

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-193 / DA-4-2023
<b>PROPOSAL</b>	Expand size and increase production of existing quarry with an intended extraction capacity of up to 216,000 tonnes per annum.
<b>ADDRESS</b>	Lot 3 DP 834359, 1033 Kingstown Road, Balala NSW 2358
<b>APPLICANT</b>	Mr David Carlon
<b>OWNER</b>	Mr DP Carlon
<b>DA LODGEMENT DATE</b>	12/1/2023
<b>APPLICATION TYPE</b>	Development Application (Designated/Integrated)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 7(1)(a) Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : The Project meets the requirements for designated development and therefore is declared to be regionally significant development.
<b>CIV</b>	\$916,000.00 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Primary Production) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Resources and Energy) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Uralla Local Environmental Plan 2012.</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS</b>	Two (2) submissions

<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Environmental Impact Statement</li> <li>• Additional information, dated 7 June 2023</li> <li>• Biodiversity Assessment</li> <li>• Erosion &amp; Sediment Control Plan</li> <li>• Surface Water Assessment</li> <li>• Air Quality Assessment</li> <li>• Noise Impact Assessment</li> <li>• Traffic Impact Assessment</li> <li>• Archaeological Technical Report</li> <li>• Submissions</li> <li>• EPA General Terms of Approval</li> <li>• TfNSW Referral Comments</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	N/A
<b>RECOMMENDATION</b>	Approval subject to the attached draft conditions of consent. (Attachment A)
<b>SCHEDULED MEETING DATE</b>	2 August 2023
<b>PLAN VERSION</b>	Carlons Quarry Expansion Project, Proposed Site Layout, (Onward Consulting, 2022)
<b>PREPARED BY</b>	Kate Blackwood, Manager Planning and Development (Uralla Shire Council)
<b>DATE OF REPORT</b>	20 July 2023

## EXECUTIVE SUMMARY

The following report provides an assessment of the Development Application (DA-4-2023) to increase the size and extraction rate of the existing gravel quarry 'Carlons Quarry' at Lot 3 DP 834359, land also known as 1033 Kingstown Road, Balala. It is proposed to increase the extraction rate to maximum 216,000 tonnes of gravel per annum.

Extraction methods shall remain similar to the current operations, whereby rock material generally breaks apart using mechanical excavation methods and requires little to no processing. Excavated material is then stockpiled prior to loading onto trucks using excavators or loaders, and then delivered locally for various road and infrastructure projects. Machinery used at the quarry would include up to three bulldozers, five front end loaders, two excavators, one skid-steer loader and one forklift. Explosives may be required occasionally for small unconfined surface blasts to crush oversized material or to process gravel to client specifications.

The quarry would continue to be accessed via the existing all weather gravel road which connects to Kingstown Road with the majority of truck movements travelling east along Kingstown Road and the New England Highway toward Uralla. The Applicant proposes to upgrade the existing access to include appropriate turn treatments for trucks and a sealed approach to the existing cattle grid. Transport would continue to predominantly require the use of truck and dog configurations and rigid configurations. However, the maximum carrying capacity would be increased up to 38 tonnes per vehicle. The quarry expansion would increase the number of truck movements to an average of 38 movements per day, with a

maximum of 60 movements per day and a maximum of 20 truck movements per hour during peak periods of operation.

Proposed hours of operation for the quarry are 7am to 6pm Monday to Saturday with no activities on Sundays or public holidays. Further, there are no staff employed onsite and all transport of gravel is undertaken by external contractors.

The Site is located in the RU2 – Rural Landscape zone under Clause 2.2 of the *Uralla Local Environmental Plan 2012* ('LEP 2012'). Extractive industries are permissible with consent within the zone. The existing quarry has historically been operated by the Applicant since the 1990s, with development consent granted by Council on 27 August 2002 (DA 3291).

The proposed quarry is classified as integrated development under section 4.46 of the Act as it requires approvals under other legislation, including an Environmental Protection Licence under the Protection of the Environment Operations Act 1997 and consent to carry out works in, on or over a public road under section 138 of the Roads Act 1993.

The application was placed on public exhibition from 16 January 2023 to 28 February 2023, with two (2) submissions in objection to the project being received. These submissions raised issues relating to erosion & sediment control, traffic impacts along Kingstown Road and environmental monitoring at the Site. These issues are considered further in this report.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (7)(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is for an extractive industry that meets the requirements for designated development under the *Environmental Planning and Assessment Regulation 2021*.

A briefing was held with the Panel on 24 May 2023 where key issues were discussed, including management of stormwater for the project, including the capacity of the sediment dam and an ongoing monitoring program for water quality. Transport impacts, including existing road damage from current operations and ongoing management of truck movements. Biodiversity impacts from the development, potential for groundwater interaction and protection of aboriginal heritage items at the Site (scarred tree). It was also discussed about a rehabilitation plan for the conclusion of the life of the quarry.

The Development Application has been assessed in detail against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is considered satisfactory, subject to the imposition of suitable conditions of consent to address and mitigate potential impacts that may arise.

It is recommended that the proposed development be approved, subject to the draft conditions of consent listed in Attachment A of this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

Lot 3 DP 834359, land also known as 1033 Kingstown Road, Balala NSW (the Site), is within the Uralla Shire Local Government Area (LGA). The Site has a total area of 368 hectares and is approximately 10km west of Uralla, 30km southwest of Armidale, and 42km north of Walcha.

The only ancillary infrastructure at the Site, to support the existing quarrying operations, is an open-sided shelter structure to accommodate a single bulldozer and internal access roads.

The land is primarily cleared and improved for agricultural activities, namely cattle and sheep grazing. Remnant vegetation in the surrounding environment is limited to hillcrests, drainage lines, the Kingstown Road corridor and scattered paddock trees. Surrounding land use also comprises agricultural activities, predominately livestock grazing, with some isolated areas of cropping and rural dwellings. There are four (4) surrounding dwellings which are identified as potentially sensitive receivers to the quarry which are located over 2km from the proposed project.

