

DEVELOPMENT ASSESSMENT REPORT

Pursuant to the Environmental Planning & Assessment Act 1979
Section 4.15 (as amended)



APPLICATION SUMMARY	
APPLICATION REFERENCE NO.	DA 2025/32
PAN NO.	PAN-520078
DATE LODGED	8/04/2025
ASSESSING OFFICER	Lauren Dawes Acting Manager Sustainable Development
REVIEWING OFFICER	n/a
DEVELOPMENT ADDRESS	809 Gobarralong Road, Coolac NSW 2727
DEVELOPMENT LOT/SECTION/PLAN	Lot 158 DP750984; Lot 1 DP 1096529; Lot 2 DP 1096529; Lot 3 DP 1096529; Lot 4 DP 1096529; Lot 4 DP133499
OWNERS	Eulonga Quarries Pty Limited
APPLICANT	SLR Consulting 10 Kings Road, New Lambton NSW 2305
DESCRIPTION OF DEVELOPMENT	Use of land and establishment of a new extraction area for the purposes of an extractive industry (sand quarry) within Lot 158 DP 750984 and Lot 4 DP 1096529, to be operated in conjunction with the existing quarry on Lot 1 DP 1096529 and Lot 2 DP 1096529.
ESTIMATED COST OF DEVELOPMENT	\$150,000.00
DETERMINING AUTHORITY	Southern Region Planning Panel
ZONING	RU1 – Primary Production
DEVELOPMENT PERMISSIBLE	Yes
DEVELOPMENT DESIGNATED OR INTEGRATED	Designated Integrated
CLAUSE 4.6 VARIATION PROPOSED	No
NOTIFICATION/ADVERTISING PERIOD	28 April 2025 – 16 June 2025 (extended from 2 June to 16 June)
NO. OF SUBMISSIONS	2 during exhibition period, 1 following closure of exhibition
RECOMMENDATION	That the development be approved subject to conditions outlined in the accompanying Draft Notice of Determination.

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1 PROPOSAL, SITE AND BACKGROUND INFORMATION

1.1 THE PROPOSAL

The development application seeks consent for the establishment of a sand extraction site with a total project area of 13.90ha and proposed extraction pit of 11.16ha across Lot 158 DP 750984 and Lot 4 DP 1096529. The proposal seeks to extract sand to a depth of approximately 4m, to 222m AHD. The extraction site is proposed to be used in association with existing quarry operations undertaken on the property, on Lots 1 and 2 DP 1096529, approved under previous development consents and subject of an existing Environmental Protection Licence.

Total proposed extraction volume is detailed by the application as approximately 635,000 tonnes.

Material extracted from the new site is proposed to be transported to the existing processing site via a new internal access track. Operations on the new site are proposed to be undertaken by a single operator, undertaking extraction using an excavator, loading the material into a haul truck and transporting it to the existing site via the proposed new track. No increase is proposed to the number of existing vehicle movements leaving the property. The number of internal vehicle movements between the proposed extraction site and existing operations is 8 movements per hour; being 4 movements into the proposed site and 4 returning.

Annual extraction rates are proposed to remain in keeping with the existing quarry development approval and existing Environmental Protection Licence as summarised in **Table 1** below. No construction works are proposed as part of the application beyond the formation of the access track.

Table 1: Proposal Summary

Parameter	Existing Quarry	Proposed
Tonnes per annum	172,000tpa	No Change
Extraction Area	Fine Sands: 8.5ha Coarse Sands: 8.2ha	Existing Fine Sands: No Change Existing Coarse Sands: No Change Proposed Extraction Area: 13.91ha
Extraction Depth	Fine Sands: 8m deep Coarse Sands: 8m deep	Existing Fine Sands: No Change Existing Coarse Sands: No Change Proposed Extraction Area: 4m deep (222m AHD)
Hours of Operation	• 7:00am to 6:00pm Monday to Saturday; • No time on Sundays and Public Holidays.	No Change

Table 1 - Proposal summary (Source: Submitted EIS)

1.2 THE SITE

The subject site is situated on a floodplain along an inside bend of the Murrumbidgee River, within rural land in the locality of Coolac, in the Cootamundra-Gundagai Regional Council area of the Northern Riverina region.

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Figure 1 -Locality Map (Source: Submitted Development Plans)

The site is located with a broader landholding known as Eulonga Pastoral, identified in **Figure 2**, which accommodates both existing sand quarry operations and extensive agricultural activities including cropping and livestock grazing.

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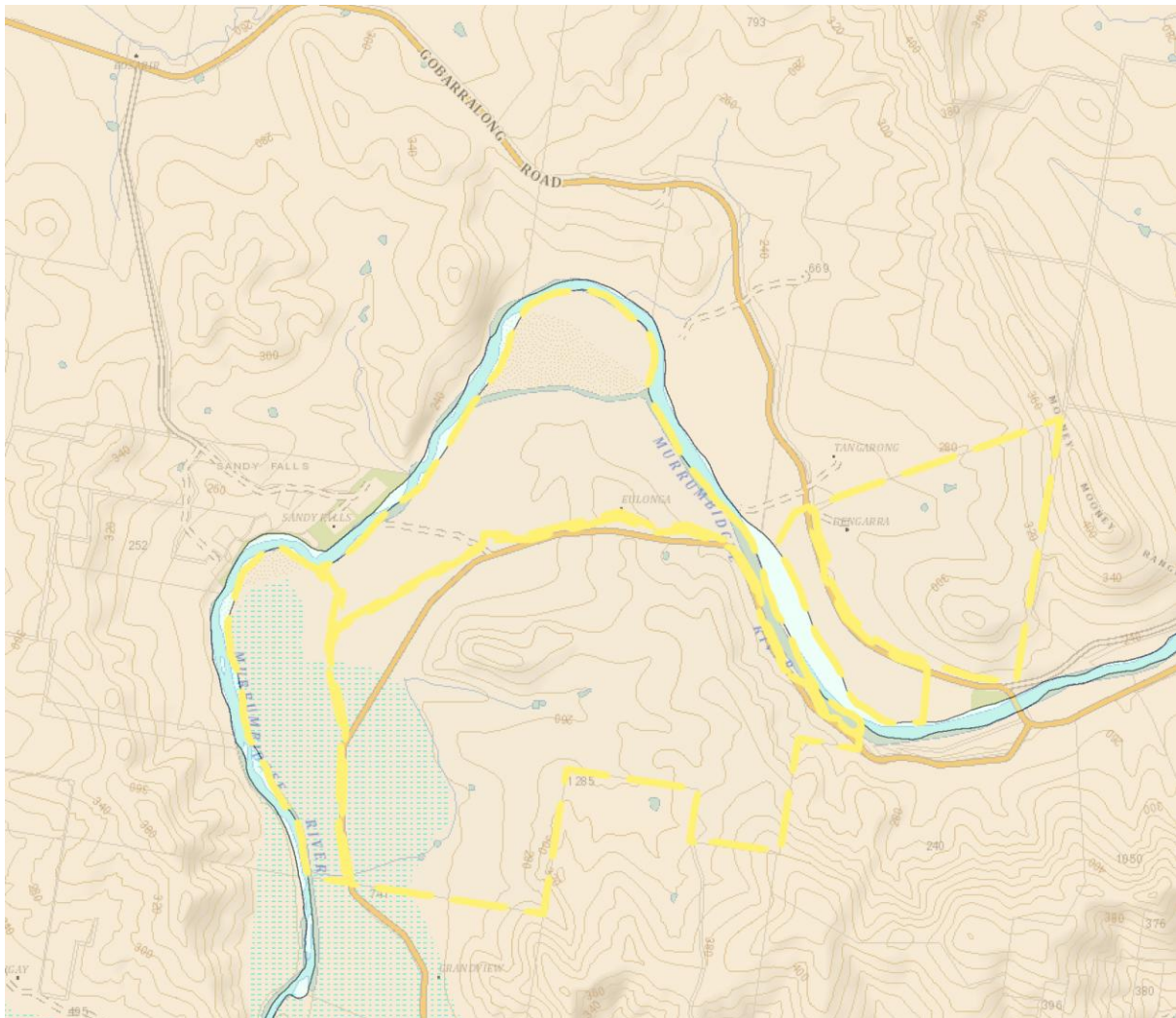


Figure 2 - Existing landholding containing existing and proposed quarry sites (Source: E-Planning Spatial Viewer 2025)

Due to its encompassing of multiple allotments, the landholding has two formal property addresses, with access to different sections of the property provided via the following entrances:

- 338 Darbalara Road, Coolac
- 809 Gobarralong Road, Coolac

Access to the subject site and the existing quarry is currently gained via the entrance at 338 Darbalara Road, followed by an internal track (proposed), as shown in **Figure 3**.

Proposed new extraction site is located on the following allotments:

- Lot 158 DP 750984; and
- Lot 4 DP1096529

Existing quarry operations are undertaken on the following allotments:

- Lot 1 DP1096529; and
- Lot 2 DP1096529

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Access between the existing operations and proposed new extraction site is proposed to generally follow the course of the river and anabranches. The access is proposed to be located over the following additional allotments:

- Lot: 3 DP: 1096529.
- Lot: 4 DP: 133499, being a former road reserve that has been closed.

Internal access also crosses a small section of a crown road reserve, identified below.

