

APPENDIX 3: EVIDENCE OF CONSULTATION

MODIFICATION 4 CONSULTATION RECORDS

Meetings with NMO in October 2024 to discuss offset creation

Refer to Appendix 6 ACHAR for consultation relating to Aboriginal Heritage, includes public notice in the newspaper, agency letters, letters to groups and several meetings.

Refer to Community Consultation Committee Meeting Minutes for June 2024, October 2024 and December 2024, includes representatives of HWC and Port Stephens Council, along with local residents, minutes available at:

<https://www.newcastlesand.com.au/community-information/>

Substantial portions of Modification 3 were merged into Modification 4, consultation for Mod3 shown below.

Our ref: SSD-6125-Mod 3

Your ref: <Enter Client Reference>

Miss Eliza Altmann
Williamtown Sand Syndicate Pty Ltd
398 Cabbage Tree Road
WILLIAMTOWN NSW 2318

25 January 2023

Subject: Cabbage Tree Road Sand Quarry Modification 3 (SSD-6125 Mod 3) – Response to Pre-Modification Application

Dear Miss Altmann

I refer to the letter issued by Wedgetail Project Consulting Pty Ltd on behalf of Williamtown Sand Syndicate (WSS) seeking confirmation of the approval pathway and environmental assessment requirements for a proposed modification 3 (Mod 3) to the development consent for the Cabbage Tree Road Sand Quarry (SSD-6125). The Department understands that the proposed modification would involve:

- changing the boundary of the approved resource area resulting in a net increase in disturbance area of approximately 6.6%;
- increasing the annual haulage volume by 9.5% to 580,000 tonnes;
- amending the Biodiversity Offset Strategy;
- clarifying operational methods for sand extraction and improving timber management onsite; and
- amending the Statement of Commitments.

The Department notes that many of the elements of the proposed modification involve amending or removing operational or environmental management commitments that were made by WSS as part of the original application for the Project (SSD-6125).

For example, the Department understands that following exhibition of the Environmental Impact Statement (EIS) for the Project, the proposed annual production limit of 600,000 tpa was reduced to 530,000 tpa in response to stakeholder concerns regarding potential air quality, noise and traffic impacts from the development. The proposed modification now seeks approval to increase the proposed annual production limit from 530,000 tpa to 580,000 tpa.

Further, to mitigate potential groundwater contamination risks associated with activities in the Hunter Water Special Area, WSS initially committed to powering all processing plant electrically via a connection to the mains, with diesel generators to only be used in the case of a power outage. The proposed modification now seeks approval to rely on diesel generators as the sole power supply for the processing plant.

Additionally, the original application committed to retiring 1,189 ecosystem credits and 18,943 species credits from the 131 ha offset area on the development site in accordance with the NSW Biodiversity Offsets Policy for Major Projects. The proposed modification would replace the requirement to generate and retire these ecosystem and species credits with a requirement to provide for the management of the relevant species within a Stewardship Management Plan for a

Department of Planning and Environment

Biodiversity Stewardship Agreement that would be established over the site. The Department considers it unlikely that any application to remove the need to generate and retire ecosystem and species credits species without an equivalent replacement of offsetting credits being proposed is unlikely to be supported by either the Biodiversity Conservation Division (BCD) or the Department.

Notwithstanding this, should WSS proceed with an application for the proposed modification, the accompanying Modification Report should include adequate justification for each of the proposed changes to the consent.

Based on the information contained in the letter, the Department also considers that if a modification application was to be made, the proposal would be assessed under section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

Key impact assessment studies that would be required to be completed and presented within a Modification Report include biodiversity, traffic and transportation, noise and air quality assessments. These detailed impact assessment studies should be completed by suitably qualified and experienced persons and with reference to relevant assessments standards and guidelines (i.e. Biodiversity Assessment Method, Guide to Traffic Generating Developments, Noise Policy for Industry, Approved Methods for the Modelling and Assessment of Air Pollutants in NSW).

Notwithstanding the above, I remind you that all potential impacts of the proposed modification must be assessed. Evidence of consultation with BCD, Council, Hunter Water, Transport for NSW, NSW EPA, and Registered Aboriginal Parties, should accompany the Modification Report.

The Modification Report should also be prepared having regard to the State Significant Development Guidelines (NSW Government, December 2021), including Appendix E, Preparing a Modification Report.

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 the Department will require the development application fee to be paid in full prior to the formal acceptance and exhibition of the application.

Should you have any questions, please contact James McDonough on 02 9585 6313 or james.mcdonough@dpie.nsw.gov.au.

Yours sincerely,

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

Jessie Evans

**Director, Resource Assessments
Energy, Resources and Industry Assessments**



PORT STEPHENS
COUNCIL

Williamtown Sand Syndicate Pty Ltd
PO Box 1011
NEWCASTLE NSW 2300

By email

Dear Sirs,

Re: 398 Cabbage Tree Road, Williamtown

Port Stephens Council, as owner of the above land, consents to Williamtown Sand Syndicate Pty Ltd lodging a modification application seeking to extend the development/extraction footprint at the above land generally in accordance with the attached diagram.

If you require any further information please do not hesitate to contact me by email at Vanessa.Hitchcock@portstephens.nsw.gov.au.

