

JOINT REGIONAL PLANNING PANEL Western Region

JRPP No	2015WES006
DA Number	10.2016.65.1
Local Government Area	Oberon Council
Proposed Development	Extractive Industry (Granite Quarry)
Street Address	1547 Lowes Mount Road, Tarana Lot 218 DP 258521
Applicant/Owner	Applicant: Australian Dolomite Company Pty Ltd Owner: O.K. Webb Pty Ltd
Number of Submissions	No public submissions, two public authority submissions
Regional Development Criteria (Schedule 4A of the Act)	<p>Extractive industry – designated development</p> <p>Clause 8 of Schedule 4a to the <i>Environmental Planning and Assessment Act 1979</i> includes development for the purposes of extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The proposed extractive industry is classified as designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> because it is an industry that obtains extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating and involves blasting within 500 metres of a dwelling not associated with the development (cl 19(1)(c)(v)).</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • SEPP 33 Hazardous and Offensive Industry • SEPP 44 Koala Habitat Protection • SEPP 55 Remediation of Land • SEPP Mining, Petroleum and Extractive Industries 2007 • SEPP Rural Lands 2009 • Oberon Local Environmental Plan 2013 • Oberon Development Control Plan 2001
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Application Documents • Environmental Impact Statement (June 2015) • Threatened Species and Biodiversity Assessment (August 2015) • Blast Management Plan (August 2015) • Traffic Impact Study (November 2015) • Objection – Lithgow City Council • Referral Response – Roads & Maritime Services • Draft Conditions of Development Consent

Recommendation	That the Western Region Joint Regional Planning Panel issue conditional consent.
Report by	Lachlan Sims, Town Planner, Oberon Council
Report date	19 April 2016

1. EXECUTIVE SUMMARY

1.1 Reason for consideration

This application is submitted to the Joint Regional Planning Panel Western Region for determination in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The proposed development is for an extractive industry that is classified as designated development in accordance with clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. Clause 8(a) of Schedule 4A to the *Environmental Planning and Assessment Act 1979* specifies this type of extractive industry as development for which regional panels may be authorised to exercise consent authority functions of councils.

1.2 Description of proposed development

The application is seeking consent for the development of an extractive industry to quarry granite for architectural aggregate. The area of the proposed quarry occupies approximately 1.9 hectares within land identified as Lot 218 DP 258521 and accessed off Lowes Mount Road, Tarana. The proposed quarry site is located approximately 15km north of the township of Oberon and 9km south of the village of Tarana. The subject site has been used for quarrying activities in the past but is currently disused. It is known locally as the "Wonga Quarry".

The development proposed is a relatively small quarrying operation that will extract from an area of exposed pink granite on the site. The applicant is Australian Dolomite Company Pty Ltd (the applicant) who intend to undertake the proposed quarrying activity. The applicant has a private mining agreement with the owner of the land, O.K. Webb Pty Ltd (the owner) who have consented to the lodgement of the development application. The applicant has engaged Rangott Mineral Exploration Pty Ltd (the consultant) to assist with the application and preparation of the environmental impact statement (EIS).

The proposed development will expand the existing disused quarry on the site and seeks consent for the extraction pink granite for use in building construction. The proposal documents indicate that there is a resource of approximately 240,000 tonnes of material present which is expected to satisfy demand for 50 years. The material removed will average of 500 tonnes annually and will be extracted on an intermittent basis on five or six occasions per year with all extracted material moved off the site for treatment and processing. The footprint of the quarrying activity over its lifetime is approximately 0.65 hectares. Minimal infrastructure is required for the proposed works and existing access and staging/manoeuvring areas to be utilized. All materials and equipment will be brought to the site and removed following the completion of the activity. The proposal will involve blasting activities to loosen the material which are expected to take place once every six to ten years.

As the quarry expands it will require the removal of native vegetation. This is proposed to be offset through the rehabilitation and replanting in the area between the quarry and Lowes Mount Road.

1.3 Development history of the site

The subject site has been quarried in the past by a separate operator. These operations were the subject of a previous development consent granted in 1990 for the extraction of stone blocks from the site. This consent expired in 2002.

The applicant purchased the rights to the quarry from the former operator in 1997 and now

1.4 Compliance with planning regulations

The subject site is within the RU1 Primary Production Zone under the Oberon Local Environmental Plan 2013. Development for the purposes of extractive industry is permissible with consent on land within the RU1 zone under both the Oberon Local Environmental Plan 2013 and in accordance with *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. The proposed extractive industry is classified as designated development in accordance with clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

1.5 Consultation

The development proposal was placed on public exhibition in accordance with legislative requirements. The exhibition period was from 4 September 2015 to 16 October 2015. Notification of the proposal was given to landowners adjoining the subject site as well as advertisements placed in the local newspaper on three occasions. Notification of the proposal was also given to Bathurst Regional Council and Lithgow City Council as well as the Office of Environment and Heritage, Department of Primary Industries and Roads and Maritime Services. One submission was received in response to the notification of the proposal from Lithgow City Council raising issues with the proposed haulage routes.

1.6 Recommendation

The proposed development has been assessed on its merits in accordance with the legislative and regulatory provisions and based on the documentation submitted in support of the application. The proposal is recommended for approval subject to conditions of consent.

2. EVALUATION OF DEVELOPMENT APPLICATION

2.1 Proposed development

The development application seeks consent for the establishment of an extractive industry on the site for the purposes of quarrying pink granite.

The proposal is for a small quarrying operation that will occupy an area of approximately 1.9 hectares of land in Lot 218 DP 258521 at 1547 Lowes Mount Road, Tarana. The site is approximately 15km north of the township of Oberon and 9km south of the village of Tarana. The subject site has been used for quarrying operations in the past and is identified as the Wonga Quarry. The site is identified on the locality plan in Figure 1.

