

JOINT REGIONAL PLANNING PANEL

(Northern)

JRPP No	2014NTH016
DA Number	DA 41/2015
Local Government Area	Narrabri
Proposed Development	Expansion of Gravel Quarry
Street Address	Westport Road Narrabri
Applicant/Owner	Narrabri Shire Council/Forestry Corporation
Number of Submissions	<p>Public:</p> <ul style="list-style-type: none"> - One (1) Submission <p>Government Agencies:</p> <ul style="list-style-type: none"> - Roads and Maritime Services - NSW Rural Fire Service - Environmental Protection Authority - NSW Trades and Investment
Regional Development Criteria (Schedule 4A of the Act)	Schedule 4A Section 8(a) Extractive Industries which meet the requirements for designated development.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP No 33 Hazardous and Offensive Development • SEPP No 44 Koala Habitat Protection • SEPP No 55 Remediation of Land • SEPP (Mining, petroleum production and Extractive Industries) 2007 • Narrabri Local Environmental Plan 2012
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Application and Environmental Impact Statement • Annexure 1 Public Submissions • Annexure 2 Submissions from Government Agencies • Annexure 3 Revised comments NSW Roads and Maritime Services • Annexure 4 Noise Impact Assessment, other additional information and response to issues raised in the submissions provided by Council

	<ul style="list-style-type: none"> Annexure 5 Advice from HWL Ebsworth Lawyers and Forestry Corporation about the developments permissibility
Recommendation	The recommendation is for approval of the proposed quarry expansion. Subject to agreement regarding the permissibility of the proposal, there are no concerns raised in responses from Government Agencies or the Public submission, that cannot be adequately addressed by conditions of consent.
Report by	David Casson – Planning and Development Advisor, MM Hyndes Bailey & Co
Report date	1 June 2015

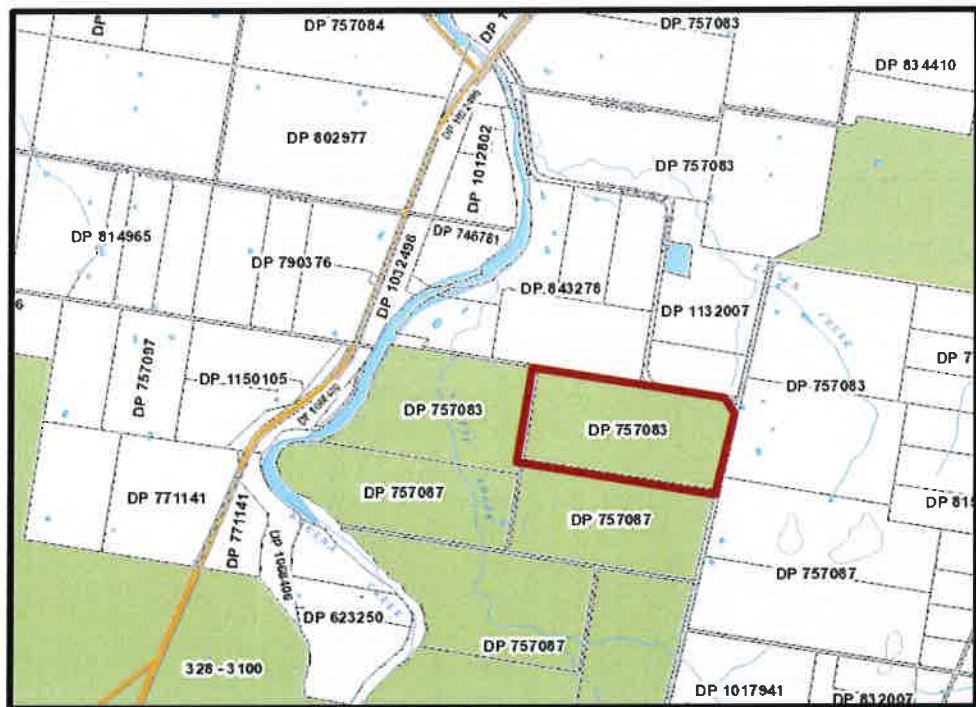


Figure 1 Location Plan



Figure 2 Aerial view of subject land

DESCRIPTION OF PROPSAL

The application seeks approval for the extension of an existing quarrying operation (Westport Quarry) by Narrabri Shire Council located within Jack's Creek State Forest on land owned by NSW Forestry Corporation.

The continuing operation of the quarry requires an expansion of the area to enable the resource to be won. The proposed extension will exceed an area of disturbance of 2ha therefore is classified as 'designated development' under the provisions of the *Environmental Planning & Assessment Regulation, 2000*.

Designated Development requires the preparation of an Environmental Impact Statement (EIS) and specific procedures to be followed in the preparation of the documentation, consultation with relevant agencies, advertising etc. Determination of the application will be the responsibility of the Joint Regional Planning Panel.

