



# Section 3

## Consultation, Issue Identification and Prioritisation

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### PREAMBLE

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*This section describes the consultation undertaken during the design and evaluation phase of the Proposal, as well as during the preparation of this Environmental Impact Statement.*

*This section also considers the planning and legislative context within which the Quarry would operate and describes any environmental issues that are raised from these instruments that should be addressed within the EIS. Relevant NSW State environmental planning legislation and local government legislation is included in the review as well as any additional policies and guidelines that are relevant to the Proposal.*

*This information was used to prioritise all relevant environmental issues requiring assessment.*

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## 3.1 Consultation

### 3.1.1 Government Agencies

#### 3.1.1.1 Introduction

Both formal and informal consultation was undertaken with a range of government agencies at State and local levels throughout the preparation of this document. The following subsections provide an overview of government agency consultation throughout the design and evaluation of the Proposal and the preparation of this document.

#### 3.1.1.2 Secretary's Environmental Assessment Requirements

The Applicant originally anticipated that the Proposal would be classified as State Significant Development (SSD) and Secretary's Environmental Assessment Requirements (SEARs) for the Proposal as it was then envisaged were issued on 2 February 2018.

Subsequently, the Applicant determined that the Proposal was of insufficient scale for an SSD application. Rather, the Application should be classified as Regional Development. As a result, the application for SSD-scale development was withdrawn and a *Background Paper* was prepared and submitted to the Department of Planning, Industry and Environment (DPIE) on 2 July 2019 to support a request for SEARs for the Proposal as described in this document. The *Background Paper* was provided to the following government agencies who provided input to the SEARs.

- NSW Environment Protection Authority (EPA).
- Department of Planning, Industry and Environment – Biodiversity and Conservation.
- Department of Industry – Natural Resources Access Regulator.
- Department of Primary Industries – NSW Agriculture (DPI-Agriculture).
- Department of Primary Industries – NSW Fisheries (DPI-Fisheries).
- NSW Roads & Maritime Services (RMS).
- Department of Planning, Industry and Environment – Division of Resources and Energy (DRE).
- Department of Planning, Industry and Environment – Resources Regulator.
- Department of Planning, Industry and Environment – Crown Lands (Crown Lands).
- Rural Fire Service (RFS).

The SEARs were issued on 5 August 2019 and are reproduced in **Appendix 2**. A tabulated summary of requirements provided by government agencies that were raised in the SEARs, or submitted by correspondence to DPIE, and where each issue is addressed in the *Environmental Impact Statement* (EIS) is presented in **Appendix 3**.



### 3.1.1.3 Queanbeyan – Palerang Regional Council

Existing operations have been undertaken under consent D52/74 issued by Yarrawlumla Shore Council in 1974.

A range of meetings and telephone calls were held with officers of Queanbeyan-Palerang Regional Council (Council) throughout preparation of the application. In particular a meeting was held on 14 June 2018 during which the following was discussed.

- Council's preference would be for a new development consent to be sought rather than attempting to modify the existing consent.
- Key issues for consideration by Council include the following.
  - Water quality.
  - Air quality and noise impacts
  - Traffic and transportation, including at the intersection of Molonglo and Gibraltar Streets.

Subsequent to the June 2018 meeting, the Applicant determined that the application would be classified as Regional Development. Council confirmed at that time that it would accept the application for development consent and, as a result, the original application for SSD SEARs was withdrawn and a subsequent application for SEARs for a Regional Development-scale Proposal was submitted.

RWC further consulted with Council on 8 August 2019 during which Council confirmed its previous advice and identified that the existing 1974 consent would, following granting of development consent for this application, remain on foot for other operators relying on it for their operations.

Finally, Mr Bland of RWC telephoned Council on 17 March 2020 to discuss finalisation of the EIS and road contributions. Council requested four copies of the EIS when submitted and indicated that road contributions would be considered once the EIS had been submitted.

### 3.1.1.4 WaterNSW

Mr Mitchell Bland of RWC consulted with WaterNSW on 18 September 2019 in relation to that agency's expectations for matters to be addressed in the EIS. Ms Scarfone confirmed the following.

- A Works Authority and Water Access Licence under Section 90(2) and 89(1) respectively of the *Water Management Act 2000* will be required. An Aquifer Interference Approval will not be required.
- In order to assess the DA and applications for the above, the Applicant will require an estimate of the groundwater take. It was agreed that the best way to determine the likely groundwater "take" would be to present the current volumes of water pumped from the existing Extraction Area.



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- Ms Scarfone advised that the Project Site is located within the Bungendore Alluvial Water Source. There are currently four licences issued in that source for a total of 776 shares.
- The Aquifer Interference Policy should be considered when assessing impacts to the aquifer.
- Reliance should be placed on the standard SEARs provided by WaterNSW on 17 September 2019 (see **Appendices 2 and 3**).

