



APPENDIX B

STAKEHOLDER CONSULTATION

Consultation with DPIE – Division of Resources and Geoscience

17 July 2019

Ms Cressida Gilmore
Manager – Land Use
Division of Resources and Geoscience
NSW Department of Planning and Environment
PO Box 344
Hunter Region Mail Centre, NSW 2310
Email: landuse.minerals@geoscience.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Cressida

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

Boral Resources (NSW) Pty Ltd (Boral) owns and operates the Stockton Sand Quarry (hereafter referred to as the 'quarry'), a long standing operation that extracts and transports sand product for use in the building, landscaping and construction markets. The quarry is located at Coxs Lane, Fullerton Cove, in the Port Stephens Local Government Area.

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An outline of the Project is available within the Stockton Sand Quarry Dredging: Preliminary Environmental Assessment (Element Environment, September 2018), available on the major projects register at the below link:

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There would be no alteration to the existing site's hours of operation associated with the addition of the inland area and only a short term increase in total output from the site, rising from 500,000 tonnes per annum to 750,000 tonnes per annum until 2028.

In accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued for the Project from NSW Department of Environment, Industry & Planning (DPIE), which are available at the same major projects website link above, Boral are seeking any further and additional comments of matters for

consideration in the preparation of an Environmental Impact Statement (EIS) for the Project.

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If you or your colleagues have any questions or would like to discuss the proposal in more detail, please feel free to contact me on **0455 666 006** or luke@elementenvironment.com.au. Alternatively, if your organisation has no comments or concerns and are satisfied to await the exhibition of the EIS (to be further notified when dates are determined), we would appreciate a response to this effect.

We are hoping to gather all responses to the proposal by **31 July 2019**.

Thank you for your interest in this letter – we look forward to hearing from you soon.

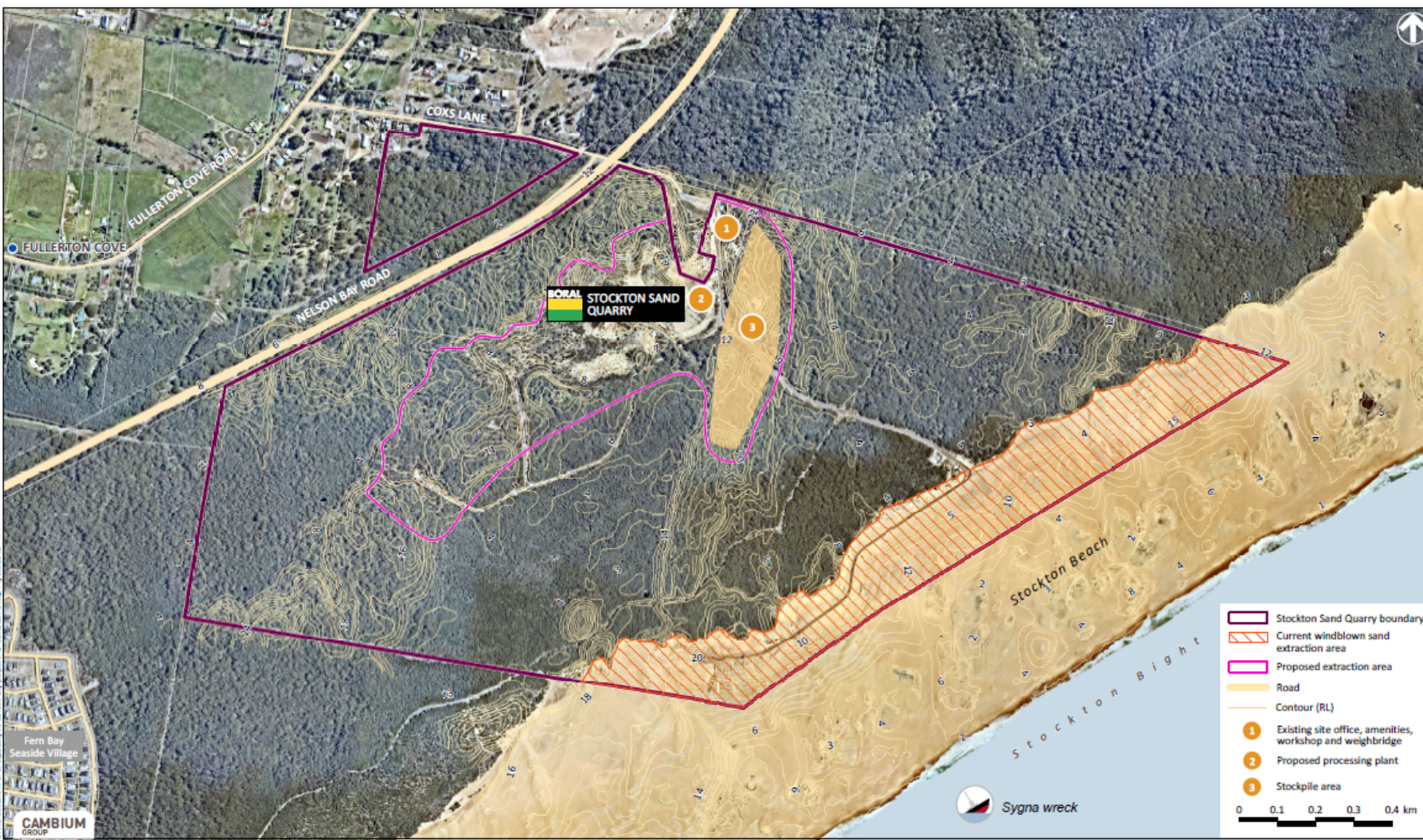
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luke Farrell', with a stylized, cursive script.

Luke Farrell

Senior Environmental Consultant
Element Environment

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Source: Nearmap, December 2017

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16 August 2019

Luke Farrell
Senior Environmental Consultant
Element Environment Pty Ltd
elementenvironment.com.au

Emailed: luke@elementenvironment.com.au

Your Reference: letter dated 17/07/2019
Our Reference: DOC19/633143

Dear Mr Farrell,

Re: Stockton Sand Quarry – Environmental Impact Statement Preparation and Consultation for Proposed State Significant Development.

Thank you for the opportunity to provide additional comments of matters for consideration in the preparation of an Environmental Impact Statement (EIS) for continued operations at Stockton Sand Quarry. This is a response from NSW Department of Planning, Industry & Environment – Division of Resources & Geoscience (the Division).

Sand is not a prescribed mineral under the *Mining Act 1992*. However, the Division is the principal government authority responsible for assessing the State's resources of construction materials and for advising State and local government on their planning and management.

All environmental reports (EIS or similar) accompanying Development Applications for extractive industry lodged under the *Environmental Planning & Assessment Act 1979* should include a resource assessment which:

- Documents the size and quality of the resource and demonstrates that both have been adequately assessed; and
- Documents the methods used to assess the resource and its suitability for the intended applications.

The above information should be summarised in the EIS, with full documentation appended. If deemed commercial-in-confidence, the resource assessment summary included in the EIS should commit to providing the Division with full resource assessment documentation separately. Applications to modify, expand, extend or intensify an existing consent that has already been adequately reported using the above protocol in publicly available documents, may restrict detailed documentation to the additional resources to be used, if accompanied by a summary of past resource assessments and of past production.

The Division collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data for the subject site to the NSW Division of Resources and Geoscience as a condition of any new or amended development consent.

During the preparation of the EIS, The Division recommends that the proponent consult NSW Department of Planning & Environment's *'EIS Guideline - Extractive Industries – Quarries'*. This guideline is available from:

http://www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/~/_media/4A89C0947A8C4D70A983F8EE1D7B9790.ashx

The Division would appreciate the opportunity for early consultation in relation to the proposed location of any biodiversity offset areas (both on and off site) or any supplementary biodiversity measures to ensure there is no consequent reduction in access to prospective land for mineral exploration, or potential for sterilisation of mineral or extractive resources.

Queries regarding the above information should be directed to the Division of Resources & Geoscience - Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. Helman', with a small mark at the end.

Andrew Helman
Senior Geoscientist - Land Use

Consultation with DPIE – Crown Lands Division

17 July 2019

Mrs Melanie Osborne
Group Leader - Property Manager
Crown Lands
NSW Department of Industry
PO Box 2155
Dangar, NSW 2309
Email: maitland.crownlands@crowmland.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Melanie

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

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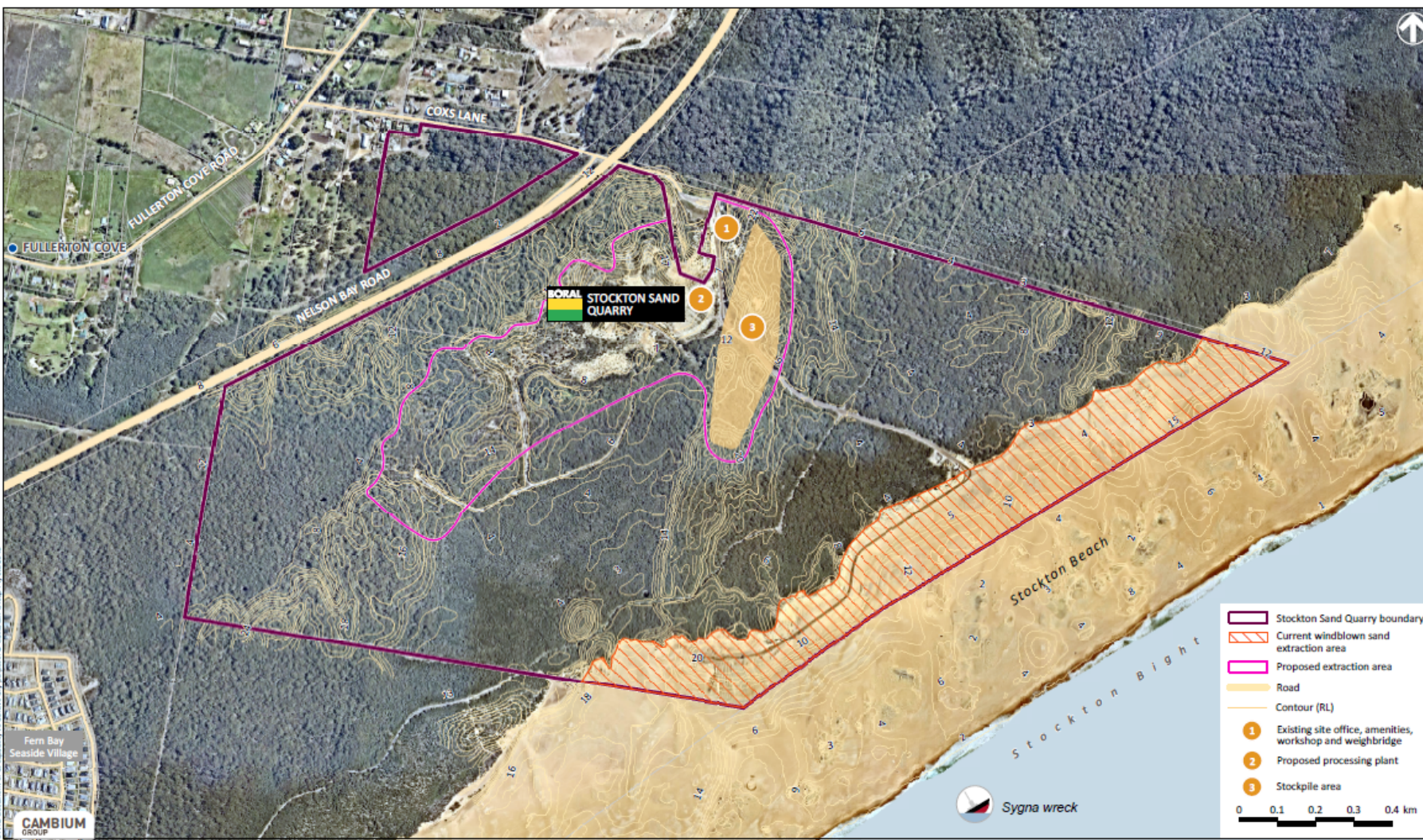
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Luke Farrell

Senior Environmental Consultant
Element Environment

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Luke Farrell

From: Mark Grace <mark.grace@crownland.nsw.gov.au>
Sent: 26 July 2019 09:48
To: Luke Farrell
Subject: DPIE - Crown Lands comments - Stockton Sand Quarry - SSD-9490 Application - Consultation for Environmental Impact Statement

Hi Luke

Thank you for your email requesting further comments on the Stockton Sand Quarry Project (SSD-9490). The Department of Planning, Industry and Environment – Crown Lands (the Department) provides the following comments for your consideration in the preparation of the EIS:

The proponent identified in the Preliminary Environmental Assessment (PEA) that Crown land, being Lot 7300 DP 1130730, is required as part of the proposal. Crown land - including any Crown roads, reserves and tenures - impacted by the proposal must be clearly identified and accurately described in the EIS.

