

Jenny – Secretary to Darryl Anderson

From: Denise Galle <DGalle@tweed.nsw.gov.au>
Sent: Friday, 3 February 2017 10:52 AM
To: Jenny – Secretary to Darryl Anderson; vanessa.sultmann@dpi.nsw.gov.au; patrick.pahlow@dpi.nsw.gov.au; melissa.hundy@waternsw.com.au; Selina Stillman; matthew.guselli@epa.nsw.gov.au; Danny Rose; miners.webcoordinator@dpi.nsw.gov.au; landuse.minerals@industry.nsw.gov.au; genevieve.seed@planning.nsw.gov.au; colin.phillips@planning.nsw.gov.au; david neumann
Cc: Vince Connell; Lindsay McGavin; Colleen Forbes; David O'Connell
Subject: RE: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
Attachments: TSC Comments Proposed Extractive Industry Lot 18 DP 1168455 Chinderah.pdf

All,

Please find attached some initial commentary from Tweed Shire Council.

Regards,

Denise Galle | Team Leader Development Assessment (Tuesday – Friday)

Planning and Regulation



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From: Jenny – Secretary to Darryl Anderson [mailto:jenny@dacplanning.com.au]

Sent: Wednesday, 21 December 2016 1:53 PM

To: vanessa.sultmann@dpi.nsw.gov.au; patrick.pahlow@dpi.nsw.gov.au; melissa.hundy@waternsw.com.au; Selina Stillman; matthew.guselli@epa.nsw.gov.au; Denise Galle; Danny Rose; miners.webcoordinator@dpi.nsw.gov.au; landuse.minerals@industry.nsw.gov.au

Cc: genevieve.seed@planning.nsw.gov.au; colin.phillips@planning.nsw.gov.au; david neumann

Subject: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Dear All (Note: if this matter is not within your area of responsibility could you please pass this email on to the relevant Officer)

In response to the email below, the Department has advised that it does not support a meeting of Government Agencies onsite at this time, but we can contact relevant Government Agencies directly.

Our preference is to meet onsite with relevant Agencies and Tweed Shire Council with a view to obtaining feedback and clarification on key issues as part of the initial due diligence process. This will ultimately lead to a formal request for the Secretary's Environmental Impact Statement Requirements.

The **attached** Report provides an overview of the project, relevant planning controls and procedures and key issues for discussion.

Council Reference: File Ref
Your Reference:



Customer Service | 1300 292 872 | (02) 6670 2400

3 February 2017

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Murwillumbah NSW 2484

Please address all communications
to the General Manager

ABN: 90 178 732 496

DAC Planning Pty Ltd
jenny@dacplanning.com.au

Dear Darryl,

**RE: Proposed Extractive Industry (Construction Sand) - Lot 18 DP
1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed
LGA)**

I refer to your e-mail of 21 December 2016 seeking either a site visit or comment on this proposal.

At this early stage it is not considered necessary for Council staff to undertake a site visit however the following commentary is provided:

Strategic Planning Overview

- A. The proposed development is inconsistent with the current statutory planning provisions and policy position of Tweed Shire Council towards this site, which is to protect and enhance its status as prime agricultural land for current and future generations to grow food and fibre, in accordance with state and regional strategic directions.
- B. The development in its proposed form presents itself as a significant underutilisation of the land, which is adjoining the Pacific Highway and sits in close proximity to urban localities of Chinderah and Tweed Heads. It will also lead to sterilisation of the resource land from future productive uses.
- C. The proposed development is likely to cause substantial detrimental impact to the scenic quality values of the sugar cane fields landscape unit, which significantly contributes to several regionally important scenic views in the Tweed Shire, due to its close proximity and prominent visibility from highly accessible viewing situations; including those afforded from the adjacent Pacific Motorway.

Detailed discussion justifying the above is provided below.

A. Existing Strategic Framework

The site in question is recognised as 'regionally significant farmland' under the Northern Rivers Farmland Protection Project, as prepared in 2006 by the Department of Planning in partnership with the Department of Primary Industries. Refer to Figure 1 of the mapping appendix following. The Northern Rivers Farmland Protection Project underpins the strategic planning framework for the rural parts of the Tweed Shire including provisions of the Far North Coast Regional Strategy, the Draft North Coast Regional Plan, the Ministerial Directions provided under Section 117 of the EP&A Act 1979, Tweed Rural Lands Strategy and supporting policy framework, and the extent, objectives and land use tables of the rural zones provided under the Tweed Local Environmental Plan 2014 (Tweed LEP).

Far North Coast Regional Growth Strategy currently in-force, provides for the protection of productive farmland from development pressures stating *"It is critical to keep farmland intact in suitable locations to ensure a viable agriculture industry for the future."*

This Strategy makes a reference to areas with environmental and agricultural production values that are to be protected from urban development other than appropriately planned rural residential development. Importantly, it also provides a direction that *"all land classified as Environmental Assets and Rural Land are to maintain its existing land use rights" to "ensure the continuation of current activities, including agricultural production, access to natural resources, water storage, tourism, outdoor recreation and nature conservation."*

The Regional Strategy requires Local Environmental Plans to protect and zone land with State or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values, and Section 117 Ministerial Direction 5.3 (discussed below) provides the mechanism for Councils to action this. Tweed Local Environmental Plan 2014 has responded accordingly by maintaining the Zone RU1 Primary Production to apply to this site.

Tweed Local Environmental Plan 2014 responds to the Northern Rivers Farmland Protection Project by applying to the site the RU1 Primary Production zone with the following objectives:

- *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.*

We note that extractive industries land use is permitted with consent under this zone. We also note that the inclusion of this land use is a compulsory requirement of the Land Use Table provided within the Standard Instrument (Local Environmental Plan) Order 2006 and neither councils nor the DP&E had the ability to vary this status on the making of the LEP, despite its inconsistency with certain objectives of this zone.

Tweed DCP B09 Tweed Coastal Strategy conforms with the in-force Far North Coast Regional Strategy Coastal Area and LEP provisions by identifying the site as Agricultural Land.

Direction 5.3 provided under Section 117(2) of the EP&A Act 1979, issued by the Minister for Planning on 1 July 2009, makes reference to the Farmland of State and Regional Significance mapping.

The objectives under cl.1), are:

- (a) *to ensure that the best agricultural land will be available for current and future generations to grow food and fibre;*
- (b) *to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and*
- (c) *to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.*

Draft North Coast Regional Plan (draft plan)

The draft plan refers to Northern Rivers Farmland Protection Project 2006 as important background research that identifies “*state and regionally significant land that is to be retained for existing or future agricultural production*” [p9].

The draft plan’s vision provides for the “*region’s diverse agricultural sector [to] remain a major contributor to the economy and landscape values*” and for “*regionally significant farmland [to] be preserved to support a wide variety of farming practices*”.

Goal 1 – A natural environment, and Aboriginal and historic heritage that is protected, and landscapes that are productive – provides for the protection of potentially high environmental value areas and significant farmland by identifying them in planning strategies or local environmental plans.

The Draft Plan's *Direction 1.2 Protect and enhance productive farmland*, provides for *Action 1.2.4 – Adopt State and regionally significant farmland interim variation criteria*, which proposes to establish interim significant farmland variation criteria for councils to use to assess suitability of land for continued rural land use when preparing planning strategies or local environmental plans. See below:

State and Regionally Significant Farmland Interim Variation Criteria

Land may be suitable for uses other than farmland if:

AGRICULTURAL CAPABILITY

- the land is isolated from other important farmland and is not capable of supporting sustainable agricultural production;

LAND USE CONFLICT

- the land use does not increase the likelihood of conflict and does not impact on current or future agricultural activities in the locality;*

INFRASTRUCTURE

- the provision of infrastructure (utilities, transport, open space, communications and stormwater) required to service the land is physically and economically feasible at no cost to State and Local Government. Adverse impacts on adjoining farmland must be avoided;

ENVIRONMENT AND HERITAGE

- the proposed land uses do not have an adverse impact on areas of high environmental value, and Aboriginal or historic heritage significance; and

AVOIDING RISK

- risks associated with physically constrained land are avoided and identified, including:
 - flood prone;
 - bushfire prone;
 - highly erodible;
 - severe slope; and
 - acid sulfate soils.

* An evaluation may be required in accordance with the NSW Department of Primary Industry *Land Use Conflict Risk Assessment Guide* (2011).

Council considers the subject site and proposed change of use does is not justified for the following variation criterion:

- Agricultural capability. The site is not isolated from other important farmland, but rather part of a large and contiguous agricultural land unit. The proposed development would fragment and diminish the agricultural capability; and
- Land use conflict. The proposed use significantly impacts current and future agricultural activities due to the permanent loss of land.

