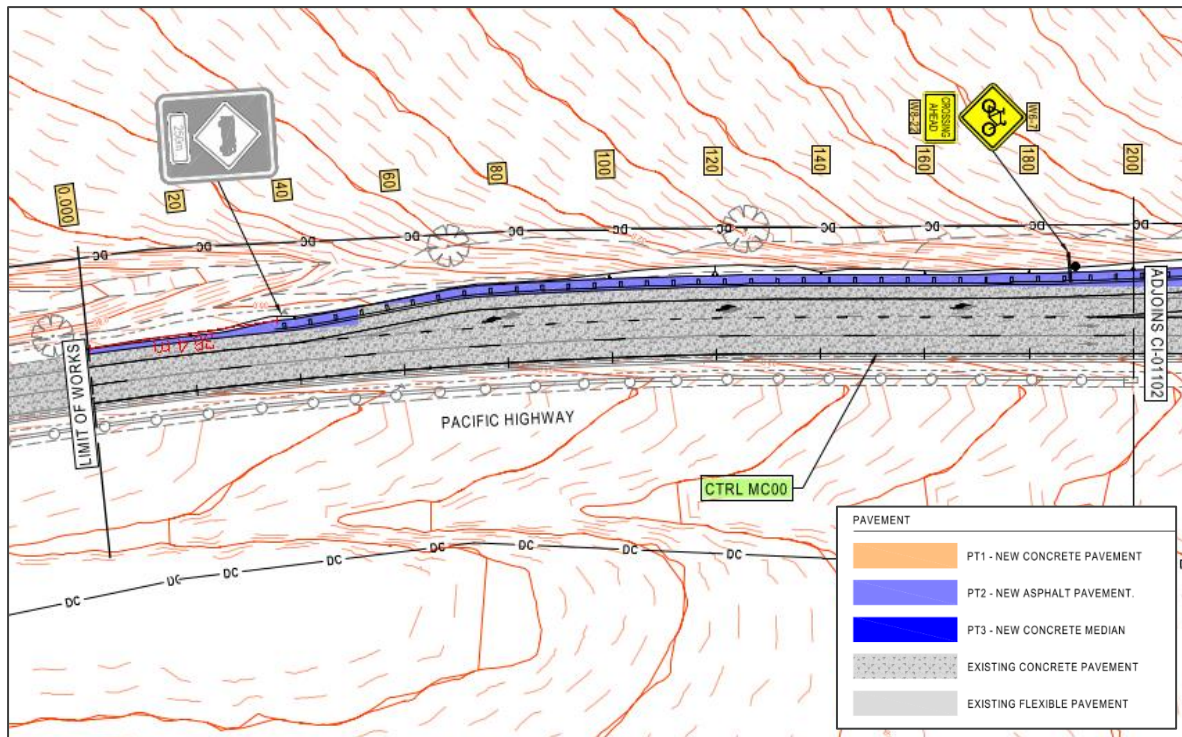


Figure 8: Proposed Deceleration Lane

2.1.4 Construction Activity

The construction of the development is proposed to take place in accordance with the methods outlined in the following section. A detailed Construction Environmental Management Plan (CEMP) prepared generally in accordance with the following methods will be required prior to the commencement of works.

Construction Methodology

Construction activities are anticipated to involve the following general work methodologies and staging, which are subject to change to suit the construction staging plans nominated by the construction contractor:

- Stage 1 - Planning, mobilisation and site preparation.
- Stage 2 - Vegetation and tree clearing.
- Stage 3 - Earthworks and drainage.
- Stage 4 - Filling, compacting and resurfacing.
- Stage 5 - Bridgeworks.
- Stage 6 - Asphaltting.
- Stage 7 - Guardrail and signage installation.
- Stage 8 - Site clean-up, stabilisation and restoration.

Construction hours and workforce

The construction is estimated to take 11 months to complete with a workforce of 15 full time workers, with a peak of up to 40 workers including contractors during peak periods such as concrete pours, steel fixing and plant equipment drivers.

Construction is proposed to take place during standard construction working hours in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), which includes:

- Monday to Friday: 7 am to 6 pm;
- Saturday: 8 am to 1 pm; and
- Sundays and public holidays: no work.

The following activities are proposed to take place outside of standard construction hours, as required:

- Delivery of construction materials such as precast bridge structures;
- Intersection and tie-in activities of the Pacific Highway and Italia Road; and
- Widening of the bridge over the Balickera Canal.

Relocation of Assets

An overhead power line, running parallel to the north-bound carriageway of the Pacific Highway and crossing Italia Road will be re-aligned. There is a pole for this line on the northern side of Italia Road that would be impacted by the addition of the dedicated left turn lane from Italia Road to the Pacific Highway. This would result in the relocation of the northern pole, and potentially the need for an intermediary post on the southern side of Italia Road. The application was referred to Ausgrid, confirming the proposal can be safely undertaken with respect to nearby electricity assets.

An underground Telstra fibre optic cable on the northern side of Italia Road appears to be close to the proposed works. Marker poles and survey data indicate that the proposed works may be clear of the infrastructure; however, further investigation during the detailed design phase would be required. Other Telstra assets cross the Pacific Highway in the area of the proposed acceleration lane widening and would require further investigation during the detailed design phase.

Temporary Construction Compound

A temporary construction compound is proposed at the Boral Seaham Quarry located approximately 1.3km north-west along Italia Road from the Pacific Highway. The temporary construction compound would be located at a decommissioned concrete batching plant site that was approved in 1998 (DA 16-1998-1443-1), located approximately halfway along the main entrance to the quarry site as shown in **Figure 9** below.

Limited volumes of construction materials would be stored at the construction compound and would generally include bridge beams, reinforcement, and guard rails, with other ancillary items. Portable toilets and site storage sheds would be provided for the duration of the construction works. Additional traffic generated by the proposed compound for these activities is considered very low and would consist of:

- a peak of approximately 20 staff light vehicles a day for bridge crew as well as civil works;
- a total of approximately six semi-trailer and crane movements a day to transport the bridge planks to the compound; and
- an average of approximately four deliveries a day for reinforcement bar, sub soil lines and guard rail systems.

Potential impacts associated with the additional vehicles, including in relation to noise and traffic, have been assessed as minimal in accompanying technical documents including the Construction Noise and Vibration Impact Assessment and Traffic Impact Assessment. No physical works would be required to the site of the proposed compound and therefore there would be no vegetation removal or disturbance.

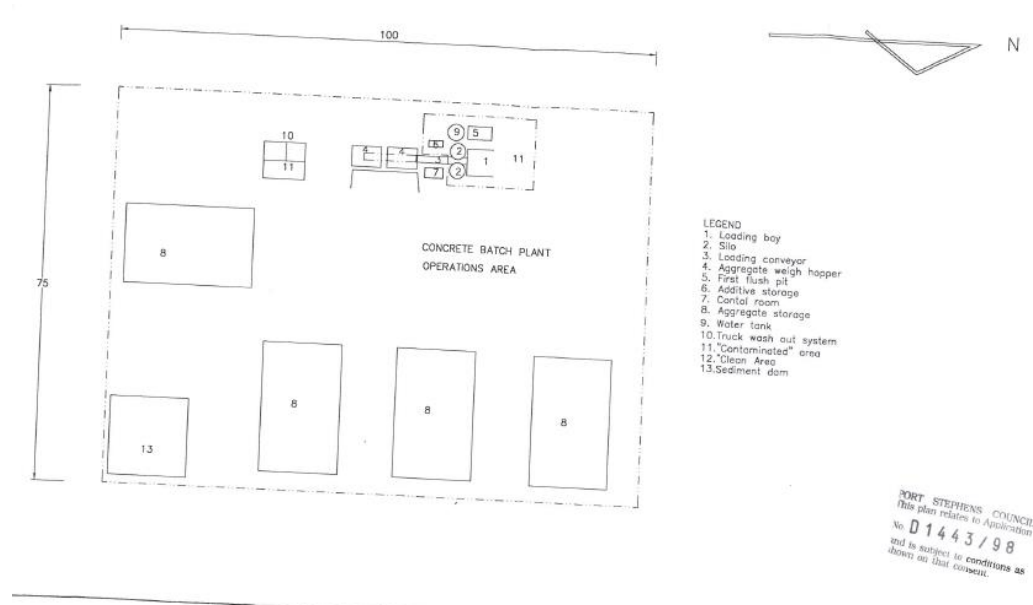


Figure 9: Approved Site Layout of Concrete Batching Plan (DA 16-1998-1443-1)

2.2 Background

2.2.1 Approval pathway

Part 5 of the EP&A Act permits road works without consent within Section 2.21 of State Environmental Planning Policy – (Transport and Infrastructure) 2021;

2.21 Exempt development carried out by public authorities for purposes in Schedule 1

- (1) *Development for a purpose specified in Schedule 1 is exempt development if—*
- (a) *it is carried out by or on behalf of a public authority, and*
 - (b) *it meets the development standards for the development specified in Schedule 1, and*
 - (c) *it complies with section 2.20.*

However, works undertaken under Part 5 must be on behalf of a public authority. Given the intersection upgrades are necessitated by the proposed quarry expansions (because in the absence of the quarries there is no need for the intersection upgrade), Council would not be accepting of a role as the public authority to assess this proposal under Part 5 of the EP&A Act. Similarly, TfNSW has not agreed to accept this role as the public authority.

As a result, the DA has been lodged, pursuant to Part 4 of the EP&A Act.

The Hunter and Central Coast Regional Planning Panel (HCCRPP) is the consent authority in accordance with clause 5, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (SEPP Planning Systems), as the proposal is for a road infrastructure facility (vehicle or pedestrian bridge) with a capital investment value greater than \$5 million.

2.2.2 Proposed Quarry Expansions

The proposed intersection upgrade is intended to support the expansion of three (3) quarries which would all direct haulage through the Italia Road and Pacific Highway intersection. Transport for NSW has indicated that in order for their support to be offered to any of these proposals, an upgrade to the Italia Road and Pacific Highway intersection would be required. The quarry operators have been working with Transport for NSW since 2020 to prepare a

design solution for the intersection that could adequately cater for the traffic volumes of all three (3) developments. The quarry operators have agreed to jointly fund the costs associated with the approval and construction of the required upgrades. Boral is the proponent for the subject DA of this report, on behalf of the other two (2) quarries.

The three quarry proposals and the status of their assessment are discussed in detail below.

Seaham Quarry Project

The proposed Seaham Quarry Project is a State Significant Development (SSD-59254474) to expand the existing quarry footprint, by 30.6ha, enabling access to produce 2 million tonnes per annum (Mtpa) over a period of 30 years. Without the expansion, the quarry is expected to exhaust its approved hard rock resource within a few years.

The Secretary's Environmental Assessment Requirements for the proposal were issued in July 2023 and an Environmental Impact Statement was prepared in March 2024.

It is estimated the expanded Boral Seaham Quarry would generate 224 truck movements (in/out) per day, and up to 325 movements during peak operation, all of which would occur through the Italia Road and Pacific Highway intersection. An interim expansion to the Boral quarry is currently under assessment via a S.4.55 modification to the quarries existing consent (7-1985-2683-7). The consent authority for this application is Council. Support for the proposed S.4.55 modification is not contingent upon the proposed intersection upgrade, the subject of this consent as the rate of extraction and associated traffic is not proposed to increase.

