

Nigel Waters (9)

Independent Planning Commission NSW – Public Meeting 12 March 2018

CABBAGE TREE ROAD SAND QUARRY (SSD 6125)

Presentation by Nigel Waters, on behalf of Port Stephens Greens; EcoNetwork Port Stephens Inc. and Tomaree Ratepayers and Residents Association Inc.

Introduction

I was the author of the Port Stephens Greens objection, and was also involved in the preparation of objections from EcoNetwork Port Stephens Inc. and Tomaree Ratepayers and Residents Association Inc. (I serve on the committees of both organisations). The signatories of the EcoNetwork and TRRA submissions are unavailable today and I have been asked to represent and speak on behalf of all three community groups.

This task is made easy by the consistency of the three submissions, reflecting common concerns, which you must by now be aware are shared by many other individuals and organisations, about the proposed sand quarry and its likely impact.

All the objectors are understandably very disappointed that the Department in its Assessment Report has concluded that 'The Department's view is that the proposal is in the public interest and is approvable' (we consider this to in effect be a recommendation to approve).

We are not persuaded by the Department's arguments for how community concerns are either unfounded, have adequately been addressed already by the applicant or can be addressed through conditions. We refer the Commission to our detailed 2016 submissions, but highlight today three major areas of concern.

PFAS/PFOA Contamination

Given the continuing uncertainty about the extent and effect of contamination emanating from RAAF Base Williamstown; the restrictions applying to private landowners in the 'investigation' area (known colloquially as the red zone – see Figure 1 attached) and the devastating effect on local residents, we cannot comprehend how the Department can so casually dismiss concerns about the major disturbance to the site involved in even the modified proposal.

The combined effect of the various agency inputs and the final recommended conditions amount to a mere 'hope' that there will be no contribution to the ongoing contamination crisis and potential long term adverse health effects. The various monitoring and compliance conditions do not alleviate the very serious concerns of directly affected local residents – if future monitoring detects problems or compliance is not guaranteed (we note that the track record of compliance for sand-mines in the Williamstown area is poor) then it will be too late – the damage will have been done.

We note that in November 2017 the NSW EPA announced revised boundaries for the 'red zone' (now renamed 'Management Area') – increasing it by 50% but conveniently excising the site of the proposed sand quarry (see Figure 2 attached), which is very close to the source of the contamination.¹ The local community is incredulous that there is any hard evidence to support this particular boundary change and are understandably suspicious that it was done to minimise the apparent significance of the contamination issue for this site.

¹ Confusingly, the Department of Defence issued a different map in December 2017 which shows the quarry site still partly within a 'Human Health Risk Zone C'.

We submit that the precautionary principle should be applied to refuse the application at this time, with reference to the assessment criteria of social impact and public interest grounds (EPA s79C(1)(b) and (e)). Any sand quarrying activity at Cabbage Tree Road should not proceed until and unless the contamination issue has been resolved, and associated legal action concluded.

Traffic

Despite the modified production schedule, the addition of a high volume of heavy truck movements to an already overloaded and inadequate road system is on its own sufficient reason to refuse the application.

We re-iterate our major concern that assessments of individual projects, including this one, fail to adequately address the cumulative impact of quarrying project approvals in the Williamstown area. There are multiple sand quarrying operations within 10km of this site (Figure 3 attached), all of them generating high volumes of heavy truck movements on the road network, with Cabbage Tree Road being one of only three access routes to these quarries. A further quarry is proposed for Bobs Farm which would also add to traffic using these routes.

In 2016 the former PAC approved alternative access to Mackas Sand operations along the Stockton Bight sand dunes onto Nelson Bay Road, in the face of major objections from the local community, largely on traffic grounds (MP 07_0094 MOD 4). Those operations have subsequently been fined for breaching limits on truck movements, which understandably gives the community no confidence that conditions such as those proposed for this project will be met, or routinely enforced.

Another application for increased production and truck movements from the ABT Morton (Redisand) quarry at Janet Parade, Saltash, is currently under consideration by the Department of Planning (MP 07_0094 MOD 4). Again, residents and others have raised major concerns about the traffic implications and related safety issues. We have pointed out in our submissions that Nelson Bay Road is the only access road to the Tilligerry and Tomaree peninsulas with their combined populations of more than 35,000. Cabbage Tree Road is one of only three roads linking these communities to the rest of the State.

