

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL

Panel Reference and Number	PPSSTH-411 DA 2024.109 (PAN-432262)
LGA	Bega Valley Shire Council
Proposal	Proposed use of blasting to enable vertical expansion of extractive activities at Coral Park Quarry
Address	The site is commonly known as 28 Coral Park Road, Wolumla and is legally described as Lots 4 and 7 DP252442 and Lot 18 DP851163.
Applicant	John McKee, Metro Planning
Owner	Murray Walsh, Coral Park Earthmoving & Landscape Supplies Pty Ltd
DA Lodgment Date	24 May 2024
Application Type	Designated Development
Regionally Significant Criteria	Clause 7(a), Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Particular designated development - extractive industry
Proposed Development	The proposal seeks consent to undertake blasting at Coral Park Road Quarry to enable extraction of rock which is too hard to quarry via conventional ripping methods. The development is proposed to be undertaken in three (3) stages: • stage 1: years 1 to 14 • stage 2: years 15 to 22 • stage 3: years 23 to 30 There will be no increase in the volume of extracted material which is restricted to a maximum capacity of 30,000 tonnes per annum. The historical rate of extraction is 5,890m³ per annum (or approximately 14,700 tonnes pa). Blasting is proposed to be undertaken once a month and 12 times per year with on average 150 tonnes being extracted per day when operating. The proposal incorporates changes to stockpiling, internal roads, and stormwater detention measures to better manage onsite environmental impacts. Removal of 3 trees is proposed. Progressive rehabilitation of the site at the conclusion of each stage is also proposed.
CIV	Nil

Clause 4.6 Requests	Nil
List of all relevant s4.15(1)(a) matters	<i>Environmental Planning and Assessment Act 1979 (EP&A Act 1979)</i> <i>Environmental Planning and Assessment Regulation 2021</i> <i>Protection of the Environment Operations Act 1997</i> State Environmental Planning Policies (SEPPs): • <i>SEPP (Primary Production) 2021</i> • <i>SEPP (Planning Systems) 2021</i> • <i>SEPP (Resources and Energy) 2021</i> • <i>SEPP (Resilience and Hazards) 2021</i> • <i>SEPP (Transport and Infrastructure) 2021</i> • <i>SEPP (Biodiversity and Conservation) 2021</i> Local Environmental Plan: • Bega Valley Local Environmental Plan 2013 Draft Environmental Planning Instruments: • Draft Remediation of Land • Planning Proposal – Bega Urban Land Release Planning Proposal • Relevant Council Policy: ○ Bega Valley Development Control Plan 2013 (BVDCP 2013) ○ Bega Valley Local Infrastructure Contribution Plan 2024-2036
Documents submitted with this report for the Panel's consideration	Attachment 1: Draft Conditions of Consent Attachment 2: Additional Information Blasting Impact Assessment - GHD, 6 September 2024 Attachment 3: Amended Blasting Plan - BSE, 8 March 2025 Attachment 4: Geotechnical Assessment Report - Crozier Geotechnical Consultants, 20 March 2025 Attachment 5: Supplementary Traffic Advice – McLaren Traffic Engineering, dated 3 February 2025 Attachment 6: Supplementary Traffic Advice - McLaren Traffic Engineering, 8 April 2025 Attachment 7: Soil and Water Management Plan – BSE, 12 March 2025 Attachment 8: Soil and Water Control Plan BSE 27 June 2023
Summary of key submissions	Two submissions received. Potential impact of noise on residents, wildlife and domestic animals and lowering property values.
Referrals	Internal Referrals: • Environmental Services • Development Engineering • Water and Sewer Services • Property Services • Environmental Health • Building Certification External Referrals: • Bega Local Aboriginal Land Council • Department of Mineral Resources

	• DPHI (Crown Lands) • Essential Energy • Environment Protection Authority • Transport for NSW
Recommendation	Approval
Scheduled meeting date	31 March 2026
Plan version	24 June 2024
Prepared by	Fay Steward, Town Planner Bega Valley Shire Council Reviewed by Cecily Hancock, Manager Planning & Sustainability
Date of report	23 March 2026
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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	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?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

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 use of blasting to extract hard rock at an existing quarry near Wolumla in the Bega Valley Shire.

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 meets the requirements for designated development.

2. SUMMARY OF RECOMMENDATION

That the Panel grants consent to DA 2024.109 to permit blasting of hard rock at Coral Park Quarry, Coral Park Road Wolumla (Lots 4 and 7 DP 252442 and Lot 18 DP 851163) and the consent lapses after completion of Stage 3, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to the conditions in Attachment 1.

3. EXECUTIVE SUMMARY

This report considers a Development Application (DA) 2024.109 to permit blasting of hard rock from an existing quarry at 28 Coral Park Road, Wolumla which has been in operation since 1955. The site is estimated to have a capacity of 804,000 cubic metres of extractive material remaining (gravel and hard rock). The quarry operates under existing use rights under the provisions of SEPP No. 37- Continued Mines and Extractive Industries which has subsequently been repealed. The existing quarry is restricted to a maximum extraction capacity of 30,000 tonnes per annum. Based on returns submitted for the past 4 years the amount of material extracted was as follows: 2019/20 – 5508.79m³, 2020/21 - 4603.75m³, 2021/22 - 6570.07m³ and 2022/23 - 6908.81m³.

The proposal does not aim to increase the volume of extracted material per annum but is seeking consent to undertake blasting to enable hard rock to be extracted as the material is too hard and unviable to extract via conventional ripping means under its existing use rights. Blasting is proposed to be undertaken once a month and 12 times per year while maintaining the existing floor level of the pit at 150m AHD.

The proposal includes expansion of the development site to include an existing dam located on Lot 18 DP 851163 to capture soil and water emanating from the quarry.

There is currently no time restriction applying to the existing quarry operations. The applicant however is seeking consent to permit blasting of the quarry for a minimum period of 30 years due to the estimated volume of remaining resource material being extracted at a rate of 30,000 tonnes per annum.

The land is zoned RU1 Primary Production under the *Bega Valley Local Environmental Plan* 2021 and the proposed development will not impact existing RU1 Primary Production zoned land. Two sites were found on the subject property containing items of Aboriginal cultural heritage significance. The Bega Local Aboriginal Land Council has been consulted and has not raised any objections to the proposal. The site is substantially cleared and three remaining trees are proposed for removal to enable the full extent of quarry material to be extracted in an efficient manner. Access to the site will remain unchanged although it has been assessed that road upgrading works are required, and all quarrying activities will be undertaken wholly within the quarry operation area except for the additional inclusion of a dam located just east of Coral Park Road.

Two submissions were received during the period of public notification. Matters raised include potential impact of noise on residents, wildlife and domestic animals and lowering property values. These issues are addressed in the body of this report.

Crown Land concurrence for the development is dependent on Coral Park Road, (a Crown Road reserve) being transferred to Council. The draft conditions of consent includes provision for the road reserve transfer to be concluded prior to any blast occurring. This will require further standard processes between Council, the applicant and Crown Lands. Should a VPA be required, suitable steps will be taken to manage that part of the process, however at the time of completion of this assessment, no such VPA has been offered or is in effect.

Having reviewed the application against the relevant and applicable statutory provisions and consideration of information submitted, Council is of the view that there are no statutory reasons why the application cannot be approved by the Panel. Accordingly, approval, subject to conditions (refer to Attachment 1) is recommended.

4. INTRODUCTION

Council is in receipt of a DA to permit blasting of hard rock at an existing quarry at Lots 4 and 7 DP 252442 and Lot 18 DP 851163, 28 Coral Park Rd Wolumla. The site is substantially disturbed from quarry operations that have been ongoing since 1955.

Coral Park Quarry operates under existing use rights restricted to 30,000 tonnes per annum through a letter of continuance under the provisions of SEPP No. 37- Continued Mines and Extractive Industries. The Existing Use Rights for quarrying activities does not include any permissibility of blasting. On average 5,890 tonnes pa has been extracted which is not planned to change.

The proposal has been lodged by Metro Planning Services and consent is sought under Part 4 of the EP&A Act 1979. Due to blasting being proposed to extract hard rock, the development is defined as 'designated' requiring assessment under the provisions of Schedule 3 of the EP&A Regulations 2021.

A chronological summary of the application background to date is outlined below in **Table 1**.

Table 1: Application Timeline

Date(s)	Action(s)
24 May 2024	Lodgement of DA 2024.109
18 June 2024	Notice of DA being determined by a Regional Planning Panel
26 June 2024	DA referred to external agencies Internal Referrals: • Environmental Management Officer • Development Engineer • Water and Sewer Assets Engineer • Property Services Officer • Environmental Health Officer • Building Surveyor External Referrals: • Bega Local Aboriginal Land Council

	• Environmental Protection Authority • Essential Energy • Transport for NSW • DPHI Crown Lands (adjoining owner, Crown road) • Department of Primary Industries and Regional Development – NSW Resources
5 July to 2 August 2025 (28 days)	Exhibition Council notified the public of the DA and invited submissions. The Council received 2 submissions during the exhibition period.
9 July 2024	Request for further information from Council to applicant regarding impact of blasting on Princes Highway and other public infrastructure.
13 August 2024	The Council briefed the Southern Regional Planning Panel on the DA and inspected the proposed development site.
12 September 2024	Blasting Impact Assessment Plan and response regarding blasting impact issues received.
16 October 2024	A request for additional information from Transport for NSW (Transport) regarding geotechnical concerns and impact on public assets (Princes Highway and culverts) and public safety.
5 November 2024	Request for information from Council to applicant to submit a Traffic Control Plan, confirm future floor level of quarry post extraction and details of construction and management.
26 November 2024	Amended Blasting Plan and amended Soil & Water Management Plan received showing specific dimensions of basins and correct AHD level of quarry floor.
27 November 2024	Request from Crown Land regarding impact of blasting on Coral Park Road and requirement for transfer of Crown Road reserve.
3 December 2024	Information received regarding future ownership and maintenance of Coral Park Road.
23 January, 3 February & 5 March 2025	Supplementary Traffic Engineering Report and supporting information received.
13 March 2025	Traffic and Parking Impact Assessment received.
24 April 2025	Request for information from Transport regarding safety risks to public from ongoing operations.
24 April 2025	Meeting between applicant and Council regarding maintenance of Coral Park Road, process for Crown Road reserve transfer and preparation of VPA clarifying applicant's responsibilities.
5 May 2025	Request for information from Council to applicant to confirm intention regarding proposed Voluntary Planning Agreement.

11 June 2025	Advice from EPA that the proposed development does not require an Environment Protection Licence under the Protection of the Environment Operations Act.
18 August 2025	Information received from Applicant of decision not to enter into a Voluntary Planning Agreement.

5. SITE DESCRIPTION AND LOCAL CONTEXT

The land subject to this application is known as 28 Coral Park Road Wolumla and is legally described as Lots 4 and 7 DP 252442 and Lot 18 DP 851163 with a combined area of approximately 127.4 ha (refer to Figure 1). There is an unconstructed Crown Reserve road (Lot 7 DP 252442) dissecting the quarry which was surplus to State government requirements and was disposed to the owner of the quarry (refer to Figure 2).



