

Ballina Shire Council
 40 Cherry Street
 BALLINA NSW 2478
 PO Box 450
 BALLINA NSW 2478
 02 6686 4444
 council@ballina.nsw.gov.au
 www.ballina.nsw.gov.au



**DA 1995/259.003 - Section 96 Amendment
 Lot 10 DP 1010302 Newrybar Swamp Road,
 Lennox Head**



Projection: GDA94 / MGA zone 56
 Date: 1/11/2017

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17/83706

From: wendy.saville6@bigpond.com
Sent: Monday, 9 October 2017 6:58 PM
To: Ballina Shire Council
Subject: D/A1995/259

I refer to the proposed development of sand mine in Lennox Head. I wish to object to the extension of existing mine.

Condition 15 of the original consent prohibits any extension within 9 months of expiry of the original DA

I live in Sanctuary Village in Ross Lane, and mainly quite elderly people reside here and the proposed truck movements would prohibit many of the residents leave the village to pursue many of the activities they are involved in, as it is quite frightening to venture onto Ross Lane when trucks are bearing down on them. As people age, they are encouraged to engage in activities, which are quite many, including intellectual and physical.

People moved to the village to enjoy a peaceful and safe life. As a result of the proposal, residents are selling their homes and moving out of the area, which would cause a problem for the existing businesses in town.

- Also, quite a few school buses and tourist coaches use Ross Lane, and it is quite dangerous.

Please consider your decision when this matter is presented.

Sincerely yours

Wendy Saville, 53 Sanctuary Village. LENNOX HEAD.

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17/79964

From: neil denison <negraden317@hotmail.com>
Sent: Monday, 25 September 2017 8:46 PM
To: Ballina Shire Council
Cc: bes committee
Subject: DA 1995/259

The Ballina Environment Society seeks to voice its objection to the approval of DA 1995/259 being granted. The Society is aware that the final day for submissions was Fri Sept 22., but respectfully request that its objections be included with other submissions.

The Ballina Environment Society objects to the approval of DA 1995/259 for the following reasons - We (The Ballina Environment Society) object to Ballina Shire Council approving any extension of the existing Development Consent for DA 1995/259, when the requirements of the existing Development Consent and Plan of Management, specifically in relation to the required progressive rehabilitation of the site do not appear to have been adhered to. The original Development Consent (Condition 31) restricts the area permitted to be stripped of topsoil at any time to 0.5ha. We therefore insist that the required rehabilitation must be completed before any extension is considered.

There is no mention in the extension application of the amount of material this mine proposes to extract, nor is there any mention of expected truck movements over the course of the 12 month extension. Extraction limits are necessary to protect the surrounding environment including but not limited to the risks to groundwater pollution.

Excessive truck movements will result in negative impact on Ross Lane and surrounding roads and will affect road users specifically with regard to safety and noise pollution.

We respectfully request that this submission be considered despite its late lodgement regards

Neil Denison for The Ballina Environment Society

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17/29811

43 Sandstone Crescent
LENNOX HEAD 2478
Tel: 66 876 612

21 September, 2017

BALLINA SHIRE COUNCIL
40 Cherry Street
BALLINA 2478

RE: Objection to DA 10.1995.259.3 Lot 10 DP1010302

Dear Sir,

I am writing to strongly object to the proposed development of a sand mine on the above detailed Lot at Newrybar Swamp road, Lennox Head. My objection is based on philosophical grounds and concern for the impact on the surrounding environment.

I, as a long term, rate paying, Lennox Head resident, am tired of the lack of consideration for maintaining green areas as space around the town. I am not against progress and development per se but this particular area does not need an ugly sand mining pit in the middle of what is a mixture of farming country and local residents situated on small acreage lots.

This brings us to the fact of environmental impact on this area – the main argument against this proposal. The increase in the road traffic due to the number of trucks going in and out of Newrybar Swamp road onto Ross Lane is substantial and cannot be dismissed as an overreaction. Other factors that will affect this area are those concerning nature flora and fauna, possible increase in flooding during unseasonal rainfall with the change in the landscape and the release of acid sulphate chemicals into the surrounding soil. The last, surely would be a major concern to farmers in the surrounding areas.

I would like this submission to be included as a strong objection along with others submitted when the Ballina Council discusses any decisions regarding the above DA.

[pp. 2 over]

Yours sincerely,

A handwritten signature in black ink that reads "Denise Birch". The signature is written in a cursive, slightly slanted style.

[Denise BIRCH]

17/9/18

43 Sandstone Crescent

21 September, 2017

LENNOX HEAD 2478

Tel: 66 876 612

BALLINA SHIRE COUNCIL

40 Cherry Street

BALLINA 2478

RE: Objection to DA 10.1995.259.3 Lot 10 DP1010302

Dear Sir,

I am writing to strongly object to the proposed development of a sand mine on the above detailed Lot at Newrybar Swamp road, Lennox Head. My objection is based on philosophical grounds and concern for the impact on the surrounding environment.

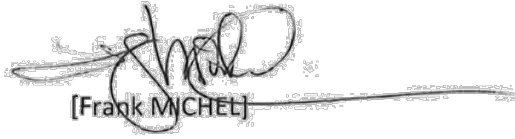
I, as a long term, rate paying, Lennox Head resident, am tired of the lack of consideration for maintaining green areas as space around the town. I am not against progress and development per se but this particular area does not need an ugly sand mining pit in the middle of what is a mixture of farming country and local residents situated on small acreage lots.

This brings us to the fact of environmental impact on this area – the main argument against this proposal. The increase in the road traffic due to the number of trucks going in and out of Newrybar Swamp road onto Ross Lane is substantial and cannot be dismissed as an overreaction. Other factors that will affect this area are those concerning nature flora and fauna, possible increase in flooding during unseasonal rainfall with the change in the landscape and the release of acid sulphate chemicals into the surrounding soil. The last, surely would be a major concern to farmers in the surrounding areas.

I would like this submission to be included as a strong objection along with others submitted when the Ballina Council discusses any decisions regarding the above DA.

[pp. 2 over]

Yours sincerely,



[Frank MICHEL]

17/79800

6 Ibis Place
LENNOX HEAD 2478
Tel: 0409691105

20 September, 2017

BALLINA SHIRE COUNCIL
40 Cherry Street
BALLINA 2478

RE: Objection to DA 10.1995.259.3 Lot 10 DP1010302

Dear Sir,

I am writing to strongly object to the proposed development of a sand mine on the above detailed Lot at Newrybar Swamp road, Lennox Head. My objection is based on concern for the impact on the surrounding environment.

As a rate paying, Lennox Head resident, I believe we should be maintaining green areas as space around the town. I am not against progress and development per se but this particular area does not need an ugly sand mining pit in the middle of what is a mixture of farming country and local residents situated on small acreage lots.

However, the main argument against this proposal is the increase in the road traffic due to the number of trucks going in and out of Newrybar Swamp road onto Ross Lane. This will be substantial and cannot be dismissed as an overreaction, already Ross Lane is not in a very good condition.

Other factors concerning this area are the effect on the natural flora and fauna, possible increase in flooding with the change in the landscape and the release of acid sulphate chemicals into the surrounding soil. The last, surely would be a major concern to farmers in the surrounding areas.

I would like this submission to be included as a strong objection along with others submitted when the Ballina Council discusses any decisions regarding the above DA.

Yours sincerely,



Neville Hoger

n/79790

93 Sandary Village
Rosa Lane
Lannox Head
2478.

Dear Mayor & Councillors

I have protested for many years about the sandpits & once again I say NO to the 12th extension to it.

We all have so much noise & pollution from all the trucks & cars that never stop in Rosa Lane so I say no no no

Yours faithfully

Mrs Violet Clarke

17/19599

From: gavin rose <gavchrisrose@hotmail.com>
Sent: Saturday, 23 September 2017 4:52 PM
To: Ballina Shire Council
Cc: Councillor David Wright; Councillor Sharon Cadwallader; Councillor Keith Williams; Councillor Jeff Johnson
Subject: Objection to extension of DA 1995/259
Attachments: Objection to extension of 1995-259 by G & C Rose 69 Glenross Drive Tintenbar.docx; Ballina Sands non compliance 12,13,14-09-17.docx; DA2001;326-11-09-14.pdf; Scan_20170919 (2).pdf

Attached is an objection to this DA. We expect Council to include this objection and Gavin and Christine Rose as official objectors
Note that as we are currently overseas (escaping the dust and noise at Ballina Sands and trucks on Ross Lane) and have only intermittent E mail since 21 September ie on a direct flight to London, and did not have reliable E mail access until 23 rd September, but obviously before business hours at the shire council Monday 25th September.

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ccq/les est:
Stephen Rendall
Parcel No: 1006036

22 August 2017

Mr G Rose
1/13 Mary Street
SPOTSWOOD VIC 3015



Dear Sir

Re: Complaint – Breach of Operating Hours – Ballina Sands Quarry (“the subject premises”)

I refer to your recent complaint to Council on 17 August 2017 in relation to the abovementioned matter.

You are advised that this complaint has subsequently been referred to Council's Compliance Section for investigation. This matter has been prioritised and will be investigated as resources permit. You will be advised of the outcome in due course.

If you require any further information regarding this matter please contact Council's Compliance Coordinator, Mr Stephen Rendall on telephone 02 6686 1448 during office hours, Monday to Friday.

Yours faithfully

Andrew Smith
Acting Group Manager
Development and Environmental Health

49 Cherry Street, PO Box 450, Ballina NSW 2478
☎ 02 6686 1444 • ☎ 02 6686 7035 • e council@ballina.nsw.gov.au • w ballina.nsw.gov.au

Stephen Rendall
DA 2001/326

11 September 2014

Gavin and Christine Rose
69 Glenross Drive
TINTENBAR NSW 2477



Dear Mr and Mrs Rose

Replied on letter by email 18/09/14

Re: Ballina Sands Quarry – Lot 33, DP 1151612 Newrybar Swamp Road, Lennox Head ("the subject premises")

I refer to your email complaint dated 5 September 2014 in relation to the hours of operation of the above quarry.

You are advised that development consent DA 2001/326 was issued by Council on 19 December 2001 "to establish and operate an extractive industry (sand quarry). To carry out minor filling works on the land". This development consent contained a number of conditions including conditions 2.80 and 2.81, which relate to hours of operation and these conditions state:

- 2.80 All construction work at the premises must only be conducted between 7am to 6pm Monday to Friday and 7am to 1pm Saturday or if audible at residential premises 8am to 1pm with no work undertaken on Sundays and public holidays.
- 2.81 Activities at the premises, other than construction work, may only be carried on between 7am to 6pm Monday to Friday and 7am to 1pm Saturday or if audible at residential premises 8am to 1pm with no work undertaken on Sundays and public holidays.

