SEPP Assessment under s4.15(1)(a)(i) Provisions of Environmental Planning Instruments

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Clearing native vegetation in rural areas is not covered under the SEPP. Refer to clearing of native vegetation under the BC Act 2016 in Assessment Report.

Koala Habitat

Council is satisfied that the subject land is not potential koala habitat and the development is likely to have low or no impact on koalas or koala habitat.

Using the BAM methodology, the koala was identified as a candidate fauna species credit species. Targeted species surveys were undertaken on the development site and koalas were not present. No further assessment is required to determine potential core habitat.

Chapter 6 Water Catchments

Sydney Water Catchment area

The subject site is located within a drinking water catchment. The DA was referred to Water NSW as a concurrence authority under *Part 6.5 (Clause 6.64(1)) SEPP (Biodiversity and Conservation) 2021.*

> *Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority has obtained the concurrence of the Regulatory Authority.*
>
> *In deciding to grant concurrence the Regulatory Authority must consider the:*
> - *NorBE Guideline*
> - *Whether the development will have a neutral or beneficial effect on water quality.*

Water NSW is satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality and concurrence has been provided (**Appendix B**) subject to recommended conditions of development consent in **Appendix C**.

***State Environmental Planning Policy (Planning Systems) 2021 ('SEPP (*Planning Systems) 2021)**

The proposal is *regionally significant development* under *section 2.19(1) SEPP (Planning Systems) 2021* as it satisfies the criteria set out in *Schedule 6 Clause 7 (1)(a) Particular designated development* for extractive industry. The proposed development meets the threshold requirements for designated development under the *Environmental Planning and Assessment Regulation 2021, Schedule 3 (Part 2) section 26*.

Accordingly, the Southern Region Planning Panel is the consent authority for the application.

> *Section 26 Extractive industries*
>
> *(1) Development for the purposes of an extractive industry facility is* ***designated development if the facility obtains or processes for sale, or reuse, more than 30,000 cubic metres of extractive material per year****.*
>
> *(2) Development for the purposes of an extractive industry facility* ***is designated development if the facility disturbs or will disturb a total surface area of more than 2 hectares of land by****—*
>
> *(a)****clearing or excavating****, or*
>
> *(b)constructing dams, ponds, drains, roads or conveyors, or*
>
> *(c)****storing or depositing overburden, extractive material*** *or tailings.*
>
> *extractive industry facility means a building or place at which—*
>
> *(a)extractive materials are obtained by methods including excavating, dredging, tunnelling or quarrying, or*
>
> *(b)extractive materials are stored, stockpiled or processed by methods including washing, crushing, sawing or separating.*

State Environmental Planning Policy (Resilience and Hazards) 2021 (*SEPP (Resilience and Hazards) 2021)*

Chapter 4: Remediation of Land

Section 4.6 of *SEPP (Resilience and Hazards) 2021* requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

> *(1) A consent authority must not consent to the carrying out of any development on land unless—*
>
> *(a) it has considered whether the land is contaminated…*
>
> *(4) The land concerned is—*
>
> *(a)... land that is within an investigation area,*
>
> *(b) ...land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,..*

The draft contaminated land planning guidelines (Table 1) lists extractive industries as a potentially contaminating land use.

The applicant submitted additional information in relation to potential contamination dated 31 October 2024:

> *…the nature of the existing and proposed Quarry operations and the resource extracted, the potential for contamination is low to none for the following reasons.*
>
> *• The resource currently extracted, and proposed to be extracted, comprises sand and gravel. No heavy metals are present within the deposit (Table 1 of the Draft Contaminated Land Planning Guidelines states that the list of potentially contaminating heavy metals should be decided according to the composition of the deposit and known impurities).*
>
> *• No blasting is currently undertaken, or is proposed to be undertaken, at the Quarry Site. The sand and gravel resource at the Quarry is extracted using an excavator.*
>
> *• A wash plant is currently used as part of the Quarry operation and would continue to be used under the Proposal. No hazardous or contaminating chemicals are used to wash the extracted sand and gravel (Section 3.4 of the Environmental Impact Statement for the Proposal outlines the processing operations to be undertaken).*
>
> *• Product oil would be stored on site for the maintenance of Quarry equipment. Oil would be stored within the proposed storage container in accordance with specifications of the Material and Safety Data Sheets and within an impermeable bunded area or pallet bund with a capacity of at least 110% of the capacity of the largest container.*
>
> *• The proposal includes installation of an on-site diesel fuel storage tank at the Quarry Site. Diesel fuel would be stored in an above ground self-bunded storage tank (capacity: 10,000L) in accordance with Australian Standard (AS) 1940:2017 'The Storage and Handling of Flammable and Combustible Liquids'.*

• The EPA have provided General Terms of Approval for the Proposal in correspondence dated 17 July 2024. A Pollution Incident Response Management Plan (PIRMP) would be prepared for the Quarry in accordance with section 153A of the Protection of the Environment Operations Act 1997 (POEO Act)

Council is satisfied that the land is not contaminated and would not involve a change to the current use of the land (for extractive industry), as such *Sections 4.6(2) and (3) of the SEPP* are not applicable and no preliminary investigation of the land is required.

Chapter 3: Hazardous and offensive development

Under *section 3.12* the consent authority must consider:

- Current circulars or guidelines
- Consultation with relevant public authority
- If relevant a preliminary hazardous analysis
- Any feasible alternatives to the carrying out of the development and the likely future use of the land surrounding the development.

The applicant submitted additional information in relation to potentially hazardous or potentially offensive development dated 31 October 2024:

Hazardous materials to be held or used within the Quarry Site are required to be identified and classified in accordance with the risk screening method contained within Appendix 4 of the Applying SEPP 33 Guideline. Hazardous materials are defined within that document as substances falling within the classification of the Australian Code for the Transportation of Dangerous Goods by Road and Rail (Dangerous Goods Code). Based on this definition, the hazardous materials to be stored at the Quarry Site, including quantities and storage locations, are summarised in Table 1.

Table 1
Hazardous Materials Storage on Site

Hazardous Material	Classification	Description	Storage Quantity	Storage Location
Diesel Fuel	Class 3 C1	Combustible liquids: flashpoint above 61°C but not exceeding 150°C	1 x 10,000L double bunded tank	Administration Area
Lubricating oils and greases	Class 3 C2	Combustible liquids flashpoint above 150°C	2 x 200L product oil tanks	Stores Container within Administration Area
Note 1: Australian Dangerous Goods Classification (2011)				

Table 2 lists the projected average number of loads of diesel fuel that would be delivered to the Quarry Site during maximum production level periods (i.e. production up to 200,000tpa).

Table 2
Hazardous Materials Transport to the Site

	Projected Average No. of Loads per Year	Load Size
Diesel Fuel	20	8,000L

Risk Screening Determination

As diesel fuel (Class C1) and product oil (Class C2) are not stored adjacent to any other hazardous materials, the Applying SEPP 33 Guideline does not require these to be

considered further. The Applying SEPP 33 Guideline indicates that in relation to the transportation of Class 1 combustible liquids (e.g. diesel), there is no threshold for considering the activity potentially hazardous. Under the Dangerous Goods Code, C1 combustible liquids are not classified as dangerous goods for transport purposes when transported in isolation (i.e. not transported alongside other refined petroleum products.

Based on the information presented above and application of the risk screening method within the Applying SEPP 33 Guideline, neither the storage nor transportation of the hazardous materials to be used or stored at the Quarry Site would result in the Proposal being considered potentially hazardous under the Resilience and Hazards SEPP. As such, the proposed development does not represent potentially hazardous development or potentially offensive development and there is no requirement to undertake a preliminary hazard analysis for the Proposal.

Council is satisfied that the development is not potentially hazardous or potentially offensive development, and a preliminary hazard analysis does not have to be prepared.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP Transport) 2021

The SEPP facilitates the effective delivery of infrastructure across the State and regulates the permissibility and assessment requirements for key infrastructure and service facilities.

Under *Section 2.48(2)* a referral was not required to the electricity supply authority as power is not provided to the site. A diesel generator is the only power source.

Under *Section 2.121(4) Traffic-generating development* the proposed development was referred to Transport for NSW as it met the threshold for an industry with a site area of 20,000m^2 with access to a road. Transport for NSW state the quarry extension will not have a significant impact on the sate road network and has no objection to the proposed development. Transport for NSW acknowledges the traffic impact assessment statement that *"the current geometric configuration of the Larbert Road / Access Road intersection and Kings Highway / Larbert Road intersection satisfies the B-double truck movements. In a memo dated 9 August 2024 the applicant has confirmed that b-double trucks will not be used at the Quarry for any purposes.*

Council is satisfied that the development satisfies the requirements of the SEPP (Transport) 2021.

State Environmental Planning Policy (Resources and Energy) 2021

The SEPP regulates the way that mining, petroleum production and extractive industry proposals are assessed and developed in NSW. It aims to manage resource industries and promote the social and economic welfare of the state and establish appropriate planning controls to encourage ecologically sustainable development.

Under *Chapter 2, section 2.9 (3)* the proposed extractive industry is permissible with consent as agriculture is permitted on the subject land.

