

**JOINT REGIONAL PLANNING PANEL
(Region)**

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| JRPP No | 2014NTH005 |
| DA Number | T6-14-53 |
| Local Government Area | Kempsey Shire |
| Proposed Development | Expansion of an existing extractive industry from about 7.0ha to 10.9ha, 15m below current quarry depth and an increase in annual production from 50,000m ³ to 450,000 tonnes with a quarry life of up to 30 years |
| Street Address | 593 Gowings Hill Road, Dondingalong Lot 4 DP 622304 |
| Applicant/Owner | Applicant: NSW Quarry Services PL Owner: CK&YE Bates |
| Number of Submissions | 49 |
| Regional Development Criteria (Schedule 4A of the Act) | Extractive industry – designated development |
| Report by | Tony Blue, Blueprint Planning Consultants for Kempsey Shire Council |

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

1.1. Reason for consideration by Joint Regional Planning Panel

The development application has been referred to the Joint Regional Planning Panel pursuant to Clause 8, Schedule 4A of the Environmental Planning and Assessment Act, 1979 (the Act) as the development is classified as an Extractive Industry and Designated Development pursuant to Clause 19, Schedule 3 of the Environmental Planning and Assessment Regulation, 2000.

1.2. Reason for assessment by independent planner

The proposed quarry operator, NSW Quarries, has entered into an agreement with Kempsey Shire Council in respect to another proposed quarry site (known as Church Hill Quarry) that is located on land owned by Council. To avoid any perceived conflict of interest between Council's commercial interests in the Church Hill Quarry site and its regulatory responsibilities in assessing the current development application, an external and independent town planning consultant was engaged to undertake the assessment.

Council staff have provided technical advice in respect to road intersection design and traffic safety, current Council methodology in respect to section 94 contributions for road maintenance levy on extractive industries and advice on Council's procedures for securing koala habitat offsets under the Kempsey Comprehensive Koala Plan of Management. In addition, Council have provided input into the drafting of consent conditions to ensure clarity for any subsequent implementation or enforcement process. This input included legal advice in respect to a recommended consent condition (land acquisition by request of an adjoining owner).

1.3. Brief description of proposed development

The application seeks consent to expand an existing quarry involving:

- Increase in annual extraction from 50,000m³ to 450,000 tonnes,
- Increase in quarry footprint from 7ha to 10.9ha,
- Increase in depth from the current quarry floor by about 15m, and
- A total resource increase from 450,000m³ to an estimated 4,800,000 tonnes (about 3,000,000m³) and a life of between 10 and 30 years depending on demand.

1.4. History of development of the site

Aerial photography indicates a quarry existed on the site prior to 1979. An extension to the quarry was granted in 1990 under consent to development application T4-90-48 and a further expansion under consent to development application T6-08-328 on 23 July 2009. The 1990 consent was not required to be surrendered.

Consent to T6-08-328 was subject to:

- A total extraction volume of 450,000m³, and

- 50,000m³ per annum, and
- Hours of operation from 7.00am to 4.00pm Monday to Friday and 8.00am to 12 noon Saturday, and
- Heavy vehicle movements limited to 15 haulage trips per day or 30 vehicle movements into and out of the site per day.

1.5. Permissibility of Development

The site is zoned RU1 Primary Production under Kempsey Local Environmental Plan 2013. Extractive industries are permissible with consent within the zone.

1.6. Designated Development

The proposal is designated development under clause 19 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 as it will process more than 30,000m³ of extractive material per year and will disturb more than 2ha of land by clearing and the expansion of the existing quarry is considered to significantly increase the environmental impacts of the total development compared with the existing approved development.

1.7. Integrated Development

The proposed development is integrated development as it will require a licence under the Protection of the Environment Operations Act 1997 to carry out scheduled development work and a controlled activity approval under the Water Management Act 2000.

1.8. Public Exhibition and Notification

The application was exhibited and notified in accordance with designated development provisions of the Act. Forty-nine submissions were received, with 40 objecting to the development and nine in support. Copies of the submissions are contained in Annexure 3. Issues raised in objections are assessed in detail within the body of this report.

1.9. Recommendation

That consent be granted to subject to the conditions of consent contained in Annexure 1.

1.10. Annexures

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|-------------|---|
| Annexure 1 | Conditions of Consent |
| Annexure 1A | General Terms of Approval – EPA |
| Annexure 1B | General terms of Approval – Office of Water |
| Annexure 2 | RMS Advice |
| Annexure 3 | Submissions |

2. SITE AND PROPOSED DEVELOPMENT

2.1. Location

The development site is 593 Gowings Hill Road, Dondingalong, which is about 7km west-south-west of Kempsey central business district.



2.2. Site Description

The site has an area of 24.7ha with a frontage of about 95m to Gowings Hill Road, which forms the northern boundary of the site. The western boundary adjoins an unformed Crown road reserve for a length of about 570m.

There is an existing quarry on the site that has a footprint of about 5ha, and an approved footprint of about 7ha. There is an existing house on the site, occupied by the land owners, located about 230m south of the current and approved quarry footprint and about 140m south of the proposed quarry footprint.

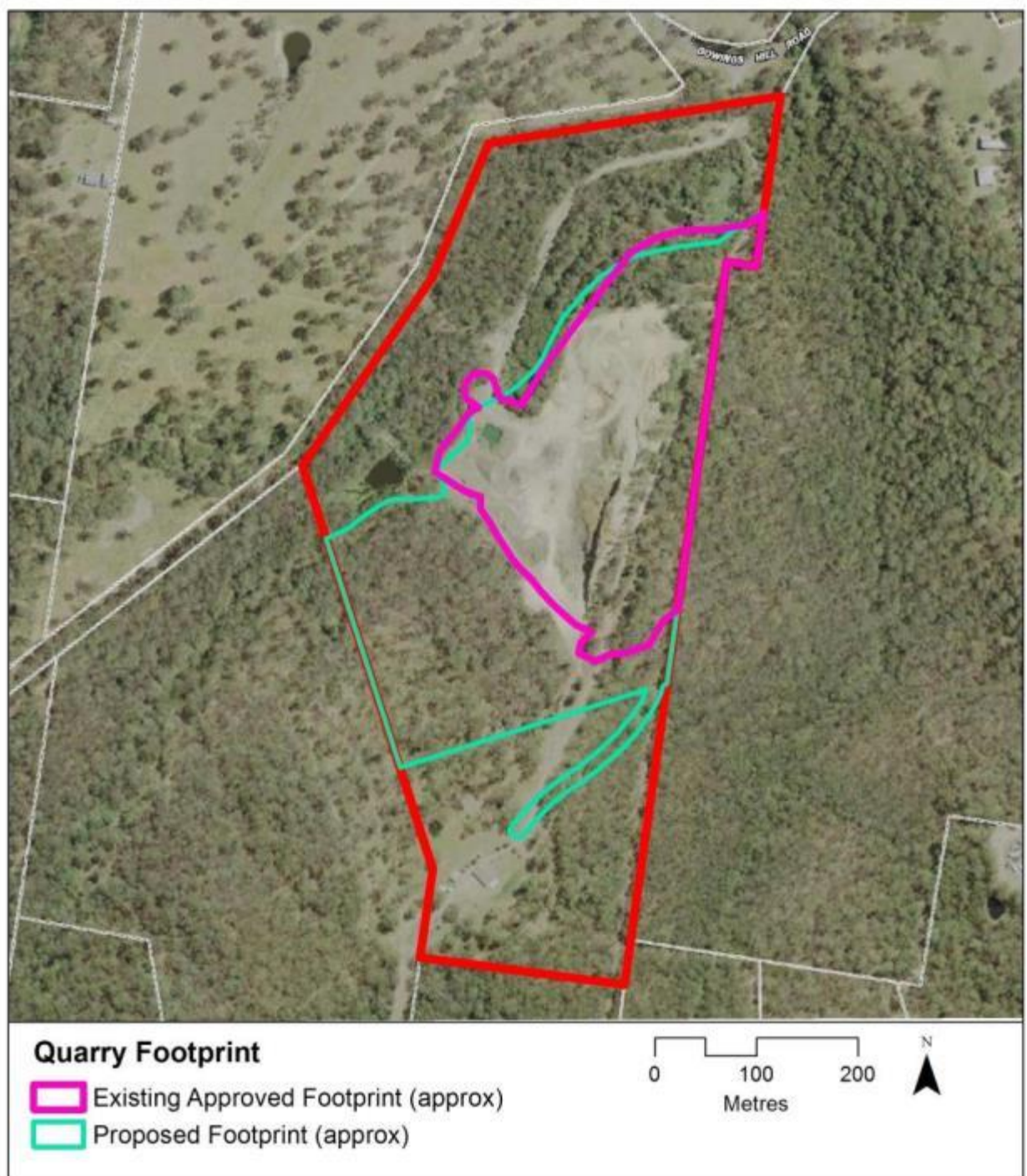
The site is covered by native vegetation other than the quarry area, house clearing area and access roads, one which serves the quarry and a separate access road that branches near the entry off Gowings Hill Road and skirts the eastern edge of the site to reach the house to the south of the quarry.



