

## Council Assessment Report – Items for Decision by the South-East Joint Regional Planning Panel

**Item**                      **DA 10.2015.498.1 – 1107 Monaro Highway BUNYAN 2630 – Lots: 159 & 160 DP: 724552**

Reporting Officer	File Reference
Edward Paterson	10.2015.498.1

### Report Summary

The purpose of this Report is to provide the South-East Joint Regional Planning Panel (JRPP) with an assessment of the matters it is required to consider in making its determination of the proposed development under the *Environmental Planning and Assessment Act 1979 (the Act)*.

In accordance with Clause 8 of Schedule 4A of the Act this Application is reported to the JRPP for a decision as it is for an extractive industry which meets the requirements for designated development under Clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

This Report considers an application for an extractive industry on the site that will extract up to 20,000 – 25,000 tonnes per year over 20 years and will disturb approximately 14 Hectares of the site and will extend the existing operations on the site.

The site is located at 1107 Monaro Highway BUNYAN 2630. It is zoned R5 - Large Lot Residential / PART RU1 - Primary Production under the provisions of *Cooma-Monaro Local Environmental Plan 2013*. The proposed development will be occurring entirely within the RU1 zone. The proposed development is defined as an *extractive industry* and is permissible with consent within the RU1 zone.

The major issues associated with this Application concern are the removal of native vegetation that constitute an Endangered Ecological Community and the visual amenity of the area.

A total of seven (7) public submissions were received in relation to the original proposal, with a further five (5) being received in relation to the amended proposal. The major issues of objection concerned the removal of native vegetation and the visual amenity of the area.

It is recommended that the proposed development be approved subject to appropriate Conditions of Consent shown in full in the draft Consent ATTACHED.

### Recommendation

1. That the proposed development be approved subject to Conditions of Consent shown within the attached *draft* Notice of Determination.

## Commentary

<b>Application:</b>	<b>10.2015.498.1</b>
<b>Reporting Officer:</b>	Edward Paterson – Urban and Rural Planner
<b>Land:</b>	1107 Monaro Highway BUNYAN 2630 Lots: 159 & 160 DP: 724552
<b>Zone:</b>	RU1 - Primary Production / PART R5 - Large Lot Residential
<b>Proposal:</b>	Extractive Industry (Upper Bunyan Gravel Pit)
<b>Estimated Cost:</b>	\$10,000

## 1 Existing Site Features

<b>Location</b>	1107 Monaro Highway BUNYAN 2630 - Lots: 159 & 160 DP: 724552
<b>Site Inspection</b>	02/12/2015
<b>Size</b>	85.3 Hectares
<b>Topography</b>	The site rises gently from the Monaro Highway frontage towards a knoll adjacent to the southern boundary of the site. The predominant, northerly, slope of the site has been calculated at approximately 5%.
<b>Existing buildings</b>	While no buildings are present on the site it is noted that two existing quarries are present on the site.
<b>Existing vegetation cover</b>	The site contains a mixture of woodland and grassland vegetation. The areas immediately around and within the existing quarry sites are heavily disturbed.
<b>Access arrangements</b>	The site is accessed via direct frontage to the Monaro Highway.
<b>Existing/available utility services</b>	With the exception of the electricity and telephone lines that traverse the site there are no existing utility services present on the site.
<b>Any easements and/or restrictions of note</b>	An easement for an electricity transmission line 5.72 metres wide in favour of TransGrid runs from northern to the southern boundary of the site.
<b>Crown ownership</b>	Both Lots 159 and 160 are under the ownership of Crown Lands. The Minister for Primary Industries and the Minister for Land and Water has consented to the lodgement of the development application.
<b>Surrounding development</b>	The development on the surrounding lots consists of primary production uses along with a number of rural-residential dwellings being present south-west of the proposed development.

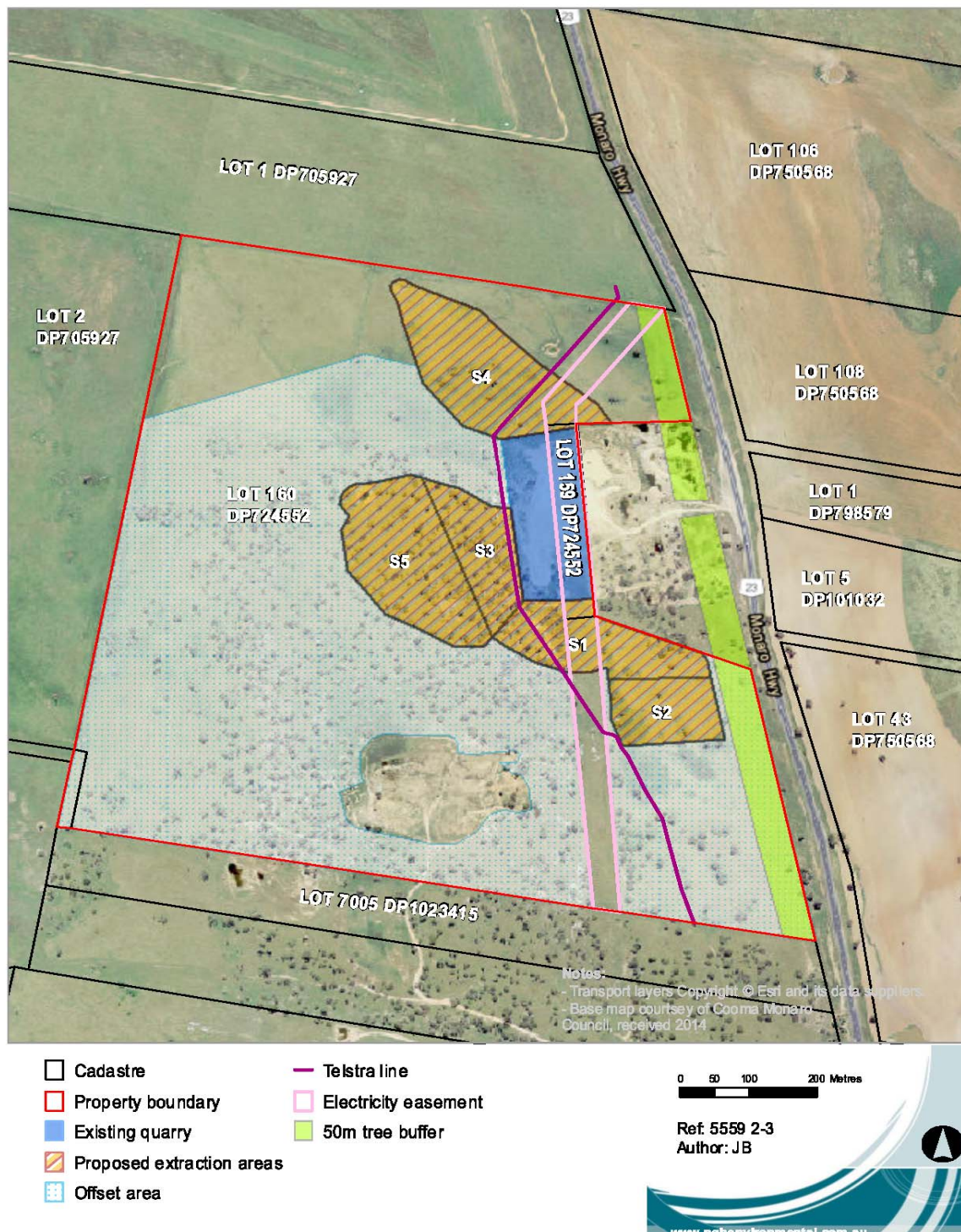
## 2 Proposal

The proposed development involves the expansion of the existing extractive industry that has been occurring within the highway road reserve. The proposed extractive industry will:

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- Extract up to 20,000 – 25,000 tonnes of material per year;
- Have a duration of 25 years;
- Disturb approximately 14 Hectares of the site; and
- Extend the existing operations on the site.

Figure 1 below illustrates the proposed areas of extraction.



**Figure 1: Proposed Extractive Industry.**

As the proposed extractive industry seeks to disturb a total surface area of more than 2 hectares by clearing or excavating it is classified as designated development per the provisions of Clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000(the Regulation)*. It will also be located within 500 metres of the site of another extractive industry that has operated during the last five (5) years, i.e. the existing

extractive industry on site. As the proposed development is classified as designated development Schedule 1 of the Regulation prescribes that an environmental impact statement (EIS), prepared in accordance with Schedule 2 of the Regulation, is to accompany the development application. An EIS has been prepared by NGH Environmental and has accompanied this development application.

Due to the fact that the proposal is designated development for an extractive industry, Clause 8 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the Act) authorises the South-East Joint Regional Planning Panel to exercise the consent authority functions of councils for this application.

Extraction is proposed to occur in five (5) stages; with Stages 1 and 2 extending in a southerly direction parallel to the Monaro Highway, Stage 4 extending in a northerly direction stopping approximately 20 metres from the northern boundary of the site, and Stages 3 and 5 will extend operations in a westerly direction stopping approximately 300 metres from the western boundary of the site. The areas disturbed by each stage of extraction are outlined below. It is proposed that it will take a minimum of five (5) years each to exhaust the extractive operations of Stages 1 and 2.

Stage	Approximate Area (hectares)
1	2.55
2	1.44
3	1.88
4	4.06
5	3.87

As part of the proposed development the applicant is intending to utilise the remaining 65 Hectares of the site as a biodiversity offset. The particulars of this offset will be further discussed later in this report.

A 50 metre buffer area immediately adjacent to the Monaro Highway has been proposed. Fast growing tree species, such as wattles, will be planted within the buffer area to visually screen proposed development from the Highway.

The maximum depth of the proposed extraction will be eight (8) metres below existing ground level within Stages 1, 2 and 3. Several sediment detention basins will be constructed in the north-eastern corner of the site to ensure materials do not exit the site. Materials will be won from the site with a bulldozer, stockpiled on site and hauled out with truck and dog. Blasting may be required to win materials from the western areas of the site. Material extracted from the site will be used for routine road maintenance and construction within the locality.

The estimated cost of the proposal according to the applicant is \$10,000. Due to the nature of the proposed development this figure is considered to be satisfactory.

### 3 Background/History

In 2000 Council granted development consent (DA 23/96) for a second extractive industry on the site adjacent to the southern boundary of the site. This approval was granted to the Roads and Traffic Authority who ceased to use the facility over five (5) years ago. This area has since been remediated and is now leased to the Cooma Pistol Club who operate a firing range within the former extraction pit. Development consent (DA 152/11) was issued by Council in 2011 for the erection of two (2) sheds and three (3) concrete walls to form the firing range. Both of these consents were issued on Lot 160 DP 724552.

In 2010 Council provided Development Advice specifically relating to its legal ability to approve a dwelling house on the site under the provisions of the recently repealed *Cooma-Monaro Local Environmental Plan (LEP) 1999 - Rural*. The advice provided also outlined that the LEP 1999 – Rural placed a 400m wide visual corridor buffer on the site and that any development within this buffer would be scrutinised in terms of its visual impact. It was also advised that the site contained good quality native vegetation which may contain certain threatened species. It was outlined that further expansion of the extractive industries on the site may obliterate any threatened flora species.

It is important to note that Council holds no records of development consent associated with the existing extractive industry immediately adjacent to the Monaro Highway (and proposed to be extended in this application). As the original extraction has occurred within the Monaro Highway road reserve it is considered likely that it was development permitted without consent in accordance with clause 7 of Schedule 1 of the *Cooma-Monaro Local Environmental Plan 1999 – Rural*, or similar such clause in an earlier environmental planning instrument. Clause 7 of the former LEP reads as follows:

- 7** *The carrying out by the Council or the Roads and Traffic Authority of any development required in connection with the construction, reconstruction, improvement, widening, realignment, relocation, maintenance or repair of any road.*

It would appear that since its commencement extraction has inadvertently continued.

Council holds no other relevant records associated with this site.

## **4 Consideration of Threatened Species (S.5A)**

Council is required under Section 79C to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Threatened Species Conservation Act 1995 (TSC Act) or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 5A of the Act sets out what must be considered in determining whether a proposed development will have a significant impact. Section 5A requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the 'seven-part test' described in the Section.

As the proposed development is classified as designated development Schedule 1 of the Regulation prescribes that an environmental impact statement (EIS), prepared in accordance with Schedule 2 of the Regulation, is to accompany the development application. An EIS was prepared by NGH Environmental to accompany this development application. A Biodiversity Assessment Report has been provided in Appendix C of the submitted EIS. The submitted Biodiversity Assessment Report concluded that:

A field survey to assess the biodiversity values of the study area identified a single native vegetation community; Ribbon Gum - Snow Gum tall open woodland which covers the majority of the study area along with large areas of exotic dominated grassland. The woodland within the study area is highly degraded being heavily infested with the noxious weed African Lovegrass however, is considered a threatened ecological community under the TSC Act. An assessment of significance concluded that a significant impact to this community is unlikely. No individual threatened flora species were recorded within the study area nor are any considered likely to occur.

