

**JOINT REGIONAL PLANNING PANEL
(Western Region)**

JRPP No	2012WES017
DA Number	12/107
Local Government Area	Wentworth Shire Council
Proposed Development	Extractive Industry-Gravel. Three gravel pits.
Street Address	Nulla Road Anabranh South
Location Address	Renmark Road Via Wentworth
Applicant/Owner/Lessee	Wentworth Shire Council/NSW State Government/Greg and Dianne Pollard
Number of Submissions	Nil
Recommendation	Approval with Conditions
Report by	Maree Phillips, Planning Officer

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Assessment Report and Recommendation

1.0 INTRODUCTION

1.1 Executive Summary

The Wentworth Shire Council is the proponent for the proposed Extractive Industry (Gravel). The proposal is for three (3) quarries at two locations, the sites are approximately 26 kilometres west of Wentworth on Warrananga Station.

The two sites are currently used for dry land grazing. One site has two existing quarries operating. This application now seeks formal approval for this use.

The development is an extractive industry as defined under the Wentworth Local Environmental Plan 2011 and is designated development pursuant to Schedule 3 (Clause 19b) of the *Environmental Planning and Assessment Regulation 2000* and Clause 18A of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. In accordance with Schedule 4A (Clause 8) of the *Environmental Planning and Assessment Act 1979* the Western Region Joint Regional Planning Panel (WRJRPP) is the consent authority.

The development application has been assessed in accordance with S79(c) of the *Environmental Planning and Assessment Act 1979* (EPAA) and the relevant state and local environmental planning instruments.

The application was notified for a period of thirty (30) days, concluding on the 24 January 2013. No submissions were received as a result of the public notification.

Referrals were sent to external agencies and internal departments for comments.

Based on the Section 79C assessment detailed in this report, the development application is recommended for approval subject to the conditions provided in draft format for the consideration of the WRJRPP.

1.2 Scope of this report

This report has been prepared to firstly provide an overview of the proposal and the statutory assessment procedure used during the processing of the development application. An assessment of the key environmental issues of the development is then provided which culminates in the recommendation to the JRPP.

1.3 The Development

The proposal is for the operation of an extractive Industry – gravel for three quarries at two locations. The following summarizes the proposal:

- Total extraction of 47,700m³ of gravel from three (3) quarries.

- Quarries 1 and 2 are currently in operation. Quarry 1 is 1.05ha and has an expected resource of 1000m³. Quarry 2 is 1.9ha and has an expected resource of 1700m³.
- Proposed Quarry 3 will have an area of 7.5ha and an expected resource of 45000m³.
- Quarries 1 and 2 have an anticipated further life of six (6) months. Quarry 3 has an anticipated operational life of ten (10) years.
- Access and haulage to and from the site is via Renmark Road to the Old Renmark Road. The gravel is to be used exclusively for maintenance of the Old Renmark Road.
- Estimated traffic generation is up to 100 vehicle movements per day (when maintenance is being carried out).
- The method of extraction is by dozer and a front end loader which will load directly onto tip truck and trailer. No crushing or processing is required.

The proposal is otherwise described in written and graphical form in the EIS.