Only a few months ago, a heavy vehicle overturned at the Pauls Corner roundabout (junction of Richardson Road and Nelson Bay Road) – fortunately without any injuries (Figure 4 attached). Access to all of the sand quarries in the area involve multiple truck movements around a few key roundabouts on both inward and outward trips (a requirement given the necessity to prohibit right turns onto single lane roads). All of the trucks leaving the Cabbage Tree Road site will have to use the roundabout at the junction with Nelson Bay Road – the main route between the 35,000 people living east of the airport and Newcastle – and the location of the January accident.

The Sydney Morning Herald reported on 21/12/2017 that *'NSW truck deaths have increased by more than 86 per cent in 12 months, as police report increased heavy vehicle traffic connected to major construction projects'*. The community is rightly fearful that a major accident involving sand trucks in our area leading to death or serious injury is only a matter of time.

The Department of Planning assessment of the predicted traffic impact as being only 'minor' flies in the face of the everyday experience of local road users. We urge the Commission members to observe for themselves the effect of heavy truck movements, particularly at peak times, before making their decision. We submit that there will be significant adverse traffic impacts which justify refusal under the social impact and public interest criteria (EPA Act s79C(1)(b) and (e)).

Environmental and Ecological impacts

We are not persuaded that the adverse Environmental and Ecological impacts of the proposal can be managed or mitigated to an acceptable degree. We submit that the Department of Planning has understated the risk to a number of fauna species, including in particular koalas, which were found by the NSW Scientific Committee last year to be critically endangered in the Port Stephens area. The Tomago and Williamtown areas have been identified by Port Stephens Council as 'hot spots' where koala habitat needs particular protection to ensure the survival of a viable breeding population. As with traffic, the *cumulative impact* of loss of any habitat needs to be given greater weight.

We are also concerned about the potential impact on groundwater – the 'buffer' between the proposed operations and the groundwater level is too narrow. Given that the site sits on the Tomago sandbeds - an important source of fresh drinking water for the Lower Hunter valley, we submit that the precautionary principle should rule out the major disturbance involved in the proposed quarry.

We submit that the Commission should refuse the application on the grounds that the proposal will have significant adverse environmental and ecological impacts ((EPA Act s79C(1)(b)).

Conclusion

We submit that the Department of Planning, in its Assessment of this project, has significantly *understated* several adverse impacts, and has given insufficient weight to the EPA Act criteria of the environment and social impact (s.79C(1)(b)); the public interest (s79C(1)(e)) and the weight of public submissions (s.79C(1)(d)). In contrast it has given *undue weight* to assertions of economic benefits, which are unsupported other than the very small number of direct jobs and the direct financial windfall for Port Stephens Council, which can and should be deferred. There is no detailed analysis of the sand market in NSW to support the assertion that this particular quarry is necessary now.

Port Stephens Council is in our view being irresponsible in allowing the application to proceed. As the landowner it has a major conflict of interest which has inevitably compromised its ability to give professional opinions on the proposal. We note that Council's submissions are mostly predictably uncritical and supportive, despite, for example, acknowledging that the proposal is not consistent with the Port Stephens Comprehensive Koala Plan of Management and various other standards.

The normal role of a local Council - to safeguard the interests of local residents and of the wider LGA community - cannot be performed when Council itself will be the financial beneficiary of approval (\$17million over the life of the quarry). The sand will still be there and will potentially be even more valuable in future, so the longer term interest of the community would not be compromised by refusal. We submit that the Commission, in addition to its normal role, must step into the role vacated by Council's conflict of interest and put the interests of the community first.

We urge the Commission to give appropriate consideration to the environmental, social impact and public interest arguments against allowing the extraction of sand from this site at this time, and to refuse the application.

Nigel Waters, on behalf of EcoNetwork Port Stephens Inc. <http://www.econetworkps.org/>, Tomaree Ratepayers and Residents Association Inc. <https://trra.com.au/> and Port Stephens Greens <http://portstephensgreens.org.au/>

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Figure 1 – Investigation Area (Red Zone) since 2015

