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BY: .....

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2011WFS003

DA11/017

28 June 2011

The Panel Secretariat  
Department of Planning  
GPO Box 3415  
SYDNEY NSW 2001

Dear Sir/Madam,

**DA11/017 EXTRACTIVE INDUSTRY EXTENSION TO EXISTING SAND DREDGING  
OPERATION-DOWNSTREAM SAND BAR, CROWN RESERVE AND MURRAY RIVER,  
COOMEALLA**

I refer to the application regarding the above mentioned property. The application has now been approved.

A report was tabled at the June 2011 Ordinary Council Meeting, whereby the following recommendation was adopted:

(a) That Council approve the application for development to extend the sand dredging operation lodged by Boral Resources (Vic) Pty Ltd at the site downstream from the Dareton Sandbar, Coomealla subject to conditions.

As required please find attached for your records:

1. Council's Assessment Report
2. Copy of Report to Council
3. Notice of Determination
4. Conditions contained within Schedule 1

If you require any further information please contact Maree Phillips. of the Department of Sustainable Development on Tel: (03) 5027 5027.

Yours faithfully

**KEN ROSS**  
**DIRECTOR SUSTAINABLE DEVELOPMENT**  
Attachment



SHIRE OF WENTWORTH

## Notice of Determination of a Development Application

issued under the *Environmental Planning and  
Assessment Act 1979* Section 81(1)(a)

**development application no.** DA11/017

### development application

applicant name: Boral Resources (Vic) Pty Ltd  
applicant address: 251 Salmon Street  
Port Melbourne 3207

### owner

name: BORAL RESOURCES (VIC) PTY LTD  
address: 251 Salmon Street PORT MELBOURNE VIC

land to be developed: (description) Downstream Dareton Sand Bar, Crown Reserve and  
Murray River, Coomealla.

type of approved development: Extractive Industry (Extension to Existing Sand  
Dredging Operation).

**Building Code of Australia** N/A  
**building classification**

**determination** 28 June 2011  
made on: (date)

determination: Consent granted subject to conditions described below:

consent to operate from: 28 /06/2011 (see note 1)  
consent to lapse at midnight on: 27/06/2016

details of conditions: **See attachment - "Schedule 1"**  
(see note 2)  
(including section 94 conditions)

reasons for approval: Conditions 1 to 28 of "Schedule 1" are necessary to  
comply with the requirements of Sections 90 and 91 of  
the Environmental Planning and Assessment Act, 1979.  
....Extract EPA Act, 1979

### other approvals

list *Local Government Act 1993*  
approvals granted under s 78A(5): N/A

general terms of other approvals:  
integrated as part of the consent: N/A  
(list approvals)

**right of appeal** If you are dissatisfied with this decision section 97

attachment of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

*\*section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

**signed**

on behalf of the Shire of Wentworth



signature:  
name:

**KEN ROSS**  
**DIRECTOR SUSTAINABLE DEVELOPMENT**  
28/ 06/ 2011

date:

**Note: Schedule 2 contains advisory notes which assists in compliance with conditions listed on Schedule 1.**

- Note 1** *Where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.*
- Note 2** *Clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.*
- Note 3** *If there is any discrepancy between the approved plan attached to this determination and the conditions in Schedule No 1 to this determination, then the conditions override the plan.*
- Note 4** *To ascertain the extent to which the consent is liable to lapse refer to Section 95 and 95A of the Act.*
- Note 5** *Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.*
- Note 6** *This approval relates to development consent only and before any building or other works are carried out a construction certificate must be obtained.*
- Note 7** *See attached sheet for Schedule 1*
- Note 8** *Approved plan(s) attached.*
- Note 9** *The determination relates to your Development Application. All conditions listed in Schedule No 1 must be complied with for you to have fulfilled your obligations in relation to the Approval.*

**DA11/017 Extractive Industry (Extension to Existing Sand Dredging Operation)  
Downstream Dareton Sand Bar, Crown Reserve and Murray River, Coomealla.**

**SCHEDULE 1**

1. The development hereby authorised shall be carried out strictly in accordance with the conditions of this approval and stamped approved plans.
2. Approval is for an Extractive Industry – Sand Dredging. To:
  - Extract sand from the Murray River by dredge within the currently approved and extended quarry areas as shown in Figure 1.3 of the Environmental Impact Statement.
  - Retention and operation of existing dewatering bays and water management structures on the banks of the Murray River within the Mining Lease Area.
  - Establish new sand dewatering bays and water management structures on the banks of the Murray River within the Mining Lease Area.

