

# SOUTHERN REGIONAL PLANNING PANEL

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSSTH-205</b>
<b>DA Number</b>	DA2022/0110
<b>LGA</b>	Snowy Valleys Council
<b>Proposed Development</b>	Proposed expansion of the existing Murray's Crossing Quarry including the construction, operation and rehabilitation of a quarry extension proposing to extract up to 100,000 tonnes per annum (tpa) with peak volumes of 200,000 tpa, over approximately 25 years.
<b>Street Address</b>	<p>The site is commonly known as 71 Murrays Crossing Road, Tumbarumba and is legally described as follows:</p> <ul style="list-style-type: none"> <li>• Lots 20, 172, 173, 174, 175, 176, 177, 178, 452, 659, 663, 665 DP755892</li> <li>• Lot 179 DP1100528</li> <li>• Lot 1 DP1150973</li> <li>• Lot 1 DP111861</li> <li>• Lot 732 DP755892 Crown Reserve (81837)</li> <li>• Lot 7028 DP96852 Travelling Stock Reserve (51191)</li> </ul>
<b>Applicant/Owner</b>	Bald Hill Quarry Pty Ltd
<b>Date of DA lodgement</b>	4 August 2022
<b>Number of Submissions</b>	<p>Public Notification – 29 August 2022 to the 26 September 2022 and 14 December 2022 to the 3 February 2023.</p> <p>No public submissions received during the notification periods.</p>
<b>Recommendation</b>	Approval, subject to conditions.
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)</b>	Extractive industry that meets the requirements for designated development (clause 7 of Schedule 6).
<b>List of all relevant 4.15 matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Environmental Planning and Assessment Regulation 2021</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Crown Lands Management Act 2016</li> <li>• Water Management Act 2000</li> <li>• National Parks and Wildlife Act 1974</li> <li>• Biodiversity Conservation Act 2016</li> <li>• Fisheries Management Act 1994</li> </ul>

	<ul style="list-style-type: none"> <li>• Waste Avoidance and Resource Recovery Act 2001</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resources and Energy) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazard) 2021</li> <li>• State Environmental Planning Policy (Primary Production) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conversation) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Tumbarumba Local Environmental Plan 2010</li> <li>• Snowy Valleys Development Control Plan 2019</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Planning Secretary's Environmental Assessment Requirements (SEARs)</li> <li>2. Development Plans</li> <li>3. Environmental Impact Statement</li> <li>4. Biodiversity Assessment</li> <li>5. External Referral Response Table</li> <li>6. DCP Compliance Table</li> <li>7. Recommended Conditions of Consent</li> <li>8. NSW EPA General Terms of Approval</li> <li>9. DPE – Water General Terms of Approval</li> <li>10. DPI – Fisheries General Terms of Approval</li> </ol>
<b>Report prepared by</b>	Jeremy Swan, The Planning Hub – Independent Town Planning Consultant on behalf of Council
<b>Report date</b>	28 January 2024

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

**Yes**

---

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

---

**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not  
Applicable**

---

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.11EF)?

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

**Not  
Applicable**

---

**Conditions**

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

**No**

Table of Contents

1. PURPOSE OF REPORT ..... 6

2. SUMMARY OF RECOMMENDATION ..... 6

3. EXECUTIVE SUMMARY ..... 6

4. BACKGROUND..... 9

5. THE PROPOSAL..... 13

6. ASSESSMENT ..... 16

7. OTHER MATTERS..... 31

8. CONCLUSION..... 31

9. RECOMMENDATION..... 31

## **Attachments**

1. Planning Secretary's Environmental Assessment Requirements (SEARs)
2. Development Plans
3. Environmental Impact Statement
4. Biodiversity Assessment
5. External Referral Response Table
6. DCP Compliance Table
7. Recommended Conditions of Consent
8. NSW EPA General Terms of Approval
9. DPE – Water General Terms of Approval
10. DPI – Fisheries General Terms of Approval

## 1. PURPOSE OF REPORT

The purpose of this report is to seek the Southern Regional Planning Panel (the Panel) determination of a Development Application (DA) proposing the construction, operation and rehabilitation of a quarry extension to existing quarry operations at Murrays Crossing Quarry in Tumbarumba, located at 71 Murrays Crossing Road, Tumbarumba.

The Panel is the determining authority for this DA, pursuant to Part 2.4 of State *Environmental Planning Policy (Planning System) 2021* and Part 2.15 of the *Environmental Planning and Assessment Act 1979*, as the development is for the purposes of an extractive industry that meets the requirements for designated development.

## 2. SUMMARY OF RECOMMENDATION

That the Panel grant consent to DA2022/0110 consisting of the construction, operation and rehabilitation of a quarry extension to existing quarry operations at Murrays Crossing Quarry in Tumbarumba pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions contained in this report.

## 3. EXECUTIVE SUMMARY

Council is in receipt of a Development Application submitted on 4 August 2022, seeking approval for the construction, operation and rehabilitation of a quarry extension to existing quarry operations at Murrays Crossing Quarry in Tumbarumba at 71 Murrays Crossing Road, Tumbarumba.

The purpose of the development application is to amalgamate its current operations at Murray's Crossing Quarry in Tumbarumba and combine all disturbance areas under one approval. The proposal would include the construction, operation and rehabilitation of a quarry extension to existing quarry operations.

Bald Hill Quarry Pty Ltd is approved to extract and process up to 15,000 tonnes per annum (tpa). The project proposes to extract up to 100,000 tpa with peak volumes of 200,000 tpa, over approximately 25 years.

The subject site is zoned RU1 Primary Production pursuant to the Tumbarumba Local Environmental Plan (LEP) 2010. Extractive Industries are permitted with consent in the RU1 zone.

The application is classified as integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* as:

- The proposal requires an Environmental Protection License (EPL) under the Protection of the Environment Operations Act 1997.
- The proposal requires a permit under the Fisheries Management Act 1994.
- The proposal requires a controlled activity approval under the Water management Act 2000.

The application is designated development under the Environmental Planning and Assessment Regulation 2021, as it involves:

- Obtaining more than 30,000 cubic metres of basalt per year;
- Disturbing an area greater than 2ha;
- Located on land that slopes at more than 18 degrees to the horizontal.
- Within 40 metres of a natural waterbody and within an environmentally sensitive area.
- Blasting, within 1,000 metres of a residential zone and within 500 metres of a dwelling not

associated with the development.

The Planning Secretary's Environmental Assessment Requirements (SEARs) were issued on 6 April 2021 and are provided in **Attachment 1**. The application was supported by an Environmental Impact Statement (**Attachment 3**) that was prepared in accordance with the SEARs.