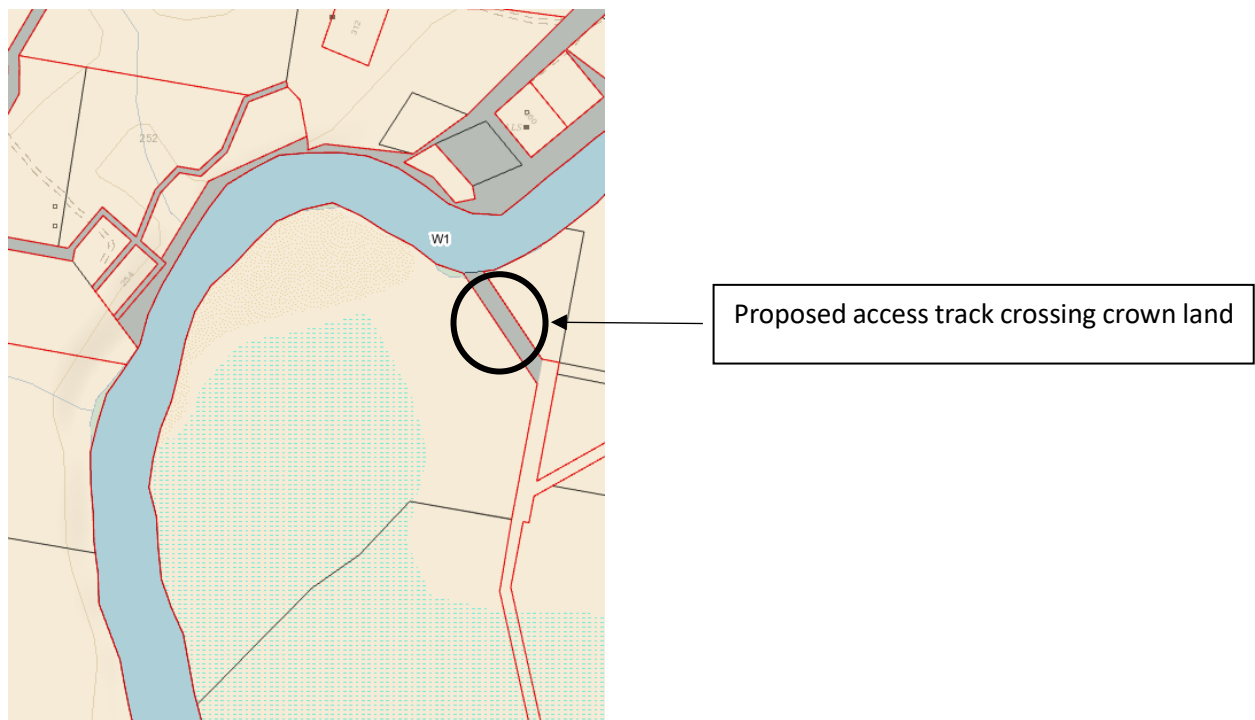


Figure 3 – Section of crown land proposed access track crosses (Source: e-planning spatial viewer, amended by assessing officer)

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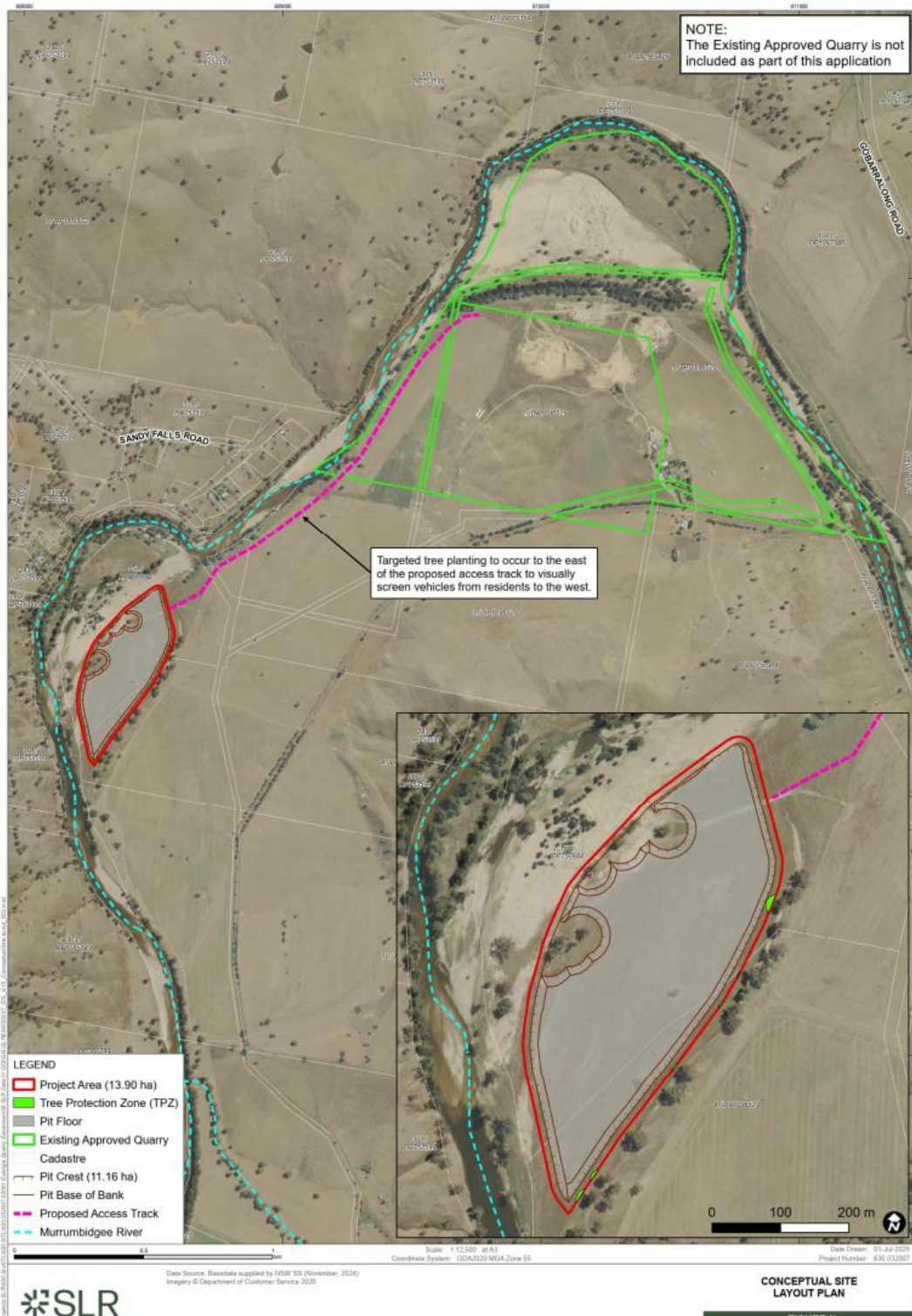


Figure 4 – Amended Conceptual Site Layout Plan (Source: Submitted 11/07/2025)

Covering approximately 14 hectares, the site is bounded to the northwest by an anabranch of the Murrumbidgee River, which experiences periodic inflows. The land has been previously disturbed through agricultural activities and contains a small stand of trees along its western boundary within

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the identified site area in **Figure 5** below, which are proposed to be retained. Two scattered trees within the site are proposed for removal. Additionally, a treeline along the eastern boundary of the identified area is proposed to remain undisturbed.

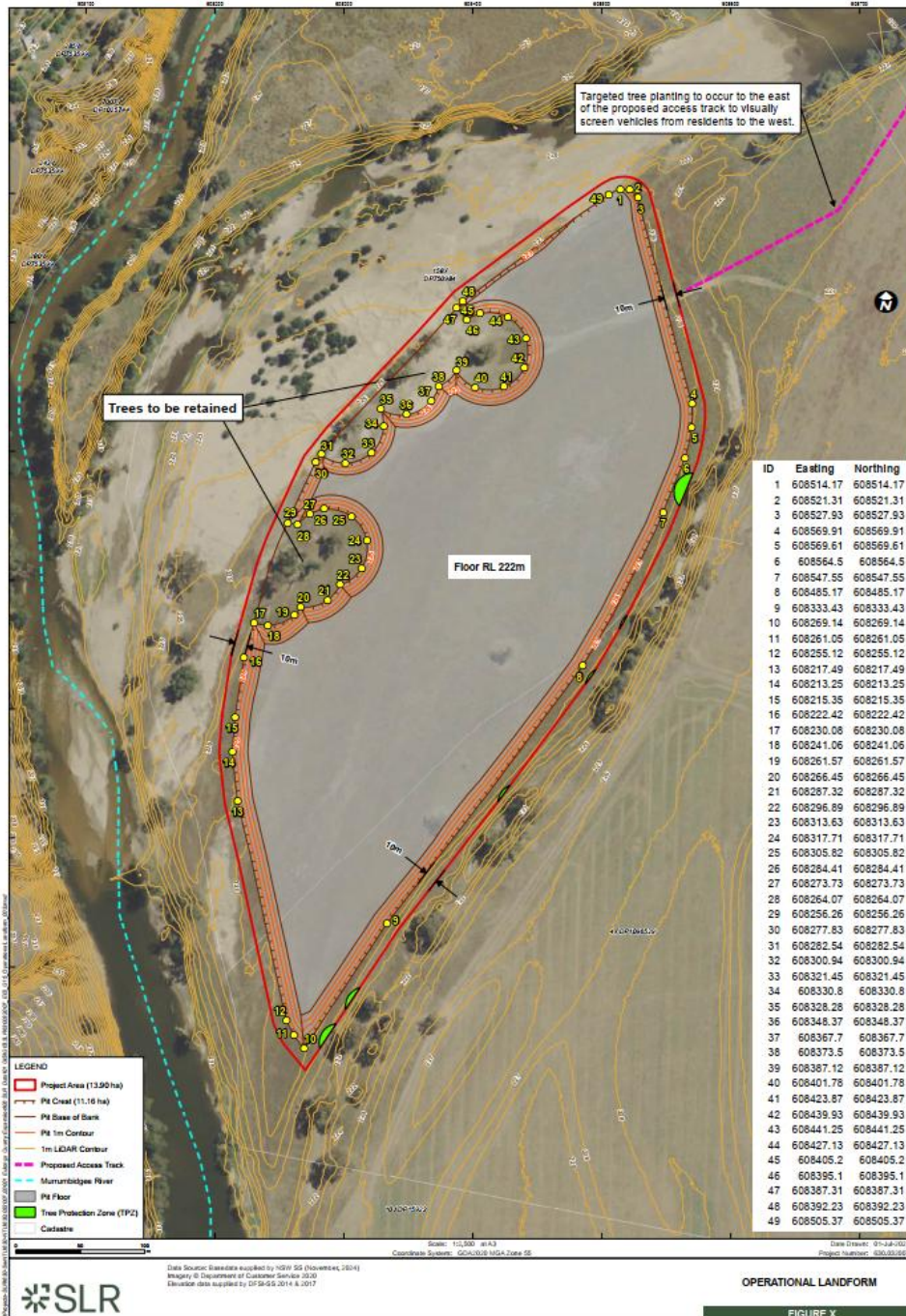


Figure 5 – Amended Operational Landform Plan (Source: Submitted 11/07/2025)

The site is located approximately 90 km downstream of Burrinjuck Dam. As there are no major inflow rivers between the dam wall and the site, water levels in the Murrumbidgee River at this location are largely regulated by operations at the dam.

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The subject site, while not identified by any flood study or policy as a flood control lot, is located on a floodplain and is subject to flooding.



Figure 6 - Aerial image, existing operations (Source: Google Earth 2025)

The site contains no known items or area of heritage significance.

