

Sandy Hills Premium Avocados



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Date: 17th January 2019

The Director,
Resource Assessments,
Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Madame/Sir:

I am writing in objection to the proposed Sand Mine at Bobs Farm. This development is going to destroy the beautiful small community we live and work in. The environmental effects of this development alone will be irreparable and devastating. Damage to biodiversity is imminent. Ancient sand dunes, which hold water as it percolates to aquifers below, will be destroyed. Pre-mining ecological conditions cannot be restored, and the complex soil structures and water table level variations that many plant associations depend will not be reconstructed.

We strongly believe the proposal has been designed to maximize profit and had little if no regard for the community in which it will be placed. The proponent has had ample opportunity to reconfigure many components of the development that the community were concerned with, however, steps have not been taken to ameliorate these impacts. This development has total disregard for the community, its hard working families, existing businesses, children of Bobs Farm Public School and its natural environment. The proposed rehabilitation and land use plan post mining is inadequate and shows poor land use planning and does not adopt best practice planning principles.

Below we have outlined our main concerns regarding this development.

Community Consultation and Review

Firstly, we object to the limited amount of time given to the community to undertake a review and prepare submissions on such a complex and multifaceted development. The community has been given 60 days to review a document, which has taken the proponent over 4 years to prepare. The community lacks financial resources, knowledge and funding to undertake a thorough and comprehensive review of the EIS. We demand that independent reviews be undertaken of each component of the EIS by independent consultants not paid by the developer, therefore providing the community with the confidence that a fair and impartial review of the EIS has been undertaken.

Clearing of Old Growth Forest

Areas of the existing Fig Farm/Olive Farm was illegally cleared by the owners/proponent of the sand mine proposal. This illegal clearing has enabled the owner/proponent to understate and justify the habitat impacted upon and subsequent clearing if the mine is approved. This being the case it is easy to see that there was an ulterior motive to destroy all the former and current native vegetation. This clearly shows the character and moral compass of the proprietor. Why should the community trust the developer/owner of the property and why should they be allowed to get away with such blatant disregard for the law and our community?

From the Flora and Fauna Assessment undertaken by Wildthing we understand that the proposed Sand Mine will result in the following direct and potential impacts or losses:

- Approximately 25.90ha of Coastal Sand Smooth-barked Apple Blackbutt Forest;
- Approximately 9.5ha of Orchard;
- Approximately 25.90ha of Supplementary Koala Habitat;
- Approximately 25.90ha of known habitat for ten affected threatened fauna species; Glossopsitta pusilla (Little Lorikeet), Ninox strenua (Powerful Owl), Haliaeetus leucogaster (White-bellied Sea Eagle), Petaurus norfolcensis (Squirrel Glider), Scotanax rueppellii (Greater Broad-nosed Bat), Falsistrellus tasmaniensis (Eastern Falsistrelle), Miniopertus australis (Little Bentwing-bat), Miniopertus schreibersii oceanensis (Large Bentwing-bat), Phascolarctos cinereus (Koala) and Pteropus poliocephalus (Grey-headed Flying-fox);
- Suitable habitat for a number of additional threatened and other flora and fauna species likely to utilise the study area;
- Approximately 877 hollow-bearing trees;
- Habitat Fragmentation;
- Injury/Mortality to native fauna during felling of trees.

The EIS's flora and fauna report undertaken by Wildthing is erroneous due to a vast amount of inappropriate and inaccurate survey techniques that have been clearly outlined by Port Stephens Council and David Pauls Review of the Flora and Fauna Assessment (2019, submitted as part of the Community submission). The flora and fauna assessment must be revised and surveys repeated to adequately comply with legislative requirements.

Only 7.6ha of the 40ha of high quality remnant vegetation will be rehabilitated. This is unacceptable. As quoted by Tattersall Lander in the EIS, *"The resulting artificial lake will remain permanently within the ecological corridor and will be approximately 680m at its widest point. The proposal will result in a reduction in the function and quality of the ecological corridor"*. The Flora and Fauna Assessment undertaken by Wildthing lacks any scientific justification or data to conclude that the proposal is unlikely to significantly impact the integrity of the ecological corridor. A very large lake will remain in perpetuity, providing a permanent 'barrier' to wildlife movements and therefore fragment habitat. The development will result in the fragmentation of a wildlife corridor that is of high quality habitat for many understorey, hollow-dependent, and endangered species, is preferred koala habitat and is important locally by providing a linkage of remnant habitat west of Nelson Bay Road. The proposed mitigating measures include a 15m wide vegetated buffer which is clearly insufficient.

