

BRIEFING DETAILS

BRIEFING DATE / TIME	Tuesday, 20 December 2022, 11:15am – 1:30pm
LOCATION	MS Teams

BRIEFING MATTER(S)

PPSSTH-93 – Eurobodalla – DA0075/22 – 51-53 Nerrigundah Mountain Road, Eurobodalla - Extractive industry – comprising a hard rock quarry that will extract approximately 1.87 million tonnes of basalt in two stages over a 15 to 20-year period.

PANEL MEMBERS

IN ATTENDANCE	Clare Brown (Acting Chair), Andrew Hutton, Susan Budd, Amber Schutz
APOLOGIES	Lindsay Usher
DECLARATIONS OF INTEREST	NIL

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	David Meagher, Gary Bruce
APPLICANT REPRESENTATIVES	Allen Grimwood, Cath Reilly
OTHER	Sung Pak (DPE)

KEY ISSUES DISCUSSED

- The need to widen the haulage road to accommodate the traffic to be generated by the proposed quarry and the assessment of any potential environmental impact in terms of ecology, stormwater, dust, impact on adjoining land etc.
- Road upgrade and design details of haul road, intersection of the haul road with Nerrigundah Mountain Road and they requirement for them to be designed in accordance with Council's Rural Road Standards.
- Proposed relocation of the office and parking areas along with the requirement for details of any further relocation during Stage 1 and Stage 2 operations. This is to include impacts on staging, required infrastructure and the assessment of any potential additional environmental impact and mitigation measures.
- TfNSW correspondence dated 4 March 2022 advising no objection to the proposed quarry on the basis that the proposed conditions are imposed. Conditions require the upgrade of the intersection of Eurobodalla Road and Princes Highway and identifies the requirement for the consent authority to be satisfied in relation to the environmental impacts of roadworks.

- Applicant identified a willingness to enter into an “equitable sharing” planning agreement in relation to the works at the intersection of Eurobodalla Road and Princes Highway. The Panel notes that any planning agreement for the intersection works may require TfNSW to be a party to the agreement and noted that a planning agreement cannot impose obligation on parties not a signatory to the agreement. The Panel notes it is a matter for the applicant to determine as to whether it will seek to commence negotiations on the terms of a planning agreement.
- The Panel is concerned that the proposed water management proposals for the quarry operations may not satisfy the requirements of the Managing Urban Stormwater: Soils and construction - Volume 2E – Mines & Quarries. Further detailed plans and modelling (details and scales) are required to be provided to Council for assessment.
- Additional details were identified by the Panel following the May 2022 briefing and these are again requested to be considered, including the location of any proposed crushing plant, stockpile areas, dust mitigation and weighbridge and assessment of the elements including retaining walls, protection, erosion control and mitigation measures.
- The Panel considers that an addendum EIS should be prepared to incorporate the various responses to information submitted to Council and to also incorporate design details, impact assessment and mitigation measures to address the haul road upgrades, intersection upgrades, stormwater management and the relocation of office and carparking; as well as any additional information identified in this record of briefing.
- The addendum EIS would also need to address the current legislative framework including local planning provisions and State environmental planning policies applying to the site and the proposal.
- The Panel notes from a procedural perspective that should the applicant amend the proposal to address the matters raised above that the applicant should seek to amend the development application under section 37 of the Environmental Planning and Assessment Regulations 2021.
- Requirement for the renotification of the development application is a matter to be determined by the Council.

The Panel requests the Applicant advise the Planning Panel Secretariat in writing by 13 January 2023 its preparedness to submit the information identified within this Record of Briefing and the date by which that can occur. A copy of this advice to be provided to the Council.

The Panel then requests that the Council complete the assessment of the proposal under the development application within two months from the receipt of complete amended/additional information submitted by the Applicant.

In the event the Applicant declines to submit the requested information the Council is directed to prepare a report for the determination of the development application with information presently available to the Council and the Panel.

TENTATIVE DETERMINATION DATE SCHEDULED: TBA

Planning Panels Secretariat

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