Yours sincerely,

Tim Crosdale
Group Manager Corporate Services

16 November 2021

Telephone enquiries
(02) 4988 0425
Please quote file no: PSC2008-3848-722



PORT STEPHENS COUNCIL

116 Adelaide Street
Raymond Terrace NSW 2324

PO Box 42
Raymond Terrace NSW 2324

Phone: 02 4980 0255
Email: council@portstephens.nsw.gov.au

www.portstephens.nsw.gov.au
ABN 16 744 377 876

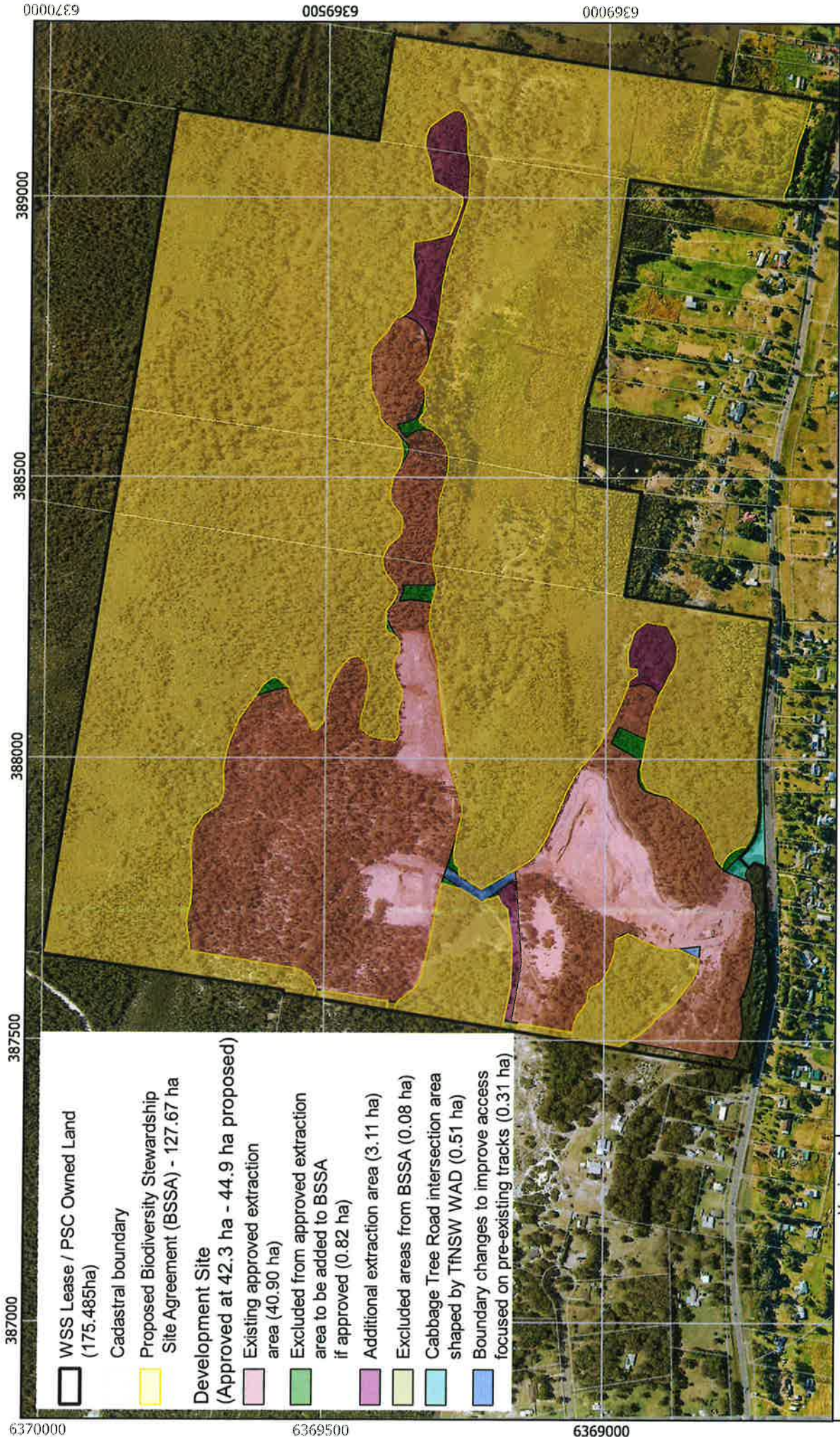


Figure 1
Proposed Amendment to Cabbage Tree Road Sand Quarry and Biodiversity Stewardship Site Boundary

- WSS Lease / PSC Owned Land (175.485ha)
- Cadastral boundary
- Proposed Biodiversity Stewardship Site Agreement (BSSA) - 127.67 ha
- Development Site (Approved at 42.3 ha - 44.9 ha proposed)**
- Existing approved extraction area (40.90 ha)
- Excluded from approved extraction area to be added to BSSA if approved (0.82 ha)
- Additional extraction area (3.11 ha)
- Excluded areas from BSSA (0.08 ha)
- Cabbage Tree Road intersection area shaped by TfNSW WAD (0.51 ha)
- Boundary changes to improve access focused on pre-existing tracks (0.31 ha)

Created by: JB
 Date: 28 October 2021
 Version: A



From: [Marie Duffy](#)
To: Samuel.Harvey@portstephens.nsw.gov.au; Sophie.Efkarpidis@portstephens.nsw.gov.au; Vanessa.Hitchcock@portstephens.nsw.gov.au
Cc: [Jonathan Berry](#); [Samara Schulz](#)
Subject: Cabbage Tree Road (SSD-6125)
Date: Friday, 28 July 2023 5:24:00 PM
Attachments: [SSD 6125-Mod-2 Consolidated Consent.pdf](#)
[10. Appendix 8 Ecological Assessment Part 2.pdf.pdf](#)

