

Preliminary Environmental Assessment

Newrybar Sand Pits

Intensification of Existing Sand Extraction
Operation from both Pick's and the AMA
Quarry, Lot 10 DP1010302, Lot 1 DP1028883
and Lot 3 DP803962, Newrybar Swamp Road,
Newrybar.

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Section 1

Introduction

1.1 Introduction

This Preliminary Environmental Assessment (PEA) has been prepared by S J CONNELLY CPP Pty Ltd and the Petersen Consulting Group for McGeary Bros Pty Ltd. The PEA accompanies a Project Application for a Major Project (the Project) at Newrybar, within the Ballina Shire Council Local Government Area. It is submitted pursuant to Part 3A of the Environmental Planning and Assessment Act 1979 (the Act).

A copy of the completed Project Application Form is included in **Appendix A**.

The Project involves the deepening of two existing sand pits (Pick's Quarry and the AMA Quarry), and an increase in the amount of material that may be extracted on a per annum basis.

Each Quarry is presently permitted to extract a maximum of 80,000m³ per annum. In each case, it is proposed to increase this amount so that each Quarry may extract up to 200 000 tonnes per annum.

It is important to note that both Quarries presently operate separately, and each is intended to continue to operate in this fashion should approval be issued to the Project. In this regard both Quarries are independent of each other, and neither relies on the other to operate.

Throughout this PEA, the two Quarries are collectively referred to as the Newrybar Sand Pit.

The purpose of this PEA is to provide:

- a written and graphical description of the Project, which also identifies its location;
- a review of planning provisions relevant to the Project, including an overview of whether the Project is inconsistent with any of these provisions;
- plans showing the current (and if applicable, draft) zonings applying to the site;

- any views on the Project from agencies, the local council or the wider community;
- studies, investigations or regional or local strategies which affect the Project; and
- To seek the Director-General's environmental assessment requirements (DGR's) for the preparation of a Draft Environmental Assessment (Draft EA).

Notably, the Minister has formed the opinion that the proposed development is a Project to which Part 3A of the Act applies (**Appendix B**).

1.2 Site Location

The site is located in the Newrybar Valley, east of Newrybar and approximately 10km north of Ballina. It is approximately 2km north along Newrybar Swamp Road from its intersection with Ross Lane. Ross Lane runs east-west, linking the Pacific Highway with The Coast Road – which itself links Byron Bay with Lennox Head.

The location of the site is shown in **Plan 1.1** below.

1.3 Site Characteristics

The site has frontage to Newrybar Swamp Road for a length of approximately 1067m.

It is relatively flat to undulating with contours ranging between approximately RL 5.4m AHD and RL 1.4m AHD.

Vegetation across the wider site includes planted caneland with isolated patches of regenerating heath and banksia scrub, predominantly on areas not previously mined for mineral sands.

The areas occupied by both Quarries remain cleared, with each containing regenerating heath/dry sclerophyll and grassland communities.

The Real Property description of the site is Lot 10 DP1010302, Lot 1 DP1028883 and Lot 3 DP803962. Lot 10 contains the AMA Quarry in the southern part of the site, while the northern portion (remaining allotments) contains Pick's Quarry.

The wider site has a total area of 152.396 hectares, with Pick's Quarry comprising some 17 hectares in area and the AMA Quarry 19 hectares in area.

Access to each site is via Newrybar Swamp Road, with the entry to each Quarry located in the south western corner of each.

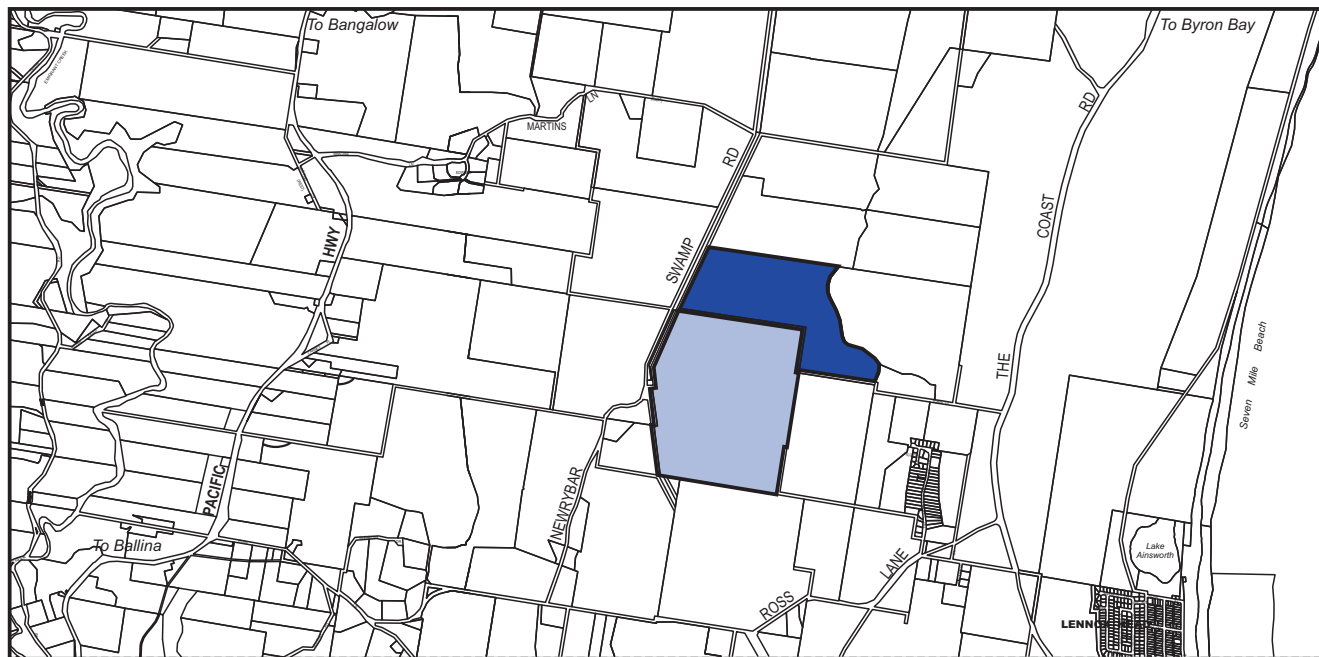
Each site is shown in better detail in **Plans 1.2** and **1.3** below.

1.4 Donation Disclosure

The applicant and land owners have no political donations to disclose.

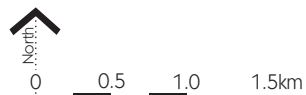
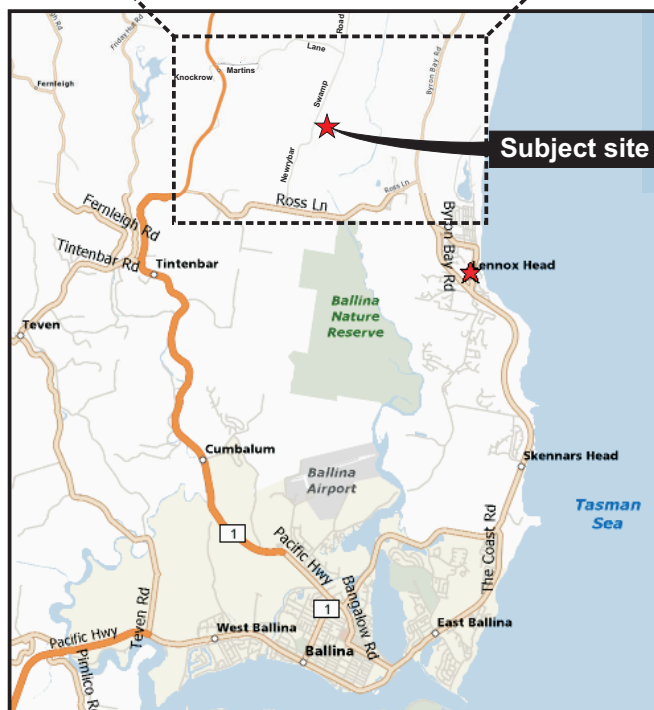
1.5 Further Information

Should the Department require any additional information or wish to clarify any matter raised by this PEA please feel free to contact Mr Connelly (02 66877171) or Mr Petersen (02 6652 6821).



LEGEND

- Pick's Quarry - Lot 3 DP 803962 & Lot 1 DP 1028883
- AMA quarry - Lot 10 DP 1010302



1:50 000 @ A4 (detail only)

