

13th February 2014

OUR REF: 212434-L001004
YOUR REF: SSD14/6395

The Department of Planning & Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Carl Dumpleton, Senior Planner, Mining Projects

Dear Carl,

RE: REQUEST FOR DIRECTOR-GENERAL'S REQUIREMENTS – SUPPORTING DOCUMENTATION PROPOSED SAND MINE, NELSON BAY ROAD, BOBS FARM PORT STEPHENS LOCAL GOVERNMENT AREA

Further to your email of the 11TH February 2014, and in addition to the already supplied plans and aerial photographs, please find attached the following supporting documentation:-

1. Site details

- a. **Local and Regional Context** – refer attached annotated aerial photographs. Specifically, the following contextual features should be noted:-
 - i. The site is located adjacent to Nelson Bay Road which is a divided 4 lane road. Nelson Bay Road is proposed to be utilised to access the site.
 - ii. The proposed exit arrangements are to utilise Lots 10 & 11 DP1071458 onto Marsh Road. This access route is currently a bitumen sealed access route for the sand stockpiling that is undertaken on Lot 10. The Lot 10 sand operations currently use the exit route for all of its truck movements including the accessing back onto Nelson Bay Road.
 - iii. The site has direct road access to the Port of Newcastle and to train loading facilities within Kooragang Island.
- b. **Surrounding Development and Potentially Affected Properties** – refer attached annotated aerial photograph that indicates the location of the proposed mining operations to surrounding residential development.
- c. **Location of Key Infrastructure and Environmental Features** – refer attached annotated aerial photographs. Specifically, the only notable environmental issues that adjoin the proposed operations is a small area of Swamp Mahogany Paperbark Forest at the north-western corner of Lot 10 DP 1071458. This Swamp Mahogany Paperbark Forest is indicated on the annotated aerial photographs as well as being noted within an initial environmental assessment that has been undertaken by Wildthing Environmental Consultants and is attached to this document.

2. Development Description – The proposed sand mining operations will have several stages of development and operations. These stages are likely to be:-

- a. Development Stage – installation of Nelson Bay Road access location, initial clearing of the mining site, settling up of screening operations, loading ramp and storage shed and the construction of the main exit road onto the existing bitumen sealed road within Lot 10 DP1071458.

DEVELOPMENT CONSULTANTS IN ENGINEERING, SURVEYING, PLANNING & ENVIRONMENTAL



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- b. Operational Stage 1 – Clearing and stockpiling of topsoil and production of initial sand material that is likely to be processed into landscape soil base and sports field top-dress material.
- c. Operational Stage 2 – Processing of the blonde sand material for all products range.
- d. Operational Stage 3 – Setting up of dredge operations and winning of sand material for the processing of all products range.

Within all operational stages the main activities will be the bulk handling of sand material, utilising front end loaders and trucks, general trucks and dogs for the transport of the material to the required markets.

3. Permissibility and Strategic Planning -

The relevant planning documents are the Port Stephens LEP 2013 and the EP&A Regulation 2000.

Port Stephens LEP 2013 will come into force on the 22nd February 2014 and the land will be zoned RU2. Extractive industries are a permitted activity.

Port Stephens Local Environmental Plan 2013

Current version for 10 January 2014 to date (accessed 12 February 2014 at 14:54)

[Land Use Table](#) > [Zone RU2](#)

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Zone RU2 Rural Landscape

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

2 Permitted without consent

Extensive agriculture; Home occupations; Intensive plant agriculture

3 Permitted with consent

*Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; **Extractive industries**; Farm buildings; Flood mitigation works; Forestry; Group homes; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Landscaping material supplies; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Tourist and*

visitor accommodation; Turf farming; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

The EP&A Regulation 2000 has a requirement under Schedule 3 Designated Development.

19 Extractive industries

(1) Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):

- (a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
- b) that disturb or will disturb a total surface area of more than 2 hectares of land by:*
 - (i) clearing or excavating, or*
 - (ii) constructing dams, ponds, drains, roads or conveyors, or*
 - (iii) storing or depositing overburden, extractive material or tailings, or*
- (c) that are located:*
 - (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*
 - (ii) within 200 metres of a coastline, or*
 - (iii) in an area of contaminated soil or acid sulphate soil, or*
 - (iv) on land that slopes at more than 18 degrees to the horizontal, or*
 - (v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
 - (vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

(2) This clause does not apply to:

