

Appendix A19 – TSC Pre-lodgement Meeting Minutes

1. APPOINTMENT:

Addressed By: Murray Graham, Jason Webster, Lance Newley, Erin Holton, Greg Bourke, Dale Kleimeyer, Adam McArthur, Phil Cole

Postal Address: Hanson Construction Materials Pty Ltd
10 The Boulevard
BRISBANE AIRPORT QLD 4008

Present: Messrs Colleen Forbes, Team Leader Development Assessment; Danny Rose, Manager Roads and Stormwater; Murray Smith, Program Leader - Parks Operations and Community Assets, Michael Banks, Biodiversity Projects & Planning Officer

**Property
Description:**

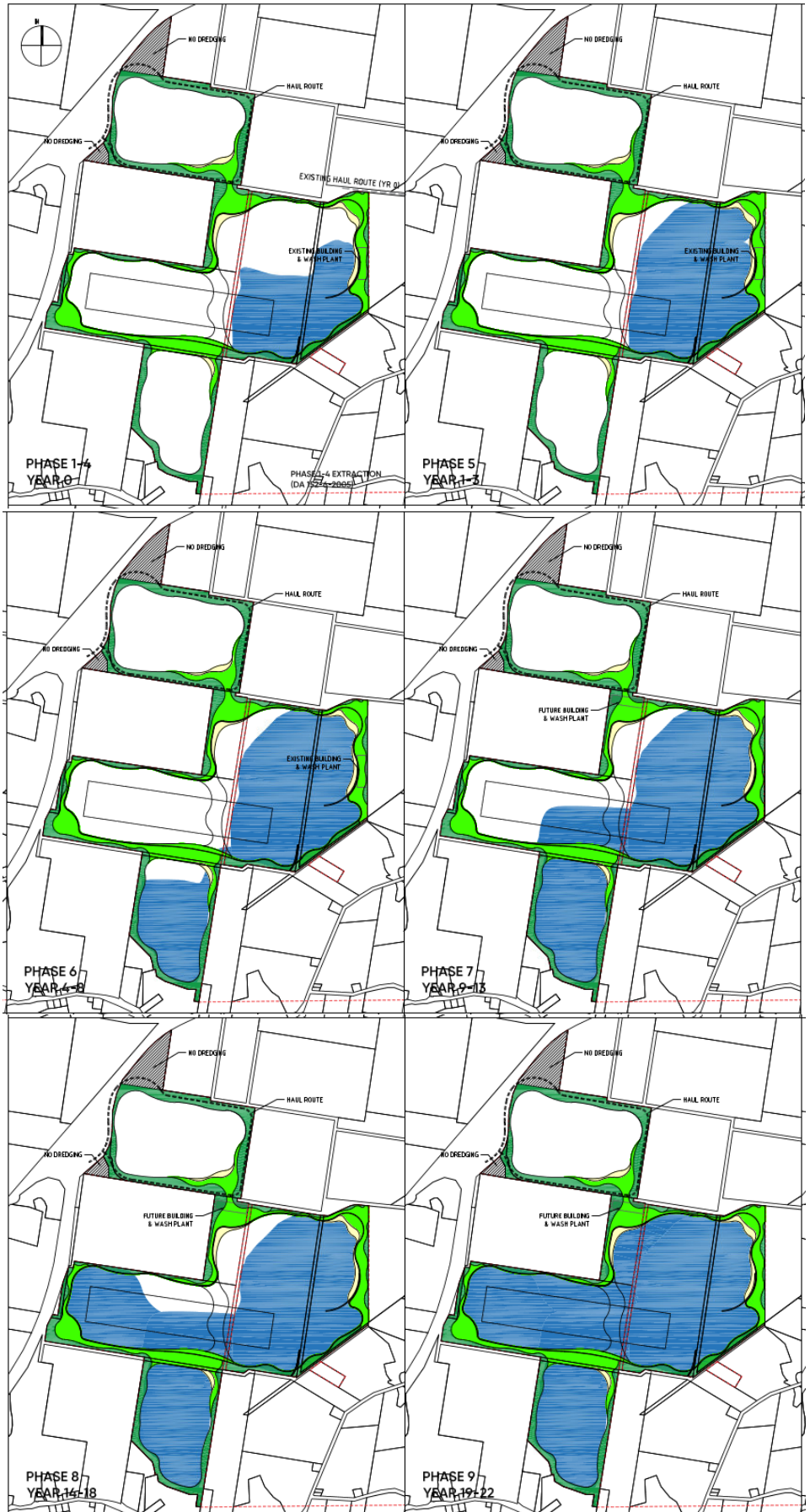
Lot	Deposited Plan	Street Address	Land #
22	1082435	Crescent Street, Cudgen	71159
23	1077509		70590
494	720450		41917
1	1250570	No. 359 Cudgen Road, Cudgen	84366
3	1243752	No. 355 Cudgen Road, Cudgen	84087
2	1192506	No. 189 Altona Road, Chinderah	81360
51	1166990	No. 271 Pacific Motorway, Chinderah	77863
50	1056966	No. 273 Pacific Motorway, Chinderah	60300
51	1056966	Pacific Highway East, Chinderah	60305

Receipt No: 797433

Proposal: State Significant Development SSD-10398 for expansion of the Hanson's Sand Quarry (Phase 5 to 11).

The general description of the proposal is:

'Access a sand resource of approximately 30-35 million tonnes & provide production & transport of a max. 950,000 tonnes of sand per annum (market driven). The proposed project life is 30 years (market driven) spanning several phases. The project would increase the current approved operating hours to allow operations 24 hours, seven days a week. The end use being investigated is a public access facility comprising a range of recreational & educational opportunities.'



TWEED
SHIRE COUNCIL

- The proposed development is best defined as an extractive industry:
extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging,

tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note— Extractive industries are not a type of industry—see the definition of that term in this Dictionary.

Tweed LEP 2014 Permissibility

- The land is zoned RU1 Primary Production and RU2 Rural Landscape and the proposed development is a permissible land use subject to Development Consent.
- The Tweed LEP 2014 is available at <http://www.legislation.nsw.gov.au>

Advertising/Notification

- Advertising of the proposal would be undertaken by the NSW Department of Planning, Industry and Environment.

Designated Development

- The proposed development is considered to be **designated development** pursuant to Clause 16 (Crushing, grinding or separating works) and Clause 19 (Extractive industries) of Schedule 3 of the EP&A Regulations 2000.
- As such, an Environmental Impact Statement prepared in the prescribed form must accompany any Development Application for designated development.

State Significant Development

- The proposed development is considered to be **state significant development** pursuant to Clause 7 (Extractive industries) of Schedule 1 of the SEPP (State and Regional Development) 2011.
- As such, the Minister for Planning and Public Spaces will be the consent authority.

State Environmental Planning Policies

- SEPP No. 33 - Hazardous and Offensive Development
- SEPP No. 55 - Remediation of Land
- SEPP (Coastal Management) 2018

A portion of Lot 51 DP 1166990 is mapped as being within the Coastal Environment Area and Coastal Use Area under this policy as shown below.

