

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSTH-62
DA Number	DA.2020.1146
LGA	Queanbeyan-Palerang
Proposed Development	Extractive Industry
Street Address	587-589 Tarago Road, Lake George
Applicant/Owner	Grantham Park Holdings Pty Ltd/ Tobiway Crushing Pty Ltd, and Henry E Osborne
Date of DA lodgement	20 April 2020
Total number of Submissions Number of Unique Objections	<ul style="list-style-type: none"> Nil Nil
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development State Environmental Planning Policy No. 55 – Remediation of Land Palerang Local Environmental Plan 2014 Palerang Development Control Plan 2015 Clauses 77(2) and 78 of the Environmental Planning and Assessment Regulation 2000
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Draft Conditions of Consent Environmental Impact Statement Heritage Assessment Report Biodiversity Development Assessment Report Noise and Vibration Assessment Air Quality Impact Assessment
Clause 4.6 requests	<ul style="list-style-type: none"> Nil
Summary of key submissions	<ul style="list-style-type: none"> Nil
Report prepared by	Luke Perkins
Report date	16 December 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not applicable

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes



ASSESSMENT REPORT - DA.2020.1146

EXECUTIVE SUMMARY

DA.2020.1146 seeks approval for the operation of an extractive industry (sand quarry) upon Lot 31 DP 634213, Lot 1 DP 1167699 and Lot 2 DP 1167699, 587-589 Tarago Road, Lake George.

The proposed development being for the purposes of extractive industry involving the extraction of more than 30,000 cubic metres of extractive material per year and disturbing a total surface area of more than 2 hectares is designated development Schedule 3 of *Environmental Planning and Assessment Regulation 2000*. The consent authority is the Southern Regional Planning Panel as it meets the criteria for regionally significant development under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 – extractive industries, which meet the requirements for designated development under Clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

An existing sand quarry currently operates upon the site under development approval D52/74. The subject application seeks to expand the quarry footprint and to bring the operations upon the site into line with current industry best practices including ongoing site rehabilitation.

The subject application was publicly notified from 19 May 2020 to 18 June 2020. No submissions were received throughout this period.

The subject site is zoned part RU1 Primary Production zone and part E3 Environmental Management zone under the Palerang Local Environmental Plan 2014. Development for the purposes of extractive industries is permitted with consent within the RU1 Primary Production zone under the Palerang Local Environmental Plan 2014. The proposal relies upon the provisions of Clause 7(3)(a) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 for permissibility of the proposed works within the E3 Environmental Management zoned portion of the site.

The key issues in respect of the assessment of the application related to air quality, noise emissions, Aboriginal heritage impacts, and site rehabilitation. Supporting documentation provides sufficient information addressing these key issues. This included detailed noise, air quality, operational management, traffic, heritage and ecological studies. The recommendations and mitigation measures outlined in the specialist studies have been included in the conditions of consent where appropriate.

An assessment of the proposal against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the proposal has been found as being unlikely to result in any significant impacts. As such it is recommended that DA.2020.1146 be approved subject to the imposition of conditions of consent.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for the operation of an extractive industry upon the site.

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
- 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.

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).

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.