2.3. Proposed Development

(a) Quarry Footprint

The proposed quarry extension is to the south and west of the approved quarry footprint, and to increase the depth by about 15m from the lowest point of the existing quarry floor, at RL22m AHD down to RL 7m AHD. The estimated resource from the expanded quarry is about 3,000,000m³ or 4,800,000 tonnes of extractive material.



As the extraction develops, the method of extraction would leave benches running north/south parallel to the eastern boundary and east/west along the southern edge of the proposed quarry footprint, about 200m from the southern boundary of the site on the western side increasing to 300m on the eastern side. The benches would generally be 8 metres wide by 8 metres in height, descending from the level of the road on the eastern boundary of the property to the floor of the quarry. The quarry would then progress down to 7 m AHD with the northern sediment basin being maintained at 2 m below the quarry floor.

(d) Processing, Crushing and Stockpiling

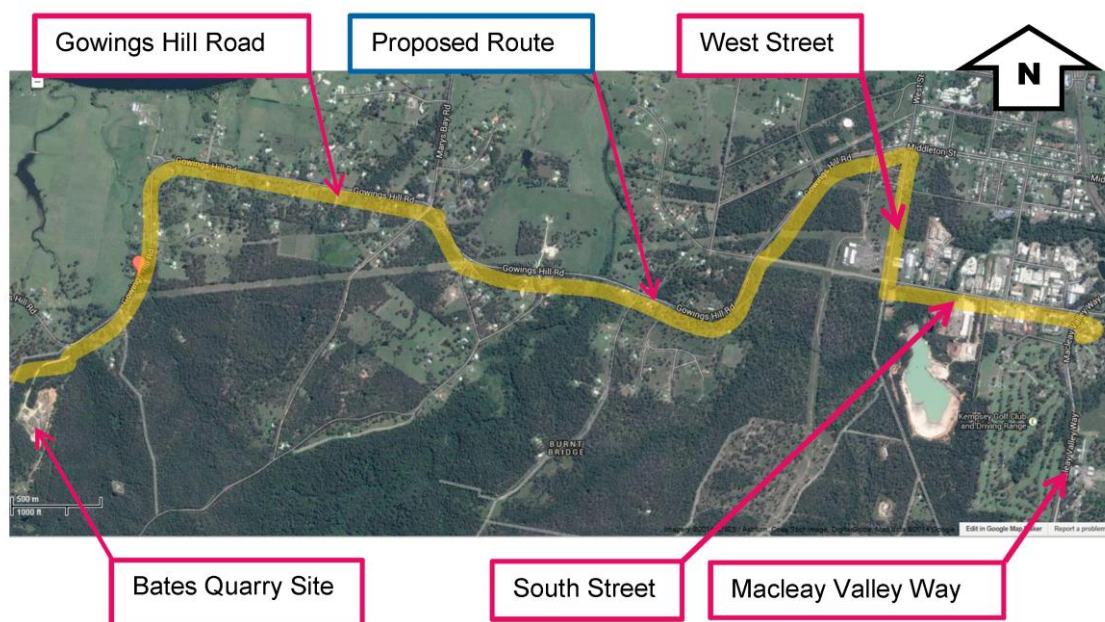
The material would be excavated, crushed, passed through a screen and stockpiled. Crushing would be about one third primary grade (i.e. approximately 100mm diameter) and two thirds secondary grade (i.e. less than 50mm diameter).

The materials are stockpiled on the quarry floor and numbered. Samples from each stockpile are analysed for compliance with RMS specifications before being transported offsite. This process takes approximately 20 days, per stockpile.

(e) Haulage Route

The proposed haulage route is about 8km in length along Gowings Hill Road, right into West Street, left into South Street and then onto Macleay Valley Way. The route has been selected to avoid Middleton Street and in particular, to bypass the South Kempsey Public School located in Middleton Street.

Gowings Hill Road passes through rural areas, rural residential areas and then residential areas in South Kempsey. West Street from Gowings Hill Road for a length of about 300m is residential. The zone changes to General Industrial for the remainder of the haulage route along West Street and South Street.



(f) Truck Movements

Truck and dog trailer combinations have a capacity of about 32 tonnes. At an average daily production, which would generate a win and haul of approximately 1,500 tonnes, the quarry is expected to generate about 50 truck and dog loads or 100 truck movements per day. At its peak, the quarry is expected to win and haul about 3,000 tonnes per day which would involve about 90 truck and dog loads or 180 truck movements per day.

(g) Hours of Operation

The proposed hours of operation would depend on demand with some periods of high activity and other times when activity is limited to the occasional loading of haulage trucks. The proposed hours of operation are:

| | | |
|---|------------------|---------|
| Blasting | Monday to Friday | 9am-3pm |
| Drilling | Monday to Friday | 7am-6pm |
| | Saturday | 8am-1pm |
| Crushing and Screening within Quarry Pit | Monday to Friday | 7am-6pm |
| | Saturday | 8am-1pm |
| Stockpiling and Loading | Monday to Friday | 7am-6pm |
| | Saturday | 8am-1pm |
| Transport (empty trucks in) | Monday to Friday | 7am-6pm |
| | Saturday | 8am-1pm |
| Transport (loaded trucks out) | Monday to Friday | 7am-6pm |
| | Saturday | 8am-1pm |
| Staff Maintenance and Servicing of Plant and Equipment Onsite | As required | |
| Emergency | As required | |

(h) Rehabilitation

It is anticipated that the excavation would fill with water following completion of the quarry operations. To rehabilitate the remaining disturbed area, a rehabilitation plan has been developed and is provided in Appendix B of the EIS.

2.4. EIS and Supporting Documents

The application was accompanied by an EIS generally conforming to the Director's specifications. The following additional documents were also considered in the assessment of the application.

- Extract from profit a prendre arrangement between the land owner and NSW Quarries detailing the funding arrangements for rehabilitation of the site,
- Advice from Australian Department of Environment regarding EPBC Act 1999 confirming that the proposal is not a controlled activity,
- Geotechnical assessment report by GHD dated 1 July 2014,
- Greenhouse Gas Assessment report by GHD dated July 2014,
- Advice from Kempsey Local Aboriginal Land Council dated 24 February 2014,

- Amended quarry plan proposal by GHD dated 16 July 2014,
- Statement regarding efficiency of material recovery and minimising waste by Balmain Lawyers dated 24 July 2014,
- Existing Road Safety Audit by GHD dated August 2014,
- Response to Road Safety Audit Findings by GHD dated 22 August 2014,
- Traffic and Pedestrian Survey for West St/Gowings Hill Rd intersection by GHD dated 29 August 2014,
- Intersection upgrade design, West St/South St by Hopkins Consultants dated 20 August 2014,
- Letter from land owner offering site as koala offset dated 2 September 2014,
- Advice regarding design of traffic island at intersection of Gowings Hill Road and West St, email from GHD dated 15 September 2014.

2.5. Request to Delay Compliance with Kempsey Koala Plan of Management

The applicant has submitted a request to delay compliance with the requirements for the provision of offsets required under the Kempsey Koala Plan of Management.

