

JOINT REGIONAL PLANNING PANEL (Western Region)

JRPP No	2015WES011
DA Number	15/072
Local Government Area	Wentworth Shire Council
Proposed Development	Extractive Industry-Gravel
Street Address	Pooncarie Road. Parish of Moorara. County of Perry
Title Details	Lot 5561 DP 768471
Applicant/Owner/Lessee	Wentworth Shire Council/NSW State Government/Wesley Crozier
Number of Submissions	One (1). Withdrawn.
Recommendation	Approve subject to conditions
Report by	Anderson Group Building Surveyors and Consultants

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Assessment Report and Recommendation

1.0 INTRODUCTION

1.1 Executive Summary

The Wentworth Shire Council is the proponent for the Application for Development for a proposal to extract gravel at Moorara Station for use on the upgrade and maintenance of local roads, including Pooncarie to Menindee Roads. Moorara Station is approximately 30 km north of the village of Pooncarie. (Locality Map – **Appendix A**)

The current land use is predominately dry land grazing. The land tenure is Western Lease Land (WLL), the lease is held by Wesley Ian Crozier. The property description is Lot 5561 in Deposited Plan No. 768471. Rural address is Pooncarie Road, Parish of Moorara. The Western Land Lease number is 431 (Part) and purpose of the lease is 'Pastoral'. Area of Lease is 4097ha. (Certificate of Title Attached-**Appendix B**).

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

The Application for Development has been assessed in accordance with S79c of the *Environmental Planning and Assessment Act 1979* (EPAA) and the relevant state and local environmental planning instruments.

The application was notified for a period of thirty (30) days, concluding on the 12 September 2015. One submission objecting to the proposal on a number of grounds was received as a result of the public notification. The submission is addressed in Section 5 of this report.

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

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

1.2 Scope of this report

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

1.3 The Development

The proposal is for the operation of gravel extraction. The following summarizes the proposal:

Total extraction – 50,000m³

Expected lifespan – 10 years

Size – 4.9ha

Access to the site is via the Pooncarie Road and a new access track will be created to the quarry site.

Haulage route is via new internal tracks on Moorora Station Pooncarie Road.

The gravel is to be used for the upgrade and maintenance of local roads including Pooncarie and Menindee Roads.

Estimated traffic generation is up to 25 vehicle movements per day (when in operation)

Plant to be used in the extraction process is a dozer (to rip the gravel), a front end loader will load onto a tip truck and trailer.

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

1.4 Site description and surrounding land use and development context

The proposed quarry site is approximately 30 kilometres north of the Pooncarie village. The Certificate of Title identifies the subject land as Perpetual Lease to Wesley Ian Crozier. The Western Lands Lease number is 431 (Part).

The vegetation on-site is described as an open area with few overstorey trees including Black Oak and dead sugarwoods (EIS 17/03/2015). The site is heavily grazed and has been cleared for that purpose. There is an old discarded quarry site adjacent to the proposed site. A full list of the vegetation is in Table 5 in the EIS, listed in Section 4.1 of this report. The nearest residence is located more than 6kms from the quarry site, the nearest public road is the Pooncarie Road, the Pooncarie road links Wentworth to Pooncarie.

2.0 STATUTORY DEVELOPMENT ASSESSMENT FRAMEWORK

2.1 Legislation

Environmental Planning and Assessment Act 1979

Pursuant to section 77A of the *Environmental Planning and Assessment Act 1979* (EPAA) the proposal is identified as designated development as defined in Schedule 3 of the Environmental Planning and Assessment Regulations (EPAR) being an extractive industry, that:

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

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

Environmental Planning and Assessment Regulation 2000

Clause 19: (b) Extractive industries that disturb or will disturb a total surface area of more than 2 hectares of land by:
(i) clearing or excavating.

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

Clause 18A identifies development that is designated development, i.e:

Development for the purposes of extractive industries that are located in the Western Division and that obtain or process for sale, or reuse more than 15,000 cubic metres of extractive material per year or more than 40,000 cubic metres in total is declared to be designated development for the purposes of the Act.

