

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2018STH021 DA
<b>DA Number</b>	10.2018.1211.1
<b>LGA</b>	Snowy Monaro Regional Council
<b>Proposed Development</b>	Extractive Industry
<b>Street Address</b>	278 Springs Road Monaro Highway ROCK FLAT 2630
<b>Applicant/Owner</b>	Outline Planning Consultants Pty Ltd/Peter Devereux
<b>Date of DA lodgement</b>	28/02/2018
<b>Number of Submissions</b>	Two (2)
<b>Recommendation</b>	Approval with conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	<p>The development is considered regionally significant development in accordance with Schedule 7 (7)(a) as it is an extractive industry that meets the requirements of designated development under clause 19 schedule 3 of the EP&amp;A Regulation 2000.</p> <p>Under the provisions of section 4.5 (b) of the Environmental Planning and Assessment Act 1979 the Southern Regional Planning Panel is designated the consent authority for the determination of this Development Application.</p>
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• SEPP 33 - Hazardous and Offensive Development</li> <li>• SEPP (Infrastructure) 2007</li> <li>• SEPP (Rural Lands) 2008</li> <li>• SEPP (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Cooma Monaro Local Development Plan 2013</li> <li>• Cooma Monaro Development Control Plan 2014</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Draft conditions of consent</li> <li>• Environmental Impact Statement and Appendices A-K</li> <li>• Updated Flora and Fauna Assessment</li> <li>• Proposed Access and Intersection Plans</li> </ul>
<b>Report prepared by</b>	Sophie Ballinger
<b>Report date</b>	31/07/2019

### Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## 1.0 EXECUTIVE SUMMARY

<b>Application:</b>	<b>10.2018.1211.1</b>
<b>Date lodged:</b>	28/02/2018
<b>Development Proposed:</b>	Extractive Industry
<b>Land comprising:</b>	278 Springs Road Monaro Highway ROCK FLAT 2630 PLT: 62 DP: 750540, Lot: 106 DP: 750540, Lot: 76 DP: 750540, Lot: 78 DP: 750540, Lot: 120 DP: 750540
<b>Zone:</b>	RU1 - Primary Production
<b>Notification/Advertising:</b>	Notified and Advertised for 30 days
<b>Type of Development:</b>	Designated

Approval is sought for the establishment a new “Extractive Industry” situated on a rural property at 278 Springs Road Rock Flat. The land is proposed for quarrying and ancillary operational activities, including stockpiles, bunds, sediment basins and crushing plant. The quarry is proposed to have an overall footprint of 12.5 hectares (revised from and original 14.2 hectares due to minimising impacts on threatened species) with an actual extraction area of 7.03hectares. The proposal is to extract 4.6 million tonnes from the site, with an annual production up to 280,000 tonnes (100,000 cubic metres) with an estimated average annual extraction of 150,000 tonnes. The site was determined due to the location of a volcanic plug identified through geographical mapping of the area. The extraction method proposed is blasting with the resource to be crushed on site, stockpiled and then transported. It will be a hard rock resource similar to that being extracted from the Schmidt Quarries Nimmitabel site which is nearing the end of its operational life. Access to the site is proposed via a newly constructed intersection with the property and the Monaro Highway. Endangered and threatened species were identified on the on the site. A referral was made to the Commonwealth to determine if the development was considered a “controlled action” under the provisions of the EPBC Act 1999. The response received was that it was not to be deemed a “controlled action”. The applicant provided additional information and made amendments to the size of the area to be disturbed including the realignment of the internal haul route to ensure no significant impact was to occur to the subject species. External consultation was carried out with various state agencies which resulted in additional draft conditions of consent.

The quarry and associated infrastructure has been designed and sited to minimise impacts including the impact on residences in proximity to the development, and the visual impact of the development on the broader landscape.

Due to the proposed extraction volumes the development is considered designated development under the provisions of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. The proposal is integrated development as it requires an

environmental protection licence under the provisions of Schedule 1 of the Protection of the Environment Operations Act, 1997.

The application was notified and publicly advertised for a period of 30 days and two submissions were received.

The development has been considered against the requirements of section 4.15 (a)(i) and has achieved an acceptable level of compliance, the specific clauses applicable to the development are summarised below:

SEPP 33 - Hazardous and Offensive Development clause 13	The development satisfies the provisions of the subject clause.
State Environmental Planning Policy (State and Regional Development) 2011 schedule 7 clause 7 (a)	The development satisfies the provisions of the subject clause.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007 Part 3 clauses 12, 13(2),14(1) &(2), 15 (1) &(2),16 & 17	The development satisfies the provisions of the subject clauses
Cooma Monaro Local Environmental Plan 2013	
Table of Development RU1zone	The development is permissible in the zone with consent
Clause 6.1 Earthworks	The development achieves a satisfactory level of compliance with the provisions of the clause
Clause 6.3 Terrestrial biodiversity	The development achieves a satisfactory level of compliance with the provisions of the clause
Clause 6.4 Groundwater vulnerability	The development achieves a satisfactory level of compliance with the provisions of the clause
Clause 6.9 Scenic Protection Area	The development achieves a satisfactory level of compliance with the provisions of the clause
Clause 6.10 Essential Services	The development achieves a satisfactory level of compliance with the provisions of the clause

Pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) it is recommended that consent for an extractive industry on PLT: 62 DP: 750540, Lot: 106 DP: 750540, Lot: 76 DP: 750540, Lot: 78 DP: 750540, Lot: 120 DP: 750540, 278 Springs Road Monaro Highway ROCK FLAT 2630 be granted subject to conditions and those persons who made submissions be notified of the determination.

## 2.0 SITE DESCRIPTION & SITE HISTORY

The development is proposed on a site comprising Lots 62, 76, 78, 106 & 120 in Deposited Plan 750540, No. 278 Springs Road, Rock Flat, located approximately 14km south of Cooma on the Monaro Highway in Southern NSW. The proposed quarry forms part of a much larger rural holding of some 2,000ha previously cleared for the grazing of livestock. This use will continue in the areas of the property not directly impacted by the quarrying operations. The existing topography of the project site (as shown below) will be modified through extraction of the resource creating a benched extraction pit to the eastern side and an area utilised for stockpiles and associated quarry infrastructure.