The field survey recorded the presence of the threatened Eastern Bentwing-bat and assumed presence of the Little Eagle. Potential impact to the bat is considered low given the lack of suitable breeding habitat at the site, marginal foraging habitat and large home range. An assessment of significance was not deemed necessary for this species. An assessment of significance was prepared for the Little Eagle and concluded a significant impact on the species is unlikely. Mitigation measures have been developed to reduce risks however, to threatened species and habitat, where possible.

While other threatened and migratory fauna species may utilise the site on occasion, they are unlikely to rely on the site, particularly for breeding, and there is an abundance of higher quality and more contiguous habitat in the nearby national parks. A comprehensive field survey to identify threatened reptiles did not locate any threatened species.

Connectivity of habitat patches in the landscape would not be greatly altered by the works, as the works would represent an extension of the existing quarry into nearby surrounding agricultural areas. The ability of some native fauna to utilise the study area as a 'stepping stone' to move between such patches may be removed. Species that would currently use the corridor must already be tolerant of a level of fragmentation and are more likely to be highly mobile, wide ranging species. As such, the removal of habitat is unlikely to significantly isolate or fragment the site from other areas of habitat to the extent that species currently using the corridor would be adversely affected.

A number of mitigation measures have been provided in the report to prevent undue damage to the surrounding environment, and include strategies to manage noxious weeds, prevent over-clearing, prevent excessive disturbance to habitat features, and revegetate the road reserve after construction activities. Considering that a large proportion of the impact area includes exotic species, post works vegetation restoration provides an opportunity to improve the overall quality of native vegetation on the site over the longer term.

Council has developed its own vegetation map of the Shire which predicts the type and quality of vegetation present on any given piece of land. The subject site is predicted to contain a mixture of Tableland Clay Grassy Woodlands and Temperate Montane Grasslands under Council's predictive native vegetation mapping.

An inspection of the site noted that the areas to be disturbed as a result of the proposed development contained relatively moderate to good quality native woodland.

The Office of Environment and Heritage's (OEH) threatened species profile search identifies that 44 threatened species and three endangered ecological communities (EEC) have the potential to occur on the site. The Biodiversity Assessment Report states that only evidence of the presence of the Eastern Bentwing-bat and the Little Eagle were observed. The Biodiversity Assessment also states that vegetation on the site constitutes the EEC Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions. As no evidence of the presence of the other threatened species and EECs, identified by the OEH's Threatened species profile search, was found no further consideration of these species and EECs are considered warranted.

The potential impact of the proposed development upon the species and EEC identified on the site is considered in the table below.

Species	Type	Level of threat listed	Particular listed threats to survival	Potential impact of proposal
<p>Eastern Bentwing-bat</p> <p><i>(Miniopterus schreibersii oceanensis)</i></p>	Fauna	Vulnerable	<p>Disturbance by recreational cavers and general public accessing caves and adjacent areas particularly during winter or breeding.</p> <p>Loss of high productivity foraging habitat.</p> <p>Introduction of exotic pathogens, particularly white-nose fungus.</p> <p>Cave entrances being blocked for human health and safety reasons, or vegetation (particularly blackberries) encroaching on and blocking cave entrances.</p> <p>Hazard reduction and wildfire fires during the breeding season</p>	The potential impact of proposal on this species is low, given there is no breeding habitat for this species present at the site, marginal foraging habitat and their large home range.
<p>Little Eagle</p> <p><i>(Hieraaetus morphnoides)</i></p>	Fauna	Vulnerable	<p>Secondary poisoning from rabbit baiting</p> <p>Clearing and degradation of foraging and breeding habitat</p>	The nests identified by the Biodiversity Assessment Report were located within Stage 3 of the proposed extraction. Extraction is not predicted to occur within Stage 3 for a minimum of ten (10) years. The inevitable removal of these nesting trees (breeding habitat) is a listed threat to the survival of the Little Eagle. A significant impact to the Little Eagle is considered unlikely as a result of the proposal is considered unlikely due to the availability of suitable habitat in the immediate surrounds. .
<p>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands</p>	Endangered Ecological Community	Endangered Ecological Community	<p>Anthropogenic climate change, including trends towards hotter, drier environments, resulting in adverse changes to the composition and structure of remnants.</p> <p>Historic and ongoing clearing and degradation of remnants for agricultural, forestry, infrastructure and residential development.</p>	The proposed development will result in the clearing of 11.88 Hectares of this ECC, 5.15 Hectares of which is considered to be low condition. However it is noted that 51 Hectares of the site will be protected as an offset for the proposal. This will include the planting

			<p>Fragmentation and isolation of remnants, leading to genetic isolation of the community's component species.</p> <p>Application of fertilisers, which changes soil properties and thus changes the floral and faunal composition of the community.</p> <p>Tree dieback from a variety of causes, including enrichment of the soil by stock dung and increased levels of insect attack due to loss of ecological function in the community.</p> <p>Ongoing heavy grazing and trampling by domestic livestock, which have the effect of changing the groundlayer composition and the hydrology of sites, resulting in losses of plant species (simplification of the understorey and groundlayer and suppression of overstorey) and erosion and other soil changes (including increased nutrient status).</p> <p>Invasion by a range of weeds including noxious weeds (e.g. African Love-grass, Serrated Tussock, Chilean Needle-grass, St John's Wort), environmental weeds (e.g. Sweet Briar, Blackberry, English Hawthorn), aggressive pasture grasses (e.g. Phalaris, Cocksfoot and Paspalum) and escapes from horticulture or silviculture (e.g. Cotoneaster, Radiata Pine).</p> <p>Invasion of remnants by feral animals, resulting in the loss or modification of habitat.</p> <p>Disturbance and clearance of remnants during road, rail and infrastructure maintenance and upgrades.</p> <p>Harvesting of firewood (either living or standing dead trees and material on the ground), resulting in the loss of habitat for a range of hollow-nesting, bark-dependant and ground-living fauna species.</p> <p>Collection of on-ground woody debris in the guise of 'cleaning-up'.</p>	<p>of the EEC species within the offset area to mitigate the losses experienced as a result of the proposed development. With the implementation of the recommended mitigations measures, contained in the EIS, the proposal is not expected to significantly contribute to any listed threatening activities relevant to the EEC.</p>
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As can be seen from the above table two (2) species and one (1) ECC could be potentially impacted by the proposal. The threatened species website maintained by the Department of Planning and Environment lists certain actions which need to be taken to recover a particular

threatened species. These actions are summarised below for the species identified above as potentially impacted by the proposal.

Species	Listed recovery actions	Impacted by proposal?	Suggested resolution
<p>Eastern Bentwing-bat</p> <p><i>(Miniopterus schreibersii oceanensis)</i></p>	<p>A Saving Our Species conservation project is currently being developed for this species. Currently no priority sites have been identified for this species. In the interim:</p> <p>Prevent human access to roost and maternity caves and the areas immediately around cave entrances during winter and the breeding season, through the erection of signage, or the removal of access tracks and paths.</p> <p>Remove vegetation encroaching on cave entrances, with a minimum of disturbance.</p> <p>Initiate a caver education program promoting awareness of the threat of pathogens to microbats, and providing information on appropriate hygiene, and where appropriate decontamination, protocols. Program should particularly target people likely to come into contact with pathogens overseas and who may introduce them to Australia.</p> <p>Protect and maintain high quality foraging habitat in the vicinity of maternity caves. Target high productivity habitats, primarily riparian areas, wetlands, and other areas of native vegetation associated with high moisture status and fertility. Where possible negotiate conservation agreements with landholders; agreements should preferably be funded and in perpetuity.</p> <p>Undertake revegetation, using a diverse mix of locally appropriate native species. Revegetation should focus on areas of good moisture and fertility, particularly riparian areas and wetlands. Priority should be given to expanding existing small habitat patches.</p> <p>Restrict physical cave entrance closures to situations where there is a real hazard to public health and safety, and where the risk cannot be dealt with by other means (for example removing access tracks). Where closures are required, closures should be undertaken in a manner that continues to allow safe access for bats, and that does not</p>	<p>The proposed development will not impact the listed recovery actions for the Eastern Bentwing-bat.</p>	<p>Nil</p>
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	influence the cave's microclimate.		
<p>Little Eagle</p> <p><i>(Hieraetus morphnoides)</i></p>	<p>A Saving Our Species conservation project is currently being developed for this species. Currently no priority sites have been identified for this species. In the interim:</p> <p>Protect and maintain high quality habitat, which consists of open forest and woodland with a mosaic of open and timbered areas, including wooded farmland, gallery forests and wooded floodplains along water courses and around wetlands. Riparian areas are particularly important. Where possible negotiate conservation agreements with landholders, agreements should preferably be funded and in perpetuity.</p> <p>Improve prey availability through restoration of degraded remnants, particularly riparian areas. Increase structural complexity and species diversity in the understorey through the control of invasive exotic plants, the removal of thick swards of exotic pasture grasses, management of grazing pressure and potentially augmentation planting with locally appropriate native species.</p> <p>Undertake revegetation, using a diverse mix of locally appropriate native species, and ensuring the creation of a mosaic of open and wooded areas. Revegetation should focus on expanding areas of existing small (less than 10ha) habitat patches, particularly riparian habitat, and creating wooded habitat patches around tall isolated trees.</p> <p>Increase the abundance of paddock trees, particularly large ones, by protecting existing trees, and supplementary planting or protection of natural regrowth.</p> <p>Raise awareness amongst land managers in areas where little eagles are known to occur of</p>	<p>The proposed development will not impact the listed recovery actions for the Little Eagle.</p>	<p><b>Nil</b></p>

	<p>the risks of secondary poisoning as a result of the use of Pindone or second generation rodenticides. Encourage the use of alternative poisons (such as 1080 or coumatetralyl) and control techniques such as warren ripping.</p>		
<p>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands</p>	<p>A Saving Our Species conservation project is currently being developed for this species and will be available soon. In the interim:</p> <p>Undertake control of rabbits, hares, foxes, pigs and goats (using methods that do not disturb the native plants and animals of the remnant).</p> <p>Manage stock to reduce grazing pressure in high quality remnants (i.e. those with high flora diversity or fauna habitat).</p> <p>Do not harvest firewood from remnants (this includes living or standing dead trees and fallen material).</p> <p>Leave fallen timber on the ground.</p> <p>Erect on-site markers to alert road, rail and other infrastructure maintenance staff to the presence of a high quality remnant of the community and/or population of a threatened species that may occur on site.</p> <p>Encourage regeneration by fencing remnants out, controlling stock grazing and undertaking supplementary planting, if necessary; supplementary planting should only be done using locally-indigenous species of the community, but preferably collected from a variety of local sites to increase genetic viability.</p> <p>Undertake weed control (taking care to spray or dig out only target species).</p> <p>Protect all sites from further clearing and deleterious disturbances.</p> <p>Ensure remnants remain connected or linked to each other; in cases where remnants have lost connective links, re-establish them by recreating connecting sites to act</p>	<p>While the proposed development will result in clearing of 11.55 Hectares of the EEC 51 Hectares of the site will be protected as an offset for the proposal. This will include the planting of the EEC species within the offset area to mitigate the losses experienced as a result of the proposed development. With the implementation of the recommended mitigations measures recommended, contained in the EIS, the proposal contribute to the listed recovery actions of this EEC.</p>	<p><b>Nil</b></p>

	<p>as movement routes for fauna, and for flora (i.e. for pollen and seed dispersal); this can be done by either providing immediately adjacent plantings, or by creating nearby "stepping stones" (including planting physically unconnected blocks of vegetation or by replacing paddock trees).</p> <p>Mark remnants onto maps (of the farm, shire, region, etc) and use the maps to plan activities (e.g. remnant protection, connectivity planning, rehabilitation or road, rail and infrastructure maintenance work); on-site markers can alert maintenance staff and the general public to the presence of an important remnant or a population of a threatened species.</p>		
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Having considered the species potentially impacted by the proposal, the nature of these impacts and what might be done to minimise or eliminate them, the seven part test can now be applied to these species as required by Section 5A.

