



COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-288 (DA 2023/046)
LGA	Gunnedah Shire Council
PROPOSED DEVELOPMENT	Operation of an Extractive Industry (Gravel Quarry), 40,000 Tonnes per annum and total volume 734,000 Tonnes
ADDRESS	Lot 139 DP 751012, 809 Oakey Creek Road, Piallaway
APPLICANT	Mr Gary Peacock of Outline Planning Consultants on behalf of Gunnedah Shire Council
OWNER	Mr Michael Edward Bolger leasing the quarry site to Gunnedah Shire Council
DA LODGEMENT DATE	20 July 2023
APPLICATION TYPE	Integrated & Designated Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 7 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the development is an Extractive Industry which is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021
CIV	\$10,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Not applicable
KEY SEPP/LEP	• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Resources and Energy) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Gunnedah Local Environmental Plan 2012;</i> • <i>Gunnedah Development Control Plan 2012.</i>
TOTAL & UNIQUE SUBMISSIONS AND KEY ISSUES RAISED	21 total submissions (18 of which were unique objections) were received from 14 households. • The Traffic Impact Assessment • Safety of the haulage route

	• Dust • Sump discharge
DOCUMENTS SUBMITTED FOR CONSIDERATION	Environmental Impact Statement SEARS Requirements Petrographic Report Melville Soil Landscape Preliminary Site Investigation Traffic Impact Assessment Due Diligence Aboriginal Report Air Quality Impact Assessment Noise and Vibration Impact Assessment Ecological Assessment Water Balance Assessment Blast Records Draft Bushfire Emergency and Evacuation Plan Bushfire Assessment Visual Assessment RFI responses dated 25 June 2024 and 8 January 2025
SPECIAL INFRASTRUCTURE CONTRIBUTIONS	Not applicable
RECOMMENDATION	Approval
SCHEDULED MEETING DATE	18 June 2025
REPORT PREPARED BY	Lillian Charlesworth, Manager RSD Assessment, Department of Planning, Housing and Infrastructure (on behalf of Gunnedah Shire Council). Note: This report incorporates some background information (as reviewed and amended) extracted from a 12-page report prepared by Wade Hudson on 7 May 2024 for a Panel briefing held on 22 May 2024.
DATE OF REPORT	7 May 2025

EXECUTIVE SUMMARY

The development application seeks consent for the continued operation and extension of a council operated quarry known as Bulgers Pit, from a recent high of 18,355 tonnes in 2018 to 40,000 tonnes per annum for a minimum of 20 years. The proposed extension to the quarry walls (primarily the eastern and northern walls) covers an area of approximately 0.8ha and will extend all existing boundaries between 0m and 60m. The development proposal includes extraction, crushing/production and transportation of quarry materials.

The quarry has been operating illegally since 1974, as there is no history of development approvals and no information to verify existing use rights. The entire quarry site comprises an area of 3.4ha that incorporates the active extraction area, stockpile and handling areas, infrastructure areas and a disturbed former quarrying area.

The site is located in Piallaway in the south-east of the Gunnedah Local Government Area. The surrounding land uses are predominantly agricultural. The land is zoned RU1 Primary Production under the provisions of Gunnedah Local Environmental Plan (LEP) 2012.

The proposal is regionally significant, designated and integrated development. The application is designated development under the *Environmental Planning and Assessment Regulation 2021*, as it involves extractive industry with a production rate of more than 30,000 cubic metres of sandstone per year. The Planning Secretary's Environmental Assessment Requirements (SEARs) were issued on 6 April 2021. The application was supported by an Environmental Impact Statement that was prepared generally in accordance with the SEARs.

The application is classified as integrated development under section 4.46 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) as it requires an Environmental Protection License (EPL) under the *Protection of the Environment Operations Act 1997*. General Terms of Approval (GTAs) have been issued by NSW Environmental Protection Authority (EPA).

The DA was exhibited from 14 March to 30 April 2024 and re-exhibited following receipt of an extensive RFI response. A total of 21 public submissions were received from 14 households.

Assessment of the application under section 4.15(1) of the EP&A Act considered that there are unlikely to be any significant adverse impacts of the development on the natural and built environments, subject to the recommended conditions. The key assessment matters identified include:

- Suitability of the proposed haulage route – public submissions raised concerns regarding poor surface quality, narrow width and unsafe sections (due to 90-degree bends, causeways, intersections, poor visibility and pooling water) of the proposed haulage route, as well as dust impacts from heavy vehicles travelling on unsealed roads, and safety aspects regarding the school bus. Conditions are recommended improve traffic safety, minimise traffic generated dust impacts and to restrict haulage trucks from utilising the key haulage roads during school pick up and drop off times.
- Air quality – The Air Quality Assessment indicates that the cumulative 24-hour average PM10 predictions will exceed the criteria at all sensitive receptors due to elevated background levels of dust that already exceed the criteria. Therefore to address the cumulative impact of airborne dust generated by haulage trucks on

unsealed roads, recommended conditions include partial sealing of roads adjoining dwellings within 100m of the key haulage roads, sealing of the approach to two one-lane causeways to improve traffic safety and preparation of a Dust Prevention Management Plan.

- Discharge of stormwater from the sediment basin – at times of heavy rainfall, excess water is discharged from the sediment basin across adjoining farmland and Oakey Creek Road into a dam. Public submissions raised concern that polluted discharge may negatively impact agricultural production and that discharge has in the past caused damage to the surface of Oakey Creek Road. The quarry will in future operate according to a license issued by the EPA that sets limits for contaminant levels in discharged water, requires monitoring of discharge and a preparation of a Soil and Water Management Plan. Therefore the licensing requirements address contamination concerns, and a condition is recommended regarding repair of the relevant section of Oakey Creek Road following each discharge event.
- Biodiversity – the proposed expansion involves clearing of 0.09ha of native vegetation that represents plant type community 101, Poplar Box – Yellow Box – Western Grey Box grassy woodland, which is a threatened ecological community under both the *NSW Biodiversity Conservation Act 2016* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*. Conditions of consent are recommended to minimise impacts of quarry operations on the remaining adjacent native vegetation.
- Remediation – The Ecological Assessment Report includes an outline of proposed site rehabilitation. Rehabilitation is proposed on the cessation of quarry operations and would include redistribution of on-site overburden and soil across the quarry floor and revegetation with grassland to create suitability for future grazing/agricultural purposes, retention of the sediment basin as a water supply for stock and tree planting on quarry benches. Site rehabilitation should be staged in order to minimise erosion and sedimentation and improve the biodiversity and landscape values of the site. Stage 1 rehabilitation works should cover previously worked, non-operational areas of the existing quarry, with a Rehabilitation Management Plan submitted prior to commencement and the planting phase of stage 1 rehabilitation completed within 12 months of commencement of operations.
- Groundwater – The proposal seeks to establish a finished quarry floor level of RL320, despite groundwater in the locality being found at or near RL320. This assessment considers that there is inadequate information to have sufficient certainty regarding whether or not quarry excavation will encounter groundwater, although the applicant's position is that a Groundwater Assessment Report is not warranted. A referral was not made to Water NSW, although it's understood from their response to other quarry DAs that they would typically require the proponent to contact Water NSW for approval should groundwater be encountered and require removal. A groundwater condition consistent with this approach is recommended.

It is recommended that DA 2023/046 for continued operation and expansion of an extractive industry (quarry) at 809 Oakey Creek Road, Piallaway be APPROVED pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) subject to the conditions of consent attached to this report at **Attachment A**.

1. THE SITE AND LOCALITY

1.1 The Site

The land is identified as Lot 139 DP 751012, being 809 Oakey Creek Road, Piallaway (**Figure 1**) with an area of 360.1714ha. The site contains a quarry that has been in operation since 1974 on land leased by Gunnedah Shire Council for purposes of extracting material for maintenance of the local road network. The total area of the development site subject to the DA is 2.71ha (including a 0.8ha expansion of the quarry footprint), although the total disturbed area that has been subject to quarrying activity on the site is 3.4ha. The development will be positioned approximately 170m from the road frontage and approximately 50m from the northern property boundary.

The site is not subject to flooding during a 1% Average Reoccurrence Interval (ARI). The closest permanent waterway is Figtree Creek located 580m upstream, to the north of the quarry pit and a second order stream located 130m to the south of the site (**Figure 2**). The quarry adjoins cleared agricultural land to the west and south.

The site is partially mapped as being a bushfire prone area (**Figure 3**), with the immediate area to the east of the quarry footprint containing vegetated areas. The bushfire prone land is part Vegetation Category 1 and part Vegetation Buffer. The remainder of the area would most likely be considered as Class 3 grass lands as per NSW RFS *'Planning for Bushfire Protection 2019*.



Figure 1. The subject land Lot 139 DP751012 (source: Bushfire Assessment Report)



Figure 2: Nearest waterways to the site (source: EIS)

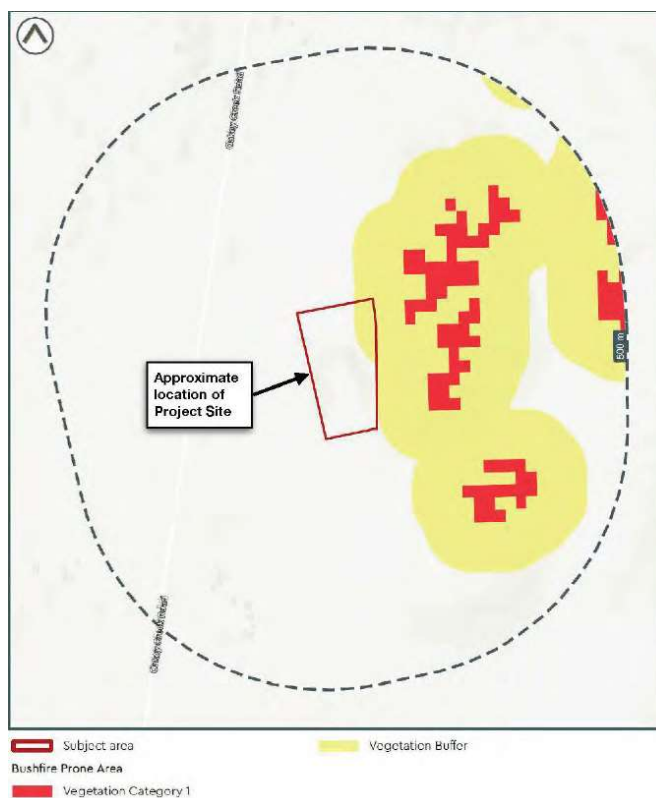


Figure 3. Bush Fire Prone areas – yellow indicates Vegetation Buffer (source: Ballpark Environmental)

1.2 The Locality

The development site is located within a rural locality approximately 30km east of Gunnedah near the Local Government Area (LGA) boundary (**Figure 4**). The site is located approximately 15km from the closest village of Breeza (to the southwest) and 18km from the village of Carroll (to the northwest). The area is predominately agricultural, with areas used for extensive agriculture and livestock grazing. There are four (4) dwellings located within 700m of the quarry pit (**Figure 5**), including the nearest dwelling 500m to the south occupied by the quarry landowner.

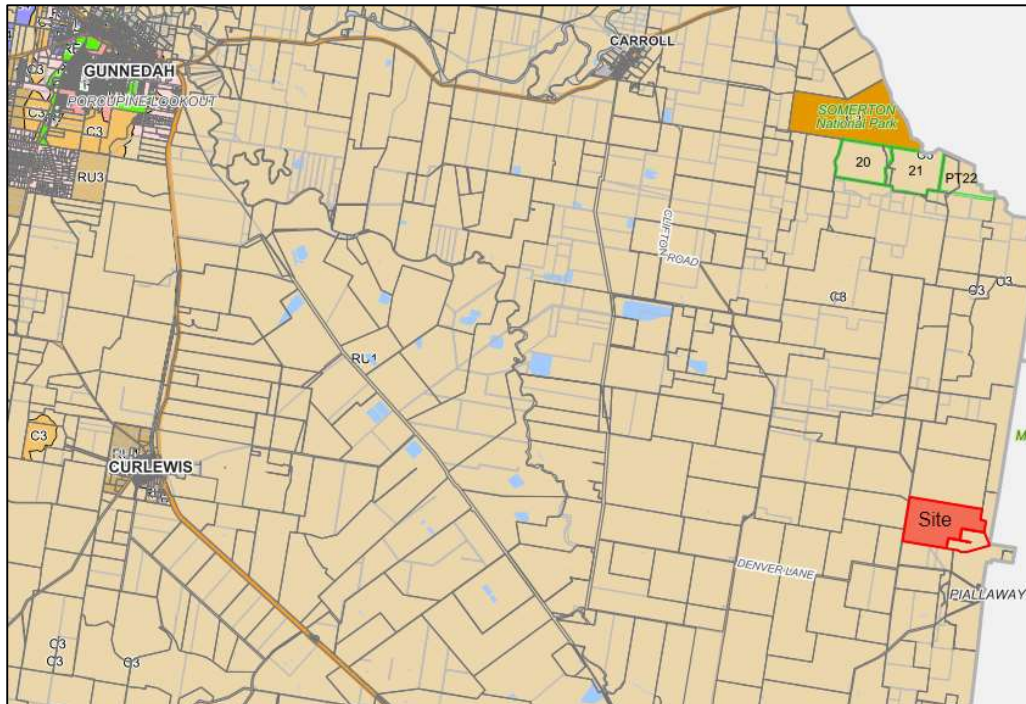


Figure 4. Locality Plan - site marked in red (Source: Council GIS system)



Figure 5. Location of adjoining dwellings (source: EIS by Outline Planning Consultants)

2. THE PROPOSAL AND BACKGROUND

2.1 Site History

Status of current operations

The existing quarry (**Figure 6**) has been operated by Gunnedah Shire Council since 1974, although there is no known valid consent or prior development proposals. *State Environmental Planning Policy No.37 – Continued Mines and Extractive Industries* was introduced in 1993 with the aim of:

- requiring certain existing mines and extractive industries to register with the consent authority within 3 months of the commencement of the SEPP
- providing a 2-year moratorium period following registration without the necessity for development consent for registered operations (during which time they may continue to operate at substantially the same level), and
- to prevent the continuance of the operation of those mines or extractive industries after the moratorium period unless development consent is obtained.