The expansion of the site will be to the south and east of current disturbed area and require clearing of vegetation, subject to the approval of the NSW Forestry Corporation. The expansion will extend the quarry footprint to 4.74ha with an estimated resource of some 189,600 tonnes. Depending on extraction rates, the resource could last for approximately 40 years .

The amount of gravel extracted has been variable over the years ranging from approximately 1000 tonnes to 5000 tonnes per annum. The EIS confirms that the quarrying activities produce less than 30,000 tonnes per annum and therefore no Environmental Protection License is required. The application does however seeks to confirm a maximum permissible extraction of up to 30,000 tonnes should additional material for eg: flood damage repairs be required.

RELEVANT HISTORY

Narrabri Shire Council operates some 14 quarries across the Shire. Material won is utilized primarily on road maintenance and / or construction programs. The Westport quarry has operated for many years and, as stated in the EIS accompanying the application, *"had commenced activity prior to the requirement for an approval to be obtained"* (p11).

Westport quarry is the primary source of gravel material for the southwest central part of the Shire. The gravel has also been identified for its potential as a foundation material for Council infrastructure projects in Narrabri.

The current operations involve contractors winning the gravel and crushing it on site. The gravel is stockpiled until a project requires the material, at which time Council employees load the material onto trucks for transport to the site. A water truck will generally also be used to minimize dust generation.

As stated above extraction rates have been historically quite low ranging from approximately 1000 tonnes to 5,000 tonnes per annum.

PERMISSIBILITY OF PROPOSAL

Initial assessment of the Environmental Impact Statement prepared by SMK Consultants gave rise to the question of permissibility of the proposed expansion within the RU3 zone

Subsequently comments / legal advice were sought from both Forestry Corporation and Council's Solicitors. Copies of the advice received are provided as confidential attachments to this report.

In summary, the advice is conflicting with differing viewpoints being presented.

HWL Ebsworth acting on behalf of Council concluded their advice with the following:

On the basis that it is highly unlikely that the part of the Site exposed for the Expansion has been held in reserve for quarrying, we consider that even if the Site had the benefit of existing or continuing use rights, such rights would not benefit the Expansion. As such, unless the Expansion is permitted without consent under the LEP or with consent under the Mining SEPP (neither of which we consider to be the case), the Expansion is development that is prohibited under s76B of the EP&A Act

The response from Forestry Corporation was received following review of the abovementioned advice. Council also suggested that an amendment to the LEP could be made to clarify the permissibility of the proposal, indicating initial favourable response from the Department of Planning and Environment to any such Planning Proposal.

The differing in opinion to Council's advice was largely in relation to interpretation of the State Environmental Planning Policy (Mining Petroleum and Extractive Industries) 2007. Based on this they did not consider that any amendment to the LEP was necessary.

The summary in the advice states that:

In our opinion

- 1. The DA is permissible with development consent within the RU3 Forestry Zone*
- 2. Council is the consent authority and should assess the DA under the EP&A Act*
- 3. There is no need to amend the LEP*

The following assessment is completed on the basis that the Joint Regional Planning Panel accepts the position presented by Forestry Corporation and that the proposal is permissible in the RU3.

Should the JRPP however be of the view that the proposal is not permissible, it is suggested that the application be withdrawn and subsequently resubmitted, following preparation and approval of a Planning Proposal and ultimately, gazettal of an amendment to the Narrabri LEP to enable the expansion of Westport Quarry to be undertaken as proposed.

Note that in the preparation of this document, MM Hyndes Bailey has not formed a view to support or refute either of the legal opinions received. The decision whether the proposed expansion is permissible under the existing LEP is for the consent authority to determine.

REFERRALS

Engineering

The Engineering Department have been requested to provide a response to the public submission received. Such comments are included elsewhere in the report.

- Health & Building
No comments

External referrals for concurrence –

- NSW Rural Fire Service
Response dated 5/11/14 advised that a condition requiring the preparation of an emergency and evacuation plan addressing Section 4.2.7 of 'Planning for Bushfire Protection 2006' should be prepared prior to commencement of development
- Roads and Maritime Services
Response dated 14/10/14.
No objection to approval, however request a number of conditions be considered for inclusion in any consent, In summary:
 - Provide a basic right turn (BAR) at Newell Highway intersection
 - Provide a basic left turn (BAL) at Newell Highway intersection
 - Seal Newport Road for 30m from the Newell Highway intersection
 - Provide safe intersection sight distance (SISD) at Newell Highway intersection
 - Before commencement, contact RMS to determine if Road Occupancy License (ROL) is required
 - Enter into a Work Authority Deed (WAD) with RMS
 - Install any gate, grid etc at quarry, minimum 20m (for single articulated) or 30m (for B Double) from edge of Westport Road
 - All work to satisfy RMS before operation of the development

Response dated 27/01/2015

RMS remove previous requirement for Basic Right (BAR) turn treatment based on advice from Council staff (Mr Pilgrim) *"that council does not maintain any roads south of Westport Road and therefore, no quarry related traffic approaching or departing Westport Road from / to the south is necessary"*.