The application of the seven part test to these species is shown below:

Seven Part Test	Potentially impacted species		
	<b>Eastern Bentwing-bat</b>  <i>(Miniopterus schreibersii oceanensis)</i>	<b>Little Eagle</b>  <i>(Hieraaetus morphnoides)</i>	<b>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands</b>
<i>(a) (a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction</i>	<p>It is noted that the proposed development will be occurring within an area where an Eastern Bentwing-bat was identified. Given there is no breeding habitat for this species present at the site, marginal foraging habitat and their large home range the proposed development will ultimately not adversely affect the life cycle of the species or the continued existence of the species.</p>	<p>It is noted that the proposed development will be occurring within an area where the presence of the Little Eagle is considered likely. Given the availability of suitable breeding habitat in the immediate surrounds and time delay in disturbing the nest trees it is considered unlikely for the proposed development to adversely affect the life cycle of the species or the continued existence of the species.</p>	<p>Not Applicable</p>

Seven Part Test	Potentially impacted species		
	<b>Eastern Bentwing-bat</b>  <i>(Miniopterus schreibersii oceanensis)</i>	<b>Little Eagle</b>  <i>(Hieraaetus morphnoides)</i>	<b>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands</b>
<i>(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,</i>	Not Applicable	Not Applicable	Not Applicable
<i>In (c)(i) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</i>  <i>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i>	Not Applicable	Not Applicable	<p>It is noted that the proposed development will be occurring within the areas identified as potentially containing Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands. The proposed development will result in the clearing of 11.88 Hectares of this ECC, 5.15 Hectares of which is considered to be low condition. However it is noted that 51 Hectares of the site will be protected as an offset for the proposal. This will include the planting of the EEC species within the offset area to mitigate the losses experienced as a result of the proposed development. With the implementation of the recommended mitigations measures recommended, contained in the EIS, the proposal is not the proposed development will ultimately not have an adverse effect on the EEC such that its local occurrence is likely to be placed at risk of extinction.</p>

Seven Part Test	Potentially impacted species		
	<b>Eastern Bentwing-bat</b>  <i>(Miniopterus schreibersii oceanensis)</i>	<b>Little Eagle</b>  <i>(Hieraaetus morphnoides)</i>	<b>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands</b>
<p><i>in (c)(ii) the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</i></p> <p><i>(i) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction</i></p>	Not Applicable	Not Applicable	<p>It is noted that the proposed development will be occurring within the areas identified as potentially containing Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands. The proposed development will result in the clearing of 11.88 Hectares of this ECC. However it is noted that 51 Hectares of the site will be protected as an offset for the proposal. This will include the planting of the EEC species within the offset area to mitigate the losses experienced as a result of the proposed development. With the implementation of the recommended mitigations measures recommended, contained in the EIS, the proposed development will ultimately not substantially or adversely modify the composition of the EEC such that its local occurrence is likely to be placed at risk of extinction.</p>
<p><i>(d)(i) in relation to the habitat of a threatened species, population or ecological community:</i></p> <p><i>the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</i></p>	<p>Given there is no breeding habitat for this species present at the site, marginal foraging habitat and their large home range the proposed development will not remove or modify the habitat of the Eastern Bentwing-bat.</p>		<p>By implementing the recommended mitigations measures recommended, contained in the EIS, the proposed development will not remove or modify the EEC habitat.</p>

Seven Part Test	Potentially impacted species		
	<b>Eastern Bentwing-bat</b>  <i>(Miniopterus schreibersii oceanensis)</i>	<b>Little Eagle</b>  <i>(Hieraaetus morphnoides)</i>	<b>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands</b>
<p><i>(d)(ii) in relation to the habitat of a threatened species, population or ecological community:</i></p> <p><i>whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</i></p>	<p>Given there is no breeding habitat for this species present at the site, marginal foraging habitat and their large home range the proposed development will not fragment or isolate the habitat of the Eastern Bentwing-bat.</p>	<p>Given the availability of suitable breeding habitat in the immediate surrounds and time delay in disturbing the nest trees the proposed development will not fragment or isolate the habitat of the Little Eagle.</p>	<p>By implementing the recommended mitigations measures recommended, contained in the EIS, the proposed development will not fragment or isolate the EEC habitat.</p>
<p><i>(d)(iii) in relation to the habitat of a threatened species, population or ecological community:</i></p> <p><i>the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</i></p>	<p>No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.</p>	<p>No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.</p>	<p>No known habitat will be removed, modified, fragmented or isolated as a result of this proposed development.</p>
<p><i>(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),</i></p>	<p>There is no critical habitat declared in Cooma Monaro</p>	<p>There is no critical habitat declared in Cooma Monaro</p>	<p>There is no critical habitat declared in Cooma Monaro</p>
<p><i>(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,</i></p>	<p>As no habitat of the Eastern Bentwing-bat will be removed the proposed development is consistent with the objectives and actions of the recovery plan and the threat abatement plan.</p>	<p>Given the availability of suitable breeding habitat in the immediate surrounds and time delay in disturbing the nest trees the proposed development is considered to be consistent with the objectives and actions of the recovery plan and the threat abatement plan.</p>	<p>By implementing the recommended mitigations measures recommended, contained in the EIS, the proposed development will assist with the objectives and actions of the recovery plan and the threat abatement plan.</p>

Seven Part Test	Potentially impacted species		
	<b>Eastern Bentwing-bat</b>  <i>(Miniopterus schreibersii oceanensis)</i>	<b>Little Eagle</b>  <i>(Hieraaetus morphnoides)</i>	<b>Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands</b>
<p><i>(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.</i></p>	<p>It is noted that the proposed development will be occurring within an area where an Eastern Bentwing-bat was identified. It is noted that there is no breeding habitat for this species present at the site, marginal foraging habitat and their large home range.</p> <p>Additionally the clearing associated with the proposed development is not considered to be significant. In this regard the proposed development will ultimately not have constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process on the Eastern Bentwing-bat.</p>	<p>It is noted that the proposed development will be occurring within an area where the presence of the Little Eagle is considered likely. It is noted that there is an availability of suitable breeding habitat in the immediate surrounds.</p> <p>Additionally the clearing associated with the proposed development is not considered to be significant. The time delays associated with disturbing the nest trees will also allow for further monitoring of the nest trees to confirm the presence of the Little Eagle. In this regard the proposed development will ultimately not have constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process on the Little Eagle.</p>	<p>It is noted that the proposed development will be occurring within the areas identified as potentially containing Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands. The proposed development will result in the clearing of 11.88 Hectares of this ECC.</p> <p>However it is noted that 51 Hectares of the site will be protected as an offset for the proposal. This will include the planting of the EEC species within the offset area to mitigate the losses experienced as a result of the proposed development. While the proposed development will result in the clearing of the EEC habitat it is considered to be minimal as substantially revegetation has been proposed on the site. In this regard with the implementation of the recommended mitigations measures recommended, contained in the EIS, the proposed development will ultimately not have constitute or be part of a key threatening or is likely to result in the operation of, or increase the impact of, a key threatening process on Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodlands in the South Eastern Highlands.</p>

The proposed development will result in the clearing of native vegetation, that constitutes EEC habitat, however based on the above assessment and the applicant's Biodiversity Assessment Report it is considered that the development will not have a significant impact on the EEC and identified threatened species. This is primarily attributed to the mitigation measures contained within the submitted EIS, particularly the proposed Offset Area. It will be conditioned that a Biodiversity Offset Plan be prepared, in accordance with Appendix D of the EIS, and provided to Council prior to the commencement of works commencing on the site. The required Biodiversity Offset Plan would be prepared in accordance with the submitted EIS and will incorporate a Property Vegetation Plan prepared in conjunction with the Local Land Service. These plans will ensure the majority of the EEC on the site is protected and enhanced into the future.

*Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

In the event that any development is likely to result in significant impacts upon any species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Council is required to refer such an application to Australian Government's Minister for the Environment. There is no evidence to suggest the presence of any species listed under the EPBC Act.

## **5 Compulsory Consultations and referrals to other bodies (S.79B, 79BA, 91)**

### ***Concurrence requirements***

Section 79B requires the Council to obtain the concurrence of certain agencies prior to determining a development application if the Act or an environmental planning instrument requires it to do so. No agencies have a concurrence role in this application because neither a variation under Clause 4.6 of the *Cooma-Monaro Local Environmental Plan 2013* has been requested nor a Species Impact Statement provided or required as part of this application.

### ***Bushfire consultation***

Section 79BA requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document 'Planning for Bushfire Protection 2006'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 79BA against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

The Cooma-Monaro LGA Bushfire Prone Land Map 2004 shows that the site does not contain any bushfire prone land.

### ***Integrated development***

Some types of development require approvals under multiple Acts before they can commence. Section 91 of the Act lists certain approvals under other Acts which may be obtained as part of the development application process. The table below sets out the approvals under the other Acts which the proposed development requires and which may be obtained through the integrated development process.

Cooma-Monaro Shire Council

Act	Approval required?	Reason	Responsible Authority	Comment on response
Fisheries Management Act 1994	No	No works in or near creek	NSW Department of Primary Industries (DPI) - Fisheries	-
Heritage Act 1977	No	No state heritage items on site	NSW Heritage Office	-
Mine Subsidence Compensation Act 1961	No	Area not subject to mine subsidence	NSW DPI - Resources and Energy	-
Mining Act 1992	No	No mining involved in proposal	NSW DPI - Resources and Energy	-
National Parks and Wildlife Act 1974	No	No aboriginal objects affected by proposal	Office of Environment and Heritage	-
Petroleum (Onshore) Act 1991	No	Proposal does not involve petroleum	NSW DPI - Resources and Energy	-
Protection of Environment Operations Act 1997	No	No environmental licences/approvals required as the extraction will not exceed 30,000 tonnes per year.	NSW Environment Protection Authority	-
Roads Act 1993	No	Separate approval under the Roads Act 1993 will be required.	NSW Roads & Maritime Services	See Roads & Maritime Services comments below.
Rural Fires Act 1997	No	Proposal not a subdivision or special fire protection purpose	NSW Rural Fire Service	-
Water Management Act 2000	No	No works within 40m of creek. No aquifer interference.	NSW DPI - Office of Water	-

The Roads & Maritime Services (RMS) were provided with a copy of the Development Application because the site fronts a classified road (Monaro Highway). The RMS have provided the following comments:

RMS has reviewed the information provided and notes that a Basic Right Turn Treatment (BAR), an Auxiliary Left Turn Treatment (AUL(S) and “Truck Turning” warning signs are proposed as part of the development. RMS does not consider “Truck Turning” warnings signs an appropriate treatment at this location. RMS considers the appropriate treatment to be intersection warning signs.

Given the above, RMS does not object to the development application subject to the following comments being included in the conditions of development consent:

- Prior to the issuing of the construction certificate, Council must enter into a Works Authorisation Deed (WAD) with the RMS for all works on the Monaro Highway.
- Intersection Warning signs are to be installed in place of the proposed Truck Turning warning signs in accordance with Australian Standard AS1742.
- Prior to any expansion of the gravel pit, Council must upgrade the existing access onto the Monaro Highway to be a sealed auxiliary left turn AUL(S) together with a sealed basic right turn (BAR) configuration in accordance with Austroads *Guide to Road Design – Part 4a: Unsignalised and Signalised Intersections*. The access must be sealed a minimum distance of 10m back from the edge of seal.
- All pavement design on the State road network must be in accordance with Austroads standards.
- All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works must be completed prior to any expansion of the gravel pit.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:

<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>

- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on the Monaro Highway. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to construction.

Note: conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, Council is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. Council will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, Council should email the conditions of development consent to: [WAD.southern@rms.nsw.gov.au](mailto:WAD.southern@rms.nsw.gov.au)

- Council must apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. Council will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. Council must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.

Notes: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by RMS Project Manager.

The RMS comments will be added as conditions of consent.