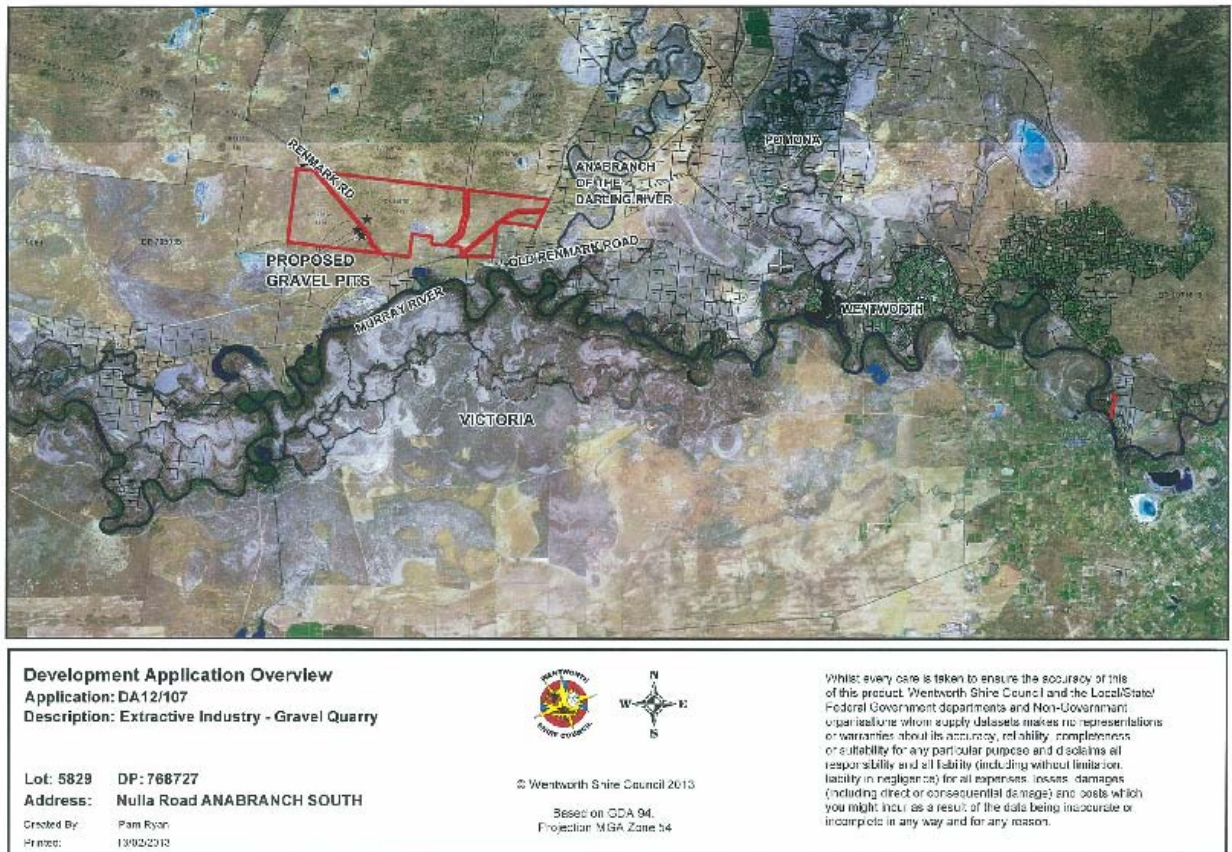


SITE MAP

1.4 Site description and surrounding land use and development context

The site of the quarries is approximately 26 kilometres west of Wentworth. The nearest water body is the Murray River approximately 3.5 kilometres to the south of the quarries. The quarries are accessed from the Renmark Road.

The land is Western Lands Lease, leased to Greg and Dianne Pollard, on a grazing property known as Warrananga Station used for dry land grazing. The vegetation is predominately combination of Black Oak and Pearl Bluebush, a full list of the vegetation is in Table 6 in the EIS. The nearest residence is approximately 9kms away.



LOCALITY PLAN

2.0 STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK

2.1 Legislation

Environmental Planning and Assessment Act 1979

Pursuant to section 77A of the EP&A Act the proposal is identified as designated development as defined in Schedule 3 of the EP & A Regulations being an extractive industry, that:

- Obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or
- Disturbance of a total surface area of more than 2 hectares of land (total area approximately 10.45 hectares).

In accordance with Section 79 and 79A of the EP&A Act the development application was publicly exhibited for a period of thirty (30) days.

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

Pursuant to Clause 18A the proposal is identified as designated development as it is:

- Extractive industry located in the Western Division, and
- Obtain or process for sale, or reuse more than 40,000 cubic metres in total.

2.2 Chronology of events and public notification and statutory referrals

Basic chronology of events concerning public notification and statutory referral of the DA.

DA lodged	5 December 2012
DA advertised, site signposted	22 December 2012
Newspaper notices	22/12/12;29/12/12;5/1/13;12/1/13
Period of public notification	22 December 2012 to 24 January 2013
Referral agency letters	Office of Environment and Heritage; Department of Primary Industries; Roads and Maritime Services.
Responses received	OEH-25/1/2013;RMS-23/1/2013;NOW-24/1/2013.

3.0 SECTION 79C ASSESSMENT

Section 79C (a)(i) Environmental Planning Instruments

3.1 Wentworth Local Environmental Plan 2012

The site is located within the RU1 Primary Production Zone. The development is defined as ‘Extractive Industry’ and is a development permitted with consent.

extractive industry means:

the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunneling 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.

extractive material means:

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

The following provisions apply:

- Clause 1.2: Aims of plan
- Clause 2.3: Zone objectives and land use table
- Clause 2.3 subclause 1: land use table
- Clause 5.10 Heritage conservation
- Clause 7.4 Terrestrial biodiversity

Clause 1.2 Aims of plan	
<i>This plan aims to make local environmental planning provisions for land in Wentworth in accordance with the relevant standard environmental planning instrument under section 33A of the act.</i>	
<i>(a) To encourage and manage ecologically sustainable development within Wentworth.</i>	The EIS has identified impacts and assessed for its potential threat to the environment and shown how mitigation measures will minimise impacts at the quarry sites. Detailed assessment in section four of this report.
<i>(b) To encourage the retention and enhancement of land that supports the primary economic activities within Wentworth for productive agriculture and other primary production purposes</i>	The gravel is to be used for maintenance of the Old Renmark Road which services many outlying station properties used for various primary production purposes.
<i>(c) To conserve and protect items of European and Aboriginal cultural heritage</i>	The EIS details that an assessment has been conducted by a member of the Local Aboriginal Lands Council and concluded that there are no known Aboriginal artifacts at the site; the site was unlikely to be used for occupation; the site was potentially used for hunting. The nearest European heritage item identified in Schedule 5 of the Wentworth Local Environmental Plan is the Moorna Station Woolshed, approximately 6.15kilometres from the quarries.
<i>(d) To conserve and protect areas of environmental significance, particularly conservation parks, reserves and the Murray and Darling River systems.</i>	The sites are not identified as areas of environmental significance, the EIS details that historically the quarry sites have been disturbed by extensive livestock grazing.
<i>Clause 2.3 Zone objectives and land use tables The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone</i>	The development has been assessed in accordance with the relevant RU1 Primary Production objectives detailed below. The following assessment considers that the development is consistent with the RU1 objectives.
<i>Clause 2.3 subclause 1 Objectives of zone Objectives are as follows:</i>	
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The EIS details the end use of the resource for maintenance of local road being the Old Renmark Road, the road services a number of outlying station properties. The western region station properties are predominately used for dryland grazing, with some cropping and some horticultural uses.
<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	
<i>To minimise the fragmentation and alienation of resource lands</i>	The EIS describes the sites in detail. Once the resource is exhausted, the measures outlined in

