

21 December 2023

The Independent Planning Commission
Suite 15.02 Level 15
135 King Street
SYDNEY NSW 2000

Enquiries: Mr Adam Matlawski

Dear Panel,

I am writing in response to the request for information following the briefing opportunity provided to our staff on 6 December 2023 about the proposed Deep Creek Quarry (SSD-11591659).

A copy of the requested information is attached to this submission.

In relation to the matters the IPC seeks comment on, the following responses are provided:

Biodiversity

Comments provided in relation to biodiversity matters have been prepared by Councils' Senior Ecologist, Mat Bell, whose response follows the initial advice dated 21 December 2021, in which five (5) biodiversity matters of concern were raised in relation to the Proposed Development.

These 5 matters comprised:

1. Some biodiversity knowledge and evaluations were incomplete or inadequate,
2. Measures to avoid impacts to threatened species were inadequate,
3. There was inadequate offsetting of residual biodiversity impacts,
4. The proposal did not properly consider cumulative impacts or the strategic ecological context, and
5. The KPOM was inadequate.

The Applicant (and consultants acting on their behalf) considered these matters in their Response to Submissions.

From an ecological point of view, we remain in opposition to a positive determination of the application.

We have read through the supplied material and recognise the additional biodiversity investigations that have been completed at the site, and which contribute to the scientific knowledge that can be used to inform evidence-based decision-making.

We remain concerned with the type, nature and significance of impacts on certain threatened species:

- Tetratheca juncea (32% loss of an important population),
- New Holland mouse (13.84% loss of an important population, with an uncertain likelihood of success of a proposed relocation plan)
- Koala (loss of known use trees / habitats)

- Squirrel Glider (recently detected; paucity of detail on population size and severity of impacts).

In this context, we remain concerned about the adequacy of the measures to avoid impacts firstly, within the avoid – mitigate – offset hierarchy for the above species and potentially for hollow-dependent species.

Council staff appreciate the intent to establish a Biodiversity Stewardship Area on site of approximately 235-hectares, with an option of a further 125-hectare area on an adjoining landholding.

A potential 360-hectare formal BSA is a substantial local outcome.

The proposal also involves the planting of koala food tree species on a 2:1 basis (450 trees to be planted in a 2.9-hectare area. I note that the Council standard for the replacement of lost koala food trees is >4:1, which should be the standard offered in this project.

We understand that the Biodiversity Conservation Division (BCD) has accepted the biodiversity impact assessments supplied in this Application and has recommended that the Development be approved subject to conditions.

It is understood that the IPC has sought further written clarification of the Council staff biodiversity concerns and input into Draft Conditions.

Staff recommendations for amendments to the Draft Conditions are:

B44. should include the following words added after the existing note:

The best endeavours must be used to retire the required species and ecosystem credits within the wider project locality (within a 20-kilometre radius of the subject land).

The offsets should seek to preferentially expand the area of conserved land around existing public or private conservation areas, and / or within lands of sub-regional or regional wildlife connectivity, as identified by Council.

The registered proprietor of the land shall detail the results of efforts undertaken to secure local offset sites and provide evidence of their results to Council.

B45.(a) should

delete reference to 450 preferred koala feed trees, and instead refer to 900 trees (a 4:1 offset ratio).

Condition B45.(a) should also state that:

The planted feed trees must be properly established and maintained, and replaced if lost.

B46. should

delete reference to 235 hectares and instead refer to 360 hectares of land within its landholding on the western and southern portions of the site, and relevantly proximal areas.



A new condition is required in the biodiversity section:

B.. The applicant must prepare a Vegetation / Habitat Clearance Protocol for the development. This plan must set out activities and responsibilities associated with the clearing of vegetation and habitat for the development, including but not limited to: defining the limits of clearing, establishing ecological supervision and reporting requirements, hollow-bearing tree management activities, and the protocols and processes to be deployed during all the clearing activities. The plan must be to the satisfaction of Council.

B48. should be amended as below:

(d) (iv) The following words should be added: The Plan shall guide the actions that conserve a viable local population of the Koala on and adjacent to the site within at least 360-hectares of biodiversity offset/stewardship land.

Without amendments to the proposed Draft Conditions, this proposal:

- does not confine offsets to the local area and
- does not secure local populations of affected threatened species and
- disadvantages local communities and local biodiversity.

Positive outcomes should be incumbent on proposals of this nature.

New hard rock quarry proposals are being advanced in the south-west of the MidCoast LGA in the absence of a strategic or cumulative impact framework.

In this sub-region, the community has the experience of quarries gaining approval and then being subject to modifications and extensions. This lengthens project timelines and enlarges impact footprints (and thus prolong and expand disturbance to the local environment). They have seen offsets established, and then de-classified and developed. The community has not seen strategic outcomes or achievements, such as regional-scale conservation gain. It is impossible to see that there has been a neutral or positive gain in biodiversity (including the koala or *Tetratheca juncea*) within the existing quarry approvals and their offsetting, to date.

It is important that decision-makers are cognizant of this experience and endeavour to establish an improved paradigm.

Quarry projects in this sub-region could collectively help deliver on one of the goals of the MidCoast Council Tops to Lakes Initiative, which is the establishment and protection of a connecting corridor(s) of functional, resilient natural vegetation between Karuah Nature Reserve (and associated habitats) and the foot-slopes and ranges at Black Bulga SCA and between Karuah Nature Reserve and across the Karuah River into the Myall River State Forest.

This project does not advance the preservation and restoration of sub-regional biodiversity or connectivity.

Cumulatively, quarrying has the potential to fragment and sever connecting habitats and make the large-scale restoration of connecting habitats and functional natural areas in the landscapes of this locality practically unachievable. However, the planning of quarries and their associated offset areas and restored perimeter lands represents an opportunity to deliver the connectivity and ecological enhancement/ restoration that is required. This depends on proactive, committed, and strategic planning of quarries and their associated offset lands. It also requires the timely delivery of offset requirements in both a practical



sense (i.e. revegetation of degraded or modified areas) as well as in an administrative sense (public dedication, environmental zoning, conservation mechanisms, etc.). Consent authorities and the community need to be assured that conservation outcomes are effectively and appropriately delivered, and managed and secured in perpetuity.

The cumulative risks and paucity of strategic consideration of offset lands and connectivity have not been satisfactorily considered in this Application.

The intersection of Quarry Access Road and The Bucketts Way

The intersection treatment and upgrade works were originally considered in the Councils December 2021 submission. Staff have reviewed the latest civil design details and have no further comment to provide.

The final intersection form will be subject to a detailed design and Public Engineering Works Permit (PEWP). This assessment will resolve any minor details. Generally, the concept is acceptable.

The Buckets Way Road classification

Council's infrastructure and Engineering team have not been provided with a specific timeframe for the potential transfer of road responsibility. The state may be in a position to confirm if this is still intended to occur and the anticipated time of the same.

Community Consultative Committees

The referenceable committee our staff have worked alongside is the [Stratford Coal Community Consultative Committee - Stratford Coal](#).

This committee adopts the departments guidelines as a framework and our experience with this model has been positive.

If you have any follow-up questions about this response, please contact me on [REDACTED]

Yours sincerely,

[REDACTED]

Adam Matlawski
Manager Major Assessment and Regulatory Services

