

COUNCIL ASSESSMENT REPORT
SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-409 / DA.2024.0047
LOCAL GOVERNMENT AREA	Queanbeyan Palerang Regional Council
PROPOSAL	Extractive Industry - Sand extraction up to 200,000 tonnes per annum (tpa) over a 25-year period with a disturbance footprint of 29.21 hectares (ha). Ancillary use of existing wet screening plant. Construction of ancillary site office and facilities including weighbridge.
ADDRESS	Lots 24, 25, 27 and 330 of DP 755915 552 Larbert Road LARBERT
APPLICANT	Canberra Sand and Gravel Pty Ltd (CSG)
OWNER	Jason Griggs Crown Land (Consent granted by Minister for Lands and Property 7 November 2024)
DA LODGEMENT DATE	18/03/2024 – (portal)
APPLICATION TYPE	Integrated Development Designated Development
REGIONALLY SIGNIFICANT CRITERIA	Under the <i>Environmental Planning and Assessment Regulation 2021</i> the proposal meets the requirements under clause 26 of Schedule 3 for designated development as the facility processes more than 30,000 cubic metres of extractive material per year and will disturb more than 2 hectares of land by excavation. The proposal is Particular Designated Development under Schedule 6 Regionally Significant development in <i>State Environmental Planning Policy (Planning Systems) 2021</i>
CIV	\$818181.82 (excluding GST) \$900,000 (incl GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	SEPP (Biodiversity and Conservation) 2021, SEPP (Planning Systems) 2021 SEPP (Resilience and Hazards) 2021 SEPP (Resources and Energy) 2021 SEPP (Transport and Infrastructure) 2021

	<p>Queanbeyan-Palerang Regional Local Environmental Plan 2022</p> <p>Palerang Development Control Plan 2015</p> <p>Tallaganda Section 94 Plan No 3 – Roadworks</p>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	<p>1 submissions of support</p> <p>1 submission from Crown Land- no objection</p>
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Appendix A – Development Plans</p> <p>Appendix B – Referral Agencies</p> <ul style="list-style-type: none"> ○ Integrated Development (NSW EPA, Heritage NSW, Water NSW) ○ Concurrence and Referral Agencies (WaterNSW, TfNSW, DEECC – BCS) <p>Appendix C – Recommended Conditions of Consent</p> <p>Appendix D – 4.15 Assessment (SEPP, QPRLEP, PDCP)</p> <p>Appendix E – Copy of MOD.2019.024 (DA.2014.148)</p> <p>EIS</p> <p>BDAR</p> <p>Noise and Vibration Assessment</p> <p>Air Quality and Greenhouse Gas Impact Assessment</p> <p>Bushfire Risk and Hazard Assessment</p> <p>Aboriginal Cultural Heritage Assessment</p> <p>Groundwater Impact Assessment</p> <p>Surface Water Impact Assessment</p> <p>Traffic Impact Assessment</p> <p>SEAR's</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Nil
RECOMMENDATION	Approval with conditions
DRAFT CONDITIONS TO APPLICANT	14 March 2025
SCHEDULED MEETING DATE	1 April 2025
PLAN VERSION	Version No 1
PREPARED BY	Jacinta Tonner, Coordinator Major Projects
DATE OF REPORT	25 March 2025

EXECUTIVE SUMMARY

Canberra Sand and Gravel propose to extract up to 200,000 tonnes per annum (tpa) of sand and gravel over a disturbance footprint of 29.21 hectares (ha). The lifetime of the project is expected to extend to 25 years and the total available resource is 5,000,000 tonnes. The development proposes to expand the current operations over Lots 24, 25, 27 and 330 in DP 755915 and includes: stockpiling of excavated material and finished product, processing and haulage of material and rehabilitation.

An existing extractive industry for sand and gravel operates on Lot 24 DP 755915 with an annual extraction rate up to 20,000 m³ and a disturbance area of 2 ha. The development was approved as non-designated development (DA.2024.148). A wet screening plant was approved for quarry operations under MOD.2019.024. It is Council's view the existing consent lapsed in 2022 as per condition 4 of MOD.2019.024. The proposed development relies on the use of the existing wet screening plant and quarry silt pond and clean water ponds. As the consent has lapsed there is no requirement to surrender MOD.2019.024.

The proposed development includes minor upgrades to the facility including installation of site shed, rainwater tanks, new weighbridge, fuel and stores containers. The sand extraction operations would involve 1x excavator, 1x front-end loader and 1x haul truck. The sand would be washed on site by the existing wet screening plant. A stockpile area would hold up to 8000 tonnes of product.

The application was notified and advertised from 24 June to 22 August 2024. Two (2) submissions of support were received.

The subject site is zoned RU1 – Primary Production under the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* (QPRLEP 2022'). The proposed Extractive Industry is permissible with development consent under the QPRLEP 2022. The proposed development is also permitted under the SEPP (Resources and Energy) 2021.

The proposed development is integrated development and designated development under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2021*.

As integrated development General Terms of Approval (GTA) have been issued from NSW EPA, WaterNSW and DCCEE – NSW Heritage as specified below:

- The development constitutes a scheduled activity- premises-based activities (under the Protection of the Environment Operations Act 1997 (POEO Act) requiring an Environment Protection Licence (EPL). NSW EPA has issued GTA's, and a licence can be issued.
- Several Aboriginal objects have been identified on the subject site. NSW Heritage has issued GTA's and an AHIP is required to harm objects.
- The proposed development requires a water supply /work approval under the Water Management Act 2000. WaterNSW has issued GTA's.

External authorities are satisfied that the proposed development minimises impacts.

- The Kings Highway (a classified State Road) is used to access the site and Transport for NSW does not object to the proposed development.
- The proposed development is in the Sydney Drinking Water Catchment and Water NSW has issued concurrence subject to conditions.

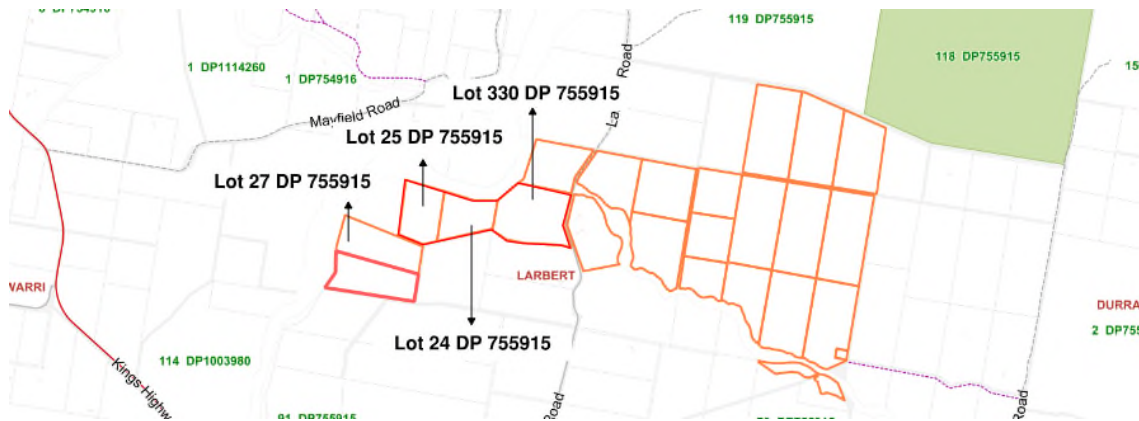


Figure 2: Development site within the subject land.

The predominant land use in the locality is agriculture and other extractive industries (sand quarries) in the locality (Figure 3).