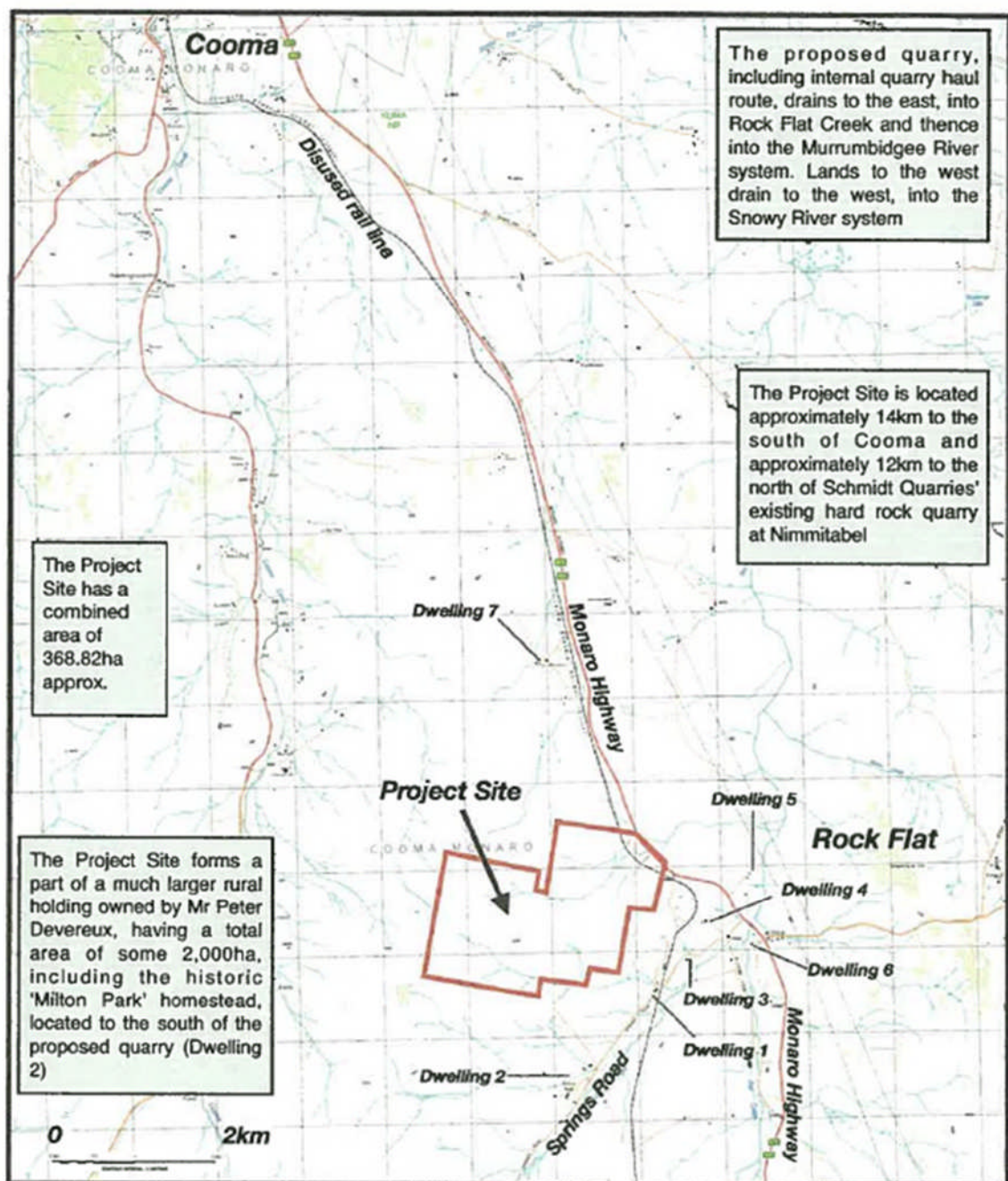


Figure 1 - Location of Project Site in relation to surrounding dwellings and Cooma



### 3.0 PROPOSED DEVELOPMENT IN DETAIL

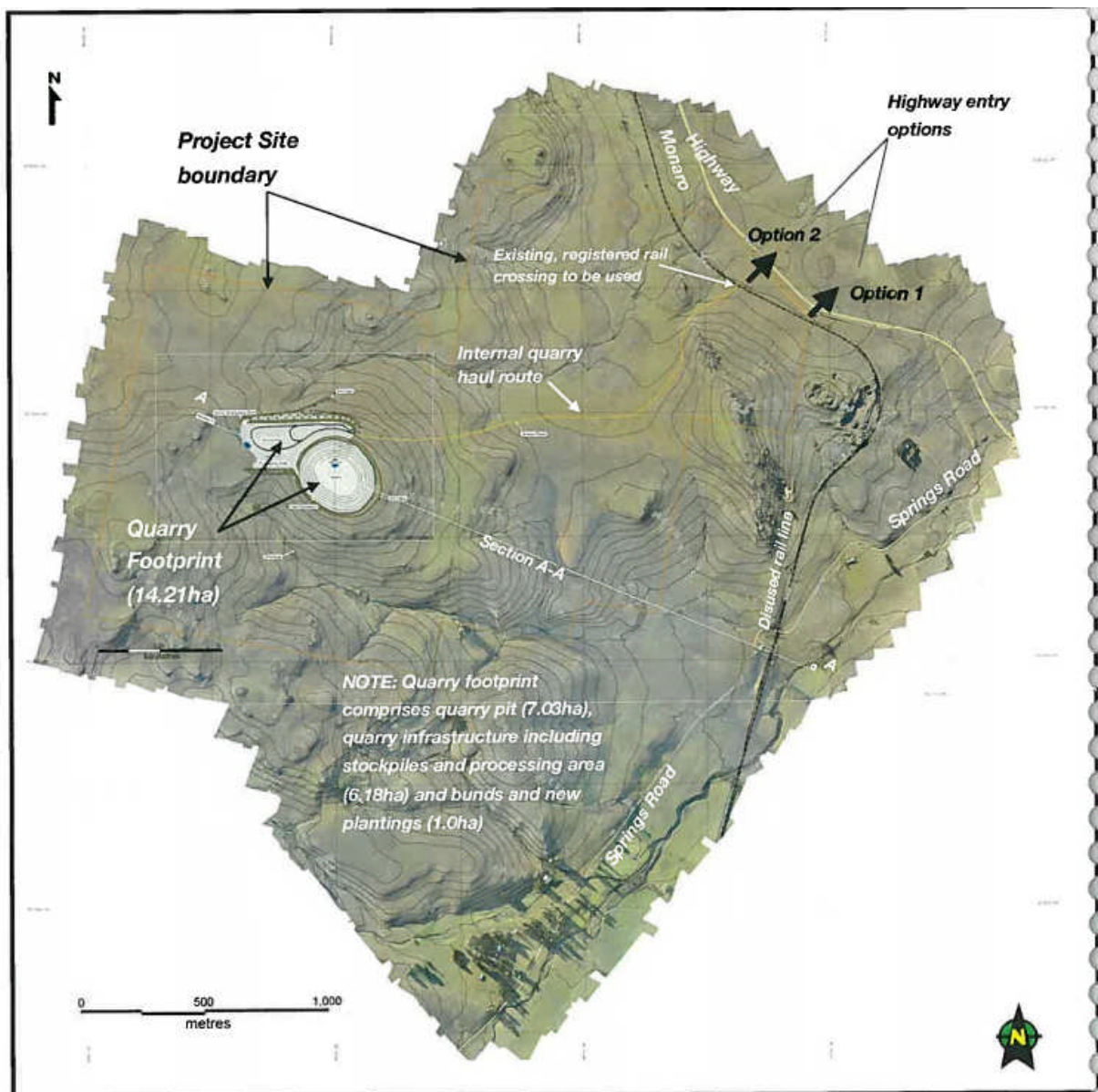


Figure 2 – the project site as proposed in the Environmental Impact Statement (EIS)

The proposal submitted is for a hard rock quarry operation with ancillary screening, crushing and stockpiling of materials ready for transport.

Figure 2 above shows the original plan as submitted with the EIS, it shows two options for access to the site from the Monaro Highway after consultation with the Roads and Maritime Authority option 2 is now the proposed access to the site. The plan also shows the original internal haul route and a larger ancillary area footprint. The areas for stockpiling of material has been reduced in size and the haul route realigned to ensure that the development does not significantly impact on endangered and threatened species identified on site. No changes to quarry operation have occurred as part of the assessment of the development application.

It is proposed that the quarrying will involve the drilling and blasting of hard rock to establish a benched quarry which will enable extraction of basalt rock at depth. The benches will be of maximum height of 15m, with each bench having a typical width of 6m.

At commencement of quarry operations drilling will be limited to the surface of the quarry until a suitable depth is achieved, and then benching will commence allowing for the drill rigs to work from these benches inside the pit. This drilling and blasting approach develops the typical 'stepped' quarry profile. This profile enables the digging from one bench whilst other parts of the quarry can be prepared for the recovery of the basalt resource. The blasted rock will then be crushed by the primary jaw crusher. Blasted rock will be retrieved from the pit face and either loaded directly into the mobile crusher by front-end loaders or trucks. Water carts will be used within trafficked areas and in within the quarry site in order to suppress dust nuisance. Any larger rock fragments will be stockpiled within the approved quarry area for later use and/or treatment.

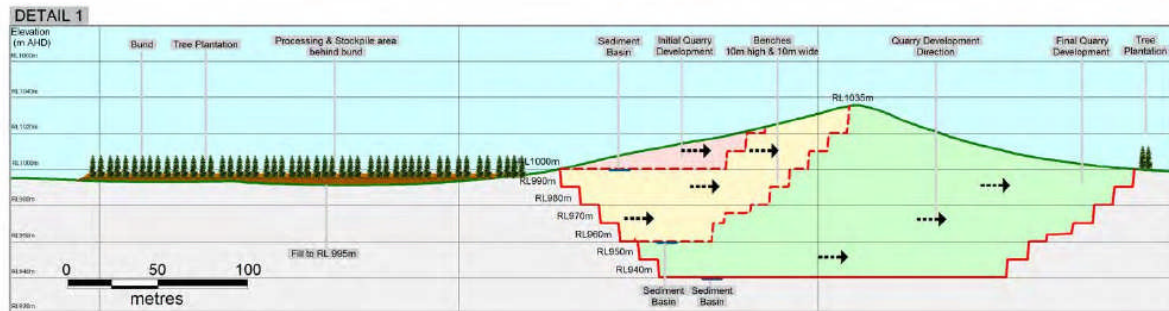
A berm/bund will be constructed around the perimeter of the quarry, diverting stormwater flows back to within the working quarry area to be used for dust suppression and quarry operations this bund system will be extended further as the quarry footprint is progressively enlarged.

