

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-387 – DA2025-0114
PROPOSAL	Establish and operate a hard rock quarry (Strathmore Quarry) to extract up to 240,000 tonnes per annum and 1,600 tonnes per day for up to 30 years, with a maximum disturbance area of approximately 12 Hectares.
ADDRESS	Lot 1 DP 755321, Callendale 51 Gowrie Road WARRAL NSW 2340 Lot 102 DP 1288693, 5498 Duri Road WARRAL NSW 2340
APPLICANT	Scott Waters
OWNER	Oats Block Pty Ltd
DA LODGEMENT DATE	11/10/2024
APPLICATION TYPE	The proposal is identified as being “designated development” under Section 4.10 of the <i>Environmental Planning and Assessment Act 1979</i> (the Act), and Clause 26 Extractive Industries under Schedule 3 of the Environmental Planning and Assessment Regulation 2021. The proposal constitutes “integrated development” under Section 4.46 of the Act and “nominated integrated development”, as defined under the Act and corresponding <i>Environmental Planning and Assessment Regulation 2021</i>. The proposal requires approvals to be obtained from the following approval bodies: - An Environmental Protection Licence (EPL) from NSW Environment Protection Authority (EPA) under Section 48 of the <i>Protection of the Environment Operations Act 1997</i>.
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 7(1)(a) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as an extractive industry facility that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 26.
CIV	\$1,819,903 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A

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>State Environmental Planning Policy (Primary Production) 2021</i> • <i>Tamworth Regional Local Environmental Plan 2010</i> • <i>Tamworth Regional Development Control Plan 2010</i>
TOTAL & UNIQUE SUBMISSIONS ISSUES SUBMISSIONS	133 unique submissions (NB: a petition has been counted as 1 unique submission)
DOCUMENTS SUBMITTED FOR CONSIDERATION	Strathmore Quarry Environmental Impact Statement prepared by Quarry Plan NSW, Version 1.3 dated 12 August 2025. Plan Set prepared by Quarry Plan NSW, Plan 1, Plan 9, Plan 10, Plan 11, Plan 13, Plan 14 received 12 August 2025. Traffic Impact Assessment Additional Information letter prepared by Kelley Covey dated 4 November 2025. Biosecurity Risk Management Plan prepared by Quarry Plan NSW, Version 1.0 dated 3 January 2025.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	10 December 2025
PLAN VERSION	12 August 2025
PREPARED BY	Jessica Allen, Senior Development Assessment Planner, Tamworth Regional Council
DATE OF REPORT	28 November 2025

EXECUTIVE SUMMARY

Development Application DA2025-0114 /PPSNTH-387 seeks consent to establish and operate a hard rock quarry (Strathmore Quarry) to extract up to 240,000 tonnes per annum and 1,600 tonnes per day for up to 30 years, with a maximum disturbance area of approximately 12 hectares. Strathmore Quarry will supply mudstone rock derived quarry products primarily suitable for fill, as well as road construction and maintenance.

No drilling, blasting or explosive use is proposed.

The project comprises a hard rock quarry with a maximum:

- Annual extraction rate of 240,000 tonnes,
- Daily extraction rate of 1,600 tonnes.
- Daily processing rate of 2,500 tonnes.
- Disturbance area of approximately 12 Hectares which includes an extraction area of approximately 9.35 Hectares.
- Depth below existing ground level of 31 metres and minimum 16 metres.

The proposed operations will require an average of 26 heavy vehicle trips (equating to 52 total vehicle movements) per day.

The recommended hours of operation are:

- Construction:
Monday to Friday – 7:00am to 6:00pm and Saturday 8:00am to 1:00pm. No construction works are to undertaken on Sunday or Public Holidays
- Extraction, crushing and screening, loading trucks and shipping, and maintenance:
Monday to Friday – 7:00am to 6:00pm and Saturday 7:00am to 2:00pm
- Cleaning, security and administration:
All hours.
- Light maintenance:
All hours if inaudible on residential premises.

The site is located on Lot 1 DP 755321 and Lot 102 DP 1288693, approximately 8.8 kilometres south-west of Tamworth. The lots are surrounded by Gowrie Road, Spains Lane, Duri Road and Burgmanns Lane. The lots have historically been used for agriculture and are currently used for cattle grazing. The existing and approved land uses in the vicinity are farmland, residential and quarrying. Kingswood residential estate is to the east, there is farming to the north, farming and two small quarries to the south, then directly to the west is farming then further west is Warral residential dwellings.

The site is on land zoned RU4 Primary Production Small Lots pursuant to the *Tamworth Regional Local Environmental Plan 2010*. Extractive industries are permissible with consent in the RU4 zone.

The proposal is identified as being “designated development” under Section 4.10 of the *Environmental Planning and Assessment Act 1979* (the Act), and Clause 26 Extractive Industries under Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*.

The proposal constitutes “integrated development” under Section 4.46 of the Act and “nominated integrated development”, as defined under the Act and corresponding *Environmental Planning and Assessment Regulation 2021*. The proposal requires approvals to be obtained from the following approval bodies: -

- An Environmental Protection Licence (EPL) from NSW Environment Protection Authority (EPA) under Section 48 of the *Protection of the Environment Operations Act 1997*.

Section 2.19(1) and Clause 7(1)(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* declares the proposal regionally significant development as an extractive industry facility that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 26.

The proximity of the proposed quarry to residential development raised key issues of noise, air quality, traffic and access.

Noise

A Construction and Operational Noise and Vibration Assessment was provided. The closest sensitive receptor is approximately 550m away from the site on Lawrence Avenue, Kingswood. The quarry will operate during the day only, therefore only the day noise criteria is relevant.

A 3D computer noise model was generated for the construction phase. It modelled the worst-case scenario where all equipment was being used simultaneously at the closest point within the site to the receptor. The results predicted that all sensitive receptors except one would be below the day time noise affected criteria of 45 $L_{Aeq,15\ min}$, dB(A). One receiver is modelled to experience construction noise levels 2 dB above the daytime noise criteria, although the assessment explains that a 2 dB exceedance is considered to be negligible since most people cannot perceive a difference between two noise levels less than 2 db.

The additional traffic noise on public roads is predicted to meet the criteria of less than a 2 dB increase during the construction and operational phases.

The operational noise levels were predicated to be below the project noise trigger level of $L_{Aeq,15\ min}$ dB(A) at all sensitive receptors throughout operations.

The EPA consider that the noise and vibration impacts of the proposed quarry have been adequately assessed, noting the EPA considers it is a low risk proposal in terms of noise. All feasible and reasonable noise mitigation measures are to be implemented to minimise operational noise impacts to surrounding residential receivers.

The General Terms of Approval provided by the EPA are included as part of the consent. These set out noise limits for construction and operations. The conditions also include meteorological conditions for the noise limits and a requirement to install and use a local meteorological (weather) station to account for local conditions. Monitoring and reporting conditions are included which will provide for verification of the modelling to ensure noise remains within limits.

Noise from the proposal is not expected to impact nearby sensitive receptor and conditions have been imposed to ensure compliance with this.

Air Quality

An Air Quality Impact Assessment was provided. An atmospheric dispersion model was used to predict air pollutant concentrations and likely impacts on air quality in the local area. The results of the assessment indicate that the predicted short-term and annual total suspended particulate (TSP), particulate matter with an aerodynamic diameter of 10 microns (PM₁₀) and particulate matter with an aerodynamic diameter of 2.5 microns (PM_{2.5}) concentrations are compliant with the respective impact assessment criteria, with no additional exceedances of the 24-hour PM₁₀ and PM_{2.5} criteria.

The Air Quality Impact Assessment concluded that the subject site is suitable for its proposed use, with no identified air quality constraints associated with emissions resulting from the operations conducted at the site.

The EPA issued its General Terms of Approval with dust mitigation measures including the installation of a meteorology station on site to account for local weather conditions, water sprays during crushing and screening operations, access road to be gravelled, 20km/hr speed limits for vehicles and the implementation of an air quality management plan.

With the above management measures in place there are not expected to be any impacts on air quality and there will be monitoring requirements to confirm the levels are below the criteria.

Access and traffic

The applicant proposed access from Gowrie Road to Duri Road but also offered a Voluntary Planning Agreement to seal part of Spains Lane. Council has reviewed the Environmental Impact Statement (EIS), traffic report, additional information and also held internal discussions regarding access options. Council's position was that for the quarry development to proceed, the Gowrie Road intersection needed to be upgraded. The complication was that part of Gowrie Road is a Crown Reserve, subject to a native title claim and it would take an unknown amount of time for this to be rectified. From a public interest perspective, with the number of heavy vehicles proposed to utilise this site, the use of Spains Lane onto New England Highway is not appropriate considering the close proximity of the Kingswood large lot residential estate.

The applicant and their traffic engineer looked further into the options to use Gowrie Road and found the Government Gazette proclaiming the Crown Reserve – Travelling Stock Route. It said the Crown Reserve excluded the road reserve. Council requested advice from Crown Lands and, with supporting evidence from the State Archives, it was confirmed Gowrie Road was Council's and not Crown Land. This allows Council to impose conditions to upgrade Gowrie Road from the access point to Duri Road. The Voluntary Planning Agreement is not needed and part of Spains Lane remains unsealed, providing a disincentive for trucks to use Spains Lane and pass the Kingswood estate. The haulage route will be conditioned.

There were other key issues and these are addressed in the report. None of the key issues lead to the proposal not being supported.

Public Exhibition

The proposal was notified from 11 November 2024 to 9 December 2024. There was significant local opposition from the local community with 133 unique submissions. Prominent issues raised such as air quality, noise and traffic are modelled as low to negligible impact and this can be enforced through conditions. Although these issues can be managed, the large number of people concerned has led to Council including annual reporting conditions to increase transparency of the operations. An annual report will need to provide to Council with reporting on compliance against each condition and a summary of monitoring. The annual report will be made available to the public on request. Another condition is that if the results of monitoring required in the EPA General Terms of Approval identify those impacts generated by the project

are greater than the relevant impact assessment criteria, then the Proponent shall notify Council and affected landowners and tenants, whilst also providing quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria. This would cover noise and air quality, as well as some surface water monitoring.

There are benefits from the quarry that are in the public interest with the quarry materials to be used in local construction projects. Freight costs are a barrier for raw materials like gravel and a resource close to Tamworth available for commercial projects would assist local developments with road materials.

On balance it is considered that the proposal is consistent with the public interest given the concerns raised by the Kingswood residents can be managed and it provides for materials for local construction.

This development application has been considered in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported. It is recommended that Development Application DA2025-0114 (PPSNTH-387) for a hard rock quarry at Lot 1 DP 755321, Callendale 51 Gowrie Road WARRAL NSW 2340 and Lot 102 DP 1288693, 5498 Duri Road WARRAL NSW 2340 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

1. THE SITE AND LOCALITY

1.1 The Site

The site is located on Lot 1 DP 755321 and Lot 102 DP 1288693, approximately 8.8 kilometres south-west of Tamworth. Lot 1 DP 755321 has an area of approximately 149.9 Hectares and Lot 102 DP 1288693 has an area of approximately 403 Hectares. The lots are surrounded by Gowrie Road, Spains Lane, Duri Road and Burgmanns Lane. The existing access is on Gowrie Road.

The development site will be 12 Hectares within the lots. The quarry will be located on Lot 102 DP 1288693 (**Figure 1**) while access will be through Lot 1 DP 755321.

The lots have historically been used for agriculture and are currently used for cattle grazing. The farmland can be seen in the aerial imagery in **Figure 2** below. There are farm buildings, a dwelling, dams and scattered native trees on the lots.

The lots are mapped as bushfire prone land. The proposed quarry location is not within a flood planning area. There are numerous small watercourses mapped across the lots.

The lots are not connected to Council water or sewer. The lots are connected to electricity.

There are no heritage sites registered on the lots.

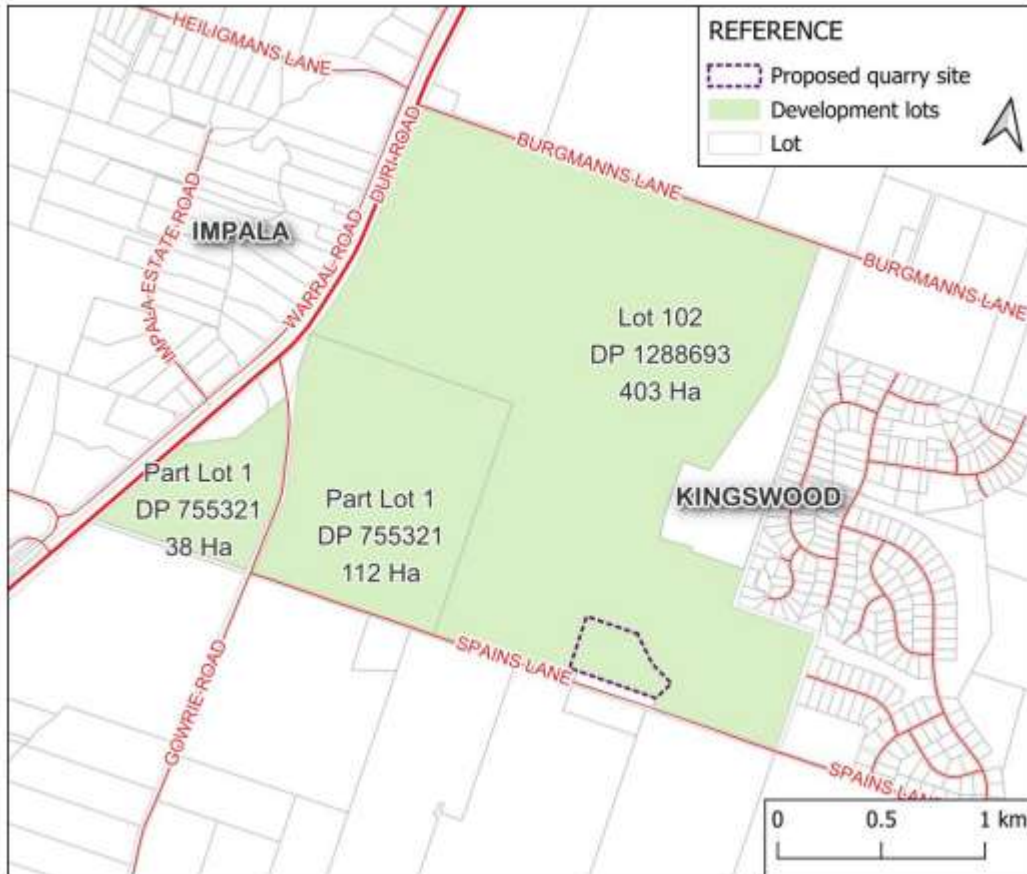


Figure 1: Development site plan from the Environmental Impact Statement.