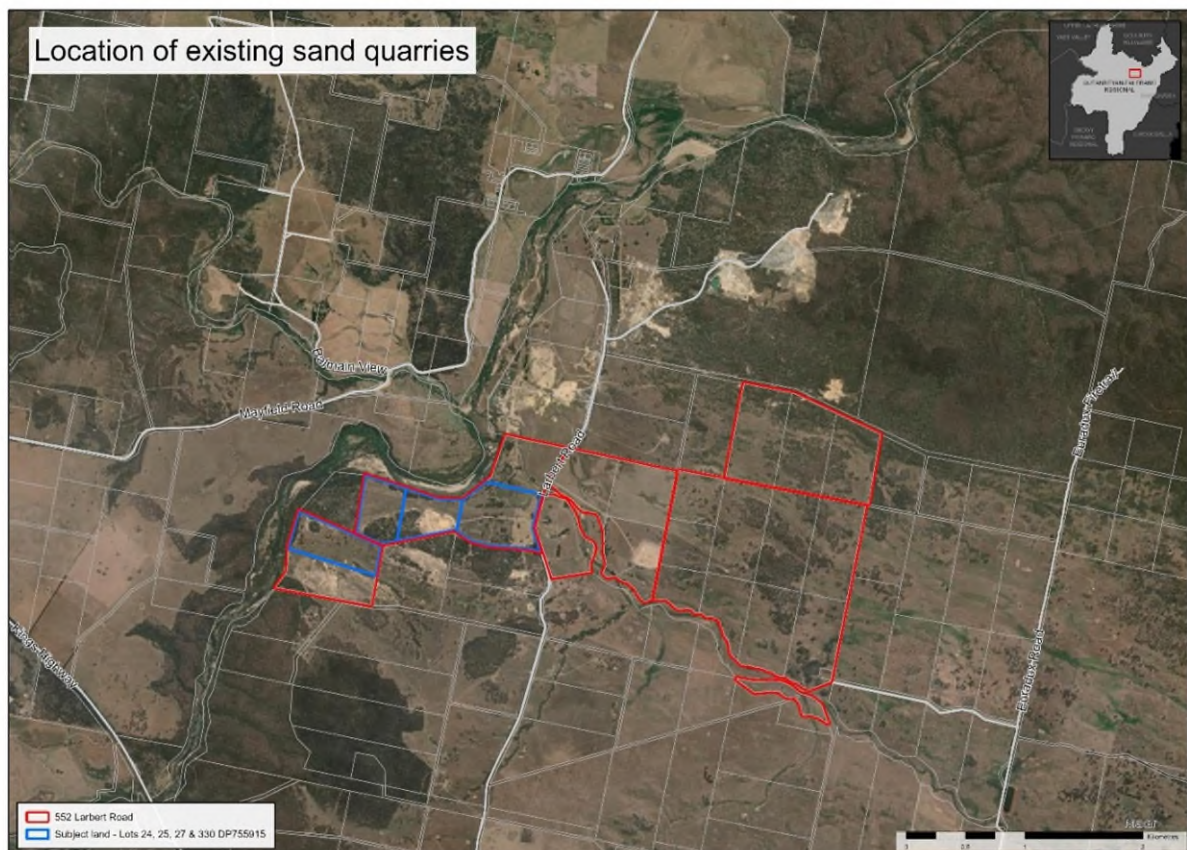


Figure 3 – Location of other sand quarries in locality

1.2 The Site

The subject land 552 Larbert Road, comprises several allotments with an overall area of 542 ha. The development is proposed on Lot 24, 25, 27 and 330 DP 755915 (the site). The site has varied topography due to its size but generally undulating. The Shoalhaven River adjoins the development to the north and west. The site is dominated by grassland vegetation (soft leaved forbs, small vines and occasional clumps of riparian sedge) with isolated pockets of remnant vegetation (Creekflat Ribbon Gum Forest – Grassy Woodlands)(Figure 4). There

are several aboriginal archaeological artefacts present on the site. The closest dwelling houses are approximately 450m (east) and (south).



Figure 4 – The subject site and vegetation patches

A crown road separates the development lots (Figure 5).



Figure 5 – Crown Road

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

Development consent is sought for an extractive industry (Figure 6). The proposed development includes:

- Extraction of alluvial sand and gravel (up to a maximum of 200,000 tpa with an average extraction rate of 400 tpd -1,000tpd).
- The total available resource is 5,000,000 t and quarry production extending to 2052.
- Extraction depth is 576m AHD (Groundwater level, 5m below ground level).
- An area of 29.21 ha will be disturbed.
- Use of wet screening plant for processing operations –
Process - raw sand and gravel is collected by excavator and transferred by a loader to be stockpiled near the washing plant. From the stockpile, the raw material is fed to a hopper with a screen to remove debris and rock. The screened sand is transferred to a wash tank where water is added to remove finer particles. The heavy sands and gravel are separated and stockpiled in preparation for sale. The silt contained water is pumped from the top of the wash tank to a sediment pond where the sediments and silt settle. The water is recycled by pumping back to the wet screening plant. The silt is then dried and mixed with topsoil for use in rehabilitation works or cell bunding (EIS, Umwelt, 2023. p.26).

Note: MOD.2019.024 Condition 4 states: 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". The date from which the consent operates is 23 December 2014. The consent lapses in 2022 and no surrender of consent is required if development consent is forthcoming.

- Water Management Operations, (EIS, Umwelt, 2023. p.26 and 27).
 - clean water diversion drain to direct upslope surface runoff towards the Shoalhaven River,
 - existing silt pond receives surplus water from the washing plant,
 - silt pond drains into the clean water pond,
 - washing plant receives water from the clean water pond,
 - pit inflows will infiltrate into groundwater,
 - Water sources include direct rainfall on water storage, water management system runoff and groundwater seepage into the clean water pond,
 - Water usage – dust suppression and operation of screen plant.
 - Water source – surface harvesting supplemented by groundwater extracted from pit.
- The proposed development expects groundwater extraction of 18.8 ML/year with an average extraction rate of 8.9ML/year.
- Ancillary activities include stockpiling areas holding up to 8000 t of product, surface water controls and bunding.
- Installation of ancillary site infrastructure including (Figure 7 and 8):
 - Site office, (demountable building – 12.5m x 3.0m and 4.07 m high)
 - water tanks 5000L x 2
 - pump-out septic system – future application
 - bunded fuel container (up to 10,000L) 5.9m x 2.35m
 - store container - 5.9m x 2.35m
 - weighbridge (20m x 4m)

- secure site entrance from Larbert Road
- Use of the existing private access road and the public Larbert Road.
- Generation of 9 vehicle trips in the AM and PM peak.
- Parking for light vehicles up to 6 movements per day.
- Employment of up to 4 full time equivalent employees.
- No mains power, water or sewage infrastructure on site. Plant will be powered by diesel generator.
- Hours of operation are Monday to Friday 6.00am to 6.00pm; Saturdays 7.00am - 2.00pm, Sunday and public holidays – not operational.
- Rehabilitation of the disturbed area for future use as agricultural land.