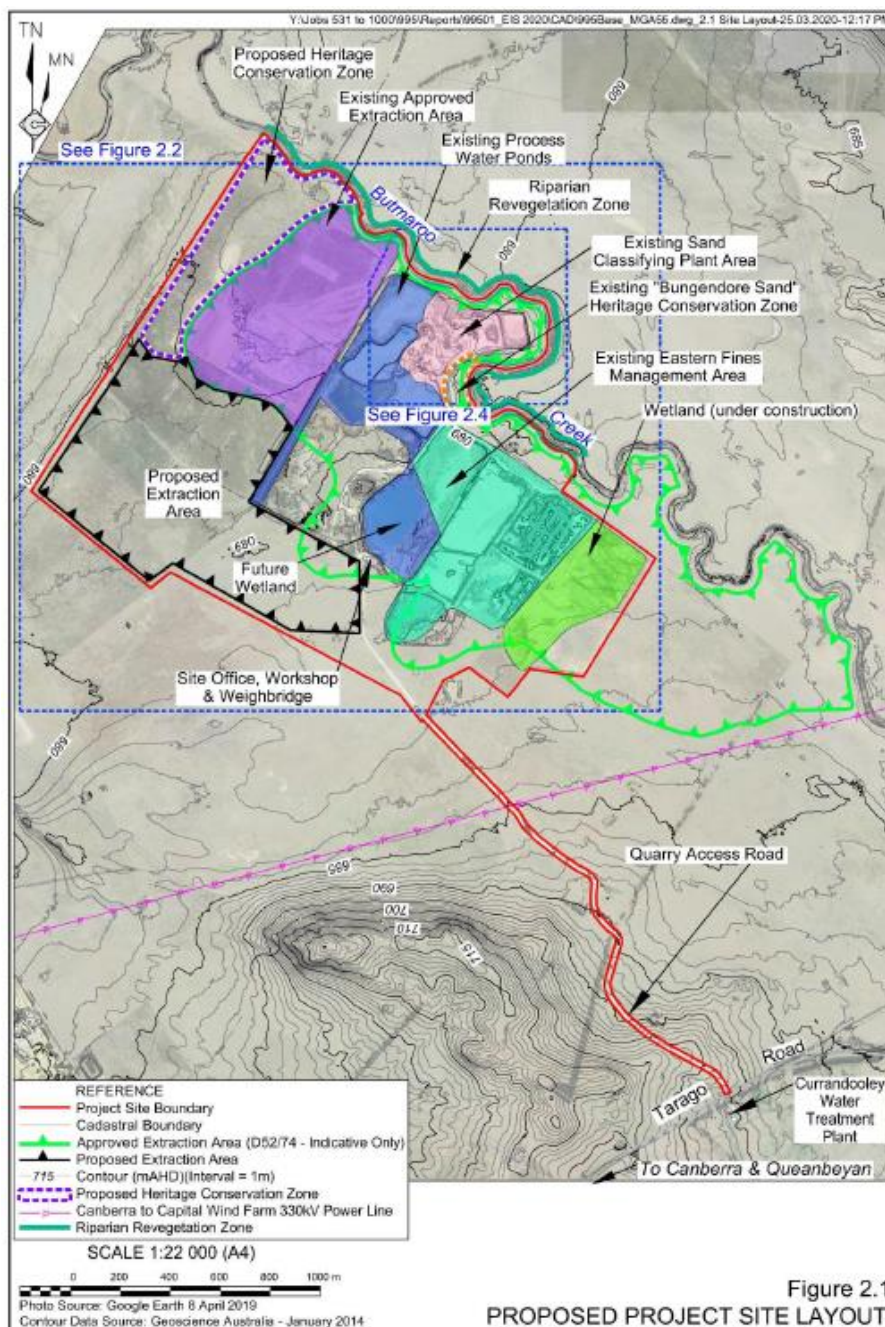


Figure 1: Proposed Site Configuration

DESCRIPTION OF THE SITE AND LOCALITY

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 site's vehicular access point on Tarago Road. Council is also currently considering a development application for a composting facility upon the adjoining property to the east of the site (Lot 1 DP 1154765).



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 these consent have subsequently lapsed. A brief summary of development consents applicable to the site 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.

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 as identified in Figure 3 below. 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 excise 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. 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 related to a 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.

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.