Cadastral Notes

Parcels (Current Title)

- ☐ Deposited Plan
- ☐ Lease Plan
- ☐ Neighbourhood Property Plan
- ☐ Strata Plan (First Strata)

Plan Labels

Plan Labels (Large Parcels)

NPP Labels

House Number

Road Centreline Label

Road Reserve

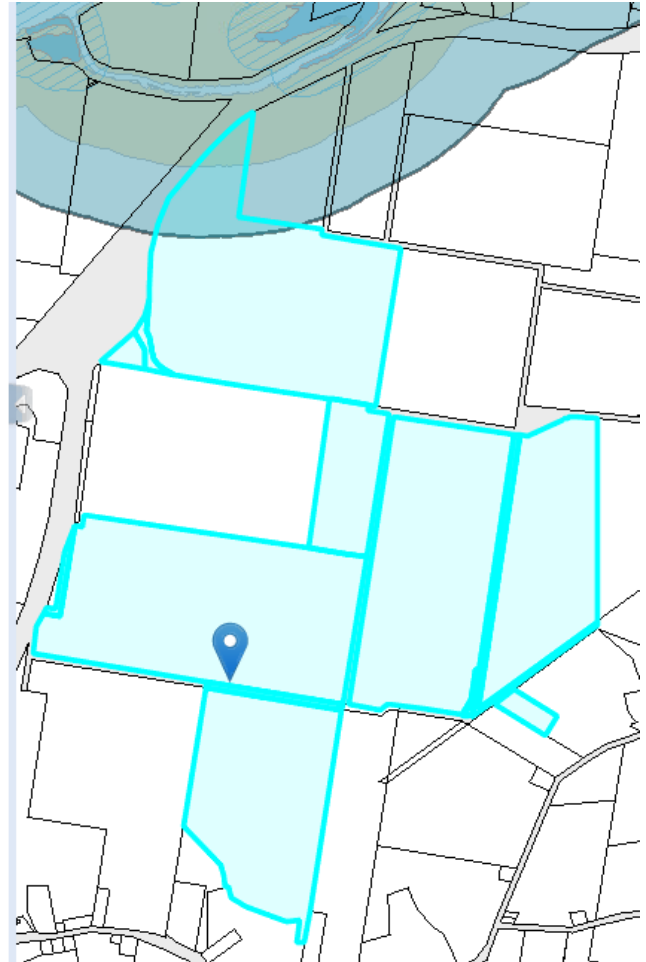
Land Application (Coastal Zone)

Coastal Wetlands and Littoral Rainforest Areas

- ☐ Coastal Wetlands
- ☐ Coastal Wetlands Proximity Area
- ☐ Littoral Rainforest
- ☐ Littoral Rainforest Proximity Area

Coastal Environment Area

Coastal Use Area



- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007

Overhead powerlines exist between Altona Road and the Lobster Farm and therefore Clause 45 Determination of development applications – other development may apply (clause below)

45 Determination of development applications—other development

- (1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—
 - (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - (b) development carried out—
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - (ii) immediately adjacent to an electricity substation, or
 - (iii) within 5m of an exposed overhead electricity power line,
 - (c) installation of a swimming pool any part of which is—
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—
 - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Additional access is proposed to Tweed Valley Way which is mapped as being a classified road. Therefore Clause 101 Development with frontage to classified road may apply (clause below)

101 Development with frontage to classified road

- (1) The objectives of this clause are—
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

If the proposal involves excavation to a depth of at least 3m in or immediately adjacent to the M1 Pacific Motorway, Clause 103 Excavation in or immediately adjacent to corridors may apply (clause below)

103 Excavation in or immediately adjacent to corridors

- (1) This clause applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2)—
- (a) the Eastern Distributor,
 - (b) the Cross City Tunnel,
 - (c) the Lane Cove Tunnel,
 - (d) the Tugun Bypass,
 - (e) the Liverpool—Parramatta Transitway,
 - (f) the North-West Sydney Transitway Network,
 - (g) the Gore Hill Freeway,
 - (h) the Western Distributor,
 - (i) Southern Cross Drive,
 - (j) the Cahill Expressway,
 - (k) General Holmes Drive,
 - (l) the Hume Motorway,
 - (m) the M1 Pacific Motorway,
 - (n) the M2,
 - (o) the M4,
 - (p) the M5,
 - (q) the M4–M5 link,
 - (r) the M7,

- (s) NorthConnex,
 - (t) the Sydney Harbour Tunnel,
 - (u) the King Georges Road Interchange,
 - (v) the Pacific Highway.
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must —
- (a) give written notice of the application to RMS within 7 days after the application is made, and
 - (b) take into consideration—
 - (i) any response to the notice that is received within 21 days after the notice is given, and
 - (ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette, and
 - (iii) any implications of the ground penetration for the structural integrity of the road or project, and
 - (iv) any cost implications for the road or project of the ground penetration.
- (3) The consent authority must provide RMS with a copy of the determination of the application within 7 days after the determination is made.

Due to the size of the proposed development exceeding 5,000m² in site area for an industry and likely more than 50 vehicles per hour, Clause 104 Traffic-generating development may apply (clause below)

104 Traffic-generating development

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves—
 - (a) new premises of the relevant size or capacity, or
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.
- (2) In this clause, *relevant size or capacity* means—
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.
- (2A) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has—
 - (a) given written notice of the intention to carry out the development to RMS in relation to the development, and
 - (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.
- (3) Before determining a development application for development to which this clause applies, the consent authority must—
 - (a) give written notice of the application to RMS within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

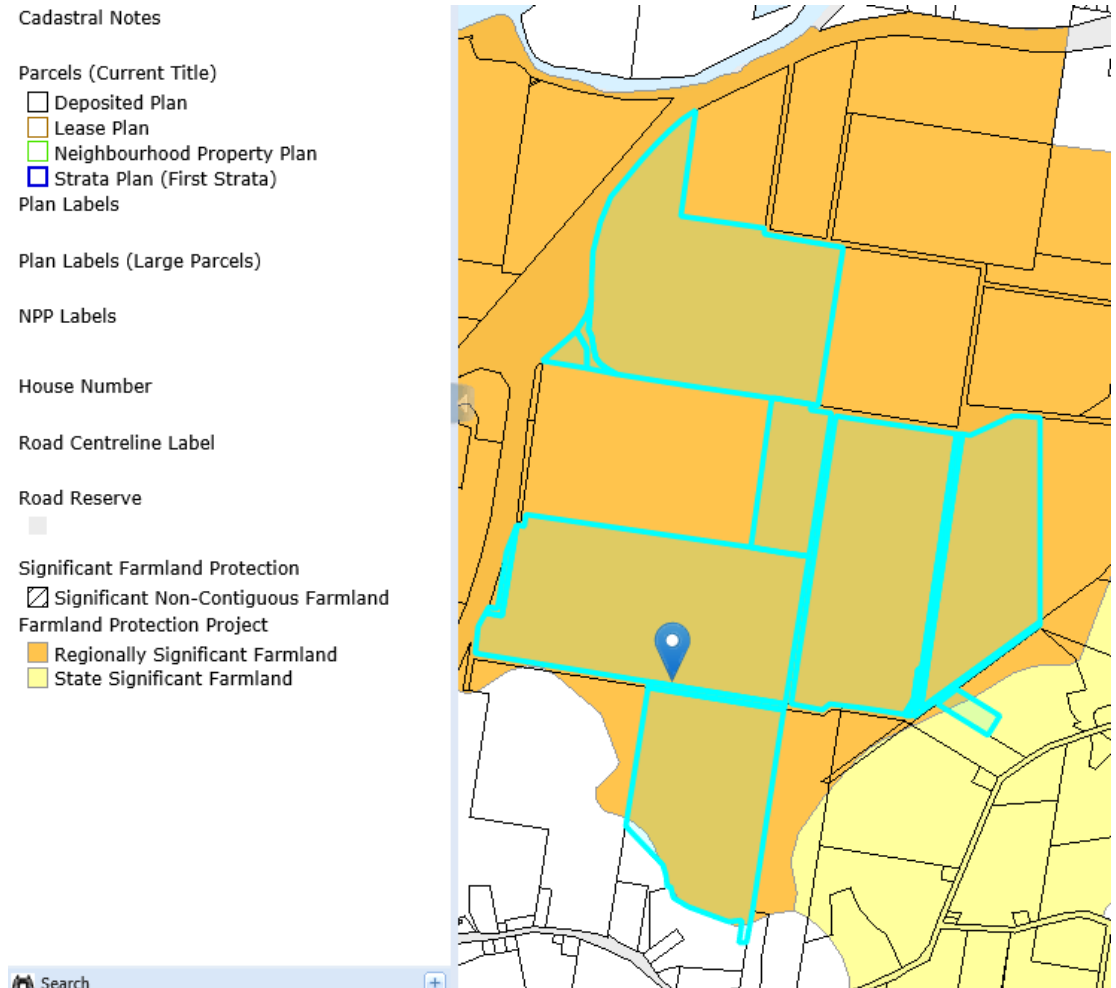
(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.

- SEPP (Koala Habitat Protection) 2019
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Primary Production and Rural Development) 2019

These sites are mapped as either State or Regionally Significant Farmland.