Under *section 2.9(4)* ***Co-location of industry*** *If extractive industry is being carried out with development consent on any land, development for the following purposes may also be carried out with development consent on that land:*

(a) the processing of extractive material, and

(c) facilities for the processing or transport of extractive material,

The proposed development as set out in the EIS includes the processing of the extractive material using a wet screening/sand washing plant to separate silt and finer materials. The wet screening plant is in-situ on the subject site and previously approved under MOD.2019.024 (of DA.2014.148 – Sand extraction incorporating wet screening operation).

The EIS describes the processing operations of the wet screening plant:

> *"From the extraction area of the quarry, raw sand and gravel is collected by a 25-tonne excavator and is transferred by a front-end loader to be stockpiled near the washing plant. From the stockpile, the raw material is fed to a hopper with a screen to remove any sticks or larger rocks. The screened sand is transferred to a wash tank where water is added to remove the finer particles from coarser sand and gravel. Through gravity, the heavier sands and gravel are separated and stockpiled in preparation for sale*

…the silt containing water is pumped from the top of the wash tank to a sediment pond where the sediment and silt is allowed to settle. The water is then recycled by pumping back to the wet screening plant. The silt is then dried and mixed with topsoil for use in either rehabilitation works or cell bunding.

...as the extraction area moves further from the washing plant a haul truck will be introduced to transfer the raw sand and gravel from the extraction cell to stockpile. (p.26 EIS, Umwelt).

Transport of material will be via the existing access road over Lot 330 and 24 DP755915, and travel (Figure 1)

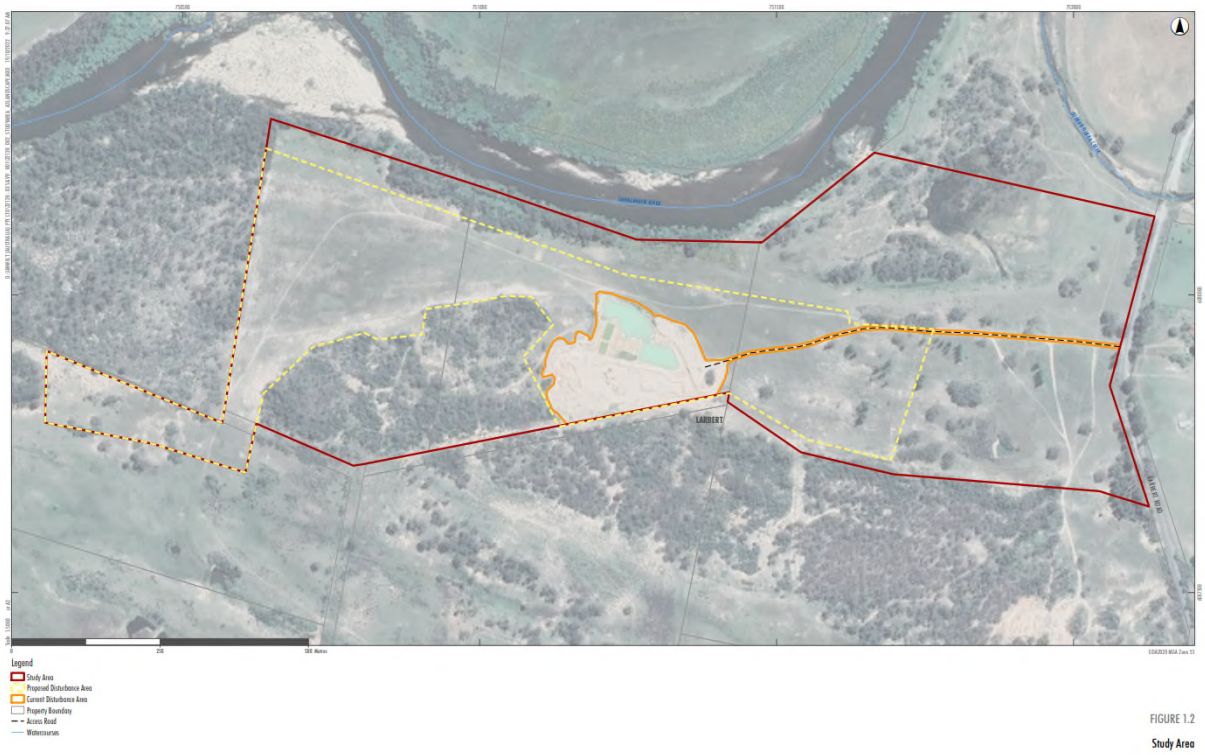


Figure 1: Disturbance area and access road

Under *section 2.9(4)* Council is satisfied that the existing wet screening plant and internal access is ancillary to the proposed development and approved under MOD.2019.024 (DA.2014.148) on Lot 24 DP755915.

Under *section 2.10*, of the SEPP the *QPRLEP* 2022 does not specify certain matters to be satisfied for the purposes of extractive industry and as such this section is not relevant for the consent authority to consider in determining this application.

Under Part 2.3 of the SEPP, the relevant matters for consideration for extractive industries are considered below:

2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

> *Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must—*
> *(a) consider—*
> *(i) the existing uses and approved uses of land in the vicinity of the development, and*
> *(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*
> *(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*
> *(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and*
> *(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).*

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

Comment: Larbert Quarry is approved as non-designated development under DA 2014.148 and MOD.2019.024 for sand and gravel extraction and ancillary wet screening plant for an annual extraction rate up to 20,000 m3 with a disturbance area of approximately 2 hectares (ha), notwithstanding Condition 4 of MOD.2019.024 (DA.2014.148) as set out below:

> "*This consent will lapse after 117,000 cubic metres of material have been extracted from the development or 8 years after the date it commences, whichever comes first",*

Note:

DA operates - 23 December 2019

Date of Modification - 02 September 2019

The proposed operation relies on the continued use of the wet screening plant as approved under MOD.2019.024.

Surrounding land uses include agriculture with large rural holdings and several extractive industries (Figure 2-4). Supported by the EIS, studies, mitigation and management measures, the proposed development is considered appropriate and unlikely to result in unacceptable land use conflicts, adverse impacts on amenity (due to noise, vibration, odour, or dust) or adverse impacts on natural resources on surrounding land uses. The proposed development is considered appropriate having regard to the existing uses of land in the vicinity of the development.

(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,

Comment: The surrounding land in the locality is zoned RU1 – Primary Production under the QPRLEP 2022. The zone permits conventional primary industry enterprises as well as more diversified and intense development types including, function centres, hotel or motel accommodation, industrial training facilities and recreation uses. The proposed extractive industry is compatible with the existing agricultural land uses in the locality and is not considered to have an unacceptable impact on permitted land uses.

QPRC's strategic planning documents outline "the preferred uses of land".
The proposed development is compatible with existing and approved land uses in the locality, specifically other extractive industries (sand quarries). QPRC has acknowledged preferred land uses in the locality in the Local Strategic Planning Statement (LSPS) "Towards 2040, QPRC Local Strategic Planning Statement the 20-year vision for land-use in the local area, (July 2020) and in the Palerang Rural Lands Strategy 2016-2036 (December 2016). For rural areas, the QPRC LSPS acknowledges traditional rural activities dominate land uses and include other activities such as extractive industries (sand mines and hard rock quarries) will continue to be important contributors to the rural economy (July 2020, p.64). The planning priorities for the Rural Areas relevant to the proposed extractive industry are:

- Protect primary production, and ground water and extractive industries, together with the other parts of their supply chains, including freight and logistics facilities, from surrounding land-use conflict, and
- Ensure primary production and extractive industries are undertaken in a sustainable manner

The Rural Lands Strategy developed a 20 year strategic direction for rural, rural residential and environmental land in the former Palerang local government area. The Strategy was the principal output of the Rural Lands Study completed in early 2017. One objective of the Rural Lands Strategy includes "the protection of extractive resource areas" (p.6) and the sale of extractive materials is identified as an economic advantage in the locality given the proximity of Canberra and Queanbeyan to rural areas.

Based on the strategic documents the proposed development is considered appropriate having regard to land use trends and the preferred uses of land in the vicinity of the development.

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

Comment: The operations of the proposed development which include, extraction, processing, transportation and rehabilitation is compatible with existing approved or likely preferred uses particularly noting the existing extractive industries in the locality and the existing facility on site.

The proposed development is not considered incompatible with the existing and preferred uses in the vicinity of the development subject to recommended conditions of consent.

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

Section 5.10 of the EIS presents the socio-economic impacts of the proposed development:

- Economic benefit – the development provides a high-quality resource of sand and gravel to meet the demand for raw construction material for the growing housing supply in the capital region.
- Social benefit – Minimal
- Ecological benefits – The extraction area will be situated on land that has previously been disturbed and cleared. The development will have a direct impact on 23.03 ha of PCT3347 in poor condition and 0.1ha of PCT3347 in good condition and will be offset with biodiversity credits. Most areas of remnant vegetation will be avoided.

Comment: The development will be of public benefit in terms of social and economic outcomes by creating employment opportunities and supply of raw building materials in the region. Mitigation and rehabilitation measures will ensure the development minimises adverse environmental impacts.

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).

Modelling of traffic, air quality, water balance, and noise prediction has been undertaken pertaining to quarry operations and dispatch of products. The modelling scenarios were found to satisfy recognised criteria and accepted by various State approval authorities subject to mitigation and management measures, recommended conditions of consent and General Terms of Approval.

