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Subject: **Opposition submission to current application No: SSD6395**

Overview

We would like to place an objection to the above-mentioned application. We appreciate that essentially when assessing applications on paper, and without the benefit of first hand knowledge of the specific area, it is difficult to really understand a geographical area fully from selective diagrams. We are including a written description of the area as well as highlighting a few of the items from the Developers original application that may have been a little misleading in the way in which they were presented in the application.

The Developers representative, Tattersall Lander, held a public meeting on October 10, 2018, to address the Community. Tattersall Lander considered this to be part of their Community engagement requirements. Many, many, concerns were raised during Mr Landers presentation, to which he responded that the residents would have opportunity to have their concerns addressed **“after the application goes in.”** This was in relation to the SEARS. This raised another concern, which was that we would only have 30 days to prepare our objections. We have since been advised, through our own enquiries with the EPA, that we can object prior to the developers submission of the SEARS.

Whilst this particular objection will not cover all of our objections, we feel that it is necessary to address some of the paperwork already submitted as well as some of the emerging major concerns.

Location

The location of the proposed extraction activity is best described as an Ancient Sand Dune, and the gateway to Port Stephens. This sand dune will not regenerate and is currently a stable dune which is located behind the coastal sand dunes that are considered to regenerate sand readily. It is separated from the coastal dunes by way of some rural housing development and the road that provides the only access to Port Stephens and areas such as Anna Bay, Nelson Bay, Taylors Beach, Salamander Bay, Soldiers Point, Shoal Bay, Fingal Bay and surrounding areas. The Ancient Sand

Dune is bordered by Nelson Bay Road and Marsh Road, which could collectively be described as a block. The Marsh Road side is subject to flooding as it is low lying, the Nelson Bay Road side could be referred to as the high side.

This block is comprised of small rural holdings, tourist operators, and farming operations, and is the gateway to Port Stephens. Some of the businesses include Avocado Farming, a Boutique Brewery, Winery, Go Cart Track, Shark and Ray Centre, Farm Stay Accommodation, and a Barramundi Farm whose operator was named Farmer of the Year 2016. There is also a school of significance, located extremely close to the proposed extraction operation. A further tourist operation is, we believe, approved by Port Stephens council for the development of a water park to be built in the immediate area which will be severely impacted by the disruption to the water table and Tilligerry Creek. The water park is, in our opinion, a development that is considered as keeping with other development in the area ie: Tourist development.

The Sand Dune that forms this block is well covered in vegetation, unlike coastal dunes which are largely bare. It also provides a home for many species of rare flora and fauna which has, as yet, been largely unaddressed.

Bobs Farm is home to many multigenerational families and provides a rural/semi-rural haven for newer residents.

The Port Stephens area's largest industry is Tourism.

Furthermore, the residents and business operators in Bobs Farm do not have access to town water. We rely solely on the ground water, by way of bores, as well as rain water, by way of collection off our roofs and storage in our tanks, for all of our daily water needs. The silica dust expected to be generated will create potentially contaminated water that we rely on for drinking, cooking, laundry etc, as well as the depth of excavation being 15m below the water table potentially contaminating both the underground water from the bores as well as the eco-system of Tilligerry Creek.

Why Silica Dust will become a problem

A simple explanation for this is that currently the sand dune is stable. It has formed over thousands of years with the smaller silica particles being dispersed amongst the sand in increasing numbers, the deeper the activity. ie: if you take a bag of mixed nuts and shake them up, the smaller ones go to the bottom and the larger ones stay on top. The majority of smaller particles will compact the deeper you dig into the sand dune. This silica dust is very fine. The larger particles on the surface are looser particles but form protection from the smaller particles underneath. Disturbance of this top sand makes way for the smaller particles to escape. When the wind blows, we often see the larger particles in the air. These larger particles make us cough, but essentially we cough them straight back out. The silica particles are finer particles and are the cancer causing particles. They lodge in our lungs and go on to cause

conditions such as tuberculosis, COPD, renal failure, cancer, and silicosis. There is no cure for silicosis and is a major health issue. (a separate, more detailed, document will be submitted for this).