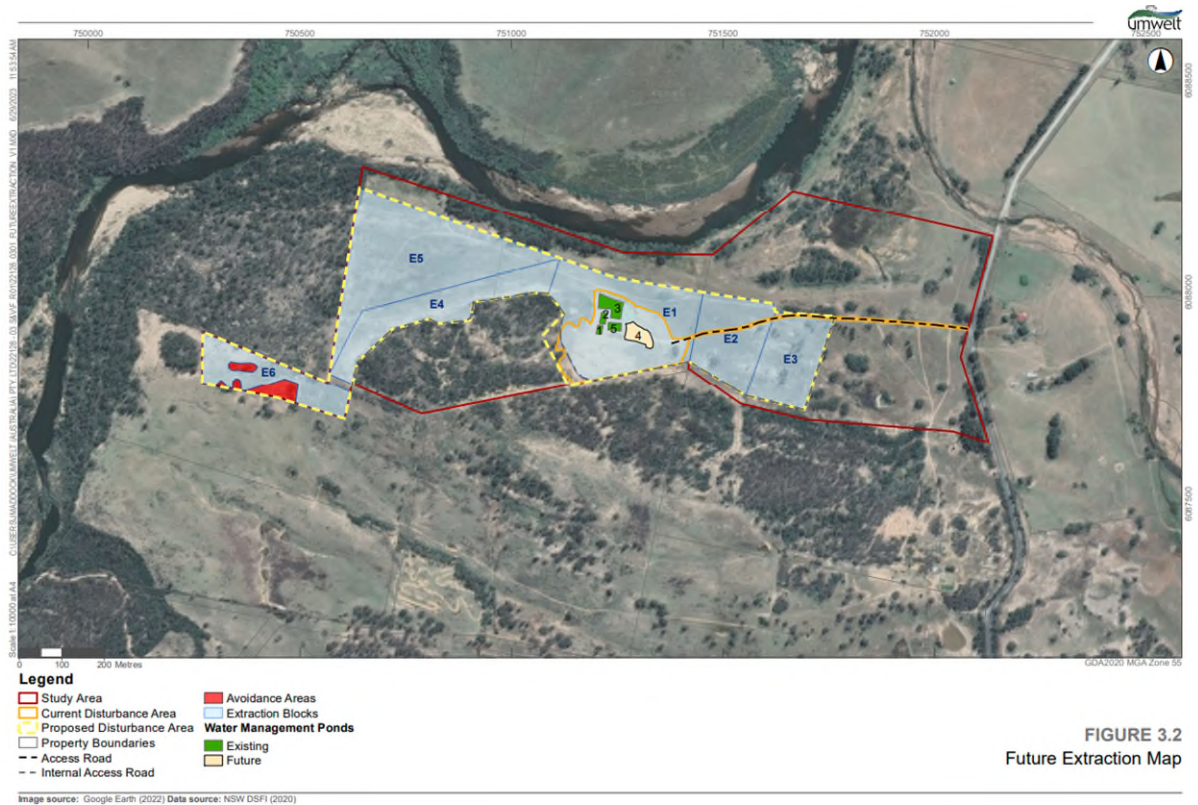


FIGURE 3.2
Future Extraction Map

Figure 6 - Proposed extraction and sequencing, (Umwelt, EIS, 2023, Figure 3.2)

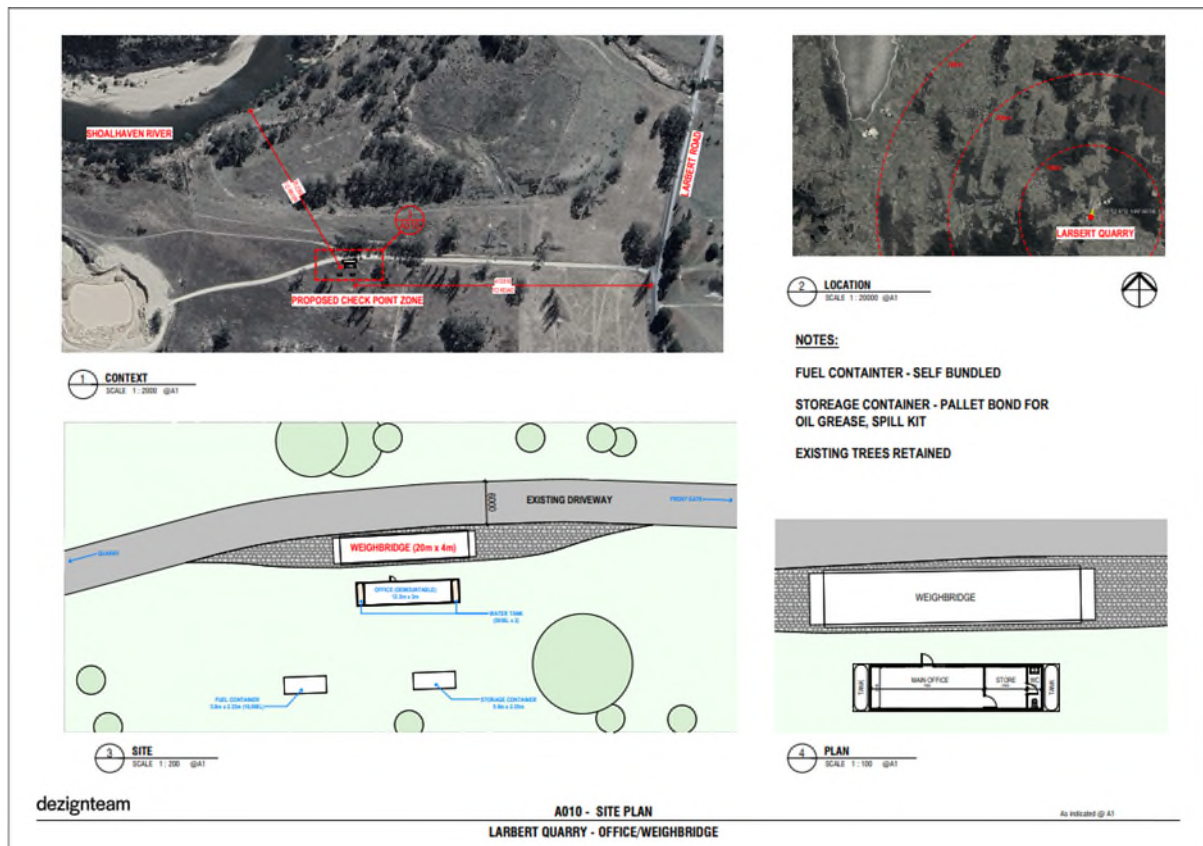


Figure 7 - Location of ancillary facilities

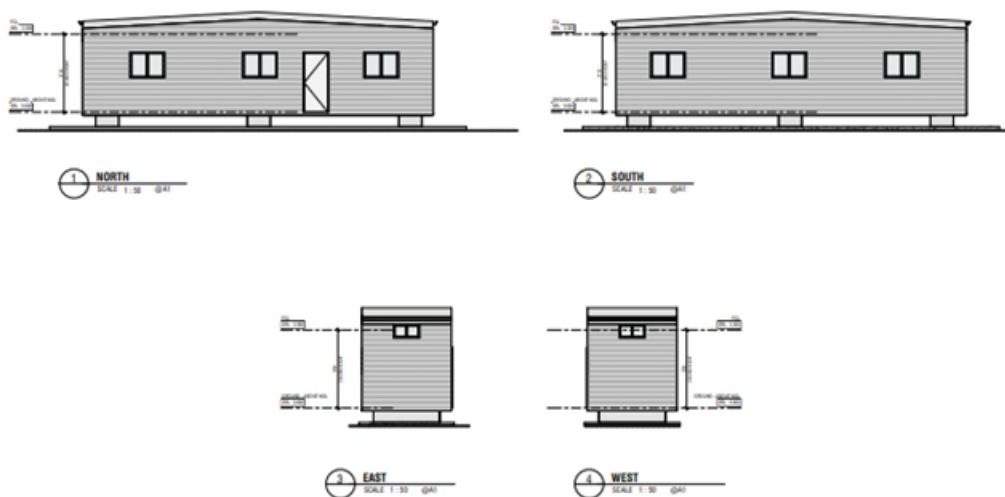


Figure 8 - Proposed office building

2.2 Background

The Department of Planning and Environment issued Planning Secretary's Environmental Assessment Requirements (SEARS) on 30 September 2022 for designated development. At the time of issuing SEARs comments from Council and DPE (Water) were pending.