The EIS describes the following key steps in the quarrying process proposed on site:

1. Initial site works: Removal of surface rock, topsoil and overburden overlaying the volcanic rock suitable for extraction. Extraction will commence at the top of the small hill and will be undertaken thereafter behind the hill, shielding the proposed extraction operations from view. Material won from the quarry at establishment will be used to construct the internal haul route back to the Monaro Highway and in the establishment of initial hardstand working pads for the quarry processing plant and stockpiles, drainage and bunding. Equipment to be used during site establishment activities would include a bulldozer, excavator and grader. A perimeter planting of pine trees will commence at this stage of the quarry operation.
2. Drilling and blasting of rock: Drilling and blasting will be carried out in accordance with relevant EPA blasting requirements. Blasting is proposed to occur between the hours of 9.00 am and 3.00 pm Monday to Friday. The rock won from blasting (shot rock) will then be transported on site back to the quarry processing plant for crushing and screening.
3. Loading of blasted rock and transfer to crushing plant: After the rock is broken into smaller pieces as a result of blasting operations, the rock is then loaded (typically by excavator) into a dump trucks which transfer the broken hard rock (primary raw feed) to the quarry's primary crusher. This material is then fed into the primary crusher for crushing and screening to produce quarry product. Loading and haulage of primary raw feed from the quarry to the primary crusher is proposed between 7.00 am and 6.00 pm Monday to Friday and 7.00am to 7.00pm on each Saturday.







**Figure 4 – cross section showing direction of phased quarry operations corresponding with what is shown in figure 3.**

The phases proposed are:

- **Initial phase** – extractive material won from the rear (North West) side of the hill progressively lowering the rear profile, moving in a south easterly direction. By carrying out the works in this way to applicant asserts that it will shield the operation from the view of the nearest residences. The overburden from this phase is to be used for the construction of the internal haul route and the working pads for processing plant and stockpiling areas and acoustic bunding. Water for this phase will come from a nearby quarry pit which has large reserves of water and is operated by the same quarry operator. This phase will include the planting of screening trees.
- **Commencement of active quarry phase** – material will continue to be won from the rear of the site progressively lowering the profile of the hill until it reaches RL 1000m AHD. At this time quarrying will commence in the pit. Further expansion in the operation available in the area used for crushing plant will occur this will include, weigh bridges, offices, facilities, workshops, hardstand areas and allied uses. Planting will continue around the quarry and processing area as the operation increases in size.
- **Decommissioning phase** – upon cessation of extractive activities the site will be decommissioned and rehabilitated ensuring that all disturbed areas and the excavated quarry pit slopes are left in a stable condition. All plant and equipment and buildings will be removed at this stage, however water storage basins and the internal haul route will be retained for future agricultural purposes.

#### 4.0 DESIGNATED DEVELOPMENT and CONSENT AUTHORITY

The development is deemed 'Designated Development' pursuant to the provisions of clauses 16(1) (a) and 19(1) (a), (b) and (c) (iv) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Designated development is triggered in this instance as:

1. the application involves the extraction, crushing and grinding of 280,000 tonnes of quarry rock per annum (clause 16(1)(a) & clause 19(1)(a));
2. the proposal involves the use of more than 2ha of land for quarrying and associated uses, including stockpiles, sediment basins and materials processing areas (clause 19(b));

3. a section of part of the hill, containing the quarry resource, has a slope of in excess of 18 degrees to the horizontal (clause 19(1)(c) (iv)).

Under the provisions of Part 4 clause 20 (1) of State Environmental Planning Policy (State and Regional Development) 2011 the proposed “extractive industry” is considered regionally significant development in accordance with Schedule 7 (7)(a) as it is an extractive industry that meets the requirements of designated development under clause 19 schedule 3 of the EP&A Regulation 2000.

Under the provisions of section 4.5 (b) of the Environmental Planning and Assessment Act 1979 the Southern Regional Planning Panel is designated the consent authority for the determination of this Development Application.

## 5.0 REFERRALS

### 5.1 Integrated Development/Concurrence Referrals

The proposed development was reviewed against the relevant provisions of the EP&A Act 1979 to identify whether the application was integrated development. It is deemed Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979, with regard to the need for:

An Environment Protection Licence — for the regulation of pollution from the quarry. The licence would be issued by the Environment Protection Agency (EPA) under the Protection of the Environment Operations Act 1997.

The EPA has provided Council with General Terms of Approval (GTA) in correspondence dated 13 December 2018. The GTAs have been included in the draft conditions of consent associated with this report.

The table below provides a summary of the integrated development criteria and the manner which it relates to the proposed development.

#### Summary of Integrated Development Criteria

Relevant Legislation	Summary of matters requiring approval	Relationship to the proposed development	Approval Required
Coal Mine Subsidence Compensation Act 2017	The subdivision, alteration or erection of improvements to land within a mine subsidence district.	The land subject to this Development application is not located within a mine Subsidence district. Accordingly, the proposed development does not require any additional approval under the provisions of this Act.	No
Fisheries Management Act 1994	Carry out dredging, works Damaging or destroying marine vegetation and other specified works	The proposed development does not involve the carrying out of any works that would directly affect a waterbody in a manner requiring approval under this Act.	No

	that would create an obstruction to a specified water body.		
Heritage Act 1977	Carrying out work in relation to a heritage item listed on the State Heritage register. Which requires approval under Section 57 of this Act.	The proposed development does not relate to a State Heritage item and therefore does not require approval under this Act.	No
Mining Act 1992	Granting a mining lease	The proposed development does not involve the granting of a mining lease and therefore does not require approval under this legislation.	No
National Parks and Wildlife Act 1974	Granting an aboriginal impact permit.	An Aboriginal Cultural Heritage Report was prepared and submitted with the application. The recommendation was that there were no identified sites present in the development area and as such there was no requirement for an AHIP.	No
Petroleum (onshore) Act 1991	Petroleum production lease.	This Act relates to the production of petroleum under a petroleum lease or prospecting title granted by the NSW Government. The extractive industry proposed does not require such a lease.	No
Protection of the Environment Operations Act 1993	Restricts the carrying out of a range of potentially polluting activities without the issue of an Environmental Protection License	Under the provisions of Schedule 1 of the Protection of the Environment Operations Act, 1997 any quarry that involves the extraction, processing or storage of more than 30,000 tonnes per annum of extractive materials must hold an Environment Protection License (EPL) for that scheduled quarry activity.	Yes, a response has been received from the EPA including General Terms of Approval
Roads Act 1993	The carrying out of certain works or activities within a classified state road	The development will access the site via a classified state road however it does not meet the requirements of traffic generating development and no separate approval is required from the RMS.	No Despite not being integrated development the application was referred to the RMS and they have no objection to the development if the draft conditions of consent are included.

Rural Fires Act 1997	The subdivision of use of land for a special fire protection purpose that is bushfire prone land.	The land is not bushfire prone	No
Water Management Act 2000	Water use approvals, water management approvals and approvals to carry out works on water front land. Land within 40m of a watercourse	The development is not within 40m of a watercourse nor deemed to have an impact on ground water, the haulage route proposed did in the first instance come within 40m of a first order stream for a length of approximately 150m. However due to the identification of threatened species on the site in the area of the haulage route, the path has been changed and now is further than 40m from the creek. As such a Controlled Activity Approval would not be required.	No

## 5.2 External Referrals

The development application was referred to the following external government agencies for comment/consideration:

State or Federal Agency	Response Received	Conditions of Consent Recommended
NSW Department of Planning, Industry and Environment	No	N/A
NSW Department of Planning, Industry and Environment - Biodiversity and Conservation	Yes	Yes
NSW Department of Planning, Industry and Environment – Water	Yes	Yes
NSW DPI Agriculture	Yes	No
Roads and Maritime Services	Yes	Yes
Commonwealth Department of the Environment and Energy	Yes	No

Information provided by the subject departments is discussed below in the sections relevant to the issues raised.

## 6.0 LEGISLATIVE REQUIREMENTS ASSESSMENT UNDER SECTION 4.15 OF EP&A ACT



As required by the Environmental Planning and Assessment Act, 1979, Section 4.15, the following relevant matters are addressed below:

- Suitability of the site;
- Environmental planning instruments (State Environmental Planning Policies, Local Environmental Plans);
- Draft environmental planning instruments;
- Development control plans;
- Environmental (natural and built), social and economic impacts;
- Submissions; and
- Public interest.

### **6.1 The suitability of the site for the development**

The applicant's justification as to the suitability of the site in the EIS is considered reasonable. The site has been chosen as it has been identified as high quality volcanic rock suited to aggregate production and other similar quarry products. It is situated in a rural area is located a reasonable distance from nearby residences allowing for an adequate buffer between residences and quarry activities. Access to the site will be directly onto the Monaro Highway alleviating the need for heavy vehicles to travel on unsealed rural roads past residences. The area to be quarried will have minimal environmental impacts as it is devoid of significant vegetation and testing which demonstrates no impact on ground water resources. The site whilst visible from the Monaro Highway will be revegetated throughout the quarry's lifecycle in accordance with approved landscaping and revegetation plans.