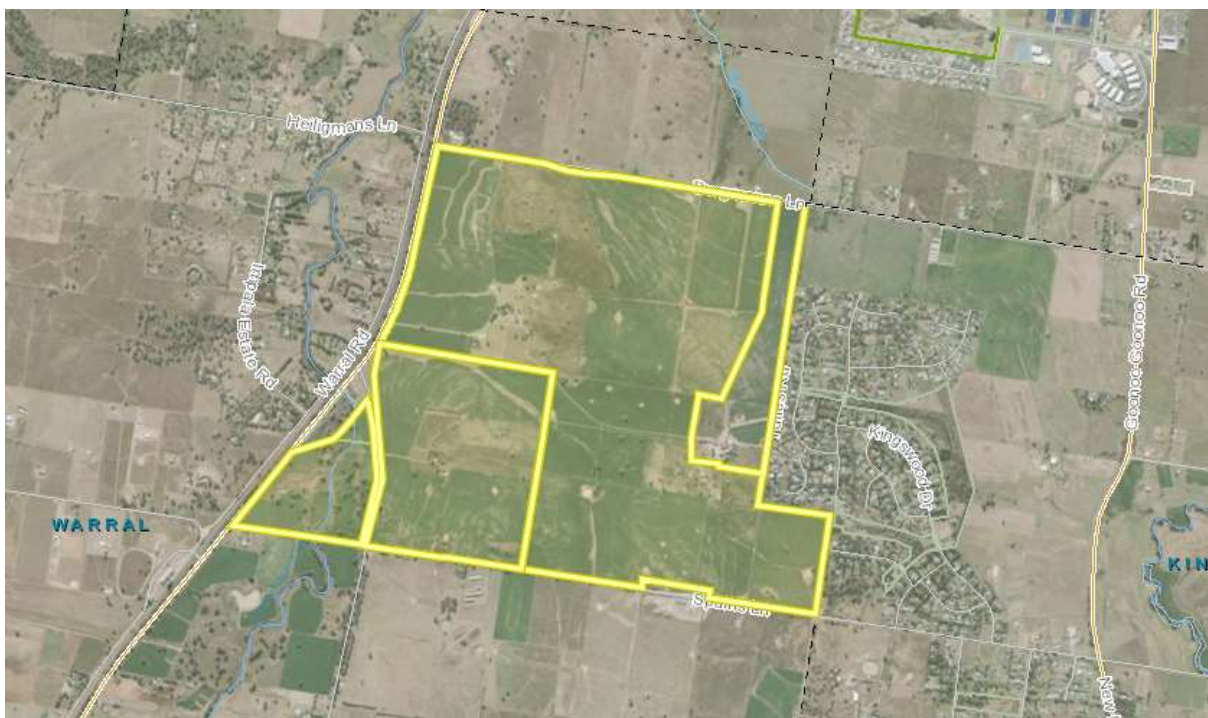


Figure 2: Aerial imagery. The subject lots are highlighted in yellow.

1.2 The Locality

The lots are located on land zoned RU4 Primary Production Small Lots. The land adjacent to the east is zoned as R5 Large Lot Residential and it is the established Kingswood residential community. There are also residential areas to the west and north, including the future Arcadia estate, but the residential lots to the east are the closest to the proposed quarry location. The land to the south is zoned RU4.

There are existing quarries on Spains Lane to the south of the proposed development. The quarries are operated by Council and Transport for NSW.

The lots are identified as a future large lot residential investigation area under the *New England North West Regional Plan 2041*. Council is in the process of drafting a structure plan for a Southern Gateway Activation Precinct, shown in **Figure 3**, and the lots are within Stage 2 of the proposed area. Stage 2 proposes full urban residential lots with a timeframe of the next 15 to 20 years.

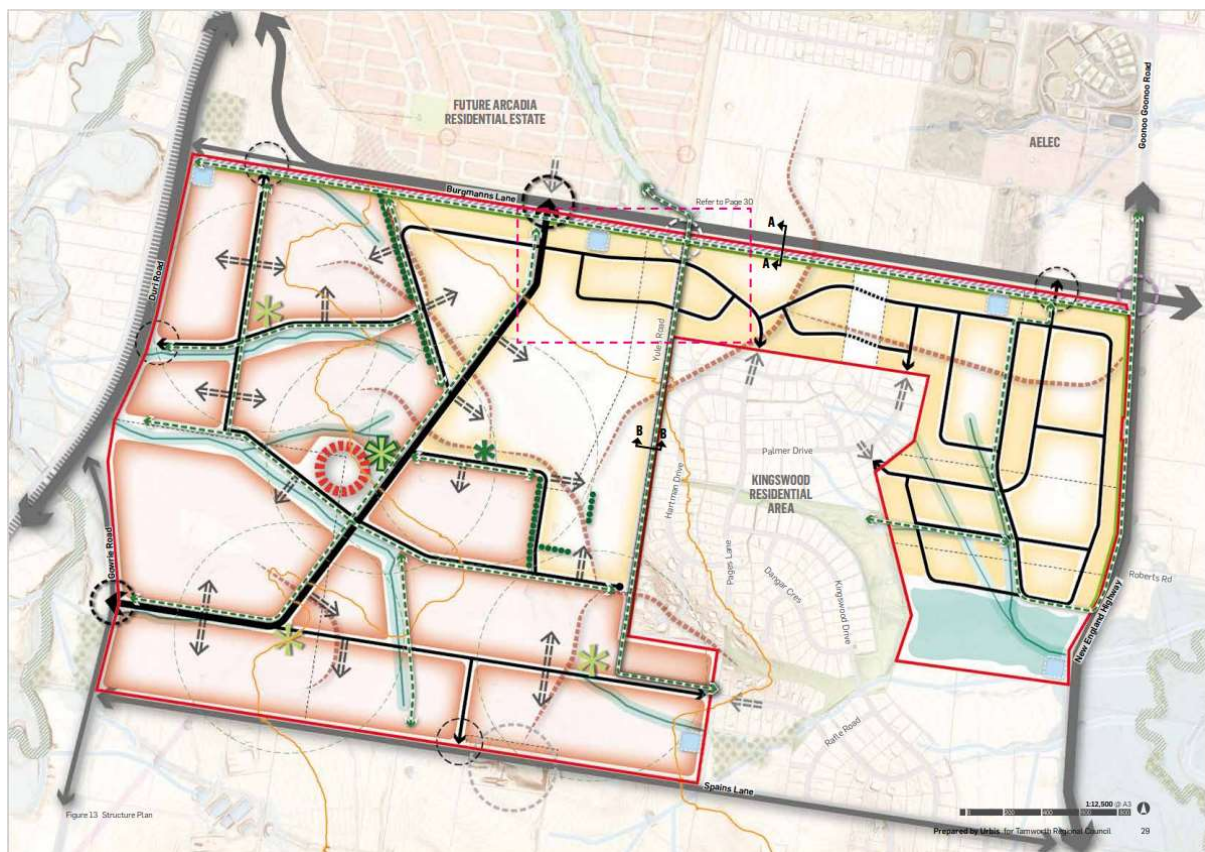


Figure 3: Draft Southern Gateway Activation Precinct.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent to establish and operate a hard rock quarry (Strathmore Quarry) to extract up to 240,000 tonnes per annum and 1,600 tonnes per day for up to 30 years, with a maximum disturbance area of approximately 12 Hectares (the Project). Strathmore Quarry

will supply mudstone rock derived quarry products primarily suitable for fill, as well as road construction and maintenance. The mudstone resource is about 4.6 million tonnes.

Specifically, the proposal involves:

- Progressive installation of environmental controls including:
 - Erosion and sediment control measures.
 - Berms to mitigate noise and aesthetic impacts.
- Delineation of the site and stockpiling areas.
- Construction of fencing.
- Construction of a site office, weighbridge and car parking area.
- Crush and screen material at the site to use to construct the access road and intersection.
- Construction of an access road and intersection with Gowrie Road.
- Business identification sign.
- Vegetation clearance, soil stripping and stockpiling for use in landscape mounds
- Quarry operations, including crushing, screening and importing materials for blending.
- Closure and rehabilitation of quarry site.

No drilling, blasting or explosive use is proposed.

The project comprises a hard rock quarry with a maximum:

- annual extraction rate of 240,000 tonnes,
- daily extraction rate of 1,600 tonnes.
- daily processing rate of 2,500 tonnes.
- disturbance area of approximately 12 Hectares which includes an extraction area of approximately 9.35 Hectares.
- depth below existing ground level of 31 metres and minimum 16 metres.

The proposed operations will require an average of 26 heavy vehicle trips (equating to 52 total vehicle movements) per day.

The applicant proposed the following hours of operation:

- Monday to Friday – 7:00am to 6:00pm and Saturday 7:00am to 2:00pm
Extraction, crushing and screening, loading trucks and shipping, and maintenance.
- All hours
Light maintenance, cleaning, security and administration.

In considering the General Terms of Approval by the Environmental Protection Authority (EPA) and the impact of noise, work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

- a) Construction:
Monday to Friday – 7:00am to 6:00pm and Saturday 8:00am to 1:00pm. No construction works are to undertaken on Sunday or Public Holidays.
- b) Extraction, crushing and screening, loading trucks and shipping, and maintenance:
Monday to Friday – 7:00am to 6:00pm and Saturday 7:00am to 2:00pm
- c) Cleaning, security and administration:
All hours.
- d) Light maintenance:
All hours if inaudible on residential premises.

The proposed quarry domains and access are shown in the **Figures 4 and 5**, respectively, below.

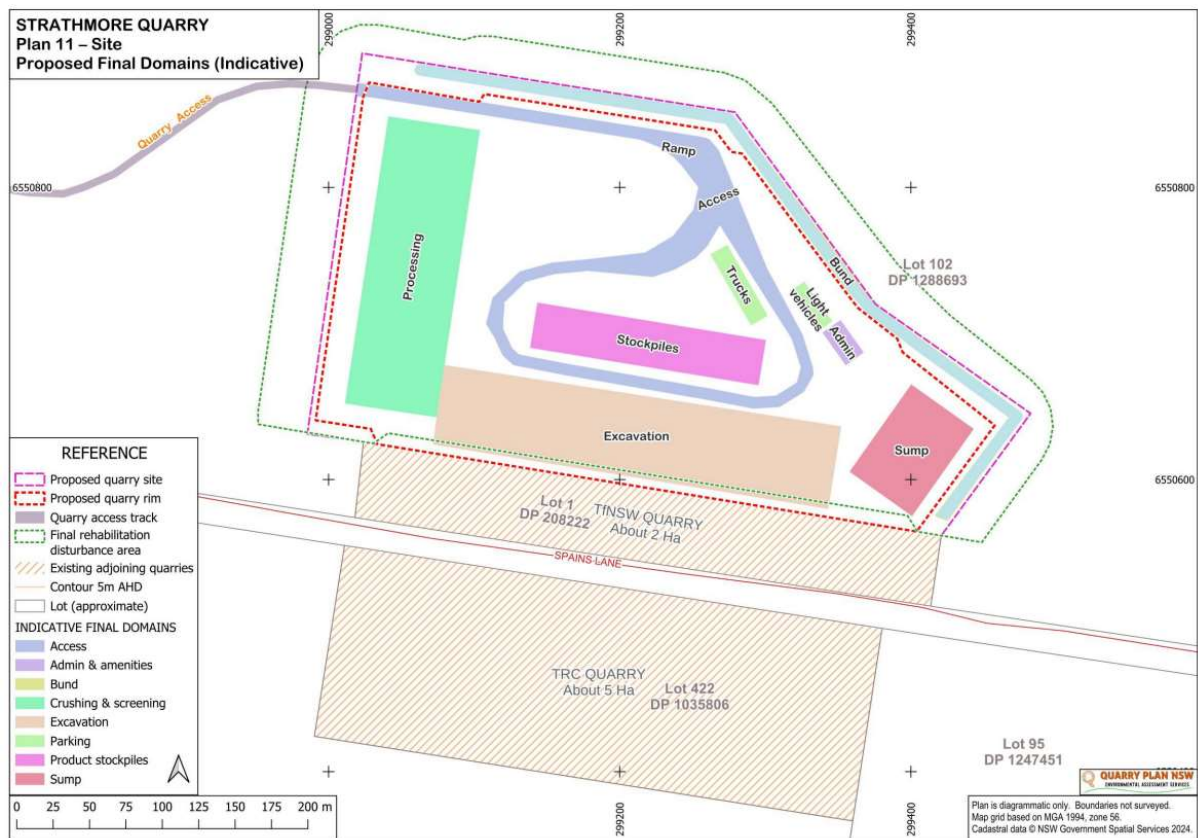


Figure 4: Proposed quarry domains.

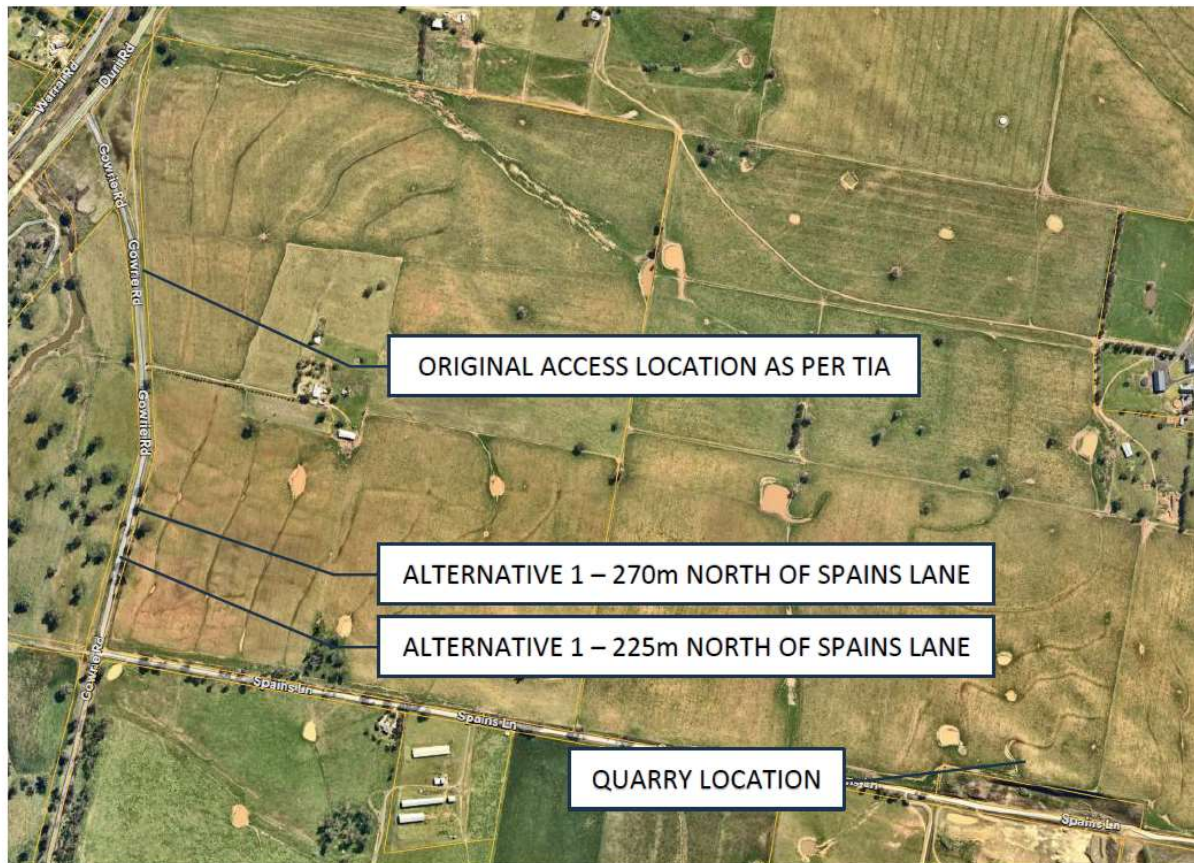


Figure 5: Access plan.

Table 1: Development Data

Control	Proposal
Site area	12 Hectares
Extraction rate	Up to 1,600 tonnes up per day; up to 240,000 tonnes per annum.
Life of quarry	Up to 30 years
Depth	Maximum depth below existing ground level of 31 metres
Truck movements	Average heavy vehicle loads of 26 per day (52 vehicle movements).

2.2 Background

A pre-lodgement meeting was held on 2 March 2023 between Oats Block Pty Ltd and Council prior to the lodgement of the application where various issues were discussed. A summary of the key issues raised at that meeting is outlined below:

- The subject lands have also been identified in the New England North West Regional Plan 2041 for future large lot residential investigation and the applicant was investigating re-zoning the lands for future residential development. The applicant needs to be clear about their future plans for the lands.
- The proposal will constitute a Designated Development, nominated integrated development and Regionally Significant Development.