2.2. Chronology of events and public notification and statutory referrals

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

DA lodged	19 June 2015
DA advertising commenced,	10 August 2015
Newspaper notices	14/08 and 28/08/2015.
Period of public notification	10/08/2015 to 12/09/2015
Referral agency letters	Roads & Maritime Services; Office of Environment & Heritage; Environmental Protection Authority.
Responses received from agencies	Office of Environment and Heritage-Date received not known; Environmental Protection Authority –20/8/2015 Roads and Maritime Services- Response not received.

3.0 SECTION 79C ASSESSMENT

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

3.1 Wentworth Local Environmental Plan 2011

The site is located within the RU1 (Primary Production) zone. The development is defined as” ‘Extractive Industry’ and is development permitted with consent.

Extractive industry means:

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

Extractive material means:

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

The following provisions apply:

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

Clause 1.2 Aims of plan <i>This plan aims to make local environmental planning provisions for land in Wentworth in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</i>	
(a) To encourage and manage ecologically sustainable development within Wentworth	The EIS has identified impacts and assessed for its potential threat to the environment and shown how mitigation measures will minimise impacts at the quarry site. Detailed assessment in section four of this report.
(b) To encourage the retention and enhancement of land that supports the primary economic activities within Wentworth for productive agriculture and other primary production purposes	The gravel is to be used for the maintenance and upgrade of local roads.
(c) To conserve and protect items of European and Aboriginal cultural heritage	There are two (2) European Heritage Items in the immediate vicinity (see clause 5.10 in this table for detail). An assessment of the Aboriginal Cultural heritage is in section four of this report.
(d) To conserve and protect area of environmental significance, particularly conservation parks, reserves and the Murray and Darling River systems.	The site and surrounds are not identified as areas of environmental significance. Source: Wentworth Local Environmental Plan maps, 2011.

Clause 2.3 and 2.3.1 - Zone objectives and land use table. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The development has been assessed in accordance with the relevant RU1 objectives detailed below. The following assessment considers that the development is consistent with the RU1 objectives.

To encourage sustainable primary production by maintaining and enhancing the natural resource base.	The proposal supports, in principal, the continued sustainability of the primary production use of the land by ensuring a quality high standard road network to enable safe movement for residents in the vicinity and to accommodate road users.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	The predominant land use in the vicinity is dryland grazing due to the distinctive topography and climate of the Western Division region. This site has also been used for various cropping over the years.
To minimise the fragmentation and alienation of resource lands.	This proposal will not fragment or alienate resource land. The land will be rehabilitated as per the Environmental Management and Rehabilitation Plan that will form part of the approval.
To minimise conflicts between land uses within this zone and land uses within adjoining zones.	This proposal will not generate conflicts as the zoning/land use is consistent, i.e. Primary Production zone and primary production use.
To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.	The site and surrounds is predominately dryland grazing.
To ensure land is available for intensive plant agricultural activities.	No impact from this proposal on land availability for intensive agricultural pursuits.
To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.	All work will be undertaken by Wentworth Shire Council staff however this proposal may generate further employment opportunities as the end use of the gravel is undertaken.

