

COMMENTS / RFI ITEMS

TSC Item	RFI Response Comments
1. Flooding	
1.1 High Flow Areas	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
1.2 Time of Inundation	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
1.3 Reduction in Peak Flood Levels for Minor Events	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
1.4 Cumulative Development Scenario	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item, subject to confirmation of the matters identified in Item 1.5. The matters contained within Item 1.5 are address below.
1.5 Acceptable Afflux	Refer Marten response letter dated 18 th December 2024 under Attachment 2 .
1.6 PMF Afflux	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
2. Stormwater	
2.1 Predicted Afflux	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
2.2 Drain Upgrades	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
2.3 Time of Inundation	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
2.4 Flow from Eastern Catchments	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
2.5 Peak Discharges	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
3. Additional Flooding / Stormwater Issues	
3.1 Regional Flood Afflux (in insolation)	Amended afflux mapping was only provided for the scenarios which required modification and re-running. Updating all afflux maps was not possible within the required response timeframe given Martens had only just taken over the flood modelling from Burchills. Nevertheless, Martens considers the adopted 30mm afflux in the Burchills mapping to be reasonable given the affected land is mostly cane fields, and that no change in the hazard category is predicted. We understand that this threshold was initially adopted in consultation with Tweed Shire Council before Council had adopted a formal position on afflux tolerances, and was chosen because the surrounding land was primarily agricultural, and provided that the hazard classification did not increase.
3.2 Local Flood Afflux (in isolation)	This item refers to comments provided within Item 2.1. Tweed Shire Council letter indicates ‘no further concern’ in relation to item 2.1.
3.3 Afflux Map Gradation	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
3.4 0.005% AEP (EXT) Results	Tweed Shire Council letter indicates ‘no further concern’ in relation to this item.
4. Additional Matters (New This Submission)	
4.1 Peer Review	Council comment is noted regarding the adopted Afflux. The acceptability of the adopted Afflux is address in response to item 1.5 above. Refer Marten response letter dated 18 th December 2024 under Attachment 2 .
4.2 Continuity of Julius (Cudgen Foothills) Drain	Refer Marten response letter dated 18 th December 2024 under Attachment 2 .
4.3 20% AEP – 1% AEP Tailwater Results	This is not a flooding issue and is more a site drainage issue. We can investigate this further if required but note the following: - From the flood model terrain file, the drain appears to have levels around 0 mAHD at the site and downstream of the site, suggesting that surface water in the area would drain to this level. - In the proposed conditions, with the drain discharging to the extraction lake which has a weir at 0.7 mAHD, the upstream surface water would not drain below this level and potentially lead to increased waterlogging upstream of the extraction lake. - It may be that existing water levels in the drain are at or above 0.7 mAHD in which case the proposed configuration would have a beneficial or neutral affect, but proving this would require survey and / or monitoring of the existing water levels in the drain, preferably upstream and downstream of the site.
5. Flooding / Stormwater Conclusion	
N/A	Item 5 is a summary of TSC RFI items as contained within Item 1.5, Item 3.1, Item 4.1, Item 4.2 and Item 4.3. Refer comments provided against those items above.

6. Ecology	
6.1 Proposed Layout and Biodiversity Development Assessment Report (BDAR)	The project has been revised to retain and buffer the Threatened Ecological Community in the north of Phase 10. Please refer to the following documents capturing this change: • Attachment 3 – Revised Concept Mine Closure Plan dated 13th May 2025 • Attachment 4 – Revised Concept Rehabilitation and Landscape Management Plan dated 13th May 2025 • Attachment 5 – Revised Biodiversity Development Assessment Report dated 20th May 2025. • Attachment 6 – Revised Visual Impact Assessment • Attachment 7 – Revised EIS Figures As noted by Council within this item. <i>‘It is understood technical matters of the BDAR 2024 are to be formally assessed by the Biodiversity, Conservation and Science Division of the Department of Climate Change, Energy, the Environment and Water’.</i> Matters relating to flora and fauna impacts, buffering, rehabilitation and retiring offset credits under the NSW Biodiversity Offset Scheme are ultimately a matter for Biodiversity, Conservation and Science Division of the Department of Climate Change, Energy, the Environment and Water to assess. In this regard we refer to the separate response to the latest Request for Information from BCD dated 29th October 2024.