Subsequent amendments have been made to the original development consent, which have increased the overall amount of the resource that can be extracted and to increase the operational life of the quarry, however the operating hours have remained unchanged.

I note your complaint alleged that quarrying operations continued until 6:00 pm, on Thursday 4 September 2014 and then recommenced at 6:30 am on Friday 5 September 2014. Council has spoken with the quarry operator, who confirmed that some staff were on site at the times you have indicated. In relation to both incidents, you are advised that:

- On Thursday 4 September 2014, the quarry operator was on site until 6:00 pm, however maintenance work was being conducted on plant and no quarrying activities were being undertaken. This activity is in accordance with the issued development consent; and
- On Friday 5 September 2014, prior to the approved starting time of 7:00 am and that machinery was started to warm up in line with operating guidelines, however no truck left the site prior to 7:00 am.

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Page 2
Mr and Mrs Rose
11 September 2014

The quarry operator has been advised that no quarrying activities, including the loading of trucks within the subject premises can occur prior to 7:00 am as outlined in conditions 2.80 and 2.81 of development consent DA 2001/326. This includes the loading of trucks within the site, even if the trucks subsequently leave the subject premises after 7:00 am. Council has received an undertaking to this effect.

If you have any enquiries in regard to this matter or observe any future breaches of the hours of operation of the quarry at the subject premises, please contact Council's Compliance Coordinator, Mr Stephen Rendall on 02 6886 1254 during office hours, Monday to Friday.

Yours faithfully



Andrew Smith
Acting Group Manager
Development and Environmental Health Group

40 cherry street, po box 450, ballina nsw 2478
t 02 6886 4444 • f 02 6886 7035 • e council@ballina.nsw.gov.au • w ballina.nsw.gov.au

69 Glenross Drive,
Tintenbar. 2478
22/09/17

Objection to DA 1995/259

This is a formal objection to this DA extension being granted.

As neighbours to the existing Ballina Sands Quarry to which we were an original objector in 2001 and extension in 2012 we strongly object to any further extension to the Newrybar Swamp dust bowl(spring)/quagmire (autumn). We were also key members of the Citizens Against Sand Mining (Inc) group which opposed the mineral sand mine in 1988-89 in the Newry bar swamp partly covering the current DA by McGeary.

We have ongoing complaints with Ballina Shire (see attachments) in relation to the failure of Ballina Shire to enforce the current conditions of consent at Ballina Sands and contend that Ballina Shire has been negligent in its enforcement of Ballina Sands compliance, evidenced by our reporting on continual contravention of the operating hours at Ballina Sands with no effective enforcement by the Council. As such Council cannot legitimately review this application or apply conditions which it has historically shown little ability to enforce. It defies belief that Council would approve an extension of urban development as the Cumbalum phase 2 expansion and then approve another ugly eyesore quarry in the visual catchment of these new homes.

Our domestic amenity, directly overlooking Ballina Sands has been destroyed due to its ugly scarring of the landscape, quarrying equipment noise, dust and truck traffic volumes on Ross Lane. Although the current DA extension is further away from the current quarry its operation will exacerbate the deleterious effects of the Ballina Sands quarry. We have opted to maintain an alternative residence in Melbourne since the commencement of Ballina Sands in 2001. Thus, we have taken alternative employment options away from Ballina Shire with a loss of income to the shire of a family income in excess of the 99% percentile by comparison with past ABS census figures for Richmond electorate. Including immediate family salaries, business incomes and expenditure outside the shire this would be in excess of \$0.5 m annually. Family investment is naturally focussed outside Ballina Shire as result of our employment and residential focus elsewhere since 2001. There is no question our capital values at Glenross Drive are reduced by the ugly scar of Ballina Sands in our front yard, so a significant majority of our business and family investment since 2001 has been outside the shire.

Any extension to the McGeary quarry should not be approved until it is known how the massive extractions underway at Ballina Sands have affected the water table and water quality in the Newrybar Swamp and the adjacent North Creek Nature Reserve,

The conditions of consent for the 1989 Australmin mine were predicated to a large degree on minimising effects on the North Creek Nature Reserve.

Further as a significant beneficiary of the sand quarries in Newrybar Swamp Ballina Council should disqualify itself from consideration and refer this application to the alternative planning mechanism.

Yours faithfully,

Gavin and Christine Rose

References. Replies from Council re Ballina Sands conditions noncompliance, 11 September 2014, 22 August 2017 and E mail 20 September 2017 to the Mayor and Ward B Councillors

P 1 of 2

Dear Councillors Wright, Cadwallader, Williams and Johnson,

Last Tuesday 12th September, Wednesday 13th September and Thursday 14th September Ballina Sands commenced quarrying operations at 6.40 am in contravention of the conditions of consent which state 7 am as the allowed commencement time on weekday mornings. This is in addition to previous contraventions of these conditions of consent in September 2014 and 17th August 2017, see attached correspondence from the shire in relation to these contraventions. Our house at 69 Glenross Drive, Tintenbar directly overlooks the quarry site.

Note that the Council reply in September 2014 shows that Council gave quarry management a "slap on the wrist" for the contravention which has been singularly ineffective in preventing systemic and repeated non-compliance of the operating hours. Note that in the most recent reply from Council 22nd August 2017 I quote "This matter has been prioritised and *will be investigated as resources permit*" (my emphasis). Unfortunately this indicates that Council does not appear to regard this ongoing non-compliance as a serious enough issue to warrant immediate attention as no response has been received to date.

I note that with an extension to another quarry in Newrybar Swamp Road under consideration by Council there can be little confidence that Council will effectively implement any resulting consent conditions. I note that my requesting in the August 2017 E mail for the extraction figures for Ballina Sands to be supplied has not been addressed either, as there as I need to confirm these extraction rates are not exceeding the consent conditions as might be expected from the ongoing truck movements in Ross Lane over the last four years and by calculation from pond areas and depths.

Attached are representative picture files confirming the operating hours contraventions last week. Due to the size of the file I have retained more lengthy videos of the digger operation on 12th September and the water truck movement on 14th September 15-20 mins prior to permissible quarrying operation at 7am.

As you would expect we will be raising these systemic non-compliance issues with the Local Government Minister and the local member seeking a satisfactory outcome.

yours faithfully,

Gavin and Christine Rose

17/9/17

From: Bruce Warburton <brwarburton@gmail.com>
Sent: Friday, 22 September 2017 2:33 PM
To: Ballina Shire Council
Subject: Sand Mine extension Lennox Head

To all local councillors and the mayor,

We object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259 1. We are worried about the effect on groundwater to our property, any reduction to this water, or lowering of the water table could adversely affect our livelihood which is dependent on primary production. We are also concerned for the remnant forest in our Nth Eastern corner any change in the water table would also be detrimental to it.

2. Apparently no rehabilitation has been done to the site, this concerns us that they may have no care for proper rehabilitation if they receive an extension.

3. We have an access to our property almost opposite the proposed site, on Newrybar Swamp Rd, we have further concerns about air and noise pollution along this unsealed road from large trucks and earthmoving equipment.

4. The already busy Ross Lane would not handle the extra amount of trucks needed to successfully run a sand quarry of this size, especially with the future subdivisions that are planned for the area.

Yours Faithfully,

Bruce and Jennifer Warburton [171 Ross Lane Kinvara Ph0408260857]

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17 | 79508

From: Scott Nichols <number1fishboy@yahoo.com.au>
Sent: Friday, 22 September 2017 9:35 AM
To: Ballina Shire Council
Cc: Councillor David Wright; Councillor Jeff Johnson; Councillor Sharon Cadwallader; Councillor Keith Williams
Subject: DA 1995/259

To whom it may concern, I wish to object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259.

The reasons for my objections are as follows:

The original Development Consent and Plan of Management require the developer to undertake progressive rehabilitation of the site, with Condition 31 restricting the area permitted to be stripped of topsoil at any time to 0.5HA. I believe it is important to take this into consideration and to ensure the proponent adheres to this Condition BEFORE considering any extension to their existing activities as it indicates a lack of adherence to existing Development Consent conditions and likely non-adherence of future development conditions.

In addition, Condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development Consent (which will occur in November 2017) except for site restoration purposes. These rehabilitation activities should be completed before any extension or new DA is considered for the site and by the applicant.

It is also concerning that the extension application makes no mention of the amount of material the sand mine proposes to extract over the 12 month period. The amount of material to be extracted needs to be identified to ensure minimal impacts of extraction on the surrounding environment, including groundwater. Being on the floodplain, the risk of acid sulfate soil exposure and ground and surface water impacts as a result of extraction is extremely high. Greater frequency of fish kills, leading to impacts on the recreational, commercial and tourist economies could be disastrous. At a minimum, these issues need to also be addressed as part of the existing and any future development.

Thank you for taking the time to consider my objection.

Sincerely,

Scott Nichols

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17/9/2017

From: Liz Griffiths <lizjohn49@bigpond.com>
Sent: Friday, 22 September 2017 9:10 AM
To: Ballina Shire Council
Subject: Objection to Sand Mine extension DA1195/259

1. I live in Lennox Head and use Ross Lane frequently and I oppose the Sand Mine being given an extension.
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Yours sincerely
Elizabeth Griffiths

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17 79280

From: Gail Mensinga <gailmens58@bigpond.com>
Sent: Friday, 22 September 2017 8:23 AM
To: Ballina Shire Council
Cc: Councillor David Wright; Jeff Johnson; keithwilliams@ballina.nsw.gov.au
Subject: Objection to DA application DA 1995/259

I wish to list my objections to the above DA application by the McGeary Bros of Woodburn due to these concerns listed below :-.

1. The DA extension application appears to be an attempt to dishonor or failure to meet the former terms of the original Development consent and plan of management which obliges McGeary Bros to progressively rehabilitate the site. I understand aerial shots indicate that such rehabilitation has not occurred to date. Further I understand the consent condition (31) also restricts the area permitted to be stripped of topsoil at any time to 0.5 HA.
2. I understand that condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development consent except for site restoration purposes.
3. The extension application also does not indicate how much material will be extracted. However if the 80,000 CBM extraction occurs that will result in significant increased truck movement on Ross Lane. The increased truck movements to date has been identified as a concern for many local residents since 2016 to date. Any extension would also need to consider access issues as Ross Lane is narrow in places and not suitable to so many truck movements. Impact on local residents from increased truck movements has been identified as a community concern e.g.noise, safety, pollution and reduced speeds and other inconveniences.
4. There is no clear account of the impact to the local ground water and this would need to be professionally assessed.