Source: Google Maps & Mapquest websites

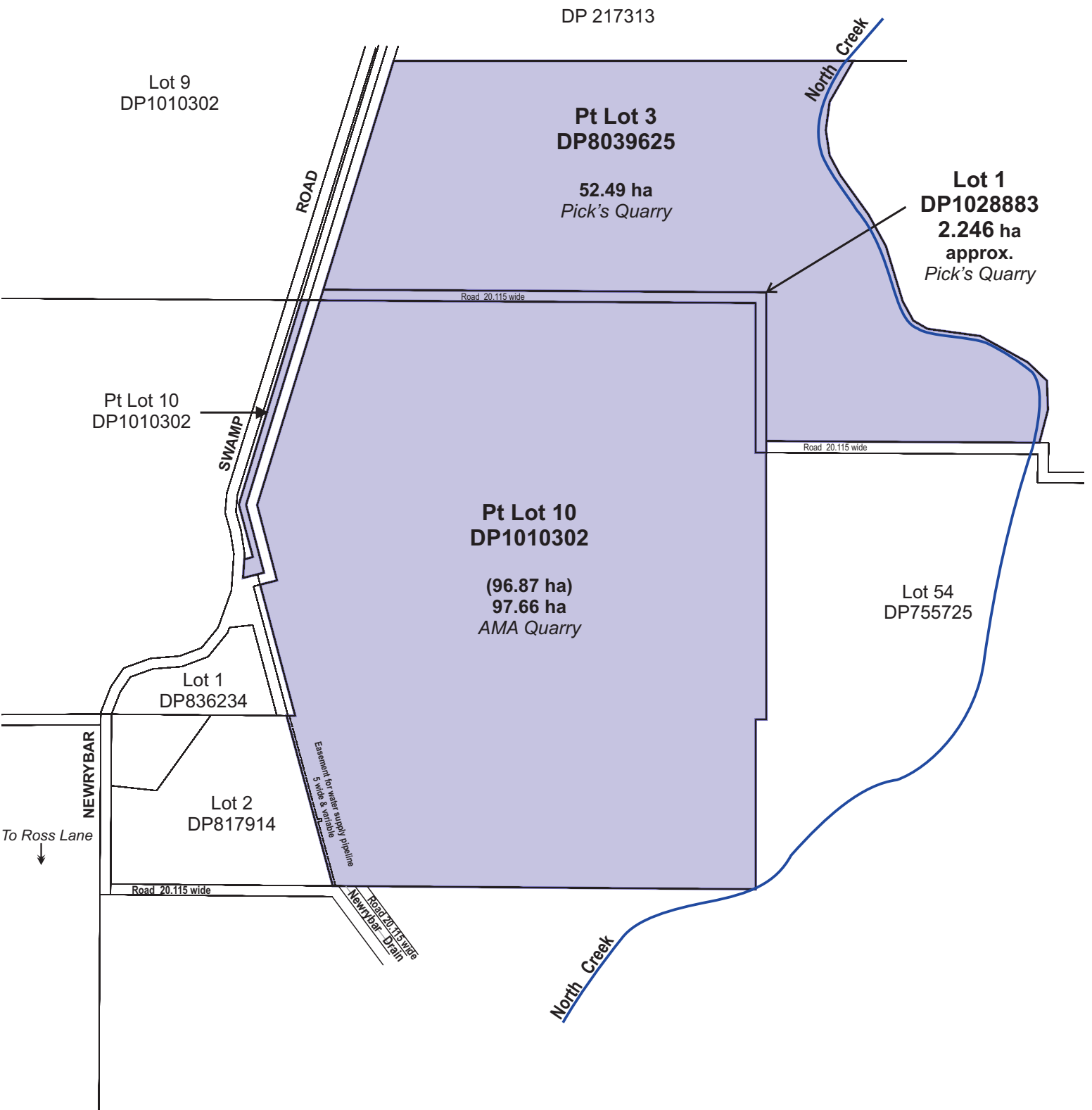
Date: May 2010

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Plan 1.1

SITE LOCALITY PLAN

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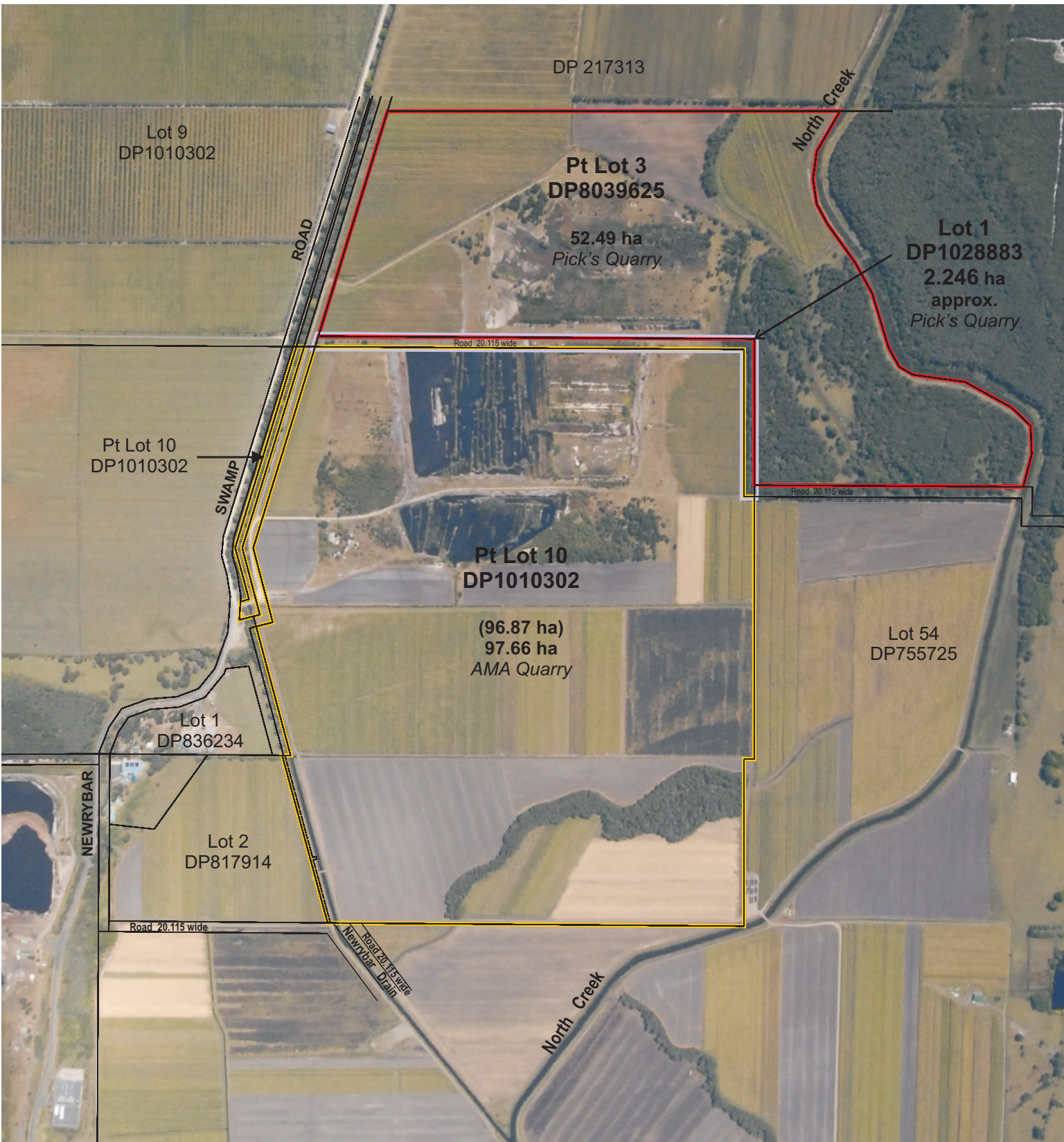
1:40 000 @ A3

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SITE CONTEXT PLAN



LEGEND

- Part Lot 3 DP 8039625 (Pick's Quarry)
- Lot 1 DP 1028883 (Pick's Quarry)
- Part Lot 10 DP 1010302 (AMA Quarry)



0 100 200m

1:10 000 @ A4

Source: Various DPs; Bill Mills (aerial photography Sept. 2009)

Date: May 2010

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Plan 1.4

AERIAL PHOTOGRAPH

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Section 2

Background / History

2.1 Site History

In November 1988 a development application was lodged by Australmin Holdings Limited with Ballina Sire Council seeking consent to mine mineral sands for an area of approximately 115 hectares within the Newrybar Valley. The site was included in the area nominated for mining. The Land and Environment Court of New South Wales subsequently granted consent (Development Consent 10328 of 1989) for the mining of mineral sands (rutile and zircon), with tailings (sand) to be returned to each successive pit (mining taking place on a pit-by-pit basis); this consent included the site.

Mining commenced in April 1990. However, activities ceased in June 1992 due to a decline in the market for mineral sands.

During the 2 year mining period, the AMA Quarry and Pick's Quarry were both mined; the area mined is shown in **Plan 2.1** below.

Mining was undertaken using a floating bucket-wheel dredge and concentrator which progressively moved through the area removing all mineralised sand to a depth of up to 4m below the natural ground watertable. Following removal of the mineral sands, the remaining barren sand was placed to the rear of the dredge pond to create a uniform deposit of sand – up to 9m thick. The area was then progressively contoured, topsoil replaced, and the area revegetated.

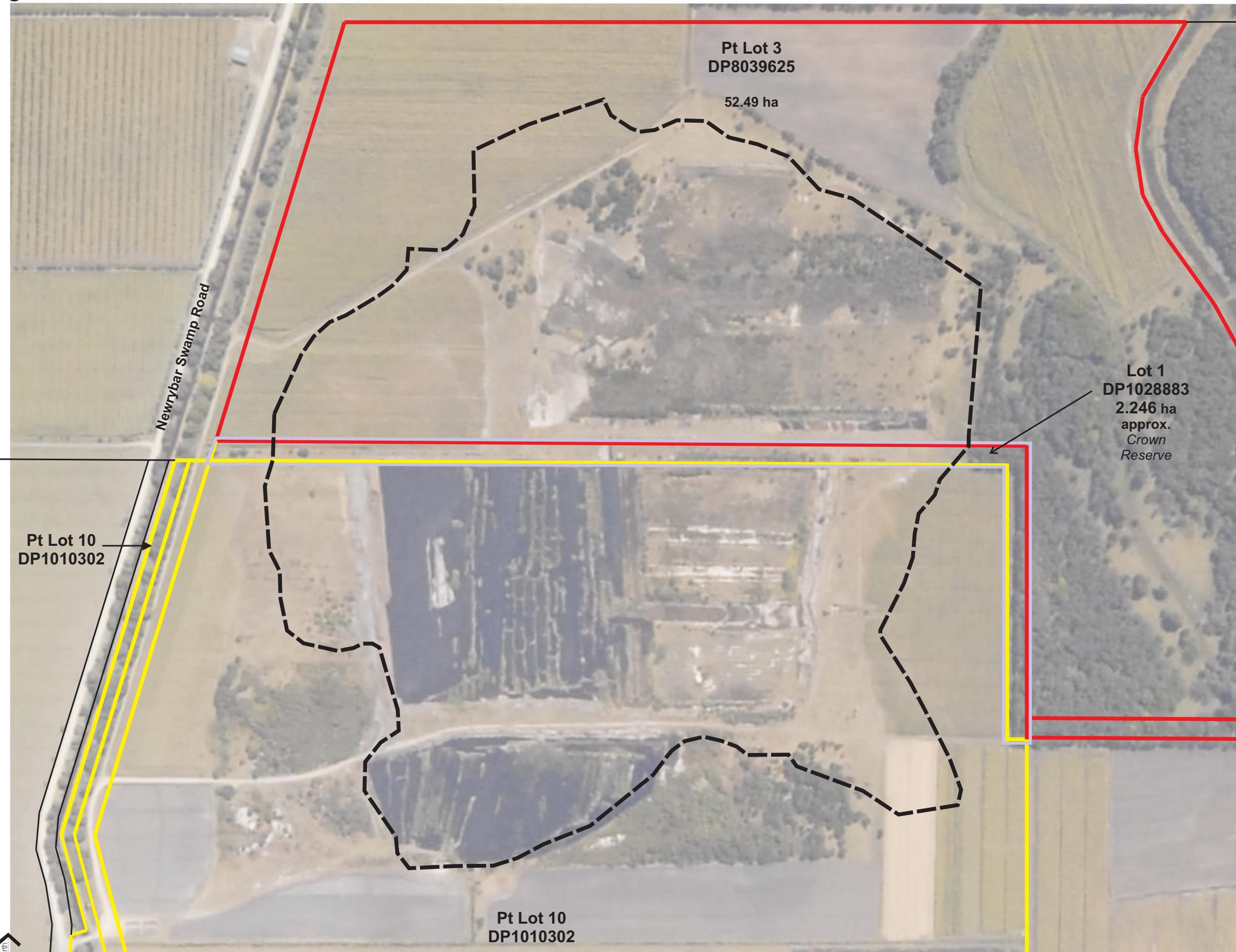
Development Consent 10328 of 1989 appears to have authorised the disturbance of areas up to depths of RL -5m AHD across the site.