### **6.2 The provisions of any environmental planning instrument**

#### **6.2.1 State Environmental Planning Policies**

The proposal has been assessed against the provisions of all known SEPP's and the development has been found **to achieve** an acceptable level of compliance. Relevant SEPP's examined below:

<b><i>State Environmental Planning Policies</i></b>	<b><i>Compliance/Relevance</i></b>
SEPP 33 - Hazardous and Offensive Development	<p>The development complies.</p> <p>Whilst the development is not considered a hazardous industry, a hazardous storage establishment, and offensive industry or offensive storage establishment it will store small quantities of a range of dangerous goods and therefore the SEPP provisions are to be addressed. The applicant has advised that all dangerous goods will be stored appropriately in accordance with required standards.</p> <p>The EIS contains a SEPP 33 Screening Test for the project with includes mitigation measures in relation to hazardous substances to be stored on site.</p>

SEPP No. 44 - Koala Habitat Protection	The development complies as the site is free of significant vegetation that would be suitable for Koala Habitat.
SEPP No. 55 - Remediation of Land	The development complies as the assessment carried out and contained in the EIS finds that the land is unlikely to be contaminated land for the purpose of the SEPP.
SEPP (Infrastructure) 2007	Extractive industry is not a type of development listed in the SEPP and the development does not trigger the provisions of Schedule 3 "Traffic Generating Development".
SEPP (Rural Lands) 2008	<p>The development achieves an acceptable level of compliance with the SEPP as land use conflicts are minimal and can be mitigated and the extraction of the resource will allow for increased economic viability of the land. The area where the resource is to be extracted is no presently used for agriculture due to its topography and vegetation. The land around the quarry site that is not specially used for extraction or ancillary uses allows for existing rural uses to continue (with some limitations) when properly managed.</p> <p>Note -SEPP (Primary Production and Rural Development) 2019 was not in force as that the time of lodgement the development application.</p>
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The development complies, further consideration of the SEPP provisions can be found below.
State Environmental Planning Policy (State and Regional Development) 2011	<p>The development does not meet the criteria for State Significant Development, however it is considered Regionally Significant development under schedule 7 clause 7 (a) as it is an extractive industry which meets the requirements for designated development.</p> <p>As such the development application is being presented to the Regional Planning Panel for determination.</p>
SEPP (Exempt and Complying Development Codes) 2008	Not applicable at this stage of the development process, the operator of the quarry may seek in the future to avail themselves of the provisions of the SEPP for works of a minor nature.

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

The SEPP is relevant to the subject development and its relevant clauses are considered below:

Extractive Industries are permissible with consent under the Cooma Monaro LEP 2013. Part 3 clause 12 requires that prior to determining a development application for the purpose of extractive industries that it must:

*(a) consider:*

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

- (ii) whether or not the development is likely to have a significant impact on the uses that, in the opinion of the consent authority having regard to land use trends, are likely to be the preferred uses of land in the vicinity of the development, and*
- (iii) any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses, and*
- (b) evaluate and compare the respective public benefits of the development and the land uses referred to in paragraph (a) (i) and (ii), and*
- (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

It is considered that the proposed development is compatible with existing and proposed uses in the vicinity. The existing and approved uses in the vicinity of the site are predominately broad scale grazing operations with a limited number of residential premises, an existing quarrying operation and a disused mine. The development is not considered to have a significant impact on these uses nor the future uses of the land which are likely to remain consistent with the current land use profile. The applicant has provided visual impact, acoustic assessments and drainage and groundwater assessments which are considered to demonstrate that the development will have little or manageable impacts on the surrounding land uses. The EIS presented with the application provides for adequate mitigation measures for impacts considered to be generated by the operation and appropriate conditions of consent will be included to ensure compliance with those mitigation measures.

There is no requirement in this case to consider voluntary land acquisition as the development proposed is not considered state significant.

Clause 13 requires that consideration must also be given to the compatibility of the proposed extractive industry if it is in the vicinity of an existing mine, petroleum production facility or extractive industry. Clause 13(2) states that:

- (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*
    - (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
    - (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*
  - (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*
  - (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).*

The development is not considered to have a significant impact on the current small quarry at the corner of Springs Road and the Monaro Highway nor the disused mine on a neighbouring site. The proposal is for hard rock extraction to be undertaken in accordance with the modern requirements of conditions of consent and an Environmental Protection Licence which will

include mitigation measures imposed to ensure that the impacts of the development on surrounding land uses are reduced.

Clause 14 relates to Natural resource management and environmental management and requires that:

14

*(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,*

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

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

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

The applicant has provided adequate justification to enable compliance with this provision. Studies were carried out as to the impact of the development on water resources and the response provided demonstrates that the development will have little to no impact, and what impact there is can be managed satisfactorily with appropriate mitigation measures. The impacts on the threatened species on site have been addressed with the reduction in the area proposed to be impacted and the realignment of the access to the site and the internal haul route. The realignment the haul route to minimise impact on threatened reptile species has had the added effect of moving it so that it is further than 40m from the watercourse on site. Adequate justification has been provided with respect to the impact of the development on greenhouse gas emissions including that the establishment of such a development in the region results in reduced need for transportation from other quarries in neighbouring regions.

Clause 15 (1) states that:

*Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*

*(2) Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*

The development is proposed to optimise the recovery of the valuable quality hard rock resource found on site by quarrying this resource to a maximum recoverable depth.



Clause 16 relates to Transport requiring that before granting consent 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:

The development gains direct access onto the Monaro Highway. The application was referred for comment to the Roads and Maritime Authority, the applicant provided to RMS additional justification as to the intersection design based on sight distances and speed limits on the Monaro Highway. RMS have provided advice that they do not object to the development, subject to the amended detail provided to them and have provided conditions of consent to be included in any approval. The transportation of the resource will not be through residential areas or through roads that are near schools. A code of conduct for use for the transportation of goods on public roads for the operation has been included as a condition of consent.

### 6.2.2 Permissibility of the development under the Cooma Monaro LEP 2013

### Figure 5 – Zoning Map

It is considered that the development as proposed complies with the definition of extractive industry in the CMLEP 2013 being:

The subject land is zoned: RU1 – Primary Production, extractive industries are permitted with consent under the table of development for the RU1 zone.

The proposal has also been examined in detail against the provisions of Council's LEP and has been found to achieve an acceptable level of compliance. The following special provisions from CMLEP 2013 are of relevance:

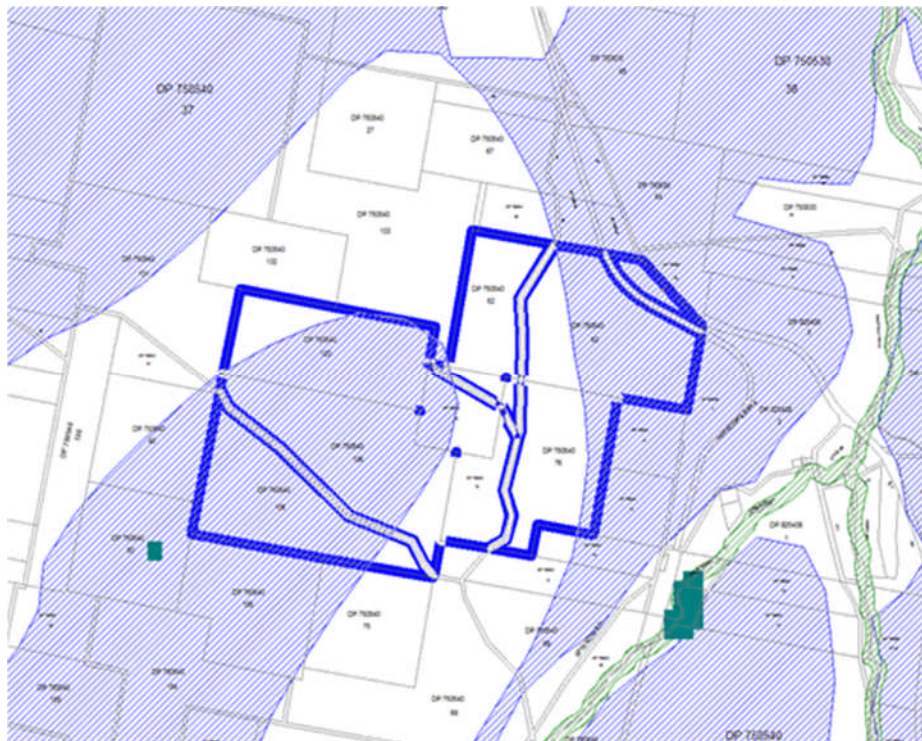
### Clause 6.3 Terrestrial biodiversity

**Figure 6 – Development site overlayed on excerpt of Terrestrial Biodiversity Map**

The overall site has been mapped with areas of indicative terrestrial biodiversity value triggering the requirement for assessment against the provisions of clause 6.3. The area in which the quarry is proposed does not show as green on the figure above however the haul route transects the area in which there are areas considered to have biodiversity value. A flora and fauna assessment carried out by the applicant determined that there were endangered and threatened reptile species, being the Grassland Earless Dragon (*Tympanocryptis pinguicolla*) and the Striped Legless Lizard (*Delma impar*) and their associated habitat on site. As the Grassland Earless Dragon is an endangered species the application was referred to the Commonwealth Department of Environment and Energy for comment. Independently of this an application was made by the applicant to the same department to determine if the development would be deemed a “controlled action” under the provisions of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). A response was received that the development was not deemed a “controlled action” and no further input was required from the department.