If extraction activities were permitted, the particles of sand being extracted will become smaller and smaller the deeper the activity. This will release large amounts of silica into the air with the potential to contaminate the air and our water supply, for a radius of 10km. It is worth noting that childrens lungs are one of the most sensitive from birth to 10 years of age (please note that the public school is located almost adjacent to the exit point and very close in general to the proposed operation), but all living and breathing persons and animals are at risk.

It is also worth explaining that each and every time a digging implement, such as a dozer, picks up a bucket of sand and loads it into a truck, the finer silica particles are forced out of sand and become airborne. When the truck is transporting the load, each time it experiences a bump in the road, silica particles are also forced out.

As it stands, the sands that make up the area that is proposed to be excavated, is settled and stable. Any and all disturbance to this stabilized sand, destabilizes the silica contained in it.

Directly addressing the original application

The following points serve to highlight only some of the possibly misleading information contained within Tattersall Landers original submission. The blue text is the information submitted by Tattersall Lander.

Section 1. Site Details, a. Local and Regional Context i.

"The site is located adjacent to Nelson Bay Road which is a divided 4 lane road. Nelson Bay Road is proposed to be utilized to access the site."

Whilst Nelson Bay Road is a 4 lane divided road, two lanes in each direction, at the entrance to the proposed site, it is only one portion of a lengthy road that narrows to two lanes, one in each direction and not divided. For a large portion of the journey that the proposed truck route will take, it is not divided.

Section 1. Site Details, a. Local and Regional Context ii.

"The proposed exit arrangements are to utilize Lots 10 & 11 DP1071458 onto Marsh Road. This access route is currently a bitumen sealed access route for the sand stockpiling that is undertaken on Lot 10. The Lot 10 sand operations currently use the exit route for all of its truck movements including the accessing back onto Nelson Bay Road."

The exit arrangements would be highly unsuitable as this is an area close to the Public School that already experiences dust, vibration and noise issues. It is also located within the School Zone of 40km/h during pick up and drop off times. Visibility of the drivers of the trucks would be limited and may put children at risk,

even more so with the increased traffic at 1 truck every 3 minutes, as quoted by Mr Lander at the Public Meeting.

Section 1. Site Details, a. Local and Regional Context iii.

“The site has direct road access to the Port of Newcastle and to train loading facilities within Kooragang Island.”

As identified above, much of the route is within areas of single lane roadway. It is also worth reiterating that Nelson Bay Road is the access to the entire Tomaree Peninsula.

Section 1. Site Details, b. Surrounding Development and Potentially Affected Properties.

The developer included a map in his application that does not adequately describe the impact or potentially affected properties.

Potentially affected properties include, but are by no means limited to, Bobs Farm Public School which has historical value to the Bobs Farm community having recently celebrated it's 100th Birthday. The increase in noise, and traffic will impact all residents, not only Bobs Farm residents, along the route that these trucks will take (note that the truck movements total approximately 1200 per week!). In addition, the silica dust that will be generated by the proposed extraction activity has the potential to remain suspended in the air and carried for 10km. The Bobs Farm community does not enjoy the benefit of a town water supply. The dust will settle on the roofs of affected homes and end up in our drinking water tanks. There is much concern also over the fresh underground water table and the contamination and availability of this water should this development be approved. We believe that it is a basic human right to have access to fresh clean water.

Section 1. Site Details, c. Location of Key Infrastructure and Environmental Features

The developer attached aerial photographs.