Development Consent 1995/260 was issued on 27 July 1995 for Pick's Quarry.

The Consent provides a 15 year life for the Quarry, with a total sand resource to be extracted of 285 000m³.

The annual rate of extraction is not to exceed 80 000m³.

Development Consent 1995/259 was issued on 27 July 1995 for the AMA Quarry.



- LEGEND**
- Lot 2 DP803962
 - Lot 1 DP1028883
 - Part Lot 10 DP1010302
 - Extent of proposed sand mining



Source: Petersen Consulting
Date: May 2010
1139-491

The Consent provides a 20 year life for the Quarry, with a total sand resource to be extracted of 450 000m³.

The annual rate of extraction is not to exceed 80 000m³.

Copies of Development Consents 1995/259 and 1995/260 are included in **Appendix C**.

Plan2.1 shows the extent of the area approved for sand extraction across both Quarries; this area also represents the extent of area previously mined for mineral sands¹.

¹ Development Application 1995/260 and 1995/259 were based around limiting sand extraction to the area previously mined for mineral sands.

Section 3

The Project

3.1 Project Particulars

The Project involves increasing the depth of the quarrying activity across each Quarry, while also increasing the amount of sand that may be extracted, stockpiled and removed from the site.

Presently, both Development Consent 1995/259 and 1995/260 permit sand extraction to occur down to a level of RL 1.4m AHD. This level is commensurate with the lower parts of each site, and the wider locality.

The Project seeks to deepen both Quarries so that extraction occurs down to a depth of RL -5.0m AHD. The resultant landform upon cessation of quarrying would be a large basin, with an area of approximately 36 hectares.

Deepening each Quarry would provide access to a total of 3 400 000m³ of sand. It is intended that each Quarry would be limited to a maximum yearly extraction rate of 133 000m³ (199 500 tonnes). These maximum rates are however sought in order to respond to large projects such as the Pacific Highway Upgrade or significant commercial or residential developments requiring large amounts of sand for fill purposes.

To a large degree, the activities presently carried out on the site (authorised under Development Consent 1995/259 and 1995/260) will continue (i.e. the excavation of sand).

A long arm excavator will be used to achieve the deepening of both Quarries. Work will be carried out such that the excavator will remove sand to a depth of -5.0m AHD, with this material then stockpiled behind the excavated area and excavator so that it might dry – ready to be removed by truck from the site. As work proceeds, a trench will eventuate where material has been excavated from each Quarry.

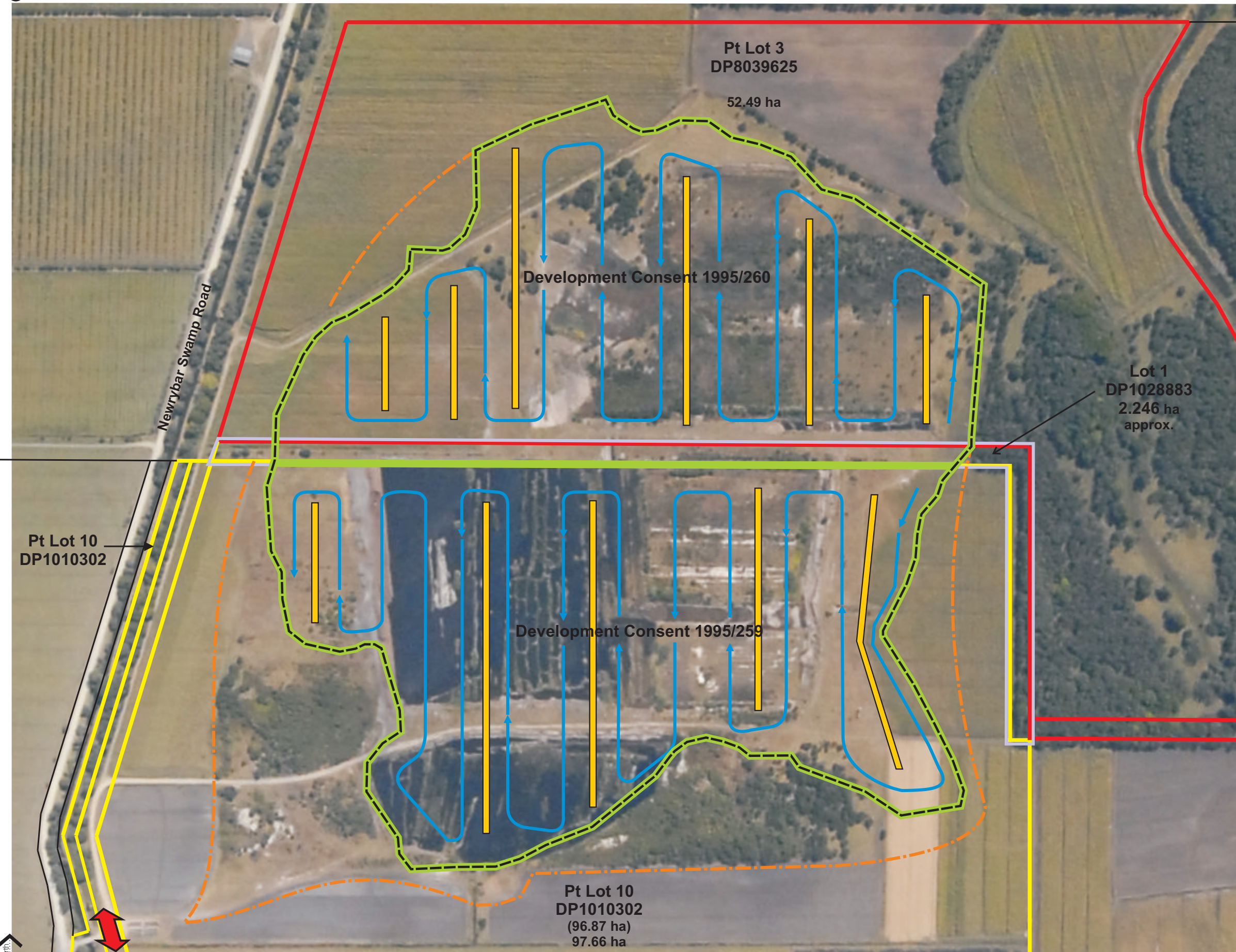
The use of a long arm excavator will permit each Quarry to be worked regardless of the height of the watertable.

It is proposed to batter the edge of each Quarry, such that when all material has been finally won from each, all that will remain will be a large basin (lake) containing permanent water.

In this regard it is proposed that each Quarry will extract material right up to their common boundary, with batters to the excavated area of 1:1 proposed.

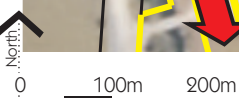
As the height of the surface of water within the basin will be dictated by groundwater levels, no drainage channels extending from the basin will be necessary.

Material being trucked from the site will use the existing access points to Newrybar Swamp Road.



LEGEND

- Part Lot 10 DP1010302
- Lot 2 DP803962
- Lot 1 DP1028883
- Extent of proposed sand mining
- Development Consent boundary
- Direction of extraction
- Temporary sand stockpile
- Contouring of topsoil
- Existing access



1:8000 @ A3
Source: Petersen Consulting Pty Ltd
Date: May 2010
1139-491

Plan 3.1

CONCEPT LAYOUT PLAN

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Section 4

Legislation Review

4.1 Strategic Context

There is one strategic document of particular relevance to the site, which is the Far North Coast Regional Strategy.

Far North Coast Regional Strategy (Regional Strategy)

The Minister for Planning released the Regional Strategy on 17 January 2007. The purpose of the Strategy is to provide planning policy guidance for sustainable development of the region over the next 25 years.

The Regional Strategy provides little information directly relevant to the Project. It does however identify the site as being mostly included in the broad 'Environmental Assets, Rural Land and National Parks' category of the Natural Resources map accompanying the Strategy, with a small part along the north western edge of the site identified as 'Regionally Significant Farmland'.

4.2 Statutory Planning Context

Environmental Planning and Assessment Act & Regulations EP&A

Part 3A of the Act applies to the Project.

This PEA is provided in response to section 75E of the Act, which provides:

- “(1) The proponent may apply for the approval of the Minister under this Part to carry out a project.*
- (2) The application is to:*
 - (a) describe the project, and*
 - (b) contain any other matter required by the Director-General.*
- (3) The application is to be lodged with the Director-General.*
- (4) An application may relate to part only of a project.’*

4.3 State Environmental Planning Policies

State Environmental Planning Policy (Major Development) 2005

A development will become a Part 3A project if it is of a class listed in Schedule 1 of the SEPP or otherwise carried out in an area listed in Schedules 2 or 3.

The site is not in an area listed in Schedules 2 or 3 of the SEPP.

Schedule 1 captures extractive industries meeting the following definition:

"7 Extractive Industries

(1) Development for the purpose of extractive industry that:

- (a) extracts more than 200,000 tonnes of extractive materials per year, or*
- (b) extracts from a total resource (the subject of the development application (or other relevant application under the Act) of more than 5 million tonnes, or*
- (c) extracts from an environmentally sensitive area of State significance."*

The Project is proposing the extraction of more than 200 000 tonnes of extractive material per year, when both Quarries are considered together. The Minister confirmed on the 30 June 2009 that the project met the criteria set out in clause 7(1)(a) of the SEPP.

In relation to clause 7(1)(b), the extent of total resource within the site is unknown.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Clauses 12 and 14-17 are relevant to the Project.

Clause 12 requires a consent authority to assess the compatibility of the Project with activities on adjacent land.

Clause 14 requires a consent authority to consider whether conditions of consent are necessary to ensure a development is carried out in an environmentally responsible manner.

Clause 15 requires a consent authority to consider whether conditions of consent are necessary which optimise the efficiency of resource recovery and the reuse or recycling of material.

Clause 16 requires a consent authority to consider conditions of consent should be applied which deal with the transport of materials, truck movements, and the preparation and implementation of a code of conduct relating to the transport of materials on public roads.

This clause also requires a development application to be provided to roads authorities for comment.

Clause 17 requires a consent authority to consider whether or not consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.

4.4 Regional Environmental Plans

North Coast Regional Environmental Plan (REP)

The following clauses of the REP are of direct relevance to the Project.

