

**Appendix E – OTHER AGENCY & COUNCIL REFERRAL
RESPONSES**

1 August 2024

TfNSW reference: WST24/00271/001 | SF2024/132962

Your reference: DA-2024/166 | CNR-70749

General Manager
Cabonne Shire Council
By Email: council@cabonne.nsw.gov.au

Attention: Andrew Crump

DA 2024/166 – Extractive Industry (Quarry): Extraction rate 150,000tpa (maximum) – Lot: 2 DP1301356 - Canowindra Road, Canowindra

Dear Andrew,

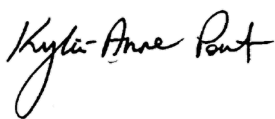
Transport for NSW (TfNSW) is responding to the Development Application (DA 2024/166) referred on 11 July 2024.

TfNSW has reviewed the information and is not satisfied that the impacts have been appropriately addressed on the classified (State) road network and its users. Details of **additional required information** are set out in **Attachment 1**.

On request, TfNSW can participate in a meeting with Council and the Applicant to further discuss the information in Attachment 1.

If you have any questions, please contact Lachy Jones, Development Services Case Officer, on 1300 019 680 or email development.west@transport.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink that reads "Kylie-Anne Pont".

Kylie-Anne Pont
Team Leader Development Services (West)
Community & Place
Regional and Outer Metropolitan

Attachment 1

DA 2024/166 – Extractive Industry (Quarry): Extraction rate 150,000tpa (maximum) – Lot: 2 DP1301356 - Canowindra Road, Canowindra

This attachment relates to TfNSW's response dated 1 August 2024 reference WST24/00271/001.

Context

TfNSW understands the subject application:

- Proposes an Extractive Industry (Quarry) for 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 a period of 30 years. In addition to these operations, the development proposes to comprise of the following:
 - Crushing, screening and stockpiling of the extracted material as required,
 - Transportation of the extracted material from the Quarry Site,
 - Construction of site infrastructure (site ablutions, office, etc.),
 - Upgrade the existing access to include Basic Right (BAR) and Basic Left (BAL) turn treatments on Canowindra Road,
- The affected classified (State) road is Canowindra Road (MR310).
- Council is seeking advice from TfNSW to assist in its assessment as follows:
 - Section 2.122 *Traffic Generating Development of the State Environmental Planning Policy (Transport and Infrastructure) 2021*,
 - Section 2.22 *Transport of the State Environmental Planning Policy (Resources and Energy) 2021*,
 - Council is seeking TfNSW advice prior to determining the subject development application as future road works associated with the development require Council to seek TfNSW concurrence before granting approval, pursuant to s.138(2) of the *Roads Act 1993*.

TfNSW provided comments to Department of Planning, Housing and Infrastructure (DPHI) in response to a request for Secretary's Environmental Assessment Requirement (SEARs) on 11 March 2024 for the *McNaught's Gravel Quarry* development. TfNSW's comments requested that any future application be supported with a Traffic Impact Assessment (TIA) that assesses and provides solutions to mitigate the development's traffic impacts on Canowindra Road. TfNSW received a referral from Council on 11 July 2024 that included a TIA (prepared by The Transport Planning Partnership, dated 19 February 2024) for review.

Additional required information

TfNSW has identified the need for the following additional information to be provided to address road safety concerns:

1. TfNSW review of the TIA has identified that the existing access driveway has 280m of available sight distance to the north along Canowindra Road. The assessment of available SISD at the development access has not been applied correctly, whereby SISD should be based upon 110km/h design speed with a 2.5 second reaction time in accordance with *Austroads Guide to Road Design Part 4A* and TfNSW's supplement (TS 02642:1.0).

In addition, longitudinal drawings and plans of the road geometry is to be provided to illustrate the SISD assessment and any necessary adjustments. The proponent should assess the available SISD at the development access (in both directions) and identify appropriate mitigation works to ensure SISD complies with *Austroads Guide to Road Design Part 4A* and TfNSW's supplement (TS 02642:1.0).

2. Following a review of the strategic designs submitted with the application, as prepared by Duncan Priestley Civil Engineering, dated 16 April 2024, TfNSW has identified that further design detail is required. The following matters should be illustrated in strategic designs:
 - a. Surveyed sight distance intersection plans (including longitudinal section mentioned above) to demonstrate that the access achieves SISD, Minimum Gap Sight Distance, Approach Sight Distance and Safe Stopping Distance in accordance with *Austroads Guide to Road Design Part 4A* and TfNSW's supplement (TS 02642:1.0),
 - b. Swept path analysis demonstrating the largest design vehicle can enter and exit the development access simultaneously.
 - c. Consideration to providing lighting of the access as haulage operations will occur in the evening/night.