Clause 5.10 Heritage conservation. The objectives of this clause are as follows	
To conserve the environmental heritage of Wentworth.	Proposal consistent with the objectives detailed below.
To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.	<p>Council's European Heritage mapping indicates that there are two items in the vicinity of the gravel extraction.</p> <ol style="list-style-type: none"> 1. The wreck of the Rodney is registered on the NSW State Heritage Register and is on the bank of the Darling River, approximately 6kms south of the quarry site. 2. The Moorara Homestead is listed in Clause 5 of the Wentworth Local Environmental Plan, it is approximately 8kms from the quarry site. <p>Due to the distance of the quarry site from the heritage sites there will be no impact caused by the quarrying of gravel on Moorara Station.</p>
To conserve archaeological sites.	See section 4.9 of this report.
To conserve Aboriginal objects and aboriginal places of heritage significance.	The Office of Environment and Heritage in their response (dated 11/09/15) state that they consider that the potential for Aboriginal cultural heritage (ACH) is considered low, full care should be taken should Aboriginal sites/objects be encountered. The OEH have included five conditions to be placed on the consent.
Clause 7.4 Terrestrial biodiversity. The objective of this clause is to maintain terrestrial biodiversity by	
Proposal consistent with the objectives detailed below.	
Protecting native fauna and flora	The EIS details that clearing is required. Habitat trees have been marked and will have temporary fencing/bunting in place to ensure their survival. There will be no disturbance to identified habitat trees.
Protecting the ecological processes necessary for their continued existence, and	The Environmental Management Rehabilitation Plan (ERMP) details revegetation processes. See section four.
Encouraging the conservation and recovery of native fauna and flora for their habitats	Fauna and flora assessment detailed in the EIS including seven part test of significance.
<p>The consent authority must consider if the development:</p> <p>(a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p>	The EIS has addressed any impacts and mitigations Details are included in this report in section four.

(b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival; of native fauna, and	The EIS has addressed any impacts and mitigations. Details are included in this report in section four.
(c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and	The quarry is located in the Murray Darling Geological province. Depressions Bioregion and Darling Depression sub region of the Lower Murray-Darling Catchment. The Murray Basin is a shallow depression filled with marine and terrestrial sediments to a maximum depth of 600m over the last 50-60 million years. Sandy surface sediments have been extensively reworked into dunes and sandplains blown onto the cobar peneplain. Saline groundwaters have formed salt basins in many places(OEH 2011).The proposed quarry is flat with a gently slope towards the south east The proposed quarry is very flat with no aspect. There is no noticeable slope and the elevation across the site is approximately 71m Australian Height Datum (AHD).
(d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.	Identified habitat trees will remain. The Environmental Management and Rehabilitation Plan (EMRP) details in section 5.2 techniques for rehabilitation. A seven part test has also been undertaken. No threatened species have been recorded at this site.
The consent authority must be satisfied that: (a) The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or	The proposed quarry site and activity was assessed by Green Edge Environmental P/L against alternatives and was chosen as the preferred option. Further details in section four of this report.
(b) if that impact cannot be reasonable avoided – the development is designed, sited and will be managed to minimise that impact, or	Impact to the amenity of the site will be managed through processes outlined in the EMRP.
(c) If that impact cannot be minimized – the Development will be managed to mitigate that impact.	The EMRP details rehabilitation of the site and is detailed in s section four of this report.

3.2 State Environmental Planning Policies

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

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

Clause 12: Compatibility of proposed mine, petroleum or extractive industry with other land uses	
(1) Before determining an application for consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must:	
(a) consider	
(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 preferred uses of land in the vicinity of the development, and	<p>The land is zoned RU1 Primary Production under the Wentworth Local Environmental Plan 2011.</p> <p>The use is permitted in the zone, the objectives have been considered in this report and the proposal is consistent with the objectives of the zone.</p>
(iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and	Moorora Station with an area of approximately 4097ha will allow for the predominate use of dryland grazing and cropping to continue with little impact imposed by the proposed quarrying of gravel.
(b) evaluate and compare the respective public benefits of the development and the land referred to in paragraph (a) (i) (ii).	The EIS identifies the public benefit in that the resources will be used for the upgrade and maintenance of local roads.
(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii)	The incompatibility is of such a minor nature due to the remoteness and current and proposed land use that the measures identified in the EMRP are considered appropriate.
13 Compatibility of proposed development with mining, petroleum production or extractive industry	
(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined:	
(a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or	No other quarries operating in the area.
(b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available in the Departments website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or	At the commencement of this Policy, no land was identified as referred to in paragraph (b).
(c) Identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.	Not identified by an EPI
(2) Before determining an application to which this clause applies, the consent authority must (a) consider:	
(i) The existing uses and approved uses of land in the vicinity of the development, and	Existing use is predominately dryland grazing
(ii) Whether or not the development is likely to have a significant impact on current or future extraction or recovery, and	The site and surrounds has an abundant supply of the resource and has been chosen for this reason.

