

Ms Rachael Snape  
Planning and Development Manager (NSW/ACT)

Boral Land & Property Group  
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06/05/2020

Dear Ms Snape

**Stockton Sand Quarry Dredging (SSD-9490)  
Request for a Submissions Report**

As you would be aware, the exhibition period for the Stockton Sand Quarry Dredging Project and associated Environmental Impact Statement (EIS) concluded on 09 Apr 2020.

The Department received 11 submissions from community members and advice from 13 government agencies, including Hunter Water and the Heritage Council of NSW. Most submissions were in the form of objections, with one submission in support of the Project and a further ten submissions providing comment on the Project. The submissions can be viewed on the Department's website at [www.planningportal.nsw.gov.au/major-projects/projects](http://www.planningportal.nsw.gov.au/major-projects/projects)

The Department will make any further agency advice and supplementary comments available to you as soon as possible once they are received.

The Planning Secretary now requests that you prepare and submit a Submissions Report in accordance with clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The Submissions Report should detail your responses to all issues raised in submissions and agency advice. I note that several submissions raised detailed and material concerns and warrant a considered and detailed response. In particular, the Department requests that you consider the matters outlined in **Attachment A**.

Note that under clause 113(7) of the EP&A Regulation, the days occurring between the date of this letter and the date on which your response to submissions is received by the Secretary are not included in the deemed refusal period.

If you have any questions, please contact Colin Phillips, who can be contacted on the details above.

Yours sincerely



Matthew Spratt  
Director  
Resource Assessments (Coal & Quarries)

**as delegate for the Planning Secretary**

Enclosed: **Attachment A**

## Attachment A

### Stockton Sand Quarry Dredging Project (SSD-9490)

#### Request for a Submissions Report

Key Issue	Comments
Scope and adequacy of information within the Environmental Impact Statement (EIS)	<p>1. There are several instances where inadequate information about the Project has been provided or the information in the EIS is inconsistent, making it difficult for the Department and agencies to accurately assess the Project and its impacts. Please clarify the following matters:</p> <ul style="list-style-type: none"> <li>EIS section 21.2.1 and Table 21.2 – \$7 million is documented as the capital cost of the Project, with a residual capital value of \$1 million. This would seem to indicate that the capital value is in the order of \$6 million. The Quantity Surveyor's report produced a figure of \$2.34 million. Please clarify this discrepancy by providing further explanation as to why these figures are so different.</li> <li>Please provide further details on the number and size of hollow bearing and habitat trees located in the 2.91 ha of remnant, or previously undisturbed vegetation, proposed to be cleared.</li> <li>Please provide further assessment on the likely cumulative impacts of the heavy vehicle movements proposed for Cabbage Tree Road, Nelson Bay Road and Lavis Lane roundabout. The likely cumulative impacts must be assessed against all existing and proposed sand mining operations in the eastern Port Stephens LGA likely to use this roundabout.</li> <li>Consideration should be given to the use of evaporation barriers for the dredge pond to reduce the proposed depletion of the groundwater resource. An example of a potential barrier could be plastic floating discs.</li> <li>Please clarify if mains power can be used to power the dredge and the consequences thereof. This would eliminate a potential source of hydrocarbon pollution from the use of diesel-powered generators.</li> <li>EIS Schedule 2 – The licence diagram should be updated to accurately reflect the location of the track in use.</li> <li>EIS section 6.8.1 – Please provide further clarification on how the Project is consistent with Direction 14 of the Hunter Regional Plan (HRP) which identifies the need to protect biodiversity and connect natural areas.</li> <li>EIS section 2.8 – Please update this section to include the Worimi Conservation Lands (Worimi Regional Park, State Conservation Area and National Park). Collectively these reserves are Aboriginal owned and jointly managed with NPWS by the Worimi Conservation Lands Board of Management.</li> </ul>
Planning Issues / Compatibility of land uses	<p>2. Please provide clarification on how Boral propose that any consent conditions for this application would be integrated into the existing consent for wind-blown sand extraction operations (DA 140-6-2005). Please include how Boral envisages that the regulation of production limits would be managed and how the management plans could be integrated (as proposed in the EIS).</p>
Biodiversity	<p>3. Eight biodiversity recommendations are included in the DPIE Biodiversity and Conservation Division (BCD) and NSW National Parks and Wildlife Service submission, which is supported by the Department. Please ensure the Submissions Report addresses all eight recommendations. Please provide further clarification and assessment on how potential groundwater level changes from the Project may have a potential impact on beach wetland communities in the swale</p>

Key Issue	Comments
	<p>area between the mobile dunes and frontal dunes in the Worimi Conservation Lands.</p> <p>4. You are referred to the Port Stephens Council, Hunter Bird Observers Club and Port Stephens Koala's submissions regarding assessment of habitat suitability for threatened species. Please provide a detailed response to these matters including appropriate further assessment of habitat suitability for threatened species in accordance with the NSW Biodiversity Assessment Method (2017) and undertake additional surveys to detect threatened biodiversity which includes:</p> <ul style="list-style-type: none"> <li>• Threatened fauna including the Koala, Squirrel Glider, Bush Stone-Curlew, Wallum Froglet and Mahoney's Toadlet;</li> <li>• Avifauna species and large forest owl species such as the Masked and Powerful Owls; and</li> <li>• Threatened flora species including <i>Corybas dowingii</i> or <i>Cryptostylis hunteriana</i>.</li> </ul>
Aboriginal Cultural Heritage	<p>5. There is a possibility that Aboriginal archaeological material is contained at depth within the sand profile of the Stockton Sand Quarry. Please confirm if an Aboriginal artefact recovery process could be implemented to address this. For instance by providing access for Aboriginal groups to inspect oversize material at the primary screen to possibly recover Aboriginal artefacts.</p>
Water	<p>6. The DPIE Water Division and the Natural Resources Access Regulator (NRAR) submission requests further information on several matters, which are supported by the Department. Please ensure the Submissions Report addresses all matters raised. Please provide further clarification and assessment on how potential water quality changes and incidental take of groundwater from the Project may have a potential impact on water sources, their dependent ecosystems and authorised water users surrounding the Project.</p> <p>7. Please ensure all matters listed by the Hunter Water Corporation (HWC) are addressed in your Submissions Report, including HWC's proposal of a final landform that is at least one metre above the predicted maximum groundwater elevation. Please provide further justification as to how the extractive operations (particularly stages two to six of the Project) will be designed to avoid impacts to, and preserve, the water table. This response should include any additional measures to reduce the size of the final landform design of the proposed 23.3 ha open lake identified in the Hydrogeological Impact Assessment.</p> <p>8. A few community submissions have raised concerns regarding excavations below the water table (Project stages two to six) and associated issues with PFAS contamination near the RAAF Williamtown Base. Please provide a response to these submissions and include further clarification and assessment on the PFAS contamination risks associated with excavating below the water table. This includes consideration to assessing potential future PFAS migration risks.</p> <p>9. Please ensure that you carefully consider and respond to BCD's request to provide further assessment of the dredge pond final landform and rehabilitation strategy.</p>
Social Impacts	<p>10. Please ensure that you carefully consider and respond to the matters raised in the submission made by the Department's Social Impact Assessment Specialist and ensure the potential social impacts of the Project are adequately considered in accordance with the Department's Social Impact Assessment Guideline.</p>