

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-413 – DA-19/2025 – PAN-503570
PROPOSAL	Continued operation of existing gravel quarry with a maximum extraction rate of 90,000 tonnes per year
ADDRESS	Lot 106 DP 656030 472 Eddy Park Lane, Gum Flat NSW 2360
APPLICANT	ATJs Earthworks Pty Ltd
OWNER	Glen and Sonya Hough
DA LODGEMENT DATE	13 March 2025
APPLICATION TYPE	Development Application (Designated, Integrated)
REGIONALLY SIGNIFICANT CRITERIA	Clause 7(1)(a) Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>: extractive industry facilities that meet the requirements for designated development under the <u>Environmental Planning and Assessment Regulation 2021</u>, Schedule 3, section 26 Pursuant to Schedule 3 Section 26 of the Regulation, the proposed development is an extractive industry that obtains or processes for sale or reuse more than 30,000 cubic metres of extractive material per year
CIV	\$38,500 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 Chapters 3 and 4 State Environmental Planning Policy (Resources and Energy) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Inverell Local Environmental Plan 2012

TOTAL & UNIQUE SUBMISSIONS	Two (2) submissions
KEY ISSUES IN SUBMISSIONS	Historic unapproved quarry expansion, accuracy of EIS, dust, groundwater, rehabilitation, aquifer breach risk, visual amenity, noise, hours of operation, extraction rates, number of truck movements, speed limits, cumulative impacts
DOCUMENTS SUBMITTED FOR CONSIDERATION	Environmental Impact Statement Site Plan (Appendix A) Secretary's Environmental Assessment Requirements (Appendix B) Noise Impact Assessment (Appendix C) Land Use Conflict Risk Assessment (Appendix D) Matters of National Environmental Significance Assessment (Appendix E) NSW Biodiversity Act 2016 Test of Significance (Appendix F) Traffic Impact Assessment (Appendix G) Rehabilitation Plan (Appendix H) AHIMS Search Results (Appendix I) Soil and Water Management Plan (Appendix J) Historic Imagery (Appendix K) Operational and Environmental Management Plan (Appendix L) Air Quality Impact Assessment (Appendix M) Bushfire Assessment Report (Appendix N) Pollution Incident Response Management Plan (Appendix O) Biosecurity Risk Management Plan (Appendix P)
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	12 May 2026
PLAN VERSION	EIS Version 5 19 March 2026
PREPARED BY	Nicola Neil, Octagon Planning
DATE OF REPORT	1 May 2026

EXECUTIVE SUMMARY

The following report provides an assessment of Development Application DA-19/2025 for the continued operation of an existing quarry at 472 Eddy Park Lane, Gum Flat NSW 2360 (the Site) and the setting of a maximum extraction rate of 90,000 tonnes per year.

The subject site is formally identified as Lot 106 DP656030 and has a total area of approximately 38.5 hectares. The quarry area is approximately 10.8 hectares. The site has an easterly frontage to Eddy Park Lane. The site is largely cleared, with areas of remnant vegetation on the western border, between the quarry and the dwelling on site, and along the site boundaries. The site is generally flat, being approximately 700m AHD. An overburden embankment surrounds most of the quarry, and the quarry has been excavated to a depth of approximately 10m, so the quarry itself is not visible from the road.

The Site is located in the RU1 – Primary Production zone under Clause 2.2 of the *Inverell Local Environmental Plan 2012* ('LEP 2012'). The proposed development is defined as an 'extractive industry' and is permissible with consent in the zone. The existing quarry has operated since the 1970s. The quarry has expanded over time, reaching its current footprint of 10.8 hectares in 2020. Development on the site includes a dwelling, site office, workshop, worker amenities, drainage system, sediment pond, fuel storage/refuelling facility and internal haul roads. Development and environmental approvals were not required at the time that the quarry commenced operations, and no approvals have been sought until now.

It is noted that *State Environmental Planning Policy 37 – Continued Mines and Extractive Industries* (SEPP 37) commenced on 18 June 1993 and included provisions requiring continued operation of existing extractive industries to become registered. SEPP 37 was repealed by the gazettal of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*. Nothing in this SEPP required consent to be sought for an existing extractive industry.

The DA was lodged on 13 March 2025 and Council engaged an external consultant to conduct the assessment on 14 April 2025. A briefing was held with the Panel on 16 June 2025 where key issues were discussed, including traffic and groundwater impacts. A draft request for additional information was discussed at the briefing and issued with minor amendments on 18 June 2025. Additional information was submitted on 28 November 2025. A second RFI was issued on 19 January 2026, and a response was received on 10 March 2026.

The proposed quarry is classified as integrated development under section 4.46 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) as it requires approvals under other legislation, specifically an Environmental Protection Licence (EPL) under the *Protection of the Environment Operations Act 1997*.

The application was placed on public exhibition from 10 April 2025 to 14 May 2025, with two (2) submissions being received. One submission was in four parts and consisted of letters from the resident, an environmental lawyer, an ecologist and an environmental engineer. This submission raised a number of issues including past expansions of the quarry without consent, the adjacent former landfill site, land use conflicts, impacts on water, visual amenity, noise, adequacy of documentation, biodiversity impacts, and solar panel efficiency. Primarily this submission is concerned with the works that have already taken place. This is a separate compliance matter to the assessment of the current DA. The second submission raised one concern: dust from current and increased traffic on Eddy Park Lane. The issues raised in the submissions are considered throughout this report.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause

(7)(1)(a) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*. The proposal is development for an *extractive industry* that meets the requirements for designated development under the *Environmental Planning and Assessment Regulation 2021*. Pursuant to Schedule 3, Part 2, Section 26 of the Regulation, the proposed quarry operation will obtain or process for sale more than 30,000 cubic metres of extractive material per year.

A number of key issues were identified during the assessment process which resulted in requests for additional information including an amended Noise Impact Statement, Air Quality Impact Statement, amended Traffic Impact Assessment, surface water management details, cumulative impacts, and general amendments to the EIS to correct inconsistencies, inaccuracies and missing information. Amended documentation was provided by the applicant which resolved all the issues raised. The impacts associated with the development are considered to have been adequately addressed through mitigation measures and/or will be managed through the draft recommended conditions of consent listed in Appendix A.

The proposed development has been assessed against the provisions of Section 4.15(1) of the EP&A Act. It is considered that the proposal is consistent with the applicable State Environmental Planning Policies, *Inverell Local Environmental Plan 2012*, and *Inverell Development Control Plan 2013*.

None of the listed matters under Section 61 of the *Environmental Planning and Assessment Regulation 2021* (the EP&A Regs) apply to the proposed development.

The likely impacts of the development as prescribed under Section 4.15(1)(b) are discussed throughout this report.

The site is considered to be suitable for the development, being an existing quarry.

Submissions have been considered in Section 4.3 of this report.

The proposed development is considered to be in the public interest as it has positive economic impacts, provides an important resource for the Inverell area, and minimises impacts through measures such as strict operating hours, compliance with relevant legislation and regulations, various management plans and codes of conduct, complaints procedures, and progressive site rehabilitation.

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

1. THE SITE AND LOCALITY

1.1 The Site

Formally identified as Lot 106 DP656030, 472 Eddy Park Lane, Gum Flat NSW 2360 (the site) is located in the Inverell Shire Council Local Government Area (LGA). The site is located approximately 11km west of Inverell and 800m north-east of the village of Gum Flat (Figure 1).