## 6 Provision of any Environmental Planning Instruments (S79C(1)(a)(i))

The following State Environmental Planning Policies apply in Cooma-Monaro. Their applicability to the proposed development is summarised in the table below:

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP (Sydney Drinking Water Catchment) 2011	<p><b>Published:</b> 21.1.11 <b>Commences:</b> 1.3.11</p> <p><b>Abstract:</b> Replaces the Regional Environmental Plan which applied to the Sydney Drinking Water Catchment. <i>(see file EP/CAT/8 for further info)</i></p>	No
SEPP (Affordable Rental Housing) 2009	<p><b>Published:</b> 31.07.09</p> <p><b>Abstract:</b> Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.</p>	No
SEPP (Exempt and Complying Development Codes) 2008	<p><b>Gazetted:</b> 12.12.08; commences 27.02.09</p> <p><b>Abstract:</b> Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have state-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the <i>Environmental Planning and Assessment Act 1979</i>.</p>	No
SEPP (Rural Lands) 2008	<p><b>Published:</b> 09.05.08</p> <p><b>Abstract:</b> The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4</p>	No as the site does not contain any State Significant Agricultural Land.
SEPP (Infrastructure) 2007	<p><b>Gazetted:</b> 21.12.07; commences 1.1.08</p> <p><b>Abstract:</b> Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here.</p>	Yes
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	<p><b>Gazetted:</b> 16.02.07</p> <p><b>Abstract:</b> This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establish appropriate planning controls to encourage ecologically sustainable development.</p>	Yes

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP (Major Development) 2005	<p><b>Gazetted:</b> 01.08.05</p> <p><b>Abstract:</b> Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.</p>	No
SEPP (Building Sustainability Index: BASIX) 2004	<p><b>Gazetted:</b> 25.06.04</p> <p><b>Abstract:</b> This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.</p>	No
SEPP (Housing for Seniors or People with a Disability) 2004	<p><b>Gazetted:</b> 31.03.04</p> <p><b>Abstract:</b> Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07</p>	No
SEPP No. 65 - Design Quality of Residential Flat Development	<p><b>Gazetted:</b> 26.07.02</p> <p><b>Abstract:</b> Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages</p>	No
SEPP No. 64 - Advertising and Signage	<p><b>Gazetted:</b> 16.03.01</p> <p><b>Abstract:</b> Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications</p>	No
SEPP No. 62 - Sustainable Aquaculture	<p><b>Gazetted:</b> 25.08.00</p> <p><b>Abstract:</b> Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks</p>	No

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP No. 55 - Remediation of Land	<p>Gazetted: 28.08.98</p> <p>Abstract: Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines</p>	Yes
SEPP No. 44 - Koala Habitat Protection	<p>Gazetted: 06.01.95</p> <p>Abstract: Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat</p>	Yes
SEPP No. 36 - Manufactured Home Estates	<p>Gazetted: 16.07.93</p> <p>Abstract: Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy</p>	No
SEPP No. 33 - Hazardous and Offensive Development	<p>Gazetted: 13.03.92</p> <p>Abstract: Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must careful consider the specifics the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.</p>	Yes

State Environmental Planning Policy	Summary notes	Applies to proposed development?
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	<p><b>Gazetted:</b> 15.11.91</p> <p><b>Abstract:</b> States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.</p>	No
SEPP No. 30 - Intensive Agriculture	<p><b>Gazetted:</b> 08.12.89</p> <p><b>Abstract:</b> Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.</p>	No
SEPP No. 21 - Caravan Parks	<p><b>Gazetted:</b> 24.04.92</p> <p><b>Abstract:</b> Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years</p>	No
SEPP No. 15 - Rural Land-Sharing Communities	<p><b>Gazetted:</b> 09.04.98</p> <p><b>Abstract:</b> Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. Multiple occupancy is defined as the collective management and sharing of unsubdivided land, facilities and resources. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living. SEPP 15 Guide provides guidance to intending applicants.</p>	No

As can be seen from the above table, the *State Environmental Planning Policy (SEPP) (Infrastructure) 2007*, *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*, *SEPP No 55 – Remediation of Land*, *SEPP No – 44 Koala Habitat Protection* and *SEPP No – 33 Hazardous and Offensive Development* apply to the proposal. The requirements of these SEPPs for the proposed development are outlined below.

### ***State Environmental Planning Policy (Infrastructure) 2007***

The aims of the *SEPP (Infrastructure) 2007*, shown below, outline that this SEPP identifies the environmental assessment category for different types of infrastructure as well as identifying matters that need to be consideration when assessing a development application that is adjacent to particular types of infrastructure.

### ***Aim of Policy***

*The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:*

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and*
- (b) providing greater flexibility in the location of infrastructure and service facilities, and*
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and*
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and*
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

As the proposed extractive industry will occur immediately adjacent to an easement for electricity purposes the provisions of Clause 45 of the *SEPP (Infrastructure) 2007* need to be considered. These provisions are listed below.

### ***45 Determination of development applications—other development***

- (1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:*
  - (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
  - (b) development carried out:*
    - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
    - (ii) immediately adjacent to an electricity substation, or*
  - (iii) within 5m of an exposed overhead electricity power line,*
  - (c) installation of a swimming pool any part of which is:*
    - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
    - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
  - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*
  - (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*

- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

TransGrid, as the electricity supply authority, were sent a written notice of the proposed development on 6<sup>th</sup> January 2016 inviting their comments about any potential safety risks. TransGrid did not provide any response, concerning any potential safety risks, within 21 days of notification (06/01/2016). At the time of writing no formal response regarding any potential safety risks has been received from TransGrid. However it is considered appropriate to condition that the proposed extractive industry comply with *TransGrid's Easement Guidelines for Third Party Development (V10) (Guidelines)*. In this regard the proposed development complies with the requirements of Clause 45 of the *SEPP (Infrastructure) 2007*. Council has received a late response (01/03/2016) in regards to the proposed development. TransGrids' comments have been added as conditions of consent.

As the development site fronts a classified road (Monaro Highway) the provisions of Clause 101 of the *SEPP (Infrastructure) 2007* need to be considered. These provisions are listed below.

**101 Development with frontage to classified road**

- (1) The objectives of this clause are:*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

As previously discussed the RMS were sent a copy of the proposed development and provided comments pertaining to the site's access off the Monaro Highway. The RMS comments have been included in Section 5 of this report and will be added as conditions of consent. By ensuring compliance with the RMS's comments the proposed extractive industry will not affect the safety, efficiency and ongoing operation of the Monaro Highway.

Additionally it is noted that the proposed extractive industry is not sensitive to traffic noise or vehicle emissions. In this regard the proposed development complies with the requirements of Clause 101 of the *SEPP (Infrastructure) 2007*.

As shown above the proposed extractive industry complies with the relevant provisions of the *SEPP (Infrastructure) 2007*.

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

The aims of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*, shown below, ensure the proper management and development of extractive industries as well as establishing appropriate planning controls to encourage ecological sustainable development through the assessment process.

#### ***Aims of Policy***

*The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries:*

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and*
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and*
- (b1) to promote the development of significant mineral resources, and*
- (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and*
- (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development:*
  - (i) to recognise the importance of agricultural resources, and*
  - (ii) to ensure protection of strategic agricultural land and water resources, and*
  - (iii) to ensure a balanced use of land by potentially competing industries, and*
  - (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.*

Clause 7 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* outlines that an extractive industry may, with development consent, be carried out on land on which development for the purposes of agriculture or industry may be carried out.

Clause 8 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* outlines the relationship between the SEPP and a local environmental plan. The provisions of Clause 8 are provided below.

### ***8 Determination of permissibility under local environmental plans***

- (1) *If a local environmental plan provides that development for the purposes of mining, petroleum production or extractive industry may be carried out on land with development consent if provisions of the plan are satisfied:*
- (a) *development for that purpose may be carried out on that land with development consent without those provisions having to be satisfied, and*
  - (b) *those provisions have no effect in determining whether or not development for that purpose may be carried out on that land or on the determination of a development application for consent to carry out development for that purpose on that land.*
- (2) *Without limiting subclause (1), if a local environmental plan provides that development for the purposes of mining, petroleum production or extractive industry may be carried out on land with development consent if the consent authority is satisfied as to certain matters specified in the plan, development for that purpose may be carried out on that land with development consent without the consent authority having to be satisfied as to those specified matters.*

It is noted that the *Cooma-Monaro Local Environmental Plan 2013* does not contain any provisions specifically relating to extractive industries. In this respect the requirements of Clause 8 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* will be satisfied.

Part 3 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* contains specific provisions that need to be considered when assessing a development application for an extractive industries. The following clauses are specifically applicable to the proposed development.

## **12 Compatibility of proposed mine, petroleum production or extractive industry with other land uses**

*Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:*

(a) *consider:*

(i) *the existing uses and approved uses of land in the vicinity of the development, and*

**Comment:** It is noted that a number of large lot rural-residential developments are located within the area with three (3) dwellings being located within one (1) kilometre of the proposed extractive industry. The adjoining property to the north is utilised by the Canberra Gliding Club as a facility to launch gliders. The remainder of the area is utilised for agricultural purposes. Presently the site is utilised by the Cooma Pistol Club as a firing range, the site is also privately leased from Crown Lands for grazing purposes.

(ii) *whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*

**Comment:** Due to the zoning of the land in the vicinity of the development this report considered the preferred uses to be primarily rural-residential dwellings and agricultural practices. It is considered unlikely that the proposed development will result in any significant impacts on agricultural activities in the area.

Due to the relatively large distances between existing dwellings in the area and the existing landscape characteristics of the site it is considered that any impact to rural-residential land uses are unlikely to be significant.

*(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*

**Comment:** It is considered that the proposed extractive industry may be incompatible with the existing, approved rural-residential land uses in the area. The incompatibilities will particularly pertain to noise and dust generated by the proposed extractive industry and the visual amenity of the surrounding area.

*(b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*

**Comment:** The economic consequences will be positive for Council and the public. The proposed extractive industry will be centrally located within the Cooma-Monaro Shire thus making haulage more cost effective. As the proposed development seeks to expand upon the existing extractive industry on the site several of the impacts associated with the development will have already occurred. Council's ability to maintain its road network in a more efficient manner will result in economic benefits to road users as there will be less wear and tear on vehicles and increased road user safety. With the implementation of several mitigation measures it is considered that the benefit of the proposed extractive industry outweighs any potential incompatibilities with existing and future land uses in the area.

*(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

**Comment:** It is considered that the proposed extractive industry will not be incompatible with existing and future land uses in the area, as a 50 metre buffer area immediately adjacent to the Monaro Highway has been proposed. Fast growing tree species, such as wattles, will be planted within the buffer area to visually screen proposed development from the Highway. Due to the topography of the site the proposed expansion areas will not be visible from the existing rural-residential dwellings located west and south of the development site. Due to the relatively large distances between existing dwellings in the area and the existing landscape characteristics of the site it is considered that any noise or dust impacts to rural-residential land uses are unlikely to be significant.

The provisions of Clause 14 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* are listed below and must be taken into consideration when assessing this application to ensure the proposed extractive industry will not impact on the environment and natural resources in the area.

#### **14 Natural resource management and environmental management**

*(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following:*

*(a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*

**Comment:** The nearest significant surface water resource to the development site is the Cooma Creek which is located approximately 2.3 kilometres to the east of the development site. The Murrumbidgee River is located approximately 3.5 kilometres to the west of the development site. Both of these water sources are separate from the site by large ridgelines. A Geotechnical Investigation of the site (Coffey 2011) states that groundwater was not observed within the investigative boreholes, with a maximum depth of ten (10) metres. It is noted that excavation on the site will not exceed ten (10) metres.

Several mitigating measures, such as implementing erosion and sediment control measures, implementing the Cooma-Monaro Shire Council's Chemical Spill procedure and the construction of sediment basins will ensure that impacts on significant water resources as a result of the proposed development are minimal.

*(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*

**Comment:** While the proposed development will result in the clearing of 11.88 Hectares of native vegetation that constitutes the EEC habitat, it is considered unlikely that a significant impact on the EEC and identified threatened species. This is primarily attributed to the mitigation measures contained within the submitted EIS, particularly the proposed Offset Area. It will be conditioned that a Biodiversity Offset Plan be prepared and provided to Council prior to the commencement of works commencing on the site. The required Biodiversity Offset Plan would be prepared in accordance with the submitted EIS and will incorporate a Property Vegetation Plan prepared in conjunction with the Local Land Service. In this regard it is considered that to the greatest extent possible the potential impacts on threatened species and biodiversity on the site have been minimised.

*(c) that greenhouse gas emissions are minimised to the greatest extent practicable.*

**Comment:** The submitted Environmental Impact Statement (EIS) states that the materials to be extracted from the site will be won with a bulldozer and hauled with truck and dog. Front end loader and tipper trucks will also be utilised in the extraction process. Due to the proposed methods of extraction and the fact that no other vehicles/machinery are required greenhouse gas emissions will be kept to a minimal. It is difficult to locate areas where this process could be streamlined further to reduce greenhouse gas emissions, and as such it is considered the greenhouse gas emissions for the site will be minimised to the greatest extent practicable.