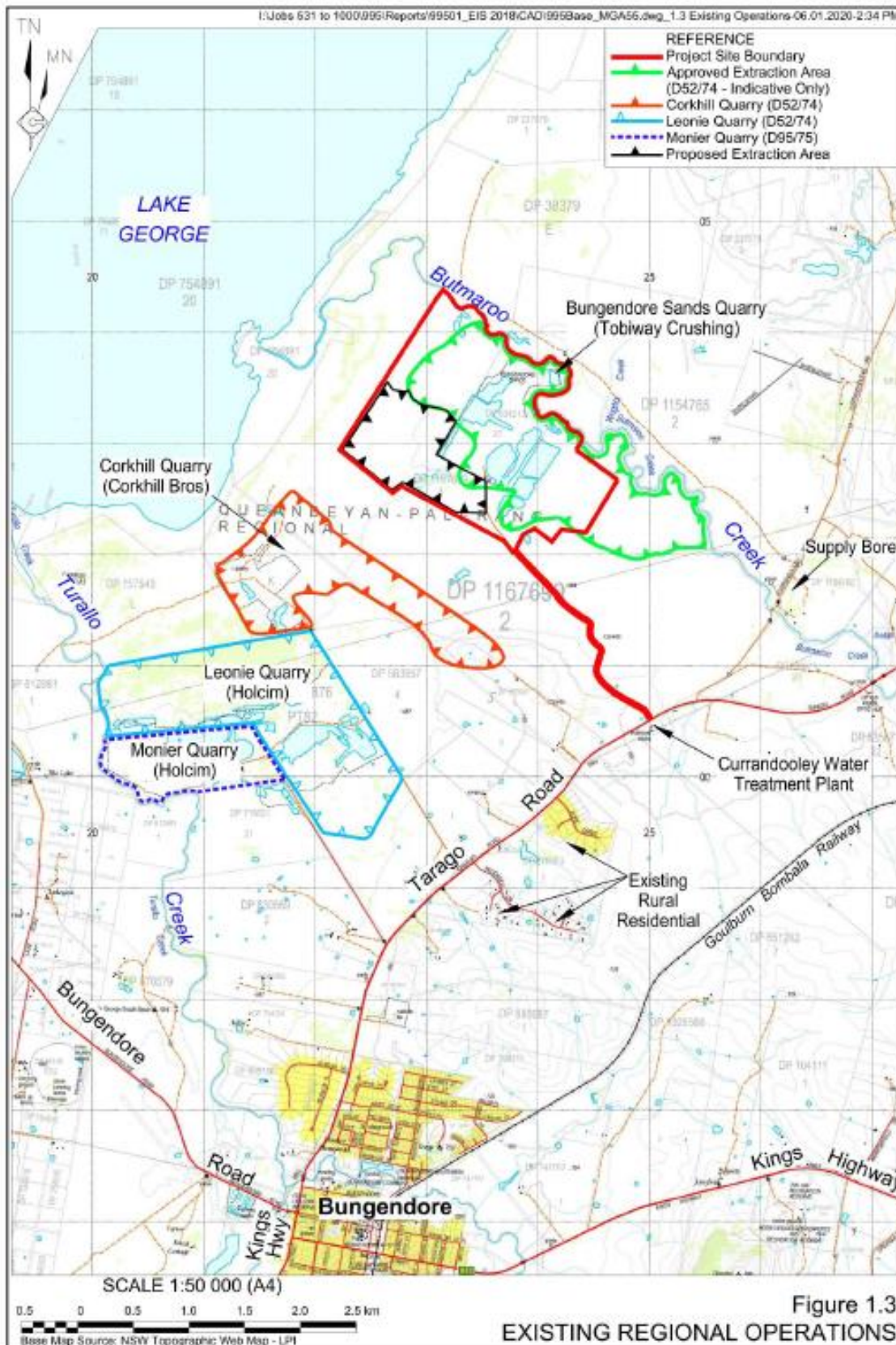


Figure 3: Extraction area plan

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.

CONSENT AUTHORITY

The subject application meets the criteria for regionally significant development under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 – 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.

SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979

The proposed development being for the purposes of extractive industry involving the extraction of more than 30,000 cubic metres of extractive material per year and disturbing a total surface area of more than 2 hectares is designated development under Schedule 3 of *Environmental Planning and Assessment Regulation 2000*.

SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979

The proposal is integrated development and the following approvals are required:

Fisheries Management Act 1994	No	Heritage Act 1977	No
Mine Subsidence Compensation Act 1961	No	National Parks & Wildlife Act 1974	Yes
Protection of the Environment Operations Act 1997	Yes	Roads Act 1993	No
Rural Fires Act 1997	No	Water Management Act 2000	Yes

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. Nonetheless, the EPA's general terms of approval have been included within the recommended conditions of consent.

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 20 November 2020 and have been included in the recommended conditions of consent.

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 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. As such, no general terms of approval from WaterNSW are included within the recommended conditions of consent.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Development Engineer has commented on the proposal as follows:

The average extraction rate using 38 tonne semi-trailers, 33 tonne trucks and dog trailers, and medium rigid 12-18 tonne trucks would equate to 60-70 truck movements per day (round trips), up to a maximum of 140 movements per day.

Tarago Road (to the LGA boundary) had an average daily traffic count up to 1152 vehicles per day in December 2014. The existing entry will be retained which is currently located off Tarago Road over Lots 1 and 2 DP 1167699. The Tarago Road regulatory speed zone at this location is posted at 100km/h.



Figure 4: Tarago Road (MR268) and Approach to Existing Sand Quarry Entrance – looking north east



Figure 5: Existing Sand Quarry Entrance and Tarago Road (MR268) – looking north east

At this location, Tarago Road has excellent sight distance in both directions and may require some minor vegetation clearing. Tarago Road is a regional road designated as RR268 and the haul route is currently approved by Traffic for NSW (TfNSW) for Over Size and Over Mass (OSOM) vehicles with conditions as at 7 July 2020.

The internal road from Tarago Road is of satisfactory standard with some sections in excellent condition for a haulage access, with speed and overhead powerlines advisory signs within the property. Access to and from the site is via an unsealed private access road. The internal access road is to be regularly maintained to a satisfactory standard for all vehicles.



Figure 6: Existing Sand Quarry Entrance from Tarago Road (RR268) – looking north west

The property entrance from Tarago Road to the existing grid is to have an asphalt surface and comply with AUSTROADS Guide to Road Design – Part 4: Intersections and Crossings. Entrance surface to be regularly maintained at a satisfactory standard and routinely resurface at intervals not exceeding 10 years.

Based upon the above, no objections are raised to the proposal, subject to the imposition of recommended conditions of consent.

Health Comments

Council's Environmental Health Officer has commented on the proposal as follows:

The primary environmental matters identified for this development are noise, air pollution, water pollution and erosion/sedimentation. Based on the history of the site and the proposed operation of the development matters related to contaminated land and hazardous industry are not considered significant.

The environmental reports submitted with the EIS provide extensive details on how noise, air pollution and water pollution are likely to impact nearby sensitive receivers and the surrounding environment. These reports have been prepared in line with EPA guidelines and policy and have calculated that these environmental impacts are likely to be minimal. Controls to prevent pollution are still required, though many of these are already in place for the existing quarry at the premises.

Key findings from each environmental report/EIS section is detailed below:

Noise

- There are no details of on-site noise monitoring for the acoustic assessment. Background noise levels were assumed from historic and recent noise measurement data. Because of the very low background noise levels in the area the lowest possible project noise level set in the *Noise Policy of Industry* was selected, which is 35dB(A),Leq(15min) for ambient and intrusive noise and 52dB(A)Lmax for sleep disturbance.
- Noise contour modelling from the worst case scenario, where there are simultaneous machinery operations in the outermost cells of the quarry, three haulage trucks on the private road and a temperature inversion, found that the predicted noise levels at the closest sensitive receiver were only 29dB(A),Leq(15min).
- Road traffic modelling was undertaken for increased vehicle movements along Tarago Road. The most impacted receiver along Tarago Road would be subject to 43dB(A),Leq,15hr, which is below the *Road Noise Policy* criteria of 60dBA and 50dBA for day and night respectively.
- Conditions for an operational noise level assessment is not required because the predicted noise levels are well below project levels are an insignificant increase from current operations at the premises. Future noise issues will be addressed by the EPA under licence requirements