The SEARs identified key issues to be addressed in the environmental impact statement (EIS):

- Noise
- Air
- Water
- Traffic and Transport
- Biodiversity
- Heritage
- Land Resources
- Waste
- Hazards
- Visual
- Social and Economic
- Rehabilitation

A chronology of the development application including the Panel's involvement is outlined in Table 1:

Table 1: Chronology of the DA

Date	Event
18 March 2024	DA lodged on Portal - 12 February 2024 DA fees paid – 18 April 2024
24 June – 23 July 2024 and extended to 20 August 2024	Exhibition of the development application included notice on site, website and letter to adjoining properties. 2 submissions received in support of the development application
15 May 2024	DA referred to external agencies. Integrated authorities <ul style="list-style-type: none"> • NSW Heritage- NPWS – s 90, • DPE – Water -Water Management Act – S, 89 • EPA – POEO– S43(a), 47 and 55 Licenced premises. The applicant to make a separate application to EPA to obtain licence. Concurrence and Referrals: <ul style="list-style-type: none"> • Transport for NSW – Traffic Generating development SEPP (T&I) 2021 Schedule 3 • DCCEEW – BCScience • Sydney Water Catchment – Water NSW • NSW Crown Land as adjoining landowner
13 September 2024 4 October 2024	Request for Information No.1 - various issues

14 March 2025	Draft Conditions of consent to applicant
25 March 2025	Partial agreement of conditions of consent. Condition 13 Security Bond to be agreed.

2.3 Site History

The property is subject to previous development consents (Table 2):

Table 2: Site History

Application	Development	Land
BA 113/87	Additions to dwelling "Deep Willows"	Portion 329 Parish Bruce Larbert
DA.90/96 Modification TSC/1996/90/DA & POD.2007.0039	Sand Extraction - no processing plant Sand wet screening operation in conjunction with sand extraction (installation of processing plant)	Part Lots 330 and 361 Parish of Bruce Lot 330 DP 755915 Larbert Rd
DA.2014.148 Date of Determination – 23 December 2014 Date on which consent expires – 23 December 2019	Sand extraction – sand extraction of 2 ha with dry screening. The extraction rate less than 30,000m3 per annum. (likely between 3000 and 5000 m3 per year). Condition 4– Limits of approval – 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.	Lot 24 DP755915 552 Larbert Rd, Larbert
Modification 2019.024 of DA.2014.148 Date of Modification 2 September 2019 Date from which the consent operates – 23 December 2014	Addition of wet screening and sand washing plant and settling ponds. Condition 4 – Limits of approval – 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.	Lot 24 DP755915 552 Larbert Rd, Larbert
DA.2022.1181	Extractive Industry and mobile screening plant 25,000 t being 520m3 (800 t) per week - Area – 1.92 ha	552 Larbert Road Larbert Road Lot 331 and 332 DP 755915 East of Larbert Rd

3. STATUTORY CONSIDERATIONS

This report assesses the proposed development against relevant Commonwealth, State, Regional and Local Environmental Planning Instruments and policies.

Relevant Acts, environmental planning instruments, proposed instruments, development control plans, planning agreements and regulations

3.1 The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)

The *EPBC Act 1999* is administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water and an approval from the Commonwealth Minister for the Environment is required for any action that may have a significant impact on matters of national environmental significance (MNES).

The Biodiversity Development Assessment Report (BDAR) prepared by Area, 2023 concludes the proposed development is not deemed a controlled action as MNES will not be significantly impacted. As such the proposed development does not have any impact on matters of national environmental significance and no approval is required under the EPBC Act. No further assessment is required under the Commonwealth legislation.

3.2 Biodiversity and Conservation Act 2016 (BC Act, 2016)

The proposed development has been assessed under Section 7.2 *Development or activity "likely to significantly affect threatened species"*.

(1) For the purposes of this Part, development or an activity **is likely to significantly affect threatened species if—**

(a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*

(b) the development exceeds the biodiversity offsets scheme threshold, or

(c) it is carried out in a declared area of outstanding biodiversity value.

The proposed development triggers entry into the Biodiversity Offset Scheme (BOS) as the clearing threshold is exceeded. A Biodiversity Development Assessment Report (BDAR) was submitted in support of the proposal. The BDAR assesses the biodiversity values of the development site and sets out the measures that the applicant proposes to take to avoid or minimise the impact of the proposed development.

No threatened species were recorded on the subject land during field surveys, but two threatened species are presumed to be present on the subject land:

- Squirrel Glider (*Petaurus norfolcensis*) listed as Vulnerable under the BC Act 2016.
- Brush-tailed (*Phascogale tapoatafa*) listed as Vulnerable under the BC Act 2016

To avoid impacts on native vegetation the development has been sited on the disturbed portion of the land, largely devoid of remnant vegetation, trees or suitable habitat to threatened species. Higher quality remnant native vegetation has been specifically avoided. No serious and irreversible impacts have been identified relevant to the proposed development.

After steps taken to avoid and minimise impacts on biodiversity, one plant community type (PCT) was recorded on the subject site PCT 3347 (Southern Tableland Creekflat Ribbon Gum Forest) and occurs in two condition states, poor and good (Figure 9). A small area (0.1 ha) of

good condition vegetation and 23.03 ha of PCT3347 in poor condition will be impacted by the development (Figures 9 &10). Biodiversity credits are required for offsetting the impact to PCT 3347 (Southern Tableland Creekflat Ribbon Gum Forest). The PCT is not associated with a threatened ecological community listed under the *BC Act 2016* or *EPBC 1999*.

Figure 9 Vegetation zones

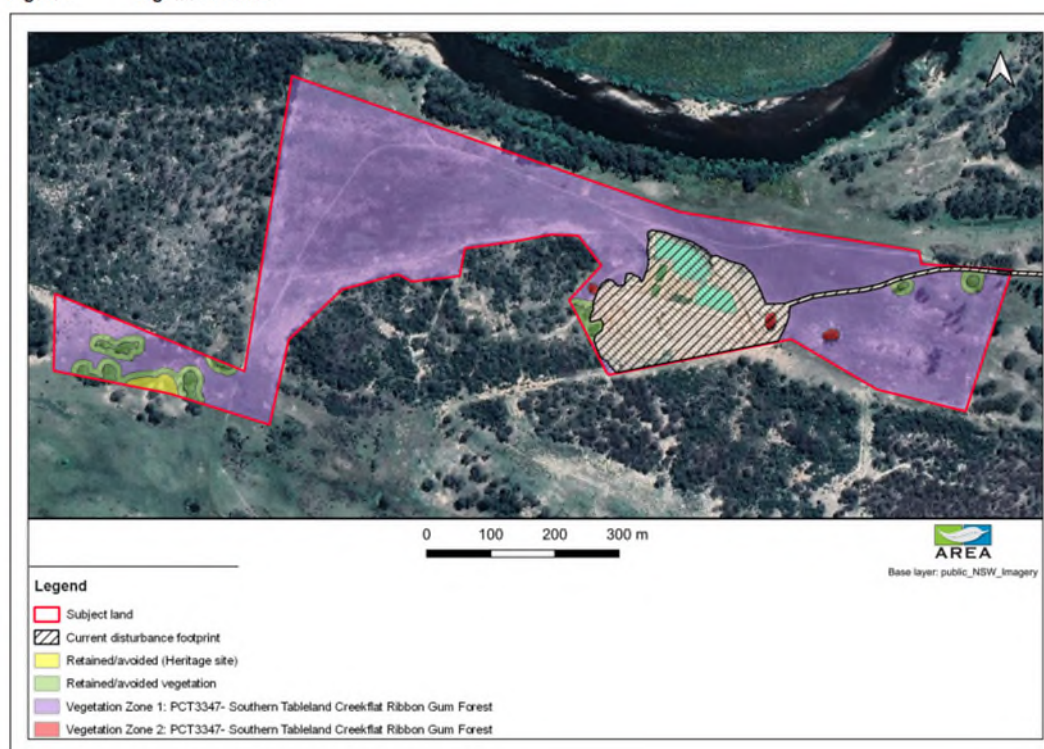


Figure 9 - Retain and Avoided areas with vegetation zones, (Area, 2023, p.72)

Table 5.26 Summary of Residual Direct Impacts

Direct Impact	Project phase	Extent
Zone 1 PCT 3347 Vegetation clearing will impact PCT 3347 in zone 1 on the subject land. Vegetation in Zone 1 does not contain native trees and groundcover is low ecological value. This PCT is not a TEC and no credits are required for offsetting impact to this PCT.	Construction and Operation	23.03 ha
Zone 2 PCT 3347 Vegetation clearing will impact PCT 3347 in zone 2 on the subject land. This zone includes three non-hollow bearing trees	Construction and Operation	0.1 ha

Figure 10 - Direct impacts on biodiversity (Umwelt, EIS, p. 100)

The subject site is not mapped on the Biodiversity Values Map. However, it adjoins land (Shoalhaven River) that is mapped. The proposed development is setback 65m from the river and no works are proposed in the mapped watercourse.