Note: Any identified road infrastructure upgrades will need to be to the satisfaction of TfNSW and Council. Strategic Designs will be required prior to finalising the application. Such drawings will need to comply with TfNSW Strategic design requirements for DAs. Please refer to link below for information about the procedural pathway and design requirements for strategic designs: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/private-development-1-3>

3. TfNSW review of the development has identified several road safety risks on Canowindra Road associated with the increase in heavy vehicles volumes turning at the development access. TfNSW requests that an independently peer reviewed Road Safety Audit (RSA) be prepared in accordance with *Austroads: Guide to Traffic Management Part 12* and submitted for consideration. The TIA should identify necessary road network infrastructure upgrades required to address the outcomes of the RSA to mitigate the traffic impacts of the proposed development and to ensure the development does not result in an adverse impact to the safety and efficiency of the classified road network. The RSA should finalise the report to state whether the proposed mitigation treatments recommended in the TIA have reduced the crash type severity to ensure the road safety risks identified have been sufficiently managed.

4. TfNSW's review of the Environmental Impact Statement (EIS) has identified that blasting of material may be required to be conducted when competent material cannot be ripped by machinery. Due to the location of the quarry in proximity to Canowindra Road and direction of excavation, it is likely that blasting activities will increase the potential for debris and dust to impact Canowindra Road. The EIS recommends the closure of Canowindra Road during blasting activities to mitigate anticipated impacts. TfNSW does not support the proposed solution to close Canowindra Road during blasting activities and requests that alternative mitigation measures are proposed to ensure that blasting within the quarry does not adversely impact the safety and operation of Canowindra Road.

Additional comment

Please be advised that any works outside the property boundaries required to address road design limitations (e.g. sight distance) should be accompanied by an assessment of the associated environmental impacts and be considered as part of Council's assessment in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*.

4 December 2024

TfNSW reference: WST24/00271/002 | SF2024/132962

Your reference: DA 2024/166 | CNR-70749

General Manager
Cabonne Shire Council
By Email: council@cabonne.nsw.gov.au

Attention: Andrew Crump

**DA 2024/166 - Extractive Industry (Quarry): Extraction rate 150,000tpa (maximum) - Lot: 2 DP1301356
- Canowindra Road, Canowindra**

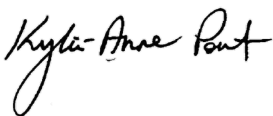
Dear Andrew,

Transport for NSW (TfNSW) is responding to the Development Application (DA 2024/166) referred on 1 November 2024 via the ePlanning Portal.

TfNSW has reviewed the information and requires further information to properly assess possible impacts on the classified (State) road network and road users. Details of the **additional required information** are set out in **Attachment 1**.

If you have any questions, please contact Lachy Jones, Development Services Case Officer, on 1300 019 680 or email development.west@transport.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink that reads "Kylie-Anne Pont".

Kylie-Anne Pont
Team Leader Development Services (West)
Transport Planning
Planning, Integration and Passenger

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DA 2024/166 - Extractive Industry (Quarry): Extraction rate 150,000tpa (maximum) - Lot: 2 DP1301356 - Canowindra Road, Canowindra

This attachment relates to TfNSW's response dated 4 December 2024 reference WST24/00271/002.

Context

TfNSW understands the subject application:

- Proposes an Extractive Industry (Quarry) for 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 a period of 30 years. In addition to these operations, the development proposes to comprise of the following:
 - Crushing, screening and stockpiling of the extracted material as required,
 - Transportation of the extracted material from the Quarry Site,
 - Construction of site infrastructure (site ablutions, office, etc.),
 - Upgrade the existing access to include Basic Right (BAR) and Basic Left (BAL) turn treatments on Canowindra Road,
- The affected classified (State) road is Canowindra Road (MR310).
- Council is seeking advice from TfNSW to assist in its assessment as follows:
 - Section 2.122 *Traffic Generating Development* of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*,
 - Section 2.22 *Transport* of the *State Environmental Planning Policy (Resources and Energy) 2021*,
 - Council is seeking TfNSW advice prior to determining the subject development application as future road works associated with the development require Council to seek TfNSW concurrence before granting approval, pursuant to s.138(2) of the *Roads Act 1993*.

On 1 August 2024, TfNSW issued a request for additional information relating to the design of the development's access to ensure that it would not compromise the safety and efficiency of the classified road network. TfNSW received a referral from Council on 1 November 2024 that included amended strategic designs of the proposed access works and a Road Safety Audit in response to each item raised by TfNSW.