Clause 15 requires that for development adjoining a river or stream, a consent authority take into consideration a number of factors including impacts on water quality, loss of habitat, pollution impacts on the estuary, and retention of foreshore reserves.

Clause 18 requires a consent authority to include any necessary conditions of consent to require implementation both during and after extractive operations of an erosion and sediment control plan and rehabilitation plan.

4.5 Local Environmental Plans

Ballina Local Environmental Plan 1987 (LEP 1987)

Under LEP 1987 the wider site containing Pick's Quarry is partly zoned 1(b) Rural (Secondary Agriculture) and 7(a) Environmental Protection (Wetlands). The Quarry itself is however wholly located within the 1(b) Rural (Secondary Agriculture). The Project too is to be confined to the area occupied by the existing Quarry.

Extractive industries are permissible with consent in the 1(b) Rural (Secondary Agriculture). In this regard each is defined as:

“extractive industry means:

- (a) the winning of extractive material, or*
- (b) an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.”*

“Extractive material” is defined as:

“extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances.”

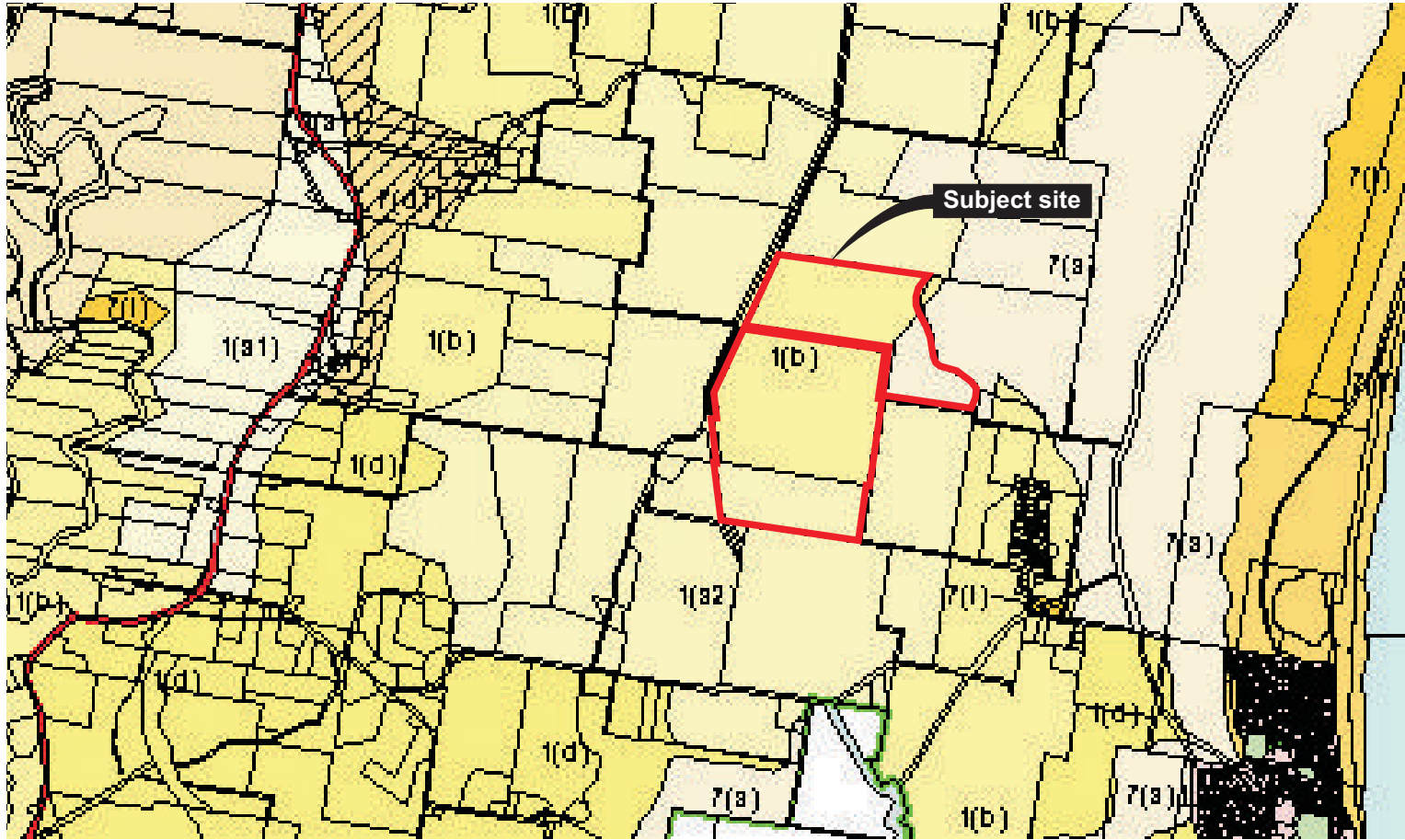
The AMA Quarry is located within land zoned 1(b) Rural (Secondary Agriculture), though the southern part of the site is zoned 1(a2) Rural (Coastal Lands Agriculture); extractive industries are permissible with consent in each zone.

The zoning across each site is shown in **Plan 4.1** below.

Clauses within LEP 1987 relevant to the Project are as follows; it is notable that LEP 1987 adopts the majority of the Model Provisions – and these are discussed in a later section.

Clause 36 deals with land identified on the Acid Sulfate Soils Planning Maps, and requires a consent authority to consider, prior to the grant of consent:

- o the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the Acid Sulfate Soil Manual, and
- o the likelihood of the proposed development resulting in the discharge of acid water, and
- o any comments received from the Department of Land and Water Conservation within 21 days of the council having sent that Department a copy of the development application and of the related acid sulfate soils management plan



LEGEND

- 1(a1) Rural - Plateau Lands Agriculture
- 1(a2) Rural - Coastal Lands Agriculture
- 1(b) Rural - Secondary Agricultural Land
- 1(d) Rural - Urban Investigation
- 2(a) Living Area
- 2(b) Village Area
- 2(t) Tourist Area

LEGEND

- 6(a) Open Space
- 7(c) Environmental Protection - Water Catchment
- 7(d) Environmental Protection - Scenic Escarpment
- 7(e) Newrybar Scenic Escarpment
- 7(f) Environmental Protection - Coastal Lands
- 7(i) Environmental Protection - Urban Buffer
- 7(l) Environmental Protection - Habitat
- 8(a) National Parks & Nature Reserves

The extent of acid sulfate soils across the site is shown in **Plan 4.2** below. It appears the area identified as Class 4 is a response to the area previously mined for mineral sands.

4.6 Draft Local Environmental Plans

The Draft Ballina LEP 2010 (a 'Standard LEP') is presently on public exhibition up until 4 June 2010.

Under the Draft LEP the site is zoned a combination of:

- RU1 Primary Production; and
- RU2 Rural Landscape.

Under the Draft LEP the Project would be defined as an "extractive industry", the definition of which is:

*"**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming."*

The definition for "extractive material" states:

*"**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992."*

An "extractive industry" is permissible in both the RU1 Primary Production and RU2 Rural Landscape zones.

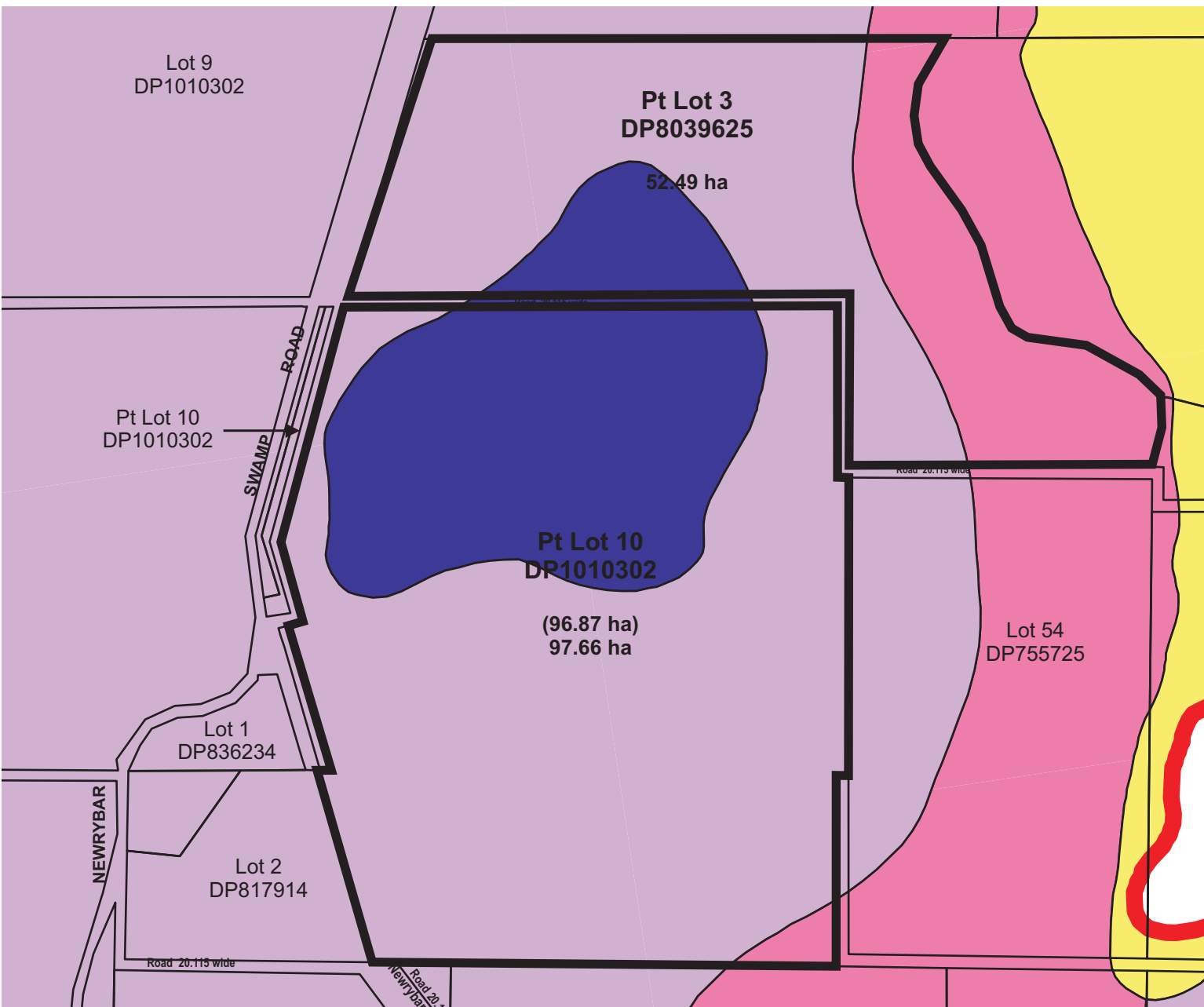
The site is mapped under the Draft LEP as being subject to a number of constraints, including flooding and acid sulfate soils.

