

COUNCIL ASSESSMENT REPORT

Panel Reference	2018WES004
DA Number	2018/55
LGA	Bathurst Regional Council
Proposed Development	Extension of existing quarry
Street Address	103 Gormans Hill Road, Gormans Hill
Applicant/Owner	MR RT McPHILLAMY (OWNER AND APPLICANT)
Date of DA lodgement	21 February 2018
Number of Submissions	12
Recommendation	APPROVAL WITH CONDITIONS
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Clause 7 – extractive industry being designated development
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 (as amended) • Protection of the Environment Operations Act 1997 • Environmental Planning and Assessment Regulation 2000 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 • Bathurst Regional Local Environmental Plan 2014 • Bathurst Regional Development Control Plan 2014
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Draft Conditions of Consent • Plans • Submissions made during exhibition period • Responses from relevant Government departments
Report prepared by	L BARNETT (Development Control Planner)
Report date	MAY 2018

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

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**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

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

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

Purpose of Report

The purpose of this report is to seek determination from the Western Joint Regional Planning Panel of the subject development application for extension of existing quarry at 103 Gormans Hill Road, Gormans Hill.

Recommendation

That the Western Regional Joint Regional Planning Panel grant consent to Development Application 2018/55 for:

EXTENSION OF EXISTING QUARRY

Subject to conditions included in the Draft Notice of Determination (see **attachment 1**) with any further conditions or amendments as 4.17 of the Environmental Planning and Assessment Act 1979, as amended.

Executive Summary

Development Application 2018/55 (2018WES004) for extension of existing quarry was lodged with Council on the 21 February 2018.

The subject site is Lot 13 DP 1034051, 103 Gormans Hill, Gormans Hill.

The site is located on the eastern side of Gormans Hill Road and is immediately south of an existing residential area.

The subject site is 21.49 hectares.

The site has been used for extraction purposes since the 1940's. The quarry has historically been operated by Bathurst Regional Council and is one of the main suppliers for Bathurst Regional Council for road construction and maintenance material. The site currently contains infrastructure consistent with its long term use including shed, plant and stockpiling.

The site is immediately south of the existing the residential area of Gormans Hill. Land to the south and west comprise a mixture of small rural lifestyle blocks and intensively farmed market gardens. The Macquarie River adjoins the property to the east.

Immediately to the south of the site is a second extractive industry (145 Gormans Hill Road) which has also been used for the stockpiling of building and construction waste. An application to operate a concrete crushing facility on this premises was recently refused by Council and it is expected the site will be subject to remediation.

The subject quarry has until recently operated under the continuing use rights provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) however it has been acknowledged that the scale and intensity has moved beyond the area and levels available. Activities on the site have ceased pending determination of this application.

Access to the site will be by way of the existing entry from Gormans Hill Road with the applicant proposing to upgrade the entrance. The proposal anticipates the principal traffic route will be via Gormans Hill Road and Lloyds Road to Vale Road. Generally materials would not be transported on Gormans Hill Road north of the project.

The nearest non-associated dwellings are located at 88 Gormans Hill Road, 5B Inn Place, 5 Inn Place, 6 Inn Place and 2-6 Dees Close. The nearest residentially zoned land is approximately 45 metres to the north of the site. Council has received three complaints over the course of the historical use of the site. Two of these complaints relate to sediment and one relating to dust emissions.

The development is proposing to extract on average 40,000 tonnes per year. The maximum extraction rate is expected to be 80,000 tpa. The quarry is anticipated to have enough supply for the next 24 years, after which it is recommended to rehabilitate the site to agricultural or conservation purposes.

The proposed development is Designated Development pursuant to Schedule 3, Clause 19 *Extractive Industries* of the Environmental Planning and Assessment Regulation 2000.

Pursuant to Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011, the consent authority is the Joint Regional Planning Panel.

The proposed development is Integrated Development under Division 4.8 of the Environmental Planning and Assessment Act 1979. The development requires an Environmental Protection Licence under the Protection of the Environment Operations Act 1997 as an extractive industry involving more than 30,000 tpa. The EPA has issued its General Terms of Approval to the application.

The Development Application has also been referred to a number of Government Authorities including the Environment Protection Authority, Department of Primary Industries Water, NSW Fisheries, NSW Department of Planning and Environment - Resources and Geosciences, Roads and Maritime Authority and Office of Environment and Heritage. These Departments did not raise any significant issues that would preclude approval.

The Development Application was publicly exhibited in accordance with the statutory requirements for Designated Development between 5 March 2018 and 5 April 2018. The proposal was notified to the closest affected property owners in the residential areas to the north, west and south. During the exhibition period, twelve (12) submissions (refer **attachment 4**) were received raising concerns with the proposed development.

Proposed Development

The proposal seeks consent for a continued operation and extension to existing quarry. The proposed development will encompass the use of part of the site for extraction, stockpiling, blending and transporting. The facility would extract on average 40,000 tonnes per year and estimated to extract for the next 24 years. Maximum rates of extraction would however be up to 80,000 tpa.

The extraction component of the quarry includes using a bulldozer or excavator to rip and blend the weathered granite and place it into stockpiles. The expansion will occur by way of gradual expansion of operations to the west as necessary. The proposed expansion to the extraction area includes reforming the site for a gently east-sloping floor with an elevation of 660m AHD or higher, draining to a sediment basin. The internal site access road will be realigned and sealed, and internal stockpile area and mobile plant parking areas will be upgraded.