There are additional physical constraints affecting the suitability of the proposed development which are to be considered including: Acid Sulfate Soils, Bushfire, Coastal zone, Flood prone, significant groundwater as per the Far North Coast Regional Strategy Natural Resource Map (refer to Figure 2).

The **Draft Plan Direction 1.2 *Protect and enhance productive farmland*** references the NSW Government's "Strategic Regional Land Use Policy" - Strategic Agricultural Land Map - which identifies Biophysical Strategic Agricultural Land as capable of sustaining high levels of production for a variety of agricultural industries due to its high quality soil and water resources. This Strategic Agricultural Land Map is also associated by reference to the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Sixty percent (33.5 of 55.3 hectares) of the site is identified as Biophysical Strategic Agricultural Land, shown in Figure 4 below.

The Draft Plan requires any significant mining or coal seam gas proposals on this land to be scrutinised through the independent Gateway process, before a development application can be lodged in order to achieve the Draft Plan's direction to protect and enhance productive farmland

Though the proposed development is not be significant mining or coal seam gas, the effect of the proposed intensity of resource extraction is absolute, resulting in the fragmentation and permanent loss of regionally significant farmland from future use. This is an outcome that the Environmental Planning Policy (Rural Lands) 2008 and Section 117 Ministerial Direction 1.2 Rural Zones also seek to avert, in the context of subdivision and residential development pressures.

State Environmental Planning Policy (Rural Lands) 2008 applies to state significant agricultural land for the purposes of managing rural subdivisions and dwellings in order to ensure the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.

The objects of *Part 4 State significant agricultural land* (cl.12) include

- (b) to provide for the protection of agricultural land:*
 - (i) that is of State or regional agricultural significance, and*
 - (ii) that may be subject to demand for uses that are not compatible with agriculture, and*
 - (iii) if the protection will result in a public benefit.*

Section 117 Ministerial Direction 1.2 Rural Zones aims to protect the agricultural production value of rural land, and to do so directs councils to exercise their functions relating to local environmental plans in accordance with the SEPP (Rural Lands) 2008 Rural Planning Principles, including:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.*

Despite targeting specific development classes (rural subdivision and residential pressure) to minimise conflict, fragmentation and sterilisation of prime agricultural land from future use, these state statutory and policy objectives should apply equally to other development classes with activities resulting in an equivalent outcome, as is considered the case with the proposed extractive industry.

Conflicting provisions

The proposal makes reference to the subject land being identified within the Transition Area and Potential Resource Area of NSW Trade and Investment (Resources and Energy Mapping) (July 2014), [refer to Figure 1], which identifies portions of the subject land, as:

- Potential Resource Area, i.e. containing potential extractive resources, in the southern one quarter of the site; and

- Transition Area, i.e., area adjacent to identified research area, in the northern one half of the site.

The Far North Coast Regional Strategy provides an action for “*Local Environmental Plans [to] protect land identified as having extractive resources of regional significance (see Appendix 2)*”. Appendix 2 lists the existing Chinderah Road extractive industry, but does not make reference to the NSW Trade and Investment Resources and Energy Map.

It appears the subject land is not identified as extractive resource of regional significance. However, consultation with Department of Planning and Environment, Department of Primary Industry and NSW Trade and Investment is recommended to clarify the legal status of the identified potential extractive resources on the land, and any prevailing controls that would enable a change of use from regionally significant farmland to extractive industry.

To summarise, this development proposal appears to be in conflict with the objectives that apply to the site – which are to keep the existing use as regionally significant farmland intact – as per the state, regional and local strategic and statutory planning provisions, including, but necessarily limited to:

1. Far North Coast Regional Strategy and associated s117 Direction 5.3 Farmland of State and Regional Significance on the NSW North Coast;
2. Draft North Coast Regional Plan Proposed Actions;
3. Rural Lands SEPP and associated s117 Direction 1.2 Rural Zones;
4. Tweed Rural Land Strategy Policy Directions endorsed October 2016;
5. Tweed Local Environmental Plan 2014 Zone RU1 Primary Production; and
6. Tweed DCP B09 Tweed Coastal Strategy.

B. Strategic Land Use considerations

Any deliberation about a potential, non-agricultural use should recognise the locational opportunities of the subject site to support an important strategic employment hub, due to the immediate proximity to the Pacific Highway and urban localities of Chinderah and Tweed Heads.

Construction or improvements to motorways and other key roads can be a precursor of land use change by stimulating new development. Strong links can easily be identified between integrated transportation and urban / industrial development, since accessibility is one of the most important factors taken into account in decisions to develop land for that purpose. Further, it has been evidenced that urban / industrial growth alongside highways predominantly occurs adjacent to existing or emerging settlements. This is facilitated by planning decisions to widen the range of permissible employment and service related land uses to attract new businesses and investment.

The subject site has all the attributes necessary to be recognised as a prime employment land in the Tweed Shire. As provided in the Far North Coast Regional Strategy, future employment land should be located to take advantage of the transport network offered by upgrades to the Pacific Highway. With that in mind, a proposal to develop a sand extraction facility is considered to be a significant underutilisation of the subject site. Further, the permanent loss of land resulting from the extractive industry will sterilise any future uses, and presents a significant opportunity cost¹ for Tweed, and as such is not supported.

C. Scenic landscape impact

The proposed development is likely to have significant and detrimental impact to the existing large and contiguous landscape unit - Tweed Valley sugar cane fields - which is recognised as having regional and local scenic and cultural significance.

The subject land is in close proximity and in the foreground of several regionally significant viewing situations including highly trafficked and accessible regional and local routes, for example:

- Terranora Road – southbound views within a 1500m distance,

¹ "The loss of potential gain from other alternatives when one alternative is chosen." (The New Oxford American Dictionary)

- Cudgen Road – north and east bound views within a 2000m distance,
- Pacific Highway – north and south-bound within an immediate (0-100m) distance,
- Tweed Coast Road – north and south-bound within a 1000m distance.

Sites along Terranora Road in particular have been specifically identified by local residents and tourism industry as having highly valued panoramic views over a south-east and south-west aspect. The combination of the iconic Tweed River and Tweed Valley cane fields in the foreground, bounded by coastal bushland with the Pacific Ocean providing background framing of the scene, contribute to the highly regarded visual quality values of the views. Furthermore, comments received through community consultation have identified existing extractive industries as significant visual detractors.

The close proximity and elevated position of the observer from sites on Terranora Road and Cudgen Road in particular, will increase the perception of the relative scale of works within the wider panoramic view. This may create a feature or focal point for the site with very high visibility of dredging machinery, excavation pit, processing buildings and stockpiles. Visual screens are unlikely to be effective for the short sight lines and angles from the observer's superior position at these viewing sites.

With three excavation quarries in adjoining lands at Cudgen Road, Altona Road and Pacific Highway also within the view fields of sites on Terranora Road, Cudgen Road and Tweed Coast Road; the location and scale of the proposed development is likely to result in an unacceptable, detrimental, cumulative impact on the scenic views from these sites.

Summary

As outlined above, the proposed development is considered to be in conflict with the strategic land use objectives set in a number of state and local planning provisions and controls that apply to the site, which are to keep the existing regionally significant agricultural land intact for continued or future use.

Further, the proposal will have a significant and likely long-term detrimental impact on the scenic landscape of the Tweed, which cannot be ameliorated through such means as vegetated landscaping, screening or similar.

For these reasons the proposal is considered unsuitable for the land and as such is not supported.

Other Potential Merit Considerations

1. **Flooding** – the report refers to a 5400m² fill pad which would be generally acceptable on such a large site (54 hectares) if that were going to be the only obstruction to flood flow. However what is more likely is that the operators of the quarry will want to construct bunding around the site to protect the operations from nuisance flooding. Bunding may also be required for noise abatement, runoff control etc. If that is proposed, full flood modelling of the proposal, including cumulative impact scenarios based on the Tweed Valley Floodplain Risk Management Study would be required.
2. **Access/Road Maintenance** – While Altona Road is a public road reserve, the roadway within it is not maintained by Council. It is essentially a shared driveway for the Hanson quarry, Council's Waste Water Treatment Plant, and adjoining farms. It is substandard as a public roadway, the pavement cannot sustain increased heavy vehicle loads, and is not wholly located within the road reserve (partially on Gales Holdings land). At the moment this situation is not likely to change until Gales Holdings undertake their sand quarry and relocate the road reserve to the north and construct the public roadway. To resolve it sooner would involve a negotiated outcome between all of these parties to determine ownership and maintenance of the road and to fund the necessary upgrades with landholder approval.
3. **Natural Resource Management Commentary**

Issue	Detail	Ecological Feature	Comment
Impact on an existing watercourse and associated riparian and floodplain habitat values	An existing watercourse traversing the subject site is aligned within the proposed dredge pond footprint and as such would result in removal.	The watercourse drains to the Tweed River located approximately 270 m north of the subject site. The watercourse supports a narrow unit of floodplain vegetation potentially candidate Endangered Ecological Community Swamp oak floodplain forest of the	<ul style="list-style-type: none"> In order to continue to convey runoff from land upstream within the sub-catchment the existing channel may have to be realigned. Advice from Council flood engineers would need to be sought to confirm likely drainage options.

