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(02) 4980 0213  
**File No:** 25-2009-2-3  
Parcel No: 38098

22 November, 2012

Paul Freeman  
Senior Planner  
Department of Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001

Dear Sir/Madam,

Re: **Mackas Sand Project - Access Road Modification (08\_0142 MOD 1)**

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I refer to your request dated 6 November 2012 seeking Council's comment on the above modification.

Council is generally supportive of the proposal and subsequent modification as submitted. However, we would like to provide the comments attached in the appendix below for your consideration during the Department's assessment process.

If you have any enquiries regarding this advice, please do not hesitate to contact me on (02) 4980 0213.

Yours faithfully

Carlos Ferguson  
**Senior Development Planner**  
**Development Services**

### **Appendix**

#### Engineering/Traffic

- All design and access for the Nelson Bay Road intersection should be in consultation with Roads and Maritime Services (RMS).
- The private haul route does not impact (or improves) on the existing drainage flows through the property.
- No objection to the proposed haul road connection to Nelson Bay Road, provided the intersection is constructed as proposed, to have left-in/left-out access only. In addition, acceleration and deceleration lanes are to be provided to RMS and in accordance with Austroads requirements.

- A suitable upper limit for daily heavy vehicle movements to and from the property is also required, similar to the limitations that were in place for the Lavis Lane approval.
- Concerns have been raised by community groups with regard to the impact of heavy vehicle movements, created by this proposal, on the operation of the Salt Ash roundabout. This has not been addressed in the traffic report provided for this application and is an important consideration to be considered and addressed to RMS and Council satisfaction.

### Environmental

- Clearing

The proposed haul road would result in clearing of 0.37 hectares of native vegetation, including Coastal sand apple-blackbutt forest and Swamp mahogany- paperbark forest.

- Threatened Species

In the area or vicinity are threatened species (including threatened orchids: *Diuris praecox* and *Diuris arenaria*; Charmhaven apple (*Angophora inopinata*)) and potentially the threatened leafless tongue-orchid (*Cryptostylis hunteriana*).

It is noted that the flora surveys for *Diuris praecox* were conducted outside the flowering period for this species.

The area is also habitat for a range of threatened hollow-dependent fauna and bird species, including the grey-crowned babbler (eastern subspecies) (*Pomatostomus temporalis temporalis*) and potentially the regent honeyeater (*Anthochaera phrygia*), the swift parrot (*Lathamus discolor*), the spotted –tail quoll (*Dasyurus maculatus*) and others.

### **Appropriate offsets should be required if the proposal is approved.**

- Port Stephens Comprehensive Koala Plan of Management under SEPP 44 Koala Habitat Protection

The proposal includes the removal of supplementary koala habitat and preferred habitat buffer over supplementary koala habitat.

Under the Port Stephens Comprehensive Koala Plan of Management created under SEPP 44 Koala Habitat Protection **the project proposal should demonstrate how the proposal would meet the Performance Criteria of the CKPoM**. This is provided in Appendix 3E but the documentation provided does not demonstrate that the proposal cannot be located in a way to avoid the removal of native vegetation (Criteria a and b), or that the development would be restricted to identified envelopes (Criteria g).

A relevant condition of consent is suggested below.

Conditions should the decision be made to approve the project

If the Department of Planning recommends approval of the development then **the following conditions should be employed.**

- i.) Width of haul road through native vegetation- To minimise the width of clearing through the native vegetation, the proposed haul road should be restricted to a single lane in line with Forest NSW standard (clearing 6.5m, pavement width 3.7m)
- ii.) Offsets – The proposed Biodiversity Offset Strategy is to provide sufficient land to offset the proposed development impact in accordance with the Office of Environment and Heritage Biodiversity Offsetting Principles.
- iii.) Ecological consultant mitigation measures – Except where specifically altered by other conditions, the measures outlined in the ecological consultants' report (Umwelt 2012, Environmental Assessment Modifications to Mackas Sand Extraction Operations on Lot 218 and Lot 220 Salt Ash NSW. Report prepared for Mackas Sand Pty Ltd) will be implemented.