Stone Ridge Quarry

The proposed Stone Ridge Quarry is a State Significant Development (SSD-10432) for the purpose of extracting hard rock resource from land within the Wallaroo State Forest. The Project Area occupies 139 ha of land; including extraction, processing, stockpiling area and buffers, with a disturbance area of approximately 68 ha. The Project would produce up to 1.5 Mtpa of saleable quarry product with approval sought for an initial 30-year quarrying period.

The Stone Ridge Quarry Project was exhibited from 22 June 2023 to Tuesday 1 August 2023, with the Department of Planning and Environment completing its assessment in October 2024. The project is currently before the Independent Planning Commission of NSW for determination.

It is estimated the Stone Ridge Quarry would generate 334 truck movements (in/out) per day, all of which would occur through the Italia Road Pacific Highway intersection.

Eagleton Quarry Project

The Eagleton Quarry Project is a State Significant Development (SSD-7332) for purpose of extracting 600,000 tonnes of hard rock resource per annum. The proposed quarry is expected to have a lifespan of 30 years. The proposed disturbance area is 33ha, including extraction, processing, stockpiling area and buffers.

The application was approved by the Independent Planning Commission of NSW on 8 July 2024. Condition B34 (a) of this Development Consent states *'prior to transporting any quarry products from the site on public roads, the Applicant must: ensure that the intersection at the junction of The Pacific Highway and Italia Road is upgraded to the satisfaction of TfNSW'*.

It is estimated the Eagleton Quarry would generate 170 truck movements (in/out) per day, all of which would occur through the Italia Road Pacific Highway intersection.

2.2.3 Pre-lodgement Meeting

A pre-lodgement meeting was held prior to the lodgement of the applicant on 8 December 2022 where a number of key issues relating to the proposal were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Approval pathways;
- Consent Authority;
- Permissibility;
- Designated development triggers;
- Integrated development triggers and external referrals;
- Earthworks;
- Aboriginal heritage;
- Impacts to biodiversity and hydrology;
- Construction environmental management;
- Flood impact assessment;
- Traffic impact assessment; and
- Stormwater management.

2.2.4 Chronology of DA

The development application was lodged on 24 January 2024. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc.) with the application:

Table 1: Chronology of the DA

Date	Event
24 January 2024	DA lodged.
25 January 2024	DA referred to internal officers and external agencies.
29 January 2024	Exhibition of the application.
14 February 2024	Request for Information from Council to applicant.
26 February 2024	DA accepted by Planning Panel.
17 April 2024	Panel kick off briefing.
24 April 2024	Request for Information (2) from Council to applicant.
9 August 2024	Additional information provided in response to Request for Information letters. Request to amend development application made under CI 37 of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation's, to include a temporary

	construction compound. Request to amend DA accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation') on 9 August 2024.
15 August 2024	Clause 37 application referred to internal officers and external agencies.
30 September 2024	Request for information issued by Hunter Water Corporation.
30 October 2024	Response to submissions report provided by applicant.
1 November 2024	Site inspection undertaken by Council.
21 November	Additional information relating to Hunter Water Corporation information request received.
25 November 2024	Council Assessment Report finalised

2.3 Site History

The site consists of a classified road and shoulder. TfNSW have advised that the existing seagull intersection was constructed in the 1990's and early 2000's as part of wider upgrades to the highway.

Quarry trucks have been regularly utilising this intersection, since the establishment of the Boral Seaham Quarry at 139 Italia Road Balickera in 1985 under DA 7-1985-2683-1. Consent condition 11 of DA 7-1985-2683-1 required construction of an intersection upgrade to cater for heavy vehicle deceleration, accelerating and turning movements to the Department of Main Roads and Council's standard at this time.

In 2020, a S.4.55 modification to the Boral Seaham quarry (DA 7-1985-2683-5) was lodged with Council to lower the pit floor of the existing Boral Seaham Quarry, enabling access to an additional 3.3 million tonnes of resource. As part of this modification to address safety concerns for the operation of the existing intersection, the applicant proposed the banning of right turns out of Italia Road, southbound onto the Pacific Highway, but did not include any physical upgrades to the intersection. The application was refused by the elected Council as the proposal was not supported by TfNSW and it was deemed the proposal would cause unacceptable impacts to road safety, associated with additional truck movements at the intersection of Italia Road and the Pacific Highway.

A S.4.55 modification was subsequently re-lodged with Council in 2023 (DA- 7-1985-2683-6), which sought approval to lower the pit floor of the existing Boral Seaham Quarry, enabling access to an additional 1.795 million tonnes of resource. The application included the banning of right turns out of Italia Road, southbound onto the Pacific Highway but did not include any physical upgrades to the intersection. The application was approved by Council, on the basis that TfNSW had no objections to the proposed modification and did not require the proposed intersection upgrades to be constructed and operational as part of the application.

In October 2024, a S.4.55 modification to the Boral Seaham quarry (DA 7-1985-2683-7) was lodged with Council to further lower the pit floor of the existing Boral Seaham Quarry, enabling access to an additional 950 kilo tonnes of resource. The application also includes the

proposed deletion of conditions that restrict the right hand turn truck movements from Italia Road onto the Pacific Highway southbound, and deletion of conditions relating to regulatory signage control for this prohibited turning movement. The application is currently under Council assessment, with determination expected within the first quarter of 2025.

There are no other records of previous development approval relating to the site.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is integrated development and nominated integrated development, pursuant to Section 4.46 of the EP&A Act, as the proposal requires the following separate approvals:

- Department of Planning and Environment Water Operations Division (DPE Water) under the Water Management Act 2000 – Section 91 Water for a controlled activity approval (nominated integrated development);
- Transport for NSW under Section 138 of Roads Act 1993 (integrated development); and
- Department of Primary Industries (Fisheries) under the Fisheries Management Act 1994 – Section 201 for a permit to carry out dredging or reclamation work.

The proposal is not a development type listed under Schedule 3 of the EP&A Regulation as Designated Development, nor is it a type identified as designated development under any environmental planning instrument.

The proposal requires concurrence in accordance with S.4.13 of the EP&A Act, as Section 2.118 of State Environmental Planning Policy (Transport and Infrastructure) 2021, requires that development located on a classified road with a capital investment value greater than \$185,000 may only be granted only with the concurrence of TfNSW.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Resources and Energy) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *Port Stephens Local Environmental Plan 2013.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

Table 2: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<u>Chapter 2: Vegetation in non-rural areas 2021</u> Chapter 2 applies as the site is zoned SP2 Infrastructure. The development application seeks consent for the removal of 46 trees. The removal is supported subject to implementation of tree protection measures as outlined in the supporting arborist report, and replacement plantings consistent with Council's landscape technical specifications. <u>Chapter 4: Koala Habitat Protection 2021</u> Section 4.8 requires that the application must be consistent with the approved koala plan of management that applies to the site. The relevant plan of management in Port Stephens is the Comprehensive Koala Plan of Management.	Y

EPI	Matters for Consideration	Comply (Y/N)
	The proposal will result in the loss of 46 preferred koala feed trees, with vegetation at the northern end of the impact area mapped as Preferred Koala Habitat. The ecological impacts of the development were assessed, with findings recommending that: preparation of a Biodiversity Management Plan (BMP), retirement of ecosystem and species credits, and compensatory koala feed tree planting (ranging from 276 - 460 trees), will ensure the development is consistent with this policy and the Port Stephens Comprehensive Koala Plan of Management.	
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6 as it comprises a road infrastructure facility (vehicle or pedestrian bridge).	Y
SEPP (Resilience & Hazards)	<u>Chapter 4: Remediation of Land</u> Section 4.6 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out. Contamination and remediation has been considered in the Preliminary Site Investigation (PSI) submitted with the application and the proposal would be considered satisfactory subject to conditions.	Y
State Environmental Planning Policy (Resources and Energy) 2021	<u>Chapter 2: Mining, petroleum production and extractive industries</u> Chapter 2 provides matters that are to be considered in development applications for mining, petroleum production and extractive industries. The proposed intersection upgrade is intended to support the development of future extractive industries, however, the proposal does not involve an extractive industry and therefore this SEPP is not applicable.	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> Section 2.48(2) (Determination of development application—other development) – electricity transmission applies to the proposal. The application was referred to Ausgrid, with correspondence confirming the proposal can be safely undertaken with respect to nearby electricity assets subject to conditions.	Y

EPI	Matters for Consideration	Comply (Y/N)
	Section 2.118(1) (Development on proposed classified road) provides that certain development may only be carried out on classified roads with the concurrence of TfNSW. The proposal was referred to TfNSW with concurrence provided for the strategic design of the development. The developer will be required to enter into a Works Authorised Deed with TfNSW. Section 2.121 – Excavation in or immediately adjacent road corridors. This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of the Pacific Highway. Before determining an application to which this clause applies, the consent authority must refer the application to TfNSW and take into consideration the matters listed under section 2.121(2)(b). As stated above, the application was referred to TfNSW, with concurrence provided for the strategic design of the development. The developer will be required to enter into a Works Authorised Deed with TfNSW.	
Proposed Instruments	No compliance issues identified.	Y
Port Stephens Local Environmental Plan 2013	The following LEP clauses are relevant to the proposal: • Clause 2.3 - Permissibility and zone objectives • Clause 5.10 - Heritage conservation • Clause 5.21 - Flood planning • Clause 7.1 - Acid sulfate soils • Clause 7.2 - Earthworks • Clause 7.6 - Essential Services • Clause 7.8 – Drinking water catchments	Y
Port Stephens Development Control Plan 2014	The following DCP provisions are relevant to the proposal: • B1 – Tree Management • B2 – Natural Resources • B3 – Environmental Management • B4 – Drainage and Water Quality • B5 – Flooding • B7 – Heritage • B8 – Road Network and Parking The proposal is generally consistent with the DCP.	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

Chapter 2 Vegetation in Non-Rural Areas of the Biodiversity and Conservation SEPP aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. The chapter works in conjunction with the Biodiversity Conservation Act 2016 and the Local Land Services Amendment Act 2016 to create a framework for the regulation of clearing of native vegetation in NSW. Chapter 2 applies as the site is zoned SP2 Infrastructure.

Part 2.3 of the chapter contains provisions similar to those contained in the former (now repealed) clause 5.9 of Port Stephens Local Environmental Plan 2013 and provides that Council's Development Control Plan can make declarations with regards to certain matters. The chapter further provides that Council may issue a permit for tree removal.

The development application seeks consent for the removal of 46 trees. The removal is supported subject to implementation of tree protection measures as outlined in the supporting Biodiversity Development Assessment Report, and compensatory plantings consistent with Council's technical specifications.

Chapter 4: Koala Habitat Protection 2021

This chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The SEPP replaces the previous State Environmental Planning Policy No 44 - Koala Habitat Protection.