2.18 Consideration of voluntary land acquisition and mitigation policy

The development is not for State significant development and consideration is not required under the provisions of the *Voluntary land acquisition and mitigation policy.*

2.19 Compatibility of proposed development with mining, petroleum or extractive industry

(1) The development is in the vicinity of existing extractive industries, but the land is not mapped on a map approved and signed by the Minister or identified by an environmental planning instrument and therefore this section does not apply.

(2) Before determining an application to which this section applies, the consent authority must—

(a) consider—

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

(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

(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

(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

(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).

Comment: The proposed quarry would be located 1.5 km southwest of the Schmidt Quarry and west of Lentro Quarry. Other sand quarries are located further northeast of the proposed development (Figures 2 and 3).

The proposed extractive industry is compatible with the existing uses within proximity to the site and will not have a significant impact on current or future extraction of minerals due to distance between quarries and the large agriculture holdings surrounding the subject site (Figure 4). The application has demonstrated there will be no unacceptable cumulative impact (air quality, noise, traffic, and other environmental impact because of the proposed sand extraction activity).

The proposed development is not incompatible with surrounding quarries and is not expected to impact on extraction areas of other quarries due to distances between quarries and shared road access in the locality (Larbert Road).

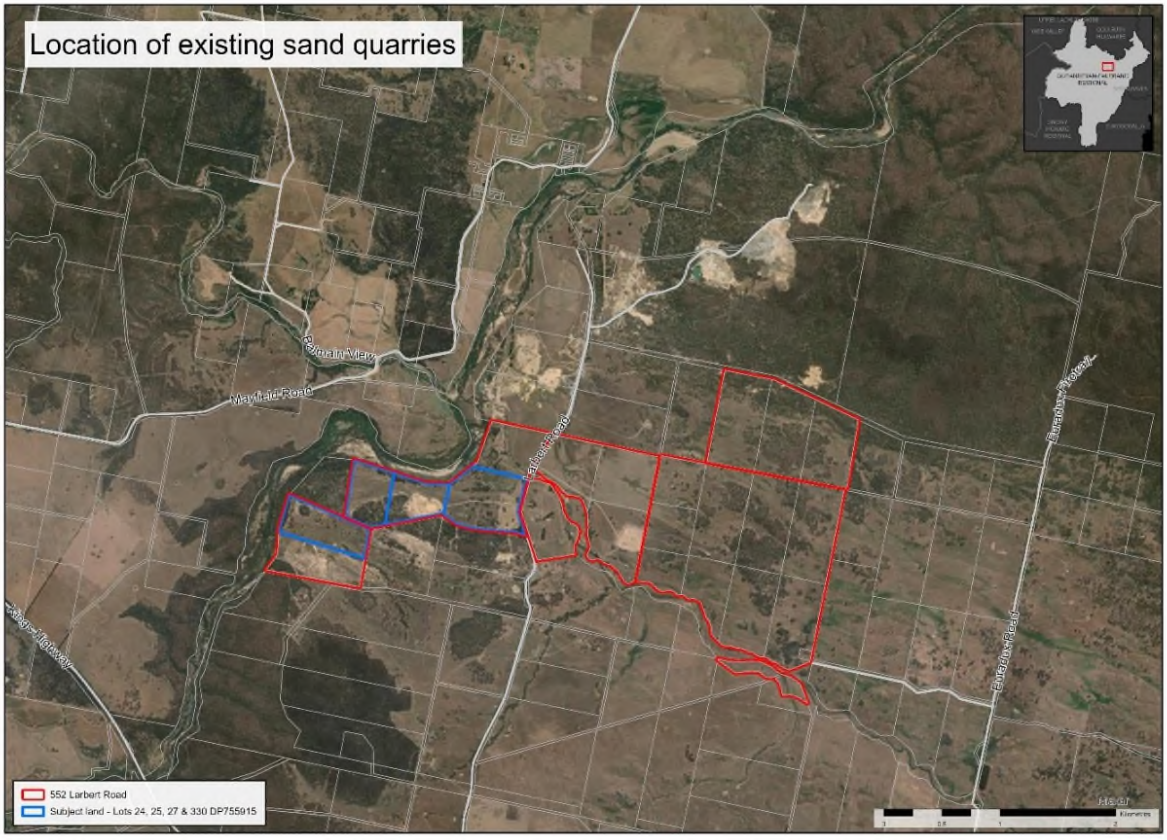


Figure 2:Existing quarries in the locality

Figure 3: Closest quarries to the proposed development

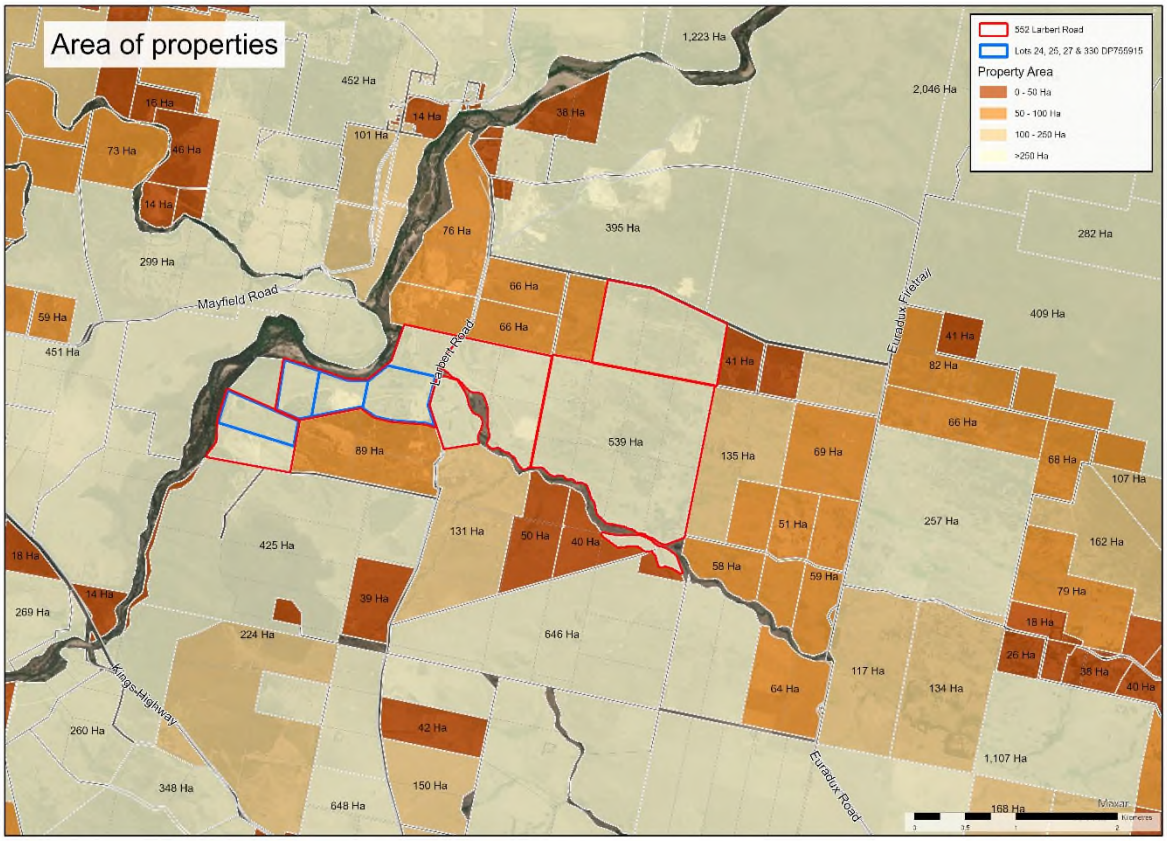


Figure 4: Area of agriculture holdings in the locality

2.20 Natural resource management and environmental management

(1) 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—

> ***(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,***

Comment:

The EIS water assessment finds:

Surface Water

The project is not expected to result in controlled or uncontrolled discharges and have a neutral effect on Shoalhaven River. This is confirmed by concurrence from Water NSW (Appendix B).

Catchment yield – a maximum area of 68ha will be occupied within the Shoalhaven River catchment which accords for approximately 0.009% of the catchment area. The EIS states that it is considered the loss in catchment yield associated with the project is negligible.

Water security – water balance modelling indicates that rainfall, runoff and groundwater seepage inflows will provide an adequate and reliable water supply to meet operational demands for the project. Quarry operations will be curtailed in dry conditions if WaterNSW limit access to groundwater.

Flow Regimes and stream stability – rainfall runoff from upslope catchment will be diverted from the project area via a clean water drain and diverted to the Shoalhaven River as overland flow. The EIS confirms that the diversions will not result in increased flows in minor streams and not impact on flow regimes and water availability to downstream water users.

Flooding – a flood assessment predicts that depths of up to 2m and velocities up to 2m/s are predicted with the subject site. Floods may impact parts of extraction cells E1, E2 and E5. To reduce the impacts from flooding, bunding to divert flow and extraction avoidance in some areas (northern end of E5) are proposed. However, it is expected impacts on flood regimes would be localised to Shoalhaven River adjacent to the subject site.

