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Submission to the application by Thorley Sand and Gravel P/L to extend and modify quarrying approvals at Jones' Quarry, Pillar Valley

Introduction

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for 29 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

For the past 4 to 5 years, the CEC has been involved in the delivery of the million dollar plus, Federal Government funded "Upper Coldstream Biodiversity Project", which was centred on Pillar Valley. As a result we have an intimate knowledge of the area's flora and fauna, having confirmed the presence of over 1000 native plant species, and 213 species of native fauna, of which 58 are listed as threatened (27 fauna and 31 flora).

Preamble

Having read the development application for the above variation of consent to include blasting and crushing, we note the conclusion that "*The proposed modification will not extend beyond areas already approved under Development Consent No. 95/45, therefore there will be no impacts to flora and fauna as a result of the proposed modification.*"

We also noted that the noise and vibration impact assessment is focussed entirely on what are referred to as "sensitive receivers", described separately as "*a home, work place, church, school or other place where people spend time.*"

With the consideration of potential impacts on native fauna completely ignored by the consultant on this occasion, we feel compelled to put in the following submission.

Background

Before making specific comment on the proposal, we feel it is important to understand the significance of biodiversity; and in that respect we draw attention to the "**National Strategy for the Conservation of Australia's Biological Diversity, 1996**". That document was signed by the heads of all Australia' States and Territories, and opens with an explanation that: "*The Convention on Biological Diversity, was ratified by Australia on 18 June 1993, and deals at a global level with the full range of biological diversity conservation, its sustainable use, and the fair and equitable sharing of the benefits arising from this use*".

We have emphasised the passages we believe to be relevant, as the author goes on to explain that:

“Maintaining biological diversity is much more than just protecting wildlife and their habitats in nature conservation reserves. It is also about the sustainable use of biological resources and safeguarding the life-support systems on Earth. Ecologically sustainable management of all Australia's terrestrial and marine environments is essential for the conservation of biological diversity.

The benefits of conserving biological diversity are numerous. Biological diversity is the primary source for fulfillment of humanity's needs and provides a basis for adaptation to changing environments. An environment rich in biological diversity offers the broadest array of options for sustainable economic activity, for nurturing human welfare and for adapting to change.

The world's species provide us with all our food and many medicines and industrial products.

For example, the fishing, forestry, and wildflower industries rely on the harvest of biological resources from the wild. There is great scope for developing new or improved food crops from our biological diversity”.

In short, without biodiversity, humans would cease to exist.

It is in this context that we stress the fact that the Clarence Valley lies at the centre of what is sometimes referred to as the McPherson - Macleay overlap, a region where plant species from subtropical Australia intermingle with species from the temperate south. This heightened species diversity encourages an exceptional mix of unique Australian fauna which together contributes to what is now internationally recognised as one of the world's top biodiversity hotspots.

Some 15 years after that National Strategy was published, a follow-up document, “Australia's Biodiversity Conservation Strategy 2010–2030” was prepared by the National Biodiversity Strategy Review Task Group convened under the Natural Resource Management Ministerial Council, which reviewed the progress achieved under the former Strategy.

This later document repeats the warning that: ***“In this year, the International Year of Biodiversity, it is worth remembering that our survival is critically dependent on looking after our natural environments and their biodiversity – the many different kinds of animals, plants and tiny microbes, and the ecosystems that support them”.***

This warning is then followed by a startling admission that ***“Much effort has gone into arresting the loss of biodiversity and conserving what is left; nevertheless, biodiversity continues to decline. Climate change is increasing the rate at which we are losing biodiversity by amplifying existing pressures and introducing new challenges. Loss of biodiversity will diminish the quality of our lives and the long-term prosperity of this nation, including the capacity to produce food and fibre. We need to take immediate and sustained action to conserve biodiversity”.***

Despite all the grandiose statements quoted above, the destruction of biodiversity continues, and we believe there has never been a more pressing need for greater diligence when ensuring that development applications have fully identified potential impacts on biodiversity, and that all possible measures to protect flora and fauna are in place.

The proposal

A number of matters raised in the DA need to be questioned.