The Environmental Impact Statement and appendices form part of this approval.

3. Without the further consent of the Wentworth Shire Council, in writing, this permit shall lapse and have no force or effect unless the use or development hereby permitted is substantially commenced within 5 years of the date of this permit.
4. Any development authorised by this approval shall, after it is substantially commenced, be completed within 12 months.
5. Boral Resources (Vic) Pty Ltd is to enter into a written agreement with the Wentworth Shire Council for payment of increased maintenance costs associated with development usage of local access roads prior to the commencement of any works.
6. Sand stockpiling and dewatering bays will be located in areas of the site where understory vegetation is already disturbed or are largely clear of trees and shrubs.
7. Sand will not be stockpiled for longer than five (5) consecutive days to reduce the impact to tree bases and roots from this practice.
8. Care will be taken when using machinery near vegetation to avoid any unnecessary impacts.
9. Hollow-bearing trees in the operational work area (in the vicinity of access tracks, stockpiling sites and sand dewatering bays) shall be marked appropriately with high visibility tape or similar and all heavy machinery operators are to be instructed to avoid marked trees.
10. If any clearing of native vegetation is proposed (trees, understory, groundcover or wetland plants) the proponent is to contact the local Catchment Management Authority to obtain the relevant permits.

11. If any Aboriginal objects are located the proponent is to contact the Office of Heritage and Environment to determine their requirements. It is an offence to knowingly harm or desecrate an Aboriginal object or harm or desecrate an Aboriginal object or Aboriginal place.
12. Amenities for workers shall be supplied in accordance with the Workcover NSW Code of Practice for Workplace Amenities
13. Operations within the worksite shall be carried out in accordance with the requirements of the NSW Workcover Code of Practice for excavation work.
14. The applicant is to apply to the NSW Land and Property Management Authority for a Licence to extract material in accordance with the Crown Lands Act before commencing operations.
15. The proponent is to submit to the Wentworth Shire Council a rehabilitation plan of the entire site. Rehabilitation is to be ongoing during the life of the sand dredging operation. The plan is to detail the following:
  - Time frames, end and ongoing.
  - Removal and transportation of sand around the dewatering bays.
  - Revegetation with endemic species in consultation with the Office of Heritage and Environment

The plan is to be submitted within twelve months of the date of this consent.

16. Boral Resource, in consultation with DPI Fisheries, is to prepare an aquatic macrophyte monitoring plan within twelve months of the licence being issued. A copy of the agreed plan is to be provided to NSW DPI. At a minimum, the plan will require Boral Resource to arrange for a suitably qualified person to conduct an assessment of the impact of the dredging operation upon the aquatic macrophytes within the dredging area within 3 years after the commencement date of the licence. In particular, the assessment is to examine the extent to which aquatic macrophytes regenerates and recover after dredging operations have been completed. The assessment is to consider species composition, density, water depth of beds and extent of beds.
17. A copy of the assessment report referred to in condition number 16 is to be provided to the NSW Department of Primary Industries (DPI) (Fisheries) with 3 months of the completion of the assessment.
18. No dredging of sand or other activities is to be carried out within the nine metre exclusion zone. The exclusion zone is to be measured from the toe of the bank or the outer edge of any stands of reeds growing along the edge of the river channel (whichever is the greater).

19. Large Woody debris (tree trunks, root balls and limbs lying within the river channel) are not to be disturbed by dredging or associated activities without specific written approval from DPI (Fisheries) beforehand.
20. Native vegetation (including trees such as River Red Gum, Black Box and River Coobah, shrubs, reeds such as Phragmites and grasses) on or adjacent to the river bank is not to be cleared, modified or otherwise harmed at any time during the operation or at any time subsequently. This does not include control of noxious or other recognised weeds.
21. Boral resources are to arrange for an independent audit of compliance with Licence Conditions and environmental commitments outlines within the EIS within 3 years of the date of this consent and every five years thereafter. A copy of each audit report is to be provided to NSW DPI (Fisheries) for review.
22. Noise levels emitted from the site shall comply with the requirements set down in the Protection of the Environment Operations Noise Control Regulation 2000.
23. **THE FOLLOWING CONDITIONS HAVE BEEN IMPOSED BY THE ROAD TRAFFIC AUTHORITY AND FORM PART OF THIS CONSENT.**