The existing intersection of the site and Gormans Hill Road will be upgraded to accommodate truck movements and less disruption on the local traffic network. Further, the proposal will also include upgrades to Lloyds Road by extending the eastern shoulder of Gormans Hill Road to enable trucks to turn without crossing the centreline of the road. Internal to the site, the access road will be sealed for a distance of at least 100m to reduce dust emissions. Additional upgrades include visual screening around the majority of the site.

The following is required to recommence extraction at the site:

- Survey and markout;
- Installation of drainage works, particularly in the east to accommodate average rainfall and the 1 in 50 year flood event;
- Establishment of visual screens to the external boundary of the site within 24 months of granting consent.

The following plant and equipment will be used at the site for the quarry operations, and are mobile around the site:

- Bulldozer, excavator or scraper;
- Front end loader for loading trucks and stockpile management;
- Small off-road haul truck for transporting material within extraction area;
- A water cart for watering roads and stockpile areas.

The applicant proposes to extract on average 40,000 tonnes per year with a maximum extraction of 80,000 tpa. The daily extraction depends on Council requirements for road maintenance and construction programs.

Physical works and buildings associated with the development include:

- Reforming the site for a gently east-sloping floor with an elevation of 660m AHD or higher draining to a sediment basin ;
- The internal site access road will be realigned and sealed for first 100m;
- Internal stockpile area and mobile plant parking areas will be upgraded.

Transport movements are anticipated to be approximately 12 per day. In extreme circumstance the truck movements would be 40 per day, or 4 per hour. All trucks are predominately Council owned. Transport movement includes Gormans Hill Road and Lloyds

Road to avoid the residential areas, Mackillop College or Bathurst Private Hospital to the north of the site.

In order to address concerns regarding operating hours, the NSW EPA General Terms of Approval permit hours of operation as follows:

Construction activities

9am to 3pm Monday to Friday and at no times on Saturdays, Sundays or public holidays.

Operational Activities

8am to 5pm Monday to Friday and at no times on Saturdays, Sundays or public holidays.

Construction activities refers to the stripping of soil prior to extraction occurring and is limited to a maximum of 3 days per year.

In its response to the submissions, the applicant has advised that the proposed conditions of consent are acceptable subject to a caveat permitting operations outside the approved hours of operation during emergencies, including flooding, emergency road repairs etc.

The EPA has acknowledged that the caveat is acceptable subject to notice being given beforehand. This has been incorporated into the draft conditions of consent.

The subject site contains existing stormwater infrastructure. There are a series of stormwater detention ponds.

After the completion of extraction the site is proposed to be decommissioned and rehabilitated. This involves creating a stable functional drainage system, quality top soil, and revegetating.

The subject land

The subject land comprises one parcel known as 103 Gormans Hill Road, Gormans Hill, Lot 3 DP 1034051.

Gormans Hill Road runs perpendicular to the subject site generally in a north-south direction. The subject site is 21.49 hectares. The subject site currently contains infrastructure associated with the quarry including site office, storage shed and internal roads.

There are several non-associated residences located on the adjoining rural land and residentially zoned land to the north.

Immediately adjoining on the eastern boundary is the Macquarie River, part of a significant inland river system which also serves irrigation purposes for surrounding agricultural land.

Immediately to the south of the subject land is a second extractive industry (145 Gormans Hill Road). 145 Gormans Hill has also been used for the stockpiling of building and construction waste although it is expected this site will soon be remediated.

Existing Development Consents

The site has operated under continued use rights provisions of the Environmental Planning and Assessment Act 1979. The quarry was registered in 1993 under SEPP 37 – Continued Mine and Extractive Industries however development consent for continued operations was not obtained.

On 7 February 2017 Council wrote to the applicant advising that the quarry was operating beyond the area and volumes available under the continued use rights. Operations at the quarry have ceased until such time development consent is granted.

Legislative Requirements

(i) Joint Regional Planning Panel (JRPP)

The Joint Regional Planning Panel is the consent authority for the determination of the subject Development Application, by virtue Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011.

Designated Development

Environmental Planning and Assessment Regulation 2000

“4 What is Designated Development?”

(1) Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be Designated development by provision of Part 2 or 3 of that Schedule.”

“Schedule 3 Designated Development

Part 1 What is Designated Development?

19 Extractive industries

(1) Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):

(a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or

(b) that disturb or will disturb a total surface area of more than 2 hectares of land by:
(i) clearing or excavating, or

(ii) constructing dams, ponds, drains, roads or conveyors, or

(iii) storing or depositing overburden, extractive material or tailings, or

(c) that are located:

(i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or

(ii) within 200 metres of a coastline, or

(iii) in an area of contaminated soil or acid sulphate soil, or

- (iv) *on land that slopes at more than 18 degrees to the horizontal, or*
- (v) *if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
- (vi) *within 500 metres of the site of another extractive industry that has operated during the last 5 years.*
- (2) *This clause does not apply to:*
 - (a) *extractive industries on land to which the following environmental planning instruments apply:*
 - (i) *Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme,*
 - (ii) *Western Division Regional Environmental Plan No 1—Extractive Industries, or*
 - (b) *maintenance dredging involving the removal of less than 1,000 cubic metres of alluvial material from oyster leases, sediment ponds or dams, artificial wetland or deltas formed at stormwater outlets, drains or the junction of creeks with rivers, provided that:*
 - (i) *the extracted material does not include contaminated soil or acid sulphate soil, and*
 - (ii) *any dredging operations do not remove any seagrass or native vegetation, and*
 - (iii) *there has been no other dredging within 500 metres during the past 5 years, or*
 - (c) *extractive industries undertaken in accordance with a plan of management (such as river, estuary, land or water management plans), provided that:*
 - (i) *the plan is prepared in accordance with guidelines approved by the Secretary and includes consideration of cumulative impacts, bank and channel stability, flooding, ecology and hydrology of the area to which the plan applies, approved by a public authority and adopted by the consent authority and reviewed every 5 years, and*
 - (ii) *less than 1,000 cubic metres of extractive material is removed from any potential extraction site that is specifically described in the plan, or*
 - (d) *the excavation of contaminated soil for treatment at another site, or*
 - (e) *artificial waterbodies, contaminated soil treatment works, turf farms, or waste management facilities or works, specifically referred to elsewhere in this Schedule, or*
 - (f) *development for which State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas requires consent, or*
 - (g) *maintenance dredging of alluvial material from oyster leases and adjacent areas in Wallis Lake, but only if the dredging is undertaken in accordance with the document entitled Protocol for Wallis Lake Oyster Lease Maintenance Dredging approved by the Secretary and published in the Gazette, as amended by the Secretary from time to time by publication of an amended Protocol in the Gazette.*