1.3 THE LOCALITY

Located approximately 28 km northeast of Gundagai and 17 km southeast of the village of Coolac. It's general locality is identified in **Figures 7 and 8** below.

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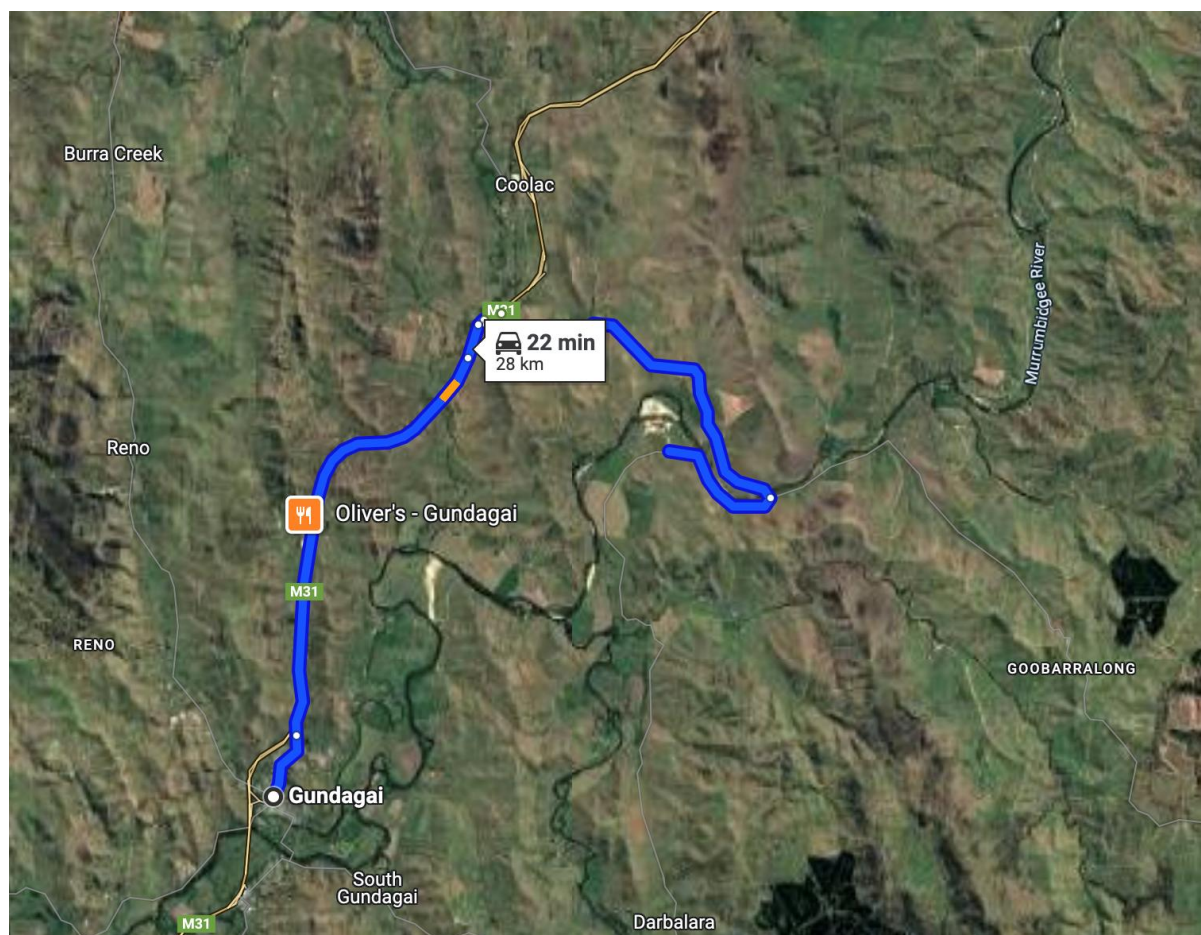


Figure 7 - Site Location (Source: Google Maps 2025)

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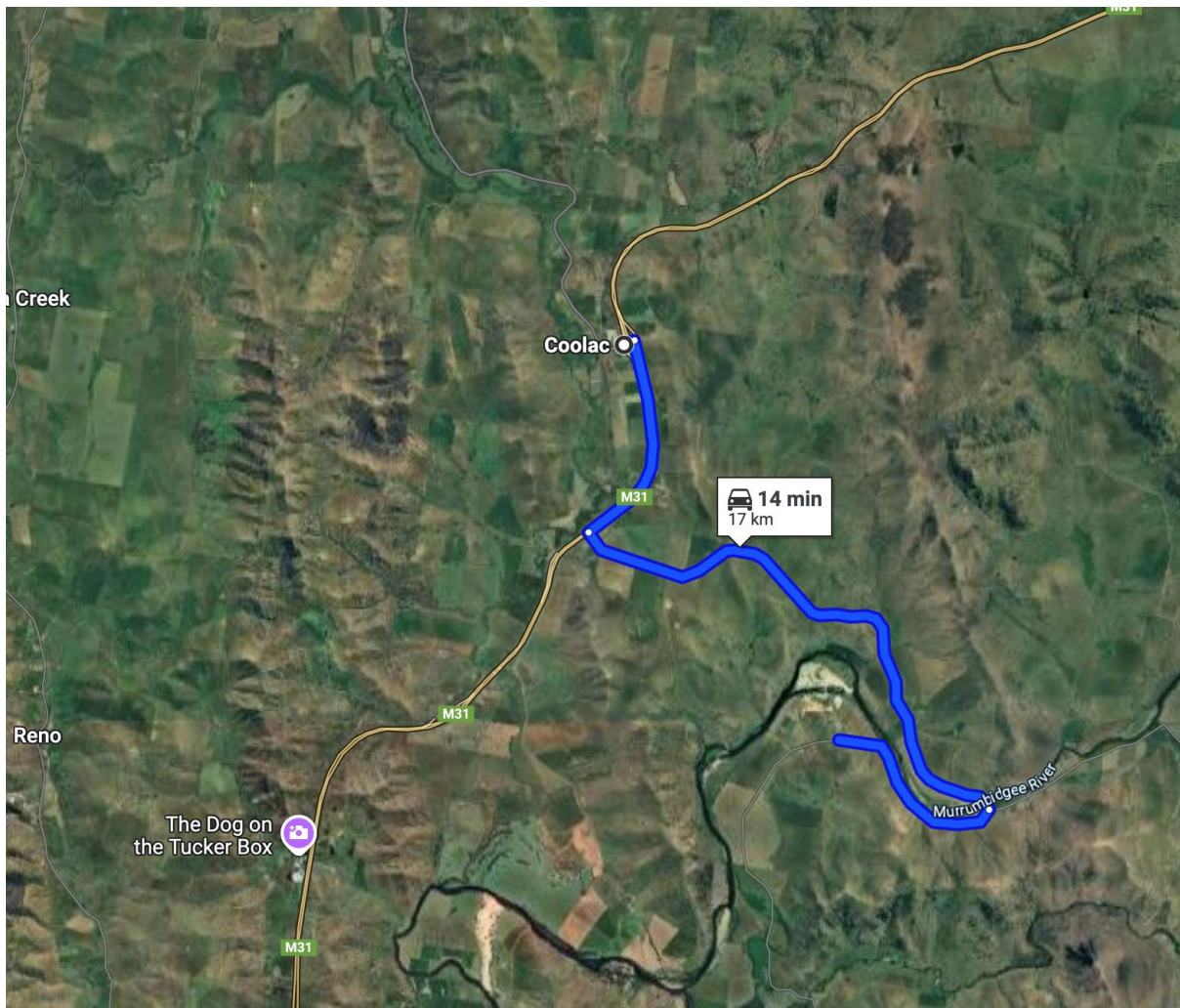


Figure 8 - Site Location (Source: Google Maps 2025)

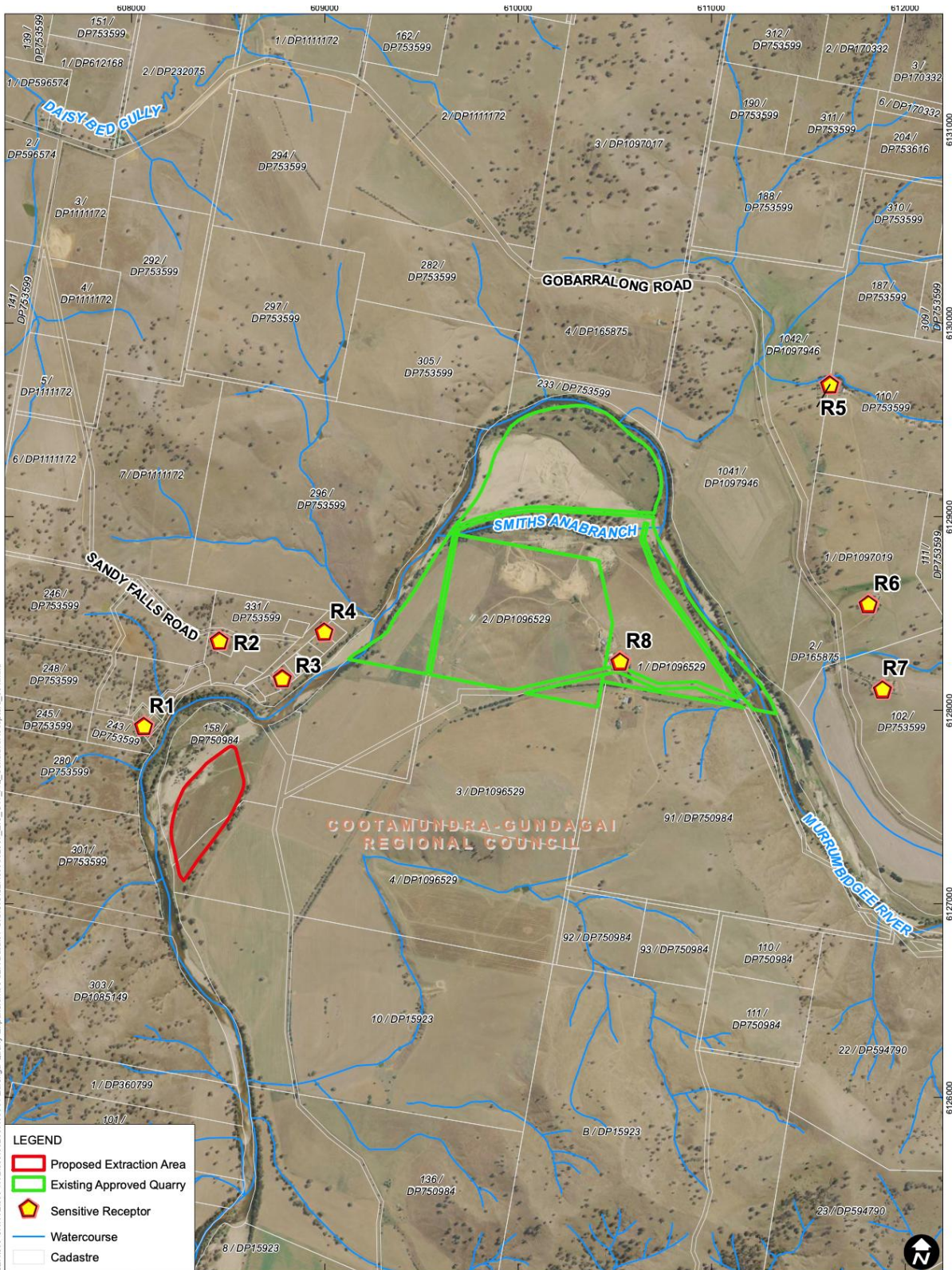
The area is used predominately for extensive agriculture, including cropping and livestock grazing and contains scattered rural houses. To the north of the proposed new extraction site is a small cluster of dwellings located on small land parcels. These dwellings are accessed via Sandy Falls Road and are located on the opposite side of the Murrumbidgee River to the proposed development site. **Figure 9** below identifies nearby dwellings.