- Department of Trade and Investment –Resources & Energy
Response dated 21/10/14 from Geological Survey of NSW. Notes that a resource assessment document or commitment to report annual production statistics was provided as requested in the Director General Requirements. Response notes that the site has a long history of extraction giving the proponent a thorough knowledge of the geology and characteristics of the material and therefore has no resource related issues regarding the Westport quarry.

SUBMISSIONS

Surrounding properties were notified of the development proposal between 24 September and 9 October. An advertisement was placed in the Courier Mail on 23 September and 9 October.

One submission was received with the main issues raised being summarised and commented upon below under the submitter concerns heading.

ENVIRONMENTAL PLANNING INSTRUMENTS**Narrabri Local Environmental Plan 2012:**

<u>NARRABRI LOCAL ENVIRONMENTAL PLAN 2012</u> <u>CLAUSE</u>	<u>PLANNING COMMENT</u>
Part 1 Preliminary	
1.2 Aims of the Plan	The proposal does not contravene the aims of the Plan.
Part 2 Permitted or Prohibited Development	
2.2 Land Use Zone	The subject land is zoned RU3
2.3 Land Use Table	<p>As per previous discussion, the consent authority must satisfy itself that the proposal is permissible within the RU3 zone.</p> <p>Legal advice from the Forestry Corporation concluded the following: <i>In our opinion</i></p> <ol style="list-style-type: none"> 1 <i>The DA is permissible with development consent within the RU3 Forestry Zone</i> 2 <i>Council is the consent authority and should assess the DA under the EP&A Act</i> 3 <i>There is no need to amend the LEP</i> <p>Assuming the consent authority is satisfied with this position, the expansion is considered compatible with the forestry land uses. It would be undertaken with the approval of the NSW Forestry Corporation whom have provided consent to lodge the development application to expand the existing quarry.</p>
2.3 Zone Objectives	The proposal is consistent with the zoning objectives for the RU3 zone
Part 4 Principle Development Standards	
4.1 - 4.6	Not applicable to this proposal
Part 5 Miscellaneous Provisions	
5.1 - 5.8	Not applicable to this proposal
5.9 - Preservation of trees and vegetation	Not applicable to this proposal - No DCP requirements
5.9AA - Trees or vegetation not prescribed by DCP	Removal of any vegetation on site is permissible without development consent
Part 6 Additional local provisions	
6.1 Earthworks	The quarrying activity will require earthworks to be undertaken. Such work however will be in accordance with an approved Environmental Management Plan which will address the quarrying process and ensure minimisation of impacts.
6.2 Flood Planning	Not applicable to this proposal
6.3 Airspace operations	Not applicable to this proposal
6.4 Development in areas subject to aircraft noise	Not applicable to this proposal
6.5 Essential services	Applicable to the extent regarding suitable vehicular access to the site which is dealt with in the report.

Narrabri Development Control Plans & Council Policies

<u>DEVELOPMENT CONTROL PLAN</u>	<u>CONSIDERED</u>	<u>PLANNING COMMENT</u>
Development Control Plan Notification Policy	Yes	Surrounding properties were notified of the development proposal between 24 September and 9 October. An advertisement was placed in the Courier Mail on 23 September and 9 October
Interim Floodplain Management Policy	NA	
Provision of Rainwater Storage Tank Policy	NA	
Local Approvals Policy	Yes	The application requires consent
Development Control Plan Landfill Development	NA/	
Development Control Plan Medium Density	NA	
Development Control Plan Outdoor Advertising	NA	
Development Control Plan Parking Code	NA	
Development Control Plan Parking Code No 1	NA	
Development Control Plan Subdivision Code	NA	
Development Control Plan Transportable Homes	NA	
Development Control Plan Water Supply to Buildings	NA	
Development Control Plan Drainage to Buildings	NA	
Development Control Plan Development Control Plan Building Line	NA	
Development Control Plan Encroachments onto Public Road	NA	
Development Control Plan Building Near Sewer and Stormwater Mains	NA	
Development Control Plan Temporary On-site Residential Accommodation (Rural Zones) Policy	NA	
Development Control Plan Industrial Development Code	NA	
Section 94 Contributions Plan	NA	
Section 94A Contributions Plan	NA	

The EIS considers other NSW legislations which potentially include requirements for the proposal. In brief summary they are:

National Parks and Wildlife Act 1974

Comment Flora and Fauna assessment undertaken and Aboriginal Cultural Heritage Assessment undertaken

Threatened Species Conservation Act 1995

Comment Seven Part Test undertaken

Protection of the Environment Operations Act 1997

Comment Extraction is less than 30.000 tonne per annum threshold therefore no Environment Protection License required.