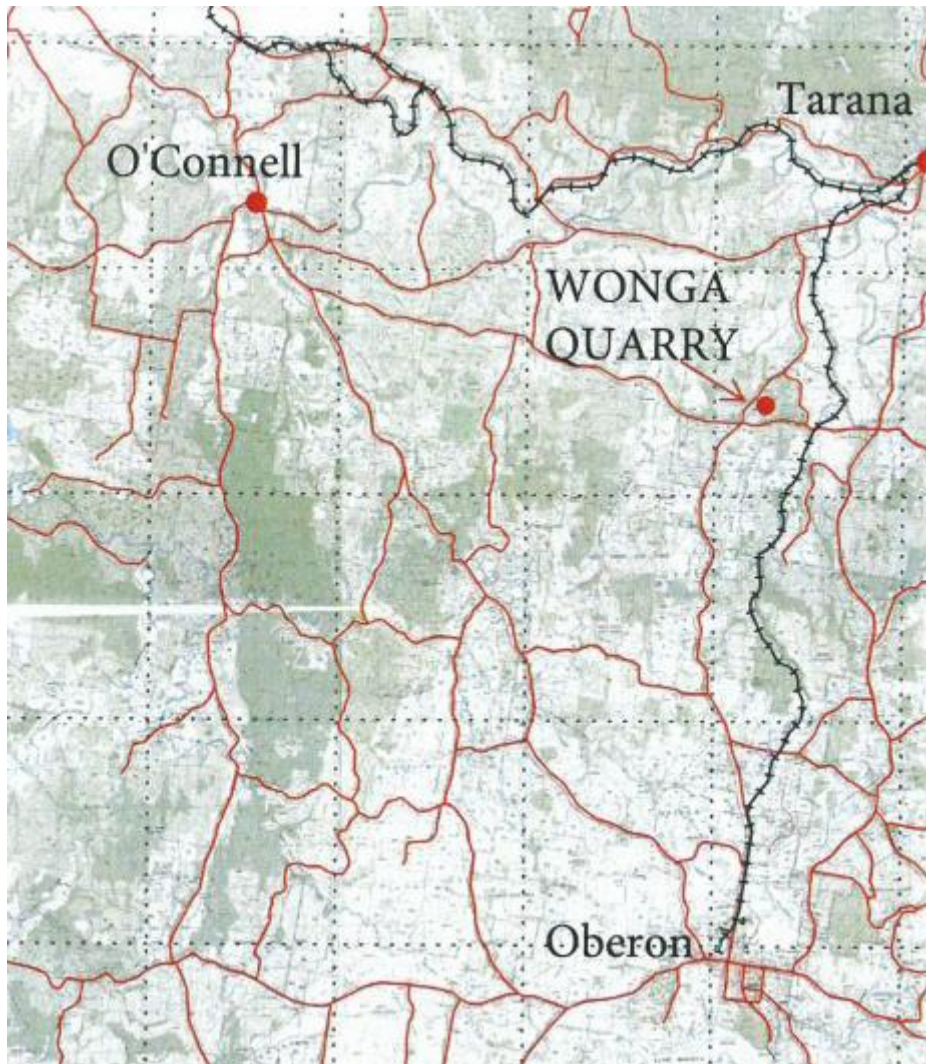


Figure 1 – Locality Map, Proposed Wonga Quarry Expansion

The proposal will expand on the existing quarry on the site for the extraction of pink granite for use in building construction. The material will be extracted from the site as aggregate and then transported to a processing facility at Wallerawang for further treatment and crushing. Other than the extraction and loading of the material, along with occasional blasting, no treatment or processing of the extracted material is proposed on the site.

It is proposed to utilise the remaining resource from the existing disused quarry on the site and the expansion of the facility to provide a supply over the next 50 years. Over this time, the expected footprint of the extraction area is 0.65 hectares. The layout of the proposed quarrying operation, including details of the existing quarry and its access and the ultimate footprint of the operation is shown in Figure 2.