4.7 Model Provisions

Clause 5(2) deals with considerations to be made for certain development applications. It provides that a consent authority is

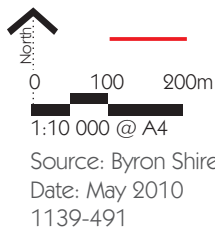
to consider a host of matters in deciding a development application, with these matters including:

- Visual impact,
- Traffic generation,
- Car parking; adequate entrances and exits to and from the site,
- adequate space for loading, unloading and fuelling of vehicles,
- reinstatement of the site; and
- removal of waste material or refuse.



LEGEND

Class	Works for which planning instrument applies
1	Any works (none on site)
2	Works below the ground surface; Works by which the water table is likely to be lowered.
3	Works beyond 1 meter below the natural ground surface; Works by which the water table is likely to be lowered beyond 1 metre below natural surface.
4	Works beyond 2 metres below the natural ground surface; Works by which the water table is likely to be lowered beyond 2 metres below natural surface.
5	Works which are likely to lower the water table below 1 metre AHD in Class 1, 2, 3 or 4 land. (none on site)
—	10 metre contour



Plan 4.2

ACID SULFATE SOIL MAPPING

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Clause 30 requires consideration of whether a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, or otherwise that arrangements satisfactory to it have been made for the provision of that supply and those facilities.

Clause 34 deals with flood prone land and provides that buildings may be required to provide a floor at a height sufficient, in the opinion of the consent authority, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.

4.8 Development Control Plans

Ballina Shire Combined Development Control Plan (DCP)

This DCP applies to the site, and comprises various policies and chapters. Chapter 18 within the DCP is of particular relevance to the Project, as it deals with the development of rural land.

Relevant parts of the DCP to the Project include:

- Section 3.1 which deals with the provision of adequate buffers to minimise rural land use conflict
- Section 3.6 which deals with developing flood prone land
- Section 3.11 which deals with stormwater management
- Section 3.12 which deals with sediment and erosion control
- Section 3.14 which deals with roads, vehicular access sand parking; and
- Section 4.7 which deals with extractive industries.

Section 5

Key Issues

The following key issues are those issues that are to be explored in the Draft EA to be prepared for the Project. For clarity, a number of issues are mentioned below which are not proposed to be considered in the Draft EA, for the reasons listed under each.

5.1 Traffic

The Project includes the potential for an increase in the number of heavy vehicles coming to and from the site, as a result of the increased extraction rate of sand from both Quarries. It is proposed to include a traffic assessment within the Draft EA which examines the capacity of the existing road network to accommodate the increase in vehicles, and which provides recommendations for any upgrades as a result of increased traffic. This assessment would include Newrybar Swamp Road and Ross Lane, and the intersections where Ross Lane meets the Pacific Highway (west) and The Coast Road (east).

Traffic movements to and from the site will be based around a maximum amount of material proposed to leave the site, which in turn will give a maximum number of traffic movements which might be examined in the traffic assessment. The assessment may provide limits to the traffic movements to and from the site; this may influence the amount of material that may leave the site over a given period.

5.2 Ecological

Given the highly disturbed nature of the site, the manner by which the Project is to be carried out, and the machinery involved; the fact that the Project simply involves a deepening of existing sand quarries; and, the rural (cane farming) uses which predominate the locality, it is unlikely that the Project will have a significant impact on threatened species.

Notwithstanding, it is proposed to undertake an investigation into the ecological impact of the Project, in accordance with the Department of Environment, Climate Change and Water's (DECCW) *Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities (Working Draft)*.

5.3 Visual

A Visual Analysis of the Project will be submitted with the Draft EA, outlining the visual impact of the Project on the locality.

It is prudent to note that the Project is limited to that area already sand mined, and as a consequence is unlikely to change the visual environment of the locality.

5.4 Acoustic

The Project will involve machinery working at the site as well as a significant increase in the number of heavy vehicles using Newrybar Swamp Road and Ross Lane.

The Draft EA will include an acoustic assessment of the activities carried out on-site, as well as an assessment of properties that may be affected by the increase in heavy vehicles using Newrybar Swamp Road and Ross Lane.

The acoustic assessment will, if necessary, include recommendations regarding the manner in which the Project is carried out.

The acoustic assessment will be carried out having regard to the documents *New South Wales Industrial Noise Policy and Environmental Criteria for Road Traffic Noise*.

5.5 Acid Sulfate Soil

The Project involves the significant excavation of material from the site.

While the site has previously been significantly disturbed, it is nonetheless identified as land which has the potential to accommodate potential acid sulphate soils.

A preliminary assessment of the Project undertaken in accordance with the Acid Sulfate Soil Manual will accompany the Draft EA, and if necessary, an acid sulfate soils management plan will also be included, depending on the findings of the preliminary assessment.

5.6 Cultural Heritage

The site has previously been disturbed as a result of mining undertaken by AMA for mineral sands, and then by the current sand quarry operations.

Given the Project involves the excavation of previously disturbed land, below the surface of the site, it is not expected to have any impacts on cultural heritage.

Notwithstanding, a cultural heritage assessment will be carried out for the Project, which has regard to the DECCW's *Interim Community Consultation Requirements for Applicants*.

5.7 Water Quality

A site soil and water management plan is to be included in the Draft EA which shows how soil erosion and sediment pollution can be managed through best management practices; and, which shows how stormwater will be managed during the operation of the Project so as to ensure a neutral or beneficial effect on water quality is obtained.

The plan will be prepared in conjunction with the acid sulphate soils assessment.

5.8 Rehabilitation

The Draft EA will include a conceptual rehabilitation plan which provides information detailing the manner by which the site is to be rehabilitated following the conclusion of quarrying. This will include detail regarding final land form and any ongoing monitoring deemed necessary in order to ensure the site has minimal environmental impact following the conclusion of quarrying activity.

5.9 Air Quality

The Draft EA will include an air quality assessment modelled on the proposed operation and which will include physical and behavioural mitigation measures. These measures will be included in the form of a dust management plan, with the operation designed so as to meet air quality impact criteria as set out in the Protection of the Environment Operations Act 1997 and specific DECCW guidelines.

5.10 Groundwater

An assessment of groundwater impact is proposed, which takes into the account the Project's intention to operate below the groundwater table without dewatering occurring.

Boreholes are to be established to record water levels, ground permeability, presence of aquifers and groundwater quality.

The assessment will examine the effect of the proposal on groundwater-dependent ecosystems.

The assessment will be prepared in conjunction with the acid sulfate soils and water quality assessment.

5.11 Resource Demand

The Project proposes to access approximately 3 200 000m³ of sand from a relatively isolated location, that is nonetheless central to the townships of Ballina, Lennox Heads and Byron Bay.

The Department of Primary Industries in their document *Primary Industries in the North Coast Region of NSW Strategic Review (January 2006)*, stated a number of primary resource concerns in relation to construction materials, including:

- declining identified resource base;
- declining access to resources;
- sensitivity to transport costs; and
- uncertainty over long term sustainability of supply.

This document included the following further notable statements:

- The sustainability of construction material supply in the North Coast region is problematic, despite abundant potential resources.
- Many existing sources of supply will apparently exhaust their resources within the term of their existing construction material products: development consents, which will generally be within a n generation (20-25 years).
- Even with unlimited development consent, most n existing sources would be exhausted within two generations (40-50 years), leaving only a few very large and processed river or beach gravel; sources still active.
- Population growth and development in the region are likely to maintain or increase demand for construction materials over time.

It is intended to address the issue of resource demand in the Draft EA.

Section 6

Conclusion

Both of the quarries comprising the site are presently used for quarrying purposes. Each site too has previously been mined for mineral sands.

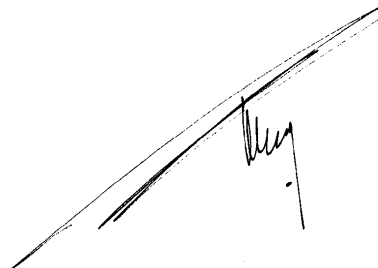
The Project simply seeks approval to intensify the use of each quarry via an increase in the annual extraction rate and output of each, which includes deepening each quarry to access additional sand. The Project is therefore confined to the existing footprint of each quarry.

This PEA has identified the following key issues for further, detailed consideration in the Draft EA:

- Traffic;
- Ecological;
- Visual
- Acoustic
- Acid Sulfate Soils;
- Cultural Heritage;
- Water Quality;
- Rehabilitation;
- Air Quality;
- Groundwater ; and
- Resource Demand.

In addition to the above, the Draft EA will address the various legislative provisions and guidelines mentioned in Section 4 of this Report.

The Director-General's environmental assessment requirements are sought for the Project, to enable the preparation of a Draft EA.



Stephen J Connelly FPIA



Mark Petersen

Appendix A

Project Application Form

Major project application



NSW GOVERNMENT
Department of Planning

Date duly made: ____/____/____

Project application no. _____

1. Before you lodge

This form is required to apply for the approval of the Minister to carry out a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies.

Before lodging this application, it is recommended that you first consult with the Department of Planning (the Department) concerning your project.

A Planning Focus Meeting may need to be held for this project involving the Department, relevant agencies, council or other groups identified by the Department. If a Planning Focus Meeting is held, the Department will issue the Director-General's requirements for the Environmental Assessment following the meeting.

Disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All applications must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be emailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23–33 Bridge Street, Sydney NSW 2000
GPO Box 39 Sydney NSW 2001
Phone 1300 305 695.

2. Details of the proponent

Company/organisation/agency

SJ CONNELLY CPP PTY LTD

ABN

40 125 970 783

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Stephen

Family name

Connelly

Position

Director

STREET ADDRESS

Unit/street no.

6

Street name

Byron Street

Suburb or town

Lennox Head

State

NSW

Postcode

2478

POSTAL ADDRESS (or mark 'as above')

P.O. Box 538

Suburb or town

Lennox Head

State

NSW

Postcode

2478

Daytime telephone

02 66877171

Fax

02 66877067

Mobile

0419237982

Email

steve@connelly.com.au

3. Identify the land you propose to develop

STREET ADDRESS (where relevant)

Unit/street no.

Street or property name

Suburb, town or locality

Postcode

Lennox Head

2478

Local government area(s)

State electorate(s)

BALLINA SHIRE COUNCIL

BALLINA

REAL PROPERTY DESCRIPTION

Lot 10 DP1010302, Lot 1 DP1028883 and Lot 3 DP803962, Newrybar Swamp Road, Newrybar.