A second gravel quarry, owned and operated by Ducats Earthmoving Pty Ltd, is also located on Kingstown Road and is approximately 12km west of the Site.

The proposed quarry is located within close proximity to existing approved and future proposed renewable energy projects, including several large scale solar and wind farms. It is anticipated, the Project would support existing and upcoming future major renewable energy projects in the region, allowing further development and continued growth of the renewable energy sector.

## **2. THE PROPOSAL AND BACKGROUND**

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### **2.1 The Proposal**

Approval is sought to expand the size and extraction rate of the existing quarry to increase gravel production for local road and infrastructure projects, including several local renewable energy projects.

It is proposed to increase the production rate of the quarry from 30,000 cubic metres (m<sup>3</sup>) to a maximum 120,000 m<sup>3</sup> (216,000.00 tonnes) per annum with an approximate average of 80,000 m<sup>3</sup> per annum. The project involves a minor expansion to the north and west of the existing quarry, covering a total disturbance area of 9.9ha.

Existing infrastructure at the Site includes a small shed for storage of one bulldozer. It is not proposed to provide any additional amenities, permanent fuel and chemicals storage, or services to facilitate the expansion of the quarry.

At the end of the life of the quarry (estimated to be 30 years or when the resource has been exhausted, whichever comes first) the site will be rehabilitated whereby the final void will be surrounded by a bunded, vegetated buffer and remediation of hardstand surfaces with topsoil, seeded with native grasses and pasture species.

In terms of surface water management, most of the surface runoff from the quarry currently drains to an existing sediment pond at the southeastern corner of the quarry. This existing sediment pond has an existing catchment area of approximately 28.5 ha, with about 74% of the catchment consisting of undisturbed areas to the northwest of the quarry. During the construction phase of the project, it is proposed to create a diversion drain for dirty and clean surface water along the eastern side of the quarry footprint to separate runoff from disturbed and undisturbed areas. Once these diversion channels are constructed, the catchment area draining to the existing sediment pond will be reduced to approximately 9ha.

**Table 1: Development Data**

<b>Control</b>	<b>Proposal</b>
Site area	368 hectares
Total Disturbance Area	9.9ha
Total Extraction Area	9.9ha
Max. annual extraction rate	120,000m <sup>2</sup> or 216,000 tonnes per annum
Max daily extraction rate (average)	690 tonnes per day
Resource	Gravel
Blasting	Explosives required occasionally for small unconfined surface blasts.
Maximum Daily Truck Loads/Movements	30/60
Average Daily Truck Loads/Movements	19/38
Hours of Operation	7am to 6pm Monday to Saturday Nil on Sundays or Public Holidays
Workforce	Two casual contractors
Operational Fleet	Three bulldozers, five front end loaders, two excavators, one skidsteer, one forklift
Quarry Life	30 years or when the resource is exhausted, whichever comes first

## 2.2 Background

A request for the Secretary's Environmental Assessment Requirements (SEARs), supported by the Carlon's Quarry Request for Secretary Environmental Assessment Requirements (Onward Consulting, 2021) (Scoping Report), was made to the then Department of Planning, Industry and Environment (DPIE) (now Department of Planning and Environment [DPE]) on 20 September 2021. The SEARs were issued by DPE on 3 December 2021 in accordance with section 4.12(8) of the EP&A Act and section 176 of the EP&A Regulation.

The development application was lodged to Council via the NSW Planning Portal on 12 January 2023. A chronology of the development application since lodgement is outlined below: -

**Table 2: Chronology of the DA**

<b>Date</b>	<b>Event</b>
3 December 2021	Planning Secretary's Environmental Assessment Requirements (SEARs) Issued
12 January 2023	DA lodged on Planning Portal
23 January 2023	Exhibition of the application (start)
28 February 2023	Exhibition of the application (finish)
17 January 2023	DA referred to external agencies
16 May 2023	Panel Briefing
14 February 2023	TfNSW comments received
7 June 2023	RFI received by Council
16 June 2023	EPA GTAs Provided
18 July 2023	Site Inspection by the Panel & Council Staff
2 August 2023	Determination Meeting

## 2.3 Site History

Carlton's Quarry is an existing gravel quarry (known as Carlton's Gravel Pit) approved by the Uralla Shire Council on 27 August 2002 per development consent DA-3291 in accordance with the Part 4 of the EP&A Act.

The existing operations include extraction, processing and stockpiling of gravel materials. Extracted materials are crushed and screened on-site to create a range of construction and road materials. The site contains one storage shed for a loader as well as stockpiles and material handling areas. Perimeter bunds, sediment basins and associated surface water management have been established for existing quarry operations.

## 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent*

- authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
  - (c) the suitability of the site for the development,*
  - (d) any submissions made in accordance with this Act or the regulations,*
  - (e) the public interest.*

These matters are further considered below.

### **3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### **(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Uralla Local Environmental Plan 2012*
- *Uralla Development Control Plan 2011*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration	Comply?
State Environmental Planning Policy (Planning Systems) 2021	The proposal is regionally significant development pursuant to Clause 7(1)(a) of Schedule 6, being development for the purpose of extractive industries, which meets the requirements for Designated Development under The EPA Regulation 2021.	Y
State Environmental Planning Policy (Primary Production) 2021	<p>Chapter 2 requires Council to consider the impacts of development on primary production.</p> <p>The proposal would not impact on any additional land currently utilised for agriculture and is considered to be able to operate concurrently with rural activities such as grazing. The proposal is not incompatible with the continued use of the surrounding site for agriculture.</p>	Y
SEPP (Resilience & Hazards)	<p>Chapter 3 requires the consent authority to consider whether an industrial proposal is a potentially hazardous or offensive industry.</p> <p>The proposed development is not identified as hazardous or offensive development and appropriate site management controls would be implemented to mitigate risks.</p> <p>Chapter 4 requires consent authorities to consider contamination and remediation. The Project Site has previously been used for agricultural activities, namely livestock grazing and the existing quarry (no fuel or chemical storage). The occurrence of pre-existing soil contamination is not expected and no further investigation is deemed necessary.</p>	Y
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Satisfactory information has been provided by a suitably qualified person that demonstrated the site is not core Koala Habitat. A Koala Plan of Management is therefore not required.	Y
State Environmental Planning Policy (Resources and Energy) 2021	<p>Extractive industries are permitted with consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent).</p> <p>The SEPP requires consideration of a range of impacts and conflicts associated with the development and its surrounds including compatibility with existing and</p>	Y



