

COUNCIL ASSESSMENT REPORT TO PANEL

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-262 – DA 2024/166
PROPOSAL	Extractive Industry (Open-Cut Quarry)
ADDRESS	Lot 2 DP1301356, Canowindra Road, Canowindra
APPLICANT	Makk McNaught - McNaught Earthworks Pty Ltd
OWNER	McNaught Family Capital
DA LODGEMENT DATE	25 June 2024
APPLICATION TYPE	Development Application (Designated Development)
ESTIMATED DEVELOPMENT COST	\$527,129.48 (excluding GST)
REGIONALLY SIGNIFICANT CRITERIA	The development is 'particular designated development' for the purposes of - 'extractive industry facilities' that meet the requirements for designated development (see below)
DESIGNATED DEVELOPMENT CRITERIA	<p>Pursuant to Schedule 3, Section 26 of the <i>Environmental Planning & Assessment Regulation 2021</i> the proposal is classified as 'designated development' as it is an extractive industry which involves:</p> <ul style="list-style-type: none"> • more than 30,000 tonnes of extractive material per year, and • disturbance of more than 2ha of land (total surface area) by excavating
INTEGRATED DEVELOPMENT APPROVALS	Concurrent (integrated) approval is required from the NSW Environmental Protection Authority (EPA) as an Environmental Protection Licence (EPL) is required to carry out a 'scheduled activity' (extractive industry over 30,000tpa)
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Resources and Energy) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • Cabonne Local Environmental Plan 2012 • Cabonne Development Control Plan No. 5 General Rural Zones • Dark Sky Planning Guideline
AGENCY REFERRALS	<p>The application has been referred to the following Agencies:</p> <ul style="list-style-type: none"> • Environmental Protection Authority (EPA) • Transport for NSW (TfNSW) • Department of Primary Industries and Regional Development – Agriculture • Department of Planning and Environment – Water • Department of Planning and Environment – Biodiversity, Conservation and Science • Department of Planning and Environment – Heritage NSW • Department of Regional NSW – Mining, Exploration & Geoscience • NSW Rural Fire Service • Essential Energy
TOTAL & UNIQUE SUBMISSIONS & KEY ISSUES IN SUBMISSIONS	<p>One (1) public submission (objection) was received. The following issues were raised:</p> <ul style="list-style-type: none"> • Noise, dust and water impacts • Increased truck usage, road damage, road maintenance, traffic safety • Maximum extraction and truck movements clarification • Quarry not necessary as plenty of others in vicinity • Decrease in land value
APPLICATION DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>The application comprises the following documents:</p> <ul style="list-style-type: none"> • Environmental Impact Statement, prepared by RW Corkery & Co, dated June 2024, with appendices: <ul style="list-style-type: none"> ○ Appendix 1 - Coverage of Secretary's Environmental Assessment Requirements and Government Agency Assessment Requirements for Consideration in the EIS (Tables), prepared by RW Corkery & Co ○ Appendix 2 – Noise Assessment, prepared by Muller Acoustic Consulting, and dated 27 February 2024 ○ Appendix 3 – Biodiversity Assessment Report, Version 3.1, prepared by OzArk Environment & Heritage, and dated May 2024 (superseded, see updated report) ○ Appendix 4 – Road Transport Assessment, prepared by The Transport Planning Partnership, and dated 19 February 2024 ○ Appendix 5 – Canowindra Road Quarry Access Intersection Design, prepared by Duncan Priestly Civil Engineering Pty Limited, and dated 16/04/2024 (superseded, see updated designs)

	<ul style="list-style-type: none"> ○ Appendix 6 – Aboriginal Due Diligence Assessment Report, Version 3, prepared by OzArk Environment & Heritage, and dated May 2024 • Cost Estimate Report, prepared by McNaught Earthworks Pty Ltd, and dated 17 June 2024 • Additional Information letter, prepared by RW Corkery & Co, dated 2 September 2024, with attachments: <ul style="list-style-type: none"> ○ Attachment 1 - Noise Justification Letter, prepared by Muller Acoustic Consulting, and dated 14 August 2024 ○ Attachment 2 – Heritage Justification Letter, prepared by OzArk Environment & Heritage, and dated 14 August 2024 • Additional Information letter, prepared by RW Corkery & Co, dated 24 October 2024 (and amended November 2024 with updated site plan), with attachments: <ul style="list-style-type: none"> ○ Appendix 2 – Updated Intersection Strategic Designs, prepared by Duncan Priestly Civil Engineering, and dated 12 October 2024 (superseded, see updated designs) ○ Appendix 3 – Concept Design Road Safety Audit, prepared by The Transport Planning Partnership, and dated 21 October 2024 ○ Appendix 4 - Response to TfNSW letter, prepared by The Transport Planning Partnership, and dated 23 October 2024 ○ Appendix 5 – Land Use Conflict Risk Analysis, prepared by RW Corkery & Co, dated October 2024 ○ Appendix 6 – Dial Before You Dig, from Essential Energy and Telstra, dated 23 October 2024 • Additional Information letter, prepared by RW Corkery & Co, dated 15 January 2025 with attachments: <ul style="list-style-type: none"> ○ Attachment A: Response to TfNSW • Updated Access Intersection Designs, prepared by Duncan Priestly Civil Engineering, and dated 29 March 2025 • Updated Biodiversity Assessment Report, Version 3.3, prepared by OzArk Environment & Heritage, and dated April 2025
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
CLAUSE 4.6 REQUESTS	N/A
PREVIOUS BRIEFINGS	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	27 May 2025
PLAN VERSION	N/A

PREPARED BY	Kelly Walker, Senior Planner, Andrew Crump Town Planning Pty. Ltd. (on behalf of Cabonne Council)
DATE OF REPORT	13 May 2025

1. EXECUTIVE SUMMARY

The development application DA 2024/166 seeks consent for an **Extractive Industry** (open-cut quarry) on land legally described as Lot 2 DP1301356, known as Canowindra Road, Canowindra ('the site').

The *Cabonne Local Environmental Plan 2012* (LEP) defines this land use as follows:

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note— Extractive industries are not a type of **industry**.

Expanding on that definition:

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

Extractive industries are permitted with consent in the RU1 Primary production zone with consent from Council pursuant to the LEP. Furthermore, extractive industries are also permitted with consent pursuant to Section 2.9(3) of *State Environmental Planning Policy (Resources and Energy) 2021* on any land on which development for the purposes of agriculture or industry may be carried out. The LEP permits agriculture in the RU1 zone.

It is noted that the land has previously been used for the purposes of a quarry between the 1930s and 2000s, however the previous consent for that use has since lapsed.

Key aspects of the development are summarised in the below table:

Table 1: Key Development Data

Control	Proposal
Zoning	RU1 Primary Production
Land-use	Extractive Industry (open-cut quarry)
Relevant EPI(s)	<ul style="list-style-type: none">State Environmental Planning Policy (Biodiversity and Conservation) 2021State Environmental Planning Policy (Planning Systems) 2021State Environmental Planning Policy (Resilience and Hazards) 2021State Environmental Planning Policy (Resources and Energy) 2021State Environmental Planning Policy (Transport and Infrastructure) 2021Cabonne Local Environmental Plan 2012
Site area	9.3ha (approx. disturbance area)
Scale	<ul style="list-style-type: none">960,000m³ (approx. 2.3 million tonnes) of materialAverage rate of 80,000 tonnes per annum (tpa)For a period of 30 years (max. rate of 150,000tpa)

Car Parking	Areas for parking and storage of equipment proposed adjacent to the existing dwelling on the site
Staffing	<ul style="list-style-type: none"> • 2-3 on-site (peak), plus contract truck drivers as needed • Staff will utilise the existing dwelling on site for kitchen and toilet facilities
Hours of Operation	<ul style="list-style-type: none"> • 7:00am and 6:00pm Mondays to Fridays • 8:00am and 1:00pm on Saturdays

The application is referred to the **Western Regional Planning Panel** ('the Panel') as the development is considered to be 'regionally significant development' pursuant to Section 2.19(1) and Clause (7)(1)(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. Specifically, the proposal is development for the purposes of extractive industry facilities that meets the criteria for 'designated development' under *Schedule 3, Section 26* of the *Environmental Planning and Assessment Regulation 2021* ('EP&A Regulations').

The application is 'integrated development' pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). Approval is required from the NSW Environmental Protection Authority (EPA) pursuant to Sections 43, 48 and 55 of the *Protection of the Environment Operations Act 1997* ('POEO Act'), where an Environmental Protection Licence (EPL) is required to carry out a 'Scheduled Activity' at any premises. As the proposal involves the extraction of over 30,000 tonnes per year, it is considered to be a scheduled activity pursuant to Schedule 1, Section 19 of the POEO Act. A referral and request for concurrence was sent to the EPA, who have issued their General Terms of Approval (GTAs).

Referrals were also sent to Transport for NSW, NSW Rural Fire Service, Essential Energy, Department of Primary Industry – Agriculture, Department of Regional NSW – Mining, Exploration & Geoscience, Department of Planning and Environment – Water; Biodiversity, Conservation and Science; and Heritage NSW.

Pursuant to Section 173 of the EP&A Regulations, the applicant requested the **Planning Secretary's Environmental Assessment Requirements (SEARs)** for the proposed development prior to the lodgement of this application. The Department of Planning, Housing and Infrastructure issued the SEARs on 19 March 2024. The applicant must give regard to all agency comments in the preparation of the EIS for this application. Matters raised are discussed in detail in section 3.2 of this report. It is noted that the applicant has not provided an Aboriginal Cultural heritage Assessment Report (ACHAR) as requested by NSW Heritage NSW, or a bush fire report as requested by RFS. The applicant has provided justification from their consultant archaeologist with regards to the ACHAR, as well as a brief bush fire assessment (albeit not from a certified bushfire consultant). These matters are discussed in detail later in this report.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied including:

- Section 1.7 of the EP&A Act in relation to application of Part 7 of *Biodiversity Conservation Act 2016* and Part 7A of *Fisheries Management Act 1994* (biodiversity assessment report);
- Section 4.14 of the EP&A Act in relation to development on bush fire prone land;

- Section 4.47 of the EP&A Act in relation to obtaining general terms of approval from the relevant approval body for integrated development (in this case the EPA for scheduled development);
- Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* for consideration of whether the land is contaminated;
- Section 2.17 of *State Environmental Planning Policy (Resources and Energy) 2021* in relation to compatibility of extractive industry with other land uses;
- Section 2.20 of *State Environmental Planning Policy (Resources and Energy) 2021* in relation to natural resource management and environmental management (water resources, biodiversity, and greenhouse gas emissions);
- Section 2.21 of *State Environmental Planning Policy (Resources and Energy) 2021* in relation to efficient resource recovery;
- Section 2.22 of *State Environmental Planning Policy (Resources and Energy) 2021* in relation to road transport of materials;
- Section 2.23 of *State Environmental Planning Policy (Resources and Energy) 2021* in relation to site rehabilitation;
- Section 2.48(2) of *State Environmental Planning Policy (Transport and Infrastructure) 2021* in relation to development adjacent to electricity infrastructure and likely to affect the transmission or distribution network;
- Section 2.119 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* in relation to development with frontage to a Classified Road;
- Clause 6.3 of *Cabonne Local Environmental Plan 2012* with regards to terrestrial biodiversity; and
- Clause 6.8 of *Cabonne Local Environmental Plan 2012* with regards to essential services.

The application was placed on public exhibition from 31 July 2024 to 28 August 2024 via neighbour notification letters and an advertisement in the local paper. A site notice was also erected pursuant to Section 58 of the EP&A Regulations. One (1) submission was received. The submission objects to the proposal and raises issues relating to noise pollution, road damage from trucks, road maintenance, traffic safety, dust pollution, water impacts, necessity of the quarry, and land value.

Five requests for additional information (RFI) were sent to the applicant, the first after an initial lodgement review, the second after a more thorough review and following external agency feedback and the public exhibition period. The third related to an electricity easement matter that was not addressed in the previous RFI. The fourth and fifth relate to traffic matters that were not addressed properly in the applicant RFI responses. Key matters which needed to be addressed by the applicant included noise impacts, aboriginal heritage, greenhouse gas emissions, traffic impacts and intersection upgrade requirements, land use conflict, vegetation screens, blasting impacts, biosecurity, water impacts, proximity to electricity infrastructure, details of proposed buildings and structures, ancillary / other uses of the site, bushfire, and to address the matters raised in the public submission that was received.

The applicant has provided responses and amending and additional information for all requests, which were referred to external agencies and internal Council staff for further consideration. As part of the second request, the proposal was amended to delete blasting activities, delete new office and staff amenity structures (proposed to use existing dwelling for staff facilities), and update the intersection (access) design. The intersection design has been amended further in relation to the second, fourth and fifth RFIs.

The key issues for the proposed development and means of addressing these issues are outlined as follows:

- Visual impacts - vegetative screening required to mitigate impacts, and rehabilitation measures at the end of projects lifecycle;
- Traffic impacts – access upgrades required to mitigate impacts;
- Noise and vibration impacts – operational measures to minimise impacts;
- Environmental impacts (dust, water, air quality, etc) – operational measures to minimise impacts, and rehabilitation measures at end of project;
- Biodiversity impacts – measures to minimise impacts, in accordance with recommendations from consultant ecologist;
- Aboriginal heritage impacts – proceed with caution and in accordance with recommendations and protocols from consultant archaeologist (noting that an ACHAR has not been provided in accordance with the SEARs as noted above); and
- Hazards and safety impacts (bushfire, hazardous and dangerous goods, and electricity infrastructure) – water supply for firefighting purposes required on the site, bunding and spill kits for any dangerous goods, emergency planning documents to be prepared to manage potential impacts, and safety setbacks from overhead powerlines and easements.

It is considered that all planning issues can be suitably mitigated via measures to be implemented on site during establishment works, during operation, and in site rehabilitation at the end of the life of the quarry. The proposed development is considered a suitable use of the subject land and is considered to be in the public interest.

Development contributions are applicable under Council's Section 7.12 plan. Conditions of consent require payment of the applicable levy.

Following consideration of the matters under Sections 4.14, 4.15(1) and 4.47 of the EP&A Act, the provisions of the relevant State Environmental Planning Policies and Cabonne LEP, the application is recommended for approval, subject to conditions of consent as outlined above and discussed in detail in the main body of this report.

Recommended conditions of consent, as well as General Terms of Approval from the EPA, can be found in **Appendix A** and **Appendix B** of this report.

2. THE SITE AND LOCALITY

2.1 The Site

The site comprises an irregular shaped parcel with an area of approximately 63ha (see Figure 1). The land is situated to the north of the township of Canowindra, and south-west of the township of Cudal. The land has frontage to a classified road (i.e. a State road) being Canowindra Road.

The development site is effectively cleared agricultural land used for the purposes of cropping and grazing. An existing rural dwelling house and rural farm buildings are located in a cluster towards the southern part of the site. There is also a stock yard, various water tanks, and silos located within this cluster. Vehicular access to the site is via an existing access off Canowindra Road (see Figure 2). Two dams are located to the north of the dwelling, near the western road boundary (see Figures 3 and 4). These relate to a previous quarry on the site (discussed in more detail in the Site History section later in this report). There is another small dam in the northern corner of the site. There is a small natural watercourse in the south-western corner of the site which runs towards a neighbouring dam to the south.

Overhead powerlines transverse the northern part of site in an east-west direction, as well as in the south-western part of the site in a north-south direction, both within 20m wide easements.

The topography of the site is generally hilly and slopes up from the road and then down towards the neighbour and creek to the east. There is scattered native vegetation across the site, particularly in the vicinity of the dams, and to the north-east and east of the dwelling. There are also planted wind breaks on various parts of the site.

The subject land is mapped as being bushfire prone, and comprises mapped terrestrial biodiversity.



Figure 1: Aerial View of Subject Land

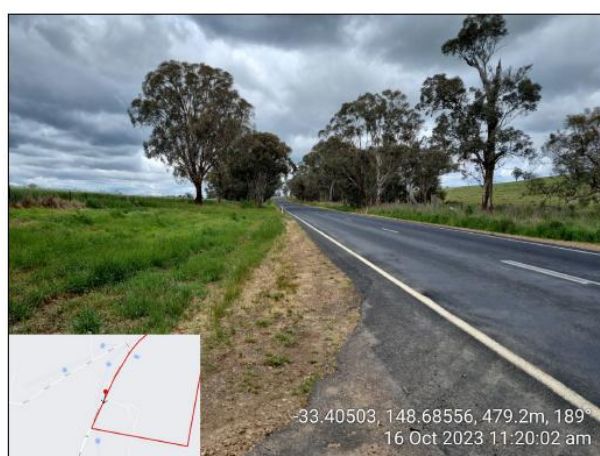


Figure 2: Photos of existing access (Top: looking east towards existing onsite buildings; Bottom Left: looking south along Canowindra Road; and Bottom Right: looking north along Canowindra Road) (Source: Road Transport Assessment by The Transport Planning Partnership)



Figure 3: Photos of proposed quarry area (Left: looking north towards Canowindra Road and former quarry area, and Right: looking south towards existing buildings) (Source: Biodiversity Assessment Report by OzArk)



Figure 4: Photos of proposed quarry area (Top: looking northwest; Middle: looking west towards location of proposed access track, stockpile and facilities area; and Bottom: looking south across southeastern boundary of study area) (Source: Aboriginal Due Diligence Assessment Report by OzArk)

2.2 The Locality

The surrounding land is predominately used for agricultural purposes, in particular grazing and cropping, and a few associated rural dwellings and outbuildings. There is a neighbouring rural-residential dwelling immediately to the south. The surrounding area is known for growing canola (oilseed crop).

Battys Lane is located opposite the site and is an unsealed road. Canowindra Road is a Classified Road (B81) and has a speed limit of 100km/hr. The Canowindra Road reserve comprises native vegetation.



Figure 5: Aerial image showing surrounding context and setting

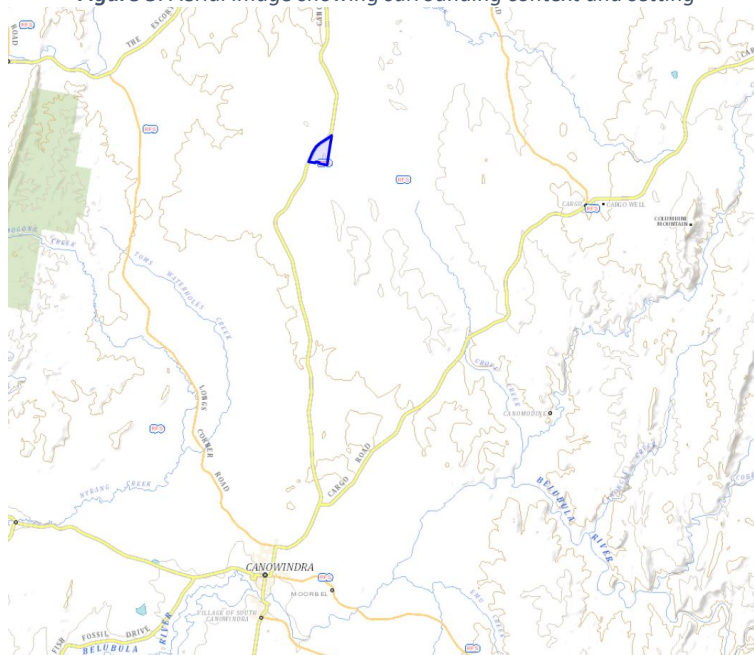


Figure 6: Locality Plan

3. THE PROPOSAL AND BACKGROUND

3.1 The Proposal

The proposal seeks consent for an Extractive Industry (open-cut quarry). It is proposed to extract up to 960,000m³, or approximately 2.3 million tonnes (Mt), of material at an average rate of 80,000 tonnes per annum (tpa), and a maximum rate of 150,000tpa, for a period of 30 years on a campaign basis. Following the 30 year lifespan of the quarry, rehabilitation of the site will be undertaken, to achieve a final land use of agricultural grazing and native ecosystem areas.

Specifically, the applicant details the various aspects of the proposal as follows:

Site Preparation:

- Survey and mark out extraction area (approximately 320m long by 250m wide).
- Construction of a site access road including intersection upgrades with Canowindra Road.
- Establish surface water controls and sediment basins.
- Removal of vegetation within the initial Extraction Area and road reserve (for intersection upgrade) using a chainsaw or bulldozer, and removal of topsoil and growth medium using a bulldozer – approx. land area to be impacted by clearing works is 3,500m².