- Tonnage extraction from the quarry is to be noted and advised in the Environmental Impact Statement (EIS).
- EIS to address the 500m buffer zone to sensitive receptors. It was suggested in the meeting to have a neighbourhood consultation addressing the development proposal, like a letter drop, this could assist when the application is placed on notification.
- Technical studies / assessments will need to be provided with the EIS, including but not limited to acoustic / noise, traffic, air quality, groundwater / surface water, land use conflict risk assessment.
- DA will need to be notified and advertised for minimum 28 days (being a designated and a nominated integrated development).
- There may be potential for an intersection upgrade at Werris Creek Road and Gowrie Road to facilitate traffic movements to site. Gowrie Road and Werris Creek Road are approved B-double routes so the design vehicle would be the 26m B-double. Gowrie Road may also need to be widened from Werris Creek Road and an appropriate intersection treatment provided at the entrance to the quarry.
- Internal access roads will need to be constructed with adequate dust suppressing materials and maintained regularly to minimise dust nuisance.
- A stormwater management plan will be required as part of any DA.
- Site security will need to be addressed.
- Check the title of the land as there may some encumbrances with respect to an electricity easement etc. Any encumbrances will need to be taken into consideration for any application.

These issues have been addressed in the proposal including by:

- The information provided by the applicant and technical experts in the EIS and in the appendices.
- Prior to submission, the applicant held a community information session on Saturday 6 May 2023 at the Tamworth Community Centre with a flyer drop advertising this beforehand. Interested community members have been sent electronic newsletters with updates.
- The DA was publicly exhibited for a period of 28 days.
- During the assessment the proposal was referred to relevant agencies.

The development application was lodged on **11 October 2024**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
11 October 2024	Application is lodged.
6 November 2024	Notification letters sent to residents advising the public exhibition would commence 11 November 2024.
11 November 2024 to 9 December 2024	Public exhibition of DA.
11 November 2024	Notices placed on DA site. One was located on Spains Lane and the other on Gowrie Road.
11 November 2024	DA referred to external agencies.

18 November 2024	Essential Energy advice provided.
3 December 2024	Department of Primary Industries and Regional Development advice provided. Additional information needed.
6 December 2024	Transport for NSW advice provided. Additional information needed.
10 December 2024	Request for additional information sent to Applicant asking to respond to Transport for NSW and Department of Primary Industries and Regional Development comments, and a more detailed cost summary.
20 December 2024	Environmental Protection Authority advice and General Terms of Approval provided.
13 December 2024	Tamworth Local Aboriginal Land Council (LALC) advice provided.
17 December 2024	Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science advice received. Need to request additional information.
3 January 2025	Additional information provided by Applicant. Amended EIS, Biosecurity Risk Management, Traffic Impact Assessment, Estimated Development Cost; and new Access Alternatives Plan provided.
6 February 2025	Sent request to applicant to respond to redacted submissions.
7 February 2025	Site visit by Panel.
10 February 2025	Submissions given to Department of Planning, Housing and Infrastructure on behalf of the Planning Secretary pursuant to Clause 60 of the Environmental Planning and Assessment Regulation 2021.
17 February 2025	Re-referred to the Transport for NSW with the additional information provided by the applicant.
12 February 2025	Department of Planning, Housing and Infrastructure responded that a decision was not required in relation to the submissions.
18 February 2025	Panel briefing.
25 February 2025	Additional information provided by Applicant. Biodiversity Assessment, Amended EIS and Response to Submissions.
11 March 2025	Transport for NSW provided advice.
22 May 2025	Request for additional information sent to Applicant to address issues and questions raised by Panel.
22 May 2025	Requested further Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science advice on Biodiversity Assessment.

26 June 2025	Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science provided advice.
18 August 2025	Additional information provided by Applicant. Addendum to Traffic Impact Assessment, Amended EIS, Amended Plan Set, Greenhouse Gas Assessment and Preliminary Site Investigation.
29 August 2025	Requested advice from Crown Lands on access.
25 September 2025	Council staff met with the applicant and their traffic consultant to discuss access.
24 October 2025	Crown Lands provided advice.
4 November 2025	Applicant proposed alternate access points along Gowrie Road.
19 November 2025	Final internal Council advice received with recommended conditions for access.

2.3 Site History

The development site has historically been utilised for agricultural purposes. Currently, there are dwellings, farm sheds and dams on the lots.

3. STATUTORY CONSIDERATIONS

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

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

(e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)

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

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

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *Tamworth Regional Local Environmental Plan 2010*
- *Tamworth Regional Development Control Plan 2010*

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

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021 There is unlikely to be an impact on koalas.	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage Section 3.6 – granting consent to signage A business identification sign up to 3 metres high and 3 metres wide is proposed to be erected at the quarry entrance. The business identification signage is consistent with the objectives of Chapter 3 and satisfies the assessment criteria specified in Schedule 5.	Y

State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) and Clause 7(1)(a) of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as an extractive industry facility that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 26.	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 4: Remediation of Land A Preliminary Site Investigation was undertaken. Soil samples were tested and were below the relevant criteria. No imported fill or visible contamination were observed on site. There is a low risk to future development. Hazardous or offensive industry Dangerous goods The preliminary risk screening in the EIS concluded that the development is not hazardous or offensive and a preliminary hazard analysis is not required.	Y
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and rural development The project site and surrounding agricultural land are comprised of predominantly Land and Soil Capability (LSC) Classes 5, 4 and 3 land which supports productive cropping and livestock enterprises. The significant change post-rehabilitation is the likely conversion of the project site to LSC Class 6 land. A Biosecurity Risk Management Plan has been prepared with appropriate agricultural weed, pest, and disease management protocols to ensure agricultural assets on the site and vicinity are protected.	Y
State Environmental Planning Policy (Resources and Energy) 2021	Chapter 2: Mining, petroleum production and extractive industries Section 2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses The proposed quarry is compatible with the existing and approved land uses in the vicinity that are farmland, residential and quarrying.	Y

	The preferred future uses of land in the vicinity of the development is residential development. The quarry can co-exist with future residential subdivision as detailed in the draft structure plan until the separation distance becomes too close. To prevent this land use conflict, trigger points for cessation of quarrying have been included as conditions. Section 2.20 Natural resource management and environmental management Council considers that consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner. The Proposal is expected to minimise greenhouse gas emissions to the greatest extent practicable. Section 2.21 Resource recovery Resource recovery is not an issue with the quarry being an open pit and the hard rock removed from site as the resource. Section 2.22 Transport Haulage by public road is the only option with different destinations for the material making rail unfeasible. An internal road to Gowrie Road reduces the distances the trucks use public roads for. Council does not support the use of Spains Lane due to the large number of trucks that would pass Kingswood residential estate. The school bus routes are on the eastern part of Spains Lane and these will be avoided. The applicant's preferred access is Gowrie Road to Duri Road and this route has been conditioned. Council is the roads authority for Gowrie Road and Duri Road. Transport for NSW were referred the DA for comments. They requested clarity on the truck route and updated modelling for the worst case scenario. These were provided and Transport for NSW's final advice was to specify the truck route on the consent, which has been included. The applicant has committed to a drivers' code of conduct and this has been conditioned. Section 2.23 Rehabilitation The EIS includes rehabilitation objectives and indicative measures. A condition of consent is included	
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	to ensure the rehabilitation of land that will be affected by the development.	
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure Section 2.48(2) (Determination of development applications—other development) – electricity transmission Essential Energy provided comments that will be included as conditions.	Y
Tamworth Regional Local Environmental Plan 2010	Clause 2.3 – Permissibility and zone objectives The proposed development is permitted with consent and meets zone objectives. Clause 5.10 Heritage conservation The site does not contain any TRLEP mapped heritage items. In regards to Aboriginal heritage, a site inspection was undertaken by Len Waters on behalf of the Tamworth LALC and a report submitted with the EIS. There was no evidence of Aboriginal activity or artefacts found. Clause 5.21 Flooding planning The quarry is not within a flood planning area. Clause 7.1 Earthworks The development is likely to satisfy this clause subject to conditions.	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala Habitat Protection 2020 for all other zones

This Chapter of the Policy applies in the Tamworth Regional Council Local Government Area (LGA) to land zone RU4 that has an area of more than 1 Hectare. Therefore, the provisions of this Policy require consideration as part of the proposed development. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas.

A biodiversity assessment was undertaken by a senior ecologist from Cedar Ecology Pty Ltd. To assess whether there was core Koala habitat, the senior ecologist first did an analysis of Koala records in BioNET. Next they did targeted scat searches under the preferred Koala feed trees species occurring at the site, Forest Red Gum. BioNET records indicated no Koala records within a 5 kilometre radius of the site and targeted searches for Koalas did not return

any signs of Koalas (faecal pellets, sightings, scratches on smooth-barked trees). The senior ecologist concluded core Koala habitat was absent from the site and Koalas are unlikely to occur at the site.

The proposal is highly unlikely to have an impact on Koala habitat.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021* aims—

- (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

A business identification sign up to 3 metres high and 3 metres wide is proposed to be erected near the quarry entrance. The sign will be not be illuminated. It will be no more than 5 metres above ground level.

There will also be safety and administrative signs around the site, however, there are exemptions for safety and security signs. The business identification sign is the only signage being assessed as part of this development.



Figure 6: Approximate location of sign along Gowrie Road.

The business identification signage is consistent with the objectives above and satisfies the assessment criteria specified in Schedule 5 as assessed below.

1. Character of the area

The site is on land zoned RU4 Primary Production Small Lots with the proposed sign location adjacent to farmland (see **Figure 6** above). The existing character along Gowrie Road is rural. There will only be one business identification sign so it will not be excessive and detract from the landscape. The size of the sign is large but a larger size is necessary to identify the business entry in time given the speed limit. The proposal is compatible with the character of the area.

2. Special areas

The sign is not considered to detract from the visual quality of the area and there are no special areas within the immediate vicinity of the site.

3. Views and vistas

The sign will not obscure or compromise on any view and will dominate the skyline. There are no other advertisers nearby to be affected.

4. Streetscape, setting or landscape

It is considered that the signage is appropriate for the setting and does not detrimentally impact on the visual interest of the streetscape. A simple larger sign at the entrance to a business fits with the rural setting along the street.

5. Site and building

The sign is compatible with the scale, proportion and other characteristics of the site. While the sign does not show innovation and imagination, it shows practicality with the sign at the entry.

6. Associated devices and logos with advertising and advertising structures

There are not external lighting devices, safety devices or platforms as part of the signage.

7. Illumination

There will be no illumination.

8. Safety

The larger size of the sign provides more time for customers to see the turnoff to the business and indicate. The sign will not be illuminated. The information on the sign will be the business name, logo, owner, address, operating hours and contact numbers meaning the signage could not be confused for prescribed traffic control devices. The proposed signage would not reduce safety for pedestrians, bicyclists or users of a public road.

In summary, the signage generally complies with the above assessment criteria under the Industry and Employment SEPP.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 7(1)(a) of Schedule 6 of the Planning Systems SEPP as the proposal is development for an extractive industry facility that meets the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule

3, section 26. Accordingly, the Northern Regional Planning Panel (NRPP) is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation (PSI) has been prepared for the site.

The PSI by GSG Laboratories identified traditional agricultural past practices as a potentially contaminating activity. Fifteen samples from 14 locations were tested for total recoverable hydrocarbons (TRH), polycyclic aromatic hydrocarbons (PAHs), 8 heavy metals, benzene, toluene, ethylbenzene, xylene (BTEX), organochlorine (OCPs), organophosphate pesticides (OPPs) and poly chlorinated biphenyls (PCBs) present in the soil. The results were that all samples were below the criteria for NEPM HIL A guidelines and management limits for residential, parkland and public open space. No imported fill or visible contamination were observed on site. The report concludes that it does not require any further investigation and there is a low risk to future development.

Council's Environmental Health reviewed the PSI and agreed that based on the contents of the report that the site is suitable for future development.

A standard condition has been included that in the unexpected event that contamination is discovered work must immediately cease and reported to Council to arrange an inspection.

Hazardous or offensive industry

Dangerous goods

The only significant proposed dangerous goods storage on the site will be diesel in an above-ground storage tank with approximately 20,000 litre capacity with a bunded area with a capacity of approximately 120 per cent. The storage system will be consistent with the requirements of *AS1940-2004 The storage and handling of flammable and combustible liquids*. There is no applicable guideline threshold for diesel storage.

The preliminary risk screening in the EIS concluded that the development is not hazardous or offensive and a preliminary hazard analysis is not required.

State Environmental Planning Policy (Primary Production) 2021

Chapter 2: Primary Production and rural development

The aims of Chapter 4 of the *State Environmental Planning Policy (Primary Production) 2021* (Primary Production SEPP) are as follows—

- (a) to facilitate the orderly economic use and development of lands for primary production,

- (b) to 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,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

Department of Primary Industries and Regional Development (DPIRD) reviewed the EIS and noted that the project site and surrounding agricultural land are comprised of predominantly Land and Soil Capability (LSC) Classes 5, 4 and 3 land which supports productive cropping and livestock enterprises. LSC Class 3 land 1.78 kilometres west of the disturbance site is also mapped as Biophysical Strategic Agricultural Land and State Significant Agricultural Land. The significant change post-rehabilitation is the likely conversion of the project site to LSC Class 6 land.

DPIRD stated it is important that there is appropriate agricultural weed, pest, and disease management protocols to ensure agricultural assets on the site and vicinity are protected and recommended that a Biosecurity Risk Management Plan is prepared.

After a request for additional information, the Applicant provided a Biosecurity Risk Management Plan. It includes appropriate management measures to manage biosecurity risks from feral animals, pests and diseases and weeds. The plan will be conditioned to ensure it is enacted.

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

The existing and approved land uses in the vicinity are farmland, residential and quarrying. The site will be on land currently used for cropping while the rest of the property is used for cropping and cattle grazing. The quarry will reduce the agricultural land on the property by 12 Hectares, which is approximately 3.7% of the property area, a relatively small amount. The extraction area is on the edge of the lot and unlikely to impact farming operations. The access track traverses approximately 2.2 kilometres of the property and will act as a barrier. Farming regimes will need to account for this with scheduling. A fence around the access track will act as a barrier for cattle and prevent trucks driving across and damaging crops. The quarry is not expected to significantly affect the viability of farming.

There are two existing quarries, one directly to the south of the proposed quarry and the other south of Spains Lane. The quarries have been operating long term but on a smaller basis than the proposed quarry. The new quarry is expected to be compatible with the existing quarries. The applicant currently has a lease on the adjacent Transport for NSW quarry which could lead to efficiencies, albeit the operations are separate with materials going to separate customers.

There are residential areas to the west and north, including the future Arcadia estate, but the residential lots to the east in Kingswood are the closest to the proposed quarry location. The closest non-associated dwelling is just over 500m from the quarry site. New residential subdivisions closer to the quarry are restricted due to the current zoning of RU4 and the minimum lot size. There is a low risk of potential impacts from the quarry to the existing dwellings due to the separation distance and the conditions of consent to enforce proposal limits and mitigation measures, including the establishment of a 500 metre “no dwelling” buffer restriction on the title of the subject land.

In considering land use trends, the likely preferred use of land in the vicinity of the development is residential development. The lots are identified as a future large lot residential investigation area under the *New England North West Regional Plan 2041*. Council is drafting a structure plan for a Southern Gateway Activation Precinct and the lots are within Stage 2 of the proposed area. Stage 2 proposes full urban residential lots with a timeframe of the next 15 to 20 years.