Figure 1 Subject Property Lot 18 DP 851163

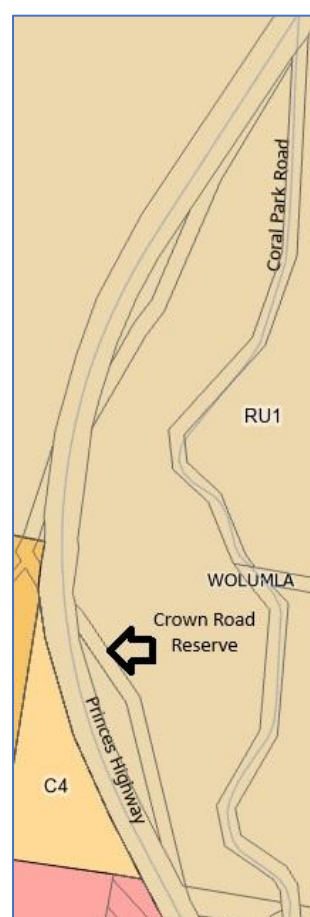


Figure 2 Crown Road Reserve Lot 7 DP 252442

The quarry site has an area of approximately 2.23 ha and is located on a large rural property in a rural setting approximately 300m north-east of Wolumla village on the eastern side of the Princes Highway, and approximately 15-20km south of Bega (refer to Figures 3 and 4).

The site has direct frontage of approximately 490m to the Princes Highway, a Classified Road, which is the primary coastal route linking settlements south of Batemans Bay to East Gippsland, Victoria. Access to the quarry site is gained from the Princes Highway via Coral Park Road. Coral Park Road also services several rural residential properties.



Figure 3 Regional Context

The subject property adjoins a small scale rural residential subdivision immediately south and beyond this the Wolumla Recreational ground. Bournda National Park is located approximately 2km east of the quarry (refer to Figure 4).



Figure 4 Site Context

The topography of the area is gently undulating rising more steeply to the southeast towards Bournda national park. Topography in the immediate vicinity of the quarry varies between approximately 150m AHD and 170m AHD. Land to the west of the quarry reduces in elevation to approximately 120m AHD near Frogs Hollow Creek. Towards the east and north-east of the quarry, the land surface slopes gently to an elevation of approximately 100m AHD to 120m AHD.

Approximately 820m northeast of the quarry there is a small rural residential subdivision comprising land zoned C4 Environmental Living and C3 Environmental Management (refer to Figure 5 below).

The site is bordered to the west and south west by a range of landuses including:

- Large areas of undeveloped rural bushland and grazing properties zoned C3 Environmental Management and C4 Environmental Living.
- R2 Low Density Residential Zone, and
- RU5 Village Zone.

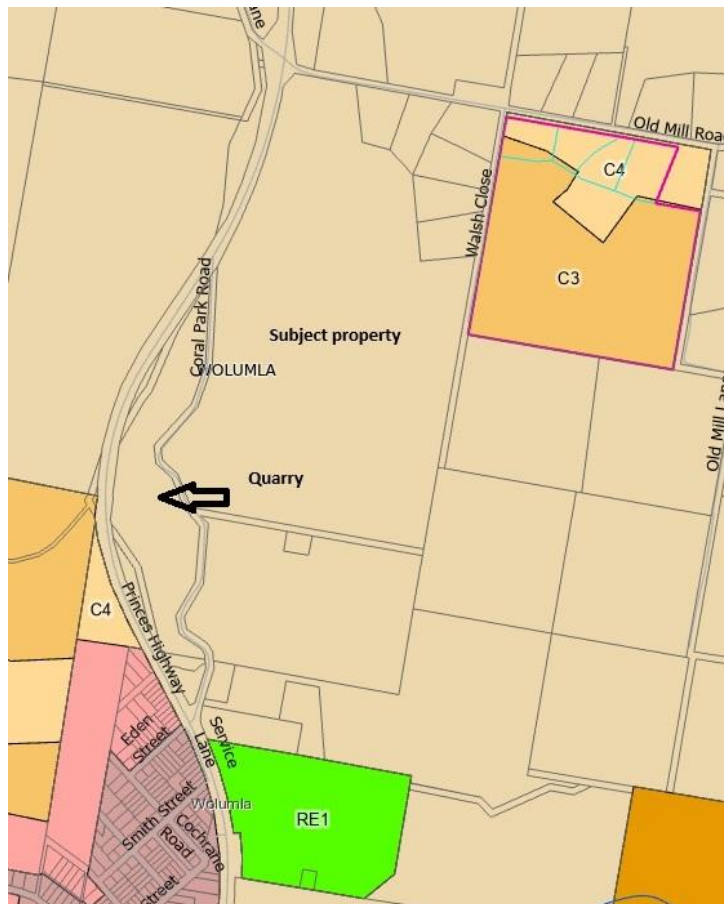


Figure 5 Landuse Zones

The site is subject to a number of environmental constraints (as mapped on Councils' GIS system) including:

- Bushfire prone land
- High value cultural landscape
- Terrestrial biodiversity
- Riparian land and watercourses.

The closest residence to the quarry is owned by Coral Park Earthmoving and Landscape Supplies Pty Ltd and located at No. 18 Coral Park Road and is approximately 150m from the quarry site (refer to Figure 6). The next closest residential dwelling is 300m distant at 19-21 Princes Highway Wolumla.

An existing sedimentation (wet) basin (Basin 3) is located approximately 95m north outside the extraction zone in agricultural land (refer to Figure 6). Lot 18 also contains the owner's residential dwelling and farm sheds located approximately 114m east of the quarry site.



Figure 6 Site Context

Access to the quarry is from Coral Park Road (refer to Photo 7)



Figure 7 Quarry entrance off Coral Park Road - left facing north, right facing south

A site inspection was held on 6 August 2024. The site is substantially disturbed with most vegetation having been removed through quarrying activities since 1955 (refer to Photos 8 to 15).



Photo 8 Quarry entrance from within the quarry site and site office



Photo 9 Parking area, stormwater dam storage and culvert



Photo 10 Perspective north to south on internal road and stockpiles in foreground.



Photo 11 Perspective south-west to north-west quarry area and drainage line (circled red)



Photo 12 Existing Sedimentation Pond



Photo 13 East portion of quarry with onsite shallow dam for stormwater retention



Photo 14 Perspectives of dam and drainage culvert onsite



Photo 15 Perspective from south to west: left site entrance, middle images: stockpile for site remediation circled red, right: ridgeline tree screen from highway

6. DESCRIPTION OF PROPOSAL

Current operations, opportunities and constraints

Coral Park Quarry operates under continuing existing use rights. On average 5,890 tonnes per annum has been extracted and this is not planned to change (refer to Table 2).

Table 2: Volume of extracted material 2019 – 2023	
Year	Volume of material extracted (m ³)
2019 - 2020	5508.79m ³
2020 - 2021	4603.75m ³
2021 - 2022	6570.07m ³
2022 - 2023	6908.81m ³

The quarry is underlain by Devonian age Kameruka Grandodiorite bedrock, including biotite granodiorite and granite which is recognised as having high strength and durable characteristics. For these reasons, existing conventional ripping methods have become unviable, rendering blasting the only feasible option to extract material. The site is estimated to have a capacity of 804,000 cubic metres of extractive material remaining (gravel and hard rock).

The applicant is seeking consent to permit blasting of the western rock wall to enable extractive operations to continue at the current rate of extraction (refer to Photo 16). It also proposes expanding the area of the development site to include Basin 1, an existing dam to the east of Coral Park Road (Refer to Figure 6) which has been used to capture soil and water emanating from the quarry and not previously identified in the Existing Use Rights identified quarry operations. Current hours of operation will remain from 7am to 5pm Monday to Friday and 8am to 1pm on Saturdays.



Photo 16 Perspective of western rock wall proposed to be blasted

Existing and Proposed Infrastructure

The proposal involves continuing to use the existing site office, sediment dam and equipment for internal construction and quarry operations including a bulldozer, excavator and screener. Staff amenities are within the manager's residence. It is proposed to maintain a stockpile of material centrally within the quarry and to remediate the existing stockpile located within the site (refer to Photo 17).



Photo 17 South to west perspective of existing soil stockpile for future remediation

Access to the quarry site is via the southern entrance to Coral Park Road off Princes Highway. The existing access arrangements at the intersection do not meet current *Austroads Guide to Road Design* requirements (refer Photos 18 to 20).



Figure 18 Princes Highway - Coral Park Road intersection facing north



Figure 19 Princes Highway - Coral Park Road intersection facing south



Figure 20 Princes Highway entrance to Coral Park Road

There is presently an average of 10 truck movements per day into the site (5 in, 5 out) which will generally remain unchanged. However, on days where extraction is up to 500 tonnes, an increase to 34 truck movements may occur (17 in, 17 out) which the applicant advises would be rare. The largest vehicle to access the site will be a 19m length truck and dog.

Access into and out of the quarry site will need to be upgraded, as will the turning path at the intersection of Princes Highway and Coral Park Road to enable an oncoming vehicle and truck and dog to safely pass (refer to Figure 21).

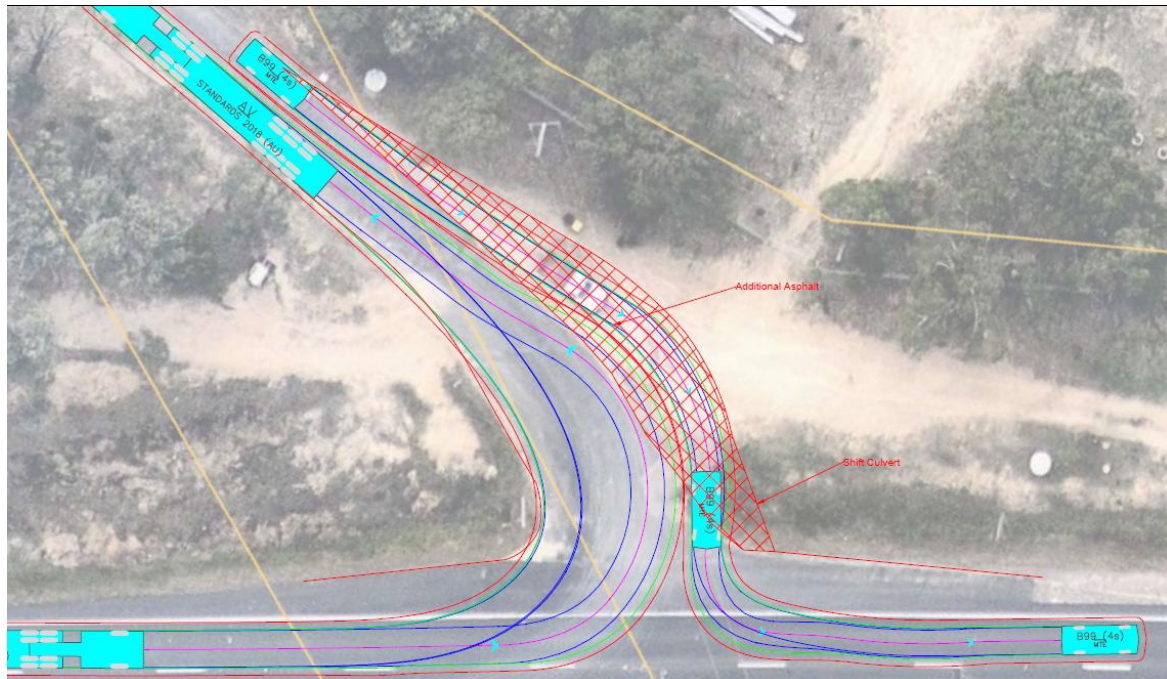


Figure 21 Proposed widening Coral Park Road - Princes Highway intersection

Three significant trees are proposed to be removed to enable expansion of the quarry (refer Figures 22 and 23).