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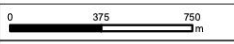


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LEGEND

- Proposed Extraction Area
- Existing Approved Quarry
- ⬠ Sensitive Receptor
- Watercourse
- Cadastre



Scale: 1:25,000 at A4
Coordinate System: GDA2020 MGA Zone 55

Date Drawn: 04-Feb-2025
Project Number: 630.032007



Data Source: Basedata supplied by NSW SS (November, 2024)
Imagery © Department of Customer Service 2020

SENSITIVE RECEPTORS

Drawing G11

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Figure 9 - Dwellings located in proximity to the subject site (Source: Submitted development plans)



Figure 10- Proposed extraction site looking South West



Figure 11- Proposed internal access location looking North East from near the proposed extraction site

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Figure 12- Residential receiver No. 3 from approximate internal access location

1.4 APPLICATION BACKGROUND

The development application was lodged on **8 April 2025**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
05 September 2024	Sears Issued
19 March 2025	Application submitted
08 April 2025	Application lodged
28 April 2025	Exhibition of the application & notification
28 April 2025	DA referred to external agencies
28 April 2025	Heritage NSW referral comments received
6 May 2025	Transport for NSW referral comments received
21 May 2025	Panel briefing
22 May 2025	NSW Department of Primary Industries and Regional Development comments received
22 May 2025	Site Inspection – Assessing officer

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16 June 2025	Exhibition closed
30 June 2025	Request for Information from Council to applicant
9 July 2025	Site Inspection – Planning Panel
11 July 2025	Additional Information Provided <ul style="list-style-type: none"> - RFI Response letter - Amended proposal description - Amended Owners Consent - Amended Conceptual Layout - Amended Operational Landform
23 July 2025	Additional Information Provided <ul style="list-style-type: none"> - RFI Response letter to EPA Information Request
9 October 2025	Submission of Amended Noise Assessment
24 October 2025	General Terms of Approval issued by EPA
31 October 2025	General Terms of Approval issued by Department of Planning and Environment-Water

Table 2 - Application Chronology

1.5 HISTORY AND CONSENTS RELEVANT TO THE APPLICATION

The following **Table 3**, gives a brief summary of the approval history for the site including existing quarry operations.

Table 3: Relevant Consent History

Application No.	Determination Date	Description
DA 2019/59/2	08/06/2023	4.55(1A) modification No. 3 of DA 2007/78 – increase in extraction depth from 4m to 8m
DA 2019/59/1	17/07/2019	4.55(1A) modification No. 2 of DA 2007/78 – increase in extraction rate to 172,000 tonnes per annum <i>Note: application number changed on account of council merger and changes to IT systems and software.</i>
DA 2018/128	5/11/2018	Temporary installation of a mobile concrete batching plant for the purpose of supplying concrete to large scale project located at Coolac (Coolac Service Centre).

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DA 2007/78/2	16/08/2016	4.55(1A) modification No. 1 of DA 2007/78 <ul style="list-style-type: none">• Reduction in yearly extraction from 172,000 tonnes per annum to 30,000 tonnes;• Alter the usage of the of the fine sand pit;• Alter the terms of the River and Foreshores approval and remove the lifetime cap;• Seek approval to excavate to a depth of 4m and utilise ground water in the screening process;• Enter into VPA for payment of royalties for upkeep of Gobarralong Road.
DA 2007/78	11/12/2007	Original consent for fine and course sand extraction quarry with maximum yearly extraction limit of 172,000 tonnes and lifetime extraction limit of 405,000 tonnes over a 25 year period.

Table 3 – Relevant Consent History

1.6 AMENDMENTS

No application to amend the development application has been submitted under *Section 37 Amendment of development application* of the *Environmental Planning and Assessment Regulation 2021*.

Notwithstanding this, additional and revised documents providing clarification have been submitted as a result of requests for additional information made by Council and relevant integrated development approval bodies. A summary of plans and documents is provided in **Annexure A** to this report.

2 GENERAL PROVISIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

2.1 SECTION 1.7 APPLICATION OF PART 7 OF BIODIVERSITY CONSERVATION ACT 2016 AND PART 7A OF FISHERIES MANAGEMENT ACT 1994

2.1.1 Development or activity “likely to significantly affect threatened species”

A Biodiversity Offset Scheme (BOS) Evaluation for the proposed development has been submitted as part of the application, prepared by NGH. The BOS Evaluation does not identify that the proposed development is likely to significantly affect threatened species having regard to the requirements of *Section 7.2 Development or activity “likely to significantly affect threatened species”* of the *Biodiversity Conservation Act 2016 (BC Act 2016)*. In this regard the report:

- Includes a test of significance as required by the provisions of Section 7.3. of the BC Act 2016. The test concludes that while there is threatened species that have a high potential to occupy or occupy the proposed development site, none of the identified species are likely to be impacted by the proposal noting the retention of the hollow bearing trees on the site.

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- Details that the extent of vegetation clearing does not exceed the BOS threshold. Lots within the development site are mapped with a minimum lot size requirement of 40ha and therefore have a threshold for clearing of 1ha or more, above which the BOS is triggered and a BDAR required. The evaluation identifies that 0.17ha of native vegetation would be disturbed by the development proposal.
- The development is not proposed on land declared area of outstanding biodiversity value, as identified by **Figure 13**. It is acknowledged that the proposed site is in close proximity to the Murrumbidgee River which is mapped but no development or clearing is proposed in the mapped area.

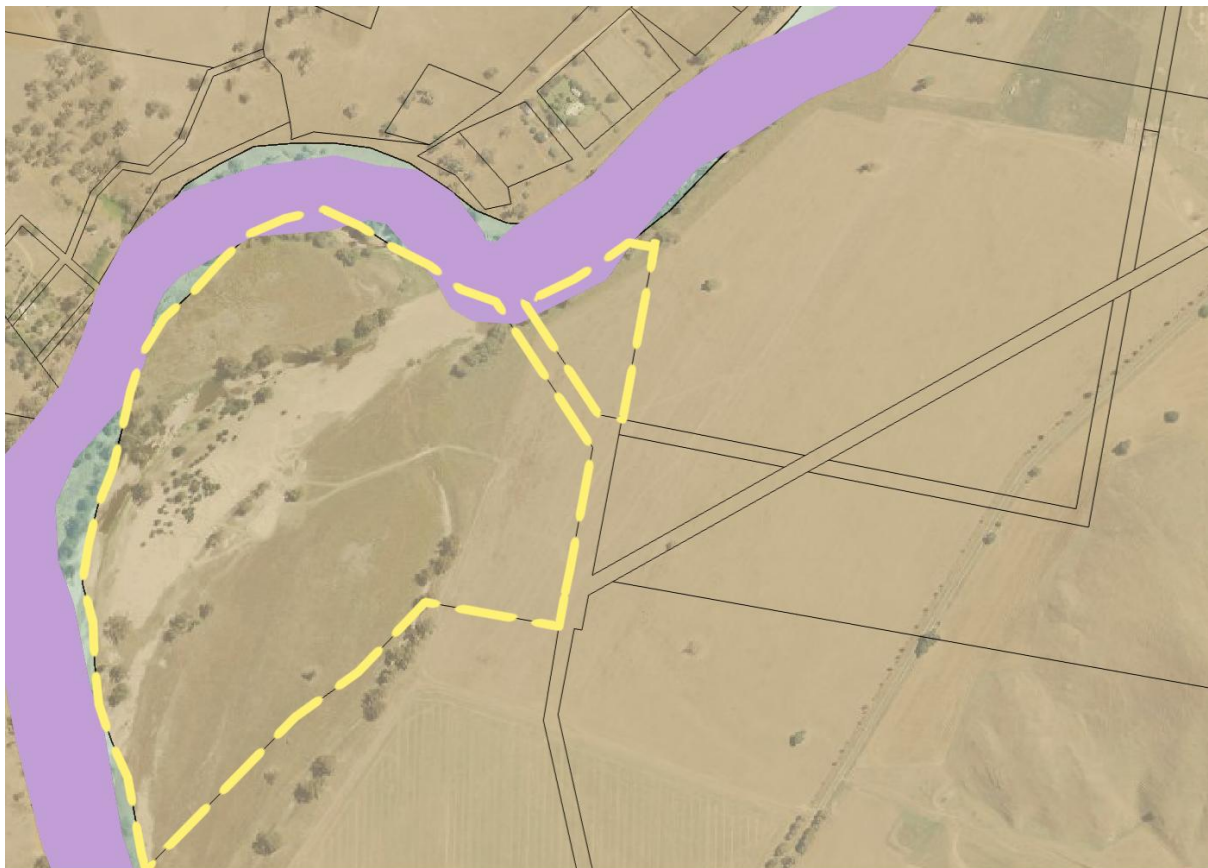


Figure 13 - Biodiversity Values Mapping of the site (Source: e-planning spatial viewer)

The provision of a further letter from NGH dated 26 June 2025, submitted on 11 July 2025, confirms that the proposed internal access track is to be located within the existing paddocks sown with lucerne and across an area of Couch Grass (assumed as no further field verification undertaken) which is actively a managed weed. The letter details that the findings of the BOS evaluation are not impacted by the clearing of ground cover vegetation to facilitate the proposed access; not originally included in the assessment.