Good afternoon,

Newcastle Sand are in discussion with DPE and the Credit Supply Taskforce (CST) to modify Consent Condition 34 of SSD-6125 for the Cabbage Tree Road Sand Quarry (attached). Due to changes in the Biodiversity Legislation, assessment process and offsetting mechanisms, Newcastle Sand can no longer fulfil Consent Condition 34 as it is currently worded. In a recent meeting with DPE (Jesse Evans and James McDonough) and CST (Jennie Powell and Dan Cleary), it was recommended that we liaise with Port Stephens Council (PSC) and Biodiversity Conservation Division (BCD) to seek agreement for the removal of the requirement to retire Eastern Osprey species credits from the On-Site Offset Area.

The Cabbage Tree Road Sand Quarry was original assessed as a Major Project under Part 3A of the TSC Act, and was approved on 9 May 2018.

As part of the Ecological Constraints Assessment (RPS 2011) (copy attached) a roosting individual was observed, with no occupied nest observed. No evidence of the species was detected by Umwelt who conducted further surveys for the EIS (2015). Due to the detection of the species in 2011, the species was assessed as having roosting habitat and conservatively assessed as having potential nesting habitat (despite no further survey evidence by Umwelt or Kleinfelder) within the Development Site and the On-site Offset area (Kleinfelder 2016). As such, the requirement to offset impacts on the species habitat forms part of Condition of Consent 34.

Since the approval of the Quarry in 2018, the introduction of the Biodiversity Assessment Methodology (BAM) has changed the way in which habitat for the Eastern Osprey is assessed. Where previously, all potential habitat of the species could be mapped within the Species Polygon for the Eastern Osprey, under the BAM the presence of a confirmed nest tree is required. Under the BAM, nest trees are confirmed occupied during breeding season and a buffer is projected off the tree which forms the species polygon.

Further surveys by Kleinfelder and Wedgetail Project Consulting within the Development Site and the On-site Offset area have not identified any Eastern Osprey activity. A large stick nest, confirmed to be occupied by Wedgetail Eagle's was identified in the east of the site.

The CST have informed Wedgetail that due to the lack of an occupied nest tree within the On-site Offset area, credits for the species cannot be generated as it is not in accordance with the BAM. As such, Newcastle Sand are seeing to have Consent Condition 34 modified to remove the Eastern Osprey credit obligation as the mechanism for securing the on-site offset will not allow for the condition to be fulfilled as it currently stands. This will not mean any change in the like-for-like offsetting of impacts on the species. During the impact assessment both the Development Site and the On-site Offset were assessed as roosting habitat and potential nesting habitat for the species. As the On-site Offset will be secured under a BSA and all credits generated within the BSA will be retired, the protection and enhancement of the On-site Offset

Area will ensure the protection of the Roosting and potential nesting habitat for the species.

We would appreciate it by the 11th August or sooner, you could confirm your acceptance to remove the Eastern Osprey as a species credit offset requirement in the consent for the reasons justified above.

Kind regards,

Marie Duffy
Senior Advisor

B.Sc. (Hons) M.Sc.

M: 0421 659 017

Wedgetail Project Consulting Pty Ltd
ABN: 93 640 388 683

'I acknowledge Aboriginal people as the traditional custodians of the land on which I work and pay my respects to Elders past, present and emerging.'

This email may contain confidential information. If you have received this email—including any attachments—in error, please notify the sender promptly and delete the email and any attachments from all of your systems.

From: [Marie Duffy](#)
To: huntercentralcoast@environment.nsw.gov.au
Cc: [Samara Schulz](#); [Jonathan Berry](#)
Subject: RE: Cabbage Tree Road (SSD-6125)
Date: Friday, 28 July 2023 5:26:00 PM

Dear Joe/Setphen,

Apologies, I sent the below email without clarifying our request.

We would appreciate it by the 11th August or sooner, you could confirm your acceptance to remove the Eastern Osprey as a species credit offset requirement in the consent for the reasons justified below.

Kind regards,

Marie

From: Marie Duffy
Sent: Friday, July 28, 2023 5:07 PM
To: huntercentralcoast@environment.nsw.gov.au
Cc: Samara Schulz <ssschulz@wedgetail.com.au>; Jonathan Berry <jberry@wedgetail.com.au>
Subject: Cabbage Tree Road (SSD-6125)

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Marie Duffy
Senior Advisor
B.Sc. (Hons) M.Sc.

M: 0421 659 017

Wedgetail Project Consulting Pty Ltd
ABN: 93 640 388 683

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Tuesday, 11 July 2023

The Manager
Hunter Water Corporation

[Attention: John Simpson](#)

[By Email: john.simpson@hunterwater.com.au](mailto:john.simpson@hunterwater.com.au)

SUBJECT: SSD-6125 – CABBAGE TREE ROAD SAND QUARRY – PROPOSED MODIFICATION NO.3

Dear John,

Further to our previous communication provided as part of the Newcastle Sand Community Consultative Committee, Wedgetail Project Consulting Pty Ltd are continuing to prepare a Modification Report to support an application to modify the Development Consent for the Cabbage Tree Road Sand Quarry (SSD-6125).