Groundwater

The proposed development anticipates water extraction of 18.8ML of water/year from the clean water pond with an average extraction rate of 8.9ML/year. The ground water is to be used for sand and gravel operations for washing of raw materials and dust suppression across the site. The proposed development will need to be registered as a groundwater supply work and a Water Access Licence is required.

The EIS provides an assessment of the impacts on groundwater and commits to implementing appropriate procedures and management measures to ensure adverse impact on groundwater is minimised and quarry operators will not apply additives to standing water within the quarry excavations.

General Terms of Approval issued by WaterNSW set out extraction limits and extensive requirements for groundwater impact assessment modelling and monitoring program to ensure impacts on surface water and groundwater are avoided, or minimised.

(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,

Comment: The development site has been designed to avoid impact to areas of native vegetation in moderate to good condition by locating the proposal in a disturbed portion of the landscape. Existing tracks and ancillary facilities will be used for the construction and operation of the proposal.

The proposed development will directly impact 23.03 hectares of PCT3347 (Southern Tableland Creekflat Ribbon Gum Forest- Grassy Woodlands) in poor condition, and 0.1 hectares of PCT3347 in good condition.

The proposal will not impact an entity nominated as being at risk of a serious and irreversible impact (SAII) and no threatened species were recorded during field assessment however, two threatened species are presumed to inhabit the subject land:

- Squirrel Glider (Petaurus norfolcensis); and
- Brush-tailed (Phascogale Phascogale tapoatafa).

Biodiversity credits are generated by the proposed development. These credits will require offsetting and are required in the recommended conditions of consent.

Management measures to mitigate the residual impact of the proposal are recommended in the recommended conditions of consent.

(c) that greenhouse gas emissions are minimised to the greatest extent practicable.

Comment: The EIS states greenhouse gas emissions are minimised, and an assessment of the proposed development's greenhouse gas emissions (including downstream emissions) is provided by Zephyr, 2023.

The increase in extractive operations could result in an increase of greenhouse gas emissions due to the expanded operations and additional truck movements.

Zephyr (2023) states that diesel combustion is anticipated to be the only significant greenhouse gas emission source, comprising 135 tpa CO2-e as Scope 1. There will no mains electricity supply to the site and no Scope 2 emissions are anticipated for the proposed Project.

The proposed quarry expansion will have an acceptable impact on greenhouse gas emissions and recommended conditions of consent include management and mitigation measures to minimise greenhouse gas emissions.

2.21 Resource recovery

(1) 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.

(2) 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.

(3) 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.

Comment*:* The proposed quarry operations would result in minimal quantities of waste being generated. Waste material from screening including small volumes of clay, sticks and organic matter will be incorporated into overburden stockpiles for later use in rehabilitation works and cell bunding. Silt from the settlement pond will also be included into overburden stockpiles. Sufficient capacity exists within the site to accommodate the additional overburden produced.

Proposed measures in the EIS (reuse of water, overburden from screening and reuse of topsoil for rehabilitation) would minimise the creation of waste from the quarry. Recommended conditions of consent ensure measures proposed in the EIS are implemented as part of the development.

2.22 Transport

(1) 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—

(a) require that some or all of the transport of materials in connection with the development is not to be by public road,

(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,

(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.

(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—

(a) each roads authority for the road, and

(b) the Roads and Traffic Authority (if it is not a roads authority for the road).

(3) The consent authority—

(a) 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

Comment: - The EIS states the proposed quarry would use the current transport routes as the existing operations. There is no alternative to remove sand from the site other than road haulage. Haul trucks would use existing private access road on the subject land and then continue along Larbert Road. Larbert Road is a rural road off Kings Highway with one lane of traffic each way. There are no schools or high density residential areas along the road that warrant restrictions on the quarry operations. From Larbert Road vehicles access the Kings Highway, an arterial road, with one lane of traffic each way. The speed limit is 100 km/hr at the intersection. SIDRA analysis was conducted at the intersection of Kings Highway and Larbert Road, which concluded that the additional quarry trips could be accommodated in the intersection of Kings Highway with Larbert Road without significantly affecting the performance of any turn movement, approach arm or the overall intersection.

The application was referred to Transport for NSW. It advised that the proposed quarry will have not have a significant impact on the state road network and therefore have no objections to the proposed development.

With regard to traffic generation, the EIS states the existing traffic generation is 1 vehicle per hour (IN) and 1 vehicle per hour (OUT) and the proposed expansion is expected to generate 9 vehicles trips in the AM and PM peak periods.

The existing consent MOD.2019.024 (DA.2014.148) condition 14 states:

"A maximum of ten haulage movements shall occur on a weekly basis".

It seems like different factors are used to calculate traffic generation and is unclear.

For ease and consistency, based on proposed total extraction limits of 400t to 1000t per day, and the average mass of material per vehicle (37.2 tpv), a maximum of 27 laden truck movements departing the quarry per day (irrespective of the peak hour factor) is considered toa be generated. This is supported by the maximum truck movements (in and out) of between 54 and 55 (MAC Noise Assessment, p33). Recommended conditions of consent limit truck movements to a maximum of 27 laden truck movements departing the quarry per day. This is to ensure limits for transport/haulage from the site is clearly defined to minimise adverse impacts in the locality.

2.23 Rehabilitation

(1) 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.

(2) In particular,the consent authority must consider whether conditions of the consent should—

(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or

(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or

(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to 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: Rehabilitation techniques include reshaping, topsoil retention and seeding of stockpiles to control erosion. Progressive rehabilitation is planned to be undertaken after excavation of a terminal face is complete. The applicant states *"the final landform remains to be defined and will be dependent on confirmation of the final extraction area".*

As the resources are extracted rehabilitation works are to occur progressively to bring the site back to a natural state. Recommended conditions of consent require:

- Progressive rehabilitation as soon as reasonably practicable following disturbance,
- Submission of a rehabilitation strategy,
- Submission of a Landscape and Rehabilitation Management Plan and
- Provision of a Rehabilitation security bond

Queanbeyan-Palerang Regional Local Environmental Plan 2022 assessment under s4.15(1)(a)(i) Provisions of Environmental Planning Instruments

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of EPIs, which includes Local Environmental Plans (LEPs). The Queanbeyan-Palerang Regional Local Environmental Plan 2022 (QPRLEP2022) applies to all land and an assessment of the development against the relevant sections is provided in the table below.

QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022

PART 1 - PRELIMINARY		
Cl. 1.2(2)	***Aims***	**Complies**
(aa)	• *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*	N/A
(a)	• *to protect and improve the economic, environmental, social and cultural resources and prospects of the community,*	Yes
(b)	• *to facilitate the orderly and economic use and development of land having regard to ecological sustainability principles,*	Yes
(c)	• *to provide for a diversity of housing to meet the needs of the community into the future,*	N/A
(d)	• *to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development that caters for the retail, commercial and service needs of the community,*	N/A
(e)	• *to keep and protect important natural habitat and biodiversity,*	Yes
(f)	• *to protect water quality, aquifers and waterways,*	Yes
(g)	• *to keep, protect and encourage sustainable primary industry and associated commerce in rural areas,*	Yes
(h)	• *to identify and protect the cultural heritage of the area, including the built heritage and the Aboriginal heritage,*	Yes
(i)	• *to protect important scenic quality, views and vistas,*	Yes
(j)	• *to facilitate the orderly growth of urban release areas,*	N/A
(k)	• *to ensure development does not unreasonably increase the demand for public services or public facilities,*	Yes

(l)	• *to identify, protect and provide areas for community health and recreational activities.*	N/A

Comment: The proposed development is consistent with the relevant aims of the plan. Specifically, the proposal protects water quality, aquifers of Shoalhaven River, protects and encourage sustainable primary industry and protects Aboriginal heritage of the area and the dominant natural habitat and biodiversity within the rural setting without unreasonably increasing the demand for public services or public facilities.

Clause	Relevant	Comment
1.9A - Suspension of Covenants, Agreements and Instruments	Yes	Under Clause 1.9A, no covenants, agreements and instruments restricting the development have been identified.

PART 2—PERMITTED OR PROHIBITED DEVELOPMENT		
Clause	**Relevant**	**Comment**
2.1 Land use Zones	Yes	The land is zoned **RU1 Primary Production** under the QPRLEP 2022.
2.3 Zone objective and Land use Table: • *The assessment must have regard for the objectives of the zones. The land use tables specify development assessment streams including with consent or prohibited.* **Zone RU1 Primary Production** **Objectives of zone** • *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.* • *To encourage diversity in primary industry enterprises and systems appropriate for the area.* • *To minimise the fragmentation and alienation of resource lands.* • *To minimise conflict between land uses within this zone and land uses within adjoining zones.* • *To minimise the impact of development on the natural environment.* • *To ensure development does not unreasonably increase the demand for public services or public facilities.*	Yes	Development for the purposes of *Extractive industries* is permissible within the RU1 Primary Production Zone with consent. The proposal is compatible with the zone objectives specifically: • Minimises conflict with adjoining land uses; • Minimises impact of development on the natural environment, and • Does not unreasonably increase the demand for public services and facilities.
2.5 Additional permitted uses for particular land The LEP includes some unique provisions for development identified in Schedule 1 of the QPRLEP.	N/A	There are no specific provisions for the subject site that override the land use table.