Photo 22 Trees proposed for removal



Photo 23 Aerial view trees proposed for removal

Key Issues

A summary of the key issues and how they have been addressed is outlined below.

a) Staging and method of extraction

Blasting is proposed along the western wall of the quarry (refer to Photo 16) and to be undertaken in 3 stages at 10-year intervals (refer to Figures 17 to 19). The proposed maximum frequency of blasting is 1 blast per month and 12 blasts per year while maintaining the existing floor level of the pit at 152m AHD.

The Blasting Impact Assessment Report dated 22 May 2024 adopts a 100m buffer distance from blasting in the quarry to the Princes Highway Road Reserve. The blast design details and parameters used to assess potential impacts from blasting are provided in Table 6.1 of the report.

Following concerns raised by Transport for NSW regarding potential impact on the operation of the Princes Highway a further report was commissioned from GHD (refer Attachment 2 dated 6 September 2025). The report concludes that the predicted maximum flyrock throw distance is 91m and that potential impacts from flyrock and ground vibration can be adequately managed through the following measures:

1. Blast Management Plan (BMP)

BMP to be prepared for each blasting event which outlines all necessary measures for controlling potential impacts including pre-blast planning and post-blast reporting. The BMP will detail blast location, risk reduction strategies, monitoring requirements, and mitigation measures to ensure operations adhere to the relevant consent conditions.

2. Flyrock Assessment and Mitigation

Blast charge to be reduced in areas within 100m of the Princes Highway road corridor with ongoing monitoring and adjustments being made based on observed flyrock behaviour.

3. Ground Vibration Assessment and Mitigation

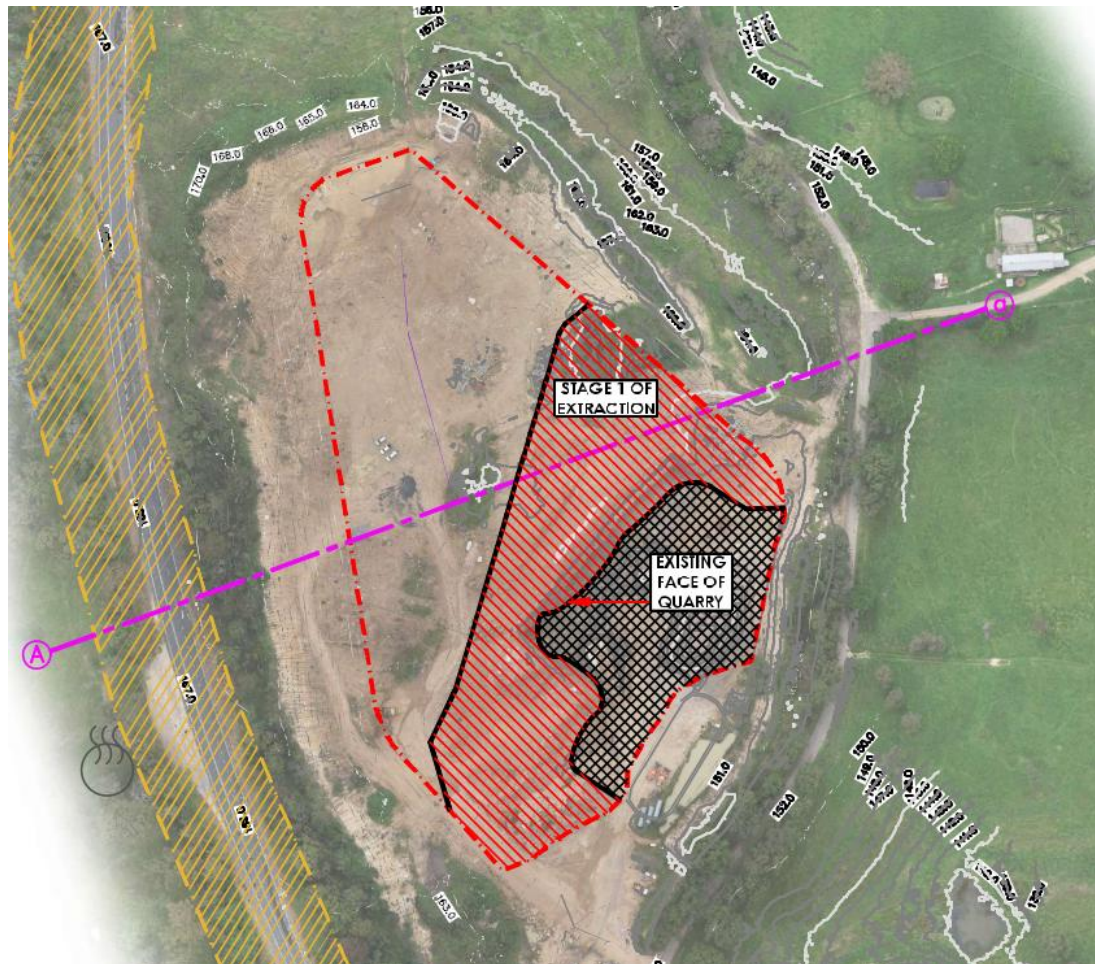
Vibration monitoring to be conducted to confirm compliance with vibration limits, and any exceedance of the threshold will be immediately reported to Transport for NSW with corrective actions taken before further blasting. A dilapidation survey of the two culverts will be conducted prior to each blasting event to establish a baseline condition of the structures.

Final Transport for NSW comments detailed that they consider there remains a safety risk for motorists on the Princes Highway during blasting events as well as potential damage to highway infrastructure. Noting those concerns Transport for NSW has no objections to the proposed development (and blasting) provided specific conditions are met and have provided their General Terms of Approval (refer General Terms of Approval in Draft Consent Attachment 1).

The resulting quarry profiles following each stage of extraction are illustrated in Figures 24 to 30.

STAGE 1: 1st to 14th YEAR

New face of quarry, area within hatched area
blasted and extracted down to 152m AHD;
Roughly 1/3 of the total extraction.



Section A-a Stage-1

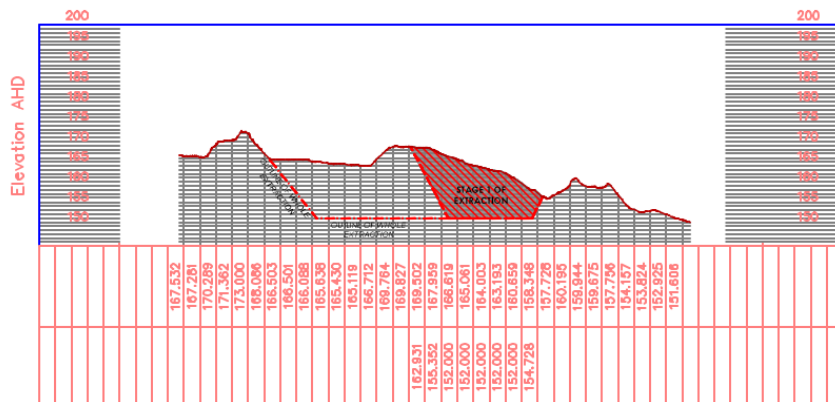


Figure 24 Blasting Plan Stage 1

LEGENDS:

- BOUNDARY OF PRINCES HIGHWAY ROAD CORRIDOR
- 100-METER OFFSET FROM HIGHWAY CORRIDOR
- EXTRACTION AREA
- STAGE 1 OF EXTRACTION WITHIN 14 YEARS
- AREA WITHIN 152m AHD
- LOCATION OF BOX CULVERTS NOS. 612242 AND 612243

New face of quarry, area within hatched area
blasted and extracted down to 152m AHD;
Roughly 2/3 of the total extraction.

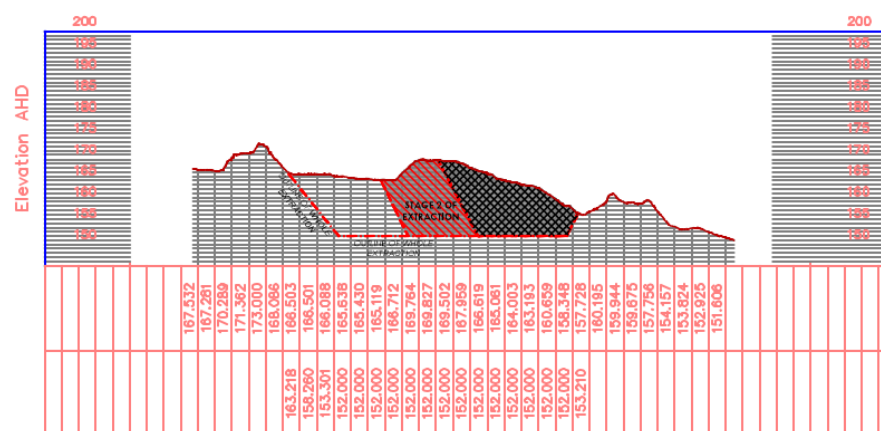


Figure 25 Blasting Plan Stage 2

- LEGENDS:**

- | | |
|---|--|
|  | BOUNDARY OF PRINCES
HIGHWAY ROAD CORRIDOR |
|  | 100-METER OFFSET FROM
HIGHWAY CORRIDOR |
|  | EXTRACTION AREA |
|  | STAGE 1 OF EXTRACTION
WITHIN 14 YEARS |
|  | AREA WITHIN 152m AHD |
|  | LOCATION OF BOX
CULVERTS NOS. 612242
AND 612243 |

Final topograph, entire extraction area down to 152m AHD.