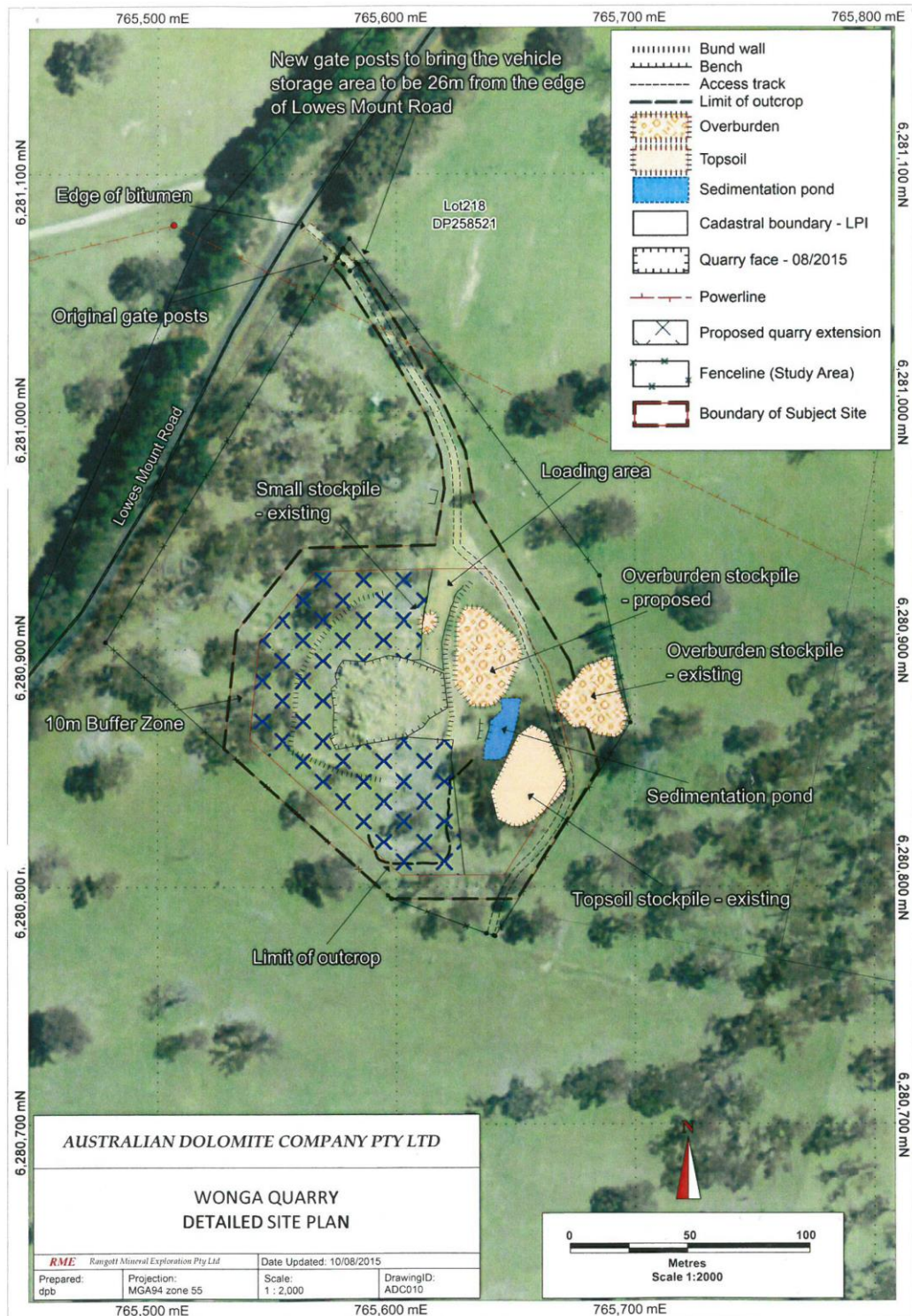


Figure 2 – Site Plan, Proposed Wonga Quarry Expansion

The proposed extraction area has been identified as having a potential resource of of approximately 240,000 tonnes. The material removed will average of 500 tonnes annually and will be extracted on an intermittent basis on five or six occasions per year. The footprint of the quarrying activity over its lifetime is approximately 0.65 hectares.

The occasional quarrying works will involve an extraction campaign that will typically last about 10 days. The material extracted will be loaded and removed from the site for transport to the applicant's crushing facility at Wallerawang. It is estimated an average of 18 truck loads would be removed from the site during each extraction campaign. Given the occasional and intermittent nature of the quarrying works, no equipment or infrastructure is intended to be permanently placed on the site. All equipment and materials will be brought in will be removed from the site at the conclusion of each

campaign. No blasting equipment, explosives or other hazardous materials will be stored on site.

The proposed quarrying activity will utilise and expand on the existing earthworks on site in place from former extraction activities. This includes the existing drainage depression/sediment pond and stockpiled topsoil. Further topsoil stripped from the site as part of the proposed expansion will be stockpiled to be used in the rehabilitation of the site following completion of quarrying activities.

The works proposed on the site will involve the creation of a box like cut into the hillside to extract the granite material. It will also involve the deposit of mounds of overburden material that will be rehabilitated and revegetated. A 10m wide vegetated buffer around the quarry is proposed as is the rehabilitation and revegetation of the area of the site between the quarry and Lowes Mount Road. Due to the topography of the site, the quarry is not visible from Lowes Mount Road. Because of the proposed revegetation and buffer screening works proposed, the quarry will be sufficiently screened and its visual impact substantially reduced.

Access to the quarry site will be via an existing track off Lowes Mount Road. The applicant has identified works necessary at the site entrance to ensure compliant sight distances are maintained for vehicles exiting the site. This will involve road widening works and vegetation removal. The proposed haulage route for the extracted material is via Lowes Mount Road and Mutton Falls Road to the village of Tarana. From there the haulage route follows Diamond Swamp Road to Great Western Highway where it then follows authorised B Double haulage routes to the processing facility at Wallerawang.

The proposal will also involve the removal of native vegetation on the site in the area of the quarry expansion. The applicant is proposing to address the impacts of this by offsetting this loss in vegetation through the rehabilitation and replanting of an area of 1.2 hectares of the site with vegetation species endemic to the area. In addition, a 10m wide vegetated buffer around the quarry will also be implemented.

2.2 Land ownership and tenure

The subject land (Lot 218 DP 258521) is owned by O.K. Webb Pty Ltd who has consented to the lodgement of the application and is supportive of the use of the land for quarrying purposes. A deed of agreement and is in place between the landowner and the applicant, Australian Dolomite Company Pty Ltd, giving it licence for the use and temporary occupation of the site for quarrying purposes. The applicant acquired the rights to this licence from the previous operator of the quarry in 1997. The current agreement is valid until 26 February 2022.

2.3 Site description

The site of the quarry is on a north-north easterly gently sloping spur. Natural surface slope in the vicinity are approximately 5 degrees. The site and surrounds are characterized by exposed granite outcrops, scattered woodland vegetation and grazing country. Prominent on the site is an exposed granite outcrop and the existing quarry and ancillary earthworks. This includes the residual quarry face, stockpiles of topsoil and overburden, runoff detention pondage and the access track and manouevring/staging area. The site is not in active use as a quarry and is currently utilized for grazing of stock.