2.6 Subdivision – Consent requirements Clause 2.6 governs permissibility of the subdivision of land with development consent.	N/A	The proposal does not involve subdivision.
2.7 Demolition requires development consent	N/A	The proposal does not involve demolition.
Part 3 Exempt and complying development	N/A	Part 3 - The proposed development is not Exempt or complying development

PART 4—PRINCIPAL DEVELOPMENT STANDARDS		
Clause	**Relevant**	**Comment**
4.1 Minimum lot size for subdivision: • The assessment must ensure the proposed development meets the relevant Objectives.	N/A	No subdivision is proposed with this application as such the clauses relating to minimum lot size for certain development (Cl 4.1AA, 4.1A, 4.1B, 4.1C, 4.1D, 4.1E) are not applicable.
4.2 Rural subdivision	N/A	The proposal does not include subdivision in rural zone.
4.3 Height of Buildings: • Max building height in zone is 10m.	Yes	The proposed structures do not exceed 4.0 m and complies with the maximum building height control of 10.0m. The following structures are proposed: - • Demountable building • Fuel container Storage container • Weighbridge – ground level platform used to measure the weight of a vehicle and its contents (not a structure and is not elevated)
4.4 Floor space ratio and 4.5 Calculation of floor space ration and site area • QPRLEP designates the maximum building area to site area (floor space ratio) that the consent authority can approve on some land.	N/A	There are no FSR controls that apply to the land.
4.6 Exceptions to development standards: • Council can consider varying a development standard in Part 4 (except some subdivision) of the QPRLEP at the written request of the applicant.	N/A	This clause is not applicable as there are no development standards proposed to be varied.

• Applicant to demonstrate that compliance is unreasonable, unnecessary and there are sufficient environmental planning grounds to justify the contraception.		

PART 5—MISCELLANEOUS PROVISIONS		
Clause	**Relevant**	**Comment**
5.1 and 5.2 Acquisition and classification of public land	N/A	These clauses are not relevant as land is not being acquired or classified/reclassified.
5.3 Development near zone boundaries: This Clause allows Council to use the objectives of an adjoining zone and permitted uses from the land use table of that adjoining zone to permit a use on the subject site that is currently prohibited. Adjoining zone being relied upon must be within 20m of the subject site.	N/A	This clause is not relevant as the application does not seek development consent for a land use that is permissible in an adjoining land use zone. The proposed development is permissible in the subject zone with consent.
5.4 Controls relating to miscellaneous permissible uses: • Specific additional controls for some uses. These are statutory controls that cannot be varied and must be complied with or the use is prohibited.	N/A	This clause is not relevant as the application does not seek development consent for a miscellaneous permissible use under this clause.
5.5 Controls relating to secondary dwellings on land in a rural zone: • Clause limits the internal floor area of a secondary dwelling. If exceeded, the proposed development cannot be approved.	N/A	This clause is not relevant as the application does not seek development consent for a secondary dwelling.
5.6 Architectural features and 5.7 Development below mean high water mark	N/A	These clauses have not been adopted by the QPRLEP 2022 and therefore not relevant.
5.8 Conversion of fire alarms: Clause applies to converting fire alarm systems that require consent.	N/A	This clause is not relevant as the application does not seek development consent for fire alarms.
5.9 Dwelling house or secondary dwelling affected by natural disaster: Clause provides for the repair or replacement of a lawfully erected dwelling or secondary dwelling damaged or destroyed by a natural disaster.	N/A	This clause is not relevant as the application does not seek development consent for the repair or replacement of a lawfully erected dwelling or secondary dwelling damaged or destroyed by a natural disaster.

5.10 Heritage Conservation

Under Clause 5.10, Council must consider the effect of the proposed development on the environmental heritage of the region, including conservation of archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. This clause is considered relevant for the proposed development.

The proposed development will have a minimal impact in relation to heritage. The map below shows listed heritage items within the vicinity of the proposed development.

As there are no listed heritage items within or adjoining the subject site, the proposed development will not have a detrimental impact on the heritage items in relation to Cl 5.10(4).

Under Cl 5.10 (2) development consent is required to demolish, move or alter an Aboriginal object. The proposed development is supported by an Aboriginal Cultural Heritage Assessment Report (ACHAR) that evaluates Aboriginal heritage values of the project area and surroundings. The proposed development will impact Aboriginal sites in the project area.

The archaeological surveys identified one Potential Archaeological Deposit (PAD) site and three artefact scatters (Larbert Quarry AS01, Larbert Quarry AS02, and Larbert Quarry AS03). No artefacts were uncovered during test excavations within the PAD. The proposed development will directly impact 2 sites: Larbert Quarry AS02 and Larbert Quarry AS03 (Table 5.32 and Figure 5.3 Larbert Quarry Extension EIS, 2023).

Table 5.32 Summary of Impacts to Aboriginal Heritage from the Proposed Project

Development footprint Site ID	Impact Unless Managed	Effect of proposed project on Significance	Actual impact with implementation of the mitigation measures
Larbert Quarry AS01	Indirect	None	No loss of value
Larbert Quarry AS02	Direct	Total	Total loss of value
Larbert Quarry AS03	Direct	Total	Total loss of value

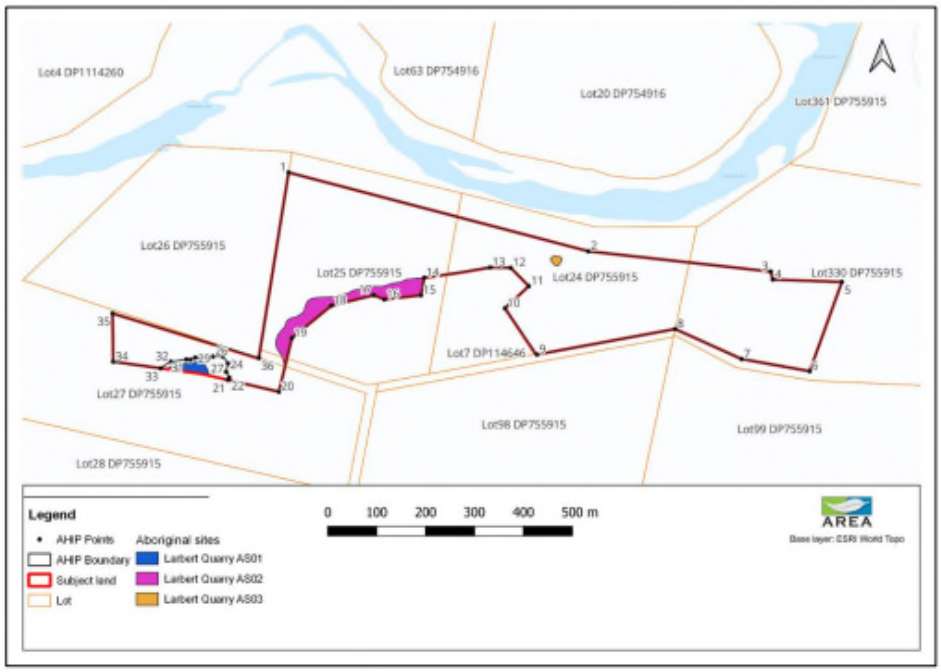


Figure 5.3 Proposed AHIP Boundary

The EIS recommends management and mitigation measures to minimise impacts to retained object in the following manner:

- Continue consultation with registered Aboriginal parties (RAP) in determining the management of Aboriginal objects
- Require and Aboriginal Heritage Impact Permit (AHIP) before any impact to identified Aboriginal sites Larbert Quarry AS02 and Larbert Quarry AS03
- Removal and relocation of objects to a suitable location
- Impose Conditions of consent
- Standard farm fencing constructed along the boundary of Larbert Quarry AS01 (AHIMS ID Pending) to avoid inadvertent impact
- Aboriginal cultural heritage management plan for the ongoing management of Aboriginal cultural heritage
- The location of the Aboriginal sites will be provided to quarry operators to ensure no harm comes to objects. The presence of the cultural heritage sites should be made clear to the workforce.
- Heritage management plan.

The proposed works require an area based Aboriginal heritage impact permit (AHIP). The AHIP must be obtained before surface collection of objects occur within the project area. This forms part of the GTA.

Council is satisfied that the proposed development will satisfy the objectives of Cl 5.10. This is supported by the Department of Climate Change, Energy, the Environment and Water - Heritage NSW, issuing GTA's on 12 December 2024 and updated14 January 2025. Heritage NSW require an AHIP for the loss of Aboriginal objects Larbert Quarry AS 02 and Larbert Quarry AS03.

The GTA form a condition of development consent (Appendix B)

5.11 Bush fire hazard reduction:	N/A	This clause is not relevant as the application does not involve bush fire hazard reduction works.