Air pollution

- Air quality report indicates that proposed development will generate twice as much dust as existing operations. This does not consider potential increases in activity in surrounding quarries and extractive industries.
- Air quality modelling was undertaken to determine impacts on nearby residential receivers. Increases in annual average dust and particulate matter from the proposed development are predicted to be less than 1% more than the current emissions and well within the air quality criteria. It is believed that this increase will be unnoticeable.
- Background air quality data was taken from permanent monitoring stations in the ACT. This data shows background air quality exceeds air quality criteria for PM2.5,24hour, which is likely due to increased woodsmoke in the winter months. There is also infrequent exceedance of PM10,24hr from regional dust storms.
- Because of elevated background PM2.5,24hr and PM10,24hr, the NSW EPA *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* permits the use of a contemporaneous impact and background assessment. This assessment found that incremental increases in particulates from the proposed development will not increase the number of days that PM2.5 and PM10 are exceeded at the sensitive receivers.
- It is calculated that respirable silica from the proposed development will be 30 times lower than the health criteria

- It is predicted that the project would have a negligible incremental and cumulative impact at the surrounding residential receptor locations
- Several recommendations were made in the report to minimise dust emissions including an Air Quality Management Plan. A condition of consent is recommended requiring implementation and compliance with these measures.

Water pollution

- The EIS details that water pollution will be minimised by bundling to project site to direct clean water flow around the site, and by prohibiting the discharge of sediment laden water.
- Sediment laden water will continue to be managed on site through water recycling and a series of cells and settling ponds that make up the operational water management system.
- A Surface Water Monitoring Procedure was developed by RC in 2019. This procedure outlines requirements for regular sampling and monitoring of Butmaroo Creek.
- Refuelling and chemical/hydrocarbon storage must be on sealed surfaces with appropriate bundling
- Low permeability soils limit transfer of contaminants into the groundwater
- Water quality will continue to be managed under EPA licence

Sedimentation/Erosion

- Concerns were raised about dust from intersection at Tarago road, which is unsealed. The development proposes to seal the access road 60 m from the intersection to prevent sediment tracking
- Active sections of the project site must be fully bunded to prevent surrounding surface waters and flood waters from entering the active operational areas.
- Potentially sediment laden water from within the project area is not permitted to be discharged to natural drainage
- The Surface Water Monitoring Procedure (RWC, 2019) must be fully implemented for the life of the proposal

It is noted that the NSW EPA General terms of approval provide sufficient controls for the matters discussed above, though a separate condition of consent is recommended requiring that a Quarry Development and Rehabilitation Plan should be submitted prior to operations and then every five years. The purpose of this plan is mostly to restore biodiversity to the area at the end of the quarry's life, but also aims to prevent any ongoing environmental pollution issues.

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

DPI-Agriculture provided no comments in relation to the subject application.

Department of Planning, Industry and Environment – Crown Lands

DPIE – Crown Lands offered no objection to the proposal subject to the proposal not impacting upon any crown waterway.

Department of Primary Industries – Fisheries

DPI-Fisheries provided the following comments:

The Department supports the applicant's commitment to the rehabilitation of a 40metre wide riparian area along Butmaroo Creek within their area of freehold land, along with the commitment to work with adjacent land holders to improve riparian vegetation on the other side of the waterway.

We recommend that these commitments are included as conditions of consent should Development Approval be granted.

Conditions of consent are recommended regarding the implementation of the proposed rehabilitation works.

Department of Planning, Industry and Environment – Division of Resources and Geoscience

DPIE-Resources and Geoscience provided no comment in relation to the subject application.

Department of Primary Industry – Lands and Water (NRAR)

DPI-Lands and Water offered no comments in relation to the subject application other than noting that WaterNSW is the relevant authority for the purposes of the proposed works.

Department of Planning, Industry and Environment – Biodiversity Conservation Division

DPIE- Biodiversity Conservation Division provided no comment in relation to the subject application.

Department of Planning, Industry and Environment – Resources Regulator

DPIE-Resources Regulator provided no comment in relation to the subject application

NSW Rural Fire Service

The NSW RFS reviewed the subject application and provided recommended conditions of consent regarding the management and mitigation of bushfire risk. These conditions have been included in the recommended conditions of consent.

Transport for NSW (formerly Roads and Maritime Services)

Transport for NSW reviewed the subject application and 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. Such a condition has been included in the recommended conditions of consent.

Essential Energy

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 and provided no recommended conditions.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

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

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP) is the state policy which governs the way that mining, petroleum production and extractive material resource proposals are assessed and developed in NSW. The Mining SEPP aims to manage and sustainably develop these resources for the social and economic benefit of the community.

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 following table outlines the relevant matters for consideration in assessment of the proposal as set out in Part 3 of the SEPP.