A summary of measures to avoid and minimise impacts of development is provided below (Figure 11).

Table 5.29 Avoidance and Minimisation Measures for Direct, Indirect, and Prescribed Impacts

Action	Outcome	Timing	Responsibility
Locating the project within a previously disturbed area	Avoids impact to high value undisturbed areas of native vegetation.	Planning phase	Proponent
Modified project design	Avoids impact to 1.37 ha of native vegetation.	Planning phase	Proponent
Using existing vehicle access	Avoids new impact to native vegetation within the subject land.	Planning phase	Proponent
Avoid mature trees within the proposed development area	Minimises the impact to existing fauna habitat by avoiding remnant large native trees within the development footprint. A buffer is applied to the trees to protect the root system.	Planning phase	Proponent

Figure 11 - Avoid and minimise measures for development impacts (Umwelt, EIS 2023 p. 104)

The BDAR was reviewed by DCCEEW - Biodiversity Conservation and Science (South East team) (BCSc). The agency is satisfied that the BDAR accurately records relatively low-quality vegetation across the site and some area of higher biodiversity which will be retained. Most areas of remnant vegetation will be avoided with 0.1 ha of treed areas removed. It is recommended that conditions of consent include the preparation and implementation of a biodiversity management plan to maintain retained vegetation. The BDAR requires a credit obligation to retire credits before vegetation clearing commences to offset impact on biodiversity (Figure 10).

3.3 Protection of the Environment Operations Act 1997 (POEO Act 1997)

Under section 5 of the *POEO Act 1997* the proposed development meets the scheduled activities and limitations listed in Schedule 1 and a licence is required for the carrying out of scheduled development work under sections 43a and 47 (*POEO Act 1997*).

Listed in Schedule 1 – Scheduled activities - Premises -based activities:

16 Crushing, grinding or separating

- (1) This clause applies to *crushing, grinding or separating*, meaning the processing of materials (including sand, gravel, rock or minerals, but not including waste of any description) by crushing, grinding or separating them into different sizes.

As the development has the capacity to process more than 150 tonnes per day and/or more than 30,000 tonnes of materials per year, the activity is “declared to be a scheduled activity” under the POEO Act, 1997 and triggers the requirement of an Environment Protection Licence (EPL) from the EPA.

19 Extractive activities

- (1) This clause applies to **extractive activities**, meaning the extraction of sand and gravel or processing of extractive materials. The proposed sand extraction activity is declared to be a scheduled activity under 19(3) as it involves the extraction and processing of more than 30,000 tonnes extractive materials per year, where 0.65 cubic metres of extractive material that is wet is taken to weigh 1 tonne and 19(4) as

more than 30,000 tonnes of extractive material is transported in a year from premises at which extraction occurs.

The Environmental Protection Authority (EPA) has reviewed the proposal and issued General Terms of Approval on 17 July 2024 (Appendix B). An Environmental Protection Licence (EPL) will be required as it exceeds the threshold for sand extraction activity. The EPA also note that a Water Management Plan is required, and consideration be given to excess water received that will spill into extraction pit preventing discharge of water from site. These issues will be addressed by General Terms of Approval conditions listed by WaterNSW.

3.4 Water Management Act 2000 (WMA 2000)

The *WMA 2000* regulates the taking, interception, storage and use of surface water and groundwater.

Under the WMA (s89 and s90) a water supply work approval is required for the proposed development. The water supply work and water use approvals allow construction and use of a work that takes water from a river, lake, or underground aquifer and allows use of water for mining activities.

The Water Management System for the proposed development was designed to exclude run-on from areas external to the pit, contain rainfall runoff within the development site and include:

- clean water diversion drains to divert flow to Shoalhaven River,
- Surplus water from the sand/gravel washing plant to flow to the silt pond. Should inflow exceed silt pond capacity, the silt pond will spill to the clean water pond.
- The existing clean water pond will be used for sand/gravel washing plant and loses water via seepage to the ground water table.
- The pit will receive inflows from rainfall runoff and infiltrate into the sand/gravel alluvium. Runoff captured in the pit will be used to supplement operational demands.

WaterNSW issued General Terms of Approval on 24 February 2025 for Water Supply Work approval (**Appendix B**). This includes extensive requirements for water discharged from the site to not impact groundwater and the requirement for a groundwater management plan to be prepared.

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 GTA set out extraction limits of 18.9ML per year and extensive requirements for groundwater impact assessment modelling and monitoring program.

3.5 Crown Land Management Act 2016 (CL Act 2016)

Part of the proposed development will be located on Crown land. The applicant was required to obtain owner's consent for lodgement of the Development Application with Council. The Department of Planning, Housing and Infrastructure - Crown Land granted consent to lodge DA dated 7 November 2024.

3.6 National Parks and Wildlife Act 1974 (NPW Act 1974)

The proposed development will require an Aboriginal Heritage Impact Permit (AHIP) under section 90 to harm an Aboriginal object prior to the commencement of works. HeritageNSW issued General Terms of Approval on 5 July 2024 (**Appendix B**).

3.7 Local Government Act 1993 (LG Act 1993)

Activities identified under *section 68 of the LG Act 1993* require prior approval from Council before the activity can be carried out. For the proposed development a s68 approval is required to install and operate an on-site sewage management system. This can be applied for in the future.

3.8 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

This proposal is captured under Part 4 of the *EP&A Act 1979* and the relevant sections for the assessment and determination of the application have been considered. This includes the Integrated Development provisions under Section 4.46 and Section 4.15 evaluation matters.

Section 4.10 Designated Development

Under section 4.10 the proposed development is designated development declared by *SEPP (Planning Systems) 2021* as regionally significant development specified as ["particular designated development" under Schedule 6, Clause 7 \(1\)](#).

Under the *Environmental Planning and Assessment Regulation 2021* the proposal meets the requirements under [clause 26 of Schedule 3 Designated development](#) as the facility process more than 30,000 cubic metres of extractive material per year and will disturb more than 2 hectares of land by excavation.

Section 4.14 consultation and development consent – certain bushfire prone land –

Under section 4.14 of the *EP&A Act 1979*, development consent cannot be granted for the carrying out of development for any purpose on bush fire prone land unless the consent authority is satisfied that the development conforms to the specifications and requirements of *Planning for Bush Fire Protection 2019*.

The applicant submitted a Bushfire Assessment Report, and it concludes that an Asset Protection Zone will provide separation between infrastructure and the bushfire hazard to mitigate bush fire risk. A Bushfire Fire Emergency Management Plan is required to be prepared and recommended in the draft conditions of consent.

Section 4.15 - Evaluation

When determining a development application, the consent authority must take into consideration the matters outlined in section 4.15(1) *EP&A Act 1979*. These matters are of relevance to 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 Planning Secretary 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 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
- (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.

These matters are further considered below.

Section 4.15(1)(a)(i) – Provisions of Environmental Planning Instruments

The following planning instruments have been considered in the planning assessment of the subject development application:

- 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
- Queanbeyan-Palerang Regional Local Environmental Plan 2022;

A summary of the key matters for consideration arising from the State Environmental Planning Policies are outlined in **Table 3**. A detailed assessment against the applicable planning instruments is attached in **Appendix D**.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<u>Koala Habitat</u> 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.	Y
	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.	Y
	<u>Sydney Drinking Water Catchment</u> The proposed development is within the Sydney Drinking Water Catchment and concurrence is required from WaterNSW. WaterNSW issued concurrence subject to conditions (Appendix B).	