As part of the pre-lodgement consultation process, the Department of Planning & Environment requested consultation be carried out with the Hunter Water Corporation (HWC). This consultation letter is intended to provide HWC with information necessary to provide comment. Details of the quarry, proposed modification and associated matters for consideration by HWC for the quarry are provided below.

Background

Cabbage Tree Road Sand Quarry is an existing sand quarry located off Cabbage Tree Road at Williamtown in the Port Stephens LGA. Cabbage Tree Road connects to Nelson Bay Road 3.3km to the east and to the Pacific Highway to the west via Tomago Road. The quarry site is located approximately 12.5 kilometres north of the Newcastle and 3 kilometres south-west of Newcastle Airport. The quarry has been in operation since 2020. It has an approved annual extraction limit of 530,000 tonnes from approximately 42 ha, extending over four lots; Lot 1 DP 224587, Lot 121 DP 556403, Lot 11 DP 629503 and Lot 1012 DP 814078. The quarry currently employs eleven people, plus contractors and consultants involved in day-to-day operations.

The majority of the quarry is located within the Tomago Sand Beds Special Area gazetted in the Hunter Water Regulation 2015.

The proposed modification seeks amendments to several areas of the consent (described below) and the modification application is made pursuant to provision of Section 4.55(2) of the *Environmental Planning & Assessment Act 1979*. WSS are the applicant and the owners of the quarry operator Newcastle Sand.

Proposed Modification

The proposed modifications include:

- Net increase to the total disturbance area of 2.8ha (from 42.25ha to 45.05ha), an increase of approximately 6.6% of the boundary of the approved resource area to:

- Recover additional rare high grade low iron silica sand resources.
- Clarify and improve access to existing approved resources.
- Retire portions of approved sand resources to retain habitat features and corridors.
- Amend the conditions relating to the approved Biodiversity Offset Strategy and associated conditions that reflect the change in the resource boundary and meet the current expectations of the Biodiversity Conservation Trust (BCT).
- Increase in the annual haulage/extraction rate to 580,000 tonnes per annum. The haulage of an additional 50,000 tonnes per year would result in a modest 9.5% increase to the approved extraction rates over a 12-month period, with no change to the hourly rates already approved.
- Clarify the working method for sand extraction and operations including:
 - Use of an excavator with GPS control to recover sand resources, rather than just in clearing.
 - Increased use of a dump truck and excavator in sectors other than Sector 7, in preference of only loader and conveyors.
 - Use of diesel generator in a full-time capacity to generate electrical power for sand processing equipment in lieu of high voltage power installation throughout the site.
 - Change in the processing arrangement, reducing the number of locations that the processing plant is installed, two locations rather eight locations as approved.
 - Clarify resource extraction sequencing (where the focus is on reducing extent of extraction rather than its location, to enable more flexibility in responding to market demands.
 - Include alternatives for timber management onsite, such as the use of a mulcher or similar to improve utilisation of timber in the rehabilitation.
- Amendment to the Statement of Commitments to reduce duplication with Conditions of Consent and enable management plans to adapt to changing conditions onsite.

An amended site plan of the approved quarry, showing the proposed amendments to the resource boundary, is included as Appendix 1.

Hunter Water Matters during Original Assessment

In correspondence between HWC and DPE in 2016, HWC the development must have a neutral or beneficial effect on water in the catchment and noted the primary concerns for the development were:

- Extraction Depths (ensuring a minimum of 1m remained above the groundwater table).
- Management of surface water and spills to ensure any contamination is cleaned up immediately and does not infiltrate the sandbeds.
- Rehabilitation and future use of the site that will protect the drinking water source in the future.

HWC recommended the conditions of the approval, of which were incorporated into the consent, these are shown in **Table 1** below.

Table 1: Suggested HWC conditions

HWC Suggested Condition	Reflected in the Consent	Relevance to Proposed Modification
<ul style="list-style-type: none"> ● An extraction limit of 0.7m above the predicted maximum groundwater and a rehabilitated landform that is 1m above the predicted maximum groundwater. 	Schedule 2 Condition 6	No change proposed