	<p>preferred land uses in the vicinity, natural resource and environmental management, transport and rehabilitation.</p> <p>Consultation with Transport for NSW is required. Their comments relating to traffic safety and efficiency have been received and considered as outlined later in this report.</p>	
State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposal does not have frontage to a classified road and extractive industries are not listed as traffic generating development. Nonetheless consultation with TfNSW has been undertaken and recommendations for road and safety upgrades provided.	Y
Uralla LEP 2012	<p>Clause 2.3 – Permissibility and zone objectives</p> <p>The Site is zoned RU2 Rural Landscape under the Uralla LEP 2012. Extractive industries are permitted with consent in the RU2 Zone.</p> <p>Whilst agricultural activities would be excluded from the quarry footprint for the life of the Project, the site accounts for only a very small portion of Lot 3 DP 834359, and more broadly the RU2 Zone within the Uralla LGA.</p> <p>The development is considered to be consistent with the objectives of the RU2 Rural Landscape zone.</p>	Y
Uralla DCP 2011	Councils DCP requires consideration in regards to biodiversity, bushfire and access to rural properties. The proposed development generally complies with each of the relevant DCP provisions.	Y

### State Environmental Planning Policy (Planning Systems) 2021

The SEPP identifies what development is classified as regionally significant development. Pursuant to Clause 2.19 (1) the proposal is a regionally significant development as it satisfies the criteria listed in Schedule 6, given:

- the proposal is development for extractive industries; and
- is classified Designated Development under clause 26 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2021*.

The proposed development meets the requirements for Designated Development under clause 26 of Schedule 3, being an extractive industry that obtains or processes for sale, or reuse, more than 30,000m<sup>3</sup> of extractive material per year and will disturb an area of greater than 2ha.

Accordingly, the Northern Regional Planning Panel is the consent authority for the application.

## State Environmental Planning Policy (Resources and Energy) 2021

**Chapter 2** of the SEPP applies to mining, petroleum production and extractive industries. It aims to ensure the proper management and development of mineral, petroleum and extractive materials resources. This policy aims to manage and sustainably develop these resources for the social and economic benefit of the community.

Clause 2.9 provides development for the purpose of extractive industry is permissible with development consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent). Agriculture is permissible within the RU2 Rural Landscape zone under the *Uralla Local Environmental Plan 2012*, therefore the extractive industry is permissible.

The site is not located on land within an area identified in Schedule 1 which prohibits extractive industries.

Clause 2.17 relates to the compatibility of proposed extractive industry with other land uses. It requires the consent authority consider the heads of consideration relating to compatibility of the extractive industry to the existing and preferred surrounding land uses. Matters for consideration include the existing and approved uses of land in the vicinity, whether the development is likely to have a significant impact on those existing or preferred land uses, compatibility and the public benefit of the development with surrounding land uses as well as any measures proposed to avoid or minimise any incompatibility.

The existing surrounding land uses are predominately livestock grazing with ancillary rural dwellings. The expansion area is within the footprint of the existing quarry and therefore will have negligible impacts on primary production. It is noted Lot 3 DP 834359 has a total area of 368ha and the remainder of the land can continue to be utilized for livestock grazing.

The subject site and surrounding land is zoned RU2 Rural Landscape, with a minimum lot size of 400ha, any significant land use intensification or development is unlikely to occur in the future. The EIS includes environmental assessments undertaken for noise, blasting and dust impacts on potential sensitive receivers.

Quarrying operations have historically occurred on the site since around the 1980s and have been intensified in recent years due to the site providing valuable material for local renewable energy construction projects. During this time, nearby sensitive receivers raised no objection to an exceedance of noise criteria and it is considered that the quarry can continue to operate without causing significant amenity impacts to surrounding dwellings.

NSW EPA have reviewed the EIS and additional information and have granted General Terms of Approval for the proposal inclusive of appropriate conditions for noise, blasting, dust and improved stormwater management, including works to increase the size of existing sediment basin.

In terms of visual amenity, the existing topography and remnant vegetation, along with the extraction reserves primarily extending below the ridgeline, provide a visual barrier between the quarry and surrounding sensitive receivers. Further, the quarry will not be visually prominent from the public domain (Kingstown Road).

Accordingly, the proposed development is considered to be compatible with existing and likely future surrounding land uses.

Clause 2.20 relates to natural resource management and environmental management. It provides specific heads of consideration to ensure impacts on water resources, threatened species and biodiversity and greenhouse gas emissions are minimized and managed.

A Surface Water Assessment submitted with the EIS demonstrates surface water impacts are minimized to the greatest extent possible and that groundwater is not intercepted by quarrying activities at any stage. Surface water from disturbed areas is to be diverted to a sediment basin that is appropriately designed to retain any runoff from disturbed areas in accordance with DECC (2008) Managing Urban Stormwater – Soils and Construction (Volume E2). Captured water from the sediment basin can be re-used as required for dust suppression on the site. EPA have reviewed the Surface Water Assessment and have provided relevant conditions as part of the GTA's, including a condition to upgrade the existing sediment pond so that all sediment laden water (up to the design rainfall event), will be captured, treated, tested and then released. Location points for surface water monitoring, including total suspended solids in runoff, have been identified in the GTAs. For each discharge point, the concentration of a pollutant discharged, must not exceed the concentration limits for oil & grease, pH and total suspended solids.

The Biodiversity Assessment report (Stringybark Ecological, 2022) submitted with the EIS demonstrates that the proposal does not have significant impacts on threatened species or their habitats and does not require the submission of a Biodiversity Development Assessment Report (BDAR).