Extraction Operations:

- Extraction of up to 960,000m³ or approximately 2.3 million tonnes (Mt) of material, at an average rate of 80,000 tonnes per annum (tpa), and a maximum rate of 150,000tpa (for approximately 30 year period).
- Undertaken on a campaign basis (i.e. for contracts for particular projects).
- Extraction undertaken using a bulldozer or excavator to rip and push the gravel material into stockpiles.
- Extracted material would either be loaded (via front-end loader) directly onto road-registered trucks or processed using a mobile crushing plant.
- Produced materials not immediately transported from the project site would be stockpiled either within the extraction area or the stockpile area.
- Crushing, screening, blending, and stockpiling of the extracted material on-site as required. Note that mobile plant may be brought to and from the site for each campaign as needed.
- Dirty water diversion to onsite storage dam.
- Water for dust suppression would be sourced from surface water storages within the project site. Alternatively, water for dust suppression would be purchased from appropriately licenced sources and transported to site.
- Establish tree/vegetated screens around the perimeter of the extraction area and to the west of the Site Access Road as soon as practicable.
- Mobile services and two-way radios would be used within the project site for communications.
- Electricity, if required, would be supplied by an on-site generator.
- The principal waste to be generated by the proposal would include less than 25kg of general solid waste per week. Bins, including separate recycling bin, will be provided on-site, and will be delivered to an approved waste facility.

- Any waste oil or oily rags would be removed from the site by a licensed waste oil contractor on the day that they are generated.
- Hours of operation (all on-site activities) between 7:00am and 6:00pm Mondays to Fridays, and between 8:00am and 1:00pm on Saturdays as set out in Figure 6 below.
- The proposal would require two to three employees to manage the extraction, processing and product dispatch operations during each campaign. Additional contract truck drivers would be engaged by the applicant or its customers.
- Staff to use existing on-site amenities (i.e. existing dwelling house kitchen, bathroom and toilet).

Activity	Monday to Friday ^{1,2}	Saturday ^{1,2}	Sunday and Public Holidays ²
Extraction Operations	7:00am to 6:00pm	8:00am to 1:00pm	-
Loading and Transportation Operations	7:00am to 6:00pm	8:00am to 1:00pm	-
Rehabilitation Operations	7:00am to 6:00pm	8:00am to 1:00pm	-
Note 1: Excludes public holidays which would operate as per the proposed hours of operation for Sunday			
Note 2: Except in the case of emergency works to be undertaken by the Applicant, Transport for NSW or other public authority			

Figure 6: Proposed Hours of Operation (extract from applicant's EIS)

Transportation:

- Material would be transported from the project site using truck and dogs trucks, up to a maximum of 44 laden trucks per day (assuming an average 33t per load).
- All product would be transported via Canowindra Road either to the southwest towards Canowindra or to the northeast towards Cudal.
- A limited number of low loader loads may be required to mobilise and demobilise mobile plant. This would be an infrequent occurrence, typically 4-6 times per year assuming 2-3 production campaigns.

Rehabilitation:

- The applicant proposes to adopt a progressive approach to the rehabilitation of disturbed areas to ensure that, where practicable, as extraction is completed, the proposed final landform is quickly shaped and vegetated to provide a stable landform.
- Includes shaping, backfilling, spreading topsoil, ripping and scarifying perpendicular to the slope to facilitate infiltration of water and seed retention, and stabilising and seeding the prepared landform using a hydromulch of native grass species suitable for the final land use of nature conservation and / or grazing agriculture.
- The final landform will include a free draining extraction area with a largely flay floor very gently sloping toward the sediment basins located in the northwest section of the extraction area, a vegetated landform consisting of trees on the benches and terminal faces and grasses or shrubs on the floor of the extraction area, and a retained site entrance and site access road suitable for agricultural use.

The key development data was provided in **Table 1**. The amended site plan and cross sections of the extraction area are in Figures 7-9 below.

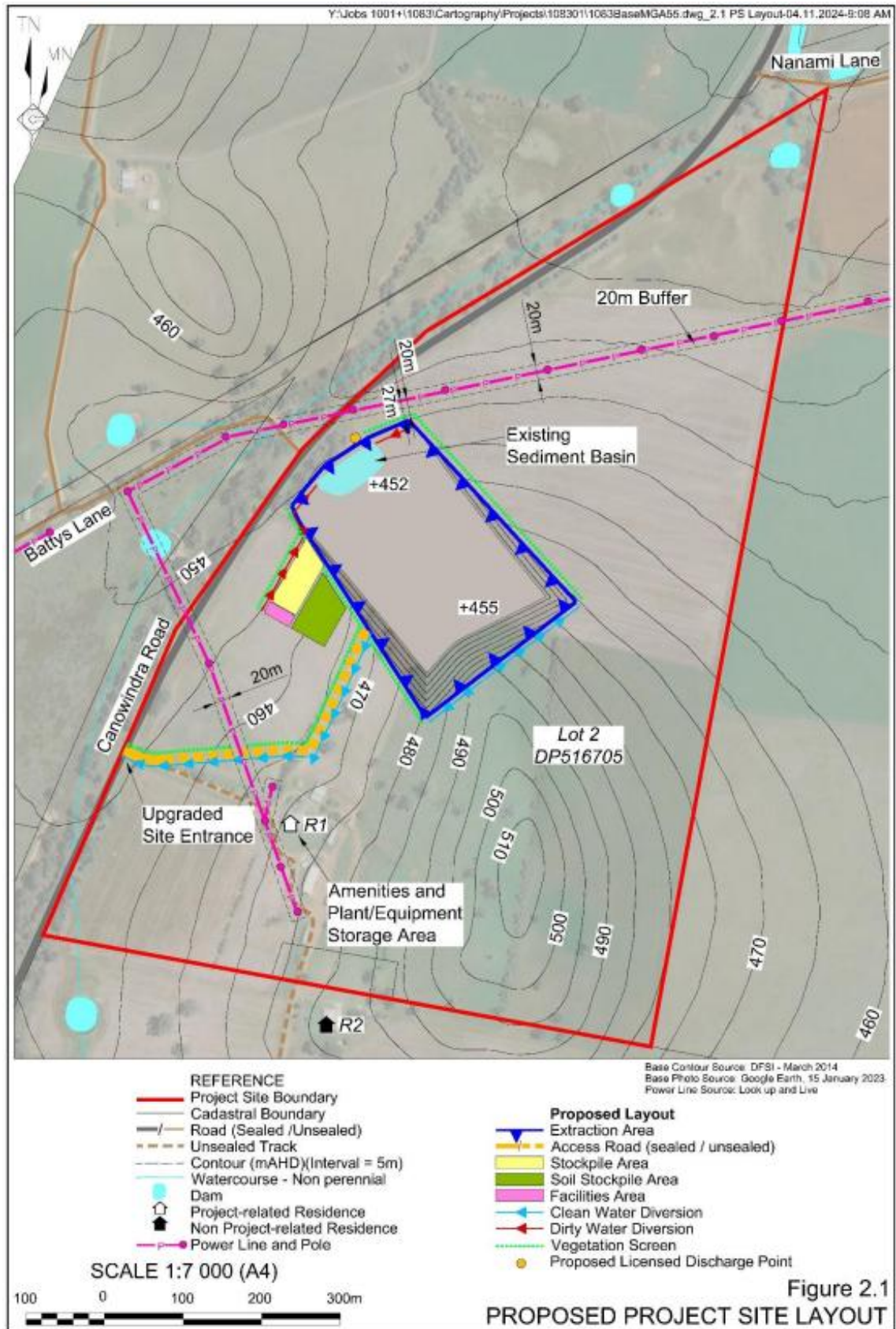


Figure 7: Amended Site Plan (extract from applicant's amended additional information letter dated 24 October 2024)

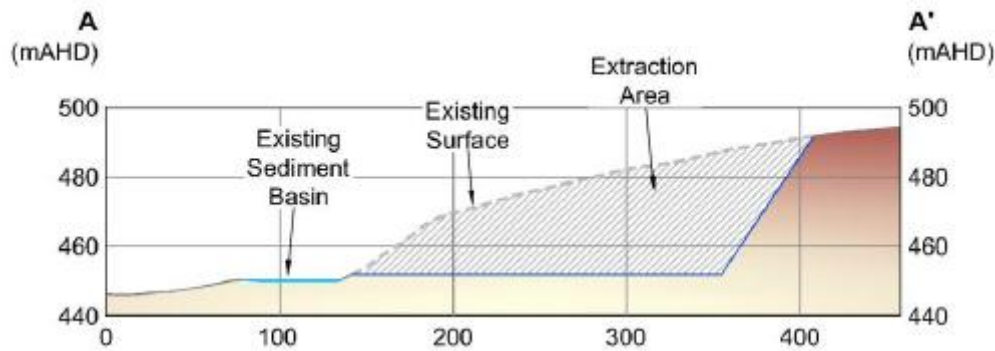


Figure 8: Proposed Extraction Section – Northwest to Southeast (extract from applicant's EIS)

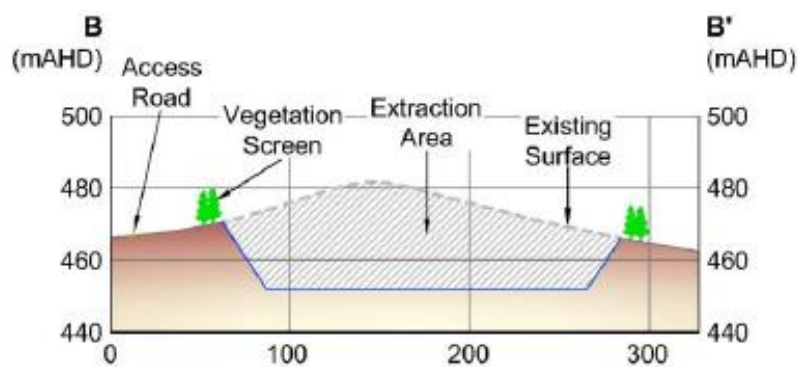


Figure 9: Proposed Extraction Section – Northeast to Southwest (extract from applicant's EIS)

3.2 Application Background

Pre-lodgement Discussions & SEARs

Prior to the submission of this development application, the applicant submitted a request for Secretary's Environmental Assessment Requirement (SEARs) on 29 November 2023. The SEARs was issued on 19 March 2024 for the proposed development. The Department of Planning, Housing and Infrastructure sought comments from various government agencies who provided feedback as set out in the submitted EIS.

Of particular note, DPI – Agriculture required a LUCRA, which was not initially included as part of this application, but was later submitted following an RFI request. Further information was also requested in regards to water impacts (various agencies), which was provided.

Heritage NSW recommended an Aboriginal Cultural heritage Assessment Report (ACHAR), however this has not been provided. This matter is discussed in detail in section 4.3.2 "Heritage Impacts" of this report.

RFS required a bush fire report by a suitably qualified person, addressing the requirements for *Planning for Bush Fire Protection 2019* (PBP 2019). This report has not been provided, although the applicant has generally addressed PBP 2019 in their application. This matter is discussed in detail in section 4.2 of this report.

Council also provided feedback, with particular concerns relating to road and access upgrades and maintenance, vegetative screening, proximity to overhead power lines, and blasting impacts (noting blasting has since been deleted from the proposal).

All relevant matters are discussed throughout this report.

Chronology of the DA

The development application was lodged on **25 June 2024**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 1: Chronology of the DA

Date	Event
25 June 2024	DA lodged by Council
10 July 2024	DA referred to external agencies
25 July 2024	Referral to DPE – Biodiversity, Conservation and Science rejected
25 July 2024	Referral to DEP - Heritage rejected
30 July 2024	Public Notice of application erected on site
31 July 2024	Exhibition of the application commenced
1 August 2024	First request for Information (RFI) from Council to applicant
1 August 2024	RFI from TfNSW to Council
8 August 2024	RFI from DPIRD to Council
12 August 2024	Agency Advice from Essential Energy to Council
14 August 2024	Agency Advice to Council from NSW Resources
26 August 2024	RFI from DPE – Water to Council
26 August 2024	Referral to RFS rejected
28 August 2024	Exhibition of the application closed (5pm) (one submission received)
2 September 2024	Applicant response to Council's first RFI received
4 September 2024	Public Submissions to External Agencies
12 September 2024	Second RFI from Council to applicant (including public submission and all RFIs from external agencies)
23 September 2024	Agency Advice to Council from EPA (and GTAs)
24 October 2024	Applicant response to second RFI received
31 October 2024	Amended application and additional information sent to external agencies (EPA, TfNSW, DPIRD and DPE - Water)

31 October 2024	Third RFI from Council to applicant (one outstanding matter from second RFI)
4 November 2024	Applicant response to third RFI received
20 November 2024	Agency Advice to Council from DPIRD to Council (RE amended application / additional information)
20 November 2024	Agency Advice to Council from DPE – Water (RE amended application / additional information)
26 November 2024	Draft referral comments received from Council's Development Engineer (awaiting TfNSW response)
28 November 2024	Referral comments received from Council's Environmental Health & Building Surveyor
28 November 2024	Agency Advice to Council from EPA (RE amended application / additional information)
4 December 2024	Another RFI received from TfNSW to Council (their second request)
6 December 2024	Fourth RFI from Council to applicant (additional information required by TfNSW)
15 January 2025	Applicant response to fourth RFI received
20 January 2025	Additional information sent to TfNSW
19 February 2025	Another RFI received from TfNSW to Council (their third request)
25 February 2025	Fifth RFI from Council to applicant (additional information required by TfNSW)
31 March 2025	Applicant response to fifth RFI received
31 March 2025	Additional information sent to TfNSW
10 April 2025	Applicant submitted updated Biodiversity Assessment Report
30 April 2025	Agency Advice to Council from TfNSW
5 May 2025	Final referral comments received from Council's Development Engineer

Requests For Additional Information

The following matters were raised in the various RFIs to be addressed further by the applicant:

- i. **Noise Impacts** - The submitted Noise Assessment assesses noise impacts from some sources/activities under the Interim Construction Noise Guideline (ICNG), which does not cover noise from industrial sources (e.g. quarrying, mining, and construction associated with quarrying and mining). It was requested that the noise assessment be amended to assess the proposal under the NSW Noise Policy for Industry.

- ii. **Aboriginal Heritage** - A lower level of assessment has been carried out in relation to Aboriginal Heritage, and an ACHAR undertaken in line with the requirements of the SEARs was requested from the applicant.
- iii. **Greenhouse Gases Report** - *State Environmental Planning Policy (Resources and Energy) 2021* requires the consent authority to consider an assessment of greenhouse gas emissions for extractive industries, to ensure that greenhouse gases “*are minimised to the greatest extent possible*” (Section 2.20(1)(c)). The submitted EIS only briefly notes greenhouse gases, and a report was requested from the applicant.

iv. Traffic Matters Raised by TfNSW –

TfNSW Initial referral response – 1 August 2025:

- Amended sightline assessment required (submitted assessment has not been correctly applied).
- Further design details required for sightlines, swept paths, and lighting.
- Several road safety risks have been identified, and an independent peer review of Road Safety Audit and mitigation treatments is required.
- Do not support road closures during blasting activities, and given proximity to the road, alternative mitigation for blasting impacts is required.
- The RFI was sent to the applicant.

TfNSW Second referral response – 4 December 2024 (following additional information submission and amended intersection upgrade from applicant):

- Further modifications to the access design are required to ensure compliance with road design standards.
- TfNSW requests the following be addressed in an amended strategic design:
 1. Inclusion of road shoulders (*Austroads*).
 2. Batter (*Austroads* or a 4:1 batter using a 1.0m wide verge with a 2.0m rounding).
 3. Trees located within the designated clear zone will either need to be removed, or if significant and cannot be removed, a barrier assessment is to be undertaken (*Austroads*).
 4. Tapers and intersection dimensions in plan view to allow an accurate assessment of the proposed design works. Alternatively, provide a list of all BAR design values adopted for design calculation,
 5. BAR treatment with merge taper prior to a transverse culvert should consider vehicle run-out where a vehicle fails to merge (i.e. widen the culvert to allow sufficient width for vehicle run-out in accordance with *Austroads*).
 6. Confirm setback distance between the centre line of Canowindra Road and the holding line at the quarry access in accordance *Austroads*.
 7. Confirm SISD for design speed of +10km/h above posted speed (e.g. minimum 300m (+/-grade correction) for 110km/h design speed). Alternatively, if SISD for 85th percentile speed is met, advanced gated intersection warning signage may be acceptable.
- The RFI was sent to the applicant.

TfNSW Third referral response – 19 February 2025 (following further additional information from applicant):

- TfNSW's review of the referral has identified that proponent's commentary did not address TfNSW's previous response.
- Notes that the strategic design is required to comply with current road design standards (Austroads, Australian Standards and technical directions/supplements) prior to TfNSW recommending support of the development.
- All information requested from the previous RFI still required.
- The RFI was sent to the applicant.

v. Matters Raised by DPIRD -

- Land Use Conflict Risk Assessment (LUCRA) required because proposal within vicinity of highly productive cropping land. Need to assess neighbouring residences, natural features, and ongoing agricultural operations.
- Insufficient information provided in regards to vegetative screens, noting a 10m high screen would take 20 years to establish. Detailed information required, as well as interim measures while the screen is being established.
- Blasting noise and vibration will adversely impact on neighbours to the point of proposed evacuations and road closures.
- Biosecurity measures need to be explained (i.e. weeds, pets, and disease management protocols).
- The above information was requested from the applicant.

vi. Matters Raised by DPE – Water – Submitted documents reference Clean Water Diversion from the proposed site, however further details and plans required to show proposed clean water diversion, and any effects it may have to surrounding developments and watercourse to the west. Further information was requested from the applicant.

vii. Overhead Powerlines and Essential Energy - The land is burdened by overhead powerlines within two easements, however the submitted application only addresses one of these, being the one furthest from the quarry area. Essential Energy comments that submitted plans do not show distances to infrastructure. Further information was requested from the applicant (this had to be requested multiple times).

viii. Buildings and Structures - The submitted application is unclear and ambiguous with regards to construction / installation of buildings and structures. The application form notes that the proposal includes 'temporary' buildings and/or structures; the EIS notes that the proposal includes lunchroom, ablutions/amenities, storage shed, and an office; while another submitted document states that the proposal does not involve construction of any buildings. Site plans do not show any buildings or structures as part of the proposal, other than a general 'facilities area'. Clarification was sought from the applicant on this matter.

ix. Ancillary or Separate Land Use/s - The submitted EIS notes the site may be used for parking or storage of earthmoving equipment or plant associated with the applicant's earthmoving business, and that this aspect does not require consent. However, depending on the scale and nature of this component, it is likely to be considered a separate land use which requires consent. Clarification was sought from the applicant on this matter.

x. Public Submission – Respond to the issues raised in the one (1) submission received by Council. A redacted version of the submission was provided to applicant to address.

- xi. Bush fire** – Request justification as to why a bush fire report has not been submitted as required by the SEARs, and to provide an assessment against relevant bush fire guidelines.

Following additional information requests from Council and external agencies, the applicant has amended the application to:

- Delete proposed blasting activities;
- Delete proposed new office and staff amenity structures, etc (instead proposing to use existing dwelling for staff facilities); and
- Update the intersection (access) design, which involves clearing of additional native vegetation (i.e. within the road corridor).

Revised drawings and documentation have been submitted to this effect, as well as additional information as requested by the agencies.

3.3 Site History

The development site has a long history of being used for grazing purposes.

Notwithstanding, previous quarrying of the site was carried out between the 1930s and 2000s, with Cabonne Shire Council extracting gravel between 1964 and 1995, and private operators between 1985 and 2006. Consent for the previous quarrying activities was given under the former *State Environmental Planning Policy No 37 – Continued Mines and Extractive Industries*, however that approval ceased to have effect as conditions of consent were not met to continue operations. As such, development consent is required to establish quarrying activities again on the land.

4. STATUTORY CONSIDERATIONS

4.1 Section 1.7 - Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

When determining a development application, the consent authority must take into consideration Section 1.7 of the EP&A Act, which identifies that Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

A 'Biodiversity Assessment Report' (BAR) has been submitted in support of the application, prepared by Ozark and dated May 2024. The BAR considers that the subject site does not occur on land mapped on the Biodiversity Values Map, and the proposal will not have a significant impact on a *Biodiversity Conservation Act 2016*- listed threatened species or population. The Cabonne LEP gives the minimum lot size associated with the property as 100 ha, and under the Biodiversity Assessment Method 2020 (BAM), the clearing threshold for entry into the biodiversity offsets scheme (BOS) for a property with a minimum lot size is 1 ha. As this proposal will entail the removal of up to 0.350 ha of vegetation it will not exceed the clearing threshold, and thus will not trigger the requirement to offset and to prepare a BDAR.