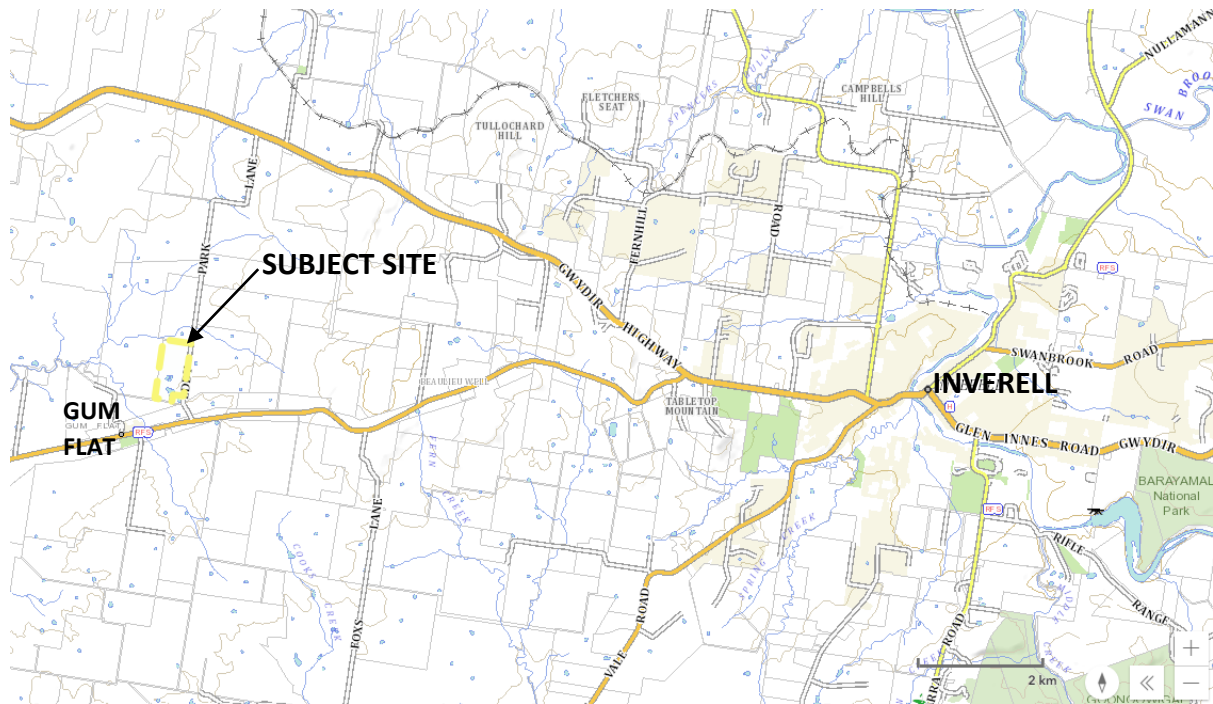


Figure 1: Locality Plan

The total site area is approximately 38.5 hectares and the quarry area is approximately 10.8 hectares (Figure 2). The site is largely cleared, with remnant vegetation primarily along the site boundaries. The site falls gently towards the north-west; the quarry pit itself is approximately 10m deep.

The site has an easterly frontage to Eddy Park Lane. Eddy Park Lane is a gravel road primarily servicing farm properties which runs in a north-south direction between the Gwydir Highway and Copeton Dam Road.

A quarry has operated on the site for fifty years and the site is developed accordingly, with site office, workshop, worker amenities, drainage system, sediment pond, fuel storage/refuelling facility and internal haul roads (Figure 3). The quarry also has existing plant, machinery and vehicles. No new works are proposed; the Development Application is to set a maximum extraction limit and formalise the existing operations, which commenced prior to the requirement for development and environmental approvals.

A dwelling is located on the site, set back approximately 100m from the road, close to the quarry operation. The northern two thirds of the site are cleared for grazing.



Figure 2: Site and Surrounds with Existing Quarry Area Shown in Red



Figure 3: Site Plan

1.2 The Locality

The quarry is located approximately 800m north-east of the village of Gum Flat (population 209, ABS Census 2021), and approximately 11km west of Inverell (town population 9,654, LGA population 17,853) (ABS Census 2021).

The village centre of Gum Flat includes a public school, community hall, sports oval, rural fire service building, cemetery and a small number of dwellings. Land uses in the locality are generally agricultural (mostly grazing with some cropping) and related enterprises such as visitor accommodation and pet boarding. To the south-east of the subject site is the former Gum Flat landfill and gravel pit, which was closed on 29 February 2016 and rehabilitated.

There are several other gravel quarries in the area:

Address	Distance from Site	Operational
401 Eddy Park Lane Gum Flat	20m east of Site	Yes
1405 Copeton Dam Road Gum Flat	5km south-west of Site	Yes
112 Rifle Range Road Inverell	14km east of Site	Yes

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development is the continued operation of an existing quarry. Work began clearing the Site for quarrying in the early 1970s, when no development approvals or environmental licences were required.

The site is already developed, with a site office, workshop, worker amenities, drainage system, sediment pond, fuel storage and refuelling facility, and internal haul roads. The quarry has existing plant, machinery and vehicles including tippers and dogs, excavators, loaders, dozers, graders, water truck and utility vehicles. A full list is provided in Appendix 3 of the Traffic Impact Assessment.

No construction is proposed. No additional tree removal is proposed. The only works proposed is the establishment of a controlled drainage area and sediment holding pond for the area surrounding the workshop as required by the NSW Environment Protection Authority (EPA) in correspondence sent to the quarry operator in February 2025.

Proposed operating hours are as follows:

Activity	Days	Start	Finish
Quarry pit operations	Monday to Friday	7.00am	5.00pm
Transport	Monday to Friday	7.00am	5.00pm
Maintenance and servicing	Monday to Sunday	7.00am	5.00pm

It is noted that there may be occasions where the quarry will be required to operate outside of the approved operating hours when there is a declared emergency as defined by the *State Emergency and Rescue Management Act 1989* and the direction of emergency or regulatory authorities.

Figure 3 above shows a site plan detailing the location of the various activities on site.

Table 1: Development Data

Control	Proposal																																																																																																																													
Site Area	38.5 hectares																																																																																																																													
Extraction Area	10.8 hectares																																																																																																																													
Max Annual Extraction Rate	90,000 tonnes per year																																																																																																																													
Resource	Gravel																																																																																																																													
Method of Extraction	Bulldozer and/or excavator, loaded onto trucks with front-end loader or excavator. No blasting or on-site processing.																																																																																																																													
Maximum Daily Truck Movements	20 (10 return journeys)																																																																																																																													
Hours of Operation	7.00am to 5.00pm Monday to Friday. Maintenance and servicing of plant and equipment 7.00am to 5.00pm seven days a week, with minor maintenance only on weekends Supply of materials under emergency conditions as required.																																																																																																																													
Staff	Five staff (including quarry manager who lives onsite)																																																																																																																													
Operational Fleet	<table><tr><th>Item</th><th>Year</th><th>Machine</th><th>Model</th><th>Rego</th></tr><tr><td>1</td><td>1994</td><td>Kenworth Tipper</td><td></td><td>01ATJS</td></tr><tr><td>2</td><td>2003</td><td>Hobbsbuilt Dog</td><td></td><td>TC19DX</td></tr><tr><td>3</td><td>2004</td><td>Mack CH Tipper</td><td></td><td>02ATJS</td></tr><tr><td>4</td><td>2004</td><td>Hamelex Dog</td><td></td><td>R89213</td></tr><tr><td>5</td><td>2011</td><td>Kenworth Tipper</td><td></td><td>03ATJS</td></tr><tr><td>6</td><td>2002</td><td>Hercules Dog</td><td></td><td>YN84JB</td></tr><tr><td>9</td><td>2015</td><td>Kenworth Tipper</td><td></td><td>05ATJS</td></tr><tr><td>10</td><td>2012</td><td>Shepard Dog</td><td></td><td>TN01LC</td></tr><tr><td>11</td><td>1987</td><td>Mitsubishi Fuso</td><td></td><td>ZBV711</td></tr><tr><td>13</td><td>2011</td><td>Komatsu Excavator</td><td>PS228US-8</td><td>-</td></tr><tr><td>14</td><td>2018</td><td>Hitachi Loader</td><td>ZW310</td><td>-</td></tr><tr><td>15</td><td>2004</td><td>Komatsu Dozer</td><td>D155AX-5</td><td>-</td></tr><tr><td>16</td><td>2007</td><td>Bobcat Excavator</td><td>334</td><td>-</td></tr><tr><td>17</td><td>2012</td><td>Terex track loader</td><td>PT-50</td><td>-</td></tr><tr><td>18</td><td>2009</td><td>Caterpillar Loader</td><td>924H</td><td>-</td></tr><tr><td>19</td><td>2011</td><td>Volvo Grader</td><td>G930</td><td>15043E</td></tr><tr><td>23</td><td>2013</td><td>Mitsubishi Triton</td><td></td><td>ATJS</td></tr><tr><td>24</td><td>2008</td><td>Isuzu Water truck</td><td></td><td>XN221E</td></tr><tr><td>25</td><td>1989</td><td>Lusty tri-axle</td><td></td><td>YN540M</td></tr><tr><td>26</td><td>2012</td><td>Kenworth Tipper</td><td></td><td>06ATJS</td></tr><tr><td>27</td><td>2003</td><td>Hamelex Dog</td><td></td><td>YN02YN</td></tr><tr><td>28</td><td>2007</td><td>Nissan – service truck</td><td></td><td>XO300P</td></tr><tr><td>29</td><td>2017</td><td>Komatsu Dozer</td><td>D85</td><td>-</td></tr><tr><td>30</td><td>2024</td><td>Kobelco Excavator</td><td>SK85-MSR</td><td>-</td></tr></table>	Item	Year	Machine	Model	Rego	1	1994	Kenworth Tipper		01ATJS	2	2003	Hobbsbuilt Dog		TC19DX	3	2004	Mack CH Tipper		02ATJS	4	2004	Hamelex Dog		R89213	5	2011	Kenworth Tipper		03ATJS	6	2002	Hercules Dog		YN84JB	9	2015	Kenworth Tipper		05ATJS	10	2012	Shepard Dog		TN01LC	11	1987	Mitsubishi Fuso		ZBV711	13	2011	Komatsu Excavator	PS228US-8	-	14	2018	Hitachi Loader	ZW310	-	15	2004	Komatsu Dozer	D155AX-5	-	16	2007	Bobcat Excavator	334	-	17	2012	Terex track loader	PT-50	-	18	2009	Caterpillar Loader	924H	-	19	2011	Volvo Grader	G930	15043E	23	2013	Mitsubishi Triton		ATJS	24	2008	Isuzu Water truck		XN221E	25	1989	Lusty tri-axle		YN540M	26	2012	Kenworth Tipper		06ATJS	27	2003	Hamelex Dog		YN02YN	28	2007	Nissan – service truck		XO300P	29	2017	Komatsu Dozer	D85	-	30	2024	Kobelco Excavator	SK85-MSR	-
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Expected Life of Operation	20-30 years																																																																																																																													