- SEPP (State and Regional Development) 2011

Referrals (Integrated and Concurrence)

- The proposed development intercepts the water table and as such and would be identified as "integrated" development requiring approvals from Water NSW.
- Bushfire – portions of these sites are in a bushfire hazard area and the application will need to address this issue. Integrated referral to the RFS is not required.
- The proposal triggers Environmental Protection Licence requirements from the NSW Environmental Protection Authority, as per the provisions of the POEO Act.

Relevant Clauses of the Tweed LEP 2014 (include but are not limited to):

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Zone objectives

The RU1 Zone Objectives are:

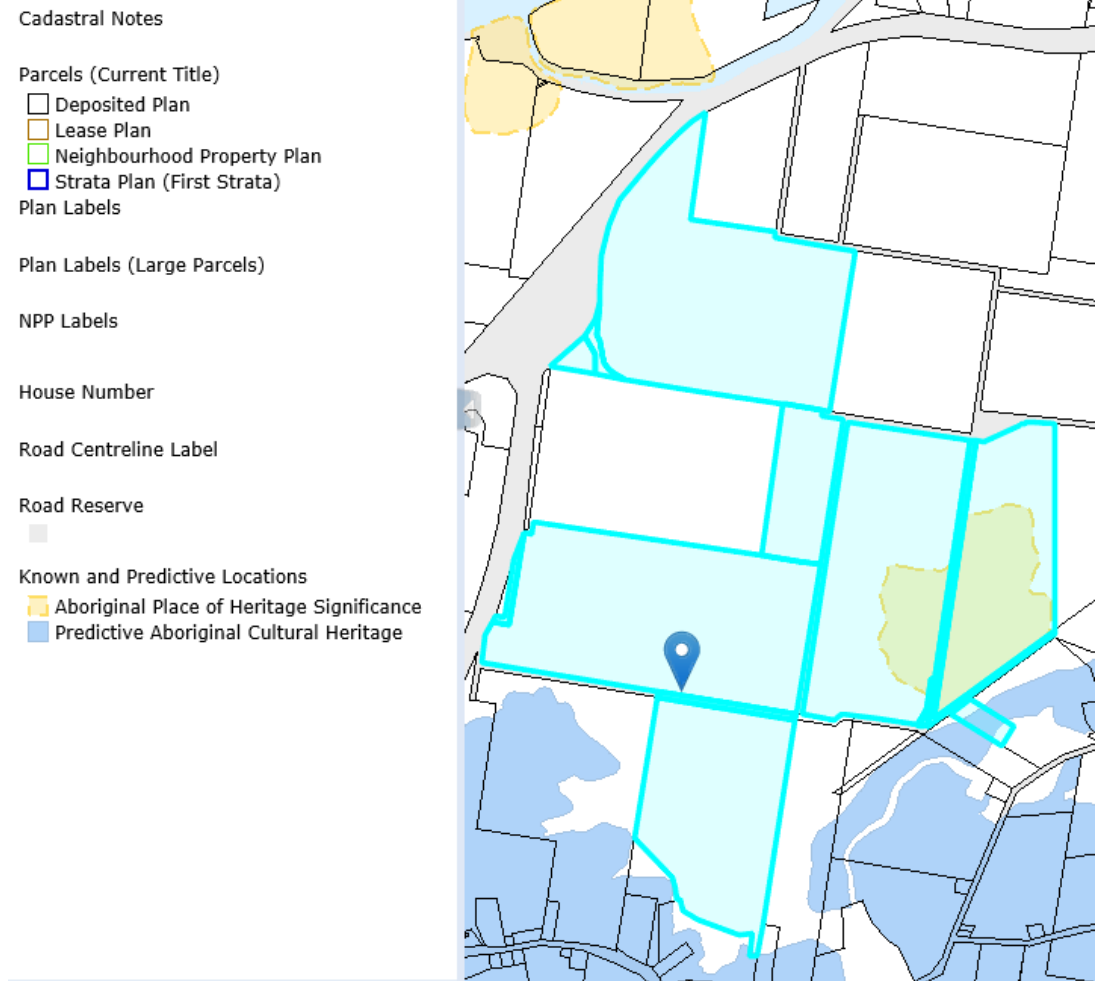
- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect prime agricultural land from the economic pressure of competing land uses.*

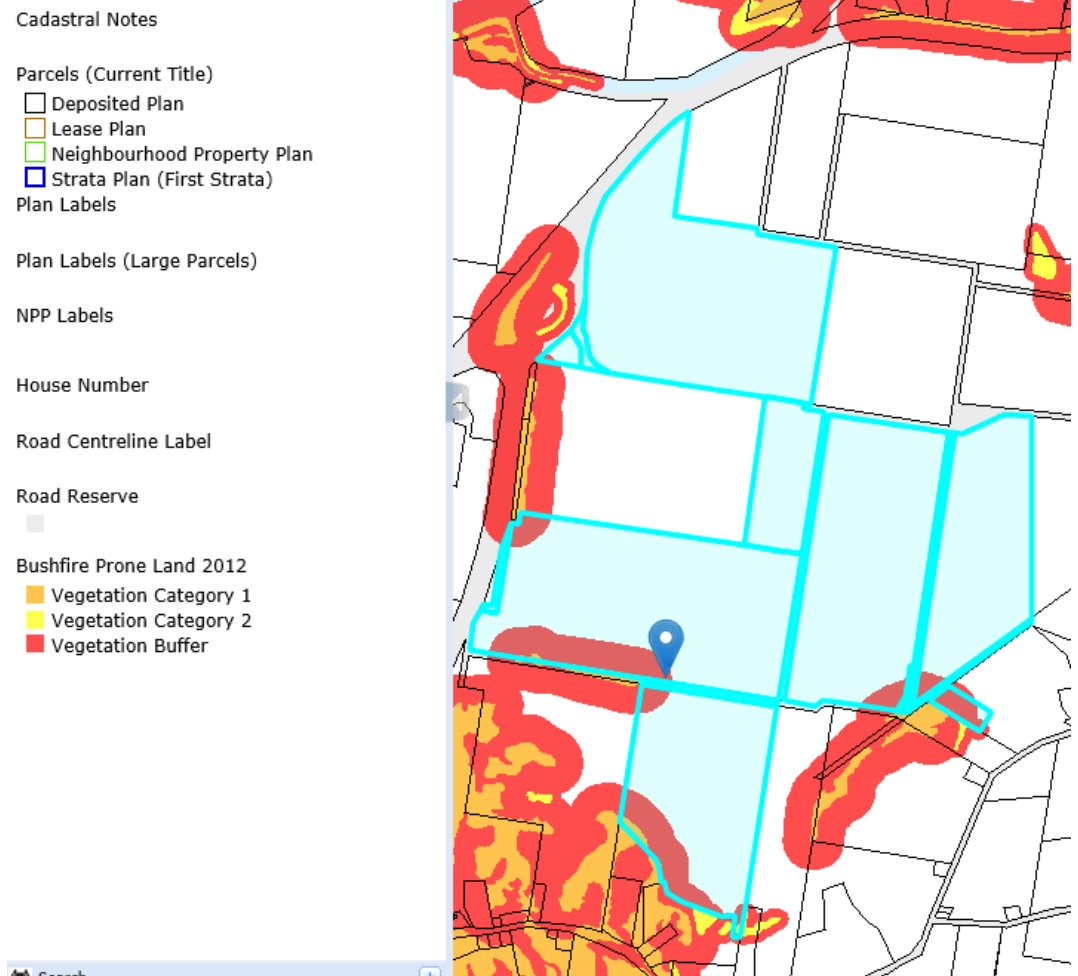
The RU2 Zone Objectives are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
 - *To maintain the rural landscape character of the land.*
 - *To provide for a range of compatible land uses, including extensive agriculture.*
 - *To provide for a range of tourist and visitor accommodation-based land uses, including agri-tourism, eco-tourism and any other like tourism that is linked to an environmental, agricultural or rural industry use of the land.*
- Clause 4.3 - Maximum building height (10m)
 - Clause 4.6 - Exceptions to development standards
 - Clause 5.10 - Heritage conservation

Parts of these sites are mapped as a Known and Predictive Aboriginal Cultural Heritage sites. Consideration must be given to the Aboriginal Cultural Heritage Management Plan 2018. In accordance with Clause 5.10(8) the consent authority must notify the local Aboriginal communities and take into consideration any response received within 28 days.