Heritage Act 1977

Comment No heritage items on the land

Contaminated Lands Management Act 1997

Comment The land has not been declared Contaminated by the EPA

State Environmental Planning Policies:

The EIS document refers to and discusses the following:

SEPP No 33 – Hazardous and Offensive Development

Comment The assessment determined that the SEPP does not apply as 'extractive industry' is not included in the definition of 'industry'

SEPP No 44 – Koala Habitat Protection:

Comment The investigation revealed that neither the quarry site or surrounds contain core or potential koala habitat therefore the no further consideration required.

SEPP No 55 – Remediation of Land:

Comment EIS states that visual inspection and historical and present use have led to the conclusion that it is unlikely that existing contamination would render land unsuitable for present and proposed use. A preliminary assessment was undertaken and attached to the EIS

SEPP (Mining, Petroleum Production and Extractive Industries) 2007:

Comment A number of relevant clauses were considered and commented on. The similarity between some of the SEPP requirements and clause 10 of the LEP were noted. Many of the clauses are procedural which have been adhered to and / or are dealt with in the EIS.

Regional Environmental Planning Policies:

Draft Strategic Regional Land Use Plan: New England North West

The EIS indicates that the draft plan “has no implications for this proposal if adopted in the present form”

Draft Environmental Planning Instruments:

The proposal does not relate to any draft Environmental Planning Instruments.

Planning Agreement

There are no planning agreements or draft planning agreements relating to the land.

Environmental Planning and Assessment Regulations 2000

The application has been dealt with as designated development. The requirements listed in the Regulations in respect of seeking Director General Requirements, Consultation, Preparation of the EIS and notifications have been satisfied.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

The proposal is to expand the existing quarrying operation into the adjoining Jack's Creek State Forest by approximately 100m to the south. The impact of such expansion would have minimal if any impact on the context and setting of the locality particularly given the existing activity on site. Some vegetation (primarily regrowth) will be cleared however the expansion is moving away from Westport Road and will not impact on views or the like of anyone travelling along the road

Potential Impact on Adjacent Properties

The quarry is located in the north eastern section of Jack's Creek State Forest. Land to the north and east of Westport Road is owned privately. The two nearest dwellings to the quarry are approximately 350m north of the centre of the quarry and 900m to the east. Two other dwellings are approximately 1600m distant. The four properties are grazing farms using the Westport Road for access to the Newell Highway.

See comments elsewhere in respect of predicted noise generated from the proposal.

Access, Transport and Traffic

Access to the subject land is initially via the Newell Highway and then Westport Road. Materials transported from the quarry will initially use the same route and then various other roads to the site of upgrading or maintenance.

Westport Road is a gravel road maintained by Council. Traffic using the road is generally from local residents, quarry related and vehicles servicing the Coal Seam Gas industry which is undertaking some projects in the vicinity. Related Quarry related vehicles are dog and truck units of approximately 25 tonne capacity. During road maintenance programs, there may be up to 8 trucks making 6 trips per day. These numbers are not however consistent in trucks used or frequency. They are dependent on the particular road project being undertaken.

Several small vehicles may also be associated with the activities being contractors and / or machinery operators.

The expansion of the quarry will not generate additional truck movements. The expansion is to enable a continuation of gravel supply for road maintenance etc from this location.

The EIS concluded the following from *"the assessment of road investigations into the proposed expansion of Westport Quarry"*:

1. • *The development proposal is to prolong the life of the quarry by extending by a proportion of 4.74 HA further into Jacks Creek State Forest and will not alter potential daily traffic numbers;*
2. • *Access to the site would remain via Westport Road;*
3. • *Existing road network operations on the haul route are well within the technical capacity limits and operational levels of service will remain satisfactory at 'A';*
4. • *All existing intersection between the quarry and the Newell highway are considered to meet or exceed the requirements of current best practice design*

It considered that the volume of traffic associated with the quarry, together with the current flow on Westport Road, will have a minimal impact on the level of service for all road users

The application was referred to the Roads and Maritime Services for comments. Their initial response dated 14/10/2014 stated:

No objection to approval, however request a number of conditions be considered for inclusion in any consent, In summary:

- *Provide a basic right turn (BAR) at Newell Highway intersection*
- *Provide a basic left turn (BAL) at Newell Highway intersection*
- *Seal Newport Road for 30m from the Newell Highway intersection*
- *Provide safe intersection sight distance (SISD) at Newell Highway intersection*
- *Before commencement, contact RMS to determine if Road Occupancy License (ROL) is required*
- *Enter into a Work Authority Deed (WAD) with RMS*
- *Install any gate, grid etc at quarry, minimum 20m (for single articulated) or 30m (for B Double) from edge of Westport Road*
- *All work to satisfy RMS before operation of the development*

Subsequent discussion and clarification with Council resulted in a further response being received, dated 27/01/2015:

RMS remove previous requirement for Basic Right (BAR) turn treatment based on advice from Council staff (Mr Pilgrim) "that council does not maintain any roads south of Westport Road and therefore, no quarry related traffic approaching or departing Westport Road from / to the south is necessary".