In accordance with the designated and integrated development requirements the application was referred to the following external authorities for assessment:

- NSW Rural Fire Service
- NSW Environment Protection Authority
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Fisheries
- Department of Planning and Environment – Biodiversity and Conservation Division
- Department of Planning and Environment – Water
- Transport for New South Wales

Additional information was requested by Council Officers, the Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment (DPE) and Environmental Protection Authority (EPA) in April 2023. Further information was requested by the EPA in September 2023.

As part of the April 2023 request for additional information the following information was requested by Council:

- owners' consent and lease details;
- survey plan; and
- the Applicant's preferred methodology to repair damage to the existing road network were all sought.

The Applicant submitted details of owner's consent, lease agreements and a survey plan. With regard to the Applicant's preferred methodology to repair the damage to the existing road network, a condition of consent will be included requiring the Applicant to prepare a dilapidation report.

As part of this April 2023 request for additional information, the Biodiversity and Conservation Division of the Department of Planning and Environment requested further information relating to the Biodiversity Assessment and Environmental Impact Statement specifically relating to the flooding and the retention of native vegetation.

The Applicant provided additional information to address the concerns of the Biodiversity and Conservation Division of the Department of Planning and Environment in June 2023 where the Applicant updated Section 3.2.1 and Section 3.4 of the Biodiversity Assessment after a more thorough biodiversity survey of the site was conducted.

Section 4.2.2 of the Biodiversity Assessment was also updated to provide a more up-to-date biodiversity values map. Measures were also set out around how biodiversity values will be maintained or improved in the medium to long-term including an updated rehabilitation map.

Specific areas of the quarry targeted for rehabilitation were set out and the EIS recommended a detailed quarry closure and rehabilitation plan be prepared three years prior to the cessation of quarrying activities. With regard to flooding, the Applicant committed to measures to mitigate material movement during potential flood, including the following:

- Increase the bund or barrier on the side of the Travelling Stock Reserve (TSR) to diffuse water flow energy.
- Locate stockpiles adjacent to the roadway.
- Provide a flood emergency response plan which can consider successful existing and other practical measures to manage the stockpiles on the TSR.

The Biodiversity and Conservation Division of the Department of Planning and Environment responded to this information in October 2023 and deemed this information to be sufficient and provided their conditions for consent.

As set out above, the EPA requested further information in September 2023. The EPA requested further information regarding the noise and blasting impact assessment and also further detailing regarding the air quality modelling.

In response, the Applicant prepared a 'Response to EPA – Noise Impact Assessment' document which conducted noise monitoring to determine source noise levels. It was noted that existing noise levels already exceeded the project amenity noise level by 2 dB at the most-affected receiver (R21).

No mitigation measures were recommended for existing operations given the quarry has been operational for 10 years with no noise complaints. Measures are proposed to reduce noise levels and for all receivers excluding R21, future noise levels are predicted to comply with the project noise trigger level of 48 dBA.

With regard to air quality, the proposed operations are predicted to have negligible increases in cumulative concentrations at all receptors and all air quality mitigation and management measures listed in the EIS would be implemented during operations.

On 17 January 2024, the EPA deemed the additional information to be satisfactory and issued their General Terms of Approval for the proposed development which have been included in the recommended conditions of consent provided in **Attachment 7**.

As part of the assessment of the subject Development Application, the Panel was briefed on two separate occasions. The first briefing on the application took place on 5 April 2023. The key items discussed at the briefing consisted of the outstanding referrals for the development and community consultation and exhibition of EIS, noting no submissions were received.

The second briefing on the application took place on 28 July 2023. The key items discussed at the briefing consisted of outstanding referrals for the development and options for monitoring the volume and rate of extraction.

The assessment has found that the development is consistent with the aims and objectives of and the following legislations and environmental planning instruments:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Protection of the Environment Operations Act 1997
- Crown Lands Management Act 2016
- Water Management Act 2000
- National Parks and Wildlife Act 1974
- Biodiversity Conservation Act 2016
- Fisheries Management Act 1994
- Waste Avoidance and Resource Recovery Act 2001
- State Environmental Planning Policy (Planning Systems) 2021



- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Resilience and Hazard) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Biodiversity and Conversation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Tumbarumba Local Environmental Plan 2010
- Snowy Valleys Development Control Plan 2019

The proposal is generally consistent with all relevant environmental planning instruments and is considered satisfactory. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.

Considering the above, it is recommended that the Southern Regional Planning Panel determine the Development Application pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979 and grant consent subject to the to the conditions as provided at **Attachment 7**.

#### **4. BACKGROUND**

##### Application Background

The purpose of the development application is to construct, operate and rehabilitate a quarry extension to existing quarry operations at Murray's Crossing Quarry. The Proposal aims to extract 100,000 tpa with peak volumes of 200,000 tpa over approximately 25 years.

Murray's Crossing Quarry currently has Development Consent to extract and transport 15,000tpa on freehold land. Current operations involve the extraction and transportation of approximately 80,000tpa from the Crown Quarry Reserve. The Proposal aims to continue to extract and transport up to 100,000tpa, with a project specific peak volume of 200,000tpa.

##### The Site and Locality

The subject site is located within Tumbarumba in the Local Government Area (LGA) of Snowy Valley Council. Tumbarumba is located to the south west of Tumut.

The surrounding area is zoned RU1 Primary Production under the provisions of the Tumbarumba Local Environmental Plan (LEP) 2010. Surrounding land uses within 2km of the Proposal include grazing agriculture, a racecourse and the town of Tumbarumba. Tumbarumba supports commercial businesses, residential dwellings and associated public services, such as hospitals, parks and schools, refer to Figure 1 below for the site's location and context.