Assessment of greenhouse gas emissions associated with the construction and operation of the proposal was undertaken as part of the Air Quality Assessment. Greenhouse gas emissions will be limited to the emissions from diesel fuel consumption of plant, equipment and vehicles operating at the site. The proponent would minimise diesel fuel usage where practicable and improve the emissions from onsite equipment through scheduled equipment maintenance. Given the small scale of the operation, it is considered that the Project would generate a fraction of NSW and National greenhouse gases emitted each year.

Clause 2.21 of this policy provides specific heads of consideration relating to the resource recovery requiring the consent authority to consider the efficiency or otherwise of the development in terms of resource recovery.

The proposed operations which are the subject of this application for expansion, will continue to extract and process the resource in an orderly and efficient manner. Extracted sale product and excavation methods would remain unchanged from current activities. Excavation of material would occur within existing disturbed areas that contain resource reserves below current surface levels.

The demand for gravel is expected to encounter peaks when a large project, such as a renewable energy development or local road works, are undergoing construction with current extraction levels expected where large projects are not being constructed. The proposed quarry expansion is deemed to be highly efficient in terms of extraction methods and reducing transport and material costs to local infrastructure projects.

Clause 2.22 provides specific heads of consideration relating to transport as well as requiring consultation with the roads authority and Transport for NSW (TfNSW).

The extractive materials will be removed from the site via truck haulage. There is no viable alternative to remove the material from the site other than via truck haulage. The proposed haulage route includes local and classified roads (New England Highway). The haulage route

has been assessed as being capable to accommodate the volume and vehicle types proposed by Council's development engineers.

The application was referred to Transport for NSW who responded 14 February 2023, raising no objection and providing the following comments:-

- Traffic measures to be implemented during the construction phase,
- Consider installing Dividing Barrier lines (BB) on the western side & no stopping restrictions on the southern side to assist with turning vehicles,
- An appropriate checking vehicle is used in swept path analysis
- Council should be satisfied there is a safe line of sight either side of the proposed access,
- For any road works deemed necessary on the New England Highway (HW9), the developer will be required to enter into a 'Works Authorisation Deed' (WAD) with Transport for NSW, or other suitable arrangement as agreed to by TfNSW.

Councils have considered TfNSW comments throughout the detailed assessment of the submitted traffic related information and found the existing can be made satisfactory by the provision of a sealed BAR/BAL intersection treatment on Kingstown Road. Subsequent design assessment of the intersection has determined road works to be required to satisfy a sealed BAR/BAL intersection treatment.

Any work or activity undertaken in any road reserve will require the submission and approval of a Section 138 Road Act application. It is noted that the concurrence of Transport for NSW is required prior to Council's approval of works on regional roads under s138(2) of the *Roads Act 1993*. Any intersection work on Kingstown Road will require concurrence from TfNSW and approval from USC (under Section 138 of the roads act) prior to any works being undertaken in the road reserve.

Further, to ensure transport is undertaken in a manner that promotes safety and minimises community impacts, consent conditions are imposed for a Traffic Management Plan, including a Driver Code of Conduct to be implemented at the quarry along with complaint management procedures.

Clause 2.23 of this policy provides specific heads of consideration requiring the consent authority to consider the imposition of conditions relating to rehabilitation.

A rehabilitation concept for the quarry has been developed by the proponent and details submitted via Additional Information Request, dated 7 June 2023. Rehabilitation Plan and Management Measures are to achieve a safe, stable and not-polluting final landform that is integrated with the surrounding environment and designed to minimise visual impact. The proposed final land use at the end of the life of the quarry would be a combination of grazing and passive biodiversity conservation that is compatible with surrounding land uses. It is proposed to retain the quarry access road and sediment pond for ongoing agricultural activities.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

The aim of the SEPP is to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development. The SEPP also outlines consultation requirements with relevant public authorities for certain proposed works.

Clause 2.119, requires a consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied regarding the safety, efficiency and ongoing operation of the classified road. The development does not have direct frontage to a classified road.

Clause 2.122 requires referral to the Road and Maritime Services for traffic generating development specified in Schedule 3. While extractive Industries are not listed as traffic generating development under Schedule 3 of the SEPP, the application was referred to the Roads and Maritime Services pursuant to *State Environmental Planning Policy (Resources and Energy) 2021*.

Comments from TfNSW are outlined above.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

The SEPP is a consolidation of the former Coastal Management SEPP, SEPP 33 Hazardous and Offensive Development and SEPP 55 Remediation of Land. The proposal is not located in the Coastal Zone.

**Chapter 3** deals with Hazardous and offensive development. The aim of this part of the policy is to ensure sufficient information and impact minimization measures are considered in relation to a proposals safety and risk. Council must consider whether a development is a potentially hazardous or offensive development.

Extractive industries have the potential to be hazardous or offensive development by the nature of their operations. An industry is potentially hazardous industry based on the quantity of dangerous goods involved in the proposal and the distance of these materials from the site boundary. If a project proposes to store quantities of hazardous goods below relevant thresholds it can be assumed there is unlikely to be a significant off-site risk and the proposal is therefore not classified as 'potentially hazardous industry'.

Ammonium nitrate for blasting activities would not be stored on site. A suitably qualified blasting contractor would transport explosive to the site on the day of the blast under the relevant licences and authorities. The EIS does not indicate the development would store or transport quantities of materials above the risk or transportation screening thresholds in the Hazardous and Offensive Development Application Guidelines published by the DPE. It is noted by the proponent no diesel or other fuel would be stored onsite at any time.

Accordingly, consent conditions are recommended that such materials be stored, handled and transported in accordance with the relevant Australian Standards and the Dangerous Goods Code. Based on the information provided it is considered that the development is not a 'potentially hazardous' industry requiring a preliminary hazard analysis to be provided to support the application.

The proposed operations will require an Environment Protection Licence (EPL) and as such the development is considered to be 'potentially offensive development'. However, it is recognised that if an EPL can be obtained for a development, the development is not considered to be an 'offensive industry'. The EPA has reviewed the application and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. Therefore, the proposed operations are not an offensive industry.

