

TERARA SANDS PPSSTH -102 SCC RA 21/1000

Council staff recommend support for approval of this regional application by way of deferred commencement.

The EIS is incomplete

- the impacts on commercial and recreational fishing has not been addressed.
- the impacts of the spoil/waste deposited on the island has not been addressed.
- the visual impact of the waste piles from Terara has not been addressed
- Terara Village is a Heritage Conservation Area
- the long, long history of development without consent, operating without the relevant licenses, and non compliance with consent conditions by the applicant has not been addressed.

I have read the referrals and note the many concerns and unfulfilled requests for further information.

My request is that the application be refused until such time as the necessary information to assess the application is provided.

The only justification for approving this complex application by way of deferred commencement seems to be to satisfy an impatient applicant.

There is potential for the dredging to cause serious and irreversible harm in this important habitat and it should not be left to self management and a promise.

Rather than providing the required information and reports, the dredge footprint has been reduced and a Letter of Undertaking for an Adaptive Management Strategy is offered.

The applicant has made undertakings before relative to the stockpiles of waste. The damage already done to the island and the environment is unknown and untested.

The applicant dredged outside of his permissive occupancy from at least 2005 to 2011.

It is in the public interest that this information is known and fully considered when assessing this application.

- May 2023 - spoil stockpile has not been removed in years, required to be removed every six months as per consent conditions. We do not see the stockpile from the village if it is removed six monthly.
- March 2022 - it was stated in the SRPP briefing notes the applicant was dredging outside the current lease area.
- September 2022 - it was noted in the referrals that excavation appeared to have occurred approximately 1.77ha beyond the approved lease area

The applicant has already removed material from the 2.09ha area subject to this application.

That the applicant is again not complying with consent conditions is not a surprise, Terara Residents have campaigned since 1991 to regulate activities and reduce the impact to the environment and our amenity.

HISTORY OF NON COMPLIANCE 1991 - 2010

- earthworks constructed along the southern side of the island with the waste material
- Channels and trenches constructed on the island

All without council consent and approval from The department of Public Works



1992 and 1993 Photos of trench and levee banks on southern side of island



2007 western end levees and pond



Each pile is a truckload of spoil



dredge outside of permissive occupancy 2006



2006 aerial shot of pig island shows extent of waste stockpile, spoil deposited all over island, scaring around waterholes and ponds, amongst trees



Despite requests to regulate, Shoalhaven Council, local Office of Water and the EPA took no regulatory action and the applicant still dredged, outside of the permissive occupancy and still stockpiled waste.

The stockpile was estimated at 19,000 tonnes.

In February 2010 the Office of Water Compliance team in Albury NSW were contacted.

In 2010 the developer submitted an application to Shoalhaven Council for deposition of the spoil in a depression on the island 10/1345. The application was recommended for refusal 27 July 2011. The da was then withdrawn on 1 August 2011.

In May 2011 Office of Water issued orders and instructions for the stockpile to be removed.

The stockpiles were tested and spoil contained both actual acidity and potential acidity.

Neutralisation was considered to be a high risk operation and controls were required.

- Spoil required to be trucked offsite
- Receiving area cleared of vegetation and a layer of lime spread at a rate of 15kg per sqm.
- Transported spoil was to be treated with lime at 27kg per sqm.
- Samples of spoil to be taken and assessed each load
- Lime to be mixed with a rotary hoe to ensure even distribution and compacted
- Treatment area to be bunded
- Detention pond created to collect sediment, stormwater and seepage
- Treated spoil capped with a 300mm layer of compacted VENM or coal wash
- Approval from Shoalhaven City Council and EPA
- Dust generation needed to be ameliorated
- Water monitoring required

The final deadline from removal from the island was 31 December 2011.

Most of the spoil was still situated on this island as at 25 December 2011.

Between Christmas and New Year spoil was moved to the centre of the island and added to the mound at the shed.

The spoil was untreated. Some coal tar wash was eventually thrown on the top of the pile. On current estimates it would have cost the applicant approximately \$40,000 to treat the stockpile as per the plan.

The Acid Sulfate Management Manual advises to avoid using acid sulfate soils for land formation. It is unstable.

Acid Sulfate Soil is unsuitable for agriculture.

The applicant, knowing the hazardous nature of the material, violated the ass management plan and conditions of consent.

Shoalhaven Council were notified and took no action. The applicant still dredged.





Untreated base, untreated spoil deposited on island, dust generation

This application was lodged 2 years ago and still the necessary information has not been provided.

This application has not been satisfactorily assessed.

A deferred commencement approval awaiting further reports only puts pressure on council staff.

If approval of this development relies on self management, self regulation and infrequent auditing the damage will be done before any one knows.

Thankyou for your consideration

Best regards

sue chivers