Noise and dust impacts from extractive industries increase with a smaller separation distance. The studies have predicted noise impacts will be negligible and predicted air quality will be within short term and annual limits with the current scenario of 500m separation distance. If rezoning occurs and dwellings are constructed closer this could lead to conflict. However, the future residential is likely to be staged with the early stages to the north of the property far from the quarry. This could lead to a period of many years of residential subdivisions within the Southern Gateway Activation Precinct that are compatible with the quarry operations. Eventually the future residential would be built too close for the quarry to operate concurrently. To prevent future land use conflict the consent includes several triggers to cease operations. The applicant has committed to ceasing all quarry extraction operations within 12 months of any proponent owned land within 500 metres of the quarry site being rezoned for residential land use and a subdivision plan being registered with NSW Land Registry Services to enable such use. Another trigger with distances to the nearest dwelling has been included in case the land and/or quarry is sold to another owner. A condition has been included to impose a Restriction as to User (Building Exclusion) pursuant to Section 88B of the *Conveyancing Act 1919* on the relevant subject lot (Lot 102 DP 1288693) to restrict the construction of new dwellings within a distance of 500 metres of the quarry site.

The quarry pit will remain an open pit at closure. It will be made safe, stable and non-polluting so while approximately 9.35 Hectares will be sterilised for residential development, residential subdivisions can surround it.

The proposed quarry is compatible with the current land uses, subject to conditions, so public benefits of raw materials for construction and road building in the local area can be utilised. The use of triggers to cease quarry operations enables the development to be compatible with the preferred future land uses.

Section 2.20 Natural resource management and environmental management

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

- (a) that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,
- (b) that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,
- (c) that greenhouse gas emissions are minimised to the greatest extent practicable.

(a) Water Resources

There are two farm dams that will be used as water supply for the quarry. Water will be imported to site if there are shortages along with measures to reduce water demand. There are no watercourses that will be impacted by the quarry.

The Groundwater Impact Assessment predicted no adverse impacts on the local groundwater from drawdown as a result of excavation to 430m AHD. To prevent contamination of groundwater the applicant has committed to standard appropriate mitigation measures such as bunding for fuel, spill kits and training for operators.

There is a low risk to water resources from the quarry and the risks will be minimised to the greatest extent practicable.

Threatened Species and Biodiversity

A Biodiversity Assessment Report was prepared by a senior ecologist from Cedar Ecology using a desktop analysis and a site visit. The report concluded there would be no significant impact on a threatened species or threatened ecological community. Mitigation measures were recommended to minimise the impact on flora and fauna and these have been included as conditions.

Greenhouse Gas Emissions

An assessment of the greenhouse gas emissions, including downstream emissions, of the development was undertaken by Todoroski Air Sciences. It had regard to the applicable international climate change agreements that Australia is a signatory or participant of, the emissions reduction targets in the Commonwealth *Climate Change Act 2022*, the Safeguard Mechanism, NSW Climate Policy Framework and the *NSW EPA Guide for Large Emitters* (NSW EPA, 2025).

The greenhouse gas emissions generated by the proposal are Scope 1 emissions and the key emissions indirectly associated with the proposal generated by third parties are Scope 2 and 3 emissions. The Scope 1 sources are the on-site combustion of diesel fuel used to power the equipment on-site and the combustion of diesel fuel for transport activities, including the transport of quarried material from the site. The customers for the quarry materials would primarily be from the local Tamworth area. There were no Scope 2 sources identified. Scope 3 emissions were identified as resulting from the purchase of consumables.

The estimated diesel for the operations and transport of quarrying material was used to estimate the annual CO₂-e for the proposal (**Table 4**).

Table 4: Summary of estimated CO₂-e emissions for the Proposal (t OC₂-e). From Table 4-3 Todoroski Air Sciences (2025).

Phase	Scope 1	Scope 3
Construction	190	47
Operation	1,079	266
Decommissioning	108	27

The estimated maximum emission rate is well below the threshold of 25,000 t CO₂-e in accordance with the *NSW Guide for Large Emitters* (NSW EPA, 2025). The contribution of greenhouse gas emissions is relatively small.

The operations will undertake the following measures where possible to minimise greenhouse gas emissions:

- Avoiding double handling of materials by optimising conditions for fleet operations.
- Recycling materials where feasible and minimising the production of waste generated on-site.
- Planning haulage routes to minimise distance where appropriate.
- Remind site and haulage staff to throttle down and switch off machinery that is not in active use via energy awareness programs.
- Investigate and utilise energy efficient plant where appropriate and review of alternative renewable energy sources.
- Undertake scheduled maintenance of plant and equipment to maintain fuel efficiency.

The above measures would be expected to minimise costs of the operation and provides an incentive to minimise emissions. The Proposal is expected to minimise greenhouse gas emissions to the greatest extent practicable.

Section 2.21 Resource recovery

Resource recovery is not an issue with the quarry being an open pit and the hard rock removed from site as the resource. There is crushing and screening but this is to reduce the size, not separate out waste product, and all the hard rock is utilised.

Section 2.22 Transport

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—

- require that some or all of the transport of materials in connection with the development is not to be by public road,
- limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,
- require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.

In considering whether some or all of the transport of materials in connection with the development is not to be by public road, haulage by public road is the only option. This is because different destinations for the material makes rail unfeasible. An internal road to Gowrie Road reduces the distances the trucks use public roads.

Council does not support the use of Spains Lane due to the large number of trucks that would pass Kingswood residential estate. The school bus routes are on the eastern part of Spains Lane and these will be avoided. The applicant's preferred access is Gowrie Road to Duri Road and this route has been conditioned.

Duri Road (MR130) is a classified (Regional) road and Gowrie Road a local road, with Council the roads authority for the roads, in accordance with Section 7 of the Roads Act.

Transport for NSW were referred the DA for comments. They requested additional information to clarify the truck route and updated modelling for the worst case scenario. These were provided. Transport for NSW's final advice was to specify the truck route on the consent, which has been included.

The applicant has committed to a drivers' code of conduct and this has been conditioned.

Section 2.23 Rehabilitation

Decommissioning and rehabilitation of the site is necessary at the cessation of operations. There are limited opportunities for progressive rehabilitation with the single open pit and the access tracks being used throughout operations. Operations will cease when the resource is extracted up to the limits or when future rezoning allows for dwellings to be constructed closer than assessed in this DA.

The EIS includes rehabilitation objectives and indicative measures. A condition of consent is included to ensure the rehabilitation of land that will be affected by the development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Section 2.48(2) (Determination of development applications—other development) – electricity transmission

The proposed quarry access track will pass through two electrical supply easements and under two power lines located in those easements. The applicant consulted with Essential Energy prior to lodgement and its advice was provided as Appendix K. Essential Energy consented to encroachment of the easement as described in the EIS subject to conditions. The conditions included height limits, no structures in the easement other the access road, Dial Before You Dig and following guidelines. The DA was referred to Essential Energy during assessment, as required by the Transport and Infrastructure SEPP, and the comments were the same as the pre-consultation. The Essential Energy conditions have been included in the consent.

Tamworth Regional Local Environmental Plan 2010

The relevant local environmental plan applying to the site is the *Tamworth Regional Local Environmental Plan 2010* ('the LEP'). The aim of the LEP is to make local environmental planning provisions for land in the Tamworth Regional Council area in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act. The particular aims of the LEP 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 encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving—
 - (i) important agricultural land, and
 - (ii) timber, minerals, soil, water and other natural resources, and
 - (iii) areas of significance for nature conservation, and
 - (iv) places and buildings of archaeological or heritage significance,
- (b) to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity,
- (c) to manage and strengthen retail hierarchies and employment opportunities, promote appropriate tourism development, guide affordable urban form and provide for the protection of heritage items,
- (d) to promote ecologically sustainable urban and rural development and control the development of flood liable land, and
- (e) to secure a future for agriculture by expanding Tamworth's economic base and minimising the loss or fragmentation of productive agricultural land.

The proposal is consistent with these aims as the proposal provides an orderly, economic and equitable development while safeguarding the community's interests and residential amenity.

Zoning and Permissibility (Part 2)

The site is located within the RU4 Primary Production Small Lots Zone pursuant to Clause 2.2 of the LEP (**Figure 7**).



Figure 7: An extract of the LEP land zoning map.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of *Extractive Industry* which is a permissible use with consent in the Land Use Table in Clause 2.3.

Extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of *industry*.

The objectives of the RU4 zone are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Extractive industries can be managed to ensure compatibility with the surrounding agricultural land. The proposal is considered to be consistent with these zone objectives for the following reasons:

- The proposal diversifies the employment opportunities on the farm.
- There is a buffer between the proposed quarry and the adjoining residential zone to the east.

General Controls and Development Standards (Part 2, 4, 5 and 6)

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** below.

Table 5: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Heritage (Cl 5.10)	This part requires that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The site does not contain any LEP mapped heritage items. In regards to Aboriginal heritage, a site inspection was undertaken by Len Waters on behalf of the Tamworth Local Aboriginal Land Council (LALC) and a report submitted with the EIS. There was no evidence of Aboriginal activity or artefacts found. The Tamworth LALC requested that a condition was included requiring that if any if suspected Aboriginal objects area located during future works, works should cease, and an Aboriginal	Y

		heritage consultant advised to assess the find and recommended if further investigation or permits are required. The LALC must be advised and consulted if suspected Aboriginal objects are located. A standard condition for finding suspected Aboriginal objects has been included on the consent.	
Flood planning (CI 5.21)	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	The quarry is not within a flood planning area. A previous flood study showed part of the lot near the proposed access point on Gowrie Road mapped within a flood planning area (Figure 8). That flood study is currently being reviewed by Council and the flood mapping currently being used shows no flood planning areas on the subject lots (Figure 9). Given both flood studies do not show the development within a flood planning area the quarry is compatible with the flood function and behaviour of the land, will not affect flood behaviour, will not affect the safe occupation and evacuation is not needed and will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. Considering the two studies, there is a flood risk near Gowrie Road and Duri Road, which form part of the truck route. An appropriate measure to manage risk to life in the event of a flood is to prevent truck movements during flooding on these roads. The management measure in the EIS is that in the event of floodwater inundating the intersection of the Gowrie and Duri Roads, haulage of quarry product will cease, pending advice from Tamworth Regional Council that the road is open. To ensure truck drivers are aware of this management measure it has been conditioned that it is included in the drivers' code of conduct.	Y

Earthworks (CI 7.1)	Before granting consent the consent authority must consider the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality; the effect of the proposed development on the likely future use or redevelopment of the land; the quality of the fill or the soil to be excavated, or both; the effect of the proposed development on the existing and likely amenity of adjoining properties; the source of any fill material and the destination of any excavated material; the likelihood of disturbing relics and the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The excavation will be managed so there are no adverse impacts on any adjoining properties. The bench and berm design should reduce erosion risk. Stormwater will be directed to separate 'clean' stormwater outside the pit and direct 'dirty' stormwater to a sump. Fill is not being imported. The destination of the excavated material is for sale to customers, likely to be local. Erosion and stormwater will be managed to prevent impacts on the surrounding land.	Yes
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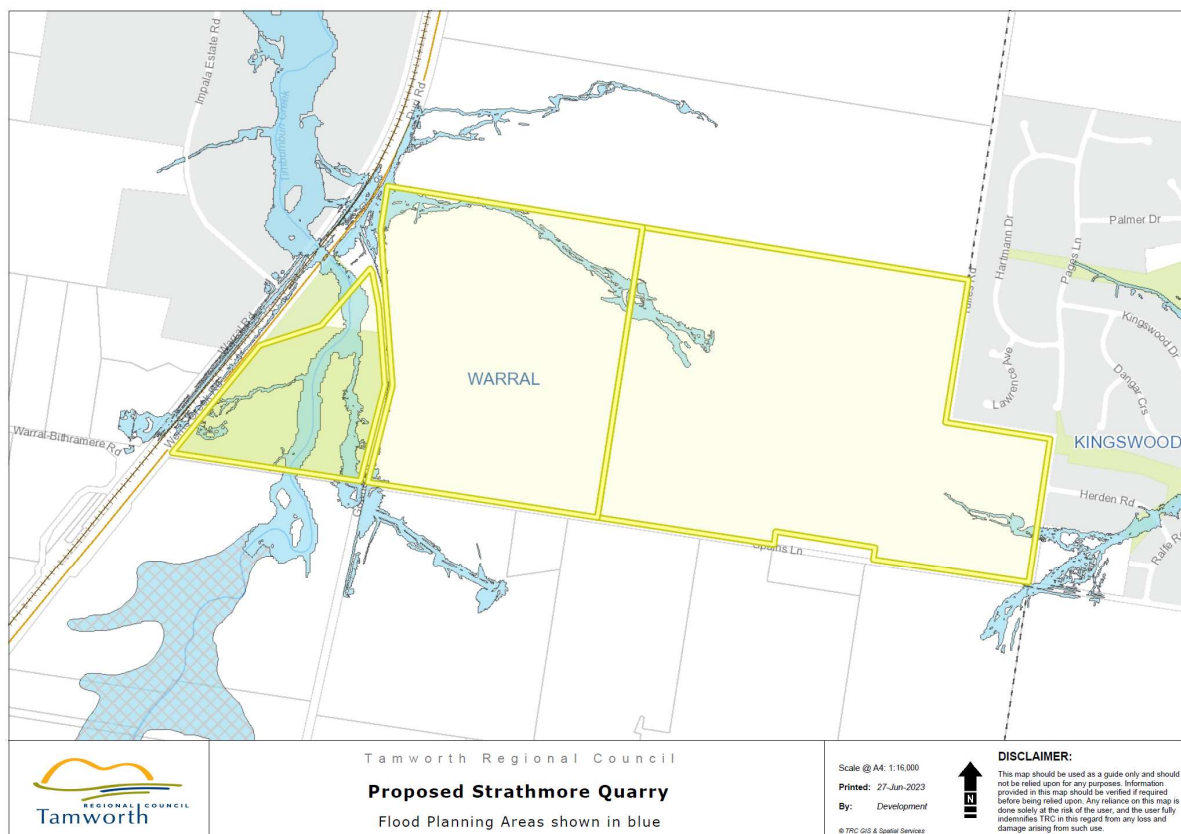


Figure 8: Flood planning areas shown in blue, dated 27 June 2023.