This request is based on the following:

- an intention to initially operate the quarry within the footprint approved under consent to Development Application T6-08-328,
- to meet an urgent demand for material for the Pacific Highway upgrade,
- a commitment to not carrying out any vegetation clearing until the offset requirements and legal agreements are in place in accordance with the Koala Plan of Management.

In addition, the request notes that there are no records of koalas on the site.

This request is considered in section 5.5 of this report.

3. LEGISLATIVE REQUIREMENTS

3.1. ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC Act)

The EPBC Act is Commonwealth legislation that requires an assessment of the proposal to determine if it should be referred to the Federal Department of Environment.

The EIS recommended that the proposal be referred due to potential impact on critical habitat for the Koala and Grey-headed Flying-fox. It is the proponent's responsibility to refer the application.

The applicant has provided confirmation from the Australian Department of the Environment that the proposal is not a controlled action under the EPBC Act.

3.2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EPA Act)

(a) Consent Authority

Under clause 21 of State Environmental Planning Policy (State and Regional Development) 2011, the JRPP is the consent authority for the determination of any application for an extractive industry that is designated development.

Consequently, the consent authority for this application is the JRPP.

(b) Designated Development

Schedule 3 of the EPA Regulation lists extractive industries as designated development that:

- process more than 30,000m³ of extractive material per year,
- disturb a total surface area of more than 2ha, or
- are located within 40m of a natural water body.

The proposed development is the expansion of an existing quarry. Part 2 of Schedule 3 provides guidelines for determining if alterations or additions are designated development. In particular, clause 35 requires an assessment of whether the proposed expansion will significantly increase the environmental impacts of the total development compared with the existing or approved development.

The quarry involves a significant increase in the volume of extractive material to be processed each year, will disturb an additional 7.5ha of land area and is located within 40m of a watercourse.

On this basis, the proposed quarry extension will significantly increase environmental impacts and is determined to be designated development.

(c) Integrated Development Approval – Section 91 Approvals

Section 91 of the EPA Act identifies development that requires development consent and one or more approvals under specified other legislation. The proposed quarry requires

approvals in the form of:

- An Environmental Protection Licence (EPL) under the Protection of the Environment Operations Act 1997 and
- An activity approval under section 91 of the Water Management Act 2000 as it is proposed to undertake quarrying activities within 40m of a waterway.

General Terms of Approval (GTAs) have been provided for the EPL from the Environmental Protection Agency and for the activity approval from the NSW Office of Water. These GTAs have been attached to the recommended conditions of development consent (see Annexure 1A).

(d) Evaluation – Section 79C Matters

Section 79C of the Act specifies matters for consideration when assessing development applications. This report documents the assessment of the application under section 79C.

4. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

4.1. Kempsey Local Environmental Plan 2013 (KLEP 2013)

(a) Zone

The site is zoned RU2 Rural Landscape under KLEP 2013. Extractive industries are permissible with consent in the zone.

(b) Clause 7.4 Koala habitat

Clause 7.4 applies to land identified as “Area Subject to Koala Management Plan” on the Koala Management Plan Map. The site is identified as land subject to the Koala Management Plan. The objective of this clause is to effectively manage koala habitat including:

- “(a) minimising the potential for adverse impacts within current and future areas of core koala habitat, and
- (b) ensuring that preferred koala food trees are effectively managed and conserved across all land where possible.”

The clause requires that development consent must not be granted unless the consent authority is satisfied that the development is in accordance with the Comprehensive Koala Plan of Management for Eastern Portion of Kempsey Shire LGA Volume I—The CKPoM (Working Provisions), published in April 2011.

See Section 5.5 Koala Habitat.

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

The SEPP requires the consent authority to consider a range of matters before determining the application.

(a) Compatibility with Other Land Uses

Clause 12 requires:

- consideration of existing and approved uses of land in the vicinity of the development, whether or not the development is likely to have a significant impact on uses that are likely to be preferred uses in the vicinity and any ways the development may be incompatible with existing, approved or likely preferred uses, and
- evaluation and comparison of respective public benefits of the development and other land uses in the vicinity and any measures proposed by the applicant to avoid or minimise any incompatibility.

Agricultural Uses

It is noted that adjoining land uses are generally low intensity agricultural uses with land to the east and south being heavily vegetated with minimal agricultural activity. The EIS

provides an Agricultural Impact Assessment of the proposed expanded quarry activity. The assessment included a land use conflict risk assessment based on the Department of Primary Industries guideline “Living and Working in Rural Areas”. The assessment included consideration of potential impacts from the operation of the quarry. The assessment reasonably identifies impacts as low with the exception of noise and bushfire which were assessed as medium. Noise impacts are considered in detail in section 5.2. Management and mitigation measures are considered to be capable of ensuring noise impacts do not significantly impact adjoining land uses. Site management practices proposed for managing risks to causing bushfires are also considered to be adequate.

Existing Rural Residential Uses

Land zoned R5 Large Lot Residential is located about 500m north east of the site and generally located along Gowings Hill Road, which is the haul route.

Noise and blasting impacts are addressed in detail in sections 5.2 and 5.3 of this report. The implementation of management and mitigation measures is considered adequate to ensure no significant impacts from the quarry operations on site.

Road traffic noise and traffic safety issues have the potential to impact on land uses along the haulage route. These issues are assessed in section 5.9 and 5.10 of this report.

Draft Kempsey Local Growth Management Strategy – Rural Residential Component

Council has endorsed a draft strategy for future rural residential land releases. The strategy is currently with the NSW Department of Planning and Environment for final approval. The strategy identifies land on the northern side of Gowings Hill Road adjacent the development site and further to the west. The proposed quarry will have an impact on the design of future rural residential subdivision lot layout to ensure building envelopes are able to be created so that no dwelling is closer than existing houses to the quarry footprint. It is noted that the existing quarry predates the rural residential release strategy and that it would be reasonable to expect future rural residential development to be designed having regard to the operation of the quarry. In any case, there is adequate alternative land in the release strategy to meet demand in the Dondingalong area.

Haul Route Impacts

In addition to rural residential uses, the haul route has the potential to impact on residential uses in South Kempsey and the South Kempsey Public School in Middleton Street.

The haul route has been selected to avoid South Kempsey Public School and the residential properties in Middleton Street. At present, there is no alternative route to avoid the residential properties in Gowings Hill Road and West Street.

Road traffic noise and traffic safety issues have the potential to impact on these land uses. Refer to sections 5.9 and 5.10 of this report.

(b) Natural Resources and Environmental Management

Clause 14 of the Mining SEPP requires the consent authority to consider whether conditions should be imposed to ensure:

- Impacts on significant water resources are avoided or minimised to the greatest extent possible,
- Impacts on threatened species and biodiversity are avoided or minimised to the greatest extent possible,
- Greenhouse gas emissions are minimised to the greatest extent practical. In determining this, the consent authority must consider an assessment of greenhouse gas emissions, including downstream emissions, of the development.

Water quality is addressed in section 5.4. Threatened species and biodiversity are addressed in sections 5.5 and 5.6. Greenhouse gas emissions are addressed in section 5.11.

(c) Resource Recovery

Clause 15 requires the consent authority to consider the efficiency of the extractive industry in terms of resource recovery and must consider whether conditions should be applied aimed at optimising efficiency or resource recovery and the reuse or recycling of material.

Information provided by a representative of the proposed quarry operator states that all material won from the quarry will be used for road construction purpose, meaning there is 100% resource recovery and there is material that will be required to be reused or recycled.

Vegetation clearing and stockpiling of topsoil is recommended to be managed by consent conditions.

(d) Transport

Clause 16 requires the consent authority to:

- consider whether conditions should be applied to
 - limit or preclude truck movements on roads in residential areas or near to schools, or
 - require preparation and implementation of a code of conduct relating to the transport of materials on public roads, and
- provide a copy of the application to the RMS and take into consideration any response received (and provide a copy of the determination).

The proposed haul route minimises the length of haul road through residential areas and, as far as possible, avoids areas near to the South Kempsey Public School.

A condition of consent is proposed for a code of conduct addressing transport of materials to minimise traffic noise and improve traffic safety. See sections 5.9 and 5.10. A number of road improvements are also recommended.

