



587-589 Tarago Road, Lake George

Briefing to the Southern Regional
Planning Panel

(PPSSTH-62)

Briefing Date: 29 September 2020

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587-589 Tarago Road, Lake George

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Introduction

Proposal

A Development Application has been lodged by Grantham Park Holdings Pty Ltd for the operation of an extractive industry upon 587-589 Tarago Road, Lake George (Lot 31 DP 634213, Lot 1 DP 1167699 and Lot 2 DP 1167699).

The specific elements of the proposal are:

Proposed Activities:

- Extraction of sand and limited volumes of overburden and interburden (clay and silt) within the remainder of the existing extraction area and a 77ha proposed extraction area, producing up to 400,000t of sand products per year for a period of 20 years;
- On-site screening, classifying and stockpiling of extracted material to produce a range of sand products using the existing Sand Classification Plant;
- Transportation of sand products to the Operator's customers using a combination of rigid vehicles and truck and dog combinations and existing Quarry Access Road and public transportation routes;
- Management and settlement of fines and process water using the existing and proposed Fines Settling Cells and Process Water Ponds;
- Establishment of ancillary infrastructure, including bunds and water management structures; and

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- Construction and rehabilitation of a final landform that would be safe, stable, non-polluting, and suitable for a future land use of nature conservation and agriculture.

Site Infrastructure/ Configuration:

- Existing extraction area;
- Proposed extraction area, including proposed fines settling cells and wetlands to be constructed following the completion of extraction operations;
- Existing sand classifying plant;
- Existing fines management area;
- A series of existing process water ponds;
- Existing quarry access road (intersection upgrade works proposed);
- A number of wetlands either under construction or proposed to be constructed;
- Ancillary infrastructure, including a site office, workshop, weighbridge, car parking areas and hardstands.

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Hours of Operation

The following hours of operation are proposed for various activities to be carried out upon the site:

Activity	Monday to Friday	Saturday	Sunday
Extraction	6:00am – 5:00pm	6:00am – 2:00pm	-
Processing	6:00am – 5:00pm	6:00am – 2:00pm	-
Loading and Transportation	6:00am – 5:00pm	6:00am – 2:00pm	-
Rehabilitation	6:00am – 5:00pm	6:00am – 2:00pm	7:00am – 6:00pm
Maintenance	6:00am – 5:00pm	6:00am – 2:00pm	7:00am – 6:00pm

Vehicle Movements:

The Quarry is proposed to generate HV traffic with average loads of 38t as follows:

- An average of 30 to 35 trips per day (i.e.: 60 to 70 movements).
- Occasionally there will be a maximum of 70 trips per day.
- The maximum number of trips is no more than 8 per hour.

Note: the above traffic volumes do not represent an increase in traffic volumes from the existing operation of the site, however vehicles change from 19m truck and dog trailer (33t capacity) and smaller rigid trucks (12t to 18t capacity) to General Mass Limit (GML) semi-trailers (capacity up to 38t).

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Employee and visitor access to the Quarry is up to 10 LV trips per day (i.e.: 20 LV movements).

The origin and destination of all vehicles is anticipated to be approximately 5% from the north along Tarago Road with the remaining 95% from the south along Tarago Road.