- Clause 5.11 - Bush fire hazard reduction
This site is mapped as bushfire prone as shown on the below map. Any Development Application would need to address this.



- Clause 7.1 - Acid sulfate soils (Class 2, 3 and 5)
- Clause 7.2 - Earthworks
- Clause 7.3 - Flood planning

These sites are mapped as being in the 1 in a 100 year flood level (RL 3.4m AHD design flood level RL 3.9m AHD minimum floor level) and in the probable maximum flood level. Parts of these sites are also mapped as being in the high and low flow areas. This is shown on the below maps.

Cadastral Notes

Parcels (Current Title)

- ☐ Deposited Plan
- ☐ Lease Plan
- ☐ Neighbourhood Property Plan
- ☐ Strata Plan (First Strata)

Plan Labels

Plan Labels (Large Parcels)

NPP Labels

House Number

Road Centreline Label

Road Reserve

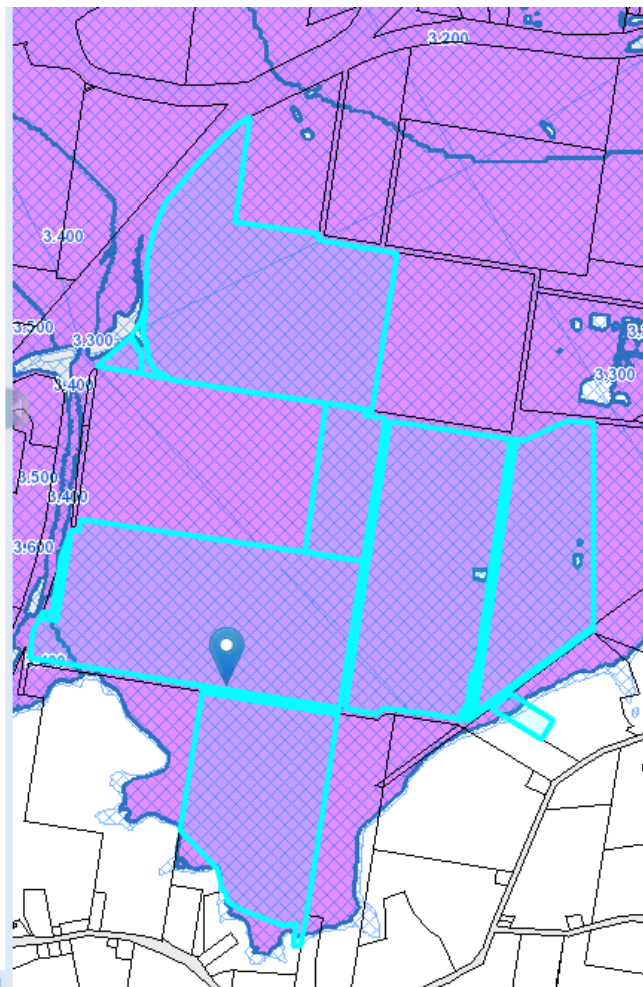
Flooding for S149 - PMF

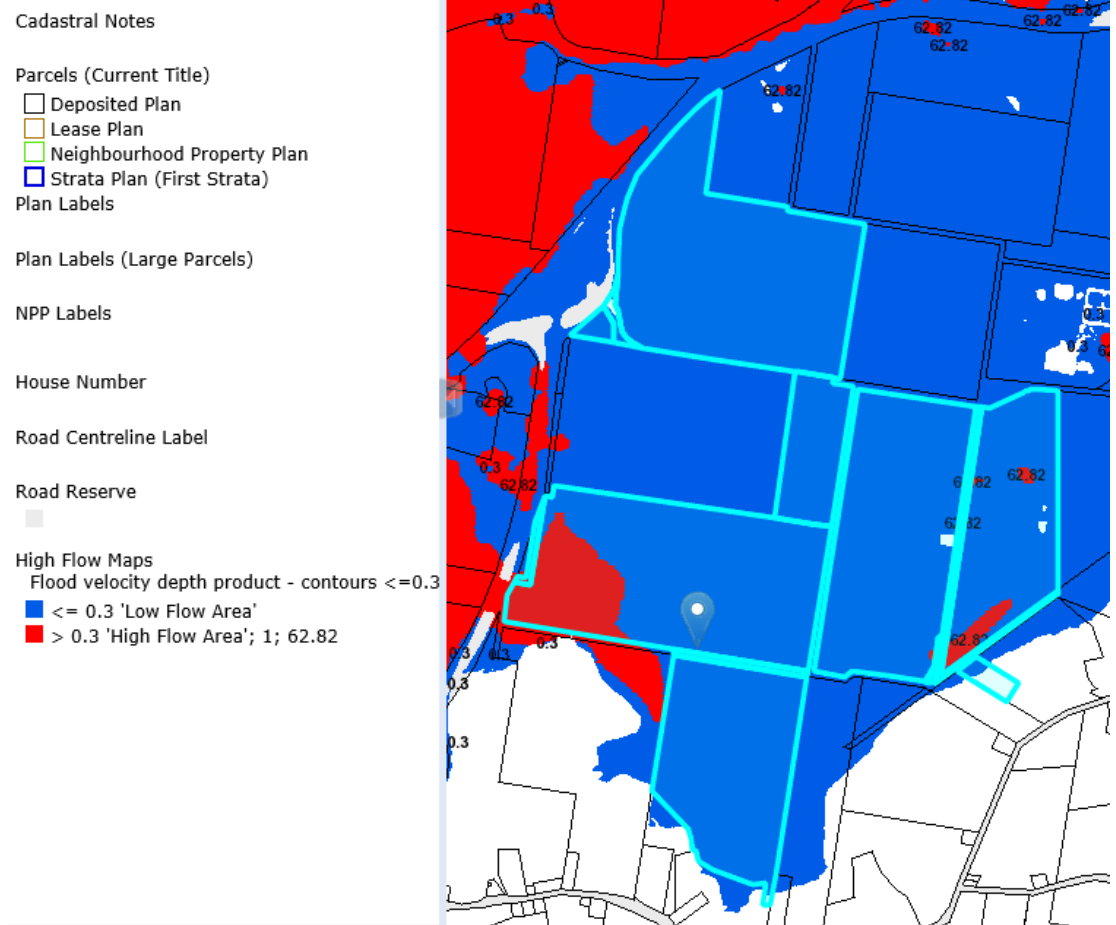


Flooding for S149 - Types

- ☐ Clarrie Hall Dam
- ☐ Could Be Affected
- ☐ Is Affected by Q100
- ☐ Kyogle
- ☐ Lizzio Subdivision

Search





- Clause 7.4 - Floodplain risk management
- Clause 7.6 - Stormwater management
- Clause 7.8 - Airspace Operations
- Clause 7.10 - Essential Services

Consolidated DCP

- A2 - Site Access and Parking Code
- A3 - Development of Flood Liable Land
- A13 - Socio-Economic Impact Assessment
- A15 - Waste Minimisation and Management
- A16 - Preservation of Trees or Vegetation
- A19 - Biodiversity and Habitat Management
- B9 - Tweed Coast Strategy
- B26 - Kingscliff