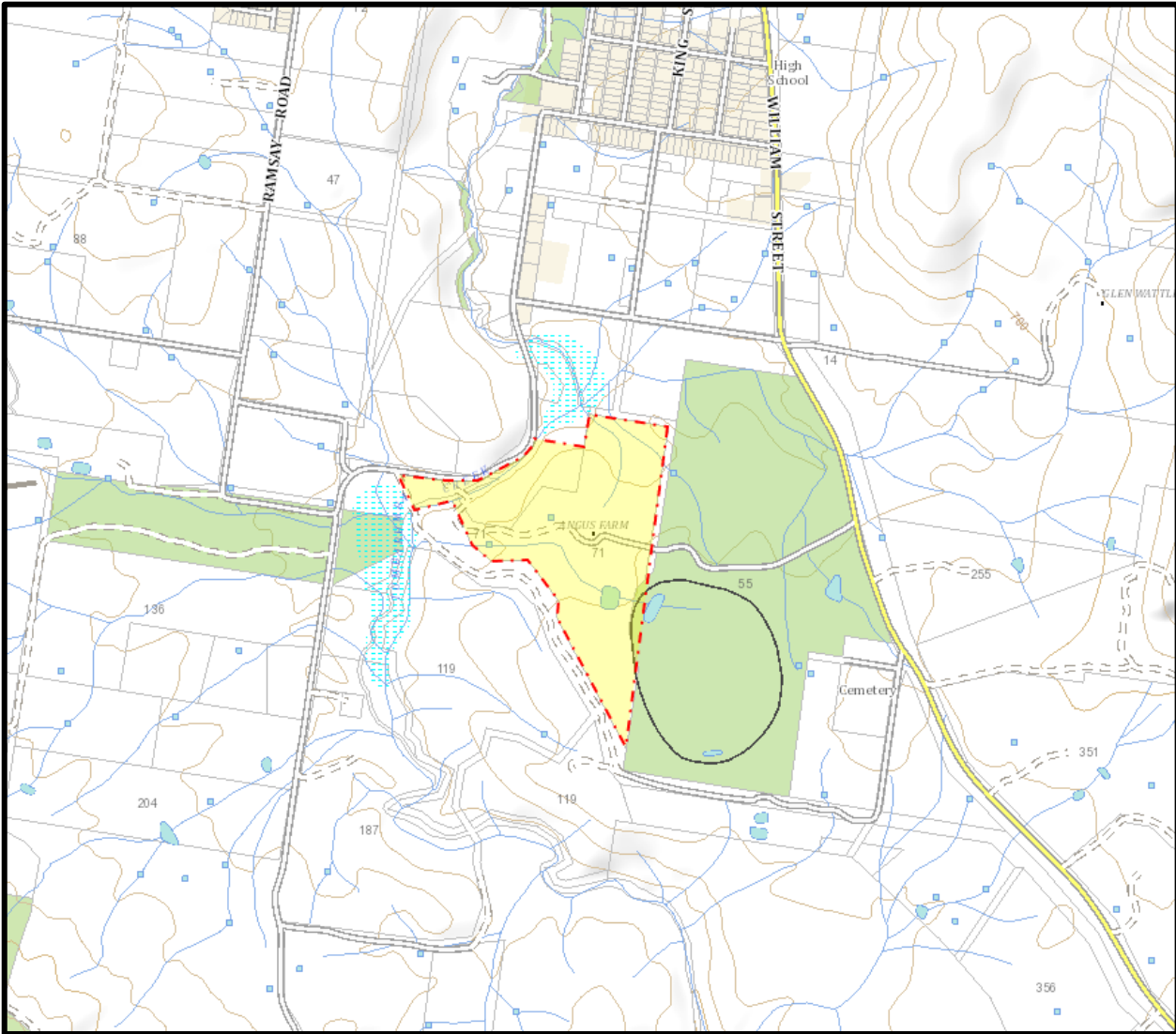


Figure 1 – Location of the site outlined in red (Source: Six maps).

The subject site is commonly known as 71 Murrays Crossing Road, Tumbarumba and is legally described as follows:

- Lots 20, 172, 173, 174, 175, 176, 177, 178, 452, 659, 663, 665 DP755892
- Lot 179 DP1100528
- Lot 1 DP1150973
- Lot 1 DP111861
- Lot 732 DP755892 Crown Reserve (81837)
- Lot 7028 DP96852 Travelling Stock Reserve (51191)

The site is zoned RU1 Primary Production under the provisions of the Tumbarumba Local Environmental Plan (LEP) 2010 and contains the existing Murray's Crossing Quarry.

Murray's Crossing Quarry is located approximately 2km south of Tumbarumba. Tumbarumba has a population of 1,862 people and is accessible via Batlow Road and Tooma Road. The surrounding area is zoned RU1 Primary Production and RU4 Primary Production Small Lots under the provisions of the Tumbarumba Local Environmental Plan (LEP) 2010.

Surrounding land uses consist of a racecourse, located approximately 85m east of the site, and a cemetery, located approximately 670m southeast of the site. The surrounding RU1 zoned land has largely been cleared for agricultural purposes, namely broadacre cropping and grazing. Forested

areas, associated with the Travelling Stock Route (TSR), occur to the west of the site. Farm dams are located along drainage lines, which discharge into Tumbarumba Creek, located immediately northwest of the site.

An aerial view of the site and applicable zoning is provided in Figures 3 and 4 below.