Therefore for the above reasons I cannot and do not support the extension application DA 1995/259

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17/79232

From: James Gatland <james.gatland@gmail.com>
Sent: Thursday, 21 September 2017 9:00 PM
To: Ballina Shire Council; Councillors
Cc: Amelia Hicks
Subject: DA 1995/259

Dear Ballina Shire Council & councillors

As a resident of Lennox Head, I object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259 on the following grounds:

1. The requirements of the existing Development Consent and Plan of Management, specifically in relation to the progressive rehabilitation of the site, may not have been adhered to. Recent aerial photography suggests that large areas of the site may not have been rehabilitated. The original Development Consent (Condition 31) restricts the area permitted to be stripped of topsoil at any time to 0.5HA. We insist that any required rehabilitation **MUST** be completed before any extension is considered.
2. The extension application makes no mention of the amount of material the Sand Mine proposes to extract over the 12 month period. Extraction limits are set for many reasons, including, but not limited to, limiting the potential impact of extraction on the surrounding environment, including groundwater, as well as the traffic implications for the connecting roads, specifically the already busy Ross Lane.
3. The extension application makes no mention of expected truck movements over the course of the 12 month extension. If extraction occurs at the permitted 80,000 CBM over the 12 months, additional truck movements could be substantial, and may have a significant negative impact on Ross Lane residents, and those who use Ross Lane on a daily basis, specifically in regards to safety, noise pollution and reduced speeds causing inconvenience.
4. Condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development Consent (which will occur in November 2017) except for site restoration purposes.

I thank you in advance for your consideration of my submission.

Warmest regards

James Gatland
20 Fox Valley Way, Lennox Head

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<BR

17/79231

From: michellesuzetteanderson@gmail.com
Sent: Friday, 22 September 2017 6:15 AM
To: Ballina Shire Council
Subject: 1995/259

I disagree with this going ahead !!
Sent from my iPhone

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17/79071

From: Kim Wright <gypsywarrior1@gmail.com>
Sent: Thursday, 21 September 2017 10:32 AM
To: Ballina Shire Council
Subject: DA 1995/259

TO whom it may concern

I am wishing to lodge my concerns regarding the requested extension request lodged by McGeary Bros. I don not understand how an extension requests is being considered as a condition of the existing Development application clearly stated that any extension was clearly prohibited. One has to wonder what the value of Development applications.

As I live on Ross Lane I am very familiar with the excessive traffic moving up and down this road from the sandmine. I have experienced many occasions where I have been stuck between 2 trucks, fully laden and with additional bogies behind them. Coming out of my drive way at times is a serious risk of life.

Is the developer required to pay for road maintenance and the damage created by this constant stream of heavily laden trucks?

The noise and rumbling of trucks from the road can be heard and felt within my home. This is not the quite seaside life I had envisioned.

Has a full hydrology report been conducted. The whole area on the lower end of Ross Lane is a fragile, once wetland. Any change to the water table must have a real impact on housing , and farms. With changes to our climate long term planning is required, which would require hydrology reports, and environmental studies. Have these been conducted?

Any massive change will have unforeseen circumstances....Lets not make them unforeseen. Some forward thinking. Potential flooding, potential loss of water from the water table and loss of habitats and soakage areas.

Considering the Richmond River has been classified as unhealthy, I am concerned of any further changes and potential runoff occurring and contributing further to the poor health of the river. What impact on fish stocks and other water born species.?

There appears to have been little monitoring of the existing sandmine. I do not believe that monitoring has been adequate in regards to the amount of sand removed and the restitution of the surrounding area, as as I have said above no consideration of the impact of truck movements up and down Ross Lane.

I therefore wholeheartedly reject any request for an extension of this Development application.

Kim Wright
35/502 Ross Lane
Lennox Head NSW
20/9/2017

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17/79068

From: Carol Garcia <carolgarcia51@hotmail.com>
Sent: Thursday, 21 September 2017 12:19 PM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension DA1195/259

1. I live in Lennox Head and use Ross Lane frequently and I oppose the Sand Mine being given an extension.
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Carol Garcia
4/38 Barrett Drive, Lennox Head

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17/79067

From: christina clark <christinakclark@hotmail.com>
Sent: Thursday, 21 September 2017 11:49 AM
To: Ballina Shire Council
Subject: Objection to Sand Mine

Please find my objection to the extension and subsequent mining of the Sand Mine located off Ross Lane, Lennox Head

Extension: DA1195/259

1. I live in Lennox Head and use Ross Lane frequently and I oppose the Sand Mine being given an extension.
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Christina Clark

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Sent: Thursday, 21 September 2017 10:43 AM
To: Ballina Shire Council
Subject: Objection DA 1995 / 259

17/9/2017

General Manager Ballina Shire Council

Objection to DA 1995 / 259

Extraction Industry
DA 1995 / 259 Lot : 10 DP 1010302
Newrybar Swamp Road Lennox Head
AMA Sandpit Quarry

I object to Ballina Shire Council approving any extension of the existing Development Consent for DA 1995 / 259 for the following reasons.

I have concerns regarding this sand quarry on Newrybar Swamp Rd .
It is my opinion that the project site would need to have strict environmental conditions imposed and be closely monitored for the full duration life of the quarry.

Water and Flooding.

Would there be any onsite water containment and or followed by discharge of water from this quarry into Deadmans Creek? . Extra water discharge during times of heavy rain into Deadmans Creek can effect higher and longer flood water levels on Ross Lane and impact land owners south of the quarry site.

Water Quality would also be of concern. Acidic water or siltation can impact on flora and fauna both locally in Deadmans Creek and in the Ballina Nature Reserve and North Creek.

Ground water / Water table. Could this be affected in both quality and quantity as a consequence of the sand quarry extraction ?

Acid Sulphate Soils.

How high will the risk of acid sulphate soils be ?

In the past acid sulphate soil exposure has impacted in this local environment already.

What quality will the sand be to then move to other areas if it is acidic.?

Truck Movements on Ross Lane.

Ross Lane is already a very busy high traffic Road and continues to increase in volume. Extra heavy truck movements on Ross Lane would add to traffic volume, increase potential accident risk , impact on the quality of already poor road surfaces and increase noise to local residents.

Ross Lane does not currently cope with its traffic volume, is very dangerous and congested at intersections.

I have resided on Ross Lane at the southern end of the Newrybar Valley for many years.

It is my opinion that I have witnessed the negative impact that already existing sand quarries on Newrybar Swamp Road have had on Deadmans Creek water quality and quantity plus negative impact on local wildlife plus the impact on traffic.

I would ask the question if the sand quarry sites on Newrybar Swamp Road to date have been correctly monitored by council ?

Janelle Knox
286 Ross Lane
Kinvara Lennox Head

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17/78928

From: ruth-rich <ruth-rich@bigpond.com>
Sent: Thursday, 21 September 2017 9:10 AM
To: Ballina Shire Council
Subject: objection to sand mining

TO: council@ballina.nsw.gov.au
SUBJECT: Objection to Sand Mine Extension: DA1195/259

1. I live in Byron Bay and use Ross Lane frequently and I oppose the Sand Mine being given an extension.
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site.

Ruth Rich
Vape Byron Estate

Sent from my SAMSUNG Galaxy S7 on the Telstra Mobile Network

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17/78024

From: Goodbar4 <goodbar4@yahoo.com.au>
Sent: Thursday, 21 September 2017 8:38 AM
To: Ballina Shire Council
Cc: Councillors
Subject: DA 1995/259

I object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259 on the following grounds:

1 Safety

The trucks currently travel to and from the sand mine at high speed, they haul trailers and are wide enough to completely fill one traffic lane, especially on narrow Ross Lane. This means they are unable to move across to give space to pedestrians and cyclists. I regularly cycle between my home in Sanctuary Village and Lennox Head and one of these leviathans thundering past my right ear can be a frightening experience (perhaps Councillors would like to try it?). There is inadequate verge on the Coast Road to accommodate pedestrians and cyclists; many stretches of Ross Lane have no verge at all which rules out any cycling there for me. There should be no contemplation of approving sand mines in this locality until at least Ross Lane is substantially upgraded.

2 Pollution

Atmospheric pollution from the trucks is a significant long-term health issue for the many residents living alongside the road. Of more immediate concern is the loud noise which many find disturbing and stressful together with the ground vibrations caused by the heavy trucks as they hammer over the bumps in the bitumen.

3 Road Damage

Trucks of this weight cause significant damage to the road surface. Apart from the issue of who should pay for such damage, I do not wish to negotiate on a daily basis roads which are deteriorating on account of sand mining trucks.

Lastly, I am told that approval of this DA would result in substantially more truck movements, further aggravating all of the problems listed above.

It is for these reasons that I strongly urge you **not** to approve the DA but to enforce the speedy rehabilitation of the site and to research alternative, more suitable sites for sand extraction.

Alan Page
75, Sanctuary Village
Lennox Head

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17/18923

From: Jenny Kinkead <lot6jkinkead@gmail.com>
Sent: Thursday, 21 September 2017 8:31 AM
To: Ballina Shire Council
Subject: DA 1995/259

Dear Councillors,

I am writing to lodge my objection to Ballina Council approving any extension of the existing Development Consent for DA 1995/259.

My concerns are:

1. Safety of Ross Lane.

As a resident who has lived on Ross Lane for over 30 years I have witnessed the increase of traffic (cars and trucks) along Ross Lane. Each year the amount of traffic increases and the amount of traffic noise. Ross Lane is used as a main road for traffic (cars and trucks) accessing Lennox head, East Ballina and Byron Bay to and from the Highway. There have not been appropriate upgrades of Ross Lane to cater for this. The extension application makes no mention of expected truck movements over the 12 month extension. If extraction occurs at the permitted 80,000 CBM over 12 months, additional truck movements would be substantial. I am also concerned for the safety of the many cyclists who use Ross Lane.

2. Impact on the environment:

The extension application makes no mention of material the Sand Mine proposes to extract over the 12 month period. I am concerned about the potential impact on the surrounding environment including groundwater and the impact of flooding in times of heavy rain. I am also concerned about potential impact on wildlife in the area.

I object to any approval to extend the existing Development Consent for DA 1995/259.

Sincerely

Jennifer Kinkead
146 Ross Lane
Kinvara 2478

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<BR

17/78860

From: Allira Budd <allirabudd@gmail.com>
Sent: Wednesday, 20 September 2017 4:58 PM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension: DA1195/259

To the Ballina Shire Council,

1. I live in Lennox Head and use Ross Lane frequently and I oppose the Sand Mine being given an extension.
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water, the environment and in particular the impact this will have on the adjoining Ballina Nature Reserve, and Arakwal National Park.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site; due to the fact that this has not been adhered to by the signatories, it is against legislation and also social principle that council should allow this extension to occur.

I implore you to reject the proposal for the mine extension.

Allira Budd

Of Lennox Head

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<BR

17/78858

From: Martin Gorin <martingorin446@gmail.com>
Sent: Wednesday, 20 September 2017 6:12 PM
To: Ballina Shire Council
Subject: Fwd: DA 1995/259 Amendment to Previously Approved Designated Development

Sent from my iPad

Begin forwarded message:

From: Martin Gorin <martingorin446@gmail.com>
Date: 20 September 2017 at 10:56:10 AM AEST
To: council@ballina.nsw.gov.au
Subject: DA 1995/259 Amendment to Previously Approved Designated Development

To Mr Paul Hickey

As a resident at 1/502 Ross Lane, Lennox Head I wish to advise my strong concerns about the above application to extend the sand mining lease on Newrybar Swamp Road.

