

Gen Seed

From: Colleen Forbes <CForbes@tweed.nsw.gov.au>
Sent: Wednesday, 17 October 2018 12:12 PM
To: Anthony Barnes
Cc: Vince Connell (Tweed Council); Lindsay McGavin
Subject: Dunloe Park Sand Quarry Mod 2 Re-exhibition - Further TSC Comments
Attachments: Endorsed TSC Submission - Dunloe Park Sand Quarry Mod 2 - July 2018.pdf

Dear Anthony,

I refer to your email of 9 October 2018 inviting Council to submit any additional comments as a result of the re-exhibition of the Dunloe Park Sand Quarry Mod 2.

Please be advised that in addition to Council's previous comments (dated 6 July 2018 - attached), Council would like to highlight some of the points raised at our meeting with the Independent Planning Commission on 9 August 2018.

TRCP Road Contributions

Council is satisfied with the imposition of Road Contributions associated with the proposed additional truck movements. Condition 13 of the Department's recommended Draft Notice of Modification is considered to be acceptable, with the appropriate contributions applied (which is subject to CPI), noting that the proponent has the ability to apply for the contributions to be paid in instalments under Council's Business Investment Policy. No amendments are recommended to the proposed wording of Condition 13, as shown below.

Road Maintenance Contributions

13. Prior to increasing heavy vehicle movements (in and out) above eight per hour, the Proponent must pay Council \$182,280 in accordance with Council's Tweed Road Contributions Schedule unless a deferred payment agreement is executed under Council's Business Investment Policy in which case contributions are to be paid in accordance with that agreement.

Traffic / Road Maintenance

Council's submission of 6 July 2018 noted no traffic concerns, subject to the requirement for certain road upgrade works to be conditioned. The submission incorporated recommended wording for Condition 35A. It is noted that the Department's recommended Draft Notice of Modification incorporates the following wording for Condition 35A, which is different to that proposed by Council:

- 35A. Within 12 months of approval of Modification 2, unless otherwise agreed by the Proponent must implement and pay the full cost of implementing the recommendations listed in Table 3 of the *Independent Road Safety Audit* prepared by Bitzios Consulting on 16 October 2017, and outlined in the Proponent's *Response to Road Safety Audit* 2018, to the satisfaction of Council, including any additional line marking and signage by Council.

Note: The Proponent must obtain all necessary approvals under section 138 of the Roads Act 1999 before implementing the recommended treatments.

It is considered that the proposed Condition 35A needs a slight modification to be in line with what Council officers had previously requested in Council's endorsed submission for road upgrades. The Department's recommendation makes reference to *Table 3 of the Bitzios Audit* (which incorporates veg removal), yet Council officers are of the

opinion that the appropriate reference is to *Option 1 of the GHD Response to Road Safety Audit*. Accordingly, the following amendments to Condition 35A are recommended by Council officers:

35A. Within 12 months of approval of Modification 2, unless otherwise agreed by the Secretary, the Proponent must in implementing the recommended treatments listed in Option 1 of Section 3.4 Clear Zone Assessment of the (Draft, prepared by GHD, dated March 2018 Table 3 of the Independent Road Safety Audit prepared by Bitzios Consul the satisfaction of Council. Additional line marking and signage (as required by Council) shall also be installed.

Note: The Proponent must obtain all necessary approvals under section 138 of the Roads Act 1993 from Council before implemei

Ecological Concerns

Following on from the issues raised in Council submission of 6 July 2018, the following dot points were discussed with the Commission on 9 August 2018 and remain a concern for Council.

Significance of route

- Tweed Coast Koala Habitat Study 2011 – this section of Pottsville Mooball Rd identified as koala road mortality blackspot
- Tweed-Brunswick endangered population listing (April 2016) – the proposal occurs within the endangered population extent
- Dunloe Park Koala Linkage Precinct Management Objectives – specifies requirements for development proposals in each precinct
- Existing preferred koala habitat – significant areas of preferred koala habitat throughout the area, including adjacent to, and bisected by, the haul road
- Proposed koala corridors that are essential to meeting the planning provisions of the KPOM (especially in KLA) – in preparation in association with the Dunloe Park urban land release master plan. The haul road bisects this corridor.

Key issues

- No assessment performed to enable reasonable risk assessment
- Change in risk assumed on basis of increased truck movements (200%) and significance of on-site and off-site route (**Maps**)
- Potential impact on koalas acknowledged in original EA in 2008, not addressed and then further, not considered for this Mod, despite likely increased risk and increased knowledge of conservation status of koalas at this location.
- Position based on OEH that advice that koalas ‘generally only move nocturnally’. Most active at night, but not limited to. Regardless, note also that 7am to 5pm includes periods of ‘night’ for at approximately 3 months of the year.
- DP&E EAR 8 August 2018 Section 5.5.1 – potential increased risk through vehicle strike is not consistent with ‘creating viable movement corridors’
- Reliance on koala warning signage alone is not considered sufficient or effective, including as noted as long ago as TCKHS 2011, let alone more recent work including on the Tweed Coast. (this is based on the assumption that reference in current EAR to installing new koala warning signage is in relation to the proposal to change from an outline koala to a silhouette koala sign).

Notes

- DGs EA Report (October 2008) for the original proposal, identifies at p13, Section 4.4 that the proposal EA noted the potential to increase fauna vehicle strike and subsequent fatality (in particular for koalas).
- Revegetation only amelioration measure proposed
- Note that suitable arrangements for in perpetuity protection of revegetation areas was recommended as a condition of consent by DECC but not carried through to Project Approval in November 2008.

Please contact me if you wish to discuss any of the matters raised above.

Regards,

Colleen

Colleen Forbes

Team Leader Development Assessment



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