SEPP37 only applied to extractive industry that did not have development consent, had not been abandoned and was lawfully commenced prior to the coming into effect of an environmental planning instrument that permitted the carrying out of that development only with development consent. As it is not known what the subject land was zoned in 1974 when quarrying activities commenced on the land, or what LEP controls applied, it cannot be determined whether or not the quarry was legally commenced. Therefore it is unknown whether existing use rights apply (although, under the current RU1 zone, extractive industry requires consent and under the previous LEP 1998 extractive industry also required consent under both Zone No 1(a) Rural (Agricultural Protection) Zone and Zone No 1(b) – Rural (General) Zone) and whether or not SEPP37 (that was repealed in February 2007) applied. Given this information was not submitted with the development application, it is assumed that the quarry was illegally commenced and therefore did not benefit from the registration and moratorium provided under SEPP37.

Nature of existing operations

Quarry operations currently involve extraction of sandstone from the north-eastern part of the quarry pit, then processing (crushing and screening) in the processing area of the site and stockpiling of quarry products prior to transportation. The site does not contain any infrastructure other than a sediment basin/sump and an internal access road connecting to the Oakey Creek Road site frontage. Quarry material is won by blasting and drilling of the quarry rock. The following existing operating hours are proposed to continue:

- Monday to Friday 7am to 6pm
- Saturday 7am to 1pm

Blasting occurs between 9am and 3pm weekdays. Blasting is undertaken by a licensed blasting contractor responsible for drilling, blasting and delivery of bulk explosives to the quarry on a campaign basis. It is anticipated that no more than 2 blasts per year would be required to enable 40,000 tonnes of extraction per annum.

Actual activity at the quarry is and will continue to be sporadic, based on the location, type and size of projects in council's maintenance/upgrade schedule. As council has access to a number of quarries within the Shire, Bolgers Pit is only utilised to service works in the south-east section of the LGA and only when the nature of the quarry materials are suitable. Actual annual tonnage extracted over relatively recent years has ranged from a high of 18,355 tonnes in 2018 and a low of 556 tonnes in 2017. It is noted that the proposed annual

tonnage limit of 40,000 tonnes therefore represents a potential doubling of previous annual tonnage and truck movements.



Figure 6. Bulgers Pit (source: Bush Fire Assessment Report by Stewart Surveys)

2.2 The Proposal

The proposal seeks consent for the continued operation and expansion of an existing extractive industry, known as Bolgers Pit, including crushing and screening onsite. No building works are proposed. It was initially intended to include an office/amenities block, although the RFI response dated 8 January 2025 indicates that this no longer forms part of the proposal. Furthermore under clause 2.13(3)(f) of *SEPP (Resources and Energy) 2021* construction, use and maintenance of a shed on the site of an approved extractive industry is exempt development, should this be required in future. The quarry contains sandstone to be used as road base for council roadworks within the LGA.

Approval is sought for an annual extraction of up to 40,000 tonnes. With a total remaining quarry resource of approximately 734,000 tonnes (that will be extracted from 800,000 tonnes of material, generating 66,000 tonnes of overburden), the quarry would have a minimum remaining life of approximately 18 years at full operating capacity, although the applicant indicates that a potential life of 20 years should be allowed for as a minimum. To give an idea of the operating scale of the quarry, if the quarry were to operate continuously at full capacity within the proposed operating hours, it would reach the maximum annual extraction tonnage within six weeks. Although, this is unlikely to occur as the quarry will only operate on a campaign basis when a council road project requires material from this quarry.

The proposed quarry expansion will involve an extension of approximately up to 60m, predominantly to the north and east of the existing quarry (**Figure 7**) across an area of 0.8ha. Overburden will continue to be stored over or near the existing overburden placement area on the western edge of the quarry.

To enable monitoring of annual extraction volumes, an on-board weighing system on front-end loaders and excavators at the quarry will be utilised. Quarry truck movements can be monitored by recording the time and date of all quarry haulage vehicles. Conditions of consent are recommended to ensure ongoing, accurate recording that will enable extraction volumes to be monitored in line with any consent granted.

The development proposal is described in the EIS as per **Table 1** below.



Figure 7 Existing active quarry area (shown blue) and proposed expansion area (shown red)
(Source: Ecological Assessment Report – blue outline added by assessing officer)

Quarry component	Summary description
Extraction Method	Excavator used to remove weathered sandstone, with drill and blast used for unweathered sandstone.
Resource	Weathered and unweathered sandstone- benched where required.
Disturbance area	The Project Site, the subject of the proposed quarry development, has an area of 2.715ha.
Processing	Crushing and screening of unweathered and weathered sandstone material.
Annual extraction rate	Up to 40,000 tonnes per annum, to be extracted on a campaign basis according to the need for local council road works in the vicinity.
Transport	Access to the quarry to be from Oakey Creek Road, the existing quarry haul route. A mix of 6-7 axle quarry trucks (24-30 tonnes carrying capacity) and truck and dog combination (32 tonnes), with smaller trucks may be used. It is anticipated that the quarry may generate up to 40 loaded quarry trucks per day.
Waste management	Minimal waste materials are anticipated to be generated.
Hours of operation	The hours of operation are to be limited to 7.00am to 6.00pm Monday to Friday (ie. 11 hours operation per day) and 7.00am to 1.00pm on Saturdays (ie. 6 hours operation). Hours of blasting are to be restricted to 9.00am to 3.00pm Monday to Friday.
Total recoverable resource and project life	The total quarry resource is estimated to be 306,000 cubic metres-equivalent to about 734,000 tonnes.
Workforce	Up to 4 employees working on site + contractors (eg. blasting contractor, machinery servicing contractors, refuelers).
Key environmental issues	Noise, blasting impacts, dust, visibility, rehabilitation and traffic. Based on past blast monitoring, a Maximum Instantaneous Charge (MIC) of 200kg has been adopted.

Table 1. Description of proposed development (source: EIS)

The key development data is provided in **Table 2**.

Table 2: Key Development Data

Control	Proposal
Lot area	439.9ha
GFA	N/A
Clause 4.6 requests	No
Car Parking spaces	No specific parking is proposed with up to 4 staff onsite (as well as infrequent use of contractors)
Setbacks	Approximately 170m from Oakey Creek Road and approximately 50m from the northern property boundary.
Vegetation Removal	Removal of approximately 0.09ha of native woodland and 0.03ha of pasture to enable quarry expansion.

2.3 Background

The development application was lodged on **20 July 2023**. No pre-lodgement meeting was held with planning staff, although a pre-lodgement public meeting was held on 20 February 2023 where the key issues of road conditions and dust were raised. A chronology of the development application since lodgement is outlined in **Table 3**.

Table 3: Chronology of the DA

Date	Event
6 October 2023	Building referral received
7 November 2023	Engineering referral received
26 February 2024	DA referred to external agencies
29 February 2024	Exhibition of the application
7 March 2024	Council re-exhibited the DA due to issues with online access to EIS
14 March 2024	Council's GM requested that the development be re-exhibited to enable exhibition period to be open until 30 April 2024.
5 April 2024	General Terms of Approval issued by NSW EPA

8 May 2024	RFI issued
22 May 2024	Northern Regional Planning Panel briefing held
25 June 2024	RFI response received
4 July 2024	DA re-exhibited with the RFI response for 35 days
17 July 2024	Inception meeting held with Manager RSD Assessment, DPHI under the RSD Supported Assessment Program pilot to initiate independent assessment of the DA
25 July 2024	DA re-exhibited with the RFI response for 29 days due to an incorrect site description
23 Oct 2024	RFI issued (due 12 Nov)
18 Nov 2024	Planning Panels Team restructure and RSD Supported Assessment Program pilot closed
8 Jan 2024	RFI response received

3. STATUTORY CONSIDERATIONS

Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) provides the legislative and administrative framework to protect, restore and enhance the quality of the environment in NSW by reducing risks to human health and preventing the degradation of the environment from development and other relevant activities. The most significant element of the legislation in regard to the proposal is the management of Environment Protection Licences (EPL). In accordance with s48 of the POEO Act, an EPL is required to authorise the carrying out of any 'Scheduled Activities.' The proposal is classified as a 'Scheduled Activity' under Schedule 1, item 19(3)(b) of the POEO Act as it will extract more than 30,000 tonnes of material per annum. The application was referred to NSW EPA who issued their General Terms of Approval (GTAs) on 5 April 2024. The GTAs have been included as an attachment to the recommended conditions of consent.

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is Commonwealth legislation that covers 'matters of national environmental significance' (MNES), including listed threatened species and ecological communities. Under the EPBC Act, if a proposed development has the potential to have a significant impact on a matter of national environmental significance, it is required to be referred to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) for assessment as to whether it represents a 'controlled action' and therefore requires approval from the relevant Minister.

The ecological assessment identified the likely presence of Plant Community Type 101 "Poplar Box – Yellow Box – Western Grey Box grassy woodland" that is a threatened ecological community under the EPBC Act and the NSW *Biodiversity Conservation Act 2016*. Due to the limited extent of clearing (i.e. 0.09ha) and the low biodiversity value, it

concluded that significant impacts to MNES are not anticipated and therefore referral of the proposal to DCCEEW is not required.

Biodiversity Conservation Act 2016

Section 1.7 of the *Environmental Planning and Assessment Act 1979* requires that the provisions of part 7 Biodiversity assessment and approvals under Planning Act, of the *Biodiversity Conservation Act 2016* (BCA) be considered in relation to the terrestrial and aquatic environment. Part 7 requires that consideration be given to whether or not development is likely to significantly affect threatened species or threatened ecological communities or their habitats. A significant impact is likely to arise as a result of either exceeding the native vegetation clearing threshold or where land is identified on a Biodiversity Values Map or where a threatened species test of significance (as outlined in section 7.3 of the BCA) is undertaken. Where a significant impact is likely, a Biodiversity Development Assessment Report (BDAR) must accompany the development application.

The proposed development requires the clearing of 0.09ha of native woodland vegetation to accommodate the works. The proposed clearing is unlikely to generate a significant impact on threatened species, threatened ecological communities or their habitats and does not require a BDAR, as:

- the 1ha native vegetation clearing threshold has not been exceeded
- the land is not indicated on the Biodiversity Values Map
- an Ecological Assessment Report was submitted that included a test of significance, which concluded that the proposed development is unlikely to have a significant impact on threatened species or ecological communities due to the:
 - small area of clearing proposed
 - absence of threatened flora and unlikely occurrence of threatened fauna
 - absence of significant habitat fragmentation or isolation, and
 - low habitat value of vegetation to be cleared

The Ecological Assessment Report found that the proposed operations minimal impact can be managed by dust control measures and further assessment by the quarry operator of trees immediately adjacent to the works on the northern side of the site for potential retention where possible. The proposed development is therefore consistent with the BCA and further investigation is not required.

National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NP&W Act) aims to manage and conserve nature, objects, places and features that have ecological and cultural value. The NP&W Act is administered and enforced by the NSW Department of Climate Change, Energy, the Environment and Water.

Aboriginal places and objects are protected under the NP&W Act. A database of information and records regarding Aboriginal objects whose existence and location have been reported is known as the Aboriginal Heritage Information Management System (AHIMS). An Aboriginal Heritage Impact Permit (AHIP) is required for consent to destroy, deface or damage Aboriginal object or Aboriginal place.

No Aboriginal places or objects of significance have been identified within the development site and the Aboriginal Objects Due Diligence Assessment indicates it is not likely that Aboriginal places or objects would be found. Despite this, a condition of consent regarding unexpected finds is recommended.

Environmental Planning and Assessment Act 1979

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.

It is noted that the proposal is not a Crown DA (s4.33), although it is a council related DA. The proposal is considered to be:

- **Designated Development** (s4.10(1) of the EP&A Act) – the proposed development is classified as “designated development” under Schedule 3 (26) of the *Environmental Planning and Assessment Regulation 2021* as it involves Extractive Industry with an annual production rate greater than 30,000m³ per annum.

Section 4.12(8) of the EP&A Act 1979 requires that an Environmental Impact Statement (EIS) is to accompany a DA for designated development. The DA complies with this requirement.

- **Integrated Development** (s4.46 of the EP&A Act) – Extractive Industries are listed under Schedule 1(19) - Scheduled Activities of the *Protection of the Environment Operations Act 1997* as requiring a license. The application has been referred to the Environment Protection Authority (EPA) in accordance with section 4.47(2) of the EP&A Act to obtain general terms of approval (GTAs) from the EPA prior to any approval of the application. NSW EPA issued the GTAs on 5 April 2024 (within **Attachment A**). The recommended conditions at **Attachment A** are consistent with the GTAs as per section 4.47(3).