“Specifically, the only notable environmental issues that adjoins the proposed operations is a small area of Swamp Mahogany Paperbark Forest at the north-western corner of Lot 10 DP 1071458. This Swamp Mahogany Paperbark Forest is indicated on the annotated aerial photographs as well as being noted within an initial environmental assessment that has been undertaken by Wildthing Environmental Consultants and is attached to this document.” (This was attached to the submission by the Developer)

We believe that part of this original, incorrect, statement submitted by the developer has since been revised with additional information to be provided by the proposed developer now to include additional flora and fauna that call this area home. We don't believe that they have currently included any/adequate information associated with the sensitivity of the dune itself, nor has the issue of Silica dust and dust in general been addressed.

This site, by the developers own admission, will be left as a huge hole in the ground. At the public meeting, Mr Lander presented two proposed options for essentially what will be built at the conclusion of the project. Both were extremely unsuitable. Option 1 was a water park (there is a water park to be built in the near future in the near vicinity that, we believe, has already been approved). Option 2 was a floating solar power facility, over the stagnant water filled hole in the ground. Solar facilities, such as the type proposed which included mirrors, are quite unsuitable in this area as Bobs Farm is considered a high risk for bush fires.

The issue of subsidence has also, to our knowledge, not been addressed. The only road to the area, as already highlighted above, is to be the main access to the extraction operation. The extraction operation will be very close to the road, and is currently almost level with the roadway. Once extraction activity begins, the roadway will be above the level to be excavated, essentially undermining the roadway that is constructed on a sand base. The de-stabilization of the road itself by an extraction operation is a potential Infrastructure disaster.

2. Development Description

We will not include individual responses to each of the developers points, however, our overall comments on this include:

Whilst heavy metals are said to be in very low concentrations in comparison to the sheer quantity of sand, when stockpiling they will be stockpiled in assumedly concentrated amounts. Do these pose a risk to the surrounding community via particulates in the air or leaching into the ground water? They have not specifically stated the types of heavy metals.

On the question of Water the Developer comments – sourced from site bores, this water would be returned to the groundwater via infiltration and settlement ponds.

Will this cross contaminate the water source? Port Stephens Council has already approved an application for a water park whose modeling was based on the stability of the current water conditions. These will change and become unstable, as informed by the developers representative Tattersall Lander to the Bobs Farm residents that attended the public meeting on October 10, 2018. This will severely impact, we believe, an approved DA for the new development, as well as residents who currently rely on bore water for their crops and daily activities. Although information available is limited, the proposed area is included on “Sensitive Zones Map” sourced from the Department of Environment, Climate Change and Water (NSW).

*The developer states – “Port Stephens LEP 2013 will come into force on the 22nd February 2014 and the land will be zoned RU2. **Extractive industries are a permitted activity.**”*

We note that immediately below that, in the document, it is only permitted with **consent**, as opposed to the statement that implies it is a “permitted activity”.

It is worth noting that the aforementioned LEP describes the following:

“Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.”

Extractive industry is not in keeping with the objectives and intention of the zoning or surrounding, existing development.

In addition, the Port Stephens LEP 2013 has the following provisions:

“Additional Local Provisions”

6 Use of certain land at Stockton Bight

- (1) This clause applies to the land identified as “Extractive Industries” on the Additional Permitted Uses Map.
- (2) Development for the purpose of extractive industries is permitted with development consent.

We can only assume, which should be confirmed with Port Stephens Council, that Stockton Bight is identified as an appropriate area for this kind of activity. As mentioned before, the beach sand is plentiful and regenerative, the Ancient Dune sand is not.

Whilst it was difficult to find separation distance information on NSW websites, recommendations for separation distances from schools, surrounding housing, tourist development, etc, for air pollution in a draft ACT document are 300m where there is no blasting, or 500m where there is blasting (we believe this may also include separation activity ie: sieving). A draft proposal in Western Australia, which may since have been adopted, has the distance for extractive activities, that includes sieving, at 1000m. This is from the exterior boundaries of operations. Other environmental professionals, and indeed studies that show silica being carried 10km from the site of excavation, have so far not been adopted by Local councils or the EPA. One of our concerns is the proximity, particularly of the school, to the proposed development. In addition, the exit road proposed is within only a few meters of the school and surrounding housing and poses an extreme risk as stated earlier in the document.

