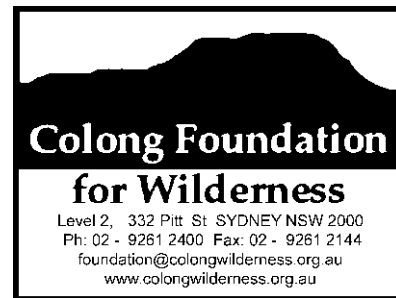


Monday August 18, 2014



Mr Carl Dumpleton
Mining and Industry Projects
NSW Department of Planning & Infrastructure
GPO Box 39
Sydney NSW 2001

Dear Mr Dumpleton,

Submission as an objection to Tinda Creek Quarry Project - SSD-4978

The Colong Foundation for Wilderness objects to this proposed expansion of a polluting sand mining operation in the catchment of Tinda Creek.

Tinda Creek enters Wollemi National Park on the western side of the Putty Road. At the moment this is about a kilometre from the quarry operation, allowing some attenuation of the sediment pollution emitted from the quarry. In order to retain this buffer, no quarrying should be permitted in Lots 1, 2 and 3 west of the powerline, or in proposed domains 3 or 7 in lots 1 and 3.

Tinda Creek flows immediately into Gibba Swamp on leaving the 'study area' and then some kilometres downstream discharges into Wollemi Creek.

The Colong Foundation considers that the potential for turbid mine discharges from an enlarged sand dredging proposal will increase the harm caused to the health of the Gibba Swamp wetland and the Tinda and Wollemi Creeks within Wollemi National Park.

The proposed buffers from the edge of the open-cut sand mine domains adjoining the Greater Blue Mountains World Heritage Area are too narrow and will set unacceptable precedents for quarry operations. The buffers for this much enlarged quarry are unacceptable as the buffer widths compare unfavourably with much wider buffers proposed for open-cut coal mining operations that adjoin other sensitive natural areas. The minimum width of a World Heritage buffer to an open-cut mine should be one kilometre.

Background to this proposal

This sand mine extension has a record of causing sediment pollution in Tinda Creek. The dredging operation has been fined for a breach of pollution control laws (non-compliance in 2005-06).

The Stout family company Poyneed Pty Ltd operated without development consent a sand mine on this site from 'a former farm dam' from 1984 to 1989 using Tom Bruce's Birdon Contracting Pty Ltd. Business ceased following regulatory breaches and a \$10,000 pollution fine.

These past operators converted a farm dam to a sand mine prior to the issue of development consent. This approval process was described in the development application as "formalisation of sand extraction, coupled with an appropriate rehabilitation programme."

A development application was lodged for the quarry in 1995 that sought further mining to generate funds for rehabilitation of the mined area. No rehabilitation work has been forthcoming in the subsequent 18 years since consent was issued, despite litigation proceedings in the Land and Environment Court by the local council.

The approval issued in 1996 by Hawkesbury City Council of sand mining (referred to as DA 134/95 in this Env. Assessment and as DA 013/95 in judgement 11133 of 2008 - Birdon Contracting v Hawkesbury City Council).

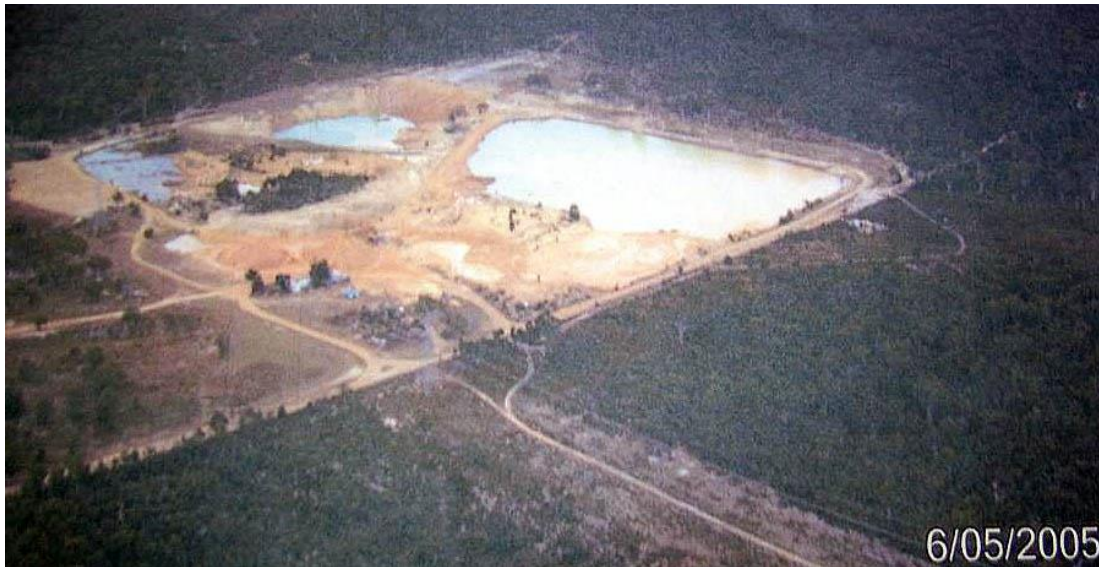
Council consent did not prevent continuing of water pollution or ensure rehabilitation of the mined areas. The sand mining located in Tinda Creek has altered that streams pristine nature to a turbid condition.