	the Environmental Management Rehabilitation Plan are implemented, revegetation will occur and the original dryland grazing use will continue.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones</i>	Objective satisfied, the Western region is zoned RU1. No conflicts within zone due to size of Warrananga Station, approximately 20,025 ha. The homestead is sited 9kms from the quarry sites.
<i>To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.</i>	The site and surrounding area has been used for dryland grazing and will be returned to this use once resource is exhausted, approximately ten (10) years.
<i>To ensure land is available for intensive plant agricultural activities.</i>	Objective satisfied. Site is remote to any land that would be used for intensive plant agricultural activities.
<i>To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.</i>	Proposal consistent with objective. Employment opportunities will be generated through additional contracted staff for this proposal and beyond with road maintenance.
Clause 5.10 Heritage conservation The objectives of this clause are as follows:	
<i>To conserve the environmental heritage of Wentworth.</i>	Proposal consistent with the objectives detailed below.
<i>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.</i> <i>To conserve archaeological sites</i>	The nearest European heritage item identified in Schedule 5 of the Wentworth Local Environmental Plan 2011 is the Moorna Station Woolshed, approximately 6.15 kilometres from the quarries.
<i>To conserve Aboriginal objects and aboriginal places of heritage significance.</i>	The EIS details that an assessment has been conducted by a member of the Local Aboriginal Lands Council and concluded that there are no known Aboriginal artifacts at the site; the site was unlikely to be used for occupation; the site was potentially used for hunting.
Clause 7.4 Terrestrial biodiversity The objective of this clause is to maintain terrestrial biodiversity by:	
<i>Protecting native fauna and flora, and</i>	The EIS details that the existing quarries, one and two will not require any further clearing however proposed quarry three will have native vegetation cleared. Detail of the types of vegetation at this site is in this report in section four.
<i>Protecting the ecological processes necessary for their continued existence, and</i>	The Environmental Management and Rehabilitation Plan (EMRP) details revegetation processes. See section four.
<i>Encouraging the conservation and recovery of native fauna and flora for their habitats.</i>	Fauna and Flora assessments detailed in the EIS, including seven part test of significance.
<i>The consent authority must consider if the</i>	The EIS has addressed any impacts and

development: (a) <i>Is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i>	mitigations in Section 4.7. and 4.8. Details are included in this report in section four.
(b) <i>Is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i>	The EIS has addressed any impacts and mitigations in Section 4.7. and 4.8. Details are included in this report in section four.
(c) <i>Has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i>	The quarries are located in the Murray Darling Depressions Bioregion and Darling Depression sub region of the Lower Murray-Darling Catchment. Due to the size of this bioregion, being 8,026,156ha in NSW, covering 10.3 per cent of the State (EOH website, 2013) it is considered the disturbance will not impact on the biodiversity structure, function and composition. The EMRP details site rehabilitation.
(d) <i>Is likely to have any adverse impact on the habitat elements providing connectivity on the land.</i>	The habitats have been addressed in the seven part test of significance in the EIS and detailed in section four of this report.
<i>The consent authority must be satisfied that:</i> (a) <i>The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i>	The siting of the quarries was assessed by Green Edge Environmental P/L against alternatives and was chosen as the preferred option. Further details in section four of this report.
(b) <i>If that impact cannot be reasonable avoided-the development is designed, sited and will be managed to minimise that impact, or</i>	Impact to the amenity of the site will be managed through processes outlined in the EMRP.
(c) <i>If that impact cannot be minimized-the development will be managed to mitigate that impact.</i>	The EMRP details rehabilitation of the site and is detailed in this report in section four.

3.2 State Environmental Planning Policies

SEPP (Mining, petroleum production and Extractive Industries) 2007

The proposed development is defined as an Extractive Industry and therefore this policy applies to the assessment of the development. The clauses of the SEPP relevant to the assessment of the application are outlined below, with comments provided as to how the development satisfies the requirements.

Clause 12: Compatibility of proposed mine, petroleum production or extractive industry with other land uses	
<i>Before determining an application for consent for development for the purposes of mining, petroleum, production or extractive industry, the consent authority must:</i> (a) <i>consider</i>	