The Proposal is not considered to:

- Require concurrence/referral (s4.13 of the EP&A Act) in accordance with any environmental planning instrument.

Section 4.15(1) Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

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

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

A summary of the key matters for consideration and any non-compliances arising from the relevant EPIs are outlined in **Table 5**.

Table 5: Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) declares the proposal regionally significant development pursuant to clause 7(1)(a) of Schedule 6. Accordingly, the Northern Regional Planning Panel is the consent authority for the application.	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<u>Chapter 3: Koala Habitat Protection 2020</u> This chapter applies as Gunnedah local government area is listed in Schedule 2, the land is zoned RU1 Primary Production, and the site has an area of more than one hectare. An Ecological Assessment Report was prepared that included a koala assessment and survey, which concluded that the development site does not include potential or core koala habitat. Furthermore, the vegetation proposed for clearing does not include any koala feed tree species. Therefore, the proposed development is likely to have low or no impact on koalas or koala habitat and is considered to be consistent with the SEPP Note: the Ecological Assessment Report included a study area that consisted of vegetation within the proposed quarry expansion area, as well as adjacent areas that may be indirectly impacted by the proposed development, and it considered local BioNet threatened species records within 5km. It's considered that the SEPP does not require a detailed assessment of all vegetation within Lot 139. <u>Chapter 4: Koala Habitat Protection 2021</u> This chapter does not apply as although the Gunnedah local government area is listed in Schedule 2, the land is within the RU1 Primary Production zone and the LGA is not marked with an * in the Schedule.	Yes
State Environmental	Relevant aims of the SEPP are to:	Yes

Planning Policy (Primary Production) 2021	• facilitate the orderly economic use and development of lands for primary production • reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources. The subject land is not identified as State significant agricultural land under Schedule 1 of the SEPP. The land proposed for the quarry extension generally exhibits shallow soils with class 5-5 agricultural suitability, having moderate to high limitations for grazing and high limitations for cropping. The proposal would therefore result in only a minor reduction of low-quality agricultural land. The operation of the quarry is unlikely to inhibit any existing or future agricultural operations on the adjacent lands, although the draft conditions of consent include environmental safeguards to mitigate potential land use conflict.	
State Environmental Planning Policy (Resilience & Hazards) 2021	<u>Chapter 3 Hazardous and offensive development</u> • Part 2 Hazardous or offensive development 3.12 Matters for consideration by consent authorities <u>Chapter 4: Remediation of Land</u> See below for an assessment of these matters.	Yes Yes
State Environmental Planning Policy (Resources and Energy) 2021	<u>Chapter 2: Mining, petroleum production and extractive industries</u> • Part 2.2 Permissible development – Section 2.9 Development permissible with consent – Section 2.10 Determination of permissibility under local environmental plans • Part 2.3 Development applications - matters for consideration – Section 2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses – Section 2.20 Natural resource management and environmental management – Section 2.21 Resource recovery – Section 2.22 Transport – Section 2.23 Rehabilitation See below and Attachment B for an assessment of these matters.	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> The development does not constitute Traffic-Generating Development under Schedule 3 as the development does	N/A

	not have direct access to, or site access within 90m of, a classified road, or produce more than 200 vehicle movements per hour specified for development with no direct access to a classified road. Although, the application was referred to TfNSW, the referral was rejected and no response was received.	
Gunnedah LEP 2012	<u>Clause 2.3 Permissibility and zone objectives</u> – see discussion below.	Yes
	<u>Clause 5.10 Heritage Conservation</u> – the site does not include any listed European heritage items and no Aboriginal heritage sites or objects were identified via an AHIMS search. An Aboriginal Objects Due Diligence Assessment was prepared and a site inspection undertaken with a representative of the Red Chief Local Aboriginal Land Council (LALC). Although the site contains two landscape features associated with Aboriginal cultural heritage sites (i.e. within 200m of ridgelines or water), it was agreed with the LALC representative that there was low to no archaeological potential. Standard conditions related to unexpected archaeological finds are recommended.	Yes
	<u>Clause 5.21 Flood planning</u> The quarry is not located on land within the flood planning area and therefore this clause is not applicable.	N/A
	<u>Clause 6.5 Essential Services</u> The site does not have access to any Council services (i.e. water, electricity, sewer, stormwater). The Water Balance Assessment indicates that the site will generate, capture and store sufficient runoff within the sump to provide for all non-potable water demands. Potable water for staff drinking purposes has been brought on site by staff each work day. A condition will be applied regarding the provision of portable toilet facilities for staff. Stormwater within the quarry will be captured and directed to the sump within the quarry floor for either reuse or pump-out as required. Stormwater runoff upslope of the active quarry and stockpile area will be redirected around the working quarry area. The site has frontage to Oakey Creek Road with the existing vehicle access to be retained. All quarry plant is diesel powered, and a diesel fuelled generator will power any minor ancillary needs. It is therefore considered that the subject land is adequately serviced for the needs of the development, subject to conditions.	Yes
	<u>Clause 6.7 Terrestrial biodiversity</u> – The site is not identified on the Terrestrial Biodiversity Map and therefore this clause does not apply.	N/A
Gunnedah	<u>Clause 6.1 Flood Mitigation</u>	N/A

Development Control Plan 2012	<i>Clause 6.2 Parking</i> <i>Clause 6.3 Landscaping</i> <i>Clause 6.4 Outdoor Lighting</i> <i>Clause 6.5 Outdoor Advertising/Signage</i> <i>Clause 6.6 Environmental Controls</i> See below for consideration of these matters.	N/A N/A N/A N/A Yes
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State Environmental Planning Policy (Resources and Energy) 2021

Relevant sections of the SEPP that apply to the development application include:

Section 2.9 Development permissible with consent

2.9 (1) Mining Development for any of the following purposes may be carried out only with development consent—

(b) mining carried out—

(i) on land where development for the purposes of agriculture or industry may be carried out (with or without development consent)

The site is zoned RU1 and agriculture is a permissible land use within the land use table of Gunnedah LEP 2012. Hence, section 2.9(1)(b)(i) permits Extractive Industries subject to consent.

Section 2.10 Determination of Permissibility under local environmental plans

This section overrides any heads of consideration within an LEP that apply to extractive industry. There are no such heads of consideration within Gunnedah LEP 2012.

A full assessment of the matters which the consent authority must consider under SEPP Part 2.3 Development applications – matters for consideration prior to granting consent is included at **Attachment B**. The assessment has concluded that the proposed development, subject to conditions, is consistent with the provisions of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 – Hazardous and Offensive Development

This chapter aims to ensure that in considering an application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and impose conditions to minimise any adverse effect. The SEPP requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. In determining whether development is potentially hazardous, hazardous, potentially offensive or offensive, section 3.7 requires that consideration be given to current circulars or guidelines published by the Department of Planning i.e. the *Hazardous and Offensive Development Application Guidelines: Applying SEPP 33* - Jan 2011 (the Guideline).

"Potentially offensive" industry is development that would emit a polluting discharge in a manner that would have a significant adverse impact on adjoining land or in the locality if mitigation measures were not employed. The Guideline indicates that a development

proposal which requires a license under any pollution control legislation administered by a public authority should be considered potentially offensive. Therefore, as the proposed quarry requires EPA licensing, it is a *potentially* offensive development. Given that the EPA has issued GTAs for the development proposal, it is not considered an offensive industry, as appropriate mitigation measures can be conditioned to ensure that development impacts are not significant. The GTAs (**Attachment A**) have been incorporated into the recommended conditions of consent.

“Potentially hazardous” industry is development that would pose a significant risk to human health, life, property or the environment if mitigation measures were not employed. Potential hazards associated with the development include the use of explosives and the on-site storage of oil and fuels. These hazards will be mitigated by measures including explosives not to be stored on-site, blasting to be undertaken by licensed blast contractors (responsible for safely transporting and using explosives), use of fuel trucks as required for refuelling purposes and any chemicals and fuels to be stored in bunded areas (to prevent potential fire hazard and contain any spillage), quarry plant and any diesel fuel brought onto the site on an as needed, campaign basis, rather than stored permanently on-site. If the proposal is considered to be potentially hazardous, a preliminary hazard assessment is required under section 3.11. Risk screening considered in the EIS indicates that the relevant hazards would not pose a significant risk, and a preliminary hazard assessment has therefore not been undertaken. The EPA GTAs include conditions under L6 and M4 relating to blasting and condition O4 in relation to safe chemical and fuel storage.

Section 3.12 of the SEPP provides matters for consideration by consent authorities in determining an application to carry out development to which this Part applies. The consent authority must consider the following:

- (a) *current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development, and*

Comment: The Guidelines have been considered as outlined above. The EIS has indicated the potential risks arising from the proposed development and has provided mitigation measures to minimise the risk to the environment.

- (b) *whether any public authority should be consulted concerning any environmental and land use safety requirements with which the development should comply, and*

Comment: The NSW EPA has been consulted and have issued GTAs for an EPL for the proposed quarry operations, consistent with this requirement.

- (c) *in the case of development for the purpose of a potentially hazardous industry—a preliminary hazard analysis prepared by or on behalf of the applicant, and*

Comment: The EIS has included basic risk screening and concluded that the proposed development is not potentially hazardous and does not require a PHA, although an Environmental Management Plan has been conditioned to ensure that hazard mitigation measures are in place.

- (d) *any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application), and*

Comment: There are no feasible alternatives given the site is already disturbed, has been used for quarrying since 1974 and is located to service road projects within the

surrounding part of the local government area. The site is therefore suitable for the development and there are no superior feasible alternatives to the proposal.

(e) *any likely future use of the land surrounding the development.*

Comment: The land surrounding the site is zoned RU1 Primary Production and utilised for agricultural purposes. The proposed extension of the existing quarrying activities on the site is unlikely to adversely impact the usability or amenity of the adjoining land, subject to the mitigation measures and recommended consent conditions.

Following a thorough consideration of the EIS as well as the supporting documentation and the GTAs from the EPA, it is considered that the proposal is not a hazardous or offensive industry, subject to the mitigation measures proposed. These mitigation measures have been incorporated into the recommended consent conditions.

It is also noted that the proposal has been advertised in accordance with the requirements for designated development and therefore Section 3.13 of Chapter 3 regarding advertising, has been satisfied.

The proposal is therefore consistent with Chapter 3 of this Policy.

Chapter 4 – Remediation of Land

The SEPP requires council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. Subject to clause 4.6 of the SEPP, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated and if so, is either suitable for the proposed use in its current state or can be made suitable following remediation. Extractive industry is identified as a potentially contaminating activity in Table 1 of “Managing Land Contamination Planning Guidelines SEPP55 – Remediation of Land” and therefore the Preliminary Site Investigation (PSI) is of importance. A PSI was prepared that:

- identified that the site has been used for quarrying activities since 1974
- concluded no building waste materials or asbestos are likely, as no buildings or structures have been constructed on the site
- reviewed the NSW EPA Contaminated Land Record database and found no notices have been issued for the site and also reviewed the public register under s308 of the *Protection of the Environment Operations Act 1997* and found no licenses, applications or notices for this area.
- site walkover was undertaken and found no evidence of contamination from existing quarrying activities, other than scrap metal and other inert waste partially buried on the southern edge of the quarry pit.
- recommended the following conditions of consent:
 - require that waste materials on site be collected and removed to either a recycling or waste disposal facility.
 - include an unexpected finds protocol either as a stand-alone condition or as part of an Environmental Management Plan.

Having regard to the above, the subject site is considered to be suitable for the proposed development in its current state (subject to a clean-up of existing on-site waste) and no further investigation is necessary. A condition of consent is recommended that a preliminary investigation for contamination and removal of any identified contamination occur as part of eventual site rehabilitation.

Gunnedah Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Gunnedah Local Environmental Plan 2012* ('the LEP'). The aims of the LEP are:

(2) *The particular aims of this Plan are as follows—*

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Gunnedah,*
- (b) to promote the economic well-being of the community in a socially and environmentally responsible way, focusing on new employment growth and a diversified economy,*
- (c) to encourage the proper management of productive agricultural land and prevent the fragmentation of agricultural holdings,*
- (d) to provide opportunities for a range of new housing and housing choice,*
- (e) to facilitate the provision and co-ordination of community services and facilities,*
- (f) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,*
- (g) to provide direction and guidance in the management of growth and development,*
- (h) to conserve the cultural and environmental heritage of Gunnedah,*
- (i) to allow development in a way that minimises risks due to environmental hazards.*

The proposal is generally consistent with the relevant aims of the LEP as it will not impact on any known heritage items/areas or generate significant ecological impacts. The proposal seeks to implement (f) above as it will enable adequate provision and maintenance of local road infrastructure within Gunnedah Shire.

Zoning and Permissibility

The site is located within the RU1 Primary Production zone pursuant to clause 2.3 of the *Gunnedah Local Environmental Plan 2012* (**Figure 8**). Extractive Industries are 'Permitted with consent' within the RU1 Primary Production zone.

