



Our Ref: 405062\_REO\_011

31 October 2007

Major Development Assessment  
Department of Planning  
23-33 Bridge St  
SYDNEY NSW 2000

**Attention: Howard Reed**

Dear Howard,

## **PROJECT APPLICATION 05\_0174 – WALLIS LAKE OYSTER LEASE DREDGING**

We refer to your letter of 25 October 2007 regarding the stockpile site layout and provide the following response to the queries raised in the order that they are presented in your correspondence.

1. The irregular western boundary was included in the final layout in response to previously cleared vegetation in this area being cleaned up by the landowner and therefore available for inclusion in the stockpile site.

At the time of EA submission, this area comprised windrowed vegetation from clearing works that had been undertaken in February 2003 (as part of the continuation of the existing grazing activities on the site) under the 2ha clearing exemption provided by the [then] *Native Vegetation Conservation Act 1997*, via the retention by the Act (under Schedule 4, Part 2(3)(2)) of the clearing exemptions contained in Schedule 3(a) of SEPP 46.

Following the removal of this windrowed vegetation, discussions were held with the landowner regarding use of this land as part of the stockpile site. It was decided that this cleared area would be useful to the stockpile site operations by providing additional working space around the main settling pond (Pond 1). Being a cleared area, there are no issues relating to ecological impact as a result of its inclusion in the stockpile site working area.

2. Lots 59 and 12 have always formed part of the project application as indicated on the declaration page and Section 1.4.3 of the EA. We acknowledge that the topographic map used in Figure 1.2 of the EA does not clearly show the affected cadastre. The reference to Lot 192 on the final stockpile map provided is an error. Its cadastral description is Lot 196 DP 1102427.

The inclusion of Lot 196 was always intended as a working/turning area for vehicles and as part of the haul route as shown in the final stockpile site layout map. The exclusion of this lot from the description of affected lots in the EA was an oversight. To this end, landowner's consent for use of this lot is attached to this letter. Further, this land contains only pasture grasses and scattered

mature eucalypt trees, which do not need to be cleared to allow for the use described above. Consequently, there are no issues relating to ecological impact as a result of its inclusion in the stockpile site working area.

3. The issue of inconsistencies between the affected lots described in the preliminary EA and the EA is due to the refinement of the project during the intervening period. The attached landowner's consent provides for all lots affected by the project. Landowner's consent from the Department of Lands for the amended pipeline route is also attached.
4. Changes to the exact locations of the settling ponds and as a result, the dredge, transfer and return waters pipelines, have occurred between the time of EA lodgement and in the maps provided with our letter of 2 August 2007. Again, this is due to project refinement in the intervening period. We apologise for the confusion that this may have caused the Department. Notwithstanding, the changes made to these project components do not alter the overall assessment of environmental impacts for the following reasons:
  - a. There is no additional clearing required as a result of the amendments to the locations of these project elements.
  - b. The areal extent of Pond 2 has been increased (since our letter of 2 August), to allow for a longer settling time of return waters prior to discharge. This will assist in meeting EPA requirements and allow for a more efficient operation. Pond 2 is now located further away from residences to the north east, resulting in a reduction in potential noise levels on noise receptors (residences to north east) from the return waters pump. Given that this pond will be plastic lined, there will be no interaction with groundwater on the site. Hence the increase in size of this pond will not have any environmental impact.
  - c. The ground surface and subsurface soils are consistent across the site. Therefore, there are no additional impacts as a result of making changes to the location of the settling ponds and pipelines. As indicated in Figure 2 (attached), pipe lengths have been reduced as a result of the refinement of the pond layout.
5. As indicated in Item 1 above, the inclusion of land to the west of Pond 1 comprises land that was already cleared, though the vegetation had been windrowed for several years. As the landowner had cleaned up this area by burning the vegetation stockpiles, it was decided to include this area of land to provide for additional working space around Pond 1.