**Chapter 4** deals with Remediation of Land. It promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health and the environment.

Clause 4.6(1) requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, whether the land is suitable for the purpose for which the development is proposed to be carried out, with or without remediation.

While the land has historically been utilised for quarrying activities, there has never been fuel or chemical storage at the site and there are no registered contaminated land sites within or surrounding the quarry. Prior to use as a quarry, the Site has a history of agricultural land use. Agricultural sites may contain buried rubbish including contaminants such as pesticides which could be encountered during excavation. During site visits, there were no potential sources of contamination detected.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The SEPP includes provisions to protect and conserve biodiversity. It includes provisions relating to Koala habitat protection.

**Chapter 3** – Koala habitat protection 2020 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

Before consent may be granted the consent authority must consider whether or not the land is 'potential' or 'core' Koala habitat. Development on Core Koala habitat requires a plan of management be prepared and the development application must not be inconsistent with that plan.

A Biodiversity Assessment report prepared by Stringybark Ecological Pty Ltd submitted as part of the EIS considers the SEPP. The assessment identifies no koala feed trees listed in Schedule 1 of the Biodiversity and Conservation SEPP were identified within the site. Therefore, council is not prevented from granting consent for the development application and no further consideration of the steps in Part 3.2 or requirements of the SEPP in relation to koala habitat is required.

### **State Environmental Planning Policy (Primary Production) 2021**

The SEPP provides for the protection of agricultural land of State or regional significance that may be in demand for uses that are not compatible with agriculture. The SEPP identifies State Significant agricultural land in Schedule 1. The subject site is not identified in Schedule 1 and no further requirements apply.

The proposal would not impact on any additional land currently managed for agriculture and is considered to be able to operate concurrently with rural activities such as grazing therefore the proposal is not incompatible with continued agricultural use of the site.

### **Uralla Local Environmental Plan 2012**

The LEP aims to encourage the proper management, development and conservation of natural and man-made resources and to ensure that suitable land for beneficial and appropriate uses is made available as required. The proposal is consistent with these aims as the proposal provides for the efficient, appropriate and reasonable extraction of the gravel/rock resource.

The Site is located in the RU2 – Rural Landscape zone pursuant to Clause 2.2 of the ULEP 2012. Extractive industries are permissible with consent within the zone. The existing approved quarry has been operated by the applicant since development consent was granted under the former Uralla LEP 1988 on 27 August 2002 (DA 3291).

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

Control	Requirement	Proposal	Comply
Earthworks cl 6.3	<p>The consent authority must consider:-</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>Operations are to be undertaken in an environmentally sensitive manner and subject to the conditions and limits of this consent and the EPL.</p> <p>The project is designed to avoid the environmentally and culturally sensitive areas of the site, watercourses are not anticipated to be adversely impacted.</p> <p>Disturbed areas will be managed by diverting all surface water runoff to a sediment basin.</p> <p>Ongoing monitoring and management plans, including rehabilitation works are required to ensure the final landform is safe and non-polluting.</p>	Y

The proposal is considered to be generally consistent with the Uralla LEP 2012.

#### **(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The Uralla Development Control Plan 2011 is relevant to this application:

The applicable DCP provisions are listed below:

##### **4.5 Access to Rural Properties (General)**

The purpose of this section is to ensure safe, convenient and readily maintainable access to properties from a public road.

The quarry would continue to be accessed via the existing all weather gravel road to its intersection with the Kingstown Road, with the majority of truck movements travelling east along Kingstown Road toward Uralla. The Applicant proposes to upgrade the intersection of the quarry access road with Kingstown Road to include appropriate turn treatments with a

sealed approach to the cattle grid. Council is satisfied the access complies with the requirements under this chapter of the DCP.

There are no other sections of the Uralla DCP 2011 that are relevant or require discussion.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

### **Uralla Shire Council S7.11 Development Contributions Plan 2021 – Heavy Haulage**

This Contributions Plan has been considered and included the recommended draft consent conditions. The Plan enables Council to levy development contributions under Section 7.11 as the anticipated development, will or is likely to generate additional heavy haulage vehicle movements. Money collected will fund pavement rehabilitation works within the nominated haulage route of the development (Kingstown Road). Contributions are levied based on haulage weight of material and are collected by Council at the end of each financial year.

#### **(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

#### **(d) Section 4.15(1)(a)(iv) - Provisions of Regulations**

The Development Application was made in accordance with the Regulations as Designated and Integrated Development. The application was accompanied by the required Environmental Impact Statement prepared consistent with Planning Secretary's environmental assessment requirements as issued on 3 December 2021.

The Development Application was publicly notified and exhibited in accordance with Clauses 56 and 58. General Terms of Approval have been sought from the relevant approval bodies in accordance with Clause 42 of the Regulation and are contained within the recommended draft conditions of consent (refer to Attachment A).

### **3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Noise and Vibration**

Muller Acoustic Consulting Pty Ltd conducted a Noise Impact Assessment for the Project (Muller Acoustic Consulting, 2022) which considered the potential noise impacts at four sensitive receivers located more than 2km from the project Site.



The assessment of potential impacts of operational noise considered the intrusiveness noise level and the amenity noise levels in determining achievable noise requirements. In the modelling, possible scenarios included extraction of materials by bulldozers and excavators, loading of material into a mobile crushing unit and material being loaded onto trucks for transportation. Modelling concentrated on predicted noise levels at each of the four sensitive receivers during calm weather conditions.

As a result of the modelling, noise emissions from the Project Site are predicted to be less than the Project Noise Trigger Level (PNTL) for general industry at each of the four sensitive receivers. Sleep disturbance impacts are considered to be unlikely as proposed hours of operation are 7am to 6pm weekdays and occasionally on Saturdays. Accordingly, mitigation measures for noise from quarrying activities (including transport of materials) are not required, nonetheless the applicant is required to prepare an Environmental Management Plan (EMP) to proactively address any potential residual noise impacts in the future.