Prior to preparation of the Environmental Impact Statement (EIS) it is recommended that the proponent undertake a Crown Land conveyancing search, available through the department. Information on the department's conveyancing and information search services can be found here:

<https://www.industry.nsw.gov.au/lands/what-we-do/searches>

Development requiring an approval under the *Environmental Planning and Assessment Act 1979* requires the written consent from the Department, as landowner. The EIS should acknowledge that landowner's consent from the Department is required for any affected Crown land and provide details on the actions that the proponent has made, or will make, to obtain this consent. We recommend that the proponent contact the Department directly to discuss the landowner consent application process. The department's landowner's consent application form can be found here:

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/144345/Landowners-consent-application-form.pdf

If you have any questions regarding the above information please contact me.

Regards

Mark

Mark Grace

Natural Resource Management Project Officer

Crown Lands | Department of Planning, Industry and Environment

T 02 4937 9331 | E mark.grace@crownland.nsw.gov.au

516 High Street Maitland NSW 2320 | PO Box 2215 Dangar NSW 2309

www.dpie.nsw.gov.au



**Planning,
Industry &
Environment**

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Luke Farrell [mailto:luke@elementenvironment.com.au]

Sent: Wednesday, 17 July 2019 11:13 AM

To: maitland.crownlands@crownland.nsw.gov.au

Cc: PR63

Subject: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

ATTN: Melanie Osbourne, Group Leader - Property Manager

Dear Melanie,

Boral Resources (NSW) Pty Ltd (Boral) are seeking approval for continued operations at their Stockton (Fullerton Cove) Sand Quarry through a State Significant Development (SSD) application under Part 4 of the *Environmental Planning & Assessment Act 1979*. Boral propose to extract up to 750,000 tonnes per annum (tpa) of sand product from a former extraction area by front-end loader/excavator and dredging. The project would be for a period of up to 25 years, subject to demand of sand resources.

In accordance with the NSW Department of Environment, Industry & Planning requirements, Boral are seeking from you any further and additional comments of matters for consideration in the preparation of an Environmental Impact Statement (EIS) for the project.

We welcome your feedback about the project as per the attached letter.

Please do not hesitate to get in touch should you have any queries on the project.

Regards,
Luke Farrell

Luke Farrell
Senior Environmental Consultant
0455 666 006



SYDNEY NEWCASTLE CENTRAL COAST TOWNSVILLE
elementenvironment.com.au

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.

Consultation with RMS

17 July 2019

Mr Ken Saxby
Road Safety & Traffic Service Manager
Hunter Road Safety & Traffic
NSW Roads and Maritime Services
Locked Bag 2030
Newcastle, NSW 2300
Email: Development.hunter@rms.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Ken

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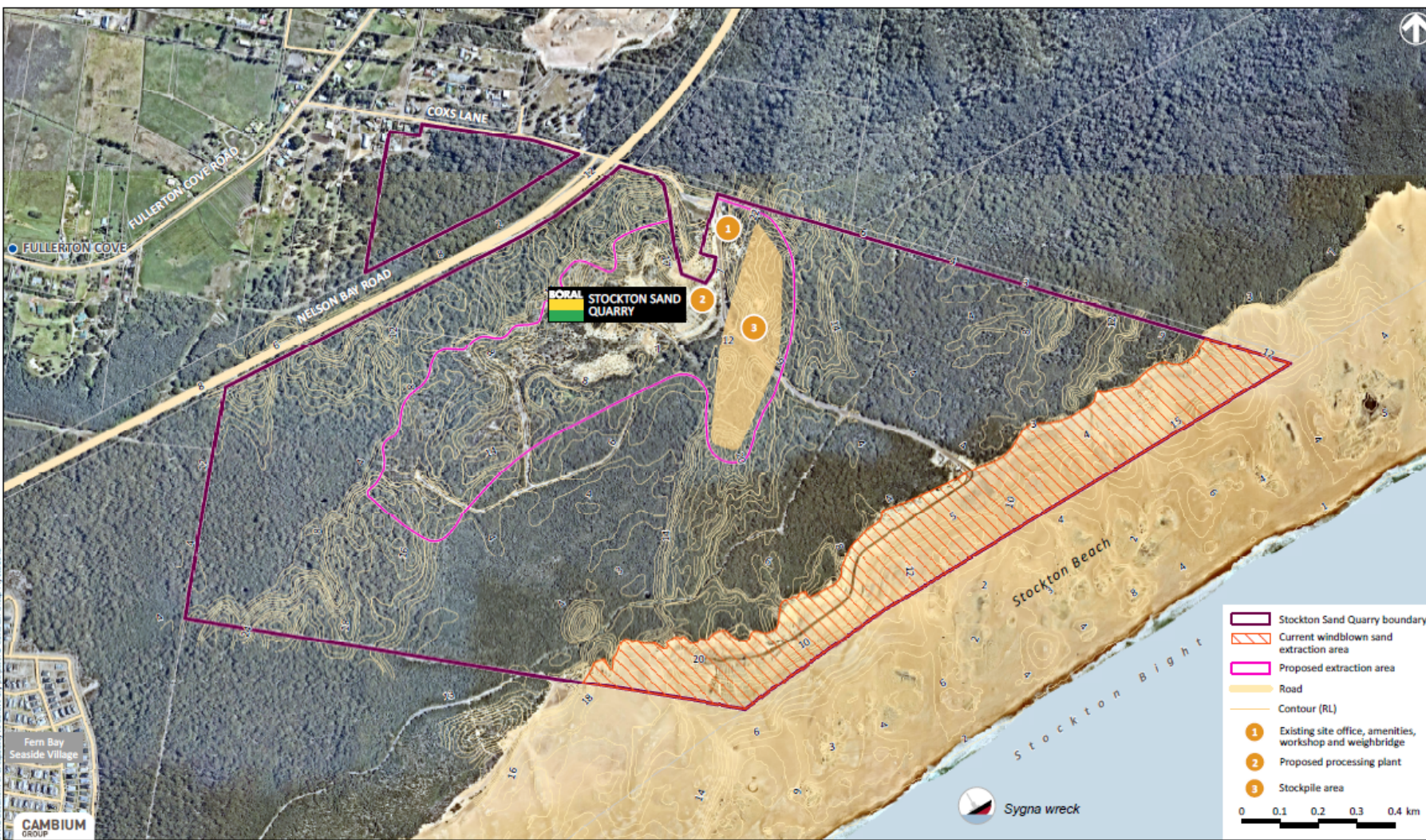
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Luke Farrell

Senior Environmental Consultant
Element Environment

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Source: Nearmap, December 2017

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19 September 2018

Department of Planning & Environment
Resource Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Philip Nevill, Environmental Assessment Officer,

PROPOSAL – ESTABLISHMENT OF A SAND QUARRY TO EXTRACT SAND FROM A FORMER EXTRACTION SITE, COXS LANE, FULLERTON COVE (LOTS: 1 & 2 DP: 1006399, LOT: 3 DP: 664552 AND LOT: 7300 DP: 664552), SSD 18_9490

Reference is made to Department of Planning and Environment's email dated 14 September 2018, requesting Roads and Maritime Services' (Roads and Maritime) requirements under Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Roads and Maritime understands the development to be for the increase in extraction of sand at the *Boral* operated Stockton Sand Quarry from 500,000tpa to 750,000tpa and to extend the life of the quarry for a period of 25 years. The Preliminary Environmental Assessment prepared by Element Environment P/L and dated September 2018 explains,

"Boral is seeking SSD approval to dredge an estimated 8 million tonnes of sand at a rate of up to 500,000 tonnes per annum from the former extraction area. Until such time that the 2006 windblown sand consent lapses, the two development consents would run in parallel to reach the maximum extraction and processing quantity of up to 750,000 tonnes per annum. Additionally, in order to reduce resultant heavy vehicle movements on local roadways, Boral is proposing to limit the total exportation of sand product via road transportation to 750,000 tonnes per annum until the 2006 windblown sand development consent lapses."

It is further understood that the proponent will be preparing a traffic and transport impact assessment to determine the potential cumulative impacts on the surrounding road network due to the anticipated increase in truck from 152 movements per day to 228 heavy vehicle movements.

Roads and Maritime response & requirements

Following a review of the proponent's PEA, Roads and Maritime recommends that the EIS refer to the following guidelines with regard to the traffic and transport impacts of the proposed development:

- Road and Related Facilities within the Department of Planning EIS Guidelines, and,

- Section 2 Traffic Impact Studies of Roads and Maritime's *Guide to Traffic Generating Developments 2002*.

Furthermore, a traffic and transport study shall be prepared in accordance with the Roads and Maritime's *Guide to Traffic Generating Developments 2002* and is to include (but not be limited to) the following:

- Assessment of all relevant vehicular traffic routes and intersections for access to / from the subject properties.
- Current traffic counts for all of the traffic routes and intersections.
- The anticipated additional vehicular traffic generated from both the construction and operational stages of the project.
- The distribution on the road network of the trips generated by the proposed development. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.
- Consideration of the traffic impacts on existing and proposed intersections, in particular, the intersections of Nelson Bay Road (MR108) / Coxs Lane (local road) and Nelson Bay Road / Seaside Boulevard (local road), and the capacity of the local and classified road network to safely and efficiently cater for the additional vehicular traffic generated by the proposed development during both the construction and operational stages. The traffic impact shall also include the cumulative traffic impact of other proposed or approved developments in the area.
- Identify the necessary road network infrastructure upgrades that are required to maintain existing levels of service on both the local and classified road network for the development. In this regard, preliminary concept drawings shall be submitted with the EIS for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Roads and Maritime and Council.
- Traffic analysis of any major / relevant intersections impacted, using SIDRA or similar traffic model, including:
 - Current traffic counts and 10 year traffic growth projections
 - With and without development scenarios
 - 95th percentile back of queue lengths
 - Delays and level of service on all legs for the relevant intersections
 - Electronic data for Roads and Maritime review (i.e. SIDRA 8 model)
- Any other impacts on the regional and state road network including consideration of pedestrian, cyclist and public transport facilities and provision for service vehicles.

Advice

Roads and Maritime recommends that the following matters should be considered by the DPE in determining this development:

- Roads and Maritime have no proposal that requires any part of the property.
- The property has a common boundary with Nelson Bay Road (MR108) which is classified as a State Road corridor. The property has alternative access via a local road network known as Coxs Lane. Accordingly, direct access to Nelson Bay Road is restricted and access to the property is permitted via Coxs Lane only.

On determination of this matter, please forward a copy of the SEARs to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4924 0688 or by email at development.hunter@rms.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P. Marler', with a large circular flourish at the start.