(iii) Any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and	The development is not considered to be incompatible with previous or existing uses on site and in the vicinity.
(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii) and	The public benefit is considered satisfied as the proposal is permissible with consent within the zone and the recovery material is to be used for maintenance and upgrade of local roads.
(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).	Nil measures proposed or considered necessary.

Clause 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,	The EIS has addressed surface and groundwater. One (1) well has been identified within a 10km radius. The nearest groundwater well is approx. 4km from the proposed quarry. The groundwater is expected to be at least 30m below surface level. (EIS, 17/03/2015). There are no anticipated impacts on groundwater as the depth of the quarry is 1m.
(b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,	Section four of this report details potential impacts on biodiversity. No threatened species have been found in the vicinity.
(c) that greenhouse gas emissions are minimised to the greatest extent practicable	<p>The EIS identifies a number of mitigation measures, the following mitigation measures for management and operational procedures are:</p> <ol style="list-style-type: none"> 1. All machinery and vehicles to be serviced off-site 2. All plant and equipment equipped with fire extinguishers 3. All vehicles to be regularly serviced, be in good working order and emissions to be kept to manufacturers standards 4. A spill kit is permanently attached to the portable fuel cart, which is bought on site each day. 5. Daily pre start machinery checks will be made for leaks of oil, fuel or other liquids. 6. Staff trained in best practice in chemical and hazardous substance management.

<p>(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.</p>	<p>The EIS has not addressed the extent of greenhouse gas emissions but has included mitigation measures for emissions. It states that the alternatives to this proposal would increase the incidence of greenhouse gas emissions because of additional distances to transport gravel.</p>
<p>(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</p>	<p>No certification issued by the CEO of Environmental and Heritage or the DG of DPI. The Office of Environmental and Heritage have requested the inclusion of conditions regarding Aboriginal objects (See condition 5 of draft conditions in section 7 of this report).</p>
<p>Clause 15: Resource recovery</p>	
<p>(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.</p>	<p>The efficiency of the proposal for resource recovery has been assessed and the extraction and process methodology is considered acceptable.</p>
<p>(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.</p>	<p>No additional conditions considered necessary to optimize efficiency, the EIS demonstrates that best practice methods are to be adopted and the extraction and haulage process is considered acceptable.</p>
<p>(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.</p>	<p>Not applicable - proposal satisfies provisions for optimal efficiency of removal of materials.</p>

Clause 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,	The material is to be used on a public road, access to and from the site is only available by public road. There are no alternative transport options available to this site.
(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,	Limitations are not considered necessary as the haulage route is not via 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.	The transport of the material will be undertaken by trained Council staff who are familiar with this work and will adhere to Council's Best Management Practices and guidelines.
(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 (b) the Roads and Traffic Authority (if it is not a roads authority for the road).	Roads and Maritime Services were notified of the application for development.
(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	Conditions applied in Section 7 include matters relating to haulage, signage and access.
(b) must provide them with a copy of the determination.	Noted
(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.	Noted

Clause 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	Conditions relating to rehabilitation are applied and the EMRP will form part of the approved plans. Annual reporting mechanisms will identify any deficiency in rehabilitated land. The replanting as proposed by the Office of Environment and Heritage has been included in the conditions.
(b) require waste generated by the development or the rehabilitation to be dealt with appropriately, or	Conditions of consent deal with this.
(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	Soil contamination is unlikely as addressed in the EIS and assessed, the EMRP will form part of the approval and deals with this matter.
(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.	Public safety will be ensured as the site will be clearly identified, the site is privately leased and remote from the homestead.

SEPP No. 33 (Hazardous and Offensive Development)

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

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

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

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

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

The EIS does not identify the development as being either potentially hazardous or offensive as there will be no hazardous substances stored on site. Fuels and lubricants will be transported as required on plant. Best management practices will be followed. The development does not require a protection licence from the EPA.