*(2) Without limiting subclause (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.*

**Comment:** The industry standard guidelines for calculating greenhouse gas emissions are the National Greenhouse Accounts (NGA) Factors. Using the NGA Factors document greenhouse gas emissions can be estimated in approximate tonnes of CO<sup>2</sup> equivalent. The sources of CO<sup>2</sup> in the proposed extractive industry, based on the EIS provided, will be the bulldozer, truck & Dogs, front end loaders, tipper trucks, screening equipment, the float truck and 4WD vehicles for onsite operators. For the purpose of this assessment, the bulldozer front end loaders, tipper trucks and the screening equipment were assumed to consume 30

litres of diesel/hour, the truck and dogs 30 litres of diesel/100km, the float truck 55 litres diesel/100km and the 4WD 15 litres of diesel/100km. It is assumed that the 4WD vehicles will consume 15 litres of diesel/100km. Based on the figures contained in the CO<sub>2</sub> emission calculation provided by the applicant the following calculation can be performed:

- Float truck = 6 trips per year at 40km/trip = 240km at 55 litres diesel/100km =  $2.4 \times 55 = 132$  l/diesel
- 4WD = 40 trips/year at 20km/trip = 800km at 15 litres diesel/100km =  $8 \times 15 = 120$  l/diesel
- Truck and Dogs = 750 trips/year at 40km/trip = 30,000km at 30 litres diesel/100km =  $300 \times 30 = 90,00$  l/ diesel
- Bulldozer = 20 days at 8 hours/day = 160 hours/year at 30 litres diesel/hour =  $160 \times 30 = 4,800$  l/ diesel
- Front end loader = 25 days at 4 hours/day = 100 hours/year at 30 litres diesel/hour =  $100 \times 30 = 3,000$  l/ diesel
- Tipper Trucks = 50 trips/year at 30km/trip = 1,500km at 30 litres diesel/100km =  $15 \times 30 = 450$  l/ diesel
- Screening Equipment = 9 days at 8 hours/day = 72 hours/year at 30 litres diesel/hour =  $72 \times 30 = 2,160$  l/ diesel

Annual Total = 100,662 litres of diesel consumed per year

Total for life of Extractive Industry 20 years

Total Diesel consumed over life of Extractive Industry =  $20 \times 100,662$  litres of diesel = 2,013.24 k/L of diesel.

Conversion to emissions (using the NGA Factors):

CO<sub>2</sub> =  $2,013.24 \times 38.6 \times 69.2/1000 = 5,377.6$  tonnes CO<sub>2</sub>

Methane =  $2,013.24 \times 38.6 \times 0.2/1000 = 15.5$  tonnes CH<sub>4</sub>

Nitrous oxide =  $2,013.24 \times 38.6 \times 0.5/1000 = 38.9$  tonnes N<sub>2</sub>O

Total Greenhouse Gas emissions for project =  $5,377.6 + 15.5 + 38.9 = 5,432$  tonnes CO<sub>2</sub>-e

This is considered a very small relative amount of CO<sub>2</sub> in the scheme of things over a 20 year period. The CO<sub>2</sub> emissions will also be partially offset by the 50 hectares of land to be preserved and revegetated during the life of the development.

*(3) Without limiting subclause (1), in determining a development application for development for the purposes of mining, the consent authority must consider any certification by the Chief Executive of the Office of Environment and Heritage or the Director-General of the Department of Primary Industries that measures to mitigate or offset the biodiversity impact of the proposed development will be adequate.*

**Comment:** Comments from the OEH are listed above and have been taken into consideration in other sections of this assessment.

Clause 15 of the SEPP (Mining, Petroleum Production and Extractive Industries) 2007 ensures the consent authority give consideration the recovery of resources on the site.

## 15 Resource recovery

- (1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*
- (2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*
- (3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

**Comment:** The extraction at the site will occur in a systematic way beginning adjacent to the existing operations and working in a southerly direction (Stages 1 & 2), works will then progress in a westerly and northerly direction (Stages 3, 4 & 5). Additionally the proposed extractive industry will be used to provide gravel to local roads in this isolated section of the Shire, it is considered to be minimising waste of the resource and using it efficiently. The Environment Protection Authority has suggested a condition requiring that the operators of the site utilise the water within the proposed sediment basin as a way suppressing dust rather than bringing in foreign water carts. This is considered suitably efficient.

Clause 16 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* ensures the consent authority give consideration the transportation of extracted materials from the site.

## 16 Transport

- (1) Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following:*
  - (a) require that some or all of the transport of materials in connection with the development is not to be by public road,*

**Comment:** As the extracted material is to be used for the maintenance of public roads in the area it is not appropriate to require the transportation of the materials to not be via a public road.

- (b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*

**Comment:** **N/A** as no truck movements associated with the development will occur within residential areas or near schools.

- (c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

**Comment:** The applicant has stated that a traffic control plan for the site will be developed in accordance with Council's best practices. It will be conditioned that a copy of the traffic

control plan be provided to the consent authority prior to the commencement of works on the site.

*(2) If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to:*

*(a) each roads authority for the road, and*

**Comment:** Council is the roads authority for the Monaro Highway.

*(b) the Roads and Traffic Authority (if it is not a roads authority for the road).*

**Note.** Section 7 of the Roads Act 1993 specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.

**Comment:** The RMS was notified of the proposed development within 7 days of receiving the application.

*(3) The consent authority:*

*(a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and*

**Comment:** Comments were received from the RMS. Consideration of the RMS comments have been carried out previously in this assessment.

*(b) must provide them with a copy of the determination.*

**Comment:** As previously stated the RMS will be provided with a copy of any determinations that are made for the proposed development.

*(4) In circumstances where the consent authority is a roads authority for a public road to which subclause (2) applies, the references in subclauses (2) and (3) to a roads authority for that road do not include the consent authority.*

Clause 17 of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007* ensures the consent authority give consideration the rehabilitation of the site once all of the proposed materials have been extracted from the site.

## **17 Rehabilitation**

*(1) Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*

*(2) In particular, the consent authority must consider whether conditions of the consent should:*

*(a) require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*

*(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or*

- (c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under section 145C of the Act and the Contaminated Land Management Act 1997), or*
- (d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

**Comment:** The submitted EIS contains a Rehabilitation Strategy that would be development into a Rehabilitation Plan prior to works commencing on the site. The Rehabilitation Strategy outlines that once activities are completed in an extraction stage, progressive stabilisation and rehabilitation would be carried out to reshape in order to achieve stable landforms and then rehabilitate those landforms. It will be conditioned that a Rehabilitation Plan be prepared by a suitably qualified person in accordance with the Strategy contained within the EIS. This Plan will be required prior to any works commencing on the site.

In this regard it is considered that the proposed extractive industry complies with all of the relevant provisions of the *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*.

### **State Environmental Planning Policy No 55 – Remediation of Land**

Due to the nature of the proposed development the provisions of the *State Environmental Planning Policy No 55 – Remediation of Land* need to be considered when assessing this development application. The *SEPP No 55* aims to promote the remediation of contaminated land for the purpose of reducing risk to human health. The aims of *SEPP No 55* can be seen below.

#### **Object of this Policy**

- (1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*
  - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
  - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
  - (c) by requiring that a remediation work meet certain standards and notification requirements.*

Clause 7 of the *SEPP No 55* outlines the procedure for determining a development application on land that is contaminated.

#### **7 Contamination and remediation to be considered in determining development application**

- (1) A consent authority must not consent to the carrying out of any development on land unless:*

- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
  - (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
    - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

As Table 1 of the contaminated land planning guidelines (Managing Land Contamination Planning Guidelines SEPP 55-Remediation of Land) lists mining and extractive industry as an activity that may cause contamination the provisions of Clause 7 above apply. As extractive industries have previously been carried out on the site it is considered that the site is potentially contaminated. However as the proposed development seeks to expand upon the existing extractive industry already in operation on the site it is considered that the land is suitable in its current state and that no remediation works are required as part of this development. In this regard the proposed development complies with the provisions of Clause 7 and no further assessment against the *SEPP No 55* is required.

#### **SEPP No – 44 Koala Habitat Protection**

The *State Environmental Planning Policy No 44 – Koala Habitat Protection* aims to encourage the proper conservation and management of koala habitat in order to reverse the declining koala population. Schedule 1 of the *SEPP No 44* listed the Cooma-Monaro Shire as a local government area that contains koala habitat. The aims of *SEPP No 44* can be seen below.

### ***Aims, objectives etc***

*This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:*

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

As the proposed development application applies to a site that has an area that is greater than one (1) hectare an assessment against the provisions of Part 2 of the *SEPP No 44* is required.

## ***Part 2 Development control of koala habitats***

### ***7 Step 1—Is the land potential koala habitat?***

- (1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.*
- (2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.*
- (3) If the council is satisfied:*
  - (a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or*
  - (b) that the land is a potential koala habitat, it must comply with clause 8.*

The submitted EIS contains a Biodiversity Assessment that was carried by a team of ecologists and botanists from NGH Environmental. This Biodiversity Assessment identified that two species of koala feed trees (Schedule 2 of the *SEPP No 44*) were present on the site. The *SEPP No 44* defines *potential koala habitat* as:

***potential koala habitat** means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.*

The feed trees identified by the Biodiversity Assessment do not constitute at least 15% of the total number of trees on the site. Additionally it is noted that the development site falls outside of the area covered by the draft Cooma-Monaro Comprehensive Koala Plan of Management. As such this report is satisfied that the site does not contain *potential koala habitat* or *core koala habitat*. In this regard no further consideration of the *SEPP No 44* is required.

## **State Environmental Planning Policy No 33-Hazardous and Offensive Development**

Under the provisions of the *State Environmental Planning Policy No 33-Hazardous and Offensive Development* the proposed development is defined as a *potentially offensive industry*.

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

As the proposed development is defined as a *potentially offensive industry* the provisions of the *SEPP No 33* must be considered when assessing this development application. The aims of *SEPP No 33* are listed below.

### **Aims, objectives etc**

*This Policy aims:*

- (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and*
- (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and*
- (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*
- (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
- (f) to require the advertising of applications to carry out any such development.*

As proposed development is defined as a *potentially offensive industry* the provisions of Part 3 of the *SEPP No 33* need to be considered. These provisions are listed below.

## **Part 3 Potentially hazardous or potentially offensive development**

### **13 Matters for consideration by consent authorities**

*In determining an application to carry out development to which this Part applies, the consent authority must consider (in addition to any other matters specified in the Act or in an environmental planning instrument applying to the development):*

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*

**Comment:** Not applicable as the proposed development is not identified as a hazardous or offensive development.

- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*

**Comment:** As per the requirements of Clause 77 of the Regulation the Environment Protection Agency and Department of Primary Industries – Water were consulted. The Office of Environment and Heritage was consulted in accordance with Clause 112C of the Act and the Roads and Maritime Services were consulted in accordance with *SEPP (Infrastructure) 2007* and *SEPP (Mining, Petroleum Production and Extractive Industries) 2007*. The comments provided by these public authorities have been discussed previously in this report and will be included as conditions of consent.

- (c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*

**Comment:** Not applicable as the proposed development is not identified as a potentially hazardous industry.

- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*

**Comment:** The proposed development is required in order to maintain Council's road network in a more efficient manner which will result in economic benefits to road users as there will be less wear and tear on vehicles and increased road user safety. The alternatives for the location of the proposed development include:

1. Development of a new extractive industry in an alternative location;
2. Reopen and expand upon an existing inactive extractive industry elsewhere in the shire;
3. Redevelop and expand an existing active extractive industry elsewhere in the shire.

Due to the financial constraints associated with identifying, purchasing and development of a new extractive industry option 1 is not considered a feasible alternative. The feasibility of options 2 and 3 are determined by the location of the existing extractive industries. The desired purpose of the proposed development is to establish an extractive industry that is centrally located within the Cooma-Monaro Shire, which will enable the efficient maintenance of Council's road network. Two existing extractive industries are located centrally within the Cooma-Monaro Shire: the proposed development site, and the Lower Bunyan Pit, which is located approximately one (1) kilometre south of the proposed development site. The Lower Bunyan Pit has been inactive for some time. The expansion of the Lower Bunyan Pit has been deemed, by the applicant, to be financially unfeasible due to the fact that it is on privately owned land, as well as clearing of a high quality Endangered Ecological Community. It is also noted that

frequent blasting would be required to win the material from the Lower Bunyan Pit. The Lower Bunyan Pit is located significantly closer to the existing rural-residential dwellings in the area with the closest dwelling being approximately 240 metres away. For this reason the reopening and expansion of the Lower Bunyan Pit is not considered to be a feasible alternative.

In this regard there are no feasible alternatives to the proposed development. The expansion of an existing extractive industry is considered to be ideal as the majority of permanent environmental impacts will have already occurred. While the proposed development will result in some polluting discharges, such as noise, dust and visual impacts, these will be mitigated through proposed screening, distances to existing rural-residential dwellings and the topographic features of the site.

*(e) any likely future use of the land surrounding the development.*

**Comment:** It is noted that the likelihood for more rural-residential development to occur on the land surrounding the development is restricted due to its zoning. The land to the north and east of the site is zoned RU1 Primary Production which restricts Council's ability to approve more dwellings in these areas in the future. While the land to the south and west of the site is zoned R5 Large Lot Residential it is noted that the majority of these sites already contain dwellings. In this regard the proposed extractive industry will not restrict any likely future uses of the land surrounding the development.

In accordance with the comments outlined above it is considered that the proposed development complies with the relevant provisions of the *SEPP No 33*.

### ***Cooma Monaro Local Environmental Plan 2013***

Under the provisions of the *Cooma Monaro Local Environmental Plan (CMLEP) 2013* the site is zoned part RU1 Primary Production and part R5 Large Lot Residential. The vast majority of the proposed development will be occurring within the RU1 Primary Production Zone with a small portion of Stage 5 occurring within the R5 Zone.