The application however was reviewed by the NSW Planning Industry and Environment (DPIE) Biodiversity and conservation section (formally OEH) and the applicant was required to provide further justification as to the mitigation of impacts on the subject species. This was completed to the satisfaction of Council and DPIE and the suggested conditions of consent from the department have been included in the draft conditions associated with this report. As such it is considered that the development satisfies the provisions of clause 6.3.

#### Clause 6.4 Groundwater vulnerability

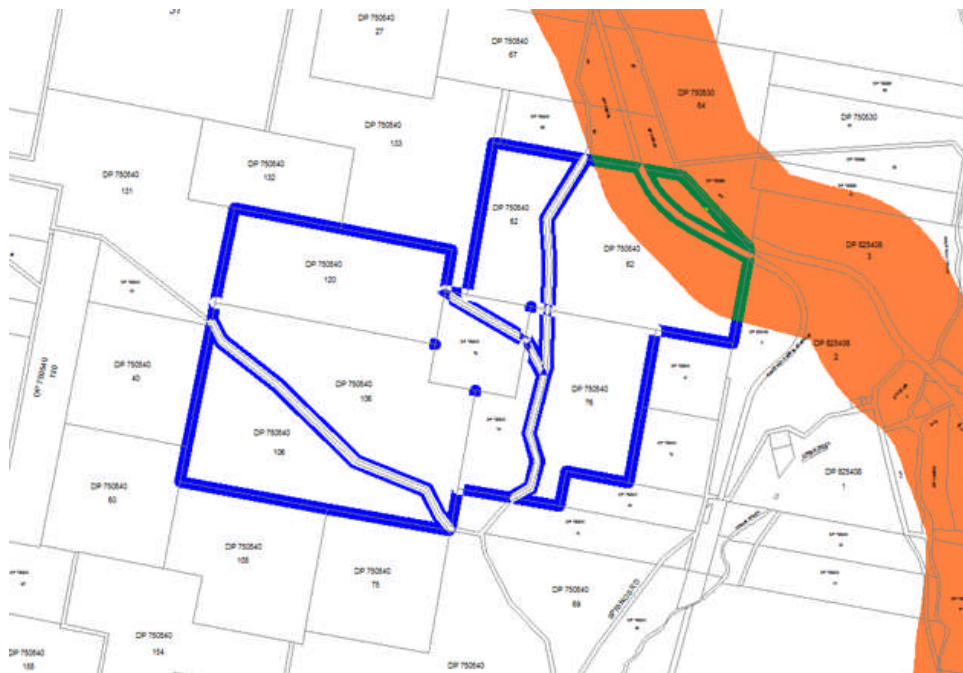


**Figure 7 - Development site overlaid on excerpt of Groundwater Vulnerability Map**

A portion of the subject land is mapped as “groundwater vulnerable” however the quarry site itself and the majority of the haul route is outside of the mapped area. The applicant



has undertaken studies to determine the impact of the development on ground water and has demonstrated through drill testing that they did not detect ground water resources in the area to be excavated. As such the developer has satisfied that the development has been designed and sited to avoid any significant environmental impact with respect to groundwater. A stormwater management plan and sediment and erosion plan additional to the information provided in the EIS will be required to be submitted and approved by Council prior to the commencement of any works on site.



The area of the property included on the map is part of the quarry site itself and the quarry site and haul route does not significantly impact the overall visual corridor. The mapped area of the land is not to be used for quarry operations other than an intersection with the Monaro Highway and a portion of the internal haul route. These aspects of development will have little visual impact on the corridor and the quarry site itself (which is outside of the buffer) is to be screened using a combination of native and exotic vegetation in accordance with an approved landscaping plan.



### **6.3 Provision of any proposed Environmental Planning Instruments**

There are no other proposed environmental planning instruments applying to this site which are relevant to the proposed development.

### **6.4 Any Development Control Plan**

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

The proposal has also been examined in detail against the provisions of Council's relevant Development Control Plan (Section 4.15(a)(iii) of the Act) and has been found to achieve an acceptable level of compliance. In the assessment of this application, the following DCP provisions are of relevance:

<b>Chapter</b>	<b>Compliance/Comment</b>
<b>2.5 Vehicular access and roads</b>	The application provides appropriate access to the site and conditions of consent will be imposed to ensure the construction is of a standard suitable for both Council and the RMS.
<b>2.6 Stormwater</b>	The EIS provides adequate measures for the management of stormwater for the development, appropriate conditions of consent are to be imposed to require additional stormwater management plans prior to the commencement of works on site.
<b>2.8 Erosion and sediment control</b>	The EIS provides adequate measures for the management of sediment and erosion for the development, appropriate conditions of consent are to be imposed to require additional sediment and erosion control plans prior to the commencement of works on site.
<b>2.9 Landscaping</b>	Whilst a landscaping plan is not required for the development being that the chapter refers to residential accommodation only, a basic plan of tree planting has been submitted with the application. A full landscaping plan showing the species and their size to allow for appropriate screening of the development will be required as a condition of consent.
<b>2.10 Off-street parking and delivery vehicle facilities</b>	There is ample area at the quarry site for the parking of vehicles.
<b>6.3 Contaminated land</b>	The land is not considered to be contaminated
<b>6.6 Groundwater vulnerable land</b>	Compliance with the requirements for development on land mapped as ground water vulnerable have been discussed as part of the assessment of the application against the provisions of the LEP above.
<b>6.7 Native flora and fauna</b>	The impact of the development on native flora and fauna has been adequately assessed and mitigation measures put in place to avoid significant impact.

<b>6.11 Important views and vistas</b>	The development will not impact adversely on areas of important views and vistas. Measures are being employed to screen the quarry site by use of vegetation and earth mounding.
<b>7.4 Onsite Waste Management Systems</b>	Approval will be required when the installation of the onsite sewerage management facility is proposed.
<b>8 Public Notification Requirements</b>	The development application was notified and advertised in accordance with the DCP. The two (2) submissions received are considered below.

## **6.7 Impacts of the Development – Environmental, Social & Economic**

### **6.7.1 Access, transport and traffic**

Two alternative access points to the Monaro Highway were proposed to service the development. Option 1 being an upgrade the existing property access and Option 2 being a new access point requiring new intersection construction. Due to both alternative access points being onto a classified state road the application was referred to the RMS for comment.

The development is proposed to be serviced by a fleet of truck & dog trailers, which haul an average of 39 tonnes per trip, based on this estimate the following can be concluded about the transport requirements of the proposed extractive industry:

- Proposed maximum annual tonnage produced: 280,000 tonnes (average of 150,000 tonnes per annum).
- Capacity of standard truck 39 tonnes.
- Annual total of trips 7,180 laden or 14,360 haul and return.
- Average per week (50 weeks) 144 laden quarry trucks or 288 return trips per week.
- Average per day (5.5 days) 26 laden quarry trucks or 52 return trips per day.
- Average number of quarry trucks per hour (10-hour day): 2.6 laden quarry trucks per hour or 5.2 return trips.

The applicant has advised in the EIS that the proposed peak day maximum 2,500 tonnes should be assumed, which would require an estimated 64 laden trips per day to deliver the quarry product, or a maximum 128 return trips. The assumed averages provided by the applicant would be 13 return trips per hour (for a 10-hour working day) on a peak day. However, it is likely the number of hourly trips will be greater in the morning than afternoon, with 8 laden trips (or a total of 16 trips) per hour adopted as the maximum number of daily movements in the assessment accompanying the development application.

In addition haulage movements, there will be traffic generated by employees commuting to the site. Based on the applicant's knowledge of other quarry operations, it is expected that

staff will arrive at the site from around 6.00 am at a rate of about 5 vehicles per hour through to 9.00am. Similarly, staff will leave work from mid-afternoon at a similar rate.