2.2 Background

No pre-lodgement meeting was held prior to the lodgement of the application, though there were discussions with Inverell Shire Council via phone and email regarding the DA requirements.

The development application was lodged on **13 March 2025**. 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
9 July 2024	Planning Secretary's Environmental Assessment Requirements (SEARs) issued
13 March 2025	DA lodged
10 April 2025	Exhibition of the application (start)
14 May 2025	Exhibition of the application (end)
9 April 2025	DA referred to external agencies
29 April 2025	TfNSW comments received
29 April 2025	EPA comments received
16 June 2025	Panel briefing
18 June 2025	Request for Information from Council to applicant
28 November 2025	Additional information uploaded to portal by applicant
24 December 2025	EPA GTAs issued
15 January 2026	TfNSW comments received with recommended conditions
15 January 2026	DA referred to DPIRD following correspondence from objector to DPIRD
19 January 2026	Second RFI sent to applicant by Council
4 February 2026	DPIRD comments received and passed on to applicant by Council
10 March 2026	Additional information uploaded to portal by applicant
30 April 2026	DPIRD final comments received
12 May 2026	Panel meeting

2.3 Site History

The EIS states that the quarry has been operational since approximately 1973, although aerial imagery shows potential quarry activity on the site as early as 1964, when the site to the south-

east (later used as the Gum Flat Tip, now closed and remediated) was also operating as a quarry (Figure 4).



Figure 4: Aerial imagery of the site dated 26 June 1964

By 1985, clearing and quarrying had extended westwards to within 50m of the western boundary. By 1989, the quarry had expanded north and south, the workshop area was developed, and internal water ponding had occurred. By 1991, the quarry footprint expanded southwards and vegetation on the northern side of the quarry was cleared. By 2015, additional clearing in the southern sector had been carried out. The current, and final, quarry footprint had been achieved by 2020.

The EIS states that between 2015 and 2020 – noting that the Biodiversity Conservation Act 2016 commenced in August 2017 – approximately 0.5 hectares of vegetation was cleared.

Appendix K of the EIS includes historical aerial imagery showing the development of the site over time.

Council has no record of development or environmental approvals having been sought or granted for the quarry to date. It is noted that *State Environmental Planning Policy 37 – Continued Mines and Extractive Industries* (SEPP 37) commenced on 18 June 1993 and included provisions requiring continued operation of certain existing extractive industries to become registered. No record of registration has been sighted. SEPP 37 was repealed by the gazettal of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries)* 2007. Nothing in this SEPP required consent to be sought for an existing extractive industry. The 2007 SEPP was repealed by the gazettal of *State Environmental Planning Policy (Resources and Energy)* 2021, which remains in force. This SEPP is consistent with the 2007 SEPP, and nothing in it requires consent to be obtained for existing extractive industries carrying on business as usual.

The existing operations on the site include:

- Winning and stockpiling gravel material from the quarry pit using bulldozers and/or excavators.
- Loading material onto trucks (generally truck and dog trailers) using a front-end loader or excavator.
- Transporting materials off site.
- Maintenance, servicing and refuelling of equipment on site within the workshop.
- Irrigation disposal of water captured in controlled drainage areas.

No onsite processing or blasting is required as the gravel is fit for purpose.

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),*
- (b) *that apply to the land to which the development application relates, 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:

- Integrated Development (s4.46).
- Designated Development (s4.10).
- Requiring concurrence/referral (s4.13).

These matters are considered further in this report.

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

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

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

The following Environmental Planning Instruments are relevant to this application:

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

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 3: Koala Habitat Protection 2020	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development • Part 2.4 Regionally Significant Development	Y

State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and Rural Development	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 3: Hazardous and Offensive Development Chapter 4: Remediation of Land • Section 4.6 – Contamination and remediation	Y
State Environmental Planning Policy (Resources and Energy) 2021	Chapter 2: Mining, Petroleum Production and Extractive Industries	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Section 2.121(4) Traffic-generating development	Y
Inverell LEP	• Clause 2.3 – Permissibility and zone objectives • Clause 5.10 - Heritage • Clause 6.1 – Earthworks • Clause 6.6 – Essential Services	Y

Consideration of the relevant environmental planning instruments is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

Chapter 3: Koala Habitat Protection 2020

The Biodiversity and Conservation SEPP aims to protect and conserve biodiversity. Chapter 3 Koala Habitat Protection 2020 contains provisions relating to the protection of koala habitat in rural zones.

Before consent may be granted the consent authority must be satisfied as to whether or not the land is a potential or core koala habitat. The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification. The council may be satisfied as to whether or not land is a core koala habitat only on information obtained by it, or by the applicant, from a person who has appropriate qualifications and experience in biological science and fauna survey and management. Council is satisfied that the authors of the EIS are suitably qualified to make the assessment.

Potential koala habitat means areas of native vegetation where trees of the types listed in Schedule 1 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component. Listed feed tree species in the vicinity of the subject site include White Box and River Red Gum. Listed use tree species in the vicinity of the subject site include White Box, River Red Gum, Yellow Box, White Cypress Pine and Rough Barked Apple.

The EIS uses the Koala Sightings dataset from the BioNet Species Sightings data collection to confirm that there are no koalas on the subject site. However, it should be noted that as with any observational data collection, this dataset is subject to biases in where observations

have been made, i.e. it is reliant on individuals to report sightings. Lack of reporting does not necessarily equate to an absence of koalas.

Site inspections were therefore carried out and indicated that no koalas were observed on the site nor was evidence of koala habitation such as scats, tracks or claw marks found on the site.

A combination of proponent-supplied information and independent research confirms that there are no koalas and no koala habitat on the subject site, and no further assessment with regard to koalas is required.

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) of the Planning Systems SEPP as it meets the criteria in Clause 7(1)(a) of Schedule 6. Specifically, the proposal is development for an extractive industry which meets the threshold for designated development under the *Environmental Planning and Assessment Regulation 2021* Schedule 3 Section 26, by obtaining more than 30,000 cubic metres of extractive material per year. The development proposes to obtain and process up to 90,000 tonnes (60,000 cubic metres) of gravel per year.

Accordingly, the Northern Regional Planning Panel (NRPP) is the consent authority for the application. As such, this application has been lodged with Council, assessed by an independent planning consultant, and this assessment report provided to the NRPP for determination.

State Environmental Planning Policy (Primary Production) 2021 (Primary Production SEPP)

Chapter 2 of the Primary Production SEPP requires Council to consider the impacts of development on primary production. The aims of Chapter 2 are:

- (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.

The proposal is considered to be consistent with these aims as it does not prevent the orderly economic use and development of lands for primary production or affect state significant agricultural land.