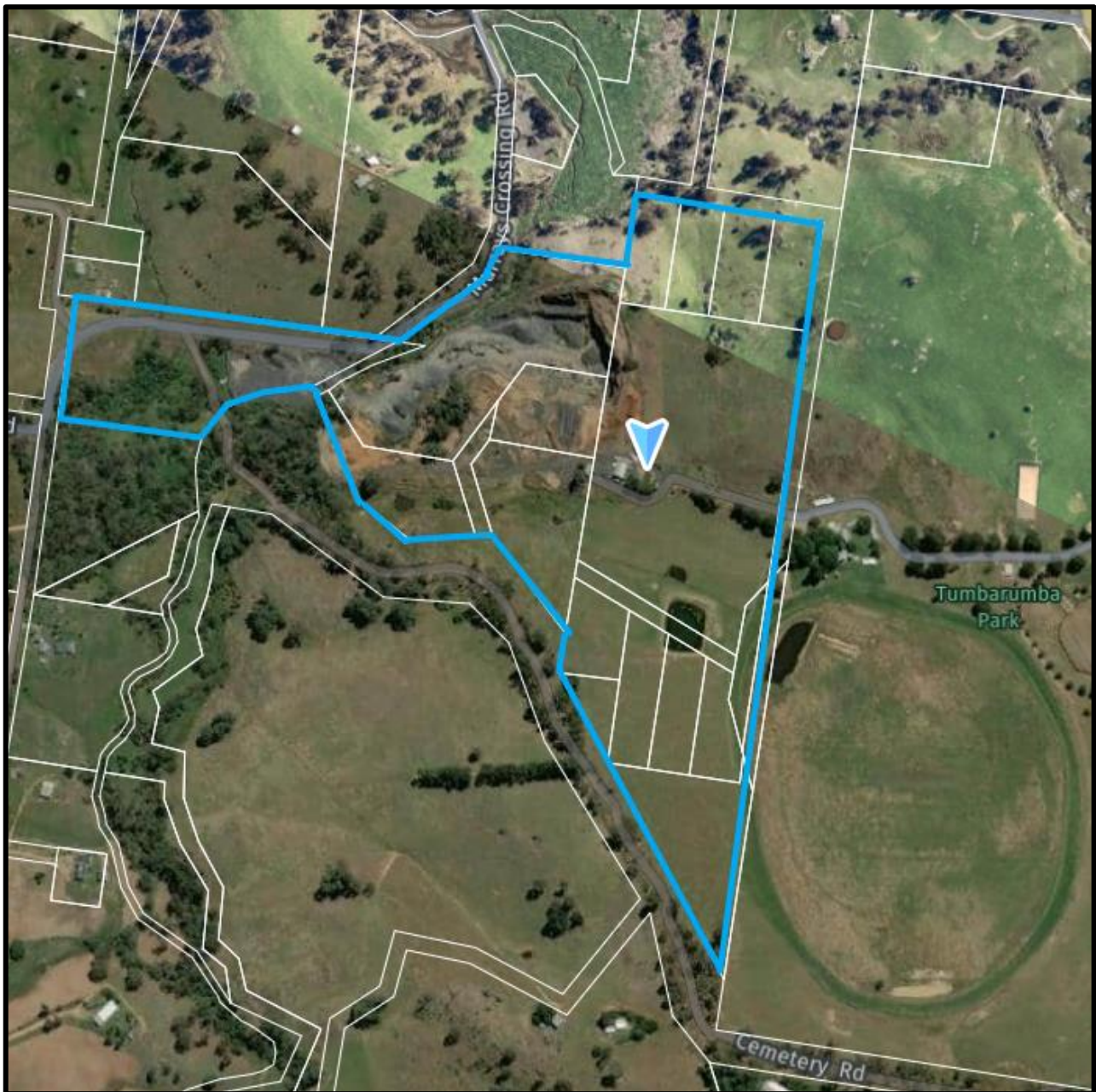


Figure 2 – Site aerial with the site outlined in blue (Source: Nearmap).





Figure 3 – Zoning of the site and surrounding area (Source: NSW Legislation).

### The Subject Application

The subject application was lodged with Snowy Valleys Council on 4 August 2022 for demolition of existing structures and construction of a public administration building, public library, public plaza and associated works as part of the Wollondilly Community, Cultural and Civic Precinct at 62-64 Menangle Street Picton.

Following a detailed assessment of the proposal, additional information was requested from the applicant on a number of occasions to ensure the development complied with the applicable controls and external authorities' requirements.

Following receipt of amended information from the applicant, the development is now in a form that allows for a determination to be made.

### Notification and Referrals

The subject application is classed as Integrated Development under Clause 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and was referred to the relevant authorities for concurrence, as follows:

- The proposal requires an Environmental Protection License (EPL) under the Protection of the Environment Operations Act 1997.
- The proposal requires a permit under the Fisheries Management Act 1994.
- The proposal requires a controlled activity approval under the Water management Act 2000.

The application is designated development under the Environmental Planning and Assessment Regulation 2021, as it involves:

- Obtaining more than 30,000 cubic metres of basalt per year;
- Disturbing an area greater than 2ha;
- Located on land that slopes at more than 18 degrees to the horizontal.
- Within 40 metres of a natural waterbody and within an environmentally sensitive area.
- Blasting, within 1,000 metres of a residential zone and within 500 metres of a dwelling not associated with the development.

The Planning Secretary's Environmental Assessment Requirements (SEARs) were issued on 6 April 2021 and are provided in **Attachment 1**. The application was supported by an Environmental Impact Statement (**Attachment 3**) that was prepared in accordance with the SEARs.

In accordance with the designated and integrated development requirements the application was referred to the following external authorities for assessment:

- NSW Rural Fire Service
- NSW Environment Protection Authority
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Fisheries
- Department of Planning and Environment – Biodiversity and Conservation Division
- Department of Planning and Environment – Water
- Transport for New South Wales

The external authorities' responses are summarised in **Attachment 5**.

The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 2021 from 29 August 2022 to the 26 September 2022 and 14 December 2022 to the 3 February 2023. No public submissions were received.

## 5. THE PROPOSAL

The development application seeks development consent for the expansion of the existing Murray's Crossing Quarry including the construction, operation and rehabilitation of a quarry extension proposing to extract up to 100,000 tonnes per annum (tpa) with peak volumes of 200,000 tpa, over approximately 25 years at 71 Murrays Crossing Road, Tumbarumba.

Specifically, the development will comprise of the following:

- A 13.24ha development footprint, which would include:
  - A quarry footprint of approximately 8.68ha, Involving the existing quarry (2.88ha) and the

### proposed quarry extension (5.8ha)

- Construction of a stockpile for surplus product;
- The diversion of one ephemeral watercourse;
- Construction of a sediment dam;
- Relocation of the existing workshop and amenities (septic) building;
- New internal haul road, to the relocated workshop and amenities building;
- Drill and blasting for extraction, up to five or six times a year;
- Use of existing equipment for road construction and quarry operations;
- Haulage of extracted rock via loader across quarry pit floor, to an existing processing plant, located within the quarry pit;
- An increase in truck movements, from 24 per day to:
  - 30 per day during extraction periods of up to 100,000 tonnes per annum (tpa).
  - 60 per day during extraction periods of up to 200,000 tpa.

The proposal seeks approval for extraction of 100,000 tpa with peak periods of 200,000 tpa over a period of 25 years. Total extraction would not exceed 2.4 million tonnes of hard rock (basalt) for the life of the project.

Refer to Figure 4 & 5 below which detail the existing and proposed development footprint.

### Existing and Proposed Infrastructure

The Proposal involves the use of the existing site office, sediment dam and equipment for internal road construction and quarry operations. The existing workshop and amenities building will be relocated to the southeast of its current location.

Currently, the development utilises a stockpile and loading area within the Travelling Stock Route (Lot 7028 DP96852) as per the Proponent's permit agreement with Local Land Services. No changes to the existing arrangement are proposed as part of the EIS. An additional waste stockpile is proposed within the southwest portion of the Development site.

Access to the Development site is via the existing connection between Murray's Crossing Road and the existing haul road. Murray's Crossing Road is facilitated by a 25m wide vehicle crossing.

### Construction

Construction of the quarry extension would be undertaken progressively. As the quarry extends into the development footprint, construction activities would include:

- Vegetation removal.
- Ground preparation, drainage and erosion and sediment controls.

Site preparation would include clearing and earthworks using excavators and bulldozers. Ground disturbance resulting from the earthworks associated with the proposal would be minimal and limited to:

- Removal of overburden of the pit footprint.
- Construction of a sediment dam.

## Operation

Operation activities would include:

- Continuation of staged extraction of material through mechanical methods and drill and blast processes.
- Drill and blast would occur approximately five to six times a year.
- Extracted materials would be processed via the mobile processing plant, located within the Development footprint. Material would be processed at an average of 1,000 tonnes per day.

Fuel storage for plant and equipment will be contained within a bunded fuel trailer within the pit. A bunded above-ground fuel tank is also located at the existing workshop. It is proposed to move this fuel tank in conjunction with the proposed workshop relocation.

Daily operations and maintenance by site staff would be undertaken indicatively during standard working hours. The current approved working hours for the site are:

- Monday to Friday 7.00am – 6.30pm
- Saturday and Sunday 8.00am – 4.00pm
- No work on public holidays
- No blasting on Sundays.

Following closure of all quarry operations the quarry will be rehabilitated to accommodate a future land use through the development of a Quarry Closure Plan.