		NSW North Coast, Sydney Basin and South East Corner bioregions listed under the <i>Threatened Species Conservation Act 1995</i>	<ul style="list-style-type: none"> An opportunity may exist to improve conditions if an alternative alignment is required i.e. through reconstruction of a more naturalised channel coupled with a compensatory package for the loss of any EEC and long term protection of any such channel under a formal mechanism. A detailed flora and fauna assessment will be required to inform assessment of the future proposal
		A single record of the listed Black-necked Stork (<i>Ephippiorhynchus asiaticus</i> – Endangered TSC Act) has been made 350 m to the west of the site (Lot 6 DP830659). The site provides potential roosting and foraging opportunities for the species	<ul style="list-style-type: none"> A detailed flora and fauna assessment will be required to inform assessment of the future proposal
Impact on existing vegetation to facilitate access	To enable access within the unformed Crown road reserve from Altona Rd or the alternative access from the Pacific Motorway vegetation removal may be required	Vegetation within and adjacent to the proposed access route/s may be representative of candidate EEC Swamp oak floodplain forest	<ul style="list-style-type: none"> An assessment would be required to be undertaken to determine the type of vegetation and extent of impact. It is noted that the existing informal access road from the Chinderah roundabout traverses Tweed Byron Land Council Aboriginal Land. Consultation with the local community would be required.
Acid Sulfate Soil Hazard	The site is identified as comprising Class 2 and Class 3 acid sulfate soils. Extraction is likely to intercept acid sulfate soils	Receiving waterways i.e. Tweed River	<ul style="list-style-type: none"> The excavation of actual and potential acid sulfate soils and management should be addressed in a site based acid sulfate soil investigation and management plan.
Soil and Water Quality impacts	The proposal has the potential to result in detrimental impact on water quality discharged from the site, groundwater conditions and onsite dredge pond water management issues.	Receiving waterways and groundwater	<ul style="list-style-type: none"> Appropriate groundwater investigations should be undertaken, appropriate water quality parameters imposed and water and soil plans of management and monitoring should be developed

Long term management of dredge ponds	The long term land use of the dredge ponds and surrounding buffers is unknown	<ul style="list-style-type: none"> Details of progressive remediation, post quarry closure use, management arrangements should be provided
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Should you have any further enquiries please contact Council's Team Leader
 Development Assessment Denise Galle

Yours faithfully



cosign

Colleen Forbes

Acting Manager Development Assessment & Compliance

Jenny – Secretary to Darryl Anderson

From: Selina Stillman <selina.stillman@dpi.nsw.gov.au>
Sent: Tuesday, 7 February 2017 12:41 PM
To: Jenny – Secretary to Darryl Anderson
Subject: Proposed Extractive Industry Lot 18 DP1168455 & Lot 57 DP755701 Pacific Highway, Chinderah (Tweed LGA)
Attachments: Proposed Extraction Industry_Lot 18 DP1168455 & Lot57 DP755701 Pacific Highway, Chinderah - DPI Agriculture Comments.pdf

Dear Darryl,

Please find attached DPI Agriculture's preliminary comments with respect to the above proposal as requested.

Regards,
Selina

Selina Stillman | Agricultural Resource Management Officer | Education & Regional Services | DPI Agriculture
Department of Primary Industries
Wollongbar Primary Industries Institute | 1243 Bruxner Highway | Wollongbar NSW 2477
T: 02 66261215 | F: 02 66281744 | M: 0412 424397 | E: selina.stillman@dpi.nsw.gov.au
W: www.dpi.nsw.gov.au/agriculture/resources/lup

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Department of Primary Industries

OUT17/2258

7 February 2017

Darryl Anderson
DAC Planning Pty Ltd
Suite 7 Corporation House
8 Corporation Circuit
TWEED HEADS SOUTH NSW 2486

Email: jenny@dacplanning.com.au

Dear Darryl

**Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701
Pacific Highway, Chinderah (Tweed LGA)**

Thank you for organising the onsite meeting of the above property on Thursday, 2 February 2017, and for the opportunity to provide preliminary comments on the extractive industry proposal being considered for this land.

The NSW Department of Primary Industries (NSW DPI) - Agriculture, is concerned with the protection and growth of agricultural industries and the resources upon which these industries depend. The subject land, as noted, is identified as Regionally Significant Farmland, under the Northern Rivers Farmland Protection Project dated 2005. This is considered a highly important resource for agriculture on the NSW North Coast.

The farmland is part of a large contiguous agricultural land unit. Contiguity is important as it provides the opportunity for farmers to upscale or consolidate operations and reduces potential land use conflict risk that can impact on agricultural activities.

It is acknowledged that 'Extractive industry - sand mining' is a permitted land use within the RU1 primary production zone under the Tweed Local Environmental Plan (LEP). However, given the size and nature of the extraction, and proposed final landform, the proposal is considered to be in conflict with the objectives for this zone due to the subsequent loss of this land to agriculture in perpetuity.

NSW DPI Agriculture would be seeking assessment requirements similar to those provided in Attachment 1 should the proposal progress to application stage. These are considered our minimum requirements for extractive industries. Additional considerations around acid sulfate soils, flooding and groundwater would also be requested. Guidelines to assist with meeting the minimum requirements are included in Attachment 2.

Should you require clarification on any of the information contained in this response, please contact me on 02 6626 1215.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Selina Stillman'.

Selina Stillman
Resource Management Officer

Attachment 1: Assessment Requirements

Issue and desired outcome	Detail / Requirement
Site Suitable for development	<ul style="list-style-type: none"> • Detail that the quarry is consistent with strategic plans and zone requirements • Complete a Landuse Conflict Risk Assessment (LUCRA) to identify potential landuse conflict, in particular relating to separation distances and management practices to minimise odour, dust and noise from sensitive receptors. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide. • Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors.
Consideration for impacts to agricultural resources and land	<ul style="list-style-type: none"> • Describe the current and potential <i>Important Agriculture Land</i> on the proposed development site and surrounding locality including the land capability and agricultural productivity. • Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated. • Consider possible cumulative effects to agricultural enterprises and landholders. • Detail the expected life span of the proposed development
Bushfire risk identified and managed	<ul style="list-style-type: none"> • Risk assessment level and mitigation plan developed to address bush fire risk.
Suitable and secure water supply	<ul style="list-style-type: none"> • Estimated water demand and water availability should be clearly outlined in the proposal. The source of water and any sanitisation methods to be detailed in the application. • Outline any impacts to water use from agriculture and mitigation measures if required.
Surface & Groundwater protected	<ul style="list-style-type: none"> • Proposed development design, operation and by-product management should be undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession. • The proposal should detail how design and operation will be undertaken for by-product management in accordance with best practice to prevent excess build-up of nutrients and salts in the soil profile and increase the risk of leaching. A monitoring program should be developed.
Biosecurity Standards met	<ul style="list-style-type: none"> • Include a biosecurity (pests and weeds) risk assessment outlining the likely plant, animal and community risks. • Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed and pest management plans.
Suitable traffic movements	<ul style="list-style-type: none"> • Consideration of the route for movements needs to be taken into account so that impacts on sensitive receptors are minimised (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves¹ (TSR) and the movement of livestock or farm vehicles along / across the affected roads
Visual amenity achieved	<ul style="list-style-type: none"> • Amenity impacts are assessed and any necessary response to mitigate visual impacts is described and illustrated.

Issue and desired outcome	Detail / Requirement
Land stewardship met	<ul style="list-style-type: none"> • Develop Rehabilitation and Decommissioning/Closure Plans that describes the design criteria of the final landuse and landform along with the expected timeline for the rehabilitation program. • Outline monitoring and mitigation measures to be adopted for rehabilitation remedial actions.
Adequate consultation with community	<ul style="list-style-type: none"> • Consult with relevant agencies such as on the design, construction and operation of the proposed infrastructure. • Consult with the owners / managers of affected and adjoining neighbours and agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation. • Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues.
Contingency and Environmental Management Plan developed	<ul style="list-style-type: none"> • Contingency plans should be developed to enable the operation to deal with emergency situations. Commitment to the preparation of an Emergency Management plan that outlines procedures and responsibilities for responding to bushfire threats and possible mass mortality events which might result from extreme climatic conditions, routine or emergency animal disease outbreaks.