The development control provisions of the SEPP apply to development applications relating to land within Port Stephens Council and:

1. Where there is an approved Koala Plan of Management for the land, the development application must be consistent with the approved koala plan of management that applies to the land.
2. Where there is no approved Koala Plan of Management for the land,
 - a. if the land is identified on the Koala Development Application Map, and
 - b. has an area of more than 1 hectare, or
 - c. has, together with any adjoining land in the same ownership, an area of more than 1 hectare, whether or not the development application applies to the whole, or only part, of the land.

The land is greater than 1 hectare and is mapped as "Preferred", "Preferred Buffer/Link over Marginal Habitat" and "Marginal Koala Habitat" in the Koala Habitat Planning Map of the Port Stephens Koala Plan of Management. The Comprehensive Koala Plan of Management (CKPoM) applies to the land and therefore, the proposal must be consistent with the CKPoM.

The application included a Biodiversity Development Assessment Report (BDAR), prepared by Wedgetail Project Consulting, dated 2 August 2024 which confirms that 46 preferred koala feed trees will be removed as part of the proposal. The ecological impacts of the development outlined in the BDAR were reviewed by Council, with recommendations that: preparation of a Biodiversity Management Plan (BMP), retirement of ecosystem and species credits and compensatory koala feed tree planting (ranging from 276 - 460 trees), will ensure the development is consistent with this policy and the Port Stephens Comprehensive Koala Plan of Management.

On this basis, the proposal is consistent with the Port Stephens Comprehensive Koala Plan of Management (CKPoM), which constitutes compliance with Chapter 4 of this SEPP.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The Hunter and Central Coast Regional Planning Panel (HCCRPP) is the consent authority in accordance with Clause 5, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 (SEPP Planning Systems), as the proposal is for a road infrastructure facility (vehicle or pedestrian bridge) with a capital investment value greater than \$5 million. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

Section 4.6 of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') requires the consent authority to consider whether land is contaminated, is in a suitable state despite contamination, or requires remediation to be made suitable for the proposed development

The application includes a Preliminary Site Investigation (PSI) for contamination, prepared by GHD and dated 9 August 2023.

The PSI identified based on desktop review that there is a low likelihood of significant chemical contamination to be present within the site area, based on the following potential sources of contamination:

- Potential historic stockpiling and use of uncontrolled fill (soil) of unknown origin and quality;
- Potential unclassified fill material located within the roadway corridor; and
- Historical use of herbicides on the Site and adjacent properties.

While there is a low potential for contamination to be present on the Site, there has been limited contamination investigations completed across the site. In order to provide a higher level of confidence in the contamination status of the Site, the PSI recommends soil sampling across the Site to assess the potential contaminants of concern within subsurface soils. Noting that soil sampling and detailed geotechnical investigations will be required to inform future detailed design stages undertaken as part of the Works Authorisation Deed (WAD) process, this approach is considered acceptable for managing the low likelihood of significant contamination across the site.

The PSI further recommends that a soil management plan be prepared to address the potential for unexpected contamination and to document waste disposal requirements, with this recommendation incorporated into the Construction Environmental Management Plan (CEMP) as a condition of consent. Furthermore, the CEMP has been conditioned to the effect that any contaminated soil removed from the Site during construction should be classified in accordance with NSW EPA Waste Classification Guidelines (2014) and disposed of at a suitable licensed waste facility.

Accordingly, the PSI is considered sufficient for the purpose of allowing a consent authority to be satisfied the land is suitable for the intended landuse consistent with Chapter 4, subject to appropriate conditions of consent.

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2: Mining, petroleum production and extractive industries

Chapter 2 provides matters that are to be considered in development applications for mining, petroleum production and extractive industries. The proposed intersection upgrade is intended to support the development of future extractive industries, however, the proposal does not involve an extractive industry and therefore this SEPP is not applicable.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Section 2.48(2) of this policy requires consultation with the relevant electricity authority, where development is proposed in proximity to electrical infrastructure. This policy applies to the proposal as an overhead power line crosses the site area. For the purpose of Section 2.48, the proposal was referred to Ausgrid who raised no objection but noted that any alterations or adjustments to Ausgrid's assets is Contestable Works and are required to be funded by the proponent.

Section 2.118 (Development on proposed classified road) of SEPP (Transport and Infrastructure) 2021 provides that development proposed on a classified road with a capital investment value greater than \$185,000 may only be granted only with the concurrence of TfNSW. The proposed development has a capital investment value of \$6,015,234.68 and is located within a classified road, therefore this section applies. The application was referred to TfNSW with concurrence provided for the strategic design of the development. The developer will be required to enter into a Works Authorised Deed with TfNSW.

Section 2.121 (Excavation in or immediately adjacent road corridors) applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of the Pacific Highway. The proposed development involves excavation ground penetration in excess of 3m associated with the foundations of the proposed bridge widening. Before determining an application to which this clause applies, the consent authority must refer the application to TfNSW and take into consideration the matters listed under section 2.121(2)(b), including:

- (i) *any response to the notice that is received within 21 days after the notice is given, and*
- (ii) *any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette, and*
- (iii) *any implications of the ground penetration for the structural integrity of the road or project, and*
- (iv) *any cost implications for the road or project of the ground penetration.*

As stated above, the application was referred to TfNSW, with concurrence provided for the strategic design of the development. The developer will be required to enter into a Works Authorised Deed with TfNSW.

Port Stephens Local Environmental Plan 2013

The relevant local environmental plan applying to the site is the *Port Stephens Local Environmental Plan 2013* ('the LEP').

Preliminary (Part 1)

The aims of the LEP include the following:

- (a) to cultivate a sense of place that promotes community well-being and quality of life,*
- (b) to provide for a diverse and compatible mix of land uses,*
- (c) to protect and conserve environmental values,*
- (d) to facilitate economic growth that contributes to long-term employment,*
- (e) to provide opportunities for housing choice and support services tailored to the needs of the community,*
- (f) to conserve and respect the heritage and cultural values of the natural and built environments,*
- (g) to promote an integrated approach to the provision of infrastructure and transport services,*
- (h) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.*

The proposal is consistent with the aims of the LEP as follows:

- The proposal represents an integrated approach to the delivery of infrastructure, providing an intersection upgrade that benefits 3 existing and proposed quarries in the locality.
- The proposal supports the potential expansion or establishment of 3 new quarries in the locality, supporting economic growth and contribution to long-term employment.
- Subject to conditions, limiting amenity and environmental related impacts during construction, the proposal is compatible with surrounding land uses, including rural residential housing and Hunter Water Corporation infrastructure.
- The proposal would not cause any adverse heritage or cultural impacts as confirmed by the Archaeological Due Diligence Assessment submitted with the application.
- The proposal is not inconsistent with any of the aims relating to housing, the arts or cultural activities.

Zoning and Permissibility (Part 2)

The site is located within the SP2 Infrastructure Zone and RU2 Rural Landscape Zone for the purposes of road infrastructure pursuant to Clause 2.2 of the LEP, as shown in **Figure 10** below.

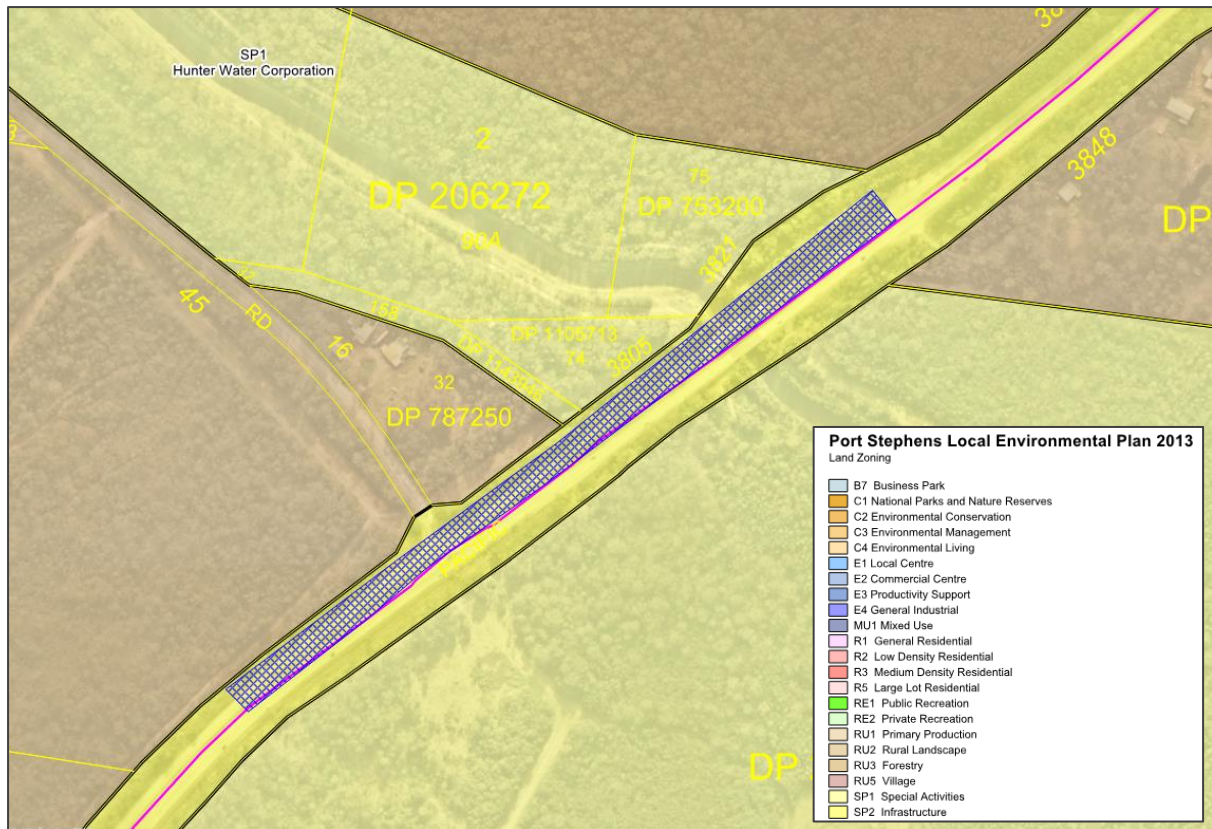


Figure 10: Site Zoning

The proposed development is for a road and road bridge, which are permitted with and with consent in the SP2 Infrastructure zone.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *“To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.”*

The proposal is entirely consistent with the zone objectives as it is for an upgrade to an intersection which will improve its safety and efficiency whilst facilitating the expansion of several local quarry developments.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 3: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Height of buildings (CI 4.3(2))	No maximum building height specified.	This clause is not applicable as the road construction and bridge is not a building. Moreover, there is no maximum building height that applies to the land.	N/A

