

Our ref: MP07_0094-Mod-6

Mr Grant Stevenson
Quarry Manager
A.T.B. MORTON Pty Ltd
9 Old Punt Rd
Tomago NSW 2322

4 August 2023

Subject: Planning Secretary's Environmental Assessment Requirements

Dear Mr Stevenson

I refer to the scoping report issued by Williams Planning and Property Services Pty Ltd on behalf of Redisand Pty Ltd dated June 2023 seeking confirmation of the approval pathway and environmental assessment requirements for a proposed modification (Mod 6) to the development consent for Salt Ash Sand Project (DA07_0094).

The Department understands that the proposed modification would involve expanding the sand extraction area by approximately 3 ha and extending the life of the quarry operations by no more than 5 years.

The Modification Report should include adequate justification for the proposed changes to the consent and have regard to the NSW Government's *State Significant Development Guidelines*, including *Appendix E, Preparing a Modification Report*.

With respect to the supporting Scoping Report, the Department is generally satisfied with your preliminary identification of key issues and supports the areas of focus in the proposed assessment, which includes the following detailed impact assessment studies:

- Aboriginal heritage;
- biodiversity;
- noise and vibration;
- surface water and groundwater (including acid sulfate soils);
- visual amenity; and
- air quality.

However, the Department considers that the Modification Report should also include detailed assessment of potential impacts on coastal processes and hazards, flooding, and rehabilitation and final landform. It should also include a review of other potential environmental impacts and a consolidated summary of any proposed environmental mitigation and management commitments.

During the preparation of the report, you are required to undertake consultation in accordance with the *Undertaking Engagement Guidelines for State Significant Projects*. The Department recommends consultation with Port Stephens Council, the Department's Biodiversity Conservation Division, Transport for NSW, the Department's Water Group, the Department's Environment and Heritage

Group, Ausgrid, local Aboriginal stakeholders, including the Worimi Local Aboriginal Land Council, and adjoining landowners, during preparation of the Modification Report.

Based on the information contained in the letter, the Department also considers that the proposal can be assessed under section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

Please contact the Department at least two weeks before you plan to submit the modification application and supporting Modification Report. This will enable the Department to confirm the applicable fee and discuss exhibition periods. Please note that your modification application is not taken to be lodged until the fee has been paid.

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation.

It is your responsibility to contact the Commonwealth Department of Climate Change, Energy, the Environment and Water to determine if you need approval under the EPBC Act (<https://www.dcceew.gov.au/> or 6274 1111).

If you have any questions, please contact James McDonough on (02) 9585 6313 or via email at james.mcdonough@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be "G. Allan".

Gabrielle Allan
A/Director Energy and Resource Assessments
as delegate for the Planning Secretary