Based on initial feedback by the EPA and submissions made by an adjoining landowner, there is some potential for land use conflict. Additional information including an Air Quality Impact Assessment, Noise Impact Assessment and Land Use Conflict Risk Assessment was requested to clarify the potential impacts of the proposed development. This information was deemed to be sufficient by Council and the EPA, who issued General Terms of Approval.

The proposal would not significantly impact on any land currently utilised for agriculture and is considered capable of operating concurrently with rural activities such as grazing. The proposal is not incompatible with the continued use of surrounding land for agriculture. The proposed development complies with the provisions of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP)

Chapter 3: Hazardous and Offensive Development

The aims of this chapter include ensuring that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account and ensuring that in the consideration of an application for a potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

Extractive industries are potentially hazardous industries and potentially offensive industries, based on the following definitions:

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—

- (a) to human health, life or property, or*
 - (b) to the biophysical environment,*
- and includes a hazardous industry and a hazardous storage establishment.*

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The SEPP also provides the following definitions:

hazardous industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality—

- (a) to human health, life or property, or
- (b) to the biophysical environment.

offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

The EIS notes that no dangerous goods are stored on site as no blasting is carried out as part of the quarry operations. Diesel fuel is stored onsite and is classified as a C1 combustible liquid and is stored in an appropriate self-bunded container that meets the safe storage requirements of AS1940-2017.

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

The proposed operations will require an Environment Protection Licence (EPL) and as such the development is considered to be 'potentially offensive development'. However, it is recognised that if an EPL can be obtained for a development, the development is not considered to be an offensive industry. The EPA reviewed the application and requested additional information in order to make a full assessment. Additional information was provided and General Terms of Approval (GTA) were issued by the EPA on 23 December 2025. The quarry operations are not considered to be an offensive industry subject to compliance with the GTAs.

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the 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.

While the site has historically been used for quarrying activities, fuel and chemicals are stored appropriately and there are no registered contaminated land sites within or surrounding the quarry. Prior to use as a quarry, the site had a history of agricultural land use. Agricultural sites may contain buried rubbish including contaminants such as pesticides which could be encountered during excavation. The EIS states that there were no potential sources of contamination were detected at site visits. No contamination was observed at the site inspection.

It is considered that the site is suitable for the proposed use as a quarry in its current state.

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

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

Clause 2.9 states that development for the purpose of extractive industry is permissible with development consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent). Agriculture is permissible within the RU1 Primary Production zone under the *Inverell Local Environmental Plan 2012*, therefore the extractive industry is permissible. The site is not located on land identified in Schedule 1 which prohibits extractive industries.

Clause 2.9(4) allows for co-location of related industries as follows:

- (4) Co-location of industry If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land—*
- (a) the processing of extractive material,*
 - (b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
 - (c) facilities for the processing or transport of extractive material,*
 - (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

Consequently, the processing and transport facilities on the site are permissible in conjunction with the proposed extractive industry.

Clause 2.17 requires a consent authority to consider existing and approved uses of land in the vicinity of the development, whether the development is likely to have a significant impact on likely preferred uses in the vicinity, and any ways the development may be incompatible with any of those existing, approved or likely preferred uses. The consent authority is also required to evaluate and compare the respective public benefits of the development and the aforementioned land uses, and evaluate any measures proposed by the applicant to avoid or minimise any incompatibility.

The existing surrounding land uses are predominantly livestock grazing with rural dwellings, a pet boarding facility, and another quarry.

The quarry has minimal impacts on visual amenity as it is not visible from any public place or any nearby dwelling due to the topography of the site and surrounding vegetation.

A Land Use Conflict Risk Assessment (LUCRA) was submitted with the application. The LUCRA includes an assessment of surrounding uses, impacts on those uses, and mitigation measures to avoid or minimise conflict and incompatibility. The proposed mitigation measures bring all potential conflicts down to an acceptable level.

With regard to public benefits, the quarry expansion is expected to supply rock and gravel for infrastructure projects around the region including renewable energy projects. There is significant public benefit in such projects.

Clause 2.20 provides heads of consideration to ensure impacts on water resources, threatened species and biodiversity, and greenhouse gas emissions are minimised and managed.

The EIS acknowledges the potential for impacts on groundwater quantity and quality. Mitigation measures proposed include monitoring the quarry pit for evidence of groundwater ingress, ceasing operations if groundwater is encountered, establishment of groundwater monitoring piezometers and keeping contaminants out of the quarry. These measures are considered appropriate and acceptable. There are also potential impacts on surface water in the form of runoff. Mitigation measures proposed include an controlled drainage area and sediment basin, correct storage and handling of chemicals and hazardous materials, minimising gradients to minimise erosion, best practice refuelling procedures, dewatering of stormwater, and erosion and sediment control measures.

The EIS includes an assessment of Matters of National Significance under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) which concludes that the development will not have an adverse effect on vulnerable, critically endangered, endangered, and migratory species and ecological communities, primarily as the proposal involves no vegetation clearing and therefore no removal of flora or fauna habitats.

The EIS also includes a Test of Significance under the NSW *Biodiversity and Conservation Act 2016* which also concluded that the development is not likely to significantly affect threatened species or ecological communities or their habitats as there is no clearing proposed.

It is considered that the proposed development will not have significant impacts on biodiversity.

Greenhouse gas emissions will be limited to the emissions from diesel fuel consumption of plant, equipment and vehicles. The proponent would minimise diesel fuel usage where practicable and improve emissions from onsite equipment through scheduled equipment maintenance. The small scale of the operation ensures that emissions are minimised and not considered to significantly impact biodiversity, conservation or the environment.

Clause 2.22 provides specific heads of consideration relating to transport as well as requiring consultation with the roads authority and Transport for NSW (TfNSW). Gravel is to be transported from the site via truck. The EIS states that for projects located to the east, trucks travel south on Eddy Park Lane then turn left onto Copeton Dam Road and for projects located to the west, trucks travel north on Eddy Park Lane then turn left onto the Gwydir Highway.

The application was referred to TfNSW. TfNSW requested an updated Traffic Impact Assessment. This was provided and deemed acceptable. TfNSW recommended conditions of consent.

Clause 2.23 provides specific heads of consideration requiring the consent authority to consider the imposition of conditions relating to rehabilitation. The initial rehabilitation plan provided was considered inadequate and an amended plan was requested by Council. The amended report is satisfactory, and conditions of consent are included in Attachment A regarding rehabilitation.

State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)

The aim of the Transport and Infrastructure SEPP is to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of

development adjacent to various types of infrastructure development. The SEPP also outlines consultation requirements with relevant public authorities for certain proposed works.

Clause 2.119 relates to development with direct frontage to a classified road. The subject site does not front a classified road.

Clause 2.122 requires referral to the Road and Maritime Services for traffic generating development specified in Schedule 3. While extractive Industries are not listed as traffic generating development under Schedule 3 of the SEPP, the application was referred to TfNSW pursuant to *State Environmental Planning Policy (Resources and Energy) 2021*. TfNSW requested an updated Traffic Impact Assessment. This was provided and deemed acceptable. TfNSW recommended conditions of consent.

Inverell Local Environmental Plan 2012

The relevant local environmental plan applying to the site is the *Inverell Local Environmental Plan 2012* (the LEP 2012). The aims of the LEP 2012 include protecting and promoting use and development of land for arts and cultural activity, encouraging sustainable economic growth and development, protecting and retaining productive agricultural land, protecting, conserving and enhancing natural assets, protecting built and cultural heritage and providing opportunities for growth.

The proposal is consistent with these aims as, subject to the resolution of matters detailed in the draft RFI, the development allows for sustainable economic growth, does not encroach on existing productive agricultural land, does not result in the destruction of any natural assets and will ultimately involve rehabilitation of the site.

Zoning and Permissibility (Part 2)

The site is located within the RU1 Primary Production Zone pursuant to Clause 2.2 of the LEP.