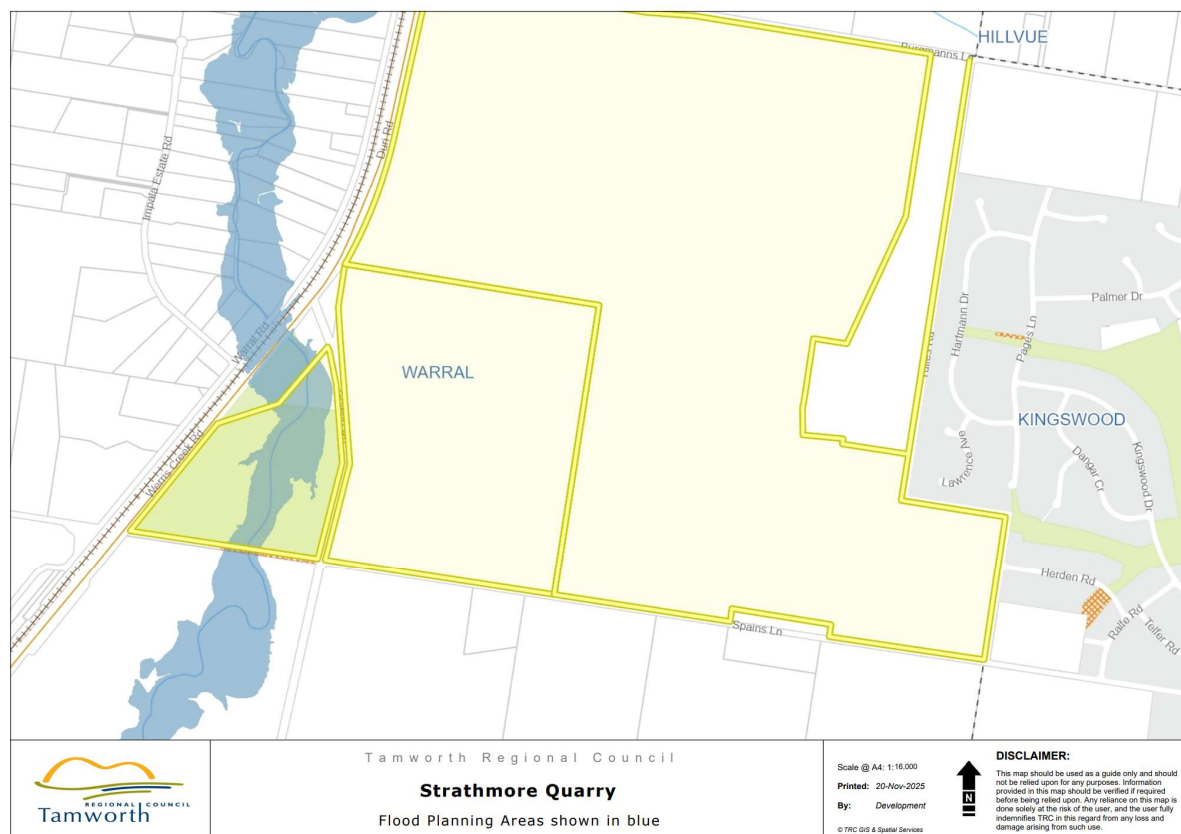


Figure 9: Flood planning areas shown in blue, dated 20 November 2025.

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

(b) 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 that are relevant to the proposal.

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

The following Development Control Plan is relevant to this application:

- *Tamworth Regional Development Control Plan 2010 (TRDCP 2010) – Amendment 18*

The TRDCP 2010 does not contain any specific controls for extractive industries. As noted in the definition of *Extractive Industry* in the LEP it is not an industry and therefore the Industrial controls in the TRDCP 2010 do not apply.

The TRDCP 2010 'Other Types of Development Controls' has development controls for Outdoor Lighting and Outdoor Advertising/Signage. A condition has been included that outdoor lighting must comply with AS4282 Control of Obtrusive Effects of Outdoor Lighting.

Advertising in rural areas may only advertise a facility, activity or service located on the land and the proposed business identification sign complies with this. The other relevant control is that signage must comply with the Industry and Employment SEPP Chapter 3 and Schedule 5 Assessment Criteria. As assessed in the Industry and Employment SEPP section of this report above, the signage for the development complies. The sign is not illuminated and is not one of the unacceptable forms. The development complies with the Outdoor Lighting and Outdoor Advertising/Signage development controls in the TRDCP 2010.

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

- *Tamworth Regional Council Section 7.11 (formerly known as S94 (Direct)) Development Contributions Plan 2013*
- *Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013*

The *Tamworth Regional Council Section 7.11 (formerly known as S94 (Direct)) Development Contributions Plan 2013* has the development contributions for haulage that is applicable for quarries.

The *Tamworth Regional Council Section 7.12 (formerly known as S94A) Development Contributions Plan 2013* applies to all forms of development other than:

- where the proposed cost of carrying out the development is \$100,000 or less;
- development for the purpose of disabled access;
- development for the sole purpose of providing affordable housing;
- development for the purpose of reducing a building's use of potable water (where supplied from water mains) or energy;
- development for the sole purpose of the adaptive reuse of an item of environmental heritage;

- development that has been the subject of a condition requiring monetary contributions under a previous development consent relating to the subdivision of the land on which the development is to be carried out.

The quarry could be subject to either Section 7.11 or Section 7.12 development contributions but not both.

Section 7.12 Contribution should be levied in this instance. Council has moved away from the s7.11 haulage contribution for extractive industries and intensive agriculture given the challenges in monitoring these over the long term. Section 7.12 are more transparent and easier to apply to local infrastructure.

Section 7.12 contributions are levied at 1% of development costs where the development is over \$200,000. An estimated development cost report by a quantity surveyor was provided and the estimated development cost (including GST) of \$2,001,893.30 was used to calculate the levy.

These Contributions Plan has been considered and Section 7.12 development contributions have been included the recommended draft consent conditions.

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

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site. The EIS proposed the possibility of a Voluntary Planning Agreement (VPA) whereby:

- It makes a significant contribution to the sealing of Spains Lane.
- It receives development consent for the proposed quarry, with access via Spains Lane.
- The agreed contribution is reasonable with regard for project related road use.

Council's assessment determined that access via Spains Lane was not supported. No further discussions on a VPA were held given the access will be on Gowrie Road.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. There are no relevant matters for this proposal.

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

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

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

Context and setting

The quarry is on farmland zoned RU4 Primary Production Small Lots where extractive industries are permissible with consent. It is directly adjacent to an existing quarry and across

the road from another quarry, both also located on RU4 zoned land. The quarry fits with the northern, southern and western rural small lot context.

To the east is land zoned R5 Large Lot Residential with Kingswood estate. There is a buffer between the site and the nearest residential dwelling. The quarry will need to be managed to prevent indirect impacts and conditions have been included to ensure this.

The subject lots are land that has been identified as a future large lot residential investigation area under the *New England North West Regional Plan 2041* and part of a draft Southern Gateway Activation Precinct. The context could change in the medium term if the land to the north is rezoned. To avoid future land use conflict a condition has been included to trigger the closure of the quarry if residential dwellings are built within a certain distance.

Access and traffic

Transport is a key issue for extractive industries. The nature of the operations is a larger amount of smaller trucks to disperse to different projects needing the materials in a local area. In these circumstances there is limited capacity for other freight methods such as rail and this results in increased road traffic.

A Traffic Impact Assessment was undertaken by Kelley Covey in accordance with the RTA Guide to Traffic Generating Developments (2002), Austroads Guide to Traffic Management, Part 12; Integrated Transport Assessments for Developments (Ref: AGTM12-20 dated April 2020) (Austroads Part 12).

For Strathmore Quarry an all-weather gravelled access track will be established on the subject lots between the quarry pit and the access point (entrance/exit) on Gowrie Road. Traffic will enter/exit Gowrie Road via Duri Road. Gowrie Road is a local road and Duri Road is a regional road. This route avoids passing the Kingswood residential estate.

The roads are currently used for local rural traffic for primary production small lots along Gowrie Road and Spains Lane. The roads do provide a through road to Kingswood residents along Spains Lane but a western part of Spains Lane is unsealed and residential traffic would generally prefer using New England Highway and the sealed eastern part of Spains Lane.

There will be a small amount of traffic with the construction phase of the proposal. This will consist of:

- About 5 low loader deliveries comprising a bulldozer, front end loader, vibrating roller, tracked crushing and screening plant, culverts & headwalls,
- A grader,
- About 2 to 4 tip trucks, and
- A peak of about 10 light vehicles, transporting staff to and from site.

These will be working onsite for a period of approximately 3 months. The impact of traffic during the construction phase is expected to be insignificant.

The trucks to be used to haul the hard rock to its destination will likely be tripper trucks. The most common is expected to be a truck and dog trailer with a standard load capacity of 32-tonnes. Other truck units that may use the quarry but are expected to be less common are side tipping trailers, B-double units, single-unit tippers and light-vehicle utes and trailers.

The calculated traffic generation rates were 26 heavy vehicle loads daily, equating to a total of 52 heavy vehicle movements per day. The heavy vehicle movements are based upon each vehicle having to enter then depart from the site.

The total heavy vehicle movements calculated above will result in 3 heavy vehicle trips per hour, or 6 heavy vehicle movements, generated during normal operating hours. Traffic from employees travelling to and from work would add 16 movements per day. A worst case scenario, using the maximum daily extraction rate rather than the average, would generate 100 heavy vehicle movements per day (six movements in each of the AM and PM peak periods).

During operations the highest impact will be on the intersection of Duri (Werris Creek) Road and Gowrie Road, and the intersection of Gowrie Road and the new entrance to the quarry. The individual Level of Service results for these two intersections and lane approaches remain at LoS A, and the overall network remains at LoS A in both the AM and PM peak periods. The Level of Service is a standard measure of the performance of the intersection with LoS A being the best. For an average day the Level of Service will remain the best level even with the additional quarry traffic. For the worst case scenario, the Level of Service of each intersection approach remains at LoS A, except for vehicles turning right out of Gowrie Road into Duri Road in the PM peak period. For that intersection in the PM peak period the level of service reduces to LoS B and the average delay increases to 15 seconds (from 13.8 seconds).

The modelling results showed there was capacity in the intersections and haul routes for the additional traffic from the proposal using average traffic rates and worse case rates from the quarry.

The Traffic Impact Assessment also analysed an alternate access arrangement with the access point on Spains Lane. During the assessment Council determined this arrangement would not be supported and the applicant pursued the original option of Gowrie Road. A condition has been included to confirm access is on Gowrie Road and the truck route is Gowrie Road and Duri Road. Trucks must not use Spains Lane.

Council's Development Engineering and Regional Services teams reviewed the Traffic Impact Assessment and assessed the potential impact of the increased traffic on Council roads over the life of the quarry. Council requires the Gowrie Road intersection to be upgraded and road widening of Gowrie Road by 0.5 metres to 8 metres of seal from the access point to the Duri Road intersection. There was a potential complication with an upgrade with part of Gowrie Road believed to be Crown Land – Travelling Stock Route. Further research by Kelley Covey and consultation with Crown Lands revealed the Gowrie Road reserve was not part of the Crown Land – Travelling Stock Route and therefore could be upgraded. The applicant requested flexibility of the exact access point along Gowrie Road. The conditions have been worded to allow this flexibility but it must be on Gowrie Road and the road widening from the access point. Council has also recommended conditions for lighting at the intersections. Although the operations are during the day, during winter with the reduced daylight the lighting would increase safety on the rural road for trucks entering and exiting the site. The access point lighting could be solar powered. Conditions to meet road safety standards and Council's Engineering Design Minimum Standards have been included in the consent.

The school buses that service Kingswood estate use New England Highway and Spains Lane, rather than Gowrie Road. The traffic route for the quarry would not interfere with any school buses or bus stops.

Heritage

There are no registered European heritage items on the site.

In regards to Aboriginal heritage, a site inspection was undertaken by Len Waters on behalf of the Tamworth Local Aboriginal Land Council and a report submitted with the EIS. There was no evidence of Aboriginal activity or artefacts found. A condition has been included to stop work if an Aboriginal artefact is found during works.

Air Quality

An Air Quality Impact Assessment was prepared by Northstar Air Quality Pty Ltd. An atmospheric dispersion model was used to predict air pollutant concentrations and likely impacts on air quality in the local area. Potential dust impacts on nearby residential sensitive receptors was a key requirement of the assessment. The model used the maximum rates for extraction, haulage and processes rather than averages to provide conservative results.

The results of the assessment indicate that the predicted short-term and annual total suspended particulate (TSP), particulate matter with an aerodynamic diameter of 10 microns (PM₁₀) and particulate matter with an aerodynamic diameter of 2.5 microns (PM_{2.5}) concentrations are compliant with the respective impact assessment criteria, with no additional exceedances of the 24-hour PM₁₀ and PM_{2.5} criteria.

Northstar Air Quality Pty Ltd concluded that the proposal site is suitable for its proposed use, with no identified air quality constraints associated with emissions resulting from the operations conducted at the Proposal site.

The DA was referred to the EPA and it issued General Terms of Approval. These are conditioned through the consent. The General Terms of Approval include the installation of a meteorology station on site to account for local weather conditions, water sprays during crushing and screening, access road to be gravelled, 20km/hr speed limits for vehicles, and an air quality management plan.

With the management measures in place there are not expected to be any impacts on air quality and there will be monitoring requirements to confirm the levels are below the criteria.

Water

Surface Water

The water management system will divert 'clean' stormwater away from the quarry pit and direct 'dirty' stormwater within the pit to a sump. The bunds surrounding the pit will separate the stormwater.

The water in the sump is expected to remain only in the short term with the water infiltrating the soil. This has been observed at the adjacent Transport for NSW quarry. While there is water in the sump it will be used for dust suppression. The EPA General Terms of Approval requires the applicant to monitor the quality of the water in the sump.

Potable water demand for the quarry operation is estimated to be approximately 0.1 ML per year. It will be sourced from off-site supplies delivered to site via a tanker.

The non-potable water supply for the proposal will be from two surface water detention dams, which are existing agricultural dams. The applicant will use harvestable surface water right of 38.6 ML under the *Water Management Act 2000*. Solar pumps and pipelines will reticulate water from the dams to a header tank on the rim of the quarry excavation. The header tank will have a volume of 20,000 – 50,000 litres. A pump will initially circulate water from the header tank but as the quarry becomes deeper it should then become feasible to rely on gravity feed

for distribution. The EPA General Terms of Approval requires the applicant to monitor the quality of the water in the two dams and sets pollution limits for oil and grease, pH and total suspended solids.

If the supply from the dams is insufficient during the construction period, then a licensed water carrier would be contracted to supply any additional water required.

Water is needed for dust suppression and misting dust suppression systems on the crushing and screening plant. A water cart will be used for dust suppression on the access road. The estimated water demand is 5 ML per year for dust suppression of access tracks and 3 ML per year for crushing and screening.

During drought time, water will be imported from commercial water carriers. The following measures will be undertaken to reduce water demand during drought:

- Reducing the quarry access track speed limit from 20 to 10km/h.
- Altering haulage routes within the quarry, where feasible.
- Ceasing some, or all, haulage activity until weather conditions improve.
- Where feasible, undertaking crushing and screening on a “campaign” basis when there is water available from the quarry water management system.
- Regularly reviewing long term weather forecasts for predicted El Nino events and aiming to increase stockpile volumes outside such events.

Council’s Development Engineering recommended a condition that a stormwater servicing strategy for the development site shall be prepared and submitted to Council for approval in accordance with the requirements of Minimum Standards for Stormwater Drainage of Council’s current version of Engineering Design Minimum Standards.

Groundwater

A groundwater impact assessment was undertaken by Groundwater Doctor Pty Ltd. The study area was a 1 kilometre radius around the excavation and processing areas as they were the quarry activities with potential to impact groundwater quality and quantity. The study involved a desktop review, installing four new groundwater monitoring bores at the site (MB01-04), measuring six existing groundwater bores, reviewing potential impacts to groundwater and providing recommendations to mitigate or manage potential groundwater impacts associated with the proposal.

The maximum proposed depth of excavation is 430m AHD, which is approximately 30m below the natural ground level.

The highest measured groundwater elevation was 433.95 AHD at MB01, located beneath the most elevated part of the proposed excavation area. The groundwater elevation was 425.48m AHD within MB04, located approximately 175m east of MB01. The measured groundwater elevation was 427.15m AHD at MB03, located approximately 220m north west of MB01. The groundwater elevation at MB01 is higher than the proposed maximum but this situation is only found beneath the ridgetop.

