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Date: 11 August 2017

Leadshine Pty Ltd  
5 Punch Street  
BALMAIN NSW 2041

Attention: Stuart Dixon-Smith, Director

Dear Mr Dixon-Smith,

**ORDER NO 15**

**Batson Sand and Gravel Quarry (Broken Head Quarry) – DA97\_0465**

I refer to the Department of Planning and Environment's (The Department) letter dated 30 June 2017 notifying you that the Minister for Planning (Minister), by his delegate, Kirsty Ruddock, Director – Compliance and Investigations, intends to give you, as the person entitled to act on Development Consent DA97\_0465 (Consent) in respect to Batson Sand and Gravel Quarry (Broken Head Quarry), an Order No. 15 under section 121B of the *Environmental Planning and Assessment Act 1979* (the Act), as proposed in the draft order at **Attachment 1** (Proposed Order).

On 3 August 2017, the Department received representations from you, on behalf of Leadshine Pty Ltd in relation to the proposed Order. The Department has carefully consider these representations and has made the following change to the Proposed Order:

- Extended the period for compliance for the Order by approximately 1 month to allow further time to plan and undertake the required rehabilitation.

The Department has now finalised the Proposed Order. A final version of the Order is attached as **Attachment 1**. Please note, this Order prescribes the bare minimum required by Leadshine Pty Ltd to achieve compliance with the Consent in relation to rehabilitation. This Order does not relinquish other requirements that Leadshine Pty Ltd may have under their Consent, Environmental Protection Licence or associated other site approvals.

To provide Leadshine Pty Ltd with further clarity in response to your representations, the Department wishes to advise Leadshine Pty Ltd that the North Coast Regional Plan 2036 does not identify the quarry as a future urban growth area.

Lastly, should you wish to discuss the matter further, Department representatives are available to meet in person on Friday 18 August 2017 at 11.00am in its Pitt Street offices, Sydney.

Yours sincerely,

Kirsty Ruddock  
**Director - Compliance and Investigations**  
As delegate of the Minister for Planning

Attachment 1: Order

1 July 2024

Ms Kiersten Fishburn  
Secretary – Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

Dear Ms Fishburn

**Re Enforceable Undertaking by Leadshine Pty Limited for Lot 1 DP123302 and Lot 2 DP700806, Broken Head Road, SUFFOLK PARK (former Broken Head Quarry site)**

Council at its 13 June Planning Meeting resolved the following (Res 24-271):

1. *Council does not support the subject planning proposal (as contained in Attachment 1) seeking to amend Byron LEP 2014 to rezone the former Broken Head Quarry site on the western side of Broken Head Road for residential development.*
2. *Both the applicant and the Department of Planning, Housing and Infrastructure be notified of Council's decision to not support the planning proposal.*
3. *Council writes to the Department of Planning to clarify whether the owner of the site has met their obligations under the 2018 Enforceable Undertaking and receives a further update from staff.*

In actioning item '3' above, Council staff have reviewed related information on the following web sites:

- [Inspections and enforcements | Planning \(nsw.gov.au\)](https://www.nsw.gov.au/inspections-and-enforcements/planning)
- [Rehabilitation \(brokenheadquarry.com.au\)](https://brokenheadquarry.com.au/rehabilitation)

Based on the information contained on both web sites, it remains unclear whether or not the landowner (Leadshine Pty Limited) has fulfilled their obligations under the 2018 Enforceable Undertaking (see attached). Accordingly the Department's confirmation regarding the status of this matter is requested.

Yours sincerely



**Alex Caras** | Land Use Planning Coordinator

cc. By email: Craig Diss – Manager, Hunter and Northern Region (DPHI) [Craig.Diss@planning.nsw.gov.au](mailto:Craig.Diss@planning.nsw.gov.au)

## Department of Planning, Housing and Infrastructure

Our Ref: MDPE24/2214

Your Ref: E2023/74596 / PP-2023-625

Mr. Alex Caras  
Land Use Planning Coordinator  
C/o General Manager  
Byron Shire Council  
PO Box 219 Mullumbimby  
NSW 2482

*By Email*

12 July 2024

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**Subject: Enforceable Undertaking by Leadshine Pty Limited for Lot 1 DP 123303 and Lot 2 DP 700806, Broken Head Road Suffolk Park (former Broken Head Quarry)**

Dear Mr. Caras,

Thank you for your letter to the Secretary of the Department of Planning, Housing and Infrastructure ('**NSW Planning**') on 1 July 2024 requesting a status update concerning the Enforceable Undertaking ('**EU**') associated with the former Broken Head Quarry.

NSW Planning can confirm that some terms of the EU have not been met but are in the process of being closed-out.

On 4 July 2024 a meeting was held with a representative from Leadshine Pty Limited ('**Leadshine**') and the Compliance team within the Operations and Planning Delivery Division of NSW Planning to discuss the status of the EU and the steps required to close out the remaining EU obligations.

Leadshine reported that planting and bank stabilisation activities remain outstanding following feedback from the approved independent auditor's site inspection in September 2023; however, due to recent wet weather, these activities have been postponed until August 2024.

Leadshine have committed to having all revegetation and stabilising works completed by mid to late September 2024. It was agreed that an approved independent environmental auditor will undertake a close-out audit of the site once these works have been completed. The auditor's report is required to be submitted to NSW Planning for review and will verify whether Leadshine has met their obligations under the EU. As a result of the meeting between Leadshine and NSW Planning, NSW Planning is optimistic the EU obligations will be confirmed as having been addressed in the final quarter of 2024.

**Department of Planning, Housing and Infrastructure**



If you wish to discuss this matter further, please do not hesitate to contact Nick Ballard, Team Leader Compliance - Far North Region on (02) 6670 8652 or via [nick.ballard@dpie.nsw.gov.au](mailto:nick.ballard@dpie.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "R. Sherry".

Rob Sherry

**A/Director Planning Compliance  
Operations and Planning Delivery  
NSW Planning**