

**JOINT REGIONAL PLANNING PANEL
(Southern Region)**

JRPP No	2011STH015
DA Number	DA.2011.033
Local Government Area	Palerang Council
Proposed Development	Sand Quarry
Street Address	135 Halls Lane, Durran Durra
Applicant/Owner	Carnavalesca Pty Ltd T/A Paragalli Sands
Number of Submissions	5
Recommendation	Approval with Conditions
Report by	James Laycock, Blueprint Planning



PLANNING ASSESSMENT REPORT

Development Application No. 2011.033

Sand quarry

**135 Halls Lane, DURRAN DURRA
(Lot 2 DP 1023736)**

July 2011

Prepared by:

Blueprint Planning

For:

Palerang Council

© Copyright 2011
Blueprint Planning & Development Pty Ltd
trading as **Blueprint Planning**

This work is copyright. Apart from any use permitted under the *Copyright Act 1968* (Cwth), no part may be reproduced without the written permission of Blueprint Planning.

Disclaimer:
Neither Blueprint Planning nor any member or employee of Blueprint Planning takes responsibility in any way whatsoever to any person or organisation (other than that for which this report has been prepared) in respect of the information set out in this report, including any errors or omissions therein. Blueprint Planning is not liable for errors in plans, specifications, documentation or other advice not prepared or designed by Blueprint Planning.

T: 02 6023 6844
E: office@blueprintplanning.com.au
W: www.blueprintplanning.com.au



blueprint | **PLANNING**
& DEVELOPMENT

STATEMENT

Town planning assessment report prepared under section 79C of the
Environmental Planning and Assessment Act 1979 (NSW)

This report has been prepared by: James Laycock
BUrbRegPlan (NE), MBA (CS), MPIA, CPP
Environmental Planning Consultant
Blueprint Planning & Development Pty Ltd
1035 Table Top Road, Table Top, NSW

This report relates to: Palerang Council Development Application No. 2011.033:
Sand quarry – 135 Halls Lane Durran Durra, NSW (Lot 2
DP 1023736)

Declaration: This Statement has been prepared in accordance with
Part 4 of the *Environmental Planning and Assessment Act 1979* and the Planning Institute of Australia *Code of Professional Conduct 2002*.

This report contains all available information that is relevant to the assessment of the development to which the report relates and I declare that I have made all inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from this report.

I confirm that I have no conflict of interest with any of the parties to the development application that I am aware of.



James Laycock MPIA, CPP

13 July 2011



blueprint | **PLANNING**
& DEVELOPMENT

Document Control



Ref	Version No.	Date	Revision Details	Author
1225	1	27/06/2011	Draft	JL
	2	12/07/2011	Final	JL

TABLE OF CONTENTS

STATEMENT	i
TABLE OF CONTENTS	ii
1.0 INTRODUCTION	1
1.1 Preliminary matters	1
1.2 Recommendations of this report	1
1.3 Scope of this report	1
1.4 Site description and surrounding land use and development context.....	2
1.5 Description of the Proposal	3
2.0 STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK	5
2.1 Legislation	5
2.2 Policy.....	6
2.3 Chronology of events and public notification and statutory referral process	9
3.0 ASSESSMENT	10
3.1 DA and EIS 'trigger'	11
3.2 Adequacy of EIS preparation and coverage of Director-General's requirements.....	11
3.3 SEPP Mining assessment matters.....	11
3.4 SEPP Sydney Catchment assessment matters.....	19
3.5 LEP assessment matters	20
3.6 DCP assessment matters.....	26
3.7 Public submissions.....	31
3.8 Assessment of the DA under section 79C of the EP&A Act	34
3.9 Summary of key assessment issues	35
4.0 RECOMMENDATION	37

APPENDICES

- Appendix A: Statement
- Appendix B: Recommended conditions of consent
- Appendix C: Public, government department, and agency submissions

FIGURES

- Figure 1: Aerial photograph of the Site and surrounding area
- Figure 2: Existing conditions plan
- Figure 3: Proposed subdivision plan
- Figure 4: Excerpt of land use zoning map from the LEP
- Figure 5: Excerpt of precinct map from the DCP

TABLES

Table 1:	Basic chronology of events concerning public notification and statutory referral of the DA
Table 2:	Basic chronology of public submissions or government department or agency referral responses received by Council
Table 3:	LEP Assessment Matters
Table 4:	DCP Assessment Matters
Table 5:	Summary list of issues raised during public notification and brief response
Table 6:	Assessment matters: s79C of the EP&A Act

ABBREVIATIONS

Proposal	Sand quarry within the Site comprising the DA
Site	135 Halls Lane, Durran Durra (Lot 2 DP 1023736; Lots 12 & 28 DP 755932)
Applicant	Paragalli Sands
Council	Palerang Council (the consent authority)
DA	Palerang Council Development Application No. 2011.033
DCP	<i>Tallaganda Development Control Plan No. 4 – Rural 1(a) Zones</i>
DTIRIS	<i>Department of Trade and Investment, Regional Infrastructure and Services</i>
EIS	<i>Environmental Impact Statement: Proposed sand extraction, 'Bloomfield', Halls Lane, Hurran Durra</i> (David Hogg Pty Ltd Environmental Consultants, January 2011)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regs	<i>Environmental Planning and Assessment Regulation 2000</i>
JRPP	Joint Regional Planning Panel
Landowners	CG & NJ Barlow
LEP	<i>Tallaganda Local Environmental Plan 1991</i>
OEH	<i>Office of Environment and Heritage</i>
RTA	<i>Roads and Traffic Authority</i>
SCA	<i>Sydney Catchment Authority</i>
SEPP Mining	<i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>
SEPP Sydney Catchment	<i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i>
SEPP55	<i>State Environmental Planning Policy – Remediation of Land</i>
SRCMA	<i>Southern Rivers Catchment Management Authority</i>

1.0 INTRODUCTION

This report contains word abbreviations as listed in the **Table of Contents** section above.

1.1 Preliminary matters

This report has been prepared by James Laycock MPIA, CPP at the request of Council. **Appendix A** of this report contains a statement in regard to the preparation of this report which should be read in conjunction with the statement provided on page (i) of this report.

This report proceeds on the basis of assessing the DA as lodged. Other facts, matters, or assumptions upon which this report proceeds have been provided at **Appendix A**.

For the purposes of this report the assessed DA includes all information submitted to Council by the Applicant or any referral authority or agency, objector, or interested party up to the date of this report.

1.2 Recommendations of this report

This report recommends that the DA be **approved** subject to the conditions listed at **Appendix B**.

This recommendation stems from the various considered options that the JRPP has available to it to determine the DA including:

- approve the DA subject to alternative conditions, or
- defer determining the DA – however all information considered reasonably necessary to determine the DA is currently available, or
- refuse the DA – however no reasonable grounds for refusal have been identified.

1.3 Scope of this report

This report is structured to firstly provide an overview of the Proposal and the statutory assessment procedure used during processing of the DA. An

assessment of the DA is then provided which culminates in the recommendation summarised at **Section 1.2** above.

This report has been divided into the following structure:

- **Section 1 – Introduction:** provides an introduction to the DA and a basic description of the development comprising the DA.
- **Section 2 – Description of the statutory assessment process:** describes the proposed statutory procedures used to assess the DA.
- **Section 3 – Assessment of the application:** identifies the relevant statutory and strategic land use and development policies and guidelines applicable to the DA and assesses the considered performance of the DA against these policies and guidelines.
- **Section 4 – Recommendations:** discusses the recommendations arising from assessment of the DA.

1.4 Site description and surrounding land use and development context

The Site is located in the rural area of Durran Durra situated approximately 12 kilometres to the northeast of Braidwood. The Site comprises undulating rural land used for agricultural grazing as a part of the “Bloomfield” property. The Site has been previously used for sand extraction operations as described in the EIS (p. 1; 11). Situated on the Site is a detached single-storey dwelling and several outbuildings and rural sheds associated with the “Bloomfield” property.

The Site has frontage to Cookanulla Road and Halls Lane which in turn have access to Nerriga Road and the Kings Highway.

Surrounding land uses consist of mainly agricultural grazing activities with agro-forestry activities located to the north, northeast, and east. An existing sand quarry is located approximately 1.8 kilometres to the east-southeast of the Site at the “Spring Grove” property with access via Halls Lane.

The surrounding area is rural in character with landform generally characterised by cleared undulating agricultural grazing paddocks with isolated stands of remnant native vegetation.

The Site and surrounding land is shown in **Figure 1** below. The Site is otherwise best described in graphical form in the plans which comprise the DA, including Figure 1.1 and Figure 1.2 in the EIS.

Figure 1: Aerial photograph of the Site and surrounding area



Source: SixViewer (2008)

1.5 Description of the Proposal

The Proposal is for an extractive industry comprising a sand quarry within the Site as follows and as shown in **Figure 2**:

- total extraction of approximately 36,000 cubic metres (m³) of 'Aeolian' sand (plasterers' sand) over 2.6 hectares (ha), with 'Site A' comprising 27,000 m³ over 1.7 ha and 'Site B' comprising 9,000 m³ over 0.9 ha (potential upper limit total extraction of approximately 40,000 cubic metres);
- Site A estimated to be used up within 5 years and Site B within 2 years i.e. total extraction estimated to be completed within 7 years;
- total per annum extraction of approximately 5,000 m³;
- estimated extraction depth of 0.5 to 2.0 metres;
- haul road access to/from the Site is via Halls Lane and Nerriga Road;

- estimated heavy vehicle traffic generation of between two and five trucks per week via Halls Lane, with an estimated upper limit of 10 trucks per week assuming a three and a half year quarry life/demand scenario;
- no processing of material onsite i.e. no mechanical screening or classifying or use of conveyors;
- two week duration of site establishment works with onsite machinery to consist of an excavator and trucks;
- days and hours of operation proposed to be during normal business hours within a six-day week, with estimated typical operation of machinery of 2.5 hours per week;
- normal operations to be intermittent using an excavator for extraction and stockpiling, using a wheel-loader for loading trucks, and using trucks for haulage;

The Proposal is otherwise described in written and graphical form in the EIS.