In the vicinity of the quarry site are two rural dwellings (within 500m). This proximity of dwellings to the site is the trigger for an extractive industry being designated development under the *Environmental Planning and Assessment Regulation 2000*. The two dwellings are located on the same holding as the quarry and are in the ownership of O.K. Webb Pty Ltd. An aerial photo showing the quarry site, its surrounds and the location of the adjoining dwellings is provided in Figure 3.



Figure 3 – Aerial image, Wonga Quarry site and surrounds

2.4 Statutory Assessment Requirements

Because the proposed development involves blasting within 500 metres of a dwelling not associated with the development, it is classified as designated development under clause 19(1)(c)(v) of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. An environmental impact assessment (EIS) has been undertaken on behalf of the applicant and is submitted in support of the proposal.

The proposed extractive industry requires development consent in accordance with the requirements of the *Oberon Local Environmental Plan 2013* and *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

2.5 Environmental Planning and Assessment Act 1979

Section 79C of the *Environmental Planning and Assessment Act 1979* requires a consent authority to assess the impacts of development and to take into account certain matters as are relevant to a development the subject of a development application. An evaluation of the development proposal against the relevant heads of consideration in section 79C is contained in Table 1.

Table 1 – Assessment under s79C Environmental Planning & Assessment Act 1979

<p><i>s79C(1)(a)(i) Any environmental planning instrument</i></p>
<p><i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i></p> <p>The proposed development is not considered to be a potentially hazardous or offensive industry. The nature of the proposal and the intended operations are expected to sufficiently mitigate this risk. This aspect of the development is addressed in section 4.8.1 of the EIS.</p>
<p><i>State Environmental Planning Policy No. 44 – Koala Habitat</i></p> <p>This SEPP requires a consent authority to satisfy itself whether or not the land is a potential koala habitat or core koala habitat. An assessment of the vegetation on the site was undertaken by the applicant as part of the threatened species and biodiversity assessment for the proposal. It identifies the mix of vegetation species on the site as being potential koala habitat but concludes that it is unlikely to be considered core koala habitat. The assessment of the vegetation communities present on the site and in consideration of the requirements of SEPP 44 and the is contained in section 5 of the Threatened Species and Biodiversity Assessment submitted in support of the development application. Because the site is not identified as containing core koala habitat, a consent authority is not prevented from granting consent to the development application under the requirements of the SEPP.</p>
<p><i>State Environmental Planning Policy No. 44 – Koala Habitat</i></p> <p>This SEPP requires a consent authority to satisfy itself whether or not the land is a potential koala habitat or core koala habitat. An assessment of the vegetation on the site was undertaken by the applicant as part of the threatened species and biodiversity assessment for the proposal. It identifies the mix of vegetation species on the site as being potential koala habitat but concludes that it is unlikely to be considered core koala habitat. The assessment of the vegetation communities present on the site and in consideration of the requirements of SEPP 44 and the is contained in section 5 of the Threatened Species and Biodiversity Assessment submitted in support of the development application. Because the site is not identified as containing core koala habitat, a consent authority is not prevented from granting consent to the development application under the requirements of the SEPP.</p>
<p><i>State Environmental Planning Policy No. 55 – Remediation of Land</i></p> <p>This SEPP requires the consideration of the potential contamination of land and its remediation as part of the development application process. The subject site has been used for low scale quarrying activity in the past under a previous approval that is now lapsed. Similar to the current proposal, all equipment and material was brought in to the site during quarrying activity and removed when works ceased. It is understood no buildings or permanent storage of plant, equipment or chemicals took place on the site. When not being utilized for quarrying, the subject site reverts to broadscale grazing land. Because of this there are no identified contamination issues and thus no remediation works are necessary. This proposal seeks to extend and expand on the previous low scale intermittent use of the quarry for the extraction of granite material. Should approval be granted it will be subject to appropriate conditions of consent to minimise and manage potential contamination.</p>
<p><i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i></p> <p>The proposed extractive industry is permissible with consent in accordance with clause</p>

7(3) of this SEPP which also specifies matters for consideration for extractive industry proposals. The applicant has addressed the requirements of this SEPP in section 2.1.2 of the EIS submitted in support of the application.

Clause 12 of this SEPP requires consideration of compatibility of the proposed extractive industry with other land uses (existing and approved) in the vicinity of the development. The immediate surrounds of the proposed quarry site are currently used for grazing of livestock. There are two dwellings within 500m of the site (each located on the same holding as the owner of the land). Another active quarry site (the 'Tarana Quarry') exists approximately 1km south-southeast of the site which has been used continuously since the 1930s. There is also a disused quarry (the 'Yarrowonga Quarry') approximately 3.3km southeast of the subject site. Considering the small scale, intermittent nature of the proposed quarry and the surrounding land uses, the impacts of the proposal are expected to be minimal. There are no surrounding land uses that are considered to be incompatible with the proposed extractive industry.

The scale, nature and frequency of the proposed extractive industry is considered to be compatible with the existing used and disused quarries in the surrounding locality. Under clause 13 of this SEPP, a consent authority must consider whether or not the development is likely to have a significant impact on current or future extraction in the vicinity. Having regard for the proposed scale, nature and frequency of the proposed extractive industry, it is not expected to negatively impact on the current or future quarrying activities in the vicinity.

Clause 14 of this SEPP requires consideration of natural resource management and environmental management. It requires a consent authority to consider environmental responsibility in relation to:

- Water resources
- Threatened species and biodiversity, and
- Minimisation of greenhouse gas emissions.

The subject site is in the catchment of the Snakes Valley Creek which is a tributary of the Fish River. There is no significant surface water in the vicinity of the subject site. An artificial depression exists on the site to serve as a sedimentation and detention pondage for stormwater runoff from the quarry site. The nearest groundwater bores are located 1.8-2.0km south of the subject site and do not indicate ground water at 45m depth. The minimal nature of the proposed extraction being at and close to the surface (to a maximum depth of approximately 14m from natural ground level) is not expected to result in any impacts on groundwater.