Recommended conditions of consent incorporate the requirements of the RMS

Utilities

The quarrying activities undertaken and proposed do not rely on provision of utilities to the subject land.

Other Land Resources

The proposed expansion will not have any significant adverse effect on conserving and using valuable land resources. The subject land is not productive agricultural land. The expansion will allow access to extractive resources which will be utilised to the benefit of the Narrabri Shire and its residents and will not impact on water supply catchments.

Water and Soil

The operation and expansion of the quarry does not require water for its activities.

In respect of groundwater - the EIS states that

The quarry is excavated to a depth of between three and four metres below ground level. There is no aquifer at this depth range and therefore the quarry is not anticipated to interfere with local groundwater tables.

The rock resource that is to be excavated does not include any substantive areas of sandstone which may form part of the local groundwater recharge system

In respect of surface water, there is no local watercourse within or in proximity to the site and there are no flooding issues. There is minimal slope across the quarry site, and stockpiles of material mitigate entry of runoff to the site with rainfall directed to a small dam in the lower section of the existing quarry.

A Soil and Water Management Plan (SWMP) in accordance with the Landcom document Managing Urban Stormwater: Soils and Construction. Vol 1 4th ed (Landcom 2004) has been developed and is attached to the EIS. The implementation of this document will ensure that appropriate measures are in place to mitigate any potential impacts arising from the quarrying activities.

Air/Microclimate

There are several aspects of quarry operations which could impact on local air quality.

Diesel exhaust from equipment associated with the winning, crushing and transporting of material will be evident during these activities. However, due to the relatively infrequent periods of quarrying, the fact that expansion of the quarry will not increase such frequency and the open nature of the site, the impacts are considered minimal.

The winning and processing of gravels as well as transport of material will produce varying levels of dust, dependant on climatic conditions at the time. The EIS indicates that the following measures exist or will be put in place to mitigate potential impacts:

- Maintain suitable vegetative buffer around the east and north edge of the quarry area
- Utilise a water truck to
 1. wet and main internal haul route within the quarry and at the entrance
 2. dampen the section of road near the closest residence (northern side of Westport Rd)
- Rely on dust settling within the adjoining forest area with the closest residence some 350m distant
- Site supervisor to alter or cease dust emitting activity should weather conditions direct dust to and potentially impact on the closest residence

These measures are considered appropriate for the circumstances and will be incorporated into conditions of consent.

Flora and Fauna

The existing quarry has been in operation for a period exceeding 20 year. The proposed expansion will incorporate land which is part of the Jacks Creek State Forest. The EIS indicates that a search of the NSW National Parks and Wildlife's Atlas of NSW Wildlife within a 10km area, centred by the quarry, revealed two threatened flora and four vulnerable fauna species recorded in the search area.

A Seven Part Test as required by section 5A of the NSW Environmental Planning and Assessment Act 1979 was undertaken attached to the EIS.

The EIS stated that:

The assessment has indicated that the proposal to expand the quarry does not represent a significant action that may impact on local fauna and flora species to an extent which may cause an extinction of a species, population or community.

A general assessment of the proposal has indicated that the quarry expansion should be considered in relation to the total area to be cleared and the frequency for which the site is utilised. The area to be cleared represents a relatively small part of Jacks Creek State Forest. The productive capacity of the forest is considered to be low and therefore fauna density in the immediate surrounds of the quarry would be considered as low. On this basis, the potential dispersment of individuals or a small population from the clearing to be undertaken is not considered to be of an extent that it would impact on population dynamics of the fauna or flora community in the surrounding forest. A second factor to be considered in this assessment is the frequency in which the site operates. The proposal would involve site operations for 6 to 10 weeks per year based on 2 to 3 week project periods. For the remainder of the year the site would remain undisturbed. It was noted that the open quarry area provides a temporary source of water which is not available in the adjoining forest area. In addition to this, grasses and other forbs growing across part of the disturbed area provide additional forage areas for kangaroos and wallabies.

In summary, the potential impact on local flora and fauna is considered to have both negative and positive effects. The negative effects are considered as minor and the potential positive effects of a source of semi-permanent water and foraging may outweigh the negative impacts.

The assessment for the development indicates that issues regarding flora and fauna have been identified, considered and addressed appropriately

Waste

There is minimal if any waste generated from the quarrying operations. Any materials (such as parts or those from equipment breakdown) will be removed by the operator. There are no concerns in this regard

Noise & Vibration

The EIS considers existing and predicted noise levels in some detail. A report from Advitech Environmental was also commissioned, a copy of which is attached to this report. It is noted that there is no blasting required to win the material.