Additional required information

TfNSW's primary interests are in the road network, traffic, and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

TfNSW's review of the amended strategic designs, prepared by Buncan Priestley Civil Engineering, has identified that further modifications to the access design are required to ensure compliance with

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road design standards. TfNSW requests that the following items be addressed in an amended strategic design and resubmitted for consideration:

1. Inclusion of road shoulders in accordance with *Austroads Guide to Road Design Part 6* – Table 4.7,
2. Height difference between proposed widening and the natural surface poses a risk as being a traversable and recoverable batter for cars. Batter should be designed in accordance with *Austroads Guide to Road Design 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,
3. Any trees located within the designated clear zone will either need to be removed (subject to REF findings) 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 Guide to Road Design Part 6*,
4. 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,
5. 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 Guide to Road Design Part 6*.
6. Confirm the setback distance between the centre line of Canowindra Road and the holding line at the Quarry access in accordance *Austroads Guide to Road Design Part 4A*, Figure 7.1.
7. 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.

Note: Any identified road infrastructure upgrades need to be to the satisfaction of TfNSW and Council. Strategic Designs will be required prior to finalising the application. Such drawings will need to comply with TfNSW Strategic design requirements for DAs. Please refer to link below for information about the procedural pathway and design requirements for strategic designs: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/private-development-1-3>

19 February 2025

TfNSW reference: WST24/00271/003 | SF2024/132962

Your reference: DA2024/166

General Manager
Cabonne Shire Council
By Email: council@cabonne.nsw.gov.au

Attention: Andrew Crump

**DA 2024/166 – Extractive Industry (Quarry): Extraction rate 150,000tpa (maximum) – Lot: 2 DP1301356
- Canowindra Road, Canowindra**

Dear Andrew,

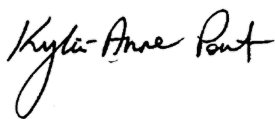
Transport for NSW (TfNSW) is responding to the Development Application (DA 2024/166) referred on 20 January 2025 via the ePlanning Portal.

TfNSW has reviewed the information and is unable to properly assess possible impacts on the classified (State) road network and road users. Details of **additional required information** are set out in **Attachment 1**.

On request, TfNSW can participate in a meeting with Council and the Applicant to further discuss the information in Attachment 1.

If you have any questions, please contact Lachy Jones, Development Services Case Officer, on 1300 019 680 or email development.west@transport.nsw.gov.au.

Yours faithfully,

A handwritten signature in black ink that reads "Kylie-Anne Pont".

Kylie-Anne Pont
Team Leader Development Services (West)
Transport Planning
Planning, Integration and Passenger

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**DA 2024/166 – Extractive Industry (Quarry): Extraction rate 150,000tpa (maximum) – Lot: 2 DP1301356
- Canowindra Road, Canowindra**

This attachment relates to TfNSW's response dated 19 February 2025 reference WST24/00271/003.

Context

TfNSW understands the subject application:

- Proposes an Extractive Industry (Quarry) for 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 a period of 30 years. In addition to these operations, the development proposes to comprise of the following:
 - Crushing, screening and stockpiling of the extracted material as required,
 - Transportation of the extracted material from the Quarry Site,
 - Construction of site infrastructure (site ablutions, office, etc.),
 - Upgrade the existing access to include Basic Right (BAR) and Basic Left (BAL) turn treatments on Canowindra Road,
- The affected classified (State) road is Canowindra Road (MR310).
- Council is seeking advice from TfNSW to assist in its assessment as follows:
 - Section 2.122 *Traffic Generating Development of the State Environmental Planning Policy (Transport and Infrastructure) 2021*,
 - Section 2.22 *Transport of the State Environmental Planning Policy (Resources and Energy) 2021*,
 - Council is seeking TfNSW advice prior to determining the subject development application as future road works associated with the development require Council to seek TfNSW concurrence before granting approval, pursuant to s.138(2) of the *Roads Act 1993*.

TfNSW's response to Council (dated 4 December 2024) requested further modifications to the strategic designs to ensure that the development's access complied with road design standards. Council's referral, provided on 20 January 2025, includes commentary from the proponent that responds to each item raised in TfNSW December response. The referral does not include any amended strategic designs for TfNSW's review.

Additional required information

TfNSW's primary interests are in the road network, traffic, and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

TfNSW's review of the referral has identified that proponent's commentary did not address TfNSW's previous response. TfNSW note that the strategic design is required to comply with current road design standards (Austroads, Australian Standards and technical directions/supplements) prior to

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TfNSW recommending support for the development. TfNSW will require amended strategic designs to be submitted that address the following:

1. Inclusion of road shoulders in accordance with *Austroads Guide to Road Design Part 6 – Table 4.7*,
2. Height difference between proposed widening and the natural surface poses a risk as being a traversable and recoverable batter for cars. Batter should be designed in accordance with *Austroads Guide to Road Design 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,
3. Any trees located within the designated clear zone will either need to be removed (subject to REF findings) 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 Guide to Road Design Part 6*,
4. 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,
5. 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 Guide to Road Design Part 6* or the design should be adjusted to accommodate an alternative safety treatment to address the risk.
6. Confirm the setback distance between the centre line of Canowindra Road and the holding line at the Quarry access in accordance *Austroads Guide to Road Design Part 4A, Figure 7.1*.
7. 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).