The Koala population of the Port Stephens area is well documented as having significant conservation value through historically supporting a large population until recent years (Port Stephens Council, 2002) and supports an important population centre for this species. A recent article in the Newcastle Herald (January 24, 2019) believes; *"The rapidly declining koala population of Port Stephens has endured another horrendous start to the summer period with fires, excessive heat and continued loss of habitat. In fact, the situation in Port Stephens – once known as the state's koala capital – has become so dire that the Port's leading statistician has warned of complete urban extinction. Port Stephens Koalas data analyst Murray Black, whose work and opinions are backed unequivocally by the not-for-profit organisation, believes that "the koalas on the Tomaree and Tilligerry urban areas will die out"*. The site contains preferred and supplementary Koala habitat (PSC, 2019). This habitat category means that it requires a "high level of protection (CKPoM)". The combined impacts of removing koala preferred and supplementary vegetation and lack of rehabilitation would result in the reduction, function and quality of the existing ecological corridor and therefore place further increased pressure on an already declining population of koalas in Port Stephens.

The destruction of 25.9ha of high quality habitat known for threatened fauna species, including the bulldozing of 877 hollow-bearing trees, is unacceptable. In the past year we have seen fires destroy or threaten koala habitat in Williamtown, Lemon Tree Passage, Anna Bay and Mambo Reserve, all within the Port Stephens local government area. Wildthing Ecological Report, (Appendix E, A17), acknowledges the increased intensity of bushfires due to climate change. Port



Stephens Council and Port Stephens Koalas, who operate the koala hospital at One Mile Beach, are very aware that the area's koala hubs are under very real threat.

A total of 1217 habitat (hollow-bearing) trees were identified within the study area as a result of a hollow-bearing tree survey. The vast majority of hollow-bearing trees were present within Smoothbarked Apple - Blackbutt - Old Man Banksia woodland on coastal sands assemblage. Many of these trees were considered to be significant as a result of their very large size as well as the variety and number of hollows they contained. Hollows were available for roosting or nesting avifauna species, arboreal mammals, reptiles and tree roosting microchiropteran bat species. Of these 1217 hollow bearing trees, 877 will be cut down to make way for a sand mine. The assessment concludes ... *The loss of hollow-bearing trees is a Key Threatening Process under Schedule 3 of the TSC Act 1995. The removal of 877 hollow-bearing trees would be a significant loss of this resource in the local area.*

The site has considerable environmental values and the ongoing development in the area is considered to be creating an adverse cumulative impact on native vegetation. The surveys are not consistent with recommendations of OEH and as such are not compliant with OEH survey guidelines. Considering the inadequacies in the survey effort for a number of species the flora and fauna assessment undertaken by Wildthing is considered inadequate to determine the potential impacts of the proposal on threatened species and their habitats. As such the development in its current form should be denied.

Groundwater Interference

We run a family operated Avocado Farm business that relies on the groundwater to water our orchard. Any potential impacts on the water supply including and not limited to a decrease in the groundwater level and increased salinity will result in the loss of our business. There are a number of avocado, blueberry, macadamia, aquaculture, horticulture and permaculture farms in the area that rely on the groundwater for their livelihoods. The proposal to excavate and dredge below the water table will potentially contaminate the aquifer they depend upon. We are not satisfied with the ground water analysis in the EIS as it has not satisfied the concerns of contamination from salt and PFOs (which affects nearby areas) on surrounding properties. We believe that the risks to the groundwater are too high to allow extraction and dredging below the ground water level.

Furthermore, this area has not been tested adequately for PFO contamination and as such there is doubt as to whether the PFOs issue could spread to our area from its current boundary, which is approximately 5-6kms from the proposed mine site. The community wants some assurance that we will not have another ground water contamination issue in Port Stephens, such as that seen in the Williamstown and Surrounds. We would also like to know that if there are impacts on ground water that the developer will compensate us? Therefore, we seek government assistance to ensure that an independent commission undertakes proper groundwater impact analysis or government agency to ensure that the communities water resource will not be adversely impacted upon.

This sand mine would be the first significant sand mine in the area to propose excavation well below groundwater level – as other sand mines in the area are harvesting windblown sand (sustainable) or take surface deposits from vegetated land with consents normally limiting excavation to a metre or less below ground level, and above the water table. Why should this mine be allowed to go below ground water and will it not set precedent for sand mine applications in the future?