My concerns are threefold:

a) Environmental: Arial photographs appear to indicate inadequate compliance with the existing requirements with regard to progressive rehabilitation of the exposed areas and proper treatment of acid sulphate soils ie affect on groundwater quality.
The required rehabilitation MUST be completed before any extension is considered.

b) Infrastructure: The submission makes no mention of the increase in number of truck movements but on the proposed 80,000 CBM of sand to be extracted these will be significant.
Ross Lane is coping with a noticeable increase in traffic over the ten months that I have lived here but along with this has come increases in pollution and noise as well as road wear.

c) Safety: Many of the residents in Sanctuary Village are concerned about accessing Ross Lane with the current traffic volumes and speeds and their concerns will increase with an additional high volume of B Doubles travelling at 80kph.

I trust that adequate consideration will be given to my concerns.

Yours Truly

Martin Gorin
1/502 Ross Lane
Lennox Head

Mob: 0400 057 815

17/78857

From: Viviane Frehner <Vif@gmx.ch>
Sent: Wednesday, 20 September 2017 7:36 PM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension: DA1195/259

Dear Ballina Council

I live in Lennox Head and use Ross Lane frequently and I oppose the Sand Mine being given an extension. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.

The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Regards, Viviane Frehner

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17/78855

From: Lucy Arnott <lucyarnott.info@gmail.com>
Sent: Wednesday, 20 September 2017 8:00 PM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension: DA1195/259

To who it may concern,

1. I work in Lennox Head and use Ross Lane daily and I oppose the Sand Mine being given an extension.
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site.

Yours sincerely,

Lucy Arnott

Counselling, Art Therapy & Holistic Healing
m: 0416129616
www.gotogood.net.au



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17/78854

From: casey ricketts <cricketts83@gmail.com>
Sent: Thursday, 21 September 2017 7:18 AM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension: DA1195/259

1. I live in Lennox Head and use Ross Lane frequently and I oppose the Sand Mine being given an extension.
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

I live on Ross lane and already there are multiple truck movements running from as early as 5am till well after dark.

With multiple housing developments being built around the area at the moment I am calculating at least 1500 extra movements per 500 houses to be built.

Extra truck movements on top of this will add to an already difficult road at times to be pushed to its limits, not to mention the excessive noise and vibration caused by the Trucks already running.

Cheers,
Casey Ricketts
99 Ross lane.

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<BR

17/78841

From: Hugh McCaffery <mc7hui@gmail.com>
Sent: Wednesday, 20 September 2017 4:18 PM
To: Ballina Shire Council
Subject: RE: Objection to Sand Mine Extension: DA1195/259

Dear Sir/Madam,

As a Lennox Head rate paying resident of 30 years and a Ross Lane frequent user, I strongly object to the Sand Mine being given an extension due to the direct damage it will cause to our safety, amenity and irreversible damage to local groundwater and North Creek and thereby Richmond River..

The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site, these consent conditions have not been fulfilled.

For the above reasons the extension should not be granted.

Kind Regards,

Hugh McCaffery

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17/78839

From: Ian Peter <ian.peter@ianpeter.com>
Sent: Wednesday, 20 September 2017 2:54 PM
To: Ballina Shire Council
Subject: DA 1995/259 - OBJECTION

My objections to this extension of a sand mining licence include:

1. The applicant's poor record of compliance with the conditions of the existing lease.
 2. The vagueness of the application submitted.
 3. The negative consequences for the economy of Lennox Head, which relies on tourism and will suffer from additional truck movement on the steep Ross Lane which is the main access road into Lennox Head
 4. The traffic impacts on Ross Lane, which is narrow and steep and the main access road into Lennox Head.
- For these reasons, I believe you should reject this proposal.

Sincerely,

Ian Peter

(382 Old Byron Bay Rd Newrybar 2479)

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17/78838

From: Fiona Gordon <fionagordon53@outlook.com>
Sent: Wednesday, 20 September 2017 2:23 PM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension: DA1195/259

1. I live in Alstonville but travel to Lennox Head using Ross Lane frequently and I oppose the Sand Mine being given an extension.
2. I am opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Thank you

Fiona Gordon
26 Godfrey Place
Alstonville, 2477

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17/78835

From: Amelia Rocco <amelia.rocco@hotmail.com>
Sent: Wednesday, 20 September 2017 1:45 PM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension: DA1195/259

Hello,

1. I live in Lennox Head and use Ross Lane frequently and I oppose to the Sand Mine being given an extension
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Regards,

Amelia Rocco

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17/78834

From: jade solien <jade_solien@hotmail.com>
Sent: Wednesday, 20 September 2017 11:39 AM
To: Ballina Shire Council
Subject: Objection to Sand Mine Extension: DA1195/259

1. I live in Lennox Head and use Ross Lane frequently and I oppose to the Sand Mine being given an extension
2. I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water
3. The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Thanks
Jade Solien

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17/78773

28 Greenfield Road
LENNOX HEAD 2478
Tel: 66 876 612

18 September, 2017

BALLINA SHIRE COUNCIL
40 Cherry Street
BALLINA 2478

RE: Objection to DA 10.1995.259.3 Lot 10 DP1010302

Dear Sir,

We are writing to strongly object to the proposed development of a sand mine on the above detailed Lot at Newrybar Swamp road, Lennox Head. Our objection is based on philosophical grounds and concern for the impact on the surrounding environment.

We, as long term, rate paying, Lennox Head residents, are tired of the lack of consideration for maintaining green areas as space around the town. We are not against progress and development per se but this particular area does not need an ugly sand mining pit in the middle of what is a mixture of farming country and local residents situated on small acreage lots.

This brings us to the fact of environmental impact on this area – the main argument against this proposal. The increase in the road traffic due to the number of trucks going in and out of Newrybar Swamp road onto Ross Lane is substantial and cannot be dismissed as an overreaction. Other factors that will effect this area are those concerning nature flora and fauna, possible increase in flooding during unseasonal rainfall with the change in the landscape and the release of acid sulphate chemicals into the surrounding soil. The last, surely would be a major concern to farmers in the surrounding areas.

I would like this submission to be included as a strong objection along with others submitted when the Ballina Council discusses any decisions regarding the above DA.

[pp. 2 over]

Yours sincerely,



[Paul FRANCIS]



[Jenny FRANCIS]

17/78267

From: Enid Mead <enidmead@gmail.com>
Sent: Tuesday, 19 September 2017 12:49 PM
To: Ballina Shire Council
Cc: Councillor David Wright; Councillor Phil Meehan; Councillor Stephen McCarthy; Councillor Sharon Cadwallader; Councillor Jeff Johnson; Councillor Keith Williams; Councillor Eoin Johnston; Councillor Ben Smith; Councillor Sharon Parry
Subject: Objection to Sand Mine DA1995/259

Dear Mayor and Councillors,

As a resident of Kinvara, I wish to object to the extension of the Development Consent of the Planners North Sand Mine on Newrybar Swamp Road for three reasons as listed:

1. Potential impact of the extraction on the surrounding environmental groundwater and the environment in general;
2. Increased truck movements on the very busy Ross Lane impacting on the safety of all drivers and the resulting increased noise;
3. The original Development Consent prohibited any extension within 9 months of the expiry on November 2017 (Condition 15) and required completion of rehabilitation of the current site.

Yours faithfully,
Enid Mead
15 McLeish Road,
Kinvara. 2478

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<BR

17/11909

From: Malcolm Milner <mmilner@norex.com.au>
Sent: Monday, 18 September 2017 4:51 PM
To: Ballina Shire Council
Cc: Councillors
Subject: Sand Mine Approval Exrention

Re DA 1996/259

I wish to oppose the extension of the above approval.

This application does not comply with the condition to the existing DA which specifies that no extension is to be granted within 9 months of the expiry of the original consent date except for restoration reasons.

The owners have apparently not complied with the original DA requirements regarding rehabilitation requirements and this should be the only priority at the present moment.

Heavy truck movements along Ross Lane are a problem at present and no further sand should be mined from this area.

Regards

Malcolm Milner

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17/77423

From: marg jaffray <margyjaffray@gmail.com>
Sent: Saturday, 16 September 2017 12:15 PM
To: Ballina Shire Council
Subject: DA 1995/259

I, M Jaffray, resident of Ross Lane, do OBJECT to Ballina Council approving any extension of the existing development consent for D.A. 1995/259 for the following reasons. 1. more truck movements in the area. 2. more pollution, and noise pollution. 3. impact of more extraction on the surrounding environment. This is a wetland area, a flood plane. Wetlands reduce the impact of flooding. Wetlands absorb pollutants and improve water quality. Wetlands form nurseries for fish and other freshwater and marine life and are critical to the commercial and recreational fishing industries. Wetlands area are a vital link between land and water. Newrybar wetland needs to be restored, not developed further. sincerely yours M Jaffray

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17/76804.

From: Gary Sanderson <garysando@hotmail.com>
Sent: Thursday, 14 September 2017 3:52 PM
To: Ballina Shire Council
Cc: councillors@ballina.nsw.org.au
Subject: Proposed Sand Mine extension of lease DA # 1995/259

Dear Councillors,

Please note our objection to the extension of the above Sand Mine lease....

The existing ground on which the original mine was granted was NOT repatriated as required and is an eyesore on the landscape.

The additional truck traffic coming onto Ross lane would have a very negative impact on residents and fellow road users.....and create an even greater risk of a potential accident as trucks (b doubles).. come hurtling down Ross lane past Dufficys lane, on a downhill blind corner for resident s to turn into Dufficys lane..of which we are one.

Please work with the community on rejecting this extension....No one wants it...Its time developments like this move to places further away from the ever growing population of Lennox Head.....

Thank you for hearing our concerns.

Regards

Gary Sanderson
27 Dufficys lane
Kinvara....2478.

Sent from my iPad

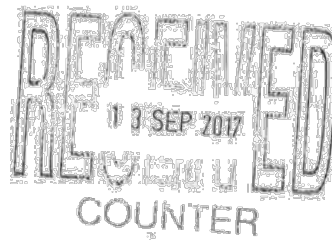
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17 | 76573

Mrs Debra Pick
PO Box 410
BALLINA
NSW 2478

12 September, 2017

Ballina Shire Council
PO Box 450
BALLINA
NSW 2478



DA NO: DA 1995/259

PROPERTY: Lot: 10 DP: 1010302,
Newrybar Swamp Road LENNOX HEAD

PROPOSAL: Section 96 Application to Modify Consent-Section 96 (2)
Amendment to Designated Development 1995/259 (AMA
Sandpit Quarry) to extend the operational life of the quarry
for one additional year (to November 2018)

As an adjoining landholder (L9 DP1010302, Newrybar Swamp Road) to Lot 10 DP1010302, Newrybar Swamp Road, I welcome the opportunity to comment on and outline reasonable concerns in regard to the one year extension of DA 1995/259. There are issues I feel that need to be addressed so that any future operations of this sand quarry or a future amalgamated sand quarry will not impact the local area, me or my property in an adverse manner.