6.2 Koala Habitat Protection	The project has been revised to retain and buffer the Threatened Ecological Community in the north of Phase 10. Please refer to the following documents capturing this change: • Attachment 3 – Revised Concept Mine Closure Plan dated 13th May 2025 • Attachment 4 – Revised Concept Rehabilitation and Landscape Management Plan dated 13th May 2025 • Attachment 5 – Revised Biodiversity Development Assessment Report dated 20th May 2025. • Attachment 6 – Revised Visual Impact Assessment • Attachment 7 – Revised EIS Figures As noted by Council within this item. <i>‘It is understood technical matters of the BDAR 2024 are to be formally assessed by the Biodiversity, Conservation and Science Division of the Department of Climate Change, Energy, the Environment and Water’.</i> Matters relating to flora and fauna impacts, buffering, rehabilitation and retiring offset credits under the NSW Biodiversity Offset Scheme are ultimately a matter for Biodiversity, Conservation and Science Division of the Department of Climate Change, Energy, the Environment and Water to assess. In this regard we refer to the separate response to the latest Request for Information from BCD dated 29th October 2024.
6.3 Concept Rehabilitation and Landscape Management Plan	The project has been revised to retain and buffer the Threatened Ecological Community in the north of Phase 10. Please refer to the following documents capturing this change: • Attachment 3 – Revised Concept Mine Closure Plan dated 13th May 2025 • Attachment 4 – Revised Concept Rehabilitation and Landscape Management Plan dated 13th May 2025 • Attachment 5 – Revised Biodiversity Development Assessment Report dated 20th May 2025. • Attachment 6 – Revised Visual Impact Assessment • Attachment 7 – Revised EIS Figures Changes to the Concept Rehabilitation Phasing plans and other documents have also been made to decern between the wetland rehabilitation, riparian rehabilitation and open space areas.
6.4 Matters of National Environment Significance	In relation to Matters of National Environment Significance we would refer to Table 23 of the submitted EIS. We would also refer to previous response to response for information relating to items raised in relation to the Environment Protection and Biodiversity Conservation Act 1999. We note the project has undertaken a voluntary referral under the Environment Protection and Biodiversity Conservation Act 1999. The project does not impact upon Matters of National Environment Significance. Refer to EPBC Act 1999 referral response under Attachment 9.
7. Traffic Impact	

7.1 Proposed Works	Tweed Shire Council letter indicates Tweed Shire Council support the proposed upgrades to the road network subject to obtaining relevant permits under S138 of the Roads Act 1993. Council also re-note that proponent to be responsible for ongoing maintenance of the proposed roundabout under an appropriate agreement. The proponent does not object to contributing to ongoing maintenance in an equitable manner. We would like to ensure the Department considered any such requirement wholistically with any development contributions payable under any of Tweed Shire Councils development contribution plans including Contribution Plan No.4 and Contribution Plan No.32 so as to avoid a double dipping scenario.																														