In summary, the features of the proposal in respect to noise and vibration include:

1. *Location of the quarry in relation to:*
 - *adjoining Jack's Creek State Forest,*
 - *closest sensitive noise receivers which are residences not associated with the quarry and are R1 (350m) and R2 (920m)*

2. *noise generating quarry associated activities including*
 - *winning the gravel (no blasting)*
 - *crushing the gravel*
 - *transporting the gravel*
3. *Frequency and nature of quarrying activities*
4. *History of past quarrying activities*
5. *Assessment and prediction of noise levels*

The Advitech Environmental report provided the following discussion and conclusion:

The acoustic impact of the proposed expansion of Westport Quarry operations is predicted to exceed the adopted PSNL of 35dBALeq at the nearest noise sensitive receiver (R1) during typical quarry operations. Minimal to negligible acoustic impact is predicted at all other sensitive receivers surrounding the quarry operations and transportation route.

Advitech Environmental understands that rather than permanent operation, the quarry would operate on a campaign basis to win material only in order to meet specific needs of NSC. On the basis of these potentially short term operational scenarios (on the order of weeks or months), it is considered that potential impacts at receivers R1 and R2 may be managed via effective consultation with affected residents, and with reference to noise management practices for short term or temporary works established in the Interim Construction Noise Guideline (ICNG).

Natural Hazards

The EIS considers the implications of 'Planning for Bushfire Protection' (NSW Rural Fire Service 2006) in some detail. While the location is nominated in Council's Bushfire Hazard Mapping as bushfire prone, the nature of the proposal and operations therein mitigate / negate requirements in respects of establishment and maintenance of asset protection zones.

The EIS considers the objectives of the PBP 2006 document and concludes that the proposal is consistent with the objectives and that no bushfire protection measures are required.

There are no known geological hazards associated with the site.

Safety, Security & Crime Prevention

The public submission raised concerns regarding adequacy of fencing to the site. Council's Engineering Department has confirmed that security fencing will be provided to the road frontage of the quarry and side returns to a reasonable distance to discourage unauthorised entry.

Machinery on site will be secured when not in use and given the nature of the locality, there are minimal concerns regarding site and equipment security.

Social Impact on the Locality

The expansion of the existing quarry will contribute positively to community infrastructure at a cost level which will improve the potential for economic gravel road upgrading and / or maintenance in the locality. Improved roads have a positive social benefit.

There are adverse interactions between the proposed development and the local community

Economic Impact on the Locality

The economic benefit is to Council and thereby the community as a whole. The capacity to win and use gravel within reasonable proximity to the roads being serviced represents significant cost savings due to reduced transport costs and time required to undertake such work.

Employment is generated or at least maintained for Council staff and / or local contractors who may be engaged in any of the various quarry related activities.

Site Design and Internal Design

There are no concerns in respect size or shape of the quarry. The proposal is an expansion of the existing operation and is relative to the resource.

Some clearing of vegetation will be required to facilitate the expansion.

Drainage lines are established to ensure sediment laden material is directed to the sediment dam and does not discharge from site.

Cumulative Impacts

The expansion of the quarry will not lead to any significant increase in activity from the quarry. The expansion will ensure a continuation of supply of gravel for Council use at an economic rate.

The potential impacts from the expansion have been identified and subject to compliance with the proposed conditions of consent, it is unlikely that there would be any adverse cumulative impacts.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does proposal fit in the locality?

There are no unidentified constraints to the development attributable to adjacent or nearby land use. The expansion of the quarry is not intended to result in increase in production of material, rather to extend the availability of the material and economic use by Council.

Potential impacts from noise levels have been identified. Note that there is little likelihood of such levels varying as a result of the expansion and are levels that have likely been experienced for the many years that the quarry has been operating.

Are the site attributes conducive to the development?

The site attributes are conducive to the development. The quarry is in a relatively isolated area with the closest residence some 350m and the next one over 900m away. The appropriate gravel material is clearly available.

Given the nature of the development, there are no concerns relating to any natural hazards.

The existing quarry has been in operation for at least 20 years. Some additional clearing will be required for the clearing, however the EIS confirms that Seven Part Test assessment as required by section 5A of the NSW Environmental Planning and Assessment Act has been undertaken. A copy of the assessment is included with the EIS document/

The document indicated "that the proposal to expand the quarry does not represent a significant action that may impact on local fauna and flora species to an extent which may cause an extinction of a species, population or community"

The site is considered to be suitable for the proposed development

THE PUBLIC INTEREST

The proposed expansion will extend Council's ability to provide gravel material for road maintenance and upgrading to roads to the north of Westport Quarry at reasonable costs which are based on locations of the quarry. The expansion of the quarry is therefore in the Public Interest for the resource to continue to be available as needed or the foreseeable future.