The proposed development involves the expansion of the existing extractive industry that has been occurring within the highway road reserve. The proposed extractive industry will expand existing operations on the site by extracting up to 20,000 – 25,000 tonnes per year over 25 years. It will also expand the land area covered by the extractive industry by disturbing 14 Hectares of the site.

Extraction is proposed to occur in five (5) stages; with Stages 1 and 2 extending in a southerly direction parallel to the Monaro Highway, Stage 4 extending in a northerly direction stopping approximately 20 metres from the northern boundary of the site, and Stages 3 and 5 will extend operations in a westerly direction stopping approximately 300 metres from the western boundary of the site. The areas disturbed by each stage of extraction are outlined below. It is proposed that it will take a minimum of five (5) years each to exhaust the extractive operations of Stages 1 and 2.

Stage	Approximate Area (hectares)
1	2.55
2	1.44
3	1.88
4	4.06
5	3.87

As part of the proposed development the applicant has proposed to utilise the remaining 65 Hectares of the site as a biodiversity offset. The particulars of this offset will be further discussed later in this report. A 50 metre buffer area immediately adjacent to the Monaro Highway has also been proposed. Fast growing tree species, such as wattles, will be planted within the buffer area to visually screen proposed development from the Highway. In accordance with Clause 2.3 of the *CMLEP 2013*, before determining a development application the consent authority is to have regard to the objectives for development in a Zone. The objectives of the RU1 and R5 zones are listed below.

### **Zone RU1 Primary Production**

#### **1 Objectives of zone**

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage land uses that are unlikely to generate significant additional traffic relative to the capacity and safety of a road, or create or increase a condition of ribbon development on any road.*
- *To encourage land uses that are unlikely to create unreasonable or uneconomic demands for the provision or extension of public amenities or services.*
- *To protect the water quality of receiving watercourses and groundwater systems.*
- *To protect the visual landscape values of the rural area.*

The proposed development is considered to be consistent with the objectives listed above as the site will be used for the purposes of a primary industry, which will not generate significant additional traffic demands and will not result in conflicts between land uses in the surrounding area.

### **Zone R5 Large Lot Residential**

#### **1 Objectives of zone**

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

- *To promote an innovative and flexible approach to rural residential development.*

As the proposed development will be occurring primarily within the RU1 Zone and only a small proportion will be occurring within the R5 Zone it is considered that it will result in minimal land use conflicts between the R5 Zone and the adjoining RU1 Zone.

Under the provisions of the CMLEP 2013 the proposed development is defined as an *extractive industry* which is permissible with consent within the RU1 Zone and prohibited within the R5 Zone.

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

While the proposed *extractive industry* is prohibited within the R5 Zone the provisions of Clause 5.3 provides a level of flexibility for development near zone boundaries.

### **5.3 Development near zone boundaries**

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.*
- (3) This clause does not apply to:*
  - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
  - (a1) land in Zone RU3 Forestry, Zone SP2 Infrastructure or Zone RE2 Private Recreation, or*
  - (b) land within the coastal zone, or*
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.*

**Note.** *When this Plan was made it did not include all of these zones.*

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
  - (a) the development is not inconsistent with the objectives for development in both zones, and*
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) This clause does not prescribe a development standard that may be varied under this Plan.*

It is noted that the proposed *extractive industry* that will occur within the R5 Zone is within 40 metres of the zone boundary. The proposed development is consistent with objectives of both the RU1 and R5 Zones. Additionally the carrying out of the development is considered to be desirable due to the majority of the development occurring within the RU1 Zone and will therefore be able to utilise the existing infrastructure.

The NSW Land and Environment Court through the case of *Seaside Property Developments PTY LTD v Wyong Shire Council 2004 (NSWLEC 117)* has established a planning principle in relation to development adjoining different zones.

*As a matter of principle, at a zone interface as exists here, any development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. In this case residents living in the 2(b) zone must accept that a higher density and larger scale residential development can happen in the adjoining 2(c) or 2(d) zones and whilst impacts must be within reason they can nevertheless occur. Such impacts may well be greater than might be the case if adjacent development were in and complied with the requirements of the same zone. Conversely any development of this site must take into account its relationship to the 2(b) zoned lands to the east, south-east, south and south-west and the likely future character of those lands must be taken into account. Also in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards and the like.*

As previously discussed the proposed extractive industry, while considered incompatible with the surrounding rural-residential dwellings, has been positioned within the landscape to minimise the impacts on the adjoining zone. In this regard it is considered appropriate to grant development consent for an *extractive industry* within the R5 Zone despite it being a prohibited land use.

Clause 6.1 of the CMLEP 2013 provides specific provisions that must be considered as part of the assessment for this *extractive industry* as it involves earthworks. These provisions are listed below.

## **6.1 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*
- (2) Development consent is required for earthworks unless:*
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*

*(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

**Comment:** The applicant has proposed the following measures to ensure that impacts on drainage patterns and soil stability as a result of the proposed development are minimal:

- Establish a Soil and Water Management Plan;
- Topsoils stockpiled and protected for use in site rehabilitation;
- Stockpiles and aggregates stockpiled in accordance with Soils and Construction Vol. 1 (Landcom 2004) guidelines;
- During operation extractive industry will have batters that do not exceed 1:1;
- Batters will not exceed 1:3 once operations have completed;
- Implement Cooma-Monaro Shire Council's Chemical Spill Procedure;
- Construction and ongoing maintenance of sediment ponds;

Additionally it is noted that a Rehabilitation Plan, in accordance with Appendix A of the EIS, will be prepared prior to works commencing on the site. The Rehabilitation Plan will require the development site to be revegetated to further ensure soil stability within the development's locality.

*(b) the effect of the development on the likely future use or redevelopment of the land,*

**Comment:** It is considered that the predominant future use of the site will be some form of agricultural grazing. Appendix A of the submitted EIS indicates that while grazing of the site would be restricted throughout the initial rehabilitation stages once the site is stable and the plantings are mature enough grazing will likely be reintroduced. It is noted that the existing firing range on the site will not be restricted as a result of the proposed extractive industry.

*(c) the quality of the fill or the soil to be excavated, or both,*

**Comment:** The quality of the soil to be excavated is considered to be suitable for road maintenance in the area. It is for this reason that this site was chosen for this extractive industry.

*(d) the effect of the development on the existing and likely amenity of adjoining properties,*

**Comment:** Due to the topography of the site and the relatively large distances between the proposed extractive industries and the adjoining properties it is considered unlikely that the proposed development will significantly impact upon the visual amenity. It is noted that the proposed offset area, which will be revegetated, will provide an additional scenic buffer between the development and the adjoining properties to the west and south. The applicant has proposed a 50 metre buffer area immediately adjacent to the Monaro Highway, which will be planted with fast growing tree species, such as wattles. While this buffer area will assist in reducing the visual impact of the development from the Highway it will take some time for it to be effective. In this regard it is considered appropriate that an earthen mound be constructed within the 50 metre buffer area to further assist in visually screening the development from the Highway. The impacts of noise and dust generated by the proposed development have already been discussed in this report. Due to the topography of the site and the relatively large distances between the proposed extractive industries and the adjoining properties it is considered unlikely that the noise and dust generated by proposed development will significantly impact upon the amenity of the adjoining properties.

*(e) the source of any fill material and the destination of any excavated material,*

**Comment:** As previously stated that material excavated from the site will be transported and used for public road maintenance within the Shire.

*(f) the likelihood of disturbing relics,*

**Comment:** An Aboriginal Cultural Heritage Assessment Report (ACHAR), carried out by New South Wales Archaeology Pty Ltd, did not identify any Aboriginal cultural heritage places or objects within the development site. In this regard it is considered unlikely that Aboriginal cultural heritage will be harmed or impacts as a result of this development. It is noted that the submitted EIS states that an Aboriginal Heritage Management Plan (AHMP) will be prepared in consultation with a qualified archaeologist, in conjunction with Registered Aboriginal Parties and the Office of Environment and Heritage prior to commencement of any works occurring on the site.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

**Comment:** The nearest significant surface water resource to the development site is the Cooma Creek which is located approximately 2.3 kilometres to the east of the development site. The Murrumbidgee River is located approximately 3.5 kilometres to the west of the development site. Both of these water sources are separate from the site by large ridgelines. A Geotechnical Investigation of the site (Coffey 2011) states that groundwater was not observed within the investigative boreholes, with a maximum depth of ten (10) metres.

It is also noted that the *LEP 2013* does not identify that the site falls within a drinking water catchment or is adjacent to any waterways. While the proposed development will result in the clearing of 11.88 Hectares of native vegetation that constitutes the EEC habitat, it is considered there will not be a significant impact on the EEC and identified threatened species. This is primarily attributed to the mitigation measures contained within the submitted EIS, particularly the proposed Offset Area. It will be conditioned that a Biodiversity Offset Plan be prepared and provided to Council prior to the commencement of works commencing on the site. The required Biodiversity Offset Plan would be prepared in accordance with the submitted EIS and will incorporate a Property Vegetation Plan prepared in conjunction with the Local Land Service. In this regard it is considered that to the greatest extent possible the potential impacts on environmentally sensitive areas of the site have been minimised.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

**Comment:** Several mitigation measures have been proposed to minimise the impacts of the development. A summary of these measures are outlined below and with additional conditions of consent are considered to be appropriate:

- Establish and implement a Biodiversity Offset area;
- Establish a Soil and Water Management Plan;
- Establish a 50 metre visual buffer area adjacent to Monaro Highway;
- Establish an Aboriginal Heritage Management Plan (AHMP);
- Construction and ongoing maintenance of sediment ponds;

**Note.** The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.

Sheet BIO\_012 of the LEP 2013 has identified several areas of 'Terrestrial Biodiversity' within of the site. As 'Terrestrial Biodiversity' has been identified on the site the provisions of Clause 6.3 of the LEP 2013 must be taken into consideration. The provisions of Clause 6.3 are outlined below.

### **6.3 Terrestrial biodiversity**

- (1) The objective of this clause is to maintain terrestrial biodiversity by:*
  - (a) protecting native fauna and flora, and*
  - (b) protecting the ecological processes necessary for their continued existence, and*
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
  - (a) whether the development is likely to have:*
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development will be occurring within areas of the site that have been identified as containing 'Terrestrial Biodiversity'. While the proposed development will result in the clearing of 11.88 Hectares of native vegetation that constitutes the EEC habitat, it is considered there will not be a significant impact on the EEC and identified threatened species. This is primarily attributed to the mitigation measures contained within the submitted EIS, particularly the proposed Offset Area. It will be conditioned that a Biodiversity Offset

Plan be prepared and provided to Council prior to the commencement of works commencing on the site. The required Biodiversity Offset Plan would be prepared in accordance with the submitted EIS and will incorporate a Property Vegetation Plan prepared in conjunction with the Local Land Service. As such it is considered that appropriate measures have been proposed to minimise the impacts of the development on the ecological value and significance of the fauna and flora on the land. In this regard the development will be managed to mitigate that impacts of the development on the ecological value and significance of the fauna and flora on the land.

Sheet SCP\_012 of the LEP 2013 has that a 400 metre buffer adjacent to the Monaro Highway falls within the 'Scenic Protection (400m buffer)'. As 'the 'Scenic Protection (400m buffer)' applies to the site the provisions of Clause 6.9 of the LEP 2013 must be taken into consideration. The provisions of Clause 6.9 are outlined below.

### **6.9 Scenic protection area**

- (1) The objective of this clause is to maintain the visual amenity of the major rural road corridors.*
- (2) This clause applies to land identified as "Scenic Protection (400m buffer)" on the [Scenic Protection Map](#).*
- (3) In considering whether to grant development consent to development on land to which this clause applies, the consent authority must consider the following:*
  - (a) the significance of the land as part of a visual corridor of regional importance,*
  - (b) the visual impact of the proposed development as viewed from the Monaro or Snowy Mountains Highways,*
  - (c) whether measures to minimise any adverse visual impacts have been included in the development.*

It is noted that due to the topography of the site it does not provide for significant views when viewed from the Monaro Highway when travelling either northbound or southbound. However the areas to the east of the Monaro Highway in this area do provide a visual corridor considered of regional importance when travelling southbound. The corridor is considered significant because it provides expansive views of the Monaro Plains over a wide vista on a landscape scale.

The proposed development will have a significant visual impact on this visual corridor of regional importance because it will be prominent in the foreground of the vista when traveling southbound on the Monaro Highway. The applicant has proposed a 50 metre buffer area immediately adjacent to the Monaro Highway, which will be planted with fast growing tree species, such as wattles, in order to screen the development from the Highway. While this buffer area will assist in reducing the visual impact of the development from the Highway it will take some time for it to be effective. In this regard it is considered appropriate to condition that an earthen mound, approximately one (1) metre high, be constructed within the 50 metre buffer area to further assist in visually screening the development from the Highway. In this way it is considered that the proposed development complies with the provisions of Clause 6.9.