7.2 Tweed Road Contribution Plan (TRCP)	This matter has been previously addressed, and it is felt important to note that it would appear Council is insisting on 10% south bound deliveries as this would trigger payment of development contributions under Tweed Shire Council Section 7.11 Plan No.4. The proponent is unsure as to how Council has ‘estimated’ this percentage. The split of vehicle trips north/south identified in the Traffic Impact Assessment are based on existing Heidelberg vehicle movement records and are accurate in their estimate of the north/south split. The project will result in less than 10% movement south bound. The proponent has reviewed their records and can confirm that in the last 4 years, local deliveries within the TSC LGA have in each year been significantly less than the Council’s “estimate” of 10% ... and in fact the % has decreased year on year. It is also worth noting that <u>all</u> these deliveries within TSC LGA have been to Hymix and Boral concrete plants in the industrial area behind the BP truck stop at the Chinderah roundabout. If Heidelberg vehicles exit to the west directly onto the M1 as proposed, most of the trips from HTSP to these concrete plants would be on State Controlled Roads, not local council roads. In addition, as total sales volumes increase, it is fair to say that volumes at the local concrete plants within TSC would not increase at the same proportion and so their volume as a % of the total trip would decrease even further. The below figure identifies the % of deliveries within the TSC LGA. <table><tr><th colspan="5">Hanson Tweed Sand Plant - Summary of Historical Deliveries within Tweed Shire Council (TSC) LGA</th></tr><tr><th>Year</th><th>Total tonnes delivered</th><th>Tonnes delivered within TSC LGA</th><th>% of Total</th><th>Number of deliveries</th></tr><tr><td>2017-2018</td><td>214,295</td><td>16,343</td><td>7.6%</td><td>550</td></tr><tr><td>2018-2019</td><td>204,024</td><td>14,324</td><td>7.0%</td><td>481</td></tr><tr><td>2019-2020</td><td>243,435</td><td>12,996</td><td>5.3%</td><td>336</td></tr><tr><td>2020-May 2021</td><td>196,950</td><td>8,349</td><td>4.3%</td><td>220</td></tr></table>	Hanson Tweed Sand Plant - Summary of Historical Deliveries within Tweed Shire Council (TSC) LGA					Year	Total tonnes delivered	Tonnes delivered within TSC LGA	% of Total	Number of deliveries	2017-2018	214,295	16,343	7.6%	550	2018-2019	204,024	14,324	7.0%	481	2019-2020	243,435	12,996	5.3%	336	2020-May 2021	196,950	8,349	4.3%	220
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7.3 Developer Contributions for Heavy Haulage (CP32)	We note Councils comment regarding the recently adopted S7.11 Contribution Plan No.32 and its application to the project. The Department would need to consider the application of this contribution plan to the project. The purpose of the contribution plan is noted as: <i>The purposes of this plan are to authorise:</i> <i>The consent authority, when granting consent to an application to carry out development to which this plan applies; or</i> <i>The Council or an accredited certifier, when issuing a Complying Development Certificate (CDC) for development to which this plan applies,</i> <i>to require a contribution (under section 7.11 of the Environmental Planning and Assessment Act EP&A Act) to be made towards the provision of Local Infrastructure required as a consequence of development within the Plan area, to partly or fully fund the cost of replacement of sections of the local road network used or likely to be used by heavy haulage vehicles generated by new development as defined in this Plan.</i> <i>Other purposes of this plan are as follows:</i>																														

	<i>To provide a comprehensive strategy for the administration of this Plan including the assessment, collection, expenditure accounting and review of development contributions on an equitable basis.</i> <i>To establish the relationship between the expected development and proposed Local Infrastructure (Nexus) to demonstrate that the section 7.11 contributions required under this plan are reasonable.</i> The plan is clearly and rightly aimed at ensuring those who use the road network that is under the control of Tweed Shire Council for heavy haulage and who place wear and tear on that infrastructure make an appropriate contribution to maintenance. We would however like to raise two points for the Departments consideration as following: <u>S7.11 Contribution Plan No.32 and its underlying assumptions.</u> The plan looks to levy a rate (at the time of this response) of \$0.744 / tonne of material hauled on projects comprising extractive industries and/or processed quarried material. This dollar per tonne figure is based on an average cost of damage caused by a typical heavy haulage vehicle which is identified as \$0.051 per kilometre, an assumed average trip length of a tonne of hauled material of 13.9km and a 5% admin component. The assumed haulage distance of 13.9km would not appear consistent with the Heidelberg Tweed Sand Plants (HTSP) proximity to the Pacific Highway and the access and egress arrangement being sought by the project. In fact, within Appendix 2 of the contribution plan the current average haul length of Heidelberg Tweed Sand Plant (Identified as the Hanson Tweed Sand Plant in the document) is 1.8km. As the project will remove all Heidelberg's vehicles from Altona Road and Tweed Coast Road this existing haulage distance is likely to reduce beyond the existing 1.8km average identified within Appendix 2. <u>Heidelberg's ability to track tonnage and road usage.</u> The HTSP will have a weigh bridge, and all Heidelberg vehicles are fitted with GPS tracking. Heidelberg can track in detail the tonnage material leaving the site, where that material is going, and which portion of the haulage trips occur on the roads subject to Contribution Plan No.32. Given the underlying assumptions used on the Contribution Plan 32 do not align with how the HTSP will operate (i.e. contribution Plan No.32 is assuming a nexus likely to be far greater than what HTSP will generate) and Heidelberg's ability to track tonnage and haulage distance in detail; it is requested any condition requiring the payment of heavy haulage contribution under Contribution Plan No.32 be written in such a way that reporting of the tonnage and haulage distance on Council controlled roads is to be provided to Tweed Shire Council and the contribution amount is paid using those detailed usage figures.
