Eagleton Quarry Project

Application Number: **02547** Commencement Date: **12/08/2024** Status: **Locked**

1. About the project

1.1 Project details

1.1.1 Project title *

Eagleton Quarry Project

1.1.2 Project industry type *

Mining

1.1.3 Project industry sub-type

Other

1.1.4 Estimated start date *

02/12/2024

1.1.4 Estimated end date *

01/12/2054

1.2 Proposed Action details

1.2.1 Provide an overview of the proposed action, including all proposed activities. *

Action Overview

The Eagleton Quarry Project is a proposed hard rock quarry with production capacity up to 600,000 tonnes per annum for up to 30 years from a development site of 33.48 ha. The Eagleton Quarry Project is located 12 km north of Raymond Terrace within the Port Stephens Local Government Area.

The identified resource consists of a mixture of various igneous and sedimentary rock formations suited to local and regional construction markets meeting an identified demand. The Project is State Significant Development in New South Wales (SSD 7332) and was approved by the Independent Planning Commission on 8 July 2024 (refer to **Att 01_Development consent Eagleton Quarry Project SSD 7332**).

The Subject Land (Project Area) covers approximately 101 ha and consists of a single lot, Lot 2 DP 1108702, located at 13 Barleigh Ranch Way, Eagleton (the Site). The majority of the development site (33.48ha) occurs on the north-west part of the study area where the hard rock resource is situated. The Project Area also includes the existing Port Stephens Gardenland site located to the east of the proposed quarry. The remainder of the Project Area contains native vegetation and it is proposed to conserve the largest feasible portion of this land (i.e. subject to NSW Nature Markets and Offsets - NMO - division agreement) under a Biodiversity Stewardship Agreement, this portion is otherwise referred to as the Retention Area and is nominally 57.57 ha.

The Eagleton Quarry Project as approved comprises the following key aspects, illustrated in the attached plans (refer **Att 02A_Eagleton Quarry_Site Layout_Wedgetail 202407**, and **Att 02B_Eagleton Quarry_Site Plans_Kleinfelder 201708**):

- Vegetation clearing and construction of an access road, a bridge over Seven Mile Creek, processing area and water management dams;
- Across the extraction area, progressive clearing of vegetation, drilling and blasting rock;
- Extraction of blasted rock by excavator and transport by articulated truck to the processing area;
- On-site processing of up to 600,000 tonnes per annum of rock;
- Loading of road registered trucks by front-end loader;
- Transporting quarry products by road registered trucks to market;
- Undertaking quarry operations for 30 years;
- Employment of up to approximately 10 staff and 10 contractors;
- Hours of operation:
    - Processing and extraction activities 7:00am – 6:00 pm Monday to Friday and 7:00am to 4:00pm Saturdays.
    - Scheduled maintenance generally limited to processing hours.
    - Loading and dispatch of products 5:00am to 6:00pm Monday to Friday and 5:00am-4:00pm Saturdays.
- The proposed quarry will commence along the northern side of the ridgeline and progress in a south easterly direction, using the natural topography as an extensive natural acoustic and visual barrier.
- The processing plant is positioned at an excavated level of RL 45m in the northern part of the quarry, so that it will be located on the northern side of the existing hill and minimise noise disturbance to the south.
- The existing hill will be retained as a barrier to the processing plant and will be excavated to a height of no less than RL 57.5m until the final year of the quarry life, where barriers will be installed at suitable locations around plant.
- The quarry construction and operations will generate air quality emissions (e.g. dust, greenhouse gases from diesel combustion and blast related emissions), these were assessed and determined to be consistent with the relevant NSW emission criteria.
- The quarry construction and operations will generate noise and vibration emissions (e.g. earth moving equipment, truck haulage and blasting), these were assessed and determined to be consistent with relevant NSW criteria.
- The water management plan for the proposed quarry has also been refined to ensure retention of all stormwater for events of up to a 1 in 500 year frequency, and the controlled release of treated water in a manner that will ensure a Neutral or Beneficial Effect on the Grahamstown drinking water catchment, as required by Hunter Water Corporation.
- Implementation of a Biodiversity Offset Strategy includes:

    - Establishment of an onsite Biodiversity Stewardship Site (BSS) within the Project Area. The onsite Biodiversity Stewardship Site is approximately 57.57 ha subject to final approval of the Stewardship Agreement by the NSW NMO.;
    - Retirement of at least a portion of the credit obligation from this BSS; and
    - Retirement of remaining credit obligations consistent with the Biodiversity Offsets Scheme.
- Closure and rehabilitation based on a final landform that comprises a series of revegetated benches at the western end of the quarry, with open grassed areas and scattered trees.

Access to the quarry is via the Pacific Highway, Italia Road, a right of carriage way, Barleigh Ranch Way, and a private access road constructed from Barleigh Ranch Way to the quarry pit. This referral addresses the private haulage road component of the access, with maintenance and construction activities associated with Barleigh Ranch Way, the right of carriage way, Italia Road and an upgraded left hand acceleration land onto the Pacific Highway considered unlikely to present a risk to Matters of National Environmental Significance. These activities were the subject of two separate local Council approvals.

NSW Planning Approval Background

The Eagleton Quarry Project has been under development since 2011. This provides an overview in the milestones for the NSW State approval, all documents are available on the NSW Major Projects website at https://www.planningportal.nsw.gov.au/major-projects/projects/eagleton-quarry-project. Copies of the NSW DPHI recommendation report is included as **Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI**, with the IPC Statement of Reasons included as **Att 03B Statement of Reasons for Decision Eagleton Quarry Project SSD 7332 IPC**.

This list comprises the key elements of the NSW Approval process:

- Request for Secretary's Environmental Assessment Requirements in October 2015.
- Secretary's Environmental Assessment Requirements issued for Project SSD 7332 in November 2015
- Environmental Impact Statement (EIS) lodged in January 2017. Note, biodiversity investigations onsite date back to 2011.
- Public exhibition of the Project for 28 Days starting 3 February 2017.
- A Response to Submissions Report was submitted on 13 October 2017. This document resolved in amendments to the Project to further minimise impacts on the community and environment.
- Due to delays in the agreement with Transport for NSW for a suitable intersection with the Pacific Highway on 11 September 2023 an updated assessment was lodged resolving the site access and haulage route.
- This was publicly exhibited for 28 days from 10 October 2023.
- On 24 April 2024 the NSW DPHI referred the Project to the NSW Independent Planning Commission (IPC) with a recommendation of Approval.
- On 1 May 2024, the IPC began receiving submissions from the Public, the submission period closed on 7 June 2024.
- On 8 July 2024, the IPC determined the Project granting its Approval.

1.2.2 Is the project action part of a staged development or related to other actions or proposals in the region?

No

1.2.6 What Commonwealth or state legislation, planning frameworks or policy documents are relevant to the proposed action, and how are they relevant? *

A succinct outline of the Strategic and Statutory Context is provided in Section 3.2, 3.3, 3.4 and 3.5 of **Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI, Pages 8-11**. Additional comment on key aspects is included below.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (Cmth)

Ecological surveys have identified the presence of species listed under the EPBC Act (1999) within the Study Area, and as such requires consideration under the EPBC Act to determine the potential for impact to MNES.

Threatened Species Conservation Act 1995 (TSC Act) & NSW Biodiversity Conservation Act 2016 (BC Act) (NSW)

Section 7.9(2) of the BC Act generally requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR). However, clause 28(1) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* provides that "*The former planning provisions continue to apply … to the determination of a pending or interim planning application*". The Project is a "pending or interim planning application" under this regulation. As a result, although the TSC Act was repealed by the BC Act, some provisions of the TSC Act that would be in force if it had not been repealed (such as assessment guidelines) continue to apply to the Project. For this reason, the application was accompanied by a Biodiversity Assessment Report (BAR) and Biodiversity Offset Strategy (BOS) prepared in accordance with the *2014 Framework for Biodiversity Assessment – NSW Biodiversity Offsets Policy for Major Projects (FBA)*, rather than a BDAR.

NSW Environmental Planning and Assessment Act 1979 (EP&A Act) (NSW)

The EP&A Act will be the principal planning instrument that relates to the proposed action. It provides a framework of the overall environmental planning and assessment of development proposal within NSW.

Other Legislation and Policies

New South Wales

- NSW Biodiversity Offsets Policy for Major Projects (OEH 2014);
- State Environmental Planning Policy No 44 (1995);
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Fisheries Management Act 1994 (FM Act); and
- NSW Groundwater Dependent Ecosystem Policy 2002.

Note: Because the development application was lodged before 1 March 2020, the Project must also be assessed under SEPP 44 (see Section 6.1 and Appendix E) as it existed at the time of the application, despite more recent amendments to SEPPs governing impacts of developments on Koalas.

Local

- Port Stephens Local Environmental Plan 2013
- Port Stephens Comprehensive Koala Plan of Management 2002.

Strategically, the proposed Action, and its measures to avoid and mitigate impacts on the environment goes toward supporting the overall aim of the Hunter Regional Plan 2041 strengthen the regions economic resilience, maintain its well established economic and employment bases and build on its existing strengths to foster greater market and industry diversification. A shortage of local quarry materials is an identified capacity risk threatening the delivery of infrastructure and development projects.

1.2.7 Describe any public consultation that has been, is being or will be undertaken regarding the project area, including with Indigenous stakeholders. Attach any completed

consultation documentations, if relevant. *

Initial public consultation was carried out as part of the preparation of the initial EIS. This is detailed in **Att 04_SocialValuesReview Kleinfelder 2017**. Stakeholders consulted included neighbours/adjacent landholders and a number of local businesses.

Key issues in relation to the Project included noise, dust, blasting, company ownership and traffic movements, and these issues were addressed throughout the EIS prepared for the Project.

The EIS was publicly exhibited between 3 February 2017 and 6 March 2017, during which time submissions were received from members of the public and government agencies. In relation to the Public Exhibition of the SSDA, a total of 21 submissions were received from members of the public and community groups. Key issues raised were traffic and road safety (noted in approximately 85% of submissions), air quality and dust (71%), biodiversity (76%), and changes to local amenity (52%). A Response to Submissions Report was submitted in October 2017, addressing the issues raised by agencies and the local community. This report is included as **Att 05B_Response to Submissions 2017_Main Report_JBA**.

An Aboriginal Cultural Heritage Impact Assessment (ACHIA) was carried out by McCardle Cultural Heritage in 2017. The ACHIA included the four stages of consultation with Indigenous stakeholders as per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (April 2010). Details of the consultation process are provided in **Att 06_ACHIA_McCardle Cultural Heritage, Section 2, Pg 13-16.** (This document is publicly available).

A further round of engagement occurred during late 2023, early 2024 with the exhibition of the amended response to submissions. In total, the NSW DPHI Assessment Report (**Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI)**, notes a total of 70 submissions were received overall, of which 67 where objecting and 63 were considered unique submissions.

During May and June 2024, the public were invited to make further submissions during the assessment process by the Independent Planning Commission (IPC).