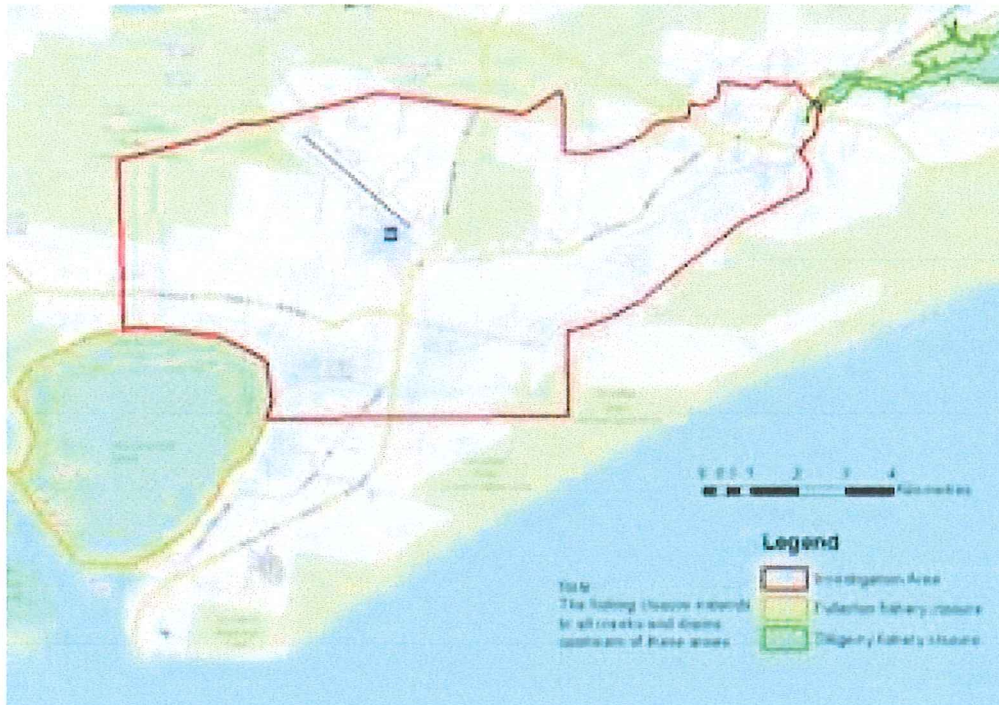


Figure 2 – New Management Area announced November 2017

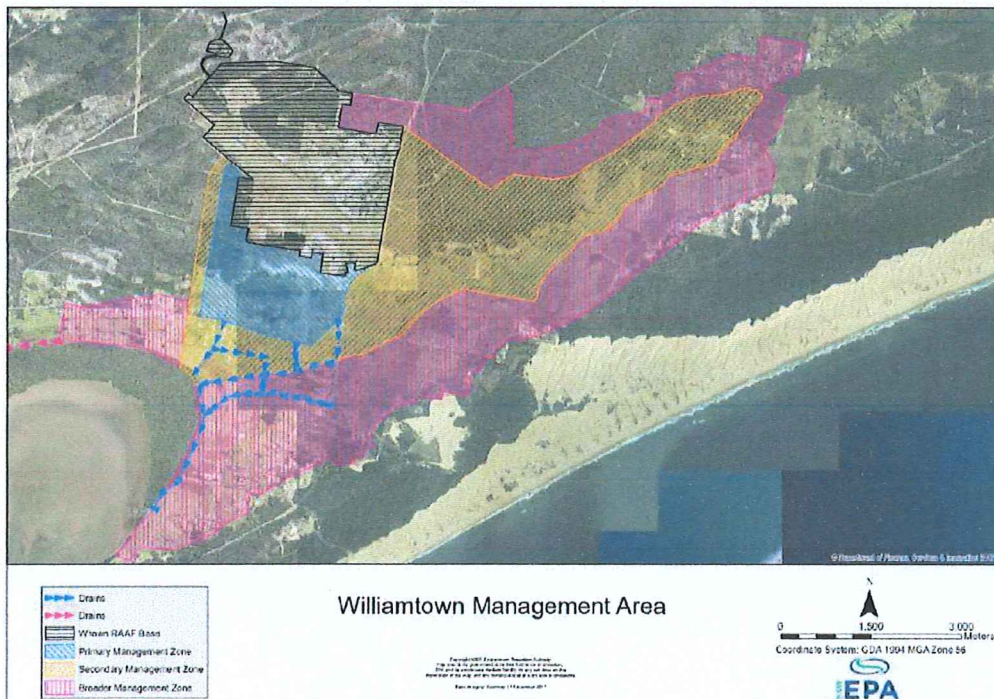


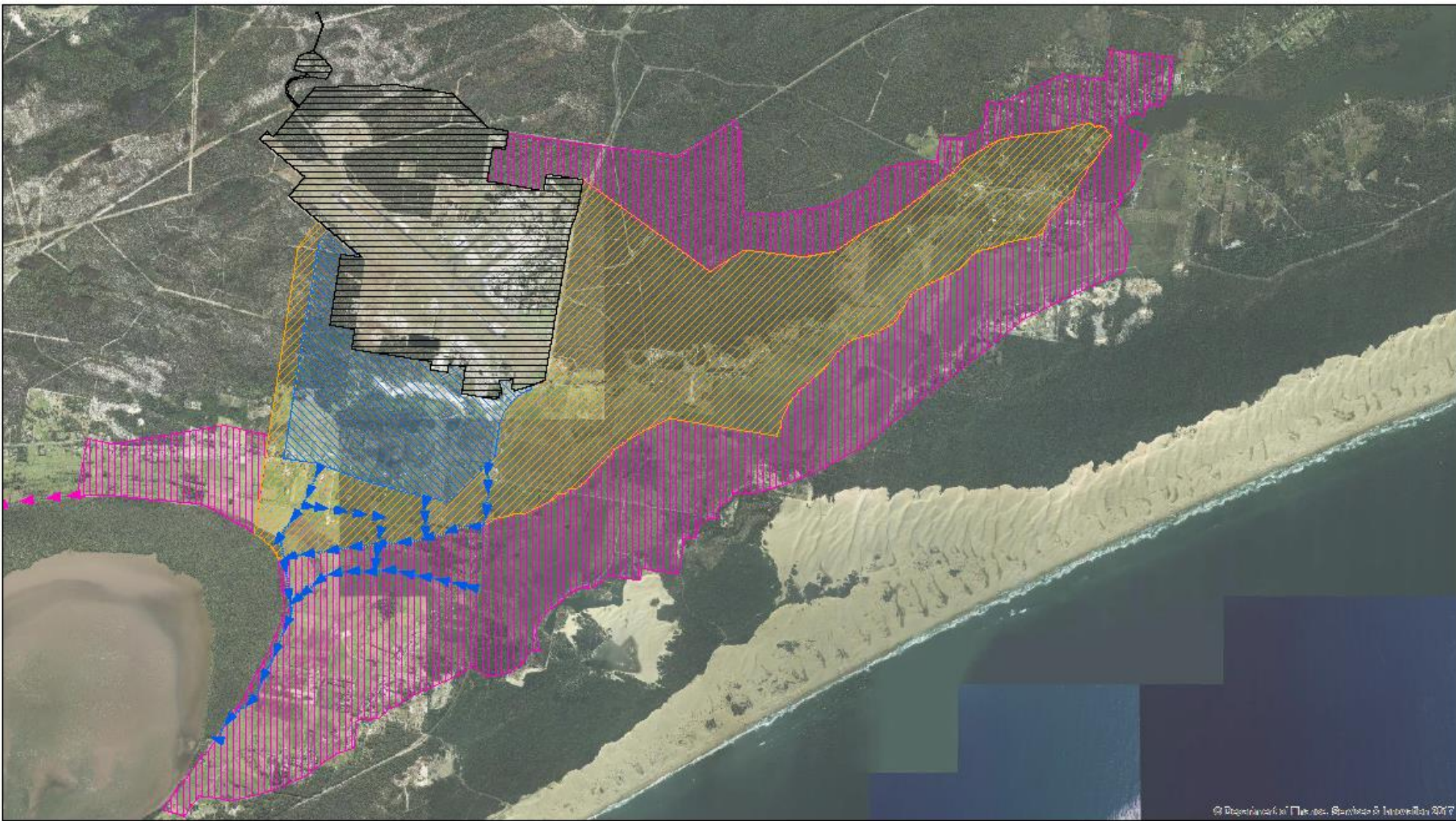
Figure 3 – Other operating and planned sand quarries in the Williamstown-Saltash area









Figure 4 – Truck overturned at Pauls Corner, January 2018





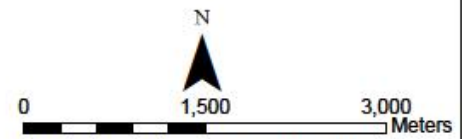


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-  Drains
-  Drains
-  W'town RAAF Base
-  Primary Management Zone
-  Secondary Management Zone
-  Broader Management Zone

Williamstown Management Area

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information in the map and any consequences of such acts or omissions.
Base Imagery: Nearmap 17 November 2017



Coordinate System: GDA 1994 MGA Zone 56





Existing sand quarries



Proposed sand quarries



