

27 March 2019

PGH Bricks and Pavers Pty Ltd 56-67 Cecil Road CECIL PARK NSW 2178

jgauci@pghbricks.com.au

Dear Sir

Subject: Development Application: 10.2018.36584.1 253 Shaw Street SPRINGDALE HEIGHTS Extractive Industry - Extension of existing Clay Mine - Andersons Clay Mine

I refer to the application for development as described above.

A preliminary assessment of the application has raised the following issues:

1. Current Consent

It is noted that the current extractive industry is operating under a number of consents and licences, for example:

- Development Permit N72 (granted 1983)
- Mining Licence ML1229 (expiry 23 August 2032)
- EPA Licence 20938 (anniversary date 21 June)

Part 2.4.3 of Volume 1 of the EIS addresses the current consent and compares it with the proposal. It simply states "No Change" to several of the conditions in its assessment, however does not specify if or how each condition is being complied with. Council requests a comprehensive statement of compliance regarding operations, monitoring and reporting with all the various conditions, including specific reference to:

- i. Annual Working Plans (Conditions 1 and 2 of N72)
- ii. Water discharge (Condition 6 of N72 and Condition 12 of ML 1229)
- Dust Control (Condition 8 of N72; Condition 12 of ML 1229 and Conditions L2.4, O3.1 & M2.2 of EPA 20938)
- iv. Condition of roads (Condition 9 of N72)
- v. Parking areas (Condition 10 of N72)
- vi. Stock control (Condition 12 of N72)
- vii. Extraction boundary posts (Condition 13(1) of N72)
- viii. Total area of topsoil disturbed at any given time (Condition 18 of N72)
- ix. Stockpiling of clay (Condition 19 of N72)

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PO Box 323 553 Kiewa Street Albury NSW 2640 www.**alburycity**.nsw.gov.au x. Extraction of any material other than clay, structural clay or shale, such as rock (ML 1229)

2. <u>Need for the proposal</u>

The applicant does not provide sufficient information on the type, quality and quantity of extractive material in the proposed expansion areas. Whilst some detail is provided on the amount of material currently extracted and estimated to be left within the current area of operations, further detail is requested on the anticipated yield of the proposed expansion area, and how this will satisfy the demand for both shale and clay over the lifetime of the mine.

3. Biodiversity

- i. The biodiversity assessment does not include the Bio-banking plot survey data. The original consultant report provided a recommendation that further survey be undertaken, however evidence of this was not provided in the update to the report. Please clarify whether this further survey was done and if so, provide the floristic data.
- ii. The buffer to adjoining lands (particularly containing EPBC listed vegetation) should be increased. A 15-metre buffer is not considered to be an adequate distance to ensure that the adjoining critically endangered ecological community is not impacted.
- iii. The EPBC Significant Impact Criteria assessment is lacking detail and does not provide sufficient justification that a significant impact is not likely.
- iv. The site is located within an E3 Environmental Management zone. The EIS does not provide any details regarding proposed offsets for losses within the E3 zone. Please provide offset details for the proposed works.
- v. OEH have stated in their comments:

"It appears that an Aboriginal object (Andersons PAD 1-1) was collected and removed from site during the test excavation. If so, this is not in accordance with the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW'. In addition, this Aboriginal object has not been registered on the Aboriginal Heritage Information Management System (AHIMS). "

Council require the proponent to advise on the present location of the Aboriginal object -Isolated Artefact Andersons PAD 1-1, a quartz flake identified in the ACHAR, why the Aboriginal artefact Andersons PAD 1-1 has not been registered on AHIMS and to revise the ACHAR in accordance with the comments provided.

- vi. Further detail regarding a rehabilitation plan is required (e.g. proposed final land use, staging or sequencing details, targets, monitoring and evaluation, detailed adaptive management measures, diverse understory planting etc.).
- vii. The proposed final landform slopes of 3:1 (horizontal to vertical) for the final landform are not recommended given the poor soil condition and the dispersive nature of the soil, which will prove to be very challenging, flatter slopes as per the original consent 5:1 (horizontal to vertical) would have far greater success in achieving the rehabilitation objectives for the site. The minimum slope that would be acceptable would be 4:1 (horizontal to vertical).

4. External Referrals

The application was referred to the following NSW authorities:

- Rural Fire Service;
- Roads and Maritime Services,
- Environment Protection Authority; and
- Office of Environment and Heritage.

All of these authorities have now submitted their responses, copies of which are attached to this letter for your consideration.

5. <u>Submission received</u>

During the notification period Council received one submission on the proposed Development. A redacted copy is attached for your information and response, if you wish to do so.

It is recommended that you supply additional information addressing the above issues. A response to this request would be appreciated within twenty one (21) days.

Please note that in accordance with clause 109 of the *Environmental Planning and Assessment Regulation 2000* the assessment period for this application is suspended from the date of this letter until the above information is provided, or Council is advised, in writing, that the information will not be provided.

Should any further information be required Council's Senior Town Planner Marius Shepherd may be contacted on (02) 6023 8125.

Yours faithfully

David Christy Team Leader Town Planning Planning & Environment