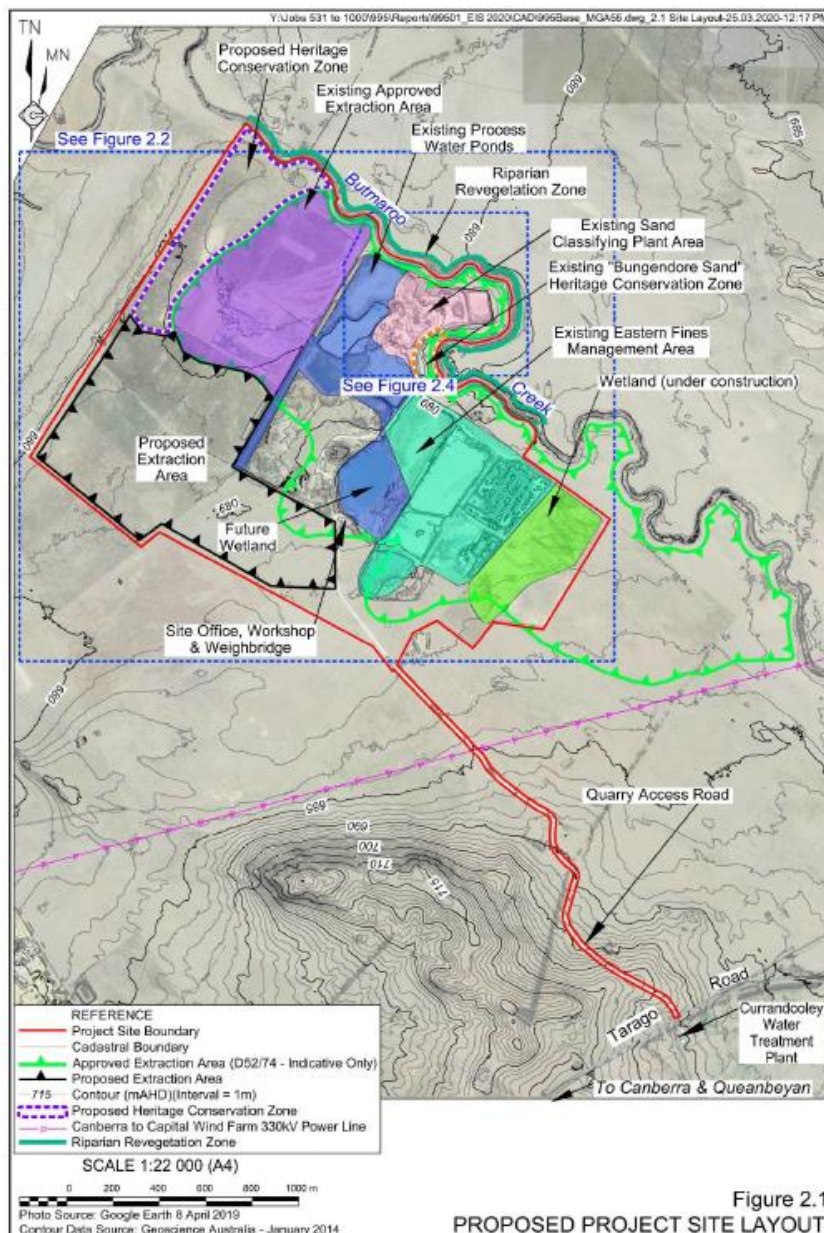


Figure 1: Proposed Site Configuration

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Site Description

The subject site is legally described as Lot 31 DP 634213, Lot 1 DP 1167699 and Lot 2 DP 1167699 and is commonly known as 587-589 Tarago Road, Lake George. The site is located on the north-western side of Tarago Road and has an area of 315.4ha.

Existing development on the site comprises of an extractive industry operation (sand quarry) comprised of the following elements:

- An Extraction area;
- Sand classifying plant;
- Fines management area;
- A series of process water ponds;
- A quarry access road;
- A number of wetlands currently under construction; and
- Ancillary infrastructure, including a site office, workshop, weighbridge, car parking areas and hardstands.

Vehicular access to the site is provided to the site via an existing haulage road from Tarago Road.

Existing development within the locality consists of several similar extractive industry operations, while a number of surrounding properties are utilised for broad scale agriculture with ancillary dwelling houses. Council's water treatment plant is located adjacent to the sites vehicular access point on Tarago Road. Council is also currently considering a development application for a composting facility upon the adjoining property to the north-east of the site (Lot 1 DP 1154765).

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Figure 2: Locality plan

Background

Previous Approvals

The subject site or part thereof has operated as a sand quarry since approximately 1969 under a number of often overlapping development consents several of which have since lapsed. A brief summary of these consents follows.

10/68 and 6/69

Anecdotal evidence upon Council records indicates that sand quarrying commenced within the vicinity of the subject site in approximately 1969 under Development Approvals 10/68 and 6/69.