Attachment 2: Guidelines for assessment

Title	Location
Land Use Conflict Risk Assessment Guide	www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/lucra
Agricultural Issues for Extractive industry Development	http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/development-assessment/extractive-industries

Jenny – Secretary to Darryl Anderson

From: Shayne Kneen <shayne.kneen@industry.nsw.gov.au>
Sent: Thursday, 2 February 2017 10:16 AM
To: Jenny – Secretary to Darryl Anderson
Cc: genevieve.seed@planning.nsw.gov.au
Subject: RE: Proposed Extractive Industry (Construction Sand) - Key Issues for SEARs - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah
Attachments: Re Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway ~ GSNSW Response.pdf

To Whom It May Concern,

Thank you for the opportunity to provide advice on the above matter.

Please find attached a response from the Geological Survey of New South Wales (GSNSW).

The attached information addresses the 'key issues' requirements that GSNSW requests for quarry proposal SEARs.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Regards

Shayne Kneen | Geoscientist | Minerals and Land Use Assessment | Geological Survey of NSW

NSW Department of Industry | Division of Resources & Energy

516 High St | Maitland | NSW 2320 | PO Box 344 | Hunter Region Mail Centre | NSW 2310

T: 02 4931 6731 | F: 02 4931 6726 | E: shayne.kneen@industry.nsw.gov.au

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2nd February 2017

Daryl Anderson
Director/Principle Town Planner
DAC Planning Pty Ltd
Suite 7, Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486

Emailed: jenny@dacplanning.com.au & genevieve.seed@planning.nsw.gov.au

Your Reference: emails dated 21/12/2016 & 1/2/2017
Our Reference: OUT17/4215

Dear Mr Anderson,

Re: Secretary's Environmental Assessment Requirements (SEARs) – Proposed Extractive Industry (Construction Sand) – located on Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Thank you for the opportunity to provide pre lodgement advice for SEARs for the subject proposal. This is a response from NSW Department of Industry – Division of Resources & Energy (DRE) – Geological Survey of NSW. This advice is supplementary to previous advice provided on the 17/1/2017 (Our reference OUT17/1420).

Sandstone is not a prescribed mineral under the *Mining Act 1992*. Therefore, the Department has no statutory role in authorising or regulating the extraction of this commodity, apart from its role under the *Work Health and Safety Act 2011* and associated regulations and the *Work Health and Safety (Mine and Petroleum Sites) Act 2013* and associated regulations, for ensuring the safe operation of mines and quarries. However, the Department is the principal government authority responsible for assessing the State's resources of construction materials and for advising State and local government on their planning and management.

All environmental reports (EIS or similar) accompanying Development Applications for extractive industry lodged under the *Environmental Planning & Assessment Act 1979* should include a resource assessment **(as detailed in Attachment A)** which:

- **Documents the size and quality of the resource and demonstrates that both have been adequately assessed; and**
- **Documents the methods used to assess the resource and its suitability for the intended applications.**

The above information should be summarised in the EIS, with full documentation appended. If deemed commercial-in-confidence, the resource assessment summary included in the EIS should commit to providing DRE with full resource assessment documentation separately. Applications to modify, expand, extend or intensify an existing consent that has already been adequately reported using the above protocol in publicly

available documents, may restrict detailed documentation to the additional resources to be used, if accompanied by a summary of past resource assessments and of past production.

DRE collects data on the quantity of construction materials produced annually throughout the State. Forms are sent to all operating quarries at the end of each financial year for this purpose. The statistical data collected is of great value to Government and industry in planning and resource management, particularly as a basis for analysing trends in production and for estimating future demand for particular commodities or in particular regions. Production data may be published in aggregated form, however production data for individual operations is kept strictly confidential.

In order to assist in the collection of construction material production data, the proponent should be required to provide annual production data for the subject site to DRE as a condition of any new or amended development consent.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the DRE – Geological Survey of New South Wales Land Use team at landuse.minerals@industry.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cressida Gilmore', written in a cursive style.

Cressida Gilmore
Team Leader Land Use

Encl. Attachments "A"

ATTACHMENT A

**NSW Department of Industry
RESOURCES & ENERGY DIVISION**

**ENVIRONMENTAL and WORK HEALTH & SAFETY
ASSESSMENT REQUIREMENTS FOR
CONSTRUCTION MATERIAL QUARRY PROPOSALS**

It is in the best interests of both the proponent and the community to fully assess the resources which are to be extracted. This means that a thorough geological assessment should be undertaken to determine the nature, quality and extent of the resource. Failure to undertake such an assessment could lead to operational problems and possibly even failure of the proposal.

The following issues need to be addressed when preparing an environmental assessment (EA) or environmental impact statement (EIS) for a proposed construction materials (extractive materials) quarry:

Resource Assessment

1. A summary of the regional and local geology including information on the stratigraphic unit or units within which the resource is located.
2. The amount of material to be extracted and the method or methods used to determine the size of the resource (e.g. drilling, trenching, geophysical methods). Plans and cross-sections summarising this data, at a standard scale, showing location of drillholes and/or trenches, and the area proposed for extraction, should be included in the EA or EIS. Relevant supporting documentation such as drill logs should be included or appended. Major resource proposals should be subject to extensive drilling programs to identify the nature and extent of the resource.
3. Characteristics of the material or materials to be produced:
 - a) For structural clay/shale extraction proposals, ceramic properties such as plasticity, drying characteristics (e.g. dry green strength, linear drying shrinkage), and firing characteristics (e.g. shrinkage, water absorption, fired colour) should be described.
 - b) For sand extraction proposals, properties such as composition, grainsize, grading, clay content and contaminants should be indicated. The inclusion of indicative grading curves for all anticipated products as well as the overall deposit is recommended.
 - c) For hard rock aggregate proposals, information should be provided on properties such as grainsize and mineralogy, nature and extent of weathering or alteration, and amount and type of deleterious minerals, if any.
 - d) For other proposals, properties relevant to the range of intended uses for the particular material should be indicated.

Details of tests carried out to determine the characteristics of the material should be included or appended. Such tests should be undertaken by NATA registered testing laboratories.

4. An assessment of the quality of the material and its suitability for the anticipated range of applications should be given.
5. The amount of material anticipated to be produced annually should be indicated. If the proposal includes a staged extraction sequence, details of the staging sequence needs to be provided. The intended life of the operation should be indicated.
6. If the proposal is an extension to an existing operation, details of history and past production should be provided.
7. An assessment of alternative sources to the proposal and the availability of these sources. The impact of not proceeding with the proposal should be addressed.
8. Justification for the proposal in terms of the local and, if appropriate, the regional context.
9. Information on the location and size of markets to be supplied from the site.
10. Route(s) used to transport quarry products to market.
11. Disposal of waste products and the location and size of stockpiles.
12. Assessment of noise, vibration, dust and visual impacts, and proposed measures to minimise these impacts.
13. Proposed rehabilitation procedures during, and after completion of, extraction operations, and proposed final use of site.
14. Assessment of the ecological sustainability of the proposal.

Health and Safety Issues

In relation to the health and safety of mining and quarrying operations, the following must be addressed:

1. All mining operations are to comply with the following legislation:
 - a. *Work Health and Safety Act 2011*
 - b. *Work Health and Safety Regulation 2011*
 - c. *Work Health and Safety (Mine and Petroleum Sites) Act 2013*
 - d. *Work Health and Safety (Mine and Petroleum Sites) Regulation 2014*
 - e. *Explosives Act 2003*
 - f. *Explosives Regulation 2013.*
2. The mine holder must appoint a mine operator and notify the Department in writing as required by clause 7 of the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014* before commencing any mining operations.

3. Other duties and notification and reporting requirements exist under the WHS laws and duty holders must ensure they understand and comply with these requirements.

Mineral Ownership

The *Mining Act 1992* applies to those commodities prescribed by the regulations of the Act (Schedule 2, *Mining Regulation 2016*). Most construction materials are not prescribed minerals under the *Mining Act 1992*. In general terms, this means these materials are owned by the Crown where they occur on Crown land and by the landowner in the case of freehold land. A Mining Title is not required for their extraction although a Crown Lands licence is required where they occur on Crown land.

Construction materials such as *sand (other than marine aggregate), loam, river gravel, and coarse aggregate materials such as basalt, sandstone, and granite* are not prescribed minerals under the *Mining Act 1992*. Therefore, NSW Department of Industry has no statutory responsibility for authorising or regulating the extraction of these commodities, apart from its role under the WHS laws with respect to the safe operation of mines and quarries. However, the Department is the principal government authority responsible for assessing the State's resources of construction materials and for advising State and local government on their planning and management.