The zone objectives (pursuant to the Land Use Table in clause 2.3) are to:

- *encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *minimise the fragmentation and alienation of resource lands*

- *minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *provide for a range of ecologically sustainable agricultural and rural land uses and development on broad acre rural lands.*
- *protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Gunnedah's longer term economic sustainability.*
- *conserve and enhance the quality of valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*

The proposal is not inconsistent with these zone objectives as:

- Sustainable primary industry is encouraged in the zone and the proposal is for primary industry that will generate positive economic outcomes and minimise social and environmental impacts.
- The site is surrounded by the RU1 zone (for several kilometres in every direction) and therefore will not create any significant conflict with land uses in adjoining zones.
- Ongoing compliance with the recommended conditions of consent will result in mitigation of potential impacts and conflicts with surrounding land uses.
- Upon completion of the proposal, the quarry will be rehabilitated and returned to agricultural use (i.e. grazing).

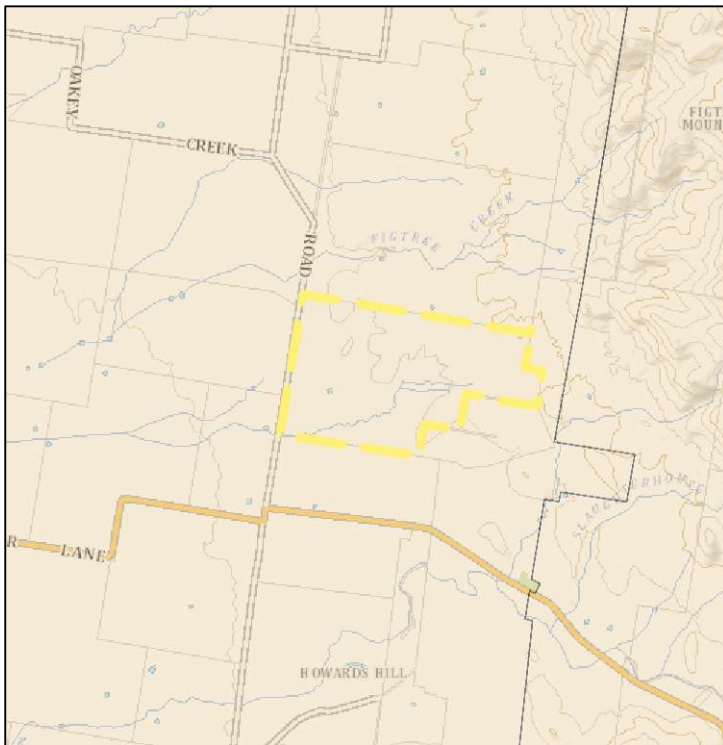


Figure 8 Land Use Zone – RU1 Primary Production (source: NSW Spatial Viewer)

General Controls and Development Standards

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 5** above.

The proposal is considered to be consistent with the LEP.

Section 4.15(1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act 1979, that are relevant to the proposal.

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

The *Gunnedah Development Control Plan (DCP) 2012* applies. Although the DCP does not contain any controls specific to extractive industry, the following Chapter 6. General Development Specifications apply to all forms of development:

1.6 Developer Contributions

The following contributions plan is relevant pursuant to Section 7.18 of the *EP&A Act 1979*

- *Gunnedah Shire Council Section 94 Contributions Plan – Extractive Industries 2013*

The need to upgrade roads is substantially and directly associated with the weight of laden trucks. Therefore, it's accepted practice to levy development contributions based on the number and weight of laden truck movements leaving an extractive industry site by public road. Contributions are paid monthly based on \$0.75c per tonne. This rate is based on two decisions handed down by the Land and Environment Court.

Clause 2.4 of the Contributions Plan facilitates exemptions for certain types of development and states that the plan shall not apply to development:

- for the purposes of public infrastructure provided by or on behalf of the Council, or
- for the purposes of local infrastructure under this plan.

As the purpose of the proposed development is to enable the provision of public/local infrastructure (i.e. the maintenance or upgrade of local roads) by Council, the DA is exempt from payment of contributions under Section 7.11 of the *EP&A Act 1979*.

6.1 Flood Mitigation

The site is not located within a flood planning area and therefore these controls do not apply.

6.2 Parking

The DCP does not include a parking standard for extractive industry and the development has not proposed any onsite parking or identified any staff, contractor or visitor parking area. The applicant has indicated that quarry car parking is an exempt development pursuant to clause 2.13(3)(b) of *SEPP (Resources and Energy) 2021*, although this provision only applies to quarries with an existing development approval. The development will accommodate up to 4 operational staff and up to 3 contractors as required (for blasting, repairs and refuelling). Staff and contractor parking should occur within an area of the site safely removed from truck circulation areas, potential fly rock during blasting, temporary fuel

storage areas and other hazards. A site layout plan has been conditioned that will indicate the location of a suitable 7 space car parking area. Trucks and heavy vehicles can be accommodated in areas of the site as required to carry out quarry operations.

6.3 Landscaping

There are no landscaping standards applicable to the development and landscaping is not required for visual screening, given the low visibility of the quarry from the public road and nearby homes (Figures 8A and 8B). Visual amenity was not a concern raised in public submissions. Despite this, it's recommended that tree planting occur on the existing bund adjoining the Oakey Creek Road frontage to address potential future amenity impacts over the life of the quarry.



Figure 8A – Extent of quarry visible from that part of Oakey Creek Road directly adjacent to the quarry pit (source: EIS – yellow outline added by Council)



Figure 8B: Extent of quarry visible from No.808 Oakey Creek Road (source: EIS – yellow outline added by Council)

6.4 Outdoor Lighting

No outdoor lighting is proposed as the development will operate during daylight hours only, ceasing operation at 6pm weekdays.

6.5 Outdoor Advertising/Signage

The development does not propose the installation of any signage or erection of any advertising sign.

6.6 Environmental Controls

The DCP requires that the application documentation identify any potential environmental impacts and mitigation measures (including in relation to erosion and sediment control, noise and waste management in particular). The SEARS identified key issues which have generally been addressed in the EIS. Erosion and sediment control is addressed via the recommended consent conditions, including the GTAs. The DCP indicates that buffer requirements may apply where competing or conflicting land uses are proposed, although the proposed quarry does not compete with surrounding agricultural land uses, and subject to the recommended conditions of consent it is not expected to be a conflicting land use. The DCP requires consideration of how the design has taken into account the potential impacts of steep slopes. The design will involve quarry batters at a 51-degree slope and benches at 70 degrees, which satisfies 2009 CSIRO best practice guidelines.

Further, detailed assessment of environmental impacts occurs throughout this report.

The proposal is considered to be consistent with the DCP.

Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the *EP&A Act 1979*

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

Section 4.15(1)(a)(iv) - Provisions of the *EP&A Regulation 2021*

Section 66A Council related development applications

This section applies as the matter is a council related development application (DA) and therefore it must not be determined by the consent authority unless council has adopted a conflict of interest policy and the council considers the policy in determining the DA (although in this case, council is not the determining authority). Gunnedah Shire Council adopted the "Council Related Development Applications Conflict of Interest" Policy on 15 March 2023. This policy has been complied with in that council has utilised an external consultant/applicant to prepare the DA (Outline Planning Consultants) and this assessment report has been prepared by an independent planning professional within the Planning Panels Team of the Department of Planning, Housing and Infrastructure under the RSD Supported Assessment Program pilot. It's considered that no further independent expert review of any aspect of the proposal is required, given that the majority of concerns raised in submissions have been addressed via recommended conditions to the extent considered reasonable with regard to nexus and cumulative impact. Also it's recommended that any conditions requiring plans etc. to be submitted to council for approval, specify that the approval is to be given by Council's Director Community and Development, rather than the infrastructure team responsible for managing the quarry.

Sections 173, 174 and 176 re SEARs

Section 173 requires that the applicant apply to the Planning Secretary for the environmental assessment requirements (SEARs) for the EIS as the application is for designated development. This requirement has been complied with, as a request for SEARs was made on 10 March 2022.

Section 174 requires that the applicant advise the Planning Secretary of any approvals required in relation to integrated development. This requirement has been complied with as the request for SEARs advised that the proposal is integrated development that requires a license from the NSW EPA under the *Protection of the Environment Operations Act 1997* due to extraction of greater than 30,000 tonnes of material per annum. The Planning

Secretary subsequently requested the EPA to advise of any requirements for the EIS and then notified the applicant that the approval bodies requirements had not been received at the time the SEARs were issued.

In accordance with Section 176, the Planning Secretary issued the SEARs on 20 August 2022. The EIS was generally prepared in accordance with the SEARs, although it's considered that information regarding potential groundwater impacts, traffic safety, social and economic impacts and rehabilitation have not been discussed or assessed in adequate detail. Assessment of these matters within this report has therefore utilised additional information sources where required (e.g. an updated traffic count, references listed in the SEARs etc.).

The SEARs did not require any plans to be provided, other than a current survey plan that was not submitted. Although, Section 24(1)(b)(i) of the *EP&A Act 1979* requires all the information and documents required by the approved form be submitted with the DA on lodgement. The approved form includes the requirement for a site plan and drawings. A site layout plan will assist all parties to more quickly and easily understand the details of the proposal and the interrelationship between the various elements of the proposal. This will benefit implementation of any consent and therefore this requirement has been included in the draft conditions. The applicant indicated that this is an unreasonable request (despite similar plans being submitted with other quarry DAs), as quarries are dynamic land uses, although this can be addressed by indicating on the plans those elements are indicative/reflect current location only, and subject to change.

Schedule 3 – Clause 26 – Extractive industries

Under Schedule 3, the proposed extractive industry is identified as 'designated development', as it:

- will obtain more than 30,000 cubic metres of extractive material per year, and
- will disturb an area greater than 2ha.

Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. Potential impacts related to the proposal that have not already been considered above in response to SEPPs, LEP and DCP controls are assessed below.

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail.

TRAFFIC AND ACCESS

Traffic generation

Estimated truck movements generated by future quarry activities are based on a proposed maximum extraction of 40,000 tonnes per year and the 32-tonne capacity of a standard truck and dog trailer haulage vehicle, with truck movements occurring between 7am and 3pm weekdays and the quarry operating for an estimated 6.25 weeks per year. Quarry operation periods will be unevenly spread across 48 working weeks during the year as determined by council's roadworks program. Based on previous quarry activity, it's assumed that Bolgers Pit may be used between 5 to 10 times per year for up to one week at a time. The resultant estimated maximum traffic generation at maximum annual output is 90 vehicle movements per day comprising:

- 80 quarry truck movements per day (40 of those will be laden), which is approximately 10 heavy vehicle movements per hour.
- 6 staff light vehicle movements per day (despite up to 4 operational staff)
- 4 service vehicle movements per day as a worst-case scenario, including:
 - an estimated 8 refuelling truck movements per year required during crushing operations, estimated to occur twice/year for a duration of 10 days per campaign
 - on-site repairs/servicing of quarry plant and machinery
 - blasting contractor

It is noted that the TIA has not taken into account any vehicle movements associated with water trucks that will be required to address dust impacts, although this is considered acceptable given that a worst-case traffic scenario has been utilised.

The traffic count provided with the TIA was considered inadequate as it didn't include traffic data along the key haulage roads (see below). Therefore, Council conducted an updated traffic count along each of the key haulage roads for a 2-week period commencing 3 October 2024. This information was provided to the applicant with a request to update the TIA accordingly to ensure the haulage route has adequate capacity at peak traffic periods to cater for existing and proposed traffic volumes. The RFI response indicated that the revised traffic count confirms the low volumes of traffic on the local road system and doesn't change the findings of the TIA. Council's Acting Manager Engineering Services concurs that the capacity of the road network is suitable for the proposed quarry traffic movements.

Haulage routes

Laden quarry trucks travel to destinations within the Gunnedah local government area (LGA) only, in order to provide material for council road maintenance works. Council operates several quarries within the LGA and therefore Bolgers Pit is only utilised for roadworks within proximity to the quarry or where the specific material derived from this quarry is required. Haulage trips to the east via Piallaway Road are rare (as the quarry is located near the eastern boundary of the Shire) with the majority of laden quarry trucks utilising Clifton Road via Carroll to access Oxley Highway to the north-west or using Clifton Road via Breeza to access the Kamillaroi Highway to the south-west. It's assumed there will be a 50/50 split in terms of the direction of laden trucks. Haulage trucks are expected to utilise various roads in the geographic area serviced by the quarry, depending on the destination of roadworks being undertaken at the time, although the primary haulage routes reflect existing commonly utilised routes.

The primary haulage routes are described below and shown at **Figure 9**

- Haul Route 1: Access to and from Kamillaroi Highway at Breeza via Clifton Road/Edward Street, Hogarth Street and Oakey Creek Road
- Haul Route 2: Access to and from Oxley Highway at Carroll via Clifton Road, Howe Street and Oakey Creek Road.
- Haul Route 3: Alternative access to Clifton Road via Denver Lane

The key haulage roads that will be used most frequently by quarry trucks include Oakey Creek Road (unsealed 5m - 6m wide), Clifton Road (sealed 6.5m - 7m wide), Piallaway Road, Hogarth Street and Denver Lane (unsealed generally 6m). The primary haulage routes and key haulage roads (that are distinguished due to the additional impacts along these key roads) are specified in the draft conditions.