Blasting activities are assessed against criteria in Australian and New Zealand Environmental Council (ANZEC) – Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration.

The guidelines indicate that blasting should generally be permitted during the hours of 9am to 5pm Monday to Saturday only and should not be undertaken more than once per day. A condition of consent will be included to ensure any blasting activities associated with the quarry are in accordance with these parameters. However, it should be noted blasting is anticipated to occur once every two years on average.

As a result of modelling undertaken by Muller Acoustic Consulting Pty Ltd, results from unconfined surface blasts, consistent with the blasting requirements of the quarry, satisfy relevant ANZEC criteria. Nonetheless, blasting activities are documented in an EMP for the project to proactively address any potential blasting impacts in future.

- **Air Quality**

An Air Quality Assessment for the Project was undertaken by Zephyr Environmental which considered dust impacts on nearby sensitive receivers due to construction activities, extraction activities and road haulage on unsealed internal roads.

The dispersion modelling that was undertaken accounts for the local meteorology and terrain information and used PM emission estimates to predict the air quality impacts for maximum daily operations (ie. up to 60 vehicle movements per day).

The results of the dispersion modelling indicate that the predicted annual average dust deposition at the closest sensitive receivers are all predicted to comply with the NSW EPA air quality criteria.

The cumulative 24-hour assessment showed that there were no sensitive receivers predicted to experience maximum 24-hour cumulative dust concentrations above the NSW EPA air quality criteria. Therefore, no exceedance of the NSW EPA air quality criteria is anticipated as a result of the quarry expansion. The EPA have reviewed the assessment and have issued their GTAs. Due to the small scale of the proposed development the proposal would not have significant impact upon greenhouse gas emissions. The assessment is therefore considered adequate and addresses the SEARs.

- **Traffic and Transport**

The EIS included a Traffic Impact Assessment undertaken by Constructive Solutions Pty Ltd. The assessment considers the traffic related impacts in accordance with the TfNSW's Guide to Traffic Generating Developments, the Department of Planning EIS Guidelines Roads and related Facilities and SEARs prepared for the Proposal by DPE.

Laden trucks transporting gravel products from Carlon's Quarry turn right at the quarry access onto the Kingstown Road and travel 10.3km to the New England Highway. At least 80% of the traffic turn left onto the New England Highway and return on the same route. The remainder turn right heading south along the New England Highway.

The Traffic Impact Assessment looked at the existing road and intersection conditions of the proposed haulage route and the impact the proposed additional traffic would have. The report concluded the proposal would be accommodated with acceptable impacts on the capacity, efficiency and safety of the surrounding road network. The mitigation measures proposed included the following

- Implementation of a Traffic Management Plan incorporating a Driver Code of Conduct,
- Construction of BAR/BAL treatments for the site access and Kingstown Road,
- Ensure all loads leaving the extraction area are covered during transit,
- Ensure no overloading of vehicles,
- Site entrance gate is be locked when the quarry is not in operation,
- Installation of warning/truck turning signage on Kingstown Road, &
- No trucks are allowed to queue outside the quarry gate along the road reserve.

- **Water Resources**

A Surface Water Assessment for the quarry expansion was undertaken by WRM Water and Environment Pty Ltd which considered the potential impacts of the Project on the surface water environment and the proposed surface water management strategy to mitigate these impacts.

Most of the surface runoff from the quarry itself drains to an existing sediment pond at the southeastern corner of the quarry. The existing sediment pond has a catchment area of approximately 28.5 ha, with about 74% of the catchment consisting of undisturbed areas to the northwest of the quarry. For this reason, it is proposed to construct a series of drains to divert clean water away from the existing sediment pond, thereby significantly reducing the amount of runoff entering the existing pond. A drain for sediment water from disturbed quarry areas, will also be constructed with the intention of capturing sediment-laden runoff and conveying it to the existing sediment basin.

It is anticipated, the proposed drains will reduce the catchment draining to the sediment pond by approximately 70%. Additional culverts would also be required beneath the access road to convey the clean water runoff separately from the sediment water. The final design of the proposed drainage infrastructure will be undertaken during preparation of an Erosion and Sediment Control Plan for the project.

It has also been identified and noted in the GTAs that the existing sediment basin is currently undersized and needs to be upgraded prior to operations commencing. As a requirement, the sediment basin design will allow the proponent to capture surface water runoff from disturbed areas where it will be treated, tested and then released to the catchment, subject to meeting the relevant concentration limits.

Surface water monitoring would be undertaken as required and during high rainfall events. The monitoring would capture readings of oil & grease, pH and total suspended solids in surface run-off from discharge areas. For each discharge point, the concentration of pollutants discharges at that point must not exceed the concentration limits in the GTAs. It is expected that the proposed upgrades to surface water treatments would mitigate pollutants, including sediments, entering Roumalla Creek and impacting riparian lands downstream of the site. This has been an area of concern in the submissions received in regards to the proposal. The proponent is also required to report annually on water quality monitoring undertaken (where the activity results in pollutant discharges) and keep a record of complaints received.

In terms of groundwater, the existing quarry has not intersected any groundwater and this is not anticipated to change as a result of the quarry expansion. Given groundwater supplies have not been intersected to date and the Proposed Development Extent does not include areas of intact vegetation, it is unlikely terrestrial groundwater dependent ecosystems would be impacted by the Project. Accordingly, further assessment of groundwater impacts of the Project are not required.

- **Aboriginal Cultural Heritage**

A field survey was undertaken by OzArk archaeological consultants and Iwatta Aboriginal Corporation in March 2002. During this investigation, one aboriginal object, an Aboriginal scarred tree (registered as AHIMS 20-6-0081) was located within the study area, being the quarry footprint & surrounds.

The Aboriginal scarred tree will not be impacted by the Project as it is located approximately 660 m from the quarry footprint. A condition will apply that the Aboriginal site will not be harmed by any quarrying activities and the tree will be clearly fenced and demarcated including a 5 meter buffer to protect it.