Figure 2: Site plan



Source: DA

2.0 STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK

2.1 Legislation

Environmental Planning and Assessment Act 1979

Pursuant to section 77A of the EP&A Act the Proposal is identified as “designated development” as the Proposal is identified in Schedule 3 of the EP&A Regs as an “extractive industry”, with the following ‘triggers’ being relevant for context:

- disturbance of a total surface area of more than 2 hectares of land (combined Site A and Site B); and
- located within 500 metres of the site of another extractive industry that has operated during the previous five years (the other sand quarry located on “Bloomfield” which has since closed and been rehabilitated).

Pursuant to section 91 of the EP&A Act the Proposal is not defined as “integrated development”.

Environmental Planning and Assessment Regulation 2000

Pursuant to clause 5(2)(d) of the Regs the Proposal is not identified as “other advertised development”.

State Environmental Planning Policy

The Proposal is affected by considerations within:

- SEPP Mining;
- SEPP Sydney Catchment; and
- SEPP55.

Local Environmental Plans

The Site is affected by considerations within the LEP.

2.2 Policy

State Environmental Planning Policy

The following provisions of SEPP Mining are considered relevant to assessment of the Proposal:

- Clause 12: Compatibility of proposed mine, petroleum production or extractive industry with other land uses;
- Clause 13: Compatibility of proposed development with mining, petroleum production or extractive industry;
- Clause 14: Natural resource management and environmental management;
- Clause 16: Transport; and
- Clause 17: Rehabilitation.

An assessment table which lists the content of these provisions and brief or detailed responses as warranted are provided below at **Section 3.2**.

The following provisions of SEPP Sydney Catchment are considered relevant to assessment of the Proposal:

- Clause 9: Recommended practices and performance standards of the Sydney Catchment Authority;
- Clause 10: Development consent cannot be granted unless neutral or beneficial effect on water quality; and
- Clause 11: Development that needs concurrence of Chief Executive.

An assessment table which lists the content of these provisions and brief or detailed responses as warranted are provided below at **Section 3.2**.

SEPP55 (and *Managing Land Contamination: Planning Guidelines* (DUAP & EPA 1998)) generally requires that consideration be given to whether or not land proposed to be developed is contaminated and fit for use for its intended purpose: The Proposal is considered to comply with relevant considerations.

Local Environmental Plan

The following provisions of the LEP are considered relevant to assessment of the Proposal:

- Clause 2: Aims, objectives etc;

- Clause 9: Zone objectives and development control table; and
- Clause 10: General considerations for development within the Shire.

An assessment table which lists the content of these provisions and brief or detailed responses as warranted are provided below at **Section 3.3**.

For the purposes of the LEP, the Site is not affected by or identified as being located within “environmentally sensitive land”, “flood liable land”, a “heritage conservation area”, a “heritage item”, or “prime crop and pasture land”.

Development Control Plans

The Site is affected by the DCP and the following provision is considered relevant to assessment of the Proposal:

- Part 3 – Rural industry, mining and extractive industry.

Similarly for provisions of the LEP, an assessment table which lists the content of these provisions and brief or detailed responses as warranted are provided below at **Section 3.4**.

LEP definitions

For the purposes of this report the following definition from clauses 5 and 6 of the LEP is considered relevant (vis-à-vis the *Environmental Planning and Assessment Model Provisions 1980*):

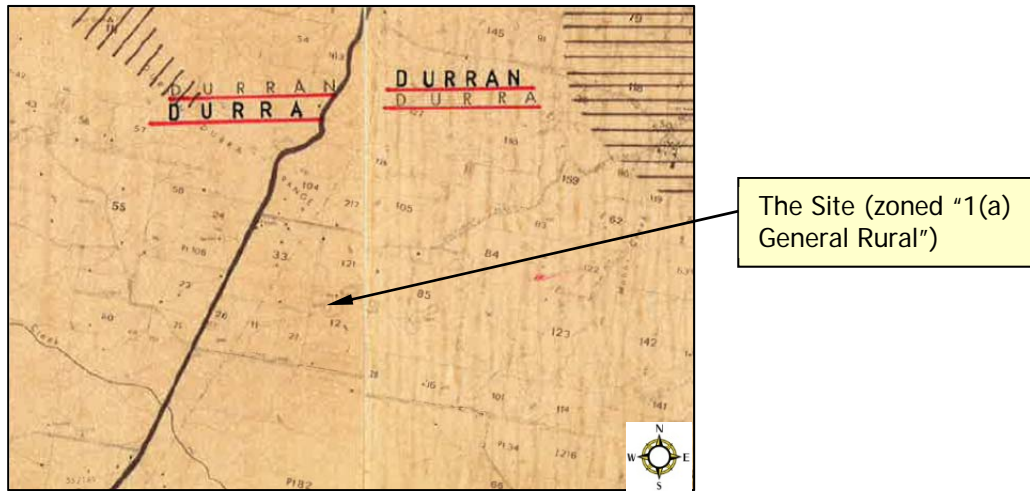
extractive industry means:

- (a) *the winning of extractive material, or*
- (b) *an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.*

Land use zoning

The Site is zoned “1(a) General Rural” in the LEP, which is shown in the zoning map excerpt detailed below in **Figure 3**.

Figure 3: Excerpt of land use zoning map from the LEP

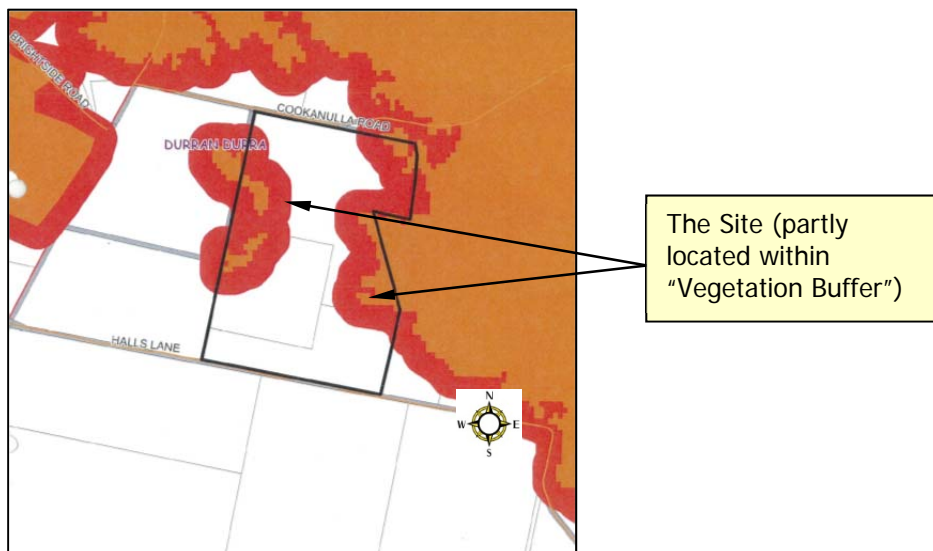


Source: Council (1991)

Bushfire prone land

The Site is partly identified as being bushfire prone land as shown in the bushfire prone land map excerpt detailed below in **Figure 4**.

Figure 4: Excerpt of bushfire prone land map



Source: Council (2009)

2.3 Chronology of events and public notification and statutory referral process

Table 1 records a basic chronology of events concerning the public notification and statutory referral actions of Council during processing of the DA.

Table 1: Basic chronology of events concerning public notification and statutory referral of the DA

<i>Event</i>	<i>Date/s</i>
DA lodged:	1 February 2011
DA advertised ¹ for public comment by notifying all adjoining landowners:	3 March 2011
Notice ¹ placed in local newspaper:	9 & 16 March 2011
Length of public notification period:	9 March to 19 April 2011 (41 days)
DA referred to statutory referral authorities/agencies (SRCMA; RTA; SCA; OEH; DTIRIS):	14 March 2011

Table 2 records a basic chronology of public submissions received during processing of the DA.

Table 2: Basic chronology of public submissions or government department or agency referral responses received by Council

<i>Event</i>	<i>Date received</i>
Referral authority/agency (SCA):	3 May 2011
Referral authority/agency (SRCMA):	3 May 2011
Referral authority/agency (RTA):	28 March 2011
Submission (Caruthers):	8 April 2011
Submission (Lenehan):	10 April 2011
Submission (Sargent):	11 April 2011
Referral authority/agency (DTIRIS):	20 April 2011
Submission (Falkner & ter Huurne):	21 April 2011
Referral authority/agency (OEH):	21 April 2011

Copies of all public submissions and government department or agency responses are provided at **Appendix C**.

¹ DA notified in accordance with the *Palerang Development Control Plan – Notification and Advertising of Development Applications*.

3.0 ASSESSMENT

In this section the DA is assessed against the statutory and strategic land use and development policies and guidelines applicable to the DA.

Primarily, assessment of the DA has been undertaken in respect to relevant considerations arising from section 79C of the EP&A Act as follows:

Section 79C: Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

Each of the above matters are addressed in turn, however, arising from **Section 2.0: Statutory Development Assessment Framework**, it is considered useful to firstly analyse the reasons why the DA is required and therefore, in turn, to identify the relevant assessment considerations which follow.

The assessment of the DA against section 79C of the EP&A Act has been undertaken lastly in order that all other matters can be considered beforehand to provide the most context for the section 79C assessment.

3.1 DA and EIS ‘trigger’

As mentioned in **Section 2.2: Policy** above, the site is zoned “1(a) General Rural” under the LEP, and relevantly for the Proposal, clause 9 of the LEP requires that “extractive industry” be carried out “only with development consent”.

Therefore, the ‘trigger’ for the need for the DA is clause 9 of the LEP, and as mentioned at **Section 2.1: Legislation**, the ‘trigger’ for the EIS is clause 19 of Schedule 3 of the EP&A Regs.

3.2 Adequacy of EIS preparation and coverage of Director-General’s requirements

The EIS is considered to have been adequately prepared and is considered to adequately address all of the Director-General’s requirements.