Mr Bland from RWC telephoned Water NSW on 24 March 2020 to discuss groundwater licencing-related matters. Mr Bland was advised that Water NSW would require all groundwater likely to seep into the Extraction Area to be licenced.

### **3.1.1.5 Environment Protection Authority**

Mr Mitchell Bland of RWC consulted with the EPA in August and September 2019 in relation to the EPA's expectations for the air quality assessment. In particular, Mr Bland sought clarification whether a qualitative or a quantitative air quality assessment would be acceptable. During that consultation, the Environment Protection Authority indicated that a qualitative assessment may be acceptable, provided that its use is fully justified.

Following a review of comparable sites upon which to base a qualitative assessment, the Applicant determined that a quantitative assessment in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales* should be undertaken. That assessment is described in Section 4.8 and the assessment report prepared by Todoroski Air Sciences Pty Ltd is presented in **Appendix 8**.

### **3.1.1.6 Department of Primary Industries – Fisheries**

Mr Mitchell Bland of RWC consulted with the Department of Primary Industries – Fisheries in on 16 August 2019 relation to the Departments' expectations for the EIS. In summary, the Department confirmed the following.

- The EIS should include a general description of the aquatic and riparian habitat associated with Butmaroo Creek. A detailed AusRIVAS assessment or similar is not required.
- The Department is particularly interested in rehabilitation and reestablishment of the riparian corridor.
- The EIS should consider the Fish Conservation and Management Guidelines.
- The Department will expect a surface water monitoring program, including baseline data, be implemented following receipt of development consent.

These matters, and where each are addressed, are presented in **Appendix 3**.



### 3.1.2 Aboriginal Stakeholder Consultation

Consultation with relevant Aboriginal stakeholders was undertaken by Dr Amy Way in a manner that was generally consistent with the *Aboriginal Cultural Heritage Community Consultation Requirements for Proponents* (DECCW, 2010). Section 4.2 presents an overview of the Heritage Assessment, including the consultation completed, while **Appendix 4** presents a copy of Dr Way's report. In summary, the following 12 groups or individuals registered their interest in the Project.

- Onerwal Local Aboriginal Land Council (LALC).
- Ngambri Local Aboriginal Land Council
- Didgengunawal (DNC).
- Corroboree Aboriginal Corporation.
- Merrigarn Indigenous Corporation.
- Janine Thompson.
- Murra Bidgee Mullangari.
- Bungarabung/Koomurri Ngunawal Aboriginal Corporation.
- Thunderstone (Ngunawal).
- Buru Ngunawal (BNACC).
- Muragadi.
- Gooba.

Consultation with the Aboriginal Community is described in Section 4.2.2.

### 3.1.3 Community Consultation

#### Neighbour Consultation

Mr Jim Osborne of the Applicant contacted the owners of all privately held land neighbouring the Project Site on 21 and 22 January 2020 to discuss the Proposal. Messages were left for the owners of Properties 10 and 12 (see Section 4.1.4.1 and **Figure 4.5**) and no responses were received. Mr Osborne spoke with the owners of Properties 3, 8, 11 and 14 and correspondence was posted to the owners of Property 13.

The information in relation to the Proposal was well received, with no matters of substance requiring addressing in this document raised.

The owner of Property 7, Mr D. Osborne, provide email correspondence in which he raised the prospect of undertaking a riparian revegetation program adjacent to Butmaroo Creek. This suggestion was consistent with commitments made to NSW Fisheries and is embodied in in Section 4.4.5.



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## Community Newsletter

A community consultation newsletter was distributed to residences in the vicinity of the Project Site, including residences in the Buckingham rural residential estates located approximately 2.5km south of the Project Site on 31 January 2020.

Two responses were received following distribution of the newsletter. These responses detailed concerns including potential air quality and traffic-related impacts associated with the Proposal as well as concerns regarding the potential degradation of Butmaroo Creek associated with water extraction.

## Local Media

The Applicant made contact with the *Bungendore Weekly* and offered to provide a briefing on the Proposal on request. No request was received.

## Water Licence Holders

Mr Osborne contacted the Davy and Suraci families on 25 March 2020, holders of the only privately held Water Access Licences in the Bungendore Alluvial Groundwater Source. The outcomes of those discussions are presented in Section 4.6.2.

## 3.2 Planning Context

### 3.2.1 Introduction

A range of Commonwealth and NSW Legislation, policies and guidelines apply to the Proposal. These documents were reviewed to identify any environmental aspects requiring consideration in the *Environmental Impact Statement*. A brief summary of each relevant piece of legislation and planning instrument is provided in the following subsections. The application and relevance of planning instruments related to specific environmental issues have been addressed in Section 4 and / or the relevant Specialist Consultant assessments.