<i>(i) the existing uses and approved uses of land in the vicinity of the development, and</i>	<p>The land is currently used for grazing and quarries one and two have been operating and are to be rehabilitated.</p> <p>The proposed extraction area in total is 10.45ha. 2.95 ha will be rehabilitated and the remaining 7.5ha quarry will commence operation.</p> <p>The area is Western Land Leases used for primary production purposes, predominately dryland grazing.</p>
<i>(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</i>	<p>The land is zoned RU1 Primary production under Wentworth Local Environmental Plan 2011.</p> <p>Extractive Industries are identified as permitted uses in the zone.</p>
<i>(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and</i>	The predominate use, being dryland grazing will not be possible whilst the quarries are operating however it will not impact in the surrounding vicinity.
<i>(b) evaluate and compare the respective public benefits of the development and the land referred to in paragraph (a) (i)(ii).</i>	The EIS has suitably identified the public benefit in that the resource will be used to upgrade and maintain the Renmark Road. The proposed use is permissible with consent.
<i>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</i>	The EIS identified that the quarry/dryland grazing uses do not require any measures imposed due to the size of the property.
13 Compatibility of proposed development with mining, petroleum production or extractive industry	
<i>This clause applies to an application for consent for development on land that is, immediately before the application is determined:</i>	
<i>(a) In the vicinity of an existing mine, petroleum production facility or extractive industry, or</i>	A search of Councils records has revealed that three quarries have operated in the vicinity since 2005. Two for gravel and one for gypsum. All three quarries have been exhausted.
<i>(b) Identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Departments website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or</i>	Not identified on any mapping
<i>(c) Identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</i>	Not identified by an EPI.

<i>(2) Before determining an application to which this clause applies, the consent authority must (a) consider:</i>	
<i>(i) The existing uses and approved uses of land in the vicinity of the development, and</i>	Existing uses are gravel extraction (quarry one and two). Approved quarries for gravel and gypsum extraction have been in the vicinity but are no longer operating.
<i>(ii) Whether or not the development is likely to have a significant impact on current or future extraction or recovery, and</i>	The development is unlikely to have a significant impact on current or future recovery of resources, evidenced by previous extractions in the vicinity.
<i>(iii) Any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and</i>	The development is not considered to be incompatible with previous or existing extractions on site and in the vicinity.
<i>(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and</i>	The public benefit is considered satisfied as the proposal is permissible with consent within the zone and the recovery material is to be used for road maintenance and upgrades.
<i>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii)</i>	Nil measures proposed or considered necessary.
Clause 14: Natural resource management and environmental management	
<i>(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, 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:</i>	
<i>(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable.</i>	The EIS has addressed surface and groundwater. There are no creeks, streams or waterways through the sites. Water will be used for dust suppression. The nearest groundwater wells are approximately 4.5km to the south west of the quarries. The depth of groundwater at the quarry site is at least 13.7m.
<i>(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable.</i>	Section four of this report details potential impacts on biodiversity. No threatened species have been found in the vicinity.

<p><i>(c) that greenhouse gas emissions are minimised to the greatest extent practicable.</i></p>	<p>The EIS identifies the following mitigation measures for management and operational procedures:</p> <ol style="list-style-type: none"> 1. All machinery and vehicles to be serviced off-site 2. All plant and equipment equipped with fire extinguishers 3. All vehicles to be regularly serviced, be in good working order and emissions to be kept to manufacturers standards
<p><i>(2) Without limiting subclause (1) in determining a development application for development for the purposes of mining petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.</i></p>	<p>The EIS has not addressed the extent of greenhouse gas emissions but has included mitigation measures for emissions. It states that the alternatives to this proposal would increase the incidence of greenhouse gas emissions because of additional distances to transport gravel.</p>
<p>Clause 15: Resource recovery</p>	
<p><i>(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.</i></p>	<p>The efficiency of the proposal for resource recovery has been assessed and the extraction and process methodology is considered acceptable.</p>
<p><i>(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimizing the efficiency or resource recovery and the reuse or recycling of material.</i></p>	<p>No additional conditions considered necessary to optimize efficiency, the EIS demonstrates that best practice methods are to be adopted and the extraction and haulage process is considered acceptable.</p>
<p><i>(3) 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 optimize the efficiency of recovery of materials, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.</i></p>	<p>Not applicable - proposal satisfies provisions for optimal efficiency of removal of materials.</p>
<p>Clause 16: Transport</p>	
<p><i>(1) Before granting consent for development for the purposes of mining or extractive</i></p>	

<i>industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any of one or more of the following:</i>	
<i>(a) require that some or all of the transport of materials in connection with the development is not to be by public road,</i>	Access to and from the site is only available by public road. There are no alternative transport options available to this site.
<i>(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential area or on roads near to schools,</i>	Limitations are not considered necessary as the haulage route is not via residential areas or near schools.
<i>(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.</i>	A Code of Conduct is not required. All work will be carried out by Wentworth Shire Council staff and contractors. Policy and Best practice Methods are in place.
<i>(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must within 7 days after receiving the development application, provide a copy of the application to:</i>	
<i>(a) Each roads authority for the road, and</i>	Roads and Maritime Services were notified of the application.
<i>(b) The Roads and Traffic Authority (if it is not a roads authority for the road).</i>	
<i>(3) The consent authority:</i>	
<i>(a) Must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and traffic Authority within 21 days after they were provided with a copy of the application, and</i>	The response from RMS has been considered and relevant conditions will be applied.
<i>(b) Must provide them with a copy of the determination.</i>	Noted
<i>(4) In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.</i>	Not applicable
Clause 17: Rehabilitation	
<i>(1) Before granting consent for development for the purposes of mining, petroleum, production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring</i>	Conditions relating to rehabilitation are applied and the EMRP will form part of the approved plans.