Control	Requirement	Proposal	Comply
Development below mean high water mark (CI 5.7)	Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).	This clause does not apply as the Balickera Canal is not subject to tidal influence.	N/A
Heritage (CI 5.10)	Clause 5.10 specifies the requirements for consent and associated assessment requirements for impacts relating to European and Aboriginal heritage.	The site is not located in proximity to any state or local heritage items and no impact is anticipated to occur to European heritage. The application includes an Aboriginal Due Diligence Assessment prepared by Mc Cardle Cultural Heritage, dated 27 July 2023. The Due Diligence Assessment includes a search of the AHIMS register and identifies 8 known Aboriginal sites currently recorded within two kilometres of the project area including 4 artefact sites and 4 PADs. However, due to the large-scale excavation works for the construction of the Pacific Highway and Italia Road, the Due Diligence Report concludes that no sites are expected to remain in the site. The site consists of disturbed road reserve, subject to previous clearing, excavation and fill works. The Due Diligence Assessment included a survey of the site which did not identify any sites or areas of potential archaeological deposit. Additionally, being located at a distance from reliable fresh water and resources, indicates the project area may have been utilised for more transitory activities rather than camping. On this basis, impacts to Aboriginal heritage are not expected, subject to the recommendations of the Due	Yes

Control	Requirement	Proposal	Comply
		Diligence Assessment, relating to unexpected finds protocols.	
Flood Planning (CI 5.21)	Clause 5.21(2) provides that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development complies with the following matters: (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses	The site is mapped as flood prone land, associated with the Balickera Canal, which is an artificial channel receiving flows pumped from Hunter Water's pump station on the Williams River at Seaham, draining by gravity under the Pacific Highway to Grahamstown Reservoir. There are another two local catchments of which the site area sits within. The application includes a Strategic Design Report for the proposal, prepared by GHD and dated 2 August 2024, which assesses flooding relating impacts of the proposal, including flood modelling. The bridge design has been designed to match the flood immunity of the existing bridge and road network at the 1% Annual Exceedance Probability (AEP) flood event. The design flood events for structural design are in accordance with AS5100 – Bridge Design. These measures combined appropriately mitigate risk to life from flooding road users. Regarding offsite flooding impacts, the Strategic Design Report submitted with the application confirms that the proposed works would not cause any material increases in flood upstream, downstream or surrounding properties. This demonstrates the proposal is compatible with the flood function and behaviour of the land and that there would be no detrimental increases in localised flood affectation.	Yes

Control	Requirement	Proposal	Comply
	In accordance with clause 5.21(3), in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	The proposed development would not cause any adverse environmental impacts, by way of erosion, siltation or bank stability, subject to conditions relating to erosion and sediment control. Impacts to riparian vegetation have been avoided and minimised to an acceptable degree as assessed in the BDAR submitted with the application. On this basis, risk to life, property and environment associated with flooding are adequately mitigated in accordance with the requirements of this clause.	
Acid sulphate soils (CI 7.1)	The subject land is mapped as containing potential Class 4 acid sulfate soils. Under Clause 7.1, on land mapped class 5 acid sulfate soils, consent is required for works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is	The site is mapped as Class 5 acid sulfate soils (ASS). The closest occurrence of ASS is a high probability mapped about 2 km north-west of the site associated with the Balickera Channel and therefore consent under this clause is not required, nor is the preparation of an Acid Sulfate Soils Management Plan.	Yes

Control	Requirement	Proposal	Comply
	likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.		
Earthworks (CI 7.2)	Under Clause 7.2(3) before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The proposed development involves earthworks in the form of fill of between generally 1.5m-3m, increasing in the vicinity of the Balickera canal and to cater for the widened road footprint and ground penetration associated with the pile foundations of the proposed bridge widening. The application includes a Geotechnical Report, prepared by GHD and dated 9 August 2023. The geotechnical report identifies that based on the natural surface levels and mapped soil/geology, materials underlying the embankments are anticipated to comprise residual soils in the vicinity of the intersection and alluvial soils around Balickera Channel. The geotechnical report recommends foundations and construction methods for the proposed filling required to create a widened road base and associated embankment. The recommendations are consistent with the relevant Transport for NSW specification R44 Earthworks. The Geotechnical Report further explains that support of new culvert widening would be expected to comprise concrete slabs over a foundation treatment that could include removal of unsuitable material and replacement with select fill.	Yes

Control	Requirement	Proposal	Comply
	(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks, subject to the recommended conditions, will include appropriate sediment and erosion controls to prevent adverse impacts to the environment, including drainage patterns, soil stability and the drinking water catchment. Conditions of consent are also recommended restricting the use of imported fill material to virgin excavated natural material or other material subject to an EPA resource recovery exemption. Any disposal of extracted materials must be in accordance with the EPA's Waste Classification Guidelines. Conditions of consent are also recommended to manage the potential encounter of PFAS within soils, in accordance with referral advice provided from the EPA. Prior ground disturbing works at the site and an AHIMS search confirms there is a low likelihood of disturbing relics. The site is not located in proximity to any environmentally sensitive areas, as defined in the LEP. Subject to the recommended conditions relating to sediment and erosion control no impacts are expected to local waterways. The site is located within a Hunter Water Corporation (HWC) Special Areas (Grahamstown Dam) and drinking water draw zone. The application was referred to HWC for comment on three occasions to consider whether the development would demonstrate a Neutral or Beneficial Effect (NorBE) on water quality. Noting	

Control	Requirement	Proposal	Comply
		the site constraints involved and the context of the proposed development, finalised project design details including management of water quality risks will need to be explored as part of the Works Authorisation Deed (WAD) in collaboration with Transport for NSW (TfNSW), Hunter Water and the proponent. Subject to the recommended conditions, the proposal satisfies the requirements of this clause.	
Essential Services (Cl. 7.6)	Cause 7.6 provides that development consent must not be granted to development unless the consent authority is satisfied that services that are essential for the development are available or that adequate arrangements have been made to make them available when required.	The proposed development includes appropriate storm water infrastructure to manage storm water generated from the hardstand road areas. The proposed storm water strategy has been assessed by Council's Development Engineering section and found to be consistent with the water quantity and quality controls within the DCP. The nature of the proposed development being for road infrastructure satisfies the vehicular access requirements of this clause. The supply of water, sewer and electricity are not essential as the proposal is for road infrastructure. No street lighting is proposed or required as part of the upgrades.	Yes
Drinking Water Catchments (Cl. 7.8)	Clause 7.8(3) provides that before determining a development application for development on land to which this clause applies, the consent authority must consider the following—	The site is located within a Hunter Water Corporation (HWC) Special Areas (Grahamstown Dam) and drinking water draw zone and accordingly the requirements of this clause apply. The proposal has identified the potential risks to water quality, and committed to finding a	Yes

Control	Requirement	Proposal	Comply
	(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following— (i) the distance between the development and any waterway that feeds into the drinking water storage, (ii) the on-site use, storage and disposal of any chemicals on the land, (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development, (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. Clause 7.8(4) provides that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or (b) if that impact cannot be reasonably	solution that will manage these risks to the maximum degree practicable, in accordance with the Australian Drinking Water Guidelines (ADWG). Subject to the recommended conditions, the proposed stormwater treatment train would reduce the levels of identified pollutants to acceptable levels, prior to discharge from the site. There are no anticipated adverse impacts on the drinking water catchment as a result of the proposed development. In addition, the application was referred to Hunter Water Corporation (HWC) in accordance with Section 51 of the <i>Hunter Water Act 1991</i>. Final HWC correspondence received on 21 November 2024, confirmed water quality and design issues are conditionally supported, with the proponent required to enter a Deed of Agreement with Hunter Water prior to any investigation works within Hunter Water land, Hunter Water easements, Balickera Canal or within the road corridor that may impact water quality within the drinking water catchment and before commencement of the WAD Concept Design.	

Control	Requirement	Proposal	Comply
	avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

Draft Remediation of Land SEPP

The draft SEPP, which was exhibited from 25 January to 13 April 2018, and remains under consideration.

The proposed SEPP seeks to provide a state-wide planning framework to guide the remediation of land, including: outlining provisions that require consent authorities to consider the potential for land to be contaminated when determining development applications; clearly lists remediation works that require development consent; and introducing certification and operational requirements for remediation works that may be carried out without development consent.

Consideration has been given to the suitability of the site with respect to potential land contamination under the SEPP (Resilience and Hazards) 2021 as discussed elsewhere within this report. The subject site has been identified as suitable for the proposed development, with respect to contamination.

The proposal is generally consistent with these proposed instruments.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The *Port Stephens Development Control Plan 2014* (the DCP) is applicable to the proposed development and has been assessed below.

Chapter B1 – Tree Management

This Chapter does applies as the development application seek consent for the removal of 46 trees. The removal is supported subject to implementation of tree protection measures as outlined in the supporting Biodiversity Development Assessment Report, and compensatory plantings consistent with Council's technical specifications.

Chapter B2 – Natural Resources

This chapter applies to development located within 500m of environmentally sensitive areas, development that contains koala habitat, noxious weeds or development that is seeking to use biodiversity credits. The subject site is identified as environmentally sensitive land, with areas of preferred koala habitat and Biodiversity Values (BV) mapped over the Balickera Canal and adjoining land.

The proposal seeks to remove 46 preferred koala feed trees, with the ecological impacts of the development, mitigation measures and biodiversity credits detailed within the supporting BDAR. The BDAR was reviewed and endorsed by Council, with recommendations for: preparation of a Biodiversity Management Plan (BMP), retirement of ecosystem and species credits and compensatory koala feed tree planting (ranging from 276 - 460 trees).

Council considers that the Project has been designed to avoid, mitigate and manage biodiversity impacts where practicable. Additionally, the recommended conditions of consent would provide for sound management of retained biodiversity values on the site and assurance over the management of residual biodiversity impacts.

On this basis, the proposal is consistent with the Port Stephens CKPoM and the requirements of Chapter B2.

Chapter B3 – Environmental Management

Chapter B3 contains provisions relating to, air quality, noise and earthworks which have been assessed below.

Air Quality

Dust generated during construction is expected to be minimal, subject to conditions of consent requiring erosion and sediment control be carried out in accordance with the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). The proposed road infrastructure upgrades would not cause any ongoing air quality impacts during the operational phase of the development.

Noise

The proposal has the potential to cause noise and vibration impacts to nearby sensitive residential, recreational and industrial receivers as a result of construction and therefore the provisions of this chapter apply.

The application includes a Construction Noise and Vibration Impact Assessment (CNVIA) prepared by GHD and dated 2 August 2024. The CNVIA states that the proposed works would predominately be undertaken during standard construction hours, consistent with the Interim Construction Noise Guideline (ICNG) (DECC, 2009), including:

- 7:00 am to 6:00 pm Monday to Friday
- 8:00 am to 1:00 pm on Saturday
- No work on Sundays or public holidays

Works that may be undertaken outside of standard hours include the following:

- The delivery of oversized plant or structure.
- Emergency work.
- Works for which it can be demonstrated that there is a need to operate outside the recommended standard hours.
- Works which maintain noise levels at receivers below the night time noise affected construction noise management levels.

The CNVIA concludes that based on indicative construction equipment and distances involved between the construction areas and the nearest sensitive receivers, noise impacts would be experienced by two nearby residential receivers. No vibration impacts would occur to buildings however the modelled vibration levels indicate that there may be human comfort impacts to one residential receiver.