### 3.2.2 Commonwealth Legislation

The key Commonwealth legislation relating to the Proposal is the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Act regulates 'Matters of National Environmental Significance' including:

- listed threatened species and ecological communities; and
- listed migratory species protected under international agreement.

'Actions' are defined under the EPBC Act to include projects and developments. Actions which would or would be likely to have significant impacts on Matters of National Environmental Significance, or which might significantly impact on Commonwealth land, are 'controlled actions'. The Minister for the Environment determines whether a proposed action is a controlled action for the purpose of the EPBC Act. The carrying out of controlled actions are prohibited, unless approved by the Minister.



As the Ecological Assessment completed for the Proposal (EnviroKey, 2020) (see **Appendix 6**), confirmed that the Proposal would not adversely impact on any Matters of National Environmental Significance and therefore it is not required to be referred under the EPBC Act.

### **3.2.3 NSW Legislation**

#### **3.2.3.1 Environmental Planning and Assessment Act 1979**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for the assessment and approval of development in NSW and is administered by the Department of Planning, Industry and Environment.

The EP&A Act aims to protect and conserve the environment through ecologically sustainable development. This is achieved through managing development to conserve resources, including agricultural land, natural areas, forests, minerals, water, and towns with the purpose of promoting social and economic welfare of the community and an enhanced environment.

The Proposal is classified as Regional, Designated development which is permissible with development consent (refer to Section 3.2.5.1). The Proposal is also classified as Integrated Development under Section 4.46 of the EP&A Act as the following additional approvals will be required.

- An amendment to Environment Protection Licence (EPL) 9 under Section 58 of the *Protection of the Environment Operations Act 1997* to include the proposed extraction operations.
- An Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act 1974*.
- Consent from Queanbeyan – Palerang Regional Council under Section 138 of the *Roads Act 1993* for works to be undertaken within the road reserve for Tarago Road.
- A Works Authority and Water Access Licence under Section 90(2) and 89(1) respectively of the *Water Management Act 2000* for water extracted from the existing and proposed Extraction Area.

As a result, the Divisions 4.3 and 4.8 of the EP&A Act and Part 6 and Schedules 2 and 3 of the *Environmental Planning and Assessment Regulation 2000* are relevant to the Proposal.

#### **3.2.3.2 Protection of the Environment Operations Act 1997**

The *Protection of the Environment Operations Act 1997* (Protection of the Environment Operations Act 1997) provides the framework for regulation and reduction of pollution and waste in NSW. The POEO Act is regulated by the Environment Protection Authority (EPA), which issues environment protection licences (EPLs) for wide-ranging scheduled activities, including mining for minerals, mineral processing and crushing, grinding or separating works.





The POEO Act also requires immediate reporting of pollution incidents which cause or threaten to cause material harm to the environment. All holders of EPLs are required to prepare, implement and regularly test *Pollution Incident Response Management Plans*.

Current operations carried out under EPL 9 authorise land-based extractive activity up to 500,000tpa from Lot 31 DP 634213 and Lot 1, DP1167699. An updated EPL will be required to permit extraction of material from the proposed Extraction Area.

### **3.2.3.3 National Parks and Wildlife Act 1974**

The *National Parks and Wildlife Act 1974* (NP&W Act) aims to manage and conserve nature, objects, places and features that have ecological and cultural value. The NP&W Act is administered and enforced by the OEH. Aboriginal places and objects are protected under Section 86 of the Act.

A *Heritage Assessment* (Way, 2020) undertaken for the Proposal, identified two Potential Archaeological Deposits within the proposed Extraction Area. As a result, an Aboriginal Heritage Impact Permit issued under Section 90 of the Act will be required.

### **3.2.3.4 Roads Act 1993**

The *Roads Act 1993* (Roads Act) applies to public roads in NSW and, depending upon the type of road, is administered by the Roads & Maritime Service or local council.

Consent is required under section 138 of the Roads Act for works or structures within a public road reserve or that connect to a classified road.

A permit under section 138 of the *Roads Act 1993* would be required to undertake an upgrade to the Site Entrance from Tarago Road. Council would be the relevant roads authority. In addition, as Tarago Road is a Regional Road, the concurrence of the Roads and Maritime Service to granting of the permit will also be required.

### **3.2.3.5 Water Management Act 2000**

An objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the State's water for the benefit of both present and future generations. The WM Act provides clear arrangements for controlling land-based activities that affect the quality and quantity of the State's water resources. It provides for three types of approval, namely:

- water use approval (Section 89) – including a Water Access Licence; under current processing operations the Quarry has WA33014 for 3ML of water to be accessed from Lake George annually;
- water management work approval (Section 90) – including a water supply Works Approval; under current processing operations the Quarry has water supply Approval Number 40WA413508 for a 100mm centrifugal pump to supply water from Lake Gorge (under WAL 33014); and
- activity approvals (Section 91) – including controlled activity approvals for any works within 40m of the Butmaroo Creek.