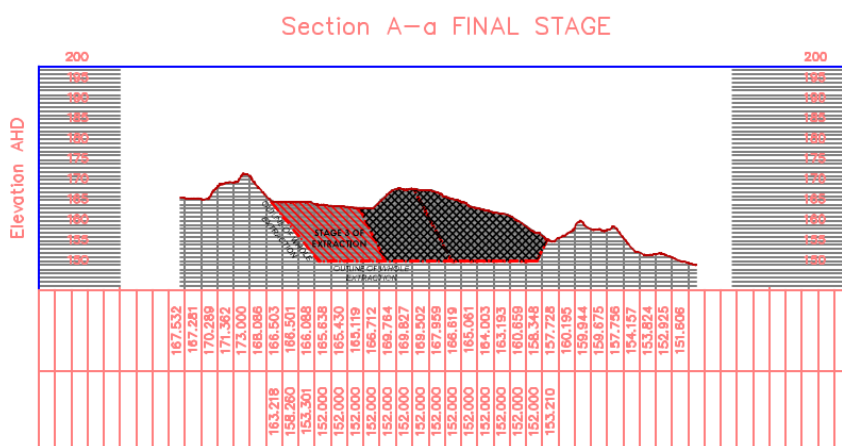
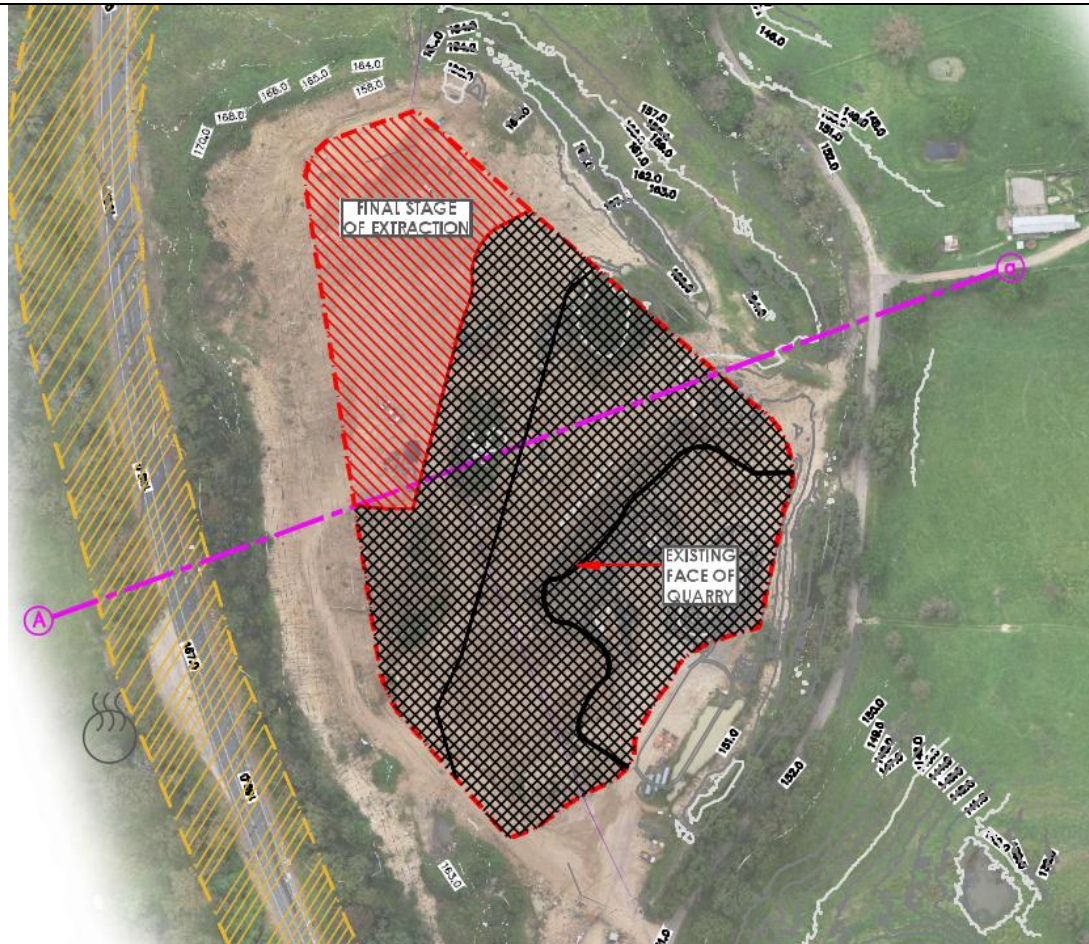


Figure 26 Blasting Plan Stage 3

- LEGENDS:**

- | | |
|---|--|
|  | BOUNDARY OF PRINCES
HIGHWAY ROAD CORRIDOR |
|  | 100-METER OFFSET FROM
HIGHWAY CORRIDOR |
|  | EXTRACTION AREA |
|  | STAGE 1 OF EXTRACTION
WITHIN 14 YEARS |
|  | AREA WITHIN 152m AHD |
|  | LOCATION OF BOX
CULVERTS NOS. 612242
AND 612243 |

Illustrations of the quarry profile following each of the 3 stages of extraction are shown below.