While NGH did not undertake a further field assessment, comments made are consistent with findings made during site inspection of the property and proposed development site on 22 May 2025 and 7 July 2025.

Noting the above, the assessing officer is satisfied that the proposed development does not trigger the BOS and a BDAR is not required.

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Notwithstanding the above, any consent should be conditioned to ensure a fenced tree exclusion zone and areas of native grassland are protected in accordance with recommendation made by NGH in their letter of 26 June 2025 are established.

2.2 SECTION 2.22 MANDATORY COMMUNITY PARTICIPATION REQUIREMENTS

2.2.1 Public Exhibition

A minimum mandatory exhibition period of 28 days applies to the development under *Schedule 1, Part 1, Division 2, Section 8 of the Act*.

The application was publicly exhibited from 28 April 2025 to 2 June 2025. The exhibition period was extended to 16 June 2025, a period exceeding the required 28 days.

2.2.2 Notice of Development Applications (Section 56 of the Regulation)

Notice of the application was required under *Environmental Planning and Assessment Regulation 2021, Section 56 Notice of development applications* under the provision of subclause 1(a).

56 Notice of development applications

- (1) *This section applies to a development application for the following only—*
 - (a) *designated development,*
 - (b) *nominated integrated development,*
 - (c) *threatened species development,*
 - (d) *Class 1 aquaculture development,*
 - (e) *State significant development.*
- (2) *As soon as practicable after a development application is lodged, the consent authority must—*
 - (a) *publish notice of the application on the consent authority's website, and*
 - (b) *give notice of the application to—*
 - (i) *the public authorities that, in the consent authority's opinion, may have an interest in the determination of the application, and*
 - (ii) *the persons that own or occupy the land adjoining the land to which the application relates.*
- (3) *Subsection (2)(b)(i) does not require notice to be given to relevant concurrence authorities or approval bodies.*
- (4) *Subsection (2)(b)(ii) does not apply to a notice that relates to an application for public notification development or designated development.*
- (5) *The fee payable to a consent authority for the giving of notice under this section, other than for State significant development, is specified in Schedule 4.*
- (6) *The notice under subsection (2)(a) and (b) must contain the following information—*
 - (a) *a description and address of the land on which the development will be carried out,*
 - (b) *the name of the applicant and the consent authority,*

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- (c) a description of the development,
- (d) whether the development is designated development, nominated integrated development, threatened species development, Class 1 aquaculture development or State significant development,
- (e) a statement that the application and the documents accompanying the application, including any environmental impact statement, are available on the consent authority's website for the minimum period required under the Act,
- (f) a statement that a person may, during the public exhibition period, make submissions to the consent authority about the application and that the submissions must specify the grounds of objection, if any,
- (g) for development that is also integrated development—a statement of the required approvals and the approval bodies for the approvals,
- (h) for State significant development—whether the Minister has directed that the Independent Planning Commission must hold a public hearing,
 - (i) for designated development—
 - (i) a statement that, unless the Independent Planning Commission has held a public hearing, a person who objected to the development by making a submission and who is dissatisfied with the determination of the consent authority to grant development consent, may appeal to the Court, and
 - (ii) a statement that, if the Independent Planning Commission holds a public hearing, the Commission's determination of the application is final and not subject to appeal.
- (7) For the purposes of this section—
 - (a) if land is a lot in a freehold strata scheme—a notice to the owners corporation is taken to be a notice to the owner or occupier of each lot in the strata scheme, and
 - (b) if land is a lot in a leasehold strata scheme—a notice to the lessor under the leasehold strata scheme and to the owners corporation is taken to be a notice to the owner or occupier of each lot in the strata scheme, and
 - (c) if land is owned or occupied by more than 1 person—a notice to 1 owner or 1 occupier is taken to be a notice to all owners and occupiers of the land.
- (8) In this section—

freehold strata scheme and leasehold strata scheme have the same meaning as in the Strata Schemes Development Act 2015.

Notice of the application was provided on Cootamundra-Gundagai Regional Council's website on 28 April 2025 in accordance with s56(2)(a).

Notice was also provided under s56(2)(b)(i) to the following public authorities via the NSW Planning Portal on 28 April 2025. Agencies the application was referred to are detailed in **Table 4: Concurrence and Referrals to agencies** below.

Notice was provided in writing to adjoining persons that own or occupy the land adjoining the land to which the application relates under s56(2)(b)(ii).

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Table 4: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			
Transport for NSW	s56 EP&A Reg	No issue or objection raised.	Y
Department of Climate Change, Energy, the Environment and Water (Heritage NSW)	s56 EP&A Reg	Referral declined. Comments made via email. No issue or objection raised	Y
Department of Primary Industries and Regional Development	s56 EP&A Reg	Comments received. Concerns raised regarding land use conflicts and potential biodiversity risks.	Y
NSW Department of Primary Industries (Fisheries)	s56 EP&A Reg	Referral declined. No comment made.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Planning and Environment (Water)	s91 WM Act 2000 s91	General Terms of Approval Received and provided in Annexure B to this Report	Y
Environmental Protection Authority	s43(d), 48, 55 POEO Act 1997	General Terms of Approval Received and provided in Annexure C to this Report	Y

Table 4 – Concurrence and Referral Agencies

Comments provided by the referral agencies are considered and discussed below:

Transport for NSW

Received 6 May 2025.

“TfNSW notes for this DA:

- *The key state road is the Hume Highway, an approved B-Double route. Access to the site is proposed via Darbalara Road, a local road managed by Council. Darbalara Road is not an approved B-Double route.*

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- The development proposes the expansion of the existing Eulonga Quarry through the creation of a new sand extraction area within Lot 158 DP 750985 and Lot 4 DP 1096529.
- It is understood by TfNSW that the maximum extraction rate of 172,000 tonnes per annum for the site, which was approved under DA 2019/59/1, is intended to be maintained for the proposed expansion. The provided documentation also states that no change in heavy vehicle types (truck-and-dog) or increase in traffic volumes will occur as a result of the proposed expansion.
- The provided Traffic Impact Statement prepared by SLR indicates that access to/from the site for southbound vehicles on the Hume Highway is via its intersection with Gobarralong Road. Vehicle movement between the Hume Highway and Gobarralong Road is restricted to left in/left out only.
- No information has been provided regarding routes for northbound vehicles. Access to/from the Hume Highway for northbound vehicles is assumed to be via Coolac Road and/or Muttama Road. These intersections are grade-separated.
- TfNSW provided input for EAR 1921 in a letter dated 20 August 2024.
- The DA is classified as designated development under Schedule 3 of the Environmental Planning and Assessment Regulation 2021”

Comments were referred to Council’s engineering team for consideration in the establishment of conditions.

Department of Climate Change, Energy, the Environment and Water (Heritage NSW)

Received 28 April 2025.

“Heritage NSW notes that the applicant has provided Aboriginal Heritage Due Diligence assessment, which was prepared by NGH, in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010) for the proposed expansion of coarse-sand extraction. As a general rule, if a Due Diligence (DD) is prepared, that is the applicant’s decision, and their legal defence should harm occur to Aboriginal cultural heritage. DA’s that have a DD assessment supplied in support of their application should not be referred to Heritage NSW for review, unless the recommendations identify that the proposal should be integrated under the NPW Act 1974, and that general terms of approval are required to be issued by Heritage NSW.

In this case, I can advise that Heritage NSW supports the finding of the DD, that that the area does not require further investigation and assessment, therefore, the project can proceed with caution. Please note Heritage NSW supports the recommendations provided.

Recommendations - Mitigation and Management Measures

1. All works must be constrained to the Project Area and other areas of existing disturbance.
2. All access to the Project Area must be within existing tracks and disturbed areas otherwise further visual inspection by a qualified archaeologist is required.
3. Any activity proposed outside of what has been considered in this assessment should be subject to further assessment by a qualified archaeologist.
4. No old growth trees may be disturbed without inspection by a qualified archaeologist for scarring or modification.
5. If any items suspected of being Aboriginal in origin are discovered during the work, all work in the immediate vicinity must stop and the NSW Environment Line (1300 361 967) notified. The find will need to be assessed and, if found to be an Aboriginal object, an AHIP may be required.

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Heritage NSW does not require further agency consultation in relation to this DA. This email will be uploaded with our rejection of the referral."

Matters identified as 1-5 above shall be taken into consideration in the determining of any conditions of consent for the proposed development.

Department of Primary Industries and Regional Development

Received 22 May 2025.

"The Department has reviewed the Environmental Impact Statement (EIS) and associated documents, and notes that the proposal is to open up a new extraction area located on Lot 158 DP 750984 and Lot 4 DP 1096529, as part of the Eulonga Station property at 809 Gobarralong Road Coolac. According to the EIS, this new extraction area is approx. 800m from the existing Quarry operations within Lots 1 & 2 DP1096529 where there are fine and course sand quarry pits located within a sand bar of the Murrumbidgee River. The overall property is primarily used for agricultural purposes and the site is identified as Zone RU1 Primary Production and on LSC Class 4 land.

The Department also notes that the limited community engagement efforts described in the EIS indicate that the local sensitive receptors would object to the development. This is a sign that the current and or potential land use conflicts are arising from the quarrying and proposed development over concerns about noise, dust and amenity.

As noted in the EIS, the proponent is also the landowner. However, there is limited consideration in the EIS of the implications for local sensitive receptors, ongoing agricultural land uses and other landholders in the vicinity of the proposal. As part of the SEARs, the Department had requested a Land Use Conflict Risk Assessment (LUCRA) be undertaken by a suitably qualified person. This would identify potential land use conflict impacts and ensure appropriate mitigation options are considered for other landholders and agricultural land uses in the locality.

Similarly, no information has been provided on potential biosecurity risks and options for management during the quarrying operations in relation to agricultural land uses in the locality. An appropriate agricultural weed, pest and disease risk management plan should be prepared as part of the Operational Management Plan or similar to prevent, eliminate or minimise such risks."

In considering the above comments the following is noted:-

A LUCRA has not been submitted as part of the application as requested by the Department of Primary Industries and Regional Development. However, *Section 6 Assessment of Impacts* of the submitted EIS does identify and address the relevant land use conflicts that may arise being:-

- Noise
- Air quality
- Water quality (surface and ground)
- Flood
- Aboriginal cultural impact
- Traffic
- Waste Management
- Visual impacts
- Social and economic impacts

The extent to which each of these matters are addressed elsewhere in this report. During assessment, it has not been identified that submission of a separate LUCRA is necessary.