In summary the BAR notes that:

- *The subject site is mapped as having high terrestrial biodiversity value (as per LEP).*
- *An onsite field survey was conducted on 25 October 2023.*
- *The total disturbance footprint for the proposal, depicted in Figure 1-1 (see Figure 10) amounts to 9.541 ha.*
- *The site consists of native and non-native vegetation. 0.25ha of native vegetation was found to belong to three Plant Community Types (PCTs):*
 - *PCT 53 - Shallow freshwater wetland sedgeland in depressions on floodplains on inland alluvial plains and floodplains.*
 - *PCT 266 - White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion.*
 - *PCT 277 - Blakely's Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion.*
- *PCTs 266 and 277 was judged to be an example of the Biodiversity Conservation Act 2016 (BC Act)-listed Critically Endangered Ecological Community (CEEC), and as such, up to 0.296ha of this this Threatened Ecological Community (TEC) may be cleared for this proposal.*
- *The CEEC also occurs on Canowindra Road, a small area (0.010 ha) of which has been impacted by road upgrades required to support this proposal. Considering that mature vegetation has already been trimmed by Cabonne Shire Council, and the client has indicated that no further clearing is required in this area, this area of native vegetation clearing has not been included in the impact assessments of this report.*
- *In total, two habitat trees (e.g., hollow-bearing) were recorded within the subject site; these trees cumulatively contained three small (<20 cm in diameter) hollows. No large hollows or fallen timber deposits were encountered during the field survey. Large rocks suitable for use by fauna species were located adjacent to the extraction site dams. These should be relocated if in the path of bulldozing to retain reptile and amphibian habitat.*
- *No watercourses intersect the subject site. Seventeen watercourses are present within the study area. Key Fish Habitat (KFH) occurs at the edge of the study area and Protected Riparian Land (PRL) at the edge of the search area, but neither are close to the subject site.*

- In total, fifty-seven threatened or migratory fauna species or populations, and 10 flora species, listed under the BC Act, Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), were considered to have a moderate or greater probability of occurrence at the subject site. However, no listed species or population were encountered during the field survey.
- Subject to implementation of the mitigation measures proposed, it has been concluded that no significant biodiversity impacts are likely, including to any threatened or migratory species, population or ecological community, or their habitats.
- As such, the proposal does not require referral to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEW) in respect of these matters, or trigger the need for a Species Impact Statement (SIS) or a Biodiversity Development Assessment Report (BDAR).

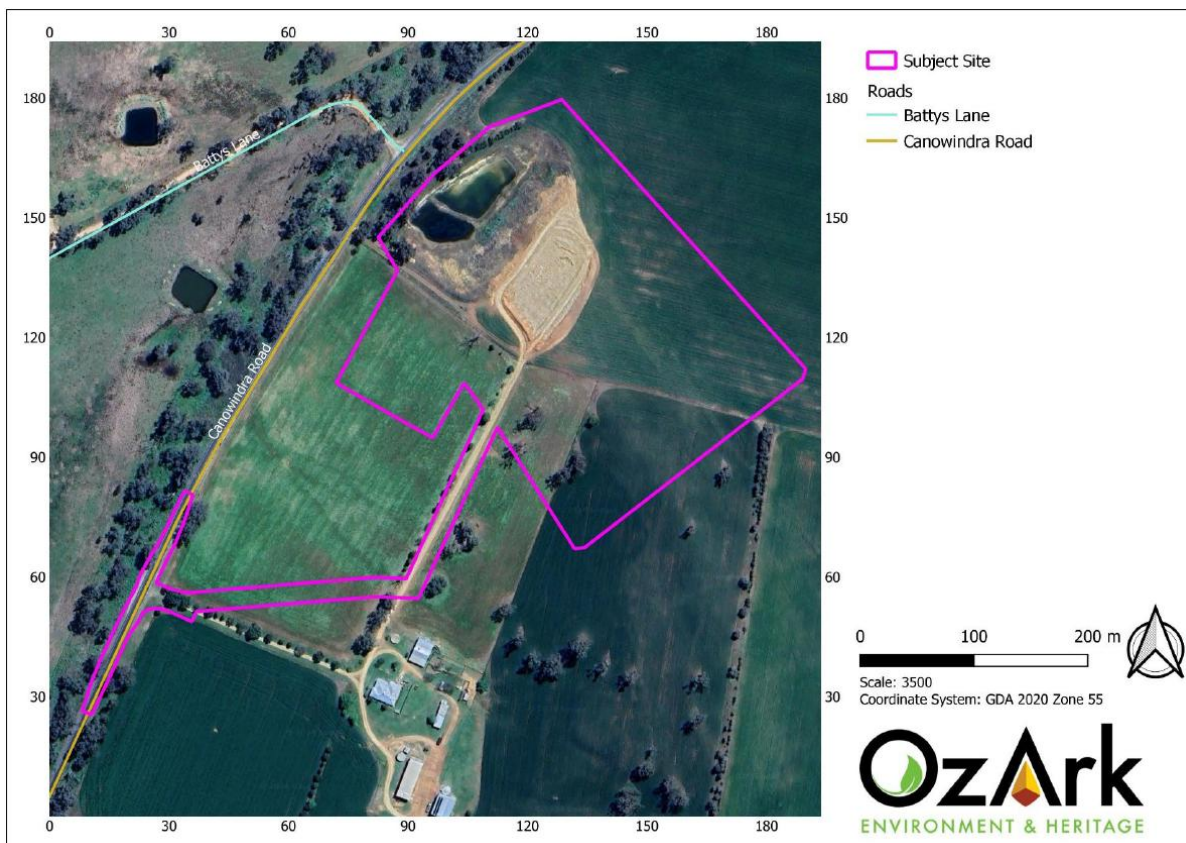


Figure 10: Biodiversity Assessment Report Site Area (extract from submitted BAR, by Ozark, dated May 2024)

The BAR has also considered other relevant legislation and statutory framework as follows:

- **Biodiversity Conservation Act 2016 (BC Act)** – five-part test of significance.
- **Biosecurity Act 2015** - general biosecurity duty to ensure that biosecurity risk (from animal and plant pests and diseases, weeds, and contaminants) is prevented, eliminated, or minimised. The proponent is required to manage the presence of weeds in the study area.
- **Local Land Services Act 2013** - regulates the clearing of native vegetation on rural land.
- **Water Management Act 2000** - provides for the granting of licenses and approvals. The proposed activities will not occur within designated "waterfront land", thus a "controlled activity" approval is not necessary.

- **State Environmental Planning Policy (Biodiversity and Conservation) 2021** - Chapters 3 and 4 of this SEPP aim to encourage the “proper conservation and management of areas of natural vegetation that provide habitat for Koalas”. Of the koala feed tree species listed in the relevant schedule of the SEPP, White Box does occur on the subject site, however the canopy is restricted to scattered paddock trees (PCTs 266 and 277). Historical koala occupation was assessed by considering BioNet records (10km search area) and the desktop analysis yielded no records, therefore the subject site is not considered core koala habitat. As such, this proposal does not require a Koala Assessment Report.
- **Cabonne LEP 2012** - areas mapped as having high terrestrial biodiversity value are present within the subject site.

The BAR makes recommendations to avoid, minimise and mitigate impacts as follows:

- To avoid impacts associated with weed introduction and spread, inspect all machinery before entering and exiting the subject site. Machinery must be clean of all mud, soil and vegetation material.
- The construction works and vehicle access to the construction site is to be constrained to the minimum area practical. The proposed access will provide the sole access to the construction site.
- Material stockpiles, equipment and machinery storage and laydown areas will be consolidated within a defined impact area to minimise the overall impact footprint.
- The impact footprint will be minimised by restricting access across the site to the defined development footprint, including avoiding unnecessary vehicle and personnel movements across unused land.
- Mitigation measures are to be undertaken during the construction and operational phases, including managing the vegetation clearing process, weed management, and installation of erosion and sediment controls as appropriate, as set out in Table 7-1 of the BAR.

It is also noted that the proposed development includes a vegetative screen to mitigate amenity and visual impacts (discussed later in this report), and plantings will include native species similar to those found in the area.

Following changes to the intersection (access) design, the proposal was amended with regards to tree removal. Essentially it is proposed to increase the area of tree clearing for the proposed development, so that the upgraded access can meet minimum road standards (width, turn lanes, sightlines, etc). A revised BAR was submitted to address this matter, dated April 2025, and summarised as follows:

- BAR figures, PCT mapping and TEC areas have been updated to include removal of vegetation on Canowindra Road.
- The subject site has been expanded and includes 9.62ha of land (originally 9.541ha), and updated to include 0.385 ha of native vegetation to be cleared (originally 0.25ha).
- BioNet records and other background data searches remain unchanged since the BAR’s original publication in February 2024.
- The clearing of native vegetation is recognised as a Key Threatening Process (KTP) under the BC Act. However, due to the relatively low magnitude of clearing required for this proposal, these impacts are not considered significant under either the BC or EPBC Act, although efforts should still be made to reduce the amount of clearing required.
- Given the amount of native vegetation (0.385 ha) that the proposal intends to remove/modify, relative to the study area, it is highly unlikely that such works would have a significant impact on any fauna or flora species or populations.

- During the construction phase of the proposal, the removal of bushrock, habitat trees and other vegetation could potentially disturb or injure fauna. Further, fauna may become trapped in or choose to shelter within machinery stored at the subject site overnight (resulting in fatalities). Mitigation measures designed to reduce injury and mortality of fauna are recommended.
- The subject site borders the fringing vegetation of Canowindra Road and is the main potential area of connectivity for wildlife due to the fragmented and degraded habitat the subject site and study area largely consists of. Although the proposal will be detrimental to overall connectivity and fauna movement patterns, removing areas of the fringing vegetation along the road, it will not sever any existing corridor in already degraded land. Fauna will still be able to traverse the site, albeit at greater secondary risks (e.g. vehicular collisions). This corridor is not of significant importance to wildlife connectivity.
- By generating additional habitat edges, the proposal will encourage the spread of weeds into the remnant vegetation outside the direct impact footprint of the proposal. Mitigation measures designed to limit the spread of weeds are recommended, as well as mitigation measures designed to limit the spread of pests, and limit the invasion and spread of pathogens and disease.
- The proposal (as amended) is unlikely to have a significant impact on biodiversity, including on predicted populations of threatened species and threatened ecological communities. The recommended mitigation measures have been updated accordingly.

Overall, the proposed development will have some adverse impacts on biodiversity, however these impacts are not considered significant, and can be maintained within reasonable limits subject to the implementation of mitigation measures, particularly during the clearing of vegetation, and ongoing weed and pest management. It is recommended that conditions are attached to ensure that the development is carried out in accordance with the submitted amended biodiversity assessment and all of its recommended mitigation measures. Subject to these recommendations, the proposed development is not likely to significantly affect any threatened species, habitat or communities.

4.2 Bushfire prone land – Section 4.14

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.14(1)(a) of the EP&A Act as follows:

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—*
 - (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
 - (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The subject site is mapped as being bushfire prone. As such, it is necessary to assess the application against the relevant requirements of the NSW Rural Fire Service's (RFS) 'Planning for Bush Fire Protection 2019' ('PBP 2019').

Relevantly, Part 8.3 PBP 2019 applies to non-residential development. Clause 8.3.6 sets out specific bushfire requirements for mining (underground and open cut). While the proposal is for an extractive industry rather than mining, these requirements can be used as a guideline in this case.

PBP 2019 Clause 8.3.6 states that:

- Consideration should be given to any hazards and risks associated with bush fire;
- That it may be necessary to implement measures to control and manage any identified hazards and risks;
- That a minimum 10m Asset Protection Zone (APZ) should be provided around any mining infrastructure; and
- A Bush Fire Emergency Management and Operations Plan should be prepared as per Section 8.3.5 for wind and solar farms (i.e. should include measures to prevent or mitigate fires igniting; identify work not to be carried out during total fire bans; availability of fire suppression equipment, access and water; storage and maintenance of fuels and flammable materials; appropriate bush fire emergency management planning).

It is noted that RFS required a bush fire report by a suitably qualified person to be submitted with this application as part of the SEARs. The applicant has not submitted a bush fire report, but provided a brief bush fire assessment within the submitted EIS.

The submitted assessment states that *"bushfire poses a negligible risk to the Proposal and that the Proposal would not increase bushfire risk surrounding the Project Site for the following reasons:*

- *All activities with the potential to cause ignition of a bushfire would be undertaken within the extraction area.*
- *No materials likely to exacerbate bushfire risk such as explosives or diesel would be stored within the Project Site.*
- *The Applicant would ensure that a water cart or another suitable water source is available during all extraction campaigns, thereby providing firefighting capabilities if required.*
- *The Project Site would contain minimal infrastructure that would require protection from bushfire attack.*
- *In the event that the Project Site is threatened by a bushfire, site personnel would be evacuated via the Site Access Road and Canowindra Road. Alternatively, if evacuation were not possible or safe, the Extraction Area would provide a cleared area for personnel to shelter".*

Further information was requested from the applicant, as that initial assessment did not take PBP 2019 into consideration. The applicant has provided a response, which in summary notes:

- As an extractive industry, the proposal would be classified as "Other Development" in accordance with Section 8.3.6 (of PBP 2019).
- No permanent buildings would be constructed within the quarry site, therefore the objectives have been considered in relation to the areas which would be most likely to be populated during operations, that is, within the stockpile, and facilities area, and the existing house (R1) on the project site.

- the quarry site and the surrounding areas of the project site are largely devoid of vegetation due to historic clearing and agricultural activities. therefore, it would be unlikely for bushfire to spread within the quarry site and surrounding project site. notwithstanding, activities within the quarry site including refuelling of equipment and general activities may increase the risk of bushfire.
- To manage the risks associated with these activities the following safeguards or controls would be implemented to manage the risk of bushfire.
 - Refuelling undertaken within cleared areas of the quarry site.
 - Engines in all vehicles to be turned off during refuelling.
 - No smoking policy to be enforced in designated areas of the quarry site.
 - Fire extinguishers equipped and maintained within all site vehicles and mobile earthmoving equipment.
 - No throwing cigarette butts from product trucks along the site access road.
 - Focus on housekeeping to be maintained by the applicant.
 - Water cart available.
- In accordance with Sections 8.3.5 and 8.3.6 of PBP 2019, a minimum Asset Protection Zone (APZ) of 10m would be maintained between any structures within the Stockpile, and Facilities Area, and the existing house (R1) and surrounding vegetation. The APZ would be maintained throughout the life of the quarry to a standard such that those areas are considered a safe working environment in which efforts can be undertaken to defend any structures before, during and after the passage of bush fire.

Generally, the applicant's comments are considered reasonable, with the exception that agricultural land does not pose a bushfire risk. As per PBP 2019, grazing land is considered to be 'grasslands' unless it is managed in a minimal fuel condition (i.e. kept to a mown height of less than 100mm). Only vineyards, orchards, banana plantations and non-curing crops are agricultural lands considered to be low threat with regards to flammability.

Notwithstanding, it is considered that the proposal has a fairly low fire risk, and that a management and operations plan can be prepared to implement appropriate measures relevant to the site and proposal, as well as address emergency management planning. A condition of consent is recommended to ensure an appropriate document is prepared and implemented in accordance with PBP 2019.

The proposed development should also generally comply with the general access, construction, landscaping, and water supply requirements of Chapter 3 of PBP 2019, noting that fire protection of the existing dwelling also needs to be taken into account. The following comments are made in this regard:

- Access requirements of PBP 2019 can be implemented into the design and site layout of the development to ensure safe access by firefighting vehicles, and evacuation should any staff be on site at the time of a bushfire. It is noted that details of the access width and on-site manoeuvring within the site have not been provided, and a condition of consent is recommended to ensure compliance with Appendix 3 of PBP 2019.
- No structures are proposed, therefore there are no specific construction measures or APZs required for the development. Notwithstanding, an APZ should be maintained around the existing dwelling of 11m to the north and west and 10m to the east and south (as per PBP 2019 Table A1.12.3, based on grassland vegetation type, and slopes being a mix of up slopes and flat land >0-5 degrees).
- Vegetative screening is proposed to minimise the visual and environmental impacts of the development (discussed later in this report). A condition of consent is recommended to ensure compliance with the landscaping requirements of Appendix 4 of PBP 2019 (i.e. to minimise fuel loads).

- An adequate water supply is essential for firefighting purposes. The applicant notes that a water cart will be made available, however details of its capacity, location, etc. have not been provided. Details relating to water supply for the existing dwelling have not been provided either. Conditions of consent are recommended that a static water supply be provided on site for emergency firefighting purposes for the dwelling, if not already available, in accordance with PBP 2019 (i.e. 20,000 litre tank or dam); and that full details of non-static water supply (i.e. water cart) be provided within the required management, operations and emergency plan and in accordance with PBP 2019.

Overall, subject to the recommended conditions discussed above, it is considered that the proposal is capable of achieving all relevant requirements of PBP 2019 and Section 4.14(1)(a) of the EP&A Act.

4.3 Evaluation – Section 4.15

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. These include the following:

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

These matters are further considered in detail below.

Due to the nature of the development application, the proposal is considered to be:

- Integrated Development (s4.46),
- Designated Development (s4.10), and
- Requiring concurrence (s4.13).

4.3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the EP&A Regulations are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments ('EPI') are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Cabonne Local Environmental Plan 2012*

Key matters for consideration arising from these Environmental Planning Instruments are outlined in **Table 3** below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p>Chapter 3: Koala Habitat Protection 2020 & Chapter 4: Koala Habitat Protection 2021</p> <p>The subject land is located within an LGA declared to be Koala Habitat.</p> <p>As discussed in the biodiversity assessment in Section 4.1 of this report, the submitted BAR concludes that the subject site is not considered core koala habitat, and the proposal does not require a Koala Assessment Report.</p>	Yes
State Environmental Planning Policy (Planning Systems) 2021	<p>Chapter 2: State and Regional Development</p> <p>Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 7 of Schedule 6, because the development is for the purposes of 'extractive industry facilities' that meet the requirements for 'designated development' under Schedule 3, Section 26 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>As such, the Panel is the consent authority for this application.</p>	Yes
SEPP (Resilience & Hazards) 2021	<p>Chapter 3: Hazardous and Offensive Development</p> <p>The applicant notes that no potentially hazardous goods will be stored within the site (i.e. diesel/other hydrocarbons or explosives), and the proposal would not pose a significant risk from hazardous or offensive development, therefore risk screening is not necessary.</p> <p>Notwithstanding, given the nature of the proposal, it is likely that some small-scale storage of hazardous and dangerous goods and chemicals may be required. Although these are likely to be well below risk screening thresholds pursuant to this SEPP and its guidelines, conditions of consent are recommended with regards to appropriate storage, including bunding, spill kits and staff training.</p>	Yes, subject to conditions
	<p>Chapter 4: Remediation of Land</p> <p>Section 4.6 – the consent authority must consider whether the land is contaminated.</p> <p>The site is not listed on the NSW EPA's list of notified contaminated sites, nor known to be contaminated. Historical use of the land for agricultural grazing and the former quarry may have involved contaminating activities (use of chemicals, sprays, etc), however based on previous scale and arrangements, neither are likely to have resulted in site contamination. The proposal is in the same location as the former quarry.</p> <p>Overall, the proposal is considered to be satisfactory subject to conditions regarding unexpected finds during construction and extraction works.</p>	Yes, subject to conditions

State Environmental Planning Policy (Resources and Energy) 2021	Chapter 2 Mining, Petroleum and Extractive Industries <ul style="list-style-type: none"> • Section 2.9 Development permissible with consent • Section 2.10 Determination of permissibility under LEPs • Section 2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses • Section 2.20 Natural resource management and environmental management • Section 2.21 Resource recovery • Section 2.22 Transport • Section 2.23 Rehabilitation <p>These matters are discussed in detail following this table.</p>	Yes, subject to conditions
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> • Section 2.48(2) Determination of development applications— other development (electricity transmission) • Section 2.119 Development with frontage to classified road <p>These matters are discussed in detail following this table.</p>	Yes, subject to conditions
Proposed / Draft Instruments	No issues identified.	N/A
LEP	<p><i>Cabonne Local Environmental Plan 2012</i></p> <p>The subject land is zoned RU1 Primary Production pursuant to the LEP. Extractive industries are permitted with consent in the RU1 zone.</p> <p>The proposal is broadly consistent with the aims of the LEP, and the relevant objectives for the RU1 Primary Production zone.</p> <p>The land is mapped as comprising <u>high biodiversity</u> pursuant to LEP Clause 6.3 and the Terrestrial Biodiversity Map. Biodiversity and native tree clearing was discussed in detail in section 4.1 of this report and suitable mitigation measures can be implemented.</p> <p>LEP Clause 6.8 requires the consent authority to be satisfied that the following <u>essential services</u> for the development are available, or that arranged arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> • Supply of water – bush fire water supply will be required as previously discussed. Staff will use existing amenities on site, which are serviced by onsite water tanks. The EPA requires dust suppression measures (trucks, equipment, access areas, etc) and the applicant notes that water for this purpose will be from onsite surface water storage or will be purchased from appropriately licenced sources and transported to the site. • Supply of electricity – available on the land, no changes proposed or required. If electricity is required at the extraction area, it is proposed to use a generator. • Stormwater drainage – further / full design details are required with regards to stormwater drainage, and this matter is discussed in detail in section 4.3.2 of this report. 	Yes, subject to conditions

	<ul style="list-style-type: none"> • Disposal of sewage – not required for the proposed extractive industry, and staff will use existing amenities on site (i.e. in the dwelling house), which are serviced by the existing onsite septic system. Upgrades are not considered necessary based on the marginal number of staff proposed. • Suitable vehicular access – upgrades are considered necessary and are proposed by the applicant. Full design details are required by TfNSW and Council. Traffic and access matters are discussed in detail in section 4.3.2 of this report. <p>Relevant conditions are attached with regards to servicing.</p>	
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Further detailed consideration of the relevant SEPPs are outlined below.