To mitigate these impacts, the CNVIA recommends the preparation of a construction noise management plan including the following mitigation strategies:

- Site induction protocols.
- Behavioural practices.
- Community consultation measures.
- Complaints handling measures.
- Vibration monitoring.
- Undertaking of works and deliveries wherever possible within standard construction hours.
- Notification of affected residents when undertaking work outside standard hours and minimisation of consecutive night activities.
- Construction respite periods.
- Equipment selection and use and siting of plant.
- Strategies for minimising noise impacts during deliveries.

Conditions of consent are recommended requiring the implementation of the above mitigation measures. Subject to the proposed condition, no unacceptable noise impacts are anticipated to occur as a result of the proposed construction.

Earthworks

As discussed at clause 7.2 above, the proposed development involves earthworks in the form of fill of between generally 1.5m-3m, increasing in the vicinity of the Balickera canal and to cater for the widened road footprint and ground penetration associated with the pile foundations of the proposed bridge widening.

The proposed development includes fill of a total area greater than 100m² and therefore an earthworks plan is required to be submitted with the application. Accordingly, an earthworks plan consistent with the requirements of this clause has been submitted.

Conditions of consent have been included restricting the type of fill materials used to virgin excavated natural material only or material subject to a waste resource recovery exemption, satisfying B3.4. The proposal is therefore consistent with requirements of this section.

Chapter B4 – Drainage and Water Quality

This section applies to development that:

- Increases impervious surfaces; or

- Drains to the public drainage system; or
- Involves a controlled activity within 40m of waterfront land.

The proposed development would increase impervious surfaces associated with the road widening and therefore the provisions of this chapter apply.

The Strategic Design Report prepared by GHD and dated 6 November 2024, outlines pre and post development flow rates were calculated through a hydrologic model developed using the DRAINS software package. The hydrological model was reviewed and endorsed by Council's Development Engineer, with further design and modelling to be undertaken during the WAD approval with TfNSW.

The Strategic Design Report further details how the operational impacts on water quality have been assessed using the Water NSW Neutral or Beneficial Effect (NorBE) on Water Quality Assessment Guideline 2022 and by modelling using the MUSICX water quality modelling software package in accordance with the "Using MUSIC in the Sydney Drinking Water Catchment" (Water NSW 2019) guidelines.

The MUSICX model considers:

- The upstream catchments draining to the highway culverts north and south of the highway bridge over Balickera Channel; and
- Existing and proposed design scenarios with two options for treatment,
 - Option 1 - vegetated swales
 - Option 2 - vegetated swales + bioretention on southern kerb return table drain.

Hunter Water correspondence provided throughout assessment, indicated a preference for Option 2 over Option 1. Due to environmental and boundary constraints, the feasibility and extent of the swales will be further considered during detailed design to maximise water quality treatment to the greatest practicable extent. The proposed treatment methodology focuses on improving water quality for a portion of the existing northbound lane compared to pre-development conditions. Due to spatial limitations and other constraints, the high treatment efficiency targeted by PSC guidelines cannot reasonably be achieved, and justification for variation of PSC water quality targets in this instance is supported by Council.

Chapter B5 – Flooding

This section applies to all development on flood prone land. The subject land is mapped as being within the Flood Planning Area.

The site is mapped as flood prone land, with the most hazardous category being high hazard floodway, associated with the Balickera Canal, which is an artificial channel receiving flows pumped from Hunter Water's pump station on the Williams River at Seaham, draining by gravity under the Pacific Highway to Grahamstown Reservoir. There are another two local catchments of which the site area sits within.

The proposed development is categorised as an 'other' development type within Figure BI, which is identified as potentially suitable in a floodway or high hazard floodway, subject to the performance based criteria of this chapter.

The application includes a Strategic Design Report for the proposal, prepared by GHD and dated 6 November 2024, which assesses flooding relating impacts of the proposal, including flood modelling.

The bridge design has been designed to match the flood immunity of the existing bridge and road network at the 1% Annual Exceedance Probability (AEP) flood event. The design flood events for structural design are in accordance with AS5100 – Bridge Design. These measures combined appropriately mitigate risk to life from flooding road users.

Regarding offsite flooding impacts, the Strategic Design Report submitted with the application confirms that the proposed works would not cause any material increases in flood upstream, downstream or surrounding properties. This demonstrates the proposal is compatible with the flood function and behaviour of the land and that there would be no detrimental increases in localised flood affectation.

The proposed development would not cause any adverse environmental impacts, by way of erosion, siltation or bank stability, subject to conditions relating to erosion and sediment control. Impacts to riparian vegetation have been avoided and minimised to an acceptable degree as assessed in the BDAR submitted with the application.

On this basis, risk to life, property and environment associated with flooding are adequately mitigated in accordance with the performance criteria of this chapter.

Chapter B7 – Heritage

This section applies to development that is situated on land that contains a heritage item or within a heritage conservation area.

As discussed against Clause 5.10 of the LEP above, the site is not located in proximity to any state or local heritage items and no impact is anticipated to occur to European heritage.

The application includes an Aboriginal Due Diligence Assessment prepared by McCardle Cultural Heritage, dated 27 July 2023. The Due Diligence Assessment includes a search of the AHIMS register and identifies 8 known Aboriginal sites currently recorded within two kilometres of the project area including 4 artefact sites and 4 PADs. However, due to the large-scale excavation works for the construction of the Pacific Highway and Italia Road, the Due Diligence Report concludes that no sites are expected to exist in the site. The site consists of disturbed road reserve, subject to previous clearing, excavation and fill works. The Due Diligence Assessment included a survey of the site which did not identify any sites or areas of potential archaeological deposit. Additionally, being located at a distance from reliable fresh water and resources, indicates the project area may have been utilised for more transitory activities rather than camping.

On this basis, impacts to European and Aboriginal heritage are not expected, subject to the recommendations of the Due Diligence Assessment, relating to unexpected finds protocols.

Chapter B8 – Road Network and Parking

This section applies to development with the potential to impact on the existing road network or create demand for on-site parking. When operational, the proposed development is not a traffic generating development, yet seeks to improve traffic congestion and safety along the Italia Road and Pacific Highway intersection.

The application includes a Transport Impact Assessment (TIA), prepared by GHD, dated 2 August 2024. The TIA identifies the Italia Road and Pacific Highway intersection as the key intersection that provides access to the existing Seaham Quarry and the proposed quarries from the Pacific Highway, and includes a SIDRA assessment of the Italia Road and Pacific Highway intersection under the following 4 scenarios:

- Scenario 1 – existing conditions;
- Scenario 2 – existing + 10 years background traffic growth;
- Scenario 3 – existing + 10 years growth + existing Seaham Quarry + Stone Ridge Quarry + Eagleton Quarry; and
- Scenario 4 – existing + 10 years growth + expanded Seaham Quarry + Stone Ridge Quarry + Eagleton Quarry.

The SIDRA results demonstrate the impact of 10 years of traffic growth along Pacific Highway at the intersection with Italia Road as well as the impact of the operation of the three quarries, where all heavy vehicles are restricted to turning left-out of Italia Road onto the Pacific Highway.

The SIDRA results indicate, the background traffic growth alone sees the right-turn out of Italia Road onto the Pacific Highway become much more difficult, with delays increasing from 78 seconds to 191 seconds in the AM peak and from 65 seconds to 135 seconds in the PM peak. Some more modest impacts are seen to the left-turn out whilst all movements from and along Pacific Highway are mostly unaffected.

The Scenario 4 results, which represent the upgraded intersection with background growth and additional quarry traffic, show significantly improved performance at the Italia Road and Pacific Highway intersection. The intersection would operate generally at acceptable level of service. The right turn out of Italia Road would continue to experience some delay (Level of service E in the AM peak and Level of service D in the PM peak); however, it is noted that quarry trucks would not be making this movement, instead turning left to use the Tarean Road interchange for U-turns.

The proposed intersection upgrade, which would include a north-bound acceleration lane for left turns and would disallow all heavy vehicles associated with the three quarries from turning right out of Italia Road, would see an improvement on the operation and capacity of the Italia Road / Pacific Highway intersection. The performance of the intersection would improve significantly compared to the 10-year forecast conditions.

It is assessed that temporary increased disruption to traffic flow and the resulting increase to traffic delay anticipated through construction, can be managed through preparation and operation of a Traffic Management Plan (TMP). Furthermore, the developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW for all works proposed on the classified (State) road.

On this basis, the traffic impacts of the project assessed under the provisions of Chapter B8 are considered acceptable.

Port Stephens Local Infrastructure Contributions Plan 2020

The Port Stephens Local Infrastructure contributions plan is relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions. The proposal attracts Fixed development contributions in accordance with S.7.12 of the EP&A Act and The Port Stephens Local Infrastructure Contributions Plan.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, including if demolition of a building proposed - provisions of AS 2601. The proposal does not involve demolition and none of the items under Section 61 are relevant to the application.

Section 62 (consideration of fire safety) and Section 64 may require upgrade of buildings, however, this clause is not applicable to the proposal.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is an extension of the existing road network, including extension of an existing bridge and therefore is consistent with existing environs.
- Access and traffic – The proposal includes the upgrade of the Italia Road and Pacific Highway intersection to improve safety and traffic flow, enabling the expansion of local quarries that will direct additional traffic through the intersection.
- Public Domain – The proposal does not adversely impact the public domain. The proposed road extension is consistent in design with existing road infrastructure within the road corridor.
- Utilities – The development does not require connection to public utilities. Referral correspondence from Ausgrid confirms that no impact would occur to nearby electrical infrastructure, subject to adherence to safe working distances.
- Heritage – Prior ground disturbing works at the site and an AHIMS search confirms there is a low likelihood of disturbing relics.
- Other land resources – The site is located within a drinking water catchment, managed by Hunter Water Corporation (HWC). The application includes water quality controls to appropriately mitigate impacts to the water quality of the drinking water catchment. The application was referred to Hunter Water Corporation (HWC) who made no objection to the DA and recommended conditions relating to sediment and erosion control.
- Water/air/soils impacts – A Preliminary Site Investigation (PSI) for contamination, prepared by GHD and dated 9 August 2023 was submitted with the application. The PSI identified based on desktop review that there is a low likelihood of significant chemical contamination to be present within the site area and recommends soil sampling across the Site to assess the potential contaminants of concern within subsurface soils. Noting that soil sampling and detailed geotechnical investigations will be required to inform future detailed design stages undertaken as part of the Works

Authorisation Deed (WAD) process, this approach is considered acceptable for managing the low likelihood of significant contamination across the site.

With regard to water impacts, subject to the recommended conditions relating to sediment and erosion control no impacts are expected on the quality or quantity of water entering local waterways and the Hunter Water drinking water storage catchment.