The conditions of consent for the expanded quarry will include:

- Requirement to improve the Newell Highway intersection which will benefit other local users of Westport Road.
- Requirement for the preparation / approval and implementation of
 - o Soil and Water Management Plan
 - o Environmental Management Plan
- Formalise ongoing rehabilitation of the quarry

The EIS has demonstrated that the expansion of the quarry by an additional 4.74ha would result in

minimal further impact on the environment, provided that the management measures proposed in this report and contained in the Westport Quarry Environmental Management Plan are followed. Additionally, these impacts are expected to be offset by the introduction of a semi-permanent water supply, and foraging for local fauna, as well as allowing for the continued social and economic benefit provided to Council through access to cost effective materials.

SUBMITTORS CONCERNS

The content of the submissions received are summarized and commented on in the table below: also refer to comments from Council's Engineering Department.

Submitter	Issue	Planning Comment
A J Pickard	Boundary Fencing	The suggestion of fencing the entire perimeter of the quarry is not supported. It is proposed to provide front boundary security fencing with small return sections to reduce access to the area by unauthorised persons.
	Quarry Sediment and Water Management Dams	Development of the new quarry area will include provision of additional or augmented sedimentation control as deemed necessary.
	Road Issues	The RMS have provided requirements for for the intersection of Westport Road and the Newell Highway. See Engineer's Comments

		below and proposed conditions of consent.
	Road Dust	Conditions of consent are proposed to mitigate concerns regarding dust.

The following Engineering comments on the submission from Mr AJ Pickard on the Westport Quarry Expansion were received.

- The operation of Narrabri Shire Quarries is aimed to be cost neutral. This is to maximise the funds that are spent on our road asset. Hence there would not be any profits from the quarry operation to spend on the adjoining or area road asset. If this did occur this would be at the expense of another road asset that was using the gravel from the quarry.
- The quarry has a history of use; the sites previous use is explained in the EIS and is not unlawful as suggested in the submission. This consent is being sought to facilitate the expansion of the area of the quarry.
- I am not now aware of any current NSW Regulation on the operation of a quarry. The only requirement is to operate under current legislation, which is the Work Health and Safety Act 2011. Based on this requirement the front boundary of the quarry has been fenced with a two (2) plain and two (2) barb wire fence. It is noted that this fence does not extend down the side boundaries, mainly because there is not a safety issue on these boundaries. I would propose that we install a 1.8 m chain wire fence across the front of the quarry and extend the fencing for a distance of 40 m down each side boundary.
- An assessment of the dams located on the quarry, which are used to catch polluted runoff rather than discharging onto the road, are considered safe as there not any young children in the vicinity of the quarry and the front fence would tend to discourage access to the quarry site.
- Council normally develops quarries for its own use, but will sell gravel to private persons if there is a need or demand for gravel from private operations.
- Traffic usage on SR 60 – Westport Road is not that heavy and the intermittent use of the quarry is not considered to have a major impact on road traffic. Action will be taken to increase the warning signage when the quarry is operating so as to warn other road user of heavy trucks entering and leaving the road into the quarry.
- It is intended as part of the development to construct a left turn lane on the SH17 – Newell Highway for traffic entering from Narrabri direction. It was

not intended to install a right hand turn lane on SH 17 – Newell Highway as Narrabri Council does not deliver gravel in that direction. It was also intended to seal the first 50 m of SR 60 – Westport Road.

- The construction of the left turn lane on SH 17 – Newell Highway will allow for the possible School Bus Stop at this intersection. This will allow the school bus to pull clear of the traffic on SH 17 – Newell Highway.
- The present condition of SR 60 – Westport Road will not be changing with the quarry, so the present driving conditions will remain unchanged.
- As indicated above appropriate warning signs will be used when the quarry is in operation. This should give other motorists on the road adequate warning.
- It is not considered appropriate to carry out dust suppression on the section of SR 60 – Westport Road between the quarry and SH 17 – Newell Highway. Council does not normally carry out dust suppression and in this instance, but will dampen Westport Road adjacent to the nearby residence as the need requires. The internal roads will also be dampened as the need requires to minimise the dust nuisance.

CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Narrabri Local Environmental Plan 2012 and Narrabri Council Development Control Plans.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.

RECOMMENDATION

PURSUANT TO SECTION 80/80A OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the consent authority, grant consent to Development Application No. 41/2015 subject to the attached conditions of consent:

Conditions of Consent – DA 41/2015

Development in Accordance with Plans

1. The development being carried out in accordance with the development application and the Environmental Impact Statement prepared by SMK Consultants dated September 2013, except where amended by the following conditions.