3.3 SEPP Mining assessment matters

Table 3: SEPP Mining assessment matters

<p><i>Clause 12: Compatibility of proposed mine, petroleum production or extractive industry with other land uses</i></p>	
<p><i>Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:</i></p>	

(a) *consider:*

(i) *the existing uses and approved uses of land in the vicinity of the development, and*

Comment: The area is rural in character comprising predominately agricultural grazing activities, which the Proposal is not expected to adversely impact upon. A dwelling on adjoining land to the southeast of quarry Site A was approved to be constructed in March 2004 via Development Consent No. TSC/212/2003/DA. Council has confirmed that the dwelling component of this consent has been 'physically commenced' and therefore the proposed location and construction of the future dwelling has been taken into consideration in this report. Further comment regarding anticipated adverse impacts or lack thereof to this dwelling arising from the Proposal is discussed below.

(ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*

Comment: It is considered that the Proposal is unlikely to have a significant impact on the preferred land use of the area for agriculture.

(iii) *any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*

Comment: It is considered that the Proposal is not incompatible with any of those existing, approved or likely preferred uses of the area for agriculture.

(b) *evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*

Comment: It is considered that the Proposal will be of public benefit in terms of evaluating and comparing the alternative use of Site A and Site B comprising the Proposal for agricultural grazing, noting that it is not considered that the Proposal will

	alienate or sterilise any adjoining agricultural land use and that the combined sites are estimated to be fully rehabilitated to agricultural grazing conditions within seven years.
(c) <i>evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</i>	<u>Comment:</u> No 'incompatibility' is considered relevant; however the Applicant and Landowners have designed Site A to be setback approximately 80-100 metres from the south-eastern boundary of the Site and aim to fully rehabilitate the sites to agricultural grazing conditions within seven years.
Clause 13: Compatibility of proposed development with mining, petroleum production or extractive industry	
(1) <i>This clause applies to an application for consent for development on land that is, immediately before the application is determined:</i>	
(a) <i>in the vicinity of an existing mine, petroleum production facility or extractive industry, or</i>	<u>Comment:</u> The word "vicinity" is not defined in SEPP Mining so is taken to mean as defined in the Macquarie Dictionary. Ordinarily this clause would have relevance for a proposed development application for a sensitive land use such as a dwelling, however in regard to the Proposal the existing "Spring Grove" sand quarry located to the southeast of the Site with access via Halls Lane is considered relevant.
(b) <i>identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant</i>	<u>Comment:</u> Not relevant to the Site.

<i>resources of minerals, petroleum or extractive materials, or</i>	
<i>(c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</i>	<u>Comment:</u> Not relevant to the Site.
<i>(2) Before determining an application to which this clause applies, the consent authority must:</i>	
<i>(a) consider:</i>	
<i>(i) the existing uses and approved uses of land in the vicinity of the development, and</i>	<u>Comment:</u> The only extractive industry considered to be in the vicinity of the Site is the "Spring Grove" sand quarry.
<i>(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and</i>	<u>Comment:</u> It is not considered that the Proposal is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources).
<i>(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and</i>	<u>Comment:</u> It is not considered that the Proposal is incompatible with the "Spring Grove" sand quarry or likely future extraction of sand.
<i>(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and</i>	<u>Comment:</u> It is considered that the Proposal will be of public benefit in terms of providing alternative economic resource choice of plasterers' sand to local and regional markets.
<i>(c) evaluate any measures proposed by the applicant to avoid or</i>	<u>Comment:</u> Nil measures considered warranted or proposed.

<i>minimise any incompatibility, as referred to in paragraph (a) (iii).</i>	
Clause 14: Natural resource management and environmental management	
<p>(1) <i>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:</i></p> <p>(a) <i>that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,</i></p> <p>(b) <i>that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,</i></p> <p>(c) <i>that greenhouse gas emissions are minimised to the greatest extent practicable.</i></p>	<p><u>Comment:</u> Refer to related recommended conditions of consent.</p>
	<p><u>Comment:</u> Refer to related recommended conditions of consent.</p>
	<p><u>Comment:</u> It is considered that the Proposal has reduced greenhouse gas emissions to the greatest extent practicable through the appropriate use of minimalist machinery.</p>
<p>(2) <i>Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies,</i></p>	<p><u>Comment:</u> The EIS has been assessed in terms greenhouse gas emissions.</p>

<i>programs or guidelines concerning greenhouse gas emissions.</i>	
Clause 15: Resource recovery	
(1) <i>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.</i>	<u>Comment:</u> The efficiency of the Proposal in terms of resource recovery has been assessed and the proposed extraction staging and methodology is considered acceptable.
(2) <i>Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.</i>	<u>Comment:</u> No conditions concerning 'optimising the efficiency of resource recovery' are considered warranted as the proposed extraction staging and methodology is considered acceptable, however an appropriate condition is recommended concerning the reuse or recycling of material. Refer to related recommended conditions of consent.
(3) <i>The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.</i>	<u>Comment:</u> Noted.
Clause 16: Transport	
(1) <i>Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:</i>	

<p><i>(a) require that some or all of the transport of materials in connection with the development is not to be by public road,</i></p>	<p><u>Comment:</u> Given the contextually small extraction quantities proposed it is not considered that haulage should be via rail. Obviously the Site is located inland and therefore haulage by shipping is impracticable.</p>
<p><i>(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,</i></p>	<p><u>Comment:</u> Halls Lane and Nerriga Road, which are the primary haul roads to/from the Site, are not located in residential areas or near schools (they are located in rural areas). Notwithstanding that haulage may occur through townships to destination markets, where residential areas or schools may be situated, the contextually small generation of truck traffic is considered acceptable in terms of related impacts.</p>
<p><i>(c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.</i></p>	<p><u>Comment:</u> Refer to related recommended conditions of consent.</p>
<p><i>(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:</i></p>	
<p><i>(a) each roads authority for the road, and</i></p>	<p><u>Comment:</u> Not relevant.</p>
<p><i>(b) the Roads and Traffic Authority (if it is not a roads authority for the road).</i></p>	<p><u>Comment:</u> The DA was referred to the RTA as noted in Table 1: Basic chronology of events concerning public notification and statutory referral of the DA. Nerriga Road is identified as an “arterial road” under the LEP.</p>

<p>(3) <i>The consent authority:</i></p> <p>(a) <i>must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and</i></p> <p>(b) <i>must provide them with a copy of the determination.</i></p>	<p><u>Comment:</u> The response from the RTA has been considered as noted in Table 2: Basic chronology of public submissions or government department or agency referral responses received by Council and Appendix C: Public, government department, and agency submissions.</p> <p><u>Comment:</u> Noted.</p>
<p>Clause 17: Rehabilitation</p>	
<p>(1) <i>Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.</i></p>	<p><u>Comment:</u> Refer to related recommended conditions of consent.</p>
<p>(2) <i>In particular, the consent authority must consider whether conditions of the consent should:</i></p> <p>(a) <i>require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or</i></p> <p>(b) <i>require waste generated by the development or the rehabilitation to be dealt with appropriately, or</i></p> <p>(c) <i>require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including</i></p>	<p><u>Comment:</u> It is considered that the EIS already contains such a plan which will be referred to in related recommended conditions of consent.</p> <p><u>Comment:</u> Refer to related recommended conditions of consent.</p> <p><u>Comment:</u> Refer to related recommended conditions of consent.</p>

guidelines under section 145C of the Act and the Contaminated Land Management Act 1997), or

- (d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

Comment: Refer to related recommended conditions of consent.

3.4 SEPP Sydney Catchment assessment matters

Table 4: SEPP Sydney Catchment assessment matters

<p><i>Clause 9: Recommended practices and performance standards of the Sydney Catchment Authority</i></p>	
<p><i>(1) Any development or activity proposed to be carried out on land to which this Policy applies should incorporate the Authority's current recommended practices and standards.</i></p> <p><i>(2) If any development or activity does not incorporate the Authority's current recommended practices and standards, the development or activity should demonstrate to the satisfaction of the consent authority or determining authority how the practices and performance standards proposed to be adopted will achieve outcomes not less than those achieved by the Authority's current recommended practices and standards.</i></p>	<p><u>Comment:</u> It is considered that the DA and EIS incorporate the SCA's current recommended practices and standards or achieves outcomes not less than those achieved by the Authority's current recommended practices and standards.</p>
<p><i>Clause 10: Development consent cannot be granted unless neutral or beneficial effect on water quality</i></p>	
<p><i>(1) A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied</i></p>	<p><u>Comment:</u> It is considered that the Proposal will have a neutral or beneficial effect on water quality.</p>

<i>that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.</i>	
<i>(2) For the purposes of determining whether the carrying out of the proposed development on land in the Sydney drinking water catchment would have a neutral or beneficial effect on water quality, the consent authority must, if the proposed development is one to which the NorBE Tool applies, undertake an assessment using that Tool.</i>	<u>Comment:</u> The referral response from the SCA has been considered in forming a view in regard to compliance of the Proposal.
Clause 11: Development that needs concurrence of Chief Executive	
<i>(1) A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment except with the concurrence of the Chief Executive.</i>	<u>Comment:</u> Concurrence of the SCA has been obtained.

3.5 LEP assessment matters

Table 5: LEP Assessment Matters

Clause 2: Aims, objectives etc	
<i>The general aims and objectives of this plan are:</i>	
<i>(a) to encourage the proper management, development and conservation of natural and man-made resources within the Shire of Tallaganda by protecting, enhancing and conserving:</i>	
<i>(i) prime crop and pasture land,</i>	<u>Comment:</u> The Site is not identified as "prime crop and pasture land" under the LEP, being "Class 4" land.
<i>(ii) timber, mineral, soil, water and other natural resources,</i>	<u>Comment:</u> The Proposal protects, enhances and conserves timber,

	mineral, soil, water and other natural resources through the mitigation strategies recommended in the EIS.
<i>(iii) places of significance for nature conservation,</i>	<u>Comment:</u> The Site is not known to be of nature conservation significance.
<i>(iv) features and places of high scenic or recreational value,</i>	<u>Comment:</u> The Site is not known to comprise features or be of high scenic or recreational value.
<i>(v) places and buildings of archaeological or heritage significance, including aboriginal relics and places, and</i>	<u>Comment:</u> The Site and its curtilage are not known to contain places or buildings of European archaeological or heritage significance. The EIS has assessed the Site for Aboriginal cultural heritage with relevant recommendations forming recommended conditions of consent.
<i>(b) to replace the existing planning controls with a single local environmental plan to help facilitate growth and development of the Shire of Tallaganda in a manner which is consistent with the objectives specified in paragraph (a) and which:</i>	
<i>(i) minimises the cost to the community of fragmented and isolated development of rural land,</i>	<u>Comment:</u> The Proposal does not require community facilities or services.
<i>(ii) facilitates the efficient and effective delivery of services and facilities,</i>	
<i>(iii) facilitates a range of residential and employment opportunities in accordance with demand,</i>	<u>Comment:</u> Not strictly relevant.
<i>(iv) facilitates farm adjustments,</i>	<u>Comment:</u> Not relevant.
<i>(v) identifies suitable localities and standards for the development</i>	<u>Comment:</u> Not relevant.