The proposed sand mine is located on the northern boundary of the North Stockton Catchment. This area is defined under Hunter Water Regulation 2015 as a “special area”. Protection of this catchment is essential for the wider community; it is an important asset and should not be compromised. No other sand mine is allowed to go within 1metre of the ground water in PSC LGA, primarily to protect groundwater sources from pollution, loss of valuable water assets from drainage and evaporation. This proposal is likely to cause irreversible damage to the aquifer that supports many ecological sensitive communities as well as supplying water to a lot of people under basic landholder rights and commercial interests including agriculture and tourism.



Proposed Artificial Lake/Water Body

The proposed Artificial Lake/Water Body after Mining Ceases at its widest point, 680m, will not only result in a reduction in the function and quality of the ecological corridor but also risk destabilising the sand dune system and enabling contamination of the water table. Evaporation from such a large permanent lake (estimated to be 506ML per year which is expected to require a new groundwater licence) is a significant issue that has not been adequately addressed in the EIS. A large body of exposed groundwater within a class 3 /4 Acid Sulphate Soil area, with no management plan, cannot satisfy the intent or requirements of the NSW Planning and Environment Standard Secretary's Environmental Assessment Requirements (SEARs) nor clause 7.1 of the Port Stephens Local Environment Plan (LEP).

Hunter Water (submission, 2019) have major concerns about the potential effect on groundwater and is opposed both to the depth of excavation proposed and to the creation of a permanent 25ha lake. We agree with their conclusions and hope the department take their recommendations on board in their analysis of this proposal.

Impacts On Bobs Farm Public School

Our children attend Bobs Farm Public School, which just celebrated its 100th year of operation. 200 trucks a day are proposed to exit only metres from the school and the sand mine will be located at the back fence of the school. We do not accept that the development will not impact on the air and noise quality to unacceptable levels. Adequate testing has not been undertaken on the noise and air quality impacts of the development and the proponent's reports are lacking. The risks, particularly in relation to silica dust are unknown, as no credible monitoring has been undertaken.

People who currently send their children to Bobs Farm Public School will take their children out of the school for fear of air (dust and diesel fumes), noise and traffic impacts. Many of us will have to send our children to out of zone schools. The proposal will employ approximately 8 people (according to Mr Lander). This is a similar number to those employed at the school. If the school closes because of this mine being approved, there will be no gain in employment and the loss of not only a historically significant part of the community but an important social hub for many of the residents of Bobs Farm.

The proposed haulage route next to the school is not supported. There are a number of noise and traffic concerns in relation to the exit route being along Marsh Road especially in a 40Km school zone. Our children will be at risk from the increase in truck flow. The community expressed its concerns to the proponent's planner, Mr. Lander at a community meeting and asked that they consider the exit and entry to be from Nelson Bay Road. Whilst the proponent has had plenty of time to reflect the communities and councils concerns regarding the Haulage Route they have made no attempt to change it. If the Planners had taken the communities and Councils concerns into account that would have shown some credibility and that perhaps they were doing what was best for the community. However, the decision to maintain the haulage route in its current proposed location shows total disregard for high quality best outcome planning and the well-being of the children that attend Bobs Farm Public School.

Air Quality Impacts

Our Avocado farm is stated as having the worst air pollution issues. This is unacceptable, particularly considering the amount of families that live in this area with young children and rely on tank water for their survival. Should there be any contamination of tank water the community should be compensated. And if we suffer from silica related health issues we will be seeking compensation.

The proponent has not been diligent in monitoring for airborne small size particulate matter and has used out of date data to undertake modeling of potential air pollution. These small inhalable and respirable particles are relative to Silicosis and silica related disease. There are a significant number of people that may be affected by the inhalation of these particles in the affected jurisdiction and our farm has been stated as having the worst impact in terms of air quality. We have three young children that could be impacted upon in the worse case scenarios modeled by the proponent. The health impacts of exposure to Silica have been well documented and range from Silicosis, Chronic Obstructive Pulmonary Disease, Silica

related lung cancer, Pulmonary Hypertension, Autoimmune disorders such as Scleroderma, Systemic Lupus and Rheumatoid Arthritis and Chronic Renal disease. There have been no monitoring stations set up in the surrounding area to assess the current air pollution and using data from Newcastle is not comparable to Bobs Farm. Therefore, we seek government assistance to ensure that proper dust inhalation data is collected and monitored by an independent commission or government agency to ensure that the community safety (particularly the school children) against life threatening silicosis, silica related diseases and dust related asthma. A health risk study as part of this mine application should be mandatory. As a consequence of not providing a health study there are risks to human health and the possibility of litigation that could prove costly to the developer and taxpayer.