The Applicant estimates that seepage from the Process Water Ponds and surrounding aquifer to the existing Extraction Area is approximately 1.4ML per year. The Applicant contends that a Works Authority and Water Access Licence for this volume is not required. Notwithstanding this, the Applicant has approached the holders of the only private water allocations within the Bungendore Alluvial Groundwater Source and has been advised that neither party would consider selling any of their allocation. In addition, this water source was not included in the October 2019 controlled allocation order released by Water NSW on 8 October 2019. Should an allocation sufficient to cover the estimated groundwater inflow of less than 1.4ML per year become available, the Application would seek to secure that allocation and apply for the relevant Works Approval and Water Access Licence,

### **3.2.3.6 Biodiversity Conservation Act 2016**

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Biodiversity impacts related to the Project were assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR) as specified in the SEARs. The resulting report is presented in **Appendix 6** and is summarised in Section 4.4.4. The BDAR determined that the Proposal would result in disturbance to native vegetation that would be below the threshold that would require offsetting. The Proposal would not result in biodiversity impacts that would require offsetting in accordance with the BC Act.

### **3.2.4 State Environmental Planning Policies**

#### **3.2.4.1 State Environmental Planning Policy (State and Regional Development) 2011**

The “SRD SEPP” was gazetted on 28 September 2011 and applies to all development applications made following that date which satisfy nominated criteria.

Clause 7 of Schedule 1 of the SEPP identifies that development for the purpose of extractive industry is to be classified as State Significant if the Proposal would:

- extract more than 500 000 tonnes of material per year;
- have a total resource (the subject of the development application) of more than 5 million tonnes; and/or
- extract from an environmentally sensitive area of state significance.

The Proposal does not exceed or trigger any of these thresholds, therefore it is not of State significance.

Clause 7(a) of Schedule 7 of the SEPP identifies that designated development for the purpose of an extractive industry is Regional Development. As Regional Development, the development application must be accepted, exhibited and assessed by Queanbeyan – Palerang Regional Council and determined by the Southern Regional Planning Panel.



**3.2.4.2 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

The “Mining SEPP” was gazetted on 17 February 2007 in recognition of the importance to New South Wales of mining, petroleum production and extractive industries.

Part 3 of the Mining SEPP sets out several matters that a consent authority must consider when assessing a development application for mining, petroleum production or extractive industry. **Table 3.1** presents a summary of each element requiring consideration and a reference to the section in this EIS where each element is addressed.

**Table 3.1  
 Application of the Mining SEPP**

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Relevant Clause	Description	EIS Section
12: Compatibility with other land uses	Consideration is given to: <ul style="list-style-type: none"> <li>the existing uses and approved uses of land in the vicinity of the development;</li> <li>the potential impact on the preferred land uses (as considered by the consent authority) in the vicinity of the development; and</li> <li>any ways in which the development may be incompatible with any of those existing, approved or preferred land uses.</li> </ul> The respective public benefits of the development and the existing, approved or preferred land uses are evaluated and compared.                     Measures proposed to avoid or minimise any incompatibility are considered.	4.1.4.2 4 (Generally) 4 (Generally) 5.2.2 4 (Generally)
12AB: Non-discretionary development standards for mining	This clause applies only to mining-related development.	Not Applicable
13: Compatibility with mining, petroleum production or extractive industry	Consideration is given to whether the development is likely to have a significant impact on current or future mining, petroleum production or extractive industry and ways in which the development may be incompatible.                     Measures taken by the applicant to avoid or minimise any incompatibility are considered.                     The public benefits of the development and any existing or approved mining, petroleum production or extractive industry must be evaluated and compared.	Not Applicable Not Applicable Not Applicable
14: Natural resource and environmental management	Consideration is given to ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure: <ul style="list-style-type: none"> <li>impacts on significant water resources, including surface and groundwater resources, are avoided or minimised;</li> <li>impacts on threatened species and biodiversity are avoided or minimised; and</li> <li>greenhouse gas emissions are minimised and an assessment of the greenhouse gas emissions (including downstream emissions) of the development is provided.</li> </ul>	4.5 and 4.6 4.4 4.8.7
15: Resource recovery	The efficiency of resource recovery, including the reuse or recycling of material and minimisation of the creation of waste, is considered.	1.5.3.3 and 2.4
16: Transport	The following transport related issues are considered. <ol style="list-style-type: none"> <li>The transport of some or all of the materials from the site by means other than public road.</li> <li>Limitation of the number of truck movements that occur on roads within residential areas or roads near to schools.</li> <li>The preparation of a driver’s code of conduct for the transport of materials on public roads.</li> </ol>	4.3.5 2.7.5 4.3.4



