

Our ref: MP08-0142-Mod-4

Bret Jenkins

Manager HSE

Mackas Sand Pty Ltd

Via email: bret.j@mackas.com.au

24 April 2026

Subject: Environmental assessment requirements for Mackas Sand Quarry Modification 4

Dear Mr Jenkins

I refer to your scoping report dated 23 March 2026 seeking confirmation of the approval pathway and environmental assessment requirements for a proposed modification (Mod 4) to the development consent for the Mackas Sand Quarry (MP08-0142).

The Department understands that the proposed modification would involve expanding the approved extraction area and extending the operational life of the development by 20 years.

Based on the information contained in the scoping report, the Department considers that the proposal can be assessed under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), provided that the supporting Modification Report demonstrates that the modified development is substantially the same development as that originally approved.

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*.

The Department requests the modification report include a proportionate assessment of all relevant matters under the EP&A Act, with particular attention to:

- Traffic and transport;
- Noise and vibration;
- Air quality;
- Biodiversity;

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- Aboriginal heritage;
- Groundwater;
- Visual impacts; and
- Rehabilitation and final landform.

I note that you have not proposed to undertake detailed noise and air quality assessments on the basis that the proposed modification is unlikely to increase the existing noise and air quality impacts generated by the development. The Department considers that, given the significant extension to the duration of these impacts that the proposed modification would represent, detailed assessment of these impacts in accordance with contemporary government policies is required.

The Department also considers that, due to the proposed expansion of the extraction area into areas containing native vegetation that have been covered by wind-blown sand, the modification may result in impacts on biodiversity values that have not been previously assessed or approved, and therefore the biodiversity impacts of the modification must be assessed in accordance with the *Biodiversity Assessment Method* and documented in a Biodiversity Development Assessment Report (BDAR).

I further note that you have proposed no additional Aboriginal Cultural Heritage Assessment other than consultation with the development's existing Aboriginal Heritage Working Group and the Worimi Local Aboriginal Land Council. The Department recommends consultation with Heritage NSW regarding the appropriateness of this approach.

Notwithstanding the above, I remind you that assessment of the potential impacts of the proposed modification must cover all relevant matters, be consistent with contemporary guidelines and policies governing the assessment of these matters and include all feasible measures to avoid or mitigate impacts.

During the preparation of the modification report, you are required to undertake consultation in accordance with the *Undertaking Engagement Guidelines for State Significant Projects*. The Department recommends consultation with adjoining landowners, local Aboriginal stakeholders and relevant government agencies, including but not limited to, Port Stephens Council, Conservation Programs, Heritage and Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW),

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Heritage NSW, Transport for NSW, NSW Environment Protection Authority, Hunter Water and the Water Group within DCCEEW.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of Climate Change, Energy, the Environment and Water to determine if an approval under the EPBC Act is required (<https://www.dcceew.gov.au/> or 6274 1111).

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.

If you have any questions, please contact Jarrod Blane, who can be contacted on (02) 8275 1831 or jarrod.blane@dpie.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink that reads "Jessie Evans".

Jessie Evans

Director

Energy and Resource Assessments
as delegate for the Planning Secretary