Note: Any identified road infrastructure upgrades need to be to the satisfaction of TfNSW and Council. Strategic Designs will be required prior to finalising the application. Such drawings will need to comply with TfNSW Strategic design requirements for DAs. Please refer to link below for information about the procedural pathway and design requirements for strategic designs:

<https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/private-development-1-3>

30 April 2025

TfNSW reference: WST24/00271/004 | SF2024/132962

Your reference: DA/Ref No (Portal Ref)

General Manager
Cabonne Shire Council
By Email: council@cabonne.nsw.gov.au

Attention: Andrew Crump Town Planning

DA2024/166 – Extractive Industry (Open-Cut Quarry) with a maximum extraction rate of up to 150,000 tonnes per annum (tpa) - Lot: 2 DP1301356 – Canowindra Road, Canowindra

Dear Andrew,

Transport for NSW (TfNSW) is responding to the abovementioned development application (DA) previously referred on 20 January 2025 via the ePlanning Portal, with additional information provided for TfNSW review via email in March 2025.

TfNSW has reviewed the information and is generally supportive of the proposed development and would be willing to grant future concurrence under s.138(2) of the *Roads Act 1993*, subject to design changes associated with the identified future intersection upgrade works. These changes are detailed in **Attachment 1** of this letter. Furthermore, recommendations and conditions are made to assist the Consent Authority in assessing and determining the development application.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Brendan Croft, Development Services Case Officer, on 1300 019 680 or email development.west@transport.nsw.gov.au.

Yours faithfully,



Kylie-Anne Pont
Team Leader Development Services (West)
Transport Planning
Planning, Integration and Passenger

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DA2024/166 – Extractive Industry (Open-Cut Quarry) with a maximum extraction rate of up to 150,000 tonnes per annum (tpa) - Lot: 2 DP1301356 – Canowindra Road, Canowindra

This attachment relates to TfNSW's response dated 30 April 2025 reference WST24/00271/004.

Context

TfNSW provides the following context:

- The DA proposes an extractive industry (open-cut quarry) for extraction of up to 960,000m³ or approximately 2.3 million tonnes (Mt) of material at an average rate of 80,000tpa, with a maximum rate of 150,000tpa for a lifecycle of 30 years. In addition to the operations, the development proposes the following:
 - Crushing, screening and stockpiling of the extracted material as required,
 - Transportation of the extracted material from the Quarry site,
 - Construction of site infrastructure (site ablutions, office, etc.), and
 - Intersection upgrade works to the existing access point to allow for the provision of a Basic Right (BAR) and Basic Left (BAL) turn treatment on a classified (State) road.
- The affected classified (State) road is Canowindra Road (MR310).
- Council has sought TfNSW comment and advice in accordance with the following:
 - Section 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP), identifying the proposal as 'traffic-generating development' as per Schedule 3 of the TISEPP.
 - Section 2.22 of the *State Environmental Planning Policy (Resources and Energy) 2021* (RESEPP),
 - Future road works associated with the development requires Council (as the consent authority) to seek TfNSW concurrence (agreement) prior to granting approval to the proposed development, pursuant to s.138(2) of the *Roads Act 1993*.

TfNSW notes formal correspondence has previously been made to Council with letters dated 1 August 2024, 4 December 2024 and 19 February 2025 respectively. During this time, TfNSW requested amendments to strategic designs to ensure the intersection upgrade works allowing access to the site complied with road design standards. To address these concerns, discussions were held between TfNSW and the proponent, with the proponent providing additional commentary following TfNSW review of the strategic design plans (and subsequent revisions).

TfNSW comments

TfNSW's primary interests are in the road network, traffic, and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Following review of the revised strategic design plans dated 29 March 2025 and uploaded to the ePlanning Portal on 31 March 2025, 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

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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 Recommended Conditions

TfNSW provides the following recommended conditions to Council to assist in the determination of the subject DA:

1. A Basic Right Turn (BAR) / Basic Left Turn (BAL) must be constructed on Canowindra Road (MR310) at the intersection with the site access road. The works, including appropriate line marking, must be designed in accordance with *Austroads Guide to Road Design – Part 4a, Australian Standards* and relevant TfNSW supplements and be constructed and completed to the satisfaction of TfNSW prior to the commencement of any quarry operations. All works are to be undertaken at no cost to TfNSW.

Furthermore, the design must accommodate two-way tangential movements of the design vehicle (19m semi-trailer and 19 truck-and-dog) to ensure the safe and efficient movements in and out of the subject site are maintained.

2. As road works are required on Canowindra Road, a classified (State) road, the development must enter in a Works Authorisation Deed (WAD) with TfNSW. TfNSW will exercise its powers and functions of the road authority, to undertake road works in accordance with *Sections 64, 71, 72 and 73 of the Roads Act 1993*, as applicable, for all works under the WAD.