Land to the south of Pond 1 within Lot 101 contained both windrowed and regrowth vegetation (as defined under s.9(2)(a) of the *Native Vegetation Act 2003*) which had been also been removed by the landowner after submission of the EA at the same time as the windrowed vegetation to the west (as described in Item 1).

This windrowed vegetation was initially cleared at the same time as the area to the west described in Item 1 above, under the same provisions of the [then] *NVC Act*. The regrowth area was also

cleared with this vegetation, though had regrown since being cleared in 2003. This regrowth vegetation was subsequently cleared under the provisions of s.19(1) of the *Native Vegetation Act 2003*. Following this clearing, discussions were held with the landowner regarding utilising this area of Lot 101 for the stockpile site operations. Following agreement, this area of Lot 101 was also included in the map provided with our letter of 2 August 2007.

It is acknowledged that the aerial photos used to underlay the images provided in the EA were not as recent and did not show the existing state of vegetation on the land. Being an open, slashed and grazed area, there are no issues relating to ecological impact as a result of the inclusion of this part of Lot 101 in the stockpile site working area.

6. The map attached with this report (Figure 2) is the final layout for the stockpile site. We have adjusted the map colours to make the stockpile site layout clearer.
7. You will note that the number of booster pumps has been reduced from four to three. During the time since the project EA was lodged, the proponent has been working with pump manufacturers to refine the logistics of the pump operations. This has resulted in the sourcing of pumps that are more efficient in pumping the required volumes of sand and consequently, a reduction in the number of pumps required to undertake the operation.

Therefore the final location of the booster pumps has been modified. No clearing of vegetation is required for the modified pump locations. The new pumps have the same sound power level as those assessed in the noise impact assessment provided with the final EA. Given that the modified locations of the booster pumps are further away from potential noise receptors (*ie.* residences) and that no clearing of vegetation/habitats is required, it is submitted that the reduction in the number of pumps will not result in an increased environmental impact. Rather, it is likely that the reduction in the number of booster pumps will result in a reduction in environmental impacts.

8. To summarise, in respect of the changes to the stockpile site layout we advise the following:
  - a. There will be no requirement for any additional clearing or filling of the land to accommodate the changes to the stockpile site layout. The changes are a simple rearrangement of the layout within existing cleared areas of the site. The changes are also designed to take advantage of additional cleared land that has become available through removal of previously-cleared vegetation that was windrowed on the site, and through clearing of some regrowth vegetation (refer Item 1 for discussion).

The additional areas will provide for a greater working area around Pond 1 and within the stockpile site itself, which will remove constraints to vehicle and plant/equipment manoeuvrability around the site. These areas are located distal to nearby residences and will therefore not result in any increase in noise impacts.

- b. The changes to the location of the settling ponds will not affect their functioning. Consequently, there will be no changes to the characteristics of return water quality,

although the increase in the size of Pond 2 will allow for a longer settling time (ensuring return water quality targets are met, while not impeding the dredge operation).

- c. No additional flora/fauna impact assessments are required as the changes in the layout do not involve any additional clearing over and above what was described in the EA.
- d. The area of the site requiring additional landowner's consent is for Lot 196 DP1102427. This consent is attached. Landowner's consent is also provided by the Department of Lands for the amended dredge pipeline route (copy attached).
- e. The overall area of the site (4.5 ha) is a reduction from the estimated site area as stated in the EA (6 ha). Given this reduction in site area, the minimal changes to the internal layout of the stockpile site and reduction in the number of booster pumps, it is suggested that overall, the impact of the project will be reduced compared to the impact as assessed in the EA.

Consequently, it is submitted that variations between the project as described in the EA and as described here are minimal and that preparation and submission of a preferred project report (under s.75H(6)(b) of the *Environmental Planning and Assessment Act 1979*) is not warranted.

We trust that the information provided herein satisfies the Department's concerns and apologise for any confusion caused by the minor alterations proposed to the stockpile site layout and omission of landowner's consent for Lot 196.

Should you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully  
**Orogen Pty Ltd**

**DR JUSTIN MELEO**  
**Project Director**