The proposal is Designated Development under Clause 19 *Extractive Industries* because the quarry intends to process more than 30,000 tonnes of material per year and its proximity to other extractive industries.

(ii) Integrated Development

The proposed development is considered Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979. The extractive industry requires a licence under the Protection of the Environmental Operations Act 1997.

The EPA has issued its General Terms of Approval.

(iv)S79C Assessment

4.15(1)(a)(i) Environmental planning instruments (State Environmental Planning Policies and Local Environmental Planning Policies)

SEPP (State and Regional Development) 2011

The proposed development is listed as “regionally significant development” under Schedule 7 of SEPP (State and Regional Development) 2011 and accordingly the Joint Regional Planning Panel is the consent authority.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 applies to the whole state of NSW.

SEPP (MPPEI) prevails over any inconsistencies with any other environmental planning instruments including Bathurst Regional Local Environmental Plan (BRLEP 2014).

Under the SEPP (MPPEI) the proposed development is defined as an *extractive industry*, with the following definition:

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, 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:

- (a) turf farming, or*
- (b) tunnelling for the purpose of an approved infrastructure development, or*
- (c) cut and fill operations, or the digging of foundations, ancillary to approved development, or*
- (d) the creation of a farm dam if the material extracted in the creation of the dam is used on site and not removed from the site.*

extractive material means sand, gravel, clay, soil, rock, stone or similar substances but does not include turf.

It is noted that pursuant to Clause 7(3) of the SEPP, an extractive industry may be carried out with development consent on any land on which agriculture or industry may be carried out. Under BRLEP 2014, agriculture may be carried out without consent in the RU4 Primary Production – Small Lots zone. Accordingly, the SEPP enables consent to be granted to the development subject to consideration of the matters contained in the SEPP.

Part 3 – Development Applications – matters for consideration

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

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

(a) *consider:*

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

Comment: The adjoining and surrounding land represents a mixture of agriculture and residential uses. Agricultural and rural-lifestyle blocks are to the south, west and east. North of the site is the residential area of Gormans Hill.

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

Comment: The subject lot has historically been used for extractive purposes albeit that it is not currently operating pending determination of this application.

The potential for significant adverse impacts on surrounding land uses as a result of the continued use of the quarry has been addressed in this report.

Given the continuous use of the quarry and minor extension, the impact on the preferred uses of the land will be minimal.

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

Comment: Subject to the inclusion of appropriate management controls the development is not considered incompatible with the existing, approved or likely preferred uses in the area. The increased mitigation measures and management procedures are considered to reduce any adverse impact the quarry might have on surrounding, approved for preferred uses.

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

Comment: The material extracted from the subject site will be stockpiled and transported during times needed by Council maintenance.

Having been in operation since the 1940's the operation of the quarry demonstrates the successful supply of gravel and sand resources for Council purposes.

It is considered that the proposed continuation and expansion of the quarry is capable of operating in a manner that ensures the amenity of the surrounding locality remains consistent with its current state. However, it is anticipated that the overall environmental performance of the quarry will be improved by bringing it into line with more recent environmental standards. These standards have historically not applied due to the absence

of regulation.

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

Comment: No blasting is required to extract the gravel. Extraction will occur in the form of bulldozer push and excavator recovery. Extraction at the upper levels (or construction as it is referred to in the EIS) will be limited to stripping of topsoil on a limited number of days per annum (3). Further, extraction within the active quarry will occur on a campaign basis, as needed by Council maintenance and construction projects and is within accepted noise levels and normal hours of operation.

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*
- (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 on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*

Note: 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.*

Note: Sydney Regional Environmental Plan No 9-Extractive Industry (No 2-1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.

Comment: The proposal adjoins an extractive industry on the land and accordingly Clause 13 applies. The area has not been identified as an area containing significant resources or minerals.

- (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*
- (d) any incompatibility, as referred to in paragraph (a) (iii).*

Comment: The existing use has operated since the 1940's. Much of the surrounding development has occurred in more recent times although the scale of operations has increased from its early days.

The proposed development is unlikely to have significant adverse impact on the current or future extraction of resources as it has been strategically designed to ensure the longevity of the quarry whilst providing amenity protections to the surrounding residents.

The proposed development is not considered to be incompatible with any existing or an approved use within the vicinity given it is currently operating with minimal disturbance to surrounding land uses.

14 Natural resource management and environmental management

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

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

Comment: The Macquarie River adjoins the eastern boundary of the property. The quarry itself is located approximately 300 metres west of the River. The quarry will move generally to the west (i.e. further away from the Macquarie River). The quarry and proposed extension will not require removing or adding water from Macquarie River.

DPI (Water) has advised that several requirements are required should the quarry need to irrigate, intercept ground water use or off site water.