<i>of rural small holdings,</i>	
<i>(vi) provides for the protection and enhancement of heritage items within the township of Braidwood and other towns within the Shire,</i>	<u>Comment:</u> Not relevant.
<i>(vii) facilitates the provision of tourist accommodation,</i>	<u>Comment:</u> Not relevant.
<i>(viii) assists the effective management of commercial forestry,</i>	<u>Comment:</u> Not relevant.
<i>(ix) supports the preparation of development guidelines appropriate to environmentally sensitive, visually significant and bushfire-prone or flood-prone localities in accordance with land capability,</i>	<u>Comment:</u> Refer to Table 6: DCP Assessment Matters for relevant comment.
<i>(x) facilitates the future development and protection of the catchment area of the Welcome Reef Dam,</i>	<u>Comment:</u> Not relevant.
<i>(xi) establishes measures to preserve water quality in the Shire's streams and waterways,</i>	<u>Comment:</u> The Proposal is considered to comply and the concurrence of the SCA for the DA has been obtained.
<i>(xii) ensures that the efficiency of arterial roads is not adversely affected by development on adjacent land, and</i>	<u>Comment:</u> Not relevant, noting that Nerriga Road does not adjoin the Site.
<i>(xiii) facilitates the development of commerce and industry at some future date, and</i>	<u>Comment:</u> Refer to Table 6: DCP Assessment Matters for relevant comment.
<i>(c) to afford protection to the environmental heritage within the Shire of Tallaganda by:</i>	
<i>(i) conservation of the environmental heritage,</i>	<u>Comment:</u> The Site and its curtilage are not known to contain places or

<p>(ii) <i>integration of heritage conservation into the planning and development control processes,</i></p> <p>(iii) <i>providing for public involvement in the matters relating to the conservation of the environmental heritage, and</i></p> <p>(iv) <i>ensuring that development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of the items and their settings.</i></p>	<p>buildings of European environmental heritage significance.</p>
<p>Clause 9: 1(a) General Rural Zone – Objectives of zone</p>	
<p><i>The objectives of this zone are to promote the proper management and utilisation of resources by:</i></p> <p>(a) <i>protecting, enhancing and conserving:</i></p> <p>(i) <i>agricultural land, particularly prime crop and pasture land, in a manner which sustains its efficient and effective agricultural production potential,</i></p> <p>(ii) <i>soil stability by controlling and locating development in accordance with soil capability, as identified by the Soil Conservation Service,</i></p> <p>(iii) <i>forests of existing and potential commercial value for timber production,</i></p> <p>(iv) <i>valuable deposits of minerals, coal, petroleum and extractive materials by controlling the</i></p>	<p><u>Comment:</u> The Site is not identified as “prime crop and pasture land” under the LEP, being “Class 4” land. The Site will be rehabilitated to agricultural grazing land condition.</p> <p><u>Comment:</u> The Proposal incorporates appropriate soil stability measures in consideration of soil capability as identified in the EIS. Refer to related recommended conditions of consent.</p> <p><u>Comment:</u> Not relevant.</p> <p><u>Comment:</u> The adjoining proposed dwelling approval to the east of Site A predates the DA.</p>

<i>location of development for other purposes in order to ensure the efficient extraction of those deposits,</i>	
<i>(v) trees and other vegetation on environmentally sensitive land and in any place where the conservation of the vegetation is significant to the protection of scenic amenity or natural wildlife habitat or is likely to control or contribute to the control of land degradation,</i>	<u>Comment:</u> The Site is not identified as "environmentally sensitive land" under the LEP and the proposed removal of vegetation is not considered to be significant to the protection of scenic amenity or natural wildlife habitat or is likely to control or contribute to the control of land degradation.
<i>(vi) water resources and water catchment areas for use in the public interest,</i>	<u>Comment:</u> The concurrence of the SCA for the DA has been obtained.
<i>(vii) localities of significance for nature conservation, including localities with rare plants, wetlands, permanent watercourses and significant wildlife habitat, and</i>	<u>Comment:</u> The Site is not known to comprise an area of significance for nature conservation, including localities with rare plants, wetlands, permanent watercourses and significant wildlife habitat.
<i>(viii) places and buildings of archaeological or heritage significance, including aboriginal relics and places,</i>	<u>Comment:</u> The Site and its curtilage are not known to contain places or buildings of European archaeological or heritage significance. The EIS has assessed the Site for Aboriginal cultural heritage with relevant recommendations forming recommended conditions of consent.
<i>(b) facilitating farm adjustments,</i>	<u>Comment:</u> Not relevant.
<i>(c) minimising the cost to the community of:</i>	
<i>(i) fragmented and isolated development of rural land, and</i>	<u>Comment:</u> The Proposal does not require community facilities or services.
<i>(ii) providing, extending and maintaining public amenities and services, and</i>	

<p>(d) <i>providing land for future urban development, for rural residential development and for development for other non-agricultural purposes, in accordance with the need for that development, and subject to the capability of the land and its importance in terms of the other provisions of this clause.</i></p>	<p><u>Comment:</u> The Proposal is for a non-agricultural purpose with a need that is considered to be justified as set out in the EIS and which is subject to the capability of the Site.</p>
<p>Clause 10: General considerations for development within the Shire</p>	
<p><i>The Council may consent to an application to carry out development on land within Zone No. 1(a), 1(c) or 2(v) providing it has taken into consideration, if relevant, the effect of the carrying out that development on:</i></p>	
<p>(a) <i>the present use of the land for the purposes of agriculture and the potential of any land which is prime crop and pasture land for sustained agricultural production,</i></p>	<p><u>Comment:</u> The Site is not identified as "prime crop and pasture land" under the LEP, being "Class 4" land. The Site will be rehabilitated to agricultural grazing land condition.</p>
<p>(b) <i>vegetation, timber production, land capability (including soil stability) and water resources (including the quality and stability of watercourses, aquatic wildlife habitat, ground water storage and riparian rights),</i></p>	<p><u>Comment:</u> The proposed quarry layout, shape, and design is considered to be appropriate in regard to the proposed removal and retention of vegetation, land capability, and water resources.</p>
<p>(c) <i>the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum or extractive materials,</i></p>	<p><u>Comment:</u> The Proposal is not anticipated to adversely affect the operations of the existing "Spring Grove" sand quarry.</p>
<p>(d) <i>the protection of localities of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including aboriginal relics and places,</i></p>	<p><u>Comment:</u> The Site is not identified as being significant for nature conservation or of high scenic or recreational value. : The Site and its curtilage are not known to contain places or buildings of European heritage significance. The EIS has assessed the Site for Aboriginal</p>

	cultural heritage with relevant recommendations forming recommended conditions of consent.
(e) <i>the cost of providing, extending and maintaining public amenities and services to the development,</i>	<u>Comment:</u> The Proposal does not reasonably require the provision or extension of existing public amenities and services to the Site.
(f) <i>future expansion of settlement in the locality, and</i>	<u>Comment:</u> The locality is zoned for rural purposes under the LEP with no settlement expansion proposed.
(g) <i>the quality and availability of water resources within the water catchment area.</i>	<u>Comment:</u> The concurrence of the SCA for the DA has been obtained.

3.6 DCP assessment matters

Table 6: DCP Assessment Matters

Part 1 – General: Introduction and aims of the plan – Aims and objectives	
1.3 <i>To provide a co-ordinated, orderly and consistent framework for controlling development in the Rural 1(a) Zone of the Shire.</i>	<u>Comment:</u> Refer to DCP Part 3 comments below.
1.4 <i>To provide technical standards for rural development.</i>	
1.5 <i>To protect and enhance rural visual amenity and elements which add to that amenity.</i>	
1.6 <i>To phase development logically and economically.</i>	
1.7 <i>To attempt to arrange the major individual uses allocated in the Plan, so that they are capable of change and expansion, with minimal effect on surrounding uses.</i>	

Part 3 – Rural industry, mining and extractive industry: Aims and objectives

General

4.1 To provide a co-ordinated, orderly and consistent framework for the management of rural industry, mining and extractive land use within the Shire.

Comment: Refer to comments below.

4.2 The objective of this section of the Plan is to make adequate provision for the use and protection of natural and rural resources, while protecting other land use options and the natural environment.

Comment: The Proposal provides for the protection of natural and rural resources, while protecting other land use options and the natural environment, through the proposed layout, shape, and design of the quarry and the mitigation measures proposed in the EIS.

Environment

4.3 To protect valuable natural and man-made resources, for example, attractive and unspoilt countryside, important areas of high quality agricultural land, significant forest areas, extractive and mining areas, homesteads of historic interest, settings worthy of conservation and locations which may be habitats for rare and endangered flora and fauna.

Comment: The EIS provides an adequate visual assessment of the Proposal which identifies minimal and acceptable impacts. The Site is not identified as "prime crop and pasture land" or of heritage significance or of environmental significance under the LEP.

Society

4.4 To maintain a high quality of life for all members of the community through the provisions of an adequate supply of rural resource materials and processing opportunities.

Comment: The Proposal provides for a rural resource material being plasterers' sand.