Clause 6.10 requires consideration of essential services available to the proposed development. Due to the nature of the proposed development the only essential service outlined by Clause 6.10 that is required for the proposed extractive industry is suitable vehicular access. Requirements for suitable vehicular access from the Monaro Highway have been conditioned by the RMS and as such it is considered that adequate arrangements have been made for suitable vehicular access.

## **7 Provision of any proposed Environmental Planning Instruments (S.79C(1)(a)(ii))**

The Department of Planning has directed in Circular PS 08-013 issued on 13 November 2008 that for the purposes of this subsection Council is only required to consider proposed environmental planning instruments which have been publicly exhibited within the last three years.

Council has not exhibited any planning proposals within the last three (3) years that would have an impact on this development.

In accordance with the above direction, there are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

## **8 Provision of any Development Control Plan (S.79C(1)(a)(iii))**

### **Cooma-Monaro Development Control Plan 2014**

Chapter 2 of the Cooma-Monaro Development Control Plan (DCP) 2014 establishes a number of generic development controls that apply to all types of development. An assessment of the proposed development against the provisions of this chapter follows:

<b>Chapter 2: Generic Development Controls</b>			
<b>DCP provision</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
2.8 Erosion and sediment control	Erosion and sediment control plan required	Details of erosions and sediment control measures have been provided in Section 5.2 of the submitted EIS.	Yes
	Construction on slopes >15% to be avoided	No slopes over 15% on site	Yes
	Use of hay-bales to be avoided in areas of high value native vegetation	No use of hay-bales proposed.	Yes

As it can be seen above the proposed development complies with the relevant requirements of Chapter 2 of the DCP 2014.

Chapter 5.2 of the DCP 2014 outlines a number of matters that require consideration for development involving extractive industries such as the proposed development. An assessment of the proposed development against the provisions of this section follows:

Chapter 5.2 Extractive Industries and Mining			
DCP provision	Requirement	Proposal	Complies
5.2.2 Performance requirements	Refer to Section 94 Contribution Plan	It is noted that the Cooma-Monaro Section 94 Contributions Plan (Roads & Open Space) outlines that the payment of a contribution fee is required for extractive industries. However the Cooma-Monaro Shire Council Revenue Policy and Schedule of Fees and Charges 2015-2016 does not provide an applicable contribution fee for this type of development. As the proposed development will result in the ongoing maintenance of Council's road network the payment of a Section 94 Contribution is not required.	<b>Yes</b>
5.2.3 Prescriptive requirements	Maximum extraction period of 10 years for extractive industries that are not designated development.	<b>N/A</b> as the proposed development is classified as designated development.	-
	Public roads used for haulage need to comply with roads standards set out in Chapter 2, back to the nearest classified road. The operator of the quarry may be required to carry out upgrading works.	<b>N/A</b> as the proposed extractive industry fronts a classified road (Monaro Highway) no public roads will be used for haulage.	-
	New extractive industries are not permitted within 500m of a residential dwelling not	The proposed extractive industry will be located approximately 900m from the nearest residential dwelling located not	<b>Yes</b>

	associated with the development.	associated with the development	
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As it can be seen above the proposed development complies with the relevant requirements of Chapter 5.2 of the DCP 2014.

Chapter 6.7 of the DCP 2014 ensures that Council considered the potential impacts of the development on native flora and fauna. Chapter 6.7.2 prescribes that a terrestrial flora and fauna report must be prepared where a proposed development will disturb land or vegetation within an area identified on the LEP maps. Sheet *BIO\_012* of the CMLEP 2013 has identified that the site contains "Biodiversity". It is noted that a Biodiversity Assessment was supplied in Appendix C of the submitted EIS. The proposed development will be occurring within areas of the site that have been identified as containing 'Terrestrial Biodiversity'. While the proposed development will result in the clearing of 11.88 Hectares of native vegetation that constitutes the EEC habitat, it is considered unlikely that a significant impact on the EEC and identified threatened species. This is primarily attributed to the mitigation measures contained within the submitted EIS, particularly the proposed Offset Area. It will be conditioned that a Biodiversity Offset Plan be prepared and provided to Council prior to the commencement of works commencing on the site. The required Biodiversity Offset Plan would be prepared in accordance with the submitted EIS and will incorporate a Property Vegetation Plan prepared in conjunction with the Local Land Service.

As such it is considered that the integrity of the vegetation will be preserved and enhanced.

As can be seen above the proposed development complies with the relevant requirements of the DCP 2014.

## 9 Provision of any Planning Agreement (S.79C(1)(a)(iia))

There are no planning agreements in place in relation to the proposed development.

## 10 Provision of the Regulations (S.79C(1)(a)(iv))

This subsection refers to clauses 92-94A of the Regulations. None of these clauses directly apply to the proposal.

## 11 Impacts of the Development – Environmental, Social & Economic (S.79C(1)(b))

<b>Context and setting</b>	<i>It is noted that while the proposed extractive industry itself will detract from the visual amenity of the area it will be visually shielded from adjoining properties via the existing topography of the site. Additionally the land between the proposed extractive industry and the adjoining properties will be further vegetated as a result of the proposed offset area. The applicant has proposed a 50 metre buffer area immediately adjacent to the Monaro Highway, which will be planted with fast growing tree species, such as wattles, in order to screen the development from the Highway. While this buffer area will assist in reducing the visual impact of the development from the Highway it will take some time for it to be effective. In this regard it is considered appropriate that an earthen mound be constructed within the 50 metre buffer area to further assist in visually screening the development from the Highway.</i>
<b>Access, transport and traffic</b>	<i>The site will be accessed via direct frontage to the Monaro Highway. The RMS has provided comments that will be added as conditions of consent.</i>
<b>Heritage</b>	<b>Nil</b>
<b>Natural and other land resources</b>	<i>The proposed development will continue to make use of a resource highly sought after in the area.</i>
<b>Water supply and potential impacts on surface and ground water</b>	<i>Impacts on water resources should be minimal as sediment ponds will capture potential runoff on the site. A Geotechnical Investigation of the site (Coffey 2011) states that groundwater was not observed within the investigative boreholes, with a maximum depth of ten (10) metres. Extraction will not exceed ten (10) metres.</i>
<b>Soils</b>	<i>Soils on the site will be established in accordance with the Soil and Water Management Plan, which will be required prior to commencement of works on the site.</i>
<b>Air quality, pollution and microclimate impacts (eg odour)</b>	<i>Dust suppression measures will be required by conditions of consent.</i>
<b>Flora and fauna</b>	<i>This has been discussed at length earlier in this report.</i>
<b>Waste facilities and controls</b>	<i>There are no waste facilities proposed as part of the development, given its intended occasional use.</i>
<b>Energy efficiency and greenhouse gas emissions</b>	<i>Greenhouse gas emissions have been discussed earlier in the report.</i>

<b>Noise and vibration</b>	<i>Any noise and vibrations are not considered to be significant due to the distance of the site from neighbouring dwellings and the topography of the site.</i>
<b>Social impact in locality</b>	<i>The proposed development is considered to have a positive social impact on the locality as the materials won will be used to maintain the public roads in the area.</i>
<b>Economic impact in locality</b>	<i>The proposed development is considered to have a positive economic impact on the locality as the materials won will be used to maintain the public roads in the area.</i>
<b>Mineral resources and/or deposits in the vicinity</b>	<i>This development will be utilising one such resource and is not shown on the minerals map.</i>
<b>Impacts on aboriginal heritage</b>	<i>An Aboriginal Cultural Heritage Assessment Report (ACHAR), carried out by New South Wales Archaeology Pty Ltd, did not identify any Aboriginal cultural heritage places or objects within the development site. In this regard it is considered unlikely that Aboriginal cultural heritage will be harmed or impacts as a result of this development. It is noted that the submitted EIS states that an Aboriginal Heritage Management Plan (AHMP) will be prepared in consultation with a qualified archaeologist, in conjunction with Registered Aboriginal Parties and the Office of Environment and Heritage prior to commencement of any works occurring on the site. As such the impacts on aboriginal cultural heritage are considered to have been satisfactorily addressed.</i>
<b>Environmental impacts as a consequence of the development (whether direct or indirect)</b>	<b>N/A</b>
<b>Health Impacts of High Voltage Power Lines</b>	<i>TransGrid, as the electricity supply authority, were sent a written notice of the proposed development on 6<sup>th</sup> January 2016 inviting their comments about any potential safety risks in regards to the High Voltage Power Lines traversing the site. TransGrid did not provide any response, concerning any potential safety risks, within 21 days of notification (06/01/2016). At the time of writing no formal response regarding any potential safety risks has been received from TransGrid. However it is considered appropriate to condition that the proposed extractive industry comply with TransGrid's Easement Guidelines for Third Party Development (V10) (<b>Guidelines</b>). Council has received a late response (01/03/2016) in regards to the proposed development. TransGrids' comments have been added as conditions of consent.</i>

## 12 Suitability of the Site (S.79C(1)(c))

<b>Natural Hazards</b>	The site is not subject to significant natural hazards, other than a grassfire. The quarry will not be affected by such an event.
<b>Potential contamination</b>	Table 1 of the contaminated land planning guidelines (Managing Land Contamination Planning Guidelines SEPP 55-Remediation of Land) lists mining and extractive industry as an activity that may cause contamination. Council's Contaminated Lands Register will be updated accordingly.
<b>Availability of utility services</b>	No services are available at the actual quarry site.
<b>Potential land use conflicts with surrounding development</b>	No significant land use conflicts are expected to arise as a result of the proposed development. The existing agriculture and recreation uses in the area will not be impacted by the proposed development. The proposed extractive industry will not be visible from surrounding dwellings due to the topography of the site and the proposed biodiversity offset area.
<b>Effluent disposal</b>	<b>N/A</b>
<b>Topography</b>	The site rises gently from the Monaro Highway frontage towards a knoll adjacent to the southern boundary of the site. The predominant, northerly, slope of the site has been calculated at approximately 5%. The site's topography is considered suitable for the proposed development.
<b>Suitability of the access arrangements</b>	The site will be accessed via direct frontage to the Monaro Highway. The RMS has provided comments that will be added as conditions of consent.

## 13 Public Submissions (S.79C(1)(d))

The proposed development was placed on public exhibition in accordance with the provisions of Clause 79 of the *Environmental Planning and Assessment Act 1979* with one notice of the application being published in the Monaro Post on 30<sup>th</sup> September 2015 and another in the Cooma Express on 1<sup>st</sup> October 2015. Both of these advertisements complied with the requirements of Clause 80 of the Regulation.

In accordance with the provisions of Chapter 8 of the DCP 2014 all properties within 500 metres of the site were provided with written notification of the proposed development on 25<sup>th</sup> September 2015. In this regard both the owners of the property adjoining the site and other property owners who may be detrimentally affected by the development were notified as per the requirements of Clause 79 of the Act.

Two notices of the application were also installed on the site in accordance with Clause 79 of the Regulation on 30<sup>th</sup> September 2015.

All written notices stated that the submission period commenced on 30<sup>th</sup> September 2015 and closed on 3<sup>rd</sup> November 2015. In this regard the submission period was not less than 30

days, commencing on the day after which notice of the application being published in a newspaper.

In accordance with Clause 77 of the Regulation the Office of Environment & Heritage (OEH), the Environmental Protection Authority (EPA) and the Department of Primary Industries (DPI) – Water were notified of the proposed development as public authorities that may have an interest in the determination of the proposed development.

Following the close of the submission period a total of seven (7) submissions were received. Of these submissions, two (2) were received from public authorities who were notified in accordance with Clause 77 of the Regulation, four (4) were objecting to aspects of the proposal and one (1) was querying clarification over aspects of the proposal.

Following an initial assessment the applicant was requested to make amendments to the original proposal as information was lacking and the concerns had been raised by the submissions, particularly from the OEH. An amended EIS and additional information was supplied by the applicant on 16<sup>th</sup> December 2015.

The amended development was placed on public exhibition in accordance with the provisions of Clause 79 of the *Environmental Planning and Assessment Act 1979* with one notice of the application being published in the Monaro Post on 23<sup>rd</sup> December 2015 and another on 27<sup>th</sup> January 2016. Both of these advertisement complied with the requirements of the Clause 80 of the Regulation.

In accordance with the provisions of Chapter 8 of the DCP 2014 all properties within 500 metres of the site were provided with written notification of the proposed development on 18<sup>th</sup> December 2015. In this regard both the owners of the property adjoining the site and other property owners who may be detrimentally affected by the development were notified as per the requirements of Clause 79 of the Act.