1.3.1 Identity: Referring party

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1.3.1.1 Is Referring party an organisation or business? *

Yes

Referring party organisation details

ABN/ACN	640388683
Organisation name	WEDGETAIL PROJECT CONSULTING PTY LTD
Organisation address	27 Groves Road, Bennetts Green, NSW 2290

Referring party details

Name	Jonathan Berry
Job title	Principal Advisor
Phone	0421 440 139
Email	jberry@wedgetail.com.au
Address	27 Groves Road, Bennetts Green, NSW 2290

1.3.2 Identity: Person proposing to take the action

1.3.2.1 Are the Person proposing to take the action details the same as the Referring party details? *

No

1.3.2.2 Is Person proposing to take the action an organisation or business? *

Yes

Person proposing to take the action organisation details

ABN/ACN	607606020
Organisation name	EAGLETON ROCK SYNDICATE PTY LIMITED
Organisation address	2300 NSW

Person proposing to take the action details

Name	Darren Williams
Job title	Business Manager for Eagleton Rock Syndicate
Phone	0429 877 704
Email	darren@arbus.com.au
Address	PO Box 1011, Newcastle NSW 2300

1.3.2.14 Are you proposing the action as part of a Joint Venture? *

No

1.3.2.15 Are you proposing the action as part of a Trust? *

No

1.3.2.17 Describe the Person proposing the action's history of responsible environmental management including details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against the Person proposing to take the action. *

Eagleton Rock Syndicate as an entity has a satisfactory record of responsible environmental management, with no breaches against State or Commonwealth legislation. Eagleton Rock Syndicate is currently managed by Darren Williams of Arbus Developments Pty Ltd (Arbus) who is authorised to sign on behalf of the Eagleton Rock Syndicate (the company proposing to undertake the action). Prior to construction, Eagleton Rock Syndicate will establish the operational entity and engage employees to develop the quarry

on its behalf. Darren Williams has not been involved in any proceedings under Commonwealth, State, or Territory laws related to environmental protection or the conservation and sustainable use of natural resources.

1.3.2.18 If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework

The Applicant does not have an existing corporate environmental policy or planning framework at present. This will be developed following issue and consistent with the development consent.

The Development Consent (refer to **Att 01_Development consent Eagleton Quarry Project SSD 7332**), requires the development of numerous documents to ensure the Company's environmental performance is held at a high standard, these documents have not been developed as yet, though will be developed as specified within the NSW Consent:

- Environmental Management Strategy
- Noise Monitoring Plan
- Blast Management Plan
- Air Quality Management System
- Water Management System
- Water Management Plan (surface and groundwater)
- Traffic Management Plan
- Aboriginal Heritage Management Plan (not required under consent, but will be developed)
- Biodiversity Stewardship Site Management Plan
- Biodiversity Management Plan
- Rehabilitation Management Plan

1.3.3 Identity: Proposed designated proponent

1.3.3.1 Are the Proposed designated proponent details the same as the Person proposing to take the action? *

Yes

Proposed designated proponent organisation details

ABN/ACN	607606020
Organisation name	EAGLETON ROCK SYNDICATE PTY LIMITED

Organisation address	2300 NSW

Proposed designated proponent details

Name	Darren Williams
Job title	Business Manager for Eagleton Rock Syndicate
Phone	0429 877 704
Email	darren@arbus.com.au
Address	PO Box 1011, Newcastle NSW 2300

1.3.4 Identity: Summary of allocation

Confirmed Referring party's identity

The Referring party is the person preparing the information in this referral.

ABN/ACN	640388683
Organisation name	WEDGETAIL PROJECT CONSULTING PTY LTD
Organisation address	27 Groves Road, Bennetts Green, NSW 2290
Representative's name	Jonathan Berry
Representative's job title	Principal Advisor
Phone	0421 440 139
Email	jberry@wedgetail.com.au
Address	27 Groves Road, Bennetts Green, NSW 2290

Confirmed Person proposing to take the action's identity

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN/ACN	607606020

Organisation name	EAGLETON ROCK SYNDICATE PTY LIMITED
Organisation address	2300 NSW
Representative's name	Darren Williams
Representative's job title	Business Manager for Eagleton Rock Syndicate
Phone	0429 877 704
Email	darren@arbus.com.au
Address	PO Box 1011, Newcastle NSW 2300

Confirmed Proposed designated proponent's identity

The Person proposing to take the action is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

1.4 Payment details: Payment exemption and fee waiver

1.4.1 Do you qualify for an exemption from fees under EPBC Regulation 5.23 (1) (a)?

Yes

1.4.2 Select reason for exemption

Small Business

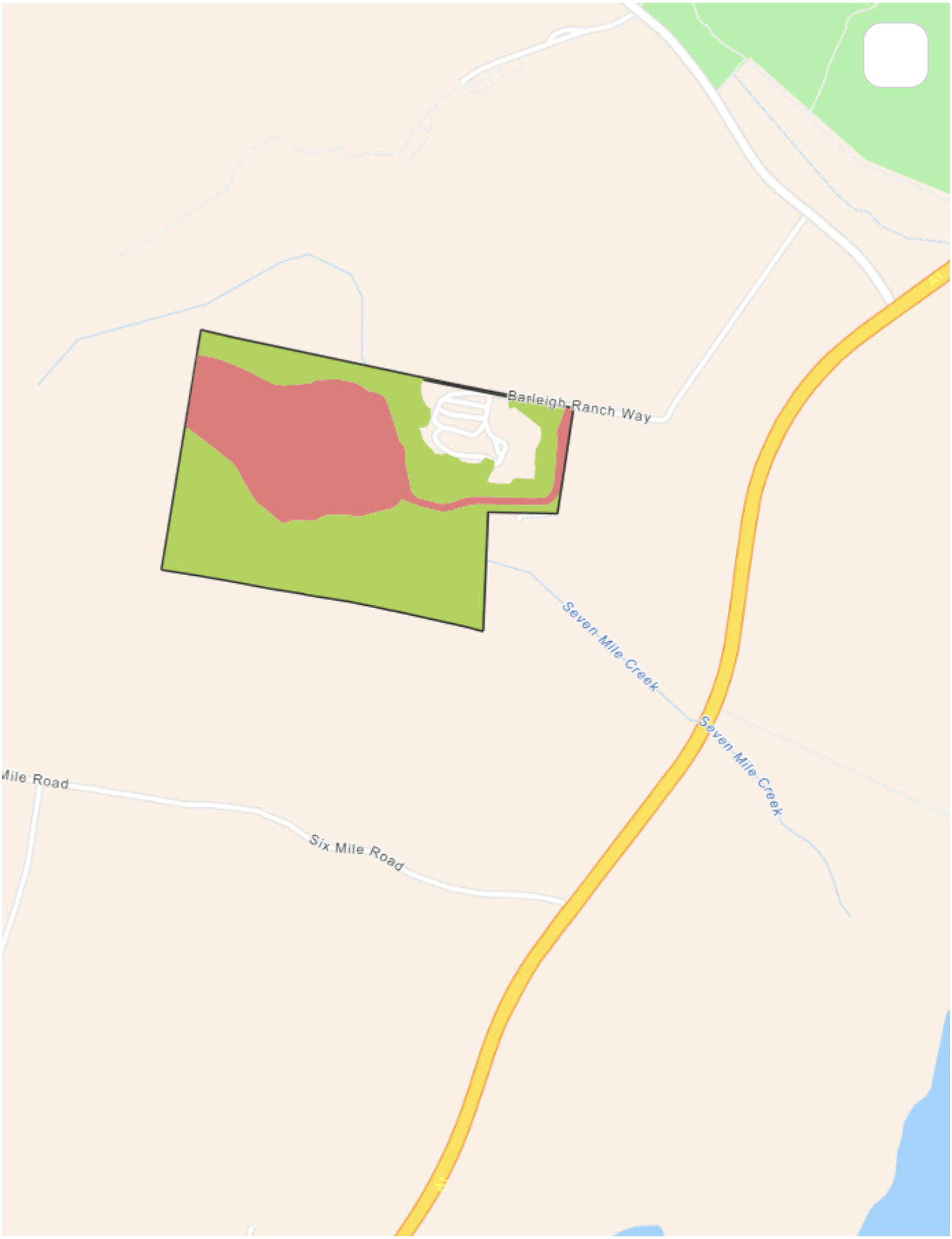
1.4 Payment details: Payment allocation

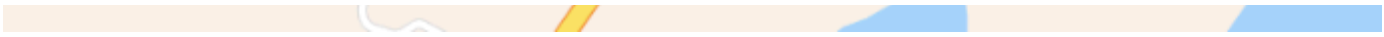
1.4.11 Who would you like to allocate as the entity responsible for payment?

Referring party

2. Location

2.1 Project footprint





Project area: 101.16 Ha
Disturbance footprint: 33.48 Ha
Retention area: 57.57 Ha

2.2 Footprint details

2.2.1 What is the address of the proposed action? *

13 Barleigh Ranch Way, Eagleton NSW

2.2.2 Where is the primary jurisdiction of the proposed action? *

New South Wales

2.2.3 Is there a secondary jurisdiction for this proposed action? *

No

2.2.5 What is the tenure of the action area relevant to the project area? *

The proposed Eagleton Quarry development site is located on part of Lot 2 DP1108702, located on Barleigh Ranch Way, Eagleton NSW. Lot 2 is split north-south by Seven Mile Creek. The quarry site forms the part of Lot 2 to the west of the creek.

The land is freehold land owned by Port Stephens Gardenland, the owner and operator of the existing Port Stephens Garden Landscape Supplies business which operates on the eastern part of Lot 2 DP 1108702. The Proponent has an agreement to purchase the property prior to construction.

The legal access (by right of carriageway) upon which access to the proposed Eagleton Quarry site relies is located on private land legally described as Lot 2 DP 1158962 and Lot 1 DP 245116. The right of way is intended to be ultimately converted to a public road.

3. Existing environment

3.1 Physical description

3.1.1 Describe the current condition of the project area's environment.

The proposed Eagleton Quarry site is located approximately 12km north of Raymond Terrace, within the Local Government Area of Port Stephens. The site is approximately 1.5km to the west of the Pacific Highway, approximately 2km southwest of the intersection of the Pacific Highway with Italia Road, and approximately 2.5km northwest of Grahamstown Dam.

The project area is zoned RU2 Rural Landscape under *Port Stephens Local Environmental Plan 2013* (LEP) which permits development for extractive industries, thus there will be no changes to zoning for this activity. All lands adjoining the project area are also zoned RU2 under the LEP. The adjoining lands contain a mixture of land uses, including the Boral Quarry to the north, MX Central Motocross Riding Complex to the east, Hunter Valley Paintball to the south-east, and other private landholdings to the south and west. The project area has high vegetation connectivity with adjoining lands to the north, south and west, and forms part of a large expanse of remnant forest vegetation extending from north of Raymond Terrace to Wallaroo State Forest and Wallaroo National Park.

The Project Area is currently owned by Port Stephens Gardenland, which currently operates a landscape supplies business from the north-east part of the site, prior to construction Eagleton Rock Syndicate (or its nominated proxy) will become the owner of the Project Area. The remainder of the project area primarily consists of remnant native forest vegetation, with several smaller cleared and regenerating areas in the central, south-east and north-east parts of the project area as a result of past disturbance and management. Evidence of past logging activities was also observed in the project area (e.g. cut stumps). The proposed development footprint is predominately vegetated with dry sclerophyll forest vegetation (32.03 ha). A small portion of the development footprint consists of disturbed un-vegetated areas, non-native vegetation, and access tracks (1.45 ha). The proposed development footprint includes a hard rock reserve occurring within the project area, containing a mixture of igneous and sedimentary formations.

The development footprint (33.48 ha) is located on the northern part of the project area, entirely within Lot 2 DP 1108702. The majority of the development footprint occurs on the north-west part of the project area where the hard rock resource is situated. This part of the development footprint would be subject to extraction of rock material and would include all infrastructure required for processing and stockpiling. The development footprint would also include a haul road which would extend from the north-east corner of the project area and connect to the south-east end of the main part of the development footprint. The proposed haul road will cross Seven Mile Creek which runs north-west to south-east through the project area.

The project area contains one plant community type (PCT) as defined in the VIS database:

- HU804 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest. (Equivalent to PCT 3244 Lower North Spotted Gum-Mahogany-Ironbark Sheltered Forest (according to the updated Eastern NSW Classification v1.1, 2022))

Native vegetation mapped within the several drainage lines present in the Project Area presented a higher abundance of mesic understory species relative to adjacent hills and slopes, with this vegetation being identified as a variation within HU804. Further, vegetation mapped along Seven Mile Creek was identified as HU798 White Mahogony – Spotted Gum – grey Myrtle semi-mesic shrubby open forest of the Central and Lower Hunter Valley.