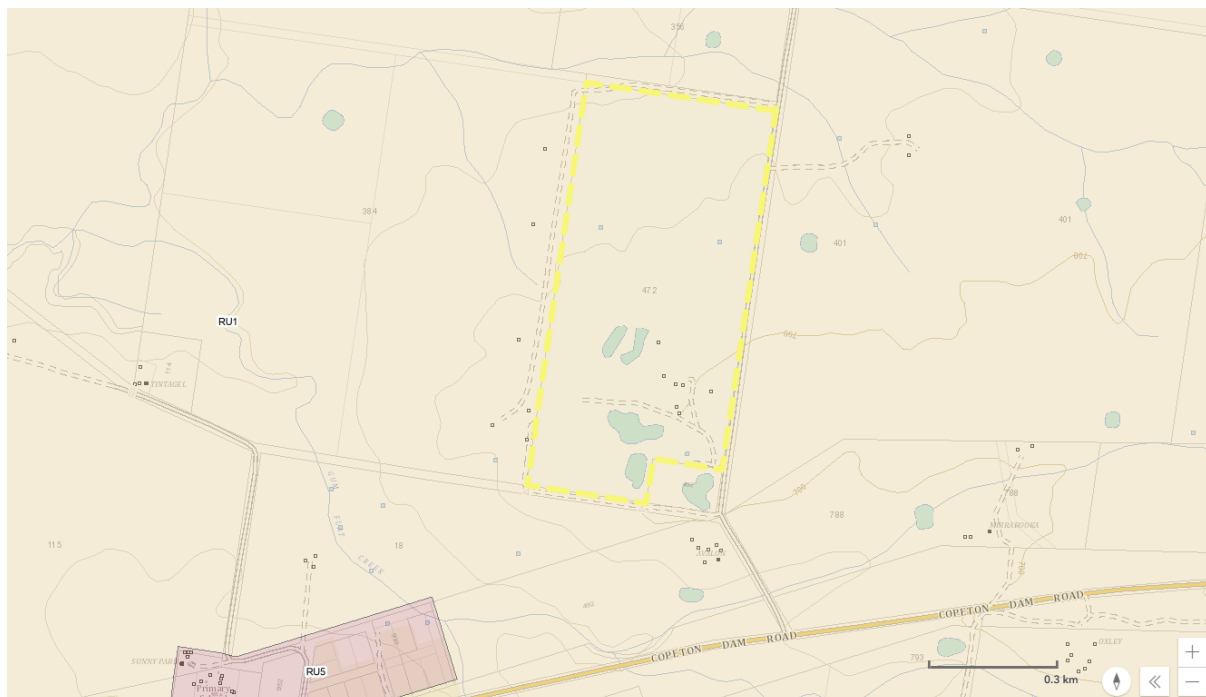


Figure 5: Zoning Map

According to the definitions in Clause 1.4 (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. As mentioned above, extractive industries are also permissible on RU1 zoned land under the Resources and Energy SEPP.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposed development will maintain the resource base by allowing for the ongoing extraction of gravel in an orderly manner with the correct approvals. The quarry is one of several diverse primary industry enterprises in the area. The quarry operation will not fragment or alienate resource lands. The quarry will not create any conflict with land uses in adjoining zones. It is acknowledged that conflict is possible with other land uses within the same zone. These conflicts are considered to be adequately managed with mitigation measures as described in Section 3.2 below.

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 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Heritage (CI 5.10)	Consent required to disturb or excavate an Aboriginal place of heritage significance	SEARs required an ACHAR be prepared. Applicant requested that this requirement be waived. Correspondence received from Heritage NSW confirming no ACHAR required. The site is not otherwise listed as an item of heritage, in a conservation area, or in proximity to an item or area.	Yes
Earthworks (CI 6.1)	The consent authority must consider: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land,	The expanded quarry is to be carried out in an environmentally sensitive manner and subject to the conditions and limits of the development consent issued by Council and the Environmental Protection Licence issued by the EPA.	Yes

	(c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	There are no expected impacts on watercourses, and sediment basins will control runoff. The land is to be returned to agricultural use after the quarry is closed. The quarry is already in operation and supplies quality gravel around the local area. The quarry is expected to have minimal impacts on adjoining properties. The development is not considered to impact on Aboriginal heritage as confirmed by Heritage NSW waiving the requirement for an ACHAR. Ongoing management and monitoring along with progressive rehabilitation works will mitigate the effects of the quarry operation.	
Essential Services (CI 6.6)	Consent authority is to be satisfied that water, electricity, sewage, stormwater drainage and vehicular access are, or can be, provided.	Site is already connected to water and electricity. Toilets are in the workshop which is connected to the dwelling's septic system, which has sufficient capacity for staff and residents. Stormwater is directed to sediment basins. Vehicular access is via Eddy Park Lane.	Yes

Subject to the resolution of the issues outlined in the draft RFI, the proposal can be 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 applicable to the subject site or proposed development.

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

The following Development Control Plan is relevant to this application:

- *Inverell Development Control Plan 2013* ('the DCP')

Chapter 4 Commercial and Industrial Development applies to a non-exhaustive list of development types. The controls in this chapter, however, are generally more applicable to business activities in town and neighbourhood centres.

The operation of the quarry is consistent with the desired location outcomes of being compatible with current and desired future character of the area and maintaining Inverell's town centre core area as the commercial and retail focus of the Shire. This chapter requires parking to be provided in accordance with the requirements of Chapter 5 of the DCP. There are no specific parking rates specified for extractive industries within Chapter 5. Parking provision on site is informal and unmarked spaces; there is adequate space for staff and visitors to safely park in the informal parking area. The development will result in minimal disturbance to soil as the quarry footprint is not to be expanded. Stormwater is appropriately managed through the construction of a turkey nest dam as required by the EPA.

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):

- *Inverell Section 94 Contribution Plan (now S7.11 EPA Act) 1992 (Amended August 2015)*

This Contributions Plan has been considered and Council have provided a condition of consent which is included in 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.

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

The Development Application was made in accordance with *Environmental Planning and Assessment Regulations 2021* (the EP&A Regulations) as Designated and Integrated Development. The application was accompanied by the required Environmental Impact Statement (EIS) prepared consistent with Planning Secretary's environmental assessment requirements as issued on 9 July 2024.

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

Section 61 of the EP&A Regulations contains matters that must be taken into consideration by a consent authority in determining a development application. None of the listed matters are relevant to the 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:

Noise and Vibration

In response to Council's request for additional information, the applicant submitted a Noise Impact Assessment (NIA) prepared by Soundscape Acoustic Consultants. The NIA assessed noise impacts on the three closest residential receivers.

The NIA modelled the following scenarios:

1. Dozer using a ripper attachment with a front-end loader shifting material
2. Front end loader loading material in to truck for haulage
3. Excavator stock piling material
4. Truck hauling material
5. Recommendations implemented

The Project Noise Trigger Levels for daytime are 40dBA. The report noted that there was an exceedance in acceptable noise levels for Receiver 2 (located on the adjacent property to the west) under scenarios 1 and 2. The report recommended mitigation impacts, with equipment modifications delivering the greatest reduction in noise levels.

The NIA also assessed road traffic noise. The EPA Environmental Criteria for Road Traffic Noise sets a maximum of 55dBA. This would allow for up to 27 truck movements during the day, and a maximum of ten are proposed. The development complies with this criterion.

The NIA also considers the scenario under which both adjacent quarries operate and concludes that once recommendations are implemented, the receiver most at risk of cumulative effects would have a noise impact of 34dBA, 3 dBA below the maximum.

The Noise Impact Statement is considered acceptable, and conditions of consent will reinforce the suitable and acceptable management of noise impacts.

Air Quality

In response to Council's request for additional information, the applicant submitted an Air Quality Impact Assessment (AQIA) prepared by Advitech. The AQIA was undertaken and prepared in accordance with the NSW EPA publication Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales. The AQIA includes a review of existing meteorological conditions and air quality, predicted modelling results and recommended management and mitigation measures.

The annual maximum average temperature in Inverell is 22.9 degrees Celsius and the minimum temperature annual average is 10.4 degrees Celsius. The average annual rainfall is 800mm. The AQIA included the creation of a 3D meteorological data file using the CALMET (California Meteorological) Model, a diagnostic meteorological model, to predict air quality impacts.

Air quality is referred to in terms of particles suspended in air, known as Total Suspended Particulate (TSP) matter. Two sub-classes of TSP are also included in the air quality goals, namely PM10, particulate matter with equivalent aerodynamic diameters of 10µm or less, and PM2.5, particulate matter with equivalent aerodynamic diameters of 2.5µm or less.

Particulate matter in the upper size range is generally characterised as deposited dust, which can be a nuisance and adversely affect amenity.