Answers to specific questions raised

1. ***End Use including:***

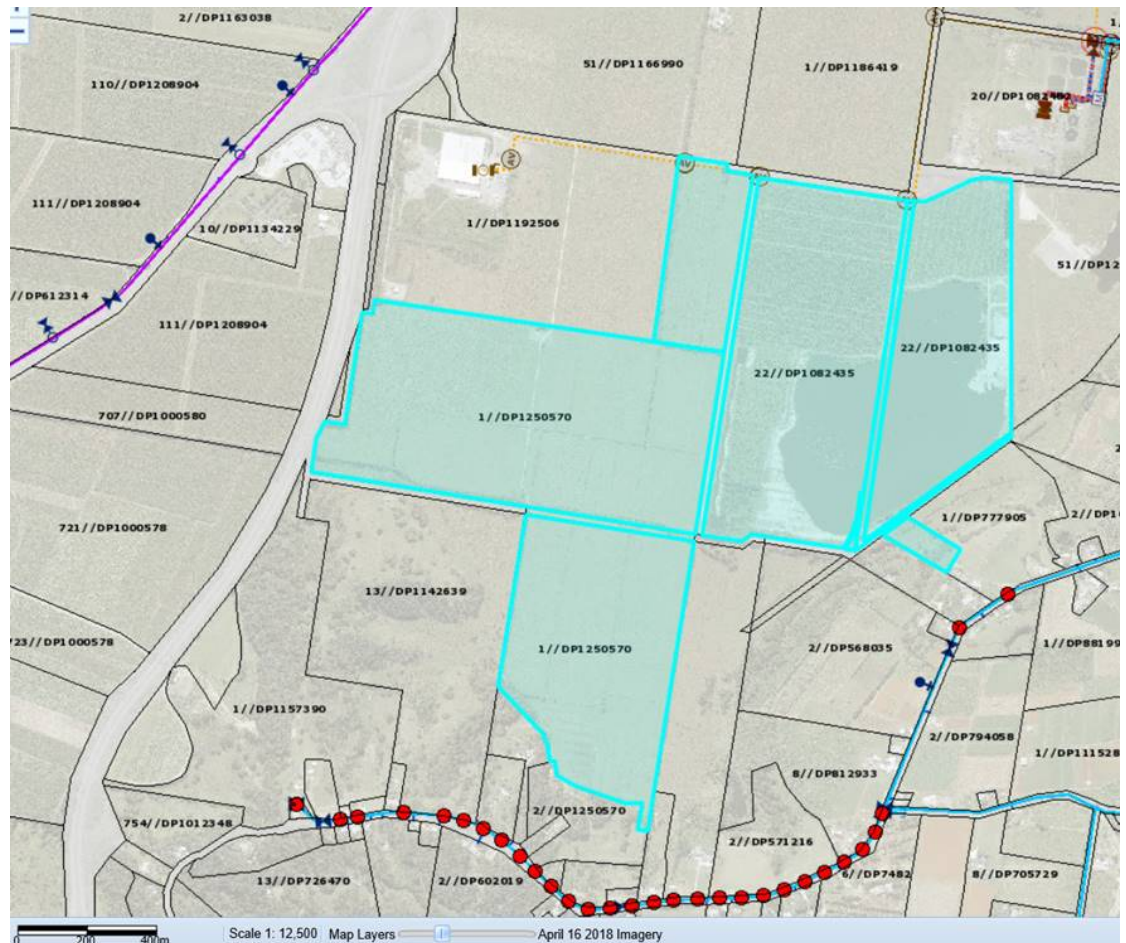
- ***Does Council have any desired outcomes from an End Use perspective?***
 - ***Are there any open space needs Council may have medium to long term that the proposal may be able to assist with?***
 - ***End Use management options (dedication to TSC / private management)?***
-
- It is difficult to provide feedback on desired outcomes from an end-use perspective at this early stage of the proposed development, should approval for the SSD be granted by DPIE;
 - Further information is required in terms of possible options for end use, along with proposed staging of the end use;
 - Information on any existing similar schemes (e.g. Penrith Lakes) would be beneficial, particularly in relation to how such a scheme is dedicated over stages etc;
 - It is strongly suggested that possible end uses are discussed with Council (preferably prior to lodgement of the SSD);
 - A decision on possible end uses (if the land was to be dedicated to Council) would require further discussion / approval from full Council, noting that a mechanism for the funding for the maintenance and management of the land in perpetuity would be required; and
 - Management of water quality would need to be clearly addressed, whether the end use was dedicated to Council or under private ownership.

2. ***Nearby Infrastructure:***

- ***Does Council have any as built or WAXE detail of the ABLP waste discharge infrastructure that leads to the Kingscliff STP?***
- ***Does Council have any as built or WAXE detail of any TSC infrastructure running through or near the site boundaries (i.e. sewage outfall pipelines, etc)?***

In regards to as built or WAXE detail of the ABLP waste discharge infrastructure that leads to the Kingscliff STP, unfortunately Council does not have any WAXE details of these plans.

In regards to as built or WAXE detail of any TSC infrastructure running through or near the site boundaries (i.e. sewage outfall pipelines, etc.), there are no sewer or water mains immediately within the sites vicinity. See GIS screenshot below. Please note the presence of the aforementioned private (non TSC owned) rising main near the northern boundaries of the site.



3. **Social Impact Assessment**

- ***Does Council have a community or social planner to liaise with?***

Council's the Community and Cultural Services Unit has recently had a restructure and does not have a Community and Social Planner presently.

4. **Flood Impact Assessment**

- ***Confirmation that Q100 is the criteria for flood effect evaluation.***

Generally assessment of impacts for the 1% AEP flood are most critical for flood impact assessments. However given the time scales for this project, Q100 plus climate change scenarios will also need to be closely examined. Larger flood events (i.e 0.2% AEP) appear to have more significant impacts and these will need to be properly understood by detailed analysis of the Flood & Stormwater Assessment.

5. **Unformed Road Reserve Closure & Purchase:**

- ***Any preliminary comments on the recently lodged Road Closure and purchase application for the unformed road reserve located between Lot 22 DP1082435, Lot 1 DP1250570, Lot 2 DP1192506.***

The road closure application and payment was received by Council on 25 November 2020. This application will be assessed by Council's Property Officers. This can be quite a lengthy and complex process and it is recommended that contact be made with Sarah Moran on (02) 6670 2522 for updates as to how the application is progressing.

6. **A19 Ecological Buffers**

- ***The application of 2. Development Envelope Controls Control C11 and C26 to the proposal including buffers to vegetation located offsite but close to proposal site boundaries.***

DCP A19 Biodiversity & Habitat Management Development Envelope Control (DEC) - C11 reads:

In cases where the protection and/or management requirements under C9 and/or C10 do not precisely match the development under consideration, the protection or management requirements shall be determined on a case by case basis generally consistent with the nature and scale of development specified in under C9 and/or C10.

For the purposes of DEC C9 and C10, the proposal appropriately aligns with the development type and scale of 'larger scale developments not involving subdivision'. Accordingly, all respective protection and management requirements should be addressed. Formal protection and management of any red flagged values adjacent to the subject site (offsite) would not be expected, however this would not preclude any onsite requirement for protection and management of any red flagged setback or buffer from an adjacent red flagged value in accordance with DEC C9 and C10.

DCP A19 DEC – C26 reads:

Other acceptable solutions may be appropriate (including any variations relating to development controls contained in Part C) but the applicant needs to demonstrate that:

- a) *clearly equivalent or superior long-term ecological outcome can be assured; and*
- b) *the variation is consistent with all relevant planning principles and objectives of this Section of the DCP.*

It is difficult to provide any meaningful comment to this query in the absence of specific DEC variations sought and contemporary baseline ecological assessment. Further detail is required.

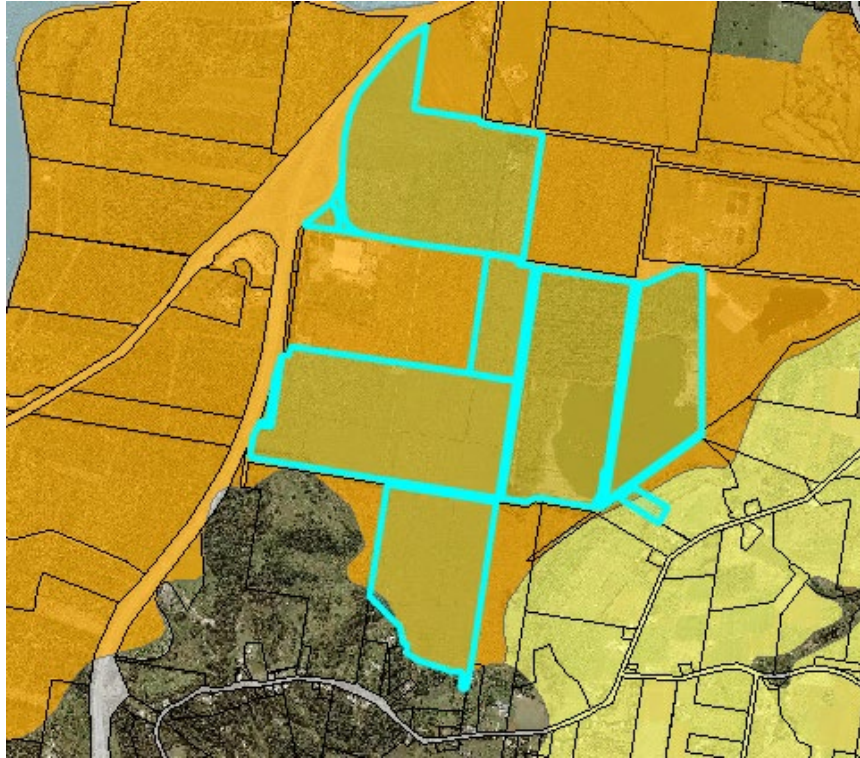
Strategic Planning Overview

A copy of the concept plan is attached and the following specific comments were made in relation to that plan:

