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Saturday, 19 January 2019

RE: Bobs Farm Sand Mine Project (SSD 6395)

Below are my objection points to this application with I assume the Department of Planning and Environment will address with the proponent through direction on further studies and additional conditions to any approval:

The Project is not an ecologically sustainable development that will protect the NSW environment whilst allowing for development that improves the total quality of life, both now and in the future in a way that maintains the ecological processes on which life depends in breach of the Environmental Protection Act.

The Project is a breach of the precautionary principle. All applications for an EA require consideration of the precautionary principle (s 176 EP Act).

The Project is a breach of the intergenerational equity principle. All applications for an EA require consideration of the intergenerational equity principle.

The Project will cause serious environmental harm and adversely affect the environment. The proposed mitigations are inadequate in that they do not prevent, or fail to prevent, a significant impact on the environment arising from the Project.

The proposed mitigations are inadequate in that they do not observe, or fail to sufficiently observe, environmental protection policies in relation to noise, air, light and water pollution.

The proposed mitigations are inadequate in that they do not provide for, or fail to sufficiently provide for, rehabilitation of the land required for the Project.

The proposed mitigations are inadequate in that they do not provide, or fail to sufficiently provide for, protection against noise pollution.

The proposed mitigations are inadequate in that they do not protect, or fail to sufficiently protect, the health of those persons and livestock residing in the vicinity of the Project.

The proposed mitigations are inadequate in that they do not protect, or fail to sufficiently protect, air quality.

The Fauna Survey methodology is inadequate.

- Survey for small mammals done by trapping in April 2013 and May 2014 over just 4 nights is not seasonally or spatially representative of mammal habitation. Reference to previous trapping within Lot 10 DP 1071458 is unreliable and unrepresentative of the project area.

- Survey for medium mammals done by trapping in April 2013 and May 2014 over just 4 nights is not seasonally or spatially representative of mammal habitation. Reference to previous trapping within Lot 10 DP 1071458 is unreliable and unrepresentative of the project area.
- Survey for arboreal mammals done by trapping in April 2013 and May 2014 over just 4 nights is not seasonally or spatially representative of mammal habitation. Reference to previous trapping within Lot 10 DP 1071458 is unreliable and unrepresentative of the project area.
- Bat harp trapping survey frequency is inadequate, and dates are not representative of seasonal habitation.
- Bat call survey frequency is inadequate and dates are not representative of seasonal habitation. A period of six days is not representative of annual habitation.
- Reptile and amphibian survey frequency is inadequate and dates are not representative of seasonal habitation. The spatial coverage of investigation sites is inadequate.
- Avifauna survey frequency is inadequate and dates are not representative of seasonal habitation.

Groundwater dependent ecosystems assessment is inadequate. The proposed mitigations are inadequate in that they do not protect, or fail to sufficiently protect, ground water supplies. The Project will cause the depletion or disappearance of ground water on the land required for the Project and surrounding areas.

- Reliance on the Driscoll & Bell, 2006 report is invalid as it is not within the project area.
- Permeability testing was not done. Drawdown testing was not done. Assumptions on groundwater impact are therefore invalid.
- Threatened and rare flora species surveys did not identify species within the project area with the exception of the power easement, questioning adequacy of the survey due to likely occurrences outside of this.
- Stygofauna was not included in the assessment, which is therefore inadequate.
- The proposed mitigations are inadequate in that they do not provide for, or fail to sufficiently provide for, appropriate methods of remediating left over voids which may contain contaminants which may seep into aquifers.

Hollow bearing trees

- Reliance on surround areas to mitigate the impact of loss of trees is inadequate. Should the project be approved it must be conditional on preserving all hollow trees and replacing them in the revegetated landform.

Habitat fragmentation

- The project will have an unacceptable impact on habitat corridor through fragmentation. The loss of connectivity will redirect faunal movements to the public carriage way and cause increased risk of injury to persons, property damage by impact and faunal fatality. Should the project receive approval fauna proof fencing and passageways must be installed along carriageways to protect persons and fauna.

Traffic Impact Assessment

- Project access on Marsh Road presents a very high risk of injury to pedestrians and passenger vehicles due to the present condition of the road. Should the project be approved Marsh Road must be upgraded to a suitable standard to provide safe use for pedestrians, cyclists and vehicle occupants and provide turning lanes.
- Right turn onto Marsh Road from the project directs traffic to the school zone and presents an extreme risk of injury to pedestrians. The proponent fails to protect the public from this unacceptable risk.
- The proponent fails to quantify projected vehicle movements on March Road for servicing requirements.
- The proposed nil activity for traffic management works on Nelson Bay Road presents a high risk of injury to cyclists and vehicle occupants. Should the project be approved an additional extended turning lane must be constructed to safely separate project vehicles from the public using the road and one that provides from the full truck deceleration required to enter site and therefore not impeded traffic flow on Nelson Bay Road or require other vehicles to merge right. The inadequate traffic survey has not represented peak flow as commented further below and has therefore failed to provide a valid basis for impact assessment and mitigation.
- The existing deceleration lane for west bound trucks on Nelson Bay Road is inadequate to provide for safe access for trucks to the project site.
- Trucks leaving site and then turning right from Marsh Road to Nelson Bay Road have an extended intersection clearance time compared to light vehicles and this presents and unacceptable high risk to road users on Nelson Bay Road. In addition to the intersection, once cleared, a long upslope section will result in trucks significantly impeding traffic flow and presenting unacceptable safety risk to vehicles travelling west on Nelson Bay Road The proponent has failed to assess this as an integral component of the project. This needs evaluation and risk assessment with alternate intersection arrangements and additional traffic lanes considered.
- The assumption of “minimal” pedestrian and cyclist use of Nelson Bay Road is incorrect and the site is not considered “remote”. Conclusions drawn from this assumption are invalid. Marsh Road has a higher proportion of cyclists and pedestrians but is not evaluated by the proponent.
- Traffic flow survey date of 21st Aug misrepresents traffic volumes as regional activity is significantly increased in Spring, Summer and Autumn due to tourist activity, peaking in December / January periods. July and August are the quietest periods in the region. The assumptions drawn from the survey are therefore invalid and the survey needs to be done at times representing true peak periods.

Sand Assessment and Mining Plan

- In reference to Table 16.1, the variation in thickness of nominated units between boreholes and TP’s indicates and inadequate density of drilling that provides low confidence to an adequate resource assessment and project feasibility. JORC Resource and engineering feasibility is required to ensure the project is viable and can meet commitments.

Visual Amenity

The proposed mitigations are inadequate in that they do not protect, or fail to sufficiently protect, visual amenity.

Acid Sulphate Soils

- The assessment is inadequate and in additional fails to identify risk of groundwater interaction, land use impacts and effects on drinking water catchment.

The proposed mitigations are inadequate to ensure that the Project actually performs to the standard required in that the conditions:
(a) are not assertive enough;
(b) do not provide for adequate monitoring;
(c) do not provide for sensitive receptor access to data;
(d) rely upon complaints being made and reference non-genuine baselines; and
(e) do not require that best practice be observed.

In the circumstances, the SSD application:
1. should be refused; or
2. in the alternative, should be allowed subject to appropriate conditions, including that further investigations are carried out before any SSD takes effect.

Your Sincerely