Further, DPI (Water) requires that maintenance of surface water in the dam post operation is required, and a licence may be required, during the rehabilitation process.

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

Comment: The applicant has prepared an assessment of the impact on biodiversity, aquatic ecology, flora and fauna impacts.

Aquatic ecology investigations did not reveal any threatened aquatic species or populations that have potential to occur within the subject site. This is likely due to the continually disturbed nature of the site.

Land-based ecology investigations did not identify any native vegetation communities due to the historical disturbance of the subject site. Flora investigations did not identify any native species, with predominately exotic species including London Plane Trees (*Platanus x acerifolia*).

The lack of plant community on the subject site is likely to result in an unsustainable environment to support fauna species.

No threatened species, populations or communities have previously been recorded at the subject site. Gormans Hill Road is identified as having low roadside conservation value. Close proximity to a residential area and high traffic impacts on ecological potential.

It is considered the proposed quarry and extension are unlikely to have a further impact on the ecology of the subject site.

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

Comment: It is anticipated that emissions from plant and equipment will result in the emission of some greenhouse gas however it is not considered necessary to impose specific conditions in relation to greenhouse gas emissions.

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

Comment: Emissions will be limited to machinery associated with quarrying activities and transport.

15 Resource recovery

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

Comment: The development will result in limited amounts of waste being generated. The majority of material will be either processed and transported or used for rehabilitation purposes. The small amount of waste rock generated will be repurposed on site for water management features or final rehabilitation works.

(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.

Comment: Given the limited amount of waste generated no specific conditions are considered warranted.

(3) The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.

Comment: The volume of waste/spoil will be minimal and refusal on this basis is not considered warranted.

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,*
- (b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
- (c) require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*

Comment: Access to the site will be by way of the existing entrance from Gormans Hill Road. The existing entrance is however to be upgraded to form a BAL/BAR intersection as well as sealing for a distance of at least 100m or until the road enters the extraction area.

Principal transport routes would be from the quarry via Gormans Hill Road and Lloyds Road to Vale Road.

Transport movements will remain similar to existing conditions, whereby 12 truck movements occur daily on average. During higher volume campaigns, it is expected there may be up to 40 truck movements daily, or 4 per hour.

There are no other major transport generators within the vicinity.

Given the relatively low number of heavy vehicle movements proposed it is not considered necessary to impose specific conditions (with the exception of those recommended by RMS) in relation to transport of material.

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

Comment: Gormans Hill Road is a Council controlled road.

The Development Application was referred to the RMS for its consideration and comment. RMS raised no objection to the proposed development and recommended conditions.

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

Comment: RMS did not object to the proposed development but did make a recommendation that the applicant is required to carry out including:

- Safe Intersection Sight Distances in accordance with Part 4A of Austroads Guide to Road Design is to be provided and maintained at the intersection of the site access and Gormans Hill Road.
- Haulage operations coinciding with local student school bus pick up/drop off times are to be avoided.
- In accordance with Clause 16(1) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.

Council will provide RMS with a copy of the conditions.

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.

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

Comment: The NSW Department of Planning and Environment – Resources & Geosciences raised no objection to the proposed development.

Rehabilitation procedures are outlined in the EIS. Rehabilitation is to occur after decommission of the quarry. Conditions will be imposed regarding rehabilitation of the site.

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

Comment: The development will result in limited amounts of waste being generated. The majority of material will be either processed and transported or used for rehabilitation purposes.

(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

Comment: The principal potential source of contamination from the proposed development will be from fuel or oil spill from plant or equipment. The plant operator's standard

procedures in relation to hazardous materials will apply in the event of a fuel or oil spill.

(d) require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.

Comment: The applicant will undertake responsibility for the decommissioning and rehabilitation of the subject site in accordance with the conditions of consent, licencing requirements and other approvals.

SEPP 55 - Remediation of Land

The subject site has been historically used as a quarry and no contaminants have been stored within the site. Therefore no further action on remediation is necessary.

Bathurst Regional Local Environmental Plan 2014

The following clauses of Bathurst Regional Local Environmental Plan 2014 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Land Use Table

The subject site is zoned RU4 Primary Production Small Lots. The objectives of the zone are as follows:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural and scenic character of the land.*
- *To provide opportunities for intensive plant agriculture.*
- *To conserve high quality agricultural land by ensuring that it is not unnecessarily converted to non-agricultural land uses and that any lot created is capable of sustaining a range of agricultural land uses.*
- *To encourage development that protects, enhances and manages the riparian environment.*

The proposal is not inconsistent with the objectives of the zone. The proposal is a continued use of a quarry in an agricultural area facilitating employment opportunities and needs of the workforce.

The proposal is defined as *extractive industry*, the definition pursuant to Bathurst Regional LEP 2014 is:

“...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 industries are permissible with consent in the RU4 Primary Production Small Lots zone.

7.1 Flood planning

- (1) *The objectives of this clause are as follows:*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 - (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
- (2) *This clause applies to:*
 - (a) *land identified as "Flood Planning Area" on the Flood Planning Map, and*
 - (b) *other land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is compatible with the flood hazard of the land, and*
 - (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
- (4) *Development consent is not required by this clause if:*
 - (a) *the applicant has notified the consent authority in writing of the development, and*
 - (b) *the consent authority has formed the opinion that the development is of a minor nature, and*
 - (c) *the consent authority is satisfied that the development meets the requirements of subclause (3), and*
 - (d) *the consent authority has advised the applicant in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.*
- (5) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*
- (6) *In this clause:*

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Part of the subject site is identified as being within the "flood planning area". The proposed extraction area is however predominately outside the flood planning area, with the exception of the dam located in the south eastern corner. The proposed quarry is not considered to impact or exacerbate the flood risk. In that context the development is consistent with the criteria specified in Clause 7.1 (3) and accordingly can be supported.