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.		
5.12 Infrastructure development and use of existing buildings of the Crown	N/A	This clause is not relevant as the proposal does not involve the installation of infrastructure or use of existing buildings of the Crown.
5.13 Eco-tourist facilities: Clause applies to development for an eco-tourist facility. Facility must have a demonstrated connection with the ecological, environmental, and cultural values of the area which will be enhanced by the proposal.	N/A	This clause is not relevant as eco-tourist facilities are not proposed.
5.14 Siding Spring Observatory **5.15 Defence communications facility**	N/A	These clauses are not relevant as they were not adopted in the QPRLEP.
5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones: • Clause seeks to minimise potential land use conflicts. • Clause requires consideration of adjoining land uses or existing or approved uses of land in the vicinity of the development. Clause applies to residential subdivision or for a dwelling.	N/A	This clause is not relevant as the application does not seek development consent for subdivision or the erection of a dwelling house.
5.17 – Artificial waterbodies	N/A	This clause is not relevant as it was not adopted in the QPRLEP.
5.18 Intensive livestock agriculture:	N/A	This clause is not relevant as the application does not seek development consent for intensive livestock agriculture.
5.19 Pond-based, tank-based and oyster aquaculture:	N/A	This clause is not relevant as the application does not seek development consent for pond-based, tank-based, or oyster aquaculture.

5.21 Flood planning

Clause 5.21 of the QPRLEP 2022 makes provision for developments within the flood planning area. The site is **not** identified in a flood planning area. Despite this, a flood risk assessment has been undertaken by the applicant.

The flood impact assessment indicates the proposed development is located approximately 5m above the flow level of the Shoalhaven River at the lowest point. A model scenario was developed to estimate indicative 1% Annual Exceedance Probability (AEP) flood extents. The model predicts depths up to 2m and velocity up to

approximately 2m/s are predicted for the development site. Extraction cells 1,2, and 5 are at risk of flooding during high flow events and there is potential; for flow to break out from the Shoalhaven River (west of site) in high flow events and flow through Cell 5 from west to east.

The EIS recommends bunding measures to reduce potential impacts from flooding on the extraction cells. There is no quarry infrastructure located in the AEP flood areas. The EIS mitigation measures form part of the recommended conditions of consent.

WaterNSW has issued GTA's for the proposed development after considering impact of the development on groundwater and surface water.

5.22 – Special flood considerations	N/A	This clause is not relevant as it was not adopted in the QPRLEP.
5.23 – Public bushland	N/A	This clause is not relevant as it was not adopted in the QPRLEP.
5.24 Farm stay accommodation	N/A	This clause is not relevant as the development is not for farm stay accommodation.
5.25 Farm gate premises	N/A	This clause is not relevant as the development is not for farm gate premises.
Part 6 – Urban Release areas	N/A	Clauses within Part 6 of the QPRLEP are not relevant as the development is not with an urban release area. .

PART 7—ADDITIONAL LOCAL PROVISIONS		
Clause	**Relevant**	**Comment**
7.1 Earthworks	**Yes**	Comments below

The objective of Clause 7.1 is to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items and features of the surrounding land.

(3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters−

- *a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- *b) the effect of the development on the likely future use or redevelopment of the land,*
- *c) the quality of the fill or the soil to be excavated, or both,*
- *d) the effect of the development on the existing and likely amenity of adjoining properties,*
- *e) the source of the fill material and the destination of the excavated material,*
- *f) the likelihood of disturbing relics,*

g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,
h) appropriate measures to avoid, minimise or mitigate the impacts of the development.

This clause **is** considered relevant as earthworks are associated with the extractive industry proposal.

Minor site establishment works are required for site shed, weighbridge, storage container and fuel container. Minimal excavation is required and proposed ancillary development will not have a detrimental impact on environmental functions and processes as set out in Clause 7.1(3).

The works are located wholly within the subject site in the vicinity of the existing site shed located 252m from the Shoalhaven River.

There is minimal disturbance to drainage patterns and soil stability.

The earthworks are located some 200m from adjoining properties with no dwellings in the vicinity.

Any excavated material will be used to level out landform in this location

Aboriginal cultural heritage report has been undertaken and it was not found to impact any Aboriginal objects.

The quarry operations will require substantial earthworks including:

Extraction of alluvial sand and gravel over an area of 29.21 ha;

Restoration work over Lots 24,25,27 and 330 of DP755915.

Stockpiling areas holding up to 8000 t of product.

Assessment:

The quarry has a disturbance footprint of 29.21 ha.

The extraction is proposed over a series of defined extraction cells, stockpiled, screened, and stockpiled for transportation.

The earthworks associated with quarry operations will disturb drainage patterns and soil stability in the locality. Referring authorities have issued GTA's following consideration of extent of the earthworks carried out.

The development proposal includes progressive rehabilitation work to return the land to open grazing for stock. Earthworks (reshaping, topsoil and vegetation) will be carried out to provide safe and stable final landform battered to suit surrounding land. The final landform is to be

• Geotechnically stable and non-polluting

. • Battered to be consistent with the surrounding topography, with a natural rill angle +10 % for slope stability (likely 1 in 3 for rehabilitation).

The proposed quarry is well screened by existing vegetation to the south and west of quarry. The quarry will be partly visible from the east (Larbert Road) and north over the Shoalhaven River. The proposed development has acceptable visual impacts within the locality. Several existing sand quarries are established in the area and are generally screened by landform and vegetation.

The earthworks will harm Aboriginal objects discussed previously in this report. This is supported by GTA issued by NSW Heritage.

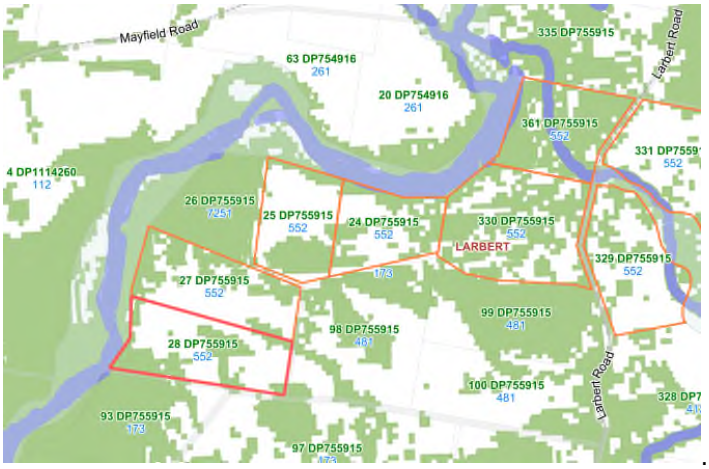
Through mitigation measures and setback from the Shoalhaven River potential impacts associated the earthworks will be managed.

The proposed development sets out rehabilitation measures to restore landform and recommended conditions of consent request preparation of Rehabilitation Strategy and Landscape and Rehabilitation Management Plan.

7.2 Terrestrial Biodiversity	**Yes**	Comments below

Clause 7.2 primarily seeks to protect native flora and fauna. This clause **is** relevant to the proposed development as the site **is** identified as "Biodiversity" on the Terrestrial Biodiversity Map.

The land on which the development is proposed is identified as biodiversity on the Terrestrial Biodiversity Map(QPRC) and adjoining Shoalhaven River is identified on the Biodiversity Values Map (NSW DPE).



A biodiversity development assessment report supports the EIS.

The NSW Biodiversity Offset Scheme applies to the proposed development, as the clearing threshold is exceeded for the associated minimum lot size.

The development site has avoided impact to areas of remnant native vegetation in moderate to good condition and located the proposal in the disturbed portions of the landscape (BDAR, Area, Sept 2023). An area of 0.1 hectares of treed areas in good condition is proposed to be removed and 23.03 hectares of PCT 3347 (Southern Tableland Creekflat Ribbon Gum Forest) in poor condition will be impacted.

No threatened species were recorded during field surveys however two threatened species are presumed to inhabit the PCT 33477. The biodiversity credits generated by the proposed development impacts are set out below. These credits will require offsetting under BAM and form part of the conditions of consent before the commencement of any vegetation clearing.

Biodiversity Development Assessment Report - Larbert Quarry, Larbert NSW

Figure 9 **Vegetation zones**

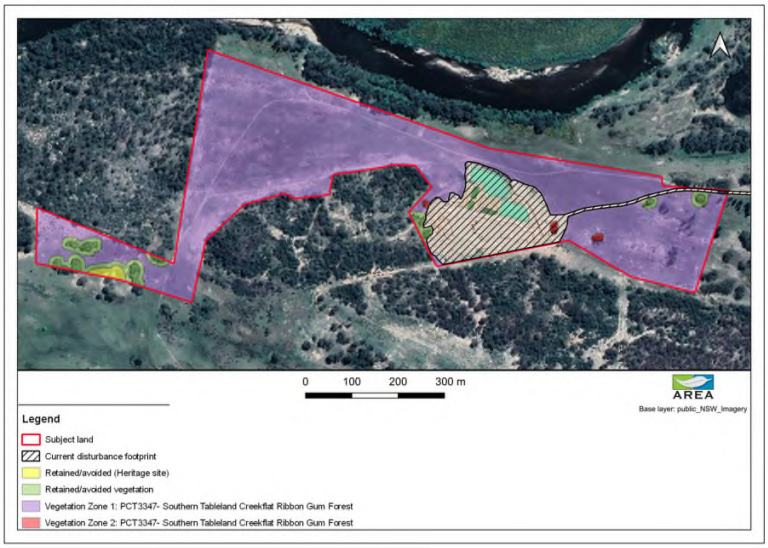


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Table 5.30 Ecosystem Credit Class and Matching Credit Profile

PCT/Species-credit species	Vegetation Zone	Impact area (ha)	Credits Required
3347 Southern Tableland Creekflat Ribbon Gum Forest	2	0.1	4
		Ecosystem Credit Total	**4**
Squirrel Glider (*Petaurus norfolcensis*)	N/A	0.1	4
Brush-tailed Phascogale (*Phascogale tapoatafa*)	N/A	0.1	4

Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity Conservation and Science (BCS) reviewed the BDAR and advise:

The BDAR shows that much of the subject land is relatively low quality vegetation that is likely the result of historical clearing. There are some areas of higher biodiversity values, particularly in the western corner of the site which will be retained.