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With reference to biosecurity risks, notification of the application included adjoining properties which are undertaking agricultural operations on the land. No submissions were received raising concerns with potential impacts of the development on agricultural operations identifying the potential for biosecurity risks.

It is considered that the extraction of sand from the development site is unlikely to result in adverse biosecurity outcomes in the form of weed, pest and disease risk for surrounding properties or for the receivers of the end product. Highest potential for adverse biosecurity impacts is considered to be in the removal and disposal of topsoil to expose the sand below, noting that the topsoil would be most likely to contain seed/root of any weed species and any manure from stock.

The submitted EIS details the removal of topsoil from the extraction area. The EIS does not detail proposed location or storage location of such topsoil but does propose that a Soil and Water Management Plan be prepared and implemented as part of the Environmental Management Plan. It is expected that such a plan include whether exportation of topsoil is proposed and any associated risks. Any consent should be conditioned accordingly to require a Soil and Water Management Plan be provided and that such a plan include not only soil erosion and surface water quality controls but also address proposed removal, storage and exportation of topsoil as appropriate. Such a plan shall be required to be provided and approved by Council prior to the commencement of operations.

2.2.3 Notice Not Required in Certain circumstances

The provisions of *Section 57 Notice not required in certain circumstances* of the *Environmental Planning and Assessment Regulation 2021* does not apply to the subject development.

2.2.4 Exhibition of Notice

In accordance with *Environmental Planning and Assessment Regulation 2021, Section 58 Exhibition of notice of designated development application*, a notice for a development application for designated development was exhibited on the land to which the development application relates. The notice was installed on 28 April 2025 on the fence adjoining the quarry entry gate, visible from the road. The notice remained in place for the duration of the exhibition period.

2.2.5 Submissions to the Planning Secretary

Following the closure of the public exhibition period a copy of all submissions to the Planning Secretary on 30 June 2025 via the NSW Planning Portal in accordance with *Section 60 of the Environmental Planning and Assessment Regulations 2021*.

2.3 SECTION 4.5 DESIGNATION OF CONSENT AUTHORITY

In accordance with *Section 4.5, Subclause (b) of the Environmental Planning and Assessment Act 1979*, the Southern Region Planning Panel is the designated consent authority for this application.

2.4 SECTION 4.10 DESIGNATED DEVELOPMENT

The subject development is declared to be designated under *Environmental Planning and Assessment Regulation 2021, Section 7, Schedule 3, Part 2, Section 26 Extractive Industries*, as the subject development is an extractive industry facility of more than 30,000m³ per year and a total surface area of 2ha of land.

26 Extractive Industries

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- (1) *Development for the purposes of an extractive industry facility is designated development if the facility obtains or processes for sale, or reuse, more than 30,000 cubic metres of extractive material per year.*
- (2) *Development for the purposes of an extractive industry facility is designated development if the facility disturbs or will disturb a total surface area of more than 2 hectares of land by—*
 - (a) *clearing or excavating, or*
 - (b) *constructing dams, ponds, drains, roads or conveyors, or*
 - (c) *storing or depositing overburden, extractive material or tailings.*
- (3) *Development for the purposes of an extractive industry facility is designated development if the facility is located—*
 - (a) *in or within 40 metres of a natural waterbody or environmentally sensitive area of State significance, or*
 - (b) *in or within 100 metres of a wetland, or*
 - (c) *within 200 metres of a coastline, or*
 - (d) *in an area of contaminated soil or acid sulfate soil, or*
 - (e) *on land that slopes at more than 18 degrees to the horizontal, or*
 - (f) *if the facility involves blasting—within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
 - (g) *within 500 metres of the site of another extractive industry facility that has operated during the last 5 years.*
- (4) *This section does not apply to the following—*
 - (a) *an extractive industry facility on land to which [State Environmental Planning Policy \(Precincts—Western Parkland City\) 2021](#), Chapter 5 applies,*
 - (b) *an extractive industry facility on land in the Western Division, within the meaning of the [Crown Land Management Act 2016](#),*
 - (c) *maintenance dredging involving the removal of less than 1,000 cubic metres of alluvial material from oyster leases, sediment ponds or dams, artificial wetland or deltas formed at stormwater outlets, drains or the junction of creeks with rivers, if—*
 - (i) *the extracted material does not include contaminated soil or acid sulfate soil, and*
 - (ii) *dredging operations do not remove any seagrass or native vegetation, and*
 - (iii) *there has been no other dredging within 500 metres during the past 5 years,*
 - (d) *an extractive industry facility that—*
 - (i) *is operated in accordance with a plan of management that complies with subsection (5), and*
 - (ii) *involves the removal of less than 1,000 cubic metres of extractive material from a potential extraction site specified in the plan of management,*
 - (e) *the excavation of contaminated soil for treatment at another site,*

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- (f) *an artificial waterbody, contaminated soil treatment works, turf farm or waste management facility or works, specifically referred to elsewhere in this Schedule,*
 - (g) *an artificial waterbody located on relevant irrigation land,*
 - (h) *maintenance dredging of alluvial material from oyster leases and adjacent areas in Wallis Lake, if the dredging is undertaken in accordance with the document entitled Protocol for Wallis Lake Oyster Lease Maintenance Dredging approved by the Planning Secretary and published in the Gazette, as amended by the Planning Secretary from time to time by publication of an amended Protocol in the Gazette,*
 - (i) *the removal of sandstone, whether or not the extracted material is reused or resold, for the provision of car parking or plant or storage associated with development on land in the Stage 1 Bays West Precinct within the meaning of [State Environmental Planning Policy \(Precincts—Eastern Harbour City\) 2021](#), Appendix 8.*
- (5) *A plan of management must be—*
- (a) *prepared in accordance with guidelines approved by the Planning Secretary, and*
 - (b) *approved by a public authority, and*
 - (c) *adopted by the consent authority, and*
 - (d) *reviewed by the consent authority every 5 years.*
- (6) *In this section—*
- extractive industry facility*** *means a building or place at which—*
- (a) *extractive materials are obtained by methods including excavating, dredging, tunnelling or quarrying, or*
 - (b) *extractive materials are stored, stockpiled or processed by methods including washing, crushing, sawing or separating.*
- plan of management*** *means a plan for a river, estuary, land or water that considers the cumulative impacts, bank and channel stability, flooding, ecology and hydrology of the area to which the plan applies.*

2.5 SECTION 4.13 CONSULTATION AND CONCURRENCE

No Environmental Planning Instrument requires concurrence to be granted prior to the determination of the subject application.

2.6 SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT—CERTAIN BUSH FIRE PRONE LAND

Section 4.14 states:

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being*

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land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

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

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

(1A) If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

(1B) This section does not apply to State significant development.

(1C) The regulations may exclude development from the application of this section subject to compliance with any requirements of the regulations. The regulations may (without limiting the requirements that may be made)—

(a) require the issue of a certificate by the Commissioner of the NSW Rural Fire Service or other qualified person in relation to the bush fire risk of the land concerned, and

(b) authorise the payment of a fee for the issue of any such certificate.

(2) In this section—

special fire protection purpose has the same meaning as it has in section 100B of the [Rural Fires Act 1997](#).

At the time of lodgement, parts of the development site were mapped as bushfire prone land on the relevant map certified under section 10.3(2) of the Act as identified by **Figure 14**.

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Figure 14 - Certified Bushfire Prone Land Map (at time of lodgement)

A new map was certified under the provisions of section 10.3(2) of the Act for the Cootamundra-Gundagai Regional Council LGA on 30 April 2025. Under the new certified map now in force, the entirety of the development site is mapped as bushfire prone land as identified by **Figure 15** below. The property is identified as Vegetation Category 2, being grassland.

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Figure 15 - Certified Bushfire Prone Land Map (30 April 2025)

The submitted EIS does not address the objectives of Planning for Bushfire Protection 2019 (PBP 2019), noting “The Proposal does not fit the development type criteria and further consideration of bushfire would not be required.”

A request for information (RFI) issued by Council on 30 June 2025 seeking that Section 4.14 be addressed. Letter responding to the RFI dated 11 July 2025 details the following:

Clause 4.14 of the EP&A Act 1979 requires development located in bushfire prone land to conform to the specifications and requirements of the document entitled ‘Planning for Bushfire Protection 2019’. The procedure detailed in that document has been reviewed to identify potential hazards associated with the Proposal and with consideration to the description of the local vegetation provided in the BOS Evaluation and the EIS. It should be noted that no permanent buildings, structures or infrastructure will be constructed in the Project Area for the Proposal and thus the objectives have been considered in relation to the areas which would be most likely to be populated during the day-to-day operations of the Proposal. Therefore, the assets considered most at risk include the staff and plant/equipment working in the Pit within the Project Area of the Proposal. With that in mind, it is important to note that:

- *The working area of the Pit will be devoid of vegetation; and*
- *Staff will have a safe evacuation route via the proposed access track back to the existing Quarry; and*
- *Water for firefighting will be available from the water cart; and*

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- *Communications between the staff working in the Project Area and other staff in the existing Quarry, or Eulonga Pastoral Company staff can easily occur via radio or mobile phone to ensure adequate warning of potential bushfire risk to staff.*

It is anticipated that operations within the Project Area would incorporate the following simple and straight forward bushfire risk management measures:

- *Ensure that the Site remains secure from unauthorised access.*
- *Ensure the fuel loads in undisturbed sections of the Project Area are managed to minimise the potential for bushfire.*
- *Ensure that all plant is fitted with appropriate fire suppression equipment.*
- *Ensure that a water cart is available, thereby providing firefighting capabilities if required.*
- *In the event that the Site is threatened by a bushfire, staff would be evacuated to the nearest safest place. Alternatively, if evacuation were not possible or safe, the existing Quarry would provide a cleared area for staff to shelter.*

On that basis, the Proposal does not significantly increase risk to the staff or the public over and above what is already associated with and managed by the existing Quarry.”

The provisions of PBP 2019 do not detail any specific controls applicable to extractive industries where no buildings or structures are proposed. However, provisions of subclause (1) require that development consent cannot be granted for the carrying out of development on land recorded as bush fire prone land on a relevant map certified unless the consent authority is satisfied that the development conforms to the specifications and requirements of PBP 2019. Despite no detailed measures applying to the proposed development the aims and objectives of PBP 2019 as detailed in Chapter 1 must still be considered for all development types. The aims and objectives are outlined in Part 1.1 of PBP 2019 as follows:

“ All development on BFPL must satisfy the aim and objectives of Planning for Bush Fire Protection (PBP).