Extractive industry and mining: Matters for consideration at the development application stage

5.1 Council shall not grant consent to carry out an extractive industry unless it has

made an assessment of the following matters:

5.1.1 A full description of the site, location and materials, the extent of operations including a time frame and the site management.

Comment: The EIS addresses each of these matters.

5.1.2 Emissions from the site into the air including noise and vibration levels, and the requirements of the EPA.

Comment: The EIS addresses each of these matters with the NSW *Industrial Noise Policy* being the relevant noise control guideline (no blasting is proposed and so the consideration of vibration is not relevant).

5.1.3 The effect of the proposal on water quality, and the hydrodynamics of any water course or underground waters in the area.

Comment: The EIS addresses each of these matters and the concurrence of the SCA for the DA has been obtained.

5.1.4 The proposed rehabilitation measures and guarantees, including whether or not they will be carried out in accordance with the Department of Land and Water Conservation "Guidelines To Meet Requirements for Information on Soil and Land Stability in Proposals for Open Cut Mining and Rehabilitation".

Comment: The EIS addresses the matter of quarry rehabilitation using current guidelines.

5.1.5 The effect on the Shire road network and the recovery of costs under Section 94 of the Environmental Planning and Assessment Act, together with any Section 94 plan in force at the time of the application.

Comment: Refer to related recommended conditions of consent.

5.1.6 The bush fire regime of the locality and, where the hazard is moderate to very high, any method of:

Comment: Refer to related recommended conditions of consent.

- reducing the likelihood of fire spreading from the site into

surrounding areas;

- protecting the site from external fire sources.

5.1.7 The archaeology of the locality and any matters raised by consultation with the NSW National Parks and Wildlife Service.

Comment: The EIS addresses Aboriginal cultural heritage and a referral response has been received from the DEH.

5.1.8 Any matters, buildings or sites of historical significance.

Comment: The Site and its curtilage are not known to contain places or buildings of European heritage significance.

5.1.9 Effects on surrounding land, including the agricultural value of that land, dwellings or other land use which may be in conflict with the proposal. The amenity of that land.

Comment: The only land considered to be so affected is land to the southeast of quarry Site A where a future dwelling is proposed to be constructed (refer to relevant comments made in **Table 3: SEPP Mining assessment matters**). In regard to 'land use conflict' and 'amenity', an assessment of possible impacts in the EIS reveals that identified issues principally concern 'noise generation', 'dust generation', and 'visual impact' in regard to proposed operations at quarry Site A. To assist impact assessment identified in the EIS, a full copy of the development consent for the dwelling was reviewed, including the notice and the approved site plan, building floor plan, and building elevation plans, including the locations of proposed verandas and windows and their orientation/outlook. It is considered that the Proposal will not significantly impact upon the dwelling given the limited identified impacts articulated in the EIS and given proposed

	mitigation measures.
<p><i>5.1.10 Alternative sources of the material to be extracted and whether they should be mined first. This applies especially when mining is to be within 40m of the Shoalhaven River.</i></p>	<p><u>Comment:</u> The proposed staging and extraction methodology plan identified and discussed in the EIS is considered appropriate.</p>
<p><i>5.1.11 Any management plan developed for the site, including soil and water management plans, staging plans and plans for alternative uses.</i></p>	
<p><i>5.1.12 Local employment provisions.</i></p>	<p><u>Comment:</u> Not relevant.</p>
<p><i>5.1.13 The existing use of the land, the potential use for agriculture and the protection of extractive material.</i></p>	<p><u>Comment:</u> The Site is not identified as "prime crop and pasture land" and will be rehabilitated to agricultural grazing conditions.</p>
<p><i>5.1.14 Any requirement for a Fauna Impact Statement.</i></p>	<p><u>Comment:</u> Not considered warranted.</p>
<p><i>5.1.15 The visual amenity of the site and any landscaping measures aimed at mitigation of the effects.</i></p>	<p><u>Comment:</u> The Site is not visually prominent and no mitigation measures are considered warranted.</p>
<p><i>5.2 Where an Environmental Impact Statement (EIS) is required, these matters are to be included in the EIS. Where no EIS is required, a Statement of Environmental Effects will be required by the Council and will be required to include the above matters. In any case, the applicant will be required to comply with the EIS or the Statement of Environmental Effects, as modified by conditions of consent.</i></p>	<p><u>Comment:</u> Refer to related recommended conditions of consent.</p>
<p>Additional matters</p>	
<p><i>5.3 Where a development occurs within the vicinity of known extractive materials, or an existing extractive site, Council will</i></p>	

<p><i>take into consideration:</i></p> <p><i>5.3.1 the effect, or likely effect, of that development or any extractive industry as if it were considering the effect of the extractive industry on that development.</i></p>	<p><u>Comment:</u> It is not considered that the Proposal will adversely impact on the "Spring Grove" sand quarry.</p>
<p><i>5.4 In any case, Council will not permit:</i></p> <ul style="list-style-type: none"> <i>- the erection of a dwelling within 500 metres of a known resource, or within 1,000 metres of a known resource which requires, or may require, blasting operations.</i> <i>- the erection of a dwelling within 100 metres of a sealed road, used by a resource or within 500 metres of an unsealed road.</i> <i>- unless it has taken into consideration the effects of the dwelling on the resource, as if it were considering the effect of the resource on the dwelling.</i> 	<p><u>Comment:</u> Not relevant – the Proposal is not for a dwelling.</p>
<p><i>Guide to development in rural areas</i></p>	<p><u>Comment:</u> The EIS is considered to comply with minimum lodgement information requirements.</p>

3.7 Public submissions

A chronology of the public notification and referral process undertaken as a part of the DA is provided at **Section 2.3: Chronology of events and public notification and statutory referral process (Table 1)**.

Table 7 provides a summary list of issues raised during public notification (listed in no particular order) with relevant responses. Full copies of all submissions are provided at **Appendix C**.

Table 7: Summary list of issues raised during public notification and brief response

Objection or issue raised	Comment in response, noting that separate comment may also be provided elsewhere in this report
1. <i>Consideration of Draft Palerang Local Environmental Plan 2010, including possible prohibition</i>	<u>Comment:</u> The <i>Draft Palerang Local Environmental Plan 2010</i> has not been placed on public exhibition as at the date of this report and so is therefore an irrelevant assessment consideration pursuant to section 79C(1)(a)(ii) of the EP&A Act.
2. <i>Dust generation and health impacts</i>	<u>Comment:</u> The EIS identifies that dust generation would arise from site establishment, extraction, stockpiling, loading, haulage, and rehabilitation activities. Equipment to be used during these activities would be an excavator, wheel-loader, and trucks. No processing of material onsite would occur i.e. no mechanical screening or classifying or use of conveyors or genset. Given the scope of operations and the staged extraction methodology proposed, including that extraction and stockpiling will be avoided on days with strong westerly winds (EIS, p. 46); it is considered that impacts would not be significant. Recommended conditions of consent will be imposed to ensure compliance with the EIS's dust mitigation strategies.
3. <i>Heavy vehicle traffic generation and traffic safety along Halls Lane</i>	<u>Comment:</u> Council's traffic engineer has assessed the DA using the traffic generation figures detailed in the EIS and considers that Halls Lane is already constructed to a satisfactory traffic engineering safety standard, however that the Halls Lane intersection to the property should be upgraded. Relevant conditions of consent are recommended in this regard.
4. <i>Maintenance of Halls Lane</i>	<u>Comment:</u> Council's developer contributions plan requires that a financial contribution be made to the maintenance of road infrastructure. Relevant conditions of consent are also recommended in this regard.

Objection or issue raised	Comment in response, noting that separate comment may also be provided elsewhere in this report
<p>5. <i>Noise and vibration generation and days and hours of operation</i></p>	<p><u>Comment:</u> The Proposal is proposed to operate "during normal business hours within a six-day week" (EIS, p. 35) and aside from the two week site establishment the EIS estimates that "machinery would be operating on site routinely for about 2.5 hours per week" (EIS, p. 35). The identified scope of operations and noise generation in the EIS is considered well within the State-wide applicable <i>Industrial Noise Policy</i> requirements. Recommended conditions of consent will be imposed to ensure compliance with the <i>Industrial Noise Policy</i>.</p>
<p>6. <i>Not in the public interest</i></p>	<p><u>Comment:</u> To define "public interest" within the scope of section 79C of the EP&A Act reference has been made to the objects of the EP&A Act listed at section 5 of the Act. In this regard the Proposal is considered to be consistent with the public interest.</p>
<p>7. <i>The quarry would detrimentally impact upon the residential amenity of the area</i></p>	<p><u>Comment:</u> Firstly, it is noted that the Site and surrounding land is zoned for rural purposes under the LEP – not for residential purposes. Secondly, the character of the Site and area is considered to be of rural character – not of residential or rural residential or rural lifestyle character. Accordingly the Site and surrounding land is considered to have a rural amenity which may from time to time be impacted upon by rural activities including rural industry or extractive industry, both of which are encouraged by rural zone objectives in the LEP.</p>
<p>8. <i>Unacceptable environmental impacts in terms of water use, removal of native vegetation, and fauna movement corridor</i></p>	<p><u>Comment:</u> It is considered that the EIS has carried out appropriate assessments in regard to water quality and drainage control and flora and fauna arising from the Proposal's scope of works. In consideration of the EIS's mitigation strategies in these regards it is not considered that the Proposal has unacceptable environmental impacts.</p>

3.8 Assessment of the DA under section 79C of the EP&A Act

Table 8: Assessment matters: s79C of the EP&A Act

<p>Section 79C: Evaluation</p> <p><i>(1) Matters for consideration—general</i></p> <p><i>In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:</i></p> <p><i>(a) the provisions of:</i></p>	
<p><i>(i) any environmental planning instrument, and</i></p>	<p><u>Comment:</u> SEPP Mining, SEPP Sydney Catchment, SEPP55 and the LEP have been considered in this report as relevant to the Site and the Proposal.</p>
<p><i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i></p>	<p><u>Comment:</u> No draft environmental planning instruments are considered relevant to the Site or the Proposal.</p>
<p><i>(iii) any development control plan, and</i></p>	<p><u>Comment:</u> The DCP has been considered in this report as relevant to the Site and the Proposal.</p>
<p><i>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i></p>	<p><u>Comment:</u> No planning agreements or draft planning agreements are known to apply to the Site.</p>