**Table 3.1 (Cont'd)**  
**Application of the Mining SEPP**

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Relevant Clause	Description	EIS Section
17: Rehabilitation	The rehabilitation of the land affected by the development is considered including: <ul style="list-style-type: none"><li>the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated;</li><li>the appropriate management of development generated waste;</li><li>remediation of any soil contaminated by the development; and</li><li>the steps to be taken to ensure that the state of the land does not jeopardize public safety, while being rehabilitated or at the completion of rehabilitation.</li></ul>	2.11.4 2.6.2 and 2.8.4 Not Applicable 2.4.2

### 3.2.4.3 State Environmental Planning Policy (Infrastructure) 2007

The aim of the 'Infrastructure SEPP' is to facilitate the effective delivery of infrastructure across NSW. The Infrastructure SEPP identifies, amongst other things, the matters to be considered in the assessment of development adjacent to particular types of infrastructure. The following includes matters relevant to the Proposal as well as a justification as to why the Infrastructure SEPP is not relevant to the Application.

- Electricity transmission (Part 3, Division 5).

The Quarry Access Road passes under 330kV Canberra to Capital Wind Farm transmission line (**Figure 2.1**). Clause 45 of the Infrastructure SEPP applies to development that would be carried out within or immediately adjacent to an easement for electricity purposes. Under that Clause, the consent authority must give written notice to the electricity supply authority, inviting comments about potential safety risks and take into consideration any response received.

The Applicant notes that the only activities that would be undertaken in the vicinity of the transmission line would be transportation of quarry products using road-registered vehicles and that this activity has been undertaken since at least 1975 without incident. As a result, the Proposal is not expected to result in an potential safety-related issues associated with the transmission line.

- Gas pipeline infrastructure (Part 3, Division 12A).

The Project Site is not adjacent to a gas pipeline.

- Railways (Part 3, Division 15, Subdivision 2).

The Project Site is not adjacent to or within a rail corridor.



- Roads (Part 3, Division 17).

The Project Site is adjacent to Tarago Road, a classified Regional Road under the administration of the Queanbeyan – Palerang Regional Council. Clause 101(2) of the Infrastructure SEEP requires the following.

“The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.”

The Applicant notes the following in relation to these requirements.

- Tarago Road provides the only reasonable and convenient access to the Project Site.
- The safety, efficiency and ongoing operation of Tarago Road would not be affected by the Proposal.
- The Proposal is not of a type that would be adversely impacted by traffic noise or vehicle emissions.

Based on the above, this SEPP is not considered further in the EIS.

#### **3.2.4.4 State Environmental Planning Policy 33 – Hazardous and Offensive Developments**

Hazardous and offensive industries, and potentially hazardous and offensive industries, relate to industries that, without the implementation of appropriate impact minimisation measures, would (or potentially would) pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

In accordance with SEPP 33, the hazardous materials to be held or used within the Project Site are required to be identified and classified in accordance with the risk screening method contained within the Appendix 4 of *Applying SEPP 33* (DPE, 2011). Hazardous materials are defined within that document as substances falling within the classification of the Australian Code for the Transportation of Dangerous Goods by Road and Rail (Dangerous Goods Code) (Department of Infrastructure, Transport, Regional Development and Local Government, 2009).



The Applicant notes that no potentially hazardous goods would be used or stored within the Project Site. As a result, a preliminary hazard analysis is not required for the Proposal. This SEPP is therefore not considered further in this document.

### **3.2.4.5 State Environmental Planning Policy No 44—Koala Habitat Protection**

At the time that the SEARs for the Project were received and the assessments undertaken for the Project, SEPP 44 was the relevant State policy regarding Koala habitat protection. This policy was repealed on 1 March 2020 and replaced with the *State Environmental Planning Policy (Koala Habitat Protection) 2019* (Koala SEPP 2019). Both of these SEPPs aim to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The Koala SEPP 2019 updates the definition of core Koala habitat and the Koala feed tree species present in the various Koala management areas and has a broader definition of koala habitat recognising the variety of trees and locations that provide habitat for the species.

The Queanbeyan - Palerang Local Government Area is listed under Schedule 1 of the SEPP Koala Habitat Protection 2019 as an area within the known distribution the species and that therefore could provide habitat for Koalas.

Ecological field surveys of the Property did not record any sightings or traces of Koala habitation and it is concluded that the area is not 'core Koala habitat'. This SEPP is therefore not considered further.

### **3.2.4.6 State Environmental Planning Policy No. 55 – Remediation of Land**

SEPP 55 requires that consent for any development cannot be granted unless the consent authority has considered whether the land is contaminated. As the areas proposed for disturbance within the Project Site have previously been used only for extractive industry, agriculture and/or nature conservation, the Applicant is satisfied that no contaminated land occurs within the Project Site. This SEPP is therefore not considered further in this document.

## **3.2.5 Local Planning Issues**

### **3.2.5.1 Palerang Local Environmental Plan 2014**

Relevant aims of the Palerang Local Environmental Plan (LEP) 2014 are:

- “to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,
- 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,
- to retain, protect and encourage sustainable primary industry and commerce,



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- to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,
- 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.”