Bathurst Regional Development Control Plan 2014

Chapter 6 Rural and Rural Lifestyle Development

Clause 6.2.3 provides setbacks for different types of development within the rural zones. The table to clause 6.2.3 provides for a setback of 150 metres from the front, side and rear boundaries for extractive industries. The proposal seeks consent for a setback approximately 15m off the front boundary.

In this case the proposal does not comply with the adopted standards however the proposal is considered reasonable notwithstanding the non-compliance.

Chapter 9 Environmental Considerations

9.3 Riparian land and waterways

The Macquarie River is identified as a Sensitive Waterway, Key Fish Habitat Protected Riparian Lands under the Bathurst Regional Development Control Plan 2014.

The proposed extraction is a dry process with the exception of water used for dust separation. Potential discharges from the site would generally be the result of stormwater runoff during the construction and operational phases of the development.

Stormwater runoff occurs as sheet flow to the west. Within the eastern section of the site, surface water flows report to an existing sediment basin on the eastern boundary of the site. From there it is proposed to be used for dust suppression on site. The sediment basin will include an engineered controlled discharge point registered on the Environment Protection Licence for the proposal.

The applicant has proposed a series of mitigation measures including the preparation of a Soil and Water Management Plan in accordance with Landcom (2004) and DECCS (2008a and 2008b) prior to any extraction operations. The Soil and Water Management Plan will identify all surface water runoff to the Sediment Basin on the eastern perimeter of the site, with capacity for the 1 in 50 year rainfall event. The accumulated water will be sediment-laden for dust suppression.

Groundwater will be protected by incorporating measures of ensuring all hydrocarbons and any other chemicals stored on site are stored within a bunded and covered storage area. Further, any hydrocarbon or chemical spills will be cleaned immediately and relocated to a suitable licensed facility.

This is consistent with the approach required by the EPA through its General Terms of Approval issued for the project.

9.4 Biodiversity

The Macquarie River corridor is identified as being of high biodiversity sensitivity and contains native vegetation. This area is associated with the sensitivity of groundwater vulnerability and key fish habitat.

The Environmental Impact Statement provided an assessment on the potential biodiversity impacts. The management and mitigation measures include:

- Identify the limit of approved disturbance areas on the ground through the use of permanent markers;
- Implement a Weed Management Plan consistent with Bathurst Regional Council's control plan for each noxious weed.
- Ensure that all ground-engaging machinery is cleaned prior to arriving at or departing the project site.

Biodiversity investigations noted that no threatened species were found, or evidence of their presence. Given the highly disturbed nature of the site it was found exotic grasslands are common surrounding the site.

The mitigation measures are inclusive of sediment basins and detention ponds which are identified to reduce direct and indirect impacts of the proposal on the natural environment. Any further biodiversity concerns will most likely be covered under the Environmental Protection Licence, issued by the EPA.

9.5 Groundwater

The subject site is identified as being a High and Moderately High Groundwater Vulnerability area under the Bathurst Regional Development Control Plan 2014. Mines are listed as a type of development requiring specific consideration under Section 9.5 of the DCP. No ground water will be extracted or intercepted and therefore no aquifer interference or other groundwater approvals are required.

The Soil and Water Assessment submitted provides an assessment of potential impact of the development on groundwater sources and proposed mitigation measures. A Soil and Water Management Plan will be incorporated into the Environmental Management plan prepared for the site that includes a Sediment Basin on the eastern perimeter of the site, with capacity for the 1 in 50 year rainfall event. The accumulated water will be sediment-laden for dust suppression. This will be imposed as a condition of consent.

No waste water is generated as a result of the extractive industry. Stormwater is collected and used for dust suppression and existing sediment basins on the eastern perimeter of the site will collect and treat surface flows.

9.8 Flora and Fauna Surveys

The applicant has prepared an assessment of biodiversity, aquatic ecology, flora and fauna impacts.

Aquatic ecology investigations did not reveal any threatened aquatic species or populations that have potential to occur within the subject site. This is likely due to the continually disturbed nature of the site.

Land-based ecology investigations did not identify any native vegetation communities due to the disturbed history of the subject site. Flora investigations did not identify any native species, with predominately exotic species including London Plane Trees (*Platanus x acerifolia*).

The lack of plant community at the subject site, and existing activities on the site and other extractive industry nearby is likely to result in an unsustainable environment to

support fauna species.

No threatened species, populations or communities have previously been recorded at the subject site. Gormans Hill Road is identified to have low roadside conservation but close proximity to a residential area and high traffic impacts on ecological potential.

It is considered the proposed quarry and extension are unlikely to have a further impact on the ecology of the subject site.

S4.15(1)(b)Environmental (natural and built), social and economic impacts

Scenic quality

The site is at the zone boundary between the residential land to the north and the rural land to the south. The existing quarry is not visible from Gorman Hill Road due to the slope of the land. The expansion of the quarry to the west may result in increased visual impact of the quarry from the road. The site does fall towards Macquarie River. The existing shed and other associated infrastructure will remain in the current location preventing additional visual impact.

The applicant proposes a number of controls to reduce the visual impact of the development. These include:

- Establish a tree line on the eastern, northern, south western and southern boundaries within 24 months of the granting of consent.
- Limiting the active extraction area to those required for the next 12 months
- Progressive rehabilitation of stockpiles and terminal quarry faces
- Dust suppression

The provision of vegetation around the boundary will increase scenic quality and soften the impact of the quarry on the residential and rural residential allotments surrounding.