Due to the minimal, low scale and intermittent nature of the proposed extractive industry, greenhouse gas emissions are expected to be low. Works on the site will be undertaken by machinery powered by diesel fuel. The applicant estimates approximately 18 truck movements per year from the quarry to the processing facility in Wallerawang which equates to emissions of approximately 2.04 tonnes of CO₂ per annum. This is not considered to be an unreasonable outcome in the circumstances.

Clause 15 of this SEPP requires a consent authority to consider the efficiency of the development in terms of resource recovery and recycling of material. Given the minimal, low scale and intermittent nature of the proposal, significant waste generation is not expected. The proposal contains details of the proposed storage, reuse and rehabilitation of the topsoil and overburden material of the site. These materials will be utilized in the restoration and rehabilitation of the site as operations cease. Due to the impermanence of works on the site, all materials and equipment will be brought in and later removed from the site as part of each extraction campaign.

Clause 16 of this SEPP relates to the transport needs of the proposed development and requires a consent authority to have regard for the impacts on public roads. The EIS submitted with the application is supported by a Traffic Impact Study that has been

referred to applicable roads authorities for comment in accordance with the requirements of this clause.

Due to the small scale, intermittent activity proposed, the development will only result in approximately 18 haulage trips per year from the quarry, with these trips spread over 5-6 extraction events over the year. Each event is expected to result in extraction of 100 tonnes of material with haulage undertaken by trucks less than 19m in length and with a maximum weight of 50 tonnes.

The proposed haulage route of the extracted material from the site to the Wallerawang processing plant traverses roads in the Oberon, Bathurst and Lithgow local government areas as well as classified roads under the responsibility of Roads and Maritime Services (RMS). Lithgow City Council responded with an objection to the originally proposed haulage route and as a result the applicant amended the proposed haulage route to address concerns raised.

The applicant has amended the haulage route in consultation with Lithgow and Bathurst councils and RMS with the route now proceeding directly north from the quarry site to the Great Western Highway where it then traverses classified roads and declared B Double routes to the Wallerawang processing facility. Roads and Maritime Services also responded to the referral of the proposal indicating in-principle support subject to recommended conditions of approval relating to road safety and management of heavy vehicle movements.

The amended Traffic Impact Study submitted in support of the proposal addresses the requirements of clause 16 of this SEPP and, should the development be approved, will be incorporated into conditions of consent as well as recommendations submitted in response by RMS and Lithgow City Council.

Clause 17 of this SEPP relates to the rehabilitation of the land affected by the extractive industry proposal. The applicant has provided details of the proposed rehabilitation means and methods to be applied during the life of the proposal that sufficiently addresses the requirements of this clause. Should approval be granted to the proposal, appropriate conditions of development consent will be applied to ensure the site is rehabilitated.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP contains rural planning principles applicable to the use and development of rural land. The proposed extractive industry is considered to be consistent with these principles. The proposal will provide for the sustainable, economic use of a natural resource (pink granite) and includes operational measures that will result in the rehabilitation and restoration of the site following completion of the extraction activity.

Oberon Local Environmental Plan 2013

The subject land is within the RU1 Primary Production Zone under the provisions of the *Oberon Local Environmental Plan 2013* (LEP). The proposed development is defined as an “extractive industry” for the purposes of the LEP and is permissible with consent in the 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.

The objectives of the RU1 Primary Production Zone are:

- *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 enable other forms of development associated with primary production activities, which may require an isolated location or which support tourism or recreational activities.*

The latter three objectives are of relevance to this proposal. The proposed development, given its minimal, low scale nature, will not result in the fragmentation or alienation of rural lands. The subject site will be rehabilitated and restored following quarrying works enabling much of the site to return to grazing and/or rural woodland country.

The proposed extractive industry is of a scale that will not result in extensive or long term conflict between it and surrounding or adjoining land uses. The likely impacts on the surrounding environment are considered reasonable and can be adequately managed and mitigated through appropriate conditions of development consent.

The proposed development is appropriate for the relative isolation of the site and is generally considered compatible with the current use of the immediate surrounds for grazing of livestock.

s79C(1)(a)(ii) Any proposed instrument that is or has been placed on exhibition

There are no draft environmental planning instruments applicable to the proposal.

s79C(1)(a)(iii) Any development control plan

The *Oberon Development Control Plan 2001* (DCP) applies to the subject land. The DCP outlines Council's policy with regard to development of land. Part A of the DCP applies to rural development and refers to land in the "Rural 1(a) Zone". Since the publication of the DCP, land zoning regime in the Oberon Council area has changed following the gazettal of the *Oberon Local Environmental Plan 2013* (LEP). For the purposes of this assessment a reference to the "Rural 1(a) Zone" in the DCP is taken to be equivalent to the RU1 Primary Production Zone in the LEP.

Section A.2.1 of the DCP contains Council's general policy for rural development and provides that non-agricultural development should be located on land that is not prime crop or pasture land. It requires that non-agricultural development should be carried out in a way that minimises adverse effects on adjoining land.

The proposed development is to take place on the site of an existing disused quarry. It proposes to extract granite material from an existing, exposed rock outcrop on the site and will utilise existing access and staging areas. During and following completion of the extractive works, the site will be rehabilitated with native vegetation. It is expected, following completion of the works and during times when the quarry is not in active operation, the land will remain available to broad scale grazing of livestock.

For the reasons above, and based on the intention that the proposed extractive industry will be of a low scale and intermittent nature, the proposal is considered to comply with the requirements of this section of the DCP.