These are the relevant issues:

- Noise levels
- Air Quality/Dust
- Traffic and transport safety
- Remediation of site
- Reasonable time limit on sand extraction

Noise levels

I accept that the nature of the operation is going to generate noise.

I would anticipate that the modified consent would retain the existing hours of operation and that those hours be complied with.

In order to limit the potential offensiveness of noise generated I would expect the sand quarry to adhere to and work within all guidelines of any and all relevant authorities.

Air Quality/Dust

I would expect the quarry operation to continue with past practice of reducing dust from stockpiles and along the work face in the working pit.

Also the establishment of a regime of 'good practice' in the use of a water truck where appropriate in the event of excessive dust lift off and dispersal.

Traffic and transport safety

The following traffic movements have all contributed to a substantial increase in traffic since this sand quarry was given its first approval in November 1997.

- heavy vehicle traffic from the seasonal sugar cane harvest
- vehicles servicing the expanding macadamia orchards further up the valley
- truck movements from Ballina Sand's Quarry and AMA Sandpit Quarry
- weekday vehicle movements from the site office and bulk storage compound of Byron Scaffolding
- weekday traffic of the Lennox Aquatic Centre
- buses delivering school children to the Lennox Aquatic Centre
- weekday school bus service
- daily residential traffic from the valley

It would be in the best interest and safety of all those who use the Newrybar Swamp Road and Ross Lane to have;

Sand quarry trucks only enter and exit along the Newrybar Swamp Road to Ross Lane

The entry and exit strategy at the quarry entrance be improved. As vehicles travelling south on the Newrybar Swamp Road approach the entrance after negotiating a slippery shale S bend as the road changes from shale to tar. A satisfactory solution would be to seal the S bend.

Upgraded signs that indicate heavy vehicles will be entering the roadway from the right, on the Newrybar Swamp Road's northern approach to the sand quarry's entry-exit. As vehicles approaching the entry-exit from the north do not see exiting sand quarry trucks or for that matter cane trucks until they come around the bend in the road.

A set posted speed limit of 80 kph on the Newrybar Swamp Road as it has now been set on Ross Lane.

The turning bays on Ross Lane be widened and lengthened to better accommodate the predominate truck with trailers that are the heavy vehicle transportation used to service the sand quarry. In particular an upgrade is needed on the left hand turning bay from Ross Lane to the Newrybar Swamp Road as the road shoulder is under considerable strain with the turning of large trucks and trailers.

I ask that councillors would take in to consideration the already existing traffic movements and plan for future traffic movements of the Newrybar Swamp Road and limit the maximum movement of trucks per hour from the sand quarry. As stated in the Application to Modify Consent the sand quarry 'traffic may change the amenity' of the residential properties along the Newrybar Swamp Road to Ross Lane. My residence will not be affected by the increased traffic but it is the daily route to Ross Lane for me and my family and my safety as well as theirs that is a concern. Traffic safety of existing and future residents and industry would be compromised by excessive truck movements from the sand quarry.

Remediation of site

I would expect the proposed one year extension of the quarry operation to continue with all site rehabilitation as outlined in the plan of management as approved by council in 1997.

Reasonable time limit on sand extraction in the Newrybar Valley

The maintenance of a quality of life for existing residents and new residents of the Newrybar Swamp Road must be planned for by council. With the changing use and increase in population of the surrounding area placing a time limit on sand extraction in the valley would be more compatible with the developing social community.

The application to modify consent as presented in this DA will have an environmental as well as social impact on the surrounding community, as the modified consent appears to relate to a future quarry proposal to combine this quarry to the northern quarry, to make a single quarry.

I ask that the councillors will give appropriate consideration to all long term effects this approval would imply and provide appropriate safeguards with respect to noise, air quality/dust, traffic and transport safety, water management, site rehabilitation and time limit of this project to ensure that no part of the community and the environment will be unacceptably disadvantaged or degraded.

Thank you for your consideration.

Respectfully
Mrs Debra Pick



17/76444

From: Yolanda Bowron <yolanda_bw83@yahoo.com.au>
Sent: Wednesday, 13 September 2017 8:45 PM
To: Ballina Shire Council
Subject: DA 1995/259

I am writing to you as member of our local community that doesn't approve of this sand mining DA 1995/259 . I have grave concerns about the environmental impact it could have on our community what if we were to have a flood or heavy rainfall & the acidic by product rains off into our water ways our river systems . Also all that extra truck movement on Ross lane & are they really going to properly rehabilitate the area after ward . I think not

1. I object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259, when the requirements of the existing Development Consent and Plan of Management, specifically in relation to the progressive rehabilitation of the site, may not have been adhered to. Recent aerial photography (shown below) suggests that large areas of the site may not have been rehabilitated. The original Development Consent (Condition 31) restricts the area permitted to be stripped of topsoil at any time to 0.5HA. We insist that any required rehabilitation **MUST** be completed before any extension is considered.
2. The extension application makes no mention of the amount of material the Sand Mine proposes to extract over the 12 month period. Extraction limits are set for many reasons, including, but not limited to, limiting the potential impact of extraction on the surrounding environment, including groundwater, as well as the traffic implications for the connecting roads, specifically the already busy Ross Lane.
3. The extension application makes no mention of expected truck movements over the course of the 12 month extension. If extraction occurs at the permitted 80,000 CBM over the 12 months, additional truck movements could be substantial, and may have a significant negative impact on Ross Lane residents, and those who use Ross Lane on a daily basis, specifically in regards to safety, noise pollution and reduced speeds causing inconvenience.
4. Condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development Consent (which will occur in November 2017) except for site restoration purposes.

Kind regards ,
Yolanda Bowron -Walker

Sent from Yahoo Mail for iPhone

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17 76440

From: Sirpa Reed <sirpa.reed@gmail.com>
Sent: Wednesday, 13 September 2017 10:24 AM
To: Ballina Shire Council
Subject: DA1995/259

I object to the development of the sand mine due to increased noise affecting Sanctuary Village residents. Due to increased noise it is now hard for us to tolerate as there is no fence between us and the road. The increased noise from traffic over the years as this was a Lane not a major thoroughfare. Yours Sirpa Reed 24 Sanctuary Village Sent from my iPhone

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17/76415

Muriel Watt & David Jordan
48 Glenross Drive
Kinvara
NSW 2478

13th September 2017

to council@ballina.nsw.gov.au

Copied to All Councillors: councillors@ballina.nsw.gov.au

Mayor David Wright:
Councillor Sharon Cadwallader:
Councillor Jeff Johnson
Councillor Eoin Johnston
Councillor Stephen McCarthy
Councillor Phillip Meehan:
Councillor Sharon Parry
Councillor Ben Smith
Councillor Keith Williams
Councillor Nathan Willis

Re: DA 1995/259: Section 96 (2) Amendment to Designated Development 1995/259 (AMA Sandpit Quarry) to extend the operational life of the quarry for one additional year (to November 2018)

1. We object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259, when the requirements of the existing Development Consent and Plan of Management, specifically in relation to the progressive rehabilitation of the site, may not have been adhered to.

The original Development Consent Condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development Consent (which will occur in November 2017) except for site restoration purposes. In addition, Condition 31 restricts the area permitted to be stripped of topsoil at any time to 0.5HA. We insist that any required rehabilitation **MUST** be completed before any extension is considered.

2. The extension application makes no mention of the amount of material the Sand Mine proposes to extract over the additional 12 month period. Extraction limits are set to minimise the potential impact of extraction on the surrounding environment, including groundwater, as well as the traffic on connecting roads, specifically the already busy Ross Lane.

3. The extension application makes no mention of expected truck movements over the course of the 12 month extension. If extraction occurs at the currently permitted 80,000 CBM over the 12 months, additional truck movements could be substantial.

We live on Glenross Drive, off Ross Lane and are already impacted by the noise and traffic hazards caused by the numerous B-double truck movements on what is a relatively small road, not designed for heavy truck movements, in a quiet country area.

We are also concerned that this extension is a precursor to a potential expansion of the mining activity by another party, with a significant concomitant increase in truck movements on Ross Lane.

Having moved recently from Mudgee, where large new coal mining activity was established at nearby Ulan, we are also very aware of the drag on Council resources maintaining the road caused. This cost inevitably flows on to ratepayers.

Yours Sincerely,



Muriel Watt



David Jordan

17/74845

R.I Watson and C.M. Watson
91 Newrybar Swamp Road
KINVARA NSW 2478

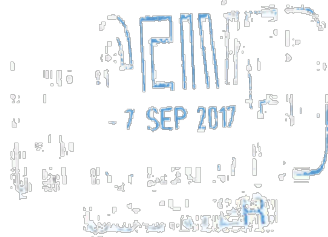
7th September, 2017

Ballina Shire Council
40 Cherry Street,
BALLINA NSW 2478

Attention: Anthony Peters

Dear Anthony,

Re: DA 1995/259



We object to the section 96 application to modify consent re DA 1995/259 on the following grounds.

1. Unfortunately, the operator of this quarry has failed to comply with its stated management over the past 20 years. In particular, the rehabilitation of the quarry, which seems to be nonexistent.
2. Any extension to the term of the licence should be according to the strict environmental conditions of 2017 not that of the less stringent environmental conditions applicable in 1995 . Further, considering the quarry operator's past history of ignoring their consent obligations, these 2017 conditions should be strictly enforced.
3. There is no weigh bridge on site. Weighing by loading machinery is notoriously inaccurate. Therefore overloading of trucks can occur and the ability of Council to accurately check road contributions is impaired. In 2017 quarries are required to have accurate, trade certified weighing scales which are checked regularly by the Weights and Measures Authority.
4. The claim that the quarry needs to maintain competition in the supply of fill sand is irrelevant as the quarry has been dormant for some time.
5. I believe that Council's consent (Determination of a Development Application) stated that any extension would be solely for the purposes of facilitating site restoration.

Yours sincerely,


R.I. Watson


C.M. Watson

17/74288

From: hélène sprenger <helene.spr@gmail.com>
Sent: Wednesday, 6 September 2017 2:40 PM
To: Ballina Shire Council
Subject: DA 1995/259

To whom it may concern

1. I object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259, when the requirements of the existing Development Consent and Plan of Management, specifically in relation to the progressive rehabilitation of the site, may not have been adhered to. Recent aerial photography (shown below) suggests that large areas of the site may not have been rehabilitated. The original Development Consent (Condition 31) restricts the area permitted to be stripped of topsoil at any time to 0.5HA. We insist that any required rehabilitation **MUST** be completed before any extension is considered.