	The proposal is considered to satisfy the requirements for Chapters 3 and 6 of the SEPP.	Y
State Environmental Planning Policy (Planning Systems) 2021	<p>The proposal is regionally significant development under Schedule 6, Clause 7(1)(a) – Particular designated development.</p> <p>The Southern Regional Planning Panel is the consent authority.</p>	Y
SEPP (Resilience & Hazards) 2021	<p>Council is satisfied that the land is not contaminated and as the proposal does not involve a change to the current use of land a preliminary investigation is not required.</p> <p>Council is satisfied that the proposed development would not be classified as “potentially hazardous” or “potentially offensive industry” and not pose a significant risk to the locality, human health life or property.</p>	Y
State Environmental Planning Policy (Resources and Energy) 2021	<p>Council is satisfied that the proposed development has avoided and minimised adverse impacts.</p> <p>A detailed assessment against the Matters for consideration have been addressed in Appendix D.</p>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposed development was referred to Transport for NSW as it met the threshold for an industry with a site area of 20,000m2 with access to a road. Transport for NSW does not object to the proposed development (Appendix B).	Y
Queanbeyan Palerang Regional LEP 2022	<p>The land is zoned RU1 Primary Production under the QPRLEP 2022. Extractive industry is permissible with development consent and the proposed development meets the objectives of the zone.</p> <p>The proposal is generally consistent with the QPRLEP. A full assessment against relevant clauses of the QPRLEP 2022 is in Appendix D.</p>	Y

Other matters

Internal referrals

The development application has been referred to Council's Development Engineer and Health Officer, whose comments are provided below:

Councils Development Engineer

Water

There is no potable water service available for this property. Water supply from rainwater collection and delivery from water cartage.

Sewer

There is no sewer service available for this property. The quarry amenities will be serviced by a pump-out septic system proposed as part of the application.

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.

The property is adjacent to the Shoalhaven River. The Shoalhaven River is part of the Sydney Drinking Water Catchment (SDWC), administered by WaterNSW. Hence, WaterNSW is an authority and will provide its requirements for this development to prevent fine particles from entering and polluting the Shoalhaven River water catchment.

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. Contributions were calculated in accordance with Tallaganda Contributions Plan No.3 Roads (17 November 2003), section (j) Quarries, Extractive Industries and Other Heavy Vehicle Generating Development.

Tallaganda Contributions Plan No.3 Roads	Road Type	Base Rate (t/km)	CPI to 24/25	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

Council's Development Engineer has no objections to the proposed development subject to conditions.

Health

The submitted effluent report is acceptable however the additional information response states that a separate S68 application for the effluent system will be submitted.

The acoustic report identifies a possible noise impact above the accepted criteria during the construction phase and have recommended mitigation measures to resolve this exceedance. All other noise parameters were acceptable.

Council's Health Officer has no objections to the proposed development subject to conditions.

External referrals

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Water NSW	<i>SEPP (Biodiversity and Conservation) 2021 - Part 6.5</i> Sydney Drinking water Catchment	Clause 6.64 states development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority has obtained concurrence of the Regulatory Authority (Water NSW). WaterNSW concurs with granting consent to the application and is satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality, subject to conditions of consent (Appendix B).	Yes
NSW Crown Land		NSW Crown Land as part landowner grants consent to lodge the DA.	Yes
Referral/Consultation Agencies			
Transport for NSW	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The proposed development triggers Schedule 3 traffic generating development. <i>Industry with a site area of 20,000m2 and access to a road.</i> Traffic generating development requires a referral to Transport for NSW. Transport for NSW advised that the proposed quarry extensions will not have a significant impact on the state road network and therefore have no objections to the proposed development (Appendix B)	Yes
Department of Climate Change, Energy, the Environment and Water (Biodiversity Conservation Science).	Biodiversity Conservation Act 2016 – Part 7.2 and Part 7.7 Section 7.12(2) - <i>Biodiversity Conservation Act 2016</i>	Advice from DCCEEW – Biodiversity Conservation Science (BCS) team was requested. BCS advise that “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”.	Y

		BCS have no objections to the proposed development subject to conditions of consent (Appendix B).	
--	--	--	--

Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, that are relevant to the proposal.

Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The relevant Development Control Plan applying to the site is the *Palerang Development Control 2015*. The proposed development meets the objectives and controls of the PDCP.

A full assessment against relevant clauses of the PDCP 2015 is in **Appendix D**.

Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There is no planning agreement, and no draft planning agreement proposed for the site.

Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the *EP&A Regulation (2021)* contain matters that must be taken into consideration by a consent authority in determining a development application. There are no listed matters that require consideration relevant to the proposed development.

Section 62 (consideration of fire safety) and Section 64 (upgrade of buildings) of the *EP&A Regulation 2021* are not relevant to the proposal.

Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts of the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

1. Environmental

a) Flora and Fauna

The development site has been designed to avoid impact to areas of native vegetation in moderate to good condition. The extraction area is in an area dominated by poor quality vegetation. The proposal will directly impact 23.03 hectares of PCT3347 in poor condition and 0.1 hectares of PCT3347 in good condition. Draft conditions of consent include biodiversity credit obligations and management measures to mitigate the impact on retained vegetation.

CSG has taken reasonable and feasible measures to avoid and minimise impacts to biodiversity values by:

- locating the proposed disturbance footprint within a previously disturbed area and reconfiguring existing set down areas, car parking and access tracks.
- avoiding watercourses and setting the development back from the Shoalhaven River.

- maintaining habitat connectivity with the broader biodiversity corridor by maintaining vegetation around the proposed disturbance footprint.
- considering alternative plans for the proposed disturbance footprint during the project design phase.
- Site access is existing and minimal upgrades are required.

A BDAR was submitted with the EIS and reviewed by Biodiversity Conservation and Science (south east team) (BCS). BCS is satisfied that the BDAR accurately records relatively low-quality vegetation across the site and some area of higher biodiversity will be retained. It is recommended that conditions of consent include the preparation and implementation of a biodiversity management plan to maintain retained vegetation. The BDAR requires a credit obligation to retire credits before vegetation clearing commences to offset impact on biodiversity.

b) Aboriginal heritage

The proposed development will impact several Aboriginal objects. An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared by AREA Environmental & Heritage consultants (AREA). The ACHAR identified Aboriginal objects, Larbert Quarry AS02 and Larbert Quarry AS03, will be impacted by the proposed development. Mitigation is proposed in the form of community collection and reburial of artefacts under an AHIP. The proposed works will avoid impacts to Larbert Quarry AS01. The issue has been resolved through recommended conditions of consent as outlined in **Appendix C**.

Council is satisfied that the proposed development will satisfy the objectives of Clause 5.10 of QPRLEP 2022. This is supported by the DCCEEW - Heritage NSW, with issue of General Terms of Approval on 12 December 2024 and updated on 14 January 2024.

There are no listed heritage items, or sites within or adjoining the subject site. The proposed development will not have a detrimental impact on heritage items in relation to Cl 5.10(4) of QPRLEP 2022.

c) Groundwater and Surface Water

The EIS provides an assessment of the potential impacts on surface and ground water resources and the following conclusions have been drawn:

- The Project is not expected to have controlled or uncontrolled discharges to the receiving surface water environment.
- Given that there are no expected controlled or uncontrolled discharges to the receiving surface water environment, no impacts to surface water environmental values are anticipated.
- The quarry water management system includes rainfall runoff and groundwater inflows to the clean water pond.
- Flow regimes and water availability to downstream water user is considered to have an estimated loss of catchment yield of approximately 0.009% to the Shoalhaven River Catchment.

WaterNSW is satisfied that the impact on surface water and ground water is satisfactory, and the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality subject to conditions. NSW Water issued concurrence.