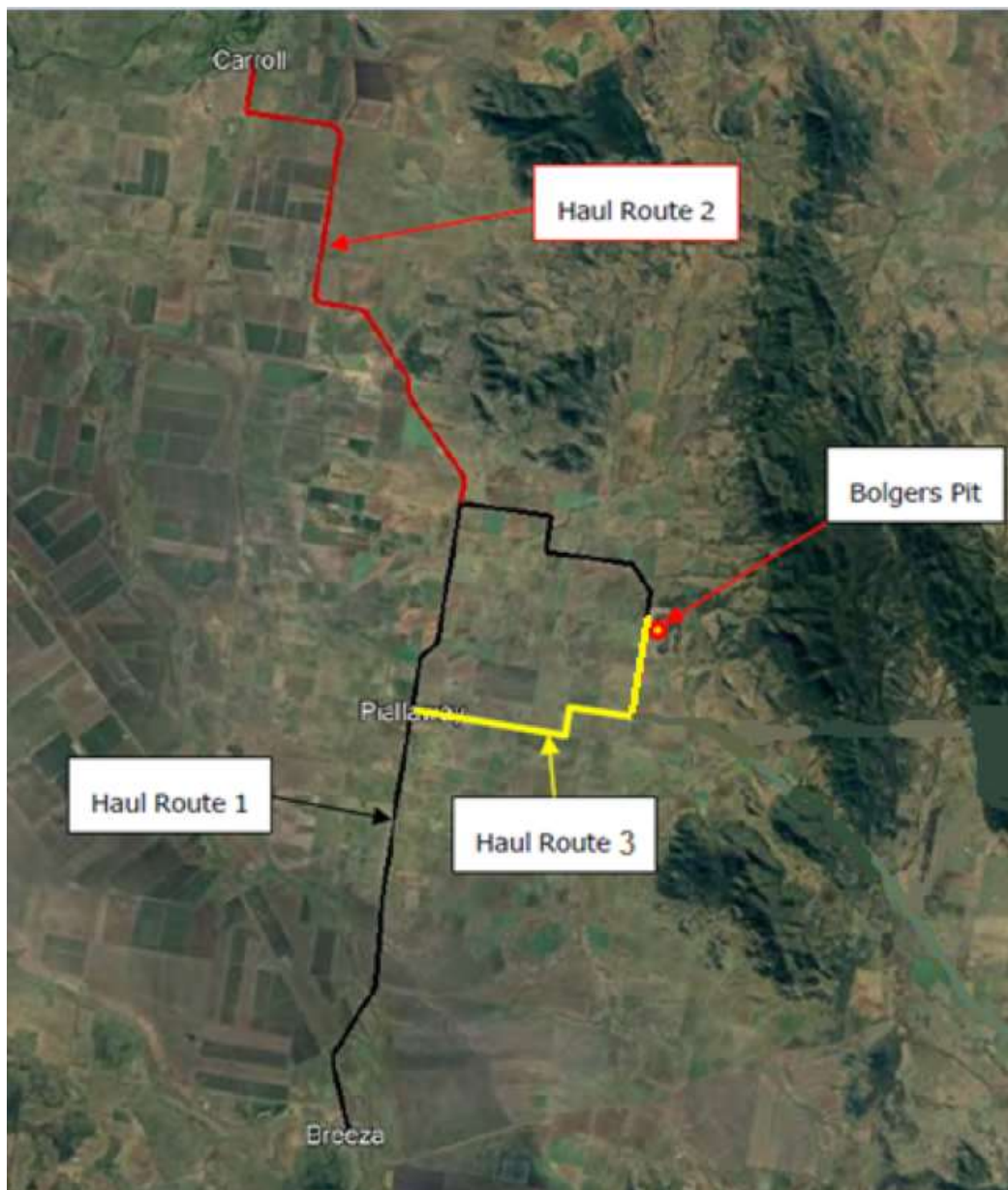


Figure 9: Primary Haulage Routes (source: Noise and Vibration Impact Assessment – as amended by assessment Planner to show only that extent of primary Haul Route 3 within the LGA)

Road safety

The primary issues regarding road safety are:

- Road widths – the key haulage roads should be adequate (minimum 6m wide) for the passing of two trucks, given existing local heavy vehicle traffic associated with harvest periods, the cotton gin and cattle sales.

Comment: The TIA indicates that "the condition and available width of the unsealed sections of road are obviously dependant on regular maintenance by Council" and as the condition of unsealed roads is dependent on weather conditions and traffic volumes, monitoring and repair of roads as needed is more appropriate than a regular maintenance program. As public submissions have indicated that there is often a considerable time lag between residents reporting the need for road

maintenance and the works being carried out, it's considered appropriate that there be a mechanism to ensure timely road upgrades that address this safety concern.

- Road conditions - including pot holes, corrugations, water pooling on the roadway and two 90-degree bends on Oakey Creek Road. Public submissions have indicated that road conditions are particularly problematic when dust and roadside vegetation obscure the roadway and other road users. The cumulative impact of heavy vehicle quarry traffic on the surface condition of local roads, particularly unsealed sections of the key haulage road can contribute to safety concerns.

Comment: The TIA describes the condition of local roads as relatively good subject to regular grading and maintenance. To ensure that road surfaces are not further degraded by haulage truck movements during extraction campaigns, a condition of consent is recommended requiring specified upgrade works (including ensuring a minimum width of 6m) to be carried out along the key haulage roads at the commencement and completion of each extraction campaign. To address road safety at relevant intersections, bends and causeways, a condition of consent is recommended that permanent road warning signs be erected at specified locations. Road safety will also be addressed via a requirement for a Drivers Code of Conduct. Furthermore a condition is recommended that trees along Kamillaroi Highway near the intersection with Hogarth Street be sufficiently trimmed on a regular basis to maintain vehicle sight distances to the east.

Regarding both road widths and conditions, Council's Acting Manager Engineering services has inspected the key haulage roads and advised that:

- these roads should be a minimum of 6m wide
 - two causeways along Oakey Creek Road only service one-way traffic and require signage to give precedence to southbound traffic
 - the two 90-degree bends along Oakey Creek Road have good sight distance (despite adjoining vegetation) and the trafficable width in the bends is acceptable at over 7m
 - trees at the intersection of Oakey Creek Road and Babbinboon Road prevent adequate sight distance
 - Updated/additional traffic signage is required at various nominated intersections as per the AS1742 series.
- School bus stops along primary haulage routes - submissions raised safety concerns on unsealed sections of road when:
 - haulage trucks pass moving school buses, particularly should this occur on narrow sections of road or during periods of high dust reducing visibility, potentially increasing the risk of vehicular accidents, and
 - when haulage trucks pass stationary school buses at bus stops during drop off and pick up times, as this may impact pedestrian safety

Comment: Hopes Bus Service in Gunnedah has verbally advised that Clifton Road and Denver Lane are currently used by the Piallaway-Gunnedah school bus service and that Piallaway Road may be used by another operator's school bus service to Currabubula. Moreover, there are no fixed bus stops, as the bus will pull over into the driveway of the property where each school child using the bus service resides. Oakey Creek Road has been, and is likely to be used again, by the bus service depending on whether children requiring the bus reside along this road. The bus operator raised the following concerns:

- Denver Lane is too narrow for the bus to pull over should it need to pass a quarry truck
- children are impacted by dust generated from passing quarry trucks on unsealed roads
- potential for collision with the rear of a slow-moving school bus (during pick-up and drop off) due to low visibility caused by heavy dust
- potential for a collision at the intersection of Oakey Creek Road and Babbinsboon Road where the bus turns around

Most of these concerns will be mitigated by implementation of the measures recommended above by Council's Engineering Services. Although, it's considered that avoidance of risk is the preferred option with regard to child safety and therefore to adequately address these concerns, a condition of consent is recommended that haulage trucks do not utilise school bus routes (with the exception of school holiday periods) during those times when school buses are likely to be utilising a key haulage road. Following consultation with Hopes Bus Service, it is recommended that the movement of haulage trucks along Clifton Road, Denver Lane, Pialloway Road and Oakey Creek Road be prohibited between 7.30am to 8am and 4pm to 4.30pm (which allows for an approximate 5-minute delay should the bus be running early or late), Monday to Friday during school term. This restriction is considered reasonable given that:

- the proposed quarry operating hours are 7am to 6pm Monday to Friday and Saturday 7am to 1pm, allowing ample time outside of school bus hours for haulage movements,
- the restrictions will only have effect during school term,
- the TIA indicates that the majority of haulage movements occur in the first half of the day and are generally completed by 3pm, and
- it would not prevent haulage trucks utilising other sections of the road network during these times.

Furthermore, due to concerns raised in submissions and by the bus operator regarding safety concerns at times when dust obscures sight distances (that could prevent motorists seeing oncoming traffic or road warning signage), it is recommended that the approach for 200m on either side of the two one-lane causeways on Oakey Creek Road be sealed to mitigate dust impacts on road safety.

Appropriate conditions, including those recommended by Council's Engineering Services, have been drafted to address potential traffic impacts. As a council operated quarry for the public benefit, it will be exempt from paying contributions normally levied on quarries towards the cost of roadworks required to repair damage caused by the weight of laden haulage trucks. Therefore in the absence of applicable contributions or a relevant VPA, the recommended conditions are considered reasonable.

Access

The existing access point to the quarry from Oakey Creek Road will continue to be utilised. It is unsealed with a lockable gate and cattle grid 30m from the roadway. It has safe sight distances in each direction relative to the 80km speed limit. That section of Oakey Creek Road in proximity to the quarry entrance will be the most impacted by surface damage from laden haulage trucks, although this is addressed via the condition recommended above to repair the surface of key haulage roads at the beginning and end of each extraction campaign. Due to traffic safety concerns arising from reduced visibility during dry conditions caused by dust impacts, it's recommended that the vehicular entrance to the site be sealed for 200m in each direction.

Noise, vibration and blasting

The development is expected to generate noise and vibration during quarry operations. Noise generating plant and equipment to be used includes an impact crusher, screen, wheeled loader, excavator and haul trucks.

The GTAs provided by NSW EPA specify that noise generated during the construction and operation of the quarry, and operation of any crushing facility with associated plant, may not exceed 40 dB(a) LAeq (15 minute) at all non-associated sensitive receivers. The closest rural dwelling located at 447m from the quarry (shown as NSR5 in **Figure 10**) is occupied by the owner of the land and is considered an associated sensitive receiver. Therefore, even though occupants of this dwelling will be most impacted by noise and vibration from the quarry, this impact is not required to be managed. The Noise and Vibration Assessment (NVA) considered potential noise and vibration impacts on four (4) non-associated sensitive receivers located within a distance of between 562m and 1,150m from the quarry (**Figure 10**). Table 8-1 within the NVA report indicates that predicted operational quarry noise levels will comply with the EPA criteria and no additional noise mitigation measures are required.

The NVA and RFI response also considered the seven (7) nearest sensitive receivers to the four primary haulage routes and concluded that existing and predicted traffic generated noise levels will not exceed the relevant road traffic noise criteria of 55 dB(a) LAeq (15 minute) and that no noise mitigation measures are required.

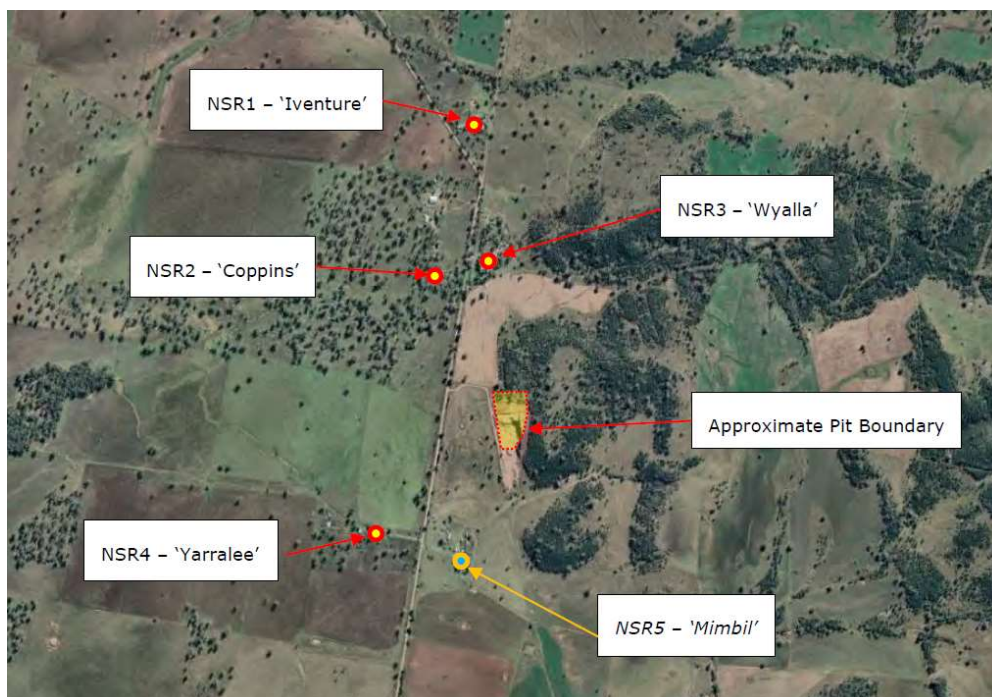


Figure 10: Nearest sensitive receivers re potential noise impacts (source: Noise and Vibration Impact Assessment)

Blasting may cause ground vibration and airblast overpressure resulting in human discomfort as well as damage to buildings and structures. The GTAs provided by the EPA set limits for each of these impacts, although the Noise and Vibration Impact Assessment (NVIA) indicates that given the geology of the site, previous blast monitoring has not always triggered a reading or has provided an inaccurate reading. Therefore, the NVIA recommended that a condition be imposed requiring all future blasting to be at or below a Maximum Instantaneous Charge (MIC) of 200kg and for all blasting to be monitored to

ensure compliance with the relevant EPA GTAs is achieved at the closest sensitive receptors.