Note: The conditions of consent do not guarantee TfNSW final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work. The WAD process, including acceptance of design documentation and construction, can take time. The developer must allow sufficient lead time within the project development program to accommodate this process. It is therefore requested that the developer work through this process as soon as possible with TfNSW.

3. All road and access works must be designed and constructed to ensure that road drainage is maintained at pre-development flow rates and not adversely impact existing road infrastructure, including stormwater, utilities, etc.
4. Any signage or fencing associated with the development must be contained within the property boundary and not encroach into the road corridor.
5. Access to the quarry is to be restricted for any vehicles greater in size than the identified design vehicle, a 19m 'semi' or 19m 'truck and dog' as defined by the National Heavy Vehicle Regulator (NHVR).

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Department of Planning and Environment



Contact: Department of Planning and Environment-Water

Phone: 1300081047

Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2024-10538

Your ref: DA 2024/166

26 August 2024

The General Manager
CABONNE SHIRE COUNCIL
99-101 Bank Street, Molong New South Wales 2866

Attention: Andrew Crump Town Planning

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2024-10538 - Request for additional information

Dev Ref: DA 2024/166

Description: The application is for the development and operation of an open-cut Quarry (the Proposal). The Proposal would comprise: 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 a period of approximately 30 years; crushing, screening and stockpiling of the extracted material as required; transportation of the extracted material from the Project Site; and construction of site infrastructure.

Location: Lot 2, DP1301356, CANOWINDRA ROAD CANOWINDRA 2804

The Department of Planning and Environment-Water has reviewed documents for the above development application. An initial review of the material provided indicates that additional information relevant to issuing General Terms of Approval is needed in order for the Department of Planning and Environment-Water to complete the assessment.

Department of Planning and Environment-Water requests that Council stop the clock as of the date of this letter.

The following additional information is required:

Documents reference Clean Water Diversion from the proposed site, however no further details or plans have been provided. Plans are required to show the proposed clean water diversion, and any effects it may have to surrounding developments including watercourse to the west of development

Clause 67 of the Regulation allows the department to specify a reasonable period within which the information requested must be provided. In this case, the department considers 21 days from the date of this letter as a reasonable period of time within which the requested information must be provided.

The applicant should notify the department, in writing, of their intent to provide the requested information or to arrange for a suitable period to supply this information.

Please direct any questions or correspondence to Kieran Ball at kieran.ball@dpie.nsw.gov.au , and cc waterlicensing.servicedesk@dpie.nsw.gov.au.

Yours Sincerely

For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water

Department of Planning and Environment



Contact: Department of Planning and Environment-Water

Phone: 1300081047

Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2024-10538

Your ref: DA 2024/166

20 November 2024

The General Manager
CABONNE SHIRE COUNCIL
99-101 Bank Street, Molong New South Wales 2866

Attention: Andrew Crump Town Planning

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2024-10538 - Controlled Activity Approval Exemption

Dev Ref: DA 2024/166

Description: The application is for the development and operation of an open-cut Quarry (the Proposal). The Proposal would comprise: 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 a period of approximately 30 years; crushing, screening and stockpiling of the extracted material as required; transportation of the extracted material from the Project Site; and construction of site infrastructure.

Location: Lot 2, DP1301356, CANOWINDRA ROAD CANOWINDRA 2804

The Department of Planning and Environment-Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment by this agency is necessary.

Exemption

Water Management (General) Regulation 2018 Schedule 4, 31 - Activities on 1st, 2nd & 3rd order streams where the works are separated from the river by a) a public road, b) a hard stand space, c) a levee

If you have any questions regarding this correspondence, please use Water Assist to obtain further information or make an enquiry:

<https://www.dpie.nsw.gov.au/water/water-assist>

Yours Sincerely

For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water

General Manager
Cabonne Shire Council
By email: council@cabonne.nsw.gov.au

Attention: Andrew Crump

Re: CNR-70749: DA2024/166 – Extractive industry (quarry) McNaughts Gravel Quarry EIS, Lot 2
DP1301356 Canowindra Road

Dear Sir,

Thank you for the opportunity to provide comments on the Environmental Impact Statement (EIS) for the proposed McNaught's Gravel Quarry on Canowindra Road.

The NSW Department of Primary Industries and Regional Development (DPIRD) collaborates with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

We provided advice to the Department of Planning, Housing and Infrastructure (DPHI) in response to a request for the Secretary's Environmental Assessment Requirement (SEARs) on 5 March 2024, recommending the preparation of a Land Use Conflict Risk Assessment (LUCRA). This was requested due to the proposal being in the vicinity of highly productive cropping land in central west NSW. However, a LUCRA was not prepared as part of the EIS.