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D52/74

D52/74 was approved on 1 November 1974 for the extension of an extractive industry development. D52/74 granted consent to dry and wet extraction across three extraction areas (See Figure 3 below). The three extraction areas approved under D52/74 are located upon separate land holdings and are currently worked by three separate quarry operators. The subject application relates only to one of the three extraction areas.

50/77

50/77 was approved by Council on 15 July 1977 for the operation of an extractive industry upon part of the subject site (now known as Lot 31 DP 634213). It appears that the intention of 50/77 was to extract the existing operations upon the site from D52/74. Despite the approval of 50/77, Council subsequently received correspondence from the quarry operator on 15 May 2008 advising that the operation of the site was reliant upon 52/74 rather than. Subsequent correspondence issued by Council on 15 August 2008 supported this position.

DA104/92

DA104/92 was approved by Council for the ongoing operation of a sand quarry upon part of the subject site. Anecdotal evidence suggests that DA104/92 continued debate regarding the legal status of operations upon the site and their relationship to D52/74. DA104/92 was a time limited consent which was subsequently allowed to lapse upon the premise that operations could lawfully continue upon the site under D52/74.

Relationship between consents

A general consensus has been reached between the Applicant and Council that the existing quarrying operations upon the subject site rely upon D52/74 only. The Applicant has identified within the subject application that it is intended that DA.2020.1146 would supersede all previous approvals relating to the subject site and would form a single consolidated approval for all quarrying and remediation activities to be undertaken upon the subject site.

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Environmental Protection Licence

The existing quarrying operations upon the site are captured under Environmental Protection License No.9 issued by the NSW Environmental Protection Authority.

Water Access Licence

The subject site is benefitted by a Water Access Licence issued by WaterNSW permitting the extraction of up to 3ML of water from Butmaroo Creek.

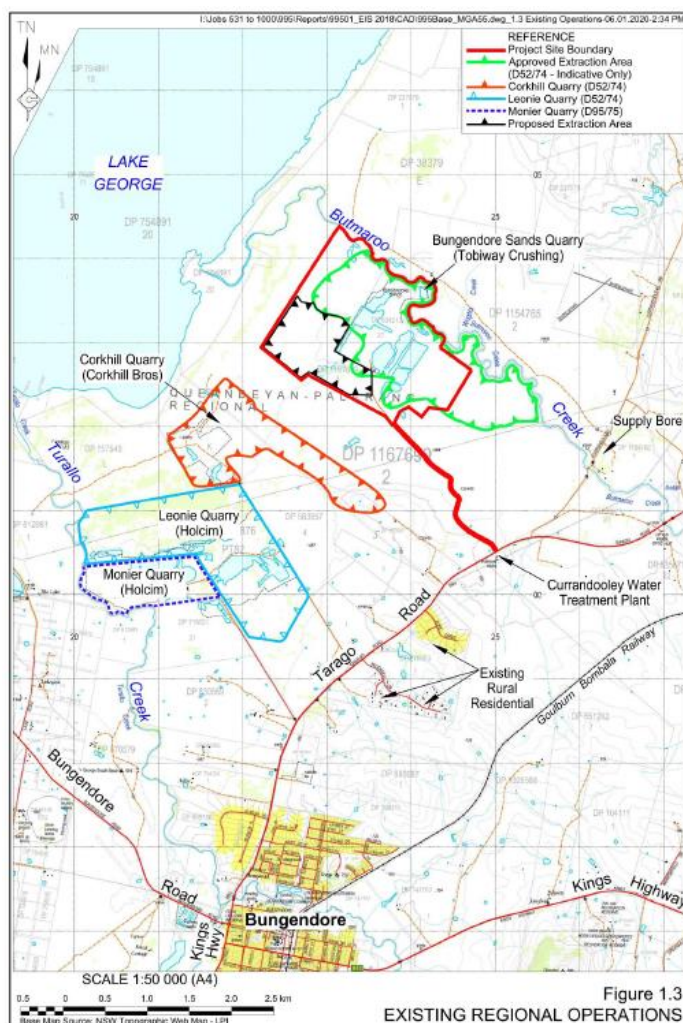


Figure 3: Extraction area plan

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Pre-lodgement

The subject proposal was initially proposed as State Significant Development with Secretary's Environmental Assessment Requirements (SEARs) issued on 2 February 2018.