Figure 4: Existing Quarry Layout (Source: NGH)





Figure 5: Proposed Quarry Layout (Source: NGH)

## 6. ASSESSMENT

An assessment against 4.15 of the Environmental Planning and Assessment Act 1979 is provided below.

### ***Environmental Planning and Assessment Act 1979 – Section 4.15***

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property.

#### ***(a)(i) The Provisions of any Environmental Planning Instrument***

The Environmental Planning Instruments that relate to the proposed development are:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Protection of the Environment Operations Act 1997
- Crown Lands Management Act 2016
- Water Management Act 2000
- National Parks and Wildlife Act 1974
- Biodiversity Conservation Act 2016
- Fisheries Management Act 1994
- Waste Avoidance and Resource Recovery Act 2001
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Resilience and Hazard) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Biodiversity and Conversation) 2021



- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Tumbarumba Local Environmental Plan 2010
- Snowy Valleys Development Control Plan 2019

An assessment of the proposed DA against the above instruments is detailed below.

### Environmental Planning and Assessment Act 1979 (EP&A Act)

#### *Section 4.10 – Designated Development*

Under section 4.10(1) of the EP&A Act, the development is declared to be Designated Development. Schedule 3 (26) of the EP&A Regulation lists the thresholds for which an extractive industry is considered to be Designated Development which is set out in the *Environmental Planning and Assessment Regulation 2021* section.

#### *Section 4.46 – Integrated Development*

The subject application is classed as Integrated Development under Clause 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and was referred to the relevant authorities for concurrence, as follows:

- The proposal requires an Environmental Protection License (EPL) under the Protection of the Environment Operations Act 1997.
- The proposal requires a permit under the Fisheries Management Act 1994
- The proposal requires a controlled activity approval under the Water management Act 2000

NSW EPA issued their GTAs in January 2024 (**Attachment 8**). Department of Planning and Environment – Water issued their GTAs in March 2023 (**Attachment 9**). Department of Primary Industries (Fisheries) issued their GTAs in July 2023 (**Attachment 10**).

These GTAs have been included in the recommended conditions of consent provided in **Attachment 7**.

### Environmental Planning and Assessment Regulation 2021

Under the provisions of Clause 26 of Schedule 3 to the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), the proposed expansion of an existing quarry is 'designated development', as it:

- Will obtain more than 30,000 cubic metres of basalt per year;
- Will disturb an area greater than 2ha;
- Is on land that slopes at more than 18 degrees to the horizontal.
- Is within 40 metres of a natural waterbody and within an environmentally sensitive area.
- Involves blasting, within 1,000 metres of a residential zone and within 500 metres of a dwelling not associated with the development.

As a result, an Environmental Impact Statement (EIS) prepared in accordance with section 4.12 of the EP&A Act and Schedule 3 to the EP&A Regulation. Secretary's Environmental Assessment Requirements (SEARs) were issued on 6 April 2021.

### Protection of the Environment Operations Act 1997

In accordance with Clause 48 of the Protection of the Environment Operations Act 1997 an

environmental protection license is required for scheduled activities. In accordance with Clause 19 of Schedule 1 of the Protection of the Environment Operations Act 1997 the proposed development is a scheduled activity as it will extract more than 30,000 tonnes of extractive material per year.

The application was referred to NSW EPA who issued their GTAs in January 2024. The GTAs have been included in the recommended conditions of consent provided in **Attachment 7**.

#### Crown Lands Management Act 2016

The Crown Lands Management Act 2016 aims to provide for the ownership, use and management of the Crown land of New South Wales.

BHQ received Development Consent for the Murray's Crossing Quarry in 1992; however, quarrying activities within the Crown Quarry Reserve (Lot 732 and 623 DP755892) have been evident since the 1940s.

In 2009, BHQ entered into an existing land use rights agreement for the Crown Quarry Reserve with Snowy Valley Council (SVC). BHQ also have a permit from Local Land Services to stockpile material and load trucks on the TSR (Lot 7028 DP96852). The proposal is considered to be consistent with the objectives of the Crown Land Management Act whereby:

- The use and management of the land have been clearly established;
- Environmental, social, economic and cultural heritage considerations have been taken into Consideration; and
- Land owners consent has been received for the use of Crown Land.

#### Water Management Act 2000

The objects of this Act are to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

The two existing farm dams and sediment retention dam will be used for dust suppression during construction. The two dams will be progressively filled before operation starts. During operation, water for dust control will be sourced from the newly built sediment retention dam.

The construction of the sediment retention dam, the redirection of the ephemeral watercourse, construction of the additional sediment dam and the depositing of material on land that is located within 40m of a waterbody's high water mark require a controlled activity approval under the Act. The Department of Planning and Environment – Water issued their GTAs in March 2023 (**Attachment 9**).

#### National Parks and Wildlife Act 1974

An Aboriginal Heritage Due Diligence Assessment prepared by NGH was submitted in support of the application. The Aboriginal Heritage Due Diligence Assessment detailed that an Aboriginal Heritage Impact Permit (AHIP) was not required as no relics or other items protected under the Heritage Act were located on the subject site. The closest site of local significance, Tumbarumba Pioneer Cemetery (I9), is located approximately 700m southeast of the subject site, as outlined in section 6.10 of the EIS. A permit under the Heritage Act is not required.

An Aboriginal Heritage Impact Permit would be required if Aboriginal objects are recovered during the testing programme or if an item suspected of being Aboriginal in origin is discovered during the works. Conditions of consent have been imposed to ensure compliance.

### Biodiversity Conservation Act 2016

The proposed development requires the clearing of existing vegetation to accommodate the works. A Biodiversity Assessment was submitted in support of the development.

This assessment considers the potential impacts to biodiversity for the proposed amalgamation of current operations at Murrays Crossing Quarry in Tumbarumba and disturbance areas. Based on the assessment in the EIS, no Biodiversity Offsets Scheme (BOS) thresholds are considered to be exceeded and a BDAR is not required to be submitted with the DA.

The proposed works would predominately incur impacts on PCT 285: *Broad-leaved Sally grass – sedge woodland on valley flats and swamps in the NSW South Western Slope Bioregion and adjoining South Eastern Highlands Bioregion*. This would occur on isolated paddock trees, creek line, grassland and woodland. Approximately 0.65ha of native vegetation and 9.35ha of exotic vegetation would be impacted by the Proposal. The development would also involve the removal of approximately 0.3ha of regenerating vegetation from within the existing quarry footprint.

The test of significance against key threatening processes has considered the full impact of the proposal and found that the proposed operations minimal impact can be managed by vegetation retention, revegetation, and weed management. The proposed development is therefore consistent with the Act and further investigation is not required.

