

#### BRIEFING DETAILS

<b>BRIEFING DATE / TIME</b>	Monday, 23 October 2023, 3:45pm and 4:30pm
<b>LOCATION</b>	MS Teams Videoconference

#### BRIEFING MATTER(S)

PPSNTH-232 – CLARENCE VALLEY – DA2023/0402 – 2801 SUMMERLAND WAY DILKOON – Sand extraction industry

#### PANEL MEMBERS

<b>IN ATTENDANCE</b>	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Peter Johnstone
<b>APOLOGIES</b>	Nil
<b>DECLARATIONS OF INTEREST</b>	Greg Clancy

#### OTHER ATTENDEES

<b>COUNCIL ASSESSMENT STAFF</b>	Jessica Summerhayes, Murray Lane, James Hamilton
<b>DEPARTMENT STAFF</b>	Carolyn Hunt, Louisa Agyare and Lisa Ellis
<b>OTHER</b>	Nil

#### KEY ISSUES DISCUSSED

- Development application lodged - includes extraction, stockpiling and processing facility.
- Development is designated and integrated development requiring general terms of approval to be issued by relevant public authorities.
- Outstanding Referrals/Concurrence
  - Crown Lands
  - Transgrid – issues can be managed
  - Transport for NSW
  - Environment Protection Agency
  - Department of Primary Industries – Fisheries
  - Department of Planning and Environment – Biodiversity and Conservation Division
  - Department of Planning and Environment – Water
- Council consideration of proposal includes the following key issues:
  - Biodiversity – insufficient information provided to enable assessment of potential serious and irreversible impacts on 2 endangered plant species, unsatisfactory evidence of avoidance of

#### Planning Panels Secretariat

impacts, BDAR not in accordance with BAM, and impact on threatened Koala species and Koala habitat

- Impact on key fish habitats
  - Landuse conflict and impact on environmental sensitive areas
  - Air quality impacts
  - Agricultural impacts
  - Residential landuse conflict
  - Water quality impacts
  - Downstream impacts
- Panel notes Council's 21 day offer of withdrawal to the Applicant, given the number and extent of outstanding issues identified by Council (due date 26 October 2023).
  - RFI issued to applicant on 5/10/2023 (100 days provided - due 15/01/2024). Additional information has been requested from referral agencies. These will be addressed within a second RFI if the application not withdrawn.
  - 24 submissions received in objection to proposal. These have been provided to the applicant.
  - Panel questions and discussion:
    - Downstream impacts on adjacent Everlasting Swamp National Park
    - Fish habitat and stream hierarchy
    - SEARs supporting documentation
    - Impact of recent bushfires on further biodiversity survey methodology and timing
  - The Panel agrees with Council's position that withdrawal of the application is appropriate.
  - Next steps: Council to follow up with applicant regarding potential withdrawal.

**TENTATIVE PANEL DETERMINATION DATE:** February 2024