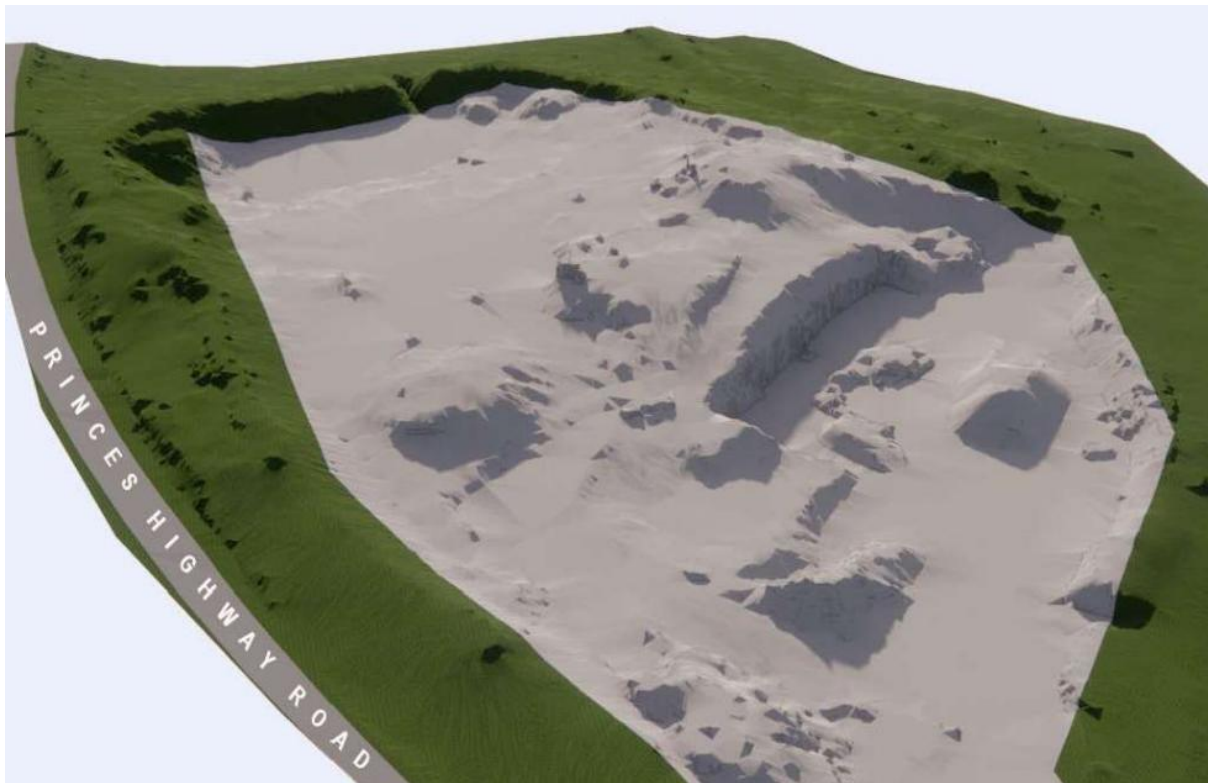


Figure 27 Quarry Site – Existing Profile

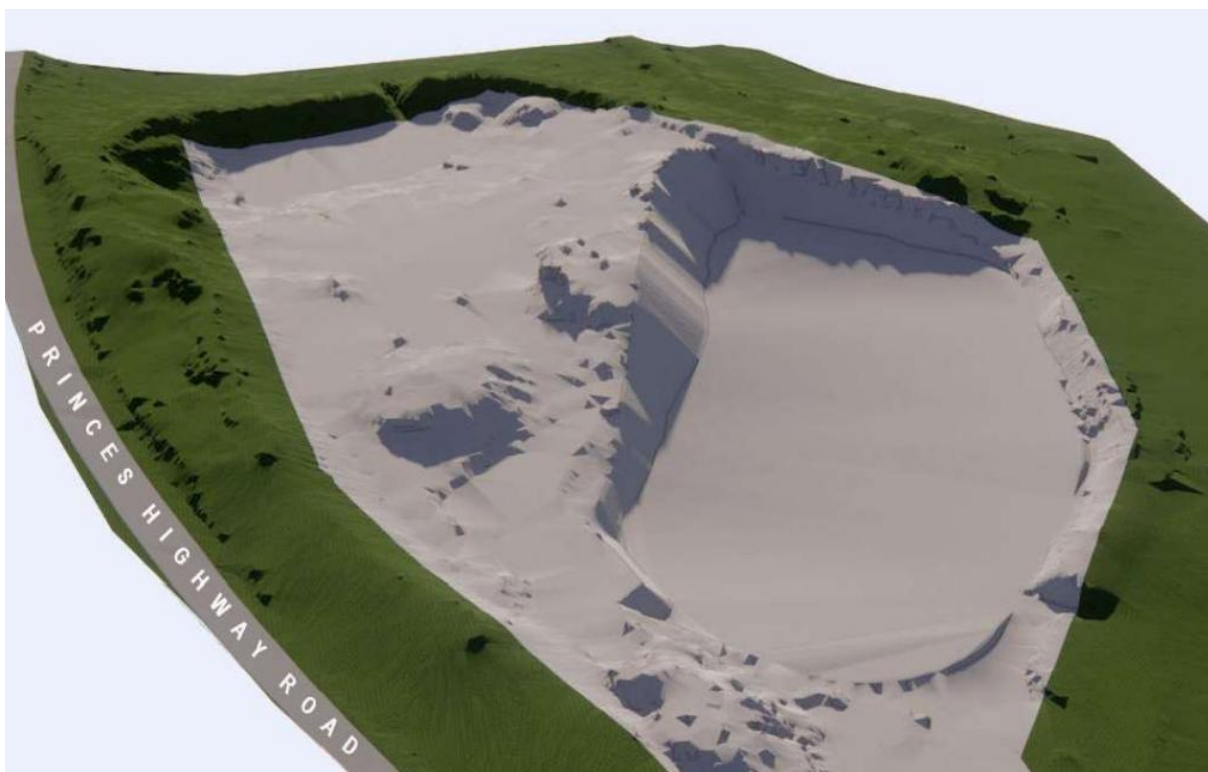


Figure 28 Quarry site - Proposed Stage 1

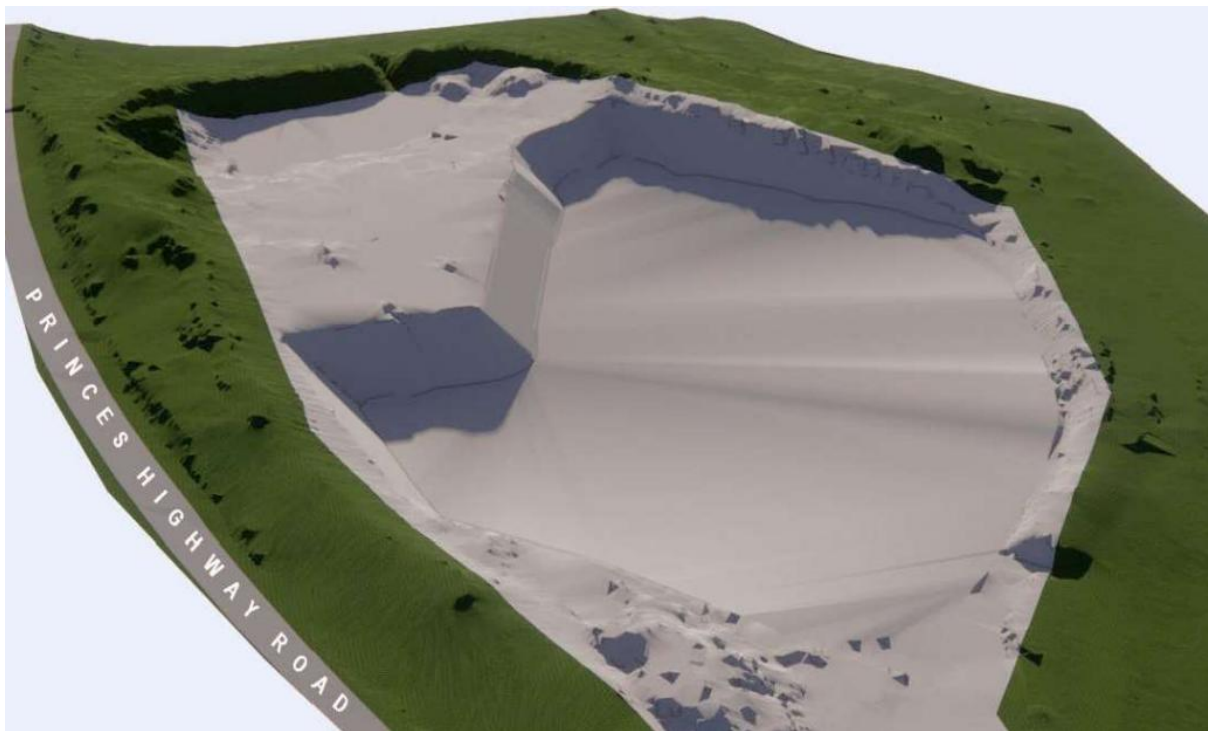


Figure 29 Quarry Site - Proposed Stage 2



Figure 30 Quarry Site - Proposed Stage 3

b) Quarry Rehabilitation

The quarry is proposed to be progressively rehabilitated with native trees and shrubs to stabilise soils and restore the site for primary production purposes (refer to Figures 31 to 33). An *Environmental Rehabilitation Management Plan* (the Plan) provides details on the method for staging rehabilitation, location for trees, shrubs and grasses and the species to be used. Specific native plants are further recommended by Council and revision of the Plan to include these species is included as a condition of consent. Once planted, rehabilitation areas will be maintained for a minimum of two years, or longer if plants do not establish.

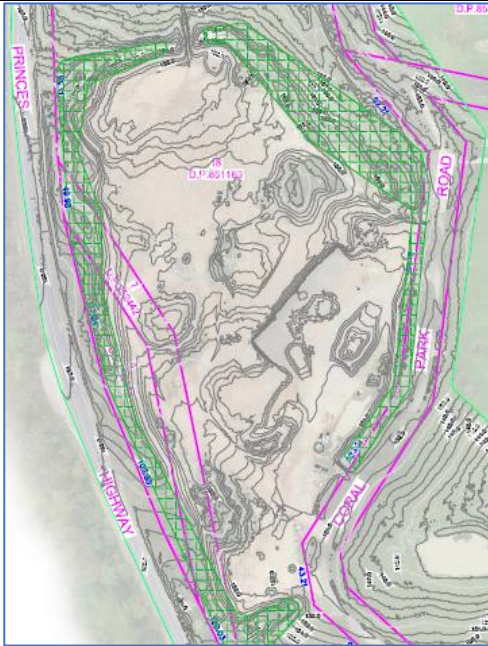


Figure 31 Existing Quarry Site

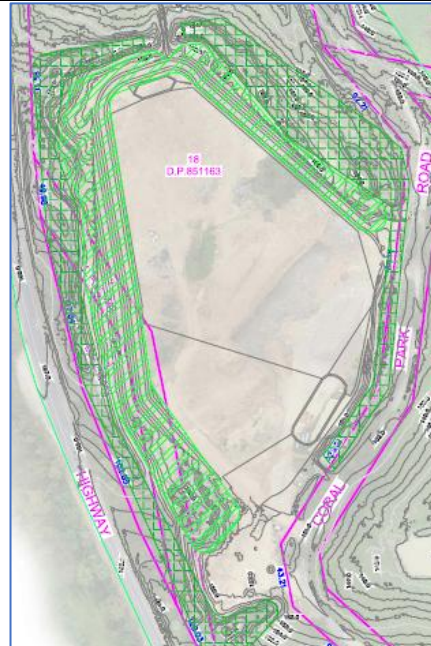


Figure 32 Rehabilitation Plan - Phase 1

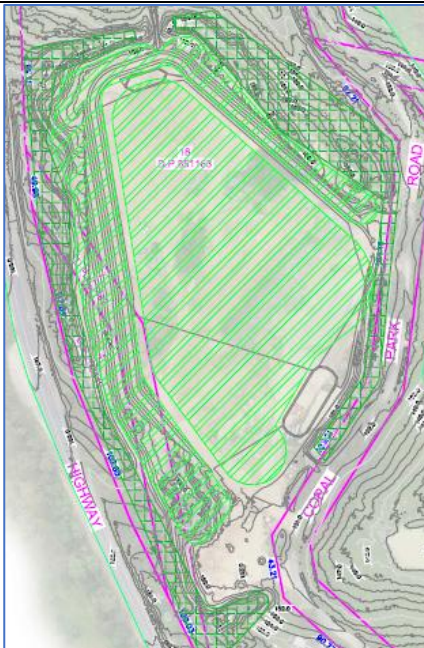


Figure 33 Rehabilitation Plan - Post Extraction



7. STATUTORY PLANNING FRAMEWORK

7.1 Protection of the Environment Operations Act 1997

The Environment Protection Authority (EPA) has reviewed the proposal in accordance with Clause 48 of the Protection of the Environment Operations Act 1997 and concluded that the proposal does not constitute a Scheduled Activity under Schedule 1 and so, will not require an Environment Protection Licence. The proposal is considered to be consistent with the objectives of the Protection of the Environment Operations Act 1997.

7.2 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 NSW. Quarrying activities over 2 closed crown reserve roads within the site have been undertaken continuously since 1955. DPHI Crown Lands requires a section of Coral Park Road Crown road reserve to be transferred to Council ownership and in the absence of this will object to the proposal. Options for doing so are presently being considered and the draft consent requires this transfer to be concluded prior to commencement of the proposed development. The proposal is therefore 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
- Transfer of the Crown Road reserve (Coral Park Road) to Bega Valley Shire Council will be concluded prior to the commencement of proposed Stage 1 quarry operations. This requirement is reflected in a condition of consent.

7.3 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 continued extraction of quarry material is supported by an Operational Management Plan and detailed Soil and Water Management Plan. The Soil and Water Management Plan details measures to ensure all site erosion and water runoff is managed effectively to minimise impact on the surrounding environment. Measures include construction of 3 sediment retention basins, site maintenance protocols and monitoring. The footprint does not intersect with any waterways and therefore no approvals are required from either NSW Water or DPIE (Water). The proposal is considered to be consistent with the Water Management Act 2000.

7.4 Biodiversity Conservation Act 2016

The northeastern end of the quarry contains existing vegetation of which 0.34ha requires removal. This comprises 3 canopy trees and clearing of all understorey which comprises exotic species (0.23ha) and native species (0.11ha) (refer to Photos 22 and 23). A Flora and Fauna Assessment of Significance report concludes that the proposal is unlikely to have significant effect on threatened species populations or ecological communities or their habitats. The proposed development is therefore consistent with the objectives of the Biodiversity Conservation Act and further investigation is not required.

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

Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and accompanying EP&A Regulations provides the legislative framework for proposals requiring development consent. The existing quarry represents an 'extractive industry' and operates under 'existing use rights' issued under the former repealed State Environmental Planning Policy No. 37 (SEPP 37).

Designated development

The quarry is located within 1000 metres of a residential zone and within 500m of a residential dwelling not associated with the development. For these reasons the proposed blasting to extract hard rock is defined as 'designated' thus requiring assessment under the provisions of Schedule 3 of the EP&A Regulations 2021. Determination of the development application will be undertaken by the Southern Regional Planning Panel under SEPP (Planning Systems) 2021.

Subsequently an Environmental Impact Statement (EIS) was prepared in accordance with section 4.12 of the EP&A Act and Schedule 3 to the EP&A Regulation. The Secretary's Environmental Assessment Requirements (SEARS) were issued on 1 May 2024. The proposal has been assessed in accordance with the Matters for Consideration under Section 4.15 of the EP&A Act 1979.

Integrated development

The proposal is integrated development pursuant to Section 4.46 of the EP&A Act as concurrence from Transport for NSW (Transport) under Section 138 of the Roads Act 1993 is required. The comments of Transport and its General Terms of Approval (GTA) have been included in the recommended conditions of consent provided in Attachment 1.

