

Our Ref: 1646A/PJ/ARG/080213

8 February 2013

Mr Paul Freeman
Senior Planner, Mining Projects
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Paul

Re: Mackas Sand - Department of Primary Industries Submission

As requested please find following responses to the various matters raised in regard to MP08_0142 Mod 1 by Department of Primary Industries (DPI):

1. NSW Office of Water

Request in regard to Special Areas Approval is noted. Mackas Sand accepts the proposed variation to condition 7(b) and is aware that if approval is granted to extract to 0.7 metres above the highest predicted groundwater level as requested, that the Special Area Approval will also need to be changed prior to any extraction to 0.7 metres above the highest predicted groundwater level occurring.

2. Fisheries NSW

The proposed access road will be sealed to the southern edge of the existing crossing on Tilligerry Creek as requested.

3. Crown Lands

Attachment B of the DPI shows several Crown Road reserves that traverse the proposed access road alignment.

The most northern is Tilligerry Creek where there is an existing crossing that will be utilised in its current form and therefore no works will be undertaken on crown lands in this location.

To the south of Tilligerry Creek there are three Crown Road easements that run east-west along boundaries of Lot 4 DP 1121457/Lot 1 DP 177679, Lot 810 DP 1008279 and Lot 58 DP 753192/Lot 122 DP 753192. B & RB Mackenzie Ft Pty Ltd is in the process of purchasing these crown road reserves from Crown Lands.

The southern part of the proposed access road within Lot 122 DP 753192 crosses Stockton Bight Track easement which is under the control of Port Stephens Council. Council has indicated that approval to construct this section of the proposed access across Stockton Bight Track easement will be required but can see no issues that would prevent this section of the access being constructed.

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Do not hesitate to contact me on (02) 4950 5322 or at pjamieson@umwelt.com.au if you have any questions or comments with regard to the supplementary submission or this response.

Yours faithfully

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

Peter Jamieson
Director