State Environmental Planning Policy (Resources and Energy) 2021

Chapter 2 Mining, Petroleum and Extractive Industries

- **Section 2.9 - Development permissible with consent:**

Subsection (3)(a) states that an extractive industry may be carried out with development consent on any land on which development for the purposes of agriculture or industry may be carried out (with or without development consent).

Pursuant to the Cabonne LEP, the land is zoned RU1 Primary Industry, where extensive agriculture is permitted without consent, and various other agricultural and industrial activities are permitted with consent. It is also noted that the LEP explicitly permits extractive industries with consent in the RU1 zone.

As such, the proposal is permitted with consent under this SEPP.

- **Section 2.10 Determination of permissibility under local environmental plans**

If an LEP provides that development for the purposes of extractive industry may be carried out on land with development consent if provisions of the plan are satisfied—

- (a) *development for that purpose may be carried out on that land with development consent without those provisions having to be satisfied, and*
- (b) *those provisions have no effect in determining whether or not development for that purpose may be carried out on that land or on the determination of a development application for consent to carry out development for that purpose on that land.*

The Cabonne LEP has no specific provisions that need to be satisfied for an extractive industry.

- **Section 2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses**

This section states that the consent authority must:

- (a) *consider—*
 - (i) *the existing uses and approved uses of land in the vicinity of the development, and*
 - (ii) *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*

- (iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*
- (b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a)(i) and (ii), and*
- (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).*

This matter is discussed in detail in the section 4.3.2 “Land Use Conflict” assessment later in this report. In summary, the applicant has provided a LUCRA in support of the application, which includes an assessment of surrounding uses, impacts on those uses, and mitigation measures to avoid or minimise conflict / incompatibility with those uses. The submitted EIS also addresses public benefits of the development, as well as social equity and intra-generational equity.

DPIRD has reviewed the submitted information and considers it acceptable subject to adherence to the mitigation measures identified by the applicant. Relevant conditions are attached.

The proposed extractive industry is considered acceptable with regards to compatibility with other land uses, subject to vegetative screening and operational conditions of consent, as discussed throughout this report.

- **Section 2.19 Compatibility of proposed development with mining, petroleum production or extractive industry**

This section does not apply, as the proposed development is not located within the vicinity of an existing mine, petroleum production facility or other extractive industry, nor is the land identified as being the location of State, regional, or local significant resources or minerals, petroleum or extractive materials.

- **Section 2.20 Natural resource management and environmental management**

Subsection (1) states that before granting consent for the development 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—

- (a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
- (b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
- (c) that greenhouse gas emissions are minimised to the greatest extent practicable.*

Subsection (2) notes that in determining the application, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.

With regards to point (a), impacts on water quality are discussed in detail in section 4.3.2 “Environmental Impacts” of this report, and impacts can be minimised and managed via conditions of consent.

With regards to point (b), impacts on biodiversity were discussed in detail in section 4.1 of this report, and impacts can be avoided or minimised via conditions of consent.

With regards to point (c), an RFI was sent to the applicant requesting a greenhouse gas emissions report (as noted previously). A report was provided and is summarised as follows:

- Emissions calculations were completed based on a worst-case scenario (i.e. operations at maximum capacity for 270 days out of the year). Consumption of diesel fuel in mobile plant and equipment at the project site, consumption of unleaded fuel for employee transportation, and diesel fuel consumption for transport of product from the project site were the project components considered to contribute to ghg emissions.
- Scope 1 emissions - direct / point-source emission factors give the kilograms of carbon dioxide equivalent (CO₂-e) emitted per unit of activity at the point of emission release (i.e. fuel use, energy use, manufacturing process activity, mining activity, on-site waste disposal, etc.).
- Scope 2 emissions - physically produced by the burning of fuels (coal, natural gas, etc.) at the power station. No Scope 2 emissions will be generated by the proposal as no mains connected power will be used at the site.
- Scope 3 emissions - indirect emissions which are not included in scope 2, occurring within an organisation's value chain, the majority of a company's value chain greenhouse gas emissions may lie outside their own operations.
- Figure 11 below presents the Scope 1 and Scope 3 GHG emissions for the proposal.

Calculated Proposal GHG emissions

Scope		Activity Rate	Units	Emission Factor		CO ₂ -e (t/yr ⁻¹)
1	Diesel fuel in plant	135	kL/year-1	2 709.7	kg CO ₂ -e/kL-1	365.8
Scope 1 (subtotal)						365.8
3	Diesel fuel in plant	135	kL/year-1	3.6	kg CO ₂ -e/kL-1	0.5
	Employee travel	0.02	kL/year-1	123.1	kg CO ₂ -e/kL-1	0.002
	Product transport from Site	905.3	kL/year-1	2,717.4	kg CO ₂ -e/kL-1	2,460.1
Scope 3 (subtotal)						2,460.6
TOTAL						2,826.4

Figure 11: GHG Emissions (extract from submitted additional information, dated October 2024)

- A comparison of the calculated direct (Scope 1) GHG emissions associated with the proposal against the latest Australian (2023 year) and NSW (2019 year) total GHG emissions indicates that the operation of the proposal would contribute 0.000267 % of NSW total GHG and 0.0000786 % of Australian total GHG emissions.
- The applicant is committed to investigating and implementing measures to minimise the emission of GHG over the life of the proposal, which may include:
 - considering the use of alternative fuels and/or electricity sources where economically and practically feasible;
 - the review of extraction practices to minimise double handling of materials and ensure that ore and overburden haulage is undertaken using the most efficient routes;
 - ongoing scheduled and preventative maintenance to ensure that diesel and electrically powered plants operate efficiently;
 - regular maintenance of diesel-powered equipment to ensure operation at peak efficiency; and
 - ensuring that transport trucks are fully loaded to maximise productivity and efficiency.

Overall, the proposed extractive industry is considered acceptable with regards to natural resource management and environmental management, subject to operational conditions of consent as discussed throughout this report.

- **Section 2.21 Resource recovery**

This section states that before granting consent for the development, the consent authority must consider the following:

- (1) The efficiency or otherwise of the development in terms of resource recovery.
- (2) 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.

Subsection (3) notes that 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 extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of extractive materials.

The proposed extractive industry will not generate waste, as excavated material that is not suitable for use will be reused for onsite rehabilitation. The applicant notes that Virgin Excavated Natural Materials may be imported to the site for blending onsite materials and for rehabilitation purposes, and that this material will be subject to a resource recovery order or similar. Conditions of consent are recommended with regards to imported fill.

The proposed extractive industry is considered acceptable with regards to resource recovery, subject to conditions of consent.

- **Section 2.22 Transport**

Subsection (1) states that before granting consent for the development, 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—

- (a) *require that some or all of the transport of materials in connection with the development is not to be by public road,*
- (b) *limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
- (c) *require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

Further, subsection (2) requires that for development involving the transport of materials on a public road, the application must be provided to each roads authority for the road. The application was referred to Transport for NSW (TfNSW) pursuant to this requirement, and was also reviewed by Council's Development Engineer. TfNSW required further information via multiple RFIs as discussed previously.

Given the locality of the subject land, and the purpose of the quarried material being used locally, transport by other means than the public road is not feasible. The subject land is not located within a residential area or near to schools, and the main road network which will be primarily used to transport materials have been designed for use by trucks like those associated with the development. The applicant proposes to implement a Driver's Code of Conduct that would identify expectations in relation to driver behaviour and courtesy on the public road network, which is discussed in more detail later in section 4.3.2 of this report.

TfNSW and Council's Development Engineer have not identified any concerns or issues in this regard. A condition of consent is recommended with regards to the Driver's Code of Conduct. Overall, the proposed extractive industry is considered acceptable with regards to transport, subject to conditions of consent.

- **Section 2.23 Rehabilitation**

Subsection (1) states that before granting consent for the development, 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 the development.

Subsection (2) sets out the following particular considerations whether the conditions of consent should:

- (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
- (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*
- (c) *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 Contaminated Land Management Act 1997), or*
- (d) *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.*

The applicant proposes to adopt a progressive approach to the rehabilitation of disturbed areas as previously set out in the proposal section of this report. This approach aims to rehabilitate throughout the lifespan of the quarry, so that as extraction is completed, the proposed final landform is quickly shaped and vegetated to provide stability, as well as visual amenity.

As discussed previously, waste material will be reused as part of rehabilitation. As noted previously, a condition of consent is recommended with regards to imported materials to ensure they are free of contaminants. Given the scale and nature of the proposal, and the phased approach to rehabilitation, a rehabilitation plan is not considered necessary in this case. Conditions of consent are recommended with regards to final decommissioning and rehabilitation safety.

Overall, the proposed extractive industry is considered acceptable with regards to rehabilitation, subject to conditions of consent.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure - Division 5 Electricity transmission or distribution

- **Section 2.48(2) Determination of development applications—other development (electricity transmission)**

This section applies to development within or immediately adjacent to an easement for electricity purposes, and/or within 5m of an exposed overhead electricity power line.

Subsection (2) states that before granting consent for the development, the consent authority must give written notice to the electricity supply authority inviting comments about potential safety risks, and take into consideration any response given.

The application was referred to Essential Energy for comment, who responded with concerns about proximity to easements and infrastructure as previously discussed and set out in detail in section 5.1 of this report. Of particular note, a safety setback distance of 10m is required, and vegetation cannot be planted within these setbacks.

An RFI was sent to the applicant to clarify and confirm setbacks from the easements and power lines. An updated site plan from the applicant shows the proposed development, particularly the main extraction area, to be clear of the easements and power lines. It does not show the distances to the proposed vegetation buffers; however these are likely to be located clear of the safety setbacks. Notwithstanding a condition of consent is recommended to this effect. Essential Energy's general recommendations are also attached as conditions of consent.

• **Section 2.119 Development with frontage to classified road**

Canowindra Road is a classified road, and as such Section 2.119 applies. Subsection (2) states that 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.*

With regards to the first point, vehicular access to the site is only available off Canowindra Road. There is no secondary access off a local road proposed or available to the development.

With regards to the second point, the application was referred to TfNSW and Council's Development Engineer and their comments are discussed in detail in sections 4.3.2, 5.1 and 5.2 of this report. In summary, the access intersection to the site must be upgraded to meet relevant road standards, and to ensure safe access to and from the site and safe and continued operation of the classified road. The access driveway must also be sealed for at least 50m (from the road) to minimise the effects of dust on the classified road. Given the proximity of the extraction area and internal roads to the classified road, other dust suppression measures on the site must be implemented during operation as discussed in sections 4.3.2 and 5.1 of this report. TfNSW's general requirements are included as conditions of consent, including that all signage and fencing to is contained within the site and does not encroach the road corridor, provision of suitable road drainage, and truck size limits.

With regards to the third point, the development is not a sensitive land use and therefore does not need to be designed to ameliorate traffic noise or emissions from the classified road.

Overall, the proposed development is considered acceptable subject to suitable access upgrades and conditions of consent.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, however none are directly relevant to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Cabonne Development Control Plan No. 5 General Rural Zones

This Development Control Plan (DCP) applies to this land with regard to the RU1 Primary Production (rural) zoning, however no relevant DCP controls apply to the proposed land use. A detailed assessment of environmental impacts is set out in the “Likely Impacts” section 4.3.2 of this report.

Section 7.11 Development Contribution Plan

Pursuant to s7.18 of the EP&A Act, the *Cabonne Council Section 7.11 Development Contribution Plan 2022 – Heavy Vehicles* applies to development which involves an extractive industry with an average annual output over 5,000m³ of solid material. This contribution relates to road maintenance for heavy haulage vehicle movements.

While the proposed development exceeds the output threshold, this plan states that the contribution and its calculation do not apply to State Roads that are the funding responsibility of the State Government, and not Council, such as the A32 Mitchell Highway and B81 Canowindra Road.

As the proposed development and the main transport of the material from the site is located on Canowindra Road, which is a classified state road, the levy does not apply in this case.

Section 7.12 Development Contribution Plan

The *Cabonne Council Section 7.12 Development Contribution Plan 2022* applies to the development, and seeks contributions towards public services and facilities relating to road transport, pedestrian ways and shared pathways. See calculation below.

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution
Section 7.12 Contribution	\$637,826.67 (including GST)	1% (for development 200k and above)	\$6,378.27

Note: the contribution rate remains current until 30 June 2025, and is indexed quarterly.

A condition of consent is attached requirement payment of the contribution.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the EP&A Regulation contains additional matters that must be taken into consideration by a consent authority in determining a development application. Most of these matters are not relevant to the proposal, with the exception of the Dark Sky Planning Guideline, which is addressed below.

The Dark Sky Planning Guideline 2023 informs development controls that apply to land for the assessment of significant development within 200km of the Siding Spring Observatory. The observatory telescopes need clear dark nights to operate effectively, and development must be managed so as not to adversely impact on this.

A consent authority must also consider the guideline for:

- state-significant development;
- designated development; and
- development specified in *State Environmental Planning Policy (Planning Systems) 2021, Schedule 6* (regionally significant development) that is likely to affect the night sky and is within 200 kilometres of Siding Spring Observatory.

While the proposed development is not within 200km of the Observatory, it is designated development and regionally significant development, therefore consideration under the *Dark Sky Planning Guideline* is required.

The proposed development is located some 240km from the Observatory, and does not involve outdoor lighting, or night-time extractive industry operations. Dust from the quarry operations and truck movements within the site have the potential to affect the sky, in particular, dust can scatter artificial light in the sky and contribute to 'skyglow'. However, as the proposed development is well separated from the Observatory, does not involve night-time activities, and dust suppression measures will be implemented onsite to ensure dust is appropriately managed, dust emissions affecting the night sky are unlikely.

Conditions of consent are attached with regards to dust suppression (i.e. the EPAs GTAs). Furthermore, a condition of consent is recommended that any outdoor lighting (existing and future) is shielded and maintained in accordance with *Australian Standard 4282-1997: Control of obtrusive effects of outdoor lighting* and the *Dark Sky Planning Guideline*.

Section 62 (consideration of fire safety), Section 63 (consideration of temporary structures) and Section 64 (consent authority may require upgrade of buildings) of the EP&A Regulation are not relevant to the proposal.

4.3.2 Section 4.15(1)(b) - Likely Impacts of Development

The consideration of likely impacts on the natural and built environments is set out below.

Context and Setting

The proposal is considered to be generally consistent with the context of the site. The proposed development has been designed to reinstate the previous quarry location and existing dams, minimise native vegetation clearing, and utilise the existing access location (subject to upgrade requirements).

Although surrounded by predominately agricultural land and rural dwellings, the proposed extractive industry (quarry) will be an acceptable land use within the surrounds. The operational phase of the proposal is likely to generate the most impact with regards to extraction and traffic noise, dust, and visual impacts, and these matters are discussed in greater detail in the relevant sections below. The land will still be used for grazing purposes (i.e. dual use for quarry and agricultural grazing), and upon decommissioning of the quarry the land will revert back to agricultural use.

Concerns have been raised about the potential for land use conflict to arise, and impacts to nearby surrounding properties, and this is discussed in greater detail in the "Land Use Conflict" assessment below.

Land Use Conflict

The Resources and Energy SEPP requires the consent authority to consider the compatibility of proposed extractive industries with existing, approved and future land uses, as noted in section 4.3.1 of this report. Concerns have been raised by external agencies and a neighbour in this regard.

Notably, the Department of Primary Industries and Regional Development (DPIRD) raised concerns about the proximity of the proposed quarry to the residences within 5km of the site, particularly 'R2' just 500m to the south, with regards to noise, dust, traffic movements, and blast vibration. DPIRD requested a Land Use Conflict Risk Assessment (LUCRA) from the applicant to gain a detailed understanding of the potential land use conflicts created by the proposal with nearby residences, natural features, and ongoing agricultural operations; as well as to guide the scope of mitigation and monitoring measures to be implemented.

DPIRD also requested detailed information on proposed vegetated screen plantings such as width and length of planted areas, number and layout of rows, species types and height, optimal porosity, and longevity; information on site preparation, fencing, irrigation, maintenance, etc; and interim alternative measures to mitigate impacts until the vegetation reaches the desired height (noting that a 10m high screen as initially proposed would conservatively take up to 20 years to establish in this location).

The applicant has submitted additional information, including a LUCRA, and amended the application to remove blasting activities.

LUCRA

The submitted LUCRA, prepared by R.W. Corkery & Co. and dated October 2024 is summarised as follows:

- Land uses within and surrounding the project site include agriculture – principally grazing and cropping, rural residences and farm buildings, and transport – namely along Canowindra Road (see Figure 12 below).

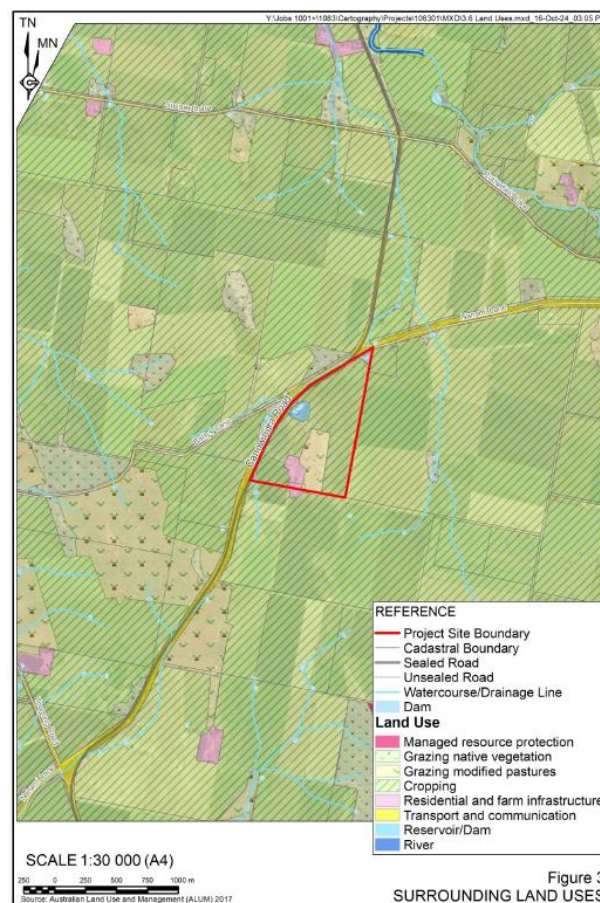


Figure 12: Surrounding Land Uses (extract from submitted LUCRA by RW Corkery, dated October 2024)

- The project site was inspected on 19 September 2023 and again on 22 February 2024, and at both times it was being used for or had recently been used for quarrying operations, and agriculture, principally grazing and cropping. The land was fully fenced with a grid located at the entrance to the site. Some weeds were visually identified on site including thistles.
- Surrounding landholders and residents were consulted on the 22 February 2024 regarding their views on the proposal and if they had any concerns. No concerns were raised in relation to the proposal and it was noted that the gravel pit had been there as long as the neighbours can remember. The applicant has an existing agreement with the adjacent residents to the south of the project site and as such they were not consulted at that time. However, ongoing consultation will be undertaken by the applicant as required.
- The land use activities likely to generate conflicts with the existing rural residency and agricultural activities are project site construction, extraction and processing operations (i.e. rip and push, crushing, screening, blending and importation of materials), stockpiling and loading operations, transportation operations, and decommissioning and rehabilitation.
- The risk rankings are set out in Figure 13 below (note: a level A probability is almost certain to occur, while level D is unlikely, and level E is rare. A level 1 measure of consequence is severe, while level 5 is negligible. A rank of 25 is the highest magnitude of risk, while 1 represents the lowest magnitude or risk.).