In November 2008 Hawkesbury City Council refused a development application for this quarry and the applicant appealed to the Land and Environment Court.

Birdon Contracting secured development consent in 2009 in the Land and Environment Court (11133 of 2008) that allowed production of sand to increase from 100,000tpa to 125,000tpa.



Incidents of past pollution from Tinda Creek sand mine



The Tinda Creek mine site pictured above was taken during a council flyover in 2005.
The image reveals a failure to undertake rehabilitation.

Rehabilitation and EPL

The court's 2009 variation to the 1995 consent enabled an annual review of rehabilitation progress under an environmental management plan. This alteration did not improve rehabilitation performance at the quarry site.

Rehabilitation under the 1995 development consent was to be undertaken on a regular programme, apparently to ensure no more than 30% of the designated operations site was affected by the sand extraction at any time.

The staged approval of rehabilitation by environmental management plan regarding ongoing mining has not resulted in rehabilitation.

The environmental management plan has only served to defer critical matters of site rehabilitation from the ambit of the courts decision.

Quarrying without adequate rehabilitation is an unacceptable but likely outcome from the issue of the requested development consent that relies again on the ploy of deferring critical rehabilitation matters out of the hands of the determining authority to the environmental management plan. Given these circumstances it is likely that any expansion would increase the area of highly disturbed land that would adjoin the Greater Blue Mountains World Heritage Area.

The environmental assessment states on page 4.64 states: 'In accordance with Condition 10 of the existing approval (134/95), Hy-Tec has commenced rehabilitation of the quarry site through backfilling with silt and suitably approved VENM and ENM material. However, due to a lack of ready supply, no VENM/ENM material was brought onto the site during the 2012 and 2013 calendar years.'

The operation area involves a hard stand area, several water storages, various slurry ponds, a dredge pond, the apparent absence of a clean water polishing pond and an

area of levelled spoil called a 'rehabilitation trial site' on Figure 2.1 of the environmental assessment [my emphasis].

No substantial on ground effort has been made to undertake rehabilitation of the site in the last 30 years. The rehabilitation proposals are vague, and it appears that 'rehabilitation' will be barren lakes replacing high conservation value ecosystems, including habitat for threatened species and EECs, particularly on Lots 1 and 3.

The Colong Foundation believes development consent should not be issued for the proposed expansion of mining operations over a further 50 hectares at an enhanced rate of production of 300,000tpa.

The applicant has not earned the privilege to increase production in new mining areas because no real effort has been made to rehabilitate this highly disturbed quarry site. This failure to rehabilitate must not be condoned by the determining authorities by the issue of the requested consent.

The Colong Foundation is also concerned that the back haulage of VENM and ENM material may result in the site becoming a poorly maintained waste dump, adjoining a World Heritage property. The nature of these materials is not explained or how it is viable to haul these materials to this remote Tinda Creek site unless these materials were to be some form of waste that would be more expensive to dump elsewhere.

The EPL licence states that the licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence. The Colong Foundation, however, remains sceptical that this Licence will have any effect due to the remote location the 'VENM and ENM material' will be hauled to that could put the World Heritage Area at risk.

Water quality

The current and previous pollution controls have not protected water quality.

'Off-line', properly sized sediment retention ponds should be required by the determining authority to limit fine sediment pollution risks to Tinda Creek, Gibba Swamp and the World Heritage Area. The quarry is not off-line, it is in Tinda Creek.