Advice from the RMS (Annexure 2) advises that:

- the Traffic Impact Assessment is considered to have addressed the Director-General's environmental assessment requirements and that the recommendations could be adopted to address the identified road safety and traffic impacts of the development,
- the access road and Gowings Hill Road intersection requires appropriate delineation prior to introduction of additional traffic movements,
- all heavy vehicle movements are to be restricted from traveling through the School Zone in Middleton Street, and
- Council should consider a requirement for the quarry operator to prepare and adopt a Truck Management Plan including a Code of Conduct for haulage operators.

The RMS also suggest that Council consider the potential need to upgrade the intersection of Macleay Valley Way and South Street. The Road Safety Audit recommended improvements to signage and line marking at this intersection. Having regard to the number of existing vehicles using this intersection to access the industrial area, the recommended improvements are not considered to be required by the proposed development.

Conditions of consent are proposed for upgrading of the quarry access road intersection, Gowings Hill Road / West St intersection and South St /West St intersection, and other improvements to the haul route. A condition of consent is proposed that specifies the haul route so that it avoids the school zone in Middleton Street.

(e) Rehabilitation

Clause 17 requires the consent authority to consider whether conditions should be applied aimed at ensuring rehabilitation of the land, in particular, whether the conditions should require:

- Preparation of a plan that identifies the end use and landform once rehabilitated,
- Waste generated to be dealt with appropriately,
- Any soil contamination to be remediated,
- Steps to be taken to ensure the state of the land does not jeopardise public safety.

Section 5.12 of this report provides an assessment of the proposed rehabilitation of the site.

Section 5.13 of this report provides an assessment of waste management, including management of any contaminated soil.

Access to the site will be controlled to prevent public access, which is considered to adequately address any issues of public safety.

4.3. State Environmental Planning Policy (State and Regional Development) 2011

The SEPP identifies State significant development and State significant infrastructure, and confers functions on joint regional planning panels to determine development applications.

Clause 7 of Schedule 1 of the SEPP specifies that State significant development includes extractive industries that:

- extract more than 500,000 tonnes per year, or
- extract from a total resource of more than 5 million tonnes.

The application proposes to extract a maximum of 450,000 tonnes per year. The quarry is estimated to have a resource volume in the order of 4,800,000 tonnes is below the thresholds for State significant development.

Clause 21 identifies extractive industries that are designated development to be Regional Development.

As noted in section 3.2(a), clause 21 confers the determination role for this application on the JRPP.

4.4. State Environmental Planning Policy No 44 Koala Habitat Protection

The SEPP requires preparation of koala plans of management before development consent can be granted in areas of core koala habitat. Kempsey Shire Council has prepared the Comprehensive Koala Plan of Management for Eastern Portion of Kempsey Shire that identifies potential koala habitat and a process for identifying core koala habitat. It also sets requirements for the management of potential koala habitat that is not core koala habitat.

The land the subject of this development application is identified as potential koala habitat but is not core koala habitat. Consequently, there is no requirement for a site specific koala plan of management under SEPP 44. However, the provisions of clause 7.4 of Kempsey LEP 2013 apply. See section 4.1 and 5.5.

4.5. Relevant development control plans

Kempsey Development Control Plan (DCP) 2013 provides comprehensive guidelines for development assessment of all types of land uses. Relevant provisions are listed below together with the sections of this report that address the issues raised by the provisions:

- Clause B2 – Parking, Access and Traffic Management: refer to section 5.8 and 5.9,
- Clause B4 – Earthworks and Sediment Erosion Control: refer to section 5.4,
- Clause B5 – Stormwater Management: refer to section 5.4,
- Clause B10 – Tree Preservation and Vegetation Management: refer section 5.5 and 5.6,
- Clause B11 – Koala Habitat Management: refer section 5.5.

5. LIKELY IMPACTS OF DEVELOPMENT

5.1. Air Quality

An Air Quality Impact Assessment (EIS Appendix F, GHD 2014) was prepared for the proposed development in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC 2005).

Dispersion modelling (Ausplume) was utilised to predict ground level concentrations (glcs) of key pollutants associated with the project for a worst case scenario and the associated potential impacts on the nearest sensitive receivers. Modelling was undertaken based on no mitigation measures and with mitigation measures.

With dust control measures in place (Level 2 watering on haul roads and sprays on crushing plant) the predicted results from modelling indicate compliance at all receivers for both maximum and average production rates. Assuming dust control measures are implemented, short-term impacts off-site are not expected to be an issue, even under worst-case atmospheric conditions.

The EPA has reviewed the EIS and determined that it is able to issue an Environment Protection Licence subject to a number of conditions and has provided General Terms of Approval (GTAs) for the development.

It is considered that air quality targets are reasonably able to be achieved and the imposition of appropriate conditions will ensure no significant air quality impacts from the development.

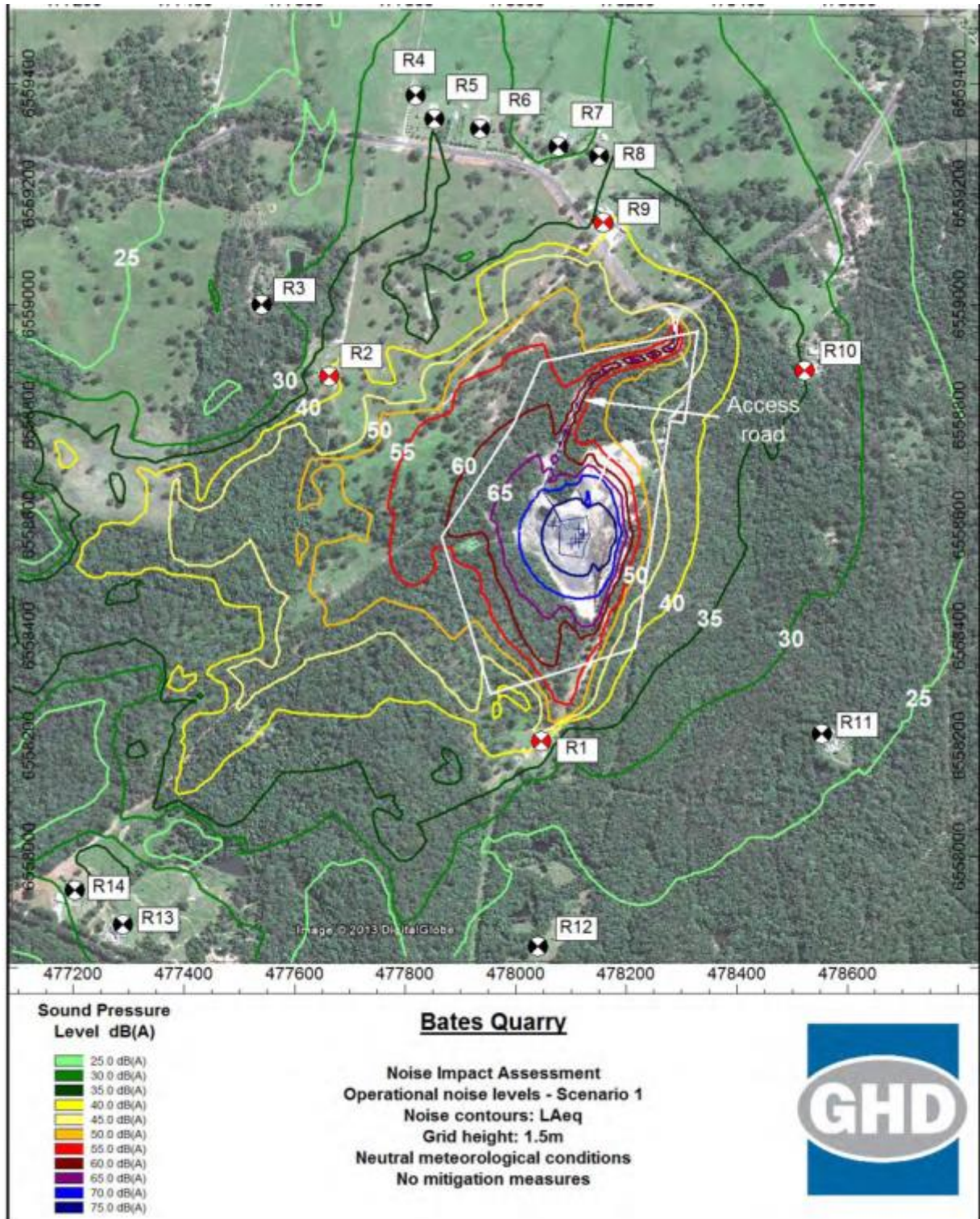
In addition, a recommended consent condition provides for the owners of adjoining land with residences closest to the proposed quarry to lodge a complaint with the developer and require air quality monitoring if the adjoining land owner believes that the air quality criteria is being exceeded. The developer is required to engage an independent and appropriate consultant to undertake monitoring and assess the validity of the complaint. If air quality targets are shown to be exceeded, the developer is required to implement additional mitigation measures. If the quarry breaches air quality, noise or blasting criteria on three or more occasions in any 2 year period at any of the nearest residences there is a condition that enables a landowner to require the developer to acquire their land.