- (a) extractive industries on land to which the following environmental planning instruments apply:*
 - (i) Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme,*
 - (ii) Western Division Regional Environmental Plan No 1—Extractive Industries, or*
- (b) maintenance dredging involving the removal of less than 1,000 cubic metres of alluvial material from oyster leases, sediment ponds or dams, artificial wetland or deltas formed at stormwater outlets, drains or the junction of creeks with rivers, provided that:*
 - (i) the extracted material does not include contaminated soil or acid sulphate soil, and*
 - (ii) any dredging operations do not remove any seagrass or native vegetation, and*

- (iii) *there has been no other dredging within 500 metres during the past 5 years, or*
- (c) *extractive industries undertaken in accordance with a plan of management (such as river, estuary, land or water management plans), provided that:*
 - (i) *the plan is prepared in accordance with guidelines approved by the Director-General and includes consideration of cumulative impacts, bank and channel stability, flooding, ecology and hydrology of the area to which the plan applies, approved by a public authority and adopted by the consent authority and reviewed every 5 years, and*
 - (ii) *less than 1,000 cubic metres of extractive material is removed from any potential extraction site that is specifically described in the plan, or*
- (d) *the excavation of contaminated soil for treatment at another site, or*
- (e) *artificial waterbodies, contaminated soil treatment works, turf farms, or waste management facilities or works, specifically referred to elsewhere in this Schedule, or*
- (f) *development for which [State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas](#) requires consent, or*
- (g) *maintenance dredging of alluvial material from oyster leases and adjacent areas in Wallis Lake, but only if the dredging is undertaken in accordance with the document entitled Protocol for Wallis Lake Oyster Lease Maintenance Dredging approved by the Director-General and published in the Gazette, as amended by the Director-General from time to time by publication of an amended Protocol in the Gazette.*

The relevant development standards relate to the scale of the proposed operations and as the Application is seeking the potential to win 750,000 tonnes/year and would disturb >2ha of land, the required trigger values for a SSD have been met.

It is not intended that any development standard will not be met.

- 4. Impact Identification and Assessment** – Attached to this submission is the initial Ecological Assessment that has been undertaken by Wildthing Environmental Consultants. This report highlights that whilst there are endangered and threatened species within the proximity of the proposed development, further studies, currently being undertaken in anticipation of the requirements of the EPA, will determine the extent of any impact.

Additionally, some preliminary work on ground water monitoring has been undertaken by Martens & Associates preliminary advice is that impacts on ground water will be minimal. Some potential ASS has been detected..

Expected environmental impacts from the operations will include:-

- a. Swamp Mahogany Paperbark Forest within Lot 10 DP 1071458 – minimal impact expected as the access road is already constructed and off-site impacts from the operations is expected to be minimal.

- b. Ground water – future operations will require a licence to access sand material from below the water table. It is expected that the quality of the ground water will not be impacted.
- c. Additionally, noise, traffic and other off-site impacts are expected to be of minimal impact to adjoining residences and within normal industrial noise criteria.

5. Justification – The site is currently being operated as a production fig farm that has limited commercial capacity. The physical attributes of the site have been preliminarily investigated and it has been determined that the sand resource exists to depths of 26m below the water table and that the physical attributes of the product is of sufficient quality that would sustain a significant sand mine operation.

The site is ideally located for a sand mine with ready available and markets in construction activities in Sydney, Newcastle and the Hunter Region. The mine would also potentially provide some product for mining operations, specifically coal seam gas, glass production and some high end recreational uses.

The proposed sand mine will provide an added resource to the availability of construction sand products for both the local Hunter Region but also as a potential export resource for glass manufacturing.

Identification of operational Newcastle Port facilities has already determined that supply of sand products into the Sydney region via ship are also a possibility.

6. Consultation – Some informal discussion have been undertaken with the Mayor of Port Stephens Council. The Mayor has indicated strong support for the proposed operations.

Applications for 5xtest bores have been obtained from the NSW Office of Water and in those Applications we have indicated the intention to investigate ground water for the purposed of a sand mine.

7. Capital Investment Value – as previously stated should the full proposed operations of the sand mine be approved, and that would mean the opportunity to dredge the below water sand resource, to a level of -15m, the CIV would be \$2.9M. If however, should the sand mine be limited to be within 1m of the current water table, the CIV would only be \$1.7M.

Should you require further clarification on any of the issues detailed in this advice, or have any further requirements, please do not hesitate to contact this office.

Kind regards

TATTERSALL LANDER PTY LTD



Bob Lander
Director
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