Section A.2.6 of the DCP contains specific items for consideration for development proposals on rural land and seeks to minimize impacts of non-agricultural uses. Of relevance to this development application is the requirement to minimise land degradation. The proposed development will result in alterations to the land through the extraction of rock materials. The proposed development is supported with documentation indicating that the site will be managed and maintained to minimise the

impacts of the activity. Measures are proposed to manage and mitigate noise, dust, sediment runoff and erosion likely to be generated during the operational phase of the development. The proposal includes details of the applicant's commitment to manage, restore and rehabilitate the site following the completion of the proposed extractive works. This includes the planting of vegetated buffers around the quarry site, restoration and rehabilitation of vegetated areas not proposed for extractive works and the rehabilitation of overburden material with topsoil and vegetation.

The DCP specifies buffer distances between certain land uses on rural land with high risk of land use conflict. For extractive industries, the DCP specifies a buffer distance of 500m from the footprint of operations with the buffer to be provided wholly within the proponent's land. There are two dwellings within 500m of the site of the proposal (see Figure 3). Each of these dwellings are located within the same holding of the owner of the land. Although the landowner is not the proponent for this application, consent has been granted for the making of the application and the applicant has an agreement in place with the landowner authorizing the operation of the extractive industry on the site. For these reasons, the proposal is generally considered to comply with the buffer requirements specified in the DCP. Because there are dwellings located within 500m of the site of the proposed extractive industry, the applicant has proposed measures to mitigate impacts on these dwellings during the operation of quarrying activities. Should the proposal be given approval, suitable conditions of development consent can be applied to ensure appropriate mitigation and management of impacts is undertaken.

s79C(1)(a)(iia) Any planning agreement

There are no planning agreements applicable to the subject site or to this development application.

s79C(1)(a)(iv) The regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no applicable regulations to this development application.

s79C(1)(a)(v) Any coastal zone management plan (within the meaning of the Coastal Zone Management Act 1979 that apply to the land to which the development application relates)

No coastal zone management plans apply to the subject land.

s79C(1)(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and setting

The subject site contains an existing disused quarry with all necessary access, staging and manoeuvring areas in place to accommodate the proposed development. The site is currently within an area open to broadscale grazing of stock with a large exposed outcrop of granite (proposed for extraction) present. There is sufficient space within the existing quarry footprint area for the stockpiling and staging of the proposed development. The subject site occupies a small area under arrangement with the owners of a large rural holding surrounding the site. The site is located in a minimally developed rural area with the predominant land use being grazing of livestock. The quarry site is located close to Lowes Mount Road, but is sufficiently screened by existing vegetation and the nature of the topography. Proposed with the development is further screening works that will enhance the existing minimal visual impact of the quarry. There are two dwellings in close proximity (within 500m) of the quarry site. Each of these dwellings is located on the same land holding as the owner of the subject site.

The nearest private dwelling in different ownership is located more than 1km away.

Access, transport and traffic

The site is located close to Lowes Mount Road with access obtained from an all weather formed track approximately 200m long remaining from previous quarrying activities on the site. The proposal is for a low scale, intermittent quarrying activity that is estimated to occur over a 10 day period on 5-6 occasions per year. The activity is expected to result in about 18 truck movements per occasion. All materials and equipment will be brought to the site and subsequently removed following each extraction session. Other than the extraction and loading activities, no processing of the extracted material will take place on site. Upon leaving the site, trucks loaded with extracted aggregate material will proceed north via Tarana to the Great Western Highway en route to the applicant's processing facility at Wallerawang. The proposed haulage route has been established in consultation with Roads and Maritime Services and the relevant local councils.

Public domain

The proposed development is expected to have minimal to no impact on the public domain.

Utilities

The minimal, intermittent nature of the proposal means no permanent utility services are needed for the activity. All materials and equipment needed for the extraction works will be brought to the site and removed following completion of works.

Heritage

The impacts of the proposed extractive industry have been assessed with regard to both European and Aboriginal heritage. Searches and site inspections have been undertaken with no evidence to indicate the site has any cultural heritage significance. Details of the heritage assessment undertaken by the applicant is contained in section 4.6 of the EIS. Should approval be granted an appropriate condition of consent can be imposed requiring action should evidence of Aboriginal relics be uncovered during the proposed activity.

Other land resources

The proposed activity is not expected to result in significant or unreasonable impacts on land resources.

Water

The proposed activity will not require any significant water supply. Any water resources needed for the activity will be brought in or extracted from nearby farm dams under arrangements with the landowner. The existing quarry infrastructure includes an artificial depression created to detain stormwater runoff from the quarry site and contain any sedimentation generated. The proposed development will utilise the existing stormwater detention pondage on the site for its stormwater management which is considered sufficient given its size and the scale of the proposed works. The proposed works are close to the surface and no impacts on groundwater are expected.

Soils

The proposal seeks to retain and utilise existing topsoil and overburden stockpiles on the site. Any additional overburden and waste rock material generated as a result of the proposed extractive industry will be stockpiled on site and utilised as part of the proposed rehabilitation and restoration of the site. There is no evidence of contamination of the site. The proposed activity is of minimal nature and is not expected to result in the contamination of the site.

Air and microclimate

The proposed development is expected to generate some levels of air and noise pollution by nature of the activity proposed. These impacts are expected to result from the drilling, blasting and vehicle movements as essential parts of the extractive industry activity. The applicant has addressed these issues in section 4.5 of the EIS. In relation to drilling and dust generation, the applicant advises that standard dust collectors on the drilling equipment will be employed.

Blasting is expected as part of the operation to loosen the rock to enable its extraction. The applicant proposes measures to minimize the air-blast magnitude of the proposed blasting and has submitted a Blast Management Plan in support of the development application. Should the proposed development be approved, appropriate conditions of consent can be imposed to ensure the impacts of the blasting are minimised and the Blast Management Plan is implemented.