8. Environmental Health	
8.1 Acid Sulfate Soils	Tweed Shire Council letter indicates 'no further concern' in relation to this item. The proponent acknowledges Councils comments that matter relevant to the management of Acid Sulfate Soils would be regulated through Environment Protection License
8.2 Air Pollution	Tweed Shire Council letter indicates 'no further concern' in relation to this item. The proponent acknowledges Councils comments that matter relevant to the management of Air Pollution would be regulated through Environment Protection License
8.3 Amenity	We note all mitigation measures relating to potential impacts from air pollution, lighting, water pollution, etc have been identified within the EIS and its supporting documents. It is anticipated any approval would include relevant conditions and requirements to capture and enforce the implementation of these mitigation measures.
8.4 Approvals from other Regulatory Authorities	Tweed Shire Council letter indicates 'no further concern' in relation to this item. The proponent acknowledges Councils comments that project is a scheduled activity under the POEO Act 1997 and requests an Environmental Protection License from NSW EPA.
8.5 Contamination	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. All matters relating to site contamination have been address within the EIS and support documents
8.6 End Use	This item does not appear to be raising a specific issue rather it cut and pastes a previous comment. As has consistently been made clear throughout the EIS and supporting documents the site will remain in the ownership of Heidelberg at the cessation of extraction, and it will be rehabilitated and utilised as has been extensive described and discussed throughout the assessment of the project.
8.7 Food Premises	Tweed Shire Council letter indicates 'no further concern' in relation to this item. The proponent would like to reinforce for the benefit of the consent authority that no Food Premises is proposed or currently be considered as part of the End Use.
8.8 Groundwater and Dewatering	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. The proponent would like to reinforce for the benefit of the consent authority that all matters with NSW Water have been addressed.
8.9 Land Use Conflict	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. The proponent would like to reinforce for the benefit of the consent authority that all matters relating to Land Use Conflict have been assessed and address within the submitted Agricultural Land Assessment.
8.10 Lighting	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. The proponent would like to reinforce for the benefit of the consent authority that the site would only be illuminated to the extent required to facilitate operational requirements. Lighting will be designed in accord with AS4282:2019 - Control of the obtrusive effects of outdoor lighting. Site lighting will be confined to the site buildings and wash plant area.

8.11 Biting Midges and Mosquitos	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. The matters relating to Section A6 of the Tweed Development Control Plan 2008 has previously been address. For the benefit of the consent authority Section A6 of the Tweed Development Control Plan 2008 provide 4 'guidelines and suggestions' in relation to new waterbodies close to residential areas. These are as follows: <i>Tidal waterbodies should have a high percentage of their foreshore reverted to a level below that suitable for biting midge breeding. This will exclude the inter-tidal zone favoured by biting midge. Small areas may be left as sandy beach for recreation providing human recreational activities on these beaches is sufficient to keep the sand well trampled to deter midge breeding. Regular weekly raking of these beaches throughout the warmer months of the year may also deter midge colonisation of the beaches. Consult Council's Entomological Control Officer for further details of this technique.</i> <i>Water quality of lakes and lagoons should be suitable for mosquito eating larvivorous fish to breed.</i> <i>Water to be stocked with suitable native larvivorous fish. Council will advise and assist with this.</i> <i>Waterway design to avoid the potential for extensive emergent aquatic plant growth. Generally this will require the majority of the water body to be deeper than 2m, though shallow ingress and egress points supporting aquatic growth to act as sediment and nutrient traps are favoured. If water-lillies colonise waterbodies extensively, regular removal may be necessary to reduce the breeding potential of several opportunistic mosquito species that spend their larval stages attached to the stems of these plants.</i> The proposal will require the preparation of detailed Rehabilitation & Landscape Management Plan and Mine Closure Plan consistent with the Concept version of those plans submitted with the EIS for the project and any relevant condition of consent. Measures to ensure habitat that would not promote the colonisation by biting midge and mosquito can be incorporated.
