

25 October 2017

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Please address all communications
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Attention: Genevieve Seed

Dear Sir/Madam

Development Application DA152-6-2005 MOD1 (Council reference DA05/0905.01) - amendment to Development Consent DA-152-6-2005 MOD1 (DA05/0905) expansion of existing sand extraction operation by dredging and use the expanded quarry pond(s) for recreational fishing - tourist facility at Lot 22 DP 1082435 & Lot 23 DP 1077509 & Lot 494 DP 720450; Crescent Street CUDGEN

I refer to your email of 11 October 2017 inviting Council to submit further comments on the proponent's Response to Submissions document. Please find below Council's comments in this regard.

1. Traffic / Maintenance

Council officers are satisfied with the proponent's response on traffic matters, specifically the maintenance of Altona Road. A suggested condition of consent for the required legally binding road maintenance agreement is as follows:

Within six (6) months of the date of this approval, the Developer is to enter into a legally binding road maintenance agreement to address on-going road maintenance on Altona Road. This agreement would include, but not be limited to, the following considerations:

- The agreement will apply to road maintenance on Altona Road between the Tweed Sand Quarry site entrance and the intersection with Crescent Street.*
- It is relevant to those who currently have approval to access Altona Road, being Tweed Sand Quarry, Tweed Shire Council, and Gales Holdings Pty Ltd, or their successors in title.*
- The agreement will be based on a negotiated rate in terms of equivalent standard axle (ESA) calculations for daily traffic. For Tweed Sand Quarry, ESA calculations will be applicable to heavy vehicle movements above what is currently approved (i.e. additional heavy vehicle movements relating to this approval).*
- Monies held will only be accessible for road maintenance on the subject section of Altona Road.*
- The agreement will be binding until a user no longer accesses Altona Road for its operations and / or changes in access / usage occur.*
- Until such time as the agreement is in place, the Developer will perform ad-hoc maintenance of Altona Road at their expense as is necessary for operational vehicle safety.*

2. Noise / Air Quality

Council's initial submission remains valid with regard to noise and air quality, in that the proponent's assessments reports for these matters are considered adequate.

3. Flora / Fauna

The following comments are provided with regard to the proponent's response to Council's initial submission (Item 4a-c Flora /Fauna – RLMP):

- The applicant has agreed to modify the existing approved Rehabilitation and Landscape Management Plan (RLMP) to reflect new medium and long term nominated timeframes.
- Rather than prepare and submit an amended RLMP as part of the subject application material, the applicant proposes to make those amendments within 'a four (4) month period from the date of the Modification Application approval'.
- Council raises no objection to the proposed deferment of RLMP amendments (as specified in Council's previous correspondence). It is recommended that the RLMP (Condition 24) be modified to specifically refer to the proposed changes.
- Upon request by the NSW Planning & Environment, Council can provide a set of recommended relevant conditions for consideration. It is noted that any such conditions would likely require integration of recommendations provided by the NSW Office of Environment & Heritage (Part 4) dated 28 July 2017 relevant to the RLMP.

With regard to Council's initial submission (Flora/Fauna – Monitoring and Reporting), the following comments are provided:

- The applicant indicates that the 2016 - 2017 Annual Environmental Monitoring Report shall be issued to Council during the month of October 2017 and commit to providing Council a copy of the annual report within 1 month of each reporting period.
- Council are yet to receive a copy of the report. Given that the last annual report received by Council was dated 2011, it is considered appropriate that an update on rehabilitation works and water quality monitoring should be provided prior to issue of any modification to determine whether adequate compliance with conditions of the existing consent have been met to date. Where any works are outstanding or inconsistent with the current approved plan, there may be opportunity to highlight / address through amended conditions of consent.

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

Lindsay McGavin

Manager Development Assessment and Compliance