



NATIONAL PARKS ASSOCIATION OF NSW
protecting nature through community action

Macarthur Branch

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TO: NSW Dept of Planning and Environment

SUBMISSION RE: MODIFICATION REQUEST MENANGLE QUARRY – DA 85-2865 MOD 1

The National Parks Association of NSW (NPA) is one of the state's peak environment groups and was established in 1957. NPA Macarthur Branch is the region's oldest established environment group, operating as a sub-branch of Sydney Branch since 1975 and as a full branch since 1987.

We have a long history of involvement with this issue and this company, since 1986 when we were alerted to illegal operations on Lot 11 (Stage 2), then as participants in the Commission of Inquiry (COI) of 1987-88, then through our representation (via the Hawkesbury-Nepean Catchment Management Authority [HNCMA]) on the Working Party set up to oversee the project after approval in 1989.

Our experience from the past leads to continuing concerns about any extractive industry on the banks of the Nepean. It is the sheer scale of this operation, the dubious actions of the company in the past and the lack of oversight that we now see, that give rise to this continuing concern. In early 1986 the company was found to be operating without valid consents on Lot 11 of Stage 2. A stop work order was issued by Wollondilly Shire Council but was ignored. This led to the further bulldozing of a significant stand of ancient trees, much of this material ending up in the river. In April 1986 a flood scoured out the exposed site, tearing away a whole section of the bank immediately downstream of the operation and also massive amounts of material from the exposed working areas.

The graphic evidence of flood damage to this site illustrated how vulnerable the river bank is to flooding during mining operations. We could not find any mention of this issue in the current EA sections on flooding, however. The current site, being on the inside of a bend in the river, will not be subject to the full force of the flow during a flood, but would still have been inundated during the flooding of June 5, 2016, for instance. In the days after that rain event, the Nepean River at Camden was observed to be highly turbid – the colour of creamy tomato soup. We can only assume that this was largely the result of large quantities of material from the current operations on Stage 7 and also the Elderslie mining sites being washed down the river. We are not experts in this field but surely one undesirable result of this high sediment load in the river would be the deposition of huge amounts of silt behind the weirs downstream. We consider that this impact of flooding should have been examined in the EA.

One of the good things to come out of the COI and the subsequent approval was that a Working Party was set up to include all stakeholders, including a representative of the HNCMA. The author of this submission was that representative. Annual inspections were held and it was on one of these that I noted a breach of consent conditions had occurred, whereby screening vegetation had not been established on the western bank before extraction on the eastern bank had begun. This was one of the "very stringent" conditions attached to the consent (Minister Hay, media release, April 6, 1989) but no-one else had picked up on it. Nor did any of the regulators' representatives who were present seem to think it was an issue – so much for "very stringent" conditions!

Unfortunately the Working Party ceased to meet after about 5 years. It seemed that the Dept. Of Planning didn't think it was worth continuing with, but no reasons were ever given; they just stopped arranging meetings. Without such a body, operations like this continue "out of sight, out of mind" along hidden stretches of the river that are only seen by canoeists. Wollondilly Shire Council are also "in the dark" about the current operations. The council officer who convened Council's Healthy Catchments committee and its subsequent entity tried on numerous occasions to arrange a site visit for the committee, to no avail.

We are aware that rehabilitation of these mining sites has improved somewhat since the "bad old days". The 1989 consent included the clause: - *that activities associated with extraction shall not result in the damage or removal of trees ...* This worthy but naive requirement often led to single trees being left but mined around, which subsequently died anyway. The proponents are upfront in this EA that they will be removing trees, including old hollow-bearing ones, along with the heavy weed undergrowth of privet etc. Despite the stated intention to set up artificial hollows for birds and mammals, removal of such significant trees cannot be condoned by NPA.

The biobanking of the offset proposed with Stage 3 will hopefully see the restoration of that stretch of river on EMAI to a weed-free state. We are well aware that maintenance of a weed-free site anywhere along this river requires continuing work, in perpetuity. The maintenance of the rehab. areas in Stage 8 is proposed in the VMP to be 2 years but it encourages "ongoing management" without putting a timeframe on it. The Supplement to the Blueprint for Post Extraction Rehabilitation (July 1995) is included with the VMP and says that Menangle Sand and Soil will increase follow-up maintenance from 1 year as required in the 1989 consent to 3 years on each stage from the time of initial planting. So what actually happened in Stages 2-7 – was it 1 year or 3 years? In any case, the 2 years proposed for Stage 8 is not enough and consents for this stage should mandate a longer time period.

We note the mention in the EA of the scarcity of this resource in the Sydney area and the fact that, once exhausted on this site, there will be virtually no other source locally available. This raises the question of sustainability – what happens once this resource, which is deemed so important, is gone? This is a question we hope government and industry are seriously contemplating.

In conclusion, we object, in principle, to the expansion of this operation beyond the very generous 30 years already approved. If it is to be approved there needs to be a mechanism stated in the consent conditions, that includes community representation and that provides for at least annual inspections. Other extractive industries, like CSG and coal mining, have to set up Community Consultative committees which serve this purpose and this industry should be required to do the same.

Julie Sheppard
On behalf of NPA Macarthur Committee

21.6.17