**Council Reference:** DA05/0905.01 LN71159
**Your Reference:** DA152-6-2005 MOD1

TWEED SHIRE COUNCIL

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4 August 2017

The Director Urban Assessments
Department of Planning
GPO Box 39
**SYDNEY NSW 2001**

**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 27 June 2017 inviting Council to submit comments on the proposed modification, including any advice on recommended conditions of consent. Please find below Council's comments on the proposed expansion of the existing sand quarry.

1. Traffic / Maintenance

The subject modification application seeks to increase the extraction rate for the approved sand extraction facility, in order to meet increased demand for their sand product. There is no increase in total extraction or footprint of the sand quarry ponds.

The applicant seeks to increase sand extraction from 150,000m$^3$ per annum to 265,000m$^3$ per annum (Schedule 2 Condition 8). The development relies on truck movements to remove the sand from site and transport it to customers. As such, the applicant seeks to modify a condition relating to maximum heavy vehicle movements (Schedule 2 Condition 9).

The proposed increases, expressed as both vehicle movements and truck numbers (with 1 truck = 2 movements) are provided as follows:

| | Peak / hour | | Peak / day | | Average / day (rolling quarterly ave) | |
|---|---|---|---|---|---|---|
| | Truck loads | Heavy vehicle movements | Truck loads | Heavy vehicle movements | Truck loads | Heavy vehicle movements |
| Approved max | 10 | 20 | 100 | 200 | 40 | 80 |
| Actual max (October 2015) | | 9 | 67 | 134 | 36 | 72 |
| Proposed max (modification) | 18 | 36 | 177 | 354 | 71 | 142 |
| Forecast max (based on production) | | | | | 54 | 108 |

These numbers are the basis of a traffic report which examines the likely impacts of the development on:

- The local traffic network;
- Local intersections; and
- Developer contributions.

These calculations are acceptable in demonstrating no significant traffic impact from the development on the road network, and in determining a reasonable contribution to distributor road funding. The impact assessment is based on maximum operations under the proposed modified conditions, although actual production is unlikely to reach those levels, except in isolated peak periods, unless there are other significant changes in site layout, dredging operations or loading, which are not part of the application.

One issue which was raised in pre-lodgement meetings with the proponents was maintenance arrangements for Altona Road. Altona Road is not maintained by Tweed Shire Council as a public road asset, and operates as a shared access road between the sand extraction facility, Council's Waste Water Treatment Plant, and adjoining rural properties. The proposal significantly increases the likely impact of sand trucks on Altona Road, and will require increased maintenance, if not upgrading of the roadway. It is currently very narrow in sections, it runs alongside an open drain, and sections of the roadway are located on private land rather than the road reserve. Council (acting an interested party in the roadway, rather than as road manager) requires the proponents to negotiate a suitable road maintenance arrangement to offset the impacts of the development. S94 contributions are not available for road maintenance, as assumed in the traffic impact assessment – contributions are for upgrades to distributor roads such as Tweed Coast Road. It is recommended that negotiations for Altona Road maintenance be based on equivalent standard axle calculations for daily traffic (not peak hours as provided in the traffic impact assessment).

As such, it is recommended that the proposed modification be supported on the condition that a suitable legally binding road maintenance agreement be formalised between the proponent, Council and other benefitting parties, based on the increased truck haulage on Altona Road.

2. Noise

A Noise Impact Assessment (NIA) has been prepared by Gilbert and Sutherland dated June 2017 and is consistent with the previous report provided. The NIA is considered adequate to address noise concerns from the expanded extraction rates. Adequate arrangements appear to be in place with the closest impacted resident and there appears to be little history of noise complaints. The NIA also identified attenuation and mitigation measures that will be adopted to ensure noise emissions from dredging operation do not exceed the adopted noise criteria.

The existing Noise Monitoring Plan prepared by SLR Global Environmental Solutions, dated September 2016 and approved by the Department of Planning and Environment is considered to be sufficient to ensure compliance and ongoing monitoring against the adopted noise criteria for the amended extraction rates.

3. Air Quality

Council's pre-lodgement comments to the proponent in this regard are summarised below.

*'Air Quality Assessment dated January 2017 prepared by Katestone identifies that adequate measures will be in place to mitigate against air quality impacts. The report is considered adequate and has been prepared by a suitably qualified and experienced consultant'.*

The Environmental Assessment provides further information relating to air quality modelling requirements as requested by the SEAR's. This was not a requirement of Council and therefore no further comments are provided in this regard.

4. Flora / Fauna

Upon review of the Environmental Assessment Report dated 12 June 2017 prepared by Gilbert & Sutherland, the following comments are provided:

a. Consistent with the recommendation provided in Attachment 6 - Letter prepared by Gilbert & Sutherland dated 06 February 2016 (pp. 185), Council supports the proposed amendments to the *Revised Rehabilitation and Landscape Management Plan* (RLMP) *dated December 2016 prepared by JWA Ecological Consultants* as follows:

    i. Modify the timing of the 'Long Term Rehabilitation' period to occur after 14 years as opposed to the current 16 years. This has been recommended due to the anticipated decrease in quarry lifespan by virtue of increasing the extraction rate as proposed under the current consent modification.

b. In addition (to that recommended by Gilbert & Sutherland), Council recommend that the 'Medium Term Rehabilitation' timeframe (referred to in the RLMP) also be modified by 2 years to commence at Year 6 (this should not change as operations have extended beyond this time-period) to be completed by the end of the 13th year.

c. All components of the RLMP (including Figures) referencing timeframes should be modified to reflect the altered timeframes mentioned above.

It is noted that in accordance with the current RLMP, Council is to receive a report detailing the results of monitoring of the rehabilitation works (including water-quality) prepared by an ecologist engaged by the proponent. Monitoring is to occur 6 months after initial planting and on an annual basis thereafter. The last report on file is the 2011 Annual Environmental Management Report. From review of the 2011 report, comment is made on the premature commencement of 'Medium Term Rehabilitation' works, yet does not specify that the works had been undertaken in accordance with the RLMP. Furthermore the recommendation of the report includes that *"…the maintenance and monitoring schedules outlined in the RLMP including the recommendations for formal monitoring by a Qualified Ecologist be followed"*.

With regards to the above, Council requests an update on rehabilitation works and water-quality monitoring, if this is considered appropriate.

5. Developer Contributions

Council is satisfied with the proponent's traffic assessment which states that proposed increase in extraction rates will generate an additional 38.19 daily trips. At today's rate, the proposed additional trip generation will result in a total of **$46,630.00** in S94 developer contributions (TRCP).

As noted above, the S94 contributions are separate to any maintenance requirements for Altona Road.

Please contact Council if you wish to discuss any of the matters raised in the comments above, particularly in relation to drafting up an appropriate condition in relation to the legally binding agreement for road maintenance.

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

Yours faithfully

Per cosign
**Lindsay McGavin**
Manager Development Assessment and Compliance