The NSW EPA Air Quality Impact Assessment Criteria are as follows:

PM _{2.5}	24 hours	–	25 µg/m ³
	Annual	–	8 µg/m ³
PM ₁₀	24 hours	–	50 µg/m ³
	Annual	–	25 µg/m ³
Total suspended particulates (TSP)	Annual	–	90 µg/m ³
Deposited dust ^a	Annual	2 g/m ² /month ^c	4 g/m ² /month ^d

The main sources of air pollutants locally include agricultural emissions, domestic wood heaters and motor vehicle exhaust. The Tamworth monitoring station was used to characterise background levels for the site due to its similar proximity to the coast, elevation and data availability. Armidale data was used where Tamworth data was unavailable.

The current annual average TSP was 26.6µg/m³, the annual average PM₁₀ was 13.3µg/m³, and the annual average PM_{2.5} was 5.7µg/m³.

The main dust generating activities associated with the project are operation of haul trucks within the quarry (and creation of wheel-generated dust), operation of a dozer and excavator, and windblown dust from stockpiles.

The AQIA assessed air quality at eighteen nearby residential receivers, based on emissions from the subject site and the adjacent quarry in order to assess cumulative impacts. The highest annual PM₁₀ result was 13.5 at Receiver 3 (dwelling to the south-east of the site), which is below the EPA criterion of 25. The highest annual PM_{2.5} result was 7.3 at Receiver 3, which is below the EPA criterion of 8. The highest annual TSP result was 33.0 at Receiver 3, which is below the EPA criterion of 90. Furthermore, the 24-hour average PM₁₀ and PM_{2.5} levels were assessed, and did not exceed the EPA guidance.

The AQIA also assessed dust levels and determined a maximum of 1.5 at Receiver 2, which is below the EPA criterion of 2.

The predicted incremental results show that the receptor locations would experience minimal incremental effects as a result of the operation of the project. The predicted cumulative results indicate that all of the assessed receptors are predicted to experience levels below the relevant criteria for each of the assessed dust metrics.

Mitigation measures proposed in relation to air quality include an Air Quality Management Plan, dust monitoring near sensitive receptors combined with reactive management, a maximum speed of 40km/h on internal haul roads, water spraying during adverse weather conditions, and water sprays on working quarry areas. The mitigation measures are considered to be adequate.

Traffic and Transport

A Traffic Impact Assessment (TIA) prepared by SMK Consultants was submitted with the Development Application. The TIA includes a review of the existing road network, traffic volumes and flows, safety, existing public transport routes and active transport usage, an assessment of proposed traffic generation and distribution, an assessment of proposed impacts on road condition, traffic safety, noise, dust and cumulative impacts, and recommendations to minimise impacts.

There are two possible routes for trucks leaving the site:

- South Route – Eddy Park Lane, Copeton Dam Road, connecting east bound to the Gwydir Highway 4km west of Inverell.
- North Route – Eddy Park Lane, connecting to the Gwydir Highway 11km north-west of Inverell.

The south route is the main route used, as Eddy Park Lane on the North Route is narrow in places and has two right angle corners. West bound traffic, towards and through Gum Flat village, will only occur in the event that material is required to be delivered to a specific site in that direction.

Existing traffic volumes on Copeton Dam Road approximately 200m east of Gum Flat are estimated at 466 vehicles per day (vpd), with 18.5% heavy vehicles. A traffic count was carried out in February 2025 on Copeton Dam Road approximately 4km east of Eddy Park Lane. Average daily traffic was 554 with 25% heavy vehicles, or 137 heavy vehicles. Quarry traffic would make up around 10% of this heavy vehicle count.

The TfNSW Centre for Road Safety Interactive Crash Statistics identifies few crash sites in the vicinity of the site. Since 2019 there have been several minor incidents along Copeton Dam Road and the Gwydir Highway, one moderate injury on a bend of Copeton Dam Road and a serious injury on a bend of the Gwydir Highway.

Maximum proposed two-way truck movements from the quarry are 20 per day, 100 per week and 5,000 per year. The first truck will leave the site around 7.00am. Generally there would be a minimum of 30 minutes between trucks.

School bus route S271 operates on Copeton Dam Road to and from Inverell. There are scheduled stops at the intersection near Gum Flat School and at the intersection of Copeton Dam Road and the Gwydir Highway. School buses are on Copeton Dam Road between 7.00am and 7.15am and 4.00pm and 4.30pm on school days.

Close to the site, there are minimal pedestrian or cyclist generators or infrastructure so conflicts are unlikely. Pedestrians are more likely near Gum Flat village; the speed limit here is 50km/h and 40km/h within the school zone.

Eddy Park Lane, Copeton Dam Road and the Gwydir Highway are all considered to be capable of taking the minor increase in traffic volumes generated by the development. There is potential for some damage to Copeton Dam Road in narrow sections if trucks are passing another vehicle and their passenger side wheels encroach on the unsealed road shoulder.

The EIS and TIA propose that gravel trucks would not operate during or for a period after wet weather when Eddy Park Lane, a gravel road, is prone to damage by heavy vehicles.

Existing geometry and sight distances are considered adequate at the entrance to the subject site, at the intersection of Eddy Park Lane and Copeton Dam Road, at the intersection of Copeton Dam Road and the Gwydir Highway, and at the intersection of Eddy Park Lane and the Gwydir Highway. Council's engineers have confirmed that the road width as well as the horizontal and vertical geometry of the North bound Route along Eddy Park Lane is not conducive to large scale heavy vehicle movements. Use of this Route would require major road upgrades, including but not limited to, road realignment to achieve suitable geometry, road widening and bitumen sealing.

The existing site access is adequate. No change is proposed to the existing informal parking arrangements; this is considered to be adequate.

The project will not generate any public transport demand and will not impact on existing public transport networks.

The TIA notes that a dwelling on Eddy Park Lane on the North Route is set back only 22m from the road and is therefore at risk of dust impacts caused by truck movements. The TIA proposes that the Driver Code of Conduct require drivers to slow down in the vicinity of this dwelling. In addition to the Driver Code of Conduct, the North Route will only be available if upgraded to the necessary standard.

The TIA notes that if all three quarries in the vicinity (the subject site, the adjacent site, and another quarry west of Gum Flat village) were operating at the same time (which does not currently occur) this could result in twenty truck movements per hour, which remains a relatively low number.

Copeton Dam Road is the main access to the recreational area Copeton Dam, which is popular with Inverell residents and generally used on weekends, when the quarry does not operate.

Mitigation measures with regard to traffic include a Traffic Management Plan, Driver Code of Conduct, and developer contributions to assist in road maintenance. A condition of consent is also recommended to require the sealing of the access to the site, and Eddy Park Lane southbound to the intersection with Copeton Dam Road. The secondary (northern) route will only be available subject to the recommended condition requiring road upgrades to accommodate heavy vehicle movements. The mitigation measures and conditions of consent are considered to be appropriate

Water

The subject site is not located in close proximity to any watercourses. An unnamed first order stream begins in the adjacent property to the west approximately 240m north-west of the quarry footprint. This watercourse eventually joins Myall Creek, an ephemeral watercourse, approximately 1.2km north-west of the quarry footprint. Gum Flat Creek is approximately 500m to the south-west of the quarry footprint. As the site is not in proximity to any watercourses, no approvals are required under the *Water Management Act 2000*.

The site is not identified as flood prone and the project is not likely to significantly affect flood behaviour.

A Soil and Water Management Plan (SWMP) prepared by SKM Consultants was submitted with the Development Application.

The quarry operation has two distinct catchment areas:

1. The Quarry Pit – the pit does not block or impede any mapped watercourse and is internally drained. All rainfall runoff is contained within the quarry. The sediment basin's location within the quarry will change over time as quarry extraction areas change. The quarry pit catchment is approximately 9 hectares and drains to a 4.6ML sediment basin. The quarry pit sediment basin has sufficient capacity to retain runoff for the 90th percentile wet year.
2. The Hardstand Area – this area includes internal roads, machinery hardstand areas and an internally bunded workshop used for parking and equipment repairs. The hardstand area has a catchment of approximately 0.9 hectares and is collected via

diversion drains and directed to a 0.4ML sediment basin on the north-west edge of the quarry.