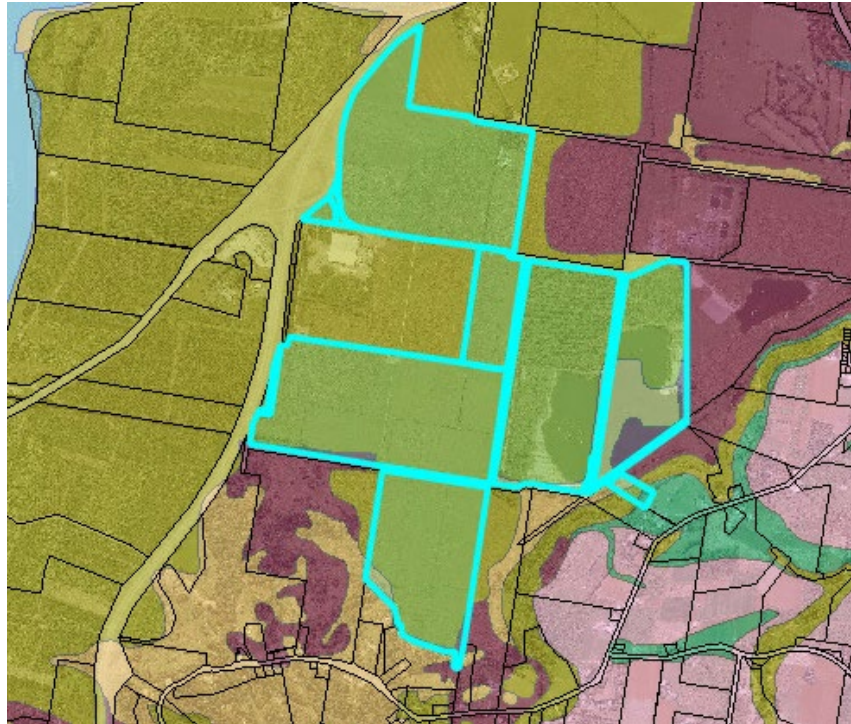
- Far North Coast Regional Strategy. Whilst the Strategy may identify *Regionally Significant Extractive Resources* in the Chinderah Road area, it is also noted

that the Strategy provides for the protection of productive farmland from development pressures, with the subject area being mapped as *Regionally Significant Farmland*.

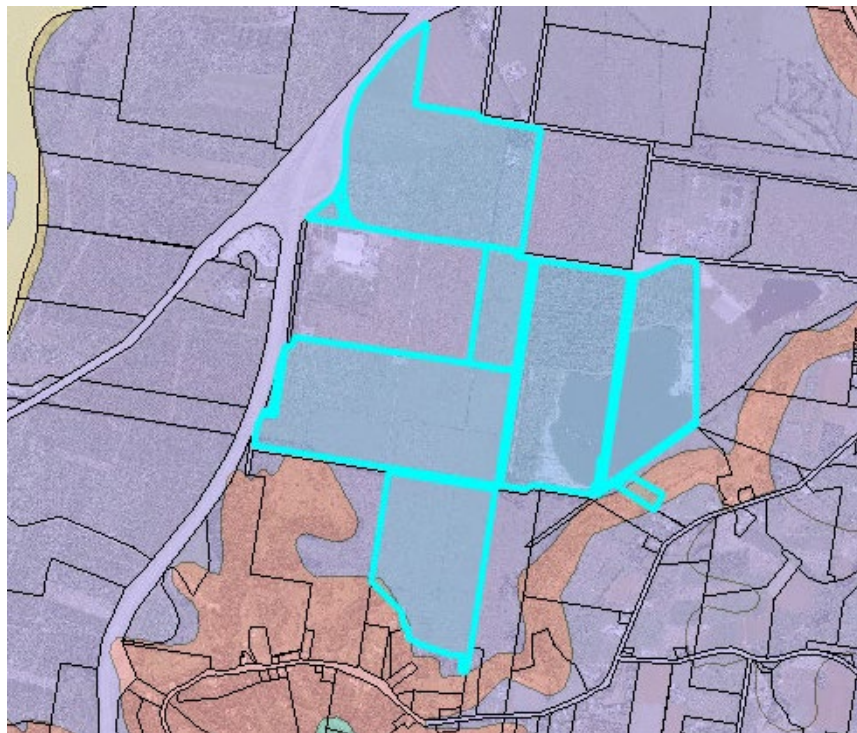
- North Coast Regional Plan 2036. Concern is raised with the suitability of the proposed development and the impact of sterilizing the land for future uses and loss of agricultural land.
- A significant portion of the site is recognized as Regionally Significant Farmland under the Northern Rivers Farmland Protection Project.



- The majority of the site is mapped as being Agricultural Land suitable for Grazing Land or land well suited to pasture improvement.



- A significant portion of the site is mapped as having a Land Capability suitable for Regular Cultivation.



- Visual amenity needs to be considered. A visual amenity analysis needs to be undertaken, not only from the nearby Cudgen ridge to the south east, but also from the elevated ridges to the north west. Consider cumulative impacts of the scale of the proposal along with the adjoining proposal on Gales land and proposed Chinderah quarry to the north of the subject site (SSD-8471). These sites are mapped as being visible from a number of publicly accessible viewing

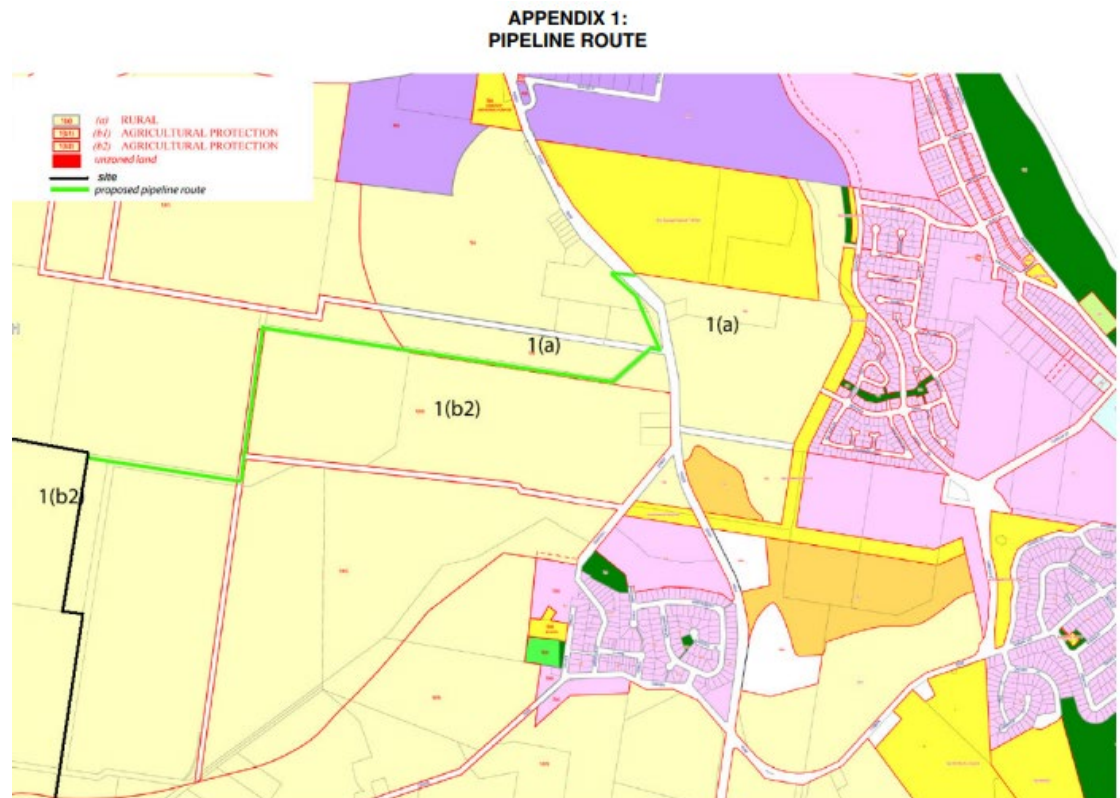
locations across the shire, as shown on the below map. Any application would also need to address the Draft Scenic Landscape Strategy.