The following represent key issues outlined in the Palerang LEP which are also relevant to the Proposal.

### **Land Zoning**

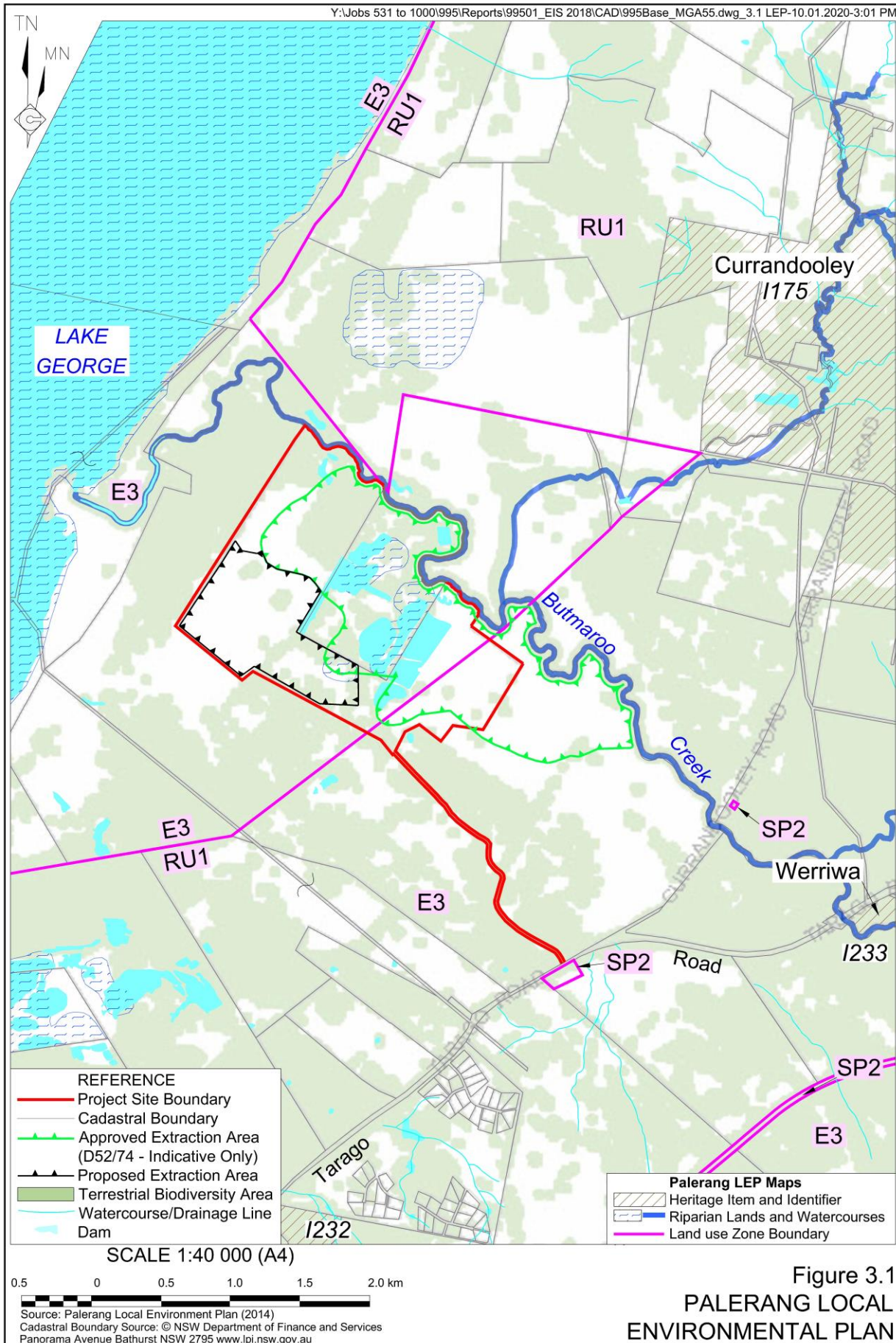
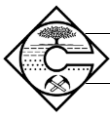
The Project Site is situated within land zoned as Zone RU1 – Primary Production and Zone E3 – Environmental Management (**Figure 3.1**). Relevant objectives of these zones are as follows.

- Zone RU1 – Primary Production
  - “To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
  - To encourage diversity in primary industry enterprises and systems appropriate for the area.
  - To minimise the fragmentation and alienation of resource lands.
  - To minimise conflict between land uses within this zone and land uses within adjoining zones.
  - To minimise the impact of any development on the natural environment.
  - To ensure that development does not unreasonably increase the demand for public services or facilities.”
- Zone E3 – Environmental Management
  - “To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
  - To provide for a limited range of development that does not have an adverse effect on those values.
  - To encourage the retention of the remaining evidence of significant historical and social values expressed in existing landscape and land use patterns.
  - To encourage development that is visually compatible with the landscape.
  - To promote ecologically sustainable development.
  - To minimise the impact of any development on the natural environment.”