5.2. Noise

A Noise Impact Assessment (EIS Appendix E, GHD 2014) was prepared for the proposed development, establishing project specific noise goals for the proposed development having regard to the NSW OEH publications *Industrial Noise Policy* (2000). Noise modelling of the predicted sound pressure levels was based on the maximum annual production rate of 450,000 tonnes.

Model results indicate that noise levels generated from quarry operations are predicted to comply with the noise criterion at most receivers. Three houses (excluding the house

on the same land as the quarry) are potentially affected by noise if no mitigation measures are imposed as shown in the following noise contour map.



With the placement of noise barriers around the crushing and screening plant, as proposed as mitigation measures in the EIS, the number of houses not complying with the noise criterion is one. The noise criterion is exceeded by 1 dB(A) at this house. The cause of the noise exceedance is primarily from truck movements on the access road.

The Noise Impact Assessment is based on worst case operating conditions with conservative assumptions regarding site operations and likely to predict levels that are higher than actual noise levels.

The EPA has reviewed the EIS and included in the GTAs a requirement that noise must not exceed the noise emission criterion of 36 dB(A) at the closest receivers.

It is considered that noise quality criteria are able to be achieved for the development. Consequently, it is considered that the imposition of appropriate conditions to require mitigation measures are undertaken will ensure that no significant noise quality impacts from the development is likely to occur.

In addition, a consent condition provides for the owners of adjoining land with residences closest to the proposed quarry to lodge a complaint with the developer and require noise monitoring if the adjoining land owner believes that the noise criteria is being exceeded. The developer is required to engage an independent and appropriate consultant to undertake monitoring and assess the validity of the complaint. If noise criteria are shown to be exceeded, the developer is required to implement additional mitigation measures. If the quarry breaches air quality, noise or blasting criteria on three or more occasions in any 2 year period at any of the nearest residences there is a condition that enables a landowner to require the developer to acquire their land.

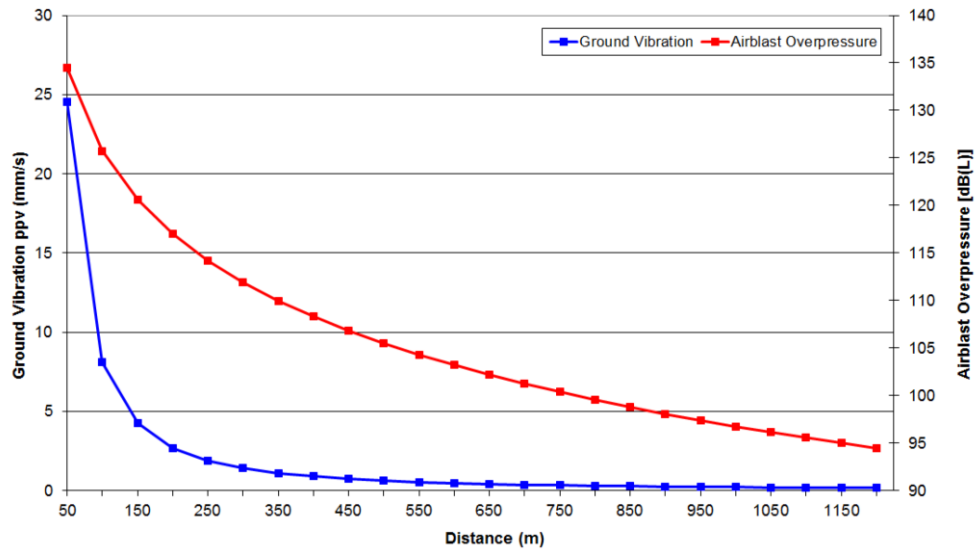
5.3. Blasting

The Noise Impact Assessment (Appendix E, GHD 2014) included an assessment of impacts from blasting based on the ANZECC Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration. This guideline specifies recommended human comfort criteria for blasting activities.

The ANZECC recommended maximum level for airblast overpressure is 115 dB(L) peak. This level may be exceeded on up to 5% of the total number of blasts over a period of 12 months. However, the airblast overpressure must not exceed 120 dB(L) peak for any blast.

Ground-borne vibration level should not exceed 5 mm/sec Peak Particle Velocity (PPV). The recommended PPV level may be exceeded on up to 5% of the total number of blasts over a period of 12 months. However, the level should not exceed 10 mm/sec at any time.

In undertaking the blast impact assessment, a blast monitoring report of a blast at Bates Quarry was used to predict ground vibration and airblast over pressure for future blasts at the site. The following table provides an indication of overpressure levels and ground vibrations at increasing distance from the blast.



The assessment concluded that criteria for ground vibration and overpressure were achievable for the nearest receivers provided appropriate mitigation measures are applied during each blast.

The EPA has reviewed the EIS and included in the GTAs a requirement that blasting must not exceed the maximum overpressure levels and ground vibration levels at the closest receivers.

It is considered that blasting operations are able to comply with the criteria. Consequently, it is considered that the imposition of appropriate conditions to require mitigation measures are undertaken will ensure no significant impacts from the development.

In addition, a recommended consent condition requires monitoring of all blasting events. The developer is required to provide a report on the results of blasting events to the land owners of the nearest residences. If the quarry breaches air quality, noise or blasting criteria on three or more occasions in any 2 year period at any of the nearest residences there is a condition that enables a landowner to require the developer to acquire their land.

5.4. Water Quality and Sediment and Erosion Control

Water quality standards for the development are required to comply with EPA licencing requirements and Kempsey DCP 2013 Clause B4 Earthworks and Sediment Erosion Control and Clause B5 Stormwater Management.

A Surface and Ground Water Assessment (EIS Appendix D, GHD 2014) was prepared for the proposed development, that assessed water quantity and quality impacts associated with the proposed works, including an annual site water balance and water budget. In addition, local and regional flood conveyance matters were considered.

The EPA has reviewed the EIS and included in the GTAs, water quality criteria to be achieved through the provision of a sediment discharge basin and water discharged from

this basin into the watercourse.

It is considered that water quality criteria are able to be achieved for the development and that the imposition of appropriate conditions will ensure no significant water quality impacts from the development.

5.5. Koala Habitat

SEPP 44 requires an assessment of the impact of the development on core koala habitat. Assessment of the site determined it did not contain core koala habitat.

Clause 7.4 of Kempsey LEP 2013 requires that development consent must not be granted unless the consent authority is satisfied that the development is in accordance with the Comprehensive Koala Plan of Management for Eastern Portion of Kempsey Shire LGA Volume I—The CKPoM (Working Provisions), published in April 2011 (the CKPoM).

A Flora and Fauna Impact Assessment (EIS Appendix G, GHD 2014) assessed the vegetation on the site and identified 7.57 ha of preferred koala habitat will be removed at full development of the proposed quarry footprint.

The CKPoM requires the provision of an offset that is no less than two times the total area of potential koala habitat to be removed and that habitat compensation should be undertaken on the same site as clearing where possible.

The Habitat Compensation Measures must take the form of a valid legally binding agreement between the proponent of the development and any person being the lawful owner of land.

The area to be secured as compensation must comprise no more than half existing preferred koala habitat, the remaining area comprising cleared or partially cleared land for revegetation purposes.