Clause	Comment
<i>12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses</i>	
<p>Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must—</p> <p>(a) consider—</p> <ul style="list-style-type: none"> the existing uses and approved uses of land in the vicinity of the development, and 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 any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and 	<p>Sand extraction has been undertaken within the general locality since the mid-1960s. The site is in a rural location. Surrounding development 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. Based on the studies provided with the application, the sand extraction operation is unlikely to result in any unreasonable impact on adjoining properties.</p> <p>Extractive industry is permissible upon the subject site under Infrastructure SEPP. Modelling of noise and dust impacts on nearby receptors has been undertaken. Mitigation measures have been included in the EIS and supporting studies.</p> <p>The proposed development is not considered incompatible with the existing uses in the vicinity of the development subject to conditions.</p>
<p>(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and</p>	<p>The development will be of public benefit in terms of social and economic outcomes. Mitigation and rehabilitation measures will ensure the site remains in an acceptable state, thereby ensuring social and environmental outcomes are achieved.</p>
<p>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</p>	<p>Modelling of noise, environmental, coastal processes and dust impacts has been undertaken. Mitigation measures have been included in the EIS and supporting studies which will minimise any incompatibility.</p>
<i>13 Compatibility of proposed development with mining, petroleum production or extractive industry</i>	

<p>(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined: (a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or (b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or (c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</p>	<p>The application is in the vicinity of several similar extractive (sand) activities.</p>
<p>(2) Before determining an application to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> • the existing uses and approved uses of land in the vicinity of the development, and • 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 • 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 	<p>The proposed extractive industry is considered to be compatible with the existing extractive industries within close proximity to the site and will not have a significant impact on current or future extraction of minerals.</p> <p>The application has demonstrated there will be no unacceptable cumulative impact (air quality, noise, traffic etc.) as a result of the proposed development.</p>
<p>(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</p>	<p>It is considered that the proposal will be of public benefit in terms of providing economic activity within the locality without resulting in any significant impacts.</p>
<p>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).</p>	<p>The proposed traffic, noise, air quality and water pollution mitigation measures included in the EIS and supporting studies are considered sufficient to minimise any incompatibility.</p>

14 Natural resource management and environmental management

<p>(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—</p> <ul style="list-style-type: none">• that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,• that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,• that greenhouse gas emissions are minimised to the greatest extent practicable.	<p>The application has demonstrated that the proposed works and management procedures will be undertaken in a manner that would ensure that impacts on water resources, air quality, threatened species and biodiversity are minimised to the greatest extent practicable. The proposal will not result in a significant impact on threatened species or biodiversity.</p> <p>The EIS and supporting studies include environmental management measures that are generally supported by Council staff and external referral agencies that will ensure minimal impacts having regard to subclause (1).</p>
<p>(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.</p>	<p>Greenhouse gas emissions will be limited to the emissions caused by front end loaders, sand removal trucks, site office and construction equipment and by light vehicles associated with the operation of the site.</p> <p>The extraction process is not considered a greenhouse gas emitting activity.</p> <p>Given the scale of the proposed operation, there will be no significant impact with regard to greenhouse gas emissions.</p>

15 Resource recovery

<ul style="list-style-type: none">• 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.• 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.• 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	<p>The proposed development will involve the extraction of sand and limited volumes of overburden and interburden (clay and silt). Processing operations will be undertaken in a similar manner to existing operations, namely material would be stockpiled within the Raw Feed Stockpile Area and selectively blended and fed into the Sand Classifying Plant. The resulting sand and gravel products would be stockpiled within the Product Stockpile Area until transported from the Project Site. Coarse reject material would be managed as overburden for future site rehabilitation.</p> <p>Therefore, there will be limited waste generated from the proposed operation.</p>
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or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.	
16 Transport	
<p>(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—</p> <ul style="list-style-type: none"> • require that some or all of the transport of materials in connection with the development is not to be by public road, • limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools, • require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads. 	<p>Sand will be removed from the site via truck haulage. The capacity of the road has been assessed as being capable to accommodate the increase by TfNSW and Council Traffic Engineers.</p> <p>There is no alternative to remove sand from the site other than via truck haulage.</p> <p>A condition of consent is recommended limiting traffic movement to avoid conflict with school bus movements.</p> <p>A condition of consent is recommended requiring the preparation and implementation of a specific code of conduct for transport of materials.</p>
<p>(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—</p> <ul style="list-style-type: none"> • each roads authority for the road, and • the Roads and Traffic Authority (if it is not a roads authority for the road). • The consent authority— • must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and <p>must provide them with a copy of the determination</p>	<p>The application was referred to the TfNSW who supported the application subject to a condition of consent requiring the preparation and implementation of a specific code of conduct for transport of materials.</p>
17 Rehabilitation	
<ul style="list-style-type: none"> • (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 	<p>The applicant proposes to undertake ongoing rehabilitation of the site throughout the proposed development in a cellular methodology. Proposed site rehabilitation includes the establishment of a series of wetlands. The recommended conditions of consent will ensure a Quarry Development and Rehabilitation Plan is prepared and implemented prior to the commencement of</p>

<p>the development. In particular, the consent authority must consider whether conditions of the consent should—</p> <ul style="list-style-type: none"> • require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or • require waste generated by the development or the rehabilitation to be dealt with appropriately, or • 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 <i>Contaminated Land Management Act 1997</i>), or <p>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.</p>	works.
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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. Clause 101 of the SEPP requires for development fronting a classified road such as the subject application to give consideration potential for obtaining access from and alternate road and the compatibility of the classified road with the development.