There are no controls imposed by the EPA GTAs on noise generated by blasting, presumably as this is an unavoidable and necessary impact of quarrying. Although, negative impacts generated by blasting can be minimised by limiting the hours within which blasting may occur and the frequency of blasting. Blasting is proposed to be limited to the hours of 9am and 3pm Monday to Friday and blasting will be limited to 1 blast each day on which blasting is permitted (this will be conditioned as per the EPA GTAs). Blasting is unlikely to occur more than twice per year based on maximum production levels. A condition is recommended regarding advance notification of surrounding residents prior to blasting activities. Fly rock (rock thrown from the blast site by the force of the explosives) is unlikely to affect adjoining land uses as council engages experienced blasting contractors.

In relation to potential vibration impacts from plant equipment and truck movements, the NVIA concluded that predicted vibration levels will meet the human comfort criteria and are well below structural damage criteria for all nearby buildings.

Noise and vibration impacts are therefore unlikely to be significant and do not require any specific mitigation measures other than regarding hours of operation, time limits and frequency imposed for blasting as well as a MIC of 200kg or below. Although, it should be noted that the EPA GTAs include noise limits and monitoring requirements.

AIR QUALITY

The development will generate dust during operations and haulage. Dust release will occur from activities such as topsoil stripping, excavation, blasting, material processing, loading haulage trucks, vehicle movements along unsealed road surfaces and wind.

A condition is recommended that water trucks be available on-site during operations in dry conditions, in order to address dust both on-site and along unsealed roads used during the campaign. The Water Balance Assessment modelling indicates for all dry, average or wet years, the sediment basin will have sufficient capacity to meet all non-potable water demands. As such, a water truck could either use water from the sediment basin for dust suppression or could obtain water off-site. Therefore the availability of water trucks and a water source, should adequately address dust mitigation, together with a condition requiring implementation of an approved Air Quality Management Plan.

Residents living along unsealed sections of the haulage route are currently impacted, particularly in dry and windy conditions, by traffic generated dust. Heavy vehicle traffic generated by the quarry will add to this existing health concern and may result in contributing to a significant cumulative dust impact. The Air Quality Assessment (AQA) at Table 6-1 has considered dust sources including wind erosion (from the quarry pit and stockpiles), pit activities, blasting, drilling, processing and wheel generated dust due to both internal and external haulage. It found that the cumulative 24-hour average PM10 predictions will exceed the criteria at all sensitive receptors due to elevated background levels that already exceed the criteria. The most highly impacted dwellings would be those located closest to unpaved sections of the haulage route, particularly three dwellings identified within 30m of an unsealed haulage route.

Council approved DA2021/089 for a quarry at 617 Beeson Road, Gunnedah that has set a precedent with regard to measures to address dust generated by quarry trucks along haulage routes. A condition was applied that required the road frontage of dwellings located within 200m of the haulage route to be hard sealed for a distance of 200m either side of the dwelling. Although, there was no justification provided for application of the 200m criteria.

Vipac Engineers and Scientists Ltd provided a memo dated 25 June 2024 (as part of an RFI response) that refers to a 2007 study by WR Reed that measured dust from quarry haulage trucks along a haulage route. It found that dust concentrations rapidly decreased to nearby background levels within 30m of the roadway. Therefore, in order to be both conservative and reasonable, it's recommended that dwellings located within 100m of Oakey Creek Road and Denver Lane (the only unsealed key haulage roads) benefit from partial road sealing. As the applicant's RFI response dated 25 June 2024 acknowledges that it may be necessary to seal roads in front of rural dwellings most severely impacted by dust from passing traffic, this condition is considered appropriate.

Dust not only impacts residents within their properties, but it also impacts local road safety. Public submissions have indicated that during certain weather conditions it can take extended periods of time for heavy dust to settle, and this results in low visibility and makes driving conditions unsafe. It is therefore recommended for traffic safety purposes, that during weather conditions conducive to dust impacts, that haulage ceases unless water trucks are regularly used to control dust on unsealed sections of road used by quarry haulage trucks to reach their destination. An EPA license for the proposed development will only regulate dust emissions from the premises, and therefore dust generated outside the boundaries of the development site (which is key concern raised in public submissions) is not covered by the GTAs and needs to be mitigated via conditions of consent.

Water

Surface water

A stormwater diversion bund (i.e. an earthen mound wall) is currently constructed around the upslope section to the east above the pit and around the perimeter of the quarry to divert clean water away from the working quarry towards the south (**Figure 11**). The site is not flood prone land, however, excess stormwater captured within the quarry may flood low-lying parts of the quarry, given that the quarry pit is designed to retain all runoff within its catchment. The EIS includes mitigation measures to be undertaken when flooding occurs within the quarry pit, that will be included in a Quarry Environmental Management Plan as per the recommended conditions.

Stormwater within the quarry is directed into an on-site sediment basin (**Figure 12**) in the south-west corner of the pit (**Figure 13**) that captures sediment (comprising clay, colluvium and sandstone) washed down from disturbed parts of the quarry. A Water Balance Assessment indicates that a sediment basin of 1600sqm capacity is required to collect and treat all dirty water generated on site. The water will then be reused for production and dust suppression. During periods of heavy rainfall, excess water will be discharged to a watercourse located south of the quarry. The discharge will be licensed by the EPA under the *Protection of the Environment Operations Act 1997*, for which the GTAs have been issued.

Public submissions indicated that stormwater pump-out from the sediment basin flows over adjoining privately owned farmland, then across an unsealed road (Oakey Creek Road) and then into a dam. Concern was raised that discharged stormwater has in the past caused damage to Oakey Creek Road and may release pollutants that could negatively impact agricultural production. The EPA GTAs address potential contamination via:

- setting maximum concentration limits for oil and grease, pH and total suspended solids within discharged water



Figure 11: Left: stormwater diversion bund and **Figure 12:** Right: sediment basin/sump (source: EIS)

- requiring the monitoring/sampling of water pollution levels prior to any controlled discharge from the sediment basin (the water may be flocculated with gypsum to minimise suspended sediment)
- preparation of a Soil and Water Management Plan (SWMP) in accordance with *Managing Urban Stormwater: Soils and Construction Volume 2E Mines and Quarries*, to minimise soil erosion and the discharge of sediments and other pollutants to lands and/or waters “during construction activities.” The EPA was further consulted regarding this requirement and confirmed that the SWMP is intended to address both construction and operational activities. The recommended conditions address this oversight. Sediment within the basin will need to be periodically removed to ensure the capacity of the basin is maintained, the details of which will be outlined within the SWMP.



Submissions indicate that stormwater pump-out from the quarry results in damage to Oakley Creek Road downstream of the water discharge point. A condition of consent is recommended to require road repair of the section of affected roadway, within a specified timeframe following each discharge event. The implementation of a SWMP, EPA licensing requirements and enforceable consent conditions, should ensure that the sediment basin is more regularly maintained, therefore maintaining its design capacity, minimising the need for pump-out and avoiding damage to the downstream roadway.

When the quarry resource is exhausted and the quarry is rehabilitated, the sediment basin will remain in place for erosion control purposes and as a water supply for stock. The sediment basin should continue to be maintained until vegetation within the quarry is established, to prevent stormwater with suspended solids from overflowing onto adjoining land. The Quarry Rehabilitation Management Plan is therefore

Figure 13. Existing location of sump (source: EIS)

recommended to include a Stormwater & Erosion Management Plan, as the EPA GTA's only cover the construction and operational phases of the quarry.

Assuming that licensing and consent conditions are adhered to, it's considered that the proposal will not generate a significant impact on the environment, adjoining farmland or local road conditions arising from stormwater management measures.

Groundwater

Page 32 of the EIS provides details of 5 licensed bores within a 1km radius of the quarry. It indicates that the 2 bores to the south of the quarry have encountered groundwater at 40m to 75m below RL320 i.e. the proposed finished floor level of the quarry. Although, it also indicates that all 3 bores to the north of the quarry have encountered groundwater at or very close to RL320. The RFI response dated 25 June 2025 indicates that this is not an issue, as the three sites to the north are within a separate drainage catchment. Yet Annexure F to the RFI response includes **Figure 14** below, which clearly indicates that all bores are located within the same sub-catchment. Therefore in the absence of suitably qualified advice to the contrary, it's assumed that blasting, drilling or excavation works may penetrate the water table.

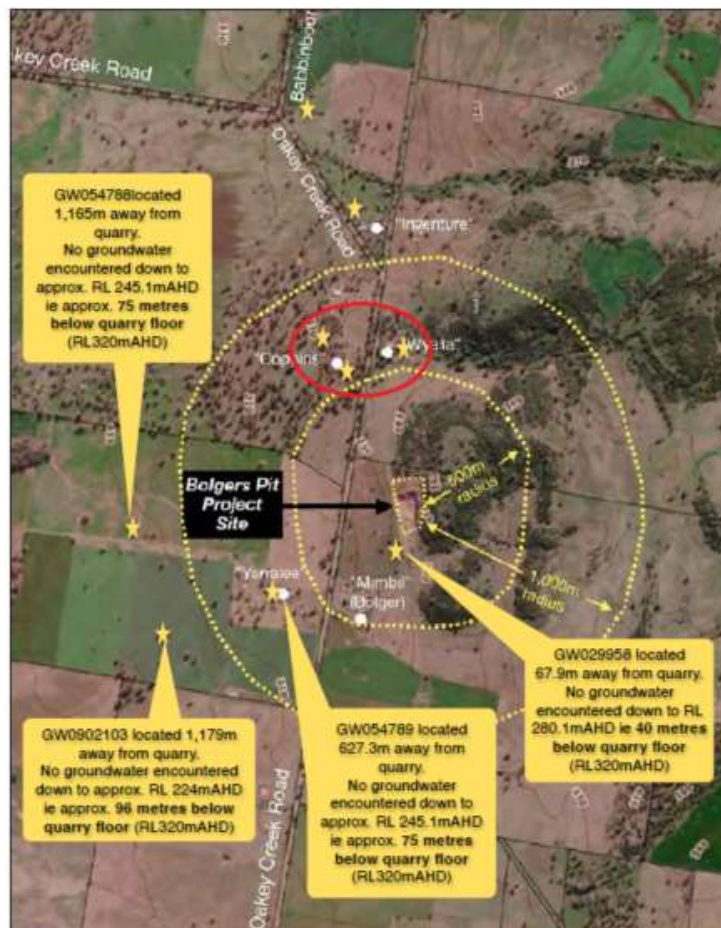


FIGURE F1: Bolgers Pit and nearest groundwater bores in same sub-catchment
(Bores identified by yellow stars)

(Source: NSW Government MiniView and Water NSW Realtime Data groundwater website)

As groundwater is regulated by Water NSW under the *Water Management Act 2000*, it's appropriate that Water NSW make a decision regarding potential impacts on groundwater, should the need arise i.e. if the quarry intercepts groundwater during operations. As such, it is not necessary to confirm groundwater levels under the quarry footprint prior to determination. Therefore a condition is recommended that the quarry is to cease operations if groundwater is encountered and the quarry manager is to seek advice from Water NSW, who may request information on groundwater impacts at that time, should any legislative approval be required.

Figure 14 – Five groundwater bores within 1km – red circle indicates 3 x bores with groundwater found at or near the proposed finished floor level of the quarry

Visual Impact

The quarry is visible from a 1km section of Oakey Creek Road adjoining the quarry, although the quarry is not highly intrusive within the landscape. Views of the quarry from the north are largely obscured by topography and vegetation and therefore the quarry is only visible from one dwelling located 620m to the south-west. Visual impact was not raised as a concern in any public submissions and landscape screening is not considered necessary given the low visual impacts. Despite this, it's recommended that tree planting occur on the existing bund adjoining the Oakey Creek Road frontage to address potential future amenity impacts over the life of the quarry.

Bushfire

Part of the quarry development area comprises bushfire prone land - vegetation buffer (**Figure 3**) and therefore the proposal has been assessed in accordance with the NSW RFS *Planning for Bushfire Protection 2019*. An asset protection zone (APZ) is not required or proposed (despite the recommendation in the Bushfire Assessment Report), as the proposal is not for residential subdivision or a special fire protection purpose. Although, as the proposed site activities can increase the risk of bushfire, the EIS includes various mitigation measures that are reflected in the draft conditions. The quarry footprint will provide sufficient setbacks to any plant or equipment on the quarry floor. Access to Oakey Creek Road is over a short distance, should evacuation of the site be required as per the Bushfire Emergency Management and Evacuation Plan. Bushfire threats have therefore been adequately addressed.

Biodiversity

Most of the quarry development area is cleared and disturbed land, although it immediately adjoins native bushland to the north and east. The proposal seeks to remove a single *Acacia Pendula* tree in the south-east of the site, 0.03ha of pasture and 0.09ha of native woodland, to enable quarry expansion (**Figure 15**). The vegetation for removal represents plant type community (PTC) 101 – Poplar Box, Yellow Box and Western Grey Box grassy woodland, which is a Threatened Ecological Community (TEC) under both the NSW *Biodiversity Conservation Act 2016* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999*. The Ecological Assessment Report prepared by Bower Ecology concluded that the proposed vegetation clearing will not have a significant impact on biodiversity as:

- less than 1ha of clearing is proposed
- the land is not affected by biodiversity values mapping, and
- a test of significance indicated that the project is very unlikely to significantly impact threatened species or ecological communities.