HU804 was determined to comprise one vegetation zone (HU804 moderate-good condition) within the Development Footprint. A very small area of another vegetation zone (HU804 moderate-good_poor) occurs in the north-east corner of the Disturbance Footprint (in the northernmost section of the haul road at the site

entrance). However, as this small area of vegetation is <0.1 ha in size, it has not been identified as a separate vegetation zone for the credit calculations and has been included within zone 1 (HU804_moderate-good). Small areas of non-native vegetation (i.e. exotic vegetation) and several un-vegetated areas (i.e. access tracks and bare ground) also occur within the Disturbance Footprint. No areas of HU798 greater than 0.25 ha occurs within the Disturbance Footprint.

Vegetation within the Project Area was not consistent with any threatened ecological communities (TECs) listed under the BC Act and/or the EPBC Act.

Additional information on native vegetation present within the project area is contained within **Att 09A_ EPBC Significant Impacts Assessments_WPC, Section 2.1, PG 9-11.**

Access to the proposed quarry site will be via a new local road approved by Council but yet to be constructed. The road connects Barleigh Ranch Way with Italia Road through two Lots (i.e. Lot 1 DP245116 and Lot 2 DP1158962) and run parallel to the Pacific Highway for the majority of its length. The road is required to be constructed as a gravel graded road. It would be utilised by all properties located along Barleigh Ranch Way to access Italia Road.

The proposed primary haulage route for the Project would involve trucks travelling from the quarry pit for approximately 850m on a private road within the Subject Land (Project Area). The trucks will then travel 650m along along an upgraded Barleigh Ranch Way, and and along a 800m relocated right of carriageway before turning right onto Italia Road, travelling 200 m and turning left onto the Pacific Highway. The Italia Road / Pacific Highway intersection will be upgraded to include a left turn acceleration lane, this upgrade will be shared by the three quarries proposing to haul out of Italia Road. Quarry trucks making deliveries to the south of Italia Road would then make a U-turn at the Tarean Road Interchange (approximately 10.5 km to the north) and head south along the Pacific Highway.

Full detail on how existing road infrastructure in and around the project area will be used to provide access is provided in **Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI, Section 6.2, Pg 26 – 29.**

Over the past 10 years the Project Area has remained largely unchanged, with no fire events, or clearing or changes considered likely to affect the values of habitat within the site. In the surrounding area the following key changes have occurred or are proposed:

- Approximately 400m north of the site a car racing circuit has been progressively developed, this has resulted in the clearing of a racing circuit.
- Approximately 1.5km south, is the proposed Kings Hill development, no development has occurred on this site.
- Approximately 2.2km north-west, is the proposed Stone Ridge Quarry, this development has not been approved.
- The existing Boral Seaham Quarry is located less than 300m to the north-west.

3.1.2 Describe any existing or proposed uses for the project area.

Existing Land Uses: Port Stephens Gardenland operate a landscape supplies business in the north-east part of the project area (not within the disturbance footprint). The remainder of the project area primarily consists of remnant native forest vegetation, with several smaller cleared and regenerating areas in the central, south-east and north-east parts of the project area as a result of past disturbance and management.

Proposed Land Uses: Port Stephens Gardenland would remain operational. Additional proposed land uses include a quarry and ancillary infrastructure, with native vegetation within the remainder of the site consisting of the proposed biodiversity stewardship site.

The existing and proposed land uses for the project area are illustrated in **Att 09A_ EPBC Significant Impacts Assessments_WPC, Figure 2, Pg 8.**

The major industries surrounding the project area on adjacent properties are quarrying and recreational sporting (motorcross, car racing and paintball).

3.1.3 Describe any outstanding natural features and/or any other important or unique values that applies to the project area.

The proposed development site is situated within the NSW North Coast interim Biogeographic Regionalisation for Australia (IBRA) bioregion, Karuah Manning IBRA subregion, and Newcastle Coastal Ramp Mitchell landscape.

Three 1st order streams occur within the development site. The proposed haul road would also cross one 3rd order stream, namely Seven Mile Creek.

No important or local wetlands occur within the development site and there are no identified state or regionally significant biodiversity links.

3.1.4 Describe the gradient (or depth range if action is to be taken in a marine area) relevant to the project area.

The proposed project is aimed at removing a south-easterly facing spur that ranges from 124m AHD on the western boundary to 29m AHD in the east at the crossing of Seven Mile Creek.

East of and adjoining Seven Mile Creek the predominant slope within the development site is flat, being less than 5 degrees. Moving west from Seven Mile Creek, the slope increases to approximately 10 degrees, becoming steeper with higher elevation. At the western extent of the site, slopes exceed 15 degrees reaching up to 30 degrees in small areas. The crests of the ridge line have flatter slopes of less than 5 degrees.

3.2 Flora and fauna

3.2.1 Describe the flora and fauna within the affected area and attach any investigations of surveys if applicable.

Kleinfelder were commissioned by Eagleton Rock Syndicate Pty Ltd to prepare a Biodiversity Assessment Report (BAR) and Biodiversity Offset Strategy (BOS) for the proposed Eagleton quarry development, which was revised in 2017. This included an assessment of the existing ecosystem, including flora, fauna and ecological communities present.

Wedgetail Project Consulting Pty Ltd were later contracted by Eagleton Rock Syndicate Pty Ltd to prepare the EPBC Referral, resulting in an update to assessments of flora, fauna and ecological communities within the study area, with surveys commencing in 2023 and continuing into 2024.

Key survey findings from Kleinfelder (2017) in relation to flora and fauna include:

- *One plant community type (PCT) was identified in the study area: HU804 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest. The assessment determined that this community does not constitute any listed threatened ecological communities under the TSC Act 1995 and/or EPBC Act 1999.*

The canopy layer of this community on the site is typically dominated by *Corymbia maculata* with a range of co-dominant species across the site including *Eucalyptus punctata, E. acmenoides, E.fibrosa, E. crebra, E. canaliculata* and *E. globoidea*. Within the drainage lines, the relative abundance of *E. punctata* and *E. acmenoides* is higher, and other co-dominants such as *E. siderophloia, C. gummifera* and *Angophora costata* also occur.

The midstorey is sparse across most of the site, with a higher midstorey cover typically occurring in the drainage lines. Common midstorey species include *Dodonaea triquetra, Allocasuarina torulosa, Acacia falcata, Persoonia linearis, Melaleuca nodosa, Myrsine variabilis, Glochidion ferdinandi, Acacia irrorata* and *Melaleuca styphelioides*.

The shrub layer ranges from moderately sparse to dense, with common species including *Leucopogon juniperinus, Breynia oblongifolia, Bursaria spinosa, Pultenaea villosa, Leptospermum polygalifolium, Zieria smithii, Acacia ulicifolia, Acrotriche divaricata* and *Notelaea ovata*.

Common native species in the ground layer include *Imperata cylindrica, Microlaena stipoides, Themeda australis, Entolasia stricta, Oplismenus aemulus, Lepidosperma laterale, Dianella caerulea, Lomandra longifolia, Lomandra multiflora, Pratia purpurascens, Desmodium rhytidophyllum* and *Cheilanthes sieberi*.

This majority of this vegetation zone has a relatively low abundance of exotic species. The most abundant exotic species in this vegetation zone is *Lantana camara*, which occurs most frequently in the drainage lines and lower slopes.

- *No threatened flora species were detected in the study area during these surveys.*

Data sheets from plot surveys can be found in **Att 07A_Revised Biodiversity Assessment Report_Kleinfelder, Appendix 3_Pg 51,** showing detailed native and exotic flora present on-site.

- *A total of 12 threatened fauna species listed under the TSC Act 1995 and/or EPBC Act were detected in the study area during Kleinfelder Surveys (2012, 2013, 2016) surveys: Spotted Harrier, Brown Treecreeper (eastern subspecies), Black Falcon, Square-tailed Kite, Grey-crowned Babbler (eastern subspecies), Large-eared Pied Bat, Eastern False Pipistrelle, Little Bentwing-bat, Eastern Freetail-bat, Southern Myotis, Eastern Cave Bat and the Koala.*

For a full list of fauna species please see **Att 07A_Revised Biodiversity Assessment Report_Kleinfelder, Appendix 9_Pg 122**

- *One EPBC Act-listed migratory bird species was also recorded in the study area during the surveys: Rufous Fantail.*
- *The study area contains a number of 1st, 2nd and 3rd order streams with associated riparian vegetation (i.e. variation within HU804).*

Results of surveys completed by Wedgetail Project Consulting Pty Ltd in 2023 and 2024 included:

- *No threatened **flora** species were detected in the study area during the surveys.*
- *A total of 3 threatened fauna species listed under the EPBC Act were detected in the study area Grey-headed Flying Fox, Koala, Glossy-black Cockatoo.*
- *One EPBC Act-listed migratory bird species was also recorded in the study area during the surveys: Satin Flycatcher.*

For further information see **Att 07A_Revised Biodiversity Assessment Report_Kleinfelder, Stage 1_Pg 1-38** and **Att 09A_EPBC Significant Impacts Assessments_WPC, Section 2.2 & 2.3, Pg 14 and 22 (see Figures in Att 09B_EPBC Significant Impacts Assessments_WPC, Section 2.3, Pg 1-5)**.

3.2.2 Describe the vegetation (including the status of native vegetation and soil) within the project area.

The Biodiversity Assessment Report undertaken by Kleinfelder (2017) included regional vegetation mapping studies, combined with vegetation surveys and mapping of the study area. Two native vegetation communities were thus identified based on the NPWS (2000) classification system:

- MU16 SeahamSpotted Gum – Ironbark Forest;and
- MU12 Hunter Valley Moist Forest.

Both of these vegetation communities within the study area were determined to comprise one equivalent vegetation community described by Somerville (2009): MU65 Spotted Gum/ Broad-leaved Mahogany/ Red Ironbark moist shrubby open forest. Both of these vegetation communities were also determined to comprise one plant community type (PCT) as defined in the VIS database: HU804 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest.

It is noted that the study area includes several drainage lines, and the native vegetation in close proximity to these drainage lines have a higher abundance of mesic understorey species than the adjacent hills and slopes. These areas are considered to be variation within HU804 and contain a number of dominant species which have been described for MU65 (Somerville 2009) from which this PCT is derived.

This PCT was determined to comprise one vegetation zone (i.e. moderate-good condition) within the development site. A very small area of another vegetation zone (HU804_moderate-good_poor) occurs in the north-east corner of the development site (haul road). However, as this small area of vegetation is <0.1 ha in size, it has not been identified as a separate vegetation zone for the credit calculations, and has been included within the zone 1 (HU804_moderate-good). Small areas of non-native vegetation (i.e. exotic vegetation) and several un-vegetated areas (i.e. access tracks and bare ground) also occur within the development site.

The vegetation within the study area is not consistent with any threatened ecological communities (TECs) listed under the BC Act 2016 and/or EPBC Act. The Spotted Gum- Ironbark Forest vegetation community in the study area was assessed against the *Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion* endangered ecological community (EEC) final determination (NSW Scientific Committee 2010). The vegetation within the study area is not considered to form part of the *Lower Hunter Spotted Gum – Ironbark Forest* EEC based on location, geology and floristics. The final determination describes the EEC as occurring within the Sydney Basin bioregion; the study area is located within the NSW North Coast bioregion.