SEPP No. 55- Remediation of land.

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

The EIS does not assess the likely incidences of contamination over the site. However because of previous uses of the site, being dryland grazing it is not considered the site would be contaminated.

No further assessment required under this policy.

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

3.3. Proposed Instrument

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

3.4 Wentworth Shire Council Development Control Plan 2011

The DCP does not have specific clauses regarding extractive industries, the following has been considered:

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

No further assessment required under this plan.

3.4.1 1(a(iv) Environmental Planning and Assessment Regulation 2000

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

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

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

The likely impacts and proposed mitigation measures are outlined below.

4.1 Flora and Fauna

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

The EIS has identified the flora species with either state or national conservation significance that have the potential to occur within the study area.

Potential habitat exists for none of these species at this site therefore no assessment has been undertaken.

Flora species recorded on site – no threatened species recorded

Scientific name	Common name	Threatened status
<i>Allocasuarina pauper</i>	Black Oak	No
<i>Astrostipa</i> sp.	Spear grass	No
<i>Chamaesyce drummondii</i>	Caustic weed	No
<i>Dissocarpus parodoxa</i>	Cannon Ball	No
<i>Erodium cicutarium</i>	Blue Crowfoot	No
<i>Maireana pentatropis</i>	Mallee Bluebush	No
<i>Marieana pyramidalis</i>	Black Bluebush	No
<i>Myoporum platycarpum</i> subsp. <i>platycarpum</i>	Sugarwood	No
<i>Sclerolaena diacantha</i>	Grey Copperburr	No
Introduced Species		
<i>Medicago minima</i>	Small Woolly Burr Medic	No
<i>Cucumis myriocarpus</i>	Paddy melon	No

A fauna assessment undertaken by Chris Alderton (Environmental Consultant) revealed no species, population or communities, which are of local, regional or state conservation significance on this site.

It is concluded that the lack of species recorded was low due to the lack of vegetation and lack of suitable habitat including nesting sites, foraging areas, food and water sites.

Proposed Mitigation Measures

- Quarrying pits and stockpiles are to be examined prior to work starting each day to remove any reptiles or other fauna that may be in the work site.
- Species profiles to be kept on site of threatened species that have potential to inhabit the site
- Environmental Management and Rehabilitation Plan (EM & RP) will be followed at all times.

4.2 Traffic, Roads and Access

Traffic generation is anticipated to be a maximum of 25 vehicle movements per day. Crews will arrive on site at 6.30am to commence work at 7.00am and travel back to base camp between 5pm and 6pm during days of operation.

The impact this will have on existing road users will be minimal due to the time frame (over a ten year period) and the gravel extraction operation on an 'as needs' basis. Best practice methods will be adopted.

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

The Roads and Maritime Services have reviewed the application and EIS, a response has not been received. Conditions relating to traffic movement and signage have been placed on the draft conditions.

4.3 Noise

The source of noise will be from the use of heavy machinery to extract and load gravel and trucks to cart the material to the site. Due to the remoteness of the operation to nearest residence, which is 10kms from the quarry site it is not considered noise will have a significant impact on surrounding land users.

No further assessment required regarding noise.

4.4 Hazards

Bushfire

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

Flooding

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

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

Table drains will be cut into the roads on the downside slope sited as dictated by catchment size and slope. This will direct the run off stormwater to small containment areas ensuring water is directed away from road formation.

Waste management

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

4.5 Soil, Geological and Erosion

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

The soil is not known to be contaminated and no new contamination is expected as a result of the quarrying activity due to the best practice methods adopted.

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

Proposed Mitigation Measures

- Staff are trained in best management practices in all areas of quarrying
- A spill kit is attached to the portable fuel cart and is brought to the site each day
- All machinery is serviced off site
- Supervision of works is by a suitably qualified mines manager
- Quarrying and transporting will only occur when climatic conditions are conducive to the operation.

4.6 Air Quality

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

The nearest dwelling is 6kms away from the proposed quarry site.