The subject site has no potential to obtain access from an alternate road. The proposed development is considered unlikely to result in any impacts upon the function of Tarago Road by way of design of the vehicular access to the land, the emission of smoke or dust or the volume or frequency of vehicles accessing the site. As such the propose development is considered to satisfy the provisions of Clause 101 of the SEPP.

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. Such a condition has been included in the recommended conditions of consent.

Electricity infrastructure

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 and provided no recommended conditions.

STATE ENVIRONMENTAL PLANNING POLICY NO. 33 - HAZARDOUS AND OFFENSIVE DEVELOPMENT

In accordance with SEPP 33, Council must consider whether a development is a hazardous storage establishment, hazardous industry or other potentially hazardous industry; or an offensive storage establishment, offensive industry or other potentially offensive industry, with consideration given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development. The current guideline applicable is the

Hazardous and Offensive Development Application Guidelines Applying SEPP 33 (SEPP 33 Guidelines).

Small quantities of hazardous materials are likely to be held or used on the site during operation including diesel fuel, other hydrocarbons, along with lubricating oils and greases. A condition of consent is recommended that such materials be stored separately onsite within bunded areas or storage areas with no other flammable materials. It is considered that the development is not a 'potentially hazardous industry' requiring a preliminary hazard analysis to be provided to support the application.

In accordance with the Guidelines of SEPP 33 for a 'potentially offensive industry', and the requirement for licencing of a Schedule Activity under the Protection of the Environment Operations Act, the NSW Environment Protection Authority has advised Council that the proposal is consistent with the current environment protection licence (No.9) issued to the proponent, subject to a number of variations to this licence. The proponent will need to make a separate application to the EPA to vary the environment protection licence should development consent be granted. On the basis of the above, no further assessment of SEPP 33 is required

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

Under Section 7, Clause 1 of State Environmental Planning Policy No 55—Remediation of Land (SEPP 55), a consent authority must not grant consent unless:

- *it has considered 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, and*
- *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is currently utilized for the purposes of an extractive industry. As the proposed development does not involve a change of use to the subject site the site is considered to be suitable in its current state for the purposes of the proposed development. Rehabilitation of the site will be conditioned to ensure the site returns to a native or agricultural state.

Therefore, it is considered that the development is suitable for the proposed land use. On this basis, the provisions of SEPP 55 have been met.

PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

An assessment of the proposal against the general aims of PLEP 2014 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</i>	Yes
(b)	<i>to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</i>	Yes
(c)	<i>to retain, protect and encourage sustainable primary industry and commerce,</i>	Yes
(d)	<i>to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</i>	Yes
(e)	<i>to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i>	Yes

➤ To minimise conflict between land uses within this zone and land uses within adjoining zones.	Yes
➤ To minimise the impact of any development on the natural environment.	Yes
➤ To ensure that development does not unreasonably increase the demand for public services or facilities.	Yes

An assessment of the proposal against the objectives of the E3 Environmental Management zone is included below:

Objectives	Complies
➤ To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.	Yes
➤ To provide for a limited range of development that does not have an adverse effect on those values.	Yes
➤ To encourage the retention of the remaining evidence of significant historical and social values expressed in existing landscape and land use patterns.	Yes
➤ To encourage development that is visually compatible with the landscape.	Yes
➤ To promote ecologically sustainable development.	Yes
➤ To minimise the impact of any development on the natural environment.	Yes

Comments: The proposed development is considered to be generally consistent with the above objectives of the RU1 and E3 Environmental Management zones.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the PLEP 2014 are addressed below as part of this assessment:

6.1 Earthworks

Clause 6.1 of the PLEP 2014 establishes a number of matters requiring consideration for development involving earthworks. The proposed development being for the purposes of an extractive industry inherently involves earthworks.

Clause	Comment
<i>6.1(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</i>	
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development	The proposed cellular construction and rehabilitation methodology is considered unlikely to result in any significant impact upon drainage or soil stability within the locality.
(b) the effect of the development on the likely future use or redevelopment of the land,	The proposed development includes appropriate site rehabilitation works as to ensure that the site is capable of accommodate for future agricultural or environmental uses of the site in line with the sites zoning following completion of the development.
(c) the quality of the fill or the soil to be excavated, or both	The proposed development includes the extraction of sand and limited volumes of overburden and interburden (clay and silt).
(d) the effect of the development on the existing and likely amenity of adjoining properties,	The proposed development involves no actions considered likely to result in any significant impacts upon the amenity of adjoining properties.
(e) the source of any fill material and the destination of any excavated material,	Excavated material will be processed on site and the final product transported throughout the Queanbeyan-Palerang and ACT Region.
(f) the likelihood of disturbing relics,	Aboriginal artifacts are known to existing upon the subject site. 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 <i>National Parks and Wildlife Act 1974</i> . As such the subject application was referred to Heritage NSW for their concurrence. General terms of approval were received on the 6 August 2020 and have been included in the recommended conditions of consent.
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	While Butmaroo Creek runs along the site's northern boundary, the proposed development involves the use of a bund methodology as to ensure that all disturbed areas are physically isolated from the waterway.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed development includes the use of stockpile covers, ongoing site rehabilitation and stabilization along with ongoing air and water quality management in accordance with an Air Quality Management Plan and Site Rehabilitation Plan. With the implementation of such measures the proposed earthworks are considered unlikely to result in any significant impacts.