- Flora and fauna impacts - The site is located within proximity to items of environmental significance, including koala habitat and is partially mapped on the Biodiversity Values (BV) map. The application includes a BDAR which details how the Project has been designed to avoid, mitigate and manage biodiversity impacts where practicable. Recommendations of the BDAR and conditions of consent provided by Council's Natural Systems section, will provide for sound management of retained biodiversity values on the site and assurance over the management of residual biodiversity impacts.
- Natural environment – The site area is already highly modified as a result of prior construction activities associated with the Pacific Highway. Filling of land is proposed to extend the road width and has been appropriately designed to minimise impacts to vegetation where possible.
- Noise and vibration – The application includes a Construction Noise and Vibration Impact Assessment (CNVIA) which includes recommendations relating to the management of construction noise, subject to conditions relating to these recommendations, the proposal would be consistent with the Interim Construction Noise Guideline document published by the Department of Environment and Climate Change NSW.

Dust generated during construction is expected to be minimal, subject to conditions of consent requiring erosion and sediment control.

- Natural hazards – The site is subject to flooding which has been considered in flood modelling submitted with the application. The proposed development has been appropriately designed to mitigate risk to life, property and environment associated with flooding.
- Safety, security and crime prevention – The proposed development, being for road infrastructure does not present any safety, security or crime issues.
- Social impact – Beneficial social impacts would be derived from the safety improvement to the Italia Road and Pacific Highway Intersection. Potential adverse social impacts associated with dust, noise and vibration can be appropriately mitigated through conditions of consent, as outlined in this report.
- Economic impact – The proposal generates beneficial economic benefits by enabling the expansion of several local quarries that would extract resources to be used in construction and development related industry and generate employment. Short term employment would also be generated during the construction of the development.
- Site design and internal design – The proposed development has been designed to tie in with the existing Pacific Highway alignment and impacts to vegetation have been avoided and minimised where possible.

- Construction – Dust, noise and vibration impacts to sensitive receivers can be appropriately mitigated through conditions of consent, as outlined in this report. The majority of works are to take place during standard construction hours, with work undertaken outside of these hours subject to stringent noise and vibration controls.
- Cumulative impacts – The proposal is not expected to contribute to any adverse cumulative impacts. The proposed development caters for background traffic growth experience on the Pacific Highway and the expansion of local quarries that utilise the Italia Road and Pacific Highway intersection. The proposal would see a significant improvement on the operation and capacity of the Italia Road / Pacific Highway intersection compared to existing forecast conditions.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

Site selection for the proposed development is dictated by the location of the existing Italia Road and Pacific Highway intersection which requires upgrades to improve safety and efficiency.

The proposed development occupies an area already cleared of vegetation, which minimises the environmental impacts of the proposal. The proposal includes adequate stormwater quantity and quality controls, in accordance with Council requirements to ensure no adverse impacts to water quality of the drinking water catchment.

Flooding constraints are appropriately mitigated through the existing finished levels of the site and road network, which are above the flood planning level. As a result, risk to life and property from flooding is appropriately mitigated.

Sensitive residential receivers are located in proximity to the site area and Dust, noise and vibration impacts to sensitive receivers can be appropriately mitigated through conditions of consent, as outlined in this report. The majority of works are to take place during standard construction hours, with work undertaken outside of these hours subject to stringent noise and vibration controls.

On this basis, the site is suitable for the proposed development.

3.4 Section 4.15(1)(d) - Public Submissions

The proposal was exhibited for a period of 28 days from 2 February 2024 – 1 March 2024 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. 13 submissions were received during this time.

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposed development will have a positive economic impact on the region by enabling the expansion of several local quarries that would extract resources to be used in construction and development related industry and generate employment. Short term employment would also be generated during the construction of the development.

Beneficial social impacts would be derived from the safety improvement to the Italia Road and Pacific Highway Intersection. Potential adverse social impacts associated with dust, noise and vibration can be appropriately mitigated through conditions of consent, as outlined in this report.

The development generally occupies an area subject to significant prior ground disturbing works associated with the construction of the Pacific Highway and the development has been designed to tie in with the existing Pacific Highway alignment and impacts to vegetation have been avoided and minimised where possible.

The proposal includes adequate stormwater quantity and quality controls, in accordance with Council requirements to ensure no adverse impacts to water quality of the drinking water catchment. Natural hazards, including flooding have been suitably addressed, as detailed throughout this report.

Overall, the development is consistent with the relevant environmental planning instruments and adopted strategic planning policies as outlined in this report. There are no unacceptable environmental impacts anticipated to occur as a result of the proposal and there are no site constraints that would prohibit the development.

On balance, the proposal is consistent to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Transport for NSW	Section 2.118(1) – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Development on proposed classified road).	On 20 June 2022 TfNSW provided in-principle' acceptance (subject to conditions being met) to a strategic design for northbound access to the Pacific Highway, to service the proposed Eagleton & Stone Ridge quarries and support further intensification of the existing Seaham quarry at Balickera. On 20 February 2024, referral correspondence from TfNSW advised insufficient information was available to undertake a comprehensive assessment of the	Y

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
		application, with additional information requested for: acceleration lane design, southbound truck merge speed capacity at the Tarean Road interchange and bridge widening section details. On 16 September 2024, TfNSW confirmed all previous information requirements were addressed by the applicant, with in-principle acceptance of the Strategic Design Report prepared by GHD, 2 August 2024 (as amended). TfNSW correspondence confirmed the developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW for all works proposed on the classified (State) road. All works under the WAD shall be designed and constructed in accordance with Austroads Guidelines, Australian Standards and TfNSW Supplements.	
Referral/Consultation Agencies			
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	The application was referred to Ausgrid, with correspondence confirming the proposal can be safely undertaken with respect to nearby electricity assets subject to conditions.	Y
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Section 2.121 – Excavation in or immediately adjacent road corridors.	TfNSW concurrence provided for the strategic design of the development. The developer will be required to enter into a Works Authorised Deed with TfNSW.	Y
Hunter Water Corporation	Section 51 – <i>Hunter Water Act 1991</i> Development that may adversely impact a Hunter Water drinking catchment.	Referral comments from Hunter Water Corporation (HWC) received on 25 March 2024, advised that insufficient information was available for HWC to be satisfied the proposal would not have an adverse impact on water quality within the Grahamstown Dam Drinking Water Special Area or Hunter Water Assets and Land.	Y

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
		Updated HWC referral comments were received on 30 September 2024, confirming the additional information reviewed did not satisfy HWC's primary concerns relating to stormwater management, type F barrier design and site contamination. The applicant consulted directly with HWC to resolve all outstanding water quality and design issues, with GHD subsequently preparing an updated Technical Memorandum (dated 6 November 2024), Strategic Design Report (dated 6 November 2024) and MUSIC model. Final HWC correspondence received on 21 November 2024, confirmed water quality and design issues are conditionally supported, with the proponent required to enter a Deed of Agreement with Hunter Water prior to any investigation works within Hunter Water land, Hunter Water easements, Balickera Canal or within the road corridor that may impact water quality within the drinking water catchment and before commencement of the WAD Concept Design.	
Department of Planning, Infrastructure and Housing	A non-statutory referral was sent to the Major Projects Assessment team within the Department of Planning, Housing and Infrastructure.	Council referred the application to DPHI on 21 January 2024, due to the nature and scale of the proposal. No acknowledgement of this referral or comments were provided by DPHI. Agency concurrence is therefore assumed.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Transport for NSW	Section 138 of the Roads Act 1993.	TfNSW confirmed the developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW for all works proposed on the classified (State) road. All works under the WAD shall be designed and constructed in accordance with Austroads	Y

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
		Guidelines, Australian Standards and TfNSW Supplements.	
Department of Planning and Environment – Water Operations Division	Section 91 – <i>Water Management Act 2000</i>	DPE – Water did not object to the proposal, subject to the proponent meeting the General Terms of Approval as issued.	Y
Department of Primary Industry - Fisheries	Section 201 – <i>Fisheries Management Act</i>	DPI Fisheries did not object to the proposal, subject to the proponent meeting the General Terms of Approval as issued.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Development Engineer reviewed the submitted strategic design report, hydrology and drainage assessment, concept civil plans, transport impact assessment and technical memorandums and considered that there were no objections to the proposal subject to conditions.	Y
Natural Systems	Council's Natural Systems Officer reviewed the submitted BDAR and associated reports, and requested further information in relation to survey efforts, fauna crossings, compensatory planting obligations, wetland mapping and weed management. Council's concerns were addressed through additional survey effort, mitigation measures and updated calculations within a revised BDAR. Council was satisfied these concerns were addressed, with conditions of consent recommended for pre-clearing investigations, vegetation management, retirement of ecosystem and species credits and preparation of a Biodiversity Management Plan (BMP).	Y
Environmental Health	Council's Environmental Health Officer reviewed the submitted Construction Noise and Vibration Impact Assessment (CNVIA), Preliminary Site Investigation (PSI) and associated reports, and requested further information in relation to noise management and land contamination investigations. Council's concerns were addressed through amended reports and conditions of consent for preparation of	Y

	a Noise Management Plan, Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) where required.	
Heritage	Council's Heritage officer conducted a review of the Aboriginal Due Diligence Assessment submitted with the applicant and concurs with its findings that there are no sites at risk of impact by the project and therefore no permit is required to carry out the works.	Y
Development Contributions	Council's Contributions officer identified that road infrastructure assessed under Part 5 are exempt from contributions. However, as this road infrastructure is being assessed under Part 4, Council's Local Infrastructure Contributions (LIC) applies. The LIC does not provide exemptions for roads, therefore 7.12 contributions apply.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was exhibited for a period of 28 days from 2 February 2024 – 1 March 2024 in accordance with the EP&A Act, EP&A Regulations and the Port Stephens Community Participation Plan. The notification included the following:

- An advertisement in the local newspaper – The Port Stephens Examiner;
- Notification on Council's website; and
- Notification letters sent to adjoining and adjacent properties.

The Council received a total of 13 unique submissions, all comprising objections to the proposal. The issues raised in these submissions are considered in **Table 6**.

Table 6: Community Submissions

Issue	Council Comments
Unacceptable impacts the development will have on regional road network and public safety.	The proposal would see an improvement on the operation and capacity of the Italia Road / Pacific Highway intersection. The performance of the intersection would improve significantly compared to the 10-year forecast conditions The upgrade is expected to have a positive impact on the road network with safety improvements to reflect current road design standards.
Full assessment required of the impacts of a significant increase in the number of quarry truck travelling north on the Pacific Highway past	The proposal would not generate additional traffic in operation. Any additional traffic generated by nearby development proposals would be assessed as part of the respective applications.