Some commodities, notably *structural clay (ie clay for brick, tile and pipe manufacture), dimension stone (except for sandstone), quartzite, kaolin, limestone and marine aggregate* are prescribed minerals under the *Mining Act 1992*. Minerals which are prescribed as minerals under the terms of the Mining Act may, in some cases belong either to the Crown or to an individual, depending on a number of factors including the date on which the mineral was proclaimed and the date of alienation of the land.

The proponent needs to determine whether the material is privately owned or Crown mineral (publicly owned). If it is privately owned, then either a mining lease or mining (mineral owner) lease would be required. If it is a Crown mineral, an application for a mining lease will have to be lodged.

If you are unsure whether a mining title is required for your proposal you should contact NSW Department of Industry, Resources & Energy Division.

From: [Sandra Anderson](#)
To: [Jenny – Secretary to Darryl Anderson](#)
Subject: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah - Tweed LGA (GSNSW Response)
Date: Tuesday, 17 January 2017 9:23:32 AM

From: Shayne Kneen [mailto:shayne.kneen@industry.nsw.gov.au]
Sent: Tuesday, 17 January 2017 8:59 AM
To: Sandra Anderson
Cc: genevieve.seed@planning.nsw.gov.au
Subject: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah - Tweed LGA (GSNSW Response)

To Whom It May Concern,

Thank you for the opportunity to provide advice on the above matter. This is a response from NSW Department of Industry – Geological Survey of New South Wales (GSNSW).

Please be advised that GSNSW will not be attending a meeting on site at this stage.

GSNSW advises at this preliminary stage the following issues need to be addressed when preparing an environmental assessment (EA) or environmental impact statement (EIS) for a proposed construction materials (extractive materials) quarry.

- A thorough geological assessment should be undertaken to determine the nature, quality and extent of the resource.
- For sand extraction proposals, properties such as composition, grainsize, grading, clay content and contaminants should be indicated. The inclusion of indicative grading curves for all anticipated products as well as the overall deposit is recommended.
- The proponent should be required to provide annual production data for the subject site to DRE as a condition of any new or amended development consent.

Further 'key issues' regarding the proposal will be provided when the Secretaries Environmental Assessment Requirements are formally requested.

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Regards

Shayne Kneen | Geoscientist | Minerals and Land Use Assessment | Geological Survey of NSW

NSW Department of Industry | Division of Resources & Energy

516 High St | Maitland | NSW 2320 | PO Box 344 | Hunter Region Mail Centre | NSW 2310

T: 02 4931 6731 | **F:** 02 4931 6726 | **E:** shayne.kneen@industry.nsw.gov.au

W: www.industry.nsw.gov.au | www.resources.nsw.gov.au

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From: [Patrick Dwyer](#)
To: [Jenny – Secretary to Darryl Anderson](#)
Subject: Fwd: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
Date: Friday, 3 February 2017 1:30:09 PM
Attachments: [Town Planning Report to State Agencies & TSC 20 December 2016.pdf](#)

Dear Darryl

Thanks for the phone call this morning.

Lot 18 DP 1168455 and Lot 57 DP 755701 do not have mapped key fish habitat and components of the proposal within these lots will not directly impacts on key fish habitats. In our conversation this morning you indicated that the agricultural drain that intersects the site will probably be relocated. If the drain relocation requires a new outlet into natural waters, ie tidal waters or a named waterway or other waterway over Crown land DPI Fisheries would need to be involved as, in almost all instances, these sites satisfy key fish habitats as outlined in the Department's policy and guidelines.

Further, DPI Fisheries would recommend that the relocation is undertaken in a way that achieves a drain consistent with recommendations in the *Restoring the Balance: Guidelines for managing floodgates and drainage systems on coastal floodplains*.

Sincerely

Patrick Dwyer | Senior Fisheries Manager - Aquatic Ecosystems (North Coast)
Aquatic Environment | Primary Industries NSW
T 02 6626 1397 | M 0407 264 391 | E patrick.dwyer@dpi.nsw.gov.au
W: www.industry.nsw.gov.au | www.dpi.nsw.gov.au
Postal Address: | 1243 Bruxner Hwy | Wollongbar NSW 2477 |

PERMIT APPLICATION FORMS & FISH HABITAT POLICIES AVAILABLE AT:
www.dpi.nsw.gov.au/fisheries/habitat/protecting-habitats/toolkit

Submit permit applications via email to: ahp.central@dpi.nsw.gov.au

NB from date of receipt of application please allow:
- 28 days for Permits, Consultations and Land Owner's Consent responses
- 40 days for Integrated Development Applications

KNOWN & EXPECTED DISTRIBUTION OF THREATENED FISH SPECIES:
www.dpi.nsw.gov.au/fishing/species-protection/threatened-species-distributions-in-nsw/freshwater-threatened-species-distribution-maps

----- Forwarded message -----

From: **Selina Stillman** <selina.stillman@dpi.nsw.gov.au>
Date: 2 February 2017 at 17:13
Subject: Fwd: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
To: Patrick Dwyer <patrick.dwyer@dpi.nsw.gov.au>

Hi Pat,

Please note below correspondence. I attended an onsite meeting with the consultant and potential proponent for this property today. There is an intention that if they proceed with a property purchase and application than they would be likely to want to alter the existing drain route. They indicated that they hadn't been in contact with DPI Fisheries so I advised that I would forward on to you.

Given their period of due diligence they are seeking comments on potential issues/requirements for the site by early next week.

If you would like to discuss please give me a call.

Kind regards,
Selina

Selina Stillman | Agricultural Resource Management Officer | Education & Regional Services | DPI Agriculture
Department of Primary Industries
Wollongbar Primary Industries Institute | 1243 Bruxner Highway | Wollongbar NSW 2477
T: 02 66261215 | F: 02 66281744 | M: 0412 424397 | E: selina.stillman@dpi.nsw.gov.au
W: www.dpi.nsw.gov.au/agriculture/resources/lup

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From: **Jenny – Secretary to Darryl Anderson** <jenny@dacplanning.com.au>
Date: 21 December 2016 at 13:53
Subject: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
To: "vanessa.sultmann@dpi.nsw.gov.au" <vanessa.sultmann@dpi.nsw.gov.au>, "patrick.pahlow@dpi.nsw.gov.au" <patrick.pahlow@dpi.nsw.gov.au>, "melissa.hundy@waternsw.com.au" <melissa.hundy@waternsw.com.au>, Selina Stillman <selina.stillman@dpi.nsw.gov.au>, "matthew.guselli@epa.nsw.gov.au" <matthew.guselli@epa.nsw.gov.au>, Denise Galle <DGalle@tweed.nsw.gov.au>, Danny Rose <DRose@tweed.nsw.gov.au>, "miners.webcoordinator@dpi.nsw.gov.au" <miners.webcoordinator@dpi.nsw.gov.au>, "landuse.minerals@industry.nsw.gov.au" <landuse.minerals@industry.nsw.gov.au>
Cc: "genevieve.seed@planning.nsw.gov.au" <genevieve.seed@planning.nsw.gov.au>, "colin.phillips@planning.nsw.gov.au" <colin.phillips@planning.nsw.gov.au>, david neumann <david.neucorp@bigpond.com>

Dear All (Note: if this matter is not within your area of responsibility could you please pass this email on to the relevant Officer)

In response to the email below, the Department has advised that it does not support a meeting of Government Agencies onsite at this time, but we can contact relevant Government Agencies directly.

Our preference is to meet onsite with relevant Agencies and Tweed Shire Council with a view to obtaining feedback and clarification on key issues as part of the initial due diligence process. This will ultimately lead to a formal request for the Secretary's Environmental Impact Statement Requirements.

The **attached** Report provides an overview of the project, relevant planning controls and procedures and key issues for discussion.

It would be appreciated if you could advise of a convenient time to meet onsite, say any time after 16 January 2017 and before say Monday 6 February 2017, or if an onsite meeting is not possible in a reasonably timely manner, could you please provide comments on the proposal and in particular, any key issues or potential absolute constraints?

Please do not hesitate to contact Darryl Anderson should you require any further information in relation to this matter.

Regards

DARRYL ANDERSON

Director/Principal Town Planner

0438 233 611



**Our office will be closed over the Xmas period
from**

COB Wednesday 21 December 2016 &

reopening on Monday 9 January 2017

**We would like to wish you all a Very Merry
Christmas**

and a Safe and Prosperous New Year.