The proposed development would intersect with the alluvial aquifer and would be an aquifer interference activity. The EIS states that potential impacts associated with the proposed

development would not exceed the “minimum impact considerations” outlined in the NSW Aquifer Interference Policy (NSW, DPI, 2012). WaterNSW will further review this when the applicant applies for a licence under the WM Act 2000.

Potential risks to water quality can be managed by implementing appropriate procedures for storage and use of chemicals, refuelling and maintenance of plant and machinery.

2. Hazard and Risk

a) Air Quality

The Air Quality Assessment prepared by Zephyr Environmental, 2023 demonstrates that the predicted annual average PM₁₀ and PM_{2.5} and dust deposition at the closest sensitive receivers comply with the NSW EPA air quality criteria, even when considering the existing air quality. Modelling has been based on the expanded operations up to 1000 tpd and an extraction rate of 200,000 tpa.

The assessment showed that there were no sensitive receivers predicted to experience PM₁₀ and PM_{2.5} and dust deposition concentrations above NSW EPA air quality criteria because of the expanded quarry operation.

The proposed development has an acceptable impact on air quality.

b) Bushfire

The subject site is bushfire prone. Under *section 4.14 EP&A Act, 1979 development consent cannot be granted for the carrying out of development for ANY purpose ... on bush fire prone land unless the consent authority is satisfied that the development conforms to the specification and requirements of the “Planning for Bushfire Fire Protection 2019” relevant to the development.*

Clause 8.3.6 of the Planning for Bushfire Protection 2019 requires consideration to any hazards and risks associated with bushfire for mining and associate activities. At a minimum a 10m APZ must be provided around any infrastructure associated with mining production in accordance with the *Planning for Bushfire Protection 2019* and the APZ must be maintained to the standard of an Inner Protection Area for the life of the development.

A Bush Fire Emergency Management and Operations Plan must be prepared in accordance with the PBP and include:

- Detailed measures to prevent or mitigate fires igniting;
- Works that should not be carried out during total fire bans
- Availability of fire-suppression equipment, access and water,
- Storage of maintenance of fuels and other flammable materials,
- And notification of the local NSW RFS Fire Control Centre for any works that have the potential to ignite surrounding vegetation, proposed to be carried out during a bush fire danger period to ensure weather conditions are appropriate, and
- Appropriate bush fire emergency management plan.

The proposed development is suitable subject to recommended conditions of consent (**Appendix C**).

3. Traffic and transport

a) Traffic movement

The current operations under MOD.2019.024 (DA.2014.148) has a maximum of 10 haulage movements per week (approximately two haulage movements per day). The proposed development estimates an average of 22 truck daily truck movements and supply truck movement once weekly.

Councils Development Engineer reviewed the Indesco report and is satisfied the traffic generated by the development with a daily movement of trucks ranging between 10 to 26 round trips based on 400 tpd to 1000 tpd tonnes of average extraction and compliance with the expected vehicle generation of nine vehicle trips in the AM and PM peak hours will have acceptable impact of local road and intersection capacity.

Based on extraction limits of 400t to 1000t per day, and the noted average truck capacity from the Indesco TIA is 37.2t, the proposed development is limited to a maximum of 27 laden truck movements departing the quarry per day (irrespective of the peak hour factor).

The proposed development has an acceptable impact regarding traffic movement subject to recommended conditions of consent (**Appendix C**).

b) Traffic Noise

For purposes of noise impact the Noise and Vibration Impact Assessment (MAC, 2022), p. 42 presents a worst case scenario on Larbert Road as follows:

- 22 vehicle movements per day (VPD)
- Maximum of 54 vpd
- One supply truck is expected per week and two light vehicles operate Daily (6 Maximum vpd)

The outcome of the modelling for traffic noise is predicted to remain significantly below the relevant day and night criteria for the nearest residential receiver on Larbert Road. However, the operator proposes to implement the following controls to minimise the potential for any increase in overall noise levels:

- Transport operators will adhere to approved hours of operation and truck despatch will occur from 6.00am however, no quarrying (and loading and haulage of materials) will occur before 7.00am.
- The regular maintenance of vehicles and refusal of poorly maintained vehicles which generate excessive noise levels and
- Compliance with traffic signs, speed zones.

Based on noise modelling the proposed development has an acceptable traffic noise impact subject to recommended conditions of consent.

4. Amenity

a) Visual

The proposed development is within a vegetated rural setting. The subject site adjoins a corridor of vegetated tall trees along the Shoalhaven River and a wooded hill to the south. Existing vegetation in the locality will screen the proposed development from vantage points along the Kings Highway and Mayfield Road.

Closer to the site the proposed development will be partly screened by a multi layered vegetation corridor along Larbert Road which provides an adequate visual screen. Larbert Road is a no- through road and as most traffic serves other extractive industries in the location the visual impact of the proposed extractive industry is acceptable.

b) Noise and vibration

- Operational Noise

The predicted noise levels for quarry operations including extraction, processing and product loading and transportation indicate that the operations of the quarry can satisfy relevant criteria at the residential receivers surrounding the quarry site.

Table 17 Combined Noise Predictions, All Receivers

Residential Receivers					
Receiver	Predicted Noise Level		PNTL		Compliant
	dB LAeq(15min)		dB LAeq(15min)		
	Day	Morning Shoulder	Day	Morning Shoulder	
R01	40	35	40	35	✓
R02	36	32	40	35	✓
R03	<30	<30	40	35	✓
R04	<30	<30	40	35	✓
R05	33	30	40	35	✓

Note: Monday to Saturday, Day 7am to 6pm; Morning Shoulder: 6am to 7am Monday to Saturday.

The noise assessment concludes that operational noise levels comply with the relevant Noise Policy for Industry (EPA, 2017) criteria for all assessment periods at the most affected sensitive receiver locations and sleep disturbance is not anticipated.

Council is satisfied that minimum noise requirement is met, and the proposed development will not have an unacceptable noise impact on surrounding residences subject to recommended conditions of consent requiring implementation of Acoustic Report and compliance with hours of operation.

- Construction Noise

Two construction scenarios were modelled by MAC (2022):

- Access road upgrades (Scenario 1) and
- Clearing and grubbing of the operational area (Scenario 2).

Predicted noise levels of the construction scenarios are compliant with the noise management levels (45dB(A)) except for receiver R01 for Scenario 1 (54dB(A)) modelled on the worst-case scenario. The applicant states that “ as the site access road has only been recently upgraded it is unlikely extensive works beyond general maintenance will be conducted”. Any upgrades will be short term and not ongoing. Application of mitigation measures will reduce noise levels and remain below the highest predicted noise levels of 54dB(A) identified at the closest receiver.

Council’s Health Officer is satisfied that minimum noise requirement is met and the proposed development will not have an unacceptable noise impact on surrounding residences subject to recommend conditions of consent to mitigate adverse impacts.

5. Social and Economic impact

The proposed development is a continuation of the existing operations with the inclusion of a new extraction limit, increased disturbance area and an increased Quarry lifespan. This will have positive economic benefits including local employment and capital expenditure in the economy and increase the supply of construction material for the local and regional housing market.

The proposed development has beneficial social and economic impacts within the region.

6. Cumulative impacts

The proposed development is generally consistent with the planning controls and will not result in an adverse cumulative impact with regard to amenity, environmental or land use conflicts. Accordingly, it is considered that the proposal will not result in significant adverse impacts in the locality.

7. Rehabilitation

The applicant states: *“The life of the project is subject to ongoing market demand for sand and gravel. If the Project site is no longer required for operational purposes, the final land use in the disturbance area would be decommissioned to be consistent with current land use ...open pasture suitable for grazing (cattle)”*

The proposed method for rehabilitation includes stripping of topsoil (0.3m) and stockpiling for later use in rehabilitation. 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”*.

It is imperative that as the resources are extracted and exhausted, the quarry is progressively rehabilitated to bring it back to a natural state. Draft conditions of consent require progressive rehabilitation as soon as reasonably practicable following disturbance and submission of a rehabilitation strategy. Further, Council requests a security bond to cover the estimated rehabilitation costs.