The field survey and assessment concluded that there is a low likelihood that the proposed works will adversely harm Aboriginal cultural heritage items or site, nonetheless the following mitigation measures concerning the possible Aboriginal scarred tree, and more broadly, Aboriginal cultural values within the Project Study Area would be implemented and documented within the EMP:-

- extraction activities would be confined to within the Indicative Quarry Extraction Area to eliminate the risk of harm to Aboriginal objects and places in adjacent landforms. Should the parameters of the Proposed Development Extent go beyond the Project Study Area, further archaeological assessment is to be undertaken.
- If during works Aboriginal artefacts or skeletal material are identified, all work will cease and the procedures in the Aboriginal Heritage: Unanticipated Finds Protocol would be followed.
- inductions for work crews would include cultural heritage awareness to ensure recognition of Aboriginal cultural heritage values and are aware of the legislative protection of Aboriginal objects and places under the NPW Act and the contents of the Aboriginal Heritage: Unanticipated Finds Protocol.

- **Visual Amenity**

The proposed quarry is located in a predominantly rural setting that has pockets of remnant vegetation on ridgelines and along drainage channels. The landscape comprises large, pasture improved paddocks and is primarily utilized for cattle grazing. In terms of views and vistas, it is a quintessential New England rural setting.

The extent of the existing quarry, including expansion area, is generally screened due to local topography and existing vegetation, and there is very limited visibility from the public domain (Kingstown Road). Due to the large setbacks to sensitive receivers (>2km) there would be no visual impacts to surrounding rural dwellings.

Mitigation measures for visual impacts are generally limited to rehabilitation of the Site at the conclusion of the life of the quarry for agriculture and passive biodiversity conservation.

If obstructive lighting is identified as a concern (this is not anticipated) further mitigation measures can be implemented in the EMP and complaints addressed accordingly.

- **Biodiversity**

The quarry expansion footprint is 0.99 ha therefore the Project does not trigger the requirement to prepare a BDAR under the Biodiversity Conservation Act 2016 (BC Act). In place of a BDAR, a Biodiversity Assessment was prepared by Stringybark Pty Ltd to assess the potential impacts of the Project on biodiversity values.

No threatened species were identified in the quarry expansion area or assessed as likely to occur. Whilst there is potential for threatened species to be vicinity of the Project Site, tests of significance in accordance with the BC Act and the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) have determined the Project will not have a significant impact on these species.

Potential impacts to downstream riparian areas are generally caused by erosion and sedimentation from disturbed areas within the quarry footprint. These impacts would be mitigated by the surface water control measures described above.

No core koala habitat or potential koala habitat was identified within the footprint or immediately surrounding the quarry expansion area.

- **Rehabilitation Plan**

Due to the comparatively small size of the quarry, the disturbance footprint is required to remain open during the operational life of the quarry, to maintain sufficient working area for the operational fleet to ensure continued safe operations. Accordingly, there will be minimal opportunity to undertake rehabilitation on a progressively basis.

The management measures and the techniques applied during rehabilitation will be documented within an environmental management plan (EMP) for the Project. The proposed final landform for the Project will involve:

- decommissioning and removal of site infrastructure;
- retention of a final void surrounded by a safety bund vegetated with native tree, shrub and grass species;
- ripping and remediation of hardstand surfaces surrounding the final void and top dressed with soil and seeded with pasture species;
- retaining the sediment pond, where appropriate, and other drainage infrastructure including the proposed contour bank to divert overland flow from the void; and
- Retention of the quarry access road to allow access for ongoing agricultural activities.

Upon completion of the Project a geotechnical review would be undertaken to assess the stability of the final void and confirm the final landform is stable and safe. The proposed final land use would be a combination of grazing and passive biodiversity conservation which is

compatible with the surrounding land uses and will ensure that the Project Site would be used productively and continue to provide economic opportunities following its use as an extractive industry site.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

The subject Site has a recent history of quarrying operations with activities and infrastructure well established since its approval in 2002. The site is relatively unconstrained, in particular the majority of the quarry footprint is already disturbed and is not identified as being bushfire prone or flood prone.

The site has suitable road access and connections to the regional road network that provide a safe and efficient haulage route for the transportation of quarried materials to local infrastructure projects. Measures for the management of transportation impacts including a Drivers Code of Conduct and the collection of monetary contributions by Council are included to ensure ongoing safety and maintenance of the haulage route (Kingstown Road).

The development is mostly screened visually from the surrounding rural properties due to topography and pockets of existing remnant vegetation. Furthermore, the limited expansion footprint ensures the larger visible portion of the land remains as rural grazing of similar appearance as the surrounding landscape.

Environmental assessments for noise, vibration and air quality demonstrate the expected impacts of the development on the residences within proximity to the quarry are acceptable subject to appropriate management measures for the operational phase of the quarry. The premises will be subject to an EPL with the likely impacts recognised by the EPA being satisfied with the amenity impacts having issued GTA's.

Consequently, the subject site is considered to be suitable in its current state for the purposes of the proposed development and given the history of quarrying at this location. The proposed development will not change the existing land uses on the site.

### **3.4 Section 4.15(1)(d) - Public Submissions**

Council received a total of two (2) unique submissions following notification of the proposed development in accordance with Uralla Council's Community Participation Plan 2021. These submissions are considered in Section 5 of this report.

### **3.5 Section 4.15(1)(e) - Public interest**

The proposal complies with the relevant legislation, is consistent with the zone objectives of the Uralla LEP 2012 and the development standards for the site. The proposal provides for the ongoing operation of an extractive industry to supply aggregate materials essential to the civil and building construction industries in the local area. The security of supply of these resources benefits the wider community by supporting growth and construction including road infrastructure projects within Uralla Shire Council and surrounding local government areas.

The proposal has been notified to relevant government agencies with no agencies raising objection to the proposal. Where provided the agencies recommendations have been included within the proposed consent conditions.