Peter Marler
Manager Land Use Assessment
Hunter Region

Consultation with EPA

17 July 2019

Mr Bill George
Senior Operations Officer Hunter Region
Hunter Region
NSW Environment Protection Authority
117 Bull St
Newcastle West, NSW 2302
Email: Hunter.region@epa.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Bill

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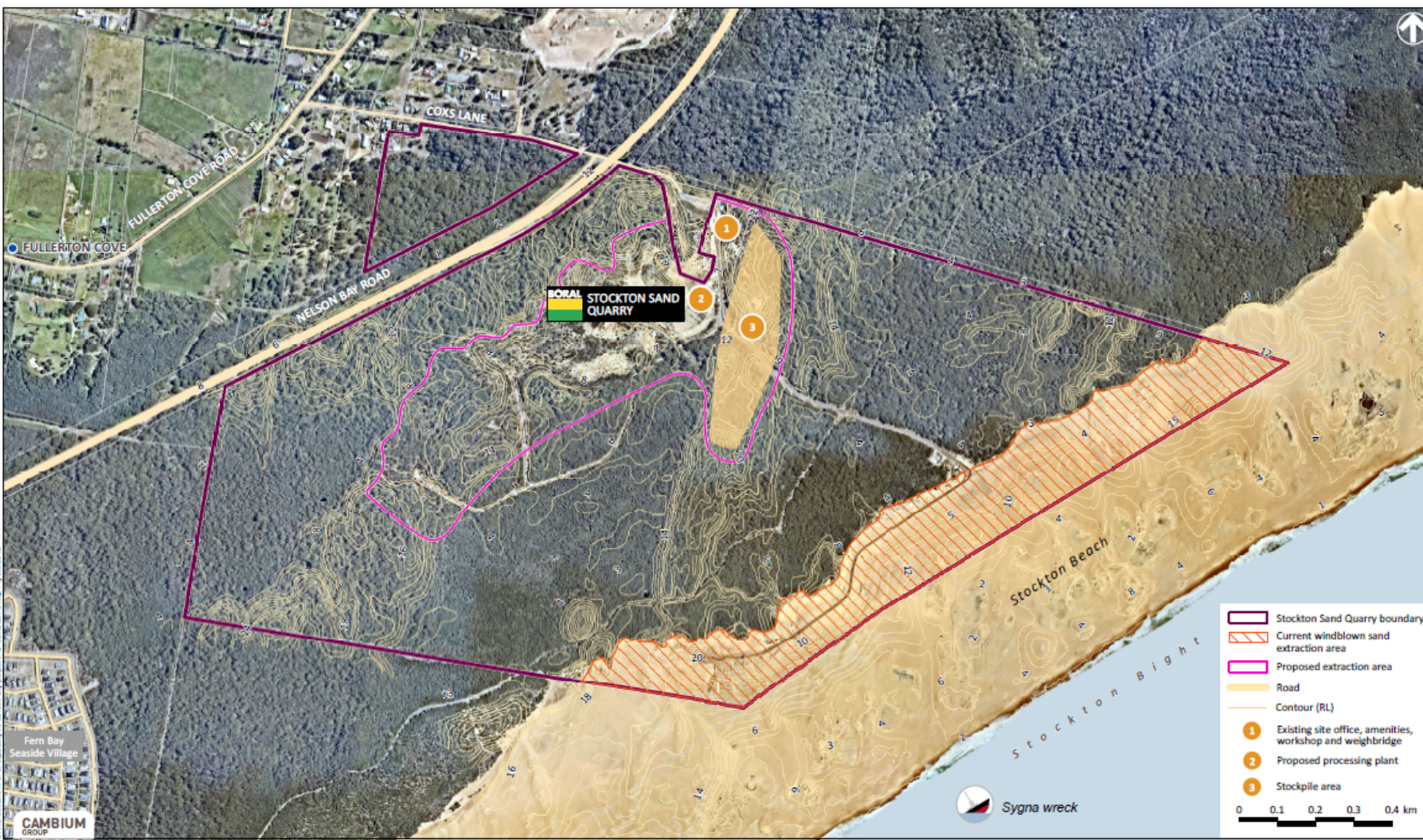
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DOC19/611704-1; EF13/3919

Element Environment
PO Box 1563
WARRIEWOOD NSW 2012

Email: elementenvironment.com.au

Attention: Luke Farrell

Dear Mr Farrell

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

Reference is made to your email dated 17 July 2019 to the Environment Protection Authority (“EPA”) requesting consultation in relation to the preparation of *Environmental Impact Statement for proposed State Significant Development*.

The EPA has no further comments beyond the previous Environmental Assessment Requirements provided to NSW Department of Planning Industry and Environment.

If you wish to discuss the matter further, please contact me on 02 4908 6826.

Yours sincerely

LISA RICHARDS
Regional Operations Officer - Hunter
Environment Protection Authority

Consultation with DPIE – Environment, Energy and Science Division

17 July 2019



Ms Nicole Davis
Acting Senior Team Leader – Planning
Hunter Central Coast Branch, Conservation and Regional Delivery Division
NSW Office of Environment and Heritage
26 Honeysuckle Drive
Newcastle West, NSW 2300
Email: Nicole.Davis@environment.nsw.gov.au

PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

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Thank you for your interest in this letter – we look forward to hearing from you soon.

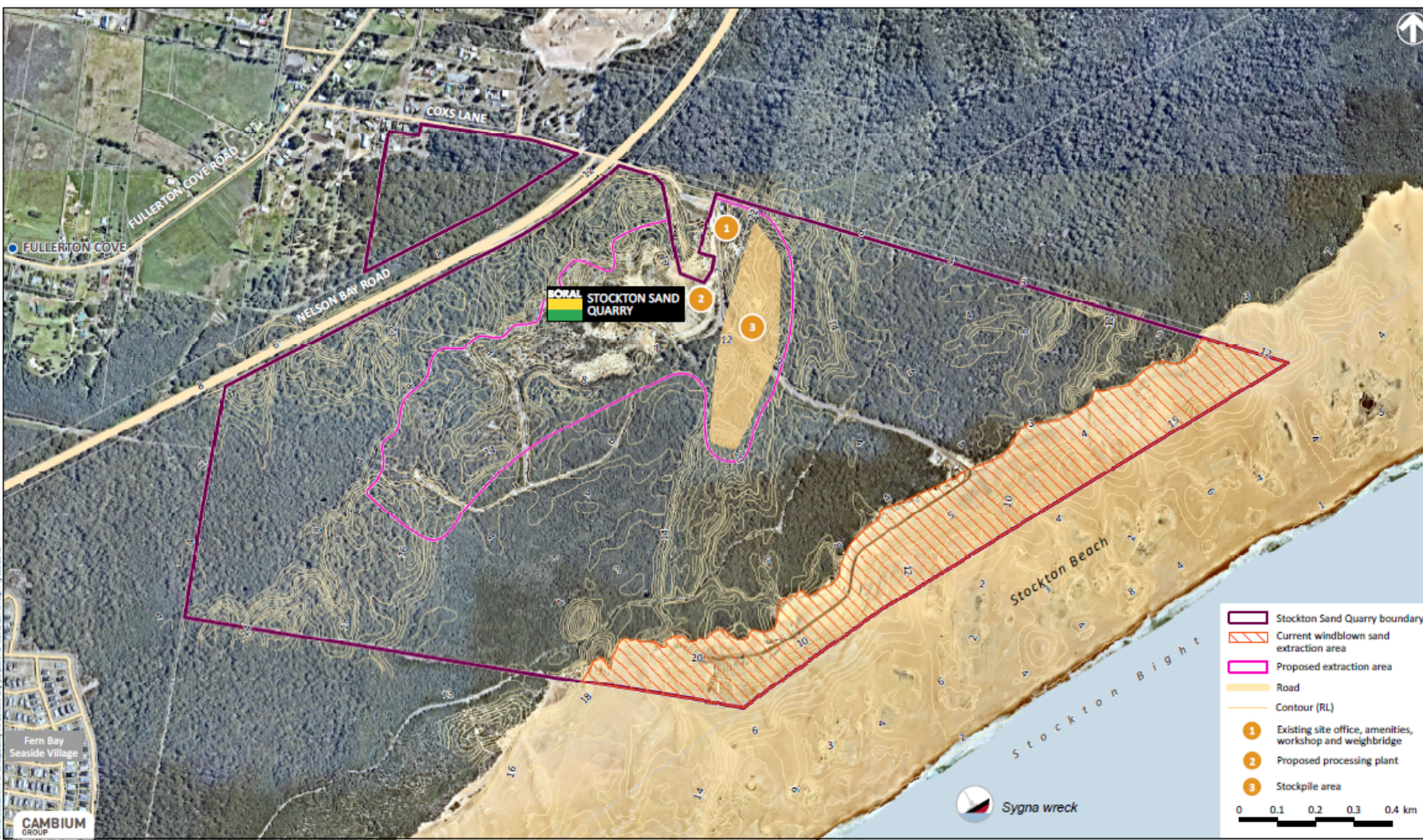
Yours sincerely,

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Luke Farrell

Senior Environmental Consultant
Element Environment

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Source: Nearmap, December 2017

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17 July 2019

Mr Timothy Olliver
Acting Senior Customer Strategies Officer
Heritage Division
NSW Office of Environment and Heritage
Locked Bag 5020
Parramatta, NSW 2150
Email: timothy.olliver@environment.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Tim

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

Boral Resources (NSW) Pty Ltd (Boral) owns and operates the Stockton Sand Quarry (hereafter referred to as the 'quarry'), a long standing operation that extracts and transports sand product for use in the building, landscaping and construction markets. The quarry is located at Coxs Lane, Fullerton Cove, in the Port Stephens Local Government Area.

The quarry currently has consent to extract up to 500,000 tonnes of sand per annum from the transgressive (windblown) dunes adjoining Stockton Beach only, until 2028.

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An outline of the Project is available within the Stockton Sand Quarry Dredging: Preliminary Environmental Assessment (Element Environment, September 2018), available on the major projects register at the below link:

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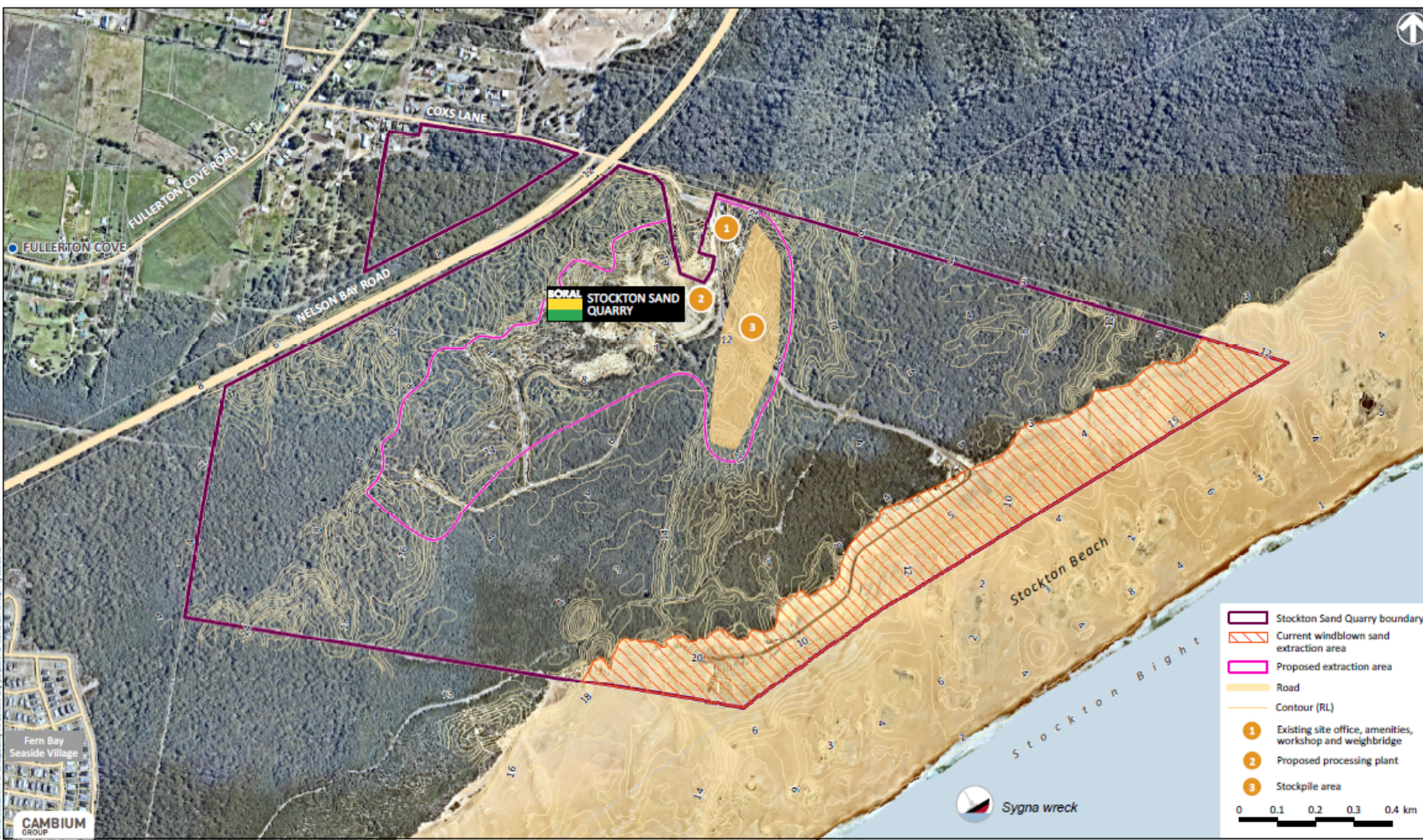
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Senior Environmental Consultant
Element Environment

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Source: Nearmap, December 2017

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Our ref: DOC19/614255-1

Senders ref:

Mr Luke Farrell

Senior Environmental Consultant
Element Environment
PO Box 1563
Warriewood 2012

Dear Mr Farrell

Biodiversity and Conservation Division comments for the preparation of an Environmental Impact Statement

Thank you for your letter dated 17 July 2019 in which Element Environment requested the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment provide comments for the preparation of an Environmental Impact Statement for the proposed Stockton sand quarry at Cox's Lane, Fullerton Cove.

