

11 October 2023

Department of Planning & Environment
Locked Bag 5022
Parramatta NSW 2124

APPLICATION NO: SSD-52984213 (Our Ref. 25-2023-1-1)

PROPOSAL: Boral Stockton Quarry – Dry Sand Extraction Project

PROPERTY: 20 Coxs Lane FULLERTON COVE, 18 Coxs Lane FULLERTON COVE, 32 Coxs Lane FULLERTON COVE, 30 Coxs Lane FULLERTON COVE (LOT: 1 DP: 1006399, LOT: 2 DP: 1006399, LOT: 3 DP: 664552, LOT: 7300 DP: 1130730)

Attention: James McDonough

Dear Sir,

Thank you for your correspondence dated 13 September 2023 requesting Council's comments for the above development. Council has given consideration to the SEARs request and makes the following comments.

Local Infrastructure Contributions

The EIS refers to an existing exemption for the current operation given the length of the haul route that travels on the local road network and states that this exemption should be applied to this application.

As provided as part of the consultation on the SEARS, Council does not agree with such an exemption applying to this application due to being inconsistent with Council's Local Infrastructure Contributions Plan which authorises Council to apply a haulage contribution rate to offset the impact of haulage associated with the development. Further to this, there may be upgrades to roads or traffic facilities that are directly required by the development and without which the development could not or should not reasonably occur. New roads, or upgrades to the existing road network, may be required to accommodate the additional heavy vehicle loading. Where a development requires works to be undertaken, the requirement should be by way of a condition imposed on the development consent. This should be in addition to contributions required for haul routes.

Any exemption would also be inconsistent with the approach to other applications for extractive industries and/or quarries that have been determined, or are under assessment, that also use a relatively small length of road that is maintained by Council such as the Stone Ridge Quarry and the Seaham Quarry Project.

Council therefore requests any determination include a condition for the payment of contributions to Council in accordance with the Port Stephens Local Infrastructure Contribution Plan prior to commencement (this would include haulage levies to fund the maintenance of local roads proposed to be included in the haulage route or the capacity for the applicant to submit a variation to this rate where it is justified by a Traffic and Transport Economic Study).

It is requested Council be consulted prior to the imposition (or exclusion of) any contributions conditions that impact local infrastructure.

Ecology

The EIS has not adequately addressed the concerns that were previously raised by Council's Natural Systems Team as detailed below:

- a) The project justification is not supported by appropriate modelling data. Modelling has not been provided that demonstrates how or when current windblown sand resources will be depleted. The Coastal Processes Assessment (Chapter 9 & Appendix G of the EIS) inadequately describes the complex dynamics of the existing site. Further studies are recommended to provide evidence to the project justification, and to support assertions that windblown sand resources will be depleted as predicted.
- b) The disturbance history of the site between 1992 -2010 is still unaccounted for. Where unauthorised disturbances have occurred, credit calculations should be adjusted to account for such. Additionally, the presentation of past rehabilitation success provided in Appendix A of the rehabilitation strategy (Appendix P of the EIS), demonstrates that rehabilitation success is highly limited on site. Subjecting the site to further disturbance and extraction will further diminish the site's ability to be restored. The final landform being 1 m above the groundwater table is also likely to limit the type of vegetation that can be rehabilitated on site. Further extraction of this site has the potential to result in long term impacts in buffering sand transgression towards Nelson Bay Road, which should be considered in detail.
- c) A Biodiversity Development Assessment Report (BDAR) has been prepared. Council has undertaken a high level review of the BDAR, and has substantial concerns relating to Mahony's Toadlet as detailed in point d) below.
- d) Surveys undertaken as part of the BDAR for Mahony's Toadlet are inadequate and inconsistent with survey guidelines. This species has not been appropriately assessed.

Recent records (2021/22) of the species occurs adjacent to the site and within habitat similar to that proposed to be removed by the proposal (Semi-permanent pond in forest with *M. quinquenervia* and *Typha* sp., amongst Coastal Sands Blackbutt Apple Forest (*E. pilularis*/*A. costata*/*B. serrata*)). Given the information above, and in accordance with the Biodiversity Assessment Method (BAM) (2020), this species cannot be disregarded through habitat constraints alone and targeted surveys in accordance with the BAM and Threatened Biodiversity Data Collection (TBDC) are required.

The BDAR reports that surveys for this species were completed following 20 mm of rainfall instead of the prescribed >50 mm as required by the NSW Survey Guidelines for Threatened Amphibians. Minimum survey requirements have not been met.

Given the species' limited extent, specific habitat requirements, and the proposed extent of impacts to suitable habitat for this species, Council considers that the proposal may result in a serious and irreversible impact (SAIL) to Mahony's Toadlet. Should Mahony's Toadlet be identified on site, impacts to this species should be avoided.

Further surveys and assessment for this species are required. It is recommended that the species expert for Mahony's Toadlet be engaged to provide assessment of this species.

- e) The proponent has not provided sufficient consideration to current vs rehabilitated vegetation as a buffer to sand transgression. Council recommends that the consent authority requires the proponent, as part of any project approval, to prepare an adaptive management plan for coastal processes to inform and update the Rehabilitation Strategy where required.

Noise

Council has reviewed the noise impact assessment (NIA) prepared by RWDI Australia Pty Ltd dated 19 June 2023 ref: #2104671.02. Council are supportive of the additional noise measures recommended within the NIA and request they be included as a condition of consent.

Air Quality

Council has reviewed the air quality assessment, prepared by Todoroski Air Sciences Pty Ltd dated 20 June 2023 ref 22111497. Council are supportive of the dust mitigation and management and greenhouse gas management recommendations proposed within the Todoroski report, as identified as table 8-1 and section 9.5.

Thank you for the opportunity to comment on the EIS for the Stockton Dry Sand Extraction Project. If you wish to discuss the matters raised above or have any questions, please contact me on the number below and I will be happy to help.

Yours Faithfully



Courtney Sargent
Senior Development Planner

Port Stephens Council

Phone: 4988 0263

Email: Courtney.sargent@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au