### Fisheries Management Act 1994

Fisheries Management Act 1994 aims to conserve, develop and share the fishery resources of the State for the benefit of present and future generations. An approval from Department of Primary Industries is required if works such as aquaculture, dredging, harm marine vegetation or obstructing the free passage of fish is proposed.

The subject DA involves:

- The diversion of an ephemeral watercourse within the southern portion of the subject site
- The removal of a farm dam, through which the ephemeral watercourse flows
- The construction of a new sediment directly west of the farm dam to be removed

NGH consulted with the Department of Primary Industries via email on 2 March 2022. A response was received on 7 March 2022. The Department of Primary Industries recommended that the Proposal should include a threatened aquatic species assessment to address whether there are likely to be any significant impacts downstream on listed threatened species, populations or ecological communities listed under the Fisheries Management Act, particularly the Murray Crayfish (*Euastacus armatus*).

Potential impacts to the Murray Crayfish have been assessed in the Biodiversity Assessment submitted as part of the DA which concluded that a significant impact was considered unlikely.

Department of Primary Industries (Fisheries) issued their GTAs in July 2023. The GTAs have been included in the recommended conditions of consent provided in **Attachment 7**.

### Waste Avoidance and Resource Recovery Act 2001

The objective of the Waste Avoidance and Resource Recovery Act 2001 is to encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development.

The Applicant has set out that they plan to reduce waste by reusing materials and through the reuse

of water for dust suppression and processing, reuse of the dust generated at the processing plant and the reuse of overburden for erosion controls and rehabilitation.

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

The aims of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) are to identify and facilitate development or infrastructure of State or regional significance.

#### *State Significant Development*

Section 2.6 of the Planning Systems SEPP states that development is declared to be State Significant Development for the purposes of the EP&A Act.

The Proposal is not state significant development because:

- The Proposal would not exceed a total extraction of 200,000 tonnes of hard rock per year from a total resource not exceeding 2.4 million tonnes
- The site is not an environmentally sensitive area of State significance
- There are no extractive industry related works ancillary to, or an extension of another State significant development project.

#### *Regionally Significant Development*

Clause 2.9 of the Planning Systems SEPP provides that development is declared to be regionally significant development for the purposes of the EP&A Act if:

- the development is specified in Schedule 6 of the Planning Systems SEPP.

According to Schedule 6, Section 7 of the Planning Systems SEPP the development is be considered Designated Development:

*Development for the purposes of—*

- (a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.*

The Proposal is Designated Development; therefore, it is regionally significant development. The Proposal therefore requires determination by the Southern Regional Planning Panel.

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

The State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) is designed to provide for the proper management and development of mineral, petroleum and extractive material resources and establish appropriate planning controls to encourage ecologically sustainable development through environmental assessment and management.

In particular, the Resources and Energy SEPP outlines land that has been classed as Biophysical Strategic Agricultural Land (BSAL) and Critical Industry Clusters (CIC). The land has not been identified as BSAL or CIC.

The Resources and Energy SEPP also identifies development permissible with consent and outlines matters for consideration in the assessment of development applications. Relevant to this development are the provisions for extractive industries:

- *Section 2.9 Extractive industry - Development for any of the following purposes may be carried out with development consent — (a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent).*

This Proposal complies with this provision as the quarry is for an extractive industry, and not mining, and is proposed on land where agriculture may be carried out.

- *Section 2.19 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 EIS prepared by the Applicant has considered the surrounding land uses and potential for impacts to land use, socio-economic and community impacts, cumulative impacts of the Proposal, benefits of the Proposal (including public benefits) and mitigation measures proposed to avoid or minimise any incompatibility.

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

#### *Chapter 3 – Hazardous and Offensive Development*

Chapter 3 of the SEPP requires the consent authority to consider whether the proposal is a potentially hazardous or offensive industry that without the implementation of appropriate impact minimisation measures would, or potentially would, pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

In this regard, hazardous industry is limited to industrial developments which after all minimisation measures proposed have been employed; the industry would still pose a significant risk to the surrounding community and/or environment. The consent authority is required to undertake a preliminary risk screening analysis to determine if the proposal is deemed to be a potentially hazardous or offensive industry. Should it be deemed that the development is potentially hazardous, a preliminary hazard assessment would be required.

The Applicant has advised that there is no proposed change to the management of explosives at the site as they are not kept on site. An external Contractor is used for all explosives related work. There are no proposed changes to the transportation threshold or methods, or existing storage quantities or storage arrangements for fuels for machinery used at the quarry. The Hazards and Resilience SEPP provides for the systematic assessment of potentially hazardous and offensive development for the purpose of industry or storage. For development Proposals classified as 'potentially hazardous industry' the policy requires a preliminary hazard analysis (PHA) to determine risks to people, property and the environment. The development would not be considered potentially hazardous and would not require the preparation of a preliminary hazard assessment.

It must also be considered whether the subject proposal is a 'potentially offensive industry'. Consent authorities need to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offence.

In the absence of safeguards, the proposal would result in noise generation and dust emissions and would require surface water management. The potential impacts, as discussed, would be avoided or minimised with the implementation of the mitigation measures committed to in the EIS prepared by the Applicant. Suitable conditions of consent have been provided in the recommended conditions of consent provided in **Attachment 7**.

#### *Chapter 4 – Remediation of Land*

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. Subject to Clause 4.6 of the SEPP, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated.

No potentially contaminating activity has occurred, and the site is not within an investigation area. As such, the subject site is considered to be suitable for the intended development and further investigation is not deemed to be necessary.

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

The Primary Production SEPP aims to ensure local industry and community have greater access to and awareness of the agricultural land use planning provisions that apply. The intent of the SEPP is to deal with agricultural land use matters of State or regional significance only.

The Proposal is consistent with the aims of the Primary Production SEPP, whereby:

- The Development site already contains an operational quarry.
- The Proposal would result in a minor permanent reduction of lower quality grazing land.
- The Development site does not occur within an area of State significant agricultural land.
- The Development site would be returned to its former use after quarry closure and rehabilitation.

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

#### *Chapter 3 - Koala Habitat Protection 2020*

Koala Habitat Protection 2020 applies to all RU1, RU2 and RU3 zoned land outside of the Sydney Metropolitan Area and the Central Coast.

In accordance with Clause 3.6 of the SEPP before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.

The Applicant has prepared a Koala Habitat Assessment as part of the Biodiversity Assessment document. The Applicant states that:

- the Subject Land does not contain any of the Koala feed trees listed under Schedule 1 of the Biodiversity and Conservation SEPP 2021 and
- There was no detection of Koala or evidence of their presence during site visit undertaken by an NGH ecologist.
- No trees were found to have scratches and no Koalas were observed within any of the trees in the development site.

- No NSW Bionet Atlas records for Koala occur within the Subject Land.
- One historic record pre 1970 of the Koala occurs in Tumbarumba township but it is believed to be a vagrant record.