DPIRD has reviewed the EIS with comments summarised below:

- The proposed quarry will be located on Lot 2 DP1301356, a 63ha portion zoned RU1 Primary Production with agricultural infrastructure and a dwelling. It is stated the land is used for agricultural production, with continued agricultural activities following site rehabilitation.
- The project site and surrounding agricultural land are comprised of predominantly Land and Soil Capability Class 3 land, which supports productive cropping and livestock enterprises.
- The EIS states '*occasional small increases in ambient noise*' can be expected despite the proposed increase of 88 daily heavy vehicle movements, occasional blasting, and 6-day a week operation, for 30 years.

- We note the location of 28 residences within 5km of the project site and three within 2km. There is a likelihood that non-related residence R2 on Lot 1 DP1301356 (500m south of the quarry) will be adversely affected by noise, dust, traffic movements, and blast vibration.
- Concerning visual impacts, a temporary earthen bund at the extraction site and planting of a 'vegetated visual screen' will be established around the perimeter of the quarry and the access route to the quarry to mitigate the views to Residence R3, 1km to the west and for traffic travelling along Battys Lane and Canowindra Road. A vegetated screen is also indicated along the access route for Residence R2.
- However, there is no information on the form of such 'vegetated screens', and it is suggested that a 10-metre-high vegetated screen would conservatively take 20 years to establish in this location.
- Biosecurity is considered in the EIS in the context of biodiversity, with adherence to the *Biodiversity Act 2015* stated.
- It is stated in Section 3.3.2 that '*that there is no risk of conflict between the existing and proposed land uses*'. However, this is not demonstrated through a LUCRA as requested. Accordingly, there is little information on agricultural enterprises on the project site (or larger holding(s)) and surrounding land, or on potential land use conflicts that may arise due to the construction and operation of the project.
- The concerns raised by Cabonne Shire Council concerning blasting noise and vibration indicate that the site's operations will adversely impact neighbouring landholders to the point of proposed evacuations and road closures. This concern is relevant given the scale of the project.

It is suggested the EIS is amended to include:

- A LUCRA to gain a detailed understanding of the potential land use conflict issues created by the project with nearby residences, natural features, and ongoing agricultural operations, <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment/development-assessment2/lucra>, and guide the scope of mitigation and monitoring measures to be implemented such as vegetated screens, (below).
- Detailed information on proposed vegetated screen plantings such as width and length of planted areas, number and layout of rows; species types and the height, optimal porosity, and longevity of same. Information on site preparation, fencing, irrigation, maintenance, etc is required, as is the specification of interim alternative measures to mitigate impacts until vegetation reaches the desired height.
- Biosecurity measures should be explained as part of appropriate weed, pest, and disease management protocols (e.g. Biosecurity plan) to ensure agricultural assets on the site and vicinity are protected. Information on weed management practices and livestock exclusion along the project site boundary would also be valuable before any development of the site.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me at landuse.ag@dpi.nsw.gov.au

Sincerely

A handwritten signature in blue ink, appearing to read 'Nita Scott', is positioned above the printed name.

Nita Scott

Agricultural Land Use Planner
Soil and Water
Central West and Orana Region

8 August 2024

General Manager
Cabonne Shire Council
By email: council@cabonne.nsw.gov.au

Attention: Andrew Crump

Re: CNR-70749: DA2024/166 – McNaughts Gravel Quarry EIS, Lot 2 DP1301356 Canowindra Road
(Agency response A-86786)

Dear Sir,

Thank you for the opportunity to provide comments on the additional information prepared by RW Corkery & Co, dated 24 October 2024 provided on 31 October 2024 on the above.

The NSW Department of Primary Industries and Regional Development (DPIRD) collaborates with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources, and the environment.

Our advice of 8 August 2024 (OUT24/11928) recommended the EIS be amended to include a Land Use Conflict Risk Assessment (LUCRA), biosecurity measures, and further detail on vegetation screening in response to the likely impacts on surrounding landholdings. We note that the project has been amended to remove blasting and includes road upgrades to improve sight distance and road safety on Canowindra Road.

DPIRD has reviewed the additional information provided as requested, summarised below:

- The LUCRA identifies traffic, dust, and noise impacts for surrounding landholders and road users, with mitigation measures that include sealing roads, truck driver protocols, dust suppression, etc.
- A 10-metre-wide vegetation screen is to be established planted at 2m intervals with a species mix to provide up to 5m height for fast-growing shrubs and trees up to 10m height. Species type is described as PCT groupings.
- Biosecurity measures are described as a range of actions mainly concerning stock exclusion from the site and informal assessment of pest species incursion.

In terms of visual, noise, dust, and traffic impacts, the LUCRA (p12) refers to consultation and agreements with current residents in nearby dwellings affected by the project. While ongoing communication is an important aspect of 'social licence', the project must be designed to ensure impacts (environmental, social) generated by the project are appropriately managed and mitigated within the project boundary.

It is therefore suggested the EIS is amended such that any consent issued captures the proposed mitigation measures as stated in the supplement, and incorporates the following:

- In addition to the information on vegetated screen plantings, a **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 comprehensive Biosecurity Risk Management Plan (BRMP) should be prepared for the project, addressing the following:
 - The management of the 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 should be included in the BRMP.