(Reason: To ensure the matters addressed in the Environmental Impact Statement are recognised and, where appropriate, implemented)

Newell Highway Intersection Upgrade

2. Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off site, the following matters shall be completed in accordance with the requirements of the Roads and Maritime Services (correspondence dated 14/11/2014 and 27/01/2015)
 - Provide a basic left turn (BAL) at Newell Highway intersection
 - Seal Newport Road for 30m from the Newell Highway intersection
 - Provide safe intersection sight distance (SISD) at Newell Highway intersection
 - Before commencement, contact RMS to determine if Road Occupancy License (ROL) is required
 - Enter into a Work Authority Deed (WAD) with RMS
 - Install any gate, grid etc at quarry, minimum 20m (for single articulated) or 30m (for B Double) from edge of Westport Road
 - All work to satisfy RMS before operation of the development

(Reason: To address requirements of the RMS)

Noise Mitigation

3. Prior to any gravel from the area included in the “expansion” of the Westport Quarry being crushed, the Quarry Operator shall develop and implement a neighbour notification policy, which ensures neighbours in close proximity (R1 and R2 as nominated in the EIS) are advised of the proposed works at least 5 working days before the activity, and requested to advise Council if noise levels generated during the crushing process cause any concern.

Subject to receipt of such concerns, the Quarry Operator shall implement measures to reduce the likelihood of further complaint, including but not limited to provision of internal mounding as nominated in the EIS.

(Reason: To provide procedures to mitigate concerns regarding potential impacts of noise levels associated with some aspects of the quarry operations.)

Soil and Water Management Plan

4. Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall prepare and implement the Soil and Water Management

Plan (SWMP) in accordance with the Landcom document Managing Urban Stormwater: Soils and Construction. Vol 1 4th ed (Landcom 2004). Such SWMP shall be based on the document attached to the EIS – Appendix 6..

(Reason: To ensure measures are in place to adequately address and soil and water management issues that may be associated with the quarry operations)

Security Fencing

- 5 Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall erect a minimum 1.8 security fence to Westport Road frontage of the quarry and return such fencing to the side boundaries, a minimum of 40m.

(Reason: To provide improved security to the Quarry site)

Westport Road

- 6 Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off site, the Quarry Operator shall implement a system of warning signage to be displayed when the quarry is operating so as to warn other road user of heavy trucks entering and leaving the road into the quarry

(Reason: To provide improved communication with local road users regarding quarry operations)

Dust Mitigation

- 7 Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off-site the Quarry Operator shall
- I. Implement procedures to ensure that a suitable vegetative buffer around the east and north edge of the quarry area is maintained
 - II. Utilise a water truck to
 - wet and main internal haul route within the quarry and at the entrance
 - dampen the section of road near the closest residence (northern side of Westport Rd)
 - III. Provide for the site supervisor to alter or cease dust emitting activity should weather conditions direct dust to and potentially impact on the closest residence

(Reason: To mitigate potential impacts from dust from quarry operations including transport of gravel)

Operational Environmental Management Plan

- 8 Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall prepare and implement an Operational Environmental Management Plan (OEMP). Such plan shall be based on the document included as Appendix 8 in the EIS. Note that the OEMP may incorporate additional matters to satisfy these conditions of consent.

(Reason: To ensure appropriate environmental management procedures are in place before any work associated with the quarry expansion commences)

Rehabilitation

- 9 Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off-site the Quarry Operator shall implement a system whereby a levy of 8cents per tonne of gravel taken from the site, is paid to a “Westport Quarry Rehabilitation Fund”. Details of tonnage transported from the quarry shall be monitored and recorded with levy amount transferred to the rehabilitation fund on an annual basis.

Such levy shall be increased annually in line with the relevant Consumer Price Index.

- 10 Rehabilitation work as outlined in the EIS shall be undertaken on the site upon cessation of quarrying activities.

(Reason: To provide funds for future rehabilitation of the site)

Annual production of materials

- 11 The EIS indicates that historically, the maximum extraction from the Westport Quarry has been 5,000 tonnes although additional extraction may be required for flood damage repair work (which to date has not been the case).

Should such additional extraction be required, the Quarry Operator shall ensure that the closest residents along Westport Road are notified of such circumstances prior to extended quarrying operations being undertaken.

Notwithstanding the above, annual extraction shall not exceed 30,000 tonnes unless an Environment Protection License under the Protection of the Environment Operations Act 1997 has been issued.

(Reason: Statutory requirement)

12 Hours of operation

The activities associated with the operation of the quarry are restricted to the following, as per the EIS:

Activity	Operating Times
Dozer operation for winning, clearing and site remediation	6.00am – 6.00 pm Monday to Saturday
Crushing and screening within quarry pit	7.00am – 6.00 pm Monday to Friday
Loading and Transport	7.00am – 6.00 pm Monday to Friday
Staff, maintenance and servicing of plant and equipment on-site	As required
Emergency	* As required

*Emergency refers to supplying materials to the RTA, ARTC, SES and Councils or other agencies under emergency conditions

(Reason to ensure reasonable hours of operation)

Emergency Evacuation Plan

- 13 Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall prepare an emergency evacuation plan addressing Section 4.2.7 of ‘Planning For Bushfire Protection 2006’ for the site and a copy provided to the Council prior to the commencement of this development.

(Reason: to comply with the NSW RFS requirements).