There should not be an obvious increase of infrastructure on site and the site will continue to be observed as an industrial use.

Historically, Council has received three complaints relating to the operation of the quarry. Two complaints related to sediment erosion and one related to dust emissions. The increased mitigation and management procedures are considered to reduce any adverse impact the quarry might have on surrounding areas. Further, a condition will be imposed relating to complaints handling.

Traffic Generation

Access to the subject site is via Gormans Hill Road. Gormans Hill is a sealed road maintained by Bathurst Regional Council. Internal roads are proposed to be sealed and a condition will be imposed that internal roads are limited to 5km/h.

Transport generation levels provide for no additional movements to/from the site over and above those historically using the site. The principal traffic routes will be via Gormans Hill Road, Lloyds Road and Vale Road and therefore avoiding the residential land to the north as well as St Vincent's Private Hospital and McKillop College. It is

anticipated existing traffic movements would average 12 trucks per day with a maximum of 40 trucks per day should the extension and continuation be approved.

A number of submissions noted increased traffic within the suburb of Gormans Hill and the implication on road quality was a concern. However the EIS states that traffic will not occur through Gormans Hill and instead will be directed south to Lloyds Road and Vale Road.

Several submissions also made comment regarding the capability of the intersection of the subject site and Gormans Hill Road. The applicant is proposing to upgrade the entrance of the site to prevent crossing the middle line of the road and reducing traffic related risks. The upgrade includes Basic Auxiliary Left/Basic Auxiliary Right (BAL/BAR) intersection. This involves widening the access to the site for adequate truck movement.

The proposed development was referred to RMS under Part 3 (Clause 16) of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. RMS did not object to the proposed development and requested Safe Intersection Sight Distances is to be provided and maintained, haulage operations are to be avoided during local student school bus pick up/drop off, and a driver code of conduct is to be developed.

It is also noted the development will be subject to contributions pursuant to Council's adopted Contributions Plan.

Pollution

Odour

The proposed development is not anticipated to generate any offensive odours.

Noise

The EIS was accompanied by an Acoustic Report prepared by Muller Acoustic Consulting Pty Ltd. The development will generate two distinct types of noise, namely noise generated on the project site (operational noise) and noise generated by traffic.

The nearest residential area is Dees Close, Inn Place and Gormans Hill Road. Dwellings also exist in the adjoining rural-residential area.

Operational Noise

The operational noise from the quarry activities was assessed in the Acoustic Report.

The Operational Noise is mostly generated from dozer and loader operations. Included in the Operational Noise are construction activities, including haul road construction, intersection upgrade, and the annual top soil stripping. The Acoustic Report carried out noise measurements for extraction and top soil stripping and derived the following:

Table 1. Project Specific Noise Levels

Receiver location	Period	RBL	Intrusive Criteria (LAeq 15 minutes), dBA	Amenity Criterion LAeq (period), dBA	Project Specific Noise Levels, dBA
All residential receivers	Day	33	38	50	38
Hospital Ward	Noisiest 1 hour period	N/A*	N/A*	50	50
School classroom (educational)	1 hour period	N/A*	N/A*	35 (45)**	35 (45)**

*N/A identifies that the RBL is not applicable.

**Bracketed values indicate external criteria based on 10dB attenuation for partially opened window.

The project specific noise criteria adopted for the project based on the Industrial Noise Policy is therefore 38 dB(A), i.e. background plus 5 dB(A). A higher noise level during construction activities of 43 dB(A) has been adopted based on the Interim Construction Noise Guidelines, i.e. background plus 10 dB(A).

The modelling undertaken includes normal production scenarios (scenarios 1A and 1B) and during the construction/soil stripping scenarios (scenarios 2A and 2B)

Scenario 1 reflects normal extraction operation, comprising a bulldozer moving up and down the extraction face pushing weathered granite down to the floor of the extraction area.

The modelling undertaken indicates that noise levels in the operational phase will comply with the adopted criteria 38 db(A) excluding one residence owned by the applicant.

Scenario 2 reflects the construction or soil stripping operations using a bulldozer. This would involve a small bulldozer preparing the area for the subsequent 12 months of extraction operations, including removing topsoil material for placement within the proposed soil stockpiles.

For the purposes of modelling during the construction phase, 2 scenarios have been modelled being one scenario with 4.5m high amenity bunds around part of the site and one without.

The modelling predicts that during the construction phase (limited to 1 day per year) noise levels will exceed the adopted criteria (43 dBA) by up to 12 dBA at 31 residences when wind speeds are less than 3m/s and where there are no amenity bunds. Noise levels during construction phase do however comply with the amenity bunds in place. Notwithstanding this the applicant does not propose to proceed with the amenity bunds for the following reasons:

- Construction of 4.5m high amenity bunds would have a greater impact on surrounding residents than the emission of noise during the construction/soil stripping operations for one day per year.

- Management and mitigation measures represent reasonable and feasible management measures taking into account the short duration and infrequent nature of these operations.

Additional mitigation factors have also been proposed including:

- Ensuring that construction activities are only undertaken when winds are stronger than 5 m/s and blowing from the northwest to southwest quadrant.

It is noted that the EPA General Terms of Approval in relation to the development states that a condition to the effect that noise from the premises must not exceed 38 dB(A) $LA_{eq(15 \text{ minutes})}$ at any time at any sensitive receivers for operational activities and 43 dB(A) from construction activities. It is noted that the EPA noise parameters do not apply in circumstances where wind speeds exceed 3 m/s. Limiting construction to times when wind speeds are in excess of 5 m/s as proposed by the applicant is consistent with the NSW EPA GTA's.