Section 4.15(1)(a)(i) any environmental planning instrument

The development application has been assessed in accordance with the following environmental planning instrument's (EPI);

- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *Bega Valley Local Environmental Plan 2013.*

A summary of the key matters for consideration arising from relevant State Environmental Planning Policies are outlined in Table 3 which follows.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI - State Environmental Planning Policy (Resources and Energy) 2021	
Matters for Consideration	Comply (Y/N)
SEPP Resources and Energy 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 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 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 consent). Section 2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses. Section 2.19 Compatibility of proposed mine, petroleum production or extractive industry with other land uses. Section 2.20 requires the consent authority to consider natural resource management and environmental management and whether conditions should be applied to ensure development is undertaken in an environmentally responsible manner. Section 2.21 Resource recovery – requires the consent authority to be satisfied that development will be carried out using efficient methods of recovery of extractive materials. Section 2.22 Transport – requires the consent authority to consider the application of appropriate conditions to mitigate any adverse impacts associated with the transport of extractive material on public roads in residential areas or near schools. <u>Assessment</u> 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. The site has had a long history of quarrying activities, and the approval of this application would ensure the ongoing resource recovery of the material close to transport routes centrally within the Bega Valley. Considerations on transport of materials have been provided, and conditions of consent have been included including hours of operation, upgrade to road formations and traffic control during blasting. The application was referred to NSW Resources which advises it has no specific comments regarding mine safety or mine rehabilitation matters in relation to the proposal. Further comment is made that if approved, the proponent will be required to comply with rehabilitation requirements under the mining authorisations prior to the commencement of the works associated with the proposal.	Y Y Y Y Y Y

EPI - State Environmental Planning Policy (Planning Systems) 2021	
Matters for Consideration	Comply (Y/N)
The aims of SEPP Planning Systems are to identify and facilitate development or infrastructure of State or regional significance. Section 2.6 of the SEPP states that development is declared to be State Significant Development for the purposes of the EP&A Act.	Y
<u>Assessment</u> The proposed development is specified as regionally significant development under Clause 2 of Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021 as it is a Designated development. For this reason, the Southern Regional Planning Panel (SRPP) is the consent authority under Section 4.5 of the Environmental Planning and Assessment Act 1979.	
EPI - State Environmental Planning Policy (Transport and Infrastructure) 2021	
Matters for Consideration	Comply (Y/N)
Chapter 2: Infrastructure, Section 2.121(4) - Traffic-generating development	Y
The application was referred to Transport for NSW under Section 138 of the Roads Act 1993 which requires the Department's concurrence for any works required within the Princes Highway Road Reserve.	
Section 2.22 Transport – requires the consent authority to consider the application of appropriate conditions to mitigate any adverse impacts associated with the transport of extractive material on public roads in residential areas or near schools.	Y
Section 2.48 Essential Energy - requires the consent authority to consider any response in relation to potential impact of the proposed development on electricity infrastructure.	Y
<u>Assessment</u> Issues of concern to Transport for NSW relate to the impact of blasting on the Princes Highway from a safety and efficiency perspective and vibration impacts on 2 reinforced concrete culverts (Culvert No. 612242 and 612243). Further analysis of blasting by GHD and Crozier Geotechnical Consultants considered there will be no adverse impacts associated with potential overpressure, vibration and flyrock on sensitive receivers when measured in accordance with relevant standards and guidelines. Transport for NSW remained concerned that flyrock could land on the Princes Highway and cause public safety risks and significant damage to infrastructure, however, does not oppose the development provided specific conditions in the Department's General Terms of Agreement are incorporated into the consent. In addition to these, the consent will be conditioned to require a Blast Management Plan for each blasting event which outlines specific management measures to mitigate any potential impacts. Essential Energy has made no specific comments, other than to draw attention to general advice relating to protection of electricity infrastructure and workplace safety near powerlines. These will be included as Advisory Notes in the recommended Notice of determination which are as follows:	

- a) If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment.
- b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- c) In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- d) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- e) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

EPI – State Environmental Planning Policy (Resilience and Hazards) 2021

Matters for Consideration	Comply (Y/N)
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 this be deemed so, a preliminary hazard assessment would be required. Chapter 4 – Remediation of Land The SEPP requires the consent authority 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.	Y Y
<u>Assessment:</u> The Applicant has advised that explosives will not be stored on site. An external Contractor is used for all explosives related work and must comply with relevant safety standards relating to their transportation and management. There are no proposed changes to storage quantities or storage arrangements for fuels for machinery used at the quarry. Accordingly, the development would not be considered potentially hazardous and would not require the preparation of a preliminary hazard assessment. The consent authority must also consider whether the subject proposal is a ‘potentially offensive industry’, and need to determine whether, in the absence of safeguards, the proposal would emit a polluting discharge which would cause a significant level of offense. In the absence of safeguards, the proposal would result in noise generation and dust emissions and would require surface water management. The potential impacts would be avoided or minimised with the implementation of the mitigation measures committed to in the EIS and supporting documents submitted by the Applicant. Suitable conditions of consent have been recommended in Attachment 1. The site has historically been used for grazing and since 1955 exclusively for extractive activity and does not display any evidence of contamination. No potentially contaminating activity has occurred, and the site is not within an investigation area. As such, the subject site is considered suitable for the intended development and further investigation is not deemed necessary.	

EPI - State Environmental Planning Policy (Biodiversity and Conservation) 2021	
Matters for Consideration	Comply (Y/N)
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 consent to a development application to carry out development on land to which this Part applies, the consent authority must be satisfied as to whether the land is a potential koala habitat.	Y
<u>Assessment</u> The proposal is supported by a Flora and Fauna report as part of the Biodiversity Conservation Act 2016 Assessment of Significance. The report concludes that: • The proposal is unlikely to have significant effect on threatened species populations or ecological communities or their habitats. • The site is significantly disturbed, and a Flora and Fauna Report demonstrates there will be no additional adverse impacts from the development.	
EPI - State Environmental Planning Policy (Primary Production) 2021	
Matters for Consideration	Comply (Y/N)
The policy 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.	Y
<u>Assessment:</u> The proposal is consistent with the aims of the Primary Production SEPP whereby: • The Development site already contains an operating quarry. • The Proposal would result in no 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.	

Bega Valley Local Environmental Plan 2013

The site is zoned RU1 Primary Production pursuant to Clause 2.2 of the *Bega Valley Local Environmental Plan 2013* (the LEP). Extractive industries are permitted with consent in the RU1 zone.

The following provisions are discussed below.

- Clause 1.2 Aims of Plan
- Clause 2.3 Zone objectives and Land Use Table
- Clause 5.10 Heritage Conservation
- Clause 6.2 Earthworks
- Clause 6.5 Terrestrial Biodiversity
- Clause 6.6 Riparian land and watercourses
- Clause 6.7 Environmentally sensitive land

Clause 1.2 Aims of Plan

Clause 1.2 of the LEP lists the aims of the Plan which are addressed in Table 4.

Table 4: Bega Valley LEP 2013 Aims

Aim	Response
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	N/A
(a) to protect and improve the economic, natural and social resources of Bega Valley through the principles of ecologically sustainable development, including conservation of biodiversity, energy efficiency and taking into account projected changes as a result of climate change,	The site has been significantly disturbed through extractive activities since 1955. Management of soil and water onsite will be conditioned appropriately to mitigate soil erosion and water runoff.
(b) to provide employment opportunities and strengthen the local economic base by encouraging a range of enterprises, including tourism, that respond to lifestyle choices, emerging markets and changes in technology,	The proposed blasting will enable extraction of hard rock that will realise the full potential of the site to be utilised for maintenance/improvement of infrastructure and services within the Bega Valley and surrounding areas. This will benefit the local economy through creation of employment directly associated with quarrying operations and related businesses.
(c) to conserve and enhance environmental assets, including estuaries, rivers, wetlands, remnant native vegetation, soils and wildlife corridors,	The site will be remediated progressively after each of the 3 stages of extraction in accordance with the Environmental Rehabilitation Management Plan.
(d) to encourage compact and efficient urban settlement,	N/A
(e) to ensure that development contributes to the natural landscape and built form environments that make up the character of Bega Valley,	The site will be remediated in a way that enables it to blend into the surrounding landform when viewed from the Princes Highway. The area extracted will be stabilised and revegetated with local grass and tree species.
(f) to provide opportunities for a range of housing choice in locations that have good access to public transport, community facilities and services, retail and commercial services and employment opportunities,	N/A

(g) to protect agricultural lands by preventing land fragmentation and adverse impacts from non-agricultural land uses,	N/A Further subdivision of the subject property is not proposed as part of this development.
(h) to identify and conserve the Aboriginal and European cultural heritage of Bega Valley,	An Aboriginal Due Diligence Assessment prepared for the site found one Aboriginal site containing an isolated artefact and one potential archaeological deposit. Both sites are located in areas unsuitable for extractions and as such will not be disturbed during subsequent stages of extraction.
(i) to restrict development on land that is subject to natural hazards,	The subject property is mapped as bushfire prone land Category 1 and 3. Planning for Bushfire Protection Guidelines 2019 require that appropriate operational access and egress for emergency service personnel and occupants is available. The quarry is and will remain accessible from Coral Park Road which is considered satisfactory.
(j) to ensure that development has minimal impact on water quality and environmental flows of receiving waters.	The continued extraction of quarry material is supported by a detailed soil and water management plan which involves a staged basin design (refer to Attachments 7 and 8). The overarching Operational Environmental Management Plan (OEMP) will be reviewed independently on a tri-annual basis or prior to significant change in proposed operations, whichever comes first. Should any changes be made to the OEMP the consent authority will be advised within 30 days of completion. A condition of consent is included which requires an Annual Environmental Management and Rehabilitation Report to be prepared which reviews operational performance over the preceding year and measures taken to ensure compliance.

Clause 2.3 Zone objectives and Land Use Table

The subject land is zoned RU1 (refer to Figure 34). Under Clause 1.2 of the LEP 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 encourage development for tourism-related activities and other development that is compatible with agricultural activities, which will not adversely affect the environmental and cultural amenity of the locality.
- To maintain and protect the scenic value and rural landscape characteristics of land in the zone.

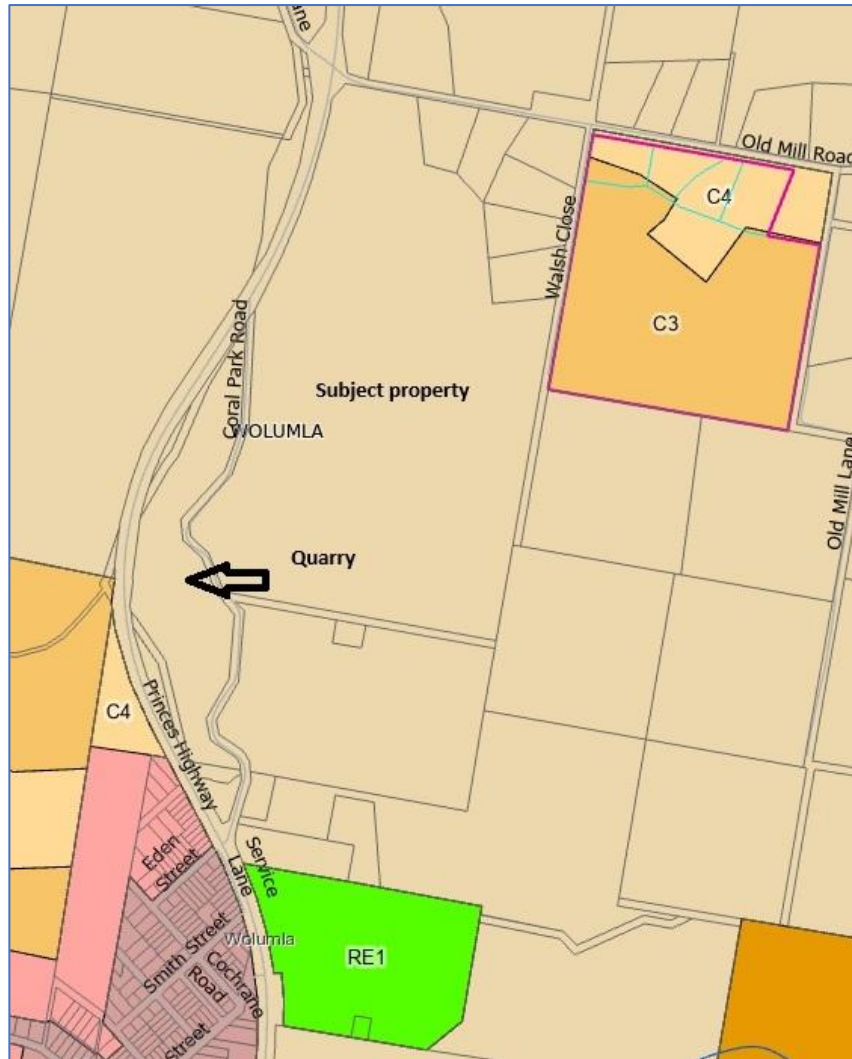


Figure 34 Land Use Zones

Assessment

The proposal is considered to be consistent with the RU1 zone objectives. The continuation of extractive industry operations does not fragment or alienate resource lands, nor likely to generate any conflicts with other activities in surrounding zones. The quarry has been operating since 1955 within a rural environment, and studies prepared in support of the proposal indicate that blasting associated with future extraction can be done within relevant legislative requirements relating to noise, vibration and air quality.