General Comments on submitted plan

- The proposal is not clear on what the ultimate end use of the site will be and how the proposal will be maintained in the long term.

- Noise / amenity impacts associated with the proposed 24/7 hours of operation for the dredging and haulage of sand need to be investigated.
- The proposed development should also ensure that it does not impact on the approved pipeline associated with the Lobster Farm (MP08_0038) which traverses through the project area.



- The subject site is mapped as having a known area of Aboriginal cultural heritage significance. Appropriate due diligence will need to address Council's Aboriginal Cultural Heritage Management Plan in this regard.

Additional plans and details required should include (but is not limited to the following):

- The application should include a site analysis identifying surrounding land use, site constraints and opportunities (etc).
- Visual analysis
- Detailed site plan
- Details on vegetation proposed to be cleared and impacts on flora and fauna. Please consider:
 - *Biodiversity Conservation Act*
 - *Local Land Services Amendment Act*
 - *SEPP (Vegetation in Non-Rural Areas) 2017*
 - *Land Management (Native Vegetation) Code 2017*
 - *Biodiversity Values Map*

- *Sensitive Regulated Land Map*
- *Native Vegetation Map*
- *Tweed Shire Council Bushland Layer*
- *Endangered Ecological Communities*
- *Endangered Fauna*
- *Tweed Coast Koala Comprehensive Plan of Management*
- Aboriginal Cultural Heritage
 - *Tweed Aboriginal Cultural Heritage Management Plan 2018*
 - The Tweed Shire area has a rich history of former Aboriginal settlement and activity. Tweed Shire Council has a shire-wide Aboriginal Cultural Heritage Management Plan (ACHMP). The ACHMP includes two mapping layers: *Aboriginal Place of Heritage Significance* (known) and *Predictive Aboriginal cultural heritage* (ACH). The ACHMP sets out the ACH assessment requirements for development within the mapped localities, including upfront consultation with the Aboriginal community, the first point of contact being the Tweed Byron Local Aboriginal Community (TBLALC).
 - It is noted that the consultation and any required assessment is to be undertaken PRIOR to lodging a DA and appropriate documentation submitted with the DA.
 - It is noted that the consultation and any required assessment is to be undertaken PRIOR to planning proposal application (rezoning).
 - Where harm cannot be avoided you will also require an Aboriginal Heritage Impact Permit (AHIP) and may require Integrated Development approval from the NSW Office of Environment and Heritage.
 - If you require further cultural information you should contact the Tweed Byron Local Aboriginal Land Council on phone (07) 5536 1763. Further information on investigating Aboriginal heritage matters can be found on the following website www.environment.nsw.gov.au (NSW Office of Environment and Heritage), including access to a database of Aboriginal objects, places and other heritage values across NSW, known as Aboriginal Heritage Information Management System (AHIMS).
 - Please consider the *National Parks and Wildlife Act 1974 Part 6*.
- Proposed works including cut and fill and location/depth of retaining walls.
- Hours of operation
- Number of staff

**2. Engineering Comments
Issues:**

- The development site has no existing right of access to the Pacific Highway – Tweed Valley Way interchange. The public road reserve (Altona Road) terminates part way across the frontage of Lot 2 DP 1192506. In order to achieve road access the proponents will need to negotiate the appropriate licenses (for the life of the sand quarry) or easements with the adjoining property owner(s) and Roads and Maritime Services. The access road would need to be sealed to address ongoing management of dust, erosion and sediment export onto the Highway.
- The proposal will require a traffic impact analysis to ensure that the road access for the site (subject to negotiations above) is capable of catering for the forecast truck movements, up to b-double configuration. This assessment will need to include adequacy of the existing intersection with the highway off ramp, and the new roundabout intersection on Tweed Valley Way and merge which would be utilised for each north bound load.
- A draft Traffic Impact Assessment was submitted for discussion at the meeting. This report proposes a graded acceleration lane to reduce risk at the merge point on the southbound highway off ramp, as the preferred option from previous consultation with RMS/TfNSW. As this presents a significant conflict point for vehicle safety, further review of the TIA is required in consultation with TfNSW.
- The proposal places a high reliance on turning movements at the Tweed Valley Way / Service Centre roundabout, and will significantly increase heavy vehicle movements (up to b-doubles) impacting on the operation and pavement life of the roundabout, which is a Council asset. A review of the design of the roundabout is warranted and should be added to the TIA with any upgrades proposed. Changes to the roundabout centre island have been identified. It is questioned how this can be achieved under live traffic and to a suitably resilient design.
- The road design does not appear to cater for potential traffic demands from other users along Altona Road to the east. Clarification is sought as to intended tenure and ability for this infrastructure to service a larger area.
- The application should address geotechnical properties of the quarry site, including consideration of long term stability of the excavation batters, to ensure that they are designed and constructed to prevent slumping and instability on adjoining land in perpetuity.
- Section 94 Plan No. 4 (TRCP) Contributions would be applicable. Any variation to the standard rate would require the submission of a traffic analysis.
- Analysis will be required to determine the required amount of car parking and to assist Council in determining the applicable parking provision under the relevant DCP.
- A management plan for the quarry site shall be provided to consider permanent arrangements for the ultimate lake, including tenure, monitoring, water quality management, corrective measures, shore rehabilitation, and an adequate funding model. At this stage dedication of the lake as a Council owned public facility is not supported.

- A concept “end use” plan has been submitted for discussion at the meeting. It shows 3, potentially 4 separate lakes. Again the question of long term ownership was raised. It is reiterated that Council ownership of the lakes is not supported.
- A stormwater management plan is required, detailing site drainage, stormwater quality management measures, proposed stormwater outlets and erosion and sedimentation control measures for the life of the development.
- A flood impact assessment is required with the development application. This assessment must consider the various configurations of the sand quarry over its stages, and consider all bunding structures (noting in particular the major culvert structure under the Pacific Highway), processing areas, and fill associated with the development. The development must be assessed on an individual and cumulative development basis, consistent with the Tweed Valley Flood Study and Tweed Valley Floodplain Risk Management Study and Plan. Council’s flood model is available for the use of consultants, subject to signing a license agreement and payment of a \$1000 fee (at time of writing).
- A draft Flood & Stormwater Assessment was submitted for discussion at the meeting. The proposal is to exclude external stormwater from the lakes, and to make the lakes available for rainfall and flood storage. They are proposed to be bunded to only RL 1.0m AHD. This appears to have flood benefits up to and including the 1% AEP event, however the report indicates adverse impacts in larger floods. Further review of the final report is warranted in consultation with Department of Planning Environment and Industry, who made limited flooding comments in the SEARs.
- Given other significant floodplain developments in the West Kingscliff catchment, modelling of a cumulative development scenario for the 1% AEP and 1% climate change events is warranted. This includes expansion of the aquaculture farm, and sand mining and subdivision development by Gales Holdings. Gales Holdings is advancing their masterplanning and it is strongly advised that Hanson consults and consolidates the current technical studies if possible.
- Confirmation that the sand mining activities will not require higher bunding (>1.0m AHD) during the dredging operations was sought from the proponents.