The driveway entrance from River Road to the access track on Crown Land is to be located and maintained so as to comply with the required Safe Intersection Sight Distance (SISD) in either direction in accordance with the Austroads Guide to Road Design for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
24. The driveway is to be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to road Design and is to be constructed perpendicular (or an angle of not less than 70 degrees\_ to the carriageway. The driveway is to be constructed with a minimum width to accommodate the largest size vehicle likely to access the subject site.
25. Where the access driveway is to a sealed road the driveway shall be sealed from the edge of seal of the carriageway to the entry gate or the property boundary which ever is the greater. The minimum length of seal is to be at least 20m. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway.
26. Any damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
27. "Truck Entering" (W5-22C) signs are to be installed on both approaches to the access driveway to warn motorists of the possible truck movements when the quarry is in operation.

28. The quarry operator is to record and maintain a log of the extraction quantities and traffic movement in and out of the subject site. This log is to be kept on site and be available for inspection at the request of the consent authority.

#### **REASONS FOR CONDITIONS**

- a) To ensure compliance with the terms of the Environmental Planning and Assessment Act.
- b) To ensure work is sustainable, and that an appropriate level of provision of amenities and services occurs within the Shire and to occupants of lots.
- c) To minimise environmental impact and impact on public assets, degradation of natural resources, and to enhance amenity.
- d) To provide for a quality environment, safe and efficient movement of people and to ensure public safety and interest.

**DA11/017 EXTRACTIVE INDUSTRY – SAND DREDGING. EXTENSION TO EXISTING OPERATION. DOWNSTREAM FROM DARETON SANDBAR, CROWN RESERVE AND MURRAY RIVER.**

Responsible Officer: Director Sustainable Development  
Author: Environmental Planning Officer  
Implications: Policy, Management Plan  
File & References: DA11/017  
Attachments: Schedule 1; Locality Plan. Plan showing current extraction area; Plan showing current extraction area and proposed extension; JRPP Notice of Delegation.  
Separately Circ.: Nil  
Tabled: Nil

**Recommendation**

That Council approve the application for development to extend the sand dredging operation lodged by Boral Resources (Vic) Pty Ltd at the site downstream from the Dareton Sandbar, Coomealla subject to conditions.

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**Purpose**

The purpose of this report is to determine the application under delegation from the Western Division Joint Regional Planning Panel.

**Summary**

Boral Resources have been operating a sand dredging operation from this site since 1990. To enable Boral to continue their extraction they have proposed a 900 metre extension immediately upstream of the approved extraction area. A Development Application was lodged on the 20 January 2011. Due to the size, scale and rate of extraction the application is Designated Development and as such is determined by the Department of Planning's Joint Regional Planning Panel, Western Division. As there were no submissions received during the public notification period the Panel Secretariat has delegated the power to determine to Council.

**Report**

An Application for Development to extend the existing sand dredging operation was received on the 20 January 2011. The JRPP was notified of the lodgement on the 14 February 2011 after additional information required was received. As Designated Development a comprehensive Environment Impact Statement (EIS) was lodged with the application. The EIS covers a wide range of issues, including, but not limited to:

- Consultation (pre-lodgement)
- Statutory requirements (including permits and licences required from other State agencies)
- Hydraulic Modelling
- Traffic Impacts



- Flora
- Fauna habitat (including database searches)
- Seven Part test of Significance
- Aquatic ecology
- Aquatic habitat
- Aboriginal Heritage Assessment
- Ground and surface water
- Noise assessment
- Waste management
- Social and economic impacts
- Economic impacts

The application was publicly notified in accordance with S66 of the *Environmental Planning and Assessment Regulation 2000* for a period of thirty (30) days from 14 March 2011 to 16 April 2011. No submissions have been received.

Referrals were sent to the following external agencies:

- Office of Environment and Heritage (formerly DECCW)
- NSW Office of Water (Integrated and Designated)
- Industry and Investment
- Murray Darling Basin Authority
- Road and Traffic Authority of NSW

Referrals internally to:

- Assets and Infrastructure
- Environmental Health

Of the above, conditions have been imposed by Industry and Investment; Murray Darling Basin Authority; Assets and Infrastructure; Office of Environment and Heritage; Road and Traffic Authority of NSW.