The study area is also inconsistent with the geology of the *Lower Hunter Spotted Gum – Ironbark Forest* EEC, as the study area occurs on the Ten Mile Road soil landscape (Matthei 1995) which consists of undulating low hills on Carboniferous sediments and acid volcanics. This EEC is primarily associated with Permian substrates of the Lower Hunter soil landscapes of Aberdare, Branxton and Neath. The NSW Scientific Committee (2010) states that the "*Seaham Spotted Gum – Ironbark Forest typically occurs on*

sediments of Carboniferous age, in contrast to the younger Permian sediments that support Lower Hunter Spotted Gum-Ironbark Forest". The floristic composition of the vegetation in the study area also has a higher similarity to the Seaham Spotted Gum-Ironbark Forest community than the Lower Hunter Spotted Gum-Ironbark Forest described in *Vegetation Survey Classification and Mapping Lower Hunter and Central Coast Region* (NPWS 2000) asit typically contains a number of other dominant or co-dominant eucalypt species in addition to *Corymbia maculata (Spotted Gum)* and *Eucalyptus fibrosa (Ironbark)*.

The north-eastern part of the development site includes a combined 0.27ha of area dominated by exotic vegetation. These areas include modified grasslands that are routinely slashed, and an exotic shrubland occurring on a constructed bund which extends along the north-east boundary. The exotic grassland areas were verified as being in low condition. While the exotic shrubland area was too narrow to sample with a plot/transect, this area does not have any native understorey, and only contains occasional planted and regenerating trees (i.e. overall canopy cover of <5%). A further 1.15 ha area was excluded from assessment, being unvegetated and consisting of access tracks and bare ground from previous disturbance.

The study area occurs on the Ten Mile Road soil landscape (per the Soil Landscapes of the Newcastle 1:100 000 Map Sheet, Matthei 1995) which consists of undulating low hills on Carboniferous sediments and acid volcanics.

3.3 Heritage

3.3.1 Describe any Commonwealth heritage places overseas or other places recognised as having heritage values that apply to the project area.

No Commonwealth heritage places overseas or other places recognised as having heritage values apply to the project area.

3.3.2 Describe any Indigenous heritage values that apply to the project area.

The Eagleton Quarry Project is located on Worimi Country.

A revised Aboriginal Cultural Heritage Impact Assessment (ACHIA) was carried out by McCardle Cultural Heritage. In particular, the revised Aboriginal Cultural Heritage Impact Assessment includes:

- The outcomes of consultation carried out in accordance with the DECCW guideline Aboriginal Cultural Heritage Consultation Requirements for Proponents; and

- Additional archaeological assessment.

The Aboriginal stakeholders have not assigned any specific or general significance to the site in relation to aesthetic, historical or scientific values. The stakeholders assigned general social/cultural significance to the project area.

Findings of the ACHIA include:

- The ACHIA confirmed that one isolated find (flake) and two potential archaeological deposits (PADs) were identified in watercourses in the vicinity of the Project. One PAD is located along the Seven Mile Creek watercourse to the east of the Project site and one PAD is located along the 2nd order stream to the south of the Project site. McCardle confirmed that the site and PADs are typical of the Hunter Valley region in both their content and location, and that the isolated find was of low scientific significance. The RAPs assigned general social/cultural significance to the Project area, isolated find and PADs.
- McCardle confirmed that the riparian buffer corridors to be maintained along the 2nd and 3rd order watercourses in the vicinity of the site would ensure that the isolated find and PADs would not be impacted by the Project.

Refer to **Att 06_ACHIA_McCardle Cultural Heritage, Section 6, Pg 38-43** for additional detail on the archaeological values on the site.

Details of the recorded sites are available publicly within the Aboriginal Heritage Information Management System (AHIMS), where five (five) Aboriginal Sites are evident within or adjacent to the Project Area, refer to **Att 10 AHIMS Search Result October 2024**.

3.4 Hydrology

3.4.1 Describe the hydrology characteristics that apply to the project area and attach any hydrological investigations or surveys if applicable. *

Surface Water Overview

The core component of the development area (i.e. the quarry pit and infrastructure) is bound to the south by a 1st and 2nd order stream, to the east by a 3rd order stream (Seven Mile Creek) and to the north by a 1st and 2nd order stream. The quarry pit intersects the upper portions of three 1st order streams. The quarry access road includes a bridge that crosses Seven Mile Creek.

Seven Mile Creek has a regular base flow and receives discharge from the upstream Seaham Quarry. The 1st order creeks are ephemeral in nature with little or no baseflow and limited surface water storage. The northern 2nd order creek comprises limited baseflow and surface water storage. The southern 2nd order stream has several shallow pools interconnected by subsurface flows.

Given the steep slopes and limited soil depth, it is considered likely the site will have a high degree of runoff once soils are saturated.

The development site is located within the Hunter Water Drinking water catchment and controls have been developed to ensure a neutral or beneficial outcome on water quality.

Surface Water considerations in relation to the existing environment are largely addressed within **Attachment 8A**, while controls are detailed within **Attachment 8B**.

Groundwater Overview

The quarry will extract down to 45 mAHD, approximately 15m above the elevation of the base of Seven Mile Creek at the eastern extent of the site. With the extraction occurring from a ridge spur above the level of the adjacent creeks in a largely volcanic strata there is limited interaction with groundwater aside from water stored within rock fractures.

Groundwater inflow rates into the quarry pit are predicted to range from 3.0 to 7.8 ML/year with drawdowns extending to approximately 150m from the quarry pit at the end of quarrying. Refer to **Attachment 8C** for a summation of the results of earlier studies.

The Studies Completed

The following studies have been completed in relation to surface and groundwater, only No.6 and No.7 are included as attachments:

1. URS Pty Ltd. Eagleton Quarry Hydrogeological Investigation (URS 2014).
    1. Background and numerical model completed now superseded by David, 2016.
2. SLR Consulting Australia Pty Ltd. Groundwater Assessment Peer Review. February 2016a (SLR, 2016a).
    1. Review determined substantial revision of model setup and findings were required to meet requirements, this triggered the reports by Umwelt, 2016 and David, 2016.
3. Umwelt Pty Ltd. Eagleton Hard Rock Quarry Water Assessment – Final. October 2016 (Umwelt, 2016). **Attachment 8A**
    1. Operational elements of the water management system superseded by SLR, 2017.
    2. Information relating to statutory and regulatory requirements, existing surface water, flooding, erosion and sediment control methods and downstream user description remains current.
    3. Relevant groundwater elements effectively replaced by this letter.
4. David, K. Numerical Groundwater Model for Eagleton Quarry. October 2016 (David, 2016). o Current numerical model for the proposed quarry, supersedes the URS Report and is provided in Appendix B.
5. SLR Consulting Australia Pty Ltd. Groundwater Assessment Peer Review. February 2016b (SLR, 2016b).
    1. Determined David 2016 assessment fit for purpose to address the requirements of the SEARs and the NSW AIP. The peer review is provided in Appendix C.
6. SLR Consulting Australia Pty Ltd. Eagleton Quarry Revised Water Assessment. 4 August 2017 (SLR, 2017). **Attachment 8B**
    1. Current report addressing the proposed water management system. Refer to Table 2 of that report for list of elements utilised from the previous Umwelt 2016 report.
7. September 2017: Clarification for Eagleton Quarry Groundwater Modelling (Kleinfelder, 2017). **Attachment 8C**
8. Eagleton Quarry Project Ssd7332 Request For Response To Submissions (RRTS)– Aquatic Ecology Aspects (Marine Pollution Research, June 2017). **Attachment 7B**.

Ecological Aquatic Considerations

Kleinfelder (2017) undertook field surveys in January 2016 to identify and assess aquatic and riparian habitats within the study area. Prior to undertaking field surveys, mapped watercourses and aerial photos were examined to enable surveys to be targeted in areas most likely to contain aquatic habitat. The proposed development site forms part of a larger forested corridor that runs north- south between the Pacific Highway to the east and cleared grassland/wetlands to the west adjacent to the Williams River.

Aquatic habitat within the study area was determined to consist of riparian areas associated with six 1st order streams, two 2nd order streams, and one 3rd order stream. The 3rd order stream runs north-west to south-east through the study area. Several constructed dams were also identified in the study area. Aquatic and riparian habitat assessments carried out within the proposed development area are detailed in

Att 07A_ Revised Biodiversity Assessment Report_Kleinfelder, Appendix 8, Pg 116 - 121. In addition, Marine Pollution Research completed an aquatic ecology assessment of the creek lines within the Study Area, refer to **Att 07B_AquaticEcology June2017**.

The majority of the riparian habitat within the study area is intact and is occasionally dissected by access tracks. The riparian areas consist of the forest vegetation (as previously detailed in the flora section above)**.** Vegetation coverage in most areas was relatively high (50-60% PFC). The ground cover vegetation is relatively low in some areas along the 3rd order stream as result of past disturbance (i.e. Hunter Valley Paintball previously operated in this area).

The stream substrate of the riparian area is comprised mainly of sandand silt although some areas contained large cobbles. Finer substrate and detrital accumulations were moderate although these may have been washed out due to a large rainfall event which occurred a week before the assessment was conducted. The stream banks were relatively stable in most areas, with low levels of erosion of the banks occurring in some areas (particularly at bends in the stream).

No threatened freshwater species, endangered populations and endangered ecological communities listed under the *Fisheries Management Act 1994* have been recorded within the locality (5km radius of the study area). Following the database searches and habitat assessment, it is considered unlikely that any threatened aquatic species would occur in the study area.

Terrestrial fauna habitat within the riparian zone includes the associated vegetation, hollow bearing trees, rocks, woody debris and a range of substrates. No infestation of aquatic weeds or other Macrophytes were observed. No evidence of pollution was observed.

The proposed development has been positioned to avoid the 2nd and 3rd order streams and the associated riparian buffers in the study area, with the exception of a small area for the proposed haul road. A new bridge crossing is proposed to be constructed over Seven Mile Creek.

4. Impacts and mitigation

4.1 Impact details

Potential Matters of National Environmental Significance (MNES) relevant to your proposed action area.

EPBC Act section	Controlling provision	Impacted	Reviewed
S12	World Heritage	No	Yes
S15B	National Heritage	No	Yes
S16	Ramsar Wetland	No	Yes
S18	Threatened Species and Ecological Communities	Yes	Yes
S20	Migratory Species	Yes	Yes

EPBC Act section	Controlling provision	Impacted	Reviewed
S21	Nuclear	No	Yes
S23	Commonwealth Marine Area	No	Yes
S24B	Great Barrier Reef	No	Yes
S24D	Water resource in relation to large coal mining development or coal seam gas	No	Yes
S26	Commonwealth Land	No	Yes
S27B	Commonwealth Heritage Places Overseas	No	Yes
S28	Commonwealth or Commonwealth Agency	No	Yes

4.1.1 World Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.1.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.1.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located near any World Heritage values (i.e. more than 40km away), the scale and intensity of the proposed activity are not of a nature considered to have the potential to impact these values.

4.1.2 National Heritage

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

—

4.1.2.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.2.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located near any National Heritage values (i.e. more than 40km away), and the scale and intensity of the proposed activity are not of a nature considered to have the potential to impact these values.

4.1.3 Ramsar Wetland

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Ramsar wetland
No	No	Hunter Estuary Wetlands

4.1.3.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.3.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The Hunter Estuary Wetland (Ramsar Site) occurs 14 km south of the proposed action, located on the Hunter River / Fullerton Cove. The scale and intensity of the proposed Eagleton Quarry Project is not considered likely to have any direct or indirect impacts on the wetland, due to the distance, and not being hydrologically connected being within disconnected catchments. The activity is therefore unlikely to have a direct or indirect impact.

In addition, the Development Footprint of the proposed action has been designed to avoid impact on streams and must ensure a neutral or beneficial effect on water quality during operations as it drains to Grahamstown Dam, a Hunter Water asset. The proposed water management system is described in **Att 08B_RTS Appendix C_ Revised Water Assessment SLR 2017, Section 3, Pg 5 – 10.** These water management measures have been developed through the various water management assessments for the Project. In addition, a raft of environmental management plans required under the NSW Development Consent are required to minimise onsite and offsite environmental impacts.