<i>the rehabilitation of land that will be affected by the development.</i>	
<i>(2) In particular, the consent authority must consider whether conditions of the consent should:</i>	
<i>(a) Require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or</i>	A detailed rehabilitation plan is considered appropriate to incorporate the finalization of quarries one and two and annual reporting mechanisms for proposed quarry 3.
<i>(b) Require waste generated by the development or the rehabilitation to be dealt with appropriately, or</i>	Conditions of consent deal with this.
<i>(c) Require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under Section 145C of the Act and the Contaminated Land Management Act 1997) or</i>	Soil contamination is unlikely as addressed in the EIS and assessed, the EMRP will form part of the approval and deals with this matter.
<i>(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.</i>	The site is on private land and the land owners and the site will be identified and marked.

SEPP (Rural Lands) 2008

This policy applies to the Wentworth Shire Local Government Area by virtue of the zoning being RU1 Primary Production.

The EIS did not provide any comment in relation to the Rural SEPP, however, it did assess the likely impacts the development would have on the current use of the site.

In assessing the application, the Rural Planning Principles detailed under Clause 7 of the SEPP were considered.

Clause 7: Rural Planning Principles The Rural Planning are as follows:	
<i>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas.</i>	Upon completion of quarrying, the land will be rehabilitated to be suitable for dryland grazing. By providing for road maintenance material it will assist in ongoing use of rural properties that rely on the road for access.
<i>(b) Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State.</i>	The land is suitable for grazing. This purpose can continue once the quarry is exhausted and the site has been rehabilitated.
<i>(c) recognition of the significance of rural land uses to the state and rural communities, including the social and economic benefits of rural land use and development.</i>	A search of the Department of Agriculture databases identifies the land as potentially either class 4 or 5 based on biodiversity and geology as described in the EIS. As the land will be returned to its former use the status quo of the social and

	economic benefits of rural land use is maintained.
<i>(d) in planning for rural lands, to balance the social, economic and environmental interest of the community.</i>	Use of local material for maintenance of the road will be beneficial for the interests of the wider community.
<i>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i>	The EIS identified any environmental impacts that the development may have on the site and surrounding area. The EIS and the EMRP details appropriate mitigation measures for the protection of natural resources.
<i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.</i>	Not relevant to the assessment of this application.
<i>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing</i>	Not relevant to the assessment of this application.
<i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i>	Regional Strategy applicable to Western Region is the 2009 Draft Murray Regional Strategy, it is not relevant to this proposal. No local strategies.

SEPP No. 33 (Hazardous and Offensive Development)

Clause 10 states that development identified in clause 3 or 4 which is carried out on land within the Western Division requires the consent of the Council.

State Environmental Planning Policy No. 33 –Hazardous and Offensive development (SEPP33) is an enabling instrument that aims to ensure the merits of a proposal are properly assessed prior to determination (NSW Government Department of Planning 1994).

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:

- (a) to human health, life or property, or
 - (b) to the biophysical environment,
- and includes a hazardous industry and a hazardous storage establishment.

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The EIS does not identify the development as being either potentially hazardous or offensive as there will be no hazardous substances stored on site. Fuels and lubricants will be transported as required

on plant. Best management practices will be followed. The development does not require a protection licence from the EPA.

SEPP No. 55- Remediation of land.

This policy applies to the whole of the State. Clause 7 of the policy details when contamination and remediation are to be considered in determining development applications.

Clause 7: Contamination and remediation to be considered in determining development application	
A consent authority must not consent to the carrying out of any development on land unless:	
<i>(a) It has considered whether the land is contaminated, and</i>	
<i>(b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i>	The EIS does not assess the likely incidences of contamination over the site. However the site has been used for grazing and it is considered that the land is not contaminated.
<i>(c) If the land required remediation to be made for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i>	No further assessment required under this policy.

Section 79C 1(a) (ii) Draft Environmental Planning Instruments

3.3 Proposed Instrument

There are no draft environmental planning instruments to be considered in this assessment.

Section 79C 1(a) (iii) Draft Environmental Planning Instruments

3.4 Wentworth Shire Development Control Plan

The DCP does not have specific clauses regarding extractive industries.

Clause 5.7.2 Chemical transport	
Everyone transporting chemicals has a duty of care and a responsibility to carry out tasks in a manner that will not cause harm or injury to themselves, other people, their property, animals and the environment.	
<i>Before moving chemicals, information on the transport requirements of individual chemicals included on container labels or Material Safety Data Sheet should be consulted and followed.</i>	The EIS details that management practices will be followed when these substances are transferred and in use by the WSC work practices.

No further assessment required under this plan.

3.4 1(a)(iv) Environmental Planning and Assessment Regulation 2000

The proposal has been assessed and processed in accordance with the relevant sections of the Environmental Planning and Assessment Regulation 2000.

4.0 SECTION 79C 1 (B) AND (C) – LIKELY IMPACTS OF THE DEVELOPMENT AND SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The EIS addressed the likely impacts of the development on the environment and the measures to mitigate any effects.

The likely impacts and proposed mitigation measures are outlined below.

4.1 Flora and Fauna

Green Edge Environmental P/L prepared the EIS, they have included fauna and flora assessments and identified all impacts.

The EIS has identified the flora species with either state or national conservation significance that have the potential to occur within the study area. Potential habitat exists for three of these species, they have been assessed for significance as per the Threatened Species Assessment Guidelines (DECC, 2007).

Ten (10) threatened species were identified to have potential to occupy the site of the proposal. This was the trigger for the seven part test of significance, summarized below.