Settled runoff from the two sediment basins are directed to a 2.6ML turkey nest dam. The hardstand sediment basin needs to be maintained with capacity to capture storm events, so water in this basin would have priority for pumping to the turkey nest dam. Once sediment settles in this storage, water is to be applied to a 12.5-hectare irrigation area or used for dust suppression on the haul roads. Runoff from the irrigation area drains to a 2.6ML harvestable rights dam. The construction and ongoing management of the turkey nest dam prevents discharge of dirty water from the site and prevent erosion and siltation issues.

The SWMP includes site water balance calculations. Stormwater runoff from within the quarry will contain sediment and is contained internally within the quarry. Low points will allow for settling of suspended solids after runoff events.

On occasions of extended wet weather where water captured in the quarry begins to impact operations, management will partly dewater the quarry for irrigated pasture production once settlement of suspended solids has occurred.

The quarry floor is porous and contamination is avoided by not refuelling within the quarry footprint. In the case of an incident such as a hydraulic line failure, spills would be cleaned up.

Mitigation measures proposed for surface water impacts include the sediment basins, turkey nest dam and irrigation area described above, minimising gradients of access tracks, maintenance of table drains, erosion control measures, correct fuel and chemical storage and refuelling practices and water quality monitoring.

The quarry is located at the top of an isolated porous weathered granite formation located within the Inverell Basalt Groundwater Management Area. The primary aquifer in the vicinity is the Inverell Basalt Groundwater Source, a predominantly fractured rock aquifer covered by the NSW Murray Darling Basin Fractured Rock Groundwater Sources Water Sharing Plan 2020.

Surrounding bore logs indicate that the groundwater table depth, although varying, is generally below the proposed maximum invert of the quarry. Only one groundwater bore is mapped within the same geological formation as the quarry; records indicate no water yielded at a depth of 57m and the bore has been plugged.

It is noted that in the twelve months leading up to the lodgement of the DA, complaints were made regarding alleged offsite discharge of runoff water from the quarry and groundwater, which was investigated by Inverell Shire Council and the Natural Resources Access Regulator, which determined that the quarry is not impacting local aquifers.

The project is not in proximity to any high priority groundwater dependent ecosystems or culturally significant sites.

The proposal is not expected to exceed any of the NSW Aquifer Interference Policy minimal impact considerations. The quarry is not expected to result in cumulative decline of the water table, cumulative decline of pressure head, and decline in water quality at water supply works in nearby properties.

Mitigation measures with regard to groundwater include monitoring of the quarry pit for evidence of groundwater intersection and explorative test pits as the quarry floor deepens.

Biodiversity

The subject site is located within the Nandewar IBRA region. Native woodlands are located along the southern and western borders of the quarry, with some sparsely distributed shrubs and grass on the inactive areas of the quarry. The subject site is not mapped as having biodiversity values. Two native plant community types (PCT) were recorded on the site:

- PCT 590 – White Box grassy woodland on the Inverell basalts mainly in the Nandewar Bioregion
- PCT 599 – Blakely's Red Gum – Yellow Box grassy tall woodland on flats and hills in the Nandewar Bioregion

Site inspections confirmed some White Box along the eastern boundary of the property, Yellow Box and Blakely's Red Gum on the quarry footprint margins, and an area of Blakely's Red Gum Yellow Box within the north-western part of the subject site which is erroneously mapped as White Box.

Anecdotal accounts suggest there was no White Box present within the quarry footprint before it was cleared, likely due to the very well drained granite-based soil. Overstorey of remaining vegetation is dominated by Blakely's Red Gum and Rough-Barked Apple with occasional Acacia implead, Apple Box and Yellow Box.

As no additional clearing is proposed, impacts on biodiversity area considered to be minimal.

Visual Amenity

The proposed development does not include an expansion of the quarry footprint. Due to the surrounding landform and vegetation, the quarry is not visible from any public place or from neighbouring properties, per the submissions received. Impacts on visual amenity are considered to be minimal. Rehabilitation of the site at the conclusion of the life of the quarry will mitigate visual amenity impacts.

Rehabilitation

After completion of quarrying, areas no longer in use will be landscaped and rehabilitated. Where possible, rehabilitation of the quarry footprint is being completed progressively. The workshop would be retained for ongoing use by the residents of the dwelling.

The objectives of the site rehabilitation are to ensure a stable final landform, achieve a land capability of Class 4 or 5 for agricultural use, and establish healthy native vegetation which will provide habitat for native species.

Rehabilitation will generally include:

- Removal of all structures, extraction equipment, waste and debris
- Remediation of any soil contamination
- Earthworks and landscaping to maximum 3:1 batter slopes with a minimum 0.5% grade including terracing where appropriate
- Site drainage directed to a sediment basin on the north-west edge of the quarry
- Erosion and sedimentation control remaining in place until the site is appropriately reinstated and revegetated
- Optimised use of stockpiled overburden as substrate for establishing final landform and revegetation
- Revegetation with an appropriate mix of local native species
- Weed and pest control

- Fencing
- Retention of some access tracks for ongoing site management

Each stage of rehabilitation will begin with coarse landforming using slopes where possible and terracing where necessary, followed by landscaping including erosion and sediment control measures and the addition of 200mm of topsoil.

The species mix is predominantly native species with a range of eucalyptus, acacia and grevillea species.

Revegetation design will prioritise species with conservation and habitat values. Planting will generally be carried out in spring and autumn, and tree guards will be installed to protect from grazing. Species selection and spacing will be based on professional advice from a horticulturist. Rehabilitated areas will be regularly monitored in order to determine whether additional watering, weed control, erosion repair or nutrient application is required.

Following closure of the quarry, the quarry footprint will be fenced with agricultural stock fencing to minimise damage and limit access.

After decommissioning, a Rehabilitation Completion Report will be prepared and submitted to Council, neighbouring landowners and appropriate state agencies.

Land Use Conflict

A Land Use Conflict Risk Assessment was submitted with the application. The LUCRA includes an assessment of surrounding uses, impacts on those uses, and mitigation measures to avoid or minimise conflict and incompatibility.

The LUCRA uses a risk ranking matrix to assess identified potential land use conflicts, based on DPI's 2021 factsheet Land Use Conflict Risk Assessment Guide. This involves assessing and ranking the risk arising from each hazard before mitigation measures are implemented, developing controls and mitigation measures, and reassessing each risk with the control in place. The assessment matrix reviews the probability (rare to almost certain) and consequence (negligible to severe) of impacts to arrive at a numerical value of 1-25 (1 being the least impact). A risk ranking of 1-10 is considered acceptable, while a risk ranking of 11-25 is considered unacceptable and requires management or mitigation measures.

The LUCRA identifies potential conflicts with regard to operational noise, air quality, erosion and sedimentation, traffic, biosecurity, water quality and quantity, and visual amenity. The proposed mitigation measures, referred to throughout this report, bring the risk rankings down to an acceptable level, with the highest ranking being 9 for noise, air quality and groundwater.

In summary, it is considered that impacts with regard to noise and vibration, air quality, traffic and transport, water, biodiversity, visual amenity, land use conflict and site rehabilitation will be adequately managed and mitigated.

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

The site has a history of quarrying operations which began before development or environmental approvals were required. The site has operated for several decades and does not have a history of significant complaints or enforcement actions. The lack of impacts on the locality is also demonstrated by the receipt of only two submissions.

The site is relatively unconstrained; the quarry footprint is already cleared and established. The site is not identified as flood prone and (with the exception of approximately 1600m² of vegetation buffer in the north-west corner of the site where no development is proposed) is not mapped as bushfire prone.

The site has suitable road access and is in close proximity to Copeton Dam Road which provides a safe and suitable connection to the wider region. Transportation impacts are to be managed through a Drivers Code of Conduct included in the Operational Environmental Management Plan. Collection of monetary contributions will assist with the repairs required due to the burden of additional haulage trucks on the road network.

Environmental assessments for noise, vibration and air quality demonstrate the expected impacts of the development on nearby residences are acceptable subject to appropriate management measures for the operational phase of the quarry. The premises will be subject to an EPL. The EPA have indicated their satisfaction with amenity impacts by issuing GTAs.

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

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

Submissions are considered in Section 5 of this report.

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

The proposed continued operation of the quarry will provide employment and an important resource to the Inverell LGA. The quarry supplies aggregate materials essential to the local civil and building construction industries. The security of supply of these resources benefits the wider community by supporting growth and construction including road and renewable energy infrastructure projects within Inverell Shire Council and surrounding LGAs.

The proposal was notified to several government agencies and the issues raised have been resolved.

Two submissions were received, of which only one objected to the proposal.