Section 4.15(1)(c) - Suitability of the site

The subject site is relatively unconstrained and is suitable for the proposed extractive industry.

The proposed development provides efficient utilisation of an available resource and presents overall economic benefits to local and regional economies. The site is serviced with good access and is in an area with few dwellings. Several other sand and gravel extractive industries are in the locality.

Based on the assessment, it is considered that the site is suitable to accommodate the extractive industry in its proposed form and allows the operators to sustainably manage any potential impacts. The site attributes are conducive to a development of this nature subject to recommended conditions of consent.

Section 4.15(1)(d) - Public Submissions

The proposal was notified in accordance with *clause 56 and 58 of Environmental Planning and Assessment Regulation 2021* from 24 June 2024 to 23 July and extended to 20 August 2024. The notice of the development application included:

- Notice on Council's website,
- Notification letters sent to persons that own or occupy the land adjoining the subject property within a 3km radius from the property boundary of 552 Larbert Road LARBERT and
- A sign placed on the site.

Council received a total of 2 submissions, supporting the proposal. A summary of the submissions are as follows:

Benefits to community No objection to the proposed development as "it will be of great benefit to the local community".

Access - No objection to the proposed development on that condition that Crown roads required for access or construction are transferred to QPRC.

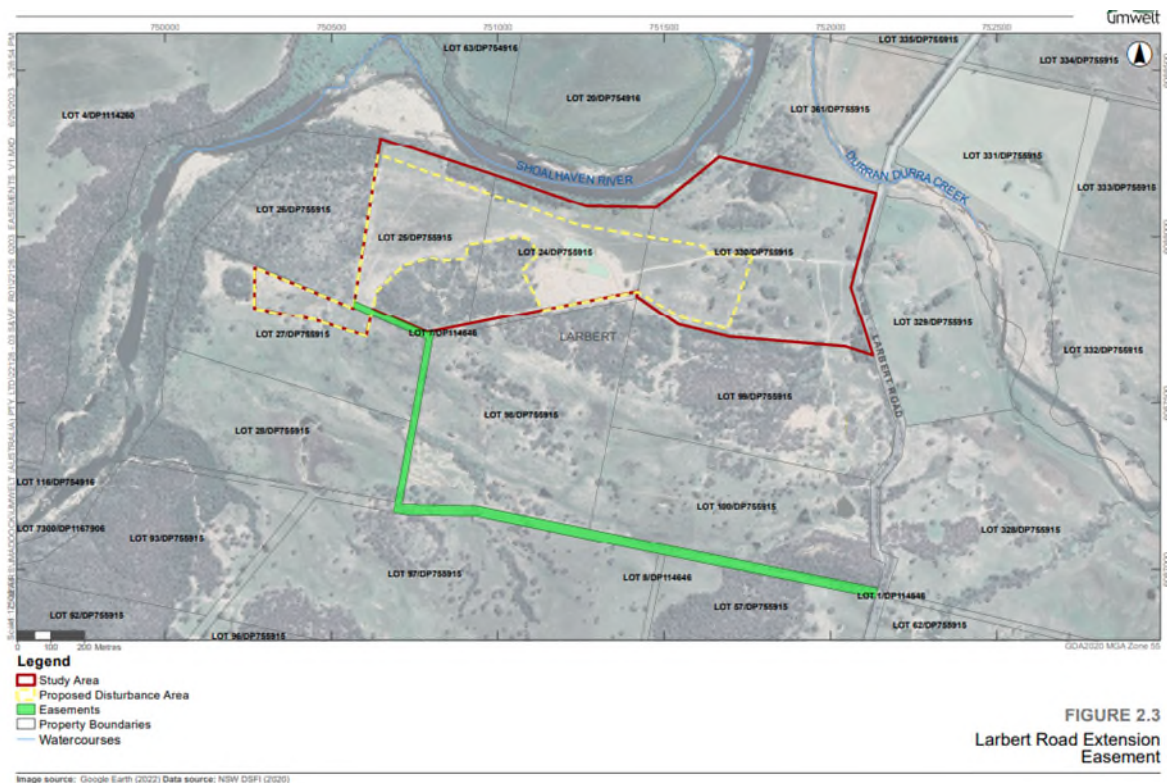


Figure 12: Crown Road crosses the subject site

Council objects to the transfer of Crown Road (Figure 12) to QPRC on the following grounds:

- The Crown Road is not used for access nor construction
- The relevant portion of the public road which is crossed by the operators is directly inaccessible from a public road
- Council do not want to take on responsibility for any portion of the Crown Road that is land locked and provides no benefit to the LGA.

The operator can construct the relevant section of the road for operational purposes and enter into arrangements with Crown Land.

Section 4.15(1)(e) - Public interest

The public interest is served by a detailed assessment of the proposal against relevant and legislation and the development is generally considered to be acceptable and in the public interest.

The proposed development is in the public interest as it will optimise resource recovery from an existing quarry and produce sand to support increasing housing and infrastructure supply, in both the local and Canberra region.

Where possible several mitigation measures to minimise impact are outlined in the EIS. The proposed development avoids area of high value biodiversity. Where Aboriginal objects will be impacted, an Aboriginal Heritage Impact Permit is required for any identified sites.

Section 4.46 - Integrated Development

The proposal is integrated development. The relevant authorities have issued General Terms of Approval (and are included in the recommended conditions of consent (**Appendix C**). The relevant General Terms of Approval are summarised below:

Protection of the Environment Operations Act 1997

General Terms of Approval were issued by EPA. The applicant will require a licence to carry out a scheduled activity – premises based under the POEO 1997 ss 43(a), 47 and 55.

Water Management Act 2000

General Terms of Approval were issued by WaterNSW and the applicant will require a relevant Water Supply Work and Water Access Licence under ss89-91 WMAAct 2000.

National Parks & Wildlife Act 1974

General Terms of approval were issued by HeritageNSW and the applicant will require an Aboriginal Heritage Impact Permit under s90 NPWAct 1974.

4. CONCLUSION

The subject site is in a RU1 -Primary Production land use zone. Under the QPRLEP 2022 extractive industries are a permissible use in the zone. The proposed development is also permitted under the SEPP (Resources and Energy) 2021. Development consent was granted for the extraction of sand and gravel at an annual rate of 20,000m³ with a disturbance area of 2 ha on Lot 24 DP 755915 on 23 December 2014 and a modification of that consent on 2 September 2019 for installation of a wet screening plant. In accordance with condition 4 of MOD.2019.024 the consent has lapsed, and the surrender of consent is not required. Notwithstanding this the proposal seeks to continue the use of the wet screening plant and ponds and extend the extraction of sand and gravel to an annual extraction rate up to 200,000 tonnes with a disturbance area of 29.21 hectares over a 25 year period.

There are existing sand and gravel extractive industries within the locality. It is considered that the key issues: water, biodiversity, aboriginal cultural heritage, hazards and risk, social and economic impacts have been resolved satisfactorily and addressed through recommended draft conditions of consent (**Appendix C**).

The development application has been considered in accordance with the requirements of the *EP&A Act 1979* and the *EP&A Regulations 2021*. Following a thorough assessment of the relevant planning controls: including the principles of ecologically sustainable development; advice from government agencies, submissions, relevant strategic plans and merits of the proposal, it is considered that the proposed extractive industry would not result in unacceptable significant impacts and the application can be supported.

5. RECOMMENDATION

That the Development Application, DA.2024.0047 for extractive industry at 552 Larbert Road, Larbert, on Lots 24, 25, 27 and 330 DP755915 be **approved** subject to the draft conditions of consent (**Appendix C**).

The following Appendices are provided:

- Appendix A: Approved Plans
- Appendix B: Referral agencies
- Appendix C: Conditions of consent
- Appendix D: 4.15 Assessment
- Appendix E: Copy of MOD.2019.024(DA.2014.148) Notice of Determination