HWC Suggested Condition	Reflected in the Consent	Relevance to Proposed Modification
<ul style="list-style-type: none"> Onsite sewer pump out system is constructed in accordance with Port Stephens Council standards. 	Schedule 3 Condition 18 of Statement of Commitment	No change proposed
<ul style="list-style-type: none"> Suitable survey control is maintained across the site to ensure maximum extraction depths are not exceeded and HWC are notified in the event they are exceeded. 	Schedule 2 Condition 11	No change proposed
<ul style="list-style-type: none"> Post extraction and rehabilitation surface must be surveyed on completion of primary rehabilitation works with plans submitted as part of the annual review. 	Schedule 2 Condition 6	No change proposed
<ul style="list-style-type: none"> The Proponent must not store fuel, oil, grease, wastewater, chemicals or any similar groundwater contaminants within the Tomago Sandbeds Special Area. 	<p>Schedule 3, Condition 19</p> <p><i>The Applicant must not store liquids other than water within the Tomago Sandbeds Special Area. Any liquids (other than water) kept on the site must be stored within a bunded and roofed area constructed in accordance with the relevant Australian Standards.</i></p>	<p>A 10,000L diesel storage tank and bunded stores for other oils and herbicide is maintained at the workshop compound outside the Tomago Sandbeds.</p> <p>The washplant is positioned on a near impervious hardstand, composed of stabilised road base with a measured permeability of 4×10^{-07}.</p> <p>The wash plant (as approved) utilises flocculant and coagulant that are automatically dosed into the wash plant. The intent of this is to reduce water consumption at the plant.</p> <p>These chemicals are dispensed from a fully bunded, lockable container, adjacent to the washplant, on a near impervious hard stand with a closed water capture system. Only the minimum required for the operation of the plant are retained onsite.</p> <p>Moving these on a daily basis to the workshop compound is likely to create a higher risk of spills as such are best kept at the wash plant.</p> <p>It should be noted that the purpose of these chemicals is to bind to sediments to improve water clarity. As such, there is little to no risk of offsite migration. The coagulant biodegrades over a period of approximately 28 days to compounds beneficial for plant uptake.</p>
<ul style="list-style-type: none"> Any refuelling of plant or equipment undertaken on the site must be performed on a hardstand located outside the Tomago Sandbeds Special Area, which is either appropriately bunded or adequately contained and 	<p>Schedule 3, Condition 20</p> <p><i>The Applicant must construct and use a fully bunded and undercover refuelling facility located outside of the Tomago Sandbeds Special Area for all mobile equipment re-</i></p>	<p>Tracked equipment is proposed refuelled on near impervious hardstand with effective bunding capable of holding both the tracked equipment and the fuel truck. This is located at the wash plant.</p> <p>The diesel tank used to power the wash plant is decoupled on a daily basis and returned to the</p>

HWC Suggested Condition	Reflected in the Consent	Relevance to Proposed Modification
<p>managed such that spills will be readily captured and not able to infiltrate to groundwater.</p>	<p><i>fuelling operations, with the exception of tracked equipment. Re-fuelling of any tracked equipment within the Tomago Sandbeds Special Area must be conducted within a fully bunded and lined hardstand that is capable of holding both the tracked equipment and the fuel truck.</i></p>	<p>workshop compound outside the Tomago Sand Beds area. A water management plan is implemented onsite with spill control provisions.</p>
<ul style="list-style-type: none"> The Proponent must remove all machinery used in the extractive operations from the Tomago Sandbeds Special Area at the end of each day's operation. 	<p>Schedule 3, Condition 21 <i>The Applicant must ensure that, outside of the operating hours during which quarrying operations are permitted, all fuel-powered equipment is removed from the Tomago Sandbeds Special Area to a secure storage, except for equipment being used in vegetation clearing operations, which may be stored within a fully-bunded and lined hardstand area outside of operating hours.</i></p>	<p>To reduce the time and fuel required to track equipment outside the Tomago Sand beds it is proposed to retain tracked equipment on the near impervious hard stand adjacent to the wash plant. The wash plant area has a 24/7 security camera system. The diesel tank used to power the wash plant is decoupled on a daily basis and returned to the workshop compound located outside the Tomago Sandbeds.</p>
<ul style="list-style-type: none"> Prior to the commencement of operations, the Proponent must develop a Spill Management Procedure designed to prevent, clean-up and minimise adverse impacts on the quality or quantity of groundwater able to be extracted from the Tomago Sandbeds Special Area from all potential contaminants that may be used on site, such as hydrocarbons. The Procedure shall include remediation plans to be implemented in the event of incidents or events occurring that may adversely affect the Tomago Sandbeds Special Area. 	<p>Schedule 3, Condition 15</p>	<p>No change proposed.</p>
<ul style="list-style-type: none"> Prior to the commencement of operations, a Groundwater Monitoring Plan must be prepared and submitted to 	<p>Schedule 3, Condition 15</p>	<p>No change proposed.</p>

HWC Suggested Condition	Reflected in the Consent	Relevance to Proposed Modification
Hunter Water for approval. The Plan shall include the parameters to be measured, sampling locations, sampling frequency and details of action to be undertaken in the event of unexpected results, such as detected contamination. The Plan should acknowledge and accommodate the PFOS/PFOA groundwater contamination in the area.		
<ul style="list-style-type: none"> At the completion of mining activities, the site shall be revegetated with native species to protect the underlying drinking water aquifer in accordance with a Site Rehabilitation Plan that is approved by Hunter Water prior to the commencement of operations. The Site Rehabilitation Plan shall include details such as completion criteria, species and density to be established for respective strata, methods of establishment, weed control, monitoring and management timeframes. 	Schedule 3, Condition 37	No change proposed.

Assessment of the Proposed Modification

The key aspects considered most relevant to HWC in the Tomago Sand Beds are as follow:

- Greater use of an excavator in the sand beds compared to original application.
- Use of a diesel generator, (with the bunded tank removed each day) on an ongoing basis rather than high voltage power with a diesel generator as backup. The issues related to the high voltage power installation were; the added costs of installation, additional operational complexities associated with high voltage lines onsite, relative short duration of the quarry, and the need to have a backup system available in any case, means the generator as proposed is adequate and presents negligible risk.
- Parking of tracked equipment on the bunded near impervious hardstand at the wash plant area within the Tomago Sand Beds special area.

The proposed changes to the consent will not have any effect on the primary concerns of HWC, or the ability of the quarry operation to have a neutral or beneficial effect on water supplies within the Tomago Sand beds. Given the controls applied onsite, and the relative short remaining duration of the activity (3-5 years), and in the context of the nearby RAAF base, Heatherbrae industrial area, and daily traffic within the Tomago Sandbeds there is negligible additional risk due to the quarry operating as proposed above.