BCD has provided input into Secretary's Environmental Assessment Requirements (SEARs) (our reference DOC18/691590-1) which outline assessment requirements for Aboriginal cultural heritage, threatened biodiversity, impacts to National Parks and Wildlife Estate, soils and water, flooding, floodplain management and coastal erosion. BCD has no further assessment requirements at this stage of the project.

If you require any further information regarding this matter, please contact Vanessa Owen, Senior Regional Biodiversity Conservation Officer, on 4927 3116 or via email at rog.hcc@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'S Cox'.

2 August 2019

STEVEN COX

**Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division**

Consultation with Hunter Local Land Services

17 July 2019

Mr Brett Miners
General Manager
Paterson Office
Hunter Local Land Services
Private Bag 2010
Paterson, NSW 2421
Email: brett.miners@lls.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Brett

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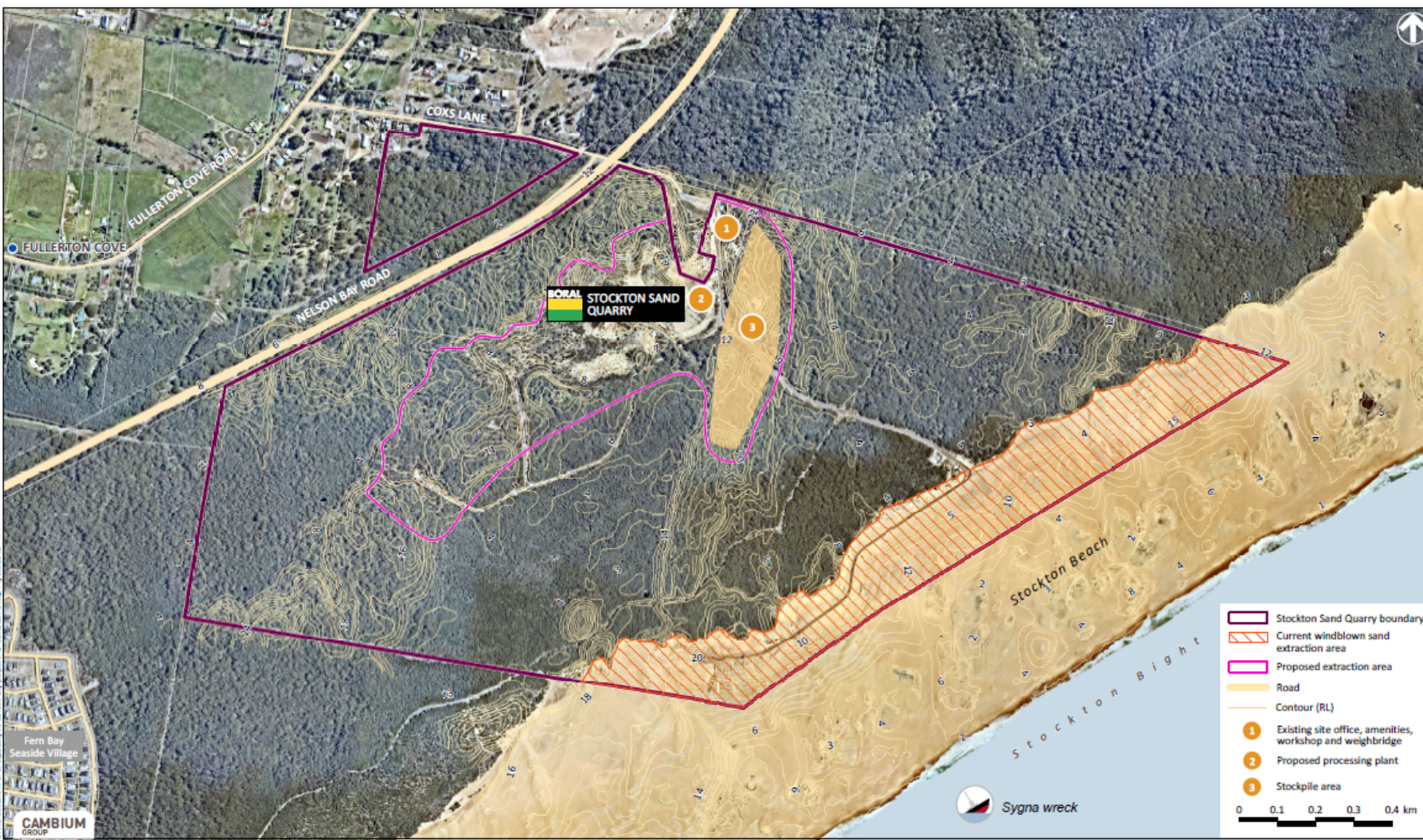
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Luke Farrell

From: Brett Miners <brett.miners@lls.nsw.gov.au>
Sent: 17 July 2019 12:25
To: Luke Farrell
Cc: PR63
Subject: Re: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

Hello Luke,

Hunter LLS has no statutory role in development consents, so will not be providing feedback on this development proposal.

regards

Brett

Brett Miners | General Manager

Hunter Local Land Services

816 Tocal Road (Private Bag 2010) PATERSON NSW 2421
t: 02 4938 4900 | m: 0427 346 263

e: brett.miners@lls.nsw.gov.au | w: www.lls.nsw.gov.au/hunter



On Wed, 17 Jul 2019 at 11:16, Luke Farrell <luke@elementenvironment.com.au> wrote:

Dear Brett,

Boral Resources (NSW) Pty Ltd (Boral) are seeking approval for continued operations at their Stockton (Fullerton Cove) Sand Quarry through a State Significant Development (SSD) application under Part 4 of the *Environmental Planning & Assessment Act 1979*. Boral propose to extract up to 750,000 tonnes per annum (tpa) of sand product from a former extraction area by front-end loader/excavator and dredging. The project would be for a period of up to 25 years, subject to demand of sand resources.

In accordance with the NSW Department of Environment, Industry & Planning requirements, Boral are seeking from you any further and additional comments of matters for consideration in the preparation of an Environmental Impact Statement (EIS) for the project.

We welcome your feedback about the project as per the attached letter.

Please do not hesitate to get in touch should you have any queries on the project.

Regards,

Luke Farrell

Luke Farrell

Senior Environmental Consultant

0455 666 006



SYDNEY NEWCASTLE CENTRAL COAST TOWNSVILLE

elementenvironment.com.au



This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.

Consultation with Hunter Water

17 July 2019

Mr Malcolm Withers
Accounts Manager
Development
Hunter Water
PO Box 5171
Hunter Region Mail Centre, NSW 2310
Email: enquiries@hunterwater.com.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Malcolm

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

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The drinking water catchments of Hunter Water Corporation are located within the Port Stephens LGA.

Under Section 51 of the NSW Hunter Water Act 1991 (HW Act), consent authorities including NSW Department of Environment, Industry & Planning (DPIE), are required to refer development applications that may significantly impact on water quality in the drinking water catchments to Hunter Water for comment.

Following the introduction of the Hunter Water Regulation 2015, Hunter Water published the Guidelines for developments in drinking water catchments (Hunter Water, 2017) to provide guidance for development activities within the drinking water catchments and to consent authorities about matters of concern to Hunter Water regarding protection of drinking water quality.

The Project site is not positioned within a drinking water catchment, however it is located to the immediate south of the North Stockton Catchment Area. Additionally, the Tomago and Stockton Sandbed aquifers which lie below the site are listed by Hunter Water as a potential water supply in times of extreme drought.

In accordance with the guidelines, development which warrants referral to Hunter Water under Section 51 of the HW Act include development which has potential to significantly alter groundwater tables, and extractive industries.

Despite not being directly positioned within an existing drinking water catchment, the Project does involve dredging sand below groundwater adjacent to the North Stockton Catchment Area, and within the Tomago and Stockton Sandbeds.

Preliminary hydrogeological investigations have concluded that there would be no significant drawdown of the Tomago and Stockton Sandbeds and the Project would not require dewatering or bulk extraction of groundwater, other than via natural evaporation of the dredge pond and outgoing moisture content of the sand product.

In accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued for the Project from NSW Department of Environment, Industry & Planning (DPIE), which are available at the same major projects website link above, Boral are seeking any further and additional comments of matters for consideration in the preparation of an Environmental Impact Statement (EIS) for the Project.

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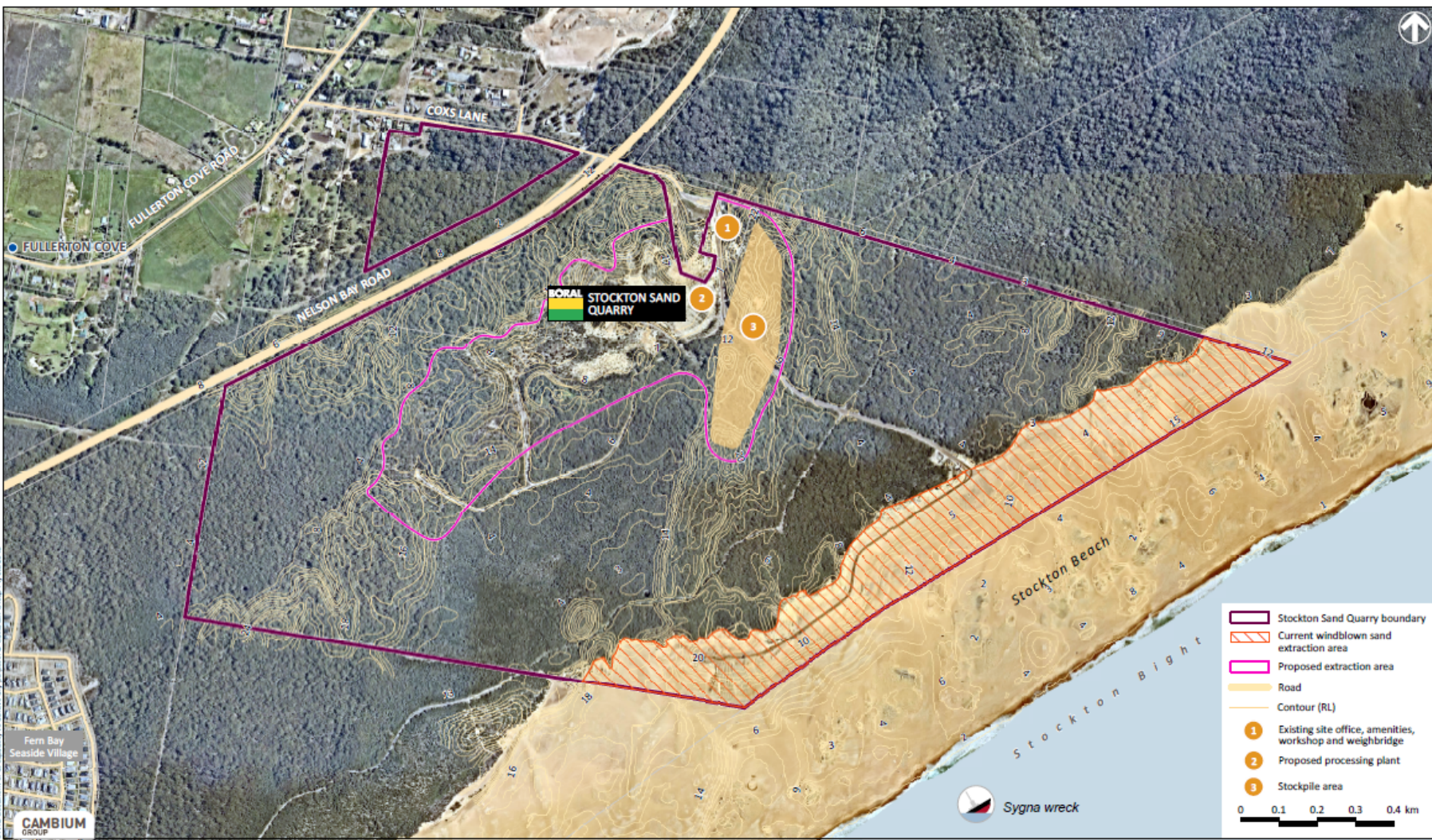
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Source: Nearmap, December 2017