The Biosecurity Risk Management Plan should consider all potential biosecurity risks and identify appropriate strategies to prevent, eliminate or minimise those risks. Please refer the proponents to the Biosecurity Risk Management in Land Use Planning and Development Guide for consideration.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me at landuse.ag@dpird.nsw.gov.au

Sincerely



Nita Scott

Agricultural Land Use Planner
Soil and Water
Central West and Orana Region

20 November 2024

Adam Loudon

From: TE_Technical Enquiries
To: consultant.crumptownplanning@cabonne.nsw.gov.au
Subject: CNR-70749 - A-86784 - CANOWINDRA ROAD CANOWINDRA 2804

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- The plans provided do not show the distances from Essential Energy's infrastructure to the proposed development. A safe distance of **10** metres is required to the CENTRELINE of the HIGH VOLTAGE NETWORK ON THIS PROPERTY. DO NOT PLANT TREES THAT WILL ENCHOACH ON THESE DISTANCES.

Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](http://essentialenergy.com.au/DevelopmentApplications). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](http://essentialenergy.com.au/Encroachments) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the *Electricity Supply Act 1995* (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Should you require any clarification, please do not hesitate to contact us.



E: te_technical.enquiries@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444

General Enquiries: 13 23 91

Power Outages (24hrs): 13 20 80

www.essentialenergy.com.au



RDOC24/107282

14 August 2024

Andrew Crump Town Planning
Cabonne Shire Council
consultant.crumptownplanning@cabonne.nsw.gov.au
Via: NSW Planning Portal

ADVICE RESPONSE: McNaughts Quarry
Development Application: DA 2024/0166

Dear Cabonne Shire Council

I refer to your correspondence dated 26 July 2024 inviting the Department of Primary Industries and Regional Development - NSW Resources to provide comments on the McNaughts Quarry (the Project) submitted by McNaught Earthworks Pty Ltd (the Proponent).

NSW Resources has reviewed the information supplied and notes that the Project does not involve the recovery of Scheduled Minerals identified under Schedule 1 of the Mining Regulation 2016. Accordingly, NSW resources have no further comment to make on this Project at this stage.

Please refer to NSW Resources Regulator advice Attachment A.

For further advice on this matter, please contact Sarah Maiorana, Project Officer, Industry Advisory & Mining Concierge unit - Industry Development branch on 02 4063 6860 or mining.concierge@regional.nsw.gov.au.

Sincerely



Giselle Carney

Acting Manager Industry Advisory and Mining Concierge
Industry Development
Department of Primary Industries and Regional Development – NSW Resources

for

Tony Linnane

Executive Director Strategy, Performance and Industry Development
Department of Primary Industries and Regional Development - NSW Resource

Resources Regulator

Department of Primary Industries and Regional Development



Wednesday, 14 August 2024

Andrew Crump
Cabonne Shire Council
Consultant.crumptownplanning@cabonne.nsw.gov.au

Via: NSW Planning Portal

Dear Andrew,

I refer to the McNaught's Quarry submitted to the Resources Regulator on 26 July 2024 (2024/166). Based on the review of the Environmental Impact Statement, the Resources Regulator advises that it has no specific comments regarding mine safety or mine rehabilitation matters in relation to the proposals.

LIMITATIONS

It should be noted that the Resources Regulator does not provide any endorsement of the proposed rehabilitation methodologies presented in the plans provided. Under the conditions of a mining authorisation granted under the *Mining Act 1992*, the Resources Regulator requires the holder to adopt a risk-based approach to achieving the required rehabilitation outcomes.

The applicability of the controls to achieve effective and sustainable rehabilitation is to be determined based on site-specific risk assessments conducted by the authorisation holder. An authorisation holder may also be directed by the Resources Regulator to implement further risk control measures required to achieve effective rehabilitation outcomes during the life of the mine.

REGULATORY REQUIREMENTS IF APPROVED

The proponent will be required to comply with rehabilitation requirements under the mining authorisations prior to the commencement of the works associated with the proposal.

The Resources Regulator may undertake assessments of the mine operators' proposed mining activities under the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and Regulation as well as other WHS regulatory obligations.

BACKGROUND

The Mining Act Inspectorate within the Resources Regulator undertake risk-based compliance and enforcement activities in relation to obligations under the *Mining Act 1992*. This includes undertaking assessment and compliance activities in relation to mine rehabilitation activities and determination of security deposits. To ensure consistency, the Regulator requests the opportunity to review a copy of the draft development consent prior to any approval of the project.

The Mine Safety Inspectorate within the Resources Regulator is responsible for ensuring the mine operators' compliance with the Work Health and Safety (WHS) legislation, in particular the effective management of risks associated with the principal hazards as specified in the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.