The proposed mitigation measures set out in the EIS and discussed in Section 3.2 above are considered to bring impacts to an acceptable level. Operational limits and ongoing measures to protect the environment and local amenity are included in the draft conditions of consent. The conditions provide that impacts can be managed in order for the development to proceed and public interest issues are balanced.

The proposed development is consistent with the requirements of relevant SEPPs, the LEP and the DCP. It is considered to promote the orderly and economic use and development of the land, which contains a valuable resource. On balance, the proposal is considered to be consistent with the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

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

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 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A	N/A	N/A	N/A
Referral/Consultation Agencies			
Transport for NSW (TfNSW)	State Environmental Planning Policy (Transport and Infrastructure) 2021 Section 2.121 – traffic generating development; and State Environmental Planning Policy (Resources and Energy) 2021 Section 2.22 Transport	TfNSW requested additional information which was supplied and deemed satisfactory subject to recommended conditions of consent.	Y
Department of Primary Industries and Regional Development	There was no formal trigger for referral to DPIRD. DPIRD requested a copy of the LUCRA after the objector contacted them directly.	DPIRD requested an amended LUCRA, which was provided. Final advice suggested additional data-based monitoring but acknowledged that not all documentation was reviewed and the advice did not pre-empt Council's own assessment.	Y
Integrated Development (S 4.46 of the EP&A Act)			
NSW Environment Protection Authority (EPA)	Protection of the Environment Operations Act 1997 Sections 43(b) and 48	EPA requested additional information. This was provided and deemed satisfactory and GTAs issued.	Y

4.2 Council Officer Referrals

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

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	The application has been referred to Council's Engineer for review of parking and access arrangements. The following comments were received: • RAV HML Route – Eddy Park Lane is not an approved route for Restricted Access Vehicles. Figure 5 depicts Havilah Park Road and the incorrect location of the Quarry. • North Bound Route – The road width as well as the horizontal and vertical geometry of the North bound Route along Eddy Park Lane is not conducive to large scale heavy vehicle movements. • Road Upgrades – Eddy Park Lane would need to be upgraded and bitumen sealed from the access of the quarry along the primary haulage route (south). If north route is proposed to be utilised for haulage it will require upgrade also. • Contributions – To be charged at \$0.50 per tonne of material extracted – indexed to CPI quarterly.	Y
Environmental Health	The application has been referred to Council's Environmental Health Officer to determine if the existing On-Site Sewage Management system is adequate to service both the dwelling and the staff associated with the quarry. It was confirmed that the system is adequate.	Y

The relevant matters raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with the DCP from 10 April 2025 until 14 May 2025. The notification included the following:

- An advertisement in the local online newspaper The Inverell Times 10 April 2025;
- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (6 letters);
- Notification on the Council's website.

A total of two (2) unique submissions, comprising one (1) detailed objection and one (1) submission raising the single issue of dust mitigation, were received. The objection came from an adjoining landowner and comprised multiple parts including a letter from the landowner, a letter from their legal representative, a letter from an ecologist engaged by the landowner, and a letter from an environmental consulting firm engaged by the landowner.

The submission was later followed by a review of the Land Use Conflict Risk Assessment prepared by the environmental consulting firm in January 2026, some time after the consultation period had ended.

It is noted that there is an ongoing disagreement between the quarry and objector.

Notwithstanding the conclusion of the notification period, further correspondence from the objector and their representatives has been incorporated into this assessment to address all matters relevant to the DA and uphold the principles of procedural fairness.

The issues raised in the submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Historic expansion of the quarry without approval	1	This is a separate compliance issue to be dealt with by Council and/or the EPA. Outcome: This issue is not relevant to the assessment of the DA.
Accuracy of EIS including the size of the cleared quarry area	1	DA assessment can only consider activities from the present date forward. Historical activities are subject to separate compliance and enforcement by relevant authorities. A request for additional information was issued to clarify a range of issues in the EIS. Outcome: An updated EIS addressed inaccuracies in the original version.
Dust	2	One submission stressed that their only concern was dust. The other submission raised a number of issues related to dust including respiratory disease, silicosis, and degradation of koala habitat. An Air Quality Impact Assessment (AQIA) was submitted by the applicant in response to a request from the NSW Environment Protection Authority (EPA). The AQIA determined that the impact assessment criteria for air quality and dust would not be exceeded at any nearby receiver. Outcome: The AQIA was considered to be adequate both by Council and by the EPA, who issued General Terms of Approval (GTAs).
Groundwater extraction and contamination	1	The objection states that quarries are permitted to take 3ML of groundwater per year and raises concerns that this will reduce the availability of groundwater in the area. The objection also raises concerns that groundwater will be contaminated. Outcome: Groundwater extraction at the rates quotes is permitted only with an Aquifer Interference Approval. The operation does not hold such an approval, the proposal does not exceed any of the Aquifer Interference Policy minimal impact

		considerations, and the issue is therefore moot. Groundwater quality is to be monitored in accordance with the EPA GTAs.
Adequacy of rehabilitation plan	1	An amended Rehabilitation Plan was submitted by the applicant in response to a Request for Additional Information issued by Council. This is considered to be adequate. Outcome: Amended Rehabilitation Plan deemed adequate.
Risk of aquifer breach	1	The proposal is not expected to exceed any of the NSW Aquifer Interference Policy minimal impact considerations. Outcome: The quarry is not expected to breach the aquifer; however, operations will cease if test pits reveal the aquifer is less than 1m below the bottom of the quarry.
Visual amenity	1	The objector notes that they cannot see the quarry void and raised issues with regard to old farm equipment and steel visible from their property. Outcome: The issues raised are not specifically relevant to the quarry operation and are therefore not relevant to the DA assessment.
Noise	1	The objector states that they can hear noise from the quarry. Outcome: A revised Noise Impact Statement was submitted by the applicant in response to EPA and Council requirements. The report noted that there was an exceedance in acceptable noise levels for this receiver under two scenarios. The report recommended mitigation impacts, with equipment modifications delivering the greatest reduction in noise levels. The Noise Impact Statement is considered acceptable and conditions of consent will manage noise impacts.
Hours of operation	1	The objection states that the quarry currently commences operations earlier than 7.00am and requests a guarantee that this will be adhered to in future. Outcome: Hours of operation are subject to conditions in accordance with the GTAs set by the EPA. Should the operator breach the conditions this should be reported to Council and/or the EPA.
Operational and Vehicle Limits	1	The objection proposed an arbitrary maximum extraction rate of 40,000 tonnes per annum, five (5)

		truck movements per day and a speed limit of 40km/h for trucks on Eddy Park Lane. Outcome: Extraction rates and truck movements are subject to conditions in accordance with the GTAs set by the EPA. Specific speed limits for trucks are not considered to be appropriate or enforceable.
Cumulative impacts of two adjacent quarries	1	The objection raises concerns with the operation of two quarries at 472 and 401 Eddy Park Lane. Outcome: A request for additional information required the documentation to address cumulative impacts. Amended documentation addressed cumulative impacts with regard to noise and air quality. The EIS notes that the adjacent quarry appears to operate only on weekends, but the amended documentation assumes identical hours to the subject site in order to model a worst-case scenario and adopt a precautionary approach. The documentation is considered acceptable and will be reinforced with conditions of consent.

5. KEY ISSUES

A number of key issues were identified during the assessment process which resulted in requests for additional information including an amended Noise Impact Statement, Air Quality Impact Statement, amended Traffic Impact Assessment, surface water management details, cumulative impacts, and general amendments to the EIS to correct inconsistencies, inaccuracies and missing information. Amended documentation was provided by the applicant which resolved all the issues raised. The impacts associated with the development are considered to have been adequately addressed through mitigation measures and/or will be managed through the draft recommended conditions of consent listed in Attachment A.

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 proposed development is the continued operation of an existing quarry with a maximum extraction rate of 90,000 tonnes per year. The quarry has operated for at least fifty years with no significant impacts or history of complaints from the community. The proposal is considered to be consistent with all applicable SEPPs, the LEP and the DCP. Potential impacts have been considered in the EIS and supporting documentation, and appropriate mitigation measures are proposed.

It is considered that the key issues as outlined in Section 5 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 DA-19/2025 for continued operation of an existing gravel quarry with a maximum extraction rate of 90,000 tonnes per year at 472 Eddy Park Lane, Gum Flat NSW 2360 (Lot 106 DP 656030) 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