The proposal was subsequently revised and so as not to trigger the State Significant thresholds. The Applicant subsequently requested SEARs for the proposal in its current form as Regional Development. SEARs were issued for the proposal on 5 August 2019. This included consultation with the following agencies:

- Department of Primary Industries – Agriculture
- Department of Planning, Industry and Environment – Crown Lands
- Department of Primary Industries – Fisheries
- Department of Planning, Industry and Environment – Division of Resources and Geoscience
- NSW Environment Protection Authority
- Department of Primary Industry – Lands and Water (NRAR)
- Department of Planning, Industry and Environment – Biodiversity Conservation Division
- Department of Planning, Industry and Environment – Resources Regulator
- NSW Rural Fire Service
- Roads and Maritime Services

The Applicant attended a pre-lodgement meeting with Council staff on 14 June 2018. The matters raised by technical officers throughout this meeting included potential impacts of the development upon water quality, air and noise control impacts and traffic and transportation implications of the proposal including impacts upon the intersection of Molonglo and Gibraltar Streets. The proposal as submitted addresses these concerns.

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Relevant Planning Instruments and Development Controls

The proposal will be assessed against the following relevant Planning Instruments and Development Controls:

- State Environmental Planning Policy (State and Regional Development) 2011
 - The proposed development is defined as regionally significant development under the provisions of under Section 20 of *State Environmental Planning Policy (State and Regional Development) 2011* as the proposal exceeds the threshold for extractive industry under Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* being extractive industries, which meet the requirements for designated development under Clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. As such, the Southern Regional Planning Panel is the consent authority for the subject application.
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
 - Under Section 7 of the SEPP, the proposed development is permissible with consent as it involves an extractive industry on land which development for the purpose of agriculture or industry may be carried out.
 - The proposal is considered to satisfy the relevant matters for consideration as set out in Part 3 of the SEPP.

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- State Environmental Planning Policy (Infrastructure) 2007
 - The subject site fronts Tarago Road (Main Road 268) being a classified road. As such Clause 101 – Development with frontage to classified road requires consideration for the purposes of the proposed development. The proposed development is considered to be generally compatible with the classified road and is unlikely to result in any impacts upon the efficiency or operation of the road. Further, the subject application was referred to Transport for NSW for comment. Transport for NSW provided recommended a conditions of consent regarding the preparation and implementation of a Driver' Code of Conduct prior to the transportation of material from the site under the consent.
 - The existing haul road passes under a 330kv transmission line. As such, the subject application was referred to Essential Energy as the electricity supply authority under the provisions of Section 45 of State Environmental Planning Policy (Infrastructure) 2007. A response was received on 11 September 2020 advising that Essential Energy raised no objection to the proposal
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
 - The proposal is generally consistent with the provisions of the SEPP in that Council has received advice from the NSW Environment Protection Authority that the proposal is consistent with the current environment protection licence (No.9) issued to the proponent.

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- State Environmental Planning Policy No. 55 – Remediation of Land
 - The proposal is generally consistent with the provisions of the SEPP in that in that the site is suitable in its current state for the purposes of the proposed development.
- Palerang Local Environmental Plan 2014
 - The subject site is zoned part RU1 Primary Production zone and part E3 Environmental Management zone under Palerang Local Environmental Plan 2014 (See Figure 3 below).
 - Development for the purposes of an extractive industry such as is proposed is permissible within the zone with consent within the RU1 Primary Production and prohibited within the E3 Environmental Management zone under the PLEP 2014. However, development for the purposes of an extractive industry is permissible with consent within the E3 Environmental Management zone under the provisions of Section 7 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 which prevails over the PLEP 2014.