DAC PLANNING PTY LTD

Suite 7, Corporate House

8 Corporation Circuit

Tweed Heads South NSW 2486

P: 07 5523 3611

F: 07 5523 3612

E: admin@daconsulting.com.au

W: www.dacplanning.com.au

From: Jenny – Secretary to Darryl Anderson
Sent: Tuesday, 20 December 2016 2:02 PM
To: 'genevieve.seed@planning.nsw.gov.au'
Cc: 'david neumann'
Subject: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Good Afternoon Genevieve

Further to our telephone discussions on 7 December 2016, I **attach** a Town Planning Report which provides an overview of the proposal, key statutory planning controls and key issues for discussion with Council and State Agencies. As discussed, it would be greatly appreciated if you could arrange an onsite meeting with the relevant State Agencies and Council for preferably, mid January 2017, if possible. This will greatly assist the proponents in making an informed decision in relation to moving forward with the project.

Please phone and discuss should you have any queries.

Regards

DARRYL ANDERSON

Director/Principal Town Planner

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From: [Vanessa Sultmann](#)
To: [Jenny – Secretary to Darryl Anderson](#)
Subject: Re: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701
Pacific Highway, Chinderah (Tweed LGA)
Date: Thursday, 22 December 2016 10:35:56 AM

Further to my email yesterday:

A person is also a **DPI Water customer** if they conduct activities which:

- required them to obtain an Aboriginal commercial, Aboriginal community development, Aboriginal cultural or Aboriginal environmental subcategory of access licence under the *Water Management Act 2000*; or
- required them to obtain any authority, lease or licence under the *Mining Act 1992*, *Offshore Minerals Act 1999* or the *Petroleum (Onshore) Act 1991* or any permit or licence under the *Petroleum (Offshore) Act 1982*, but only in relation to those activities; or
- required them to obtain a controlled activity approval or an aquifer interference approval under the *Water Management Act 2000*; or
- have been:
 - declared a State Significant Development under s 89C of the Environmental Planning and Assessment Act 1979 (EP&A Act) or is declared to be a State Significant Development under a State environmental planning policy,
 - declared a State Significant Infrastructure under s 115U of the EP&A Act or is declared to be State Significant Infrastructure under a state environmental planning policy; or
 - approved under the now repealed Part 3A of the EP&A Act; or
- relate to floodplain harvesting in regulated or unregulated rivers.

So, it would be DPI Water rather than WaterNSW if it is SSD.

Regards, Vanessa

Vanessa Sultmann | Water Regulation Officer

NSW Department of Primary Industries | Water
135 Main Street | PO Box 796 | Murwillumbah NSW 2484
T: 0266 767382 | F: 0266 767388

E: vanessa.sultmann@dpi.nsw.gov.au
W: www.water.nsw.gov.au

Part time: Monday-Thursday



On Wed, Dec 21, 2016 at 2:24 PM, Vanessa Sultmann

<vanessa.sultmann@dpi.nsw.gov.au> wrote:

Hi Jenny and Darryl

Just wanted to mention that DPI Water is the agency that handles licencing matters (eg dewatering) where the proponent is a: Major Utility, Water Supply Authority, Local Water Utility, Irrigation Corporation, the Commonwealth, another State or Territory, a New South Wales government agency or a State Owned Corporation constituted under the *State Owned Corporations Act 1989*.

Doesn't matter in this case but just letting you know.

Regards, Vanessa

Vanessa Sultmann | Water Regulation Officer

NSW Department of Primary Industries | Water
135 Main Street | PO Box 796 | Murwillumbah NSW 2484
T: 0266 767382 | F: 0266 767388

E: vanessa.sultmann@dpi.nsw.gov.au

W: www.water.nsw.gov.au

Part time: Monday-Thursday



On Wed, Dec 21, 2016 at 1:53 PM, Jenny – Secretary to Darryl Anderson

<jenny@dacplanning.com.au> wrote:

Dear All (Note: if this matter is not within your area of responsibility could you please pass this email on to the relevant Officer)

In response to the email below, the Department has advised that it does not support a meeting of Government Agencies onsite at this time, but we can contact relevant Government Agencies directly.

Our preference is to meet onsite with relevant Agencies and Tweed Shire Council with a view to obtaining feedback and clarification on key issues as part of the initial due diligence process. This will ultimately lead to a formal request for the Secretary's Environmental Impact Statement Requirements.

The **attached** Report provides an overview of the project, relevant planning controls and procedures and key issues for discussion.

It would be appreciated if you could advise of a convenient time to meet onsite, say any time after 16 January 2017 and before say Monday 6 February 2017, or if an onsite meeting is not possible in a reasonably timely manner, could you please provide comments on the proposal and in particular, any key issues or potential absolute constraints?

Please do not hesitate to contact Darryl Anderson should you require any further information in relation to this matter.

Regards

DARRYL ANDERSON

Director/Principal Town Planner

0438 233 611



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From: Jenny – Secretary to Darryl Anderson
Sent: Tuesday, 20 December 2016 2:02 PM
To: 'genevieve.seed@planning.nsw.gov.au'
Cc: 'david neumann'
Subject: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Good Afternoon Genevieve

Further to our telephone discussions on 7 December 2016, I **attach** a Town Planning Report which provides an overview of the proposal, key statutory planning controls and key issues for discussion with Council and State Agencies. As discussed, it would be greatly appreciated if you could arrange an onsite meeting with the relevant State Agencies and Council for preferably, mid January 2017, if possible. This will greatly assist the proponents in making an informed decision in relation to moving forward with the project.

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From: [Selina Stillman](#)
To: [Jenny – Secretary to Darryl Anderson](#)
Subject: Re: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
Date: Monday, 30 January 2017 11:19:26 AM

Dear Darryl,

Thank you for your offer of an on-site meeting with respect to the below proposal. I would be available to attend any such meeting planned for Wednesday or Thursday this week or alternatively can provide some preliminary comments on behalf of DPI Agriculture by the end of the week.

Kind regards,
Selina Stillman

Selina Stillman | Agricultural Resource Management Officer | Education & Regional Services | DPI Agriculture
Department of Primary Industries
Wollongbar Primary Industries Institute | 1243 Bruxner Highway | Wollongbar NSW 2477
T: 02 66261215 | F: 02 66281744 | M: 0412 424397 | E: selina.stillman@dpi.nsw.gov.au
W: www.dpi.nsw.gov.au/agriculture/resources/lup

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On 21 December 2016 at 13:53, Jenny – Secretary to Darryl Anderson
<jenny@dacplanning.com.au> wrote:

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From: Jenny – Secretary to Darryl Anderson
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Subject: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Good Afternoon Genevieve

Further to our telephone discussions on 7 December 2016, I **attach** a Town Planning Report which provides an overview of the proposal, key statutory planning controls and key issues for discussion with Council and State Agencies. As discussed, it would be greatly appreciated if you could arrange an onsite meeting with the relevant State Agencies and Council for preferably, mid January 2017, if possible. This will greatly assist the proponents in making an informed decision in relation to moving forward with the project.

Please phone and discuss should you have any queries.

Regards

DARRYL ANDERSON

Director/Principal Town Planner

0438 233 611



Our office will be closed over the Xmas period
from

COB Wednesday 21 December 2016 &
reopening on Monday 9 January 2017

**We would like to wish you all a Very Merry
Christmas**

and a Safe and Prosperous New Year.



DAC PLANNING PTY LTD

Suite 7, Corporate House

8 Corporation Circuit

Tweed Heads South NSW 2486

P: 07 5523 3611

F: 07 5523 3612

E: admin@daconsulting.com.au

W: www.dacplanning.com.au

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From: [Melissa Hundy](#)
To: [Jenny – Secretary to Darryl Anderson](#)
Subject: RE: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
Date: Wednesday, 1 February 2017 1:35:32 PM
Attachments: [image001.png](#)

Hi Jenny,

If this is a State Significant project then WaterNSW would not be involved as DPI Water would be the approval authority in regards to any licensing requirements.

Regards

Melissa Hundy
Water Regulation Officer

Important: As a result of NSW water reforms, many functions previously provided by DPI Water have transferred to WaterNSW, effective 1 July. These functions include customer interactions for licencing, compliance and billing – as well as all in-field services and metering operations. Customers will experience streamlined, more convenient and efficient services. Over the coming months, you will begin to see WaterNSW branded materials for these services.



135 Murwillumbah Street, Murwillumbah NSW 2484

PO Box 796, Murwillumbah NSW 2484

T: 02 66 76 7881 **F:** 02 6676 7388

Melissa.hundy@waternsw.com.au

www.waternsw.com.au

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From: Jenny – Secretary to Darryl Anderson [mailto:jenny@dacplanning.com.au]
Sent: Wednesday, 1 February 2017 12:05 PM
To: Melissa Hundy; miners.webcoordinator@dpi.nsw.gov.au;
landuse.minerals@industry.nsw.gov.au; Denise Galle
Cc: david.neumann; shayne.kneen@industry.nsw.gov.au
Subject: RE: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Dear All

Could you please provide your response/advice in relation to the email below ASAP?