8.12 Noise	Tweed Shire Council letter indicates 'no further concern' in relation to this item. The proponent acknowledges Councils comments that matter relevant to the management of noise would be regulated through Environment Protection License
8.13 On-site Sewerage Management	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. The proponent would like to reinforce for the benefit of the consent authority that the proponent would seek relevant approvals to install and operate under S68 of the Local Government Act 1993 for any effluent disposal system required for staff amenities onsite.
8.14 Traffic Noise	This item refers to comments provided within Item 8.12. Tweed Shire Council letter indicates 'no further concern' in relation to item 8.12. The proponent acknowledges Councils comments that matter relevant to the management of noise would be regulated through Environment Protection License.
8.15 Waste	Tweed Shire Council letter indicates 'no further concern' in relation to this item. The proponent acknowledges Councils comments that matter relevant to the management of waste would be regulated through Environment Protection License
8.16 Water Pollution	Tweed Shire Council letter indicates 'no further concern' in relation to this item. The proponent acknowledges Councils comments that matter relevant to the management of water pollution would be regulated through Environment Protection License.
9. Water and Wastewater	
N/A	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. The project has committed to not impacting the listed infrastructure that currently services ABLP.
10. End Use / Open Space	
N/A	This item does not appear to be raising a specific issue rather it cut and pastes a previous comment. As has consistently been made clear throughout the EIS and supporting documents the site will remain in the ownership of Heidelberg at the cessation of extraction, and it will be rehabilitated and utilised at the end of life as has been extensive described and discussed throughout the assessment of the project. Tweed Shire Council's submission seems to confuse that if a project is not specifically identified within the listed strategic documents it is therefore inconsistent with it. This is plainly incorrect and simply not consistent with the purpose of the strategic documents listed in this item. As previously discussed within the EIS and various submissions responses the project has demonstrated on a number of fronts that it is not inconsistent with the likes of the NCREP 2041 and Tweed Shire Community Strategic Plan.
11. Planning	
11.1 Zone Objectives	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. For the benefit of the consent authority we note the proponent respectfully disagrees in relation to the zone objectives. It is noted that by virtue of the permissibility of the 'extractive industries' land use in both the RU1 and RU2 zoning tables under the TLEP 2014 that there should be a starting presumption that the land use can be considered consistent with the objectives. It is also noted that a proposal does not need to be consistent with all the zone objectives to be appropriate on the site.

	The EIS has demonstrated that: - the land is not ‘prime agricultural’ land but rather marginal land that due to its location and the impact of climate change, will be subject to ongoing reduction its agricultural capacity. - The project does not fragment other agricultural land nor introduce a land use that conflicts with or would prevent the ongoing use of other Agricultural lands in the locality. - The project does not adversely impact the rural landscape character This is consistent with the objectives of the zones.
11.2 Loss of Agricultural Land	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. We note the matter of the loss of agricultural land, the lands actual agricultural capability and significance and the project cumulative impact has been thoroughly addressed within the EIS and the supporting documents.
11.3 Benefits to Tweed Shire	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. We note the economic benefits of the project have been outlined within the EIS and the supporting documents.
11.4 End Use / Management in Perpetuity	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. We note all previously comments made in relation to the end use, its funding and management in perpetuity.
11.5 Aboriginal Cultural Heritage Assessment	Tweed Shire Council letter is acknowledging the previous submission of comment from Tweed Byron Local Aboriginal Land Council
11.6 Impact Upon Tweed River	Tweed Shire Councils letter is noting a matter for consideration of the consent authority. We note this matter has been address previously and again not the project separation from the banks of the Tweed River.
12. Conclusion	
N/A	This item is a concluding statement from Council
13. Additional Comments	
N/A	We note Council additional comments. In this regard we note the following in relation to each dot point: - The proponent will continue to pursue the close and purchase of the road reserve adjacent to Lot 22 DP1082435 and would anticipate a condition of consent regarding same. - Refer Marten response letter dated 18th December 2024 under Attachment 2.