It is recommended that Council include conditions of consent required biodiversity management plan to be prepared and implement to provide a framework to manage retained vegetation.

Reason: To demonstrate avoidance of high biodiversity values.

Council is satisfied that the proposed development minimises impact to high value areas of native vegetation and minimises impact to existing fauna by avoiding remnant large trees. Recommended conditions of consent require quarry operations to be setback 1.5m and/or not encroach into the tree protection zone to the trees to protect the root systems.

The mitigation measures set out in the EIS are to be complied with.

The proposed development is adjacent to the Shoalhaven River. The disturbance footprint will be 65 m from the Shoalhaven River. Referring authorities have issued concurrence and GTA's for the proposed development taking into consideration the proximity of the Shoalhaven River.

7.3 Drinking Water Catchments	**Yes**	Comments below

This clause primarily seeks to protect drinking water supplies by maintaining water quality.

The objectives of this Part are—

- to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and
- to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.

<u>This clause is relevant as the subject site is identified as "Sydney Drinking water catchment" on the Drinking Water Catchment Map.</u>

Clause 6.64 *SEPP (Biodiversity and Conservation) 2021- Part 6.5 Sydney Drinking Water Catchment* states development consent must not be granted to development on land in the SDWC unless the consent authority has obtained concurrence of the Regulatory Authority. The Regulatory Authority must consider the NorBE guidelines and whether the development will have a neutral or beneficial effect on water quality.

WaterNSW concurs with grating consent to the application and is satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality, "provided appropriate conditions are included in any development consent and are subsequently implemented" (Appendix B WaterNSW, 21 November 2024).

Concurrence conditions by WaterNSW are included in the recommended conditions of consent.		
7.4 Riparian land and watercourses: This clause primarily seeks to protect and maintain water quality in waterways, the stability of beds & banks and aquatic & riparian habitats.	**Yes**	This clause is relevant as the site adjoins "Watercourse" on the Riparian Land and Watercourses Map", noting the proximity of the Shoalhaven River and drainage lines through the development site. The proposed development does not propose any works within the riparian land and watercourse. The proposed quarry operations are setback a minimum of 65 m from the Shoalhaven River. Mitigation measures are to be in place to protect and maintain water quality and stability of banks of the Shoalhaven River. Mitigation and management measures are requested in the recommended conditions of consent.
7.5 Salinity: This clause seeks to ensure land that is impacted by salinity or where the site is prone to erosion is managed.	N/A	This clause **is not** relevant as the subject site is not identified as "Salinity" on the Landscape Map.
7.6 Highly erodible soils: This clause seeks to protect highly erodible soils.	N/A	This clause **is not** relevant as the subject site is not identified as "Erodible Lands" on the Landscape Map.
7.7 Slopes over 18 degrees: This clause seeks to manage the impact of development on steep slopes.	N/A	This clause **is not** relevant as the subject site is not identified as "Slopes over 18 degrees" on the Landscape Map.
7.8 Airspace operations: This clause seeks to manage the potential impact of development that penetrates the Airport Obstacle Limitation Surface.	N/A	The proposed development **will not** penetrate the Obstacle Limitations Surface Map for the Canberra Airport and the application **was not** required to be notified to the relevant Commonwealth body for comment.
7.9 Development in areas subject to aircraft noise: The clause seeks to prevent the impact of noise from the airport or under flight paths.	N/A	This clause **is not** relevant as the site **is not** located near the Canberra Airport or within an ANEF contour of 20 or greater.

7.10 Aircraft noise—development in the South Jerrabomberra Urban Release Area: This clause applies to noise sensitive development (residential or community use) in South Jerrabomberra Urban Release Area.	N/A	This clause **is not** relevant as the subject site is not located in the South Jerrabomberra Urban Release Area.
7.11 Development in areas adjoining national parks and nature reserves: • This clause seeks to protect values of national parks and nature reserves. It applies to land adjoining a national park or nature reserve.	N/A	This clause **is not** relevant as the subject site is not mapped as adjoining national parks or nature reserves.
7.12 Essential services: This clause seeks to ensure all relevant essential services are available to the development.	Yes	Council's Development Engineer has assessed the proposed development and confirmed that the site does have suitable vehicle access available. Other essential services such as electricity, sewage or water supply are not required as the development will be self-contained and rely on site sewerage management system. rainwater and diesel generator for power which are sufficient for the proposed operations.
7.13 Location of sex services premises: This clause seeks to minimise potential land use conflicts associated with sex services premises.	N/A	This clause is not relevant as the proposal does **not** seek development consent for sex services premises.
7.14 Scenic protection: This clause seeks to protect scenic amenity and ensure development does not impact on it.	N/A	This clause is not relevant as the site **is not** identified as "Scenic Protection Area" on the Scenic Protection Map.
7.15 Active street frontages: This clause applies to development mapped on land as an active street frontage in the B3 Commercial Core. It seeks to promote uses that attract pedestrian traffic to ground floor street frontages. Clause applies to new buildings and change of use applications.	N/A	This clause is not relevant as the site **is not** identified as Active street frontages
7.16 Development near Cooma Road Quarry	N/A	This clause is not relevant as the site **is not** identified as "Buffer Area" on the Quarry Buffer Area Map".

7.17 Development near HMAS Harman	N/A	This clause is not relevant as the site **is not** located within 2 kilometres of HMAS Harman or within Zone E4 General Industrial.
7.18 Development near arterial roads	N/A	This clause is not relevant as the development site **is not** development near arterial road on the identified as "Arterial Road Area" on the Local Clauses Map.
7.19 Development near Hume Industrial Area and Goulburn to Bombala Railway Line	N/A	This clause is not relevant as the subject site **is not** located directly adjacent/opposite the Hume Industrial Area or the Goulburn to Bombala Railway Line. The site **is not** identified as being within the "visual and acoustic buffer land" on the Local Clauses map.
7.20 Animal boarding or training establishments	N/A	This clause is not relevant as the proposal does **not** seek development consent for animal boarding or training establishments.
7.21 Restaurants, cafes, or function centres in Zone C4	N/A	This clause is not relevant as the proposal does **not** seek development consent for the restaurants, cafes or function centres in Zone C4.
7.22 Erection of rural worker's dwellings on land in Zones RU1 and C3	N/A	This clause is not relevant as the proposal does **not** involve the erection of rural worker's dwellings on land in Zones RU1 and C3.
7.23 Replacement of Lawfully erected dwelling houses in Zones E1 and E4	N/A	This clause is not relevant as the proposal does **not** involve the replacement of lawfully erected dwelling house in Zones E1 and E4.
7.24 Development at 202 Goolabri Drive, Sutton	N/A	This clause is not relevant as the site is **not** identified as Lot 3 DP 1074706, 202 Goolabri Dr, Sutton.
Development at/on: **7.25 Certan land at Braidwood, Bungendore and Googong**	N/A	The site is **not** identified as 'Additional Development Area 1' on the Local Clause Map and is not zoned R1 General

		Residential. Additionally, the proposal is not for land subdivision.
7.26 Development on certain land at South Jerrabomberra	N/A	This clause is **not** relevant as the subject site is not located in the South Jerrabomberra Urban Release Area.

PALERANG DCP 2015 COMMENTS		
Section	**Controls**	**Complies**
PART B – RELEVANT GENERAL PROVISIONS		
B3	**Flora, Fauna, soil and watercourses** The application for extractive industry has supplied sufficient evidence and details to conclude that the development has an acceptable impact on terrestrial biodiversity. A Biodiversity Development Assessment Report (BDAR) provides a detailed assessment of the impacts on native vegetation. The development impacts an area of 23.13 hectares of plant community type 3347 Southern Tablelands Creekflat Ribbon Gum Forest in poor condition and 0.1 ha in good condition. Management measures provided in the EIS (Section 5.6.5) aim to mitigate impacts. Biodiversity credits generated by the development's impacts will require offsetting under Biodiversity Assessment Method (BAM) as recommended in recommended conditions of consent. BCScience support the proposed development noting that the subject land is relatively low-quality vegetation that is likely the result of historical clearing. Areas of higher biodiversity value (western corner of the site) will be retained. 	Yes, conditions

	 	
B7	**Engineering** Council's Development Engineer has no objection to the proposal subject to conditions. **Water** There is no potable water service available for the property. Water supply is from rainwater collection and delivery from water cartage.	Yes, conditions