Activity Risk Ranking

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Activity	Identified Potential Conflict	Probability of Occurrence	Measure of Consequence	Risk Ranking
Project Site Construction	Dust	B	4	12
	Noise	A	3	20
Extraction Operations	Dust	B	3	17
	Noise	B	3	17
Stockpiling and Loading Operations	Dust	B	3	17
	Noise	B	3	17
Transportation Operations	Dust	B	4	12
	Noise	B	3	17
	Traffic	A	3	20
Decommissioning and Rehabilitation	Dust	B	4	12
	Noise	B	3	17

Figure 13: Activity Risk Ranking (extract from submitted LUCRA by RW Corkery, dated October 2024)

- Management and mitigation measures are proposed by the applicant to ensure that traffic and transport impacts are minimised – upgrade site entrance, widen access road to permit two-way movement of heavy vehicles, develop and implement a Driver's Code of Conduct, maintain road reserve in vicinity of site entrance to ensure suitable site distances, and seal access road for 50m from Canowindra Rd to assist with mud and dust containment.
- Management and mitigation measures are proposed by the applicant to ensure that dust impacts are minimised – limit excavation during high winds, limit disturbance to minimal necessary area, apply vegetative cover to soil stockpile, apply water to roads and trafficked areas, and define road edges to control their locations.

- Management and mitigation measures are proposed by the applicant to ensure that noise impacts are minimised – comply with hours of operation, install 3m bund for noise attenuation, regularly service equipment, install frequency modulated reversing alarms to all mobile equipment, ensure drivers comply with Driver's Code of Conduct, maintain open dialogue with surrounding community and neighbours to ensure noise concerns are addressed (in particular occupants of 'R3'), and maintain unsealed roads to minimise body noise from empty trucks.
- Taking into account the proposed management and mitigation measures, the risk ratings can be updated as set out in Figure 14 below.

Revised Risk Ratings

Activity	Identified Potential Conflict	Probability of Occurrence	Measure of Consequence	Risk Ranking
Project Site Construction	Dust	D	4	5
	Noise	C	4	8
Extraction Operations	Dust	D	4	5
	Noise	C	4	8
Stockpiling and Loading Operations	Dust	D	4	5
	Noise	C	4	8
Transportation Operations	Dust	D	4	5
	Noise	C	4	8
	Traffic	B	5	7
Decommissioning and Rehabilitation	Dust	D	4	5
	Noise	C	4	8

Figure 14: Revised Risk Ratings (extract from submitted LUCRA by RW Corkery, dated October 2024)

- In conclusion, the proposal has the potential to create sources of land use conflicts and adversely impact local landholders. The revised ratings table identifies that by implementing robust management and mitigation measures and maintaining open communication with nearby landholders the probability and consequence of these risks can be reduced to acceptable levels.

It is considered that the LUCRA does not explicitly identify all issues that have the potential to impact on neighbours and result in land use conflict. Notably, visual amenity, soil erosion, waterway pollution, control of stock, management of weeds, and biosecurity are not covered. Furthermore, it does not address impacts to possible future rural dwellings in the vicinity, noting that some agricultural land to the north-east has dwelling entitlements (i.e. latent undeveloped concessional lots).

Notwithstanding, separate assessments and information has been provided by the applicant in regards to these matters, which are addressed throughout this report and in the relevant sub-sections below. Although possible future dwellings have not been specifically addressed, the submitted assessments demonstrate that they would unlikely be adversely impacted. It is also noted that most guidelines do not require future dwellings to be assessed, for example as a sensitive noise receiver, unless land is zoned for future residential use. In this case, future dwellings will be rural residential in nature, with an expectation that future occupants will be aware of potential amenity impacts associated with living in a rural area. Amenity impacts to future dwellings will need to be dealt with via future development assessments (i.e. LUCRAs to be prepared as part of those applications, identifying specific mitigation measures as they relate to each case), as well as via Environmental Protection Licence compliance and reporting processes.

DPIRD has reviewed the LUCRA and additional information and comments that while ongoing communication is an important aspect of the 'social licence', the proposed must be designed to ensure impacts are appropriately managed and mitigated within the site boundary. They recommend that the EIS is amended to include the mitigation measures in the LUCRA.

Overall, it is considered that an amendment to the EIS is not necessary in this case, and that the LUCRA, read in conjunction with all other submitted documents, covers the main high-risk activities, and all matters can be addressed via mitigating measures (as conditions of consent), as discussed throughout this report. Relevant conditions are attached.

Vegetative Screen

The applicant has provided further details in regards to the proposed vegetation screen, including its location (see Figure 7), and its design characteristics, including width, density, species, height, lifespan, maintenance, and supplementary planting as required. Of particular note, initial species mixes will include groundcover, shrub and tree species to provide rapid visual screening up to 5 metres in height, with slower growing tree species eventually providing screening up to and exceeding 10 metres in height. The 3 metre high bund will also be vegetated with groundcover species.

The applicant states that the proposed vegetation screen will entirely shield views of extraction areas from the north (intersection of Canowindra Road and Nanami Lane) and will significantly reduce views of the extraction area from the west (residence 'R3'). The applicant carried out consultation with the owners of residence R3 who will have visibility of approximately 13m of the eastern internal extraction area face, who indicated that they were comfortable with the residual visual impacts. An assessment of visual impacts has been carried out in the next subsection below.

DPIRD has reviewed this additional information and comments that a vegetated screen plantings plan should be provided, illustrating the vegetated buffer (location, irrigation, fencing, endemic plant species, etc) and other physical measures to mitigate visual impacts until vegetation reaches the desired height. A condition of consent to this effect is attached.

Furthermore, as per Essential Energy's requirements, no vegetation should be planted below the overhead powerlines or within 10m of the centreline of any powerline. A condition of consent is recommended that vegetative buffers are located and maintained to stay clear of the safety area. It is also noted that PBP 2019 has specific landscaping requirements for bushfire protection. Relevant conditions are attached in this regard.

Overall, subject to these recommended conditions, significant adverse land use conflict impacts are considered unlikely.

Visual Impacts

The application is supported by a Visual Amenity assessment within the submitted EIS, which is summarised as follows:

- The visual setting of the project site is typical of rural settings throughout the Cabonne Local Government Area, with views dominated by:
 - agricultural operations, including grazing and cropping;
 - native vegetation;
 - scattered houses and buildings; and
 - local and regional roads and their associated vehicle movements
- The proposed quarry is located on a ridgeline at approximately 450m ahd. the visual catchment of the extraction area, namely the areas that may have a view of the extraction area in the absence of vegetation.

- The extraction area is likely to be visible to observers on elevated sections of private land to the north of Battys Lane, with the extent of visibility limited by topography. The extraction area would also be visible to southbound motorists on Canowindra Road in the vicinity of the intersection with Nanami Lane. Also, views of the extraction area from a distance of approximately 2km or more would be available from private land to the north of Rutherford Lane.
- The proposal would include establishment of the extraction area, stockpile and facilities area and access road, each of which would be shielded by a visual screen. In reality, the extraction area would be the most visually intrusive aspect and, as a result the following assessment has focused primarily on that aspect.
- No nighttime activities or operations are proposed, as such, there would be no changes to the night-time visual setting.
- Figure 15 presents the visual catchment of the extraction area. In summary, views of the extraction area would be available from elevated areas to the north of Battys Lane, including Residence R3 and to southbound motorists on Canowindra Road in the vicinity of the intersection with Nanami Lane.

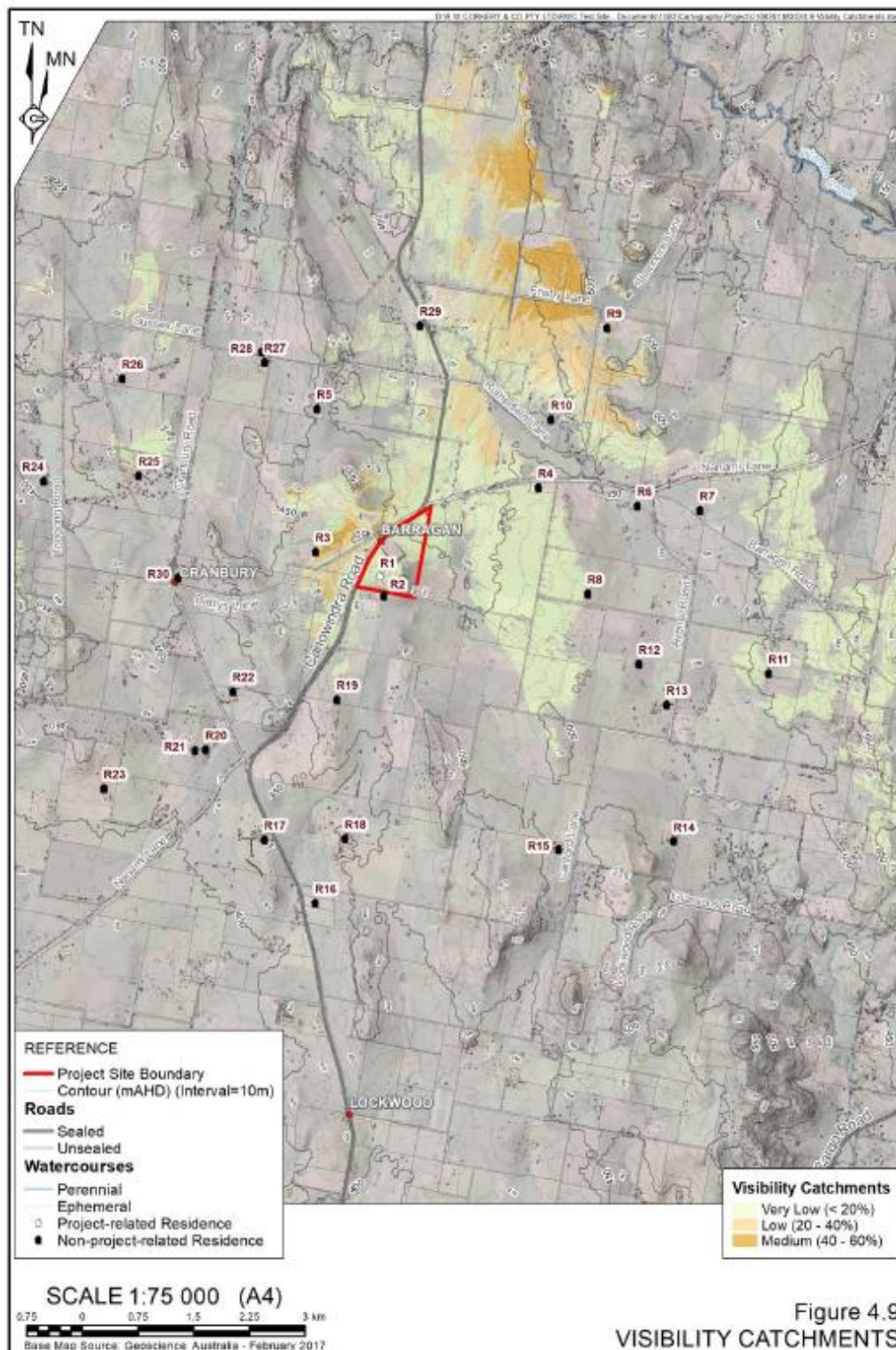


Figure 15: Visibility Catchment (extract from applicant's EIS, dated June 2024)

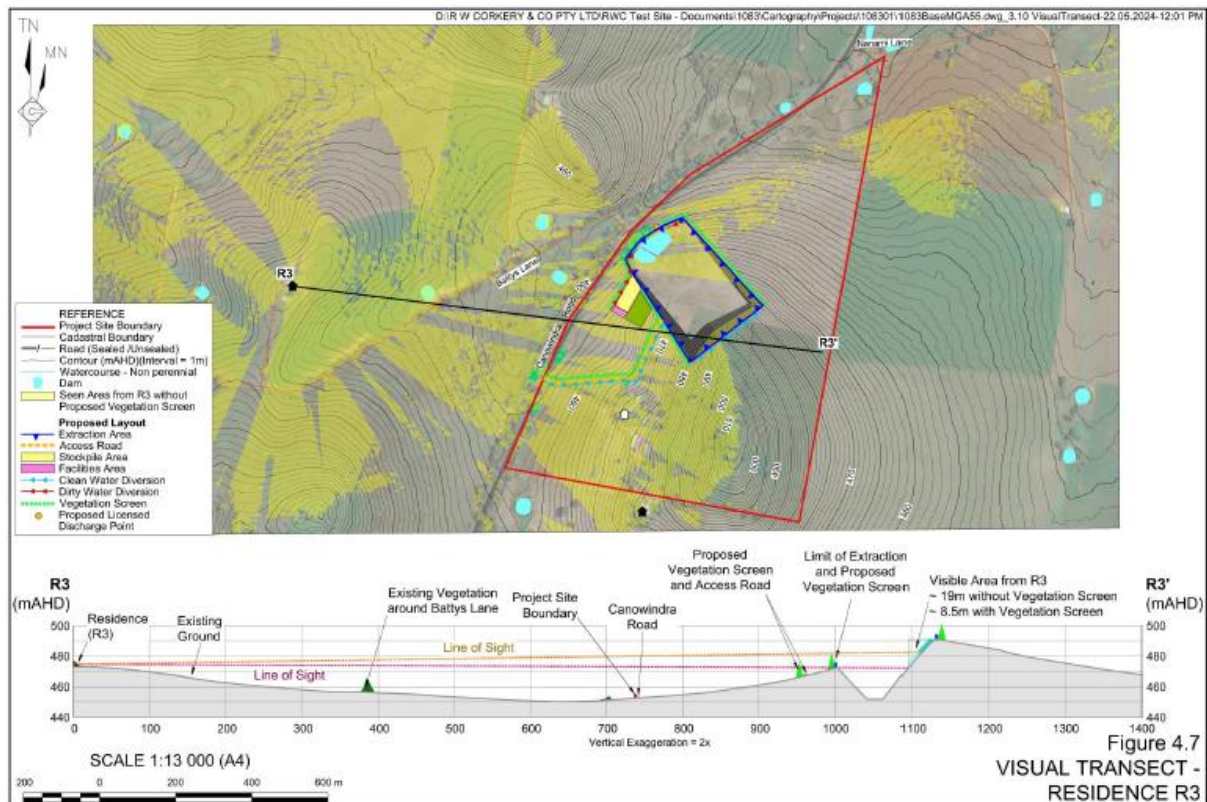


Figure 16: Visual Transect R3 (extract from applicant's EIS, dated June 2024)

- Figure 16 above presents a visual transect from Residence R3 towards the extraction area and Figure 17 presents a photomontage of the existing extraction area and following completion of the proposal (i.e. remediation). Visual amenity impacts on Residence R3 are summarised as follows:
 - Sections of the extraction area would become progressively visible throughout the life of the proposal.
 - At the end of the life of the proposal, approximately 19m of the eastern face of the extraction area would be visible, representing 1.0° of the vertical field of view from Residence R3.
 - A 10m high vegetated visual screen would reduce the visible section of the extraction area to the approximately 8.5m, representing 0.4° of the vertical field of view from Residence R3.
 - The final terminal faces would be revegetated to native vegetation and would blend with the surrounding landforms.



Figure 17: View Photomontages R3 (extract from applicant's EIS, dated June 2024)

- Figure 18 presents a visual transect from the intersection of Canowindra Road and Nanami Lane towards the extraction area and Figure 19 presents a photomontage of the extraction area currently and following completion of the proposal. Visual amenity impacts for southbound motorists on Canowindra Road are summarised as follows:
 - Sections of the extraction area would become progressively visible throughout the life of the proposal.
 - At the end of the life of the proposal, approximately 13m of the eastern face of the extraction area would be visible, representing less than 1.0° of the vertical field of view from the south bound section of Canowindra Road
 - A 10m high vegetated visual screen would eliminate the visible section of the extraction area, only the tree screen would be visible
 - The final terminal faces would be revegetated to native vegetation and would blend with the surrounding landforms.

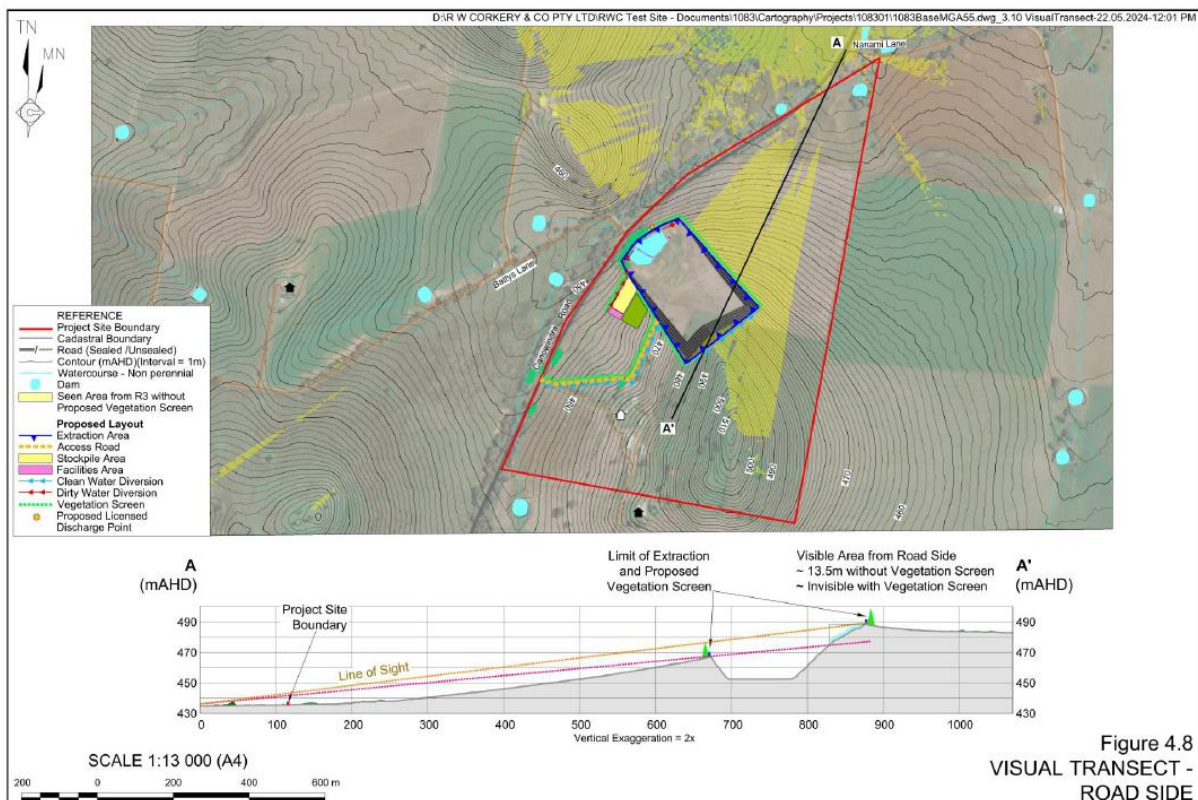


Figure 18: Visual Transect Road Side (extract from applicant's EIS, dated June 2024)



Figure 19: View Photomontages Road Side (extract from applicant's EIS, dated June 2024)

- The applicant contends that the proposal would not adversely impact on visual amenity surrounding the project site for the following reasons:
 - All active extraction, processing, stockpiling, and loading operations would be undertaken within either the extraction area or stockpiling area which are located at a higher elevation than most of the surrounding lands, limiting the potential for site activities to be visible.
 - The proposed perimeter vegetation screens would provide a long-term screen that would prevent visual impact to surrounding lands.
 - The proposed bund during the initial stages of extraction, would act as a visual screen from surrounding lands until the extraction area is more fully developed and would provide additional shielding.
 - The applicant would manage dust emissions to ensure dust does not impact on the visual amenity of the surrounding area.
 - There would be no night-time operations, thus no nighttime visual amenity would be impacted.
- Finally, the applicant has met with the owners of Residence R3, and they indicated that they were comfortable with the proposal and unconcerned about potential visual impacts.