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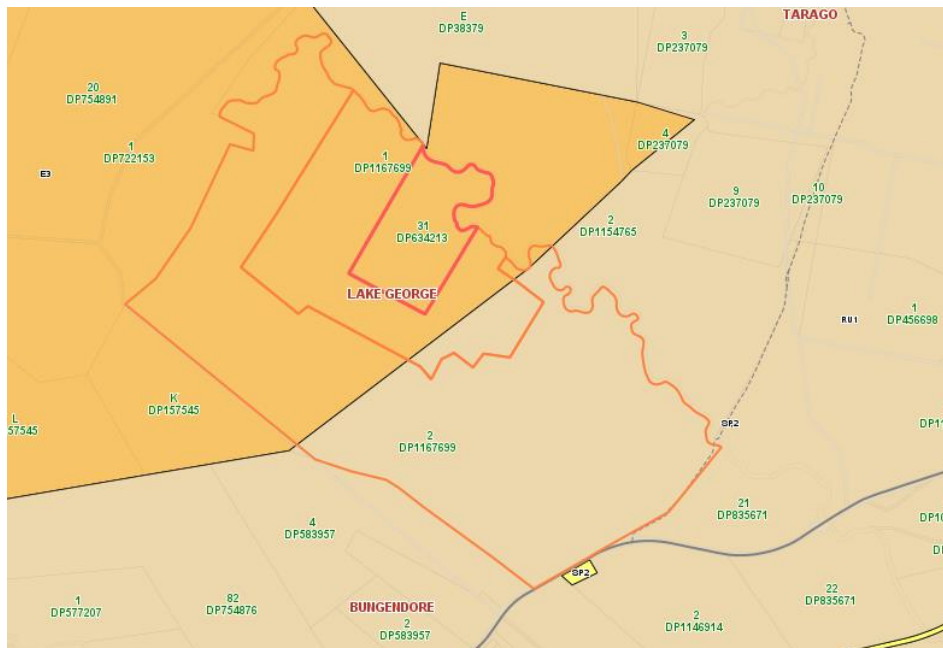


Figure 3: Extract from Palerang Local Environmental Plan 2014 zoning map

- Draft Queanbeyan-Palerang Local Environmental Plan 2020
 - The draft Queanbeyan-Palerang Local Environmental Plan (QPLEP) 2020 was placed on public exhibition from 1 June 2020 to 20 June 2020 and as such requires consideration of the purposes of the subject application. The provisions of draft QPLEP 2020 relevant to the subject application remain relatively unchanged from that of the Palerang Local Environmental Plan 2014. As such, the subject application is generally consistent with the provisions of the QPLEP 2020.
- Palerang Development Control Plan 2015
 - The Palerang Development Control Plan (PDCP) 2015 contains no provisions specific to development for the purposes of an extractive industry. Nonetheless, the proposal is considered to satisfy the general controls of the PDCP.

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Principal Issues

1. Aboriginal Cultural Heritage

As a result of previous studies upon the subject site and within the locality Aboriginal artifacts are known to existing upon the subject site including The proposed development includes archaeological works consisting of two salvage excavations and the establishment of a Conservation Area around the known Aboriginal site 'Wood Duck'. The subject application was accompanied by a Heritage Assessment Report prepared by Dr Amy Way giving consideration to the proposed works.

The proposed development requires an Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act 1974*. As such the subject application was referred to Heritage NSW for their concurrence. General terms of approval were received on the 6 August 2020

2. Transport and Traffic

The subject application was accompanied by a Traffic and Transport Assessment Report prepared by Constructive Solutions Pty Ltd considering the potential impacts of the development upon Tarago Road and the surrounding road network.

While the proposal increases extraction volumes from the site, the proposed development seeks to limit increases in vehicle movement from the site beyond current operations through the use of General Mass Limit (GML) semi-trailers (capacity up to 38t) which is an increase from the haulage vehicles currently in use which consist of 19m truck and dog trailer (33t capacity) and smaller rigid trucks (12t to 18t capacity).

The subject site obtains vehicular access from Tarago Road. It is anticipated that Proposal-related transport routes would be the same as those associated with the existing Quarry, with 5% of vehicles travelling north on Targo Road and the remaining 95% travelling south on Tarago Road. Of the 95% travelling south on Tarago Road, 10% would travel east on Malbon Street / the Kings Highway whilst 85% would travel south on the Kings Highway."

