**\_\_\_\_\_\_\_\_\_\_EcoNetwork – Port Stephens Inc.\_\_\_\_\_\_\_\_\_\_**

**All correspondence to: Kathy Brown Secretary PO Box 97 Nelson Bay** **secretary@econetworkps.org** **Mob. 0422 261 057\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

The Independent Planning Commission Application number – SSD – 5899 19th June 2020

**Brandy Hill Expansion Proposal**

EcoNetwork-Port Stephens is a grassroots community-based environmental and sustainability network comprising 26 community and environment groups and eco-businesses with a focus on sustainable planning. We are non-party political and do not donate to political parties.

We support the community group Brandy Hill and Seaham Action Group, in their opposition to this quarry expansion. We understand that their objections are about safety and amenity of a rural village. The increase in noise, dust and traffic movements of large trucks on their rural roads and homes is very concerning.

Hanson, the quarry operator, is seeking to expand the allowable extraction area and increase the rate of production to 1.5 million tonnes per annum and continue operations for a further 30 years.

This is a significant change to the current consent and meets the criteria listed within schedule 1, clause 7 (1) (a) and (b) of the State and Environmental Planning Policy (State and Regional Development) 2011 for assessment as a ‘state significant development’ under section 89C (2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act)

The Proponent is also seeking consent to install a concrete batching plant, capable of

producing 15,000m3 per annum and to receive up to 20,000 tonnes per annum of concrete

washout material for recycling. The Proponent wishes to retain the ability to continue production and sales 24 hours a day, 7 days a week.

Of particular concern to EcoNetwork PS is the destructive impact that this expansion will have on the flora and fauna in an area of natural bushland. This is described in the EIS provided to Hansons by Biosis Pty Ltd in 2016:

*The Project will involve clearance of 48.65ha of undisturbed vegetation. Of this, key*

*ecological values identified by implementing the Biobanking Assessment Methodology*

*include:*

* 45.8 hectares of confirmed habitat for Koala Phascolarctos cinereus.*

* Fauna habitat features including hollow-bearing trees, understorey vegetation,*

*ground cover, leaf litter and woody debris, foraging resources, rocky outcrops,*

*6 ephemeral waterways and dams of which provide suitable habitat for a range of*

*common and TSC Act listed threatened fauna as well as EPBC Act Matters of*

*National Environmental Significance (NES):*

*o Grey-headed Flying-fox Pteropus poliocephalus*

*o Spotted-tailed Quoll*

*o Regent Honeyeater Anthochaera phrygia*

*o Swift Parrot Lathamus discolor*

* Despite lack of identification during targeted survey, potential habitat for EPBC Act*

*matters of NES listed threatened flora;*

*o Tall Knotweed Persicaria elatior*

*o Small-flower Grevillea Grevillea parviflora subsp. parviflora*

* Presence of NSW TSC Act listed Endangered Ecological Communities (EEC):*

*o 17.11 hectares of Lower Hunter Spotted Gum –Ironbark Forest in the Sydney*

*Basin Bioregion (Spotted Gum-Ironbark Forest).*

*o 1.67 hectares of Hunter Lowland Redgum Forest in the Sydney Basin and*

*NSW North Coast bioregions. (Hunter Lowland Redgum Forest).*

*o 0.67 hectares of Swamp Sclerophyll Forest on Coastal Floodplains of the*

*NSW North Coast, Sydney Basin and South East Corner bioregions (Swamp*

*Sclerophyll Forest on Coastal Floodplains).*

* 48.65 hectares of native vegetation forming Hunter-MMacleay Dry Sclerophyll Forests,*

*Coastal Floodplain Woodlands and Coastal Swamp Forest.*

* Connectivity with the surrounding landscape vegetation.[[1]](#footnote-1)*

**EPBC ACT p6**

*An assessment of the impacts of the proposed development on Matters of NES, against*

*heads of consideration outlined in Matters of National Environmental Significance -*

*Significant Impact Guidelines 1.1 Environment Protection and Biodiversity Conservation Act*

*1999 (DoE 2013), was prepared to determine whether referral of the Project to the*

*Commonwealth Minister for the Environment is required.*

*This assessment determined that two flora species and three fauna had a moderate*

*likelihood of occurrence in the study area, with one additional fauna species (being the*

*koala) having a high likelihood of occurrence in the study area. Koala presence was*

*confirmed during the spring/summer sampling effort 12th – 14th November 2014, conducted*

*by Biosis Pty Ltd. The presence of federally listed threatened species meant the Project was*

*referred to the Department of the Environment for further assessment under the EPBC Act.*

*Hanson commissioned Biosis Pty Ltd to complete additional koala field surveys to ensure*