If this development were approved then we would want to see the following conditions placed on the development:

- Purchase PM2.5 monitors that are accurate to 1%, if not by the State then by the community. Continuous monitoring needs to be done and results made available. This monitoring needs to be done independently from the source of contamination. Monitoring should be undertaken within the school grounds and within a 10km radius of the development site.
- Legislate for buffer zones, particularly downwind from any new development. Studies in the UK reveal that the Asthma rate is 13% 4.8 km from open cut coal mines.
- Ensure heavy mining vehicles use high grade Diesel fuel and their exhaust fitted with particle traps.
- Covering of all truck loads
- Check all water tanks within a 10km radius of the development site for contamination and advise accordingly.
- Conduct regular health checks, particularly of the children attending Bobs Farm Public School and residents within a 10km radius of the development site.

The fact that this development has insufficiently assessed the air quality impacts, with data from Newcastle (30km away) and made no attempt to assess the existing air quality of the area (the control area), made no attempt to use controlled experimental sites in the vicinity of the development site gives us little hope that our farm, indicated with worst air pollution impacts is accurate. Perhaps the impacts will be more intensified under local weather conditions. Considering this information has been already made public on your website our land values will decrease considerably if this development is approved. As such, we will be seeking compensation for the decrease land values and potential impacts upon my families' health if this development is approved.

Traffic

We believe the EIS has not adequately assessed the cumulative impact of an extra 200 trucks a day from the proposed mine with the existing trucks already using Nelson Bay Road. We believe this mine will place undue pressure on the roads and the many people that use Nelson Bay Road each day to commute to and from work. The lifespan for roads and other infrastructure will be decreased, which carry a substantial replacement cost to the local and state governments.

Tourism

The site is located at the Gateway to Port Stephens, a thriving tourism area that relies on its natural beauty and pristine natural habitats. The 15m proposed buffer along Nelson Bay Road will not sufficiently shield the visual impact of the processing plant buildings and storage areas (note the heights of building have not been provided). A sand mine is not in line with the regional characteristics of the area and the community of Bobs Farm. Bobs Farm is a small community with a strong sense of pride. There are several tourist attractions and many agricultural, horticultural and aquaculture farming businesses that support the community. The approval of this sand mine will destroy the natural beauty of Bobs Farm, the reason people come to many of its tourist attractions. Port Stephens is currently in the process for a World heritage Listing. We do not want this sand mine at the gateway to Port Stephens, a potential world heritage site.

Community Support

The community has support from Kate Washington (Labour), Jamie Abbott Councilor and Liberal candidate), Port Stephens Greens and many organisations including and not limited to Eco-Network, The Tomaree Rate Payers Association,



Wild Life in Need of Care (WINC), Hunter Valley Koala Preservation Society Inc, Port Stephens Cycling Group, Mambo-Wanda Wetlands Community Group Inc, Soldiers Point community Group Inc.

The community has been outraged by this development and the local and wider community does not want to see this development go ahead. We believe the potential detrimental impacts this development may have on the environment and the social fabric of our community far outweigh any gains this development may have for the community. The mineral sand industry is a capital rather than a labour intensive industry. The cyclical market fluctuations frequently result in labour retrenchments in the mineral sands work force. Each additional job created in export-oriented sand mining will be associated with a loss of jobs in other export and import-competing industries, particularly agriculture. The national economy will not be seriously affected by restricting the production of sand from one site in Bobs Farm. This site is an inappropriate location for sand mine and does not meet any criteria for ecologically sustainable development.

Other Impacts

NSW Resources and GeoScience response (22 Jan 2019) is irresponsible and lacks any justification or quantification for this sand mine. This mine in particular is clearly not a sustainable quarry. This assessment does not appear to be in the public interest. It would appear this department have not based there assessment upon any other criteria apart from that it is a sand mine and will provide sand. Whilst we acknowledge sand is a much sought after resource we do not believe this is an appropriate site for a sand mine.

Many Thanks,
Shea Brunt
Daniel Brunt
Catherine Brunt
Chris Brunt