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the project applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR detailed description of land attached. ☐

MAP: A map of the site and locality should also be submitted with this application.

4. Major project description and other requirements

Provide a brief title for your project.

Intensification of Existing Sand Extraction Operation from both Pick's and the AMA Quarry, Lot 10 DP1010302, Lot 1 DP1028883 and Lot 3 DP803962, Newrybar Swamp Road, Newrybar.

PROJECT APPROVAL

If you are applying for approval of a project, include in the project title, all significant components for which approval is being sought. If the application relates to part only of a project, the project title should reflect this.

Is the application for approval of a project?

☒ Yes ☐ No

Is the application related to part only of a project?

☐ Yes ☒ No

CONCEPT PLAN APPROVAL

If you are applying for approval of a concept plan, include in the project title, all components for which approval 'in concept' is being sought. If the application also relates to approval of a project, a description of this should also be included in the project title.

Is the application for approval of a Concept Plan?

☐ Yes ☒ No

Is a project application being made concurrently for all or part of the project?

☐ Yes ☒ No

You are also required to provide a Project Description and address any matters required by the Director-General in accordance with section 75E or section 75M of the Act. Failure to do so may lead to your application being rejected.

Is a Project Description attached?

☒ Yes ☐ No

Does the Project Description include any additional matters required by the Director-General under section 75E or section 75M of the Act?

☒ Yes ☐ No

Note: An electronic copy of the project description is also required as all applications must be provided on the Department's website. You should contact the Department on the correct electronic format.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the project. The CIV includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment (but excluding GST and land costs).

\$Nil

EQUIVALENT FULL-TIME JOBS

Please indicate the number of jobs created by the project. This should be expressed as a proportion of full time jobs over a full year.

Construction jobs (full-time equivalent)

Operational jobs (full-time equivalent)

1.5

5. Approvals from State agencies

Does the project require any of the following: (tick all that are appropriate)

- ☐ an aquaculture permit under section 144 of the *Fisheries Management Act 1994*
- ☐ an approval under section 15 of the *Mine Subsidence Compensation Act 1961*
- ☐ a mining lease under the *Mining Act 1992*
- ☐ a production lease under the *Petroleum (Onshore) Act 1991*
- ☐ an environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* (for any of the purposes referred to in section 43 of that Act)
- ☐ a consent under section 138 of the *Roads Act 1993*
- ☐ a licence under the *Pipelines Act 1967*

6. Landowner's consent or notification

As the owner(s) of the above property, I/we consent to this application being made on our behalf by the proponent:

Land

Signature

Refer to attached authorities

Name

Date

Land

Signature

Name

Date

Note: Under clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require the consent of the landowner, however, the proponent is required to give notice of the application:

- in the case of linear infrastructure projects, by notice in a newspaper circulating in the locality prior to the commencement of the public consultation period,
- in the case of mining or petroleum production projects, by notice in a newspaper circulating in the locality within 14 days of this application being made,
- in the case of critical infrastructure projects, to the owner of the land within 14 days of this application being made, and
- in other cases, to the owner of the land at any time before the application is made.

7. Political donation disclosure statement

Persons lodging applications are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. Disclosure statements are to be submitted with your application or request.

Have you attached a disclosure statement to this application?

- ☐ Yes
☒ No

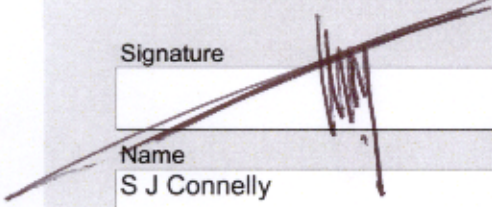
Note: For more details about political donation disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the project and address all matters required by the Director-General pursuant to section 75E and/or section 75M of the Act, and
- apply, subject to satisfying clause 8D of the Environmental Planning and Assessment Regulation, for the Director-General's environmental assessment requirements pursuant to Part 3A of the Act, and
- declare that all information contained within this application is accurate at the time of signing.

Signature



Name

S J Connelly

Date

12/06/2010

In what capacity are you signing if you are not the proponent

Name, if you are not the proponent

LAND OWNER AUTHORITY**TO WHOM IT MAY CONCERN**

This is to advise that S.J CONNELLY CPP PTY LTD has been engaged by:

Client Name: W D & MP McGEARY

Client Address:

Dated 16/2/10

in respect to land described as: PIDGES QUARRY

No: Street: NEWBYBRO SWAMP RD

Locality/Suburb: NEWBYBRO

Real Property Description: LOT 3 DP 8039162

The owner of the abovementioned land hereby authorises S.J CONNELLY CPP PTY LTD or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

Signed:

W.D. McGeary

LAND OWNER AUTHORITY**TO WHOM IT MAY CONCERN**

This is to advise that S.J CONNELLY CPP PTY LTD has been engaged by:

Client Name: BETULA PTY LTD
Client Address:
Dated 16/2/10
In respect to land described as: AMA AVALLEY
No: Street: NEWBYBOR SWAMP ROAD
Locality/Suburb: NEWBYBOR
Real Property Description: LOT 10 DP 1010302

The owner of the abovementioned land hereby authorises S.J CONNELLY CPP PTY LTD or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

Signed: [Signature]

Appendix B

Minister's Correspondence



NSW GOVERNMENT

Department of Planning

**Record of Minister's opinion for the purposes of Clause 6(1) of the State
Environmental Planning Policy (Major Projects) 2005**

I, the Deputy Director-General (Development Assessment) of the Department of Planning, as delegate of the Minister for Planning under delegation executed on 4 March 2009, have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 - namely Clause 7(1)(a) "development for the purpose of extractive industry that extracts more than 200,000 tonnes of extractive materials per year - and is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies for the purpose of section 75B of that Act.

Schedule 1

The Newrybar Sand Project, located at Lot 10 of DP1010302, Lot 1 of DP1028883 and Lot 3 of DP803962, Newrybar Swamp Road, Newrybar.


Richard Pearson
Deputy Director-General

Date:

30/6/09

Appendix C

Development Consents 1995 / 259 and 1995 / 260

Ballina Shire Council



Cnr. Cherry & Tamar Streets
P.O. Box 450, BALLINA, N.S.W. 2478
DX 27789, BALLINA
TELEPHONE No. 86 4444 (STD 086)
FAX No. (086) 86 7035

ENQUIRIES REFER

IN REPLY PLEASE QUOTE
DA-1995/259

FORM 7

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

McGeary Bros. Pty. Ltd.
PO Box 35
WOODBURN. 2472

Lot 3 in DP 817914 off Newrybar Swamp Road, Newrybar

being the applicant in respect of development application No.1995/259 for the following use:

Extractive Industry - extraction of fill sand, with average extraction rates of 10,000 m³ - 25,000 m³ per annum with maximum rates of 80,000 m³ per annum (total resource 450,000 cubic metres).

Pursuant to Section 92 of the Act, notice is hereby given of the determination by Ballina Shire Council of the abovementioned development application relating to land described as Lot 3 in DP 817914 off Newrybar Swamp Road, Newrybar.

The development application has been determined by granting of consent subject to the following conditions:

"DEFERRED COMMENCEMENT CONDITIONS"

Road Upgrading Requirements

1. The Ross Lane pavement between Newrybar Swamp Road (Cane Road) and Figtree Hill Drive shall be upgraded to a seven (7) metre sealed width upon a pavement width of ten (10) metres, providing two 1.5 metre wide shoulders, to the requirements of Council's Engineer.
2. The applicant shall submit an engineering design of these roadworks to Council for approval. Work shall not commence until Council has approved the design.
3. The proponent shall upgrade the junction of Ross Lane and Newrybar Swamp Road (Cane Road) to an AUSTRROADS Type B intersection having an 80km/h design standard with associated linemarking to the requirements of Council's Engineer.
4. The proponent shall install, at no cost to Council, appropriate side road warning signs in Ross Lane to Newrybar Swamp Road (Cane Road) to the requirements of Council's Engineer.
5. The proponent shall install, at no cost to Council, appropriate advisory speed signs for the "S" bends in Newrybar Swamp Road (Cane Road) to the requirements of Council's Engineer.

cont...



6. The proponent shall install, at no cost to Council, hinged "trucks entering" warning signs in Newrybar Swamp Road (Cane Road) either side of the site access to the requirements of Council's Engineer. Such are to be displayed during quarry operations.

REASON: Conditions 1 to 6 have been imposed to ensure that the local road network is upgraded to maintain traffic efficiency and safety.

Plan of Management

7. A detailed Plan of Management for the operation of the quarry is to be prepared to the requirements and satisfaction of Council. Such plan is to be submitted to Council for approval prior to the consent becoming effective. The Plan shall report on all operational parameters of the quarry, including, but not limited to, quarry development and monitoring thereof, progressive rehabilitation, control of pollutants and surface water effects. This Plan shall detail the full twenty year proposed life of the quarry with a total resource of 450,000 cubic metres, however, the plan and quarry operation will be re-appraised by Council five (5) years after the consent has become effective, to ensure that there are no unforeseen environmental impacts or problems with the development.

REASON: To ensure the development is undertaken in a proper and efficient manner, in accordance with a Council approved plan of management.

8. Should the requirements of Condition No.s 1-7 above not be completed to Council's satisfaction within twelve (12) months from the date of this notification, the development consent shall not become effective.

GENERAL CONDITIONS

1. Development of the site shall be undertaken generally in accordance with the plans and associated documentation prepared by RW Corkery & Co. Pty Ltd Ref. No. 330/RJC/KAPa and submitted with the development application, subject to such amendment as required by any condition specified hereinafter.

REASON: To ensure the development is carried out in accordance with the terms and limitations of the development application and this consent.

Road Maintenance

2. As proposed by the applicant, a road maintenance levy of \$0.23/tonne hauled shall be paid quarterly to Council. The levy is to be increased annually in accordance with the Consumer Price Index for Sydney, commencing January 1996 for the life of the extraction.

REASON: To ensure that the local road network is maintained to a suitable standard during the operational life of the quarry.

Dust Erosion and Sediment Control

3. Effective erosion and sediment control measures are to be adopted before and during excavation works, to the satisfaction of Council's Engineer. Details of such measures are to be provided in the Mining Management Plan.

4. The proposed sedimentation dam is to be managed to achieve its design capacity by irrigation of the wastewater at the shortest possible time after major rain events and desilted regularly to maintain 90% of the design capacity. This dam is to be progressively relocated adjacent to the active extraction area of the proposed defined working sequence. Details of the sedimentation dam and its management are to be provided in the Mining Management Plan.
5. Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or man-made drainage lines or watercourses during rainfall and runoff. All topsoil shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site rehabilitation. Details showing sediment control measures and rehabilitation works shall be included within the Plan of Management for the quarry.