Areas being the subject of the compensation measures must be protected by a valid legally binding agreement that ensures the protection of the habitat compensation area in perpetuity through the rezoning of land for habitat protection and/or the application of restrictive covenants on title. Development Consent must be conditional upon the agreement being in place (ie signed registered or otherwise as per the legal requirements of the relevant agreement) prior to any work related to the Development Application occurring on the site.

The agreement must include, to the satisfaction of Council, a Vegetation Management Plan.

The EIS identifies that the total area of koala habitat to be removed is about 7.5ha.

It is noted that the flora and fauna assessment in the EIS used aerial imagery from 2010 when mapping the extent of existing vegetation. Aerial photography from 2012 (SIX Maps) and site inspection indicates that additional clearing has been undertaken since 2012.

In determining the offset required under the Kempsey KPoM, it is necessary to determine the area of potential koala habitat to be removed as a result of the development. The area to be removed “as a result of the development” requires consideration of the area of potential koala habitat allowed to be removed under the existing consent to T6-08-328.

In addition, the existing consent to T6-08-328 requires progressive extraction and rehabilitation of three cells so that impacts on habitat loss are managed. The proposed development will increase the depth of extraction so that rehabilitation of the quarry floor as terrestrial habitat will not be possible.

It is likely that the area of land required to be rehabilitated under consent to T6-08-328 would not be considered to be potential koala habitat under the definition of in the KPoM. However, the proposal does have an impact on the achievement of the rehabilitation of the existing quarry footprint envisaged under T6-08-328.

On balance, it is considered that the required area of offset of 15ha as identified in the EIS is a reasonable outcome for the proposed loss of potential koala habitat.

The owners of the land containing the proposed quarry have offered to provide the retained vegetation on the quarry site plus an adjoining land parcel in the same ownership, being Lot 852 in DP 629622. The offset site is generally cleared land and is considered suitable to satisfy the Koala Plan of Management requirements

To comply with the Koala Plan of Management, development consent is required to be conditional upon a legally binding agreement to be in place prior to commencement of the extractive industry operation under the consent. The agreement is to include a Vegetation Management Plan for the offset site.

The applicant has requested that consent be issued subject to the offset site being satisfied prior to any clearing being undertaken on site. That is, by only operating within the existing cleared area of the site until the required agreements and Vegetation Management Plan are in place.

Council staff have indicated that this approach is considered reasonable as the Koala Plan of Management provisions indicate that the offset is to be provided before the impact of loss and, in the subject case, until there is further clearing of the site, there is no loss of potential koala habitat.

In the circumstances, this approach is considered acceptable. While it would be preferable for the development application to include the complete koala habitat offset package at the time of determination, the Koala Plan of Management appears to provide scope for development to proceed provided the offset requirements are in place before the expected habitat loss occurs.

Conditions of consent are proposed to enable the quarry to operate within the existing cleared area until the koala habitat offset requirements have been satisfied.

5.6. Flora and Fauna

Assessment of impacts on flora and fauna are required to consider the provisions of the Threatened Species Conservation Act 1995, Environmental Protection and Biodiversity Conservation Act 1999 and Kempsey DCP 2013 Clause B10 Tree Preservation and Vegetation Management.

The Flora and Fauna Impact Assessment (EIS Appendix G), in addition to assessing koala habitat impacts, assessed potential impacts on all other flora and fauna as a result of full development of the quarry footprint. The assessment identifies 7.58ha out of a total of 18.45ha on the site is to be removed.

A total of 3.54ha of Endangered Ecological Community vegetation types (Lowland Rainforest - 0.64ha and Swamp Sclerophyll forest on coastal floodplains – 2.90ha) is mapped on the site. None of this vegetation is to be removed. The existing quarry footprint prevents the creation of an effective width buffer along the southern edge of the eastern length of the EEC. However, the expanded quarry footprint potentially creates a new impact on the EEC along its western length. An amended quarry plan has been submitted that provides for a buffer along the southern edge of EEC to the west of the current location of the access road where it crosses the watercourse.

Appropriate consent conditions are recommended to ensure provision of the buffer while the requirement of a Vegetation Management Plan as a recommended consent condition proposes the ongoing protection and maintenance of the buffer.

The Flora and Fauna Impact Assessment identified the clearing of 7.58ha of habitat as not causing a significant effect on threatened species. The assessment also identified only two hollow bearing trees (with the possibility of some others not detected) within the quarry footprint and a low density of fallen logs and woody debris. The assessment recommends preparation of a biodiversity management plan to reduce potential impacts.

It is considered that the proposed clearing will not have a significant effect on threatened species or their habitats. The koala habitat offset site (to be revegetated) together with the management of the retained vegetation on site will provide for the minimisation of impacts on threatened species. Consent conditions requiring the provision of koala habitat offsets and preparation of a Vegetation Management Plan, as recommended in the EIS, will further minimise impacts.

It is considered that with the measures proposed together with the consent conditions, the development will satisfy the requirements of clause 14 of the Mining SEPP in terms of minimising impacts on threatened species and biodiversity to the greatest extent possible.

The provisions of Kempsey DCP 2013 Clause B10 Tree Preservation and Vegetation Management are considered to have been addressed through the assessment provided in the EIS together with the proposed deferred commencement and consent conditions.

5.7. Stability of Quarry Face

Following initial review of the EIS, supplementary advice titled “Proposed Bates Quarry Expansion Geotechnical recommendations” dated 1 July 2014 was submitted.

The report plan makes the following recommendation:

The extent of the quarry shown in the Development Application be recognised as a theoretical maximum while the actual extent is defined through geological mapping and kinematic assessment comprising the following:

- *Detailed geotechnical mapping by an experienced and suitably qualified Engineering Geologist.*
- *Analysis of defect data via stereographic projection followed by a kinematic analysis to identify the potential for planar (sliding), toppling and wedge failures.*
- *Recommendations on quarry crest limit and, if required, modification to proposed benching, ramps and drainage measures.*

To retain the opportunity to alter the final quarry extent and/or bench design if necessary, the geotechnical assessment should be undertaken when there is sufficient rock exposed to characterise the geological structure but before the quarry is deepened or widened to a point that dictates the final quarry extent.

Geotechnical assessment hold points are identified for the quarry footprint prior to excavation below set levels and beyond a specific boundary of the quarry footprint. These recommendations are included in proposed consent conditions.

5.8. Access and Parking

Access

The design of access to the site is to consider the requirements of Kempsey DCP 2013 Clause B2 – Parking, Access and Traffic Management, relevant Australian Standards and Ausroads guidelines. Works within the road reserve will require approval under the Roads Act 1993 which is generally required by condition of consent and prior to commencement of operations.

A Traffic Impact Assessment (EIS Appendix H, GHD 2014) assessed available sight distance at the intersection of the quarry access road and Gowings Hill Road as required by Ausroads guidelines. Sight distances were determined to be 250m to the east and 180m to the west, subject to trimming of vegetation on the northern verge to obtain the sight distance to the west. Subsequent survey design plans demonstrated the required sight distance would be achieved.

The Traffic Impact Assessment did not initially address the intersection design standard under the Ausroads guideline for the quarry access road and Gowings Hill Road intersection. A subsequent concept design was submitted which did not strictly comply with the AustRoads design standards however, it was considered capable of complying and appropriate consent conditions are recommended for works to be completed prior to

truck movements commencing under the proposed consent.

Parking

Kempsey DCP 2013 Clause B2 – Parking, Access and Traffic Management sets standards for a range of land uses in terms of parking provision and design of parking. No parking provision rates are specified for extractive industries. It is considered that there is adequate site area available for vehicle parking and manoeuvring and provided all internal access ways and parking areas are subject to sediment and erosion controls and stormwater management provisions, parking requirements for the site will be provided. A consent condition is recommended to require sediment and erosion control measures are in place including internal access ways and parking areas.

5.9. Traffic Safety

The development proposes to generate up to 90 truck and dog loads per day being a total 180 movements in and out, along the haul route to Macleay Valley Way. The haul route passes through rural residential, residential and industrial areas and truck movements have the potential to impact on traffic safety along this route. It is noted that most public submissions raised the issue of traffic safety.

