



Office of
Environment
& Heritage

DOC19/66375-3
DA 140-6-2005 MOD 3

Philip Nevill
Environmental Assessment Officer
Resource Assessments
Department of Planning and Environment
Philip.Nevill@planning.nsw.gov.au

Dear Philip

Request for Agency Comments – Stockton Sand Quarry (DA 140-6-2005) - Modification 3

I refer to your email dated 25 January 2019 seeking agency comment on the Stockton Sand Quarry Modification 3 project.

Office of Environment and Heritage (OEH) has reviewed the modification in relation to biodiversity, Aboriginal cultural heritage, coastal and flooding issues. OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140.

Yours sincerely

Sharon Molloy 6/2/2019

SHARON MOLLOY
Director Hunter Central Coast Branch
Regional Operations Division

Contact officer: STEVEN COX
02 4927 3140

Enclosure: Attachments A and B

OEH's recommendations

Stockton Sand Quarry Modification 3

1. OEH recommends that a Biodiversity Development Assessment Report is prepared in accordance with the Biodiversity Assessment Method to assess the biodiversity values of the land and the impacts of the proposal on biodiversity values.
2. Further assessment of potential impact to Aboriginal heritage should be undertaken. This assessment should include a site visit by a suitably qualified and experienced archaeologist and a representative of the Registered Aboriginal Parties (RAPs). All RAPs should be notified of the proposed expansion of works and given the opportunity to comment prior to the site visit. If impact to Aboriginal objects is identified a new Aboriginal cultural heritage assessment should be undertaken for this area, in accordance with the OEH Aboriginal cultural heritage consultation requirements for proponents 2010 for this area should be undertaken.
3. OEH recommends that the proposed modification be revised to retain the previously adopted dune stabilisation program to meet the requirements of Clause 13 of *State Environmental Planning Policy (Coastal Management) 2018*.
4. OEH has no comment on flooding issues and no further flooding assessment is required.

OEH's detailed comments

Stockton Sand Quarry Modification 3

Biodiversity

1. A Biodiversity Development Assessment Report should be prepared for the proposal

The proposed expansion of quarrying activities into the 15-metre buffer zone will result in disturbance of an additional 3.2 hectares of land. No biodiversity assessment has been provided with the modification application, despite the increased biodiversity impacts that may occur as a result of the proposal.

The proponent has stated within the Statement of Environmental Effects (SEE) (Boral, 17 January 2019) that the buffer area does not contain any native vegetation. However no evidence of biodiversity surveys conducted over the buffer area has been provided. There are a number of threatened species that occur near the site that could potentially be impacted by an increase in the disturbance area, including *Senecio spathulatus*, pied oystercatcher, greater sand plover and little tern. As outlined in recommendation 3, the removal of the requirement to revegetate the buffer area will also likely increase the rate of loss of sand from the neighbouring area of dune sheet, which may further impact on biodiversity values.

The proposal is therefore likely to result in increased impacts on biodiversity and OEH recommends that a Biodiversity Development Assessment Report be prepared, in accordance with the *Biodiversity Conservation Act 2016* so these impacts can be assessed consistent with the Biodiversity Assessment Method.

Recommendation 1

OEH recommends that a Biodiversity Development Assessment Report is prepared in accordance with the Biodiversity Assessment Method to assess the biodiversity values of the land and the impacts of the proposal on biodiversity values.

Aboriginal Cultural Heritage

2. Further assessment of impact to Aboriginal objects should be undertaken

The proposed expansion of quarrying activities into the 15-metre buffer zone has the potential to impact on known Aboriginal objects. As illustrated in figure 6.1 of the SEE (Boral, 17 January 2019) the recorded co-ordinates of Aboriginal objects listed in the OEH AHIMS database are positioned close to the proposed boundary of works.

AHIMS co-ordinates do not reflect the full geographic extent of sites; a single co-ordinate may indicate a site that stretches well beyond its marked location. Additionally, AHIMS co-ordinates are often inaccurate, due to old technology and human error. It is not possible to state that no additional impact to Aboriginal objects will occur as a result of the proposed expansion of works based on the AHIMS search.

Recommendation 2

Further assessment of potential impact to Aboriginal heritage should be undertaken. This assessment should include a site visit by a suitably qualified and experienced archaeologist and a representative of the Registered Aboriginal Parties (RAPs). All RAPs should be notified of the proposed expansion of works and given the opportunity to comment prior to the site visit. If impact to Aboriginal objects is identified a new Aboriginal cultural heritage assessment should be undertaken for this area, in accordance with the OEH *Aboriginal cultural heritage consultation requirements for proponents 2010* for this area should be undertaken.

Coastal Management

3. The modification proposes to remove the buffer area between the sand extraction face and the transgressive dune sheet

The proposed modification expands the active extraction area to include the 15-metre wide buffer area between the presently approved extraction area and the property boundary. Seaward of the property boundary is approximately 400 metres width of dunes to the shoreline. The extraction area and proposed modification are within the mapped Coastal Environment Area of the *State Environmental Planning Policy (Coastal Management) 2018*.

The current approval requires the revegetation of the batters and buffer area to control sand drift and stabilise the remaining dune following extraction. The proposed modification intends to remove this buffer area and revegetation requirement, allowing windblown sand from the dune sheet outside the property boundary (i.e. from the Worimi State Conservation Area) to fill the extraction area. As stated in Section 6.2.4 of the Environmental Impact Statement for the original development application:

"Without the proposed hind dune stabilisation program, the remaining hind dune will begin to blow onto the excavation site, thereby lowering the remaining hind dune, and making the site more visible. The smaller lower dunes would be expected to have a higher rate of movement than the larger dunes, thereby accelerating the rate of dune advance onto the quarried site." (ERM, 2005)

The increased area of sand extraction without revegetation or dune stabilisation works will likely increase the rate of loss of sand from the neighbouring area of dune sheet adversely impacting the integrity of the dunes beyond the property boundary and natural coastal processes. As such, this modification does not meet the requirements of Clause 13 of the *State Environmental Planning Policy (Coastal Management) 2018*.

Recommendation 3

OEH recommends that the proposed modification be revised to retain the previously adopted dune stabilisation program to meet the requirements of Clause 13 of *State Environmental Planning Policy (Coastal Management) 2018*.

Flooding and flood risk

4. OEH is satisfied that there are no flooding or flood risk issues in relation to this project

OEH has reviewed the SEE (Boral, 17 January 2019) and is satisfied that there are no flooding or flood risk issues in relation to this project.

Recommendation 4

OEH has no comment on flooding issues and no further flooding assessment is required.