

DATE OF DETERMINATION	Tuesday, 9 March 2021
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Chelsea Newman, Pete Harrison
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 17 February 2021.

MATTER DETERMINED

PPSSTH-62 – QUEANBEYAN-PALERANG – DA.2020.1146 at 589 Tarago Road Lake George 2581 – Extractive Industry (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report, and the following:

- The proposed development is permissible with consent within the RU1 Primary Production zone under the Palerang Local Environmental Plan 2014 and Clause 7(3)(a) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 for proposed works within the E3 Environmental Management zoned portion of the site.
- The granting of consent will provide the operations on the site with a contemporary approval framework in terms of on-going management of operations and rehabilitation of the site.
- Subject to the conditions of consent, the proposed development can be operated to comply with relevant environmental criteria. In this regard the panel notes that the Environment Protection Authority has provided General Terms of Approval;
- The Panel was satisfied that the visual impact of the development, particularly when viewed from nearby dwellings is ameliorated by the topography of the site.
- The Panel was satisfied that traffic impact and road safety can be appropriately managed provided the overall limit on heavy vehicle movements is capped at 140 vehicles per day. The Panel has included an amended condition of consent to enforce this.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

Condition 11. Internal Access Road

- Amend condition to include the word “the above standard” after the words “regularly maintained”.

Condition 12. Entrance – Tarago Road

- Amend condition to include the words “for a distance of 60m from the Tarago Road intersection” at the end of the first sentence.

Condition 17. Quarry Development and Rehabilitation Plan

- Amend the condition to include the words “to a minimum width of 40m;” at the end of the second dot point.

Condition 18. Quarry Fencing

- Amend the condition to include the words “Temporary fencing shall be erected within boundary of the current extraction area along the proposed Heritage Conservation Zone until permanent fencing can be erected following the issue of an AHIP.”

Condition 21. Fire Management Plan

- Amend the condition to delete the words “for comment” in the first sentence and replace with the words “for approval”.

Include the following new condition to be satisfied during operations:

Vehicle Movement Limit





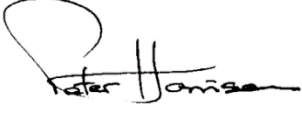
The development shall be limited to a maximum of 140 heavy vehicle movements per day.

CONSIDERATION OF COMMUNITY VIEWS

No public submission were received during the public exhibition period for the development application. The Panel notes that during the preparation of the environmental impact statement the Applicant consulted with adjoining owners and distributed a newsletter to residences in the vicinity of the project. In response to this consultation, two respondents raised the following issues:

- Air quality
- Traffic

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and amended conditions of consent.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Renata Brooks
 Tim Fletcher	 Chelsea Newman
 Pete Harrison	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-62 – QUEANBEYAN-PALERANG – DA.2020.1146
2	PROPOSED DEVELOPMENT	Extractive Industry
3	STREET ADDRESS	589 Tarago Road Lake George 2581
4	APPLICANT/OWNER	Grantham Park Holdings Pty Ltd/ Tobiway Crushing Pty Ltd, and Henry E Osborne
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <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 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Palerang Development Control Plan 2015 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 77(2) and 78 Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 16 December 2020
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: Thursday, 4 March 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Tim Fletcher <u>Council assessment staff</u>: Luke Perkins Final briefing to discuss council's recommendation: Friday, 5 March 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Chelsea Newman, Pete Harrison <u>Council assessment staff</u>: Luke Perkins
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report