6.3 Terrestrial biodiversity

Clause 6.3 of the PLEP 2014 makes for provision for developments that impact on terrestrial biodiversity. The subject site constrains areas mapped as biodiversity (See Figure 8 below). A total of 76.4ha of vegetation, representing pasture vegetation communities dominated by exotic species, would be disturbed as a result of the proposed development. 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 threatened species. As the proposed activities would be consistent with activities already undertaken within the Project Site, indirect impacts including noise and dust effects are unlikely to have significant adverse impacts on adjacent vegetation and fauna habitat.



Figure 8: Extract from Palerang Local Environmental Plan 2014 Terrestrial Biodiversity Map

6.5 Riparian land and watercourses

Clause 6.5 of the PLEP 2014 makes provisions for developments impacting on riparian land and watercourses. The subject site contains areas land mapped as riparian land (See Figure 9 below) including Butmaroo Creek that runs along the northern boundary of the site. It is noted that part of the mapped land relates to artificial wetlands and ponds created upon the site through existing operations. The proposed development includes a range of design controls and the implementation of water management structures which would ensure that clean water flows would be diverted around the Project Site and potentially sediment-laden water would not be discharged from the Project Site. As such, the proposed development is considered unlikely to result in any adverse upon water quality or flows upon the watercourse.

	intersection treatment.	
B8	Erosion and Sediment control Conditions of consent are recommended requiring implementation and management of erosion and sediment control measures outlined within the EIS and supporting reports prior to and throughout the operation of the site.	Yes
B10.2	Aboriginal Heritage Aboriginal artifacts are known to existing upon the subject site. 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 <i>National Parks and Wildlife Act 1974</i> . As such the subject application was referred to Heritage NSW for their concurrence. General terms of approval were received on the 20 November 2020 and have been included in the recommended conditions of consent.	Yes

4.15(1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

4.15(1)(a)(iv) matters prescribed by the regulations

Part 6, Division 5 of the *Environmental Planning and Assessment Regulation 2000* establishes a number of requirements for public participation for certain types of development including designated development.

Notice of Development

A public notice containing the information outlined within Clause 77(2) of the *Environmental Planning and Assessment Regulation 2000* was published 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). Adjoining and adjacent landowners were also notified of the proposal. The following public authorities were given notice of the proposal as parties 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
- 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
- Transport for NSW
- Essential Energy

The matters raised by these agencies have previously been discussed within the external referrals section of this report.

Notice on relevant land

Written notices were displayed upon the subject site containing the information outlined within 78 of the *Environmental Planning and Assessment Regulation 2000* for the duration of the notification period (19 May 2020 to 18 June 2020).

4.15(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

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 and have been included in the recommended conditions of consent.

Traffic and Transport

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."

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. This report finds that:

- Based upon SIDRA Analysis the proposed development would not impact upon the Level of Service of the nearest major intersection (Kings Highway Intersection) which achieves an A Level of Service.
- As the Proposal is not adding any additional traffic, the Proposal does not:
 - Impact on the existing capacity of any of the roads along the transportation route.
 - Warrant any road upgrades along the transport route.
 - Warrant any upgrade of the Kings Highway intersection based on the outcomes of the SIDRA intersection capacity analysis.
 - Adversely impact on road safety along the transportation route.
 - Adversely impact on the school bus services and public transport bus and rail services.
 - Adversely impact on pedestrian and cyclists.
 - Increase traffic noise beyond existing levels.
- Based on the analysis of available traffic data and current Austroads Guides the following measures should be implemented for the development:

- The following roadworks are recommended for the Tarago Road and Quarry access intersection Provision of shoulder widening on Tarago Road to provide a Basic Right (BAR) and Basic Left (BAL) rural turn treatments.
- Provision of a Driver Code of Conduct and Operations Traffic Management Plan is considered desirable to ensure an integrated approach is taken to address the risks associated with the haulage operations.
- Provision of Section 94 contributions to QPRC to assist with funding required for the ongoing maintenance and rehabilitation of the transportation route.

Further to the above, Council's Development Engineer has reviewed the proposal and has advised that subject to the proposed entry works the proposed access arrangements are considered satisfactory for the purposes of the proposed development.

Based upon the above the proposed development is considered unlikely to result in any significant traffic or transport impacts.

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. As the proposed activities would be consistent with activities already undertaken within the Project Site, indirect impacts including noise and dust effects are unlikely to have significant adverse impacts on adjacent vegetation and fauna habitat.

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.

- Surface Water

The subject site operates under an existing Water Access Licence issued by WaterNSW permitting the extraction of up to 3ML of water from Butmaroo Creek. The proposed development involves no additional extraction beyond the existing license. The proposed development includes a number of mitigation measures including the bunding of active works areas, the implementation of a Riparian Vegetation Management Plan and a Surface Water Monitoring Procedure. With the implementation of such measures the proposal is considered unlikely to result in any significant impacts upon surface water within the locality.