Some noise and dust is expected to be generated by the use of machinery and by truck movements to and from the site. The proposed development will have limited hours of operation to mitigate machinery noise impacts. The applicant advises that dust control measures will be implemented when conditions prevail. Should approval be granted, appropriate conditions of consent can be implemented to ensure adequate treatment and management of noise and dust from machinery is implemented.

Flora and fauna

The EIS and supporting documentation address the impacts of the proposed development on the flora and fauna of the site, particularly in relation to threatened species. The applicant has addressed biodiversity impacts in section 4.3 of the EIS and in the Threatened Species and Biodiversity Assessment submitted in support of the proposal.

The applicant's assessment concludes that there are no threatened flora species present on the site and that the proposed minimal clearing of vegetation required as part of the proposal will not result in negative impacts on the habitat of threatened fauna species.

The proposal will involve the clearing of approximately 0.65 hectares over the life of the quarry to enable access to the resource. A vegetation survey has been undertaken and identifies the presence of three vegetation communities on the site. The area proposed for clearing has been identified as remnant grassy woodland comprising Apple Box, Broad Leaved Peppermint and Yellow Box. It should be noted that the area proposed for clearing comprises scattered vegetation amongst a substantial exposed granite outcrop.

Details submitted with the application indicate that 0.5 hectares of the Apple Box woodland will be cleared but this is not expected for another six years given the existing exposed rock available in the existing quarry.

To mitigate and offset the proposed vegetation clearing, the applicant has proposed establishing a 10m wide vegetated buffer surrounding the quarry site. This buffer is to be established immediately upon commencement of quarrying works enabling it to be relatively well established before vegetation clearing works commence after 6 years.

The applicant has also committed to the rehabilitation and revegetation of 1.2 hectares of Apple Box woodland on the site between the quarry site and Lowes Mount Road. This area is intended to compensate for and offset the loss of scattered woodland trees proposed for removal surrounding the exposed granite outcrop over the life of the quarry.

<p>Details of the proposed vegetation offset are contained in the Threatened Species and Biodiversity Assessment submitted in support of the proposal.</p> <p>The proposal will also require upgrade works at the intersection of the quarry access and Lowes Mount Road. To achieve road safety compliance and sufficient sight distances for vehicles exiting the site, some trees within the road reserve will need to be removed.</p> <p>Should the application be approved, development consent will include suitable conditions to ensure the proposed vegetation management and offsets proposed are implemented and that appropriate management and protection measures are applied during the activation and operational phases of the quarry.</p> <p>It is also noted that the application documents and EIS do not reference the requirements of the <i>Native Vegetation Act 2003</i>. This Act requires consent for the clearing of native vegetation on rural land in many circumstances. Because the proposed development constitutes “designated development” for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> it is specifically exempt from the consent requirements under section 25(f) of the <i>Native Vegetation Act 2003</i>.</p>
<p><i>Waste</i></p> <p>The low scale, intermittent nature of the proposed works will not result in significant generation of waste. Excess soil and rock materials from the proposed quarrying operations will be stockpiled on site with appropriate sediment and erosion control measures implemented. These surplus materials will be contained on the site and utilised or rehabilitated as part of the development.</p> <p>During quarrying works, all plant and equipment will be brought in for the duration of the extraction campaign and removed at its completion. No permanent structures or infrastructure are proposed. Should approval be granted, appropriate conditions of consent can be imposed requiring the removal of equipment and any related waste material during extended periods of inactivity.</p>
<p><i>Energy</i></p> <p>The nature of the proposed extractive industry will require minimal energy requirements. All plant and equipment is to be brought in to the site during the intermittent quarrying activities and removed upon completion of each extraction campaign. No permanent infrastructure or fixe energy supply will be connected to the site.</p>
<p><i>Noise and vibration</i></p> <p>The proposed quarrying activity will result in the increase of noise and vibration in the surrounding environment. There are two dwellings within 500m of the quarry site, each located within the same holding and under the same ownership as the quarry site. There are no other dwellings or land uses of a sensitive nature within 1km of the quarry site. Supporting documentation with the application indicates the intention of the applicant to restrict hours of operation and to manage operational activity such as blasting and truck movements to minimize impacts on the surrounding locality.</p> <p>Should approval be granted for the proposal, appropriate conditions of consent, including the implementation of the blast management plan and restrictions on hours of operation can be imposed to mitigate noise and vibration impacts.</p>
<p><i>Natural hazards</i></p> <p>There are no natural hazards expected to impact on the proposed development nor is the development expected to increase the risk of natural hazards in the locality.</p>

Technological hazards

There are no technological hazards expected to impact on the proposed development nor is the development expected to increase the risk of technological hazards in the locality.

Should approval be granted, appropriate conditions of consent can be imposed on the development requiring the site to be left in a suitable, non-contaminated condition following the completion of the quarrying works.

Safety, security and crime prevention

Due to the relative isolation of the subject site, there are no issues with safety, security and crime prevention. The quarry site is within a fenced site and no equipment or materials are intended to remain on the during times when it is not in use.

Social impacts in the locality

The proposal is for a low scale intermittent quarrying operation to occur over 5 or 6 ten day periods each year. The proposal is not expected to result in negative social impacts in the locality. The site is relatively isolated and well screened from Lowes Mount Road and the surrounding environment. Other than the two dwellings located on the same holding of the owners of the quarry site, there are no residences or other sensitive uses within 1km of the subject site.

Economic impact in the locality

The low scale, intermittent nature of the proposal means the wider economic benefits to the community are minimal.