Therefore, the proposed development is likely to have low or no impact on koalas or koala habitat, the proposed development is considered to be consistent with the relevant objectives and control of the SEPP and a Koala Management Plan is not required for this proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

*Schedule 3 Traffic-generating development*

The Proposal is not considered to be traffic generating development, in accordance with Schedule 3 of the SEPP, given that the Proposal is expected to generate an additional six truck movements during the morning peak hour and 50 truck movements per day, which is below the 200 vehicles an hour specified for development with no direct access to a classified road.

The application was referred to Transport for NSW (TfNSW) who raised no objection to the development subject to conditions which have been included in the recommended conditions of consent provided in **Attachment 7**.

Tumbarumba Local Environmental Plan 2010

The site is zoned RU1 Primary Production pursuant to the Tumbarumba Local Environmental Plan (LEP) 2010. Extractive industries are permitted with consent in the RU1 zone.



Figure 6 – Zoning of the site outlined in blue (Source: NSW Legislation).

The objectives of the RU1 zone are:

- *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.*
- *To protect and enhance the scenic qualities of rural areas of Tumbarumba in a manner that encourages and promotes tourist orientated development and activities.*

The subject development is not deemed to be contrary to development objectives for the RU1 land zone as follows:

- The subject development will continue to add to the diversity of existing land uses within the subject locality and upon completion of the proposal, the development footprint will be



rehabilitated, and agricultural use re-commenced around the pit.

- Fragmentation and alienation of resource lands will be minimised..
- Ongoing compliance with the recommended conditions consent will result in mitigation of potential impacts and conflicts with surrounding land uses.

#### *Relevant Clauses*

The DA was assessed against the following relevant clauses of the Tumbarumba LEP 2010.

Clause	Requirement	Provided	Compliance
5.21 Flood Planning	The objective of this clause is to minimise the flood risk to life and property associated with the use of land.	<p>The Proposal is not located within land mapped as flood prone, or as land or water sensitive under the Tumbarumba LEP however, the pit is known to flood during high rainfall events.</p> <p>A Flood Report was prepared with results provided in Section 6.5.3 of the EIS. This was referred to The Biodiversity and Conservation Division of the Department of Planning and Environment who initially requested additional information before deeming the additional information provided to be sufficient and provided their conditions for consent.</p>	Yes
6.2 Biodiversity	The objective of this clause is to maintain terrestrial and aquatic biodiversity.	<p>The subject site is identified as “sensitive land” on the Natural Resources Sensitivity—Biodiversity Map.</p> <p>A Biodiversity Assessment and EIS was prepared by the Applicant and was referred to The Biodiversity and Conservation Division of the Department of Planning and Environment who initially requested additional information before deeming the additional information provided to be sufficient and provided their conditions for consent.</p>	Yes
6.3 Land	Before determining a development application for land to which this clause applies, the consent authority must consider any	The Applicant has set out suitable mitigation measures to minimise soil disturbance and to progressively revegetate all	Yes

	<p>adverse impact from the proposed development in relation to—</p> <p>(a) the geotechnical stability of the site, and</p> <p>(b) the probability of increased erosion or other land degradation processes.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or</p> <p>(b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>disturbed areas, where practicable.</p>	
6.4 Water	<p>The objective of this clause is to maintain the hydrological functions of riparian land waterways and aquifers.</p>	<p>There are no protected wetlands or water bodies within the Development site.</p> <p>Runoff from the site will be captured in sediment dams and therefore, it is not expected that stormwater would be entering the waterways from the site. Assuming safeguards and mitigation measures provided in the EIS are adhered to, it is considered that the Proposal will have an impact on water quality within Tumbarumba Creek.</p>	Yes
6.5 Earthworks	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not</p>	<p>Earthworks required during construction include construction of haul roads, the removal and stockpiling of</p>	Yes

	<p>have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>topsoil and overburden and creation of a sediment basin.</p> <p>The Applicant has advised that pit development is a staged process. Topsoil and overburden would be removed in stages. The area impacted by the existing development (3.76ha) and the proposed extension (7.35ha) gives a total development impact of 11.11ha. Areas of disturbance would include the pit footprint, haul road, workshop / amenities, the stockpile location and sediment dams.</p> <p>Overall, the risk of erosion is considered low. With the implementation of safeguards and mitigations measures, runoff is considered to be readily manageable and unlikely to cause substantial erosion or lead to substantial sediment loads entering any natural waterways.</p>	
--	---	---	--

***(a)(ii) The Provision of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).***

There is no Draft Environmental Planning Instrument impacting the subject site.

***(a)(iii) The Provisions of any Development Control Plan***

*Snowy Valleys Development Control Plan 2019*

The Snowy Valleys Development Control Plan (DCP) 2019 provides detailed provisions to supplement the Tumbarumba LEP 2010. An assessment of the proposal against the relevant development controls applying to the subject site and development is provided in **Attachment 6**.

The proposal is generally consistent with the relevant objectives and controls of the DCP.

***(a)(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.***

Not Applicable

***(a)(iv) The Regulations***

The Regulations do not prescribe any additional matters that are relevant to the proposed DA.

**(1)(b) The likely impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Natural Environment

The proposed development is not considered to adversely impact on the natural environment and has been designed to ensure any potential impacts are appropriately minimised and mitigated.

The proposed development has been prepared and designed in line with the key environmental planning instruments and policies implemented to minimise impacts on the natural environment as evidenced in the preparation of the following specialist studies in support of the application:

- Water Sampling;
- Soil Profile Report;
- Flood Report;
- Aboriginal Heritage Due Diligence Assessment;
- Air Quality Impact Assessment;
- Petrographic Report;
- Blast Management Plan;
- Noise and Blasting Assessment;
- Biodiversity Assessment;
- Soil Assessments; and
- Environmental Impact Statement.

The Environmental Impact Statement (**Attachment 3**) submitted has been prepared in line with the SEARs (**Attachment 1**) issued for the application and adequately addresses all potential environmental effects of the proposal.

In accordance with the designated and integrated development requirements the application was referred to the following external authorities for assessment:

- NSW Rural Fire Service
- NSW Environment Protection Authority
- Department of Primary Industries – Agriculture
- Department of Primary Industries – Fisheries
- Department of Planning and Environment – Biodiversity and Conservation Division
- Department of Planning and Environment – Water
- Transport for New South Wales

Additional information was requested by the relevant external authorities which was subsequently addressed by the Applicant. The application and supporting investigations were reviewed by the external authorities who raised no objections to the proposal, supporting the findings and recommendations of the investigations and provided conditions of consent to ensure compliance.

The external authorities confirmed the relevant environmental investigation were prepared in accordance with the applicable environmental planning instruments and policies and that the development has been designed to appropriately minimise and mitigate any potential impacts on the natural environment.