The Colong Foundation believes the proposal has impacts on Tinda Creek and associated groundwater resources.

Capture of groundwater resources from the surrounding area in the deep quarry pits in a sand resource seems likely. The assertion that the sand mass is both highly weathered and impermeable is unlikely. The sand is mined by a floating dredge and so the sand mass is likely to be a permeable interconnected near surface aquifer.

During wet weather the sand mine will continue to discharge turbid water to the creek. The claim in the environmental assessment that there have been no measurable impacts on the surrounding conservation areas has no credibility.

The main potential impact from the quarry upon the World Heritage Area is turbid mine effluent from the mine operation area during wet weather causing on-going pollution impacts in the riparian environment downstream.

The discussion of water pollution impacts associated with this operation are not adequate in the environmental assessment, particularly given that no rehabilitation has been undertaken in 30 years.

The Colong Foundation concludes from the Environmental Protection Licence that the EPA has little interest in regulating this wet dredge sand mining operation.

The Environment Protection Licence is rudimentary. The Licence does not specify the levels of pollutants discharged, such as turbidity. There are no load, concentration, volume or mass limits for any pollutant discharged from the site, including water emitted from the site. There are no licenced sampling points for water discharged from the quarry during wet weather.

The Licence should prevent the discharge of any pollutants that are not authorised by the Licence.

The Licence is completely inadequate for regulating pollution emitted to a World Heritage Area. No pollution should be emitted, rather than no licence standards set so that pollution can be overlooked.

Vegetation and Fauna protection

Domain 3 and Domain 7 contain areas of significant vegetation in good condition. The environmental assessment omits consideration of protecting Domains 3 and 7 in an environmental offset. The proponent should have recommended that Domains 3 and 7 be conserved in perpetuity by addition of lots 1 and 3 to Yengo National Park.

The EEC, Hunter Range Flats Paperbark thicket, has been omitted from the vegetation units described in the methodology section of Appendix 7. The community is 0.7 hectares in size and located at the western end of Lots 1 and 2 beside Putty Road. This community must be protected. This is very obvious plant community, visible to the casual observer passing down Putty Road.

The Sydney Hinterland Sandstone Upland Swamp (DECC 2008) is also an endangered ecological community 'Coastal Upland Swamp in the Sydney Basin Bioregion', listed under the NSW TSC Act and Commonwealth EPBC Act.

The omission of EEC swamp and paperbark communities is unacceptable in an environmental assessment. The environmental assessment claims several times

there are no EEC's in the study area, when there are two. This error should be sufficient grounds to recommend against consent for this quarry extension proposal.

Fifteen threatened fauna species and their habitat are found in the study area, including New Holland Mouse and Koala, both EPBC listed animals. It is not acceptable to clear the habitat of these threatened animals or EECs. The environmental assessment has too many serious errors – the omission of two EECs and the protection of nationally threatened species habitat. The habitats are fifteen threatened animals should not be lost through biobanking offsets.

Conclusion

Determining authorities should not reward quarry operators with consent for enlarged quarrying operations. The application has a very long record of not undertaking proper environmental management, in this case adequate rehabilitation and water management. The mining will clear high conservation value lands that should be protected from clearing.

The proposal is directly upstream of an important World Heritage listed wetland, Gibbs Swamp and connected to it by Tinda Creek. The proposed quarry is in the headwaters of this swamp. The adjoining property is a World Heritage Area that will be subjected to on-going damage by this quarry operation.

Despite 30 years of operation the quarry has not stabilised any of the mined area by planting rehabilitated areas with native vegetation of local provenance.

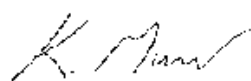
A development consent should not be granted given the mine's origins, the scale and extent of the proposed mining relative to unacceptably narrow buffers, the failure to make any effort to rehabilitate any part of the mine operation area and the omission of a very obvious EECs from its Environmental Assessment.

The EPA should ensure rehabilitation under the environmental management plan provisions in the existing consent. The lands affected by the existing operations should be rehabilitated at the applicant's expense on an accelerated basis.

The EPA must greatly improve the EPL for this and all other operations impacting on the World Heritage Area.

Thank you for the opportunity to comment on this proposal.

Yours sincerely,



Keith Muir
Director
The Colong Foundation for Wilderness Ltd