4.1.4 Threatened Species and Ecological Communities

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Threatened species

Direct impact	Indirect impact	Species	Common name
No	No	Angophora inopina	Charmhaven Apple
Yes	No	Anthochaera phrygia	Regent Honeyeater
No	No	Arthraxon hispidus	Hairy-joint Grass
No	No	Asperula asthenes	Trailing Woodruff
No	No	Botaurus poiciloptilus	Australasian Bittern
No	No	Caladenia tessellata	Thick-lipped Spider-orchid, Daddy Long-legs
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Callocephalon fimbriatum	Gang-gang Cockatoo
Yes	No	Calyptorhynchus lathami lathami	South-eastern Glossy Black-Cockatoo

Direct impact	Indirect impact	Species	Common name
Yes	No	Chalinolobus dwyeri	Large-eared Pied Bat, Large Pied Bat
No	No	Charadrius leschenaultii	Greater Sand Plover, Large Sand Plover
Yes	No	Climacteris picumnus victoriae	Brown Treecreeper (south-eastern)
No	No	Cryptostylis hunteriana	Leafless Tongue-orchid
No	No	Cynanchum elegans	White-flowered Wax Plant
No	No	Dasyurus maculatus maculatus (SE mainland population)	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)
No	No	Erythrotriorchis radiatus	Red Goshawk
No	No	Eucalyptus camfieldii	Camfield's Stringybark
No	No	Eucalyptus glaucina	Slaty Red Gum
No	No	Euphrasia arguta	
No	No	Falco hypoleucos	Grey Falcon
No	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Grantiella picta	Painted Honeyeater
No	No	Grevillea parviflora subsp. parviflora	Small-flower Grevillea
No	No	Hirundapus caudacutus	White-throated Needletail
Yes	No	Lathamus discolor	Swift Parrot
No	No	Limosa lapponica baueri	Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit
No	No	Litoria aurea	Green and Golden Bell Frog
No	No	Melaleuca biconvexa	Biconvex Paperbark
No	No	Melanodryas cucullata cucullata	South-eastern Hooded Robin, Hooded Robin (south-eastern)
Yes	Yes	Mixophyes balbus	Stuttering Frog, Southern Barred Frog (in Victoria)
No	No	Neophema chrysostoma	Blue-winged Parrot
No	No	Notamacropus parma	Parma Wallaby
No	No	Numenius madagascariensis	Eastern Curlew, Far Eastern Curlew

Direct impact	Indirect impact	Species	Common name
No	No	Persicaria elatior	Knotweed, Tall Knotweed
No	No	Petauroides volans	Greater Glider (southern and central)
Yes	No	Petaurus australis australis	Yellow-bellied Glider (south-eastern)
Yes	No	Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)	Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)
No	No	Potorous tridactylus tridactylus	Long-nosed Potoroo (northern)
Yes	No	Pseudomys novaehollandiae	New Holland Mouse, Pookila
Yes	No	Pteropus poliocephalus	Grey-headed Flying-fox
No	No	Pycnoptilus floccosus	Pilotbird
No	No	Rhizanthella slateri	Eastern Underground Orchid
No	No	Rhodamnia rubescens	Scrub Turpentine, Brown Malletwood
No	No	Rhodomyrtus psidioides	Native Guava
No	No	Rostratula australis	Australian Painted Snipe
No	No	Stagonopleura guttata	Diamond Firetail
No	No	Syzygium paniculatum	Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry
No	No	Tetratheca juncea	Black-eyed Susan
No	No	Thesium australe	Austral Toadflax, Toadflax
No	No	Uperoleia mahonyi	Mahony's Toadlet

Ecological communities

Direct impact	Indirect impact	Ecological community
No	No	Central Hunter Valley eucalypt forest and woodland
No	No	Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community
No	No	Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland

Direct impact	Indirect impact	Ecological community
No	No	Lowland Rainforest of Subtropical Australia
No	No	Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions

4.1.4.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.4.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

A list of threatened species, populations and ecological communities that have been reported or modelled to occur from within a five-kilometre radius of the Study Area was obtained through database searches (NSW BioNet and Commonwealth Protected Matter search). An assessment was then made of the likelihood of the threatened species, populations, and ecological communities reported or modelled to occur in the locality occurring within the Project Site or using the habitat within the Project Site as an essential part of a foraging range (refer **Att 09B_ EPBC Significant Impacts Assessments_WPC, Appendix 2, Pg 74 - 103**). Species with a moderate to high likelihood of occurring within the Study Area were then further assessed through a Significant Impact Assessment (refer **Att 09B_ EPBC Significant Impacts Assessments_WPC, Appendix 1, Pg 45-73**).

The proposed action will not have any direct or indirect impacts on any Threatened Ecological Communities (TECs). No TECs were identified within the Study Area.

Following the likelihood of assessment, the proposed action was considered likely to have a direct impact on the following EPBC-listed threatened species, through removal of potential foraging habitat, further description is contained below:

Swift Parrot and Regent Honeyeater

These species were not recorded within the Study Area during any of the surveys carried out.

Swift Parrot ‘important area’ mapping does not occur within the Study Area, therefore the site is not likely to be considered to represent a significant foraging area for the species, as the species often returns to forage at the same locations year after year.

Regent Honeyeater ‘important area’ mapping does not occur within the Study Area, therefore the habitat is not likely to be used for breeding, and is only potential foraging habitat for the species.

Approximately 32.03 ha of open forest, which may provide opportunistic foraging habitat and supplementary foraging areas in times of low nectar resources in core foraging areas, will be removed as a result of the proposed action, resulting in a direct impact to the species.

Koala

Two Koalas were sighted in the south-western part of the Study Area during field surveys carried out by Kleinfelder in 2013. SAT tests (2013 & 2024) also detected Koala activity in the south-west, central, and north-east parts of the Study Area in 2013 and 2024. The proposed action will result in a direct impact to the species via the removal of 11.19 ha of native vegetation considered representative of foraging habitat for the species. Due to the low levels of activity recorded through SAT tests (7% and 1% activity) across the

Project Site (i.e. the area to be impacted), the habitat to be impacted is not considered to be suitable breeding habitat. During clearing there is the potential for displacement of an individual if the Project Site forms part of its home-range. The removal of an area of an individual's home range may force it to move, potentially encroaching on the home range of another individual. This could result in conflicts in the local area due to the high fidelity the species exhibit to their home range. The proposal also has the potential for increased impact to the species from vehicle strikes as there will be an increase in traffic associated with the quarry construction and operation.

South-eastern Glossy-black Cockatoo

No Glossy-black Cockatoos were recorded within the Project Site during bird surveys, however evidence of Glossy-black Cockatoos foraging was recorded along creek line vegetation within the Study Area (outside the Project Site) during targeted surveys. The proposed action will impact a total of 32.03 ha of native vegetation considered representative habitat for the species. The vegetation within the Project Site is characterized as having a low to moderate density of potential feed trees, Black She-oak (*Allocasuarina littoralis*). Higher condition habitat occurs throughout the locality, and potentially within the Biodiversity Offset area, particularly along the main perennial creek line where old growth trees occur.

Brown Treecreeper

The Brown Treecreeper was recorded during GHD surveys in 2012, however was not recorded again during bird surveys in 2024. The proposed action will result in a direct impact to the species via the removal of 32.03 ha of native vegetation considered foraging habitat and potentially breeding habitat for this species.

Grey-headed Flying-fox

The species was recorded foraging within the Study Area. However, no camps are recorded within the locality. The nearest mapped Flying-fox camp is located <9 km southwest of the Study Area (Raymond Terrace). The proposed action will result in a direct impact to the species via the removal of a total of 32.03 ha of native vegetation considered representative of foraging habitat for the species.

Large-eared Pied Bat

Large-eared Pied Bat was recorded within the Study Area. There are no caves present on site, therefore the Study Area does not represent suitable breeding habitat and is only considered as foraging habitat for this species. The proposed development will impact on a total of 32.03 ha of native vegetation considered representative of foraging habitat for the species.

New Holland Mouse

The species was not recorded within the Project Site during targeted surveys by WPC in 2024. There are 5 records of the species within the locality, and suitable habitat appears to occur across parts of the Study Area. The proposed action will impact a total of 32.03 ha of native vegetation considered representative of potential habitat for the species.

Yellow-bellied Glider

Surveys conducted within the locality (at Stone Ridge Quarry) in 2018 and 2022 did not detect this species. Surveys conducted on site in 2013 did not detect this species. The project will result in direct impacts to the species through the removal of 32.03 ha of potential foraging habitat for the species.

Stuttering Frog

The proposed action will result in temporary indirect impacts to less than 0.06 ha of native vegetation considered to constitute marginal habitat for the species during construction of a bridge crossing the Seven Mile Creek. Potential indirect impacts include water pollution and sedimentation and weed incursion.

Refer to **Att 09B_ EPBC Significant Impacts Assessments_WPC, Appendix 1, Pg 45-73** for the full assessment of significance for each of the above listed species.

4.1.4.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? *

No

4.1.4.6 Describe why you do not consider this to be a Significant Impact. *

A full significant impact assessment was carried out for each threatened species considered likely to be impacted by the proposed action, in accordance with the Matters of National Environmental Significance - Significant impact guidelines 1.1 (Department of the Environment, 2013). The assessments are contained in full in **Att 09B_ EPBC Significant Impacts Assessments_WPC, Appendix 1, Pg 45-73.**

Swift Parrot and Regent Honeyeater

The proposed action will only impact potential foraging habitat for both species. The proposed action will not impact on the breeding cycle of Swift Parrot with all breeding for the species occurring in Tasmania and not on mainland Australia. The proposed action is unlikely to impact Regent Honeyeater breeding habitat as no 'important area' mapping occurs within the Study Area. The proposed development is therefore considered unlikely to lead to a long-term decrease in the size of the Swift Parrot or Regent Honeyeater populations.

The vegetation within the Study Area likely provides opportunistic foraging habitat and supplementary foraging areas in times of low nectar resources in core foraging areas. As such, it is unlikely that the 32.03 ha of potential foraging habitat within the Project Site is critical to the survival of these species.

Proposed offset measures will also secure approximately 57.2 ha of similar open forest habitat surrounding the Project Site in-perpetuity. The proposed Project Site will also be rehabilitated, as such there is the potential for these species to utilise the area as foraging habitat once the area is suitably rehabilitated.

Given the above considerations, impact assessment for these species have concluded that the proposed action is unlikely to have a significant impact on these species.

Koala

The proposed action will result in a direct impact to the species via the removal of 11.19 ha of native vegetation considered representative of foraging habitat for the species. The SAT surveys indicate that koalas are moving through the lower-lying areas of the Study Area (such as along creeklines) rather than through the elevated ridgeline and upper slopes where the Project Site is situated. The Seven Mile Creek corridor (creekline and associated riparian habitat) is likely acting as the main movement corridor for koalas to move through the Study Area and will be retained.

During clearing there is the potential for displacement of an individual if the Project Site forms part of its home-range, however the home range of Koalas in the Port Stephens area is estimated to be in the range 80 – 90 ha. While there is the potential to displace one individual, this impact is unlikely to be significant due to the large area of alternative available habitat adjoining the Project Site.

The proposal also has the potential for increased impact to the species from vehicle strikes as there will be an increase in traffic associated with the quarry construction and operation. The proposed development is to incorporate traffic calming measures to reduce the risk of vehicle strike. The proposal would not increase dog numbers in the locality.

In light of the above considerations, the impacts of the proposal are unlikely to result in a significant impact to Koala.

South-eastern Glossy-black Cockatoo

No Glossy-black Cockatoos were recorded within the Project Site and the vegetation within the Project Site is characterized as having a low to moderate density of potential feed trees, Black She-oak (*Allocasuarina littoralis*).