Issue	Council Comments
the Bucketts Way Intersection, that the upgrade to Italia Road would facilitate.	Traffic split is likely to change, with quarry trucks heading north. The Pacific Highway is the national highway and a B-Double gazetted route with substantial capacity. Intersections along the highway and their level of service are the responsibility of TfNSW who is undertaking post-duplication planning along this section of the highway.
TfNSW seemingly ignores the overall consequences of the cumulative impacts that each SSD quarry proposal presents to our regional road network. Public safety is placed at risk.	This is a matter for TfNSW, noting that cumulative traffic assessments have been undertaken for each SSD quarry application.
Road routes (especially emergency road routes) for quarry haulage vehicles on regional and local road networks must be identified and procedures put in place to monitor haulage truck movements to guarantee community safety as well as ensure the efficient distribution of quarry products, including as part of the Italia Road upgrade proposal.	Italia Road and the Pacific Highway are B-Double gazette routes. The proposed development is to upgrade the intersection to current standards. Regional and local road routes for haulage of quarry material for nearby developments would be assessed as required as part of any respective development application.
The GHD Safety Audit report notes potential breaches of heavy vehicle operational protocols with the potential consequence of accidents involving heavy vehicles particularly at intersections – recommendation to define routes and driver protocols.	This was noted as a risk in the safety audit report, not an observation. Future behavioural controls including GPS tracking, signposting and driver training programs may be included as conditions of consent for other SSD quarry applications.
Recommendation to consider the implications of the IPCN Deep Creek Quarry conditions of consent regarding impacts from heavy vehicle movements on the performance of the Bucketts Way and Pacific Highway intersection.	Intersections along the highway and their level of service are the responsibility of TfNSW who is undertaking post-duplication planning along this section of the highway. This upgrade is an interim upgrade to the intersection as agreed with TfNSW whilst it undertakes its future strategic planning.
Recommendation to conduct independent cumulative traffic studies to ascertain the regional safety hazards at the	Intersections along the highway and their level of service are the responsibility of TfNSW who is undertaking post-duplication planning along this section of the highway. This upgrade is an interim upgrade to the intersection as

Issue	Council Comments
Buckets Way and Medowie Road intersections and at the Tarean Road interchange to the Pacific Highway and the Twelve Mile Creek heavy vehicle inspection station – consultation for the studies should be transparent.	agreed with TfNSW whilst it undertakes its future strategic planning.
Costs associated with local intersection upgrades that are needed to facilitate the SSD quarry developments shall be jointly borne by the quarry operators.	This is reflected in the agreement between the quarry operators. Furthermore, TfNSW have conditioned that the proposal be undertaken at no cost to TfNSW.
Objection to any further development due to the change in ambience and rural character of the area over the last 20 years.	Any application for further development would be assessed on its merits in accordance with relevant government policies and controls.
Recent upgrades to Italia Road have resulted in excessive speeding and associated safety impacts.	The proposed development is to upgrade the intersection to current standards, improving safety and reducing heavy vehicle conflict at the intersection. It is unrelated to any other works undertaken in other areas of Italia Road.
Increasingly subjected to noise pollution with trucks using engine brakes.	Trucks are likely to brake less being able to merge in a free flow in a left turn onto the highway as opposed to coming to a stop at the intersection. Conditions restricting noise pollution may apply to SSD quarry applications.
Devaluation of property values and lifestyle.	This is not a material planning consideration.
Create a barrier to safe visibility, which is worse on Fridays and Public Holidays.	The proposed intersection upgrade would have no impact on visibility and would improve safety with quarry trucks turning left and an upgrade of the intersection that meets contemporary standards.
The slip road is a cheap and naïve measure with an overpass seen as a solution.	This proposed intersection upgrade is an interim upgrade as agreed with TfNSW whilst it undertakes its long-term strategic planning as part of its highway post-duplication strategy.
The proposed solution only moves the problem to other sections of the Pacific Highway.	The proposed development amends an 'at-grade' intersection redirecting some heavy vehicles to use a B-Double gazetted 'grade-separated' interchange for a turn around, improving safety performance of the highway.
Reference to Seaham Quarry Modification 6 TIA and that the base rate for truck	The Seaham Quarry Modification 6 has been approved and is not relevant to this DA.

Issue	Council Comments
movements should be based on the maximum 7,000 tonnes per day not on traffic counts.	
Requirement for a cumulative traffic assessment, which considers extra traffic from Italia Road together with cumulative approved and proposed movements from quarries off the Bucketts Way and Karuah interchange.	Management and performance of the Pacific Highway / Medowie Road and Pacific Highway / The Bucketts Way intersections are the responsibility of TfNSW, noting that TfNSW is undertaking post-duplication planning along this section of the highway.
Construction works must not take place at Italia Road until a solution funded by all of the quarries to physical upgrade the intersections along the Pacific Highway that will be adversely affected are completed.	Intersections along the highway and their level of service are the responsibility of TfNSW who is undertaking post-duplication planning along this section of the highway. This upgrade is an interim upgrade as agreed with TfNSW whilst it undertakes its long-term strategic planning.
Italia Road already unsafe based on the existing volumes of traffic.	The proposal would see an improvement on the operation and capacity of the Italia Road / Pacific Highway intersection. The performance of the intersection would improve significantly compared to the 10-year forecast conditions The upgrade is expected to have a positive impact on the road network with safety improvements to reflect current road design standards.
Safety concerns through poor visibility for emerging south bound traffic from Italia Road as trucks turning into Italia Road.	The left lane turn into Italia Road would be lengthened, improving visibility. The number of trucks turning right onto the highway would be reduced, likely improving safety.
Boral quarry expansion detrimental to livelihoods and property values.	The Boral quarry expansion is a separate application that will be assessed on its merits and in accordance with relevant planning policies and controls. Potential impact to property values is not a material planning consideration.
Traffic during holiday periods already unacceptable.	The Pacific Highway is the national highway generally with excess capacity, and subject to seasonal variations in traffic volumes. Performance of the highway during these periods is a matter for TfNSW.
Noise and stress from sleep disturbance.	Recommendations of the Construction Noise and Vibration Impact Assessment (CNVIA) to be implemented throughout the development. Noise attenuation measures to be addressed in Construction Environmental Management Plan and Noise Management Plan.

Issue	Council Comments
Dust and air quality impacts from blasting, including on Solar Farm.	Blasting is not relevant to the proposed development.
Water quality – water table being affected by blasting/excavating.	Blasting is not relevant to the proposed development.
Increased truck traffic: increased congestion, noise and air quality impacts and dangerous intersection.	The proposal would see an improvement on the operation and capacity of the Italia Road / Pacific Highway intersection. The performance of the intersection would improve significantly compared to the 10-year forecast conditions The upgrade is expected to have a positive impact on the road network with safety improvements to reflect current road design standards.
Environmental: impact on native animals and trees.	A biodiversity development assessment report has been prepared to accompany the DA, which considers the potential impact of the proposed development on native animals and trees. Appropriate management and mitigation measures are proposed to minimise impacts. Residual impacts on terrestrial biodiversity as a result of clearing would be offset with the benefit of protecting areas of similar native vegetation communities in perpetuity.
Cattle/livestock: subject to noise, blasting and poor air quality.	No blasting proposed for development and potential noise and air quality impacts would be minor and limited only to the construction phase of the development.
Traffic counts made in 2022 are not a true indication of the use of the intersection as since that time the Clarence Town Bridge has been closed to articulated vehicles and Six Mile Road has had a heavy vehicle limit put on it.	Temporary closures elsewhere in the broader network are not a consideration in a TIA. Council Engineers and TfNSW have considered these existing conditions during assessment of the application and raise no concerns.
Boral SSD traffic figures not included in TIA and the data used is from a day that does not include increase traffic on a school holiday and was ascertained during the COVID-19 Pandemic.	Preparation of the TIA predates the SSD application. Notwithstanding, additional traffic volumes were included in the assessment, and the performance of the intersection would generally improve with the changed configuration on the base case.
Upgrade to be funded by all three quarries, but what happens if they don't all get approved/go ahead?	This is not a matter for consideration in the DA.

Issue	Council Comments
The road safety audit identifies four points that have a high risk even after the intersection is upgraded.	This is incorrect. The RSA identified a number of issues, including items that relate to TfNSW infrastructure that should be referred to TfNSW. These are existing matters for management by TfNSW and not a result of the proposed upgrade.
Cumulative impacts of other quarries (Deep Creek, Brandy Hill and Martins Creek) not adequately considered.	The quarries listed are unlikely to generate traffic that impacts the intersection performance at Italia Road. These quarries are somewhat remote to the intersection and it would generally be a less than ideal route to take to gain access to the Pacific Highway
Safety concern with non-quarry trucks and other vehicles still being able to turn right out of Italia Road.	Intersection performance would likely improve, as would safety performance with quarry trucks diverted to the north to turn around. The ongoing performance of the intersection is the responsibility of TfNSW.
Unclear how close the road/bridge widening will be to the adjacent property with concern of rocks being thrown up from passing vehicles.	Road widening would be contained within the road corridor.
No signs proposed to limit compression braking, noting that the noise associated with braking is already an existing concern.	It is expected there would be less compression braking as trucks would be able to enter the Pacific Highway without coming to a stop like current operations, thereby reducing the amount of braking.
Utilising Tarean interchange will increase road safety risk, fuel consumption and emissions creating by additional truck travel distances.	Intersection performance would likely improve, as would safety performance, with quarry trucks diverted to the north to turn around. TfNSW has reviewed and endorsed in principle the use of Tarean Road interchange by quarry trucks. Ongoing performance of the intersection is the responsibility of TfNSW.
Unsure where proposed 60 km/hr speed restriction along Italia Road is starting with a recommendation for the restriction to start from the quarry entrance.	No 60 km/h sign is proposed. This is likely an interpretation error in the drawings with a speed sign contained with the standard road design legend.
Concern with stormwater runoff to the adjacent property given existing problems with the stormwater drain that is being retained – request for stormwater runoff to be dealt with at the intersection and diverted alongside the proposed slip	Stormwater would generally be contained within the road corridor with water treatment provided to improve water quality.

Issue	Council Comments
lane where it could then enter the holding dam.	
Proposed development does not address safety concerns with poor visibility due to the crest on the Pacific Highway when turning right into Italia Road.	The proposed upgrade deals with the intersection for left turn vehicles. Responsibility for the Pacific Highway sits with TfNSW.
Concern about the give way sign proposed for left turns into Italia Road and the additional noise that will be generated through breaking if trucks have to come to a complete stop.	This issue will be reviewed by TfNSW during detailed design assessment under the WAD application process.
Concern for cyclist safety crossing the intersection – safer for cyclist to cross as they do currently.	This issue will be reviewed by TfNSW during detailed design assessment under the WAD application process.
Tree clearing and excavation predicated to exceed construction noise management levels during the night time at Receiver R01 with no management/mitigation measures proposed.	Recommendations of the Construction Noise and Vibration Impact Assessment (CNVIA) to be implemented throughout the development. Noise attenuation measures to be addressed in Construction Environmental Management Plan and Noise Management Plan.
Concern that night time road works will not be properly monitored and controlled.	All works to be undertaken in accordance with the development consent and approvals from TfNSW.
The length of the deceleration lane leading to Italia Road from the south is inadequate and could result in queues extending past the lane.	The proposal seeks to increase the deceleration lane and has been supported in principle by TfNSW.
Concern for the length of time it takes for trucks turning right into Italia Road and crossing the south bound carriageway.	Performance of this manoeuvre is a matter for TfNSW. It is noted that with fewer heavy vehicles exiting Italia Road would lead to less conflict, as does the changes to priority on the left turn into Italia Road.
General safety concerns with the volume of trucks from the three quarries using the intersection.	The proposed development seeks to improve safety at this intersection for quarry trucks by removing the at-grade conflict.
There should be no automatic approval of the quarries	Each quarry application will be assessed on its merits in accordance with relevant government policies and controls.

