



## CLARENCE ENVIRONMENT CENTRE INC

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The Minister for Planning  
Parliament House  
Sydney

Dear Minister

### **Northern Joint Regional Planning Panel's decision re Proposed Extractive Industry (gravel quarry), 690 Kungala Rd. # 2013NTH027**

The Clarence Environment Centre has had an involvement with the above proposal for almost 5 years, an involvement that included ecological assessments undertaken for the proponent by some of our members, and which culminated in a farcical public hearing of the Joint Regional Planning Panel on Thursday 20<sup>th</sup> November.

**It is that hearing, and the subsequent approval of the project just hours later, that we now lodge an official complaint, and ask the entire process be investigated.**

We will not burden you with the details of the wide spectrum of concerns raised by residents of the area at that hearing, other than to say that many of them have never received any official notification of the proposal or even of this latest hearing. The Clarence Environment Centre was one that did receive a letter from Council advising that the hearing was to be held, but only received that letter less than 5 full working days before the event which was held at 11am on a working day, which meant that many residents couldn't attend.

Even then, despite the letter advising that people wishing to address the Panel should confine their comments to matters contained in Council's Assessment Report, that report was not attached, with only a web site link provided. We managed to download the relevant documents, but others less experienced had trouble finding them.

Our delegate did manage to attend, but clearly many others couldn't make it, not that that mattered as it happened, **because subsequent events suggest that the decision to approve the quarry had already been made and the attendance of concerned residents at the meeting was a total waste of everybody's time.**

The hearing was a complete 'shemozzle' (not altogether the fault of the organisers), and was held in the non-airconditioned Halfway Creek Hall in temperatures in the high 30s. As a result all doors had to be left open allowing the roar of Pacific Highway traffic to drown out many of the speakers. There was no lectern, nowhere for speakers to make their address, and no PA system resulting in many being unable to make themselves heard.

The Clarence Environment Centre raised the following issues, all of which we believed should have received serious consideration. They are as follows:

## Point one

The Clarence Environment Centre is particularly concerned about what constitutes the proposed work area. On page 2 of Council's report, we are told that the proposal is “*to rework the existing cleared disturbed areas*”. That was pretty much in line with the ecologist's recommendations which recommended restricting operations to “reworking previously quarried areas”, not “disturbed”. But then, on page 10, following the acknowledgement that: “*The subject land is identified as containing high conservation values, **including** old growth vegetation*”, we are informed that, “*the development only proposes to rework the **regrowth areas and** former quarry site ...*”.

There was a clear recommendation from the ecologists that quarrying operations should only occur on previously worked land. Page 13 states “*the Flora and Fauna report undertaken by the ecological consultants, focuses on the former quarried areas on the site. The report concluded that the reworking of a previously cleared and quarried site will not have a significant effect on threatened species*”. Certainly there was no recommendation to clear native forest, regrowth or otherwise, for this operation, and even the 'Community Consultation Letter' circulated by the proponent's consultants, Ardyll Payne and Partners, dated 14<sup>th</sup> May 2012, clearly stated: “***extraction to be from those areas of the site that have been subject to disturbance by prior extractive operations***”.

All of the subject site is mapped in the Far North Coast Regional Biodiversity Strategy as a centre of endemism, for consideration for “priority conservation”, meaning the forested areas of the property have very high conservation values. We made that point very clear in our submission.

Our concern now is that all forest that has been logged in the past can, under native veg laws, be classified as “disturbed” or “regrowth”. However, the threatened species identified on the site will not only utilise that regrowth habitat for foraging purposes, but more than likely depend on it. They, and non-threatened species, will be suffering enough major disturbance from noise, machinery, trucks, blasting, and other human activities, without losing critical habitat as well.