Traffic Noise

The Acoustic Report has based its assessment on approximately 100 truck movements per day, carrying an average of 12 tonnes per load, whilst the EIS states there would be an average of 40 truck movements. The Acoustic Report, taking a conservative approach, would produce increased levels of noise generation, whilst still remaining below relevant criteria.

Table 4: Operational Road Traffic Noise Levels, Day

Distance to nearest Residence (m)	Assessment criteria (dBA)	Existing Traffic (dBA)	Future project Traffic Noise (dBA)	Existing + Future Project Combined (dBA)	Total Change (dBA)
15	60	53.8 (Based on measured data from L1 and corrected to take into account the additional offset distance to Gormans Hill Road)	48.4	54.9	1.1

The Acoustic Report provided recommendations for mitigation measures for inclusion as condition of consent.

1. Toolbox talk and induction of personnel prior to shift to discuss noise control measures that may be implemented to reduce noise emissions to the community;
2. Where possible, staged construction works should be completed during non-noise enhancing meteorological conditions (i.e. wind from the north west so that emissions are directed away from receivers);
3. All plant should be shutdown when not in use. Plant to be parked/started at farthest point from relevant assessment locations (i.e. northern boundary);
4. Operate plant in a conservative manner (no over-revving);

5. Selection of the quietest suitable machinery available for each activity;
6. Avoidance of noise plant/machinery working simultaneously where practicable;
7. Minimisation of metallic impact noise;
8. All plant are to utilise a broadband reverse alarm in lieu of the traditional hi frequency type reverse alarm; and
9. Undertake letter box drop to notify receivers of potential works.

The above mitigation measures have excluded the amenity bunds as the EIS seeks to vary this recommendation. This has been reflected in the conditions of consent.

Air Quality - Dust

Whilst the site is an established use within the area, the subject site is surrounded by residential use, sensitive waterways and open space.

An Air Quality Assessment identifies the main generation of dust includes:

- Wind generated dust from exposed areas within the surrounding area;
- Dust emissions from the project operations;
- Dust generated from agricultural activities;
- Dust attributed to vehicle movement along unsealed and sealed roads.

The potential sources of contaminants identified are:

- Land preparation and stripping of soil;
- Ripping and extraction of material;
- Transportation of material within quarry;
- Wind erosion of open area and stockpile areas;
- Backfilling operations;
- Respreading of topsoil;
- Loading and movement of product trucks;
- Transportation of products off site.

Other sources of air emissions, including nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and greenhouse gases are likely to be negligible.

The EIS acknowledges other potential air contaminating sources within the vicinity, including the adjoining extractive industry.

Air quality and dust generation was raised by several submissions as a concern. Many nearby residents identified that dust on residential areas has been a problem for a long time.

The applicant has proposed operational controls and management procedures that would be adopted and imposed as conditions of consent:

- Limit land preparation and soil stripping to the area required for the next 12 months of operations
- Ensure that construction/soil stripping operations are undertaken only when winds are blowing from the northwest to southwest quadrant only.
- Ensure that soil stockpiles achieve an effective 70% cover within 10 days of formation. This may be achieved through the use of mulches, spray on polymer

based productions or hessian that would allow a vegetative cover to become established.

- Spread seed of a suitable cover crop on all soil stockpiles to facilitate revegetation.
- Ensure that water is applied to internal roads, stockpile areas and other disturbed surfaces during operations and during dry and/or windy conditions to prevent wind erosion.
- Ensure that exhausts from earthmoving equipment would be diverted away from the ground surface so as not to generate dust.
- Seal the site access road for the 100m or until the road enters the extraction area to reduce tracking of mud onto Gormans Hill Road.
- Ensure that all product trucks have their loads covered prior to exiting the extraction area.
- Immediately cease any operations that are resulting in visible dust emissions beyond the northern, western or southern extraction area boundary.
- Respond properly to any air quality-related complaints, including modifying onsite operations in the event that dust emissions from those operations are not acceptable.

Progressive rehabilitation of the site will assist with dust mitigation. EPA noted that all trucks must have loads covered at all times, except during loading and unloading, (refer to GTA's attached in **attachment 2**).

Water Management

The Soil and Water Assessment submitted provides an assessment of potential impacts of the development on groundwater sources and proposed mitigation measures. A Soil and Water Management Plan would be incorporated into the Environmental Management plan prepared for the site that includes a Sediment Basin on the eastern perimeter of the site, with capacity for the 1 in 50 year rainfall event. The accumulated sediment-laden water will be for dust suppression. This is consistent with the approach required by the EPA through its General Terms of Approval issued for the project.

A Controlled Activity Permit is not required from NSW DPI – Water given the development is more than 40m from any watercourse. DPI Water recommends if additional water supply is required, where sediment basin collection is not enough, contact should be made with NSW DPI – Water.

Economic Impacts

The beneficial social and economic impacts resulting from the proposed development is the supply of material for Council construction projects, mostly roads. The business will continue to employ both directly and indirectly in the construction industry, a major economic contributor for the Bathurst Region.

S79C(1)(c) *Suitability of the site*

The proposed development represents the prolonging of the existing extractive use of the site. The site has an extensive history of extracting material and the site can accommodate the additional extraction area. The majority of the infrastructure already

exists including access road to the site, internal road, office and storm water infrastructure.