2. Sustainability & Environment Comments

Issues:

- The proposed haulage route and extraction footprint extends within an approximate 9000m² unit of candidate Endangered Ecological Community (EEC) - Swamp Sclerophyll on Coastal Floodplains of the NSW North Coast, Sydney Basin and SE Corner Bioregion identified as Broad-leaved Paperbark Closed Forest to Woodland under the Tweed Vegetation Management Strategy mapping 2009. The unit is also identified as Preferred Koala Habitat under the Tweed Coast Comprehensive Koala Plan of Management (KPoM). Impact upon the red flagged area is unlikely to be supported.
- A unit of vegetation straddles the southern boundary of Lot 1 DP1250570 and unformed road reserve. Vegetation classification requires field verification.

Where the unit is representative of an EEC a 30 m ecological buffer should be established. Where not consistent with an EEC, a 20 m buffer should be provided. Ecological buffer widths appear to be either negligible or extending to a maximum distance of approximately 15m. Any 'Open Space' zone (assuming managed open space) is not to form part of the core ecological buffer – assumed as 'vegetation buffer' on the plan, that would be subject to protection and habitat management in accordance with DEC 9 and C10 of DCP A19 including any red flagged value where occurring onsite.

- A unit of vegetation occurring on the floodplain (Q100) within the south-western corner of Lot 1 DP1250570 and extending across the adjacent offsite Lot appears to occur within the extraction footprint. An additional unit further to the south is afforded an approximate maximum 20 m 'vegetation buffer'. Both units area mapped as Preferred Koala Habitat under the KPoM. Both vegetation units should be afforded full 30 m ecological buffers where confirmed to be analogous with an EEC. Where not consistent with an EEC, a minimum 20 m buffer should be provided and the core value protected and managed.
- To the southern boundary of Lot 1 DP1250570 remains a remnant unit of vegetation likely to be representative of a candidate EEC – Lowland Rainforest on Floodplain in the NSW North Coast Bioregion. A 30 m ecological buffer should be afforded to this rainforest vestige. Current plans show an approximate 20 m wide 'vegetation buffer' which is unlikely to be sufficient to mitigate development impact upon the function and integrity of an EEC unit.

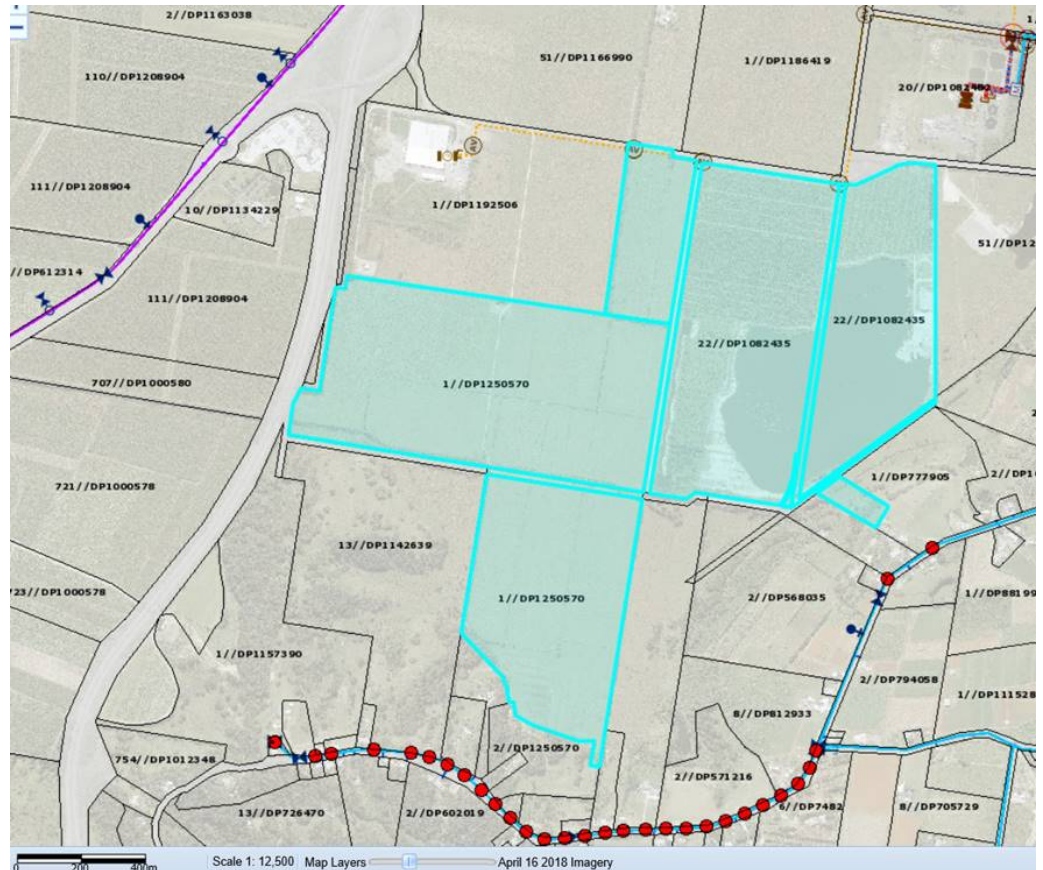
3. Environmental Health Comments Issues:

- Any application would need to address effluent disposal having regard to the Local Government (Approvals) Amendment (Sewerage Management) Regulation, 1988 and the Protection of the Environment Operations Act 1997 (NSW).
- Provision would need to be made on site for storage and collection of waste. Details for collection would need to be determined in conjunction with the waste service provider.
- To support any future expansion proposal, the application would need to be supported by the following technical reports prepared by suitably qualified and experienced consultants.
 - Air Quality Assessment
 - Surface Water and Groundwater Assessment
 - Traffic Noise Assessment
 - Construction and Operational Noise Assessment
 - Acid Sulfate Soil Assessment
 - Contaminated Land Assessment
 - Environmental Management Plan:
 - Air
 - Construction Noise
 - Operational Noise

- Surface Water
- Groundwater
- Acid Sulfate Soils
- Any Dewatering Management Plan prepared shall reference and address 'Dewatering in the Tweed – A Guideline for the Management of Dewatering Operations'.
- All contaminated land reports submitted for Council review as of 1 July 2020 must be accompanied by a Contaminated Land Summary Table to ensure that key mandatory information is incorporated into consultant's reports (available at <https://www.tweed.nsw.gov.au/ContaminatedLand>).

3. Water and Wastewater Comments Issues:

- As per the Planning Secretary's Requirements dated 17/12/2019, the proposal shall specify a description of any proposed water supply (and sewerage) infrastructure and shall observe all requirements of the Water Management Act.
 - Please note that based on the submitted information, TSC understand that the proposal is not intending to connect to TSC's water or sewer networks.
- The proposal is to retain uninterrupted access at all times to the sewerage treatment plant and Council depot facilities located at 100 Altona Road located to the north of the development site,
- The proposal shall consider the existing 40 mm private sewer rising main (along with any other potential upgrades to this private main) from the west at Australian Bay Lobsters Producers site at 9484 Tweed Valley Way, Chinderah. The proposal shall retain a sewer service to this site. Any alterations to this private main will require agreement/negotiations with Australian Bay Lobsters Producers Ltd.
 - One of the items for discussion was "*Does Council have any as built or WAXE detail of the ABLP waste discharge infrastructure that leads to the Kingscliff STP?*". Unfortunately Council does not have any WAXE details of these plans.
- One of the items for discussion was "*Does Council have any as built or WAXE detail of any TSC infrastructure running through or near the site boundaries (i.e. sewage outfall pipelines, etc.)?*"
 - There are no sewer or water mains immediately within the sites vicinity. See GIS screenshot below. Please note the presence of the aforementioned private (non TSC owned) rising main near the northern boundaries of the site.



4. Conclusion:

It is open to the applicant to lodge a development application and any such application would be considered on its merits having particular regard to the above issues. The comments provided above are to assist the proponent in preparing a development application. No detailed assessment has been carried out and all issues may not have been identified. Therefore, the above advice does not provide certainty of approval being obtained.

NOTE: THESE ARE DRAFT MINUTES ONLY AND ARE SUBJECT TO CONFIRMATION. IF ANY SUBSTANTIAL CHANGES ARE MADE COPIES OF THE ADOPTED MINUTES WILL BE FORWARDED WITH CHANGES HIGHLIGHTED IN ITALICS