In relation to geological resources we have received the **attached** response from Geological Survey of NSW dated 17 January 2017. Does this a response address all Mineral Resources Agency issues?

Please phone and discuss should you have any queries.

Regards

DARRYL ANDERSON
Director/Principal Town Planner
0438 233 611



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From: Jenny – Secretary to Darryl Anderson
Sent: Wednesday, 21 December 2016 1:53 PM
To: 'vanessa.sultmann@dpi.nsw.gov.au'; 'patrick.pahlow@dpi.nsw.gov.au'; 'melissa.hundy@waternsw.com.au'; 'Selina Stillman'; 'matthew.guselli@epa.nsw.gov.au'; 'Denise Galle'; 'Danny Rose'; 'miners.webcoordinator@dpi.nsw.gov.au'; 'landuse.minerals@industry.nsw.gov.au'
Cc: 'genevieve.seed@planning.nsw.gov.au'; 'colin.phillips@planning.nsw.gov.au'; 'david.neumann'
Subject: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Dear All (Note: if this matter is not within your area of responsibility could you please pass this email on to the relevant Officer)

In response to the email below, the Department has advised that it does not support a meeting of Government Agencies onsite at this time, but we can contact relevant Government Agencies directly.

Our preference is to meet onsite with relevant Agencies and Tweed Shire Council with a view to obtaining feedback and clarification on key issues as part of the initial due diligence process. This will ultimately lead to a formal request for the Secretary's Environmental Impact Statement Requirements.

The **attached** Report provides an overview of the project, relevant planning controls and procedures and key issues for discussion.

It would be appreciated if you could advise of a convenient time to meet onsite, say any time after 16 January 2017 and before say Monday 6 February 2017, or if an onsite meeting is not possible in a reasonably timely manner, could you please provide comments on the proposal and in particular, any key issues or potential absolute constraints?

Please do not hesitate to contact Darryl Anderson should you require any further information in relation to this matter.

Regards

DARRYL ANDERSON
Director/Principal Town Planner
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From: Jenny – Secretary to Darryl Anderson
Sent: Tuesday, 20 December 2016 2:02 PM
To: 'genevieve.seed@planning.nsw.gov.au'
Cc: 'david.neumann'
Subject: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Good Afternoon Genevieve

Further to our telephone discussions on 7 December 2016, I **attach** a Town Planning Report which provides an overview of the proposal, key statutory planning controls and key issues for discussion with Council and State Agencies. As discussed, it would be greatly appreciated if you could arrange an onsite meeting with the relevant State Agencies and Council for preferably, mid January 2017, if possible. This will greatly assist the proponents in making an informed decision in relation to moving forward with the project.

Please phone and discuss should you have any queries.

Regards

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From: Colin.Phillips@planning.nsw.gov.au
To: [Jenny – Secretary to Darryl Anderson](mailto:Jenny%20Secretary%20to%20Darryl%20Anderson); vanessa.sultmann@dpi.nsw.gov.au;
patrick.pahlow@dpi.nsw.gov.au; melissa.hundy@watarnsw.com.au; [Selina Stillman](mailto:Selina.Stillman); [Matthew Guselli](mailto:Matthew.Guselli);
miners.webcoordinator@dpi.nsw.gov.au; landuse.minerals@industry.nsw.gov.au;
pacific.highway@rms.nsw.gov.au; water.enquiries@dpi.nsw.gov.au; [Denise Galle](mailto:Denise.Galle)
Cc: genevieve.seed@planning.nsw.gov.au; david.neumann; Howard.Reed@planning.nsw.gov.au
Subject: RE: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
Date: Monday, 16 January 2017 11:31:03 AM

Dear All,

I thought I would share with you the Department of Planning and Environment's approach to the request from DAC Planning Pty Ltd (DAC) for information from government agencies about potential "showstoppers" for the tentative proposal for sand extraction from a site adjacent to the M1 Motorway at Chinderah.

The Department supports the provision of quality information to potential applicants in a manner that involves the efficient use of various departments' resources.

The Department has offered to meet with DAC at the Department's Sydney offices at a time of mutual convenience to provide input and discussion on the proposal.

The Department will not be providing an officer to attend the proposed on-site meeting, although this could be re-considered should an application for Secretary's Environmental Assessment Requirements be lodged. At this stage the Department does not consider that on-site meeting would sufficiently aid in the Department's understanding of this tentative sand extraction proposal or the particular site conditions of the land proposed for the quarry.

It is up to each agency to determine whether it wishes to attend an on-site meeting at this early stage in the planning process.

If any agency wishes to discuss the planning pathway and process for this proposal, I would be pleased to take your questions.

Regards

Colin Phillips

Team Leader

Resource Assessments

NSW Department of Planning & Environment

Level 22, 320 Pitt Street

Sydney NSW 2000 Australia

I am in the office Mon Tue Wed and Fri

T +61 2 9274 6483

E colin.phillips@planning.nsw.gov.au



**Planning &
Environment**

From: Jenny – Secretary to Darryl Anderson [mailto:jenny@dacplanning.com.au]
Sent: Monday, 16 January 2017 10:00 AM
To: vanessa.sultmann@dpi.nsw.gov.au; patrick.pahlow@dpi.nsw.gov.au;
melissa.hundy@waternsw.com.au; Selina Stillman <selina.stillman@dpi.nsw.gov.au>; Matthew
Guselli <Matthew.Guselli@epa.nsw.gov.au>; miners.webcoordinator@dpi.nsw.gov.au;
landuse.minerals@industry.nsw.gov.au; pacific.highway@rms.nsw.gov.au;
water.enquiries@dpi.nsw.gov.au; Denise Galle <DGalle@tweed.nsw.gov.au>
Cc: Gen Seed <genevieve.seed@planning.nsw.gov.au>; Colin Phillips
<Colin.Phillips@planning.nsw.gov.au>; david neumann <david.neucorp@bigpond.com>
Subject: RE: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP
755701 Pacific Highway, Chinderah (Tweed LGA)
Importance: High

Dear All

Further to my email below, I confirm that we would like an onsite meeting with all Agencies before Monday 6 February 2017. Could you please advise on your availability for the meeting and in this regard, our **preferred** timing is before the end of January 2017 to enable us to review Agency comments and further consider the proposal within our due diligence timeframes.

Please phone and discuss should you have any queries.

Regards

DARRYL ANDERSON
Director/Principal Town Planner



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Suite 7, Corporate House
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From: Jenny – Secretary to Darryl Anderson
Sent: Wednesday, 21 December 2016 1:53 PM
To: 'vanessa.sultmann@dpi.nsw.gov.au'; 'patrick.pahlow@dpi.nsw.gov.au';
'melissa.hundy@waternsw.com.au'; 'Selina Stillman'; 'matthew.guselli@epa.nsw.gov.au'; 'Denise
Galle'; 'Danny Rose'; 'miners.webcoordinator@dpi.nsw.gov.au';
'landuse.minerals@industry.nsw.gov.au'
Cc: 'genevieve.seed@planning.nsw.gov.au'; 'colin.phillips@planning.nsw.gov.au'; ' david neumann'
Subject: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP
755701 Pacific Highway, Chinderah (Tweed LGA)

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Please do not hesitate to contact Darryl Anderson should you require any further information in relation to this matter.

Regards

DARRYL ANDERSON
Director/Principal Town Planner
0438 233 611



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From: Jenny – Secretary to Darryl Anderson
Sent: Tuesday, 20 December 2016 2:02 PM

To: 'genevieve.seed@planning.nsw.gov.au'

Cc: 'david.neumann'

Subject: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Good Afternoon Genevieve

Further to our telephone discussions on 7 December 2016, I **attach** a Town Planning Report which provides an overview of the proposal, key statutory planning controls and key issues for discussion with Council and State Agencies. As discussed, it would be greatly appreciated if you could arrange an onsite meeting with the relevant State Agencies and Council for preferably, mid January 2017, if possible. This will greatly assist the proponents in making an informed decision in relation to moving forward with the project.

Please phone and discuss should you have any queries.

Regards

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Director/Principal Town Planner
0438 233 611



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From: [Geff Cramb](#)
To: [Jenny – Secretary to Darryl Anderson](#)
Cc: [Matthew Guselli](#)
Subject: RE: Requirements for Proposed Extractive Industry (construction sand) Lot 18 DP 1168455 & Lot 57 DP 755701
Date: Monday, 16 January 2017 3:16:51 PM

Dear Darryl

The EPA will not be providing an officer to attend the proposed on-site meeting.