- 1. Failure to assess environmental impacts** – As mentioned in the preamble, the development application for the above variation of consent, concluded that ***“The proposed modification will not extend beyond areas already approved under Development Consent No. 95/45,***

*therefore **there will be no impacts to flora and fauna as a result of the proposed modification.***”

With the proposed introduction of blasting and crushing which, by their own admission, will have a negative impact on air quality, how can it be claimed that there will be no impact on fauna? Even the perennial problem of fly rock is ignored. **Clearly, the assertion (page 9) that: “... the modification would not result in any additional environmental impacts”, is incorrect on a number of levels.**

- 2. Failure to consider the impact of noise on fauna.** Presumably because the softer surface gravels have been exhausted, a new element is being introduced – blasting with explosives to break up the more solid sandstone and iron stone bedrock, followed by crushing.

The development application completely ignores the potential impacts of blasting on wildlife, simply focusing on noise impacts on what they refer to as “nearest sensitive receivers”, described separately as “a home, work place, church, school or other place where people spend time.”

No consideration has been given to the possible impacts of noise on threatened fauna, a number of which are almost certain to be living in the vicinity. By definition, threatened species are those which a scientific committee has determined face extinction if current declining trends are not reversed. As such there needs to be a thorough assessment of those impacts.

27 threatened fauna species have been identified in Pillar Valley by the surveys conducted under the Upper Coldstream Biodiversity Project alone, and NSW Wildlife Atlas records indicate there are several more threatened species known to occur in the vicinity.

- 3. Confusing description of the operation.** We found the various figures in information presented in the DA to be confusing and contradictory. We are told (S2.1) that “*extractive operations are limited to the 230ha site as shown on the approved plans*”. However, those approved plans are not attached. At the same time we are told that: “*No more than 0.25ha of area is to be used for extraction at any one time*”. This despite being told (S2.2) that: “*The quarry currently consists of three extraction areas.*”

Also, there are statements in the DA referring to “*Existing measures*” which we are assured, “*will continue to be employed to mitigate any potential impacts.*” These assurances refer to heritage matters; visual amenity; waste management; noise; soil water and air quality; and impacts on flora and fauna, none of which are explained in the DA. We point out that over the the 21 year period of the current approval, most of the legislation pertaining to those matters have been changed significantly. Therefore, we believe all proposed or existing mitigation measures should be clearly stated in the current DA for consideration by Council.

- 4. Other confusing data provided has made it difficult for us to assess the potential impacts of traffic.** The reported extraction over the past 8 years (Table 5.1) of just 38,461m³ suggests that less than 200 truck loads annually have left the site, less than one a day (please check our maths). But then there is the statement (S2.4) that: “*Up to 20 contract truck drivers also frequent the site on any given day*”, that's 20 loads assuming all 20 drivers only carted a single load on that day and there was only one driver per truck.

We believe, accurate figures of truck movements, and their impacts in terms of dust, noise and potential for road-kill should be provided.

5. The Clarence Environment Centre also has concerns about the proposed time span applied for in the current DA, believing a 5 yearly approval would be more appropriate, not 30 years. The fact that there is an ongoing trend towards, subdivision and land use change to lifestyle blocks, suggests a cautious approach should be taken with consideration of potential future conflict.
6. It is our understanding that there are several properties much closer to the proposed blast site than those identified in the DA as “sensitive receivers”, whose owners plan to take up residence in the future, and will be adversely impacted by the proposed blasting. Therefore we believe the impacts on their properties, including land values, should be taken into account by Council when considering the application.

In conclusion

1. The Clarence Environment has serious concerns over the proposed blasting and crushing operations, and the failure of the DA to assess the impact on wildlife.
2. We also ask that Council require accurate data relating to past extraction rates and truck movements.
3. With the many changes to environmental legislation that has occurred since the original approval in 1996, including the EP&A Act, and given the high number of threatened species known to occur in the vicinity, that an updated flora and fauna impact assessment be required.
4. That a search of all nearby habitat (hollow-bearing) trees, say within 300m of the proposed blasting be assessed as “sensitive receivers” by a qualified fauna specialist.
5. Given the ongoing land-use changes occurring in the Pillar Valley area, and to avoid future conflict, the Clarence Environment Centre believes any approvals should be limited to 5 years, not 30 years as per the application.
6. Finally, it is our understanding that there are properties much closer to the proposed blast site than those identified as “sensitive receivers” in the DA. Some plan to take up residence in the future, and will be adversely impacted by the proposed blasting. Therefore we believe the future impacts on their properties, including land value, should be taken into account.

We thank Council for this opportunity to comment

Yours sincerely

John Edwards
Honorary Secretary