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Hunter Water Corporation
ABN 46 228 513 446

PO Box 5171
HRMC NSW 2310
36 Honeysuckle Drive
NEWCASTLE NSW 2300
1300 657 657 (T)
(02) 4979 9468 (F)
enquiries@hunterwater.com.au
hunterwater.com.au

15 August 2019

Our Ref: HW2019-913

Luke Farrell
Senior Environmental Consultant
Element Environmental
via email: luke@elementenvironment.com.au

Dear Luke,

RE: STOCKTON SAND QUARRY – REQUEST FOR COMMENT REGARDING ENVIRONMENTAL IMPACT ASSESSMENT PREPARATION (SSD 18_9490)

Thank you for your email and letter dated 17 July 2019 requesting advice from Hunter Water Corporation (Hunter Water) regarding matters of consideration for the preparation of an Environmental Impact Statement (EIS) to support a State Significant Development Application for the proposed continuation and modification of sand extraction operations at Coxs Lane, Fullerton Cove.

Hunter Water understands the proposed development would include extraction of up to 750,000 tonnes per annum (tpa) of sand product from a former extraction area by front-end loader/excavator and dredging.

The quarry is located adjacent to the North Stockton Catchment Area gazetted under the *Hunter Water Regulation 2015*. While the proposal is located outside of the gazetted catchment area; catchment area boundaries typically follow convenient landscape or cadastral features; thus activities at the site may still affect groundwater in the Catchment Area. While groundwater is not currently extracted from the North Stockton aquifer for potable water supply, Hunter Water maintains an interest in protecting the water source and ensuring it is not adversely impacted by inappropriate development. This includes ensuring that all activities are undertaken in a manner consistent with current best management practice.

The Planning Secretary's Environmental Assessment Requirements (PSEARs) issued on 16 November 2018 include the need to discuss:

- Regional and local geology;
- A description the in-flow and out-flow of materials and discharges to the environment;
- A water management strategy;
- Assessment of the likely impacts of the development on the environment, including assessment of cumulative assessment; and management and mitigation measures. Hunter Water notes that these issues should include a focus on groundwater and potential impacts on the Catchment Area.

It is also noted that the PSEARs require the EIS to describe whether these measures are consistent with industry best practice, and represent the full range of reasonable and feasible mitigation measures that could be implemented. In regards to best management

practice, we note that the proposal to extract sand below the water table is inconsistent with current best practice and the approval of other sand extraction operations in the area, which have limits on the depth of extraction imposed upon them in order to protect groundwater sources. For example, sand extraction at Sibelco's Tanilba Northern Dune operation, Sibelco's Anna Bay operation, the Cabbage Tree Road Quarry (SSD-6125, yet to commence), Salt Ash Sand Quarry (07_0094) and the Fullerton Cove Sand Quarry (07_0145) all have extraction depth limits imposed upon them to safeguard groundwater sources. Measures to protect groundwater sources are related to both pollution risk and the loss of valuable water supplies through drainage and evaporation.

Hunter Water recommends that all extractive operations should be designed and undertaken in a way that ensures protection of water sources and facilitates sustainable future land use. If the Proponent maintains the intention to dredge sand, the EIS must demonstrate why this particular development should be allowed to undertake activities not permitted at other local mines, and how such works would be sustainable and not have any adverse effect on the aquifer. This should include the development of a monitoring and management program to assess and mitigate any effects on groundwater levels or quality.

Further, the EIS should address site operations and management practices, and how these will be undertaken to ensure that site activities do not result in contamination of the sandbeds, including management of wastewater and stormwater. Rehabilitation and future use of the site to protect the sandbeds as a potential source of drinking water in the future should also be addressed.

If you require further advice or clarification of these requirements, please contact me on (02) 4979 9545.

Yours sincerely



Malcolm Withers
Account Manager Major Development

cc Jack Murphy; Department of Planning and Environment;
Jack.Murphy@planning.nsw.gov.au

Consultation with Hunter New England Health

17 July 2019

Mr Michael DiRienzo
CEO
Hunter New England Health
NSW Health
Locked Bag 1
New Lambton, NSW 2305
Email: michael.dirienzo@hnehealth.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Michael

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

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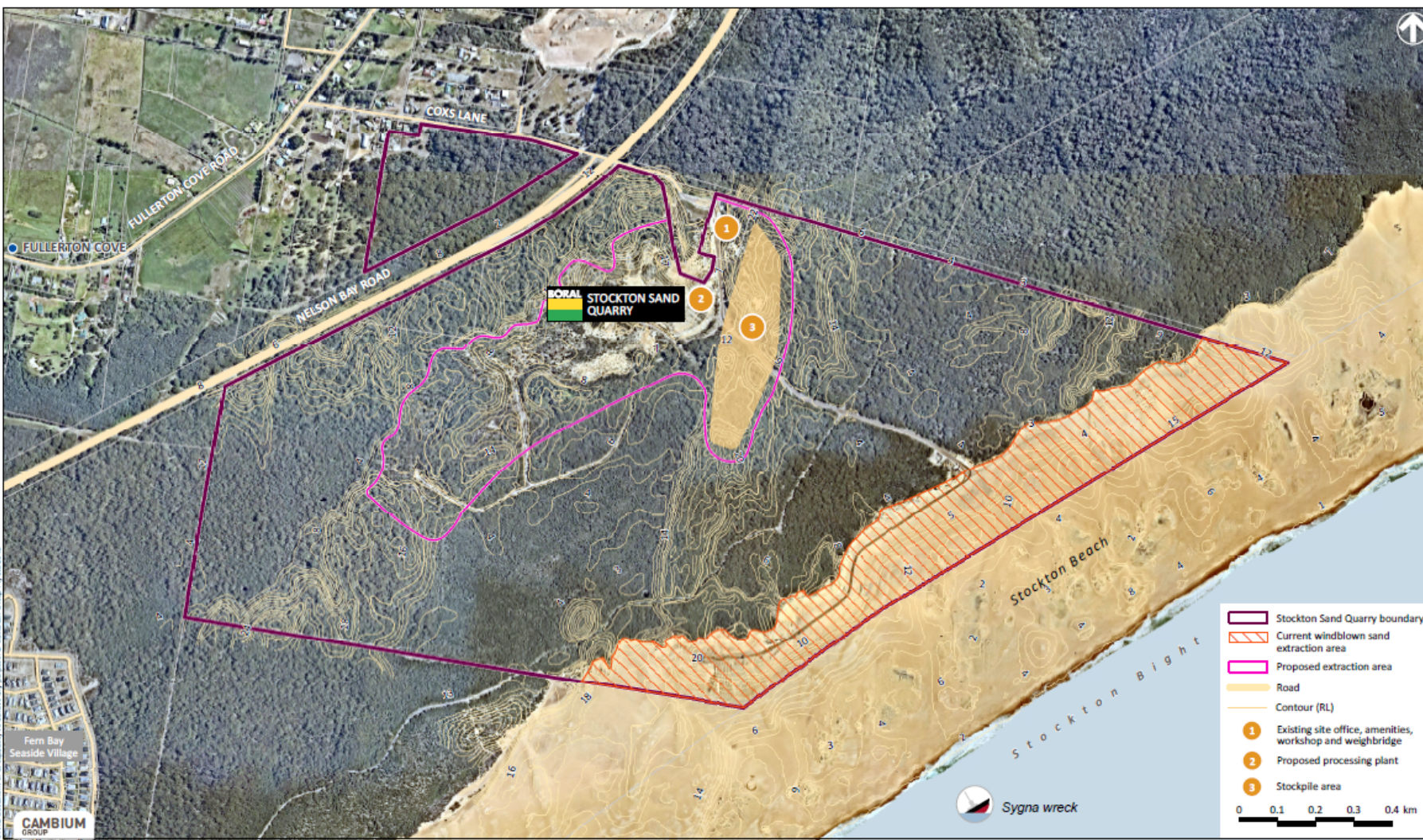
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Senior Environmental Consultant
Element Environment

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Clinical Services, Nursing and Midwifery

Phone: 02 49214916
Facsimile: 02 49214959
Email: Michael.Dirienzo@health.nsw.gov.au



Health
Hunter New England
Local Health District

18th July 2019

Luke Farrell
Senior Environmental Consultant
Element Environment

luke@elementenvironment.com.au

Dear Mr Farrell

Re: Boral Resources seeking approval for continued operations Stockton (Fullerton Cove) Sand Quarry

Thank you for your recent correspondence seeking approval for Boral Resources to continue their operations at Stockton (Fullerton Cove) Sand Quarry through a State Significant Development (SSD) application under Part 4 of the *Environmental Planning & Assessment Act 1979*.

Can confirm that our population health team has reviewed the SEARs and are satisfied to await the formal EIS.

We do not feel there is further need for comment at this stage.

Please do not hesitate to contact me if you require any further information.

Yours Sincerely



Michael DiRienzo
Chief Executive
Hunter New England Local Health District

Hunter New England Local Health District
ABN 63 598 010 203

Locked Mail Bag 1
NEW LAMBTON NSW 2305
www.hnehealth.nsw.gov.au

Consultation with DPIE – Water, Lands and Primary Industry Division

17 July 2019

Mr Richard Rienstra
Land Administration Manager
NSW Forestry
NSW Department of Primary Industries
PO Box 168
Wauchope, NSW 2446
Email: Richard.Rienstra@fcnsw.com.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