Although, the report (page 6) also noted that clearing of the site had recently been undertaken prior to the ecological assessment site inspection in May 2022. This hindered identification of all PTC's on and adjacent to the site. The ecological assessment indicates that adjoining vegetation is also likely to include PTC 101 – Inland Grey Box Woodland, which is an Endangered Ecological Community under both Acts.

In order to minimise potential impacts on the adjoining bushland that will be retained, conditions of consent are recommended including:

- clear identification of vegetation to be retained prior to any vegetation removal
- an arborist and an ecologist to be present during vegetation clearing works
- suitable fencing and signage to be erected and maintained following approved clearing to ensure that site management and staff over the 20-year operational period are aware of the edge of the quarry expansion area. This will avoid

unauthorised vegetation clearing and extraction beyond the proposed quarry footprint.



Figure 15. Thick vegetation adjoining cleared land along the eastern pit boundary (Source: Ecological Assessment Report)



Figure 16: Proposed clearing of native vegetation (Source: Ecological Assessment Report)

The ecological assessment did not observe any threatened species of fauna, or evidence of fauna. It concluded that the area of vegetation within the project footprint is small and not expected to represent important or core foraging, feeding or breeding habitat for any fauna

species. Furthermore, the ecological assessment found that the vegetation does not comprise core koala habitat, no evidence of koala was observed and no koala feed tree species are proposed to be removed.

The ecological assessment indicates that runoff and erosion has the potential to cause sedimentation within the ephemeral watercourse located 130m to the south of the site, potentially impacting biodiversity. The assessment concluded that the small increase in impact from the expansion area is unlikely to significantly increase the impact on biodiversity, although as the quarry is without development consent, the potential impact of runoff and erosion from the entire quarry pit (not just the extraction area) should have been considered. Regardless, EPA licensing will control runoff and sedimentation, and recommended conditions of consent will supplement those controls, thereby mitigating potential biodiversity impacts.

Following consideration of the Ecological Assessment Report, it is considered that the proposal is satisfactory having regard to biodiversity, subject to conditions.

Rehabilitation

The Ecological Assessment Report proposes the following rehabilitation at the cessation of quarry operations:

- rehabilitation is to occur on closure of the site

Comments:

- To ensure that rehabilitation occurs in a timely manner, it's necessary to utilise a condition that the quarry is deemed to have ceased operations when the conditioned quarry life (20 years) expires, unless the quarry life is extended by an approved modification application.
- There is no staged rehabilitation proposed, with all rehabilitation proposed to occur at the cessation of quarry operations. The EIS indicates that the existing disturbed quarry area is 3.4ha and the "project site" (subject to the quarry expansion) is 2.71ha (clarified in the 25 June 2024 RFI response as excluding the internal haul route and some previously worked areas). Therefore the disturbed previously worked area, presumably no longer required for quarry operations and therefore suitable for staged rehabilitation, is up to 0.7ha. This understanding is reflected in the EPA GTAs condition 02.4 which states that "the maximum disturbance area due to the project operations must not exceed 2.71ha."
- Staged rehabilitation is recommended, with stage 1 consisting of disturbed areas outside the project site, formerly used for quarry activities (**Figure 17**), to be suitably revegetated within 12 months of commencement of operations, because:
 1. The applicant has indicated that progressive rehabilitation of the quarry floor is not possible, as due to the small size of quarrying operations, the bulk of the quarry floor will be utilised for blasting, crushing and stockpiling of gravel. Whereas the area shown on **Figure 17** is located outside the active quarry floor (as indicated by the nominated project site boundary) and is therefore suitable for rehabilitation.
 2. Despite identifying a limited "project site area" as subject to the development application, the quarry subject to this DA is considered to extend beyond the nominated project site, as
 - (a) The DA documents identify the land as 809 Oakey Creek Road, Piallaway (Lot 139 DP 751012);

- (b) The proposed development will rely on land outside the project site for vehicular access to Oakley Creek Road and discharge of water from the sump; and
 - (c) Any consent granted would represent retrospective approval for a pre-existing illegal quarry and therefore it is reasonable to impose conditions that address the environmental impacts of previous quarrying activities, including vegetation clearing.
3. Staged rehabilitation will build knowledge and capacity to help ensure final rehabilitation works at the cessation of quarry operations are successful.
 4. Staged rehabilitation is consistent with *Managing Urban Stormwater, Soils and Construction Volume 2E Mines and Quarries*, DECC 2008, which indicates that erosion control strategies should include prompt revegetation of non-operational disturbed areas.



Figure 17 Approximate area of disturbed former quarry works (red circle)
(source: EIS page 23. Note: red circle added by assessment planner)

- the primary aim of rehabilitation is to minimise long-term erosion via revegetation
Comments:
 - The aims of rehabilitation will reflect the rehabilitation methods undertaken and therefore it's recommended that the Rehabilitation Management Plan does not specify a primary aim and instead encompasses broader aims, including:
 1. to make the site suitable for its final land use i.e. agriculture/grazing
 2. to minimise erosion and sedimentation, and
 3. to enhance the biodiversity and landscape values of the site

- overburden and soil material being placed over the quarry floor such that it becomes suitable for agricultural use (i.e. grazing)

Comments:

- The EIS has provided sections at Figure 3.2 of the EIS illustrating the final landform at the cessation of quarry activities but has not provided an indicative final section and landform following rehabilitation.
 - A condition is required regarding a contamination investigation and any necessary remediation prior to revegetation
- overburden and soil material being placed over all finished quarry benches to enable native vegetation to re-establish (**Figure 18**).
 - the main sediment basin will be maintained for erosion control and as a water supply for stock

Comments:

- The main sediment basin should not be utilised as a water supply for stock until the end of the rehabilitation period, as until revegetation is fully established, the sediment basin will need to be maintained to quarry operational standards to ensure it's capable of containing on-site all dirty water from the quarry footprint.
- planting of locally native tree and shrub species from tube stock

Comments:

- The Ecological Assessment Report indicates that no forbs or grasses will be planted as it expects that these will naturally colonise the rehabilitation areas with the native vegetation stand to the east acting as a source of seed.
- It's recommended that native grasses and other groundcover be planted in order to more quickly stabilise the rehabilitation area, reduce erosion and sedimentation and ensure that the area is fully rehabilitated and self-sustaining within the period nominated in the conditions.

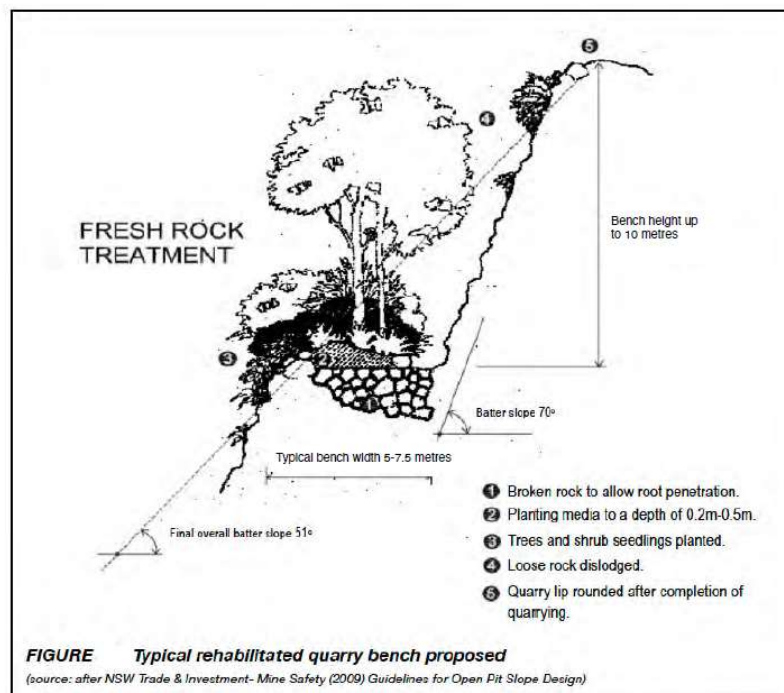


Figure 18. Typical quarry bench rehabilitation (source: Outline Planning Consultants letter dated 8 January 2025, Annexure B)

Social Impact

Community concerns have been identified and considered as part of the assessment process, and this has facilitated the application of appropriate consent conditions to minimise potential social impact, particularly regarding traffic and dust. The proposal is considered to result in an overall positive social impact, given the purpose of the quarry is to extract materials essential for the maintenance of local roads.

Economic Impact

The ongoing use and expansion of the quarry will continue to generate local employment through with up to 4 operational staff and 3 contractors required (for blasting, repairs and refueling). As the purpose of the quarry is to supply material for the ongoing maintenance or upgrade of local road infrastructure, this assists local businesses with their transport logistics as well as assisting residents to more effectively and safely access places of employment, retail and commercial uses. The proposal is therefore considered to result in both direct and indirect positive economic impacts.

Cumulative Impact

There are no other known operating quarries or mines within the immediate vicinity of the development site, which may lead to a cumulative impact through noise, dust, blasting or vehicle haulage. Although, it's considered that there will be cumulative impacts in terms of additional heavy traffic and dust generation. The proposed primary haulage routes are capable of handling the expected additional traffic volumes, although air-borne dust generated by heavy vehicle movements in dry conditions needs to be addressed. The air quality impact assessment has shown that dust predictions comply with the relevant criteria, except for 24hr average PM10 predictions, due to elevated background levels that are already above the relevant EPA criteria. Appropriate conditions of consent have been recommended to minimise cumulative dust impacts. Given the proposed conditions of consent, the public benefit and that the quarry will only used intermittently on a campaign basis for council roadworks, it's considered that the cumulative impact is acceptable and will not be significant.

Section 4.15(1)(c) - Suitability of the site

The site is considered to be suitable for the development given the proposal involves the use of existing infrastructure and an existing quarry within a rural setting. The proposed development is unlikely to generate a significant increase in land use conflicts with surrounding land uses given the infrequent nature of operations and proposed mitigation measures. There are adequate services, and the site is relatively unconstrained with the exception of being partially mapped as bushfire prone. Proposed bushfire risk mitigation measures and a Bushfire Emergency Management and Evacuation Plan have adequately addressed this issue. The quarry connects with the local road network and minor road upgrades will be conditioned to ensure the safety of road users along the key haulage roads.

The site is therefore considered to be suitable and the development is compatible with the locality, subject to conditions.

Section 4.15(1)(d) - Public Submissions

Refer to section 4 of this report.

Section 4.15(1)(e) - Public interest

The operation and expansion of Bolgers Pit is considered on balance to be in the public interest, as it is a council operated facility with the sole purpose to provide road making material for the ongoing maintenance and upgrade of roads within the Gunnedah local government area.

The proposal is considered to result in positive social and economic impacts as outlined above. Potential impacts can be mitigated by suitable conditions of consent, including the GTAs provided by the EPA. The proposal is also generally consistent with the applicable planning controls as outlined in this report and is considered 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 1979* and outlined below in **Table 6**.

Table 6: Concurrence and referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements under s4.13(1) of EP&A Act			
TfNSW	s2.122 Traffic-generating development of SEPP (Transport and Infrastructure) 2021	Schedule 1 Traffic generating development to be referred to TfNSW, does not apply as the site has no direct access to a classified road, the site access is not within 90m from a classified road and the development will not generate 200 or more vehicles per hour.	N/A
	s2.122(1)(a) and (4)(a) of SEPP (Resources and Energy) 2021	Schedule 3 Traffic generating development to be referred to TfNSW is identical to Schedule 1 in SEPP (Transport and Infrastructure) 2021 – therefore this provision similarly does not apply. Referral rejected on 26 Feb 2024	
Referral/Consultation Agencies			
Dept of Planning, Housing and	EP&A Reg's 2021, clause 56(1)(a) Notice of development applications for designated	Referral rejected on 26 Feb 2024	N/A

Infrastructure	development and 56(2)(b)(1) requiring notice to public authorities that may have an interest.		
Department of Planning and Environment - Water	EP&A Reg's 2021, clause 56(1)(a) Notice of development applications for designated development and 56(2)(b)(1) requiring notice to public authorities that may have an interest.	Referral rejected on 26 Feb 2024.	Yes
DCCEEW – Environment and Heritage Division	EP&A Reg's 2021, clause 56(1)(a) Notice of development applications for designated development and 56(2)(b)(1) requiring notice to public authorities that may have an interest.	Referral rejected on 26 Feb 2024	N/A
Integrated Development (S 4.46 of the EP&A Act)			
NSW Environmental Protection Authority (EPA)	S43(b) (to authorise the carrying out of scheduled activities as required under section 48 Licensing requirement – scheduled activities – premises based) of the <i>Protection of the Environment Operations Act (POEO Act) 1997. Extractive activities involving extraction of more than 30,000 tonnes per year are identified as a premised based scheduled activity under Part 1(19) of Schedule 1 Scheduled activities.</i>	The development is Integrated Development, as item 19 Extractive Industries is listed under Part 1 Premises-based Activities of Schedule 1 Scheduled Activities, of the <i>POEO Act 1997</i> as requiring a license, given that the development will exceed an extraction of 30,000 tonnes per year. The development application was referred to the NSW EPA under s4.46 of the <i>EP&A Act 1979</i>, which requires the referral of integrated development requiring approval under s48 of the <i>POEO Act 1997</i> for an environment protection license to authorise carrying out of scheduled activities at any premises. General Terms of Approval (GTAs) were issued by the EPA on 5 April 2024 and have been attached to the recommended conditions.	Yes

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined in **Table 5**. The Council referral officers raised no issues subject to conditions.