- Ground Water

The subject site sits atop an aquifer of permeable sand rich material and impermeable silt and clay rich material in thin and laterally discontinuous bands. The aquifer structure results in limited transmissivity due to the presence of the impermeable clay material. As such, the Operator estimates that seepage into the existing Extraction Area is approximately 1.4ML per year. This calculation was subsequently supported by WaterNSW in their assessment of the proposal.

While there are a number of bores within the surrounding locality for stock and domestic purposes. Given the aquifer structure, the proposal is considered unlikely to impact upon these water supplies.

Given the limited ability of the aquifer to transmit groundwater and the distance to surrounding groundwater users and Butmaroo Creek, the proposed development is considered unlikely to result in any significant impacts upon ground water supplies.

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*. This report finds that no specific noise attenuation measures are required for the purposes of the proposed development. As such the proposed development is considered unlikely to result in any significant acoustic impacts upon surrounding receivers.

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 (see table below) the proposal can operate without causing any significant air quality impacts at residential receptors. Conditions of consent are recommended requiring the preparation and implementation of an Air Quality Management Plan including at a minimum the mitigation measures outlined below.

Source	Mitigation Measure
General	Activities to be assessed during adverse weather conditions and modified as required (e.g. cease activity where reasonable levels of dust cannot be maintained using the available means).
	Weather forecast to be checked prior to undertaking material handling or processing.
	Engines of on-site vehicles and plant to be switched off when not in use.
	Vehicles and plant are to be fitted with pollution reduction devices where practicable.
	Vehicles are to be maintained and serviced according to manufacturer's specifications.
	Visual monitoring of activities is to be undertaken to identify dust generation.
Exposed areas/stockpiles	The extent of exposed surfaces and stockpiles is to be kept to a minimum.
	Exposed areas and stockpiles are either to be covered or are to be dampened with water as far as is practicable if dust emissions are visible, or there is potential for dust emissions outside operating hours.
	Minimise dust generation by undertaking rehabilitation earthworks when topsoil and subsoil stockpiles are moist and/or wind speed is below 10 m/s.
Material handling	Reduce drop heights from loading and handling equipment where practical.
	Dampen material when excessively dusty during handling.
Hauling activities	Haul roads should be watered using water carts such that the road surface has sufficient moisture to minimise on-road dust generation but not so much as to cause mud/dirt track out to occur.
	Regularly inspect haul roads and maintain surfaces to remove potholes or depressions
	Driveways and hardstand areas to be swept/cleaned regularly as required etc.
	Vehicle traffic is to be restricted to designated routes.
	Speed limits are to be enforced.
	Vehicle loads are to be covered when travelling off-site.

Figure 10: Proposed dust mitigation measures extracted from Air Quality Impact Assessment prepared by Todoroski Air Sciences Pty Limited

Visual

The proposed progressive rehabilitation of the site means that the visual footprint of the development will not increase from that of the existing development upon the site. The subject site is significantly setback from both surrounding development within the locality and Tarago Road itself which significantly limits the visibility of the development. As such, the proposed development is considered unlikely to result in any significant visual impacts.

Social and Economic

The proposed development would contribute approximately \$17 million per year to the local economy by way of payment of wages, purchasing of goods and services while providing for full-time-equivalent employment of between 10 to 12 jobs. The proposed development involves no actions considered likely to result in any known negative social or economic impacts.

4.15(1)(c) the suitability of the site for the development

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

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.

4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

SECTION 64 CONTRIBUTIONS

Section 64 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are not applicable to the proposed development.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the *Environmental Planning & Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 7.11 Contributions are applicable to the proposed development under the Yarrawlumla Development Contributions Plan 2 - Roads as follows:

Yarrawlumla Contribution Plan No.2	Road Type	Base Rate (t/km)	RMS RCI for 2020/21	Contribution (t/km)
Tarago Road (MR268)	7	3.47¢	122.16%	7.70¢

A condition of consent requiring the annual payment of the above contributions is included within the recommended conditions of consent.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

The development is Regional Development for the purposes of the State Environmental Planning Policy (State and Regional Development) 2011 and the Southern Regional Planning Panel is the consent authority for the application.

The application has been assessed under the relevant State Environmental Planning Policies and *Queanbeyan Local Environmental Plan 2012*. This assessment found that the development generally satisfies the controls and requirements of these instruments. The application seeks no variations and will not result in significant impacts or loss of amenity to any surrounding residence.

The other relevant matters for consideration under section 4.15 of the EP&A Act have also been considered. The development is suitable for the site, will have an acceptable impact on the site, local area and neighbouring properties. The submissions from agencies have been considered and conditions recommended where appropriate. No public submissions were received that related to this development. There are no significant public interest concerns resulting from the development.

Recommendation

1. That Development Application DA.2020.1146 for the operation of an extractive industry (sand quarry) upon Lot 31 DP 634213, Lot 1 DP 1167699 and Lot 2 DP 1167699, 587-589 Tarago Road, Lake George be Approved subject to the conditions in Attachment 1.