<i>Bluebush Daisy (Cratystylis</i>	Not considered a threatened species in this location. The species has not been recorded on site.
<i>Desert Hopbush (Dodonaea stenozyga)</i>	Not considered a threatened species at this location. The species has not been recorded on site.
<i>Bitter Quandong (Santalum murrayanum)</i>	Not considered a threatened species at this location. The species has not been recorded on site.
<i>Spotted Harrier (Circus assimillis)</i>	Minor modification to habitat identified. The habitat proposed to be modified is not critical to the long term survival of the species.
<i>Little Eagle (Hieraetus morphniodes)</i>	Life cycle of species is not likely to be disrupted. Lack of critical habitat at the site. Species not recorded at site
<i>Square-tailed Kite (Lophoictinia isura)</i>	No critical habitat at this site. Habitat found near watercourses.
<i>Grey Falcon (Falco hypoleucos)</i>	Grazing and clearing of arid and semi-arid zone rangeland is a key threatening process for this species. No critical habitat has been identified at this site
<i>Rufous Fieldwren (Calamanthus campestris)</i>	No critical habitat has been identified at this site.
<i>Redthroat (Pyrrholaemus brunneus)</i>	No critical habitat has been identified at this site`
<i>Inland Forest Bat (Vespadelus baverstocki)</i>	No critical habitat has been identified at this site.
<i>Bolams Mouse (Pseudomys bolami)</i>	No critical habitat has been identified at this site

Proposed Mitigation Measures

The management and mitigation methods are as follows:

- Quarrying site to be identified with permanent markers indicating 'no go zones' i.e. the quarrying and setup to be contained within the study area.
- Species profiles to be kept on site of threatened species that have the potential to inhabit the site.
- The rehabilitation of quarry one and two to be commenced and compliant to the EMRP.
- Ongoing rehabilitation, with annual reporting to assess performance against requirements of the EMRP and any other provisions required by Council.

The Office of Environment and Heritage have reviewed the application and EIS and made the following comment:

"....there are unlikely to be impacts on threatened species as it [sic] located in an area where quarrying and grazing has occurred in the past and the native vegetation that is to be cleared has been highly disturbed by these activities"

A review of the application and EIS by Councils Environmental Health Officer has indicated that the actions contained within the EMRP for mitigation are to be undertaken to ensure impacts on the environment are minimised.

Conditions of consent to ensure negation or minimization of impacts on flora and fauna are to be imposed. Draft conditions are attached to this report in Appendix A.

4.2 Traffic, Roads and Access

Quarry three will operate for approximately eight weeks every year for ten years. During that time additional traffic generation is anticipated to be a maximum of 100 movements per day (WSC Road Engineer and project overseer). The impact this will have on existing road users will be minimal due to the current use, delays are not anticipated. Best practice methods will be adopted in accordance with Council policy.

The existing tracks to quarries one and two are primitive and not formed up. They will be rehabilitated to prevent further access once quarry sites have completed rehabilitation process.

Plant and equipment working on the quarry will not be permitted outside the designated quarry area. Bunting will be used to identify the area. Light vehicle parking will be within the footprint of the quarry.

The Roads and Maritime Services have reviewed the application and EIS. RMS have advised that they raise no objection and have submitted a number of conditions to be imposed for the consideration of Council.

Conditions of consent regarding best practice methods are undertaken in relation to traffic management and engineering requirements regarding upgrade of access road to quarry three from Renmark Road will be imposed. Draft conditions are attached to this report in Appendix A.

4.3 Noise

The source of noise will be from the use of heavy machinery to extract and load gravel and trucks to cart the material to the site. Due to the remoteness of the operation and the nearest residence (approx. 9 kms) there will be no detrimental impact on surrounding land users.

No further assessment required regarding noise.

4.4 Hazards

Bushfire

Not in a bushfire prone area. The EIS states that due to the nature of the proposal and the composition of vegetation species at the site, it is highly unlikely that the vegetation would carry a fire. The wide spacing of individual shrubs and the limited amount of dry matter of grass species present (due to the arid climate) would not be conducive to the spread of fire.

Flooding

The site is not identified as being floodprone in the EIS and is not located in Councils mapped area for flood prone land.

Stormwater will be retained on site, due to the porous nature of gravel stormwater infiltrates quickly through the soil profile.

Chemical and substance management

No storage of chemicals on site. Fuels and lubricants will be transported as required. Best management practices will be followed when handling substances.

Waste management

Any waste generated from the site will be contained and removed from the site for safe disposal.

4.5 Soil, Geological and Erosion

Soil assessment has been undertaken by Green Edge Environmental P/L and forms part of the EIS.

The majority of the proposed quarrying area has been disturbed from past grazing, quarrying activity and rabbits. Although a contamination report has not been undertaken the site of quarry three has only been used for grazing and is not likely to be contaminated.

The presence of acid sulphate soils has not been found. The process for the production of acid sulphate soils is for sustained inundation followed by drying. The Wentworth Shire is sited in a predominately semi-arid rangeland zone. Annual rainfall is less than 300mm and evaporation rates are six times higher than rainfall rates. (Wentworth Shire Fact File, French & Maynard, 2004).

The proposal is not considered to cause erosion down slope due to the flat topography of the surrounding land.