Proposed Mitigation Measures

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

4.7 Water resources

The EIS identifies that no creeks, streams or waterways run through the proposed quarry site. The nearest natural permanent water supply is the Darling River, approximately 8.6km west of the site.

Water to be used for dust suppression and road works will come from an existing Wentworth Shire Council water licence or negotiated with landholders from other sources i.e. groundwater tanks.

Mitigation Measures

- Daily pre-start machinery checks for leaks of oil, fuel or other liquids
- Contingency plans will be in place to deal with spills, adhering to relevant Australian Standards and Guidelines
- The licence holder will ensure that no machinery, fuels, oils, chemicals, hazardous substances or other quarrying equipment will be stored within the extraction site when not in use.
- Staff inducted on refuelling procedures, which will be stored with refuelling equipment

4.8 Context, Setting and Visual Impact

The setting is rural and the land is predominately used for dryland grazing. The vegetation at the site is dominated by groundcover species (cannonball, poverty bush, warden weed and wild sage). (EIS 17/03/2015).

The soil in the proposed quarrying area consists of thin sandy loam topsoil, underlain by a gravelly material.

The visual impact of the quarry site on the surrounding land is minimal. The rehabilitation measures are outlined by the plan prepared by Greenedge Environmental.

Pictures attached in **Appendix C** show the landscape overview, the dominant flora species typical to the area and gravel and soil layers.

4.9 Aboriginal Cultural and European Heritage.

Mr Ray Lawson and Mr Noel Johnston, local Elders and members of the Dareton Aboriginal Lands Council attended the site on 19 February 2015. The assessment revealed:

The landscape is not conducive to Aboriginal occupation, this was concluded by the landscape features not being typical of those normally associated with Aboriginal sites or objects. Typically landscapes used for occupation have sand dune systems, lakes, wetlands or floodplain.

An Aboriginal Heritage Information System (AHIMS) database search was undertaken and the OEH records show that no Aboriginal sites are recorded in or near the above location.

OEH have also included five (5) conditions to be placed on the Notice of Determination. Included in the draft conditions. Draft conditions provided in section 7 of this report.

There are no European heritage items in the vicinity of the proposed quarry. (Source: WLEP, Clause 5).

4.10 Social and Economic Impact

An assessment to justify and consider alternatives to the project was undertaken. This site was chosen for the extent of resource available, ownership and location to the end use. The EIS identified that existing council staff will operate the quarrying extraction. The gravel is to be used for road maintenance of local roads. It is considered that the proposal would provide a very minor social and economic impact when considering employment generation. The land is not prime crop or pasture land and the site will be rehabilitated in accordance with the rehabilitation plan and the local government requirements.

4.11 Cumulative impacts

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

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

4.12 Ecological Sustainable Development

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

5.0 PUBLIC SUBMISSIONS

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

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

The leaseholder, Wesley Crozier and his wife Nadine lodged a submission as a result of the public notification.

The submitters opposed the development on two grounds, they are:

- Anticipated damage to the pipeline traversing the proposed quarry site, and
- The use of the existing access track would impact on livestock due to the proximity of the track to the livestock tank.

The submitters were also critical of the lack of consultation and unauthorised entry to the site by Council officers.

A Council officer met with the leaseholders on the 3 June 2016. The issues have been satisfactorily addressed and the objection withdrawn in writing. The letter, in part, states:

"...having negotiated satisfactory solutions to all objections listed in letter dated 9 September 2015, we withdraw all our objections to the Wentworth Shire Council gravel pit at Lot 5561 DP768471, Pooncarie"

Section 1 (e) the public interest

The development was advertised and publically exhibited in accordance with Section 79 and 79A of the EP & A Act. One submission was received as a result of the public notification.

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

6.0 CONCLUSION

This proposal is for the operation of a gravel quarry at Moorara Station. The proposed quarry will extract a total of 50,000m³ over a total life expectancy of ten (10) years. The operation will take place on an 'as needs' basis for the maintenance of local roads. It will operate from 7am – 6pm Monday to Friday and 8am – 12 noon Saturday. Haulage is via a new internal track and Pooncarie Road. Traffic generation will be up to 25 peak daily vehicle movements per day.