(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</i>	<u>Comment:</u> Nil matters relevant arising from clause 92 of the Regs.
(v) <i>any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i> <i>that apply to the land to which the development application relates,</i>	<u>Comment:</u> Not relevant to the Palerang LGA.
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<u>Comment:</u> Refer to Table 3: <i>SEPP Mining assessment matters</i> , Table 4: <i>SEPP Sydney Catchment assessment matters</i> , Table 5: <i>LEP Assessment Matters</i> , Table 6: <i>DCP Assessment Matters</i> , Table 7: <i>Summary list of issues raised during public notification and brief response</i> , and Section 3.9: <i>Summary of key assessment issues</i>
(c) <i>the suitability of the site for the development,</i>	
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	
(e) <i>the public interest.</i>	

3.9 Summary of key assessment issues

The key assessment issues are considered to be:

- *Adequacy of EIS preparation and coverage of Director-General's requirements* – the EIS is considered to be to have been adequately prepared and is considered to adequately address all of the Director-General's requirements for preparation of the EIS.
- *General consistency of the DA with the statutory development assessment framework applicable to the DA* – the DA is considered to be to generally consistent with the statutory development assessment framework applicable to the DA.
- *Public submissions and government department or agency referral responses* – all public submissions and government department or agency referral responses have been considered with relevant issues arising addressed via recommended conditions of consent; in the case of the SCA it is noted that required 'concurrence' for the DA has been obtained.

- *Amenity impact arising from quarry Site A to the adjoining proposed dwelling located to the southeast* – the approved development consent plans for the adjoining proposed dwelling have been considered as well as the general aspect and lay of the land in between the two areas. The layout, shape, and design of the Site A quarry is considered responsive to the location, orientation, and outlook of the proposed dwelling, including the locations of proposed verandas and windows of habitable rooms. The proposed staging and extraction methodology plan for the Site A quarry is also considered site responsive. The contextually minor impact scope of the Proposal in terms of noise and dust generation given proposed days and hours of operation is considered to produce acceptable impacts. In this regard the EIS has satisfactorily demonstrated that the Proposal would comply with the *Industrial Noise Policy*.
- *General and cumulative environmental impact* – a copy of the “Spring Grove” sand quarry development consent was not sighted as a part of this DA assessment however this quarry is understood to be a low-scale extraction operation with nil previous or current complaint history. In terms of cumulative impact in relation to:
 - dust and noise generation – the two quarry sites are located in proximity to each other being approximately 1.8 kilometres apart at their nearest existing or proposed extraction points however are not located in ‘close’ proximity to each other and therefore would not generate impacts which would be cumulatively significant in the context of their existing or proposed operations and the area;
 - traffic generation – Council’s traffic engineer has assessed the geometric design of Halls Lane and has recommended that the haul road accessway to the Site via Halls Lane be upgraded to provide for acceptable traffic engineering safety standards concerning sight-distance given existing heavy vehicle traffic using Halls Lane arising from the “Spring Grove” sand quarry as well as other passenger vehicle traffic. Council’s traffic engineer has assessed the existing Halls Lane and Nerriga Road intersection to be satisfactorily designed and constructed;
 - further comment in regard to cumulative impact has been made in **Table 3: SEPP Mining assessment matters**.

4.0 RECOMMENDATION

For the reasons expressed throughout this report it is recommended that the DA be approved subject to the conditions listed at **Appendix B**.

This recommendation stems from the various considered options that the JRPP has available to it to determine the DA including:

- approve the DA subject to alternative conditions, or
- defer determining the DA – however all information considered reasonably necessary to determine the DA is currently available, or
- refuse the DA – however no reasonable grounds for refusal have been identified.

APPENDIX A:

Statement

STATEMENT

Preliminary

This report and its attachments have been prepared with reference to the Planning Institute of Australia *Code of Professional Conduct 2002*. A copy of the code can be downloaded from the Internet at

<http://www.planning.org.au/membershipinformation/code-of-conduct>

Name

James Walter LAYCOCK

Address

Blueprint Planning, 1035 Table Top Road, TABLE TOP, NSW

Qualifications and experience

Qualifications

- Bachelor of Urban and Regional Planning (University of New England)
- Master of Business Administration (Charles Sturt University)
- Certified Practicing Planner (Planning Institute of Australia)

Professional memberships/associations

- Member Planning Institute of Australia

Experience

I have been employed on a full-time basis by New South Wales, Victorian, and New Zealand local government councils over a period of 14 years. These have included Towong Shire (Vic), Albury City (NSW), Eurobodalla Shire (NSW), and the Queenstown Lakes District Council (NZ). During the same period, I have also been employed on a contract basis by Albury City (NSW), Alpine Shire (Vic), Berrigan Shire (NSW), Campaspe Shire (Vic), Greater Hume Shire (NSW), Hay Shire (NSW), Indigo Shire (Vic), Moira Shire (Vic), Murray Shire (NSW), Palerang (NSW), Snowy River Shire (NSW), Towong Shire (Vic), Wakool Shire (NSW), Wangaratta City (Vic), and Wodonga City (Vic).

All periods of full-time or contract employment have involved statutory or strategic town planning assessment or research tasks.

For the last seven years, I have been practicing as a consulting town planner under the trading name of *Blueprint Planning* with approximately 75 % of my time engaged with the private sector and 25 % with the public sector.

Areas of expertise

- Statutory town planning in regional and rural NSW and Victoria, particularly the merits-based planning assessment of land use, development and subdivision applications for municipal authorities.
- Strategic town planning in regional and rural NSW and Victoria, particularly landscape, catchment and land use analysis, and demographic, environmental, and infrastructure studies prepared to support changes to local environmental plans (NSW) or planning schemes (Vic).

Expertise to make this report

This report has been prepared using my expertise as a practicing town planner with professional knowledge of merits-based assessment of local government development applications.

Instructions that define the scope of this report

I was briefed on 28 March 2011 regarding the DA by Louise Menday, Director of Planning and Environmental Services Palerang Council. I visited the land the subject of this report on 11 May 2011.

The facts, matters and all assumptions upon which this report proceeds

I have considered the documents listed in the report to which this Statement is attached.

Documents and material considered and used in making this report

The following documents and/or material has been considered and/or used in preparing this report:

- material from Council's file relating to the development application and forwarded to me; and
- the documents listed in the report to which this Statement is attached.

Reliance upon other documents and/or materials

Nil.

Summary of opinions

My report is provided in the main body of this report.

Provisional opinions not fully researched


I do not believe that my report contains any 'provisional opinions'. I believe that my opinions, where made, have been fully researched, notwithstanding any qualifications that I may have made regarding them.

Questions falling outside my expertise, and incomplete or inaccurate aspects of my report

I do not believe that my report contains opinions outside my area of expertise or incomplete or inaccurate information. I believe that my opinions, where recorded, have been fully researched, notwithstanding any qualifications that I may have made regarding them.

Declaration

I declare that I have made all inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from my report.



James Laycock MPIA, CPP

13 July 2011

APPENDIX B:

Recommended Conditions of Approval

DRAFT CONDITIONS

Obligation to minimise harm to the environment

1. All practicable measures to prevent and/or minimise harm to the environment that may result from the construction, operation, or rehabilitation of the development are to be implemented.

Terms of approval

2. The development is to be implemented, operated, and maintained generally in accordance with the:
 - (a) *Environmental Impact Statement*, dated January 2011, prepared by David Hogg Pty Ltd (EIS), and
 - (b) conditions of this development consent.If there is any inconsistency between the above, the conditions of this consent shall prevail to the extent of the inconsistency.
3. The operator and landowner shall comply with any reasonable requirement/s of the Palerang Council arising from the Council's assessment/interpretation of:
 - (a) the endorsed EIS;
 - (b) any reports, plans or correspondence that are submitted to Council in accordance with this development consent; and
 - (c) the implementation of any actions or measures contained in these reports, plans or correspondence.
4. The operator shall keep a copy of the EIS, all stamped approved plans, specifications, and documents on site while site establishment, quarry operation, and rehabilitation works are being undertaken.
5. All new quarry staff and contractors are to be inducted into the quarry workplace by being briefed of the terms of this development consent.

Limits on approval

6. This consent lapses:
 - (a) after 40,000 cubic metres of material have been extracted from the development, or
 - (b) 8 years after the date it commences,whichever comes first.
7. No more than 5,000 cubic metres of material a year shall be extracted and transported from the development.
8. The quarry is only to be operated between the following hours:
 - Monday to Saturday, 7 am to 7 pm.No work is to be carried out on Sundays or on Public Holidays.
9. Haul road access to the quarry sites is only to be obtained via Halls Lane.

Identification of boundaries

10. Prior to undertaking any site establishment construction works:
 - (a) a registered land surveyor is to be engaged to mark out the boundaries of the approved limits of extraction;

- (b) these boundaries are to be clearly marked at all times in a permanent manner that allows operating staff and inspecting officers to clearly identify those limits.

Operation of plant and equipment

- 11. All plant and equipment at the site or used in connection with the development is to be:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

Air quality management

- 12. The generation of dust is to be minimised and/or prevented in accordance with the EIS.

Pollution of waters

- 13. Except as may be expressly provided by an Environment Protection Licence, the operator and landowner shall comply with section 120 of the *Protection of the Environment Operations Act 1997* during the carrying out of the development.
- 14. Should excavation activities result in the interception of groundwater, all related activities must immediately cease and the operator must contact the Office of Water for instructing advice.

Storm water management and erosion control systems

- 15. All stormwater management and erosion control systems for the development are designed, constructed and operated to capture and treat polluted waters from operations and storm events in accordance with the EIS.
- 16. Within 5 days of a rainfall event, the operator shall ensure that the basins in the storm water management system are treated and emptied to maintain required storage volumes.