Ground Doctor (p.9) interpreted that, *“The groundwater elevation data indicates groundwater elevation varies proportionally to surface elevation. There is local mounding of the water table beneath the most elevated parts of the rounded ridgelines in the vicinity of the proposed excavation area. There is a relatively steep hydraulic gradient toward the east and a more gradual fall to the west and north west, consistent with the surface topography.”*

Ground Doctor concluded the risk posed by excavation to 430m AHD at MB01 at the top of the ridgeline was low. There is potential for minor drawdown induced by incidental take of groundwater by loss to evaporation caused by exposing water bearing mudstone to the elements. However, the groundwater elevation at MB02, MB03 and MB04 are less than 430m AHD and this suggests that the fractured rock has sufficiently low hydraulic conductivity to support a relatively steep hydraulic gradient, meaning any induced drawdown would not propagate far from the outer extent of the quarry excavation. Additionally, groundwater recharge occurs from rainfall infiltration in the immediate area and therefore the groundwater is likely to vary significantly over time based on seasonal rainfall. The season preceding the measurements had a high rainfall. Lastly, Ground Doctor (p. 17) said, *“Whilst there is potential for groundwater loss to evaporation if water bearing rock is exposed to the atmosphere there is also likely to be enhanced aquifer recharge through the base of the quarry excavation which will likely offset any evaporative losses.”* The final quarry void will not become a groundwater sink based on the monitoring data and conceptual groundwater model. Any groundwater inflow or accumulated surface water within the excavation should continue to drain away from the quarry void, consistent with the pre-development condition. An excavation to 430m AHD will not adversely impact the local water balance or pose a risk post-closure.

The activities that pose a contamination risk to groundwater are the use and storage of fuel and lubricants. The applicant has committed in the EIS to management measures to protect groundwater, which are the same measure to protect against soil contamination:

- Fuels, lubricants and chemicals will be stored and, where practicable, used within containment/hardstand areas designed to prevent the escape of spilt substances to the surrounding environment.
- Personnel will be trained in spill containment and response procedures.
- Appropriate spill response materials will be kept on site.
- Appropriate maintenance schedules for plant and equipment will be followed to detect and repair leaks.
- Spills will be reported and managed in accordance with legislative and licensing requirements.
- In the event that there is a significant diesel fuel or oil spill (more than 100 litres), the following actions will be taken:
 - All potential ignition sources will be removed to reduce the potential for fire.
 - Access will be restricted to authorised personnel only.
 - If there is potential for diesel, oil or chemicals to flow into an open waterbody or watercourse, the spill area will be bunded to isolate the diesel spill.
 - Contaminated soil will be recovered and either:
 - Retained on the quarry site for natural attenuation (break down by natural micro-organisms), if the volume of contaminated soil is less than 2 cubic metres, or;
 - Disposed of at an authorised waste depot, if more than 2 cubic metres.

There are not expected to be any adverse impacts on groundwater as a result of the development.

Flora and fauna impacts

The site has historically been used for agriculture with the property currently grazing cattle on native pasture and cultivated crops. There are scattered paddock trees around the property and the proposed quarry pit is currently used for cropping, as seen in **Figure 10** below.



Figure 10: Proposed quarry site in foreground. Photo taken 7 February 2025.

Advice was sought from the Conservation Programs, Heritage and Regulation Group (CPHR) (formerly the Biodiversity, Conservation and Science Group) of the NSW Department of Climate Change, Energy, the Environment and Water on the adequacy of the EIS in regards to the Biodiversity Offsets Scheme Threshold under the *Biodiversity Conservation Act 2016*. The EIS had concluded that the proposal would not trigger the Biodiversity Offset Scheme, however, CPHR could not verify all aspects of the proponent's assessment based on the insufficient information provided. The EIS should demonstrate consideration of the potential for the NSW listed (Biodiversity Conservation Act 2016) White Box, Yellow Box, Blakely's Red Gum Critically Endangered Ecological Community (Box Gum Woodland CEEC) to occur. Additional information was requested and the applicant commissioned a Biodiversity Assessment Report by Cedar Ecology.

The Biodiversity Assessment included a desktop analysis and a site visit. On 13 February 2025 the site was assessed by a senior ecologist using the following methodology:

- Random meander of the site whilst undertaking the following:

- Targeted surveys for threatened flora species and Threatened Ecological Communities (TECs) within appropriate habitat on the site.
- Undertaking verification/ mapping of vegetation communities occurring at the site.
- Completing a general flora inventory.
- Opportunistic survey of all fauna based on visual or aural observations.
- Mapping of habitat trees which include hollow-bearing trees or nest trees.
- Conducting habitat assessments to identify potential habitat for threatened species on the site.
- Targeted diurnal searches for Koalas within all Koala feed trees on the site.
- Targeted Koala scat surveys beneath Koala feed trees on the site.

The Biodiversity Assessment report concluded that the proposal does not trigger entry into the Biodiversity Offset Scheme as:

- No areas of Biodiversity Values (BV) mapped land would be impacted;
- The native vegetation clearing threshold for the site would not be exceeded.
- The proposal would not have a significant impact on any threatened entity.

Further advice was sought from CPHR who advised the revised assessment has partially addressed the previous CPHR recommendations. There were still deficiencies such as it does not relate the assessment outcomes and conclusions to the definition of the Box Gum Woodland CEEC (i.e. the NSW Scientific Committee final determination for the CEEC). It was noted that the information presented highlights the lack of impact to woody native species, the small area to be impacted, and the highly degraded nature of the groundcover present.

Council has considered CPHR's advice and while noting there are deficiencies, there is enough in the report to support that the proposal would not have a significant impact on Box Gum Woodland CEEC and would not trigger entry into the Biodiversity Offset Scheme.

The Biodiversity Assessment Report included six mitigation measures to minimise biodiversity impacts from the proposal. These are in **Table 6** along with how they have been considered.

Table 6: Mitigation measures recommended in the Biodiversity Assessment Report (Cedar Ecology, 2025) and Consideration

Impact	Mitigation	Consideration
Vegetation and habitat loss	Mark the limits of clearing and install fencing around the construction footprint area prior to construction activities commencing to avoid unnecessary vegetation and habitat removal/disturbance.	A condition has been included to mark the quarry site and quarry access prior to operations. Fencing is not specified to allow flexibility on marking.
	If threatened fauna is encountered, then work would stop immediately and a plan would be formulated by the ecologist to determine the most appropriate course of action.	Included as a condition during works.
Erosion and sedimentation	Erosion and sediment control measures must be installed in accordance with the Landcom/Department of Housing Managing Urban Stormwater, Soils and Construction Guidelines (the Blue Book) with specific controls installed around watercourses in the eastern portion.	Captured under standard Blue Book condition.

	Erosion and sedimentation controls are to be checked and maintained on a regular basis (including clearing of sediment from behind barriers) and records kept and provided on request.	Captured under standard Blue Book condition.
Biosecurity	Biosecurity risk weeds are to be managed according to requirements under the Biosecurity Act 2015 and/or Council management measures.	The <i>Biosecurity Risk Management Plan</i> is listed in Condition 1 and captures this.
	Measures must be implemented during construction works so that machinery and plant do not introduce weed seed or propagules to the site (e.g. by adoption and implementation of the 'Arrive Clean, Leave Clean' guidelines (DoE 2015)	The <i>Biosecurity Risk Management Plan</i> is listed in Condition 1 and captures this.

Overall, the impact to flora and fauna is low given the history of agriculture on the site and the proposal did not trigger entry to the Biodiversity Offset Scheme. The mitigation measures above will contain the clearing to that approved area and minimise indirect impacts.

Natural environment

The maximum disturbance for the site is 12 Hectares with an extraction area of approximately 9.35 Hectares. The quarry will irreversibly change the natural environment with the excavation area to remain an open pit at closure. The excavation area will be made safe by battering the western, northern and eastern walls of the quarry to develop a slope no greater than 3 horizontal to 1 vertical. The excavation is at the top of the ridgeline and this would result in the loss of the top of the ridgeline. While this is an impact on the topography at a local scale, this has already occurred with the adjoining Transport for NSW quarry. It will continue to keep the impact localised.

Noise and vibration

A Construction and Operational Noise and Vibration Assessment was prepared by RCA Australia. The assessment was prepared in accordance with:

- Interim Construction Noise Guideline (ICNG) (DECC, 2009)
- Noise Policy for Industry (NPI) (EPA, 2017)
- NSW Road Noise Policy (RNP) (DECCW, 2011)
- AS1055:2018 Acoustics – Description and measurement of environmental noise
- ISO 9613:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2

The assessment included one 15-minute attended noise measurement and a 15 days of unattended noise monitoring to measure the existing background noise levels.

The quarry will operate during the day only. The NPI defines day as 7 am – 6 pm, therefore the hours of operation coincide with the day noise criteria.

The closest sensitive receptor is approximately 550m away from the site on Lawrence Avenue, Kingswood. Other Kingswood residents are >550m. These are shown in **Figure 11** below.

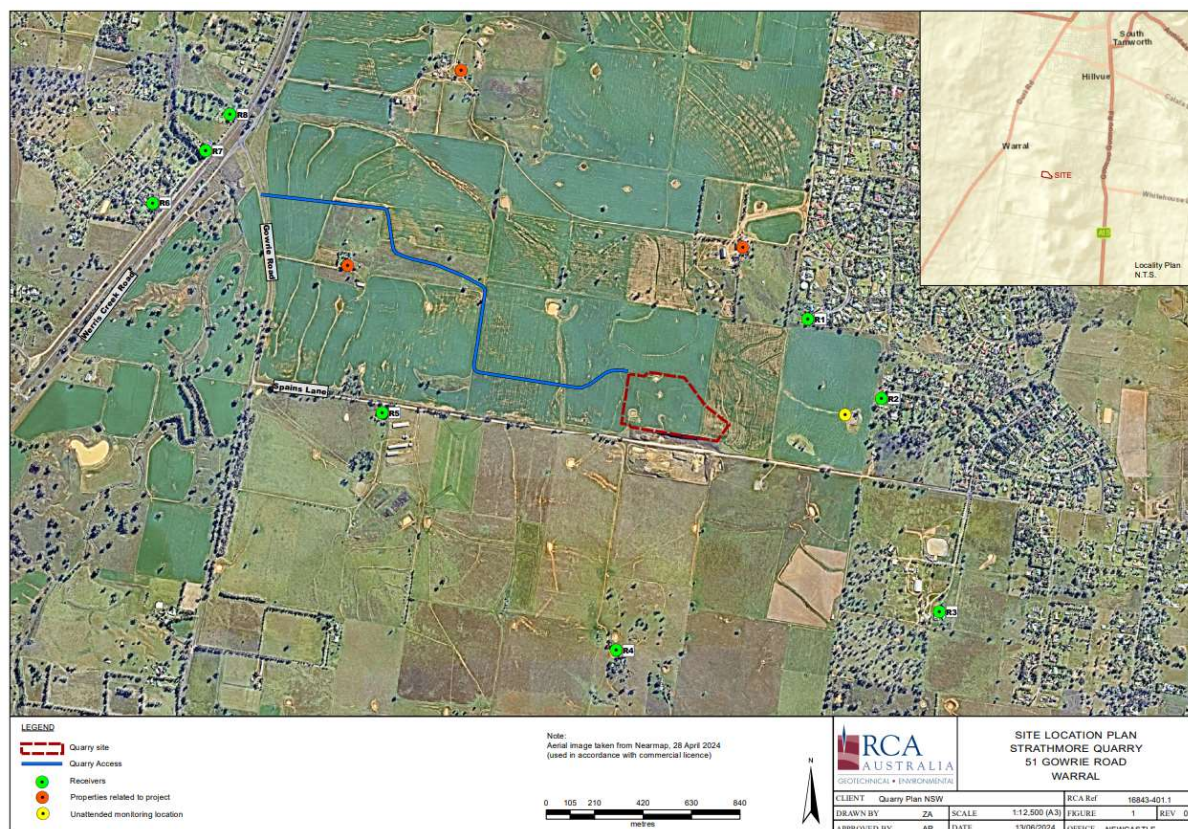


Figure 11: Sensitive receptors closest to the site. Please note only the closest sensitive receptors are marked and there may be other sensitive receivers behind some residential property receptors marked in green. Figure 1 from RCA Australia (2024).

A 3D computer noise model was generated for the construction phase using the CONCAWE algorithm within CadnaA (version 2023) software. It modelled the worst-case scenario where all equipment was being used simultaneously at the closest point within the site to the receptor. The results predicted that all sensitive receptors except one would be below the day time noise affected criteria of 45 $L_{Aeq,15 \text{ min}}$, dB(A). One receiver is modelled to experience construction noise levels 2 dB above the daytime noise criteria, although the assessment explains that a 2 dB exceedance is considered to be negligible since most people cannot perceive a difference between two noise levels less than 2 dB.

The additional traffic noise on public roads is predicted to meet the criteria of less than a 2 dB increase during the construction and operational phases.

The operational noise levels were predicated to be below the project noise trigger level of 40 $L_{Aeq,15 \text{ min}}$ dB(A) at all sensitive receptors throughout operations.

In regards to vibration, the Construction and Operational Noise and Vibration Assessment determined there were no vibration impacts expected on nearby sensitive receptors during construction or operations. This is based on the separation distances between equipment and residents and there will be no blasting.

Based on the modelling yielding no exceedances during operations and one negligible exceedance at one receptor during a worst case scenario in construction, the assessment did not recommend mitigation measures other than working during day hours.

The DA was referred to the EPA and the following advice was provided:

The EPA consider that the noise and vibration impacts of the proposed quarry have been adequately assessed, noting we consider it is a low risk proposal in terms of noise. All feasible and reasonable noise mitigation measures are to be implemented to minimise operational noise impacts to surrounding residential receivers.

Construction activities associated with the proposal are to take place during the recommended standard hours in Table 1 of the Interim Construction Noise Guideline (ICNG) (DECCW, 2009). All feasible and reasonable noise mitigation measures and work practices are to be implemented to ensure that construction noise and vibration impacts to surrounding residential receivers are minimised.

The General Terms of Approval provided by the EPA are included as part of the consent. These set out noise limits. Construction noise associated with the development must achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009 or as updated). During operations, the noise limit for any non-project associated residential receiver is 40 LAeq,15min dB(A). The conditions also include meteorological conditions for the noise limits and a requirement to install and use a local meteorological (weather) station to account for local conditions. Monitoring and reporting conditions are included which will provide for verification of the modelling to ensure noise remains within limits.

There will be a 3 metre bund along the northern and eastern edges of the proposed quarry, between Kingswood residents and the quarry, and one of its purposes is to reduce noise. This has been conditioned to be installed prior to excavation. As the pit deepens the noise will reduce.

Noise from the proposal is not expected to impact nearby sensitive receptor and conditions have been imposed to ensure compliance with this.

Natural hazards

The entire site is mapped as bushfire prone land. Pursuant to *Section 4.14 Consultation and development consent—certain bush fire prone land* of the *Environmental Planning and Assessment Act 1979*:

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that is relevant to the development (the relevant specifications and requirements), or

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

Planning for Bush Fire Protection 2019 does not have specific requirements for quarries but it does include mining in the chapter on 'Other Development.' Section 8.3.6 provides the following guidance for mining:

- Where mining and associated activities are carried out on bush fire prone land, consideration should be given to any hazards and risks associated with bush fire. It may be necessary to implement measures to control and manage any identified hazards and risks.
- Given the potential hazard and risks, a Bush Fire Emergency Management and Operations Plan should be prepared to cover any mining activities and petroleum production undertaken on bush fire prone land, with consideration to the same provisions detailed in section 8.3.5 for wind and solar farms.