As the site is located within close proximity of non-associated dwellings, the expansion of the site will have the potential to impact on the surrounding residents, however mitigation measures are proposed as part of the proposal

S79C(1)(d) *Submissions*

The Development Application was publicly exhibited in accordance with the requirements for Integrated Development between 5 March 2018 to 5 April 2018. The proposal was notified to properties within the vicinity of, both Gorman's Hill residential and rural areas. During the public exhibition period, twelve (12) submissions were received, refer to **attachment 4.**

The submissions were related to the potential adverse impact of the following:

- Dust;
- Increased traffic on local network;
- Noise;
- Operating hours;
- Views;
- Too close to town now residential area is expanding.

The applicant has prepared a detailed response to the issues raised in the public submissions. A copy was referred to NSW EPA. Refer **attachment 3.**

S79C(1)(e) *Public interest.*

The proposed development is considered to be within the public interest as it provides employment both directly and indirectly. The extractive industry provides the local and regional community with materials used predominately in road base and construction. The use of the already disturbed site is considered within the public interest as the existing buildings and machinery, and stormwater infrastructure are available.

Referrals

The Development Application was referred to a number of Government Authorities including:

- Roads & Maritime Services
- NSW Department of Planning and Environment (Resources and Geoscience)
- NSW Department of Primary Industries – Water
- NSW Department of Primary Industries – Agriculture
- NSW Environment Protection Authority
- NSW Office of Environment & Heritage
- NSW Department of Primary Industries – Fisheries

Roads & Maritime Services

The Development Application was referred to Roads and Maritime Services under Part 3 Clause 16 of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Refer to **attachment 5** that requested the following:

- Safe Intersection Sight Distances in accordance with Part 4A of Austroads Guide to Road Design is to be provided and maintained at the intersection of the site access and Gormans Hill Road.
- Haulage operations coinciding with local student school bus pick up/drop off times are to be avoided.
- In accordance with Clause 16(1) of the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, the applicant is to prepare and implement a driver code of conduct for the task of transporting materials on public roads.

Council will forward RMS a copy of the consent in accordance with SEPP (Infrastructure) 2007.

NSW Department Planning and Environment (Resources and Geoscience)

The Development Application was referred to NSW Department of Industry (Division of Resources & Energy).

NSW Department of Industry raised no objections to the proposed development. A condition has been recommended that the proponent provide annual production data to NSW Department of Planning and Environment (Division of Resources & Energy). Refer **attachment 6**.

NSW Department of Industries – Water

The Development Application was referred to NSW Department of Primary Industries – Water.

NSW Department of Primary Industries – Water determined the development does not appear to be within 40m of any watercourse therefore a Controlled Activity Approval is not required. Further, contact should be made with NSW DPI – Water should additional water be needed at the site should rainfall and sediment basin collection be insufficient. Refer **attachment 7**.

NSW Department of Industries – Agriculture

The Development Application was referred to NSW Department of Primary Industries – Agriculture. DPI – Agriculture recommended conditions for rehabilitation. Refer to **attachment 8**.

NSW Environment Protection Authority

The Development Application was referred to NSW Environment Protection Authority.

The NSW EPA determined it can provide an Environmental Protection Licence subject to several conditions being met. The GTAs were prepared in response to the submissions received during the public exhibition period.

The conditions are categorised into the main issued raised in the submissions, inclusive of:

Limit Conditions

- Hours of operation;
- Pollution of waters;
- Noise;
- Odour;
- Waste;

Operating conditions

- Dust;
- Odour;

Monitoring and recording conditions

- Water and/or land monitoring requirements;
- Monitoring records;
- Recording of pollution complaints;

Reporting conditions

- Annual return documents;
- Notification of environmental harm; and
- Written report.

For the full response of the NSW EPA response and GTA conditions, refer to **attachment 2.**

NSW Office of Environment & Heritage

The Development Application was referred to NSW Office of Environment and Heritage.

The OEH did not raise any concerns for the proposed development. Refer **attachment 9.**

DPI Fisheries

The Development Application was referred to DPI Fisheries. No response was received during the preparation of this report.

Internal Referrals

The proposed development was referred internal within Council to the following officers:

- Development Assessment Engineer;
- Environmental Officer;
- Plumbing Inspector;
- Health and Building Surveyor; and
- Development Assessment Planner.

Conditions have been recommended by the above Council officers, which have been included within the Draft Notice of Determination in **attachment 1.**

Council's involvement in the project

It is noted that the Council has operated the quarry on the property for some years under an agreement with the current landowner. It is anticipated that, subject to satisfactory consent, that this arrangement will continue.

SUMMARY

The proposed development seeks consent for an extractive industry at 103 Gormans Hill Road, Gormans Hill. The extractive industry will operate on a needs basis supplying material for Bathurst Regional Council for road construction and maintenance projects.

The subject site is Lot 3 DP 1034051, 103 Gormans Hill Road, Gormans Hill, situated within the Bathurst Regional Local Government Area. The proposal is classified Regionally Significant under Part 4 of the State Environmental Planning Policy – State and Regional Development 2011, and requires determination by the Joint Regional Planning Panel.

The proposed development is Designated Development pursuant to the Environmental Planning and Assessment regulations 2000, Schedule 3, Part 1, Clause 19 Extractive Industries.

The proposed development is considered Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979. The proposed resource recovery facility requires a licence under the Protection of the Environmental Operations Act 1997.

The site has been operating as a quarry since the 1940's.

The DA was referred to several government agencies. Relevant comments and requirements have been imposed as conditions of consent.

The DA was referred to adjoining landholders, with (12) submissions received objecting the development on grounds of dust, noise, increased traffic, and views. The DA has been assessed against relevant State and Local planning legislation. The continuation and proposed expansion is not considered to have a significant adverse environmental, social or economic impact. It is considered the concerns can be adequately addressed and strict conditions will be imposed in relation to minimising any adverse impact.

It is considered that the proposed development warrants development consent with conditions.