A Road Safety Audit assessed safety issues associated with the proposed haulage route and identified a number of matters that should be addressed.

Following a number of meetings and discussions with the applicant, the following matters have been identified as required works to address traffic safety issues associated with the haulage route:

- Upgrade of the site haul access and Gowings Hill Road intersection,
- Upgrade of the Gowings Hill Road/West Street intersection,
- Upgrade of the West Street/South Street intersection,
- Review of bus stop locations and implementation of measures to address any safety issues.

These works are considered to be required as a result of the additional truck movements generated by the development and are to be carried out at the full cost of the developer.

The standard and timing of required road works is further discussed below.

Intersection of site haul access and Gowings Hill Road

Council have advised that this intersection should be upgraded to comply with the BAR intersection standard set out in the Ausroads standard. The applicant argues that the development is to provide material for the upgrade of the Pacific Highway and will not increase right turn movements into the site.

The Council argues that:

- the BAR standard is the absolute minimum intersection standard under Ausroads,
- there is no guarantee that deliveries will not be made to the west, particularly with the potential for future rural residential subdivision on land to the west,

- the intersection is located on a horizontal curve which increases the traffic hazard for right turning vehicles,
- the quarry will supply the local market in addition to the Pacific Highway upgrade.

In the circumstances, it is considered that a BAR standard will be required for the intersection but the construction of the upgrade to BAR is not required prior to commencement of haulage under the consent. A condition of consent is recommended to require the upgrade to BAR within 2 years of commencement of the consent.

Upgrade of the Gowings Hill Road/West Street intersection

Council advised that this intersection was required to be upgraded having regard to the increase in truck movements generated by the development and potential safety issues with the conflict with pedestrian movements particularly school children during the morning and afternoon peak periods. The applicant undertook pedestrian counts and as a result of discussions with Council, proposed an upgrade of the intersection involving the construction of a median island in West Street.

Currently, truck movements into and out of the industrial area in South Street would be from Macleay Valley Way and it is reasonable to conclude that the proposed development will generate a significant increase in large trucks passing through this intersection.

In the circumstances, a condition of consent is recommended requiring the intersection to be upgraded as proposed by the applicant.

Intersection of West Street and South Street

Council have advised that the applicant was to investigate the need, or not, for an extension to the existing edge of bitumen to accommodate turning haulage trucks having regard for turning movements in both directions on the south side of South St. The result of these investigations has not been provided.

The applicant provided a design for the upgrade of the intersection (by Hopkins Consultants dated 20/08/2014) involving line marking and signage based on available survey information but did not identify the need for any pavement extension.

There is some doubt about the actual edge of bitumen shown in the available survey and additional investigation is required.

Currently, truck movements into and out of the industrial area in South Street would be from the eastern end from Macleay Valley Way and it is reasonable to conclude that the proposed development will generate a significant increase in large trucks passing through this intersection.

In the circumstances, a condition of consent is recommended requiring the intersection to be upgraded including any additional road pavement extension if detailed design identifies the need to accommodate turning haulage trucks.

South Street Bridge Approach Works

The addendum to the Road Safety Audit identified the need to upgrade South Street road works on the approach to the bridge crossing in the road reserve, including providing edge and centrelines, warning signs and reflectors on safety barriers.

Council considers the existing bridge and associated signage etc. currently services the needs of the existing industrial estate and that the quarry development is adding significantly to heavy type traffic generation and consequently greater safety impacts from the development and that the costs of works should be met by the developer.

In the circumstances, having regard to this section of South Street being within an existing industrial area with existing truck movements, it is not conclusive that the development solely gives rise to the required works. No condition of consent is proposed for these works.

5.10. Traffic Noise

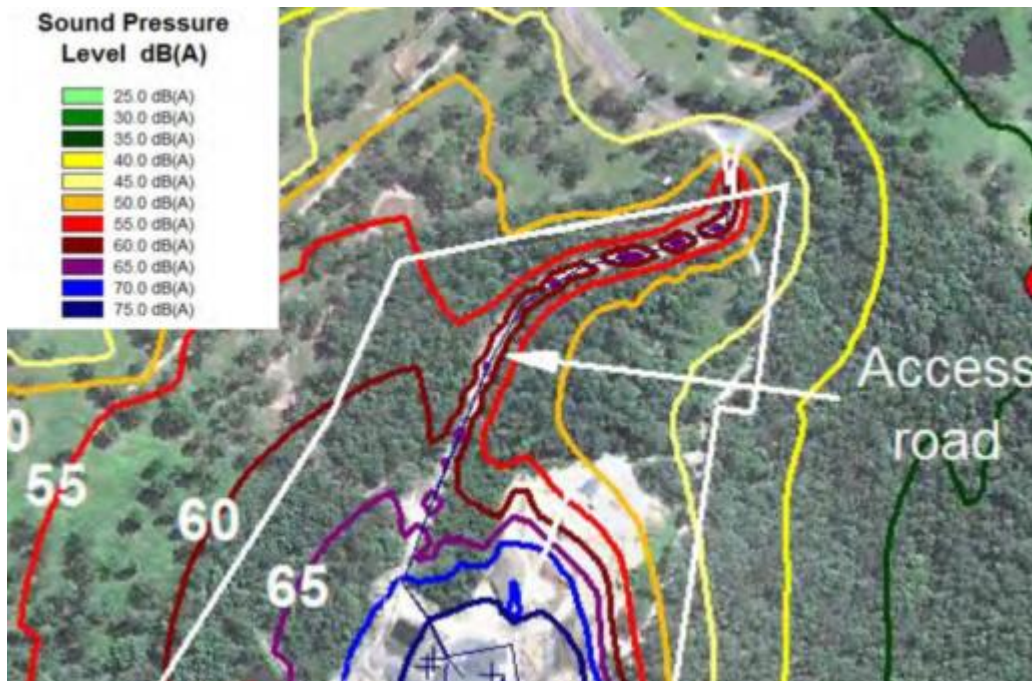
The Noise Impact Assessment (Appendix E, GHD 2014) included a predictive assessment of the increase in traffic noise resulting from trucks generated by the development traveling along the haulage route.

The NSW Road Noise Policy (EPA, 2011) provides non-mandatory road traffic noise target levels for land use developments with a potential to create additional traffic on public roads. The traffic noise target level at residential receivers on a sub-arterial road is 60dB(A) for day time hours.

The target level is substantially higher than the target under the Industrial Noise Policy for residential receivers and recognises that a public road such as Gowings Hill Road is required to service the rural hinterland.

The Noise Impact Assessment predicted that road traffic noise levels would only increase by 1dB(A) based on the predicted increase in total traffic of about 18% on Gowings Hill Road.

Analysis of the modelled noise contours from the access road within the quarry site (see extract of noise contour map on following page) indicates that the predicted 60dB(A) contour is very close to the road edge. This indicates traffic noise is unlikely to exceed the 60dB(A) noise target for houses setback more than 10m from the road pavement as a result of trucks generated by the development.



5.11. Greenhouse Gas Emissions

Following initial review of the EIS, supplementary report titled Greenhouse Assessment Proposed Expanded Quarry (GHD July 2014) was submitted to satisfy clause 14(1)(c) and (2) of the Mining SEPP. The assessment determined that the emissions from the proposal are minor compared with total emissions for NSW and Australia. The report recommends the following mitigation measure:

- Optimisation of operational activities and logistics,
- Use of more efficient plant and vehicles,
- Use of biodiesel should be further investigated and used, where possible, on the proposal.

It is recommended that these requirements be incorporated in the Environmental Management Plan required for the development.

5.12. Rehabilitation

The EIS provides a preliminary rehabilitation plan (Appendix B). The plan consists of:

- Allow the excavated quarry area to progressively fill with water from rainfall
- Fence the perimeter,
- Rip the above water level surfaces to enable keying in of top soil,
- Using stockpiled top soil to spread across the ripped areas,
- Hand seeding and planting of natives,
- Maintaining sediment and erosion controls until establishment.

To ensure that rehabilitation is completed, there is a provision in the agreement between the quarry operator and the land owner to deposit \$0.20 per tonne of material won and hauled, into sinking fund which is to be used for the costs for rehabilitation.