#### Policy and Management Plan Implications

The application has been assessed in accordance with S79 of the *Environmental Planning and Assessment Act 1979* and instruments thereunder.


#### Conclusion

Having considered the application lodged by Boral Resources (Vic) Pty Ltd to extend the existing sand dredging operation with regard to the EIS, the referral agency requirements, the existing operation it is deemed that the extension of the current operation should be approved subject to conditions contained within Schedule 1 attached.

**JOINT REGIONAL PLANNING PANEL  
(Region)**

<b>JRPP Reference Number</b>	<b>2011WES003</b>
<b>DA Number</b>	<b>DA11/017</b>
<b>Local Government Area</b>	<b>Wentworth</b>
<b>Proposed Development</b>	<b>Extractive Industry – Sand Dredging. Extension to Existing Operation</b>
<b>Street Address</b>	<b>Murray River, Crown Land Downstream Dareton Sandbar Coomealla</b>
<b>Applicant/Owner</b>	<b>Boral Resources (Vic) Pty Ltd/NSW State Government</b>
<b>Number of Submissions</b>	<b>Nil</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Maree Phillips, Environmental Planning Officer</b>

**Assessment Report and Recommendation**

	<h1>DA Assessment Report</h1> <h2>Section 79 C Evaluation</h2> <p><i>Environmental Planning and Assessment Act 1979 as amended</i></p> <p>Council File Ref: DA11/017 JRPP File Ref: 2011WES003</p>	
<p><b>Description: Extractive Industry – Sand dredging. Extension to Existing Operation</b></p>	<p><b>Address: 251 Salmon Street, Port Melbourne 3207</b></p>	
<p><b>Zone: Multiple - Ru1 Primary Production and W1 Natural Waterways. 1a General Rural (1993 LEP)</b></p>	<p><b>Applicant: Boral Resources (Vic) Pty Ltd.</b> <b>Owner: NSW State Government</b></p>	

**79C (b) the likely impacts of that development**

<b>Urban and Building Design</b> Context and setting Public domain Heritage Site design and internal design Construction Utilities Ecologically sustainable building design	No building work required. <b>Description of Development:</b> Sand extraction from the Murray River by dredge, and establishment and operation of drying bays and water management structures on the river bank.
<b>Environmental Impacts</b> Water Soils Air and micro climate Other land resource Flora and fauna Waste Energy	<p><b>Water:</b> Land based sand dewatering bays are not expected to intercept groundwater therefore no impacts on groundwater resources. Water is drained back into the Murray River via a filtering system. Boral propose to implement a second filter thereby allowing finer sediment from being introduced back into the Murray River. No fuels or oils are stored on-site. The fuel used on the barge is banded and has automatic valves to ensure shut off . No incidents have been reported during the 20 years of operation.</p> <p><b>Soils:</b> Topsoil is striped from each dewatering bay sites and used in the rehabilitation of dewatering bays that are no longer required. A Vegetation Management Plan will be implemented. A nine (9) metre buffer currently exists and will continue for the extension, however I &amp; I have requested the point to be measured from the buffer is to be explicitly stated, accordingly a condition stating the point of measurement will be placed on the DC.</p> <p><b>Air and micro climate:</b> A detailed air quality assessment has not</p>