The EIS states the following:

*Existing traffic volumes on the Monaro Highway are relatively low (ie. a total of 2,255 vehicles per day (vpd) in 2016), 0 with a peak hourly volume of 200 vehicles (total of both directions).*

*It should be noted that existing traffic patterns on the Monaro Highway actually result in a peak volume around mid- 0 day. However, peak quarry truck movements are expected to occur outside of this peak period, around 7.00am, when existing vehicle hourly volumes on the Monaro Highway will total approximately 100 vehicles. Similarly, when, the Monaro Highway experiences peak volumes (between 11.00am and 3.00pm), the quarry will be generating only 2 laden quarry truck trips (or total of 4 movements) per hour. Most significant traffic impacts will result from the conflict between the slow speed, slow acceleration heavy vehicles from the quarry, and the high speed vehicles on the Monaro Highway. However, given the current low volumes on the highway (max 200 vph), the average gaps in the traffic (30+ seconds), and good sight distance either side of the proposed access (option) location(s), the impacts of quarry truck traffic on the highway traffic movement are likely to be minimal.*

*Therefore, the proposed quarry will have minimal impacts on the local highway road network, due to the minimal net change in traffic volumes or haulage trips generated.*

Based on traffic volumes and the need for avoiding impacts on identified threatened reptile species in the vicinity of the haul route, it was determined that the only appropriate access to the development site is via Option 2. This would be a newly constructed intersection with the Monaro Highway.

The internal quarry haul route crosses a disused rail line and the applicant has been in discussions the John Holland Group, who manage the railway property on behalf State Rail. The operator, David Schmidt, has also received advice from John Holland that if the crossing is to be used for quarry traffic that a section of the existing rail be first removed and stored adjacent to the existing railway. The applicant will be required to gain the necessary approvals of State Rail prior to any work being carried out.

With respect to access and traffic movement the applicant has provided adequate mitigation measures to address the impact of the additional movements onto the Monaro Highway and these can be managed through appropriate intersection treatments and signage required by the RMS.

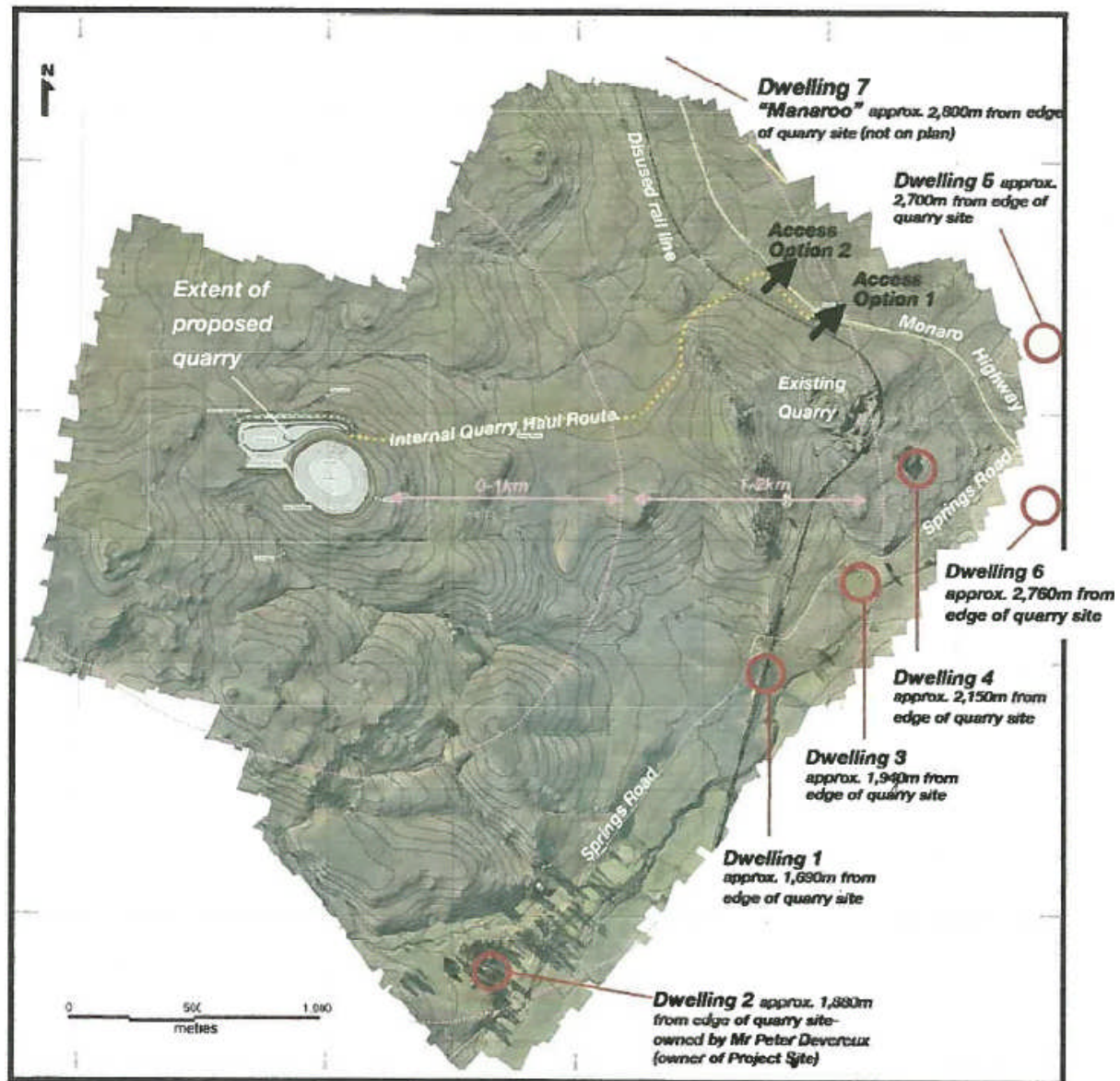
## **6.7.2 Water supply and potential impacts on surface and ground water**

The EIS has addressed adequately the potential impact of the development on water supply including surface and ground water and it is considered that mitigation measures proposed are appropriate.

### 6.7.3 Soils

The EIS has addressed adequately the potential impact of the development on soil quality and it is considered that mitigation measures proposed are appropriate.

### 6.7.4 Visual Impacts



**Figure 9 - Location of project site and closest dwellings**

The applicant has undertaken a visual impact assessment of the quarry and associated infrastructure. The assessment takes into consideration the operation when viewed from the nearby residences and from the Monaro Highway. Due to the topography and vegetation predominant in this area of the Monaro any development such as that proposed will be visible for considerable distances. In order to address this the applicant has proposed



mitigation measures that will commence at the start of construction and continue throughout the life of the quarry adjusting to meet the needs of each operational phase.

The applicant is proposing to plant at the base of the quarry a belt of pine trees reaching 20m-25m in height at maturity which is similar to the planting established around the existing Nimmitabel Quarry. There were concerns raised that this would not be in keeping with the sparse landscape surrounding the proposed development and that native trees should be planted as an alternative to exotic pines. Whilst the planting of native species is nearly always preferable the screening benefits of pine trees which are fast growing and dense can lead to a mitigation of visual impacts faster than if only natives were planted. As a compromise and to ensure that the site is screened as quickly as practicable a planting design which integrates both native and exotic species will be required. A landscaping plan showing the mix of species and their expected growth times will be required as a condition of consent.

It is considered that the assessment carried out by the applicant in the EIS demonstrates the visual impact on surrounding residences and the Monaro Highway can be mitigated by the appropriate siting of quarry storage and ancillary areas and by the proposed planting and acoustic bunding to be installed. Due to the phased nature of the development and the direction of the quarrying the visual impact of the development will be reduced as the vegetation screening will have time to establish before the operation moves deeper and produces more visual impacts.

#### **6.7.5 Noise, Vibration, Dust**

The applicant carried out a risk assessment of the project in relation to the surrounding properties. The assessment determined that there was a low risk level relating to noise, blasting and vibration and a moderate to low risk for air quality impacts.

The applicant has undertaken acoustic modelling and a report submitted with the development application demonstrates that the quarry can achieve full compliance with relevant noise emission targets set by the EPA. Hours of operation are to be imposed to ensure that the development is not operated outside of reasonable work day hours and with no work on Sundays or public holidays.

The general terms of approval issued by the NSW EPA include conditions that relate to the mitigation of noise impacts from the site. The developer will be required to operate within noise limits imposed by the EPA when measured at neighbouring properties. Conditions will be included on the consent that relate to how vehicles move around the site and to limit the use of beeping indicators for reversing vehicles. This coupled with the hours of operation proposed and the blasting regime outlined in the EIS are adequate mitigation measures for noise impacts generated by the development.