Vegetation will be cleared prior to the excavation of the quarry and the quarry pit itself is hard rock, reducing the fuel load in the immediate vicinity. The applicant has proposed the following mitigation measures:

- Grass and weed fuel loads in the vicinity of the quarry will be managed by herbicide, grazing or slashing to reduce bushfire risk.
- The parking and maintenance of light and heavy vehicles will be undertaken on cleared operational areas, away from long grass, crops or other vegetation which may pose a fire hazard.
- Any work with a significant fire ignition risk, such as grinding and welding, will only be undertaken on cleared operational areas with suitable fire protection equipment present (e.g. fire extinguishers).
- Quarry related operations will cease and the site evacuated the event of any bushfire within the vicinity that the Quarry Manager deems to be a potential hazard to quarry staff or visitors.

The management measures are considered proportionate to the bushfire risk and will be enforced through conditions.

Site design and internal design

The quarry open pit design is for it to be benched every 10 metres vertically (or near vertical) with a 5 metre wide horizontal bench.

The proposed quarry is adjacent to the existing Transport for NSW quarry on Lot 1 DP 208222. Its current depth is 16 metres below natural ground level. The applicant has a lease over the Transport for NSW quarry and plans to quarry to the full extent of the common boundary, rather than leaving a buffer between them. There will still be two separate quarries but will share an open pit. This optimises the resource that each can extract. **Figure 12** below shows cross sections of the proposed interaction between the two quarries.

The applicant expects the higher rate of quarrying in the proposed quarry to lead to a deeper pit compared to the Transport for NSW quarry. This will trigger safety measures such as fencing, signage and an earth berm at least 3 metres high.

The Transport for NSW quarry will continue to need to operate sufficient distance from Spains Lane to prevent geotechnical issues. The distance between the proposed quarry and Spains Lane is 40 metres and there are not expected to be geotechnical impacts to Spains Lane as a result of the quarry.

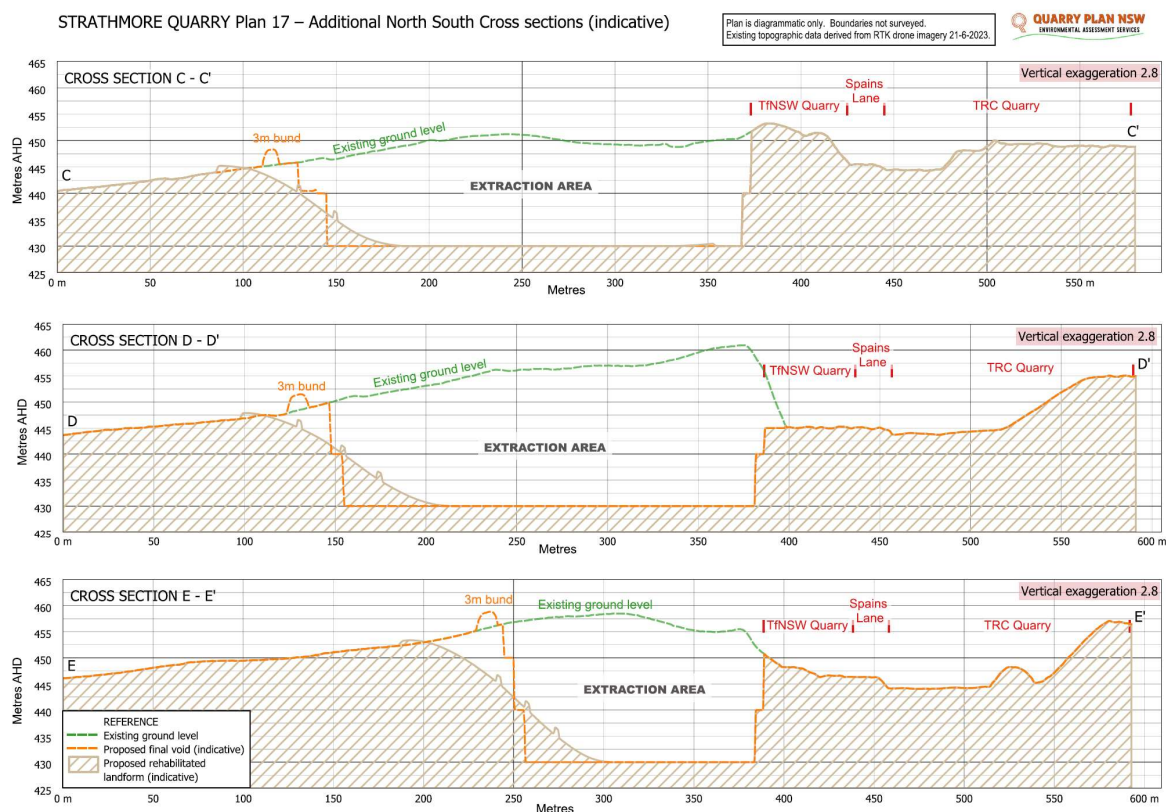


Figure 12: Cross section of the proposed quarry and adjacent Transport for NSW quarry. Plan 17 from the Plan Set prepared by Quarry Plan NSW.

Social Impact

There is concern from local residents about the social impact on the Kingswood estate community. The Applicant had community consultation before submitting the DA and between that and the public submissions there is a strong sense of place within the Kingswood residential estate. There likely will be impacts to that sense of place that cannot be mitigated. In considering the public good, the potential impact on the sense of community is not to the extent whereby a refusal would be recommended.

Visual

A visual impact assessment (VIA) was prepared by Quarry Plan NSW to consider visual impacts from the quarry at private residences and on landscape character. The VIA considered the impact on rural dwellings (RU4 Primary Production Small Lots) and urban (R5 Large Lot Residential) dwellings within a 1 kilometre radius. The VIA used the *Guideline for Landscape Character and Visual Impact Assessment EIA-N04* that assesses visual impact and landscape character impact separately.

- Visual impact – the day to day visual effects of a project on people's views (what people see at a place, when they are there).
- Landscape character impact - the overall impact of a project on an area's character and sense of place (what people think and feel about a place and how society values it, whether or not they are physically present at it).

The quarry is located on a ridge surrounded by agriculture, existing quarries, several rural dwellings and multiple urban dwellings.

The VIA found that in the Kingswood residential area there were about 4 four lots with dwellings that had partial views and 4 lots with dwellings that had significant views of the proposed quarry site based on existing topography, buildings and vegetation. The 4 with significant views were analysed for sensitivity and magnitude of change to landscape character. The expect visual impact ratings for 2 of the dwellings were moderate-low and the other 2 were moderate.

Two lots in the Impala residential area had partial views of the proposed entrance and access road and one lot had partial views of the proposed entrance, access road and quarry. There was low sensitive with Duri Road and the railway in the existing viewshed and the magnitude of change was low with Duri Road. The visual impact ratings for the 3 dwellings were low.

Three rural dwellings had partial views of the quarry. The closest of these is 830 metres from the quarry. Some of these have existing visibility of the two existing quarries.

The excavation at the quarry, with the 3 metre high bund, is predicted to have the following results:

- Up to 3 Kingswood viewpoints with partial views of the interim quarry floor at 450m AHD, with a maximum combined view up to about 15%.
- The proposed interim quarry floor at 445m AHD will not be visible from the modelled viewpoints, although the face and crest of the proposed berm would be.
- The proposed quarry will result in minimal alteration to the visibility of the Transport for NSW or Council quarries.

The construction of the bund reduces the visibility of the quarry excavation and as the quarry excavation deepens visibility reduces. The VIA recommends that the 3 metre bund is established during the construction phase.

Overall, there was a small number of dwellings that will have a moderate-low and low visibility of the quarry and these are reduced with the construction of a bund on the northern and eastern sides of the quarry. A condition has been included that the proponent shall install a 3 metre bund along the northern and eastern edges of the proposed quarry prior to excavation i.e. during the construction phase.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

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

The proposed quarry is an extractive industry that is permitted with consent on land zoned RU4 Primary Production Small Lots. The geology and topography are favourable for a hard rock quarry and the distance from the Tamworth CBD, approximately 8.8 kilometres, will provide for more affordable delivery of material to local construction projects.

The adjoining land uses of residential pose challenges but the quarry is setback enough (>500m) from nearby sensitive receptors that the issues can be managed rather than being prohibitive.

The site is considered to be suitable for the proposed development

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

These submissions are considered in Section 5 of this report.

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

There was significant local opposition from the local community with 133 unique submissions. Prominent issues raised such as air quality, noise and traffic are modelled as low to negligible impact and this can be enforced through conditions.

There are also benefits from the quarry that are in the public interest with the quarry materials to be used in local construction projects. Freight costs are a barrier for raw materials like gravel and a resource close to Tamworth available for commercial projects would assist local developments with road materials. The sequential land use of extracting the resource prior to future rezoning from the north is an effective use of land.

There would only be a small workforce with initially a quarry manager, approximately 3 plant operator and an administrative support officer. The number of plant operators may increase during peak periods but not to the scale of public interest.

On balance it is considered that the proposal is consistent with the public interest given the concerns raised by the Kingswood residents can be managed and it allows for sequential land use.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

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

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
Essential Energy	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Chapter 2: Infrastructure Section 2.48(2)	Essential Energy provided comments to protect its assets. These have been included as conditions.	Y
Department of Primary Industries and	<i>State Environmental Planning Policy (Primary Production) 2021</i> – for advice, not referral	Advice was requested in relation to the land capability assessment. DPIRD provided comments and recommended that a Biosecurity	Y

Regional Development		Risk Management Plan was prepared. The Applicant provided a Biosecurity Risk Management Plan that provided appropriate weed, pest and disease management protocols. . .	
Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation Group (CPHR) (formerly Biodiversity, Conservation and Science Group)	<i>Biodiversity Conservation Act 2016</i> – for advice, not a referral	Advice was requested on biodiversity. There was a lack of supporting information for the conclusion in the EIS. Additional information was requested and a Biodiversity Assessment by an ecologist was provided. CPHR reviewed the revised environmental impact assessment content for the White Box, Yellow Box, Blakely's Red Gum Critically Endangered Ecological Community (Box Gum Woodland CEEC) and provided updated advice for Council to use.	Y
Transport for NSW	<i>State Environmental Planning Policy (Resources and Energy) 2021</i> Section 2.22 Transport	Transport for NSW had questions about whether Spains Lane was to be used as a haulage route. Transport for NSW also requested amended traffic modelling. The updated modelling was provided by the Applicant and reviewed by Transport for NSW. The advice included that if Council is satisfied all vehicles (heavy and light) will travel westbound and access Duri Road / Gowri Rd intersection, it is recommended that the identified haulage route to the west be specified as a condition of consent. This has been included as a condition. Further advice to Council was that transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for	Y

		transportation on public roads. This has been included as an advisory note on the consent.	
Tamworth Local Aboriginal Land Council (LALC)	<i>National Parks and Wildlife Act 1974</i> – for advice, not referral	A site inspection report was undertaken by Len Waters on behalf of the Tamworth LALC and submitted with the EIS. There was no evidence of Aboriginal activity or artefacts found.	Y
Crown Lands	For advice, not referral	Crown Lands confirmed that the Crown Reserve – Travelling Stock Route (Lot 7001 DP 1026363) excludes the road reserve. Records of the road reserve at the time were provided.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Environmental Protection Authority	<i>Protection of the Environment and Operations Act</i> Section 43(d), 48, 55 – scheduled activity	The EPA reviewed the information provided and determined that it is able to issue a licence for the proposal, subject to conditions. The EPA has provided General Terms of Approval, which are conditions intended for the environmental protection licence for this proposal. In assessing the proposal, the EPA has also identified the following environmental issues that the consent authority may wish to consider in its overall assessment of the application. <u>Noise Impacts</u> The EPA consider that the noise and vibration impacts of the proposed quarry have been adequately assessed and consider it is a low-risk proposal in terms of noise. All feasible and reasonable noise mitigation measures are to be implemented to minimise operational noise impacts to surrounding residential receivers. Construction activities associated with the proposal are to take place during the recommended standard hours in Table 1 of the Interim Construction Noise Guideline (ICNG) (DECCW, 2009). All	Y

		feasible and reasonable noise mitigation measures and work practices are to be implemented to ensure that construction noise and vibration impacts to surrounding residential receivers are minimised. <u>Air Impacts</u> The Air Quality Impact Assessment (AQIA) includes different modelling scenarios to account for the emissions from peak annual activity (extraction, processing and haulage) rates of 240,000 tonnes per year and peak daily activity rates of 2,500 tonnes per day. The AQIA has assessed cumulative impacts (background plus project related emissions) of total suspended particulates, deposited dust, PM10, and PM2.5, at off-site sensitive receptor locations in the area surrounding the proposed development. Maximum (24-hour average) dispersion modelling of the most intensive extraction, processing, and haulage rates (2,500 tonnes per day) predict that the impact assessment criteria should not be exceeded at any off-site sensitive receptors for the assessed pollutants. Annual average concentrations based on the maximum annual extraction rate (240,000 tonnes per year) predict compliance with the impact assessment criteria for the assessed pollutants. The EPA consider that recommended conditions of approval can help manage any residual risks of adverse air quality from the proposed development.	
Council	S138 - <i>Roads Act 1993</i> for works in the road reserve.	A crossover will be required for Gowrie Road.	Y

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

Table 7: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineering	Council's Development Engineering Officer reviewed the submitted stormwater information and considered that there were no objections subject to conditions.	Y
Development Engineering and Regional Services	Council's Development Engineering and Regional Services have been heavily involved with resolving the access issue. With Gowrie Road found to not be Crown Land, conditions have been recommended for external road, internal parking and truck routes.	Y
Building Certification	Advice on what would be defined as a building and will require a Construction Certificate. The site office, or the footings for the site office, depending on the specifics; the weighbridge and the business identification sign will need Construction Certificates.	Y
Environmental Health	Council's Team Leader - Environmental Health reviewed the Preliminary Site Investigation and agreed that based on the contents of the report that the site is suitable for future development. It was also noted the General Terms of Approval provided for this development from the NSW EPA are extensive and cover the environmental health requirements. Given that the proposed facility will be licensed by the NSW EPA if approved there are no further comments needed by the Environmental Health division.	Y
Strategic Planning	Council's Team Leader – Strategic Planning advised that Section 7.12 Contribution should be levied in this instance.	Y

4.3 Community Consultation

The proposal was notified in accordance with the sections of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and the *TRC Community Participation Plan 2019* relevant to designated and nominated integrated development. The DA was publicly exhibited on the NSW Planning Portal from 11 November 2024 to 9 December 2024. Prior to the public exhibition, notification letters were mailed to land owners adjacent to the development and to all Kingswood residents west of Goonoo Goonoo Road. Council expected significant public interest from Kingswood residents and wanted to ensure they were informed of the opportunity to provide comments.

Two notification signs were placed on the site for the duration of the notification period. One was on Spains Lane close to the proposed pit location while the other was on Gowrie Road near the proposed new access.

A total of 133 unique submissions were received. A 26 page petition was received and this has been counted as one unique submission. Some of the petition signatories also made

individual submissions. All submissions were objections.

The issues raised in these submissions included the following:

- Dust (air quality, water quality in water tanks, health concerns);
- Noise from extraction and processing;
- Water use including during droughts and the impact on their bores if the quarry uses bores;
- Traffic (in particular Spains Lane);
- Negative effect on property values;
- Social impact (amenity); and,
- Local prevailing winds carrying dust and noise.

The issues raised are considered in **Table 8**.