Evidence of foraging on She-oaks was found within the Study Area along the ephemeral creek beds to the north and south of the Project Site (**Att 09B_ EPBC Significant Impacts Assessments_WPC, Figure 5, Page 25).** Higher condition habitat also occurs throughout the locality, and potentially within the Biodiversity Offset area, particularly along the main perennial creek line where old growth trees occur.

The total extent of occurrence for the species is 470,000 km2 (i.e. 47,000,000 ha). The proposed action will impact a total of 32.03 ha of habitat, representing < 0.0001 % of suitable habitat for the highly mobile species (nationally) (DCCEEW 2022).

As such, the proposed action is unlikely to lead to a long-term decrease in the size of the population of the South-eastern Glossy -black Cockatoo and is unlikely to have a significant impact on the species.

Brown Treecreeper

The Brown Treecreeper was recorded during bird surveys carried out on the site in 2012, however it was not recorded again during surveys in 2024. The proposed action will result in a direct impact to the species via the removal of 32.03 ha of native vegetation considered foraging habitat and potentially breeding habitat for this species. It is noted however that the species is highly mobile and that similar habitat is present and will be retained throughout the locality as well as within the proposed Biodiversity Offset area in the Study Area. Retention of suitable habitat areas adjoining the impact area will allow individuals to move into surrounding areas if disturbed. Similarly, the proposed action will not impact on the breeding cycle of the species due to the small area of impact and the wider area of suitable habitat surrounding the development. It is also noted that in the long-term, the Project Area will be rehabilitated and will be returned to a condition similar to that present in the Project Area at present.

Taking all of the above factors into consideration, the proposed action is unlikely to result in a significant impact to the Brown Treecreeper.

Grey-headed Flying-fox

The species was recorded foraging within the Study Area. However, no camps are recorded within the locality. The nearest mapped Flying-fox camp is located <9 km southwest of the Study Area (Raymond Terrace). The proposed action will result in a direct impact to the species via the removal of a total of 32.03 ha of native vegetation considered representative of foraging habitat for the species.

The proposed action will not impact on the breeding cycle of the species as no camps were recorded within the Project Area or locality. The proposed action is therefore not expected to have a significant impact on the species, as it will only result in the medium-term removal of potential foraging habitat over a relatively small area.

Large-eared Pied Bat

Given that there are no caves present on site, therefore the Study Area does not represent suitable breeding habitat. The Grey-headed Flying-fox was not recorded roosting or foraging within the Study Area during field surveys, however, eucalypt species within the Project Site are likely to provide opportunistic foraging resources. The proposed development will impact on a total of 32.03 ha of this potential resource.

Given the relatively small area of suitable habitat for these species that will be removed compared to the extensive areas of suitable habitat in the Study Area and surrounding lands, the minor impediment the development would pose to movement of these species and the management actions proposed, as well as the proposed site rehabilitation measures, it is unlikely that the proposal would result in a significant impact to this species.

New Holland Mouse

Targeted surveys did not detect the New Holland Mouse within the Project Site and while the New Holland Mouse occurs in the locality, no known populations of the species will be impacted. A 32.03 ha area of potential habitat will be impacted, however. Given that similar habitat occurs to the north, south and west of the Project Site, and throughout the locality and that the southern part of the Study Area (which provides similar habitat) will be protected as a stewardship site, the proposed action is considered unlikely to result in a significant impact to the New Holland Mouse.

Yellow-bellied Glider

This species has not been detected within the Project Area. The project will impact 32.03 ha of potential foraging habitat for the species, however similar habitat occurs to the north, south and west of the proposed development, and throughout the locality. Higher quality habitat (mature growth trees) occurs along the Seven Mile Creek within the Study Area. This habitat, as well as second order streams within the Study Area, will continue to provide corridors for native fauna moving through the locality as these areas will be set aside as a Stewardship Site and will remain protected in perpetuity.

Given that the species is highly mobile and that extensive areas of suitable habitat, including movement corridors, will be retained in the Study Area, it is considered that the removal of a relatively small area of potential foraging habitat is unlikely to result in a significant impact to the Yellow-bellied Glider.

Stuttering Frog

Stuttering Frog are known to occur in three locations south of Sydney and in the Dorrigo region in the north-east of NSW. Bionet shows the closest record of an individual at Sugarloaf State Conservation Area approximately 34 km south-west of the Project Site. Targeted Surveys on-site detected no individuals.

Given that the proposed action will only result in temporary indirect impacts to less than 0.06 ha of native vegetation considered to constitute marginal habitat for the species, the proposal is unlikely to result in significant impacts to this species. Furthermore, the implementation of a Biodiversity Management Plan along with a Water Management Plan will add control measures to minimise indirect impacts and prevent the spread of invasive species and disease, as well as to protect the stream from contaminants, pollution and excess sediment and nutrients.

4.1.4.7 Do you think your proposed action is a controlled action? *

No

4.1.4.9 Please elaborate why you do not think your proposed action is a controlled action. *

A controlled action has, or will have, a significant impact on protected matters. Results of the significant impact assessment (**Att 9B_ EPBC Significant Impacts Assessments_WPC, Appendix 1, Pg 45-73**) determined that the proposed action will not have a significant impact on protected matters and therefore the proposed action is not a controlled action.

4.1.4.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. *

See **Att 07A_ Revised Biodiversity Assessment Report_Kleinfelder, Stage 2, Pg 39-45** for a detailed description of avoidance and mitigation measures to be implemented as part of this Project. A list of the final set of management plans that are required (to be developed prior to operation), to mitigate the impacts of the development, are included within the NSW Development Consent (**Attachment 1**).

The proposed avoidance and mitigation measures are summarised below:

Impact Avoidance

Options for the layout of the proposed development and associated infrastructure (haulage road) were reviewed in consideration of the biodiversity values identified within the Study Area, including the extent and condition of native vegetation, threatened species habitat (i.e. Koala and BC Act listed Southern Myotis), connectivity, the intent and location of regional biodiversity corridors, natural drainage of the site and the occurrence of key habitat features, such as hollow-bearing trees, wetlands, and watercourses. The proposed development site has been selected to avoid and retain the following biodiversity values:

- The retention of 57.2 ha of native vegetation (approximately 63%) within the Study Area, proposed to be secured under a stewardship site agreement as part of the offset to provide in-perpetuity protection and management of this native vegetation and threatened species habitat. Note. The final area of the Biodiversity Stewardship Agreement Site will be subject to considerations during the final
- Being positioned to avoid the 2nd and 3rd order streams and the associated riparian buffers in the study area, with the exception of a small area for the proposed haul road. A new bridge or culvert crossing is proposed to be constructed over Seven Mile Creek.
- Being positioned to avoid the majority of suitable Koala habitat in the study area (approximately 79%). These retained areas of suitable Koala habitat (41.40 ha) would be protected and managed in-perpetuity under a biobanking agreement.
- Being positioned to avoid the majority of Southern Myotis breeding habitat in the study area (approximately 67%). These retained areas of Southern Myotis habitat (33.03 ha) would be protected and managed in-perpetuity under a stewardship site agreement.

The proposed development would not impact on any threatened ecological communities (TECs), critical habitat, riparian areas of 4th order or higher, important wetlands, estuaries, or state significant biodiversity links.

Impact Minimisation

Impacts of the proposed development will be minimised by a range of management plans that once implemented will minimise the effects of the activity on the environment within and adjoining the proposed activity.

The management plans aim to provide protocols to minimise impacts to wildlife and protect vegetation within the development site during construction and operations, via pre-clearing fauna surveys, vegetation and hollow-bearing tree clearing protocols, fauna translocation, and weed control. They will include measures focusing on Koala such as the koala underpass installation, pre-clearing koala surveys, exclusion zones with time for any detected koalas to self-relocate and improvement of koala habitat where reasonable and feasible.

The NSW Development Consent (**Att 01_Development consent Eagleton Quarry Project SSD 7332**) requires the development and implementation of the following comprehensive management plans, applicable to minimising impacts on Biodiversity:

Biodiversity Management Plan

Condition B47. The Applicant must prepare a Biodiversity Management Plan for the development. This plan must:

(a) be prepared by suitably qualified and experienced person/s:

(b) be prepared in consultation with BCS and Council:

(c) describe the short, medium, and long-term measures to be undertaken to:

(i) implement the Biodiversity Offset Strategy; and

(ii) manage the remnant vegetation and fauna habitat on the site;

(d) include a detailed description of the measures to be implemented on the site to:

(i) enhance the quality of existing vegetation, vegetation connectivity and fauna habitat, including through the assisted regeneration and/or targeted regeneration of appropriate canopy, sub-canopy. understorey and ground strata;

(ii) ensure the Koala underpass required by condition 844(b) is designed in consultation with a suitably qualified and experienced koala expert/s:

(iii) maximise the salvage of resources within the approved disturbance area including tree hollows, vegetative and soil resources for beneficial reuse on site including fauna habitat enhancement:

(iv) minimise impacts on tree hollows where reasonable and feasible;

(v) minimise impacts on fauna including undertaking pre-clearance surveys;

(vi) manage potential indirect impacts on threatened plant and animal species;

(vii) introduce naturally scarce fauna habitat features such as den structures, nest boxes and salvaged tree hollows, and promote the use of these introduced habitat features by threatened fauna species;

(viii) monitor and protect vegetation and fauna habitat outside the approved disturbance area, including within riparian corridors and downstream aquatic environments;

(ix) establish and/or retain vegetation screening to minimise the visual impacts of the development on surrounding receivers;

(x) Control weeds. and feral pests, with consideration of actions identified in relevant threat abatement plans;

(xi) manage the collection and propagation of seed;

(xii) control unrestricted access: and

(xiii) manage bushfire hazards;

(e) include a seasonally-based program to monitor and report on the effectiveness of biodiversity measures, and any progressive improvements that could be implemented to improve biodiversity outcomes;

(f) include an adaptive management plan for groundwater dependent ecosystems that:

(i) is based on a Before After Control Impact (BACI) design to determine baseline conditions and identify any quarrying-related impacts in the vicinity of the site;

(ii) provides details of the baseline plot data for groundwater dependent ecosystems including vegetation composition, structure and health, and any candidate threatened species associated with the community;

{iii) provides for the collection of groundwater level monitoring data (monthly) to detect any shallow groundwater drawdown during quarrying operations;

(iv) provides details of the offsetting regime that would be implemented in accordance with the Biodiversity Offsets Scheme of the BC Act if a change (partial or full direct impacts) in vegetation is detected and found to be caused by groundwater drawdown associated with the development and

(g) include details who would be responsible for monitoring, reviewing, and implementing the plan.

Condition B48. The Applicant must not commence construction of the access road or quarrying operations until the Biodiversity Management Plan is approved by the Planning Secretary.

Condition B49. The Applicant must implement the adopted Biodiversity Management Plan.

Conditions B50 to B58 of the Development Consent relate to the rehabilitation of the development. These conditions specify the rehabilitation objectives, require progressive rehabilitation and minimising disturbance at any one time, the preparation of a Rehabilitation Management Plan and commitment of a Rehabilitation Bond to provide for the rehabilitation of the site in event of the failure of the applicant.

4.1.4.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

The requirements for Biodiversity Offsets for the Project are set out in Condition B43 to B46 of the NSW Development Consent (**Att 1**). These are summarised below:

B43. Requires the retirement of both ecosystem and species credits, being:

- 1836 credits for PCT: HU804 Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest;
- 291 credits for Koala; and
- 362 credits for Southern Myotis.

These credits numbers are as per the previous Biobanking Assessment Methodology and will likely need to be converted to the reasonably equivalent biodiversity credits within the meaning of the NSW BC Act.

B44. Requires the protection of riparian corridors around the disturbance footprint and a Koala underpass under Seven Mile Creek.