Table 1: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the Traffic Impact Assessment. There are no Council water, sewer or stormwater which are required to service the site. Satisfactory existing access and traffic arrangements are in place. Any additional traffic is not expected to adversely impact the road network. Existing satisfactory stormwater arrangements will continue. Council's external engineering consultant indicated that proposed stormwater management seems acceptable and provided recommended conditions of consent to address traffic impacts. Note: Council's Infrastructure Services team is the quarry operator, although EPA GTAs are considered to adequately address all relevant engineering issues.	Yes
Building	There are no buildings or structures proposed as part of this development, therefore no information or specific conditions were required.	Yes

4.3 Community Consultation

The proposal was notified in accordance with the council's Community Participation Plan. The development was originally exhibited from 28 February 2024. However, Council's online exhibition experienced issues, resulting in members of the public not being able to access the online exhibition documents. Council elected to re-exhibit the development, which occurred from 7 March 2024. However, after direction from council's General Manager, the development was again re-exhibited from 14 March 2024 with the exhibition ceasing on the 30 April. On 4 July, council re-exhibited the DA together with the initial RFI response and then re-exhibited again for 29 days commencing on 25 July, as the site description was incorrect.

The development was placed on council's website for the duration of the exhibition period, exhibited within the Gunnedah newspaper at the commencement of each exhibition period. A notice of the exhibition was placed at the entry to the development site in accordance with Section 58 of the *Environmental Planning and Assessment Regulation 2021* (the Regulations) as part of each exhibition. The exhibition occurred for more than 28 days as per the requirements for designated development under Schedule 1(8) and nominated integrated development under Schedule 1(8A)(2)(c) of the *Environmental Planning and Assessment Act 1979*.

During the exhibition period council received a total of 21 submissions from 14 objectors. Due to multiple notification periods, 7 objectors each made two submissions.

The key issues raised in submissions included the following:

- the Traffic Impact Assessment
- safety of the haulage route including:
 - poor road surface condition
 - school and public bus use
 - intersections and speed limits
 - sight distances impacted by dust and vegetation
 - blind bends, causeways and narrow sections of road
- dust
- sump discharge

Public submissions are considered in **Attachment C** of this report.

5 CONCLUSION

The development application has been considered in accordance with the requirements of the relevant legislation, including the *EP&A Act 1979* and the Regulations as outlined in this report. The mitigation measures proposed, together with the conditions recommended in this report and the Environment Protection License conditions to be applied by the EPA, are considered appropriate to minimise any potential detrimental impacts. Following a thorough assessment of the relevant planning controls, consideration of submissions and the key issues identified in this report, it is considered that the application can be supported.

6 RECOMMENDATION

That Development Application No.10.2023.046.001 for continuation and expansion of extractive industry at 809 Oakey Creek Road, Piallaway be APPROVED pursuant to section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the recommended draft conditions of consent attached to this report at **Attachment A**.

7 ATTACHMENTS

The following attachments are provided:

- Attachment A: Draft conditions of consent
- Attachment B: Assessment under SEPP (Resources and Energy) 2021
- Attachment C: Summary of Submissions

ATTACHMENT B – Assessment under SEPP (Resources and Energy) 2021

Section 2.17 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 majority of existing and approved uses of land in the vicinity of the quarry are agricultural, including cropping and grazing.

(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: It is not anticipated that there would be any change to the existing preferred use of land in the vicinity i.e. agriculture. The development is not expected to impact on the ongoing ability for the surrounding area to continue to be operated for agricultural purposes. Potential impacts to surrounding uses such as traffic, dust, noise and vibration are not expected to be significant, subject to the recommended conditions of consent.

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

Comment: Assessment of the potential impacts of the development undertaken throughout this report indicates that the development is not incompatible with existing, approved or likely preferred uses, subject to the recommended conditions of consent.

(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 proposal will generate a public benefit for all road users within the Gunnedah Shire, including existing and future land uses, given the purpose of the quarry is to extract material for local roadworks. The quarry will also generate employment for on-site staff as well as supporting contractors.

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

Comment: Management and mitigation measures for aspects of the proposal that may impact on adjoining land uses (e.g. noise, traffic, visual amenity and air quality) have been addressed within the EIS and supporting studies. With the implementation of the proposed mitigation and management measures together with the recommended conditions of consent, it is considered that the proposed development impacts can be suitably managed and the matters to be considered under section 2.17 are satisfied.

Section 2.20 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 applicant proposes to continue the management of surface water runoff to limit the potential for sediment laden runoff leaving the quarry Site. The extraction area has been designed to drain internally to minimise the risk of sediment-laden discharge off site. Surface water is proposed to be managed in a manner that maximises opportunities for the reuse and recycling of captured surface water. Compliance with the EPA's GTAs will also mitigate impacts on water resources.

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

Comment: The proposal includes the removal of a relatively small area of 0.09ha of native vegetation identified as "Poplar Box – Yellow Box – Western Grey box grassy woodland," which is considered a Threatened Ecological Community under the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. No threatened fauna species or evidence of fauna was recorded during the site inspection for the Ecological Assessment. The extent of vegetation clearing and the low biodiversity value of vegetation to be cleared indicates the likelihood of minimal environmental impact.

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

Comment: Greenhouse gas emissions are minimised as the quarry will only supply materials within the Gunnedah LGA (thereby minimising emissions caused by the transport of quarry materials).

(2) Without limiting subsection (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 calculations have not been made. Although, the quarry operation will minimise greenhouse gas emissions by servicing roadworks within the vicinity of the quarry location (as other quarry pits generally service roadworks in other areas of the LGA) and as it will only operate on an as needed basis, up to the equivalent of six weeks per year.

Section 2.21 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: Of the 800,000 tonnes of material to be excavated, the majority will be converted to usable road materials with 66,000 tonnes of overburden generated. The overburden will be stored on-site, together with any removed topsoil, to be reutilised during the rehabilitation phase. As the extraction process will generate a high proportion of usable resource material and will utilise all the remaining material extracted for rehabilitation purposes, its considered that the resource recovery method is efficient.

(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: No office or amenity block is proposed and therefore waste generation will be minimal and generally limited to waste generated by workers on site.

(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 proposed development is considered an efficient means by which to recover extractive materials given the existing use of the site for this purpose. Efficiency considerations will also be reflected in the operation of plant and equipment, blasting practices and haulage. Waste products will be negligible and primarily consist of waste generated by workers on site.

Section 2.22 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,

Comment: There are no known feasible options to the use of public road for the transportation of materials from the site. Potential impacts on the road network have been considered in terms of capacity, efficiency and safety with appropriate conditions recommended to address these matters.

(b) limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,

Comment: It is recommended that haulage truck movements along school bus routes be restricted during school bus pick up and drop off times to improve safety.

(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: This has been included within the recommended conditions.

(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

Comment: The DA was referred to TfNSW who rejected the referral and provided no comments.

(b) the Roads and Traffic Authority (if it is not a roads authority for the road).

Comment: N/A – refer to (a) above.

(3) The consent authority—

(a) must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and

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

Comment: TfNSW did not provide a response.

(4) In circumstances where the consent authority is a roads authority for a public road to which subsection (2) applies, the references in subsections (2) and (3) to a roads authority for that road do not include the consent authority.

Comment: The consent authority (the Northern Regional Planning Panel) is not a roads authority.

Section 2.23 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.

Comment: The recommended conditions include rehabilitation requirements.

(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: It is intended that the site be utilised for grazing purposes following rehabilitation and proposed changes to the landform will be limited to that required to level stockpiles, stabilise the site and add topsoil for pasture growth.

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

Comment: Minimal waste will be generated during quarry operations although a condition is proposed to address this and any waste generated during rehabilitation.

(c) require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or

Comment: A condition is proposed to address any soil contamination during operation and to investigate and address any soil contamination identified at the remediation stage.

(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: A condition is proposed that the Rehabilitation Plan address public safety aspects.

ATTACHMENT C – Summary of Submissions

ISSUE	COUNCIL COMMENT
DUST - Dust is generated not just from truck loads but also from trucks traversing unsealed roads along the haulage route. - Dust causes health issues for asthmatics, impacts road visibility and traffic safety, impacts water quality and can affect the health of livestock in paddocks. - Water trucks are not always available and farm activities in proximity to Oakey Creek Road can be delayed or stopped due to dust impacts. - Watering roads can make the road slippery and dangerous. - Slow moving water trucks in low visibility conditions (due to dust) are a safety hazard. - The roadway adjoining dwellings at no.'s 655 (including the nearby intersection), 691 and 696 Oakey Creek Road should be sealed. - Is there any release of contaminants from the site through airborne dust?	This can be addressed via conditions regarding partial sealing and road watering. Noted – see above. A condition is recommended that a water truck remain on site at all times in dry weather conditions during truck haulage hours for the duration of each extraction campaign. A trade off exists between reduced dust and potentially slippery roads. All road users should reduce traffic speed during periods of poor visibility. A condition is recommended that sealing be undertaken in front of all dwellings located within 100m of Oakey Creek Road and Denver Lane. The EPA has not indicated any concern in this regard and has applied conditions within the GTAs to minimise dust impacts.
ROAD SAFETY - Safety of the road haulage route including: - Existing road capacity is not accurately reflected in the Traffic Report as the traffic survey is 8 years old and outdated, undertaken during a period of flooding, at a quiet time of year on the roads (regarding grain/cotton harvest period, cattle sale days, weekends, school holidays etc.) and increased traffic due to paving	An updated traffic survey was undertaken for a duration of two weeks and the results indicated that the local road network has capacity to deal with the additional traffic volume, even during peak periods. Note: The date of the survey does not coincide with road closures due to flooding.

Clifton Road and the gin expansion. Therefore, the cumulative impacts on road capacity, road safety and dust generation (reducing sight distances) are not considered. ○ Road quality is inadequate as Denver Road and parts of Oakey Creek Road are unsealed, narrow and corrugated. They are poorly maintained and can be dangerous (including pooling of water for weeks at a time at two intersections). Pialloway Road is also unsealed. ○ Width of haulage route not allowing two-way travel for road users (especially two trucks passing, noting particularly the movement of oversized agricultural machinery) along sections of haul route (especially two 90-degree bends and two causeway crossings) and one vehicle moving off the road to allow another to pass is not always possible due to trees, lack of a road verge and gullies. Stopping on the road risks the vehicle being hit from behind due to dust conditions. Road safety is particularly of concern for non-local road users unaware of local road conditions. ○ Safety of the school bus (on Oakey Creek Road) and public buses (on Currabubula Road) due to reduced visibility from dust, passing of quarry trucks on narrow roads and turning at unsafe intersections. ○ Road maintenance is based on resident complaints (and can be delayed up to six weeks following the complaint), not monitoring of conditions. ○ Roads are graded prior to a quarry campaign but not after, leaving the roads in poor condition.	A condition is recommended that all unsealed key haulage roads be repaired to a specified minimum standard (including a minimum 6m width) prior to and immediately following each extraction campaign. As above. It is recommended that give way signage be placed at the two one-lane causeways and that the road be sealed for 200m in each direction. Council's consultant engineer has advised that the 7m width at the bends is adequate. A condition is recommended that haulage trucks not use school bus routes during school pick up and drop off times. A condition is recommended that all unsealed key haulage roads be repaired to a specified minimum standard (including a minimum 6m width) prior to and immediately following each extraction campaign. As above.
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- Residents seek the following mitigation measures: - road widening and sealing (the entire Oakey Creek Road or at least in front of impacted homes) - regular road watering - intersection works to improve visibility - truck speed limit of 40km on unsealed roads - recording and annual reporting of haulage and water truck movements - funds/provisions to maintain the road system - a water truck to remain permanently on-site at the quarry during a campaign and haulage to cease if a water truck is not available.	Partial sealing is recommended in front of homes within 100m of Oakey Creek Road and Denver Lane. It's recommended that an Air Quality Management Plan be prepared that requires watering of unsealed sections of the haulage route. The only intersection considered to have visibility issues is Oakey Creek Road and Babbinsboon Road, due to vegetation obscuring sight distances. It's recommended that these trees be removed. This can be addressed via the recommended Driver Code of Conduct. Recording and reporting of haulage truck movements will occur to ensure that the quarry is operating within the extraction parameters specified in the consent with regard to annual tonnage and truck movements. Regular road maintenance of unsealed sections of the key haulage routes is recommended in the draft conditions, although developer contributions do not apply. Included in the recommended conditions but will only apply during dry weather periods.
DRAINAGE - Discharge of water from sump across paddocks and a roadway (causing road surface deterioration) which if containing contaminants would impact on stock and crop land adjoining the site. - Is there a guarantee that the development will not affect	The General Terms of Approval issued by the EPA require regular monitoring of stormwater discharge for contaminants. This will be determined by Water NSW should the quarry intercept groundwater

groundwater? Residents seek the following mitigation measures: piping of off-site stormwater discharge under the paddock and roadway.	EPA licensing conditions will control stormwater discharge, and this was not required. A condition is recommended that repairs be made to the impacted section of roadway following each discharge event.
OTHER Will there be security fencing constructed around the site, including fencing to prevent access by stock to the quarry area?	The EIS indicates that there is existing fencing and a locked gate on the boundary to prevent access.