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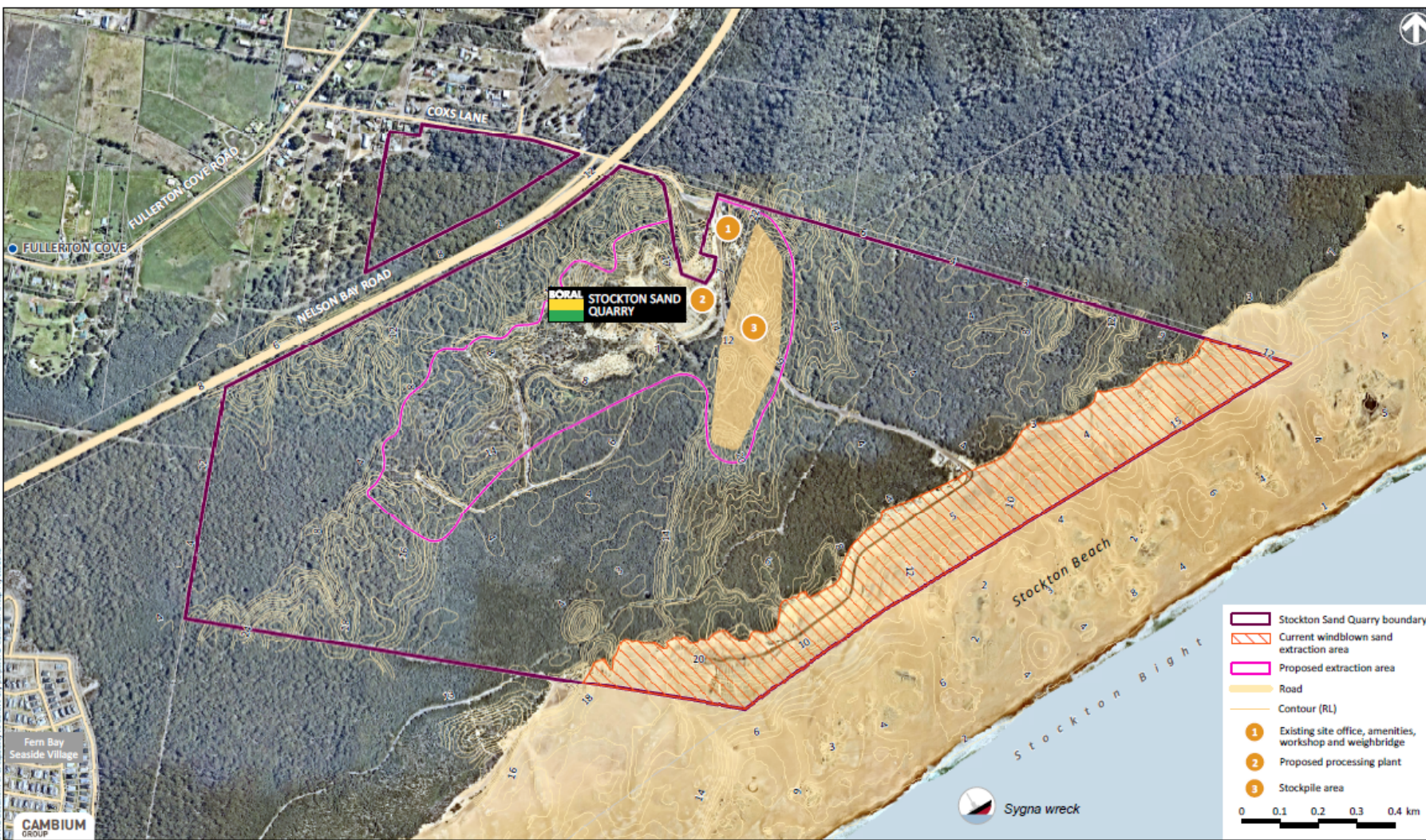
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Luke Farrell

Senior Environmental Consultant
Element Environment

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031142_P&A_f4_180831_y05

17 July 2019

Mr Chris Jones
Water Regulation Officer
Water Division
NSW Department of Industry
GPO Box 5477
Sydney, NSW 2001
Email: Christopher.Jones@nrar.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Chris

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

Boral Resources (NSW) Pty Ltd (Boral) owns and operates the Stockton Sand Quarry (hereafter referred to as the 'quarry'), a long standing operation that extracts and transports sand product for use in the building, landscaping and construction markets. The quarry is located at Coxs Lane, Fullerton Cove, in the Port Stephens Local Government Area.

The quarry currently has consent to extract up to 500,000 tonnes of sand per annum from the transgressive (windblown) dunes adjoining Stockton Beach only, until 2028.

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If you or your colleagues have any questions or would like to discuss the proposal in more detail, please feel free to contact me on **0455 666 006** or luke@elementenvironment.com.au. Alternatively, if your organisation has no comments or concerns and are satisfied to await the exhibition of the EIS (to be further notified when dates are determined), we would appreciate a response to this effect.

We are hoping to gather all responses to the proposal by **31 July 2019**.

Thank you for your interest in this letter – we look forward to hearing from you soon.

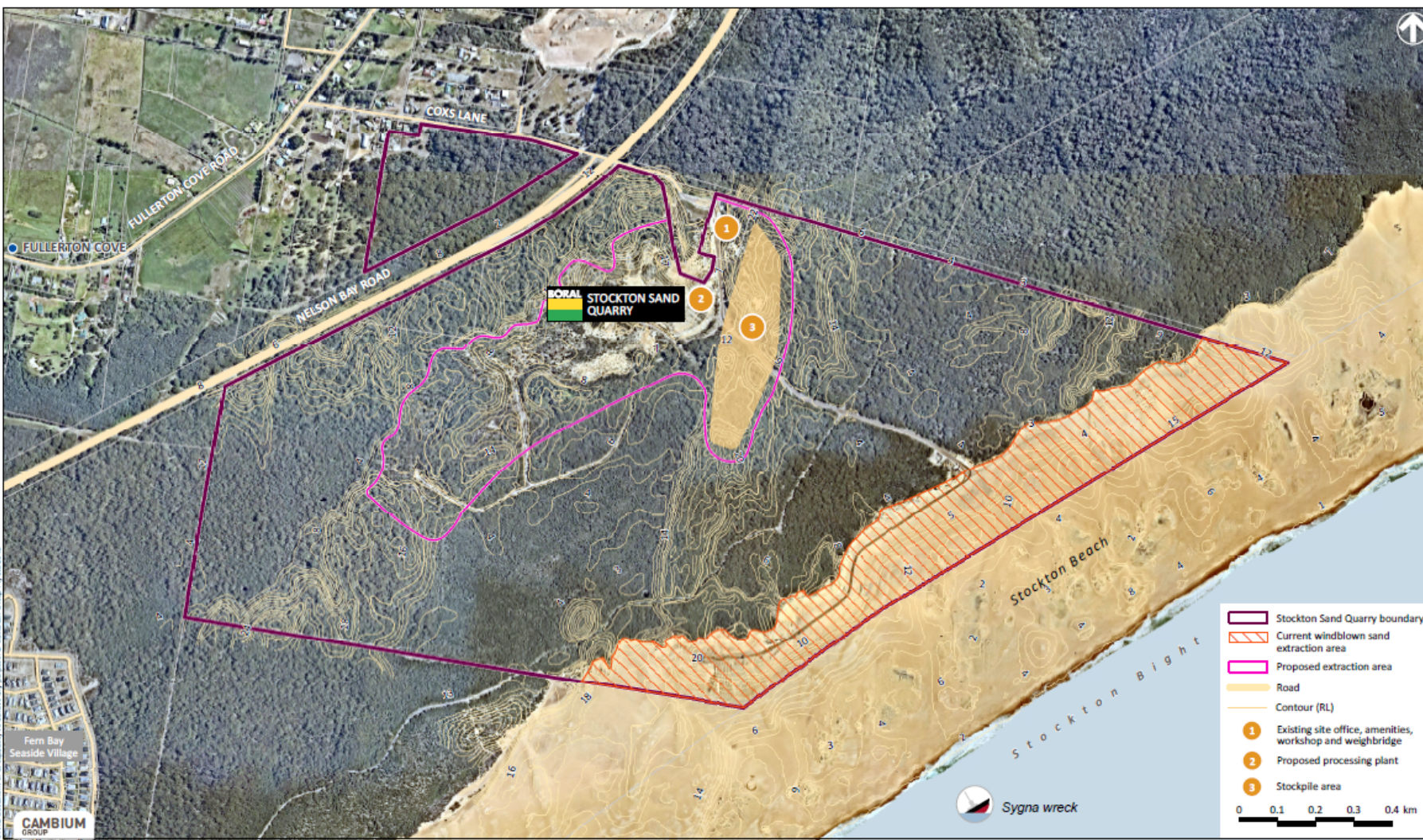
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luke Farrell', with a stylized, cursive script.

Luke Farrell

Senior Environmental Consultant
Element Environment

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Source: Nearmap, December 2017

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17 July 2019

Mrs Glenda Briggs
Regional Director
NSW Department of Agriculture
NSW Department of Primary Industries
Locked Bag 21
Orange, NSW 2800
Email: landuse.enquiries@dpi.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Glenda

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

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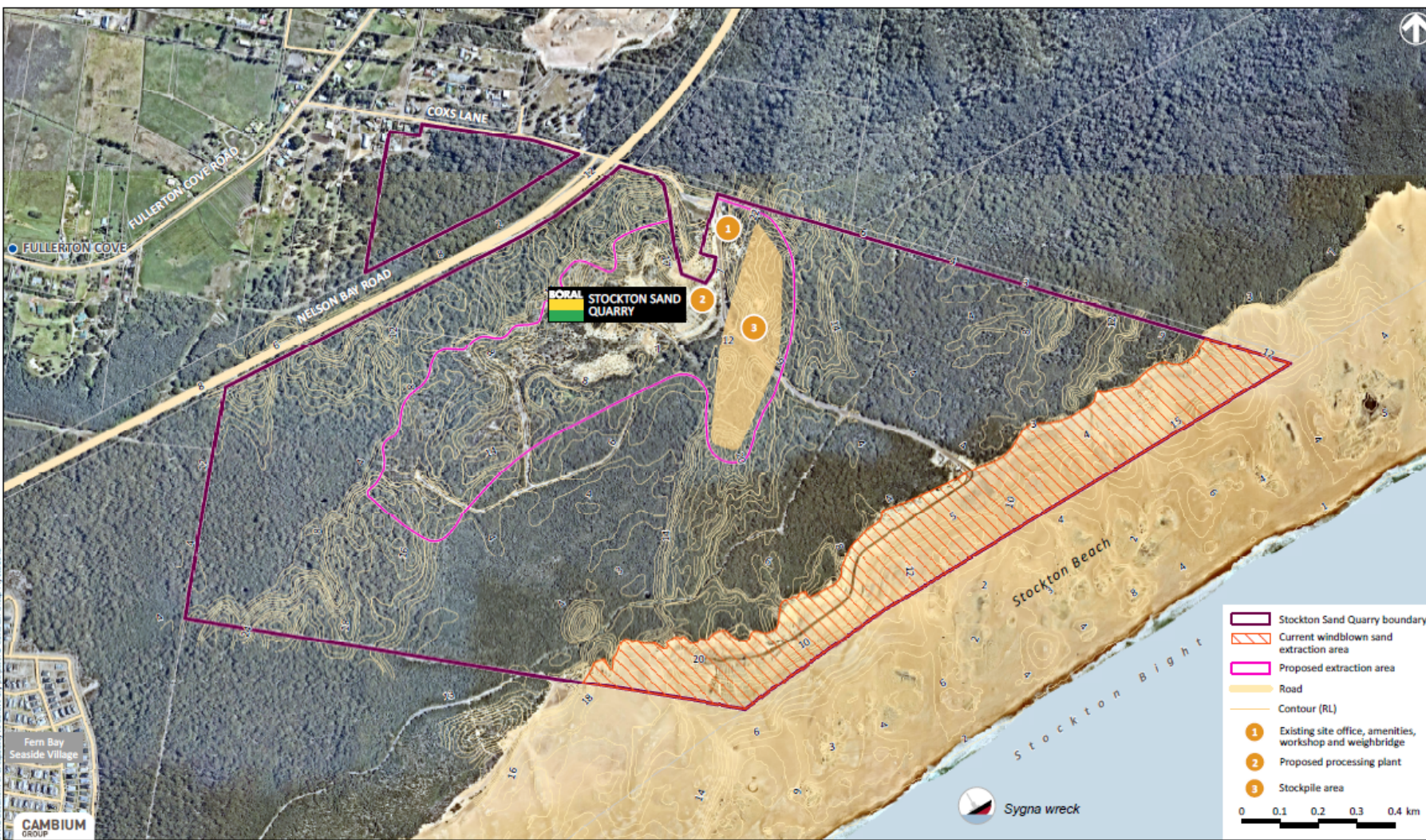
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Luke Farrell

Senior Environmental Consultant
Element Environment

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Luke Farrell

From: tory.lawrence@industry.nsw.gov.au on behalf of Landuse Enquiries
<landuse.enquiries@dpi.nsw.gov.au>
Sent: 18 July 2019 09:43
To: Luke Farrell
Subject: Re: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

Dear Luke,

Thank you for your letter dated 17 July 2019. The Department of Planning, Industry & Environment (DPIE) - Water, Lands and Primary Industries' assessment requirements are outlined in the SEARs issued by the DPIE - Planning and Assessment group.