	<p>been undertaken due to the wet sand not creating dust and the low rate of truck movements and the lack of receptors along the unsealed River Road.</p> <p><b>Flora and Fauna:</b> Most mobile aquatic animals evade suction and invertebrates, such as yabbies, have the capability to relocate to nearby aquatic habitat. The EIS notes that macrophyte beds extend well into the dredging area, beyond the nine metre buffer zone. The Aquatic Ecology Environmental Assessment outlines that the degradation of habitat including the loss of aquatic plants is a threat to several of the threatened species that may be present within the area, accordingly Boral in conjunction with DPI Fisheries is to prepare an aquatic macrophyte monitoring plan within twelve months of the licence being issued. Large woody debris are not to be disturbed and native vegetation is not to be cleared.</p> <p><b>Waste:</b> Waste generated from the site such as grease cartridges, oil bottles, oil filters, fuel drums are taken off site back to Mildura Victoria and disposed of at a waste facility station.</p>
<p><b>Hazards</b></p> <p>Noise and vibration</p> <p>Natural hazards – flooding / bushfire prone area map</p> <p>Technological hazards</p> <p>Safety, security and crime prevention (CPTED)</p>	<p><b>Noise and vibration:</b> Operations are during daytime hours only. Monday to Saturday between 7.00am and 5.00pm. Saturday work is not common. The dominant noise source is the diesel engine on the barge. Calculated noise levels are below the recommended DECCW ECRTN sleep disturbance noise goals at the nearest residential receivers. The cumulative noise impact of the operations complies with Industrial Noise Policy criteria and noise from trucking complies with the relevant NSW Environmental Criteria of Road Traffic Noise .</p> <p><b>Natural Hazards:</b> Not in bushfire prone area. The site and surrounds are designated “Floodway” in accordance with the Wentworth Shire Council Floodplain Management Study-Murray River-Gol Gol to Abbotsford Bridge, 1995. During times of high river all sand held in the dewatering bays is transported to the Mildura concrete batching plant. Due to the amount of lead time for overland flooding equipment and plant could be relocated to high ground.</p> <p><b>Technological Hazards:</b> Road haulage remains as existing, with the exception of a portion (approx 3.5km) unsealed road to the site. The unsealed access track is on Crown Land. Trucks make a maximum of ten (10) return trips a day.</p> <p><b>Safety, Security, CPTED:</b> Boral have an Occupational Health and Safety Management program. The Dareton operation has an emergency response plan and evacuation procedure.</p>
<p><b>Social and Economic Impacts</b></p> <p>Social Impact in Locality</p> <p>Economic Impact in Locality</p>	<p>The presence of Boral Sands in the Wentworth Shire results in economic and employment benefits through the employment of two barge operators, site manager and four truck drivers. The quarry provides sand to three competing local concrete batching plants. These batching plants provide ready mixed concrete to local</p>

	and regional construction projects.
<b>Cumulative Impacts</b>	The Wentworth LGA has a number of extractive industries operating, such as sand, loam gravel. Both local and larger operators such as Bemax. The cumulative impacts regarding the environment are controlled through State and local government bodies.
<b>Other</b> Disabled access Signage	<b>NA</b>

#### **79C (c) the suitability of the site for development**

(c) the suitability of the site for the development - fit into the locality - site attributes conducive to development	As this operation has been operating from this site since 1990, the impacts of the expansion has been detailed in the EIS with suitable mitigation processes in place. The ongoing operation at this site is deemed suitable at this time.
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#### **79C (d) any submissions made in accordance with this Act or Regulation**

(d) any submissions made in accordance with this Act or regulations	No submissions were received as a result of the public notification period.
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#### **79C (e) the public interest**

(e) the public interest - federal, state and local government interests - community interests	As detailed above in the Social and economic section, the sand is utilised to benefit all tiers of government and also the public building sector.
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#### **Comments from Other Internal Departments**

<b>Building</b>	No conditions applied
<b>Environmental Health</b>	No conditions applied
<b>Sustainable Infrastructure</b>	Trucks entering signs required and a licence agreement for ongoing maintenance costs of River Road and Silver City Highway to be borne by Boral Resources

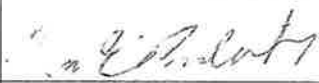

<b>Local Laws</b>	<b>NA</b>
<b>Heritage Advisor</b>	<b>NA</b>
<b>Floodplain</b>	In floodplain, structures can be moved away from site during times of inundation. Boral have covered safety of employees through their OH&S.

### **Conclusions**

- 1. The proposed development satisfies the points for consideration listed under Section 79C Part b,c,d and e of the Environmental Planning and Assessment Act.**
- 2. The proposed development is on land zoned 1a and is considered to have no detrimental impact on the site and surrounds (Sec 79C(a))**
- 3. There is no development control applicable to the subject site (Sec 79C (a))**
- 4. There is no draft local environmental plan affecting the proposed development.**
- 5. The proposed development is not considered to have impact on the floodplain.**

### **Summary of Conclusions**

**The external State Agencies: RTA, NSW Office of Water:O&EH: Fisheries have imposed a number of environmental and traffic conditions. Together with Council's conditions it is recommended that the application lodged by Boral Resources be approved subject to the conditions. A report has been prepared for the June 2011 Council Meeting.**

ASSESSING OFFICER		DELEGATED APPROVAL	
Signature		Signature	
Name	Maree Philips	Name	Ken Ross
Position	EPO	Position	DSD

**Conditions to be prepared**

**Ken Ross**

**Director Sustainable Development**

**Date: 27/5 /2011**