Conclusion

Taking the above into consideration, it is considered that the modification will not result in any significant effects on the Tomago Sand Beds Special Area. However, should HWC require any further specific consideration in the application to modify the consent it would be appreciated if you could advise the undersigned by 24 July 2023.

Should you require any additional information, please do not hesitate to contact me.

Yours Sincerely



Jonathan Berry
Principal Advisor
M: 0421 440 139
jberry@wedgetail.com.au

RE: Newcastle Sand - Mod 3

John Simpson <john.simpson@hunterwater.com.au>

Thu 31-Aug-23 7:14 PM

To: Jonathan Berry <jberry@wedgetail.com.au>

Cc: wrdevelopments <wrdevelopments@hunterwater.com.au>

Hi Jonathon,

I have some experience with the operation of a diesel generator and trailing cables so I understand some of the issues associated with both. I don't think the use of a generator is a significant issue for Hunter Water and catchment protection provided appropriate site management protocols are implemented but it is still worth exploring the options. The current process and timeframe for annual reporting does not provide sufficient or timely transparency of reporting of quarry activities so providing an update on matters such as this at the quarterly CCC meetings will help to build confidence that the risks are being managed satisfactorily.

Regarding the concept of importing VENM sand to the site, the intended purpose and management process isn't clear so it would be useful to understand that better before commenting. Would the intention be to process the imported VENM material on site and create a quarry product, either on its own or by blending with other material extracted at the site to achieve a particular product specification. It sounds like that is the case if I understand the proposal correctly. I assume it isn't intended to retain any of the imported material on site? Presumably any processing of VENM sand at the quarry would propose to take advantage of resource recovery exemptions under the POEO Act? It would be useful to understand this and any other regulatory aspects, such as the anticipated volume to be imported? Generally, Hunter Water does not support the importation of soil and related materials to sites for a number of reasons related to the associated risks, a couple of which you mention but there's others. Hunter Water has experienced problems at a number of locations where certified materials have been imported to sites with various contaminants so it is clear that even with the best of intentions and management protocols in place the checks and balances don't always work and risks can be realised due to such activities. Additionally, in some cases risks associated with the condition and history of the site where the material is sourced from are not well understood or are entirely unknown. Other questions relate to the specific location for processing of the VENM (presumably at the wash plant) and the anticipated timeframe of the material being retained on site. It is acknowledged that the risks associated with the proposal are likely to be more manageable if the VENM is proposed to be processed and sold as a quarry product, rather than retained on site, but Hunter Water would be seeking a high level of confidence that risks associated with the proposal are not high and can be managed so it would be useful to understand some of these details before commenting further.

I'd be happy to discuss this matter further, along with the other issues.

Regards,

John Simpson | Water Quality Scientist | Hunter Water Corporation
36 Honeysuckle Drive Newcastle West NSW 2300 | PO Box 5171 HRMC 2310
T 02 4979 9437 | M 0400 364080 | E john.simpson@hunterwater.com.au



Please consider the environment before printing this email.

Hunter Water acknowledges the Traditional Owners and Custodians of the land and we pay our respects to their Elders, past, present and future. We are an inclusive workplace that embraces diversity in all its forms.

"This is a Hunter Water email signature which will be revealed in plain text emails"

From: Jonathan Berry <jberry@wedgetail.com.au>
Sent: Wednesday, 30 August 2023 9:46 AM
To: John Simpson <john.simpson@hunterwater.com.au>
Cc: wrdevelopments <wrdevelopments@hunterwater.com.au>
Subject: Re: Newcastle Sand - Mod 3

Hi John,

Thankyou for the feedback, it is appreciated.

For clarity, while the diesel generator is relatively static its fuel supply is removed on a daily basis so the risk of vandalism resulting in spills is effectively avoided. We will look at the feasibility of a generator and cable and include some comment. Indicatively, the voltage drop and protections required to prevent damage to the cable may be problematic, but will seek some more qualified advice.

One further thing that has been suggested by Newcastle Sand in recent weeks (after our letter to HWC) is the concept of receiving VENM sand from offsite but within the local sand beds. Newcastle Sand have identified an opportunity to value add to sand generated from developments in the local area, where concrete sand can be created rather than this sand go to general fill. Is this something HWC would consider? Ensuring the sand is genuine VENM sand (from outside the PFAS zones) will be a key management requirement, as will ensuring the sand does not import any additional weed species (albeit probably unlikely given local origin). I think both of these measures are relatively easy to manage, and will be in the best interest of Newcastle Sand to get right in order to avoid contamination and risks of weed infestations within the rehabilitation that they would need to manage.

Appreciate your thoughts on the VENM concept.

Cheers
Jonathan

From: John Simpson <john.simpson@hunterwater.com.au>
Sent: Tuesday, August 29, 2023 7:23 PM
To: Jonathan Berry <jberry@wedgetail.com.au>
Cc: wrdevelopments <wrdevelopments@hunterwater.com.au>
Subject: RE: Newcastle Sand - Mod 3

Hi Jonathon,

Thanks for the consultation on the proposed Modification 3 for the Cabbage Tree Road Sand Quarry and apologies for the delay in responding.

See some comments below on aspects of the proposed modifications that are considered most relevant to Hunter Water.