DPIE - Water, Lands and Primary Industries have no further comments to add at this stage, but will provide assessment advice at the EIS exhibition stage.

If you have any further inquiries regarding this, please do not hesitate to contact - Simon Francis (Senior project Officer) at:

simon.francis@industry.nsw.gov.au.

Regards
Tory

On Wed, 17 Jul 2019 at 11:10, Luke Farrell <luke@elementenvironment.com.au> wrote:

ATTN: Glenda Briggs, Regional Director

NSW Department of Agriculture

Dear Glenda,

Boral Resources (NSW) Pty Ltd (Boral) are seeking approval for continued operations at their Stockton (Fullerton Cove) Sand Quarry through a State Significant Development (SSD) application under Part 4 of the *Environmental Planning & Assessment Act 1979*. Boral propose to extract up to 750,000 tonnes per annum (tpa) of sand product from a former extraction area by front-end loader/excavator and dredging. The project would be for a period of up to 25 years, subject to demand of sand resources.

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We welcome your feedback about the project as per the attached letter.

Please do not hesitate to get in touch should you have any queries on the project.

Regards,

Luke Farrell

Luke Farrell

Senior Environmental Consultant

0455 666 006



SYDNEY NEWCASTLE CENTRAL COAST TOWNSVILLE

elementenvironment.com.au

--

Assessments Team

Water | Department of Planning, Industry and Environment

P 0417 626 567 or | **E** landuse.enquiries@dpi.nsw.gov.au

Level 3 | 26 Honeysuckle Drive | Newcastle | NSW 2300

www.dpie.nsw.gov.au



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Consultation with DPI – Fisheries

17 July 2019

Ms Carla Ganassin
Fisheries Manager
NSW Fisheries
NSW Department of Primary Industries
Locked Bag 1
Nelson Bay, NSW 2315
Email: Carla.Ganassin@dpi.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Carla

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

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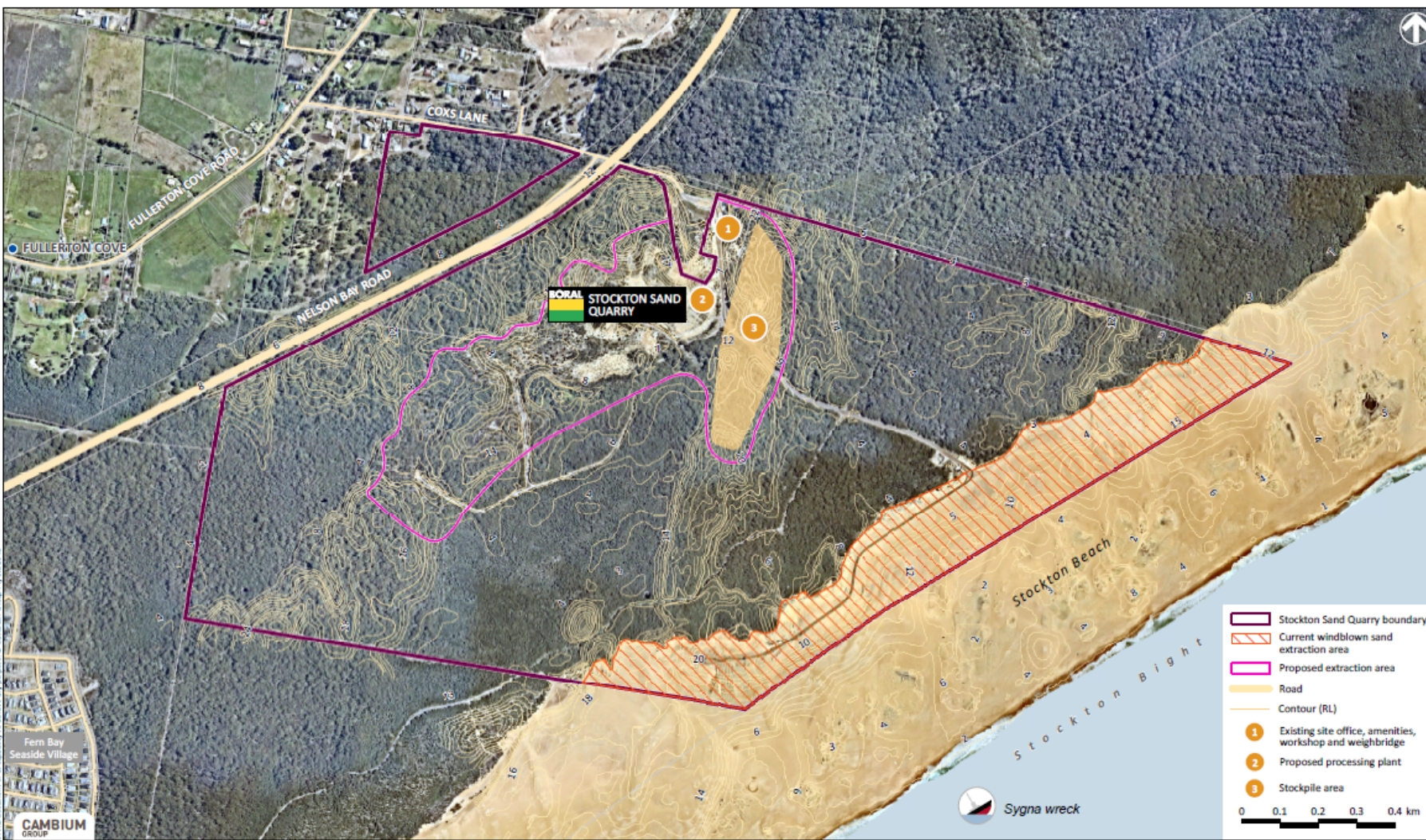
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Senior Environmental Consultant
Element Environment

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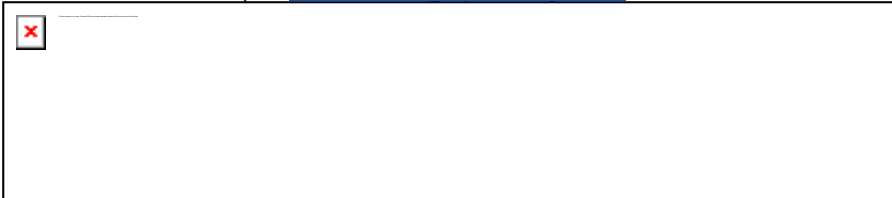
Luke Farrell

From: Scott Carter <scott.carter@dpi.nsw.gov.au>
Sent: 17 July 2019 12:49
To: Luke Farrell
Subject: Re: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

Luke

No Fisheries issues.

Scott Carter | Senior Fisheries Manager
Coastal Systems
NSW Department of Primary Industries | Fisheries
Port Stephens Fisheries Institute | Taylors Beach | NSW 2316
T: +61 2 4916 3931 | E: scott.carter@dpi.nsw.gov.au



FISH HABITAT PROTECTION POLICIES AND PERMIT APPLICATION FORMS AVAILABLE

AT: <https://www.dpi.nsw.gov.au/fishing/habitat/help/permit>

Email Completed Applications to: ahp.central@dpi.nsw.gov.au

Chqs payable to: Department of Trade and Investment

* NB - from date of receipt of application please allow up to 28 days for Land Owners Consent, Permits and Consultations. Please allow up to 40 days for Integrated Development Applications

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On Wed, 17 Jul 2019 at 11:37, Luke Farrell <luke@elementenvironment.com.au> wrote:

Thanks Carla.

Scott, let me know if any questions. Should be pretty straightforward given no waterways on-site and we are a fair buffer from Fullerton Cove.

Cheers,

Luke.

Luke Farrell

Senior Environmental Consultant

0455 666 006



SYDNEY NEWCASTLE CENTRAL COAST TOWNSVILLE

elementenvironment.com.au

From: Carla Ganassin <carla.ganassin@dpi.nsw.gov.au>

Sent: 17 July 2019 11:32

To: Luke Farrell <luke@elementenvironment.com.au>

Cc: PR63 <pr63@elementenvironment.com.au>; scott.carter <scott.carter@dpi.nsw.gov.au>

Subject: Re: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

Hi Luke,

I am passing your email onto Scott Carter who covers the Hunter Region for our team.

Cheers,

Carla Ganassin | Senior Fisheries Manager | Coastal Systems

NSW Department of Primary Industries | Fisheries

Block E, Level 3, 84 Crown Street, Wollongong NSW 2500

SEND MAIL TO: PO Box 97, Huskisson NSW 2540

T: +61 2 4222 8342 | **M:** 0447 644 357 | **E:** carla.ganassin@dpi.nsw.gov.au



PERMIT APPLICATION FORMS & FISH HABITAT PROTECTION POLICIES AT:

www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/toolkit

EMAIL APPLICATIONS TO: ahp.central@dpi.nsw.gov.au

----- Forwarded message -----

From: **Luke Farrell** <luke@elementenvironment.com.au>

Date: Wed, 17 Jul 2019 at 11:12

Subject: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

To: Carla Ganassin <carla.ganassin@dpi.nsw.gov.au>

Cc: PR63 <pr63@elementenvironment.com.au>

Dear Carla,

Hope you are well!

Boral Resources (NSW) Pty Ltd (Boral) are seeking approval for continued operations at their Stockton (Fullerton Cove) Sand Quarry through a State Significant Development (SSD) application under Part 4 of the *Environmental Planning & Assessment Act 1979*. Boral propose to extract up to 750,000 tonnes per annum (tpa) of sand product from a former extraction area by front-end loader/excavator and dredging. The project would be for a period of up to 25 years, subject to demand of sand resources.

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Regards,

Luke Farrell

Luke Farrell

Senior Environmental Consultant

0455 666 006



SYDNEY NEWCASTLE CENTRAL COAST TOWNSVILLE

elementenvironment.com.au

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Consultation with Port Stephens Council

17 July 2019

Ms Erin Daniel
Senior Development Planner
Planning and Development Services
Port Stephens Council
PO Box 42
Raymond Terrace, NSW 2324
Email: Erin.Daniel@portstephens.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Erin

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

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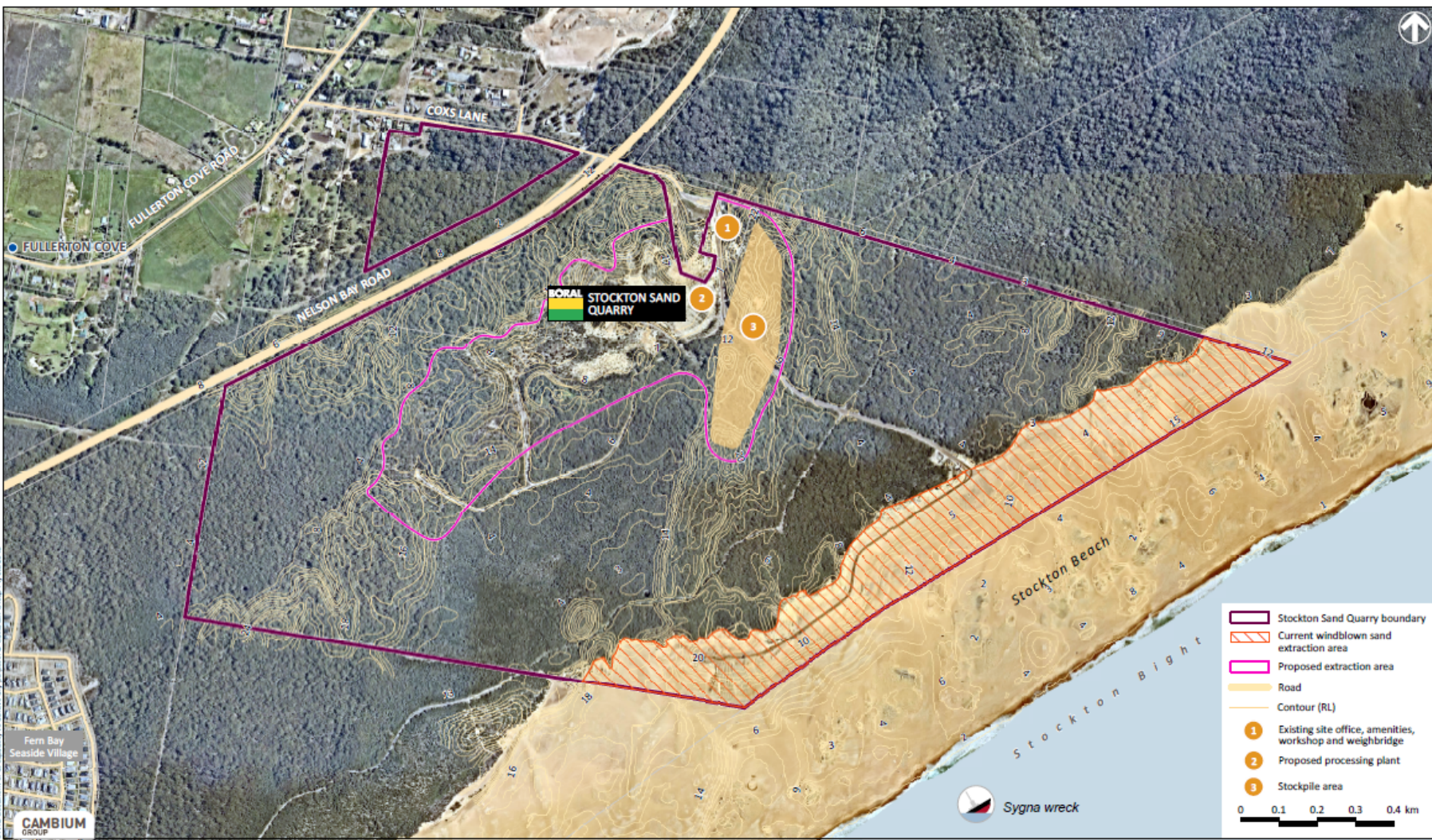
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Element Environment