Mitigation measures

- Topsoil will only be stripped as required to quarry the material below
- Sediment fences will be employed as required
- Rainfall runoff from gully heads to be diverted to more stable areas through minor earthworks

- Ongoing monitoring to implement controls if erosion should occur.

4.6 Air Quality

The EIS has identified that practices associated with quarrying of gravel that could impact on air quality include exhaust emissions from plant and vehicles and windblown dust from the site.

As previously identified the nearest dwelling is 9kms away and the nearest public road approximately 100m from quarry three (3), therefore impacts will be minimal.

Mitigation measures

- No burning on site
- All plant and equipment will be equipped with fire extinguishers
- All plant and vehicles serviced and be in good working order to ensure emissions within manufacturers standards
- Tarpaulins will be used to cover loads on trucks
- Quarrying and carting will cease if severe wind conditions are present.
- Water cart to be used on haulage days as required.

4.5 Water resources

No creeks, streams or waterways run through the proposed sites.

The EIS has identified that groundwater resources within the area are generally of varying quality. 22 wells have been identified within a 10km radius of the site. The nearest ground water wells are 4.5km to the south west of the proposed quarries. These wells have been drilled to 19.5m and 56m with the standing level or depth below surface being 15.6m and 14.7m respectively. The elevations of these wells are approximately 40m AHD or 10m less than the proposed quarries area (50mAHD).

The New South Wales Office of Water advised that on review of all documentation no further assessment is required by them.

No impacts on ground water and no impacts anticipated because of surface water. No further assessment required.

4.6 Context, Setting and Visual Impact

The setting is rural and the land use is dry land grazing. The open grazing lands are under Western Lands Lease (WLL). The vegetation habitat is a combination of Black Oak-Pearl Bluebush and low open shrublands. Weed species identified at the site are Horehound and Bathurst Burr. The site of quarry 3 has been affected by grazing and wood cutting.

The visual impact on the road is minimal. The topsoil stockpiles whilst quarries are not operational will be visible and also plant and equipment during the extraction phase can be seen when travelling on the closest road (Renmark Road).

The EIS has not identified any mitigation measures to lessen the visual impact. The visual amenity assessment has revealed that no screening is required due to the landscape, the remoteness of the site and the plant and equipment on site will be stored at the Council depot.

The following pictures show the current landscape and the pictures of quarries one and two show the disturbed areas awaiting rehabilitation.



QUARRY ONE



QUARRY TWO



PROPOSED QUARRY THREE



PROPOSED QUARRY 3-Mallee Scrub in background will not be impacted

4.7 Aboriginal Cultural and European Heritage

An Aboriginal cultural assessment was undertaken by a local elder of the Dareton Lands Council. The assessment found:

- No known Aboriginal artifacts at the site
- The position of the site in relation to the surrounding landscape is unlikely to have provided for intensive Aboriginal occupation
- The proposed location would have potentially being used by Aboriginal people as hunting grounds

An *Aboriginal Heritage Information Management System (AHMIS)* database search was undertaken of the proposed quarry and surrounding area. No Aboriginal objects and Aboriginal places were recorded in the vicinity of the quarries.

The application and EIS were assessed by the NSW Office of Environment and Heritage in regard to Aboriginal Cultural Heritage. They noted the survey by the Dareton Local Aboriginal Council and the AHMIS search and have requested consideration of two conditions to be imposed.

The nearest European Heritage items are:

- Item 83 of Schedule 5 of the Wentworth Local Environmental Plan 2011 (WLEP) is recorded as being the Moorna Station Woolshed – approximately 6kms east of the site.
- Item 76 of Schedule 5 of WLEP is recorded as being the Moorna Station Homestead – approximately 8.5kms south west of the site.
- Item 77 of Schedule 5 of the WLEP is recorded as being the Moorna Cemetery-approximately 9kms south west of the site
- Item 78 of Schedule 5 of the WLEP is recorded as being the Moorna Township – approximately 8.4kms south west of the site.

No impacts on either Aboriginal or European heritage have been found in the assessment.

4.8 Social and Economic Impact

An assessment to justify and consider alternatives to the project was undertaken. This site was chosen for the extent of resource available and location to the end use. The EIS identified that local drivers and operators will be employed. The gravel is to be used for road maintenance of local roads. It is considered that the proposal would provide a very minor social and economic impact when considering employment generation. The land is not prime crop or pasture land and the site will be rehabilitated back to enable grazing, therefore no economic impact through unavailability of prime cropping land will arise.

Warrananga Station has been the site of previous quarries and the leaseholders have provided a letter in writing acknowledging the work to be undertaken and that the sites will be rehabilitated.

4.9 Cumulative impacts

The EIS stated cumulative environmental impacts from the proposal will be minimal, each identified impact has been assessed and any potential threats are shown to be mitigated.

The assessment of the development did not identify any cumulative impacts associated with the operation relating to traffic, loss of vegetation, amenity and noise. All have been addressed and will be managed effectively.

4.10 Ecological Sustainable Development

The EIS has not specifically addressed ESD, however it is considered that the siting of this proposal and the haulage to end use maximizes best ESD ideology. The mitigation measures in the EIS and the assessment has shown that ESD is being implemented and is considered satisfactory for this proposal.