A consent condition is proposed that requires the quarry operator to ensure

implementation of the rehabilitation plan and submission of annual reports on the balance of the sinking fund.

5.13. Waste Management

The EIS identifies various waste streams generated by the development including excavation waste, vegetation waste, packaging materials and liquid wastes and proposes to minimise waste by re-use or recycling on site. Waste is proposed to be managed in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2001, the Protection of the Environment Operations Act 1997, the OEH Waste Classification Guidelines 2009 and the “principles of waste management hierarchy. Mitigation measures are detailed in the EIS (section 5.9 and table 5-48). A proposed condition of consent requires implementation of the measures identified in the EIS.

5.14. Developer Contributions – Road Maintenance Levy

In addition to the development creating a demand for road work improvements to address traffic safety issues as discussed in section 5.9 of this report, the haulage of up to 450,000 tonnes of extractive material per year will have a significant impact on the pavement of the road haulage route.

Kempsey Shire Council’s *Local Roads and Traffic Infrastructure Developer Contributions Plan 2009*” (effective from 12 January 2010) specifies the following requirement:

5.3.4 Haulage Provisions

Extractive and rural industries where land use is intensified and results in heavy vehicle movements on local roads will be subject to a contribution under this plan for the upgrade of the roads being used by the development. The contribution is calculated on gross tonnage hauled. Contributions payable are calculated on receipt of the development application and are unique to each application.

The NSW Independent Pricing and Regulatory Tribunal has issued the *Local Infrastructure Benchmark Costs – Costing Infrastructure in Local Infrastructure Plans Final Report April 2014* to guide Council’s in the calculation of fair and reasonable contribution rates. The report provides guidelines for section 94 contributions in mining areas based on the additional cost for road maintenance attributed to mining activity.

The IPART methodology specifies the following steps:

Step 1: Determine the lifetime cost of maintenance for a typical road with an assumed natural life of 20 years.

Step 2: Assume reduced lifespans resulting from mining activity using notional lower and upper bounds and convert this to an additional cost per km, per year.

Step 3: Apportion costs derived at lower and upper bands on a mine by mine basis by determining the total kilometres of affected road (shared and non-shared) for the relevant mine and allocating the total cost on a pro rata mine output basis across the

different mines.

The IPART provides benchmarks of \$11,101/km/year (lower bound) to \$42,818/km/yr (upper bound).

Council have advised that they have undertaken recent investigations to determine the appropriate benchmark value for Gowings Hill Road and concluded that the upper bound value was the appropriate rate.

Based on 450,000 tonnes per year from the proposed quarry and a minor component of shared use with another existing quarry to the west of the site (Westermans Quarry, 1,200 tonnes per year), Council have adopted a contribution rate of \$0.095/tonne/km. With a haul route of 8.1km, the contribution rate is \$0.77 per tonne. In the event that South Street is extended to Gowings Hill road, the haul route would be reduced to 7.0km and the contribution would be reduced to \$0.665 per tonne.

Council have requested the imposition of a contribution rate of \$0.77 per tonne based on the nominated haul route.

The proposed method of calculation is considered to be validated through the use of the IPART methodology and benchmarks. It is recommended that a condition of consent be imposed requiring a contribution of \$0.77 per tonne. It is noted that the applicant may apply for a reduction in the event that the extension of South Street is constructed and the haul route length is reduced.

6. SUBMISSIONS

A total of 51 submissions were received, from 43 different individuals, businesses or organisations as some individuals made multiple submissions.

Nine submissions supported the proposal.

One submission from "Stop the Trucks in Kempsey" included a petition signed by 195 persons although many of the signatures are illegible.

The remaining 41 submissions raised objections to the proposal on the following grounds:

6.1. Impacts from trucks – road pavement

Comment:

The development will have an impact on the road pavement as a result of the number of truck movements generated. Consent is subject to the payment of road contributions in accordance with Council's Contribution Plan. The contribution rates are set to ensure the cost of damage to the road caused by the development is paid for by the development.

6.2. Impacts from trucks – noise

Comment:

Road traffic noise criteria recognise the service that rural roads provide to the rural

hinterland. The noise impact assessment contained in the EIS estimated a minor increase in road traffic noise based against NSW Road Noise Policy (EPA 2011). The target noise level of 60dB(A) for sub-arterial roads is unlikely to be exceeded as a result of the development.

6.3. Impacts from trucks – traffic safety

Comment:

The Road Safety Audit identified a number of road safety issues required to be addressed to achieve acceptable traffic safety along the haulage route. The important safety issues are to be addressed by conditions of consent, including upgrade to the access road/Gowings Hill Road intersection, the Gowings Hills Road/West Street intersection and the West Street/South Street intersection. With the implementation of these works, the development is considered to not cause a significant impact on traffic safety.

6.4. Noise

Comment:

Noise impacts have been assessed and it is considered that the development is able to comply with established noise criteria. Consent conditions require compliance and if exceeded, further mitigation measures are required and if necessary property acquisition where noise criteria cannot be achieved.

6.5. Amenity impacts

Comment:

Impacts from noise, dust, blasting and traffic are considered to be adequately addressed. While there will be some impacts from increased truck movements, these impacts are not considered to be significant or unreasonable.

6.6. Ecological impacts and loss of koala habitat

Comment:

Ecological impact assessment indicates no significant impacts on threatened species. Koala habitat offsets are proposed in accordance with Council's Koala Plan of Management.

6.7. Water quality impacts

Comment:

Water quality treatment measures are incorporated in the development to achieve established water quality standards. Water quality monitoring and licensing with the Environment Protection Authority is required. Consent conditions are proposed to require the achievement of required water quality standards.

6.8. Blasting impacts

Comment:

Assessment of blasting impacts shows that overpressure and vibration levels at the nearest residential receivers will be within established standards. Monitoring of blasting events is required to demonstrate compliance. Where maximum allowable levels are exceeded on three or more occasions in a 2 year period, consent conditions provide for affected land owners to request the developer to acquire their property.

6.9. Dust impacts on residences

Comment:

Air quality modelling has demonstrated that dust from the development is able to be managed to comply with required air quality standards and will not have a significant impact on any residences.

6.10. Ensuring rehabilitation of site

Comment:

Consent conditions require site rehabilitation. In addition, there is a requirement in the profit a prendre (agreement) between the land owner and the quarry operator to set up a sinking fund to cover the cost of rehabilitation. Annual statements of the balance of the sinking fund are required to be submitted as a condition of consent.

6.11. Out of character

Comment:

Extractive industries are a permissible use in the zone and are appropriately located in rural areas. The site operations will not be visible from the public road or adjoining properties and noise, dust and blasting impacts will be within accepted limits. Truck movements will increase along Gowings Hill Road as a result of the development. Conditions of consent require upgrade works along the haul route. When completed, the proposed increase in the number of truck movements is considered to be within the capacity of the road, subject to payment of contributions for maintenance in accordance with the recommended consent condition.

6.12. Land use conflicts

Comment:

The assessment of impacts from noise, dust, blasting and water quality indicates no significant conflict with adjoining land uses. Traffic increase from trucks along Gowings Hill Road will create some conflicts with the expectation of residents in rural residential zones however, these expectations are considered unreasonable having regard to the function of Gowings Hill Road to serve the local hinterland.

6.13. Contrary to Zone Objectives

Comment:

The zone objectives are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

Extractive industries are specifically permitted in the zone. The proposed use does not impact on primary industry production, does not detract from the rural landscape and does not prevent the establishment of compatible land uses. Consequently, the use is not inconsistent with the zone objectives.

6.14. In breach of current consent

Comment:

The issues associated with the existing consent are not relevant to the consideration of the current application.

7. THE PUBLIC INTEREST

In consideration of the management of impacts associated with the development, the need to make best use of local resources and to ensure a ready supply of material to meet the needs for road construction for the Pacific Highway, the broader public interest will be served in approving the application.

8. RECOMMENDATION

That consent be granted to Development Application DA-T6-14-53 for expansion of an existing extractive industry to 450,000 tonnes per annum on Lot 4 DP 622304 at 593 Gowings Hill Road Dondingalong subject to the conditions of consent contained Annexure 1.