REASON: Conditions 3 to 5 have been imposed to ensure proper control and management of dust, erosion and stormwater arising from the development and to ensure such does not adversely affect adjacent lands.

6. Dust suppression from any exposed surfaces and access roads is to be undertaken utilising a water truck. This vehicle is to be available at the site or in the immediate vicinity of the site. Details of water truck availability and management are to be detailed in the Mining Management Plan.

REASON: To ensure that dust suppression methods are available to the site.

Crown Land Requirements

7. The unformed Crown road which runs along the northern boundary of the development will need to be surveyed along its southern boundary to ensure that no extraction occurs across the road. Where extraction occurs adjacent to a Crown road boundary, batters of no less than 5(h):1(v) are to be left, to ensure that the road area is not destabilised. Batters are to be stabilised with appropriate grasses to ensure the Crown road stability.
8. The extraction operations must not interfere with the public use of any Crown reserve road.

REASON: To ensure that the development does not interfere with the use of any Crown Reserve road.

Heritage

- 9(a) Extraction operations are to be permitted to be monitored by the nominated Sites Liaison Officer of the Jali Local Aboriginal Land Council due to the potential of the activity to disturb unknown Aboriginal sites. A temporary storage area is to be designated on the site for the storage of archaeological material or artefacts should an Aboriginal site be disturbed. The monitoring arrangements and temporary storage site are to be made to the requirements and satisfaction of the NP & WS in consultation with the Sites Liaison Officer of the Jali Local Aboriginal Land Council and are to be detailed in the Plan of Management.

- 9(b) The quarry operator shall not knowingly destroy, deface or damage any aboriginal relic or other item of archaeological significance within the extraction area without the prior written consent of the National Parks and Wildlife Service of NSW.
- 9(c) Upon discovery of any aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 as amended, within the Extraction Area the quarry operator shall immediately notify the Ballina Shire Council and the National Parks & Wildlife Service and the Jali Land Council and shall cease operations within the vicinity thereof until such time as the consent of the NP & WS is obtained for the destruction, removal or protection thereof and the quarry operator has complied with the directions of the Service in that respect. The quarry operator shall provide to the Council copies of any direction by the Service in respect of aboriginal relics which are the subject of this condition.

REASON: Conditions 9(a) to 9(c) have been imposed to protect items of archaeological significance, if discovered on the site.

General Operations

10. General quarry operations are to be restricted to the hours 7.00am to 5.00pm Monday to Friday and 8.00am to 3.00pm Saturday.
11. No fixed building, plant or machinery shall be erected on the site without the prior consent of the Council.
12. The sequence of operations in each stage of site development shall take place only in accordance with the Plan of Management.
13. The annual rate of extraction shall not exceed 80,000 cubic metres. Details of actual extraction rates are to be submitted to Council on a quarterly (3 monthly) basis. Prior formal development consent is to be obtained from Council for any proposed extraction in excess of this amount.
14. This consent enables a total extraction of 450,000 cubic metres or permits quarrying on the site for not more than twenty (20) years, whichever is achieved first. This approval is contingent upon satisfactory re-appraisal of the Plan of Management at the five (5) year period.
15. This consent shall lapse in accordance with Condition 14 above, at which time extraction shall cease and the site restored in accordance with the detailed Plan of Management. Any extension during the final nine (9) months shall be for the purposes of facilitating site restoration.
16. In respect to the necessity for Council to monitor the subject development and ensure that the quarry operations are conducted in accordance with the Plan of Management and the conditions of development consent, the mine operator shall pay to the Council prior to this consent becoming effective, an amount to be determined by Council upon receipt of the Plan of Management, to defray continued monitoring activities. These payments so made shall not be refundable.
17. All loading and unloading is to take place wholly within the confines of the quarry site.

cont....

18. Vehicles using off-street loading/unloading and parking areas must enter and leave the site in a forward direction, in accordance with the requirements of the Roads and Traffic Authority, and all driveways and internal roads are to be kept clear of all obstructions that would prevent compliance with this condition.
19. A minimum potable water storage of 20,000 litres is to be provided for drinking water and ablutions. Shower and toilet facilities are to be provided in accordance with the Department of Mineral Resources requirements. Should buildings, septic facilities etc be required, appropriate applications are to be made to, and be approved by Council, prior to commencement of operations.
20. Any fuel storage tanks are to be located above the one in one hundred years Flood level on an impervious surface with bund walls to avoid possible fuel leakage polluting the ground water system.
21. Waters discharged from sedimentation/detention ponds or the like shall not contain more than fifty (50) milligrams per litre of non-filterable residues.
22. No expended oils, fuels, greases or lubricants shall be disposed of within the project area but shall be properly disposed of to the requirements and satisfaction of Council's Chief Health and Building Surveyor.
23. Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with or arrangements have been made which are otherwise satisfactory to Council.

REASON: Conditions 10 to 23 have been imposed to ensure the quarry is operated in a proper and efficient manner.

24. The development shall meet noise emission criteria as specified in Section 4.4.2 and 4.4.3 of the EIS, under the provisions of the Noise Control Act 1975 and licenced by the Environment Protection Authority.

REASON: To ensure that the noise generated by the quarry does not intrude greatly above prevailing background noise levels.

25. The development shall meet standards relating to airborne pollutants as detailed in Section 4.1 of the EIS via the adoption of control measures as identified in Section 4.1.2 of the EIS.

REASON: To ensure that airborne pollutants are minimised to within acceptable environmental standards.

Trade Waste

26. Trade waste and general storage areas and access thereto shall be provided to the requirements of Council's Engineer and Health and Building Surveyor.

REASON: To ensure that provision is made for the satisfactory and efficient disposal of waste materials from the site.

cont....

27. All trade wastes, wastewaters and air impurities shall be contained and disposed of to the satisfaction of Council's Health and Building Surveyor and Engineer. Such disposal of wastes and wastewaters may require the installation of appropriate waste containment systems, designed to the satisfaction of Council's Health and Building Surveyor and Engineer.

REASON: To ensure that the disposal of wastes and wastewaters are controlled in a manner which does not endanger the environment through pollution.

Landscaping and Site Rehabilitation

28. A full and detailed landscaping plan is to be submitted to and approved by Council (and included as part of the Plan of Management) detailing types of vegetation and maintenance programs therefore.
29. All topsoil and overlying material is to be progressively stripped from the areas to be excavated and stockpiled separately. Stockpiles are to be located away from the general operation of the quarry and be preserved for the progressive rehabilitation of the quarry.
30. Topsoil stockpiles are to be a maximum of one (1) metre in height, are to be aligned parallel to the contour and are to be stabilised within seven (7) days of formation, utilising methods satisfactory to Council's Engineer.
31. The area to be stripped of topsoil at any one time is to be restricted to 0.5 hectare.

CONSENT NOTATIONS

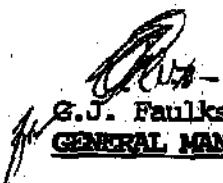
1. No advertising structure relating to the proposal shall be erected or displayed without the prior approval of Council being obtained under the provisions of the Local Government Act 1993.

REASON: To comply with the requirements of the Local Government Act 1993.

2. The premises shall be operated in accordance with the Clean Air Act 1961.
3. The premises shall be operated in accordance with the Clean Waters Act 1970.
4. The premises shall be operated in accordance with the Noise Control Act 1975.
5. The proposed operation of the quarry shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975.

THIS CONSENT IS FOR THE USE OF THE PROPERTY ONLY AND IS NOT A BUILDING PERMIT WHICH MUST ALSO BE OBTAINED FROM COUNCIL'S HEALTH & BUILDING DEPARTMENT BEFORE ANY STRUCTURAL WORK COMMENCES. THE BUILDING PERMIT WILL CONTAIN ADDITIONAL CONDITIONS.

Endorsement of the date of consent - 27th July, 1995


G.J. Faulks,
GENERAL MANAGER.

31/7/1995

(See notations on reverse hereof.)



ENQUIRIES REFER

IN REPLY PLEASE QUOTE
DA-1995/260

1(b)
7(a)

FORM 7

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

J. & D. Pick
PO Box 410
BALLINA. 2478

being the applicant in respect of development application No.1995/260 for the following use:

Extractive Industry - extraction of fill sand, with average extraction rates of 10,000 m³ - 25,000m³ per annum with maximum rates of 80,000 m³ per annum (total resource 285,000 cubic metres).

Pursuant to Section 92 of the Act, notice is hereby given of the determination by Ballina Shire Council of the abovementioned development application relating to land described as Lot 3 in DP 803962 and Crown Road Reserve off Newrybar Swamp Road, Newrybar.

The development application has been determined by granting of consent subject to the following conditions:

"DEFERRED COMMENCEMENT CONDITIONS"

Road Upgrading Requirements

1. The Ross Lane pavement between Newrybar Swamp Road (Cane Road) and Figtree Hill Drive shall be upgraded to a seven (7) metre sealed width upon a pavement width of ten (10) metres, providing two 1.5 metre wide shoulders, to the requirements of Council's Engineer.
2. The applicant shall submit an engineering design of these roadworks to Council for approval. Work shall not commence until Council has approved the design.
3. The proponent shall upgrade the junction of Ross Lane and Newrybar Swamp Road (Cane Road) to an AUSTRROADS Type B intersection having an 80km/h design standard with associated linemarking to the requirements of Council's Engineer.
4. The proponent shall install, at no cost to Council, appropriate side road warning signs in Ross Lane to Newrybar Swamp Road (Cane Road) to the requirements of Council's Engineer.
5. The proponent shall install, at no cost to Council, appropriate advisory speed signs for the "S" bends in Newrybar Swamp Road (Cane Road) to the requirements of Council's Engineer.

cont....



6. The proponent shall install, at no cost to Council, hinged "trucks entering" warning signs in Newrybar Swamp Road (Cane Road) either side of the access to the requirements of Council's Engineer. Such are to be displayed during quarry operations.

REASON: Conditions 1 to 6 have been imposed to ensure that the local road network is upgraded to maintain traffic efficiency and safety.

Plan of Management

7. A detailed Plan of Management for the operation of the quarry is to be prepared to the requirements and satisfaction of Council. Such plan is to be submitted to Council for approval prior to the consent becoming effective. The Plan shall report on all operational parameters of the quarry, including, but not limited to, quarry development and monitoring thereof, progressive rehabilitation, control of pollutants and surface water effects. This Plan shall detail the full fifteen year proposed life of the quarry with a total resource of 285,000 cubic metres, however, the plan for quarry operation will be re-appraised by Council five (5) years after the consent has become effective, to ensure that there are no unforeseen environmental impacts or problems with the development.

