

Stacey Tobin

From: Justin Meleo [jmeleo@orogen.com.au]
Sent: Monday, 22 September 2008 11:23 AM
To: 'fergus.hancock@dnr.nsw.gov.au'
Cc: Mark Daniels (markdaniels@buildev.com.au); 'colin.phillips@planning.nsw.gov.au'; Tony Fish (tfish@orogen.com.au)
Subject: DWE comments - Fullerton Cove Sand Extraction MP 07_0145

Fergus,

We understand that Fiona Robinson of RCA has spoken to you regarding the DWE comments on this project.

As a result RCA have indicated the need for the following additional work:

- Modelling of the site to assess actual loss in storage;
- Provide a recommendation regarding the volume (entitlement) client will need to purchase within the Stockton Groundwater Resource;
- Develop a monitoring program and contingency measures;
- Assess GDEs and check distance from the site (Note: Orogen has undertaken this work and the extraction area has been modified slightly so that it is >40 m from the GDE's).

Review of the DWE submission indicates that Conditions have been recommended to the DoP.

In view of the fact that the DWE has provided conditions to DoP, and that the additional work is not required by the DWE in order to assess the impact of the proposal, we propose that the additional work be provided as part of the compliance process (ie. the need for this work to be completed prior to commencement of operations on the site be included in the Conditions of Consent for the project).

Acceptance of this process would expedite the approval process for this project. We would appreciate if you would provide a response to this suggestion.

Regards

Justin

Dr. Justin Meleo

Project Director

Orogen Pty Ltd

Suite 4, 11 Manning Street

Tuncurry NSW 2428

Ph: 02 65553577

Fx: 02 65553599

Mob: 0428 617 180

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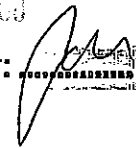
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Orogen Pty Ltd
Date Received:



NSW Government

DEPARTMENT OF WATER AND ENERGY

30 SEP 2008
Proj #: 40770 Int: 

Contact: Fergus Hancock
Phone: (02) 4904 2532
Fax: (02) 4904 2503
Email: Fergus.Hancock@dnr.nsw.gov.au

**Project Director, Orogen P/L
Suite 4, 11 Manning St
Tuncurry NSW 2428**

File: ER20188

Attn. Justin Melleo

23 September 2008

Dear Justin

Subject: Additional assessment – Buldev Properties MP 07_0145

The Department of Water and Energy (DWE) has reviewed the proposed additional modelling and proposed purchase of entitlement from the Stockton Groundwater source. The modelling work must provide confirmation that extraction will not intrude into the 1 metre buffer nominated in the Environmental Assessment; depth of extraction must be limited to the minimum 1 metre buffer.

DWE considers establishing the limits of extraction to 1 metre above maximum predicted groundwater table of critical importance to the project approval, and therefore the final landform which may be defined for the project approval must be established in compliance with DWE requirements and technical assessment prior to project approval being granted. The other issues raised in your communication may be addressed as management requirements subsidiary to the project approval.

If you require any clarification of the above requirements, please contact Fergus Hancock on (02) 4904 2532.

Yours faithfully



Mark Mignanelli
Manager, Major Projects, Mines Assessments and Planning



Our Ref: 407070_LEO_008_A
BM_01.F25_V1

29 October 2008

Department of Water and Energy
Major Projects
Mine Assessments and Planning Branch
PO Box 2213
DANGAR NSW 2309

Attention: Fergus Hancock

Dear Fergus

Re: Fullerton Cove Sand Extraction – Major Project 07_0145

We refer to the above and to the following correspondence in relation to the project:

- Department of Water and Energy (DWE) submission to Department of Planning (ref: MP20188, 18/7/08);
- Orogen email to Fergus Hancock dated 22/9/08; and
- Letter from DWE to Orogen dated 23/9/08 (ref ER20188).

We request that the Department review the proposed condition that there be *“no excavation within 40 m of any identified Groundwater-Dependant Ecosystems”* (GDE's) identified on the site. This request is based on the information provided below.

The groundwater assessment prepared by RCA Australia Pty Ltd identified that groundwater levels on the site ranged between 1.00 – 1.66 m AHD. Based on the levels recorded in boreholes on the site, an inferred groundwater contour plan was prepared for the site that clearly shows elevations within this range (Appendix A of RCA report).

The EA clearly states that extraction will be to a finished level of 3 m AHD, which is a minimum of 1.34 m above the highest recorded (or predicted) groundwater level on the site. This indicates that the groundwater beneath the site will not be intercepted by the proposed sand extraction operations.

The Department's correspondence, however, casts doubt on whether groundwater will be affected. The Department's uncertainty is justified by *“the proximity of surficial groundwaters surrounding the central axis of the extraction area, and lack of groundwater levels and gradient in the EA....”*.