B45. Specifies that at least part of the Biodiversity Credits required to be retired for the development are sort from an onsite Biodiversity Stewardship Site that covers an area of 60.83 ha. It should be noted, that an amendment will be sort for this condition as only 57.2 ha is available for a potential stewardship site and, this area may be subject to further reduction during the creation of the Stewardship Site based on practical limitations associated with boundaries, fencing and development site buffers as required under the Biodiversity Offsets Scheme. It is the Applicants intent to establish the largest reasonable and feasible Biodiversity Stewardship Site on the land in consultation with the NSW BCS.

B46. Requires the Applicant suitably fund the establishment of the onsite Biodiversity Stewardship Site.

The background to the biodiversity offset strategy is detailed in **Att 07A_ Revised Biodiversity Assessment Report_Kleinfelder, Stage 2, Appendix 2, Pg 50** and is summarised below:

Stewardship Site

The Onsite Offset Site is proposed with native vegetation covering an area of 57.2 ha. The Stewardship Site will be managed in perpetuity consistent with the NSW Biodiversity Offset Scheme and must be established and funded by the Applicant. The Applicant is not required to retire all credits generated from this Stewardship Site for the Eagleton Quarry, although it is likely in its financial interest to do so.

Two Plant community Types are present within the Offset Site that will generate Ecosystem Credits (note these credit types are under the previous Biobanking Assessment Methodology, and will likely vary in number and type the final Stewardship Site Agreement):

- HU804 Spotted Gum - Broad-leaved Mahogany – Red Ironbark shrubby open forest. This area has potential to generate 533 Ecosystem Credits.
- HU798 White Mahogany - Spotted Gum – Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley (moderate-good) generating 63 credits.

Species credits that can be generated include:

- Koala (*Phascolarctos cinereus*) Species Credits generated onsite: 294
- Southern Myotis (*Myotis macropus*) Species Credits generated onsite: 235

Additional Credit Requirements

The proposed onsite offset site is likely to satisfy a high proportion of the biodiversity credits required at the development site, however, where there is a shortfall in the credits established onsite, these will be sort from the credit market or payment into the Biodiversity Conservation Fund consistent with the Biodiversity Offsets Scheme.

4.1.5 Migratory Species

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

Direct impact	Indirect impact	Species	Common name
No	No	Actitis hypoleucos	Common Sandpiper
No	No	Apus pacificus	Fork-tailed Swift
No	No	Calidris acuminata	Sharp-tailed Sandpiper
No	No	Calidris ferruginea	Curlew Sandpiper
No	No	Calidris melanotos	Pectoral Sandpiper
No	No	Charadrius leschenaultii	Greater Sand Plover, Large Sand Plover
No	No	Cuculus optatus	Oriental Cuckoo, Horsfield's Cuckoo
No	No	Gallinago hardwickii	Latham's Snipe, Japanese Snipe
No	No	Hirundapus caudacutus	White-throated Needletail
Yes	No	Monarcha melanopsis	Black-faced Monarch
No	No	Motacilla flava	Yellow Wagtail
Yes	No	Myiagra cyanoleuca	Satin Flycatcher

Direct impact	Indirect impact	Species	Common name
No	No	Numenius madagascariensis	Eastern Curlew, Far Eastern Curlew
Yes	No	Rhipidura rufifrons	Rufous Fantail
No	No	Symposiachrus trivirgatus	Spectacled Monarch

4.1.5.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

Yes

4.1.5.2 Briefly describe why your action has a direct and/or indirect impact on these protected matters. *

A protected matters search (**Att 09B_ EPBC Significant Impacts Assessments_WPC, Appendix 3, Pg 104-121**) was undertaken with potential for 19 migratory species to occur within the development.

Three species were assessed as having a moderate to high likelihood of occurrence within the Study Area (**Att 09B_ EPBC Significant Impacts Assessments_WPC, Appendix 2, Pg 74-103**).

Two of these species were recorded in the Study Area during surveys: Rufous Fantail and Satin Flycatcher.

A total of 32.03 ha of native vegetation considered foraging habitat for these species will be impacted, resulting in direct impacts to foraging habitat for these species.

4.1.5.4 Do you consider this likely direct and/or indirect impact to be a Significant Impact? *

No

4.1.5.6 Describe why you do not consider this to be a Significant Impact. *

The proposed action will directly impact on 32.03 ha of foraging habitat for Black-faced Monarch, Rufous Fantail and Satin Flycatcher. The proposed action would not substantially modify the ground or surface water hydrology within the vegetation to be retained in the study area, and it is unlikely that there will be modification to any areas of retained habitat for this species due to the proposed action.

The proposal would reduce habitat connectivity for these species within the study area. However, the proposed development will incorporate corridors in the central and north-east parts of the study area to maintain connectivity. The vegetation to be retained in the southern part of the study area will remain well connected to adjoining vegetation. As such, the proposal is considered unlikely to isolate or substantially fragment any important habitat for these species in the study area.

The proposed action would not result in any invasive species becoming established in areas of important habitat for these migratory species. The majority of the vegetation to be retained in the study area is proposed to be secured under a stewardship site agreement. Implementation of a vertebrate pest management plan is required under this agreement, which would ensure potential impacts from vertebrate pests in the study area are managed.

Given the relatively large areas of habitat adjoining the study area and as the majority of vegetation in the study area will be retained, including corridors to facilitate movement to the north, it is unlikely that the proposed action will disrupt the lifecycle of an ecologically significant proportion of the population of these species.

The proposed action is thus not expected to have a significant impact on the species. The full impact assessment for these species is included in (**Att 09B_ EPBC Significant Impacts Assessments_WPC, Appendix 1, Pg 45-73**).

4.1.5.7 Do you think your proposed action is a controlled action? *

No

4.1.5.9 Please elaborate why you do not think your proposed action is a controlled action. *

The proposed action will result in the loss of 32.03ha of foraging habitat, and retain over 57ha, within a broader connected area of habitat, as such the Proposed Action will not:

- Substantially modify, fragment, destroy, alter or isolate important habitat for the species.
- Result in an invasive species becoming established.
- Seriously disrupt the lifecycle of the migratory species.

On the basis of the above, the proposed action is not considered to result in a Significant Impact and is not considered a Controlled Action.

4.1.5.10 Please describe any avoidance or mitigation measures proposed for this action and attach any supporting documentation for these avoidance and mitigation measures. *

The Proposed Action has been developed to target the area of highest value (i.e. material type and quantity) hard rock resource resulting in the avoidance of residual vegetation within the Subject Land.

Mitigation measures to minimise the impacts on migratory species will be developed within the Biodiversity Management Plan required under the NSW Development Consent. This is required to include measures such as minimising impacts on fauna to managing pests and bushfire hazards.

Refer **Att 09B_ EPBC Significant Impacts Assessments_WPC, Section 3, Pg 31-37.**

4.1.5.11 Please describe any proposed offsets and attach any supporting documentation relevant to these measures. *

The Proposed Action includes the implementation of a Biodiversity Offsets Strategy, in short this includes:

- Retire the required amount of credits consistent with the NSW Biodiversity Offsets Scheme prior to impacting on biodiversity values.
- Establishment of a Biodiversity Stewardship Site on residual lands within Subject Land, this is estimated at approximately 57.2ha, though will be subject to finalisation in the establishment of the offset area.

Refer **Att 09B_ EPBC Significant Impacts Assessments_WPC, Section 4 & 5, Pg 38-42.**

4.1.6 Nuclear

4.1.6.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.6.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action will not have a direct or indirect impact on this matter.

4.1.7 Commonwealth Marine Area

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.7.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.7.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located in proximity of this matter and the proposed action is not of a scale or intensity that will have a measurable direct or indirect impact on this matter.

4.1.8 Great Barrier Reef

4.1.8.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.8.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located in proximity of this matter and the proposed action is not of a scale or intensity that will have a measurable direct or indirect impact on this matter.

4.1.9 Water resource in relation to large coal mining development or coal seam gas

4.1.9.1 Is the proposed action likely to have any direct and/or indirect impact on this protected matter? *

No

4.1.9.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not a coal mine or coal seam gas development.

4.1.10 Commonwealth Land

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.10.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.10.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located in proximity of this matter and the proposed action is not of a scale or intensity that will have a measurable direct or indirect impact on this matter.

4.1.11 Commonwealth Heritage Places Overseas

You have identified your proposed action will likely directly and/or indirectly impact the following protected matters.

A direct impact is a direct consequence of an action taken – for example, clearing of habitat for a threatened species or permanent shading on an ecological community as the result of installing solar panels.

An indirect impact is an 'indirect consequence' such as a downstream impact or a facilitated third-party action.

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4.1.11.1 Is the proposed action likely to have any direct and/or indirect impact on any of these protected matters? *

No

4.1.11.3 Briefly describe why your action is unlikely to have a direct and/or indirect impact. *

The proposed action is not located in proximity of this matter and the proposed action is not of a scale or intensity that will have a measurable direct or indirect impact on this matter.

4.1.12 Commonwealth or Commonwealth Agency

4.1.12.1 Is the proposed action to be taken by the Commonwealth or a Commonwealth Agency? *

No

4.2 Impact summary

Conclusion on the likelihood of significant impacts

You have indicated that the proposed action will likely have a significant impact on the following Matters of National Environmental Significance:

None

Conclusion on the likelihood of unlikely significant impacts

You have indicated that the proposed action will unlikely have a significant impact on the following Matters of National Environmental Significance:

- World Heritage (S12)
- National Heritage (S15B)
- Ramsar Wetland (S16)
- Threatened Species and Ecological Communities (S18)
- Migratory Species (S20)
- Nuclear (S21)
- Commonwealth Marine Area (S23)
- Great Barrier Reef (S24B)
- Water resource in relation to large coal mining development or coal seam gas (S24D)
- Commonwealth Land (S26)
- Commonwealth Heritage Places Overseas (S27B)
- Commonwealth or Commonwealth Agency (S28)

4.3 Alternatives

4.3.1 Do you have any possible alternatives for your proposed action to be considered as part of your referral? *

No

4.3.8 Describe why alternatives for your proposed action were not possible. *

Alternatives were considered within the original EIS (refer to Section 3.4 – Page 24, of **Att 05A_Eagleton Quarry EIS - Main Report_JBA, a** an evaluation of the alternatives is considered below:

1. **Not proceeding with the development**: This alternative is not considered appropriate as there is an identified demand for the product. It has been identified that growth in the Lower Hunter is expected to include the addition of 115 000 dwellings this alone will create the demand for in excess of 20MT (Lower Hunter's population growth for the next 20 years has been forecast by the NSW Department of Planning and Environment and is documented within the *Hunter Regional Plan 2036*). Failure to proceed with the proposed quarry would result in a scarcity of products, price increases and additional haulage costs to the construction industry and its downstream consumers.
2. **Alternative Quarry Layout**: The proposed quarry layout has been optimised to consider site constraints and opportunities. Alternative layouts were dismissed due to non-conformant management of constraints and negative environmental impacts. The proposed layout and sequence of expansion limits impacts and provides a complying outcome for primary constraints including surface water, groundwater, noise impacts, ecology and air quality. The aforementioned environmental issues informed the ultimate quarry design and reflect the overall Eagleton Rock quarry philosophy which is to minimise off-site impacts by operating with maximum efficiency and minimal environmental footprint. In addition to potential primary constraints the quarry layout and in particular the processing area will provide an efficient point of sale from the processing plant eliminating double handling of material and excessive stockpile storage areas. An outline of the key alternatives that were considered:
    - Lateral extent of quarry: The lateral extent of the quarry has the potential to extend to the north, south, east and west. However, to the north, south and east this would intercept creek lines that convey broader catchments and more important habitat for Koala. Extension to the west is limited by land ownership boundaries. The adopted area was considered appropriate given the above considerations, both from a operational feasibility and environmental values.
    - Vertical extent of quarry: The quarry has been currently limited to 45m AHD, the intent of this level is to result in a final land form that is free draining, and to minimise the potential for interaction with the baseflow in the adjacent Seven Mile Creek. It is noted the Boral Seaham Quarry and proposed ARDG Quarry are currently or propose substantially lower pit floors.
    - The method of extraction: There are limited alternatives for the actual methods of extraction given hard rock resources require blasting and excavation. However, to minimise impacts on nearby properties the sequencing of extraction has been adopted to ensure the quarry maintains a protective noise barrier to the south of the extractive location to reduce noise.
    - Rate of Extraction: The rate of extraction was chosen to satisfy what is currently considered the most appropriate rate given traffic, noise and dust assessments. Higher and lower rates were considered during design, but 600kt was chosen given it is environmentally feasible.
3. **Alternative Quarry Access:** The quarry access can be divided into four components, alternatives considered are outlined below:
    - Between quarry pit and Barleigh Ranch Way: This section of access is relevant to this Referral. Variations to this access considered the interactions with the adjoining landscape business and the crossing of Seven Mile Creek. The adopted path was considered the most appropriate to avoid disruption to the existing business. A bridge was considered an improved option to cross Seven Mile Creek to maintain flows and also enable an effective Koala underpass
    - Barleigh Ranch Way: This is a public road way, it is not part of the Referral. No practical alternatives exist.
    - Between Barleigh Ranch Way and Italia Road: This section is not part of the Referral, however several alternatives were considered. The quarry was initially proposed to be accessed via a private road located partially outside of the existing easement. This access would have resulted in road construction works. The existing right of carriageway for several properties surrounding the quarry site will instead be upgraded and relocated to the east of the original location given negotiations with the landowner. This right of carriage way will ultimately be

upgraded to a public road or of an equivalent standard. Its construction was approved by Port Stephens Council.

