

NSW Department of Planning, Housing and Infrastructure
Planning and Assessment Division
Locked Bag 5022
Parramatta NSW 2124

Returned via Major Projects Portal: PAE-87205460
By email: Jarrod.Blane@dpie.nsw.gov.au

Attention: Jarrod Blane

Dear Mr Blane

**Cabbage Tree Road Sand Quarry Modification 4 Western Extension (SSD-6125)
EPA Advice on Modification Report – Part 1**

Thank you for the request for advice for Public Authority Consultation (PAE-87205460) on the Modification Report submitted by Newcastle Sand Syndicate Pty Ltd (the Proponent) for the proposed Cabbage Tree Road Sand Quarry Modification 4 Western Extension (SSD-6125) (the Proposal) at 398 Cabbage Tree Road, Williamstown NSW (the Premises), located approximately 6 km south-east of Raymond Terrace, NSW in the Port Stephens Local Government Area. The existing sand quarry currently operates under Environment Protection Licence number 21264 (the Licence).

Background

The NSW Environment Protection Authority (EPA) has reviewed the following document titled '*SSD-6125 – CABBAGE TREE ROAD SAND QUARRY – WESTERN EXTENSION – MODIFICATION REPORT NO.4 (MR4)*' (February, 2025) (Modification Report) and the associated appendices to the Modification Report.

Based on the information provided, the EPA understands that the Proponent is seeking to modify their existing consent (SSD-6125-Mod-2) to:

- Include an additional 7.1 ha extraction area on adjacent land to the west in Lot 9 DP239608;
- Reduce the extent of the impact area within the land holding originally assessed under SSD-6125;
- Amend the Biodiversity Offset Strategy that reflects the change in impact area;
- Amend the Statement of Commitments to reduce duplication with Conditions of Consent and enable management plans to adapt to changing conditions on the Premises;
- Permit the import of up to 6,000 tonnes per annum of Virgin Excavated Natural Material (VENM) sand for on-site processing;
- Clarify methodologies used for sand extraction and rehabilitation; and
- Amend condition relating to the Radiation Survey in Schedule 3, Condition 46.

The modification would result in the extraction of an additional 533,000 tonnes of material. There would be no change to the maximum extraction rate of 530,000 tonnes per annum.

EPA Cannot Provide Recommended Conditions of Consent

The EPA has reviewed the Modification Report and advises NSW Department of Planning, Housing and Infrastructure (DPHI) that EPA cannot issue recommended conditions of consent at this stage as we are still reviewing the noise, air and radiation assessments for this application.

The EPA will provide supplementary advice to DPHI once these technical assessments, that take a longer time to review, have been completed.

I enclose at **Attachment 1** some preliminary comments from the EPA.

If you have any further questions about this issue, please contact Emily Holland on 4908 6852 or via email to info@epa.nsw.gov.au and cc Emily.holland@epa.nsw.gov.au.

Warm regards,

NATASHA RYAN
Unit Head - Operations
NSW Environment Protection Authority

17 July 2025

Encl: Attachment 1 – EPA Review of Modification Report

Attachment 1: EPA review of Modification Report

Water

The Modification Report addresses potential impacts to surface water and groundwater due to the Proposal. Impacts to surface water and groundwater due to the Proposal do not appear to be significantly different to scenarios considered for the existing consent. The proposed Western Extension would retain the existing excavation limit set at 0.7m above maximum predicted groundwater levels. The Premises would continue to operate as a non-discharge site.

The EPA notes potential hazards due to handling of fuel and chemicals in or within close proximity to the Hunter Water Tomago Sandbeds Special Area. The EPA notes that the proposed operational controls, if implemented with appropriate due diligence, should mitigate the risk associated with potential contamination of the catchment.

The EPA's expectation is that if the Proposal is approved, that the Proponent will implement the proposed controls and associated housekeeping measures to the highest standards.

Importation and processing of VENM

The Modification Report incorrectly states that Virgin Excavated Natural Material (VENM) is exempt from EPA licensing requirements.

Schedule 1 clause 49 (1) (p) of the *Protection of the Environment Operations Act 1997* (POEO Act) defines VENM as being *general solid waste (non-putrescible)*. Accordingly VENM is subject to regulation under the POEO Act as a waste and may be subject to waste levy contributions required by s88 of the POEO Act where licensing thresholds are triggered.

Based on the information provided in the Modification Report, the proposed scale of processing of VENM would be up to 6,0000 tonnes per annum and stockpiling of VENM would not exceed more than 1,000 tonnes on site at any one time which is the threshold for licensing requirements. If these amounts were to be exceeded, the EPA may take regulatory action for undertaking scheduled activities without an appropriate licence.

The EPA acknowledges that the Modification Report has considered the EPA's previous advice provided in response to Modification 3, which recommended that the Proponent engage a suitably qualified person to provide independent certification of any VENM prior to it being received at the Premises. Chemical testing would be undertaken if VENM originates in areas of known PFAS zones, areas with acid sulfate soils or potential acid sulfate soils and areas contaminated by building rubble.

ENDS