The site will be rehabilitated for the purpose of agricultural uses consistent with the zone and locality (refer to Environmental Rehabilitation Management Plan). Current quarrying activities are screened from the Princes Highway by mature native trees and these areas will be enhanced at the completion of each of the 3 development stages.

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

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

Table 5 Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Heritage (CI 5.10)	CI 5.10(2)(d) requires the consent authority to consider the impacts from disturbing a heritage item or excavating an Aboriginal place of heritage significance.	An Aboriginal Heritage Due Diligence Assessment located 1 isolated Aboriginal artifact and 1 potential archaeological deposit outside the area proposed for future extraction. The report concluded there to be no potential for further harm due to the highly disturbed nature of the site from past quarrying activities. The quarry is approximately 800m distant to a local Heritage Conservation Area (HCA) along Scott Street Wolumla. There are no heritage items located in the immediate vicinity of the quarry and no impacts are anticipated from the proposed development on the HCA.	Yes
Earthworks (CI 6.2)	The objective of this clause is to ensure earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Earthworks required include construction and maintenance of internal roads, the removal and stockpiling of topsoil and overburden, and creation of 2 additional sediment basins. The applicant has advised that pit development will be undertaken in 3 stages over a 30-year period. Topsoil and overburden would be removed progressively in stages. The existing quarry has an area of approximately 2.231ha. Areas of disturbance would include the pit footprint, internal haul road, the stockpile location and sedimentation dams. Overall, the risk of erosion is considered low. With the implementation of safeguards and mitigation measures, outlined in the Soil and Water Management Plan runoff is readily manageable and unlikely to cause substantial erosion or lead to substantial sediment loads entering any natural waterways.	Yes
Terrestrial Biodiversity (CI 6.5)	The objective of this clause is to maintain	The northeastern portion of the quarry adjacent to the Princes Highway is mapped with terrestrial biodiversity	Yes

	terrestrial biodiversity.	values. Vegetation will largely remain intact except for 3 native trees. The accompanying Biodiversity Test of Significance Report has concluded that the proposal is unlikely to have significant effect on threatened species populations or ecological communities or their habitats. The area impacted by extractive activity will be progressively revegetated with indigenous species upon completion of each stage of development.	
Riparian Land and Watercourses (CI 6.6)	The objective of this clause is to protect and maintain water quality, stability of the bed and banks of watercourses, aquatic and riparian habitats and ecological process within watercourses and riparian areas.	The quarry site is not mapped as containing riparian land or watercourses, however, is within the catchment of the broader site which is mapped as such. Sediment and stormwater devices and ongoing management practices described in the accompanying <i>Soil and Water Management Plan</i> will be required by condition of the consent to ensure there is adequate management and monitoring of their effectiveness.	Yes
Environmentally Sensitive Land (CI 6.7)	The objective of this clause is to protect, maintain or improve the diversity and stability of landscapes by restricting development on land that a) is generally unsuitable for development due to steep slopes, or shallow or erodible soils, and b) with a high proportion of rock outcropping.	Part of the site is mapped as steep land with a slope greater than 15°. The eastern area of steep land coincides with mapped riparian areas and any onsite water will be directed away from the riparian zone to Basins 2 and 3. Steep land located in the northwestern section of the site will not be impacted by extraction activity.	Yes

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

Section 4.15(1)(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 are no Draft Environmental Planning Instrument impacting the subject site or use.

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

Bega Valley Development Control Plan 2013 ('the DCP') is relevant to this application. The following sections of the DCP are relevant to the proposal. The proposal is generally consistent with the relevant objectives and controls of the DCP.

Chapter 4 Rural Development

Section 4.5 Mineral and Extractive Activities

The objectives are:

- 1) To minimise adverse environmental impacts of quarrying activities and mitigate potential conflict with other land uses, particularly those of a residential nature, and some farming activities and
- 2) To prevent the sterilisation of existing and potential extractive resources.

Assessment: Complies

4.5.1.1 Buffers and 4.5.1.2 Setbacks:

The existing quarry is enclosed by two roads with Princes Highway located approximately 100m west of the blast site and Coral Park Road located about 60m east of the blast site. These roads are outside the recommended limits from DIN4150 Road Infrastructure / public utilities impact distances which is 38m (refer Table 6.3 page 18 of *Blasting Impact Assessment Report* prepared by GHD). The Bega to Yellow Pinch Pipeline runs along Coral Park Road, which is located outside the recommended limits from DIN4150, and as such no impacts are anticipated.

The existing vegetation and topographic buffers provide adequate screening from public viewing places west of the quarry. To the east, the quarry is visible from rural dwellings but is in keeping with a rural landscape.

Assessment: Complies

4.5.1.3 Quarry Rehabilitation:

The proposed development is supported by a site rehabilitation plan prepared by BSE Consulting which illustrates how the quarry would be progressively rehabilitated following completion of each stage through to full extraction. This will include planting of native trees, shrubs and ground covers, and once established will blend effectively into the rural landscape.

Assessment: Complies

4.5.1.4 Extractive Industry Management Plan

The proposal is supported by the following management plans that will be referenced in the Draft Conditions of Consent:

- Soil and Water Management Plan
- Environmental Rehabilitation Management Plan
- Operational Environmental Management Plan
- Blasting Impact Assessment Plan (which includes specific management measures).

Assessment: Complies

4.6 Rural Landscapes:

The objectives are to protect the existing cultural landscape form and scenic values from potentially adverse impacts of rural lifestyle developments and the construction of unsympathetic rural or rural industrial buildings and related structures.

The existing quarry is well screened from the Princes Highway by mature native trees along the western and southern boundaries. The proposed blasting will not have any lasting or significant impacts on the surrounding rural landscape, due to the frequency of blasting being limited to one occasion only for each month of the year.

Assessment: Complies

Chapter 5 General Development

Section 5.1 Aboriginal Heritage:

The objectives are to protect and conserve Aboriginal cultural and spiritual sites within the Shire and ensure that the impact of proposed development is considered by adequate investigation and assessment processes.

The accompanying Aboriginal Due Diligence Archaeological Assessment Report is comprehensive and concludes that there is little likelihood of adverse impacts to the cultural heritage values of the site given the degree to which the site has been disturbed through past extractive activities. The two potential areas of Aboriginal cultural significance are outside the area proposed for extraction. The Bega Local Aboriginal Land Council was consulted and raised no concerns.

Assessment: Complies

Section 5.2 Non Aboriginal Heritage

The objectives are to conserve and enhance the heritage significance of individual heritage items and retain the heritage and streetscape character of Heritage Conservation Areas.

The subject development is located approximately 800m distant to the local Heritage Conservation Area along Scott Street Wolumla. The quarry has been operating since approximately 1955 and there are no recorded adverse impacts on local heritage items associated with extraction activity. Current and future extraction will be restricted to the existing boundary of the quarry and as such it is considered will not undermine the heritage values of Wolumla.

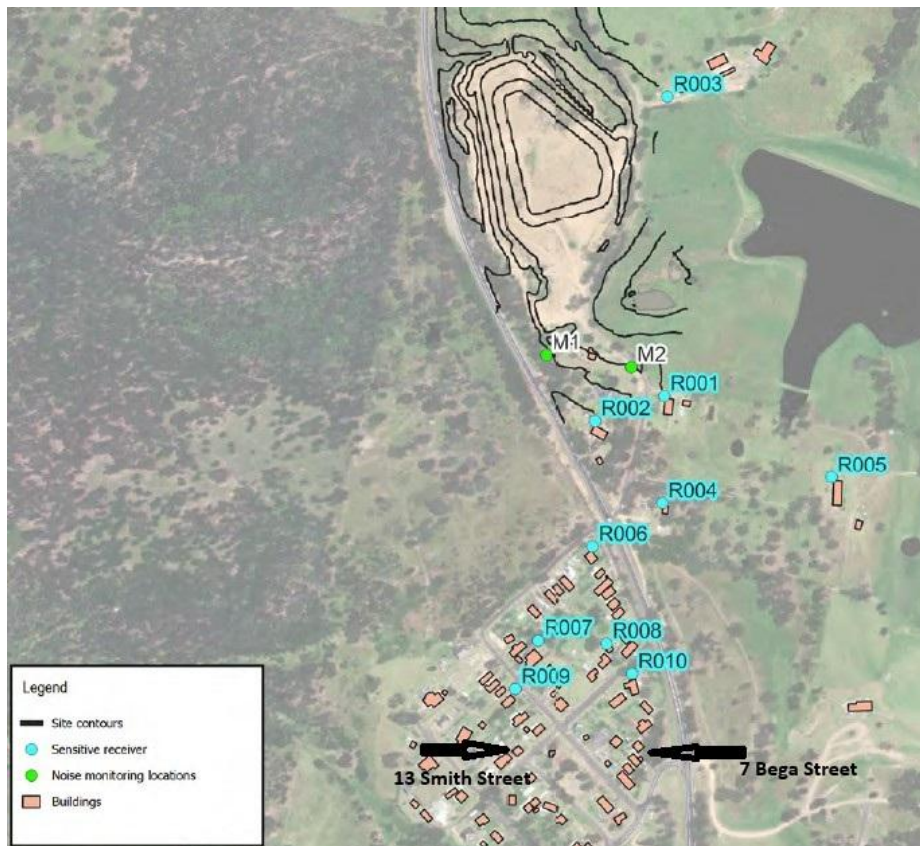
Assessment: Complies

Section 5.4 Social and Economic Impacts

The objective is to ensure the impacts of certain developments on social and economic factors are considered.

There is an estimated 804,000 cubic metres of material remaining in the quarry site. The continued extraction of material from the quarry will benefit the local economy by increasing supply of a resource that will be used to establish or maintain community infrastructure including roads, housing, commercial buildings and recreational facilities.