- Italia Road onto the Pacific Highway: This section is not part of the referral. However several alternatives were considered in consultation with the NSW roads authority. The adopted option is the construction of a left turn acceleration lane to be constructed in conjunction with other quarries in the area. This is being assessed and approved under a separate local development approval. Extensive details about the various options considered are available on the NSW Major Projects Website

On the basis of the above, the proposed quarry Project presented in this Referral is considered to represent the most suitable foot print based on the availability of the resource and environmental considerations and extraction rate based on noise dust and traffic considerations suitable for the Subject Land and surrounding environment.

During construction and operational activities, some alternative options may be available for consideration, these matters would be determined through the development of site specific management plans and onsite construction and operational experience. Measures developed within management plans are required to seek to minimise impacts to flora and fauna (including MNES) where feasible and may include changes to construction and operational timeframes or processes based on measures such as the avoidance of clearing during particular breeding periods where an avoidable risk is identified.

5. Lodgement

5.1 Attachments

1.2.1 Overview of the proposed action

	Type	Name	Date	Sensitive?	Confidence
#1.	Document	Att 01_Development consent Eagleton Quarry Project SSD 7332.pdf NSW Development Consent	08/07/2024	No	High
#2.	Document	Att 02A_Eagleton Quarry_Site Layout_Wedgetail 202407.pdf Eagleton Quarry Site Layout	06/02/2024	No	High
#3.	Document	Att 02B_Eagleton Quarry_Site Plans_Kleinfelder 201708.pdf Quarry Plan set from 2017 Response to Submissions	03/08/2017	No	Low or uncertain
#4.	Document	Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI.pdf NSW DPHI Assessment Report	31/03/2024	No	High
#5.	Document	Att 03B_Statement of Reasons for Decision Eagleton Quarry Project SSD 7332 IPC.pdf NSW IPC Statement of Reasons for Decision	08/07/2024	No	High

1.2.6 Commonwealth or state legislation, planning frameworks or policy documents that are relevant to the proposed action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI.pdf NSW DPHI Assessment Report	31/03/2024	No	High

1.2.7 Public consultation regarding the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI.pdf NSW DPHI Assessment Report	31/03/2024	No	High
#2.	Document	Att 04_SocialValuesReview Kleinfelder 2017.pdf Social Values Review, an Appendix to the NSW Response to Submissions Report	11/10/2017	No	Low or uncertain
#3.	Document	Att 05B_Response to Submissions 2017_Main Report_JBA.pdf Response to Submissions Report	12/10/2017	No	Low or uncertain
#4.	Document	Att 06_ACHIA_McCardle Cultural Heritage.pdf Aboriginal Cultural Heritage Impact Assessment	13/09/2017	No	Low or uncertain

1.3.2.18 (Person proposing to take the action) If the person proposing to take the action is a corporation, provide details of the corporation’s environmental policy and planning framework

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 01_Development consent Eagleton Quarry Project SSD 7332.pdf NSW Development Consent	07/07/2024	No	High

3.1.1 Current condition of the project area's environment

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 03A_Eagleton Quarry Assessment Report_Recommendation_DPHI.pdf NSW DPHI Assessment Report	31/03/2024	No	High
#2.	Document	Att 09A_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report	11/09/2024	No	High

3.1.2 Existing or proposed uses for the project area

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 09A_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report	10/09/2024	No	High

3.2.1 Flora and fauna within the affected area

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 07A_Revised Biodiversity Assessment Report_Kleinfelder.pdf 2017 Biodiversity Assessment Report	17/07/2017	No	Low or uncertain
#2.	Document	Att 09A_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report	10/09/2024	No	High
#3.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	11/09/2024	No	High

3.3.2 Indigenous heritage values that apply to the project area

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 06_ACHIA_McCardle Cultural Heritage.pdf Aboriginal Cultural Heritage Impact Assessment	12/09/2017	No	Low or uncertain
#2.	Document	Att 10 AHIMS SearchResult October2024.pdf Results of search in the Aboriginal Heritage Information Management System database in October 2024	08/10/2024	No	High

3.4.1 Hydrology characteristics that apply to the project area

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 07A_Revised Biodiversity Assessment Report_Kleinfelder.pdf 2017 Biodiversity Assessment Report	16/07/2017	No	Low or uncertain
#2.	Document	Att 07B_AquaticEcology June2017.pdf Aquatic Ecology Assessment	19/06/2017	No	Low or uncertain
#3.	Document	Att 08A_Water Assessment Umwelt 2016.pdf Water Assessment (Umwelt 2016)	01/10/2016	No	Low or uncertain
#4.	Document	Att 08B_RTS Appendix C_ Revised Water Assessment SLR 2017.pdf Revised Water Assessment SLR 2017	04/08/2017	No	Low or uncertain
#5.	Document	Att 08C_Appendix M_ Groundwater Clarification Kleinfelder2017.pdf Clarification for Eagleton Quarry Groundwater Modelling	28/09/2017	No	Low or uncertain

4.1.3.2 (Ramsar Wetland) Why your action has a direct and/or indirect impact on the identified protected matters

	Type	Name	Date	Sensitive	Confidence
#1.	Document				

	Att 08B_RTS Appendix C_ Revised Water Assessment SLR 2017.pdf Revised Water Assessment SLR 2017	03/08/2017	No	Low or uncertain

4.1.3.3 (Ramsar Wetland) Why your action is unlikely to have a direct and/or indirect impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 08B_RTS Appendix C_ Revised Water Assessment SLR 2017.pdf Revised Water Assessment SLR 2017	03/08/2017	No	Low or uncertain

4.1.3.10 (Ramsar Wetland) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 08B_RTS Appendix C_ Revised Water Assessment SLR 2017.pdf Revised Water Assessment SLR 2017	03/08/2017		Low or uncertain

4.1.4.2 (Threatened Species and Ecological Communities) Why your action has a direct and/or indirect impact on the identified protected matters

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 09A_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report	10/09/2024	No	High
#2.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	10/09/2024	No	High

4.1.4.6 (Threatened Species and Ecological Communities) Why you do not consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	10/09/2024	No	High

4.1.4.9 (Threatened Species and Ecological Communities) Why you do not think your proposed action is a controlled action

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	10/09/2024	No	High

4.1.4.10 (Threatened Species and Ecological Communities) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitivity	Confidence

#1.	Document	Att 01_Development consent Eagleton Quarry Project SSD 7332.pdf NSW Development Consent	07/07/2021	No	High
#2.	Document	Att 07A_Revised Biodiversity Assessment Report_Kleinfelder.pdf 2017 Biodiversity Assessment Report	16/07/2017	No	Low or uncertain

4.1.4.11 (Threatened Species and Ecological Communities) Proposed offsets relevant to avoidance or mitigation measures

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 01_Development consent Eagleton Quarry Project SSD 7332.pdf NSW Development Consent	07/07/2021	No	High
#2.	Document	Att 07A_Revised Biodiversity Assessment Report_Kleinfelder.pdf 2017 Biodiversity Assessment Report	16/07/2017	No	Low or uncertain

4.1.5.2 (Migratory Species) Why your action has a direct and/or indirect impact on the identified protected matters

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	10/09/2021	No	High

4.1.5.6 (Migratory Species) Why you do not consider the direct and/or indirect impact to be a Significant Impact

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	10/09/2021	No	High

4.1.5.10 (Migratory Species) Avoidance or mitigation measures proposed for this action

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	10/09/2021	No	High

4.1.5.11 (Migratory Species) Proposed offsets relevant to avoidance or mitigation measures

	Type	Name	Date	Sensitive	Confidence
#1.	Document	Att 09B_ EPBC Significant Impacts Assessments_WPC.pdf EPBC Significant Impact Assessment Report (Part 2 of 2)	10/09/2021	No	High

4.3.8 Why alternatives for your proposed action were not possible

	Type	Name	Date	Sensitivity	Confidence
#1.	Document	Att 05A_Eagleton Quarry EIS - Main Report_JBA.pdf Environmental Impact Statement 2017	26/01/2017	No	Low or uncertain

5.2 Declarations

Completed Referring party's declaration

The Referring party is the person preparing the information in this referral.

ABN/ACN	640388683
Organisation name	WEDGETAIL PROJECT CONSULTING PTY LTD
Organisation address	27 Groves Road, Bennetts Green, NSW 2290
Representative's name	Jonathan Berry
Representative's job title	Principal Advisor
Phone	0421 440 139
Email	jberry@wedgetail.com.au
Address	27 Groves Road, Bennetts Green, NSW 2290

☑ Check this box to indicate you have read the referral form. *

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

☑ By checking this box, I, **Jonathan Berry of WEDGETAIL PROJECT CONSULTING PTY LTD**, declare that to the best of my knowledge the information I have given on, or attached to this EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. *

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

Completed Person proposing to take the action's declaration

The Person proposing to take the action is the individual, business, government agency or trustee that will be responsible for the proposed action.

ABN/ACN	607606020
Organisation name	EAGLETON ROCK SYNDICATE PTY LIMITED
Organisation address	2300 NSW
Representative's name	Darren Williams
Representative's job title	Business Manager for Eagleton Rock Syndicate
Phone	0429 877 704
Email	darren@arbus.com.au
Address	PO Box 1011, Newcastle NSW 2300

☑ Check this box to indicate you have read the referral form. *

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

☑ I, **Darren Williams of EAGLETON ROCK SYNDICATE PTY LIMITED**, declare that to the best of my knowledge the information I have given on, or attached to the EPBC Act Referral is complete, current and correct. I understand that giving false or misleading information is a serious offence. I declare that I am not taking the action on behalf or for the benefit of any other person or entity. *

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

✔ Completed Proposed designated proponent's declaration

The Proposed designated proponent is the individual or organisation proposed to be responsible for meeting the requirements of the EPBC Act during the assessment process, if the Minister decides that this project is a controlled action.

Same as Person proposing to take the action information.

☑ Check this box to indicate you have read the referral form. *

☑ I would like to receive notifications and track the referral progress through the EPBC portal. *

☑ I, **Darren Williams of EAGLETON ROCK SYNDICATE PTY LIMITED**, the Proposed designated proponent, consent to the designation of myself as the Proposed designated proponent for the purposes of the action described in this EPBC Act Referral. *

☐ I would like to receive notifications and track the referral progress through the EPBC portal. *