The Department's attention is drawn to the aforementioned groundwater contour plan of the site. The plan clearly shows that:

Environmental Planning, Assessment & Management

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po box 280 Tuncurry NSW 2428 www.orogen.com.au email mnc@orogen.com.au abn 44 108 784 658

- Groundwater levels are mapped at 1.5 m AHD along the central axis of the site. Contrary to the DWE assertion, this groundwater is not 'surficial'. It is well below the existing ground surface and 1.5 m below the proposed finished extraction level of 3 m AHD;
- Groundwater depths were reported from a total of 13 boreholes and hand auger sites (Table 1 of RCA report). A total of 13 groundwater levels recorded across the site (extraction area 14.9 ha) does not, in our opinion, constitute a 'lack of groundwater levels'; and
- The groundwater gradient is clearly indicated by the contours shown on the groundwater contour plan. The gradient is to the north west across the site.

Further, the DWE's attention is drawn to an amendment to the proposed extraction area, which now excludes that part of the site north of the George St entrance. This means that the extraction area will be a minimum of 40 m from the GDE's identified as Vegetation Communities 4 and 5.

The slight reduction in the vicinity of the groundwater mound (*ie.* where groundwater is observed around 1.5 m AHD) will not affect the GDE's identified as Vegetation Community 3 (western portions of the site), given the horizontal distance to these communities from the area of mounding (between 90 m – 230 m) and the control on groundwater exerted by the head of the surrounding water features. Additional information from RCA Australia in relation to this is provided in **Attachment 1**.

In addition to this information, we would like to correct a slight error in the reporting by RCA with respect to impacts on groundwater levels. The RCA report stated that:

"The removal of the sand may result in a minor lowering of the water table, due to increased evapotranspiration, following the re-establishment of vegetative cover on the site, although this would depend on the type and extent of vegetation. It is likely that the current groundwater mound will either disappear or become only minor, a potential reduction of 0.5 – 1 m in groundwater elevation in this area".

The extraction area of the site will not be revegetated with native species. All revegetation with native species will occur outside of the extraction area, in existing vegetated areas of the site, through implementation of a habitat enhancement program. The EA proposes to regenerate pasture grasses over the extraction area and return it to its current level of groundcover.

Contrary to RCA's report, there will not be any increase in evapotranspiration as a result of revegetation of the extraction area.

Further comment on issues raised by the Department is provided by RCA (**Attachment 1**).

Based on the information provided above and in the response provided by RCA, (**Attachment 1**), it is clear that groundwater will not be intercepted or interfered with on the site as a result of the proposed sand extraction operations and that the extraction will be restricted to > 1 m from the highest predicted groundwater levels on the site.

Further, given the distance from the groundwater mound to the GDE's identified as vegetation community 3, these GDE's will not be affected as the extraction will not interfere with or intercept the groundwater in the vicinity of these GDE's.

We therefore request that the Department review the condition requiring no extraction within 40 m of GDE's on the site. Should you have any queries or require further clarification, please do not hesitate to contact the undersigned.

Yours faithfully
Orogen Pty Ltd

A handwritten signature in black ink, appearing to read 'Meleo', written in a cursive style.

DR JUSTIN MELEO
Project Director

Stacey Tobin

To: Justin Meleo
Subject: RE: Fullerton Cove Groundwater Issues

From: Mark Allman [mailto:marka@rca.com.au]
Sent: Tuesday, 21 October 2008 3:40 PM
To: Tony Fish
Cc: Fiona Robinson
Subject: RE: Fullerton Cove Groundwater Issues

Tony,

Please find our comments following.

With respect to the departments concerns our response is as follows:

1. **The predicted maximum highest water table level and impacts to GDEs.** Our report indicates that a water level of 1.66 m AHD was observed at the site and this was evaluated to represent the maximum highest water table level. In the absence of monitoring over a range of weather conditions it is not possible to demonstrate if this level is the highest under a range of weather conditions. However, a significant increase in this water table level is not anticipated based on the highly permeable nature of sands at the site and the ability of groundwater to readily dissipate to surrounding water features.