REASON: To ensure the development is undertaken in a proper and efficient manner, in accordance with a Council approved plan of management.

8. Should the requirements of Condition No.s 1-7 above not be completed to Council's satisfaction within twelve (12) months from the date of the notification, the development consent shall not become effective.

GENERAL CONDITIONS

1. Development of the site shall be undertaken generally in accordance with the plans and associated documentation prepared by RW Corkery & Co. Pty Ltd Ref. No. 403/RJC/KAPa and submitted with the development application subject to such amendment as required by any condition specified hereinafter.

REASON: To ensure the development is carried out in accordance with the terms and limitations of the development application and this consent.

Road Maintenance

2. As proposed by the applicant, a road maintenance levy of \$0.23/tonne haulage shall be paid quarterly to Council. The levy is to be increased annually in accordance with the Consumer Price Index for Sydney, commencing January 1999 for the life of the extraction.

REASON: To ensure that the local road network is maintained to ensure traffic efficiency and safety.

Dust Erosion and Sediment Control

3. Effective erosion and sediment control measures are to be adopted before and during excavation works, to the satisfaction of Council's Engineer. Details of such measures are to be provided in the Mining Management Plan.

cont...

4. The proposed sedimentation dam is to be managed to achieve its design capacity by irrigation of the wastewater at the shortest possible time after major rain events and desilted regularly to maintain 90% of the design capacity. This dam is to be progressively relocated adjacent to the active extraction area of the proposed defined working sequence. Details of the sedimentation dam and its management are to be provided in the Mining Management Plan.
5. Sediment control measures shall be put into place and be properly maintained to prevent soil erosion and the transport of sediment off the development site or into natural or man-made drainage lines or watercourses during rainfall and runoff. All topsoil shall be stabilised and be revegetated by turfing or an approved seeding method within 14 days of completion of earthworks in each part of the development. It is a requirement that the topsoil be preserved for use with the site rehabilitation. Details showing sediment control measures and rehabilitation works shall be included within the Plan of Management for the quarry.

REASON: Conditions 3 to 5 have been imposed to ensure proper control and management of dust erosion and stormwater arising from the development and to ensure such does not adversely affect adjacent lands.

6. Dust suppression from any exposed surfaces and access roads is to be undertaken utilising a water truck. This vehicle is to be available at the site or in the immediate vicinity of the site. Details of water truck availability and management are to be detailed in the Mining Management Plan.

REASON: To ensure that dust suppression methods are available to the site.

Crown Land Requirements

7. The unformed Crown road which runs along the northern boundary of the development will need to be surveyed along its southern boundary to ensure that no extraction occurs across the road. Where extraction occurs adjacent to a Crown road boundary, batters of no less than 5(h):1(v) are to be left, to ensure that the road area is not destabilised. Batters are to be stabilised with appropriate grasses to ensure the Crown road stability.
8. The extraction operations must not interfere with the public use of any Crown reserve road.
9. The applicant shall, with respect to the proposed utilisation of Crown Road Reserve:
 - (a) apply for closure and purchase of the subject land with such an application being considered on its merit;
 - (b) obtain a licence for extractive industry under the Crown Lands Act 1989;
 - (c) leave a buffer strip (as per geotechnical requirements) to ensure the continued integrity of the road until either (a) or (b) is finalised; and
 - (d) come to any alternate access agreement with any affected adjoining land owners should this be deemed necessary;

cont...

- (e) should processes under either the Roads Act 1993 or the Environmental Planning and Assessment Act 1979 indicate that the road is required for access and construction, the road will be transferred to Council's control under the Roads Act."

REASON: To ensure that the development does not interfere with the use of any Crown Reserve road.

Heritage

- 10a) Extraction operations are to be permitted to be monitored by the nominated Sites Liaison Officer of the Jali Local Aboriginal Land Council due to the potential of the activity to disturb unknown Aboriginal sites. A temporary storage area is to be designated on the site for the storage of archaeological material or artefacts should an Aboriginal site be disturbed. The monitoring arrangements and temporary storage site are to be made to the requirements and satisfaction of the NP & WS in consultation with the Sites Liaison Officer of the Jali Local Aboriginal Land Council and are to be detailed in the Plan of Management.
- 10b) The quarry operator shall not knowingly destroy, deface or damage any aboriginal relic or other item of archaeological significance within the extraction area without the prior written consent of the National Parks and Wildlife Service of NSW.
- 10c) Upon discovery of any aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 as amended, within the Extraction Area the quarry operator shall immediately notify the Ballina Shire Council and the National Parks & Wildlife Service and the Jali Land Council and shall cease operations within the vicinity thereof until such time as the consent of the NP & WS is obtained for the destruction, removal or protection thereof and the quarry operator has complied with the directions of the Service in that respect. The quarry operator shall provide to the Council copies of any direction by the Service in respect of aboriginal relics which are the subject of this condition.

REASON: Conditions 10a) to 10c) have been imposed to protect items of archaeological significance, if discovered on the site.

General Operations

11. General quarry operations are to be restricted to the hours 7.00am to 5.00pm Monday to Friday and 8.00am to 3.00pm Saturday
12. No fixed building, plant or machinery shall be erected on the site without the prior consent of the Council.
13. The sequence of operations in each stage of site development shall take place only in accordance with the Plan of Management.
14. The annual rate of extraction shall not exceed 80,000 cubic metres. Details of actual extraction rates are to be submitted to Council on a quarterly (3 monthly) basis. Prior formal development consent is to be obtained from Council for any proposed extraction in excess of this amount.
15. This consent enables a total extraction of 285,000 cubic metres or permits quarrying on the site for not more than twenty (15) years, whichever is achieved first. This approval is contingent upon satisfactory re-appraisal of the Plan of Management at the five (5) year period.

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16. This consent shall lapse in accordance with the above, at which time extraction shall cease and the site restored in accordance with the detail Plan of Management. Any extension during the final nine (9) months shall be for the purposes of facilitating site restoration.
17. In respect to the necessity for Council to monitor the subject development and ensure that the quarry operations are conducted in accordance with the Plan of Management and the conditions of development consent, the mine operator shall pay to the Council prior to this consent becoming effective an amount to be determined by Council upon receipt of the Plan of Management, to defray continued monitoring activities. These payments made shall not be refundable.
18. All loading and unloading is to take place wholly within the confines of the quarry site.
19. Vehicles using off-street loading/unloading and parking areas must enter and leave the site in a forward direction, in accordance with the requirement of the Roads and Traffic Authority, and all driveways and internal roads are to be kept clear of all obstructions that would prevent compliance with this condition.
20. A minimum potable water storage of 20,000 litres is to be provided for drinking water and ablutions. Shower and toilet facilities are to be provided in accordance with the Department of Mineral Resources requirements. Should buildings, septic facilities etc be required, appropriate applications are to be made to, and be approved by Council, prior to commencement of operations.
21. Any fuel storage tanks are to be located above the one in one hundred years flood level on an impervious surface with bund walls to avoid possible fuel leakage polluting the ground water system.
22. Waters discharged from sedimentation/detention ponds or the like shall not contain more than fifty (50) milligrams per litre of non-filterable residues.
23. No expended oils, fuels, greases or lubricants shall be disposed of within the project area but shall be properly disposed of to the requirements and satisfaction of Council's Chief Health and Building Surveyor.

REASON: Conditions 11 to 23 have been imposed to ensure the quarry is operated in a proper and efficient manner.

24. Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with or arrangements have been made which are otherwise satisfactory to Council.

REASON: To ensure the development is undertaken in a proper and efficient manner.

25. The development shall meet noise emission criteria as specified in Section 4.4.2 and 4.4.3 of the EIS, under the provisions of the Noise Control Act 1975 and licenced by the Environment Protection Authority.

REASON: To ensure that the noise generated by the quarry does not intrude greatly above prevailing background noise levels.

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26. The development shall meet standards relating to airborne pollutants detailed in Section 4.1 of the EIS via the adoption of control measures identified in Section 4.1.2 of the EIS.

REASON: To ensure that airborne pollutants are minimised to with acceptable environmental standards.

Trade Waste

27. Trade waste and general storage areas and access thereto shall be provide to the requirements of Council's Engineer and Health and Building Surveyor.

REASON: To ensure that provision is made for the satisfactory and efficient disposal of waste materials from the site.

28. All trade wastes, wastewaters and air impurities shall be contained and disposed of to the satisfaction of Council's Health and Building Surveyor and Engineer. Such disposal of wastes and wastewaters may require the installation of appropriate waste containment systems, designed to the satisfaction of Council's Health and Building Surveyor and Engineer.

REASON: To ensure that the disposal of wastes and wastewaters are controlled in a manner which does not endanger the environment through pollution.

Landscaping and Site Rehabilitation

29. A full and detailed landscaping plan is to be submitted to and approved by Council (and included as part of the Plan of Management) detailing types of vegetation and maintenance programs therefore.
30. All topsoil and overlying material is to be progressively stripped from the areas to be excavated and stockpiled separately. Stockpiles are to be located away from the general operation of the quarry and be preserved for the progressive rehabilitation of the quarry.
31. Topsoil stockpiles are to be a maximum of one (1) metre in height, are to be aligned parallel to the contour and are to be stabilised within seven (7) days of formation, utilising methods satisfactory to Council's Engineer.
32. The area to be stripped of topsoil at any one time is to be restricted to 0.5 hectare.

CONSENT NOTATIONS

1. No advertising structure relating to the proposal shall be erected or displayed without the prior approval of Council being obtained under the provisions of the Local Government Act 1993.

REASON: To comply with the requirements of the Local Government Act 1993.

2. The premises shall be operated in accordance with the Clean Air Act 1961.
3. The premises shall be operated in accordance with the Clean Waters Act 1970.

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4. The premises shall be operated in accordance with the Noise Control Act 1975.
5. The proposed operation of the quarry shall not give rise to an "offensive noise" as defined under the provisions of the Noise Control Act 1975.

THIS CONSENT IS FOR THE USE OF THE PROPERTY ONLY AND IS NOT A BUILDING PERMIT WHICH MUST ALSO BE OBTAINED FROM COUNCIL'S HEALTH & BUILDING DEPARTMENT BEFORE ANY STRUCTURAL WORK COMMENCES. THE BUILDING PERMIT WILL CONTAIN ADDITIONAL CONDITIONS.

Endorsement of the date of consent - 27th July, 1995


G.D. Faulks,
GENERAL MANAGER.

1/8/1995