As discussed in the land use conflict subsection above, DPIRD raised concerns about visual impacts and the initial lack of details for the proposed vegetative screen. The applicant provided further information, which DPIRD has reviewed. Their recommendations as previously discussed are attached.

It is also noted that subject area has a long history of being used as a quarry, and visual evidence of this history is still present on the site. The proposal seeks to reinstate that former use and continue to quarry (extract resources) from the subject area. Essentially this means the previous extraction area will become larger over the lifespan of the project. As previously discussed, the area will be progressively rehabilitated, and as such, it is likely the area will have an improved visual appearance with time.

While the submitted visual assessment does not expressly account for future dwellings in the vicinity (i.e. dwelling entitlements on nearby land), the proposed vegetative screen will ensure adverse visual impacts will be suitably mitigated for all existing and potential future neighbouring rural residential dwellings.

Overall, it is considered that visual impacts can be sufficiently mitigated via vegetative screening and site rehabilitation. Relevant conditions are attached.

Access and Traffic Impacts

The application is supported by a 'Road Transport Assessment', prepared by The Transport Planning Partnership, and dated 19 February 2024. The assessment of the current road and traffic environment is summarised as follows:

- Canowindra Road (MR310) is a State road providing a north-south link between The Escort Way (MR377) at Cudal in the north and Mid Western Highway (HW6) at Cowra in the south.
- Canowindra Road has one travel lane in each direction, typically has a sign posted speed limit of 100 kilometres per hour (km/h) and is approved for use by 25/26 m General Mass Limit B-doubles with no travel conditions.
- Automatic Tube Counts (ATC) were undertaken for the one week period between Thursday 9 and Wednesday 15 November 2023 (inclusive) on Canowindra Road, approximately 700 m south of Battys Lane. Full details of traffic volumes, composition, and speeds are shown in the tables in the submitted Road Transport Assessment.

A summary of the Road Transport traffic generation assessment is summarised as follows:

- Vehicular access to the quarry would be via an existing access from Canowindra Road.
- The project anticipates an average payload of 33t.
- Potential traffic generation was estimated based on average daily trips generated by the haulage of material at the proposed average and maximum annual production rate (see Figure 20). This assumes continuous operation throughout 50 operating weeks per year, 11 hours per weekday and five hours per Saturday, i.e. total 3,000 operating hours per year (i.e. worst-case scenario).

Table 3.1: Average Material Haulage Trip Generation

	Average Production 80,000 tpa	Maximum Production 150,000 tpa
Loads per year (33 t per load)	2,424	4,545
Average loads per operating hour	0.8	1.5
Average Vehicle Trips per Operating Hour	1.6	3.0
Average loads per Weekday	8.9	16.7
Average Vehicle Trips per Weekday	17.8	33.3
Average loads per Saturday	4.0	7.6
Average Vehicle Trips per Saturday	8.1	15.2

Figure 20: Average Material Haulage Trip Generation (extract from Road Transport Assessment, dated February 2024)

- Practically, as the quarry would operate on a campaign basis, the number of trips generated by the movement of material would vary from the average. The transportation of product from the quarry during any campaign is proposed to be limited to a maximum of 88 truck movements on any one day, made up of 44 inbound empty trips and 44 outbound laden trips.
- Total traffic generation – Taking into account staff, deliveries and visitors, the project can be expected to generate a peak of 23 vehicle trips during one hour on a Saturday (made up of 13 trips in the peak direction and 10 trips in the contra-peak direction), or 13 vehicle trips during one hour on a weekday (made up of eight trips in the peak direction and five trips in the contra-peak direction). This is shown in Figure 21 below.

Table 3.2: Quarry Traffic Generation Summary

Type	Light Vehicles	Heavy Vehicles	Total
Daily Trip Generation During Campaign (vehicles per day)			
Maximum Haulage	0	88	88
Workforce	6	0	6
Deliveries and Visitors	2	0	2
Total per Day	8	88	96
Average Weekday Peak Hourly Trip Generation During Campaign (vehicles per hour)			
Maximum Haulage	0	8	8
Workforce	3	0	3
Deliveries and Visitors	2	0	2
Total per Hour	5	8	13
Saturday Peak Hourly Trip Generation During Campaign (vehicles per hour)			
Maximum Haulage	0	18	18
Workforce	3	0	3
Deliveries and Visitors	2	0	2
Total per Hour	5	18	23

Figure 21: Traffic Generation Summary (extract from Road Transport Assessment, dated February 2024)

A summary of the Road Transport impact assessment is summarised as follows:

- **Traffic Volumes** – Existing peak hour traffic volumes along Canowindra Road are low, recording a maximum of 94 vehicles per hour on a weekday and 76 vehicles per hour on a Saturday. The project may generate up to 23 vehicle trips per hour on a Saturday and 13 vehicle trips on a weekday. During a campaign, should the peak project traffic generation coincide with the background peak hourly traffic on Canowindra Road, and all project-generated vehicles approach and depart the Site to/from the same direction, future traffic volumes on Canowindra Road would be 107 vehicles per hour during a weekday peak hour, and 99 vehicles per hour during a Saturday peak hour.
- **Road Network Efficiency** - Considering that the forecast peak hourly traffic volumes on Canowindra Road of 107 vehicles per hour during a weekday peak hour and 99 vehicles per hour during a Saturday peak hour are significantly below the criteria required for the road to be classed as Level of Service 'A' (320 vehicles per hour), the PTSF on these roads is therefore inherently very low, with drivers experiencing negligible restriction to their freedom to choose their travel speed or to overtake. It can be concluded that Level of Service 'A' would be experienced on these roads even with the additional traffic because of the proposed quarry. As such, the proposal would not create any discernible impact on traffic volumes along both Canowindra Road and Nanami Lane.
- **Intersection operation** - The forecast peak hourly traffic volumes on Canowindra Road are well below the threshold volumes for analysis. As such, there is no capacity concerns regarding the operation of the intersection which would be used to access the site. Further, the Site Access is considered to be adequately separated from other property accesses and intersections.
- **Intersection Design** - Due to the use of the quarry access by heavy vehicles, it is recommended that the intersection of the quarry access road and Canowindra Road be designed to be consistent with an intersection rather than a more basic rural property access. The proposed site access road (i.e. internal road / driveway) would need to be widened to facilitate two-way truck movements into and out of the quarry.

(Note: A proposed design for the intersection upgrade has been prepared by Duncan Priestly Civil Engineering and is discussed in more detail below).

- Sight Distance - Austroads (2023) indicates that the SISD required for level grades is 248m. The SISD requirement based on the surveyed 85th percentile speed on Canowindra Road of approximately 108 to 109 km/h is approximately 275 to 279m. The sight distance available between a driver at the location of the proposed quarry access road and a southbound driver approaching on Canowindra Road is approximately 280 m. The sight distance available between a driver at the location of the proposed quarry access road and a northbound driver approaching on Canowindra Road is in excess of 500 m from the location.
- Road Safety - It is recommended that a Drivers' Code of Conduct be developed and implemented for drivers of all heavy vehicles who regularly access the quarry. Compliance with the Code of Conduct should form part of the employment or contract conditions of those drivers, with penalties for non-compliance, and include such matters as approved transport hours, speed limits, safe driving practices in poor weather / visibility conditions, minimising the use of exhaust brakes near residential areas, and securing tailgates, chains and loose cables to minimise noise.
- Parking – To be provided on-site to meet the quarry's operational demands, creating no impact to on-street areas.

The submitted Road Transport Assessment report makes the following recommendations:

- The BAL and BAR treatments be provided in Canowindra Road at its intersection with the quarry access road;
- The quarry access road be widened to permit two-way movement of heavy vehicles; and
- A Drivers' Code of Conduct be developed and implemented for drivers of heavy vehicles who regularly access the quarry, outlining behavioural expectations for those drivers. Compliance with the Code of Conduct should form part of the employment or contract conditions of those drivers, with penalties for non-compliance.

The proposal was referred to TfNSW pursuant to SEPP (Resources and Energy) and SEPP (Transport & Infrastructure), being an extractive industry which involving transport of materials, and development with frontage to classified road. Following initial review of the application TfNSW required further information (dated 1 August 2024). Of particular note:

- The SISD sightline assessment has not been applied correctly with regards to speeds and reaction times. A revised assessment and longitudinal drawings are required
- The access upgrade designs do not provide enough details, and need to show surveyed sightlines, swept path analysis, and consideration of lighting of the access.
- Road safety risk concerns, and an independently peer reviewed Road Safety Audit (RSA) is required to determine if the proposed mitigation treatments (i.e. access upgrade) have reduced the crash type severity.
- TfNSW does not support the need to close Canowindra Road during blasting activities and requests an alternative mitigation measure.

The applicant has submitted a revised intersection upgrade design, including swept path and surveyed sightline diagrams, prepared by Duncan Priestly Civil Engineering, and dated 12 October 2024; a Concept Design Road Safety Audit, prepared by The Transport Planning Partnership, and dated 21 October 2024; and a formal covering letter response to TfNSW's request for additional information, prepared by The Transport Planning Partnership, and dated 23 October 2024.

Additional mitigation measures identified in the submitted Safety Audit include:

- Provide a short length of guard rail on the western side of Canowindra Road on the northbound departure side of the intersection to protect errant vehicles from the existing culvert;
- Treat the polished pavement on Canowindra Road near the intersection during the upgrading of the intersection or as part of regular road maintenance programs, to improve its skid resistance particularly in wet weather, noting this is an existing issue that is not directly attributable to the impacts of the quarry, however may be exacerbated by additional heavy vehicles on Canowindra Road generated by the quarry;
- Ensure that the intersection design allows for the swept paths of rigid truck and dog trailer combinations that would access the quarry; and
- Undertake all road/intersection upgrade design and construction in accordance with Austroads guidelines, including design of culverts, and provision of line marking, signage, RRPMs and guideposts compliant with current guidelines.

This additional information was referred back to TfNSW for further assessment. TfNSW responded that further modifications to the access design were required to ensure compliance with road design standards (dated 4 December 2024). Of particular note, the following needed to be addressed:

- Inclusion of road shoulders in accordance with Ausroads.
- Batter should be designed in accordance with Austroads Part 3 – Table 4.11 with either a 6:1 batter slope or, alternatively, a 4:1 batter could be applied using a 1.0m wide verge with a 2.0m rounding.
- Any trees located within the designated clear zone will either need to be removed or if trees are found to be significant and cannot be removed, a barrier assessment is to be undertaken and a complying verge condition with full working width for the safety barrier should be provided. Clear zones should be in accordance with Austroads Part 6.
- Tapers and intersection dimensions in plan view should be provided to allow an accurate assessment of the proposed design works. Alternatively, provide a list of all BAR design values adopted for design calculation.
- The strategic design presents a BAR treatment with a merge taper prior to a transverse culvert. This design should consider vehicle run-out where a vehicle fails to merge. Accordingly, the road design should widen the culvert to allow sufficient width for vehicle run-out in accordance with Austroads Part 6.
- Confirm the setback distance between the centre line of Canowindra Road and the holding line at the quarry access in accordance Austroads Part 4A, Figure 7.1.
- The SISD should be confirmed for the design speed of +10km/h above posted speed (e.g. minimum 300m (+/-grade correction) for 110km/h design speed). Alternatively, if SISD for 85th percentile speed is met, advanced gated intersection warning signage may be acceptable.

The applicant provided a formal response justifying the intersection design, which was referred back to TfNSW, who reviewed the commentary and responded that it still did not address or meet current road design standards as set out in their previous RFI.

The applicant has submitted updated intersection designs by Duncan Priestly Civil Engineering, and dated 29 March 2025, which were referred again to TfNSW.

TfNSW reviewed the amending intersection design plans and provided a formal response (dated 30 April 2025) with the following comments:

- TfNSW is generally satisfied that a compliant BAR / BAL intersection can be achieved at the identified site access, in accordance with Austroads Guidelines and relevant TfNSW supplements.
- It is noted however that further changes to the strategic design will be required to achieve a suitable final design outcome, prior to the initiation of a Works Authorisation Deed (WAD) and to the satisfaction of TfNSW.
- These changes include the following (but not limited to):
 - a) Confirmation of the provision of a clear zone as required under *TS02624:1.0 – Austroads Guide to Road Design (AGRD) Part 6 - 4.2.2*.
 - b) Culvert details showing the existing culvert being clear of the functional area of the intersection to prevent hazard within the road environment.
 - c) Confirmation of the appropriate dimensions of the proposed BAR / BAL intersection (including taper lengths, lane widths and carriageway widening) in accordance with Sections 7.2.1 and 8.2.1 of *AGRD Part 4a: Unsignalised and Signalised Intersections*, to a design speed of 110km/h.

TfNSW also recommends conditions to assist the panel in the determination of the DA, including:

- Basic Right Turn (BAR) / Basic Left Turn (BAL) requirements.
- The requirement for the applicant to enter into a Works Authorisation Seed (WAD) with TfNSW for road works.
- Construct suitable road drainage.
- Ensure all signs and fencing is within the property boundary and does not encroach into the road corridor.
- Vehicular access to the quarry is restricted to truck size 19m semi or 19m truck and dog.

These recommendations are attached as conditions of consent.

It is also noted that a *Roads Act 1993* Section 138 approval will be required from the roads authority (i.e. TfNSW) for the carrying out of works on a public road (i.e. access intersection upgrade). A condition of consent is attached.

Council's Development Engineer has also reviewed the proposal and notes concerns relating to roadside drainage, existing verge batters not in compliance with Council's standards, calculations to verify adequacy of design queue lengths, erosion and sediment control, pavement design, dust control, and sight distance requirements. Conditions of consent are attached to address these issues.

Overall, it is considered that traffic and access impacts can be sufficiently mitigated via access upgrades, construction and operational measures, and a Driver's Code of Conduct. Relevant conditions are attached.

Noise and Vibration Impacts

The main noise source of the development will be associated with the construction phase (i.e. site preparation and access upgrade works), quarry operations (i.e. extraction, crushing, screening, stockpiling, loading), and road noise of vehicles coming and going from site. Site rehabilitation, which will be completed in sections throughout the lifespan of the quarry, will also generate some noise.

The application is supported by a 'Noise Assessment', prepared by Muller Acoustic Consulting (MAC), and dated 27 February 2024. It is noted that the Noise Assessment includes blasting and drilling activities, however as blasting has since been deleted from the application, no further comments are made in this regard. A summary of the noise assessment is as follows:

- The assessment has quantified potential noise emissions from activities associated with the construction, operation, and decommissioning stages of the project.
- Sound power levels for specific project equipment was taken into account (from manufacturers specifications or from in-field measurements at similar project sites e.g. bulldozer, excavator, mobile crusher, front-end loader, road truck movements, etc).
- Meteorological conditions and noise-enhancing meteorological conditions were taken into account.
- A review of residential receivers in proximity to the project has been completed and are classified by their typical land use zoning in accordance with Table 2.3 of the Noise Policy for Industry 2017 (NPI). The nearest receivers would be categorised as 'rural residential'.
- For low noise environments, such as rural environments, minimum assumed Rating Background Levels (RBLs) apply within the NPI and can be adopted in lieu of completing background noise measurements.



Figure 22: Year 1 Predicted Noise Levels (extract from submitted Noise Assessment by MAC, dated February 2024)

- A computer model was developed to quantify project noise emissions to neighbouring receivers using DGMR (iNoise, Version 2024) noise modelling software. 3D noise modelling is considered industry best practice for assessing noise emissions from projects. Operational scenarios were assessed based on extraction year 1, year 5, year 10 and year 20 (i.e. taking into account the incremental expansion of the extraction pit floor).
- Mitigation included in design - during initial extraction operations in Year 1 to approximately Year 5, or when the pit floor is at the pre-quarry height of 460m RL, a 3m bund will be kept in place to shield noise emissions from the crusher. The bund may be constructed from either topsoil, waste rock or stockpiled material and must extend at least 15m in each direction of the crusher to provide sufficient shielding (i.e. minimum of 30m in length at any time).



Figure 23: Year 5 Operations Bund (extract from submitted Noise Assessment by MAC, dated February 2024)

- The results of the Noise Assessment demonstrate that modelled noise emissions from construction and decommissioning activities would satisfy construction NMLs at all receiver locations.

Table 23 Noise Predictions – All Receivers

Location	Period ¹	Predicted Noise Level dB LAeq(15min)	NML dB LAeq(15min)	Compliant
R02	Day	44	45	✓
R03	Day	43	45	✓
R04	Day	32	45	✓

Note 1: Refer to Table 3 for Standard Recommended Hours for Construction.

Figure 24: Construction Noise Predictions (extract from submitted Noise Assessment by MAC, dated February 2024)

Table 25 Decommissioning Noise Predictions – All Receivers

Location	Period ¹	Predicted Noise Level dB LAeq(15min)	NML dB LAeq(15min)	Compliant
R02	Standard	40	45	✓
R03	Standard	39	45	✓
R04	Standard	<30	45	✓

Note 1: Refer to Table 3 for Standard Recommended Hours for Construction.

Figure 25: Decommissioning Noise Predictions (extract from submitted Noise Assessment by MAC, dated February 2024)

- The results of the Noise Assessment demonstrate that noise emissions from all operational activities would satisfy the relevant project noise trigger levels (PNTLs) at all assessed receivers for all assessment periods for standard meteorological conditions and very noise enhancing meteorological conditions with the implementation of a 3m high earthen bund during initial extractive operations to Year 5 of the project.

Table 18 Noise Predictions – Year 1						
Location	Period ¹	Predicted Noise Level dB		PNTL	PNTL	Compliant Std/Enh
		LAeq(15min)		dB LAeq(15min)	dB LAeq(15min)	
		Standard Conditions	Noise Enhancing Conditions	Standard Conditions	Noise Enhancing Conditions	
Normal Operations						
R02	Day	38	41	40	45	✓ / ✓
R03	Day	38	41	40	45	✓ / ✓
R04	Day	<30	32	40	45	✓ / ✓

Figure 26: Year 1 Operational Noise Predictions (extract from submitted Noise Assessment by MAC, dated February 2024)

- Road noise emissions associated with the project are anticipated to satisfy the relevant Road Noise Policy 2011 (RNP) criteria at all receivers along the proposed transportation route.

Table 24 Operational Road Traffic Noise Levels				
Offset from Road	Period	Assessment Criteria dB LAeq(15hr)	Calculated Project Traffic Noise dB LAeq(15hr)	Compliant
15m	Day	60	56.2	Yes
7m	Day	60	59.5	Yes

Figure 27: Operational Road Traffic Noise Predictions (extract from submitted Noise Assessment by MAC, dated February 2024)

- Based on the Noise Assessment results, the project satisfies the relevant requirements of the Noise Policy for Industry and the Road Noise Policy.

It is noted that based on an initial review of the application and submitted Noise Assessment, concerns were raised with regards to the assessment being carried out with reference to the Interim Construction Noise Guideline (ICNG), which does not cover noise from industrial sources (e.g. quarrying, mining, and construction associated with quarrying and mining). It was requested via an RFI that the noise assessment be amended to assess the proposal under the *NSW Noise Policy for Industry*.

The applicant's consultant MAC responded stating that the ICNG is the appropriate methodology for assessing construction noise from quarries or mines (prior to the commencement of operations) due to its approach to short-term, variable, and transitional noise impacts typical of construction activities. They go on to note that ICNG's flexibility, specific assessment criteria, and focus on community engagement make it well-suited for construction projects, whereas the NPI is better suited for long-term industrial noise assessment.

This rationale is considered acceptable, and the submitted noise report demonstrates that construction, operational, road traffic, and decommissioning noise will comply with relevant limits for the lifespan of the proposed quarry, subject to a noise attenuating bund as described above. The submitted noise report notes that the bund should be installed during year one, however the timing of this is ambiguous. It is considered that the noise bund should be installed prior to the commencement of any operations, to ensure noise from the crusher does not impact on the surrounds. A condition of consent is attached to this effect.