2. The extension application makes no mention of the amount of material the Sand Mine proposes to extract over the 12 month period. Extraction limits are set for many reasons, including, but not limited to, limiting the potential impact of extraction on the surrounding environment, including groundwater, as well as the traffic implications for the connecting roads, specifically the already busy Ross Lane.

3. The extension application makes no mention of expected truck movements over the course of the 12 month extension. If extraction occurs at the permitted 80,000 CBM over the 12 months, additional truck movements could be substantial, and may have a significant negative impact on Ross Lane residents, and those who use Ross Lane on a daily basis, specifically in regards to safety, noise pollution and reduced speeds causing inconvenience.

8.1 **DA 1995/259 - Section 96(2) - Sandpit Quarry - Newrybar Swamp Road.DOC**

4. Condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development Consent (which will occur in November 2017) except for site restoration purposes.

Regards

Helene Sprenger

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<BR

17/73990

From: Sherrie Yeomans <sherriesslate@icloud.com>
Sent: Wednesday, 6 September 2017 8:32 AM
To: Ballina Shire Council
Subject: RE : DA 1995/259

Josh Kelly
46 Greenfield rd
Lennox Head 2478

RE : DA 1995/259

To Ballina Council,

I object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259.

I walk along Ross lane most days with my dog. When the trucks drive past its pretty full on for us both. I think there are way too many trucks along this road already, to have the truck movements increased would make this road unsafe.

The extension application makes no mention of expected truck movements over the course of the 12 month extension. If extraction occurs at the permitted 80,000 CBM over the 12 months, additional truck movements could be substantial, and will have a significant negative impact on other Ross Lane residents, and those who use Ross Lane on a daily basis, specifically in regards to safety, noise pollution and reduced speeds causing inconvenience.

Another reason for this objection is the requirements of the existing Development Consent and Plan of Management, specifically in relation to the progressive rehabilitation of the site, may not have been adhered to. Large areas of the site may not have been rehabilitated. The required rehabilitation needs to be done or there will be substantial negative environment effects.

As well as Condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development Consent (this occurs in November 2017) except for site restoration purposes.

I look forward to your reply.

Sincerely Josh Kelly.

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17/73634

From: Sherrie Yeomans <sherriesslate@gmail.com>
Sent: Tuesday, 5 September 2017 10:35 AM
To: Ballina Shire Council
Subject: RE : DA 1995/259

Sherrie Yeomans Mob : 0418 388 252 Email : sherriesslate@gmail.com
46 Greenfield rd
Lennox Head 2478

RE : DA 1995/259

To Whom it may concern,

I object to Ballina Council approving any extension of the existing Development Consent for DA 1995/259.

My daughter walks along Ross lane every day to her horses. It is already dangerous and frightening for her when trucks drive past. We ride our horses along Ross lane as this is the only access to the beach. To have the truck movements increased would make this road unsafe for my daughter and others who walk along here and I would say impossible to ride horses along. This area is widely known as a horse riders paradise. We have already had incidences where truck drivers have nearly collided with us as they haven't followed the road rules to slow when horses are in the vicinity and need I say the trucks size and noise is terrifying to horses. I would hate to think what could have happened if we didn't take our lives into our own hands and dismounted when these reckless truck drivers took no heed what so ever to our distress and that of our horses at each of these times.

The extension application makes no mention of expected truck movements over the course of the 12 month extension. If extraction occurs at the permitted 80,000 CBM over the 12 months, additional truck movements could be substantial, and will have a significant negative impact on other Ross Lane residents, and those who use Ross Lane on a daily basis, specifically in regards to safety, noise pollution and reduced speeds causing inconvenience.

Another reason for this objection is the requirements of the existing Development Consent and Plan of Management, specifically in relation to the progressive rehabilitation of the site, may not have been adhered to. Large areas of the site may not have been rehabilitated. There is no question that any required rehabilitation needs to be done.

As well as Condition 15 of the original Development Consent specifically prohibits any extension within 9 months of expiry of the original Development Consent (this occurs in November 2017) except for site restoration purposes.

We moved here 11 years for a safe, environmentally conscious, quite life. Land degradation and truck noise is the opposite of that. I ask council to please hear your rate paying residences.

I look forward to your reply.

Sincerely Sherrie Yeomans.

17/73494

From: Rainbow Tipis <info@rainbowtipis.com.au>
Sent: Monday, 4 September 2017 4:49 PM
To: Ballina Shire Council
Subject: FW: Sand Mining DA1995/259

From: Rainbow Tipis [mailto:info@rainbowtipis.com.au]
Sent: Monday, September 04, 2017 4:47 PM
To: 'council@ballina.nsw.gov.au'
Subject: Sand Mining DA

To Whom It May Concern,

I object strongly to this Sand Mining D.A.1995/259

As a property owner on Ross Lane I have experienced the ongoing loud passing of trucks from the quarry for quite a number of years now.

Several times exiting my driveway which sits on a blind bend in a 80km zone. Not only myself but family and friends have almost been wiped out by speeding trucks and vehicles.

As for the current existing quarry, thankyou, we now have water views.

Already, the traffic is too heavy and with the release of all the new housing estates it will be even worse. The already existing parking problems in Lennox are a testament to the already overcrowding of a beautiful town that once was a small village.

The quarry in question will be another mistake by the council and powers that be. The demographics and the existing roads will not support this growth. Not to mention facility's, water supplies, ablutions, I ask that before the next Sand Mining D.A. submission be even considered that the infrastructure necessary to accommodate future growth be placed foremost for consideration.

Sincerely,

Bronwyn Graham.

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For more information please visit <http://www.symanteccloud.com>

17/73033

From: Barbara Waters <murbahbarb@gmail.com>
Sent: Sunday, 3 September 2017 8:43 AM
To: Ballina Shire Council
Subject: Sand mining at Lennox - NO DA 1995/259

PLEASE stop planning to mine the Lennox sand. It's crazy to take sand from our beautiful beaches which are so valuable to all of us.

Also, the thought of all those trucks on Ross Lane, up that narrow winding road, would be very dangerous to all of us.

Barbara Waters

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<BR

From: Sandra Bailey
Sent: Friday, 15 September 2017 4:05 PM
To: Development and Environmental Health Group Support Staff
Subject: FW: DA 1995_259 Sand Mine, Newrybar Swamp Road
Attachments: Sand Mine DA 1995_259 modification.pdf

Categories: Planning

From: balibob [mailto:balibob@bigpond.com]
Sent: Friday, 15 September 2017 4:02 PM
To: Councillors
Subject: DA 1995_259 Sand Mine, Newrybar Swamp Road

17/7/661
(17/7/315 same letter)
AT

Good afternoon Councillors

Please find attached Lennox Head Residents' Association (LHRA) submission in relation to DA 1995/259 Newrybar Swamp Rd sand mine extension.

LHRA opposes a one year extension of the life of this particular sand mine because:

- 1) The owners have not demonstrated the intention to meet their current Development Consent obligations, that is progressive rehabilitation.
- 2) Are elusive on the extraction rates/truck movements.
- 3) The DA modification simply does not meet Condition 15 as the existing Development Consent expires in less than 3 months.

Kind regards

Monica Wilcox
LHRA President

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Extension on DA 1995/259

Submission from Lennox Head Residents Association, 15 July 2017

Lennox Head Residents' Association (LHRA) opposes the application to extend life of the current sand mine, owned by McGearys, on eastern side of Newrybar Swamp Road, by one year.

There is already great concern in the community in relation to the potential large quarry being approved to the immediate north of this sandmine, however LHRA's focus is on this current DA modification.

1. Firstly, there is the outright opposition based on Condition 15 of the original Development Consent which specifically prohibits any extension within 9 months of expiry of the original Development Consent (which will occur in November 2017) except for site restoration purposes. This DA modification simply does not comply with this condition.
2. According to aerial photographs, it appears that the sand mine owners are not meeting their obligations under their existing Development Consent for DA 1995/259 that is the progressive rehabilitation of the land. This DA modification does not indicate any intention of fulfilling their present obligations.
3. The current levels of truck movements are already distressing drivers on the busy Ross Lane and this DA modification does not specify the extraction limits or numbers of truck movements on Ross Lane, in this one year period. This leaves open the opportunity to further increase current truck movements and add more pressure on Ross Lane traffic flow and safety matters.

Conclusion, the owners have not demonstrated the intention to meet their current Development Consent obligations, are elusive on the extraction rates/truck movements and the DA modification simply does not meet Condition 15 as the existing Development Consent expires in less than 3 months.

18/1195

From: Nigel Wong <nw160854@gmail.com>
Sent: Friday, 5 January 2018 8:28 AM
To: Laura Coleman; Ballina Shire Council
Subject: Objection to Sand Mine Extension DA1195/259

We live in Lennox Head and use Ross Lane frequently and I oppose the Sand Mine being given an extension.

I'm opposed due to the increased truck movements that it would bring as well as the potential impact on our ground water.

The original DA consent prohibited any extension within 9 months of the expiry of the DA and required completion of rehabilitation of the current site

Yours faithfully

Nigel & Laura Wong
516 Ross Lane
Lennox Head

Cheers, Nige

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For more information please visit <http://www.symanteccloud.com>

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Our Ref: C17/347

5 September 2017

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478
Via email: council@ballina.nsw.gov.au

Attention: Mr Anthony Peters

Dear Mr Peters

Re: Section 96 Amendment for DA 1995/259, Lot 10 DP 1010302, Newrybar Swamp Road, Lennox Head, BALLINA LGA

Thank you for your letter of 14 August 2017 requesting that DPI Fisheries, a division within the Department of Primary Industries, consider and identify any issues related to the s96 Amendment proposed for DA 1995/259.

Following assessment of the above mentioned modification as outlined in the correspondence, DPI Fisheries is satisfied that the proposed amendment will have no impact on key fish habitats. Consequently, DPI Fisheries has no objection to the proposed amendment.

If you have any further enquiries please contact me on 0447 537 168 or jonathan.yantsch@dpi.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Yantsch', written over a horizontal line.

**Jonathan Yantsch
Fisheries Manager, Aquatic Ecosystems (North Coast)
Aquatic Environment, Primary Industries NSW**

Division of Primary Industries, DPI Fisheries
1243 Bruxner Highway, WOLLONGBAR NSW 2477
Ph: 0447 537 168 ABN: 72 189 919 072 www.dpi.nsw.gov.au

1 of 1



File No: NTH16/00006/03
Your Ref: DA: 1995/259

General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Anthony Peters

Dear Sir / Madam,

Development Application No. 1995/259 – SEPP (Infrastructure) 2007. AMA Sand Quarry, Lot 10 DP 1010302, Newrybar Swamp Road, Lennox Head.