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

The objectives are to:

- *afford buildings and their occupants protection from exposure to a bush fire;*
- *provide for a defensible space to be located around buildings;*
- *provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;*
- *ensure that appropriate operational access and egress for emergency service personnel and occupants is available;*
- *provide for ongoing management and maintenance of BPMs; and*
- *ensure that utility services are adequate to meet the needs of firefighters.”*

While an assessment of likely hazards and proposed management measures has been provided by the applicant in the responding letter of 11 July, the objectives of PBP 2019 have not been expressly addressed. Noting the proposed risk management measures outlined by the applicant, the objectives are assessed in **Table 5** below.

Table 5: Consideration of PBP 2019 aims and objectives

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Objective	Comments	Applicable
Afford buildings and their occupants protection from exposure to a bush fire	No buildings proposed	N
Provide for a defensible space to be located around buildings	No buildings proposed	N
Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings	No buildings proposed	N
Ensure that appropriate operational access and egress for emergency service personnel and occupants is available	<p>Development does not include building or infrastructure requiring protection by emergency services personnel.</p> <p>Submission details appropriate measures to limit risk including restrictions to access for unauthorised persons and provision of fire suppression equipment with vehicles. Provision of adequate egress is not expressly addressed however, noting that the terrain is predominately flat and vegetation dominated by open pasture/grassland the proposed access track is anticipated to provide suitable egress. The terrain also provides for alternate means of egress for any staff if required, whether using established tracks or across paddocks.</p>	Y

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Provide for ongoing management and maintenance of BPMs	The access track should be regarded as a bushfire protection measure and maintained to an appropriate standard for the life of the development. Conditions can be applied in this regard.	Y
Ensure that utility services are adequate to meet the needs of firefighters	Development does not include building or infrastructure requiring protection by emergency services personnel. However, access to water carts as proposed are appropriate for on-site risk management.	N

Table 5 – Consideration of PBP 2019 aims and objectives

Noting that the development does not propose the erection of any buildings the majority of objectives are not relevant to the subject development. Consideration has been given in this assessment to the operational egress for occupants from the development site if required. In this regard it is noted that the property is dominated by predominately flat terrain with open pasture. In the event of a bushfire it is anticipated that any persons in the development site will have multiple means of egress through the property (whether or not they are using the existing defined track) and will have access to a vehicle and knowledge of the property. As such, the assessing officer is satisfied that the development will conform to the objectives and requirements of PBP 2019 subject to conditions being applied; which require:

- Erection and maintenance of the proposed access track to a level of not less than is required PBP 2019.

2.7 SECTION 4.22 CONCEPT DEVELOPMENT APPLICATIONS

Not relevant – The development is not a concept application.

2.8 SECTION 4.33 DETERMINATION OF CROWN DEVELOPMENT APPLICATIONS

Not relevant - The development is not a Crown development.

2.9 SECTION 4.36 DEVELOPMENT THAT IS STATE SIGNIFICANT DEVELOPMENT

Not relevant - The development is not State Significant Development

2.10 SECTION 4.46 WHAT IS INTEGRATED DEVELOPMENT

The development is integrated under the following as addressed in **Table 4** above.

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2.11 SECTION 4.47 DEVELOPMENT THAT IS INTEGRATED DEVELOPMENT

General terms of approval proposed to be given have been received by both approval bodies and are attached in **Annexure B and C** to this report.

2.12 SECTION 4.55 MODIFICATION OF CONSENTS- GENERALLY

Not relevant - The development is not a modification application.

3 Section 4.15 Evaluation

3.1 4.15 (1)(a) ENVIRONMENTAL PLANNING INSTRUMENTS

The table below summaries the State Environmental Planning Policies (SEPP) and other Environmental Planning Instruments (EPI) that are relevant to the DA. Assessment of relevant provisions of each EPI is provided below.

Table 6: Applicable Environmental Planning Instruments

INSTRUMENT	APPLICABLE TO PROPOSAL
State Environmental Planning Policies	
State Environmental Planning Policy (Biodiversity and Conservation) 2021	n/a
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	n/a
State Environmental Planning Policy (Housing) 2021	n/a
State Environmental Planning Policy (Industry and Employment) 2021	n/a
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2 applies
State Environmental Planning Policy (Precincts—Central River City) 2021	n/a
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	n/a
State Environmental Planning Policy (Precincts—Regional) 2021	n/a
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	n/a
State Environmental Planning Policy (Primary Production) 2021	n/a
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 applies
State Environmental Planning Policy (Resources and Energy) 2021	Chapter 2 applies
State Environmental Planning Policy (Sustainable Buildings) 2022	n/a
State Environmental Planning Policy (Transport and Infrastructure) 2021	n/a

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Local Environmental Plans

Gundagai Local Environmental Plan 2011

Applies

Table 6 - Applicable Environmental Planning Instruments

3.1.1 SEPP (Planning Systems) 2021

3.1.1.1 Section 2.19 Declaration of regionally significant development: section 4.5(b)

Section 2.19 states:

- (1) *Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.*
- (2) *However, the following development is not declared to be regionally significant development—*
 - (a) *complying development,*
 - (b) *development for which development consent is not required,*
 - (c) *development that is State significant development,*
 - (d) *development for which a person or body other than a council is the consent authority,*
 - (e) *development within the area of the City of Sydney.*

3.1.1.2 Schedule 6, Section 7 Particular designated development

Section 7 states:

- (1) *Development for the purposes of—*
 - (a) *extractive industry facilities that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 26, or*
 - (b) *marinas or related facilities that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 32, or*
 - (c) *waste management facilities or works that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 45.*
- (2) *This section does not apply to a development application submitted but not finally determined before State Environmental Planning Policy (Planning Systems) Amendment (State Significant Development—Honeysuckle Site) 2022 commences.*

The subject development is regionally significant being designated development under Schedule 3, Section 26 of the Environmental Planning & Assessment Regulation 2021.

3.1.2 SEPP (Resources and Energy) 2021

The submitted EIS provides comment only on the provisions of section 2.17 of this SEPP, other applicable sections are not addressed in the submitted EIS but have been addressed within letter dated 11 July 2025 responding to RFI issued by Council. Assessment under the SEPP is provided below.

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3.1.2.1 Section 2.17 Compatibility of proposed mine, petroleum production or extractive industry with other land uses

Section 2.17 states:

- (1) 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).

Satisfied

In consideration of (1)(a)(i) existing approved landuses in the vicinity of the proposed development include:

- Extractive industry (sand quarry) operating on the subject property, to which this proposal directly relates;
- Extensive agriculture including cropping and livestock grazing (permissible without consent);
- Existing single dwelling houses associated with existing extensive agricultural operations; and
- Existing single dwelling houses located on small rural allotments with no or minimal identified extensive agricultural operations.

Eight (8) single dwellings are identified within proximity of the proposed development, two are associated with the proposal, identified as receptors R7 and R8 in the EIS and submitted documents. Three (3), being R1, R5 and R6 are believed to be associated with extensive agricultural operations. Three (3) dwellings, identified as receptors R2, R3 and R4 are located on small lots that do not appear to be associated with extensive agricultural operations. The properties are predominately rural lifestyle lots.

With regard to (a)(ii), the subject site and surrounding land is zoned RU1 Primary Production under the Gundagai Local Environmental Plan (LEP) 2011, objectives of the 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 the efficient use and conservation of water resources.
- To protect significant scenic landscapes.
- To encourage development that does not adversely impact nearby agricultural activities.
- To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.

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- To ensure development prevents or mitigates land degradation.

Noting the above, the preferred uses of the land are primary industry enterprises and production. Primary industry is not a defined term under the LEP. However, a commercial farm is defined as follows:

commercial farm means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the [Local Government Act 1993](#), section 515, or
- (b) a primary production business within the meaning of the [Income Tax Assessment Act 1997](#) of the Commonwealth, or part of a primary production business, including a business that—
 - (i) was a primary production business, and
 - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

Subsequently, a primary production business is defined by the Income Tax Assessment Act 1997 as, below, and for the purposes of ascertaining the preferred uses of land in the area is taken to be a description of enterprises considered to be primary industry production.

primary production business: you carry on a **primary production business** if you carry on a *business of:

- (a) cultivating or propagating plants, fungi or their products or parts (including seeds, spores, bulbs and similar things), in any physical environment; or
- (b) maintaining animals for the purpose of selling them or their bodily produce (including natural increase); or
- (c) manufacturing dairy produce from raw material that you produced; or
- (d) conducting operations relating directly to taking or catching fish, turtles, dugong, bêche-de-mer, crustaceans or aquatic molluscs; or
- (e) conducting operations relating directly to taking or culturing pearls or pearl shell; or
- (f) planting or tending trees in a plantation or forest that are intended to be felled; or
- (g) felling trees in a plantation or forest; or
- (h) transporting trees, or parts of trees, that you felled in a plantation or forest to the place:
 - (i) where they are first to be milled or processed; or
 - (ii) from which they are to be transported to the place where they are first to be milled or processed.

The submitted EIS details “The Draft Cootamundra-Gundagai Rural Lands Strategy (RLS), which has been exhibited, directly encourages rural industries in rural lands within the LGA and further identified sand and rock quarries as the main area of extractive industries in the region.”

Cootamundra-Gundagai Rural Lands Strategy 2020, identifies that mining and quarries have had a significant impact on the area and notes that despite a history of mining in the area it is largely limited to quarries and details that the ongoing demand for local road projects has continued to sustain a number of quarries. Actions outlined by the strategy do encourage rural industries, defined by the LEP, but do not encourage increased extractive industries.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,

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- (c) *composting facilities and works (including the production of mushroom substrate),*
- (d) *sawmill or log processing works,*
- (e) *stock and sale yards,*
- (f) *the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

The above notwithstanding, it is considered that the proposed extractive industry development is unlikely to have a significant impact on primary production or possible future rural industries in the area, being the landuses, which in the opinion of the consent authority are the preferred uses of land in the vicinity of the proposal.

With regard to (a)(iii), any ways in which the development may be incompatible with any of those existing, approved or likely preferred uses; it is considered that extensive agriculture and primary production uses and the proposed extractive industry are not incompatible. Conflicts between the two landuses are unlikely to occur. However, with regard to the proposed extractive industry and existing approved dwelling houses within the vicinity, noise and dust generation along with visual impacts of the proposed development are likely to result in conflicts.