The rules of the WSP restrict interception or interference of the groundwater table within 40 m of a GDE. The proposal clearly states that sand removal is to extend to an RL of 3 m AHD. Water levels at the site have been observed no higher than 1.66 m AHD, and less than 1.5 m AHD for most of the site. **Sand removal will therefore encroach no more than 1.3 m from the observed water table height, and no more than 1.5 m for the majority of the site.** For sand removal to intercept groundwater, the water table will need to rise by approximately 1.3 m from that observed. A simple calculation, using a porosity for sand of 0.3 and an infiltration rate of 20 % (conservative), indicates that a rainfall event of 2.0 m would be required at the site for the water table to rise sufficiently for inception by extraction operations. This rainfall rate is in excess (77 %) of the long term average annual rainfall rate for Newcastle (1.126 m – Williamstown RAAF base) and therefore is highly unlikely to occur as a discrete event. **Hence the possibility of extraction operations intercepting groundwater is therefore highly unlikely.**

The removal of sand is expected to have a minor impact on the groundwater levels currently observed at the site. A predicted decrease of 0.5 m to 1.0 m is expected in the area of the groundwater mound (ie where groundwater is observed around 1.5 m AHD). Note that this area is between 90 m and 230 m from nearest mapped GDE's on the site (identified as Vegetation Community 3). The reduction in water table in the area of these GDEs is expected to be significantly lower and unlikely to be measureable, as the water table height in these areas is lower (around 1.0 m) and close to the head of the surrounding water features which act to control the groundwater level. The change in the water table in the vicinity of the GDEs is predicted to be within the natural variations observed (ie < 0.5 m) and unlikely to be measurable at these locations. **The proposed sand removal project is therefore not expected to interfere or intercept the water table in the vicinity of these GDE's.**

2. **Predicting the loss of storage from the aquifer.** The loss of groundwater storage as a consequence of the sand removal relates to the volume of water that is lost following any reduction in the groundwater mound. This loss of storage can be evaluated by analytical calculation whereby the volume of storage lost is the volume of a cone, taking in to account the porosity of the sand. Assuming a reduction in head of between 0.5 m and 1.0 m (cone height), a porosity for sand of 0.3 m and an area of loss of 149,000 m², (the extraction area) the volume of storage lost is predicted to be between 7.5 ML and 15 ML. The LTAEL for the Stockton water source is 14,000 ML/yr. **This loss, under both scenarios (of a 0.5 m and 1m drawdown), represents 0.05 % and 0.1 % of the LTAEL respectively. This is therefore considered to be a minor impact to the LTAEL of the water source.**

Regards

Mark Allman

B.E. (Hons 1), PhD, MIEAust

Manager of Geotechnical Services

RCA Australia

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Carrington NSW 2294

Ph +61 2 4902 9200

Fax +61 2 4902 9299

Mob 0418 458128

Email marka@rca.com.au

Find out more about RCA Australia at <http://www.rca.com.au>

Stacey Tobin

From: Justin Meleo [jmeleo@orogen.com.au]
Sent: Wednesday, 12 November 2008 9:23 AM
To: 'fergus.hancock@dnr.nsw.gov.au'
Subject: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Hi Fergus,

Would you please indicate a likely timeframe for response to our letter of 29 October 2008 regarding this project. We need to inform the client of where things are at regarding resolution of the GDE and 40 m setback issue as indicated in the letter.

Please call to discuss if required.

Thanks

Regards

Justin

Dr. Justin Meleo

MEIANZ, CEnVP

Project Director

Orogen Pty Ltd

Suite 4, 11 Manning Street

Tuncurry NSW 2428

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Fx: 02 65553599

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Stacey Tobin

From: Justin Meleo [jmeleo@orogen.com.au]
Sent: Tuesday, 25 November 2008 5:33 PM
To: 'Fergus Hancock'
Subject: RE: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Hi Fergus,

Further to my email of 13/11, wondering if you're able to provide an update re: progress of this issue. Client is requesting details of progress. Appreciate you've got a lot on, any word would be of assistance.

Thanks

Regards
Justin

Dr. Justin Meleo
MEIANZ, CEnVP
Project Director
Orogen Pty Ltd
Suite 4, 11 Manning Street
Tuncurry NSW 2428
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From: Fergus Hancock [mailto:Fergus.Hancock@dnr.nsw.gov.au]
Sent: Thursday, 13 November 2008 2:40 PM
To: Justin Meleo
Subject: Re: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Justin -

I am struggling to keep abreast of the major project applications which have arrived continuously in the past 2 months. I can address your issues more fully by about Wednesday next week, but can make no promises as to when a response will be provided.

I would appreciate advice regarding the status of the project application, and what responses and timeframes have been imposed by Dept of Planning.

Regards -

Fergus Hancock
Assessment Officer
Major projects, mines assessments and planning branch
Department of Water and Energy

ph (02) 4904 2532
fax (02) 4904 2503
mob 0413 302593

Fergus.Hancock@dnr.nsw.gov.au

>>> "Justin Meleo" <jmeleo@orogen.com.au> 12/11/2008 9:23 am >>>

Hi Fergus,

Would you please indicate a likely timeframe for response to our letter of 29 October 2008 regarding this project. We need to inform the client of where things are at regarding resolution of the GDE and 40 m setback issue as indicated in the letter.

Please call to discuss if required.