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

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

Based on the Section 79C assessment, it is recommended to the Western Region JRPP that the development application for an Extractive Industry on Lot 5561 in Deposited Plan 768471 Pooncarie Road. Parish of Barrara be approved subject to the conditions in Section 7 of this report.

7.0 DRAFT CONDITIONS

DA15/072 EXTRACTIVE INDUSTRY – GRAVEL QUARRY – LOT 5561 DP 768471 POONCARIE ROAD. PARISH OF MOORARA. SCHEDULE 1

1.	<p>The development hereby authorised shall be carried out strictly in accordance with the conditions of this approval and stamped approved documents listed below</p> <ul style="list-style-type: none"> • Environmental Impact Statement prepared by Green Edge Environmental P/L dated 17/03/2015 • Environment Management and Rehabilitation Plan prepared by Green Edge Environmental P/L dated 17/03/2015 <p>NOTE: Where there is inconsistency between the Environmental Impact Statement and these conditions, the conditions of this approval shall apply.</p>
2.	Approval is for an Extractive Industry being for the quarrying and extraction of gravel.
3.	Without the further consent of the Wentworth Shire Council, in writing, this permit shall lapse and have no force or effect unless the use or development hereby permitted is substantially commenced within 5 years of the date of this permit.
4.	<p>If any Aboriginal object is discovered and/or harmed in, on or under the land, the proponent must:</p> <ul style="list-style-type: none"> a) not further harm the Aboriginal object b) immediately cease all work at the particular location c) secure the area so as to avoid further harm to the Aboriginal object d) notify the Office of Environment and Heritage (OEH) as soon as practicable on 131 555, providing any details of the Aboriginal object and its location, and e) not recommence any work at the particular location unless authorised in writing by OEH.
5.	No removal of gravel and fill or disturbance of vegetation outside of the designated work area will be permitted without the written approval of the Wentworth Shire Council.
6.	A chemical closet or similar self contained toilet facility shall be provided on or in the vicinity of the gravel site for use by workers engaged on activities associated with the quarry.
7.	Operations within the worksite shall be carried out in accordance with the requirements of the NSW Workcover Code of Practice for excavation work.
8.	The proponent is required to rehabilitate the area in line with the rehabilitation plan, to a standard that returns the land back to its use prior to the use of the land as a gravel quarry.
9.	Monitoring of site rehabilitation activities is to be undertaken by a qualified ecologist to determine the success of the rehabilitation works, and identify any areas where follow up plantings or other work is required. This monitoring is to be undertaken on an annual basis and reported to Council.
10.	Quarrying and ancillary activities must be carried out in a manner that will minimise emissions of dust from the site.

11.	Any driveway to the public road network is to be located and maintained so as to comply with the required Safe Intersection Sight Distance (SISD) in either direction in accordance with the Austroads Publications for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.
12.	As a minimum any driveway to the public road network is to be constructed as a "Rural Property Access" type treatment in accordance with the Austroads Guide to Road Design. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle to access the subject site.
13.	Any entry gate to the site shall be located at least 40m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
14.	Any damage or disturbance to the road reserve (other than the driveway) is to be restored to match surrounding landform in accordance with Council requirements.
15.	The access driveway is to be designed and constructed to prevent water from proceeding Onto, or ponding within, the carriageway of the public road. If a culvert is to be located within the clear zone of the carriageway for the prevailing speed zone it is to be constructed with a traversable type headwall.
16.	Trucks entering and leaving the site that are carrying loads must be covered at all times, except during loading and unloading.
17.	When the quarry is in operation the proponent is to install "Truck Entering" (W5-22C) signs on both the approached to warn motorists of the possible truck movements.

REASONS FOR CONDITIONS

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

APPENDIX A

APPENDIX B

APPENDIX C