Issue	Council Comments
because of the intersection upgrade.	
Social and environmental concerns for the greenfield Stone Ridge and Eagleton quarries	Each quarry application will be assessed on its merits in accordance with relevant government policies and controls.
Traffic safety issues will not be ameliorated by simply lengthening slipways at Italia Road.	The proposed development does not seek to address all potential issues at the intersection. This would be the responsibility of TfNSW and is being considered as part of their highway post-duplication planning. Overall, safety would be improved by redirecting quarry trucks to the north away from an at-grade conflict.
Notes cumulative traffic increases including 10 existing/proposed quarries and four proposed residential developments within a short distance – if there is no clear plan to upgrade the surrounding road junction/intersections, then the upgrade should not be approved in isolation without conditions on other upgrades being funded.	Other upgrades to the Pacific Highway in this region are a matter for TfNSW.
Any consideration of the potential increase in heavy vehicle traffic from additional mining operations must take into account the significantly higher heavy vehicle traffic counts at Twelve Mile Creek by TfNSW.	The Pacific Highway is the national highway and a B-Double gazetted route with substantial capacity. Intersections along the highway and their level of service are the responsibility of TfNSW who is undertaking post-duplication planning along this section of the highway.
Additional traffic will provide additional opportunities for wildlife road kill – there is an opportunity for a link/culvert to be built underneath the highway for koalas.	Animal strike potential is considered within the supporting BDAR. Koala connectivity and crossing measures considered in BDAR and endorsed by Council's Natural Systems team.
Approval of the Italia Road upgrade and the expected following approval of three quarries will necessitate upgrades for other intersection for which there is no known funding. Strategic and conservation planning for hard rock quarries in the	Management and performance of the Pacific Highway / Medowie Road and Pacific Highway / The Bucketts Way intersections are the responsibility of TfNSW who is undertaking post-duplication planning along this section of the highway.

Issue	Council Comments
Lower Hunter should precede quarry approvals.	
Inadequate and outdated traffic assessments.	The TIA was conducted with contemporary data in accordance with relevant current standards.
The proposed development is within the catchment of the Hunter Water's Grahamstown Dam Drinking Water Special Area and must demonstrate a neutral or beneficial effect (NorBE) on water quality.	NorBE design criteria have been considered in the design process, in consultation with and to the satisfaction of Council and Hunter Water Corporation.
Base data to make the forecast of the 2023 figures in the TIA is taken from 2018 and therefore forecast traffic on the Pacific Highway is incorrect.	The DA pre-dates the SSD application, which assesses impacts of the SSD application. Estimates were made to consider traffic growth, and with 10 years of growth and additional quarry traffic proposed the forecast level of service was B, demonstrating significant capacity in the turn movements proposed.
Non-quarry trucks not taken into account in the TIA, including the safety risks allowing them to turn right onto the Pacific Highway from Italia Road.	Intersection performance is modelled to improve, as would safety performance, with quarry trucks diverted to the north to turn around. Ongoing performance of the intersection is the responsibility of TfNSW.
No provision to monitor/penalize any breach of proposed heavy vehicle protocols.	This issue will be reviewed by TfNSW during detailed design assessment under the WAD application process, with regulatory conditions to be included as required.
No consideration of the impacts of the quarry trucks turning at the Raymond Terrace roundabout to return to the proposed quarries on Italia Road.	This is not a movement proposed or considered in the TIA. The proposed development has no forecast impact the Raymond Terrace grade separation.
It is requested HCCRPP 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, and also consider community concerns with respect to traffic safety in relation to quarry operations in the area.	On 20 June 2022 TfNSW provided in-principle acceptance (subject to conditions being met) to a strategic design for northbound access to the Pacific Highway, to service the proposed Eagleton & Stone Ridge quarries and support further intensification of the existing Seaham quarry at Balickera. This position has been substantiated through TfNSW support of the proposed intersection upgrade, subject to detailed design through the WAD approval process.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Transport impacts

The application includes a Transport Impact Assessment (TIA), prepared by GHD, dated 2 August 2024. The TIA identifies the Italia Road and Pacific Highway intersection as the key intersection that provides access to the existing Seaham Quarry and the proposed quarries from the Pacific Highway, and includes a SIDRA assessment of the Italia Road and Pacific Highway intersection under 4 scenarios:

The SIDRA results demonstrate the impact of 10 years of traffic growth along Pacific Highway at the intersection with Italia Road as well as the impact of the operation of the three quarries, where all heavy vehicles are restricted to turning left-out of Italia Road onto the Pacific Highway.

The SIDRA results indicate, the background traffic growth alone sees the right-turn out of Italia Road onto the Pacific Highway become much more difficult, with delays increasing from 78 seconds to 191 seconds in the AM peak and from 65 seconds to 135 seconds in the PM peak. Some more modest impacts are seen to the left-turn out whilst all movements from and along Pacific Highway are mostly unaffected.

The Scenario 4 results, which represent the upgraded intersection with background growth and additional quarry traffic, show significantly improved performance at the Italia Road and Pacific Highway intersection. The intersection would operate generally at acceptable level of service. The right turn out of Italia Road would continue to experience some delay (Level of service E in the AM peak and Level of service D in the PM peak); however, it is noted that quarry trucks would not be making this movement, instead turning left to use the Tarean Road interchange for U-turns.

Resolution - the proposed intersection upgrade, which would include a north-bound acceleration lane for left turns and would disallow all heavy vehicles associated with the three quarries from turning right out of Italia Road, would see an improvement on the operation and capacity of the Italia Road / Pacific Highway intersection. The performance of the intersection would improve significantly compared to the 10-year forecast conditions.

It is assessed that temporary increased disruption to traffic flow and the resulting increase to traffic delay anticipated through construction, can be managed through preparation and operation of a Traffic Management Plan (TMP). Furthermore, the developer will be required to enter into a Works Authorisation Deed (WAD) with TfNSW for all works proposed on the classified (State) road.

5.2 Intersection design

The proposal includes road infrastructure upgrades and relocation of assets over local and classified roads utilised by quarries, industry and residents within the locality. Noting the current safety concerns and performance of the intersection articulated by TfNSW, extensive agency consultation was undertaken both prior to lodgement of the DA and throughout statutory concurrence and referral requirements as required under the EP&A Act 1979.

Currently the permitted right turn movement of heavy vehicles out of Italia Road experiences significant delay due to the mix of heavy and light vehicles for this movement, with the intersection providing a low Level of Service (LoS) for this movement. The proposed intersection upgrade, which would include a north-bound acceleration lane for left turns and

would disallow all heavy vehicles associated with the three quarries from turning right out of Italia Road, would see an improvement on the operation and capacity of the Italia Road / Pacific Highway intersection. It is concluded that banning right turns for heavy vehicles out of Italia Road on to Pacific Highway would improve the safety situation at this intersection. The overall intersection operation would also be improved to a satisfactory level which is currently operating at an unsatisfactory level.

Resolution - Council as the roads authority for all public roads in the area, with TfNSW concurrence, considers the intersection has been designed to address all relevant design standards for infrastructure construction, road safety and environmental protection. The Strategic Design Report and Technical Memorandums are supported in principle, with the developer required to obtain a s138 Road Act Approval for all works proposed on the local (Council) road and enter into a Works Authorisation Deed (WAD) with TfNSW for all works proposed on the classified (State) road.

5.3 Biodiversity impacts

The proposal seeks to remove 46 preferred koala feed trees, with the ecological impacts of the development, mitigation measures and biodiversity credits detailed within the supporting BDAR. The BDAR was reviewed and endorsed by Council, with recommendations for: preparation of a Biodiversity Management Plan (BMP), retirement of ecosystem and species credits and compensatory koala feed tree planting (ranging from 276 - 460 trees).

Resolution - Council considers that the Project has been designed to avoid, mitigate and manage biodiversity impacts where practicable. Additionally, the recommended conditions of consent would provide for sound management of retained biodiversity values on the site and assurance over the management of residual biodiversity impacts.

5.4 Flooding impacts

The proposal seeks to undertake works over flood prone land, with the most hazardous category being high hazard floodway, associated with the Balickera Canal, which is an artificial channel receiving flows pumped from Hunter Water's pump station on the Williams River at Seaham, draining by gravity under the Pacific Highway to Grahamstown Reservoir.

The Strategic Design Report submitted with the application confirms the proposed works would not cause any material increases in flood upstream, downstream or surrounding properties. This demonstrates the proposal is compatible with the flood function and behaviour of the land and that there would be no detrimental increases in localised flood affectation.

The bridge design has been designed to match the flood immunity of the existing bridge and road network at the 1% Annual Exceedance Probability (AEP) flood event. The design flood events for structural design are in accordance with AS5100 – Bridge Design. These measures combined appropriately mitigate risk to life from flooding road users.

Resolution - Council considers that risk to life, property and environment associated with flooding are adequately mitigated in accordance with the relevant performance criteria as outlined under clause 5.21 and B5 of this report.

5.5 Water quality

The Strategic Design Report details how the operational impacts on water quality have been assessed using the Water NSW Neutral or Beneficial Effect (NorBE) on Water Quality Assessment Guideline 2022 and by modelling using the MUSICX water quality modelling software package in accordance with the “Using MUSIC in the Sydney Drinking Water Catchment” (Water NSW 2019) guidelines.

The MUSICX model considers:

- The upstream catchments draining to the highway culverts north and south of the highway bridge over Balickera Channel; and
- Existing and proposed design scenarios with two options for treatment,
 - Option 1 - vegetated swales
 - Option 2 - vegetated swales + bio retention on southern kerb return table drain.

Resolution - Hunter Water correspondence provided throughout assessment, indicated a preference for Option 2 over Option 1. Due to environmental and boundary constraints, the feasibility and extent of the swales will be further considered during detailed design to maximise water quality treatment to the greatest practicable extent. The proposed treatment methodology focuses on improving water quality for a portion of the existing northbound lane compared to pre-development conditions. Due to spatial limitations and other constraints, the high treatment efficiency targeted by PSC guidelines cannot reasonably be achieved, and justification for variation of PSC water quality targets in this instance is supported by Council.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The proposed development has been found to offer a safer and more efficient intersection treatment for the Italia Road and Pacific Highway intersection, enabling the potential expansion of local quarries. The key issues identified throughout the assessment relating to transport impacts, intersection design, biodiversity impacts, flooding impacts and water quality have been satisfactorily addressed through amendments to the proposal and the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA 16-2023-477-1 for ‘Road infrastructure - upgrades to Italia Road and Pacific Highway Intersection’ at 139 Italia Road Balickera be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Recommended conditions of consent
- Attachment B: Civil Engineering Plans
- Attachment C – Aboriginal Cultural Heritage Report
- Attachment D– Preliminary Site Investigation
- Attachment E– Geotechnical Desktop Assessment Report
- Attachment F – Strategic Design Report
- Attachment G – Biodiversity Development Assessment Report

- Attachment H – Transport Impact Assessment
- Attachment I – Concept Design Road Safety Audit
- Attachment J – Construction Noise and Vibration Impact Assessment
- Attachment K – Estimated Cost of Development Report