Additional information was requested in April 2023 and also in September 2023 where the Environment Protection Authority (EPA) sought additional information.

As part of the April 2023 request for additional information, owners' consent, lease details, a survey plan and the Applicant's preferred methodology to repair damage to the existing road network were all sought. The Applicant furnished details of owner's consent, lease agreements and a survey plan in their response dated June 2023. With regard to the Applicant's preferred methodology to repair the damage to the existing road network, a condition of consent has been included requiring the Applicant to prepare a dilapidation report.

Also, as part of this April 2023 request for additional information, the Biodiversity and Conservation Division of the Department of Planning and Environment requested further information relating to the Biodiversity Assessment and Environmental Impact Statement specifically relating to the flooding and the retention of native vegetation.

The Applicant provided additional information to address the concerns of the Biodiversity and Conservation Division of the Department of Planning and Environment in June 2023 where the Applicant updated Section 3.2.1 and Section 3.4 of the Biodiversity Assessment after a more thorough biodiversity survey of the site was conducted. Section 4.2.2 of the Biodiversity Assessment was also updated to provide a more up-to-date biodiversity values map. Measures were also set out around how biodiversity values will be maintained or improved in the medium to long-term including an updated rehabilitation map. Specific areas of the quarry targeted for rehabilitation were set out and the EIS recommended a detailed quarry closure and rehabilitation plan be prepared three years prior to the cessation of quarrying activities. With regard to flooding, the Applicant committed to measures to mitigate material movement during potential flood, including the following:

- Increase the bund or barrier on the side of the TSR to diffuse water flow energy.
- Locate stockpiles adjacent to the roadway.
- Provide a flood emergency response plan which can consider successful existing and other practical measures to manage the stockpiles on the TSR.

The Biodiversity and Conservation Division of the Department of Planning and Environment responded to this information in October 2023 and deemed this information to be sufficient and provided their conditions for consent.

As set out above, the EPA requested further information in September 2023. The EPA requested further information regarding the noise and blasting impact assessment and also further detailing regarding the air quality modelling.

In response, the Applicant prepared a 'Response to EPA – Noise Impact Assessment' document which conducted noise monitoring to determine source noise levels. It was noted that existing noise levels already exceeded the project amenity noise level by 2 dB at the most-affected receiver (R21). No mitigation measures were recommended for existing operations given the quarry has been operational for 10 years with no noise complaints. Measures are proposed to reduce noise levels and for all receivers excluding R21, future noise levels are predicted to comply with the project noise trigger level of 48 dBA.

With regard to air quality, the proposed operations are predicted to have negligible increases in cumulative concentrations at all receptors and all air quality mitigation and management measures listed in the EIS would be implemented during operations.

On 17 January 2024, the EPA deemed the additional information to be satisfactory and issued their General Terms of Approval for the proposed development which have been included in the recommended conditions of consent provided in **Attachment 7**.

Therefore, the proposed development is not considered to have any adverse impacts on the natural environment.

## Built Environment

The visual character of the area immediately surrounding the subject property predominantly consists of a rural character and numerous rural residential properties.

The impacts on visual amenity and the landscape will arise as a result of the construction of a small workshop and site office. The proposed built form is low scale and consistent with the existing built form within the locality.

A Visual Impact Assessment was prepared utilising field surveys, background investigations, mapping, and an assessment of the viewshed and local vantages in order to evaluate the operational visual impact of the Proposal. The quarry was deemed to have a low visual impact from all assessed viewpoints.

The proposed development is therefore considered to not have an impact on surrounding development and will successfully integrate into the surrounding landscape. The proposed development will not result in any adverse impacts on the built environment or character of the area.

## Social and Economic Impacts

The proposed development will result in a positive social outcome as it is in support of an existing quarry that has existed with relatively minimal impact on the surrounding area and will benefit the community by providing capital investment value to the area. The development will also provide employment opportunities in the short-term through construction and in the long term through ongoing operation.

The proposed development is therefore considered to result in positive social and economic impacts.

### **(1)(c) The suitability of the site**

For the reasons discussed in this report, it is considered that the site is suitable for the proposed development on the basis that the site is suitably zoned (RU1 Primary Production) and maintains an adequate buffer distance from nearby urban and residential areas.

It is considered the proposal will not lead to an increase in land use conflicts with the surrounding agricultural uses based on the design, operation, proposed mitigation measures and conditions of consent.

### **(1)(d) Any submissions made in accordance with this Act or the Regulations.**

The application was publicly exhibited in accordance with the requirements of the Environmental Planning and Assessment Regulations 2021 from 29 August 2022 to the 26 September 2022 and 14 December 2022 to the 3 February 2023. No public submissions were received.

### **(1)(e) The public interest**

The public interest is served through the detailed assessment of this DA under *the Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, Environmental Planning Instruments, Development Control Plan and policies.

That assessment has demonstrated that the proposed development has addressed the

requirements of the relevant planning instruments and development controls applicable to it including the objectives of the zone.

The proposed development has also demonstrated that the site is suitable for the proposal. The proposal aims to construct, operate and rehabilitate a quarry extension to existing quarry operations at Murray's Crossing Quarry that will benefit the community by providing local employment, support regional development opportunities whilst ensuring all potential impacts will be appropriately minimised and managed.

Based on the above assessment, the proposal is considered to be in the interest of the public.

## **7. OTHER MATTERS**

### External Referrals

The subject DA was referred to a number of public agencies and their responses are summarised in in **Attachment 5**.

## **8. CONCLUSION**

The proposed development seeks consent for the expansion of the existing Murray's Crossing Quarry including the construction, operation and rehabilitation of a quarry extension proposing to extract up to 100,000 tonnes per annum (tpa) with peak volumes of 200,000 tpa, over approximately 25 years at 71 Murrays Crossing Road, Tumbarumba.

The application is 'integrated development' and 'designated development' and a detailed Environmental Impact Statement (EIS) that addresses the matters required by the Environmental Planning and Assessment Regulation and the NSW Department of Planning and Environment (SEAR's), has been submitted and assessed.

The application has been assessed in accordance with the provisions of section 4.15 of the Environmental Planning and Assessment Act 1979. The EIS is deemed to satisfactorily address the environmental impacts of the development and the mitigation measures proposed are considered appropriate to minimise any potential detrimental impacts.

Overall, it is considered that the proposed development will have an acceptable and minimal environmental impact if constructed and operated in accordance with the conditions of consent and the Environment Protection License conditions of the NSW Environment Protection Authority. Accordingly, it is recommended that development consent be granted, subject to conditions.

## **9. RECOMMENDATION**

That DA2022/0110 consisting of the construction, operation and rehabilitation of a quarry extension to existing quarry operations at Murrays Crossing Quarry in Tumbarumba be approved subject to the recommended conditions in **Attachment 7** to this report.