CONTACT

Should you require any further information or clarification, please contact the Regulator on 1300 814 609 (Press Option 2 Press Option 5) or email nswresourcesregulator@service-now.com.

Yours sincerely,



Dwaine Jones

Acting Chief Inspector of Mines
Resources Regulator



Memo

To	Town Planning / Kelly Walker – Consultant Planner		
From	Senior Health & Building Surveyor / Nathan Ryan		
File No	DA 2024/0166	Doc Id:	1780291
Date	28/11/2024		
Subject	Health & Building Referral for Proposed Quarry at Canowindra		

The development application makes reference to a proposed Canowindra Quarry on Lot 2 DP 1301356. Also known as McNaughts Gravel Quarry Canowindra Road Canowindra.

Following my assessment and perusal of the supplied documents, I recommend that the following Health and Building conditions apply,

Comments on Proposal:

1. Standard site conditions to apply for the development.
2. May require a Section 68 application for any additional WC / bathroom facilities to be installed on site, to condition. Note that the existing dwelling on site should be adequate for bathroom and kitchen facilities.
3. Note that an EPA Licence will be required and be a condition of consent
4. Note that an EPA Management Plan be a condition of consent to address:- Noise management; Waster management; Dust control measures; Erosion and sedimentation control measures.
5. A Site Management Plan is recommended as a condition of consent.
6. Recommend noise control measures to be in accordance with the EPA Noise Regulations and a condition of consent.
7. Recommend neighbour complaints hotline be displayed at the property site and register of compliant be permanently available on site.
8. Any EPA recommendations / reports be part of the consent.

If you wish to discuss this matter further, please contact me on extension 02 63923245.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Nathan Ryan'. The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Nathan Ryan
Senior Health & Building Surveyor
Date:28/11/2024

RE: DA 2024/166 - Canowindra Rd quarry

From Roy Ansted – Development Engineer, Cabonne Council

Date Mon 05-May-25 12:40 PM

To Kelly Walker – Andrew Crump Town Planning

Hi Kelly,

I am in full agreement 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.

The following conditions should be included in the consent for the development:

ENGINEERING DESIGN (CANOWINDRA ROAD/ACCESS INTERSECTION)

All engineering works are to be certified by a Professional Engineer and carried out in accordance with Council's Codes and Development Control Plans, unless otherwise indicated, to ensure that these works are of a sustainable and safe standard.

A Basic Right Turn (BAR) / Basic Left Turn (BAL) shall be designed and constructed on Canowindra Road (MR310) at the intersection of the site access road in accordance with Austroads Guide to Road Design Part 4A, Australian Standards and the relevant TfNSW supplements. These works must be completed to the satisfaction of TfNSW and Council. The access is to be sealed for a minimum of 50 metres from the edge of the travel lane, match existing road levels and maintain the operation of roadside stormwater systems.

Design pavement depth will need to be provided in accordance with Austroads design procedures to accommodate pavement loadings on Canowindra Road.

Details to be provided to the satisfaction of TfNSW and Council BEFORE THE ISSUE OF ANY ROAD CONSTRUCTION CERTIFICATE FOR THE DEVELOPMENT.

Relevant work to be completed to the satisfaction of TfNSW and Council BEFORE THE ISSUE OF A ROAD COMPLIANCE CERTIFICATE.

ROADWORKS ON STATE ROADS

As the proposed roadworks are to be carried out on Canowindra Road, which is a classified (State) road, the developer must enter into a Works Authorisation Deed (WAD) with TfNSW.

TfNSW will exercise its powers and functions as a road authority, to ensure roadworks are undertaken in accordance with Sections 64, 71, 72 and 73 of the Roads Act 1993, as applicable, for all works under the WAD.

STORMWATER MANAGEMENT PLAN

A Stormwater Management Plan must be submitted for the development, showing details of how stormwater runoff is managed on the development site. The plan should show stormwater flow paths and drainage and detention structures, and must be designed to ensure stormwater flows within the road reserve are maintained at pre-development flow rates and not adversely impacting existing road infrastructure.

EROSION AND SEDIMENT CONTROL PLAN

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. A copy of the Erosion and Sediment Control Plan must always be kept on site during construction and made available to Council officers on request. Erosion and sediment control measures as detailed in the Erosion and Sediment Control Plan must be installed and operating prior to and during all construction works.

APPLICATION OF BITUMEN SEAL TO INTERNAL ACCESS ROAD

The applicant is required to provide a bitumen seal to the internal access road from the access point off Canowindra Road for a distance of 50m into the quarry site. The seal is to be the full width of the access road, and shall be maintained at all times.

RESTRICTION ON VEHICLE SIZE

Access to the quarry is to be restricted for any vehicles greater in size than the identified design vehicle, being a 19m semi-trailer or 19m “truck and dog” as defined by the National Heavy Vehicle Regulator (NHVR).

Regards,

Roy