



Department of Primary Industries

OUT13/5690

13 MAR 2013

Mr Andrew Hartcher
Major Development Assessment-Industry Projects
NSW Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Andrew.Hartcher@planning.nsw.gov.au

Dear Mr Hartcher,

**(Crawfords) Ammonium Nitrate Storage and Distribution Facility at Sandgate
(SSD_5119)
Response to exhibition of Environmental Impact Statement**

I refer to your letter of 30 January 2013 to the NSW Office of Water, a division within the Department of Primary Industries (DPI), in respect to the above matter. The matter has also been referred to other relevant agencies within DPI for consideration.

Comment by NSW Office of Water

The NSW Office of Water provides the following comments:

- (i) The proposed project involves the storage of up to 13,500 tonnes of ammonium nitrate within existing warehouses at a site in Sandgate, and distribution to various customers. The site is located within a small industrial area which has historic contamination issues. The industrial area is located on the estuarine plain associated with the Hunter River. High value wetlands are located in the surrounding/downstream area and include SEPP 14 coastal wetlands, wetlands listed as a high priority groundwater dependent ecosystem under the *Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009*, the Hunter Estuary RAMSAR Site and Hunter Wetlands National Park. The primary water user in the surrounding area is the environment and there is some water use by existing licensed users.
- (ii) It is noted that the likelihood of an ammonium nitrate release into the Hunter River estuary during a significant flood event has been assessed as rare. The Office of Water is concerned that if ammonium nitrate was released during a flood event the potential impacts on water quality and downstream ecosystems could be significant.

- (iii) Further detailed comment on the proposed project and recommended conditions of approval are provided in Attachment A.

For further information please contact Elizabeth Cala, Planning and Assessment Coordinator (Newcastle office) on 4904 2533 or at elizabeth.cala@water.nsw.gov.au.

Comment by Fisheries NSW

Fisheries NSW is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, Fisheries NSW ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Aquatic habitat Management and Fish Conservation (1999)*. In addition, Fisheries NSW is responsible for ensuring the sustainable management of commercial and recreational fishing in NSW.

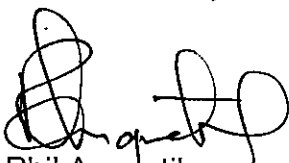
Fisheries NSW has reviewed this proposal in light of these provisions and makes the following recommendations:

- (i) Fisheries NSW has considerable concerns in relation to the risk of Ammonium Nitrate being lost into the river system, as it can be highly toxic to a range of aquatic organisms. This risk has been assessed and appears to be adequately addressed, however Fisheries NSW would expect that any approval make the flood proofing of the structures and operations at the site mandatory and of an extremely high priority. A condition of consent should be placed on the approval, requiring the proponent to develop a flood mitigation strategy in conjunction with the relevant public authority, with a requirement for an annual inspection to assess the readiness of the facility to be flood proofed.
- (ii) Fisheries NSW is also concerned about the high levels of ammonia and nitrogen in the soils and groundwater on the site, potentially indicating poor handling or spillages of material in the past. Due to the close proximity of the surrounding wetlands and the existing poor standard of stormwater management, Fisheries NSW supports the development of an upgraded stormwater system as outlined in the Environmental Impact Statement to improve water quality of the stormwater leaving the site.

Provided the above recommendations are implemented, Fisheries NSW has no objections to the proposal being approved.

For further information please contact Scott Carter, Senior Conservation Manager (Port Stephens office) on 02 4916 3931 or at scott.carter@dpi.nsw.gov.au.

Yours sincerely



Phil Anquetil

Executive Director Business Services

Attachment A
(Crawfords) Ammonium Nitrate Storage and Distribution Facility (SSD_5119)
Response to exhibition of Environmental Impact Statement
Additional comments by NSW Office of Water

1. Groundwater monitoring

The Environmental Impact Statement (EIS) describes that five groundwater monitoring bores were installed at the site. The EIS recognises that these groundwater monitoring bores are required to be authorised by a Groundwater Licence under Part 5 of the *Water Act 1912*. However, it appears that these groundwater monitoring bores are not currently authorised by a Groundwater Licence. The Office of Water requests that the proponent make arrangements for the immediate lodgement of an application for a Groundwater Licence under Part 5 of the *Water Act 1912* to authorise these groundwater monitoring bores.

2. Impacts on water sources

The EIS provides an assessment of the hazards and risks associated with the proposed project and the potential for off site impacts. While the likelihood of flooding causing contamination of water sources through the release of stored ammonium nitrate is considered rare, the potential consequences have been assessed as catastrophic. The Office of Water is concerned any release of ammonium nitrate which causes the concentration of ammonia to exceed the toxicity trigger value in the ANZECC Guidelines could lead to significant impacts on downstream ecosystems.

3. Recommended conditions of approval

If the proposed project is approved, the Office of Water recommends the following conditions:

- (i) The Proponent shall prepare and implement a Water Management Plan for the project. This Plan must be developed in consultation with the Office of Water and include:
 - details of water use and water management on site,
 - details of water licence requirements,
 - Surface Water Management Plan, and
 - Groundwater Management Plan.
- (iii) The Surface Water Management Plan must include:
 - a program to monitor surface water flows and quality, and ecosystem health immediately downstream of the project,
 - surface water impact assessment criteria, including trigger levels for investigating any potentially adverse surface water impacts, and
 - a protocol for the investigation and mitigation of identified exceedences of the surface water impact assessment criteria.
- (iii) The Groundwater Management Plan must include:
 - baseline data on groundwater levels and quality,
 - a program to monitor groundwater levels and quality beneath the site, and groundwater dependent ecosystems,
 - groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts, and
 - a protocol for the investigation and mitigation of identified exceedences of the groundwater impact assessment criteria.

End Attachment A