Mitigation measures are proposed as part of the management of the facility which will minimise the air quality impacts in relation to dust emissions from processing and blasting. Residents in the immediate vicinity of the site are to be notified in writing and provided with

a copy of the blast warning procedures. This would be in addition to being verbally advised 24 hours prior to every blast. Signage and signalling will be implemented on site to ensure safety when blasting and the blasting will be carried out by licenced professional contractors. No explosives are proposed to be stored on site.

Dust suppression will be in accordance with the condition of consent both for within the Quarry site and for the haulage route. The development will have restrictions imposed as to the proximity of any stockpiling which must be within the footprint approved and not on surrounding land. The location of the quarry and the distance from surrounding properties mitigates impacts such as dust, noise and vibration

#### **6.7.6 Aboriginal and European Cultural Heritage**

There have been no identified impacts to either Indigenous or European Cultural heritage on the site. The development site is not heritage listed or in close proximity to any heritage listed properties. The application included an Aboriginal Cultural Heritage Assessment Report, in which the recommendations were as follows:

1. There are no identified cultural and/or archaeological heritage constraints in regard to the proposed works.
2. No further archaeological investigations are required in respect of the proposal.
3. No Aboriginal objects have been recorded in the subject area. Furthermore, the area is assessed to be of very low archaeological potential.

There are locally listed heritage sites in the surrounding landscape, however none are found on the subject lots nor do they directly adjoin the subject property. It is considered that the proposal would not have an adverse impact on these heritage items.

#### **6.7.7 Flora and fauna & Consideration of Threatened Species**

The development application was lodged with Council in the transitional period for the Biodiversity Conservation Act 2016 and as such did not require a BAM assessment or a BDAR to be submitted with the proposal. The development application was therefore considered under the requirements of the Environmental Planning and Assessment Act 1979 (EP&A) Threatened Species Conservation Act 1995 (TSC Act).

Upon identification of the Grassland Earless Dragon, onsite the applicant referred the proposed quarry under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to the Department of Environment and Energy (DoEE). Amongst other Matters of National Environmental Significance (MNES), the referral considered potential impacts to Grassland Earless Dragon, Striped Legless Lizard and Natural Temperate Grassland (NTG). The project was determined 'not a controlled action', and therefore further assessment and approval under the EPBC Act is not required.

Due to the location of the development in an area that is identified as being habitat for threatened species the application as referred to the NSW Department of Planning Industry and Environment (formally OEH) for comment. Concerns were raised by OEH as they

"considered that there is likely to be a significant impact to the Grassland Earless Dragon and Striped Legless Lizard from this project, and that the proponent has not demonstrated that a significant impact to these species can be avoided" (OEH 2018 — DOC18/161102-20).

As a result of the concerns raised by DPIE the applicant undertook further studies and a revised section 5a Assessment of Significance (seven-part test) pursuant to the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and Threatened Species Conservation Act 1995 (TSC Act) for Grassland Earless Dragon (*Tympanocryptis pinguicolla*) (GED) and Striped Legless Lizard (*Delma impar*) (SLL) was carried out and submitted to Council and DPIE.

The assessment of significance was based on reduced areas of disturbance including realignment of the proposed internal haul route and the reducing of the stockpiling and processing area. It was demonstrated that there could be an avoidance of potential habitat and that the proposed impacts to Native Tussock Grassland and potential GED and SLL habitat (including impacts from the haul route, quarry and associated infrastructure) had been reduced from 13.10 ha to 8.75 ha, a reduction of almost 35% of the extent of habitat impacted by the original proposal

In the review of impacts provided to Council dated 24/05/2019, Ecological states that:

*The main reduction has come from reducing the stock piling and processing area, followed by the reduction of the quarry itself to align with the mapping of the revised Rocky Outcrop (and originally mapped sheep camp area — combined in this letter report). The haul road has also been re-aligned slightly to increase the portion of the road that traverses Improved Pasture.*

*The revised Assessments of Significance has been informed by a large reduction of impacts to native vegetation and fauna habitat (by almost 35%; from 13.10 ha to 8.75 ha), review of previous documentation, recent site inspection, and new Grassland Earless Dragon record.*

*The revised assessment considered that the proposed quarry is unlikely to constitute a significant impact on the Grassland Earless Dragon, given that:*

- *The proposed works would require the clearing of only a relatively small area (8.75 ha, representing 1.31%) of the potential habitat within the study area.*
- *Large areas of potential habitat will remain in the study area (98.7%) and across the surrounding landscape.*
- *The proposal would not significantly exacerbate fragmentation of existing populations, or isolate connecting areas of habitat in terms of use by this species. Populations within the study area are restricted in movement by the Improved Pasture, and across the broader landscape by farm roads, the Monaro Highway and exotic pasture.*
- *Indirect impacts from truck movements (noise and vibrations) are unlikely to substantially adversely affect the species within the study area.*

*In consideration of the above factors, the proposed quarry is unlikely to constitute a significant impact on the Striped Legless Lizard, given that:*

- *The proposal would require the clearing of only a relatively small area (8.75 ha, representing 1.31%) in context of suitable habitat within the study area.*
- *Large areas of potential habitat will remain in the study area (98.7%) and across the landscape.*
- *The proposal would not significantly exacerbate fragmentation of existing populations, or isolate connecting areas of habitat in terms of use by this species. Populations within the study area are restricted in movement by the Improved Pasture, and across the broader landscape by farm roads, the Monaro Highway and exotic pasture.*
- *Indirect impacts from truck movements and blasting (noise and vibrations) are unlikely to adversely affect the species within the study area.*

These revised assessments were provided to DPIE – Biodiversity and Conservation for comment and the following response was received:

#### *Avoidance of potential impact*

*We note that the area of impact has been reduced from 13.10 ha to 8.75 ha and that other measures have been detailed to reduce impacts on the threatened grassland reptiles and their habitat. Whilst this reduction in impact area is beneficial and reduces the impact to the species for this project, any increase in the development footprint, number of truck movements, or other modifications to this project would require re-assessment and is likely to trigger the need for Biodiversity assessment report, under the Biodiversity Conservation Act 2016 for the entire project.*

#### *Threatened Reptiles*

*We have reviewed the Assessment of Significance and have provided comments on the document which we would like to see updated for accuracy. The mitigation measures listed in the EIS and referred to in the letter dated 24 May 2019 from Ecological Australia should include a firmer commitment to monitoring to ensure that the site contributes to the regional monitoring program of this species, rather than development impact monitoring. DPIE considers this development may still have impacts on the grassland earless dragon and the striped legless lizard and that management of the areas outside the development footprint is important for the continued persistence of these species.*

OEH provided suggested conditions of consent that have been included in the draft conditions associated with this report. As such the further assessments, reduced impact areas and mitigation to enable Council and OEH to be satisfied that the development would not cause significant impacts to the native species present on site as long as suitable condition of consent are imposed.

### 6.7.8 Social impact

The development is located away from nearby residences to a distance which will minimise impacts when the quarry is in operation. The hours of operation proposed will not allow the use of the development on Sundays or public holidays and limited to half of the day on a Saturday. The weekday hours of operation will ensure that the site is not in use in the evening or the early morning so as to disturb surrounding properties. With the closure of the nearby Nimmitabel Quarry this development will allow for the employment lost in that location to be relocated. Generally it is considered that the social negatives of the development can be managed appropriately so as not to cause significant impacts.

### 6.7.9 Economic impact

It is considered that the proposed extractive industry will have generally positive economic impacts on the locality with the generation of employment and the provision of a resource that can be used locally without the need for extensive transport from outside of the area. All works will be borne by the developer with no local funding required to facilitate the development.