Two submissions were received from residents in Wolumla regarding noise associated with existing quarrying operations and the impact on wildlife and domestic animals, mental health and property values. Assurances were sought that potential adverse impacts could be suitably managed through site management practices. The location of each residence is shown in the following diagram, these being at 13 Smith Street and 7 Bega Street.



Assessment: Complies. The Noise Impact Assessment prepared by GHD has identified 3 residences (R001, R002 and R003) where noise assessment criteria are exceeded. The dwellings shown at Smith and Bega Streets are approximately 450 distant from the closest sensitive receiver site (R002). Mitigation measures will be required during blasting events to reduce any potential amenity impacts relating to noise, vibration or dust.

Property values in Wolumla have steadily increased overtime notwithstanding current quarry operations. It is anticipated that the use of blasting once per month will not impact this trend.

Section 5.6 Tree and Vegetation Preservation:

The relevant objective is to minimise impacts to vegetation with high environmental value e.g. threatened ecological communities, threatened species and their habitats.

The proposal involves the removal of 3 canopy trees (covering an area of 0.34ha) and clearing of all understorey comprising exotic species (0.23ha) and native (0.11ha) within the north-east corner of the quarry. The proposal is supported by a Flora and Fauna Assessment of Significance report which concludes that the proposal is consistent with relevant considerations under the NSW Biodiversity Conservation Act 2016.

Assessment: Complies

Section 5.8.4 Planning for Hazards – Bushfire Prone Land

The objective is to help mitigate the impact of bush fire on buildings and the community within the Bega Valley Shire.

The quarry is mapped as being bushfire prone land containing Category 1 and Category 2 vegetation. The proposal does not constitute a residential use nor a 'Special Fire Protection Purpose' development but, because of the above classification should be assessed in line with Planning for Bushfire Protection Guidelines 2019. The proposal is consistent with Clause 1.1 Aims and Objectives of PFBP2019, with the most relevant section of the plan

relating to the required standard of access. The quarry is accessed from Coral Park Road which is bitumen sealed and considered to be adequate for safe evacuation of employees and contractors and operational access by emergency services personnel in carrying out fire suppression activities.

Assessment: Complies

Section 5.9 Off-street Car and Bicycle Parking

There are no specific parking requirements in BVDCP 2013 for quarry operations, as such the parking requirements are assessed on a merit basis. The subject site is not located in an area provided with frequent public transport services and as such access by private motor vehicle will likely remain the most viable long term option for workers. It is unlikely visitors will be seeking access to the site and no haulage trucks will be parked on-site overnight. Accordingly the provision of one car parking space per full time staff member employed on site is considered to be an appropriate rate.

Assessment: Complies

Chapter 6 Engineering Requirements

The objective is to ensure all aspects of design and construction of development works confirm to sound engineering practice, and recognised codes and standards, and implementation of best practice water quality controls.

Section 6.1 Roads and Easements

The existing access from Coral Park Road and driveway is suitable to service anticipated traffic volumes generated by the development and size of vehicles accessing the quarry site.

Assessment: The application was assessed by Council's Development Engineering who reviewed the current road formation of Coral Park Road with its intersection with the Princes Highway to the entrance of the existing quarry. It was identified that the current formation does need upgrading to ensure safe access for the development and other users of the road. The minimum road width requirement for Coral Park Road has been applied on the basis that this section of Coral Park Road is used exclusively by users associated with the quarry. Conditions of consent have been recommended to ensure Coral Park Road is upgraded prior to the commencement of quarrying activities that this application seeks approval for.

Section 6.2 Parking and Driveways

The existing access driveway and parking arrangements are generally suitable to cater for the proposal, however upgrading of the intersection to Council's standards is required, as detailed in the draft conditions of consent.

Assessment: Complies.

Section 6.3 Soil and Stormwater Management

There is a general requirement for development to be constructed in a manner which minimises erosion and sedimentation in order to minimise land degradation, water pollution and damage to infrastructure from accumulated sediment.

There will be significant earthworks associated with extractive activities which will be managed in accordance with the Soil and Water Management Plan prepared for the development. This will comprise a series of diversion drains, sediment traps and basins to capture sediment and these will be required to be inspected regularly after rain events and maintained to ensure no adverse environmental impacts.

Assessment: Complies

Bega Valley Section 94 and 94A Contributions Plan 2014

The application does not attract Section 7.12 Contributions under Bega Valley Section 94 and 94A Contributions Plan 2014 pursuant to the Environmental Planning and Assessment Act 1979.

Section 4.15(1)(a)(iv) – The Regulations

The application satisfactorily meets the relevant requirements of the EP&A Regulation 2021, including the procedures relating to applications (Part 3 of the EP&A Regulation 2021) and public participation procedures for development that requires consent.

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

The proposal is satisfactory having consideration to the impact on the natural environment (in terms of landforms, water quality, drainage/hydrology/watercourses, vegetation and erosion / sedimentation), and the social and economic environment.

The Environmental Impact Statement submitted with the application has been prepared in line with the Secretary's environmental assessment requirements (SEARs). The application and relevant studies/reports were also referred to the following external authorities for assessment in accordance with designated and integrated development requirements:

- Environment Protection Authority
- Transport for NSW
- Essential Energy
- Department of Primary Industries & Regional Development – NSW Resources
- Department of Planning Housing & Infrastructure – Crown Lands

Additional information was requested by Transport for NSW and Crown Lands which was subsequently addressed by the Applicant. The application and supporting investigations were reviewed by those authorities which raised no objection to the proposal and provided comments or General Terms of Approval to ensure compliance.

Natural Environment

The full range of potential impacts on the natural environment has been considered and the proposed development designed to reflect the findings and recommendations of specialist studies prepared in support of the application, these being:

1. Blasting Impact Assessment Report and supplementary information
2. Air Quality Assessment
3. Noise Impact Assessment
4. Aboriginal Heritage Due Diligence Assessment
5. Biodiversity Conservation Act 2016 Assessment of Significance
6. Traffic and Parking Impact Assessment
7. Operational Environmental Management Plan
8. Soil and Water Management Plan
9. Environmental Rehabilitation Management Report and Plan

The development has been designed to ensure any potential impacts are appropriately minimised or managed and appropriate mitigation measures have been included in the recommended conditions of consent. Within this context, the proposed development is unlikely to have significant effect on air and water quality, natural ecosystems, nor threatened species populations or ecological communities or their habitats.

Built Environment

The site is located adjacent to the eastern side of the Princes Highway on a large rural property which is bordered by small-scale rural residential subdivision, Wolumla Recreational Ground and Bournda National Park. Immediately West and south west of the highway is Wolumla village which comprises mostly low density residential dwellings. The quarry is screened from the highway by mature trees and the Rehabilitation Plan will see further plantings being established at the end of each stage of development.

The use of blasting to extract material has been assessed with respect to potential impact on public safety from flyrock and the impact of ground vibration on residential dwellings and public infrastructure including the Princes Highway, Coral Park Road and Yellow Pinch Water Pipeline.

Additional information was requested by Transport for NSW which has provided specific conditions to mitigate potential risk to the public, private residences or public assets (refer to the General Terms of Approval from Transport for NSW in Attachment 1).

Social and Economic

Demand for hard rock aggregate is expected to continue due to increased activity relating to public infrastructure provision and maintenance (roads, bridges, pedestrian paths and cycleways), and residential construction as more residential land is released in the Bega LGA. This will benefit the community through continuation of employment opportunities in the long term.

The proposed development supports an existing quarry that has operated with relatively minimal impact on the surrounding area since 1955. The volume of material to be extracted per annum and number of vehicle movements will remain unchanged from current levels.

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

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

The site's location is suitable for the proposed use of blasting to extract further aggregate from the quarry for the following reasons:

1. Potential impacts can be adequately mitigated resulting in no loss of amenity for residents in Wolumla Village nor nearby rural residential dwellings, nor adverse impact on public infrastructure.
2. The site is suitably zoned (RU1 Primary Production) and maintains an adequate buffer distance from nearby residential areas.
3. Rural landscape values will be protected from public viewing areas namely the Prices Highway by existing and planned revegetation of the site progressively throughout the life of the quarry.

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

Section 4.15(1)(d) - Public Submissions

The proposal was notified and advertised for a period of 28 days from 5th July to 2nd August 2024 in accordance with the *EP&A Act*, *EP&A Regulations* and Council's *Community Participation Plan*.

Council received two submissions and the issues raised include the potential impact of noise on residents, wildlife and domestic animals and lower property values. These issues have

been addressed in detail through the body of this assessment report and it is considered that the management measures proposed in association with appropriate conditions of consent will mitigate any adverse impacts.

Section 4.15(1)(e) - Public interest

Matters pertaining to the public interest have been discussed within this report and approval of the application is considered to be in the public interest. The development does not have any significant adverse impacts on the built or natural environment and contributes to positive social and economic outcomes.

8. REFERRALS AND SUBMISSIONS

a. 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 6.

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

Table 6: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	N/A	
Rail authority for the rail corridor	Section 2.98(3) - <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	N/A	
Referral/Consultation Agencies			
RFS	S4.14 – EP&A Act Development on bushfire prone land	N/A	
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Comments received from Essential Energy	Yes
Rail Authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	N/A	
	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	N/A	

	Development that is deemed to be traffic generating development in Schedule 3.		
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')	N/A	
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A	
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A	
Department of Primary Industries and Regional Development – NSW Resources	Mining Act 1992 & Mining Regulation 2016 – Schedule 1 Scheduled Minerals	No comments	
Transport for NSW	S 100B - <i>Roads Act 1992</i> Development that will remove or interfere with a structure, work or tree on a public road	These issues are considered in more detail in the Key Issues section of this report.	Y
Department of Planning, Housing & Infrastructure – Crown Lands	Crown Lands requirements in relation to adjoining Crown Roads	These issues are considered in more detail in the Key Issues section of this report.	Y

b. Council Officer Referrals

The development application has been referred to various internal Council officers for technical review including road, access, stormwater, flora and fauna and effluent disposal with any issues raised satisfactorily addressed in this report.

8. CONCLUSION

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

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment 1.

9. RECOMMENDATION

This report considers a DA for the use of blasting to extract hard rock and associated stormwater management infrastructure at Coral Park Quarry on Lots 4 and 7 DP 252442 and Lot 18 DP 851163, 28 Coral Park Road, Wolumla.

Having reviewed the application against the relevant and applicable statutory provisions and consideration of information submitted, Council is of the view that there are no statutory reasons why the application cannot be approved by the Panel. Having consideration to all relevant matters, the proposal is considered to be satisfactory and permissible under Clause 2.3 of BVLEP2013. Accordingly, approval, subject to conditions (see Attachment 1) is recommended.

Reasons for the determination:

- a) The development, subject to the recommended conditions, is consistent with the objectives of the applicable EPIs.
- b) The development is subject to the recommended conditions, consistent with the objectives of the BVDCP2013.
- c) The development is considered to be of an appropriate scale and form for the site and the character of the locality.
- d) The development has appropriate management and mitigation of impacts through conditions of consent.
- e) The development is a suitable and planned use of the site and its approval is within the public interest.