Regards

Geff

Geff Cramb

Operations Officer – Environment Management Unit
North Coast, NSW Environment Protection Authority
+61 2 6640 2510

geff.cramb@epa.nsw.gov.au www.epa.nsw.gov.au @EPA_NSW

Report pollution and environmental incidents 131 555 (NSW only) or +61 2 9995 5555



From: Jenny – Secretary to Darryl Anderson [mailto:jenny@dacplanning.com.au]
Sent: Monday, 16 January 2017 2:34 PM
To: Geff Cramb <Geff.Cramb@epa.nsw.gov.au>
Cc: Matthew Guselli <Matthew.Guselli@epa.nsw.gov.au>; david neumann <david.neucorp@bigpond.com>; 'Robert James' <robert@pooltile.com.au>
Subject: RE: Requirements for Proposed Extractive Industry (construction sand) Lot 18 DP 1168455 & Lot 57 DP 755701

Hi Geff

Many thanks for your comments on behalf of the Environment Protection Authority. Could you please confirm your availability and a date for an onsite meeting, preferably before 23 January 2017 or in early February 2017?

Please phone and discuss should you have any queries.

Regards

DARRYL ANDERSON
Director/Principal Town Planner

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From: Geff Cramb [<mailto:Geff.Cramb@epa.nsw.gov.au>]
Sent: Monday, 16 January 2017 2:27 PM
To: Jenny – Secretary to Darryl Anderson
Cc: Matthew Guselli
Subject: Requirements for Proposed Extractive Industry (construction sand) Lot 18 DP 1168455 & Lot 57 DP 755701

Dear Darryl,

Re: Requirements for Proposed Extractive Industry (construction sand) Lot 18 DP 1168455 & Lot 57 DP 755701

I refer to correspondence dated 21 December 2016 and 11 January 2017 regarding the potential acquisition of land for a Proposed Extractive Industry (construction sand). The Environment Protection Authority (EPA) understands that you are acting on behalf of Carbrook Sands Pty Ltd. If an extractive industry is approved for the site at Chinderah, an Environment Protection Licence (EPL) for an extractive industry would be required.

The purpose of this email is to outline the key information requirements that will need to be fulfilled in order to acquire an EPL at the quarry if the proposal gets approval through the planning process. These information requirements will generally involve adequate assessment of each of the following categories:

- Air quality impacts, particularly relating to dust management;
- Noise impacts;
- Soil and water management (including acid sulfate soils); and
- Waste.

Each requirement needs to be adequately addressed before an EPL could be issued.

Regards
Geff

Geff Cramb

Operations Officer – Environment Management Unit
North Coast, NSW Environment Protection Authority
+61 2 6640 2510



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Jenny – Secretary to Darryl Anderson

From: LARNER Kara <kara.larner@rms.nsw.gov.au> on behalf of Development Northern <development.northern@rms.nsw.gov.au>
Sent: Tuesday, 31 January 2017 1:56 PM
To: Jenny – Secretary to Darryl Anderson
Cc: Sandra Anderson
Subject: RMS Response - Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)
Attachments: 170111 - Proposed Extractive Industry, Chinderah - RMS response.pdf

Good Afternoon,

Please see attached RMS Response to the Proposed extractive industry at Chinderah.

Regards
Kara Larner
Administrative Assistant
Network Management | Journey Management
T 02 6640 1362 F 02 6640 1304

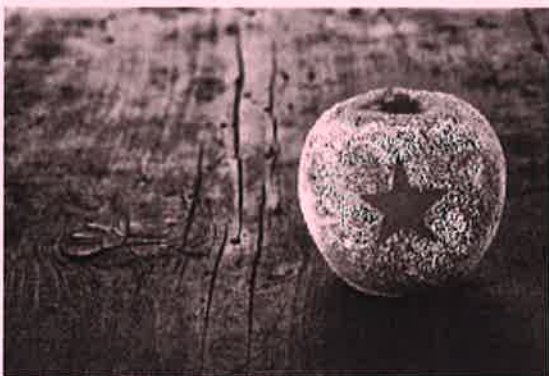
From: Jenny – Secretary to Darryl Anderson [<mailto:jenny@dacplanning.com.au>]
Sent: Wednesday, 21 December 2016 2:00 PM
To: Pacific Highway
Cc: genevieve.seed@planning.nsw.gov.au; colin.phillips@planning.nsw.gov.au; david neumann
Subject: FW: Proposed Extractive Industry (Construction Sand) - Lot 18 DP 1168455 & Lot 57 DP 755701 Pacific Highway, Chinderah (Tweed LGA)

Hi Christine

Sorry, I inadvertently omitted RMS from the initial email below.

Regards

DARRYL ANDERSON
Director/Principal Town Planner
0438 233 611



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File No: NTH17/00003

DAC Planning Pty Ltd
Suite 7, Corporate House
8 Corporation Circuit
TWEED HEADS SOUTH NSW 2486

Attention: Darryl Anderson – Director/Principal Town Planner

Dear Sir/Madam,

Pre-DA Advice, Proposed Extractive Industry, Lot 18 DP1168455 & Lot 57 DP755701, Pacific Highway, Chinderah

I refer to your email of 21 December 2016 requesting comment from Roads and Maritime Services in relation to the abovementioned development proposal.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Pacific Motorway (HW10) is a classified (State) road. In accordance with Section 7 of the *Roads Act 1993* (the Act) Roads and Maritime Services is the Roads Authority for this road.

In accordance with Clause 16 of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, Roads and Maritime is given the opportunity to review and provide comment on a future development application.

It is emphasised that the comments provided below are based on the current proposal and the information provided at this time. They are not to be interpreted as binding upon Roads and Maritime and may change following formal assessment of any development application referred by the relevant consent authority.

Roads and Maritime Response

Roads and Maritime has reviewed the information forwarded for consideration and provides the following comments to assist in the preparation of an Environmental Impact Statement:

1. No direct access to the Pacific Motorway or Chinderah Interchange will be permitted. Access must be obtained via the local road network and Tweed Coast Road.
2. Any future Environmental Impact Statement must be accompanied by a Transport and Traffic Impact Assessment (TIA) to identify likely traffic impacts and subsequent road upgrade requirements. Roads and Maritime would like the following issues to be included in any TIA:
 - a. The total impact of existing and proposed development on the road network with consideration for a 10 year horizon.
 - b. The volume and distribution of traffic generated by the proposed development, noting the gross load limit of 14.5 tonnes on Cudgen Road and Clothiers Creek Road.

Roads and Maritime Services

- c. Peak hour turn movements at key intersections including Chinderah Interchange with Tweed Coast Road, Tweed Coast Road and Crescent Street, and Crescent Street and Altona Road.
- d. Intersection sight distances at key intersections along the primary haul route.
- e. Details of any proposed improvements to affected intersections, with consideration for the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.
- f. Detail of servicing and parking arrangements.
- g. Traffic Management for construction and operational phases of the proposed development.
- h. Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.
- i. Impacts of road traffic noise and dust generated along the primary haulage route.
- j. Details of proposed screening to minimise the visual impact of the development from the Pacific Motorway, including proximity of boundary fencing to the proposed excavation.
- k. Consideration for Clause 16(1) of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 regarding impacts on school zones and residential areas, consideration of the preparation of a Code of Conduct for haulage operators and details of any road safety assessment of key haulage route/s.

Where road safety concerns are identified at a specific location along the identified haulage route/s, Roads and Maritime suggests that the Traffic Impact Assessment be supported by a targeted Road Safety Audit undertaken by suitably qualified persons.

- 3. The Pacific Motorway and the subject properties are identified in the Tweed Valley Flood Study 2009 as being subject to flooding. The applicant would be required to undertake two-dimensional hydraulic modelling to demonstrate that all stages of construction and operation (including stockpiling, bunding, etc.) will not impact peak flood depths or velocities on the Pacific Motorway in all events up to and including the Probable Maximum Flood event.
- 4. The subject properties are dissected by a drainage channel. Stormwater drainage on the Pacific Motorway is directed into this channel and any proposal must demonstrate that it will not impact the downstream capacity of this network or the ability of the Pacific Motorway to effectively drain water.
- 5. A 30m dewatered pit in sand may have an extensive groundwater drawdown zone which may induce settlement. Thorough geotechnical investigations to support design and construction should be undertaken in accordance with the *RMS Technical Direction – Excavation adjacent to RMS infrastructure*.

A dewatering management plan is to be provided, including details of any contingencies to maintain stability if relevant dewatering systems fail.

- 6. It is further recommended that any Environmental Management Plan prepared as part of any EIS identify potential impacts of construction and operation on the Pacific Motorway and Chinderah Heavy Vehicle Inspection Station. This should include, but not be limited to, visual screening, dust, noise and odour control.

If you have any further enquiries regarding the above comments please contact, Liz Smith, Manager Land Use Assessment on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully



for Monica Sirol
Network & Safety Manager, Northern Region
31 January 2017