It is noted that the submitted noise report does not account for future dwellings in the vicinity (i.e. dwelling entitlements on nearby rural land), however this report has been prepared in accordance with all applicable noise guidelines, which do not require the assessment to include potential future residential dwellings unless the land is zoned for residential purposes. Notwithstanding, based on the noise predictions and recommended mitigation measures set out in that report, potential future dwellings are unlikely to be adversely impacted. Also, ongoing compliance and reporting will be dealt with via the Environmental Protection Licence.

The application has also been reviewed by various external agencies, as well as Council's Environmental Health staff, who make reference to potential noise impacts and recommended mitigation measures. Of particular note, the EPA's issued GTAs include conditions relating to the preparation and implementation of an Environmental Management Plan (including noise management measures), hours of operation, truck movement hours, production limits, and mandatory licencing conditions (e.g. noise limits, maintenance, complaints, and monitoring). These comments are discussed in more detail in Section 5 of this report.

Overall, it is considered that noise and vibration impacts can be sufficiently mitigated via onsite noise attenuation; operational management plans; and restricted hours of operation. Construction noise impacts to establish the quarry will be temporary in nature and can be managed sufficiently. Relevant conditions are attached.

Utilities and Servicing

As discussed in sections 4.2 and 4.3.1, Table 3, and other Likely Impacts sections of this report, all services are or can be made available to the site. Of particular note, a suitable water supply is needed for dust suppression, a suitable static water supply is needed for firefighting purposes, staff will use existing onsite amenities (kitchen and toilets), and the access point off Canowindra Road needs to be upgraded so that it is made suitable for the number, frequency and size of vehicles associated with proposed operations. Stormwater can be appropriately managed onsite and within the road reserve subject to detailed design.

Overall, the site can be appropriately serviced and adverse impacts are unlikely. Relevant conditions are attached.

Heritage Impacts

Indigenous Heritage Impacts

The application is supported by an 'Aboriginal Due Diligence Assessment Report', prepared by OzArk and dated 29 May 2024. A summary of that report is as follows:

- The study area comprises 9.3ha, and includes the proposed quarry extraction area, access road, and associated areas for facilities, stockpiling, etc.
- A visual site inspection was carried out by an OzArk Archaeologist on 25 October 2023, which confirmed that the study area has been subject to high levels of disturbances.
- No Aboriginal objects or landforms with subsurface potential were identified.
- Concludes that the proposed works will have an impact on the ground surface, however, no Aboriginal objects or intact archaeological deposits will be harmed by the proposal.

- Notes that an Aboriginal Heritage Impact Permit application is not necessary, and works can proceed without further archaeological investigation.
- The report meets the requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

The report makes the following recommendations:

- Proceed with caution. If any Aboriginal objects are found, stop work, and notify Heritage NSW. If human remains are found, stop work, secure the site, and notify NSW Police and Heritage NSW.
- All land and ground disturbance activities must be confined to within the study area, as this will eliminate the risk of harm to potential Aboriginal objects that may be in adjacent landforms. Should the parameters of the proposal extend beyond the assessed areas, then further archaeological assessment may be required.
- If during works Aboriginal artefacts or skeletal material are noted, all work should cease and the procedures in the *Unanticipated Finds Protocol* should be followed.
- Inductions for work crews should include a cultural heritage awareness procedure to ensure they recognise Aboriginal artefacts and are aware of the legislative protection of Aboriginal objects under the *National Parks and Wildlife Act 1974* and the contents of the *Unanticipated Finds Protocol*.

Following review of the initial application, it was considered that a lower level of assessment was carried out in relation to Aboriginal Heritage (i.e. due diligence only), and that an Aboriginal Cultural Heritage Assessment Report (ACHAR) should be undertaken in line with the requirements of the SEARs. Additional information was requested from the applicant.

The applicant's consultant OzArk responded to the RFI that Heritage NSW indicated that an ACHAR would be "*generally recommended*" but is not necessarily a requirement. OzArk states that they first undertook a Due Diligence Code of Practice assessment within the study area, and that study was undertaken in accordance with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (Section 1.3). No Aboriginal objects were identified within the study area, therefore it is very unlikely that any objects exist within the study area. OzArk determined that no further investigation was required, that the due diligence assessment carried out is a robust assessment of the study area, and are confident that is extremely unlikely that Aboriginal objects will be harmed by the project.

Subject to the recommendations made by OzArk, it is considered that the proposal is unlikely to result in adverse indigenous heritage impacts. These recommendations form conditions of consent.

Non-Indigenous Heritage Impacts

The subject land is not identified as an item of environmental heritage or located within a heritage conservation area. Notwithstanding, a condition of consent in relation to any unexpected finds during construction works is attached.

Environmental Impacts

Biodiversity

Biodiversity was discussed in detail in section 4.1 of this report. An area of up to 0.385 ha of native vegetation will need to be cleared to facilitate the development. The submitted Biodiversity Assessment Report (amended) carried out a detailed assessment of the site and the impacts of the proposed clearing and development against all relevant legislation, EPIs and guidelines.

It concluded that the clearing is under the allowed thresholds; that no further reporting needs to be carried out; referral to *Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEW)* is not necessary; and that subject to implementation of the mitigation measures recommended, no significant biodiversity impacts are likely, including to any threatened or migratory species, population or ecological community, or their habitats.

It is also noted that the proposed development includes a vegetative screen to mitigate amenity and visual impacts, as well as rehabilitation plantings. Plantings will include native species similar to those found in the area, but will also need to be carried out in a manner which reduces bush fire risk as previously discussed. Ongoing weed and pest management will need to be implemented as recommended in the submitted Biodiversity Assessment Report.

Air Quality

The proposal involves excavation of gravel material which has the potential to result in adverse dust impacts to the surrounds. The submitted EIS has carried out an assessment of the air-quality impacts, which is summarised as follows:

- The air quality of the environs surrounding the project site is typical of a rural setting with airborne contaminants generated by existing land uses including agricultural activities such as ploughing, cultivation and stock movements; vehicle movements on local unsealed roads; and wind erosion from disturbed land.
- Potential additional particulate matter generating activities as a result of the proposal include the following:
 - Extraction operations, including ripping and pushing with a bulldozer.
 - Stockpile management and truck loading operations, including operation of a front-end loader.
 - Processing operations, including crushing and screening operations.
 - Transportation of quarry products, including vehicles traversing the unsealed section of the site access road.
- The applicant would implement the following management and mitigation measures throughout the life of the proposal:
 - Limit, where practicable, excavation of material during periods of high winds.
 - Limit disturbance to the minimum area necessary for extraction operations.
 - Apply vegetative cover to the soil stockpile as soon as practical after establishment.
 - Apply water to all roads and trafficked areas to minimise the generation of dust and ensure, to the extent practicable, that no visible dust is emitted from the project site.
 - Clearly define all road edges to control their locations.
- Based on the proposed management and mitigation measures, the limited nature of the proposed activities the distance to surrounding residences and the experience of RWC with many similar sized quarrying and mining operations, the proposal would be highly unlikely to result in dust levels that would cause significant air quality-related impacts at any non-proposal related residences surrounding the project site.
- Furthermore, as there are no other significant dust emission sources in the vicinity of the project site, the proposal would not result in cumulative air quality-related impacts.
- In light of the above, an assessment in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* has not been undertaken and is not required.
- In order to ensure that dust emitted from the project site is not resulting in unacceptable impacts for surrounding residents, the applicant would ensure that it regularly consults with those living in the vicinity of the project site.

The EPA has reviewed the application, and has issued GTAs which require management and mitigation measures to be implemented including:

- An Environmental Management Plan - air quality (dust) management measure;
- Maintenance of internal roads;
- Covering dust generating loads (trucks);
- Dust suppression system (sprinkler system and water cart); and
- Dust sprays / suppression systems on all crushing, grinding, and screening equipment.

Furthermore, the EPL will include conditions relating to maintenance, odour, dust, monitoring and recording. Council staff concur with the recommendations by the EPA, with the additional recommendation that the complaints hotline / phone number is displayed on the site.

Water Quality

The proposal also has the potential to result in adverse water quality impacts downstream of the site. The submitted EIS has carried out an assessment of the water-related impacts, which is summarised as follows:

- The project site is located between two small unnamed drainage lines that flow to the north toward Boree Creek, approximately 5km north of the project site. Boree Creek flows westwards and merges with Mandagery Creek approximately 1.5km west of Toogong.
- There are no watercourses within the project site, with surface water flows typically occurring as sheet flows. A farm dam occurs within an existing extraction area. A second farm dam occurs in the northernmost section of the project site. the unnamed watercourse, to the west of Canowindra Road, flows to the north and all surface water within the project site drains to this watercourse.
- The Bureau of Meteorology groundwater database identified 20 registered bores within 2km of the extraction area. All registered bores are collared between 429m AHD and 463m AHD, with groundwater generally being encountered between 404m AHD and 437m AHD, or 15m below the proposed lowest point of the extraction area. Taking into consideration the location of the extraction area on a ridgeline, the proposed extraction operations are unlikely to intersect groundwater.
- Schedule 4 of the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources* (NOW, 2012) identifies two springs, the Bogolong Springs and the Old Man Springs which are classified as High Priority Groundwater Dependent Ecosystems (GDEs). Those springs are not within the vicinity of the project site.
- The Atlas of GDEs on the Bureau of Meteorology (BoM) website also identifies low potential for GDE within the project site and surrounds.
- The applicant would implement the following management and mitigation measures to ensure that no polluted waters leave the project site and compromise the water quality of receiving waters:
 - Prepare an Erosion and Sediment Control Plan in accordance with Landcom (2004) and DECC (2008a and 2008b) prior to commencement. The Plan would identify the following:
 - The location and dimensions/capacity of all surface water control structures to ensure that potentially sediment-laden water is not discharged from the project site.
 - Staging of works to account for initial stockpiling and processing operations outside of the active extraction area.
 - Operational procedures, including an inspection regime, to ensure the appropriate implementation of the Plan.

- Use accumulated sediment-laden water for dust suppression or store the water in the Sediment Basin, ensuring that adequate capacity remains to capture sediment laden water in accordance with the Erosion and Sediment Control Plan.
- Ensure that sediment laden is not permitted to leave the project site except in accordance with the Erosion and Sediment Control Plan.
- Import water from a suitably licenced source if surface water is not available within the Sediment Basin.
- Ensure that sediment control structures constructed for the proposal remain in place until rehabilitated areas are sufficiently stabilised.
- Monitor water quality during discharge from the sediment control basin in accordance with the conditions of any EPL.
- Water-related impacts associated with the proposal would be as follows.
 - Surface water quality - Assuming the adoption of the design controls detailed in Section 4.6.2, it is anticipated that there would be a low likelihood that sediment-laden water would be discharged to surrounding water courses. If discharge of water is required, it would be undertaken in accordance with the requirements of any EPL.
 - Surface water licencing - Sediment laden water from disturbed sections of the project site would be directed to the existing Sediment Basin and would be used for proposal-related purposes. As a result, a licence for the use of that water would not be required under Clause 3(1) of Schedule 1 of *Water Management (General) Regulation 2018*.
 - Water balance - Water within the Sediment Basin would be used for proposal-related purposes. In the event that the Sediment Basin is dry, water would be sourced or purchased from suitable licenced sources and transported to the project site. In the event that water is not available from licenced sources, the applicant would cease operations within the project site.
 - Groundwater inflow, quality and licencing - The deepest point of the proposed extraction area is approximately 15m higher than the shallowest recorded standing water level in surrounding bores. In addition, the floor of the extraction area would be at least 4m higher than the elevation of the unnamed watercourse located to the north of Canowindra Road. As a result, the extraction area would not intersect the regional saturated water table and groundwater inflow nor depressurisation of the regional aquifer would not be expected to occur. The proposal would not use, produce or store materials with the potential to contaminate groundwater. As a result, there would be no adverse groundwater quality impacts.
- In light of the above, there would be no groundwater-related impacts to surrounding groundwater users or groundwater dependent ecosystems.

Concerns about water were raised by external agencies, Council staff and in a neighbour's submission. Of particular note, the Department of Planning and Environment – Water requested further information with regards to clean water diversion, including plans to show the proposal, and an explanation of any effects it may have to surrounding developments and watercourses to the west of the development.

Further, the EPA commented that a licensed discharge point from the sediment control basin is proposed and draws attention to the following:

- practical options to avoid discharge have not been demonstrated;
- practical options to minimise environmental impact where discharge is necessary have not been addressed;
- the nature and degree of discharge impacts on the receiving environment have not been described; and
- how predicted impacts will be monitored and assessed have not been described.

The applicant responded with updated plans to show the proposed clean water diversion (i.e. high flow earth banks / bunds, dirty water diversions / low flow earth banks, rock check dams, etc.) and confirmed that it is proposed to capture all potentially sediment laden water generated by the activities within the extraction area. They go on to state that with the adoption of the construction and design controls, there is a very low likelihood that sediment laden water will be discharged to surrounding watercourses.

DPE – Water has reviewed the additional information and has responded that for the purposes of the *Water Management Act 2000*, the proposed works are exempt from the need to obtain a ‘controlled activity approval’ and no further assessment by the agency is necessary.

The EPA issued GTAs before the additional information was supplied by the applicant, with a note that there are no discharge conditions on the EPL, however, that this condition may be included if the EPA gives written consent. General terms and recommended conditions relating to stormwater / sediment control and pollution of waters are included.

TfNSW and Council’s Development Engineer note that further detailed design is required with regards to road drainage works relating to the access upgrade and culverts under Canowindra Road to ensure stormwater is appropriately managed, as well as a stormwater management plan and an erosion and sediment control plan. Conditions of consent are recommended and attached to this effect.

Soil and Erosion Impacts

The submitted EIS has carried out an assessment of the land capability and soil-related impacts, which is summarised as follows:

- Soil landscape – Canowindra Soil Landscape, comprising Non-Calci Brown Soil. The Canowindra Soil Landscape originates from parent rock of quartz feldspar porphyry with sparse garnets, shale, limestone, and alluvium. Non-Calci Brown Soil generally occurs on the upper slopes of hills and is a well-drained, moderately permeable soil. This soil is generally a dark reddish brown to fine sandy soil, of depth up to 20cm with increasing clayiness at depth. It has a low to moderate erodibility and is generally suitable for earthwork construction.
- Soil and land capability - Class 3 or high capability land with moderate limitations capable of sustaining high-impact land uses, such as cropping.
- The applicant would implement the following management and mitigation measures throughout the life of the proposal:
 - Clearly mark areas for stripping and stockpiling.
 - Strip soil from all areas of disturbance and store in stockpiles no more than 3m high.
 - Refrain from stripping or placing soil during excessively wet or dry conditions.
 - Ensure that the soil stockpile surfaces have a surface that is as ‘rough’ as possible, in a micro-scale, to assist in surface water runoff control and seed retention and germination.
 - Spread seed of a suitable cover crop on all soils stockpiles to facilitate revegetation.
 - Ensure that soil stockpiles are constructed with side slopes of 1:3 (V:H) or less and that the surface of all stockpiles achieves an effective 70% cover within 10 days of formation. This may be achieved through the use of mulches, spray on polymer-based products or hessian that would allow a vegetative cover to become established.
 - Signpost the soil stockpile and limit operation of machinery on the stockpile to minimise compaction and further degradation of soil structure.

- Adherence to the recommended soil and growth medium stripping, handling, stockpiling procedures and other management practices together with appropriate rehabilitation practices would result in a minimal impact to soils and land capability within the project site.

The EPA and Council staff have recommended GTAs and conditions in relation to soil erosion control measures, which extends to stormwater management measures as discussed above, as well as access upgrade and verge batter design requirements.

Overall, subject to conditions of consent and suitable construction, site and operational management measures being implemented, including compliance with the EPL (to be obtained), adverse environmental and biodiversity impacts are considered unlikely.

Hazards and Safety Impacts

Bushfire

This matter was discussed in detail in section 4.2 of this report, where it is considered that the proposed quarry has a low fire risk, and that a management and operations plan can be prepared to implement appropriate measures relevant to the site and proposal, as well as address emergency management planning.

The proposal also needs to comply with the general bush fire protection requirements of PBP 2019, including water for fire fighting purposes, minimum access arrangements, asset protection zones (APZs), and landscaping.

All relevant conditions in relation to bushfire protection and emergency procedures are attached.

Hazardous and Dangerous Goods

The applicant states that the quarry would infrequently require the use of potentially hazardous or dangerous goods on site as follows:

- Fuel for equipment utilised on site would be carted to site as required, no hydrocarbons would be stored on site.
- Transportation of any hazardous or dangerous goods would be undertaken by drivers who are aware of their responsibilities under the Driver's Code of Conduct.
- Handling of explosives would be undertaken by suitably qualified and authorised personnel.

Given the scale and nature of the proposal, adverse impacts are considered unlikely. Conditions are recommended that all storage and transportation of hazardous and dangerous goods are in accordance with industry standards and legislation, that spill kits are provided on site, and that staff are appropriately trained in this regard.

Electricity Infrastructure

As discussed previously, the proposal has been designed to be clear of electricity infrastructure and easements. A condition is recommended to ensure all vegetation is planted outside of safety setbacks. Essential Energy's requirements in relation to safety etc. are attached as conditions of consent.

Biosecurity

DPIRD reviewed the application and requested further information from the applicant with regards to biosecurity measures, noting that weed, pest and disease management protocols need to be explained (i.e. via a Biosecurity Plan).

The applicant responded that Biosecurity at the project site will be managed as part of existing farming operations, and that biosecurity measures implemented at the project site will generally include the following.

- Exclusion of livestock by maintenance of stockproof fencing around the project site.
- Opportunistic visual observation and recording of pest species at the project site, with pest control programs to be implemented as required in response to pest damage (e.g. to visual screens or revegetated areas) or significant pest numbers.
- Regular (i.e. annual) weed inspection and control program, including mapping of any priority weed species to monitor extent and the effectiveness of control measures.
- Preparation of a Rehabilitation Management Plan for the proposal which will detail weed, pest, bushfire, and revegetation monitoring and management protocols for the project site.

DPIRD reviewed the additional information and commented that the EIS should be amended to incorporate a comprehensive Biosecurity Risk Management Plan (BRMP) for the project, addressing the following:

- The management of risk of introduction, presence, or spread of plant pests or diseases, weeds, and pest and pest animals.
- Actions for plant, machinery, and washdown areas to ensure they are free of weed seed / plant material.
- Arrangements for decontamination of vehicles entering and leaving the site, and onsite plant and equipment.
- The management of bulk earthworks, stockpiled material, and/or introduction of fill for the site.

They also state that the BRMP should consider all potential biosecurity risks and identify appropriate strategies to prevent, eliminate or minimise those risks (with reference to DPI's *Managing biosecurity risks in land use planning and development guide*, 2020).

It is considered this matter can be covered by conditions of consent, and that the EIS does not need to be amended. It is noted that the submitted BAR touches on some of these points with regards to mitigating the spread of weeds, pests, pathogens and disease, which can be incorporated into the BRMP. Relevant conditions are attached.

Other Hazards

As discussed previously, no concerns are raised in relation to contamination. The land is not known to be flood prone or subject to any other natural hazards.

Conditions in relation to unexpected finds, bushfire protection, and emergency procedures are attached.

Safety, Security and Crime Prevention

The application has not dealt with this matter explicitly. Having regard to the Crime Prevention Through Environmental Design (CTED) principles, the following comments are made:

- Natural Surveillance – Clear sightlines can be maintained between and around the work areas.
- Territorial Reinforcement – Existing fencing and planted vegetation will reinforce that the property is private.
- Access Control – No measures are proposed, other than a Driver's Code of Conduct. It is recommended that internal signage is used to direct truck drivers and visitors within the site and to demark staff and quarry areas separate from agricultural activities. A site access gate, to be closed when the quarry is not in operation, is also recommended.

- Maintenance and Management – As discussed throughout this report, many management measures are proposed to ensure the site is maintained and operated in a proper manner.

Recommended management plans and EPA conditions will ensure the site is appropriately maintained. Recommended conditions for access control and directional signage are attached.

Overall, subject to appropriate planning and mitigation measures, adverse hazard and safety impacts are unlikely.

Waste Impacts

The proposal isn't expected to generate much waste. The applicant notes that it will be limited to general waste brought on site by staff or contractors; that all wastes would be removed from site by personnel or contractors each day; that bins will be provided onsite including a separate recycling bin, and will be delivered to an approved waste facility; that any waste oil or oily rags would be removed from the site by a licensed waste oil contractor on the day that they are generated; and that no general wastes would be received or stored at the quarry.