Extractive industries are permissible with consent within zone RU1. Industries are generally prohibited within zone E3, however, as agriculture is permissible with consent in this zone, the Quarry is also permissible with consent under Part 2, Clause 7(3)(a) of the *State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007*.

Land in the vicinity of the Project Site is zoned as follows (**Figure 3.1**).

- RU1 – Primary Production.
- E3 – Environmental Management.
- SP2 – Infrastructure.







## Terrestrial Biodiversity

Clause 6.3 of the Palerang LEP identifies the maintenance of terrestrial biodiversity as a key objective, with approaches towards achieving this including:

- “protecting native flora and fauna; and
- protecting the ecological processes necessary for their continued existence; and
- encouraging the conservation and recovery of native fauna and flora and their habitats.”

A review of the Palerang LEP Terrestrial Biodiversity Map Sheet BIO\_004 confirms that areas within the project site and the proposed Extraction Area are identified as ‘Biodiversity’ (**Figure 3.1**).

Clause 6.3 further states the following.

- “(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
- (a) whether the development is likely to have:
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (iii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iv) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (v) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”

Biodiversity impacts related to the Project were assessed in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR) as specified in the SEARs. The resulting report is presented in **Appendix 6** and is summarised in Section 4.3. The BDAR determined that the Proposal would not result in biodiversity impacts that would require offsetting in accordance with the BC Act.



## Riparian Land and Watercourses

Clause 6.5 of the Palerang LEP identifies the maintenance and protection of the following as a key objective.

- “Water quality within watercourses.
- The stability of the bed and banks of watercourses.
- Aquatic and riparian habitats.
- Ecological processes within watercourses and riparian areas.”

A review of the Palerang LEP Riparian Lands and Watercourses Map Sheet WCL\_004 confirms that areas within the Project Site, including existing Extraction Areas and Butmaroo Creek are identified as ‘Watercourse’ land (**Figure 3.1**). In addition to the mapped areas, Clause 6.5 also applies to “all land within 40 metres of the top of the bank of each watercourse on land identified as ‘Watercourse’ on that map.”

Clause 6.5 further states the following.

- “(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
- (a) whether or not the development is likely to have an adverse impact on the following:
    - (i) the water quality and flows within the watercourse,
    - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
    - (iii) the stability of the bed and banks of the watercourse,
    - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
    - (v) any future rehabilitation of the watercourse and riparian areas, and
  - (b) whether or not the development is likely to increase water extraction from the watercourse, and
  - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”

Sections 4.5 and 4.6 provide information on water resource impacts and identify management and mitigation measures to ensure negligible impacts to water resources



### 3.2.5.2 Palerang Development Control Plan 2015

The purpose of the Palerang Development Control Plan (DCP) 2015 is to support the aims of the Palerang LEP (see Section 3.2.5.1).

**Table 3.2** identifies specific matters addressed by the Palerang DCP which are relevant to the Proposal as well as where in the EIS these matters are discussed.

**Table 3.2**  
**Palerang Control Plan 2015 – Relevant Sections**

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Relevant DCP Part	Comment	EIS Section
A8 Lodging a Development Application	Pre-lodgement meeting.	3.1.1.3
A13 Developer Levies	Development contributions are applied to certain developments to fund services or infrastructure required as a result of the new development.	3.1.1.3 and 4.3.4
A21 Ecologically Sustainable Development	Ecologically sustainable development requires consideration of the principles of ecologically sustainable development.	5.2.3
B1 Site Analysis	A site analysis, including a site plan, is required to ensure that development minimises environmental impacts.	4.1 and Figures 4.1 to 4.3
B3.1 Terrestrial Biodiversity	All areas that are proposed to be subject to development require consideration of biodiversity values.	4.4
B3.3 Watercourses	Reports must contain sufficient information to enable Council to determine the impact of the development proposal on land.	4.1.2 and 4.5
B3.4 Habitat Corridors	Consideration of the impact of the proposed development on native flora and fauna is required.	4.4
B3.5 Tree and Vegetation Removal	Consideration is required regarding the permissibility of vegetation removal and the management of vegetation.	4.4
B4 Bush Fire Prone Land	The Applicant must consider bush fire if the proposed development falls within an area that has been mapped as bush fire prone.	4.12.2
B5 Crime Prevention through Environmental Design	All development applications will be assessed against the crime prevention through environmental design general principles.	Not Applicable
B7.1 Parking	Adequate parking designed to minimise environmental impacts must be incorporated into developments.	2.7.2
B7.2 Roads	New or upgraded roads must be appropriately designed to ensure safe and efficient vehicle movement and to minimise environmental impacts.	2.7.3
B7.5 Rural Internal Access Roads	Access roads must provide safe access to developments, must meet the requirements of Planning for Bushfire Protection, and must have minimal environmental impacts.	2.7.2
B7.6 Rural Entrances	Entrances must be sited in safe locations to permit safe vehicle access.	2.7.3