5.0 PUBLIC SUBMISSIONS

Section 1 (d) any submissions made in accordance with this Act or the regulations

A chronology of the public notification and referral process is provided in section 2.2. of this report.

No submissions have been received.

Section 1(e) the public interest

The development was advertised and publically exhibited in accordance with Section 79 and 79A of the EP & A Act. No submissions were received as a result of the public notification.

The proposal is permissible within the zone and satisfies the objectives as outlined in section 3.1 of this report.

6.0 CONCLUSION

This proposal is for the operation of three quarries to extract gravel. Two quarries are existing and the third proposed quarry will extract a total of 45000m³ over a total life expectancy of ten (10) years. It will operate from 7am to 6pm Monday to Friday and 8.00am to 12 noon on Saturdays, for approximately 8 weeks per annum. Access and haulage will be via Renmark Road to Old Renmark Road. Traffic generation of up to a total of 100 peak daily truck movements per day.

The development application is designated and an EIS was submitted to identify all potential impacts. It is considered that the EIS has been prepared in accordance with the Director Generals requirements issued by the Department of Planning and Infrastructure and all relevant legislation for the assessment of the development and the identified impacts are assessed within Sections 3 and 4 of this report.

The development application was processed and advertised in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000*.

Based on the above Section 79C assessment of the proposal, it is recommended to the Western Region JRPP that the development application for an Extractive Industry-Gravel on Lot 5829 DP 768727 Nulla Road, Anabran South be approved subject to the conditions listed in Appendix A.

APPENDIX A

DA12/107 EXTRACTIVE INDUSTRY – THREE (3) GRAVEL QUARRIES – LOT 5829 DP 768727
NULLA ROAD ANABRANCH SOUTH
SCHEDULE 1

1.	<p>The development hereby authorised shall be carried out strictly in accordance with the conditions of this approval and stamped approved documents listed below</p> <ul style="list-style-type: none"> • Environmental Impact Statement prepared by Green Edge Environmental P/L dated 11/11/2012. • Environment Management and Rehabilitation Plan prepared by Green Edge Environmental P/L dated 6/11/2012 <p>NOTE: Where there is inconsistency between the Environmental Impact Statement, the conditions of this approval shall apply.</p>
2.	Approval is for an Extractive Industry being for the quarrying and extraction of gravel at two existing quarries and one new quarry.
3.	Without the further consent of the Wentworth Shire Council, in writing, this permit shall lapse and have no force or effect unless the use or development hereby permitted is substantially commenced within 5 years of the date of this permit.
4.	No removal of gravel and fill or disturbance of vegetation outside of the designated work area will be permitted without the written approval of the NSW Department of Primary Industries (Crown Lands Division) and the Wentworth Shire Council.
5.	If during the project archaeological material is found, work should cease immediately and the Office of the Environment and Heritage notified by telephoning 131555 and providing details of the Aboriginal Heritage item and its location. Work shall not recommence until authorisation is given in writing by the Office of Heritage and Environment.
6.	A chemical closet or similar self contained toilet facility shall be provided on or in the vicinity of the gravel site for use by workers engaged on activities associated with the quarry.
7.	Operations within the worksite shall be carried out in accordance with the requirements of the NSW Workcover Code of Practice for excavation Work.
8.	An application for a licence to extract material in accordance with the Crown Lands Act is currently with the Department of Primary Industries (Crown Lands Division). The licensing agreement is to be completed and issued prior to any extraction commencing.
9.	The proponent is required to rehabilitate the area in line with the rehabilitation plan, to a standard that returns the land back to its use prior to the use of the land as a gravel quarry.
10.	Monitoring of site rehabilitation activities is to be undertaken by a qualified ecologist to determine the success of the rehabilitation works, and identify any areas where follow up plantings or other work is required. This monitoring is to be undertaken on an annual basis and reported to Council.
11.	Quarrying and ancillary activities must be carried out in a manner that will minimise emissions of dust from the site.

12.	The driveway intersection from Renmark Road is to be located and maintained so as to comply with the required Safe Intersection Distance (SISD) in either direction in accordance with the Austroads Publications for the prevailing speed limit. Compliance with the requirements is to be certified by an appropriately qualified person prior to construction of the access.
13.	The driveway intersection off Renmark Road is to be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
14.	Any damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
15.	The access/driveway is to be designed and constructed to prevent water from proceeding onto the carriageway of the Renmark road. If a culvert is to be located within the clear zone of the carriageway for the prevailing speed zone it is to be constructed with a traversable type headwall.
16.	Trucks entering and leaving the site that are carrying loads must be covered at all times, except during loading and unloading.
17.	"Trucks entering" signs are to be placed in appropriate locations as per AS 1742.
18.	The existing access/driveways to quarries one and two and proposed access driveway to quarry three are to be reinstated and revegetated with native species endemic to the area to prevent further access from Renmark Road to the quarry sites once the resource is exhausted.

REASONS FOR CONDITIONS

- a) To ensure compliance with the terms of the Environmental Planning and Assessment Act.
- b) To ensure work is sustainable, and that an appropriate level of provision of amenities and services occurs within the Shire and to occupants of lots.
- c) To minimise environmental impact and impact on public assets, degradation of natural resources, and to enhance amenity.
- d) To provide for a quality environment, safe and efficient movement of people and to ensure public safety and interest.