



NSW Government

DEPARTMENT OF NATURAL RESOURCES

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Our ref: Inq141 Ballina
Your ref: MP 05_0009

The Director
Urban Assessments
Department of Planning
G.P.O. Box 39
SYDNEY NSW 2001

ATTENTION: Sally Laing

21 November 2006

Dear Sir/Madam

Re: Ballina Gateway Project, Major Project 05_0009

I refer to your correspondence received on 20 September 2006 advising of the exhibition of the Environmental Assessment for the abovementioned project and our subsequent phone discussions and emails. The Department of Natural Resources (DNR) has reviewed the provided documentation and offers the following comments.

Acid Sulfate Soil (ASS) Management

It is noted that the recommended liming rates vary in the parent documentation (Infrastructure and Engineering report by Ardill Payne and Partners dated July 06, a Geotechnical Investigation and Preliminary Environmental Site Assessment by Coffey Geosciences dated 25th November 2005 and Appendix E to that document) and the ASS Management plan by Coffee Geosciences dated 25 November 2005. DNR believes it necessary that an appropriate liming rate be identified.

In addition, to minimise the potential for any adverse ASS impacts, the construction process must be subject to "Fully Tanked Excavations" to prevent dewatering of surrounding groundwater

DNR therefore recommends that in order to adequately address ASS issues, any approval be subject to the following conditions:

- 1) Excavations be enclosed laterally to minimise the intrusion of groundwater into the site such as by the "fully tanked" option in section 7.3 of Coffey Geosciences report.
- 2) All excavated soil be limed at a rate of 60kg/m³ in a manner described in the ASS Management Plan by Coffee Geosciences dated 25 November 2005

Groundwater

As the proposal is located in an area not yet subject to a water sharing plan and the activity will, in the Departments opinion, result in a situation where the work connects with an aquifer and groundwater is proposed to be used or capable of being used, Part 5 of the Water Act, 1912 applies. Accordingly the proponent is required to make application for, and obtain a licence from DNR under Part 5 prior to the commencement of any excavation work.

In accordance with the objectives of the NSW State Groundwater Policy 1998, an assessment of the proposal's impacts on groundwater is required in order that DNR may issue a licence under Part 5 of the Water Act 1912. DNR advises that the dewatering management as detailed in the Ardill Payne Infrastructure and Engineering Report is lacking with respect to:

- 1) The identification of threshold values for the proposed analytes and specification of associated actions once thresholds are breached
- 3) The identification of the sampling frequency for the proposed analytes
- 4) Detail on the intended record keeping procedures for Council/DNR audit purposes
- 5) Specification of who on site is responsible for sampling, analysing and reporting

Once the abovementioned additional information is provided, DNR will be in a position to finalise its licencing conditions.

Rivers and Foreshores Improvement Act 1948

The Department of Natural Resources (DNR) has statutory responsibility under the Rivers and Foreshores Improvement Act, 1948 to ensure the hydraulic stability of the State's waterways. Under the Act a Part 3A Permit is required for:

- excavations within the banks or within 40 meters of the banks of a waterway; or
- works that obstruct or detrimentally affect the flow of water within the waterway.

However, under Section 75 (U) of part 3A of the Environmental Planning and Assessment Act 1979 this authorisation is not required. Notwithstanding this, DNR provides the following as an indication of the how it considers this issue is best addressed through any approval issued for the proposed Ballina Gateway development.

The construction elements of the proposal that would normally require a Part 3A Permit would be any excavations associated with the reconstruction of the riverbank revetment wall and the construction of any other riverfront structures as well as any other minor excavations associated with services and foundations for the development that are proposed on freehold land within 40 metres of the Richmond River bank. Such a Permit would be subject to the following general terms of approval:

- 1) Provision of detailed design drawings of proposed riverbank revetment and foreshore walkways that ensures riverbank stability and documentation of future maintenance requirements;
- 2) Provision of adequate sediment control measures in accordance with adopted best management practice to ensure sediments do not enter the Richmond River;
- 3) Appropriate acid sulfate soils management measures in accordance with the Acid Sulfate Soils Manual (ASSMACC, 1998) and documented in an Acid Sulfate Soil Management Plan for the development.

However as much of the proposed works, including foreshore revetment reconstruction and river bed stability measures seem to be located on Crown land, accordingly they would be subject to licensing requirements from the Department of Lands.

For further information regarding this matter please contact Mr Tim Rabbidge on (02) 66270115 in the first instance.

Yours sincerely

Tim Rabbidge
Natural Resource Planning