



Our ref: IRF18/3918

Prof. Mary O'Kane  
Chairperson  
Independent Planning Commission  
GPO Box 3415  
SYDNEY NSW 2001

Dear Prof O'Kane

*Mary*

**Tweed Sand Quarry Modification 1 (DA 152-6-2005)**

The Department has received an application from Hanson Construction Materials Pty Ltd to modify the development consent for its Tweed Sand Quarry, located in the Tweed Shire Local Government Area.

During the exhibition of the application, the Department received five submissions from NSW Government agencies and no submissions from the general public and special interest groups. However, following the exhibition period, the Department received an additional submission from Tweed Shire Council advising that it did not support the proposed modification. Council later clarified that its submission should be considered to be a formal objection.

The Independent Planning Commission of NSW (IPC) must determine the application, in accordance with the Minister's delegation of 14 September 2011, because:

- Tweed Shire Council (Council) has objected to the proposed modification;
- Council's objection was not received during the public exhibition period, and as such, Clause 8A(2) of the *State Environmental Planning Policy (SEPP) (State and Regional Development) 2011*, does not apply;
- the Minister's delegation to Department officers (11 October 2017) only applies to applications where Council has not made an objection;
- the Minister's delegation of 14 September 2011 to the Planning Assessment Commission (PAC) has not been revoked; and
- references to the PAC are to be considered as references to the IPC.

The key assessment issues relate to traffic and shared infrastructure arrangements. The Department considers the application to be approvable, subject to conditions.

Should you have any further questions in relation to this matter, please contact Mr Howard Reed, Director, Resource Assessments, at the Department on 9274 6308.

Yours sincerely

*Marcus Ray*

**Marcus Ray**  
Deputy Secretary  
Planning Services

*17/07/2018*