I refer to your letter of 17 August 2017 requesting comment from Roads and Maritime Services in relation to the abovementioned proposed Section 96(2) amendment.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

In accordance with Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Roads and Maritime is given the opportunity to review and provide comment on the subject development application.

Roads and Maritime Response

Roads and Maritime has reviewed the referred information and has no objection to the proposed amendment.

Advice to the Consent Authority

Upon determination of the application it would be appreciated if could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Bill Butler, A/Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully

Handwritten signature of W.R. Butler in black ink.

For Liz Smith
A/Network & Safety Manager, Northern Region
11/09/2017

Roads and Maritime Services

76 Victoria Street, Grafton NSW 2460 | 21
PO Box 576, Grafton NSW 2460 |

www.rms.nsw.gov.au | 13 22 13



Our Reference: EF16/883 DOC17/433072-01
Date: 11 September 2017

Ballina Shire Council
Attention: Anthony Peters:
PO Box 450
Ballina NSW 2478

Dear Mr Peters

Amendment to Designated Development 1995/259 (AMA Sandpit Quarry) to extend the life of quarry to November 2018.

I refer to correspondence dated 14 August 2017 concerning an amendment to Designated Development 1995/259 (AMA Sandpit Quarry) to extend the life of quarry to November 2018.

As you are aware the AMA Sandpit Quarry is currently not licensed by the Environment Protection Authority (EPA). The EPA understands that AMA Sandpit Quarry is currently extracting less than 30 000 tonnes per year.

As the premises is not currently licensed the EPA has no statutory role in the matter. Notwithstanding this soil and water management, particularly relating to groundwater and acid sulphate soils management are key issues for the premises. For your information, prior to issuing an Environment Protection Licence for a premises of this nature the EPA would require the assessment of baseline groundwater chemistry and groundwater levels and the establishment groundwater trigger values for key parameters based on baseline groundwater data. Further information on this approach is attached to this letter (Attachement A) to help guide council on this matter.

Please contact Peter Lynch on 02 6640 2502 if you wish to discuss this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Graeme Budd', written over a light blue horizontal line.

Graeme Budd
Head Environmental Management Unit North Coast Region
Environment Protection Authority

PO Box 498, Grafton NSW 2460
L2, 49 Victoria Street Grafton, NSW 2460
Tel: (02) 6640 2500 Fax: (02) 6640 2539
ABN 43 692 285 758
www.environment.nsw.gov.au

Attachement A: Assessment of baseline groundwater chemistry and the establishment of groundwater trigger values for key parameters for sand quarries in areas of potential acid sulphate soils**Trigger values**

Trigger values should be set at the maximum concentration measured during baseline monitoring of up-gradient monitoring bores, or at levels indicative of groundwater acidification.

As a general guide, the following factors typically indicate that groundwater is either acidifying or is highly vulnerable to acidification:

- a chloride to sulfate mass ratio of less than 2;
- a bicarbonate (alkalinity) to sulfate mass ratio of less than 5;
- an aluminium to calcium mole ratio of greater than 1. This factor may indicate that calcium depletion of overlying soils is taking place and that vegetation may be vulnerable to aluminium toxicity;
- a groundwater pH of less than 5;
- a bicarbonate (alkalinity) concentration of less than 10 mg/L; and
- an aluminium concentration in groundwater greater than 1 mg/L.

Groundwater Monitoring

Groundwater Monitoring requires yearly monitoring of:

- groundwater levels
- pH,
- Sulfate (SO₄),
- EC (Electrical conductivity)
- titratable acidity
- major ions: Cl (Chloride, NH₃)
- metals and metalloids: (dissolved)
- Al, Fe, As, Cd, Co, Cr, Cu, Ni, Se, U, Zn, Cd., Arsenic, Calcium, Magnesium, Sodium.
- Anions
- Total dissolved solids
- Total Iron
- total alkalinity.

Sediment basin monitoring.

Sediment basin monitoring requires yearly monitoring of:

- pH
- EC and
- titratable acidity.
- Total
- Suspended solids
- Oil and Grease

On discharge from the sediment basin as a result of rainfall of less than the 5- day 90 percentile rain event monitoring of:

- pH
- Total
- Suspended solids
- Oil and Grease

Statutory Declaration
OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I, Rodney Owen McGeeary, do solemnly and sincerely declare that our family companies were the proponent of Ballina Shire Development Application 1995/259, Newrybar Swamp Road. After the approval of the Development Application we arranged for a Plan of Management to be prepared and submitted to Council. I understand that that plan was approved by Council in July 1997. We also arranged for road works external to the quarry site to be undertaken. I understand that those works were completed on or about the 26th September 1997.

I have been asked by our consultant town planner, Mr Stephen Connelly of PLANNERS NORTH, to provide advice or records that the family companies hold in relation to the actual date that onsite quarry commenced. I have undertaken a comprehensive review of our records and unfortunately we do not hold any historical records in relation to the actual onsite commencement of quarrying. However, I recall that commencement occurred in 1997. I know that we had not undertaken any work on site but we were approached by Mr Gradwell who was undertaking a subdivision in the township of Lennox Head. Mr Gradwell required about 16000m3 of sand fill for work on his subdivision. Mr Gradwell arranged for a contractor from Coffs Harbour by the name of Mr Barry Moore to carry out the sand extraction on our quarry site. I recall Mr Moore had a 30 tonne excavator for excavating and loading the sand. I personally took Mr Moore and Mr Gradwells foreman Des Brown to our quarry and advised them in relation to the section of the quarry where the sand could be taken from and of the requirements in relation to quarrying protocols that needed to be observed, unfortunately Mr Brown passed away in 2012. To the best of my recollection this quarrying activity commenced in late 1997.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.

Declared at: Evans Head on 11-October 2017
[place] [date]

BRIAN WILLIAM FOSTER J.P.
27 CARABEEN STREET
EVANS HEAD 2473
in the presence of an authorised witness, who states:
I, [Signature], a J.P.
[name of authorised witness] [qualification of authorised witness]

BRIAN WILLIAM FOSTER J.P.
27 CARABEEN STREET
EVANS HEAD 2473
I, [Signature], a J.P.
[name of authorised witness] [qualification of authorised witness]

certify the following matters concerning the making of this statutory declaration by the person who made it: [* please cross out any text that does not apply]

- ~~*I saw the face of the person OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and~~
- ~~*I have known the person for at least 12 months OR I have confirmed the person's identity using an identification document and the document I relied on was~~
[describe identification document relied on]

BRIAN WILLIAM FOSTER J.P.
27 CARABEEN STREET
EVANS HEAD 2473
[Signature] [date]

BRIAN WILLIAM FOSTER J.P.
27 CARABEEN STREET
EVANS HEAD 2473
[Signature] [date]

Modification to DA 1995/259

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2. PROPOSED AMENDMENTS

This section details the proposed amendments to Development Application No. 1995/259 pertaining to Section 96(2) of the Environmental Planning & Assessment Act 1979. Council's Application form and the relevant Land Owner Authority are contained in Appendix A to this report.

This modification seeks to amend a single condition of Development Consent. In the following subsection, we have recited the existing condition and set out our request in relation to a proposed change to the existing condition. Words proposed to be deleted are shown ~~struckthrough~~ and proposed new words are shown in **red font**.

2.1 CONDITION 14:**Existing:**

This consent enables a total extraction of 450,000m³ or permits the quarrying of the site for not more than twenty (20) years, whichever is achieved first. This approval is contingent upon satisfactory reappraisal of the management plan at the five (5) year period.

Proposed:

This consent enables a total extraction of 450,000m³ or permits the quarrying of the site for not more than ~~twenty (20)~~ **one (21)** years, whichever is achieved first. This approval is contingent upon satisfactory reappraisal of the management plan at the five (5) year period.

Comment

To date much less than the maximum 450,000m³ has been extracted and the subject quarry has considerable resource remaining. At **Appendix B** we have included a map from the EIS by R W Corkery & Co showing the quarrying footprint approved under DA 1995/259. Accompanying that plan we have provided a contemporary survey of the land. Over that plan we have approximately plotted the approved quarrying footprint. As will be readily discernible from the survey only part of that approved footprint has been quarried.

The owners have commissioned an Environmental Impact Statement with a view to carrying out quarrying over both the subject site and land to the north over a further period. Preparation of this Development Application has been complex and is taking far longer than initially anticipated. In order to provide for the competitive availability of construction sand within the Shire, the terms of this consent are sought to be extended by a further 1 year. That extension period will allow for the orderly completion of the EIS, application assessment and determination. In the event that the EIS is approved there will also be some time associated with preparation for commencement of the extended quarrying operation.

2.2 BEFORE AND AFTER COMPARISON

To assist in Council's consideration of the proposed amendments, we have set out below a comparison of the development before and after the amendments sought. These changes are described in both qualitative and quantitative terms.

2.2.1 QUANTITATIVE CONSIDERATIONS

- 5% extension in the duration of quarrying;
- No change of quarry footprint;
- No change in approval extraction rate;
- No change in site ownership or management;



1139.1984

Modification to DA 1995/259

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- No change to the external visual environment of the site;
- No change in the environmental controls applicable to the land; and
- No change to the landuse pattern in the locality.

2.2.2 QUALITATIVE CONSIDERATIONS

- For the period of one (1) extra year, traffic on Newrybar Swamp Road may change the amenity of the 5 rural residential properties which front Newrybar Swamp Road between the quarry entrance to Ross Lane. After quarry traffic enters Ross Lane, we believe that there would be no discernible change in heavy vehicle volume on Ross Lane based on the 1 year extension.
- The zoning controls in the locality remain more or less the same.



Modification to DA 1995/259

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3. ASSESSMENT OF ENVIRONMENTAL PLANNING INSTRUMENTS

The proposal encompasses the modification of a development consent notice pursuant to Section 96(2) of the Environmental Planning & Assessment (EP&A) Act. The assessment of the proposed amendment is undertaken in accordance with the relevant provisions of the EP&A Act which in this instance is:

- Section 96(2) Modifications by Consent Authority, and
- Section 79C(1) Matters for consideration

3.1 SECTION 96(2) ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Pursuant to Section 96(2) of the Environmental Planning and Assessment Act, the following assessment is provided with respect to the proposed modification to Development Consent Notice DA 1995/259.

S.96 (2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Comment:

Attached at **Appendix A** is the landowner authority permitting the lodgement of this application.

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment:

In our opinion, "substantially", when used in the section means "essentially or materially" or having the same "essence".

Other than with respect to time, no other change to the development consent is sought. All of the existing management measures applicable to the land are proposed to be maintained. Accordingly, it is submitted that the 5% increase in the duration of quarrying activity will have minimal additional environmental impact and the project will be substantially the same development.