**Table 3.2 (Cont'd)**  
**Palerang Control Plan 2015 – Relevant Sections**

Page 2 of 2

Relevant DCP Part	Comment	EIS Section
B7.7 Stormwater and Water Sensitive Urban Design	Developments must: <ul style="list-style-type: none"> <li>– minimise impacts to aesthetic, recreational, and ecological values of receiving waters;</li> <li>– control stormwater to minimise nuisance to neighbouring properties;</li> <li>– set minimum stormwater collection and management standards;</li> <li>– preserve natural drainage systems, where practicable, and provide for the repair and enhancement of environmentally significant or degraded land;</li> </ul>	4.5
B7.9 Utilities	Developments must have adequate services.	2.8
B7.10 Sewer and Water	Developments must have adequate sewer and water infrastructure.	2.8.2
B8 Erosion and Sediment Control	All development applications must include either an Erosion and Sediment Control Plan or a Soil and Water Management Plan.	4.5
B9 Flood Planning	Developments must: <ul style="list-style-type: none"> <li>– assess the full impacts of floods, up to and including the probable maximum flood event.</li> <li>– take account of social, economic, and ecological factors relevant to floods.</li> <li>– only be permitted where the full potential risk to life from flooding can be managed;</li> <li>– ensure compliance with relevant principles and guidelines.</li> </ul>	4.5
B10.1 European Heritage	Developments must consider European heritage items and places.	4.9
B10.2 Aboriginal Heritage	Developments must consider Aboriginal heritage items, sites, and areas of significance.	4.2
B10.3 Natural Heritage	Where developments will have an impact on areas with a high level of natural heritage, a natural heritage impact assessment	4.4 and 4.9
B11 Social and Economic Impact Assessment	A social and economic assessment of the development must be undertaken to determine the impact of the proposal on the social and economic environment.	4.10 and 4.13
B14 Potentially Contaminated Land	Developments must consider the potential for a site to be contaminated from previous or current land use and must assess contamination where identified.	4.12
B15 Waste Management	Developments must manage waste appropriately.	2.6 and 2.8.4
C22 Filling of Land	Development applications involving land filling must show that land filling will not lead to erosion and sedimentation or public health issues.	2.4 and 2.6



### 3.2.5.3 Queanbeyan-Palerang Regional Council Asset Management Strategy

The *Queanbeyan-Palerang Regional Council Asset Management Strategy* (draft-2017) was compiled by Council to outline the long-term strategic direction of its assets. The Strategy summarises two community surveys completed in 2016 and 2017. The combined data collected from the two community engagement projects identified:

- That there is a very high community expectation that Council needs to put significant effort and resources into road maintenance (both sealed and unsealed).
- That there is a significant level of community dissatisfaction on the level of resources being put into the maintenance of public realm infrastructure and that they would like to see more resources committed to this.
- The community wants to see a higher emphasis placed on the provision of and maintenance of recreational facilities.

The Proposal would be in keeping with meeting the community-identified concerns by ensuring sand resources to maintain assets and infrastructure.

### 3.2.5.4 Queanbeyan-Palerang Regional Economic Development Strategy 2018-2022

The *Queanbeyan-Palerang Regional Economic Development Strategy 2018 – 2022* was compiled by Corview on behalf of Council to establish a ‘long-term economic vision for Queanbeyan-Palerang’. The Strategy identifies the following key economic strategic imperatives:

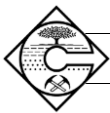
1. improve the digital connectivity and access to harness the innovative capacity of the workforce;
2. re-establish the town centres as ‘Places for People’;
3. grow the population and internal markets of the region; and
4. further develop specialised agriculture and food and cultural tourism.

The Proposal would be in keeping with growing populations and internal markets by providing employment and supporting local businesses.

## 3.3 Prioritisation of Environmental Issues

The prioritisation of the key environmental issues, and hence their general order of presentation in this document, has been established through reference to the following.

- The results of the Government agency and community consultation process described in Section 3.1.
- The results of the review of relevant legislation, planning issues, policies and guidelines presented in Section 3.2.
- The experience of RWC in assembling Environmental Impact Statements for similar projects.



The environmental issues identified by this identification process are the following.

1. Aboriginal Heritage.
2. Transportation and Traffic.
3. Biodiversity.
4. Surface Water.
5. Groundwater.
6. Noise and Vibration.
7. Air Quality.
8. Historic Heritage.
9. Visibility.
10. Soil and Land Capability.
11. Public Safety and Hazards.
12. Socio-Economic.