Thanks

Regards

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Dr. Justin Meleo

MEIANZ, CEnVP

Project Director

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Stacey Tobin

From: Justin Meleo [jmeleo@orogen.com.au]
Sent: Thursday, 11 December 2008 3:15 PM
To: 'Fergus Hancock'
Subject: RE: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Hi Fergus,

Just wondering if you're able to provide a timeframe for the DWE response to this.

Thanks

Regards
Justin

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From: Fergus Hancock [mailto:Fergus.Hancock@dnr.nsw.gov.au]
Sent: Thursday, 27 November 2008 9:11 AM
To: Justin Meleo
Subject: RE: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Justin -

As you would be aware, my core work responsibility (coal proposals and operations) has been flooded with new proposal/extension assessments. This tends to happen pre-Christmas every year; due to continued cutbacks within DWE, further pressure on staff is imposing delays on completion of a lot of other work.

I cannot promise much at this moment, but have and will speak with Andrew Philippa on regulatory approach with regard to sand extraction and gde's; we are not coinciding enough at this moment, but I will pin him down when he does emerge from site work he is currently doing.

FYI - I am out of the office tomorrow and Monday; next week after Monday will have some openings (jostling beside major project applns for 6 coal mines) to issue the relevant documentation.

Contact me today if you wish to discuss; I am talking with colleagues in Dept of Planning on issues related to the site as well.

Regards -

Fergus Hancock
Assessment Officer
Major projects, mines assessments and planning branch
Department of Water and Energy

ph (02) 4904 2532
fax (02) 4904 2503
mob 0413 302593

Fergus.Hancock@dnr.nsw.gov.au

>>> "Justin Meleo" <jmeleo@orogen.com.au> 25/11/2008 5:33 pm >>>

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Sent: Thursday, 13 November 2008 2:40 PM

Stacey Tobin

From: Justin Meleo [jmeleo@orogen.com.au]
Sent: Thursday, 11 December 2008 3:15 PM
To: 'Fergus Hancock'
Subject: RE: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

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Justin

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Sent: Thursday, 27 November 2008 9:11 AM
To: Justin Meleo
Subject: RE: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Justin -

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FYI - I am out of the office tomorrow and Monday; next week after Monday will have some openings (jostling beside major project applns for 6 coal mines) to issue the relevant documentation.

Stacey Tobin

From: Justin Meleo [jmeleo@orogen.com.au]
Sent: Tuesday, 16 December 2008 10:01 AM
To: 'Fergus Hancock'
Subject: FW: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Hi Fergus,

Just wondering if you're able to provide a timeframe for the DWE response to this.

Thanks

Regards
Justin

Dr. Justin Meleo
MEIANZ, CEnVP
Project Director
Orogen Pty Ltd
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Hi Fergus,

Just wondering if you're able to provide a timeframe for the DWE response to this.

Thanks

Regards
Justin

Dr. Justin Meleo

Stacey Tobin

From: Justin Meleo [jmeleo@orogen.com.au]
Sent: Tuesday, 16 December 2008 2:48 PM
To: 'Fergus Hancock'
Subject: RE: FW: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Fergus,

We have been instructed by our client that they can't wait any longer.

We will therefore pursue the approval as is, and revisit the DWE condition regarding keeping 40 m away from GDE's as a Modification of Consent.

Regards
Justin

Dr. Justin Meleo
MEIANZ, CEnVP
Project Director
Orogen Pty Ltd
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From: Fergus Hancock [mailto:Fergus.Hancock@dnr.nsw.gov.au]
Sent: Tuesday, 16 December 2008 10:06 AM
To: Justin Meleo
Subject: Re: FW: Fullerton Cove Sand Extraction Major Project -Your Ref MP 20188

Justin -

I have been dropped into a new round (last minute) of major project applications to be completed prior to Christmas, as well as compliance actions against a number of coal developments in the Hunter and Southern coalfields.

My suggestion now is that you submit a description of gde location and quality surrounding the operation, and a checklist against the NSW Groundwater Dependent Ecosystem Policy.

This way I have something to review prior to Christmas leave. FYI the building manager here has announced the PWCC bulding (26 Honeysuckle Dr Honeysuckle) will be closed as of 3.00pm Friday. I have to arrange several meetings off-site, as no visitors will be admitted to the building after that time.

Regards -

Fergus Hancock
Assessment Officer
Major projects, mines assessments and planning branch
Department of Water and Energy

ph (02) 4904 2532
fax (02) 4904 2503
mob 0413 302593

Fergus.Hancock@dnr.nsw.gov.au

>>> "Justin Meleo" <jmeleo@orogen.com.au> 16/12/2008 10:00 am >>>

Hi Fergus,

Just wondering if you're able to provide a timeframe for the DWE response to this.

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Justin

Dr. Justin Meleo
MEIANZ, CEnVP
Project Director
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