Generally, the comments reflect a degree of confidence in the quarry operation that has come from regular engagement and operational updates provided at the Community Consultative Committee. In that regard the CCC serves a useful purpose for Hunter Water. Nevertheless, I think a couple of the matters require some further discussion.

Adjustments to resource extraction areas, rates and methods

Hunter Water has no objections to the proposed modifications regarding adjustments to resource extraction areas, rates and methods provided the existing site management controls for catchment protection continue to be implemented, except as qualified below.

Full-time diesel generator for power generation (in lieu of HV supply)

Hunter Water acknowledges that use of diesel fuel on site is generally manageable through the implementation of site safeguards (eg. bunded hardstand) and procedures (eg. daily checks, spill management), such as is currently done for mobile machinery, however greater volumes attract substantially increased risk (eg. refuelling spills, equipment faults, vandalism, etc.) and require additional operational care and complexity. Relatively immobile facilities, such as a permanent generator, can be successfully managed the same way provided similar controls are implemented, however complacency can become a problem.

Hunter Water accepts that it would be feasible to operate a diesel generator to supply power for the quarry operations in association with the implementation of the management controls as proposed, however, has consideration been given to installing a generator outside the catchment area and feeding the supply to equipment using a cable? It would be useful to understand the feasibility of this approach.

For the reasons mentioned above, Hunter Water recommends that mobile fuel storage tanks used to supply machinery and equipment should continue to be removed from the catchment area on a daily basis.

Refuelling and storage of tracked machinery

Hunter Water acknowledges the operational demands associated with moving machinery around the site on a daily basis. It is also acknowledged that heavy machinery is designed to operate efficiently and avoid leaks.

It is therefore considered acceptable to allow the refuelling and storage of tracked machinery within the catchment area provided suitable site management controls are implemented to safeguard against the risk of spills, as proposed, ie. storage on a bunded hardstand with spill management procedures.

Fuel storage tanks attract a higher risk and should continue to be removed from the catchment area on a daily basis.

Flocculant and coagulant storage and handling

Hunter Water acknowledges that chemicals such as flocculant and coagulant generally present a low risk to the aquifer if a spill was to occur (but should still be cleaned up in accordance with best practice spill management procedures).

In that regard Hunter Water accepts that there is a greater risk of spills associated with the daily movement of these chemicals within the site than if they are stored securely in the wash plant as identified and, therefore, the proposed change in practice is considered acceptable.

Alternatives for timber management onsite, such as the use of a mulcher or similar to improve utilisation of timber in the rehabilitation

Hunter Water is aware that the management of timber on site has recently been the subject of discussion from a compliance management perspective. Site rehabilitation is a key aspect of the quarry operation to ensure the long-term protection of the land and, subsequently, the underlying Tomago aquifer catchment and the management of timber on site is fundamental to the success of the site rehabilitation program. The management of timber on site can also be useful in the short-term to assist with access control, whether that be rehabilitation areas or elsewhere.

Hunter Water is open to further discussion on the best approach for the management of timber on site provided the objective for this aspect of the operation remains fundamentally the same, ie. to assist the site rehabilitation process and, to assist in achieving that objective, to help control potential unauthorised or undesirable access that would otherwise interfere with processes that help to achieve the site rehabilitation objective. Hunter Water acknowledges that greater flexibility around the way timber is managed, rather than a prescriptive approach, may be advantageous if it is outcomes focussed but does not subscribe to the idea that the compliance issues raised in recent times are a problem for long-term site management.

There are multiple facets to the management of timber on site and it would be useful to explore the pros and cons of this matter further to assist consideration of the options and the preferred approach. Hunter Water would be happy to participate in such a discussion.

Community Consultative Committee

Hunter Water acknowledges that the Community Consultative Committee that is in operation for the quarry provides a useful forum to review the operation at quarterly intervals and provides an opportunity to discuss relevant operational issues. In addition to information being provided in annual reporting, it would be useful

for the matters that are the subject of the proposed modification to be reported to the CCC to demonstrate that they are being management effectively.

I'm happy to discuss any of these matters further as required.

Regards,

John Simpson | Water Quality Scientist | Hunter Water Corporation
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From: Jonathan Berry <jberry@wedgetail.com.au>
Sent: Friday, 25 August 2023 5:32 PM
To: John Simpson <john.simpson@hunterwater.com.au>
Subject: Fw: Newcastle Sand - Mod 3

Hi John,

Planning to submit this on Monday next week, did you get any chance to look at it? Would prefer to lodge something that makes the next round easier as HWC will no doubt be asked for comments, but I need to get it moving along.

Happy to discuss on Monday if that's possible and easier than a formal response process.

Cheers
Jonathan

From: Jonathan Berry <jberry@wedgetail.com.au>
Sent: Tuesday, July 11, 2023 4:56 PM
To: John Simpson <john.simpson@hunterwater.com.au>
Subject: Newcastle Sand - Mod 3

Hi John,

Hope you enjoyed your leave, please see attached letter as some more formal consultation with HWC.

Happy to meet to discuss if you like.

Cheers
Jonathan

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Marie Duffy

From: Vanessa Owen <Vanessa.Owen@environment.nsw.gov.au>
Sent: Wednesday, 2 August 2023 9:27 AM
To: Samara Schulz
Cc: Jonathan Berry; Marie Duffy; James McDonough; Jennie Powell; OEH ROD BOSCRECITS Mailbox
Subject: RE: Assessment of Reasonable Equivalence - Cabbage Tree Road

Hi Samara,
I've left a voicemail for you- feel free to call me back if you'd like to discuss.