Bunding

- 17. Impervious bunds must be constructed around any fuel, oil and chemical storage areas and the bund volume must be large enough to contain 110 per cent of the volume held in the largest container. Bunds must be designed and installed in accordance with the requirements of the EPA Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

Rehabilitation

- 18. The Applicant shall progressively rehabilitate the site in accordance with the EIS.
- 19. During rehabilitation works any contaminated land within the meaning of *State Environmental Planning Policy No 55—Remediation of Land* is to be remediated.
- 20. If any sediment dams are to be converted to stock water dams then the size of the dam if to comply with the Office of Water's Maximum Harvestable Rights policy or licenced under the *Water Act 1912*.

Haul road maintenance (public roads)

21. Section 94 payments shall be made in accordance with *Tallaganda Section 94 Plan No 3* and arrangements as follows:
 - (a) The contribution rates shall be \$0.18 per tonne per km travelled on Halls Road (or \$0.243/t) and \$0.06 per tonne per km travelled on Nerriga Road (or \$0.66/t if travelling to the Kings highway). These amounts apply in 2011/12 and will be indexed annually on 1 July in keeping with movements in the CPI for Canberra.
 - (b) The operator of the quarry is to keep a record of tonnes hauled and the destination of each load and shall submit the calculated payment, the calculations made and a copy of all truck despatch/delivery dockets for all the loads hauled for the year up to 30 June each year.

Halls Lane haul road access point and internal haul road works

22. Prior to the extraction of any material from the site, the Halls Lane haul road access point and the internal haul road must be upgraded and a construction certificate from Palerang Council or an appropriately accredited private certifier obtained before any works are undertaken. Forward a copy of any construction certificate issued by a private certifier to Palerang Council at least 2 days before undertaking any work in accordance with that construction certificate.
23. Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Palerang Council) to Palerang Council at least 2 days prior to any work being undertaken.
24. Obtain consent under section 138 of the *Roads Act 1993* from Palerang Council before any work is undertaken in the Halls Lane public road reserve.
25. The site where construction work is proposed to be carried out shall be identified by a sign sited in a visually prominent position to Halls Lane containing the following information;
 - the development application number,
 - name, address and telephone number of the principal certifying authority,
 - name of the principal contractor (if any) and 24 hour contact telephone number, and
 - a statement that "unauthorised entry to the work site is prohibited".
26. Upgrade as necessary the existing entrance to the property from Halls Lane, to the standard of Type C as illustrated in Figure 6 of *Tallaganda Development Control Plan No. 4 Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances*. The entrance is to be realigned to be perpendicular to the centreline of Halls Lane. Any trees, scrub or other impediments to the availability of sight distance are to be removed. Cross drainage culvert pipes shall be 375 mm minimum diameter, set back 6 m minimum from the edge of the travel lane. Permanent erosion protection and re-vegetation shall be provided upstream and downstream of the culvert and in adjacent table drains and batters as required to control erosion. Guideposts shall be provided at culvert pipes and on the road shoulder each side of the entrance. Road and driveway shoulders shall be trimmed to 3 % crossfall. All disturbed earth surfaces shall be topsoiled and fertilised as necessary, seeded with endemic grasses and/or groundcover plants and mulched with bitumen straw or paper mache to ensure vigorous growth of the re-vegetation. The required standard of finish is that which is equal to the finish of urban landscaping projects with all waste materials removed from the site and surfaces evenly trimmed to match smoothly with existing contours.

27. Upgrade as necessary the existing internal access road and drainage structures between the Halls Lane property entrance and the two quarry sites, generally to the standard of Type 1 Road as specified in *Table 2 of Tallaganda Development Control Plan Rural Zone and Palerang Council's Specification for Construction of Private Access Roads and Entrances*. The access road is to comply in perpetuity with the performance criteria and acceptable solutions as set out in Rural Fire Service NSW document *Planning for Bushfire Protection December 2006*.
28. Provide permanent drainage measures to the satisfaction of the principal certifying authority on the internal access road and in the vicinity of the entrance, to divert stormwater away from the internal access road and prevent stormwater and sediments flowing on to the public road via the access road.
29. The Halls Lane access point and the internal road access is to be designed and constructed in accordance with *Aus-Spec #1 Development Specification Series* as amended by Palerang Council.
30. Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 as amended by Palerang Council, for all civil works for approval by the principal certifying authority prior to issue of any construction certificate. Engineering drawings are to include a note that "All work is to be constructed in accordance with AUS-SPEC#1 Development Specification Series as amended by Palerang Council, and the terms of the Development Consent." Advice: If Palerang Council is nominated principal certifying authority for the work detailed construction drawings are not required for this class of road. However road location, longitudinal grades and stream crossings are to be shown at a minimum.
31. The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points shall be signed off by the site foreman or other nominated to do so in the Project Quality Plan:
- installation of sediment and erosion control devices
 - site clearing
 - site regrading
 - preservation measures installed for trees and vegetation
 - fencing, signs, guideposts and markings installation
- Advice: If Palerang Council is nominated principal certifying authority for the work include as a minimum the following hold points for inspection and release by the principal certifying authority:
- Final inspection of completed entrance works
- Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the principal certifying authority and satisfactory test results supplied by the applicant's Project Superintendent.
32. At the completion of works the superintendent of works shall present to Palerang Council a Certification Report for civil works as set out in AusSpec#1 Clause CQC7(1), and will also include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The superintendent of works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1 Clause CQC7(3).

33. Provide one copy of works as-executed plans to Palerang Council, showing any variations from the approved designs. The works as-executed plans are to be prepared in accordance with the requirements set out in Aus-Spec #1 as amended by Council.
34. A defects liability period of 6 months will apply from the certified date of practical completion of all works on public roads (including pavement, entrances, drainage, re-vegetation and erosion control). The date of practical completion shall be the date identified in writing by Palerang Council.
35. Lodge a bond with Palerang Council of \$1,000 for the works to provide for repair of defective or inadequate work. (When paying this bond please quote account code GLBondRdWks.)
36. Dust suppression is to be provided along Halls Lane in the vicinity of the accessway to the property during construction of the accessway upgrade works.

Onsite parking

37. Sufficient on-site parking for all quarry-related traffic is to be provided.

Road haulage dust and debris

38. All loaded vehicles entering or leaving the site are to be covered to prevent the escape of dust and debris.
39. All loaded vehicles leaving the site are to be cleaned of materials that may fall on the road before they are allowed to leave the site.
40. Standard 40 km/hr speed limit signage is to be installed on the haul road at:
 - (a) the Halls Lane entrance for ingress traffic, and
 - (b) adjacent quarry Site A.

Drivers code of conduct

41. A drivers code of conduct for the transport of materials on public roads is to be prepared and implemented within one (1) month of extraction operations commencing.

Complaints management

42. A complaints contact telephone number and a system to receive, record, track, and respond to complaints within a specified timeframe is to be established within one (1) month of extraction operations commencing in accordance with *AS 4269 (1995): Complaints Handling*. This telephone number is to be identified at the quarry accessway with Halls Lane and on the operator's company website, if the operator has a website.

Native vegetation

43. Native vegetation is to be removed to the minimum extent necessary in accordance with the EIS.

Waste Minimisation

44. The operator shall minimise the amount of waste generated by the development. All liquid and non liquid wastes resulting from activities and processes at the site must be assessed,

classified and managed in accordance with the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-liquid Wastes (1999)*, or any other EPA document superseding this guideline.

Dangerous Goods

45. The Applicant shall ensure that the storage, handling, and transport of dangerous goods is carried out in accordance with relevant Australian Standards, particularly *AS 1940-2004: The storage and handling of flammable and combustible liquids* and *AS/NZS 1596:2002: The storage and handling of LP Gas*, and the *Dangerous Goods Code*.

Safety

46. The operator shall secure the development to ensure public safety.

Emergency management

47. The operator shall ensure that the development is suitably equipped to respond to any fires generated on-site.

Signage and building construction

48. Any signage or building construction requiring the prior development consent of Council is to be the subject of a fresh development application to Council.

Sydney Catchment Authority conditions

49. The quarry layout and staging is to be as shown on Figures 5.5 and 5.6 of *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011). Any revision to the layout or staging is to be agreed to by the Sydney Catchment Authority.
50. The extent of the actual quarry boundary is to be clearly and permanently delineated on the ground by fences.
51. There is to be no on-site wastewater management system constructed on the land in conjunction with the quarry without the written approval of Council or the Sydney Catchment Authority. [For the avoidance of doubt this does not apply to the existing WC facilities in the existing dwelling on the land.]
52. All stormwater management measures as specified in Section 5.6 and Appendix G and as shown on Figures 5.5 and 5.6 of *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011) are to be implemented in particular as elaborated or varied below:

Site A

- All stormwater from the active quarry at site A and the immediate surrounds is initially to be captured in a small collection sump located downstream of the extraction area with collected stormwater then directed to a water quality control pond, located as shown on Figure 5.6 of the *Environmental Impact Statement*.
- The water quality control pond at site A is to have a minimum permanent storage volume of 780 cubic metres.

- Other than during a 5-day period following a major rainfall event, the water level of the water quality control pond at site A must be managed so as to always have 250 cubic metres available for stormwater capture.

Site B

- All stormwater from the active quarry at site B is to be directed to one of two water quality control ponds as shown on Figure 5.5 of the Environmental Impact Statement.
 - Each of the two water quality control ponds at site B is to have a minimum permanent storage volume of 200 cubic metres.
 - Other than during a 5-day period following a major rainfall event, the water level of the water quality control ponds at site B must be managed so as to always have 80 cubic metres available for stormwater capture.
53. Any changes to the location of access roads from that indicated in the *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011) is to be agreed to by the Sydney Catchment Authority.
 54. The proposed change to the access off Halls Lane is to be designed and constructed in accordance with the principles and guidelines in the *Environmental Practices Manual for Rural Sealed and Unsealed Roads* (ARRB Transport Research Ltd. 2002) and *Road Runoff & Drainage: Environmental Impacts and Management Options* (Austroads Inc 2000), and consistent with Council's requirements for rural roads.
 55. All swales, table drains, batters and verges associated with the change to the access road are to be vegetated and stabilised with bitumen and jute matting as soon as possible after construction.
 56. There is to be no washing of the sand at the site.
 57. A Mine Operation Plan is to be prepared for the quarry prior to the commencement of extraction operations, and is to be to the satisfaction of Council. The Mine Operation Plan is to bring together the details and limitations in relation to the quarry and its operation as set out in the *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011) including the stormwater management issues raised above.
 58. A Mine Rehabilitation Plan is to be prepared for the quarry that provides long-term stability to the quarry site, the access road and immediate surrounds following completion of the operational phase of the development. The Mine Rehabilitation Plan which is to be to the satisfaction of Council, is to bring together the details of the proposed rehabilitation of the site, including Appendix F, as set out in the *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011). The Mine Rehabilitation Plan is to be prepared within one year of commencement of extraction operations.