Two amended notices of the application were also installed on the site in accordance with Clause 79 of the Regulation on 18<sup>th</sup> December 2015.

All written notices stated that the submission period commenced on 18<sup>th</sup> December 2015 and closed on 1<sup>st</sup> February 2016. In this regard the submission period was not less than 30 days, commencing on the day after which notice of the application being published in a newspaper.

In accordance with Clause 77 of the Regulation the Office of Environment & Heritage (OEH), the Environmental Protection Authority (EPA) and the Department of Primary Industries (DPI) – Water were notified of the proposed development as public authorities that may have an interest in the determination of the proposed development.

Following the close of this submission period a total of five (5) submissions were received. Of these submissions, three (3) were received from public authorities who were notified in accordance with Clause 77 of the Regulation, and two (2) were objecting to aspects of the proposal.

The DPI – Water have confirmed that the proposed development does not require a Controlled Activity Approval under the provisions of the *Water Management Act 2000*.

The EPA confirmed that they are not an approval body as the proposed development does not constitute a schedule activity pursuant to the *Protection of the Environment Operations Act 1997* (POEO Act). However as the EPA is the Appropriate Regulatory Authority for the

proposed extractive industry, under Section 6 of the POEO Act, the EPA has provided general comments regarding water, noise and air pollution as well as general information for construction activities. These comments will be added as conditions of consent.

Initially the OEHL raised a number of concerns regarding the content of the original EIS. These concerns were conveyed to the applicant who submitted an amended EIS. With the provisions of the amended EIS the OEHL have provided the following comments regarding the proposed development:

- The requirement to plant native canopy trees in all of the offset areas (to complement the proposal to protect all natural regeneration that occurs across the site).
- A consent condition specifying that grazing must be excluded from the offset area whilst the canopy species are regenerating.
- A consent condition that all offsets must be secured and managed in perpetuity at the proponent's expense.
- The consent condition that the Little Eagle nest is checked carefully before being removed when the operation reaches that stage of extraction. The nest must not be removed if the Little Eagle are utilising the nest at the time, and especially not during breeding season.

These comments will be added as conditions of consent.

The issues raised in the public objections received are summarised below and a response provided:

1. *Continuation of the current grazing lease*

**Comment:** It is noted that the site is under the ownership of Crown Lands. While the site is currently leased for grazing purposes and the firing range the Minister for Primary Industries and the Minister for Land and Water has consented to the lodgement of the development application. In this regard the matter of the current leases continuing are a matter for the owner of the site, i.e. currently the Minister for Primary Industries and the Minister for Land and Water and not a matter of consideration for this report.

2. *Management of Noxious Weeds*

**Comment:** Concerns were raised with the original EIS failed to adequately address the management of noxious weeds within the development. The amended EIS, along with recommendation from Council's Weed Officer, have elevated these concerns.

3. *Visual Amenity*

**Comment:** The concerns raised by the submission are relating to both the impact on the visual amenity of the development when viewed from the Monaro Highway and adjoining properties. The submissions have questioned the sufficiency of the proposed 50 metre buffer area, as the EIS is inconsistent as to the timing of planting within this area and its ability to adequately screen the development from the Highway. As previously discussed it will be conditioned that planting within the proposed 50 metre buffer area is to be completed prior to extraction occurring on the site. It will also be conditioned that an earthen mound, approximately one (1) metre high, be constructed within the 50 metre buffer area to further assist in visually screening the development from the Highway. One of the submissions has requested that a similar buffer area be established adjacent to the western and northern boundaries of the site. As the area

between the extraction areas and the western boundary of the site will form part of the Offset Area and will be further vegetated it is not considered warranted to further screen the development from this aspect. It is noted that proposed Offset Area will not include the area between the extraction areas and the northern boundary of the site. In this regard Stage 4 of the proposed development will be visually prominent from both the adjoining property and the Monaro Highway. As such it is considered appropriate to establish a 50 metre buffer area between the extraction areas and the northern boundary of the site for a length of approximately 300 metres.

4. *Ground & Surface Water*

**Comment:** Concerns have been raised that the proposed development will impact on groundwater resources within the area. As has been previously discussed a Geotechnical Investigation of the site (Coffey 2011) states that groundwater was not observed within the investigative boreholes, with a maximum depth of ten (10) metres. It is noted that excavation on the site will not exceed ten (10) metres. Concerns have also been raised pertaining to overland flow. The submitted EIS outlines that sediment ponds will be installed to ensure that material and water remain within the site.

5. *Noise Impacts*

**Comment:** Concerns have been raised regarding the impact of noise generated on dwellings that may be erected on neighbouring properties in the future. It is true that the proposed dwelling would potentially have adverse and unacceptable impacts on future dwellings. Any impacts on future development would be assessed on their merits at such time as development applications are lodged. It is considered unreasonable to require the applicant to consider the likely noise impacts on hypothetical developments.

6. *Recreational Use*

**Comment:** Concerns have been raised over the ability of residents in the area to access the site for private recreation. It is noted that the site is privately owned by the Minister for Primary Industries and the Minister for Land and Water. In this regard it is noted that the site is privately owned and the residents of the area may not have a legal right to utilise the area for their private recreation. In this regard the matter of allowing the use of the site for private recreation is a matter for the owner of the site, i.e. currently the Minister for Primary Industries and the Minister for Land and Water and not a matter of consideration for this report.

7. *Property Access*

**Comment:** Concerns have been raised regarding the neighbouring properties' ability to access their site via the development site. Some submissions have indicated that they believe the development site to be designated as a travelling stock route. It is noted that while a travelling stock route is located adjacent to the southern boundary of the site the site itself is not designated as a travelling stock route. There is no evidence to suggest that any rights-of-carriageway are registered on the site that would enable access to neighbouring properties. In this regard it would appear that some neighbouring property owners may have been accessing their properties via the development site without a legal ability to do so.

8. *Native Vegetation*

**Comment:** Several concerns have been raised concerning the native vegetation on the site. Native vegetation concerns were raised against both the original and the amended EIS. Recommendations to mitigate the impacts to native vegetation have been provided by several of the submissions. These recommendations are listed below and a response provided:

- a. Offset Area calculated in the EIS are strictly adhered to and generously implemented.

**Comment:** It will be conditioned that a Biodiversity Offset Plan be prepared, in accordance with Appendix D of the EIS, and provided to Council prior to the commencement of works commencing on the site. The required Biodiversity Offset Plan would be prepared in accordance with the submitted EIS and will incorporate a Property Vegetation Plan prepared in conjunction with the Local Land Service.

- b. Areas of treeless African Lovegrass included in the Offset Area be revegetated with locally accessioned tree species.

**Comment:** This has been recommended in the Offset Strategy contained within Appendix D of the EIS.

- c. Seed is collected from the Ribbon Gum trees on the excavation sites for future plantings and conservation purposes.

**Comment:** It is considered appropriate to condition that the Biodiversity Offset Plan contain this requirement.

- d. Applicant revegetate the crown road reserve, adjacent to the south-western boundary of the site, which connects the site with Binjura Nature Reserve.

**Comment:** This request is considered beyond the scope of the proposed development. As this road reserve has not been included in the development application a condition of consent relating to it cannot be added part of a development consent for this application.

- e. Abandon the proposed development on this site entirely and consider locating another site within the shire.

**Comment:** Due to the financial constraints associated with identifying, purchasing and development of a new extractive industry this is not considered a feasible alternative. Additionally it is highly unlikely for a site to be identified centrally within the shire that will not contain native vegetation.

- f. Stages 3 & 5 of the proposed extractive industry be abandoned due to the quality native vegetation contained within these areas.

**Comment:** This mitigation measures contained within Appendix D of the submitted EIS included the revegetation of approximately 50 hectares of the site as an Offset Area. This will mitigate the impacts of each stage of the development.

- g. If the proposed development occurs as outlined it is recommended that the Offset Area be revegetated.

**Comment:** Appendix D of the submitted EIS outlines that revegetation of the Offset Areas is to occur. It will be conditioned that a Biodiversity Offset Plan be prepared, in accordance with Appendix D of the EIS, and provided to Council prior to the commencement of works commencing on the site. The required Biodiversity Offset Plan would be prepared in accordance with the submitted EIS and will incorporate a Property Vegetation Plan prepared in conjunction with the Local Land Service.

9. *Cost of Proposal to rate payers*

**Comment:** Concerns have been raised as to the overall cost of the proposed extractive industry to rate payers. This is not considered to be a valid planning concern.

10. *Applicant's poor recording of rehabilitating quarries*

**Comment:** The submitted EIS outlines that a Rehabilitation Plan would be development in accordance with Appendix A of the EIS. It will be conditioned that this Rehabilitation Plan be prepared and provided to Council prior to any works occurring on the site. It will be conditioned that the site is to be progressively rehabilitated in accordance with the Rehabilitation Plan. Failure to comply with any condition of consent will result in enforcement actions under the Act being carried out.

11. *Conflict of Interest*

**Comment:** A concern has been raised as to a potential conflict of interest as Council's Work Section is the applicant for the proposed development. A suggestion has been made that the proposed development should be referred to the Joint Regional Planning Panel. In accordance with Clause 8 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (the Act) the South-East Joint Regional Planning Panel are authorised to exercise the consent authority functions of councils. for a decision as it is for an extractive industry which meets the requirements for designated development under clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

As can be seen above several concerns about the proposed development have been raised. It is considered that conditions of consent will alleviate the majority of these concerns.

## 14 Public Interest (S.79C(1)(e))

<b><i>Impact on public infrastructure</i></b>	The proposed development will provide a resource for local road infrastructure.
<b><i>Disabled Access</i></b>	<b>Not Applicable</b>
<b><i>Federal or State government policies</i></b>	<b>Nil</b>
<b><i>Planning studies, strategies or guidelines</i></b>	<b>Nil</b>
<b><i>Management Plans</i></b>	<b>Nil</b>
<b><i>Restrictions on the title and/or easements upon the land</i></b>	An easement for a transmission line 5.72 metres wide runs from northern to the southern boundary of the site. The submitted EIS indicates that extraction within this easement is unlikely to occur due to prohibitive cost of relocating this infrastructure.
<b><i>Credible research findings applicable to the proposal</i></b>	<b>Nil</b>

## 15 Other Matters

<b><i>Developer Contributions</i></b>	It is noted that the Cooma-Monaro Section 94 Contributions Plan (Roads & Open Space) outlines that
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	the payment of a contribution fee is required for extractive industries. However the Cooma-Monaro Shire Council Revenue Policy and Schedule of Fees and Charges 2015-2016 does not provide an applicable contribution fee for this type of development. As the proposed development will result in the ongoing maintenance of Council's road network the payment of a Section 94 Contribution is not required.
<b><i>Property Vegetation Plan (PVP)</i></b>	The submitted EIS states that the applicant will enter into a PVP with the Local Land Service in order to ensure that the proposed offset area is managed appropriately. This is to be conditioned.
<b><i>Crown Land</i></b>	Both Lots 159 and 160 are under the ownership of Crown Lands. The Minister for Primary Industries and the Minister for Land and Water has consented to the lodgement of the development application.
<b><i>Approvals under other Acts</i></b>	Separate approval under the <i>Roads Act 1993</i> will be required for works within the Monaro Highway road reserve. It will be conditioned that the applicant enter into a PVP with the Local Land Service in accordance with the <i>Native Vegetation Act 2003</i> .
<b><i>Explanation of certain conditions to be imposed</i></b>	Rehabilitation Plan, Soil and Water Management Plan, Biodiversity Offset Plan, Weed Management Plan, and Aboriginal Heritage Management Plan are to be provided to Council prior to any works occurring on the site.  50 metre tree buffer to be installed prior to any works occurring on the site and is to be extended. Earthen mound to be installed within buffer area.  Rehabilitation for each stage to be completed prior to extraction occurring in next stage.
<b><i>Enforcement of conditions</i></b>	Failure to comply with the conditions of consent may result with Council undertaking enforcement actions.
<b><i>Internal Referrals</i></b>	The proposed development was referred to the following internal Council officers. Their comments have also been summarised below:

<b>Officer</b>	<b>Issues raised</b>	<b>Addressed by</b>	<b>Conditions recommended?</b>
Health and Building Surveyor	Rehabilitation Plan, Soil and Water Management Plan etc will need to be provided prior to	-	Nil

	works commencing.		
Roads and Stormwater Engineer	Nil	-	Nil
Water and Wastewater Engineer	Not Consulted	-	-
Property Manager	Nil	-	-
Weed Control Officer			<p>All topsoil from the extraction site should be left on site as it will contain a huge seed bank. All weeds to be fully and continually controlled on the extraction site to minimise the seedbank and potentially for weed spread.</p> <p>If the land is to be leased out to a private landholder, then this landholder needs to enter into a management agreement, including the level of weed control expected by Council.</p>