Table 8: Community Submissions

Issue	No of submissions	Council Comments
Dust (air quality, water quality in water tanks, health concerns)	104	An Air Quality Impact Assessment was provided. An atmospheric dispersion model was use to predict air pollutant concentrations and likely impacts on air quality in the local area. The results of the assessment indicate that the predicted short-term and annual total suspended particulate (TSP), particulate matter with an aerodynamic diameter of 10 microns (PM10) and particulate matter with an aerodynamic diameter of 2.5 microns (PM2.5) concentrations are compliant with the respective impact assessment criteria, with no additional exceedances of the 24-hour PM10 and PM2.5 criteria. The Air Quality Impact Assessment concluded that the proposal site is suitable for its proposed use, with no identified air quality constraints associated with emissions resulting from the operations conducted at the Proposal site. The EPA issued its General Terms of Approval include the installation of a meteorology station on site to account for local weather conditions, water sprays during crushing and screening, access road to be gravelled, 20km/hr speed limits for vehicles, and an air quality management plan. With the management measures in place there are not expected to be any impacts on air quality and there will be monitoring requirements to confirm the levels are below the criteria. Council acknowledged the large number of submissions raising concerns about air quality. The issue has been

		satisfactory addressed but it is important to demonstrate this to the public to provide confidence in the decision. This has led to Council including reporting conditions to increase transparency of the operations. An annual report will need to be provided to Council with reporting on compliance against each condition and a summary of monitoring. The annual report will be made available to the public on request. Another condition is that if the results of monitoring required in the EPA General Terms of Approval identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent shall notify Council and affected landowners and tenants, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria. This would cover noise and air quality, as well as some surface water monitoring.
Noise (noise from extraction and processing, Tamworth Airport meteorological data not appropriate for local conditions)	78	Based on the Construction and Operational Noise and Vibration Assessment modelling and EPA advice, noise from the proposal is not expected to impact nearby sensitive receptors. Conditions have been imposed to ensure compliance with this. The EPA general terms of approval require a meteorological (weather) station to be installed on site to be used in conjunction with the noise monitoring. Council acknowledged the large number of submissions raising concerns about noise. The issue has been satisfactory addressed but it is important to demonstrate this to the public to provide confidence in the decision. This has led to Council including reporting conditions to increase transparency of the operations. An annual report will need to be provided to Council with reporting on compliance against each condition and a summary of monitoring. The annual report will be made available to the public on request. Another condition is that if the results of monitoring required in the EPA General Terms of Approval identify that impacts generated by the project are greater than the relevant impact assessment criteria, then the Proponent shall notify Council and affected landowners and tenants, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the relevant criteria. This would cover noise and air quality, as well as some surface water monitoring.
Traffic (in particular Spains Lane);	66	Trucks will use Gowrie Road and Duri Road. Trucks will not use Spains Lane.

Property values	65	Property values are not a planning consideration. There is no evidence that values will decrease.
Social	43	There is a strong sense of place within the Kingswood residential estate. There likely will be impacts to that sense of place that cannot be mitigated. Other impacts such as from dust, noise and traffic can be mitigated to reduce the overall effect.
Water use including during droughts and the impact on their bores if the quarry uses bores;	28	Potable water demand for the quarry operation is estimated to be approximately 0.1 ML per year. It will be sourced from off-site supplies delivered to site via a tanker. The non-potable water supply for the proposal will be from two surface water detention dams, which are existing agricultural dams. The applicant will use harvestable surface water right of 38.6 ML under the <i>Water Management Act 2000</i>. Solar pumps and pipelines will reticulate water from the dams to a header tank on the rim of the quarry excavation. The header tank will have a volume of 20,000 – 50,000 litres. A pump will initially circulate water from the header tank but as the quarry becomes deeper it should then become feasible to rely on gravity feed for distribution. The EPA General Terms of Approval requires the applicant to monitor the quality of the water in the two dams and sets pollution limits for oil and grease, pH and total suspended solids. If the supply from the dams is insufficient during the construction period, then a licensed water carrier would be contracted to supply any additional water required. Water is needed for dust suppression and misting dust suppression systems on the crushing and screening plant. A water cart will be used for dust suppression on the access road. The estimated water demand is 5 ML per year for dust suppression of access tracks and 3 ML per year for crushing and screening. During drought time, water will be imported from commercial water carriers. The following measures will be undertaken to reduce water demand during drought: • Reducing the quarry access track speed limit from 20 to 10km/h. • Altering haulage routes within the quarry, where feasible. • Ceasing some, or all, haulage activity until weather conditions improves. • Where feasible, undertaking crushing and screening on a “campaign” basis when there is water available from the quarry water management system.

		Regularly reviewing long term weather forecasts for predicted El Nino events and aiming to increase stockpile volumes outside such events.
Visual	24	The result of the Visual Impact Assessment was there was a small number of dwellings that will have a moderate-low and low visibility of the quarry and these are reduced with the construction of an earth bund. A condition has been included that the proponent shall install a 3 metre bund along the northern and eastern edges of the proposed quarry prior to excavation i.e. during the construction phase.
Biodiversity	12	A Biodiversity Assessment Report was prepared by a senior ecologist from Cedar Ecology using a desktop analysis and a site visit. The report concluded there would be no significant impact on a threatened species or threatened ecological community. Mitigation measures were recommended to minimise the impact on flora and fauna and these have been included as conditions.
Lack of consultation	12	The applicant had a community information session on 6 May 2023, flyers advertised advertising the information session, feedback forms, community update newsletters and a community discussion session on 23 November 2024. The 28 day public exhibition provided an opportunity for public comments. The comments have been considered as outlined in this Table 8.
Alternate development – future residential	12	The site is currently zoned RU4 Primary Production Small Lots. Council has prepared a draft structure plan (Southern Gateway Activation Precinct) that seek to inform the community and landowners of the future direction and vision. The site is within Stage 2 for full urban residential in 20 years plus, and the northern part of the property is within Stage 1 with large lot residential between 5-20 years. There is an opportunity for the quarry to operate until any future residential occurs. To avoid any land use conflict with potential future dwellings there is a condition that has triggers regarding future residential.
Alternative sites	11	<i>Section 3.9.1 Alternative site</i> of the EIS had an analysis of alternate sites but each of them had more constraints.
Rehabilitation	5	<i>Section 3.7 Decommissioning and rehabilitation</i> of the EIS details the plans for decommissioning and rehabilitation of the site. A condition has been included to provide a more detailed decommissioning and plan as the quarry operations progress.
Aboriginal Heritage	4	A site inspection was undertaken by Len Waters on behalf of the Tamworth LALC and a report submitted with

		the EIS. There was no evidence of Aboriginal activity or artefacts found. A condition has been included on the consent that works must cease if there is an unexpected find.
Conflict of interest by Council if Council purchase quarry products	3	Council is not the applicant, landowner or decision maker for this development. There is no conflict of interest.
Vibration	2	There will be no blasting. The distance between the equipment and nearest non-project resident means there are unlikely to have any off-site vibration impacts.
Security (illegal dumping)	2	The EIS describes that security may include vehicle patrols and responding to silent alarms from site surveillance systems installed to detect unauthorised entry, theft and vandalism incidents. Residents are encouraged to contact police if they notice illegal activity.
Benefit of local source for fill and road construction reducing costs	1	This benefit is considered in the public interest section.

5. KEY ISSUES

Key issues were identified in the Planning Secretary's Environmental Assessment Requirements (SEARS) for the Strathmore Quarry Project and a list of these is below. Many of these key issues are addressed in Section 3.2 of this report, *Section 3.2 - Section 4.15(1)(b) - Likely Impacts of Development*. A reference to the relevant subsection is listed below.

- Noise – Section 3.2 - Noise and Vibration
- Blasting & Vibration – Section 3.2 – Noise and Vibration
- Air – Section 3.2 – Air Quality
- Water – Section 3.2 - Water
- Biodiversity – Section 3.2 Flora and Fauna
- Heritage – Section 3.2 - Heritage
- Traffic & Transport – Section 3.2 - Access and traffic
- Land Resources – State Environmental Planning Policy (Primary Production) 2021
- Waste - below
- Hazards – Section 3.2 - Natural Hazards
- Visual – Section 3.2 - Visual
- Social & Economic – Social in Section 3.2 – Social Impacts, Economic in Section 3.5 – Public Interest
- Rehabilitation - below

Waste

The main waste streams expected are:

- Used oil, tyres and batteries
- Used steel and alloys
- Food and drink containers, and
- Cardboard and packing materials.

Materials will be separated into recyclable and non-recyclable then sent to an approved waste disposal facility.

Excavation and crushing and screening will not generate waste product as it is sold as product.

The waste streams generated by the proposal can be handled through a local approved waste disposal facility.

Rehabilitation

Decommissioning and rehabilitation of the site is necessary at the cessation of operations. Unfortunately, there are limited opportunities for progressive rehabilitation with the single open pit and the access tracks being used throughout operations.

Operations will cease when the resource approved to be extracted is depleted or when the approved limits are reached e.g. the maximum extraction area of 9.35 Hectares limits. Operations will also cease when future rezoning allows for dwellings to be constructed closer than assessed in this DA. The applicant has committed to ceasing all quarry extraction operations within 12 months of any proponent owned land within 500 metres of the quarry site being rezoned for residential land use and a subdivision plan being registered with NSW Land Registry Services to enable such use. Another trigger with distances to the nearest dwelling has been included in case the land and/or quarry is sold to another owner. The distances of 500m for a temporary cessation was chosen because of the assumptions used in the studies.

The EIS *Section 3.7 Decommissioning and rehabilitation* contains what is effectively a preliminary decommissioning and rehabilitation plan.

The applicant has proposed two possible end land uses, depending on future zoning. Given the life of operations (up to 30 years) and approximate timeframes for future residential in the draft Southern Gateway Activation Precinct Structure Plan (15 years), the option of two end land uses is acceptable at this stage. These are:

- Ongoing primary production related zoning - The site will be returned to cattle grazing land use. Grazing intensity and frequency will need to be managed to avoid erosion of the rehabilitated quarry void which will have steeper slopes than the original natural ridge landform.
- Residential related rezoning - Incorporating the site into urban open space such as a park, nature strip and/or stormwater retention area. There is also potential to use excess virgin excavated natural material derived from future urbanisation earthworks to reduce to volume of the remnant quarry void.

The excavation area to remain an open pit at closure. The excavation area will be made safe by battering the western, northern and eastern walls of the quarry to develop a slope no greater than 3 horizontal to 1 vertical (see **Figure 13** below). How the pit is then incorporated into a future land use, or if access is prohibited, will need to be further investigated.

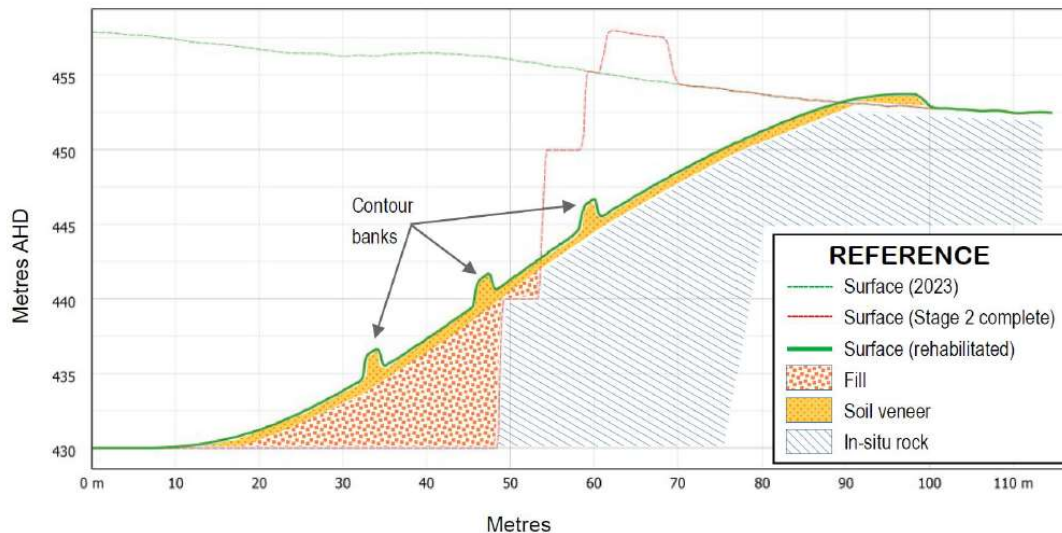


Figure 13: Indicative cross section of rehabilitated N-E quarry face. Figure 3.16 from the EIS.

The EIS has the following rehabilitation principles that can be used for either final land use:

- Ensuring a safe and stable landform suitable for the planned future land use (grazing or urban).
- Battering the edges of the quarry void to reduce the slope of walls to no steeper than 1:3 (vertical:horizontal), either by excavation, or by suitable placement of waste rock.
- The initial concept is battering the west, north and east high walls. Battering of the southern high wall will depend on the status of the associated Transport for NSW quarry at the time of rehabilitation.
- Deep ripping the quarry floor to facilitate infiltration and revegetation.
- Restoring a minimum veneer of 0.3m of soil/weathered mudstone to the quarry walls and floor. This can be recovered from the operational environmental bund wall along the north and eastern edges of the quarry. Additional soil can be recovered from the quarry rim as part of the rehabilitation earthworks to batter the walls.
- The soil veneer will be left with a rough surface texture to facilitate plant growth, sediment retention and water infiltration.
- Having contour banks about every 5m vertically on the quarry walls to minimise rill and gully erosion.
- Diverting stormwater flows from the contour banks to several gabion drains.
- In the medium-term establishing ground cover, shrub and tree growth from seed to stabilise the site and minimise erosion potential, especially on the walls.
- Restricting and managing grazing to minimise the potential for erosion. This will require fencing of the rehabilitation area if the land continues to be used for agriculture. If the land is rezoned for urban use, then the initial objective would be to incorporate the rehabilitated quarry site into urban open space such as a park, nature strip and/or temporary stormwater retention area.

Minimum rehabilitation objectives have been provided (**Table 9**) that are standard for a quarry.

Table 9: Minimum rehabilitation objectives

Element	Rehabilitation Objectives
Waste and machinery	1. All machinery removed. 2. All recycling and waste removed for appropriate disposal. 3. No evidence of significant fuel or oil spills.
Quarry void	4. Vertical edges of quarry battered to no steeper than 3H:1V. 5. A minimum veneer of 0.3m of red “soil” is applied to the quarry benches, floor and access ramp. 6. No evidence of significant quarry related erosion on site or adjoining areas. 7. Quarry product stockpiles removed. 8. Soil compacted by quarry related activities is contour ripped to facilitate plant regrowth.
Access track	9. Where ongoing use is not required by land owner, removal of gravelled access tracks and rehabilitation with soil, consistent to landowner’s requirements.
Ecosystem establishment	10. No significant weed species present on former quarry site. 11. Significant endemic shrub and tree regrowth on rehabilitated quarry walls and floor.

A condition of consent for a decommissioning and rehabilitation plan has been imposed to ensure the rehabilitation of land that will be affected by the development. The timing of 5 years to provide it is because the EIS is effectively a preliminary plan and there is a long life of mine.

6. CONCLUSION

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

The site is considered suitable for the proposed hard rock. The operation is compatible with the surrounding land uses of agriculture and quarries. The proximity to residential estates raised concerns about offsite impacts but the results of the modelling predict negligible impact on non-associated sensitive receptors. Conditions have been imposed for management measures, monitoring and reporting that are expected to mitigate any potential issues.

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

7. RECOMMENDATION

That the Development Application DA2025-0114 (PPSNTH-387) to Establish and operate a hard rock quarry (Strathmore Quarry) to extract up to 240,000 tonnes per annum and 1,600 tonnes per day for up to 30 years, with a maximum disturbance area of approximately 12 hectares at Lot 1 DP 755321, Callendale 51 Gowrie Road WARRAL NSW 2340 and Lot 102 DP 1288693, 5498 Duri Road WARRAL NSW 2340 be APPROVED pursuant to Section

4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: General Terms of Approval issued by the Environmental Protection Authority, Notice Number 1645283, dated 20 December 2024