The EPA has issued GTAs and EPL conditions which include requirements around waste handling (Environmental Management Plan), no waste to be received at the premises, and competent storage, transport and disposal of waste. General conditions are also attached with regards to waste storage and collection.

Subject to these conditions, it is considered that adverse waste impacts are unlikely.

Social and Economic Impacts

Due to the location of the site and the nature of the development there will be little interaction between the development and the public. Positive social impacts in relation to additional gravel resources and employment are expected. Further, the land can continue to be used for agricultural purposes (i.e. dual use with the quarry), and will be rehabilitated at the end of the life span of the quarry.

The applicant notes that considering the relative isolation of the project site, the previously considered impacts on local noise, traffic, visual amenity and air quality would each have a minor impact on the properties within and adjacent to the project site. The applicant has also taken into account social equity and intra-generational equity and concluded that due to the nature of the proposal and the proposed final landform and land uses, as well as the proposed management measures, that the proposal is not likely to adversely impact current or future generations.

It is considered that adverse social and economic impacts are unlikely.

Cumulative Impacts

Due to the nature, scale and location of the development and the adjoining and surrounding uses, no concerns are raised in relation to cumulative impacts. Should a development application be lodged for a similar development within the vicinity of the subject land cumulative impacts in relation to visual amenity would need to be considered under *SEPP (Resources and Energy) 2021* and all other relevant planning provisions.

The recommended vegetative screening will assist in softening the proposal into the environment and minimise visual amenity impacts as previously discussed. Operational management plans and conditions will ensure environmental and amenity impacts are minimised as previously discussed.

Accordingly, subject to conditions of consent, it is considered that the proposal will not result in any significant adverse cumulative impacts in the locality as outlined above.

4.3.3 Section 4.15(1)(c) - Suitability of the site

As discussed in detail in the foregoing sections of this report, the development site is considered suitable for the proposed extractive industry (quarry). The proposal will fit within the locality subject to vegetative screening, operational conditions, access upgrade works, and site rehabilitation.

Adequate services are available or can be provided on the site, and relevant conditions are attached in this regard. While the land has the potential to be affected by bushfire, conditions of consent can suitably mitigate safety impacts.

4.3.4 Section 4.15(1)(d) - Public Submissions

One (1) submission was received in relation to the proposed development. The following issues were raised:

- Noise pollution – disturbance of peaceful countryside.
- Increased truck usage of road - road damage to Battys Lane / entrance to Battys Lane, and consideration of roads maintenance.
- Traffic safety – increased number of trucks will slow traffic and cause driver distraction.
- Dust pollution.
- Water impacts - diversion impacts on property fencing, and dirty water impacts to waterway.
- Quarry not necessary as there are plenty of others in the vicinity.
- Decrease in land value.

This submission is considered in section 5.3 and Table 6 later in this report.

4.3.5 Section 4.15(1)(e) - Public interest

The proposed extractive industry (quarry) is considered to be a suitable use of the subject land. The land use is permitted in the RU1 Primary Production zone via *State Environmental Planning Policy (Resources and Energy) 2021* and the *Cabonne Local Environmental Plan 2012*.

Potential impacts during the construction / site preparation phase and ongoing use can be mitigated via conditions as discussed in the main body of this report. The site will be rehabilitated progressively throughout the project and at the end of the lifespan of the quarry. The proposal is consistent with all relevant planning controls, and relevant government agencies have been consulted. Their General Terms of Approval and recommendations are attached as conditions of consent.

The proposal will provide for additional gravel resources in the region, which is likely to provide an overall benefit to people travelling to and through the region, as well as to local communities. The development may provide job opportunities, as well as secondary opportunities in servicing the needs of staff and maintenance of vehicles, plant and equipment.

Overall, the proposed development is considered to be in the public interest.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment as required by the EP&A Act and outlined below in Table 4. It is noted that many agencies requested further information as previously discussed. The following summary includes their initial comments, as well as comments following submission of the amended application and additional information by the applicant (where applicable). Relevant conditions are attached.

Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Concurrence Requirements (s4.13 of EP&A Act) & Integrated Development (S 4.46 of the EP&A Act)			
NSW Environmental Protection Authority (EPA)	Protection of the Environment and Operations Act Sections 43(d), 48, 55 - scheduled activity (extractive industry over 30,000 tonnes/year)	<p>The EPA issued comments and GTAs for the initial application. They responded with concerns relating to practical options to avoid discharge, minimise environmental impact, describe the nature and degree of discharge in more detail, and how predicted impacts will be monitored.</p> <p>They note that they would be able to issue a licence subject to conditions, and that the applicant will need to obtain an EPL for <i>extractive activities</i> and <i>crushing, grinding or separation</i> before they can start construction of the quarry.</p> <p>The GTAs need to be incorporated into the consent, and are summarised as follows:</p> <ul style="list-style-type: none"> • Carried out in accordance with DA documentation and conditions. • Environmental Management Plan within 3 months of approval. • Hours of operation, including deliveries and truck movements. • Trucks carrying dust generating loads on public roads to be covered. • Internal roads to be maintained to minimise air pollution and dust. • Reversing alarms on trucks and mobile plant. • Dust sprays / suppression systems for operations; and crushing, grinding and screening equipment. • Production limits (and record keeping). • Must apply for EPL. • Erosion and sediment control plan (for construction and operation). • Blast Management Protocol. 	Yes, subject to GTAs and conditions

		<p>They have also issued more specific conditions that would be on the EPL:</p> <ul style="list-style-type: none"> • Fit and proper person to hold license. • Pollution of waters; waste; noise limits; odour; dust; blasting. • Activities carried out in a competent manner; maintenance; monitoring records; pollution complaint recording and complaints telephone line. • Annual return reporting. • Notification of environmental harm. • Copy of licence kept on premises. <p>It is noted that following the issue of the above GTAs and comments, the application was amended, in particular blasting activities were removed from the proposal. The amendments and additional information were forwarded to the EPA, who responded that they acknowledge the removal of blasting from the application, that the GTAs can be issued as currently worded, and that they will adjust the licensing conditions to reflect no blasting at the premises if consent is granted.</p> <p>The EPA's GTAs and conditions are attached.</p>	
Referral / Consultation Agencies			
Transport for NSW (TfNSW)	<p>Roads Act non-integrated s138 referral</p> <p>SEPP (Resources and Energy) 2021, s2.22 transport of extractive industry materials referral</p> <p>SEPP (Transport and Infrastructure) 2021, s2.122 traffic generating development referral</p>	<p>TfNSW required additional information as set out in numerous RFIs and as discussed in detail in sections 3.2 and 4.3.2 of this report.</p> <p>Notably, TfNSW required amendments to the intersection upgrade to ensure compliance with current road standards, to ensure safe access to and from the site, and to maintain safe operations of the classified road.</p> <p>Overall TfNSW is generally supportive of the proposed development, and is willing to grant future concurrence under s.138(2) of the <i>Roads Act 1993</i> subject to design changes associated with the identified future intersection upgrade works (including clear zone, culvert details, and BAR / BAL dimensions).</p> <p>Recommended conditions were discussed in detail in section 4.3.2 of this report as follows:</p> <ul style="list-style-type: none"> • BAR / BAL. • Works Authorisation Deed. • Drainage. • Signs and fencing not to encroach road corridor. • Vehicle size limit. <p>These conditions are attached.</p>	Yes, subject to conditions

Department of Primary Industries and Regional Development – Agriculture (DPIRD)	Section 56(2)(b)(i) EP&A Regulations referral (public authority with interest)	<p>DPIRD initially responded that a Land Use Conflict Risk Assessment (LUCRA), and further detail on vegetative screening and biosecurity was required. They noted concerns about noise, dust, traffic movements and blast vibration on neighbours, particularly the neighbour to the immediate south (R2). They also noted concerns about visual impacts, where the proposed 10m high vegetative screen could conservatively take 20 years to establish in this location.</p> <p>DPIRD reviewed the applicant's amended application and additional information and commented that the EIS should be amended to include:</p> <ul style="list-style-type: none"> • Mitigation measures stated in the supplement (additional information). • Vegetative buffer / screen details and plan. • Comprehensive Biosecurity Risk Management Plan (BRMP), including management of pests, diseases and weeds; washdown area actions; decontamination arrangements; management of stockpiled materials; and strategies to prevent, eliminate or minimize risks. <p>It is considered that these matters can be covered by conditions of consent, and that the EIS does not need to be amended. As such, DPIRD's recommendations are attached as conditions of consent.</p>	Yes, subject to conditions
Essential Energy	SEPP (Transport and Infrastructure) 2021, Clause 2.48 development near electricity infrastructure referral	<p>Essential Energy responded that details have not been shown on the proposed plans indicating the distance between proposal and infrastructure. They commented that a safe distance of 10m is required, and that trees cannot be planted within these distances.</p> <p>The applicant has provided additional information and an amending site plan to show the existing overhead powerlines and easements, and setback distances. This plan confirms that the nearest works (extractive area) is 27m from the easement at the nearest point. It is noted that setbacks from the vegetative buffer have not been shown, however this should be well separated from the easement. Notwithstanding, a condition of consent is recommended in this regard.</p> <p>It was not considered necessary to refer the additional information back to Essential Energy given it demonstrates compliance. Their initial recommended conditions are as follows and attached:</p> <ul style="list-style-type: none"> • Comply with encumbrances on title. 	Yes, subject to conditions

		<ul style="list-style-type: none"> Activities near electricity infrastructure undertaken in accordance with industry guidelines. Dial Before You Dig enquiry undertaken prior to carrying out any works. Persons carrying out works around powerlines to understand safety responsibilities and Codes of Practices. 	
Department of Planning and Environment- Water (DPE – Water)	Section 56(2)(b)(i) EP&A Regulations referral (public authority with interest)	<p>DPE - Water requested further information, being details and plans with regards to clean water diversion and effects to surrounds, including the watercourse to the west.</p> <p>The amendments and additional information were forwarded to DPE - Water who responded that the proposal is exempt from the need to obtain a controlled activity approval (pursuant to the <i>Water Management Act 2000</i>) and that no further assessment is necessary.</p>	Yes
Department of Regional NSW - Mining, Exploration & Geoscience (NSW Resources)	Section 56(2)(b)(i) EP&A Regulations referral (public authority with interest)	Responded that as the project does not involve the recovery of Scheduled Minerals, they have no comments to make on this project at this stage.	N/A
Department of Planning and Environment – Biodiversity, Conservation and Science	Section 56(2)(b)(i) EP&A Regulations referral (public authority with interest)	Referral rejected by the Department, no comments provided.	N/A
Rural Fire Service (RFS)	Section 56(2)(b)(i) EP&A Regulations referral (public authority with interest – bushfire prone land)	Referral rejected by RFS, no comments provided.	N/A
Department of Planning and Environment – Heritage (DPE – Heritage)	Section 56(2)(b)(i) EP&A Regulations referral (public authority with interest)	Referral rejected by DEP – Heritage, no comments provided.	N/A

5.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officers	Comments	Resolved
Engineering	<p>Council's Development Engineer initially reviewed the application and noted the following:</p> <ul style="list-style-type: none"> • The submitted survey/design for the Canowindra Road/access road intersection upgrade has not fully covered road verges, where existing roadside drainage information is required for the design of the drainage system. • While a culvert long section has been included in the strategic design for the access road entrance, no proposed culvert or swale invert levels have been provided. It is therefore not clear whether the swale and culvert will drain to the existing culverts under Canowindra Road to the north of the quarry access (approx. Ch 212), while maintaining both minimum cover to culvert and road/access pavement design levels. • The verge batters either side of the proposed upgraded section of Canowindra Road are not shown as being compliant with Council's standards in certain areas, primarily due to limited survey information. • Calculations will need to be shown to verify the adequacy of design queue lengths at the quarry access intersection. • To minimise the effects of dust, the internal access road is to be sealed for a distance of at least 50m back from Canowindra Road. • Intersection sight distance requirements need to be met in accordance with TfNSW's directions. <p>Following RFIs by TfNSW and additional information and updated intersections designs submitted by the applicant, Council's Development Engineer carried out a final review. Comments and recommended conditions are as follows:</p> <ul style="list-style-type: none"> • Fully agree with the TfNSW response dated 30 April 2025. While further changes will be required to the road design prior to the issuing of a Road Construction Certificate by council, these changes can be made post consent. • Engineering works are to be certified by a professional engineer and carried out in accordance with Council's Codes. Design pavement depth and a BAR / BAL shall be in accordance with Ausroads. The access is to be sealed for a minimum of 50m (for dust control). • A Works Authorisation Deed is required from TfNSW for roadworks on a State Road. • A stormwater Management Plan is required to show details of how runoff is managed on site and not impact road infrastructure. • Erosion and Sediment controls need to be in place. • Restriction on vehicle size. <p>These recommended conditions are attached, with the exception of those covered by conditions from TfNSW (i.e. so there is no doubling up).</p>	Yes, subject to conditions

Building & Health	<p>Council's Environmental Health and Building Surveyor has reviewed the application and recommends the following conditions:</p> <ul style="list-style-type: none"> • Standard site conditions for the development. • May require a Section 68 for any additional WC / bathroom facilities (Note: the existing dwelling on site should be adequate for bathroom and kitchen facilities). • That an EPA Licence will be required. • An EPA Management Plan to address: noise management; waste management; dust control measures; and erosion and sedimentation control measures. • Site Management Plan. • Noise control measures to be in accordance with the EPA Noise Regulations. • Neighbour complaints hotline to be displayed onsite and register of complaints to be permanently available on site. • Any EPA recommendations / reports. <p>These recommended conditions are attached.</p>	Yes, subject to conditions
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5.3 Community Consultation

The proposal was notified in accordance with:

- Schedule 1, Part 1, Division 2, Section 8 of the EP&A Act with regards to designated development (i.e. 28 day timeframe);
- Schedule 1, Part 1, Division 2, Section 8A of the EP&A Act with regards to integrated development (i.e. 28 day timeframe);
- Division 5 of the EP&A Regs; and
- *Cabonne Council Community Participation Plan 2019 (CPP)*

The public exhibition time ran from 31 July 2024 to 28 August 2024. The notification included an advertisement in the local newspaper, notification letters sent to adjoining and adjacent properties, and a site notice (as required by the Regs).

The Council received a total of one (1) submission, which objected to the proposal. The issues raised in this submission are considered in **Table 6**.

A redacted version of the submission was provided to the applicant, who responded to the matters raised. The responses have been discussed throughout the report and in the table below.

Table 6: Community Submissions

Issues	Comments
Noise pollution – continuous noise disruption to peaceful countryside	Noise impacts have been discussed in detail in section 4.3.2 of this report. In summary, the EPA, Council's Environmental Health and Building officer, and a third party acoustic consultant have reviewed the application and consider it to be acceptable subject to conditions.
Increased truck usage of road - Battys Lane should not be used by trucks using the quarry as it will damage the road	While the subject land and proposed extraction area is located directly opposite Battys Lane, it is proposed to use the existing site access on Canowindra Road (with upgrades), which is located some 447m from the intersection with Battys Lane. As such, adverse impacts are not anticipated to Battys Lane or the intersection of Canowindra Road and Battys Lane.

Dust pollution (from trucks on road)	Environmental impacts, including air quality, have been discussed in detail in section 4.3.2 of this report. The EPA and Council's Environmental Health and Building officer have reviewed the application and consider it to be acceptable subject to conditions as previously discussed.
Clarification of maximum extraction and daily trucks, and impacts on traffic safety, and roads maintenance	<p>This issue has been raised with the applicant, who has clarified extraction limits and estimated truck movements, which have been calculated based on averages and worst-case scenarios.</p> <p>Traffic impacts have been discussed in detail in section 4.3.2 of this report. TfNSW and Council's Development Engineer have reviewed the application and consider it to be acceptable subject to conditions as previously discussed.</p> <p>Canowindra Road is a state road (B81), and the responsibility of maintenance lies with TfNSW. Notwithstanding, Council's Section 7.12 Development Contributions Plan applies, and a levy is payable, as discussed in section 4.3.1 of this report.</p>
Water diversion impacts on property fencing (e.g. in major rain events) Dirty water overflow impacts to waterway	<p>This issue has been raised with the applicant, who states that surface water flows from undisturbed sections of the project site will be diverted around proposed disturbance areas using clean water diversions (e.g. drains, bunding); that a commitment to detail the design of these surface water control structures is in the <i>Erosion and Sediment Control Plan</i> included in Section 4.6.2 of the EIS; and due to the relatively small scale of the proposed clean water diversion structures and associated catchment areas, and given the fact that clean water will be directed towards rather than away from existing flow paths and watercourses, it is not anticipated that diverted water will adversely impact infrastructure at or in the vicinity of the project site.</p> <p>The application was reviewed by external agencies and internal Council staff and considered to be acceptable subject to conditions as previously discussed.</p>
Hours of operation not disclosed	The EIS explicitly sets out proposed hours, and this must have been missed by the submitter. As assessed in the Likely Impacts section of this report, the proposed hours are considered acceptable. Furthermore, the EPA has provided comments with regards to the proposed hours and has issued GTAs in this regard.
Blasting activities not disclosed	<p>The EIS discusses proposed blasting, and this must have been missed by the submitter.</p> <p>In any case, the applicant has amended to the application to delete blasting activities. The applicant notes that should any future blasting activities be required, separate development consent will be sought. A condition is attached clarifying this aspect.</p>
Quarry not necessary as there are plenty of others in the vicinity	This is not a planning consideration for local development. All applicable <i>SEPP (Resources and Energy) 2021</i> extractive industry considerations can be met as addressed in section 4.3.1 of this report.
Decrease in land value	This is not a planning consideration. The development is considered to be in the public interest, as discussed in section 4.3.5 of this report.
Future land development opportunities	It is not considered that the proposed development will adversely impact on future development opportunities of neighbouring / adjacent land.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

Key issues predominately relate to visual impacts, traffic and access impacts, noise impacts, environmental impacts (including air and water quality, waste, soils and erosion, etc), biodiversity impacts, and hazards.

Concurrent approval and General Terms of Approval (GTAs) have been issued by the NSW EPA with regards to the development being a scheduled activity, and an Environmental Protection Licence (EPL) will need to be obtained before operations can commence.

TfNSW and Council's Development Engineer are satisfied that the development is acceptable, subject to further detailed design for the access point on Canowindra Road. As the proposal involves works to Canowindra Road (i.e. access upgrade) a Section 138 Roads Act Approval will be required before commencing works.

Mitigation measures during construction / site establishment are recommended to ensure that adverse environmental and amenity impacts are within reasonable limits, including hours, noise limits, soil and erosion control, tree clearing procedures, unexpected find protocols, etc.

Operational measures such as dust suppression, hours, noise limits, emergency planning, landscaping, safety clearance from electricity infrastructure, etc. will ensure that adverse environmental and amenity impacts are suitably avoided, minimised or mitigated. A vegetative screen is recommended to mitigate visual impacts to the road and surrounds, as well as provide a buffer with regards to environmental impacts (dust, run-off, etc).

The site will be rehabilitated progressively throughout the lifespan of the quarry, and the site is likely to have an improved visual appearance over time. Relevant decommissioning and rehabilitation conditions are attached.

Recommendations have been made by other external agencies, Council staff, and the applicant's expert consultants to ensure the development proceeds in a safe and acceptable manner. These recommendations are attached as conditions of consent.

Recommended conditions of consent and the EPA's GTAs are set out in **Appendices A and B** of this report.

Overall, it is considered that the site is suitable for the proposed use, and that the development is compatible with the surrounds. The proposed development is consistent with all relevant planning provisions and matters for consideration pursuant to Section 4.15 of the EP&A Act.

7. RECOMMENDATION

That the Development Application DA 2024/166 for extractive industry (quarry) at Lot 2 DP1301356, Canowindra Road, Canowindra be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the General Terms of Approval from the NSW Environmental Protection Authority at Appendix A, and the draft conditions of consent attached to this report at Appendix B.

8. LIST OF APPENDICES

The following attachments are provided:

- **Appendix A:** EPA's Concurrence and GTAs
- **Appendix B:** Draft Conditions
- **Appendix C:** Submitted EIS (and its Appendices)
- **Appendix D:** Submitted Amending and Additional Information
- **Appendix E:** Correspondence from other agencies and internal Council staff referrals - TfNSW, DPE – Water, DPIRD, Essential Energy, NSW Resources, Council's Environmental Health and Building Surveyor, and Council's Development Engineer
- **Appendix F:** Public Submission (redacted) (1 submission)