### 6.7.10 Site Rehabilitation

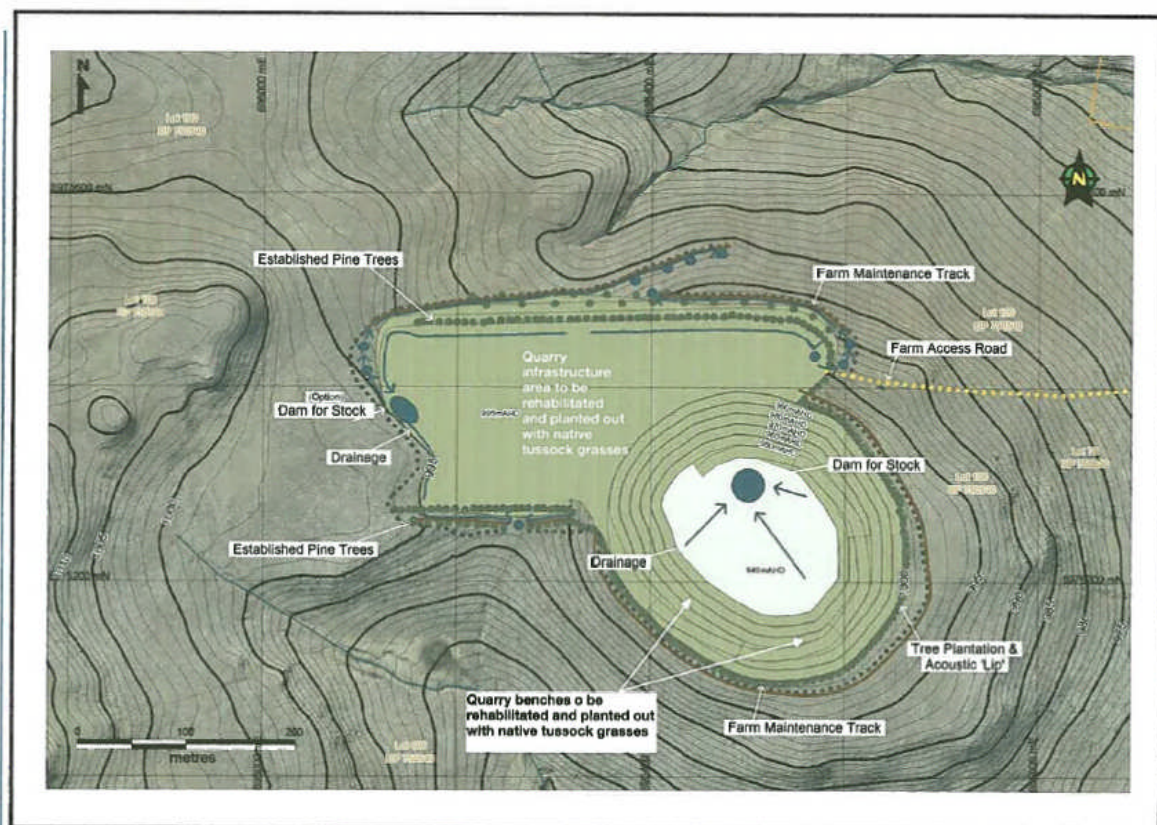


Figure 10 - Proposed plan of site rehabilitation provided in the EIS

The applicant has stated in the EIS that:

*“the quarry will follow a closure and rehabilitation plan at the end of operations to minimise long-term erosion through effective revegetation. The project will also have active site rehabilitation and mitigation measures during the life of the quarry. And that Quarry areas will be carefully managed, with perimeter tree plantings and re plantings of native grasses. Disturbed areas will be landscaped during the life of the quarry.”*

In order to ensure that rehabilitation of the site is carried out in an appropriate manner conditions of consent will require a full rehabilitation and landscaping and vegetation management/maintenance plan.

## **6.8 Public Submissions**

The proposed development was placed on public exhibition and adjoining landowners were notified in accordance with the provisions of Chapter 8 of the Cooma-Monaro Development Control Plan 2014 for a period of “30” days.

### **Summary of Submissions**

<b>Total Number of submissions</b>	2
<b>Number objecting</b>	2
<b>Number supporting</b>	0

<b>Submission – issues raised</b>	<b>Consideration</b>
The DA was not properly advertised as it was not made available on the website.	The development application was advertised and notified in accordance with the requirements of the Cooma Monaro DCP 2014 and the relevant regulations.
Concerns that aboriginal cultural heritage matters have not been adequately addressed	An ACHAR was provided with the DA which recommended no further works were required. This was carried out by a qualified archaeologist in accordance with statutory guidelines
Dust mitigation and air quality	<p>Dust mitigation measures are proposed by the applicant and these will form part of the conditions of consent. It is considered that the applicant has adequately addressed how they will manage dust generated on site through regular watering of the haul route and quarry processing plant.</p> <p>An air quality impact assessment has been undertaken for the Project by VIPAC, Engineers &amp; Scientists, who found that the potential for dust generated by the quarry will be within acceptable environmental parameters.</p>



	<p>The management of dust from the operation will form part of the requirement for a management plan for the facility to be provided to Council for approval prior to the commencement of operations on site. This management plan will be in addition to conditions of consent relating to dust suppression.</p>
Visual impact of stockpiles	<p>The applicant has proposed the following visual impact mitigation measures for the quarry operation area:</p> <p>Quarrying activities will be screened from view by the hill from the early phases of the quarry project, with landscaping and screening established around the perimeter of the quarry utilising a pine tree planting belt- similar to the visual mitigation measures as currently employed by Schmidt Quarries at their Nimmitabel Quarry operation</p> <p>It is considered that with the use of mounding and a tree belt the stockpiles will adequately, quarry face and ancillary service areas will be appropriately screened. A landscaping plan and maintenance plan for the trees is to be lodged with Council for approval prior to the use of the property.</p>
Sound from crushing	<p>A noise impact assessment was undertaken by the applicant and provided with the DA documentation. It found that with the implementation of acoustic mounds that the quarry is suitably buffered from neighbouring residences. Based on the EPAs adopted Noise Policy for Industry (EPA 2017) the noise levels would actually be within allowable levels without the requirement for any of the acoustic mounding measures that have been proposed.</p> <p>Hours of operation and the location of the crushing plant will also mitigate the noise generated by crushing materials on site.</p>
Impact on groundwater	<p>The applicant has provided evidence that the groundwater will not be impacted by the development. Drilling was carried out to determine if groundwater would be detected at the depth of excavation and no adverse findings were recorded.</p>

Issues with existing quarry operated by the applicant.	This is not a consideration as part of this development application.
vegetation planted will not be grown within the time frame they are stating (2-3 years) unless using mature plants	A full landscaping plan with species and growth estimates will be required as part of the approval. The applicant will be required to demonstrate that they can adequately screen the development site and that the species proposed will be planted at a height/maturity level that will allow for this. A schedule of maintenance will also be required to ensure that the vegetation is kept in good condition to allow for the screening to have effect.
Adjoining land owners not consulted adequately prior to lodgement of DA	This is not a matter for consideration in the application, the DA has been notified and advertised in accordance with requirements and the submissions received considered as part of the assessment report.
Concerns with Blasting	Residents are to be notified of blasting and provided with the blasting procedures at least 24 hours prior to the blast occurring.
Hours of operation	The hours of operation are as follows:  7am to 6pm Monday to Friday,  8am to 1pm Saturdays  No work is to be carried out on Sundays or Public Holidays
structural damage and/or contamination and responsibility for fixing/cleaning up problems	It is not expected that any structural damage or contamination will occur if the quarry operates within its conditions of consent and appropriate licence.  Any problems that may occur with the development are the responsibility of the operator.
Access issues including:  Intersection construction  Concern regarding Monaro Highway entrance options	Of the two options, Option 2 is proposed for access due to concerns raised by RMS in regards to option 1 and option 1 having an increased impact on endangered and threatened species found on site.. Springs Road is not intended to be used prior to the access to the quarry being built. Access from the Monaro Highway will be required prior to commencement of operations. Access to the site from

Concern Springs Road going to be used prior to the access road being built to the quarry	the Monaro Highway will be at the cost of the developer and in accordance with the requirements of the RMS.
Effect of detrimental weather conditions including rainfall calculation	All buildings on site will need to comply with the requirements of the National Construction Code which takes into account wind and snow loads. With respect to the management of stockpiles and resources on site in adverse weather events the applicant is required under the provisions of their consent to have a management plan that will cover such instances. The proposed operator currently operates a similar scale quarry in the locality so is familiar with the impact of weather on their business. With respect to concerns over rainfall measurements, the applicant provided information prepared by a suitability qualified person which determined the water to be captured on site and attested to its adequacy. The applicant carries out a similar operation in the locality and as such would be conscious of the amount of rainfall required to fill water storages on site. Should there not be adequate rainfall to fill water storages, water would need to be carted to the site to ensure compliance with dust supersession requirements stipulated in the consent.

## **6.9 The public interest**

The proposal is not contrary to the public interest, as it complies with the Council's standards and will not contribute to creating an undesirable precedent.

## **7.0 CONCLUSION:**

It is considered that the proposed development generally complies with the relevant provisions of Section 4.15 of the Act, LEP, DCPs and Policies and it is generally aesthetically, economically, socially and environmentally acceptable having regard to the surrounding natural & built environment. Accordingly, approval is recommended subject to the imposition of the conditions of consent.

## **8.0 RECOMMENDATION**

Pursuant to section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) it is recommended that the consent for an extractive industry on PLT: 62 DP: 750540, Lot: 106 DP: 750540, Lot: 76 DP: 750540, Lot: 78 DP: 750540, Lot: 120 DP: 750540, 278 Springs Road Monaro Highway ROCK FLAT 2630 is granted subject to conditions.