Office of Environment and Heritage (Aboriginal cultural heritage) conditions

59. If any Aboriginal objects (such as stone artefacts or Aboriginal skeletal remains) are unearthed during sand extraction or any associated activity all work must cease immediately and the Office of Environment and Heritage (OEH, formerly the Department of

Environment, Climate Change & Water) must be contacted for advice before any work re-commences.

60. The recorded Aboriginal site, Bloomfield – L1 within SU3 must be avoided and may not be harmed unless an Aboriginal Heritage Impact Permit (AHIP) has been issued by OEH. The OEH site number for Bloomfield – L1 is 57-3-0415.
61. Site 57-3-0415 must be temporarily fenced as a 'no-go' area to prevent any impacts during the duration of sand extraction operations. The fenced area must include a 20 m buffer around the recorded Aboriginal objects (stone artefacts) to provide protection for unknown Aboriginal objects that may occur within the site.
62. All site workers and contractors must be provided with induction training on the identification of Aboriginal objects, Aboriginal cultural awareness and procedures that must be followed in the event of discovery of unknown Aboriginal objects, including Aboriginal skeletal remains.

Conditions have been placed on this consent for the following reasons:

- (a) To ensure the compliance with Environmental Planning Instruments.
- (b) Having regard to Council's duties of consideration under section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorises the imposing of consent conditions.
- (c) Having regard to comments made by referral authorities and submissions received from the public.
- (d) Having regard to the circumstances of the case and the public interest.

APPENDIX C:

Public, government department, and agency submissions

Sydney Catchment
Authority

date?

Ref: 11089
Your Ref: DA.2011.033

The General Manager
Palerang Council
PO Box 348
BUNGENDORE 2621

Attention: Kylie Coe

Dear Sir/Madam

**Subject: Sydney Drinking Water Catchment SEPP
DA No DA.2011.033; Lot 2 DP 1023736; 135 Halls Lane, Durran Durra**

I refer to your letter received 18 March 2011 requesting the concurrence of the Chief Executive under Clause 11 of the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) with a proposal for a sand extraction quarry.

The subject property, which has been inspected by the Sydney Catchment Authority (SCA), is located within the Shoalhaven catchment which forms part of Sydney's water supply.

The Environmental Impact Statement prepared by David Hogg Pty Ltd has been considered in the assessment of the application.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The Chief Executive would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

General

1. The quarry layout and staging is to be as shown on Figures 5.5 and 5.6 of *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011). Any revision to the layout or staging is to be agreed to by the Sydney Catchment Authority;
2. The extent of the actual quarry boundary is to be clearly and permanently delineated on the ground by fences;

Reason for Conditions 1 & 2 - The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development;

Wastewater Management

3. There is to be no on-site wastewater management system constructed on the land in conjunction with the quarry without the written approval of Council or the Sydney Catchment Authority;

Reason for Condition 3 - To ensure that no inappropriate effluent management system is sited on the lot and to ensure any such future development will have a neutral or beneficial effect on water quality and be sustainable over the long term;

Stormwater Management

4. All stormwater management measures as specified in Section 5.6 and Appendix G and as shown on Figures 5.5 and 5.6 of *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011) are to be implemented in particular as elaborated or varied below:

Site A

- all stormwater from the active quarry at site A and the immediate surrounds is initially to be captured in a small collection sump located downstream of the extraction area with collected stormwater then directed to a water quality control pond, located as shown on Figure 5.6 of the *Environmental Impact Statement*;
- the water quality control pond at site A is to have a minimum permanent storage volume of 780 cubic metres;
- other than during a 5-day period following a major rainfall event, the water level of the water quality control pond at site A must be managed so as to always have 250 cubic metres available for stormwater capture;

Site B

- all stormwater from the active quarry at site B is to be directed to one of two water quality control as shown on Figure 5.5 of the *Environmental Impact Statement*;
- each of the two water quality control ponds at site B is to have a minimum permanent storage volume of 200 cubic metres;
- other than during a 5-day period following a major rainfall event, the water level of the water quality control ponds at site B must be managed so as to always have 80 cubic metres available for stormwater capture;

Reason for Condition 4 – To ensure that an appropriate stormwater management system is designed and managed that ensures a sustainable neutral or beneficial effect on water quality for the development as a whole over the longer term;

Access to the Quarry

5. Any changes to the location of access roads from that indicated in the *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011) is to be agreed to by the Sydney Catchment Authority;
6. The proposed change to the access off Halls Lane is to be designed and constructed in accordance with the principles and guidelines in the *Environmental Practices Manual for Rural Sealed and Unsealed Roads* (ARRB Transport Research Ltd. 2002) and *Road Runoff & Drainage: Environmental Impacts and Management Options* (Austroads Inc 2000), and consistent with Council's requirements for rural roads;
7. All swales, table drains, batters and verges associated with the change to the access road are to be vegetated and stabilised with bitumen and jute matting as soon as possible after construction;

Reason for Conditions 5 to 7 - To ensure the access road and associated drainage works and water quality control measures have a minimal impact on water quality and can be maintained over the longer term;

Mine Operation

8. There is to be no washing of the sand at the site;
9. A Mine Operation Plan is to be prepared for the quarry prior to the commencement of extraction operations, and is to be to the satisfaction of Council. The Mine Operation

Plan is to bring together the details and limitations in relation to the quarry and its operation as set out in the *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011) including the stormwater management issues raised in Condition 4 above;

Reason for Conditions 8 & 9 – To manage adverse environmental and water quality impacts during the operational phase of the development so as to ensure a neutral or beneficial impact on water quality over the longer term;

Mine Rehabilitation Plan

10. A Mine Rehabilitation Plan is to be prepared for the quarry that provides long-stability to the quarry site, the access road and immediate surrounds following completion of the operational phase of the development. The Mine Rehabilitation Plan which is to be to the satisfaction of Council, is to bring together the details of the proposed rehabilitation of the site, including Appendix F, as set out in the *Proposed Sand Extraction "Bloomfield" Lot 2 DP 1023736 Halls Lane Durran Durra Environmental Impact Statement* prepared by David Hogg Pty Ltd (dated 25 January 2011). The Mine Rehabilitation Plan is to be prepared within one year of commencement of extraction operations;

Reason for Condition 10 – To stabilise the mine site and manage potentially adverse environmental and water quality impacts in the post-operational phase of the development, so as to ensure a neutral or beneficial impact on water quality over the longer term.

Under Clause 11 of the SEPP, Council must provide the SCA with a copy of its determination of the application within 10 days after the determination is made.

If you wish to discuss this matter further please contact James Caddey on 4824 3401.

Yours sincerely

GREG GREENE
A/Manager Planning & Assessment

Our Ref: 147DA98 (11/328) STH09/02497
Contact: Andrea Boes 4221 2771
Your Ref: DA.2011.033



25 MAR 2011

The General Manager
Palerang Council
PO Box 348
Bungendore NSW 2621

Attention: Kylie Coe

Palerang Council
Document Scanned
28 MAR 2011
DW No: 245432
Batch No: 280311
Dist to:

PALERANG COUNCIL - DEVELOPMENT APPLICATION DA.2011.033 - LOT 2 DP 1023736 135 HALLS LANE, DURRAN DURRA - PROPOSED QUARRY

Dear Sir/Madam

Reference is made to your letter dated 14 March 2011 regarding the subject development application forwarded to the Roads and Traffic Authority (RTA) for consideration.

The RTA has reviewed the submitted information. Given the low traffic generation and impact of the proposal on the classified road network, and the low traffic volumes on Nerriga Road, the RTA does not object to the development application in principle.

In accordance with Section 79C(1)(b) of the EP&A Act, Council as the Consent Authority, is responsible to consider any likely impacts on the natural or built environment in the road reserve fronting this proposed development. For instance there could be traffic noise impacts on adjacent residences, impacts on indigenous or non-indigenous heritage items or threatened species. The RTA will not be making a separate Part 5 environmental assessment of the environmental impacts in the road reserve for this proposal.

Yours faithfully

Rob Reynolds
Manager, Road Safety and Traffic Management
Southern Operations and Engineering Services



**Trade & Investment,
Regional Infrastructure
& Services**

OUT11/6698

Kylie Coe
Development Services Coordinator
Palerang Council
PO Box 348
Bungendore NSW 2621

Dear Ms Coe,

Re: Designated Development – DA.2011.033 – Proposed Quarry

Thank you for the opportunity to assess the environmental impact statement for the above proposed quarry. This is a coordinated response incorporating advice from the mineral resources and agriculture divisions of the former Department of Industry & Investment NSW, now Trade & Investment, Regional Infrastructure & Services (DTIRIS).

DTIRIS apologises for the late nature of this response and offers the following advice.

Issues relating to Agriculture

The Agriculture division no longer provides specific advice on quarry matters. For general advice please refer to the attached Primefacts document – 'Agricultural Issues for Extractive Industries on Rural Lands'.

Issues relating to Mineral Resources

The EIS adequately addresses the key issues raised by Mineral Resources.

DTIRIS - Mineral Resources collects data on the quantity and value 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 thus collected is of great value to the 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. In order to assist in the collection of construction material production data, it is requested that the proponent make a commitment to provide annual production data to DTIRIS.

Should you have any further mineral resources queries please contact Cressida Gilmore – Senior Geologist – Land Use on (02) 4931 6537 or email cressida.gilmore@industry.nsw.gov.au.

Yours sincerely

Iain Paterson
Team Leader – Land Use

20/04/2011