*accurate quantification of koala populations.*

*The referral assessment considers that the proposed action is likely to have a significant*

*impact on listed threatened species and communities (sections 18 & 18A). Based on the referral, it is considered that the proposed action is likely to have a significant impact on the*

*following matters of national environmental significance (MNES);*

* Koala Phascolarctos cinereus (vulnerable) and Grey-headed Flying-Fox Pteropus*

*poliocephalus (Vulnerable). The proposed action will result in the clearance of habitat*

*critical to the survival of these species.*

 * Spot-tailed Quoll Dasyurus maculatus maculatus (SE mainland population)*

*(Endangered). The proposed action will result in the clearance of suitable foraging*

*and breeding habitat for the Spotted-tail Quoll.*

* Swift Parrot Lathamus discolour (Endangered) and Regent Honeyeater Anthochaera*

*Phrygia (Endangered). The proposed action will result in the clearance of foraging*

*habitat for the Swift Parrot, including key foraging and drought refuge habitat.*

We also note that the recent (Summer 2019-20) severe bushfires in many parts of Australia have significantly changed the context for consideration of environmental impacts of developments such as the Brandy Hill Quarry expansion.

The recent bushfires have had a significant adverse effect on the habitat in eastern Australia of many of the threatened species listed in the Brandy Hill area. There is well reported evidence that the 2019-20 fires have had a particularly devastating effect on koala habitat in NSW. We refer in particular to a recent report by BioLink.[[2]](#footnote-2) Given the destruction caused to large areas of suitable koala habitat,[[3]](#footnote-3) and that the Federal Environment Minister has listed the New South Wales koala populations as vulnerable under national environment law, koala habitat should be off limits to any development proposal.

We submit that the changed context for threatened koala populations now has a new-found significance and importance. The preservation of koala habitat must be given greater weight. This has particular significance when talking of offsets.

For the Brandy Hill Expansion project, offsets are required because of the acknowledgedloss of 45.8 hectares of known habitat for Koala.

*A Biodiversity Offset Strategy has been prepared and is presented in Section 8. Hanson propose to meet their credit requirements by purchasing and retiring credits under the NSW BioBanking scheme. Upon approval Hanson proposes to fulfil its credit obligations.*

*An assessment of the Project against the requirements of key biodiversity legislation concluded that the Project will result in a significant impact to the Koala.[[4]](#footnote-4)*

When companies like Hanson talk about offsets they are talking about areas that are becoming increasingly rare. Areas of land suitable for koala habitat have been greatly diminished by the summer fires. We have grave doubts that the *Biodiversity Offset Strategy* proposed by Hansons can be actioned. EcoNetwork notes that Whitehaven’s Maules Creek coal mine recently lost a court case because after 7 years, they still had not fulfilled their original obligations for offsets.[[5]](#footnote-5)

Additionally*,* David Morris, CEO of the Environmental Defenders Officewho brought the Maules Creek action to court has said of offsets:

*The use of biodiversity ‘offsets’ as a tool to address the impacts of mining and other developments is failing us, failing future generations and our precious plants and animals. It condemns forests and wildlife to ‘death by a thousand cuts’ because it allows clearing of sites now, on the promise of something else being secured in the future.*

In conclusion, EcoNetwork Port Stephens strongly support the community of Seaham and Brandy Hill. The community’s concerns over health and safety reflect their everyday experiences of living near the Brandy Hill Quarry. We also ask that you consider the growing pressures on areas of koala habitat that exist today. They are being diminished every day with the encroachment of new developments, and with every fire season.

Sincerely,

Kathy Brown

Secretary, secretary@econetworkps.org

EcoNetwork Port Stephens

Ph 0422 261 057

1. Biosis Pty Ltd, EIS, Draft Report prepared for Hanson Construction Materials Pty Ltd, 8 November 2016 [↑](#footnote-ref-1)
2. Lane, A., Wallis, K., and Phillips, S. (2020) A review of the conservation status of New South Wales populations of the Koala (Phascolarctos cinereus) leading up to and including part of the 2019/20 fire event. A report prepared by Biolink for the International Fund for Animal Welfare (IFAW). [↑](#footnote-ref-2)
3. https://www.abc.net.au/news/2020-03-07/koalas-losses-post-bushfires-bigger-than-modelled/12033834 [↑](#footnote-ref-3)
4. p70 Biosis Pty Ltd, EIS, Draft Report prepared for Hanson Construction Materials Pty Ltd, 8 November 2016 [↑](#footnote-ref-4)
5. https://www.edo.org.au/2020/04/03/court-challenge-over-coal-mines-critically-endangered-woodlands-offsets-failure/ [↑](#footnote-ref-5)