The issues raised in submissions have been addressed in the application and are demonstrated to be compliant with the relevant legislation and guidelines. Quarrying activities have occurred on this site since 2002 and as evidenced by the small number of submissions received has done so without causing unreasonable impacts on nearby neighbours.

Reasonable operational limits and ongoing measures to protect the environment and the amenity of the area, consistent with community expectations are proposed within the conditions outlined in the Draft Condition of Consent. It is considered these provide that potential impacts from the development can be mitigated such that the development can proceed and public interest issues are balanced.

Consequently, the development is considered to promote the orderly and economic use and development of the land, ensuring that the public interest is maintained. The proposal is therefore deemed to be in the public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
N/A	N/A	N/A	N/A
<b>Referral/Consultation Agencies</b>			
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>  Development that is deemed to be traffic generating development in Schedule 3.	TfNSW has reviewed the referred information and provided comments regarding traffic measures and appreciate road treatments for the Project which will be included as recommended conditions of consent.	Y

Integrated Development (S 4.46 of the EP&A Act)			
NSW Environment Protection Authority (EPA)	s53 – Protection of the Environment	<p>The EPA reviewed the DA and has determined that it is able to issue an Environmental Protection License (EPL) for the proposal, subject to conditions.</p> <p>The applicant will need to make a separate application to EPA to obtain an EPL.</p> <p>The EPA issued its revised GTAs for the proposal on 16 June 2023.</p>	Y

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted Environmental Impact Statement and Traffic Impact Assessment and considered that there were no objections subject to appropriate conditions for road upgrades & 7.11 contributions.	Y

## 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 23 January 2023 until 28 February 2023. The notification included the following:

- An advertisement in the local newspaper Armidale Express on Monday 23 January 2023;
- Notification letters sent to adjoining and adjacent properties

The Council received a total of two (2) unique submissions, comprising two (2) objections to the proposal. The issues raised in these submissions are considered in **Table 7**.

**Table 7: Community Submissions**

Issue	No of submissions	Council Comments
<p><b>Sediments entering Roumalla Creek from the quarry</b></p> <p>Submissions raised concern the quarry already has unacceptable amounts of sediment entering Roumalla Creek.</p> <p>Further, that the proposed sedimentation pond is not appropriate sized for the scale of the catchment area.</p>	2	<p>As a mitigation measure (condition), the proponent is required to undertake preparation and implementation of an Erosion &amp; Sediment Control Plan (ESCP) which would include, at a minimum, detailed design for the expansion of the existing sediment basin for the quarry. The detailed design would be undertaken in accordance with the requirements of potential conditions of approval and requirements of the Blue Book, which is the applicable reference guideline for design of the sediment basin for a quarry.</p> <p>In the detailed design, it is anticipated to construct two drains around the quarry to separate 'dirty water' from the quarry footprint and 'clean water' from outside the quarry footprint. This is anticipated to reduce the catchment draining to be sediment pond by approximately 70%. Nonetheless, the EPA have also recognised the existing sediment basin is undersized for the Project and is required to be upgraded to the required specifications to cater for the full extent of the quarry footprint.</p> <p>Council understands the surface water management strategy proposed as part of the Project will significantly reduce the volume of uncontrolled discharges from the existing sediment pond. Therefore, the annual pollutant loads discharged from the Project site to Roumalla Creek will also be reduced significantly compared to current conditions.</p>
<p><b>Landuse Conflict Risk Assessment incorrect</b></p> <p>Landuse Conflict Risk Assessment is calculated incorrectly</p>	1	<p>Land Use Conflict Risk Assessment (LUCRA) is a system to identify and assess the potential for land use conflict to occur between neighbouring land uses. It helps consent authorities (councils) assess the possibility for and potential level of future land use conflict.</p> <p>A review of the risk ranking matrix found the</p>
<p><b>Biodiversity Assessment incorrectly represents habitat requirements</b></p>	1	<p>No threatened species were identified in the Proposed Quarry Extension Area or assessed as likely to occur. Whilst there is potential for threatened species to be vicinity of the Project Site, tests of significance in accordance with the BC Act and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) have determined the Project will not have a significant impact on these species.</p>



The potential impact of high turbidity & sedimentation on Bell Turtle & Eel Tailed Catfish		Potential impacts to downstream aquatic habitat would be minor and generally restricted to transport of sediment offsite. The impacts would be mitigated by the surface water control measures described above.
<b>Riparian works downstream compromised</b>  Potential for run-off and sedimentation to undermine recent riparian rehabilitation works in Roumalla Creek downstream of the quarry.	2	As noted above, the preparation and implementation of appropriately designed erosion and sediment control at the Site would mitigate any adverse impacts downstream of the quarry, thereby preventing sediments from reaching riparian rehabilitation works Roumalla Creek.
<b>Traffic Volumes</b>  Increase in truck movements along Kingstown Road	1	It is acknowledged the Project would result in average 19 daily truck trips or 38 truck movements.  The anticipated increase in truck movements along Kingstown Road will require mitigation by means of road improvement works however is well within the acceptable volumes for a two way two lane sealed rural road.  Further, as a condition of consent, the proponent is required to prepare and implement a Driver Code of Conduct for contractors who transport from the quarry.
<b>Road Damage</b>  Impact to Kingstown Road in terms of damage caused by trucks from the quarry.	1	Maintenance of Kingstown Road would be an ongoing requirement by council as the relevant Road Authority. It is noted the existing road surface was assessed as average to poor standard and it would not be just to impose unreasonable road upgrade conditions to the quarry project.  To make amends for repairs to Kingstown Road as a result of damage by quarry trucks, Council's Section 7.11 Development Contributions Plan identifies that a contribution rate of \$0.1111 per tonne per km is applicable. The rate is applied as a developer contribution towards the maintenance, upgrade and construction works within Uralla Shire Council.

## **5. CONCLUSION**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment A.

## **6. RECOMMENDATION**

That the Development Application DA-4-2023 to expand the size and increase production of the existing quarry at Lot 3 DP 834359, land also known as 1033 Kingstown Road, Balala be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Proposed Site Layout