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Source: Nearmap, December 2017

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Luke Farrell

From: Emmilia Johnstone <Emmilia.Johnstone@portstephens.nsw.gov.au>
Sent: 23 July 2019 10:11
To: Luke Farrell
Cc: PR63
Subject: RE: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

Hi Luke,

Thank you for your email.

Council's comments and requirements regarding the Stockton Sand Quarry were sent through to the Department of Planning on the 2nd of October 2018, of which have been incorporated into the SEARs. We have no further comments to provide at this time.

Kind Regards,



Emmilia Johnstone
Development Planner

w portstephens.nsw.gov.au



From: Luke Farrell [mailto:luke@elementenvironment.com.au]
Sent: Wednesday, 17 July 2019 11:03 AM
To: SwitchPC <switchpc@portstephens.nsw.gov.au>
Cc: PR63 <pr63@elementenvironment.com.au>
Subject: FW: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

Good morning,

I forwarded the below email and letter to Erin Daniel who was listed as our Council contact for the below development application.

I was wondering if you would be able to please let me know the contact details for Erin's replacement so that I may contact them to discuss the development?

I appreciate your assistance with the above.

Thanks
Luke Farrell.

Luke Farrell
Senior Environmental Consultant
0455 666 006



SYDNEY NEWCASTLE CENTRAL COAST TOWNSVILLE
elementenvironment.com.au

From: Luke Farrell
Sent: 17 July 2019 11:00
To: Erin.Daniel@portstephens.nsw.gov.au
Cc: PR63 <pr63@elementenvironment.com.au>
Subject: Stockton Sand Quarry - State Significant Development Application - Consultation for Environmental Impact Statement

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Regards,
Luke Farrell

Luke Farrell
Senior Environmental Consultant
0455 666 006



SYDNEY NEWCASTLE CENTRAL COAST TOWNSVILLE
elementenvironment.com.au

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Consultation with RFS

17 July 2019

Mr Martin Siemsen
Superintendent - Lower Hunter Manager
Lower Hunter
NSW Rural Fire Service
PO Box 2317
Greenhills, NSW 2323
Email: lower.hunter@rfs.nsw.gov.au



PO Box 1563
Warriewood
NSW 2012

ABN 45 162 835 083

Dear Martin

STOCKTON SAND QUARRY – ENVIRONMENTAL IMPACT STATEMENT PREPARATION AND CONSULTATION FOR PROPOSED STATE SIGNIFICANT DEVELOPMENT

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Thank you for your interest in this letter – we look forward to hearing from you soon.

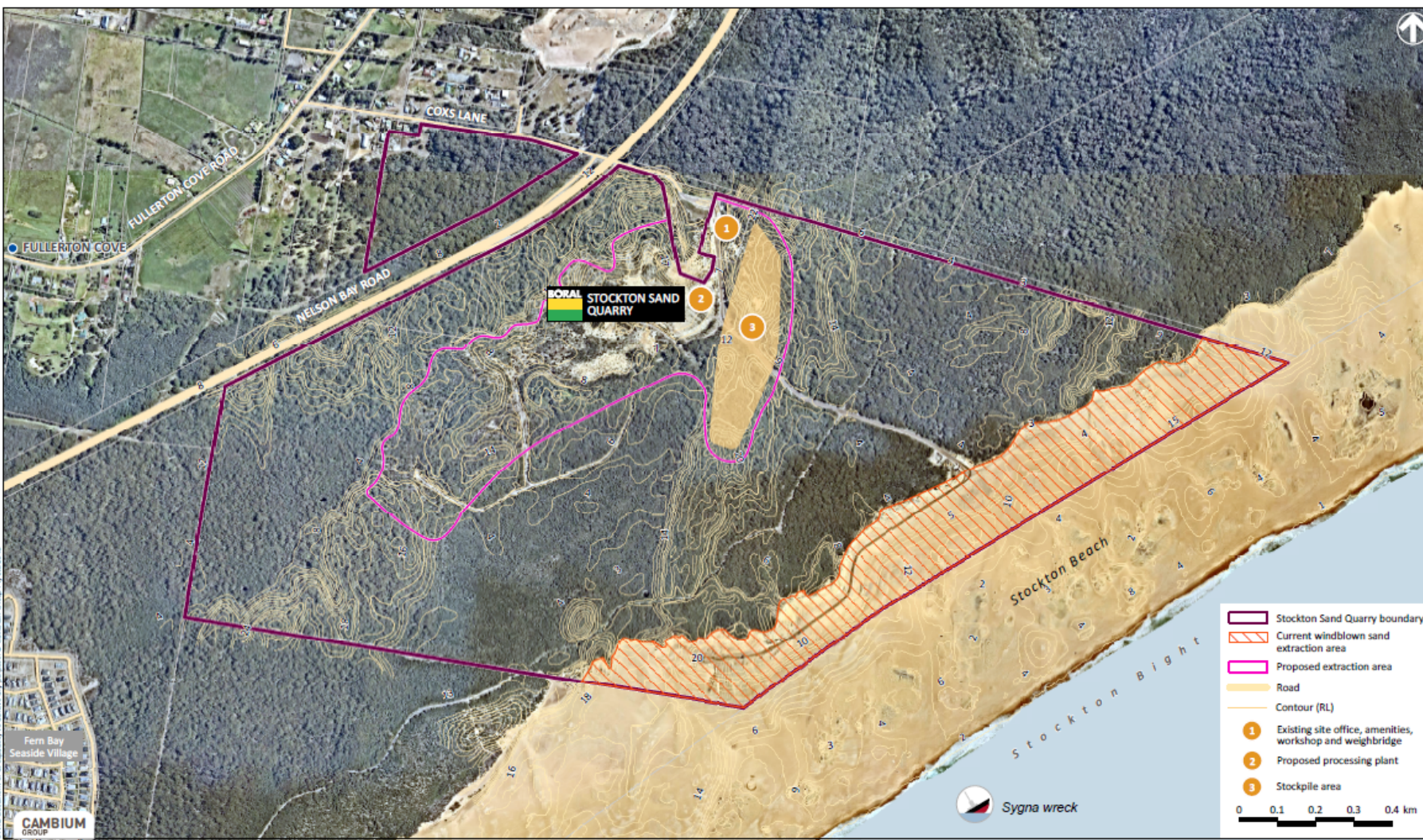
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luke Farrell', with a stylized flourish at the end.

Luke Farrell

Senior Environmental Consultant
Element Environment

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Source: Nearmap, December 2017

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Consultation with NRAR

Luke Farrell

From: Lachlan Bain <lachlan@south-east.com.au>
Sent: 26 August 2019 15:47
To: Luke Farrell
Subject: Fwd: Stockton groundwater source and conflict between embargo and WSP
Attachments: New-groundwater-licence.pdf; New-water-access-licence-zero-licence-shares-application-form.pdf

Hi Luke,
See response from NRAR above.

Cheers,

Lachlan Bain (BEng, MEnvMgt)

m +61 403183936 p +61 2 44744439



----- Forwarded message -----

From: Christopher Jones <christopher.jones@nrar.nsw.gov.au>
Date: Fri, Aug 23, 2019 at 10:09 AM
Subject: Re: Stockton groundwater source and conflict between embargo and WSP
To: Lachlan Bain <lachlan@south-east.com.au>
Cc: Estelle Avery <estelle.avery@nrar.nsw.gov.au>

Hi Lachlan

I discussed this with a Senior Officer and she has advised that two applications will be required for this.

1. The first is the Aquifer Interference application as discussed above (Part 5 Water Act 1912.)
2. The second is a Water Access Licence to account for the water take that is occurring. The most straight-forward approach for this would be apply for a Zero-share Licence which will begin with no allocations and purchase shares from the private market.

I will attach both applications below.

If I can assist with these applications please let me know.

Regards,

Chris Jones | Water Regulation Officer
Natural Resources Access Regulator
Department of Planning, Industry and Environment | Lands & Water
Level 11, 10 Valentine Avenue | Parramatta NSW 2150
Locked Bag 5123 | Parramatta NSW 2124

T: 02 9842 8743
E: Christopher.jones@nrar.nsw.gov.au
W: www.industry.nsw.gov.au

On Wed, Aug 14, 2019 at 10:24 AM Lachlan Bain <lachlan@south-east.com.au> wrote:
Hi Chris,

As discussed, please find a brief summary of the potential conflict that I outlined on the phone.

In summary. Boral are preparing an EIS to undertake a new sand extraction project in existing landholdings behind Stockton beach, over the Stockton groundwater source. The proposal involves extracting sand over a previously mined area down to the groundwater table and then continuing extraction to about -10m AHD via dredge. The operation will require water allocations for both moisture lost within the material removed as well as direct evaporative losses from the groundwater source generated through the creation of a 'window' to the groundwater table over the dredge pond surface - as your previous advice suggested.

As per the Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016, (https://www.industry.nsw.gov.au/data/assets/pdf_file/0010/166870/northcoast-coastal-sands-groundwater.pdf) the Long term Average Annual Extraction Limit is 14,000 ML/y, of which 1037.5 ML/y are allocated as shares under access licences and 254ML/y as basic landholder rights, leaving about 12500ML/y. Based on the WSP, there would seem to be significant allocations available in the Stockton groundwater source based on the water balance prepared for the WSP and after environmental demands are accounted for.

However, under the Water Act 1912, an embargo on applications for Part 5 licences (aquifer interference under the Water Act) from the Tomago Tomaree Stockton groundwater sources was issued in 2002 (<https://www.industry.nsw.gov.au/water/licensing-trade/licences/embargoes>), citing that the Tomago, Tomaree and Stockton groundwater zone are: *'unlikely to have more water available than is sufficient to meet requirements of the licensees of bores situated within that zone.'* The gazetted embargo specifically prevents licences for new bores as follows: *...no further applications for licences under Part 5 of the Water Act, for **bores** accessing water from these formations, may be made...*

Although a 'bore' is not proposed, a licence for aquifer interference will be required to carry out the project and to obtain allocations for the extraction proposed. As you can see there is a conflict between the embargo and the WSP. Could you please provide some advice as to whether applications for new allocations can be made under the WSP and NSW Water Management Act 2000, or if the embargo overrides this. Further, if the embargo is the control, will there be some kind of resolution between the embargo justification of a lack of water to meet demands and the WSP which clearly states that there is significant water available for the Stockton groundwater source? Could Stockton be removed from the embargo?

Thanks very much for your time.

Regards,

Lachlan Bain (BEng, MEnvMgt)

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