You'll need to seek advice from Planning regarding methods for your MOD.

You could use BAMC with a development case to determine the credit obligation for the MOD (development area). You could also use BAMC as a stewardship case to determine the offset area that is being lost. I would think this would also need to form part of the credit obligation for MOD (as this was the offset for the development area that now also needs to be offset).

I don't think a reasonable equivalence is the right pathway for this MOD, but keep me in the loop if it looks like it is.

Thanks,

Dr Vanessa Owen

Principal Project Officer, Supply Operations

Credits Supply Taskforce | Environment & Heritage Group | Department of Planning and Environment

T 02 4927 3116 | E vanessa.owen@environment.nsw.gov.au

The Store, 6 Stewart Avenue, Newcastle West NSW 2300

www.dpie.nsw.gov.au



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From: Samara Schulz <sschulz@wedgetail.com.au>
Sent: Wednesday, 2 August 2023 6:49 AM
To: Vanessa Owen <Vanessa.Owen@environment.nsw.gov.au>
Cc: Jonathan Berry <jberry@wedgetail.com.au>; Marie Duffy <MDuffy@wedgetail.com.au>; James McDonough <james.mcdonough@dpie.nsw.gov.au>; Jennie Powell <Jennie.Powell@bct.nsw.gov.au>; OEH ROD BOSCRECITS Mailbox <BOSCRECITS@environment.nsw.gov.au>
Subject: Re: Assessment of Reasonable Equivalence - Cabbage Tree Road

Hi Vanessa,

Do you mean we could run the MOD3 data for the impact assessment through the BAM-C as a Stewardship Assessment to determine credits?

Kind Regards

Samara Schulz

From: Vanessa Owen <Vanessa.Owen@environment.nsw.gov.au>
Sent: Tuesday, August 1, 2023 6:57:29 pm
To: Samara Schulz <sschulz@wedgetail.com.au>
Cc: Jonathan Berry <jberry@wedgetail.com.au>; Marie Duffy <MDuffy@wedgetail.com.au>; James McDonough <james.mcdonough@dpie.nsw.gov.au>; Jennie Powell <Jennie.Powell@bct.nsw.gov.au>; OEH ROD BOSCRECITS Mailbox <BOSCRECITS@environment.nsw.gov.au>
Subject: RE: Assessment of Reasonable Equivalence - Cabbage Tree Road

Hi Samara,
I process the reasonable equivalences for the Department.

If your client is seeking a Modification to their Development Consent why do you need an assessment of reasonable equivalence? The Modification will require any impacts to assessed in accordance with the BAM.

It appears the BAM could be applied to assess the two things required:

1. Impact of the Modification (additional development area) to generate a credit obligation
2. Loss of the on-site offset (which was used to offset the original development) to generate a credit obligation for the original development.

Thanks,

Dr Vanessa Owen
Principal Project Officer, Supply Operations

Credits Supply Taskforce | Environment & Heritage Group | Department of Planning and Environment

T 02 4927 3116 | E vanessa.owen@environment.nsw.gov.au

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From: Samara Schulz <sschulz@wedgetail.com.au>
Sent: Tuesday, 1 August 2023 11:57 AM
To: OEH ROD BOSCRECITS Mailbox <BOSCRECITS@environment.nsw.gov.au>
Cc: Jonathan Berry <jberry@wedgetail.com.au>; Marie Duffy <MDuffy@wedgetail.com.au>; James McDonough <james.mcdonough@dpie.nsw.gov.au>; Jennie Powell <Jennie.Powell@bct.nsw.gov.au>
Subject: Assessment of Reasonable Equivalence - Cabbage Tree Road

Good morning,

Williamstown Sand Syndicate (WSS) are seeking a Modification to their Development Consent (SSD-6125) to extend the extraction area (MOD3). The proposal would impact on a portion of the On-site Offset Area, and as such a 'replacement' offset is required. This replacement offset will be achieved through the retirement of an appropriate number of Biodiversity Credits via either purchasing credits or paying into the Biodiversity Conservation Fund. In order to determine the appropriate number of credits required, an Assessment of Reasonable Equivalence is required as the On-site offset was originally assessed under the BioBanking Scheme. In meetings with the Department and the Credit Supply Taskforce, it was advised that this pathway should be sought as part of the MOD3 application.

An Offset Strategy was prepared as part of the Project Approval, which assessed the On-site Offset using the BioBanking Calculator. The On-site Offset was not put under a BioBanking Agreement, however, a credit report was generated (attached) and this was incorporated into the Conditions of Consent.

As we don't have a BioBanking Credit ID, etc, we are unable to fill out the required paperwork.

Please see relevant documentation attached:

- BioBanking Credit Report for On-Site Offset.
- Conditions of Consent (see Schedule 3, Condition 34).
- Biodiversity Offset Strategy: this document contains descriptions of the vegetation within the BioBank Site (On-Site Offset) in Section 1.3.2.2.

It would be appreciated if you could provide an Assessment of Reasonable Equivalence to enable this matter to be resolved as soon as possible.

Kind regards

Samara Schulz
Principal Ecologist

M: 0407 474 977



Wedgetail Consulting Pty Ltd
ABN: 93 640 388 683

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