Introducing the term “regrowth” provides a loophole, **seemingly created, and certainly recommended by Council**, to allow high conservation value native forest to be bulldozed. This is unacceptable, **and outside the proposal outlined in the DA**

## Point two

Under Section 3, “Impact on Flora and Fauna” (page 13) Council acknowledges the occurrence of 2 threatened flora species and 6 or 7 threatened fauna, but omits to take into consideration, or even make mention of, the very important Endangered Population of *Allocasuarina inophloia*, some of which, it could be argued, occur in previously logged forest i.e. “regrowth”. Therefore we ask that the Panel ensure that this population be properly considered by Council, and reinforce the major restrictions placed on the proponent, **whereby ONLY previously quarried land be used, and ensure the full protection of regrowth forests.**

## Point three

Page 4 Section(a)(i) makes the point that “*The land has been previously used for extractive operations*”, then goes on to claim that “*Land uses that surround the site are predominately woodland/scrub, plantation forestry*”, etc. This is highly misleading and fails to identify the fact that since the previous extractive operations ceased, much of the surrounding land has been subdivided into what should be classified as Rural Residential blocks, and the “woodland/scrub” lands are actually occupied by people seeking a quiet bush lifestyle and/or to provide land for wildlife away from the noises and hassle of industry.

Therefore to claim, as Council does, that “*the development is unlikely to have a significant impact on current and preferred land-uses in the vicinity,*” will likely be hotly contested by residents. People's lifestyles are important to them, and should not be disrupted without at least offering suitable compensation. Remember, this disruption will go on for 25 years

On that point, we believe that a 25 year licence is far too long, and the proponent should be required to renew the licence every 5 years, with the approval process taking into consideration matters such as the need for the quarry, and the proponent's compliance record.

#### **Point four**

On page 12, we read that road widths must be 7m sealed with 1m wide shoulders. We believe that with B-double truck movements every 2 minutes, some of which will, at certain times of the year be running after dark, there must be ample room for motorists to pull off the road and park safely. Therefore, we strongly believe that 1m is totally inadequate.

As well, truck movements arriving and leaving the site are required to only use Kungala Road to the east. Can Council/Planning assure residents that the proponent will not be selling gravel to customers to the west, or if they do so, those trucks will travel via much longer alternative routes. If that guarantee cannot be given, we believe all Kungala Road, to the Orara way should be upgraded.

Also we have concerns that incoming trucks, delivering material to the site, may be tempted to bypass the guaranteed hold-ups and traffic snarls caused by the highway upgrade, and sneak round via Kungala Road. Again, can Council/Planning assure residents that this issue will be policed.

Compliance Monitoring is always a vexed issue, and there is a complete reliance on the proponent to self regulate, and monitor its noise, dust, run-off levels, and other matters of public concern. What we do know is there will never be any official monitoring or checks by the relevant agencies to ensure compliance. The task of identifying and reporting breaches is invariably left to neighbours. Therefore, we would like to see a firm commitment by the EPA and/or Council to undertake regular inspections, and an avenue created that allows a residents' representative to accompany inspectors on site visits to ensure transparency, and to ensure that all consent conditions are being adhered to.

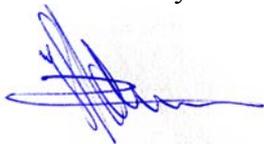
We are unaware if proceedings at the NJRPP hearing were recorded, certainly we were not advised that they were, but our representative did arrive 2 minutes after the 11am start time. Either way there was no evidence of concerns being written down, and panel members did not appear to be making copious notes.

If we had hoped to receive some indication that our concerns had been noted and considered, we were to be disappointed, and the panel must then have managed to squeeze in a late lunch, and hastily formulate a media release by close of business to allow the announcement that they had approved the proposal, to hit the airwaves by 6.30 the following morning.

It appears clear that approval has been granted to the proponent to undertake operations across a much larger area than the DA originally proposed, and that consideration of impacts to endangered *Allocasuarina inophloia* has not been properly considered in light of the altered areas of operation.

As a result of this, and the clear failure of due process in relation to community consultation, the Clarence Environment Centre formally lodges this complaint with the Minister.

Yours sincerely



John Edwards  
Honorary Secretary  
Clarence Environment Centre