

9 April 2020

NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2001

APPLICATION NO: SSD-9490 (Our Ref 25-2018-5-1).

PROPOSAL: Stockton Sand Quarry Dredging Project

PROPERTY: Coxs Lane, Fullerton Cove, Lot: 1 and Lot: 2 DP: 1006399 and Lot: 3 DP: 664552.

Attention: Colin Philips

Dear Colin,

Thank you for your correspondence dated 28 February 2020 requesting Council's comments regarding the submitted Environmental Impact Statement (EIS) dated 21 February 2020, for the Stockton Sand Quarry Dredging Project, located at Coxs Lane, Fullerton Cove.

It is understood the proposed development will seek approval as State Significant Development for the purpose of extracting sand from the inland vegetated dunes along the Stockton Bight coastline. Initial extraction is proposed by front-end loader/excavator, followed by dredging. The proposal seeks a site wide transportation limit of 750,000 tpa per year until the windblown sand extraction project will lapse in 2028, after which the transportation limits will then reduce to 500,000 tpa.

On review of the proposal and documentation, Council makes the following comments that should be taken into consideration as part of the assessment by the Department of Planning, Industry and Environment (DPIE).

Traffic and Transport

Council raises no objection to the proposed development with regard to traffic and transport. The impact of the additional truck traffic on the surrounding network is considered acceptable. Council notes that the TfNSW is the Roads Authority for Nelson Bay Road.

However, concerns are raised regarding the existing exemption from development contribution payments. This arrangement should cease and payment for maintenance of Council's roads be levied in line with other similar extractive industries.

Therefore, a condition of consent for contributions to the maintenance of the Council road network should be considered. It is requested Council be consulted on any contributions conditions that impact local infrastructure.

Drainage

Council acknowledges the applicant has provided sufficient detail for DPIE to make an informed assessment on the stormwater and groundwater impacts. Council has no further comments or suggested conditions in this regard.

Ecology

Specific ecology comments on the proposal are outlined below:

- The SEARs require the mapping and assessment of groundwater dependant ecosystems, for terrestrial and/or aquatic Groundwater Dependent Ecosystems.
- Detailed Groundwater Dependent Ecosystem mapping and impact assessment is required to be provided in either the BDAR or EIS.
- All development applications in the Port Stephen's LGA (excluding agricultural proposals) must demonstrate they are consistent with the objectives of the Port Stephens Council Comprehensive Koala Plan of Management (CKPoM), this also applies to SSDs. The CKPoM Assessment (Section 4.9 of the BDAR) must specifically address the CKPoM performance criteria a) – h) of Appendix 4 of the Port Stephens CKPoM. Please note that removal of any preferred Koala feed tree species (listed in Section 2.1 the CKPoM) by the project must be offset at the ratios specified on page 36 of the Port Stephens Council Technical Specification – Trees.
- In accordance with Section 6.15(1) of the Biodiversity Conservation Act, currency of the BDAR must be established, the BAM-C report must be in a 'finalised' status and the assessor declaration provided.
- An assessment of habitat suitability for threatened species must be undertaken in accordance with Section 6 of the BAM, specifically Sections 6.1-6.5.
 - Threatened fauna – survey effort is currently insufficient for the following candidate fauna species:
 - Bush Stone-Curlew: targeted nocturnal surveys and call playback is required.
 - Wallum Froglet and Mahoney's Toadlet: the site is considered highly likely to contain suitable habitat for both threatened frog species.

- Threatened flora -
 - Threatened flora surveys were not undertaken in accordance with relevant guidelines. Random meander surveys are not considered appropriate to detect cryptic species including threatened orchids, which were amongst the candidate species for the site.
 - Targeted surveys did not occur during the correct time for the following threatened flora species:
 - *Corybas dowlingii*
 - *Cryptostylis hunteriana*
- A groundwater monitoring program should be implemented for the duration of the project to monitor the project's impact on groundwater levels and consequently groundwater dependent ecosystems, and ensure that groundwater impacts are consistent with those assessed by the EIS.
- The EIS identifies the requirement for a revision of the Stockton Transgressive Dune Quarry Rehabilitation and Landscape Management Plan. Council suggests that this must be provided and approved prior to commencement of any vegetation clearing works on site. The revision must include details any mitigation and management measures identified in the BDAR, rehabilitation completion criteria and details of ongoing rehabilitation monitoring to inform adaptive rehabilitation management actions.
- The Biodiversity Offset Strategy must clearly identify the project's required offsetting obligations, and the proponent's commitment for securing offsets to satisfy the offset obligations prior to commencement of clearing of native vegetation.

I trust that the above information will provide an appropriate basis to inform the assessment of the application. Thank you for the opportunity to comment on the proposed development. Should you have any further enquires or if you wish to discuss the application, please contact me on (02) 4988 0562 or email ryan.falkenmire@portstephens.nsw.gov.au.

Yours sincerely,



Ryan Falkenmire
Principal Development Planner
Development Assessment and Compliance