In Section 2.2 we have completed a comparison between the development, as currently approved, and the development as proposed to be modified. We submit that the result of the comparison is a finding that the modified development is "essentially or materially" the same as the currently approved development.

- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment:

Not applicable.

- (c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or



Modification to DA 1995/259

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- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment:

Pursuant to Council's DCP a Modification Application of this type does not require advertising.

- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment:

In the event that Council received submissions in relation to this modification proposal, we would appreciate the opportunity to review those submissions and make an appropriate submission in reply.

Subsections (1) and (1A) do not apply to such a modification.

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

Comment:

Refer to Section 3.2 of this report for considerations in relation to Section 79C(1).

- (4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment:

Not applicable.

- (5) Threatened species

Development consent of the kind referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995, is not to be modified unless:

Comment:

The proposed development is not of the kind referred to in Section 79B(3) or with respect to land which has a biobanking statement attaching to it.

- (a) in the case of development referred to in section 79B (3)—the requirements of section 79B (3)–(7) have been complied with in relation to the proposed modification as if the application for the proposed modification were an application for development consent, or

Comment:

This aspect is not applicable.

- (b) in the case of development in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995—the applicant has made an application for modification of the biobanking statement in relation to the proposal and a new biobanking statement has been issued or the consent authority is satisfied that the modification will have no impact on biodiversity values (within the meaning of that Act).

Comment:

This aspect is not applicable.



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3.2 79C EVALUATION

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and**

At the time of approval of the subject development application, the local zoning controls were:

Name: Ballina Local Environmental Plan 1987 (BLEP87)

Application in Subject Case:

Zone: The land was zoned 1(b) Rural (Secondary Agricultural Land) Zone.

Zone No 1 (b) Rural (Secondary Agricultural Land) Zone

1 Objectives of zone

A *The primary objective is to regulate the subdivision and use of land within this zone:*

- (a)** *to encourage the productive use of the land and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwellings and rural industries, and*
- (b)** *to permit a range of uses which are compatible with the rural character of the land, particularly tourist oriented developments and recreation establishments and recreation facilities, and*
- (c)** *(Repealed)*

B *The secondary objectives is to ensure that development within the zone:*

- (a)** *maintains the rural character of the locality, and*
- (b)** *does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.*

C *The exceptions to these objectives are:*

- (a)** *development of land within the zone for public works and services, outside the parameters specified in the primary and secondary objectives, subject to the impact on agricultural resources being minimised, where practical,*
- (b)** *development of land for extractive resource purposes, and*
- (c)** *development of an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.*

2 Without development consent

Agriculture (other than feed lots, piggeries, poultry farms, stock homes and other intensive keeping of animals); forestry.

3 Only with development consent

Any purpose other than a purpose specified in item 2, 4 or 5.

4 Advertised development—only with development consent

Bulk stores; industries (other than rural, extractive, offensive or hazardous industries); motor showrooms; warehouses.



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5 Prohibited development

Brothels; caravan parks for permanent occupation; residential buildings (other than dwelling-houses); shops (other than general stores).

Comment:

Extractive Industries were a permissible use in the 1(b) zone and the zone objectives sought to maintain the rural character. The objectives are consistent with the current planning controls.

Whilst the zoning controls have changed with the commencement of Ballina Local Environmental Plan 2012 on the 4th of February 2013, the planning controls remain more or less identical to the historical LEP control objectives.

The current local planning controls are:

Name: Ballina Local Environmental Plan 2012 (BLEP12)

Application in Subject Case:

Zone: The land is partly zoned RU1 Primary Production and largely zoned RU2 Rural Landscape.

Clause 2.3 Zone Objectives and Land Use Table.

Zone RU1 Primary Production

1 Objectives of zone

To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

To encourage diversity in primary industry enterprises and systems appropriate for the area.

To minimise the fragmentation and alienation of resource lands.

To minimise conflict between land uses within this zone and land uses within adjoining zones.

To maintain the rural, cultural and landscape character of the locality.

To enable development that is compatible with the rural and environmental nature of the land.

To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Car parks; Cellar door premises; Cemeteries; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Markets; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems

4 Prohibited

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



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Comment:

Extractive Industries are a permissible use with Development Consent in the RU1 Zone.

Zone RU2 Rural Landscape

1 Objectives of zone

To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

To maintain the rural landscape character of the land.

To provide for a range of compatible land uses, including extensive agriculture.

To minimise the fragmentation and alienation of resource lands.

To minimise conflict between land uses within the zone and land uses within adjoining zones.

To enable small-scale tourist-orientated development that is compatible with the rural nature of the land.

To encourage development that involves restoration or enhancement (or both) of the natural environment if consistent with the production and landscape character of the land.

To enable development that does not adversely impact on the natural environment, including habitat and waterways.

To ensure that there is not unreasonable or uneconomic demands (or both) for the provision of public infrastructure.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

3 Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Function centres; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Jetties; Kiosks; Liquid fuel depots; Marinas; Markets; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Storage premises; Tourist and visitor accommodation; Turf farming; Vehicle repair stations; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

4 Prohibited

Advertising structures; Backpackers' accommodation; Hotel or motel accommodation; Self-storage units; Serviced apartments; Any other development not specified in item 2 or 3

Comment:

Extractive Industries are a permissible use in this zone.

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and



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Comment:

Draft State Environmental Planning Policy for coastal land management applies to the land. That SEPP is at a mature level but has not been finalised. Extension of the time of approval of this consent is consistent with all of the planning principles in the Draft SEPP.

(iii) any development control plan, and

Comment:

Council has no Development Control Plan specifications in relation to matters associated with extending the term of quarry consents.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

Comment:

No Planning Agreements apply to the subject development.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

Comment:

No prescribed matters are applicable.

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

No Coastal Management Plan applies to the locality.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Comment:

The impacts of the use and operation of the quarry have previously been assessed. No changes proposed in relation to the environmental management controls area applicable to the land.

(c) the suitability of the site for the development,

Comment:

The impacts of the use and operation of the quarry have previously been assessed. No changes proposed in relation to the environmental management controls area applicable to the land.

(d) any submissions made in accordance with this Act or the regulations,

Comment:

In the event that submissions are received in relation to this modification, we would appreciate the opportunity to provide comments in reply.

(e) the public interest.

Comment:

For the reasons set out in Section 1.1 to this application, we submit that maintenance of a competitive environment for construction sand is important to the economic wellbeing of Ballina Shire and approval of this modification is consistent with the public interest in that regard.



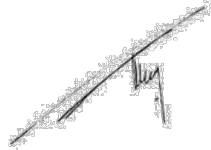
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4. CONCLUSIONS

The grounds for this approval of this modification to DA 1995/259 are summarised below:

- The proposed amendment is substantially the same development as that originally approved; and
- The proposed modification maintains all of the existing environmental management controls applicable to the land.



Stephen Connelly
PARTNERSHIP PRINCIPAL
PLANNERS NORTH





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6 Porter Street, Byron Bay, NSW, 2481
PO Box 538, Lennox Head, NSW, 2478
Telephone: 1300 66 00 87

19th January 2018
Our reference: 1139.2206

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Att: Mr. Anthony Peters

Dear Sir

RE: Modification Application for a 1 Year Extension to the Sand Quarry DA 1995/259 at Lot 10 DP 1010302, Newrybar Swamp Road, Lennox Head

We refer to Council's letter of the 15th of November 2017 seeking further information in relation to Clauses 35 and 36 of Schedule 3, Part 2 of the Environmental Planning & Assessment Regulation 2000. Below we have recited the relevant clauses and below each sub-clause, we provide our brief commentary and observations.

35 Is there a significant increase in the environmental impacts of the total development?

Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

Comment:

The extension requested does not involve any "increase in the environmental impacts of the total development", other than an extension of one year in time. The proposal does not change the quantum of extraction or alter adversely any management control applicable to the project which would have a resulting environmental impact.

36 Factors to be taken into consideration

In forming its opinion as to whether or not development is designated development, a consent authority is to consider:

(a) the impact of the existing development having regard to factors including:

(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and

Comment:

The writer is aware of only one compliance order completed by Ballina Shire in relation to the subject Development Application. That audit identified 3 conditions applicable to the consent that required attention. Matters which required to be addressed were related to:

- Condition 5 Sediment Controls;
- Condition 20 Potable Water Supply; and



- **Condition 25 Airborne Pollutants:**

(ii) *rehabilitation or restoration of any disturbed land, and*

Comment:

To date, rehabilitation has not been undertaken. The conditions of Development Consent provide for rehabilitation to be completed after the expiry of quarrying operations.

(iii) *the number and nature of all past changes and their cumulative effects, and*

Comment:

Since its original issue, there have been no material changes to the Development Approval.

(b) *the likely impact of the proposed alterations or additions having regard to factors including:*

(i) *the scale, character or nature of the proposal in relation to the development, and*

Comment:

The only change in scale and character proposed is a one year extension to the term of the approval. All other matters associated with scale, character and nature of the proposal remain unchanged.

(ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*

Comment:

There will be no impact in terms of vegetation external to the approved quarrying area. Air, noise and water controls remain in place as per the terms of DA 1995/259. There will be no changes to the scenic character or special characteristics of the land as a consequence of the extension sought.

(iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty, and*

Comment:

The consent has been operational for some years. There is no proposal in this Modification to change the intensity of the development, merely, an extension of one year to the time scale of the project. Accordingly, we would respectfully submit that, by virtue of Council's historic monitoring of the development, the degree of any potential environmental impacts can be readily predicted with certainty by the Council.

(iv) *the capacity of the receiving environment to accommodate changes in environmental impacts, and*

Comment:

The "receiving environment" will change in the sense that there will be a further 12 months of potential trucking operations occurring. The road system in the locality has the capacity to sustain such movements (source: *Environmental Impact Statement McGeary's Sand Quarry and future Recreation Precinct Newrybar Swamp Road, Lennox Head. PLANNERS NORTH, November, 2017*).

(c) *any proposals:*

(i) *to mitigate the environmental impacts and manage any residual risk, and*

Comment:

The nature of the change proposed is merely to extend the term of the consent by 12 months. There is no other changes which are proposed which require the mitigation of environmental impacts or any reassessment of residual risk.

(ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

Comment:

The writer understands that the proposal complies with relevant standards and codes of practice issued by other government authorities.



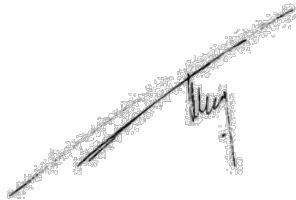
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Having regard to the above considerations, we respectfully submit that there will not be a significant increase in the environmental impacts of the total development as a consequence of the proposed one year extension in the term of the approval.

Should Council require any additional information or wish to clarify any matter raised by the above material, please feel free to contact the writer at any time.

Yours faithfully,

PLANNERS NORTH



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