	Sewer There is no sewer service available for the property. The quarry amenities will be serviced by an onsite sewage management system. **Storm Water & Surface Water** There is no stormwater infrastructure available to service the property. Stormwater runoff is to be managed and maintained throughout the development and will be extended downstream to a location(s) where runoff can be disposed of without detrimental impacts from flooding (of properties or roads), scouring of surfaces, or undue nuisance or hazard. **Traffic and Access** The quarry will be accessed via existing access off Larbert Road. Larbert Road is a rural road off Kings Highway with one lane of traffic each way. The default speed limit is 80 km/hr. Kings Highway is an arterial road with one lane of traffic each way. The speed limit is 100 km/hr at the intersection. The proposed expansion is expected to generate nine vehicle trips in the AM and PM peak hours. The daily movement of trucks ranges between 10 to 26 round trips based on 400 to 1000 tonnes of average extraction. SIDRA analysis was conducted at the intersection of Kings Highway and Larbert Road, which concluded that the additional quarry trips could be accommodated in the intersection of Kings Highway with Larbert Road without significantly affecting the performance of any turn movement, approach arm or the overall intersection. Referring to Traffic and Parking Impact Assessment prepared by INDESCO dated May 2023, the intersection between Kings Highway and Larbert Road complies with geometric requirements and safe intersection sight distance (SISD) as outlined on Austroads Guide to Road Design Part 4A. The existing access to/from Larbert Quarry is not proposed to be altered and currently caters for the largest vehicle that uses the facility. The Traffic Impact Assessment report by INDESCO outlined that the existing access is consistent with the AUSTROADS preferred rural property access with an indent. There are several large quarries that use Larbert Road for haulage access. Contributions are collected from all these quarries in accordance with the Tallaganda Contributions Plan 3 Roads (17 November 2003), specifically section (j) regarding Quarries, Extractive Industries, and Other Heavy Vehicle Generating Developments on page 8. Contributions from this development will be based on the tonnage of haulage materials transported, and the collected funds are expected to be allocated for the maintenance and repair of Larbert Road. As a result, a dilapidation report was not required for this development. Additionally, it would be challenging to assess the specific impact of this development on Larbert Road, considering that multiple other large quarries also utilise the same road.	

Development Engineering understands that Crown land is proposed to be used as an access point for quarry extraction on Lot 27 DP 755915. Appropriate approval from Crown land is required before commencing work at this Lot.

Parking

Traffic Impact Assessment prepared by INDESCO suggested five (5) car park spaces for light vehicles to be provided for employees, visitors and operational purposes. The recommended number is adequate to service the development and there are ample spaces within the site to provide the parking spaces. All parking spaces to comply with AS/NZS 2890.1.

Development contributions Sec.7.11

The following Section 7.11 (formerly 94) contributions are required for this location. Contributions were calculated in accordance with Tallaganda Contributions Plan 3 Roads (17 November 2003), section (j) Quarries, Extractive Industries and Other Heavy Vehicle Generating Development on page 8.

Tallaganda Contribution Plan No.3	**Road Type**	**Base Rate** (T/km)	**CPI to 22/23**	**Contribution** (T/km)
Larbert Road (LR25)	4	15.0¢	73.62%	26.043¢

The indicative annual contribution at the extraction rate of 200,000T annually would be;

Lambert Road = 200,000T x $0.26043 x 5.6km = $291,681.60

Indicative Maximum Total = $291,681.60 per annum

Recommended conditions of consent include appropriate conditions for internal access road, creation of a right of carriageway, preparation of operational management plan, and limitation of haulage of trucks.

B8	**Erosion and Sediment Control** Due to the extensive extraction area, quarry life and disturbance footprint, the operational aspect of the development has a high potential for erosion and sediment movement if left unmanaged. Such operations include: excavation, truck haulage within the site and off site, stockpile of material (raw and processed), sediment pond, water management system (upslope clean water diversion to Shoalhaven River, operation of silt pond and rehabilitation works. The EIS (5.4.3.2) sets out erosion and sediment controls to be established in general accordance with Managing Urban Stormwater – Soils and Construction Volume 1 and Volume 2E (Mines and quarries) commonly known as the Blue Book. Mitigation measures include: • Minimise ground disturbance during construction and operational activities including restricting vehicle and machinery movements, stockpiling, material laydown to designated work areas. The disturbance boundary to be clearly delineated and conditioned in consent. • Storage of fuels, chemicals and liquids in impervious bunded area, and refuelling of plant 50m from drainage lines as per site plans. • Concrete washout undertaken on site will be in a bunded area that is not on waterfront land and 10m from drains. • Topsoil to be stripped in right conditions (not wet or dry, but moist) to avoid decline of soil structure. Topsoil to be stablished with vegetation when inactive for long periods • Stockpiles of erodible material have the potential to cause environmental harm if displaced will be located away from concentrated surface flow and excessive up-slope stormwater surface flows. • Clean surface waters must be diverted away from sediment control devises and any untreated, sediment - laden waters. • All runoff from the works is to be passed through sediment controls. • Sediment traps to be located to the source of the sediment as proactively. • Sediment control devices must be desilted and made operational after sediment producing event. Sediment traps should be maintained to ensure than no more than 30% of their design capacity is lost to accumulated sediment. • Sediment removed from any trapping device is to be disposed of in locations where further erosion and consequent pollution lands and waters will not occur. • Temporary soil and water management structures are to be removed only after the Project site is stabilised appropriately through revegetation measures. • Erosion control measures implement to ensure disturbed lands only have C-factors of 0.1 or less after 10 days or inactivity (ie approximately 60% ground cover). • Sediment basins are to be installed and maintained Other minor works with potential to give rise to erosion and sediment movement include, placement of weighbridge and ongoing operation, siting of demountable office and stormwater drainage, siting of fuel container, stores container and water tank and light vehicle parking. Relevant conditions of consent are imposed to mitigate erosion and sediment control. Conditions of consent to include a detailed soil and water management plan (SWMP) to minimise environmental impact associated with works to prevent soil erosion and water pollution.	Yes, conditions

B10	**Heritage** **European Heritage** The QPREP 2022 does not list the site as a conservation area and does not contain any heritage listed items. **Aboriginal Heritage** An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared to support the proposed development. The field survey for the ACHAR identified four areas with potential archaeological deposits (PAD). Three of the PAD's contained Aboriginal stone artefacts situated within 200m of the Shoalhaven River: • Larbert Quarry AS 01, • Larbert Quarry AS02, • Larbert Quarry AS 03. • No artefacts were uncovered in PAD – Area 4. DCCEEW – Under section 4.47 (EP&A Act, 1979) NSW Heritage issued General Terms of Approval dated 14 January 2025 to impact Aboriginal objects forming sites Larbert Quarry AS02 and Larbert Quarry AS03. The proposed works will avoid impacts to Larbert Quarry AS01. Mitigation is proposed in the form of community collection and reburial of artefacts under an Aboriginal Heritage Impact Permit. The General Terms of Approval set out the requirements including an AHIP under *section 90 of the National Parks and Wildlife Act 1974* for the proposed works must be sought and granted prior to the commencement of work. The EIS sets out ongoing management and mitigation measures for the impact of Aboriginal sites and objects and are recommended as conditions of consent.  *Figure 1 Larbert Quarry AS01 – Avoided area due to high biodiversity value and area containing Aboriginal artefacts*	Yes, conditions
B12	**Landscaping** In respect of preservation of trees and other vegetation, the relevant objectives in this part of the PDCP are relevant:	Yes

	c) To conserve significant natural features of the site and contribute to the effective management of biodiversity *e) To assist in encouraging vegetation corridors* The general controls in the PDCP relate to urban development, therefore the objectives are only considered relevant. The EIS states that should the site … "*no longer be required for operational purposes, the final land use in the disturbed area would be decommissioned to be consistent with current land…open pasture suitable for grazing (cattle)"* (EIS, 2023). It goes on to say if "retained *for future agricultural (extractive) land use, no further modification to the landform would be made, with any extractive works subject to the requirements of the subsequent user*." To avoid any doubt, recommended conditions of consent require progressive rehabilitation using rehabilitation techniques/procedures set out in the EIS. This is to negate a void and ensure the land is returned to its pre-extractive condition. The general operations of the proposed development include striping the topsoil (approximately 0.3m) and stockpiling on site for later use in rehabilitation. Progressive rehabilitation techniques (reshaping, topsoil, revegetation) is planned to be undertaken as soon as practicable after excavation of a terminal face is complete. To mitigate any detrimental impact that the development may have on the site the recommended conditions include sediment and erosion controls to be in place and that disturbed surfaces are to be rehabilitated. Recommended conditions of consent require 1V:3H batters.	
B13	**On-site system of Sewage Management (OSSM)** A s68 application (LG Act 1993) for an on-site sewage management system is required. The OSSM report satisfactory addresses a future effluent system.	No – application to be submitted and fees paid.
B14	**Potentially contaminated land** See detailed assessment of the State Environmental Planning Policy (Resilience and Hazards) 2021 section of this Appendix D.	Yes
B15	**Waste Management** Recommended conditions of consent require a waste management plan to address waste streams. Recommended conditions of consent only allow VENM and ENM to be imported into the site which is to be recorded and managed.	Yes, conditions
Part C – Development Specific Provisions		
C22	**Filling of Land** The development will be conditioned to only allow virgin excavated natural material (VENM) being soil that has not been famed, built on or modified and excavated natural material (ENM) being excavated natural rock and soil with 2% unnatural material to the site for rehabilitation purposes. This is to ensure that the fill is not contaminated or contain items that cannot be adequately compacted.	Yes, conditions