Site design and internal design

The proposal seeks to exploit the resources of an existing disused quarry and expand the extraction over the next 50 years. The quarry site is established with existing access, staging and manoeuvring areas enabling the proposal to proceed with minimal establishment requirements. The applicant is proposing to manage the impacts of the development by utilizing an existing depression for stormwater detention and sediment control and will establish a 10m wide vegetated buffer around the site to mitigate visual impacts and dust generation. Other than the proposed expanded extraction footprint, no additional site works or expansion of staging facilities is required.

Construction

Because the proposal takes place in and around an existing disused quarry, there are no significant construction requirements to establish the proposed works. Improvements are proposed to the road access to the site to ensure it meets road safety standards. The initial operation of the quarry will utilise the existing disused quarry face and gradually expand over a number of years. All proposed works will utilise the existing established access track, staging and manoeuvring areas.

Cumulative impacts

The proposal is not expected to result in any negative cumulative impacts. The low scale, intermittent nature of the proposal over the next 50 years will have the effect of minimising likely impacts.

s79C(1)(c) The suitability of the site for the development

Does the proposal fit in the locality?

The proposal is in a relatively isolated rural environment that is well separated from residential and other sensitive land uses. The site is also well screened from the surrounding locality. This screening will be enhanced by the planting of a vegetated 10m wide buffer around the proposed quarry.

The proposed land use is considered to be an appropriate use in the locality, subject to appropriate regulation and impact mitigation measures.

Are the site attributes conducive to development?

The proposal seeks to reactivate and expand on an existing disused quarry with existing access, staging, manoeuvring and environmental management infrastructure in place. The site has generally good access to a suitable public road and is sufficiently screened and buffered from the surrounding environment. For these reasons the site is considered to be conducive to the development as proposed.

s79C(1)(d) Any submissions made in accordance with the Act or Regulations

Public submissions

The development proposal was placed on public exhibition in accordance with legislative requirements. The exhibition period was from 4 September 2015 to 16 October 2015. Notification of the proposal was given to landowners adjoining the subject site as well as advertisements placed in the local newspaper on three occasions.

No submissions were received in response to the public exhibition of the proposal.

Submissions from public authorities

Notification of the proposal was provided to the Office of Environment and Heritage, Department of Primary Industries, Roads and Maritime Services, Bathurst Regional Council and Lithgow City Council.

A submission in response was received from Roads and Maritime Services providing recommendations for council's consideration. These recommendations relate to improvements to the access to the site from Lowes Mount Road and requirements relating to use and impacts on the road network. These recommendations can be incorporated into conditions of consent should development consent be issued.

A submission in response was received from Lithgow City Council raising issues with the proposed haulage routes. In response the applicant submitted an amended Traffic Impact Study with an altered identified haulage route that addresses the concerns raised. A copy of the amended Traffic Impact Study has been provided to Lithgow City Council.

Although no submissions were received from the Office of Environment and Heritage, Department of Primary Industries or Bathurst Regional Council, it is noted the OEHL and DPI were consulted and provided input into the Environmental Assessment Requirements specified for the EIS. The applicant also indicates that Bathurst Regional Council was consulted by the applicant during the preparation of the EIS in relation to the proposed haulage routes.

s79C(1)(e) The public interest

All submissions made in response to the proposal have been acknowledged and addressed. The interests of the public have been considered in relation to the proposal and it is considered, on its merits and subject to appropriate conditions of approval, the

proposal is not contrary to the public interest.

Development contributions

The development will be subject to contributions levied under section 94 of the *Environmental Planning and Assessment Act 1979* and the Oberon Development Contributions and Water Management Works Plan 2004.

For the purposes of the contributions plan, the development is classified as commercial/industrial development and is subject to the levying of contributions equivalent to the per subdivision lot rate towards rural roads, public open space, community facilities and emergency services.

Rates are indexed and published in Council's Schedule of Fees and Charges. For 2015/2016 the relevant contribution rates are:

Public Open Space	\$235.56
Community Facilities	\$235.56
Emergency Services	\$282.22
Rural Roads	\$4596.89
TOTAL (if paid in 2015/2016 financial year)	\$5350.23

In addition to the above, the contributions plan provides for the levying of a per tonne per kilometre rate for extractive industry towards recurrent expenditure on roads within the locality. The contributions plan specifies a rate of 5 cents per kilometre per tonne being levied on the net weight of raw materials exported from the site. Because it is proposed to export the extracted materials outside the Oberon Council area for processing, the recurrent contribution amount will be measured based on the length of the haulage route from the quarry site to the Oberon Council boundary at the Fish River. This amount will be levied based on an indexed amount and in arrears in conjunction with a condition of consent requiring the quarry operator to submit an annual return specifying the amount of materials extracted and exported.

3. CONCLUSION

This application seeks development consent for an extractive industry on Lot 218 DP 258521 at 1547 Lowes Mount Road, Tarana. The proposal involves the extraction of approximately 240,000 tonnes of pink granite over a period of 50 years based on current expected market demand. The proposed extraction is to be undertaken intermittently on 5-6 occasions a year equating to approximately 50 tonnes of material extracted per year. The duration of each extraction event is expected to be approximately 10 days with the extracted material removed from the site for processing. The proposal will involve occasional blasting to enable access to the material. Blasting is expected to take place once every 6-10 years.

Because the proposal is for an extractive industry located within 500m of dwellings not associated with the development, it is classified as designated development in accordance with clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. As designated development, the development application is submitted to the Joint Regional Planning Panel Western Region for determination in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

The applicant has addressed the relevant environmental impacts of the proposal in the Environmental Impact Statement submitted in support of the proposal. Having been assessed in accordance with the matters for consideration in section 79C of the *Environmental Planning and Assessment Act 1979* as detailed in this report, the proposal is recommended for approval subject to the draft conditions attached.