Although not experts in this field, **Acid sulphate soils** seem to have been detected at 3 locations extremely close to the proposed site, as reported on the Department of Environments website. We believe that independent sampling, possibly by the EPA, to determine if this is a risk on the proposed site should be a priority. The risk assessment overlay of the Department of Environment website seems to show that, at least partially within the proposed area, there is a great risk that this could well be within a high acid sulphate area, particularly since they are proposing to dredge down to 15m below the water table.

Summary

Additional points that we would like to raise in this first objection are:

There are current, existing, sand mining operations that extract the Stockton Beach sand. These operations are generally away from residents and the sand is considered to regenerate readily. We believe that most/all of them have direct beach dune access. The proposed extraction of sand at Bobs Farm is in an area that will never regenerate, nor does it have direct beach dune access, when its gone, its gone. In addition, a study titled "Stockton Beach Sand Nourishment Scoping Study", quoted "Existing sand quarries currently operate out of Salt Ash and Anna Bay at the northern end of Stockton Bight. They have approved supplies of dune sand in excess of their existing customer demand." Since this report was published in, we believe 2011, subsequent sand extraction operations have been approved and commenced operation. We are not clear on the exact numbers of operations, nor whether they are operating to capacity or not.

The proposed extraction operation will operate to a depth which will take it 15m below the current water table with the potential to affect every resident and business in the area.

The developers representative, Bob Lander of Tattersall Lander, disclosed to the Community that this project will generate 8 jobs. Unfortunately it will take away, we believe, at least 7 jobs with the expected closure of the School due to the dangers and health issues that are expected, should this be approved.

With areas of only two lane access, one in each direction, any potential obstruction of this road affects residents and Emergency Services that provide critical support such as Ambulance, SES, Police, and Fire services to the entire Tomaree Peninsula. The risk of accidents with the movement of 18 trucks per hour, totaling in excess of 198 per day (contingent on the operating hours), six days per week the total of which will be approximately 1200, as well as the risk of subsidence with the proposed area being within 30 metres of the only roadway to the Tomaree Peninsula, being far too greater risk.

We are concerned that extraction activities are permitted with consent at all in this small area of significance, being the area bordered by Marsh and Nelson Bay Roads. Destabilizing this particular sand dune that supports the road way and only access to the Tomaree Peninsula could have potentially disastrous effects environmentally, socially, and on the tourism industry in general.

The area bordered by Marsh and Nelson Bay roads is, through its own natural and respectful development, becoming the main tourist precinct of the Tomaree Peninsula with its mix of Aquaculture, Agriculture, Educational, and Recreational facilities.

The current use of the land proposed within the application is a Fig and Olive Farm. Extractive Industry on this proposed site, and indeed any land within the area bordered by Nelson Bay and Marsh Roads, is utterly inappropriate.

We will be making further submissions including but not limited to the subject of silicosis as well as the social impact. However, I hope that this first submission may give way to further investigation, at the very least. Initially, the inconsistency in the Department of Environment mapping of Acid Sulphate soils seems to be at odds with the developers indications, although we are no experts in this particular area of mapping.

Ultimately, as with the Drayton South decision to prohibit open-cut mining for the current and future owners of the property, we propose any and all properties located within the area bordered by Marsh and Nelson Bay Roads, be prohibited from open-cut mining and extractive industries. We are requesting this on the grounds of the integrity of the Ancient Sand Dune, the possibility of subsidence, the availability and abundance of other sites with access to regenerative sand resources, the sensitivity of the water, and the abundance of endangered species of both flora and fauna, ask this to be considered to secure the integrity of the land for current and future generations.

We ask you to give this consideration as a matter of urgency.

We are happy to answer any questions that you may have.

Kind regards,

Robert and Susan Goldsworthy