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3. Biodiversity

The proposed development involves the removal of a total area of 76.4ha of vegetation. The areas affected by the development relate primarily to areas of pasture vegetation dominated by exotic species. The subject application was accompanied by a Biodiversity Development Assessment Report prepared by EnviroKey giving consideration to the impacts of the development upon flora and fauna species on the site and within the locality. This report finds that the proposed clearing would not trigger entry into the NSW Biodiversity Offsets Scheme and would not significantly impact any threatened species.

4. Water

Given the nature of the proposed development and proximity of the proposed works to Butmaroo Creek the proposal has the potential to impact upon surface and ground water supplies within the locality. The proposed development includes a number of mitigation measures so as to ensure that the proposal does not result in any impacts upon surface or ground water supplies within the locality. Further the site operator holds a current licence sufficient to accommodate for the water demands of the development.

5. Noise

The subject application was accompanied by a Noise and Vibration Impact Assessment prepared by Spectrum Acoustics Pty Limited. This report demonstrates that noise generated by the proposed development and resulting traffic movements along Tarago Road will not exceed criteria under the *Noise Policy of Industry or Road Noise Policy*.

6. Air Quality/ Dust

The subject application was accompanied by an Air Quality Impact Assessment prepared by Todoroski Air Sciences Pty Limited. This report indicates that proposed development will generate additional dust emissions from the existing operation of the site. However, air quality modelling found that the proposed development would result in only a negligible incremental impact upon surroundings residential receptors and with the implementation of the proposed mitigation measures.

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Referrals

Internal Referrals

The subject application has been referred to Council's Development Engineer and Environmental Health Officer for review. No objections were raised to the proposal subject to the imposition of conditions of consent.

Integrated Development Referrals:

Protection of the Environment Operations Act 1997

The proposed development involving the extraction of more than 30,000 tonnes of material per year is a scheduled activity under the Protection of the Environment Operations Act 1997. As such, the subject application was referred to the NSW Environment Protection Authority (EPA) for their concurrence. General terms of approval were received from the NSW EPA on 9 July 2020 noting that the proposed works are capable of being accommodated for under the existing Environment Protection Licence for the site (EPL 9) subject the applicant submitting a separate application to vary the licence.

National Parks & Wildlife Act 1974

The proposed development requires an Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act 1974*. As such the subject application was referred to Heritage NSW for their concurrence. General terms of approval were received on the 6 August 2020.

Water Management Act 2000

The proposed development seeks to utilise water from the adjoining Butmaroo Creek for the proposed extraction and processing activities and as such requires a Water Use Approval under Section 89 of the *Water Management Act 2000*. As such the subject application was referred to Water NSW for their concurrence. Correspondence was received from

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WaterNSW on 10 June 2020 advising that the proposed works were consistent with the existing Water Access License for the site and as such no further approval is required.

Other External Referrals:

In accordance with Section 77(1)(b)(i) of the Environmental Planning and Assessment Regulation 2000 the following public authorities were given notice of the subject application as public authorities that may have an interest in the determination of the application:

- Department of Primary Industries – Agriculture
- Department of Planning, Industry and Environment – Crown Lands
- Department of Primary Industries – Fisheries
- Department of Planning, Industry and Environment – Division of Resources and Geoscience
- Department of Primary Industry – Lands and Water (NRAR)
- Department of Planning, Industry and Environment – Biodiversity Conservation Division
- Department of Planning, Industry and Environment – Resources Regulator
- NSW Rural Fire Service
- Transport for NSW (formerly Roads and Maritime Services)
- Essential Energy

Correspondence has been received from all agencies raising no objection to the proposal.

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Notification

The application was notified in accordance provisions of the *Environmental Planning and Assessment Regulation 2000* including publication on both the NSW Planning Portal and Council's website for the duration of the public notification period (19 May 2020 to 18 June 2020), provisions of a written notice on the site, notification of adjoining and adjacent landowners. No submissions were received.

Information to be requested

Nil at this time.

Timetable for Determination

It is anticipated that the staff assessment report will be completed and submitted for assessment by the panel in early October pending any matters that may arise throughout the briefing.

Contact

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