

22 July 2025

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Attention: Jarrod Blane

APPLICATION NO: SSD – 6125 (Our Ref. 25-2015-8-4)
PROPOSAL: Cabbage Tree Road Sand Quarry –Modification 4 – Western Extension
PROPERTY: 398 Cabbage Tree Road, Williamtown

Dear Jarrod,

Thank you for your correspondence dated 3 July 2025 requesting Council's comments for the above modification. Council has reviewed the Modification Report and supporting documents, and makes the following comments.

Ecology

1. Impacts to *Diuris arenaria*

Diuris arenaria was identified during targeted surveys within the proposed Modification 4 expansion area. It is stated in the Biodiversity Development Assessment Report (BDAR) that 1 individual and 5.29 ha of suitable habitat for *Diuris arenaria* will be impacted as part of the proposed expansion and that no avoidance or minimisation of impacts to *Diuris arenaria* have been considered as part of the proposal. *Diuris arenaria* is listed as a species at risk of serious and irreversible impacts under Principle 3: species with very limited geographic distribution.

Given that the proposal will result in the removal of 5.29 ha of suitable habitat for a species identified as having a very limited geographic distribution, Council considers the impact of the proposed expansion on *Diuris arenaria* to be serious and irreversible. The proposed expansion area should be modified to avoid impacts to suitable *Diuris arenaria* habitat to the maximum possible extent and the BDAR should be amended to include details of measures which will minimise impacts to *Diuris arenaria* habitat.

2. Mahony's toadlet

Mahony's toadlet was identified during targeted surveys throughout the proposed expansion area. The Threatened Biodiversity Data Collection (TBDC) states that impacts

to Mahony's toadlet frequently trigger serious and irreversible impacts and should be avoided as much as possible under the precautionary principle, due to an absence of knowledge and data on the species.

Council considers that the proposed impacts to Mahony's toadlet are likely to be serious and irreversible. The BDAR should be amended to include an assessment of Mahony's toadlet conducted in accordance with section 9.1.2 of the *Biodiversity Assessment Method 2020*. Where required, the proposed expansion area should be modified to avoid impacts to Mahony's toadlet and the BDAR should be amended to include details of measures which will minimise impacts to Mahony's toadlet habitat.

3. *Eucalyptus camfieldii*

Confirmation is required on whether *Eucalyptus camfieldii* was detected on site. Numerous records of this species occur around the proposed expansion area and the BDAR states that targeted surveys were conducted, however, there is conflicting information in the BDAR which states that this species was not detected on site.

If *Eucalyptus camfieldii* was detected on site, updated figures should be provided in the BDAR showing the locations of individuals, and information provided demonstrating that impacts to this species have been avoided and minimised as part of the proposed expansion.

Traffic

Council has received complaints regarding quarry trucks using the nearby Barrie Close intersection to undertake u-turns in order to enter the site. This is impacting residents and leading to deterioration of the road surface in Barrie Close. Council suggests that a Driver's Code of Conduct is introduced to ensure that trucks are using the nominated access routes to the site

Flooding

There are no flooding issues generated from the proposed modifications.

There are some areas impacted by low hazard flood fringe and a large portion of the site is impacted by the Probable Maximum Flood (PMF) (minimal risk floodprone land). It is noted that the proposed extension area to the west within Lot 9 DP 239608 is contained within flood free land.

Water Quality

The sand mine site is partially located within a Hunter Water drinking water catchment area. As such, NorBE (Neutral or Beneficial Effect) requirements would generally apply for water quality management.

It is noted that water quality impacts were considered as part of the original development assessment and approval. When considering the current modification, the proposed activities that could impact water quality include:

- proposed modifications to extraction methodologies (such as reliance on vehicles); and
- proposal to import and process VENM onsite.

It appears that Consultation with Hunter Water for these amendments has occurred. Hunter Water is best placed to review the proposal in terms of water quality impacts to the drinking water catchment and operational requirements to limit potential impacts.

Wastewater

Council records indicate that a Final Approval Notice of Determination was issued on 11 June 2018, and comprised of a 5000 litre Effluent Pump Out (EPO) with high water alarm, and effluent removal recommended on a weekly basis. Council does not have any records of this wastewater system being installed in accordance with this determination or records of any Council inspections for the proposed system having been undertaken.

If this system is installed, preference would be that the inspection of this system be arranged with Council so that approval to operate can be issued and inspections are scheduled as part of Council's routine inspection program. Alternatively, Council requests clarification that the Onsite Sewerage Management System maintenance and operation falls under the requirements of the Environment Protection Licence at the site.

If an alternative system has been or will be installed onsite, an application under Section 68 of the Local Government Act is required, in accordance with Port Stephens Council's Development Assessment Framework for on-site sewerage.

Air Quality

It is assumed that the air quality impact assessment prepared by SLR Consulting is still applicable. Council does not anticipate any significant exceedance of air quality criteria.

Noise

The Noise Impact Assessment, prepared by Spectrum Acoustics dated January 2025, considered the potential impacts from the modification. Modelling identifies that noise criteria will not be exceeded and notes that the use of trucks to replace the conveyor drive would result in comparable noise levels. Council supports revising the noise monitoring location as suggested within the report.

Thank you for the opportunity to comment on the SSD modification. If you wish to discuss the matters raised above or have any questions, please contact me on (02) 4988 0462.

Yours sincerely,



Sarah Connell
Senior Strategic Planner