In evaluating and comparing the respective public benefits of the development and the land uses identified by (a)(i) and (ii), it is considered that:-

- The site of the proposed development is identified as Class 4 agricultural land, defined by NSW Agriculture Land Classification as: *“Class 4: Land suitable for grazing but not for cultivation. Agriculture is based on native pastures or improved pastures established using minimum tillage techniques. Production may be seasonally high but the overall production level is low as a result of major environmental constraints.”*
- Undertaking extractive industry on the subject site is therefore anticipated to yield greater benefits for the landowner than agriculture and would generate flow-on economic benefits to the area.
- Location of the proposed development adjoining and associated with an existing extractive industry development offers public benefit, reducing impacts such as traffic, noise and footprint when compared to the operation of multiple unrelated developments. The proposal provides for use of existing processing infrastructure rather than establishment of a separate processing facility. As such, additional noise generated by the proposal is restricted to vehicle movements and excavation; no additional noise would be generated by processing of the extracted material.
- Existing dwelling houses associated with extensive agricultural uses in the vicinity provide landowners with necessary proximity to their agricultural undertakings. Such agricultural undertakings are the preferred land use of the area, contributing to the provision of essential produce.
- The proposed extractive industry, while not the preferred land use in the area, offers public benefit through the provision of essential materials (sand) necessary for construction and related purposes. Given the site’s reduced agricultural productivity, using the land for sand extraction provides a locally sourced supply that supports infrastructure development and creates local employment.
- Existing dwellings on small parish allotments reflect a legacy of land fragmentation (through original lot establishment) that modern planning practice discourages, as it increases the likelihood of conflicts with surrounding agricultural activities and reduces land available for commercially viable primary production. Further residential development in the area is not encouraged and is not regarded as a preferred use of land in the vicinity. However, the occupants of these dwellings

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have a right to the protection of their amenity. For the proposed development to be approved, measures must be put in place to safeguard amenity and to manage anticipated impacts.

Proposed measures to mitigate incompatibility of the proposed development and surrounding landuses, particularly, nearby dwellings are addressed in **Table 7** below.

Table 7: Applicable Environmental Planning Instruments

Measures	Suitability
Noise a) Limiting of vehicles/machinery operating at one time; b) Removal/restrictions to vehicle alarm/reverse systems; c) Vehicle speed restrictions; d) Noise limits imposed under EPL	Noise assessment has been reviewed by EPA and council staff. No issues have been identified regarding accuracy of assessment and capacity to comply with limits. Noise limits will be imposed under the ELP. Proposed measures are considered suitable but will need to be reviewed if it is found that the noise limits are exceeded.
Dust a) Tree plantings/screening b) Maintaining awareness and making adjustments to operations such as waiting for changes in wind; c) Vehicle speed restrictions; d) Water cart.	Air Quality Impact Assessment has been assessed by EPA and reviewed by council staff. No issues have been identified regarding accuracy of assessment. Proposed mitigation measures are anticipated to be suitable providing they are complied with. Mechanisms exist under the EPL and POEO Act, should issues occur during operations. A condition requiring a site-specific dust mitigation plan is recommended to be imposed.
Visual impact a) Tree plantings/screening	Minimal mitigation measures have been proposed. However, as part of this assessment it is recommended that additional measures be required as part of conditions of consent. Combined with the proposed tree planting/screening these measures are expected to be suitable. Recommended conditions include requirements for extraction to be undertaken in stages in accordance with a staging plan to be agreed upon with council and requirements that rehabilitation be undertaken to each stage prior to expending into the subsequent and restrictions preventing on-site stockpiling under the subject application.

Table 7 – Suitability of measures proposed to mitigate incompatibility

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3.1.2.2 Section 2.19 Compatibility of proposed development with mining, petroleum production or extractive industry

Section 2.19 states:

- (1) *This section applies to an application for consent for development on land that is, immediately before the application is determined—*
- (a) *in the vicinity of an existing mine, petroleum production facility or extractive industry, or*
 - (b) *identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or*

Note—

At the commencement of this Chapter, no land was identified as referred to in paragraph (b). (c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.

Note—

Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.

- (2) *Before determining an application to which this section applies, 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 current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and*
 - (iii) *any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and*
 - (b) *evaluate and compare the respective public benefits of the development and the uses, extraction and recovery 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).*

Satisfied

The proposed development is located near the existing extractive industry operation, Eulonga Quarry, and directly relates to it by providing an additional extraction site from which material would be transported to the quarry for processing. It is not anticipated to adversely affect the current or future extraction from the existing quarry. The proposal is compatible with the existing quarry and provides a direct benefit to ongoing operations by enabling continued extraction and processing when access to the existing site is impeded by floodwaters. By offering an alternative extraction site, should the maximum extraction depth be reached at the existing site, the proposal allows operations to continue while sand deposits replenish following flooding.

3.1.2.3 Section 2.20 Natural resource management and environmental management

Section 2.20 states:

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- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring that the development is undertaken in an environmentally responsible manner, including conditions to ensure the following—*
 - (a) *that impacts on significant water resources, including surface and groundwater resources, are avoided, or are minimised to the greatest extent practicable,*
 - (b) *that impacts on threatened species and biodiversity, are avoided, or are minimised to the greatest extent practicable,*
 - (c) *that greenhouse gas emissions are minimised to the greatest extent practicable.*
- (2) *Without limiting subsection (1), in determining a development application for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider an assessment of the greenhouse gas emissions (including downstream emissions) of the development, and must do so having regard to any applicable State or national policies, programs or guidelines concerning greenhouse gas emissions.*

Satisfied

The application is accompanied by various studies and reports examining potential impacts of the development. Assessment and review of the submitted documents by council's assessing officer and referral agencies as summarised in **Table 5** of this report. Having consideration of the submitted documents and referral comments received from agencies the assessing officer is satisfied that:

- Impacts on significant water resources including surface and groundwater resources, are avoided, or will be minimised and do not necessitate conditions to be imposed. Submitted Surface and Groundwater Assessment dated 17 March 2025 details that the proposal is unlikely to result in any measurable changes in flood behaviour, quality of downstream receiving waters or any off-site discharges or infiltration. Further, it details that interception of groundwater table by the development is unlikely. GTA issued by EPA indicate that the EPL for the operations (should DA consent be granted) will include conditions relating to the pollution of waters.
- That impacts on threatened species and biodiversity, are avoided, or are minimised and do not necessitate further conditions beyond standard conditions. Submitted BOS Evaluation dated February 2025 addresses the requirements of the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*, providing an assessment of the proposed native vegetation clear against BOS thresholds and a Test of Significance. The proposal provides for protection of woody native vegetation including hollow bearing trees and areas of native-dominant grassland. The proposed clearing area has been assessed as disturbing 0.17ha of native vegetation, significantly less than the allowable clearing threshold of 1ha. Through protection/retaining potential habitat area of threatened species identified as having a high potential of occurring in the area, impact on threatened species in the area is minimised, compliance with the submitted BOS Evaluation is appropriate and further conditions not considered necessary.
- That greenhouse gas emissions are minimised. RFI response dated 11 July 2025, details that *"The proposed development minimises greenhouse gas emissions by efficiently operating the minimum plant and equipment necessary and avoiding the need to establish a new quarry elsewhere which would have potential to generate additional greenhouse gas emissions.*

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Further, the Proposal does not include an increase in extraction rate ensuring greenhouse gas emissions remain as per levels associated with the existing Quarry.”

With regard to the requirements of clause (2) while a formal a greenhouse gas assessment has not been submitted, the applicant has addressed the requirements of the clause. The assessing officer is satisfied that proposed operations minimise emissions through utilization of existing processing plant used for the existing quarry and restriction of further plant to a single excavator and truck. It is noted that relevant guidelines for undertaking greenhouse gas assessments, being NSW Guide for Large Emitters dated January 2025 does not apply to the subject development. The assessment requirements in this guide apply to a project if it meets all of the following three criteria:

- 1) *The project proposal requires development assessment and approval, or a change to an approval, under the Environmental Planning and Assessment Act 1979;*
- 2) *The project involves one or more scheduled activities under Schedule 1 of the POEO Act and/or will be carried out at an existing licensed premises;*
- 3) *The project is likely to emit 25,000 tonnes or more of scope 1 and 2 emissions carbon dioxide equivalent (CO₂-e) in any financial year during the operational life of the project (based on planned operational throughput and as designed).*

Noting that a mid-size excavator (approx. 20-30 tonnes) operating for roughly 1,000–1,500 hours/year produces roughly 20–40 tonnes of CO₂-e in a 12 month period the proposed operations do not require assessment under the subject guideline.

3.1.2.4 Section 2.21 Resource recovery

Section 2.21 states:

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider the efficiency or otherwise of the development in terms of resource recovery.*
- (2) *Before granting consent for the development, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of material.*
- (3) *The consent authority may refuse to grant consent to development if it is not satisfied that the development will be carried out in such a way as to optimise the efficiency of recovery of minerals, petroleum or extractive materials and to minimise the creation of waste in association with the extraction, recovery or processing of minerals, petroleum or extractive materials.*

Satisfied

The applicant has submitted that *“Eulonga Quarries has advised that it anticipates that all extracted material will be suitable for use in construction materials and will not result in ‘waste’ rock or material.”*

The assessing officer is satisfied that extracted material, including sand and rocks is all suitable for use in construction including for aggregate and landscaping material. No conditions aimed at optimising the efficiency of resource recovery and the reuse or recycling of materials are considered necessary.

3.1.2.5 Section 2.22 Transport

Section 2.22 states:

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- (1) *Before granting consent for development for the purposes of mining or extractive industry that involves the transport of materials, the consent authority must consider whether or not the consent should be issued subject to conditions that do any one or more of the following—*
 - (a) *require that some or all of the transport of materials in connection with the development is not to be by public road,*
 - (b) *limit or preclude truck movements, in connection with the development, that occur on roads in residential areas or on roads near to schools,*
 - (c) *require the preparation and implementation, in relation to the development, of a code of conduct relating to the transport of materials on public roads.*
- (2) *If the consent authority considers that the development involves the transport of materials on a public road, the consent authority must, within 7 days after receiving the development application, provide a copy of the application to—*
 - (a) *each roads authority for the road, and*
 - (b) *the Roads and Traffic Authority (if it is not a roads authority for the road).*

Note—
Section 7 of the Roads Act 1993 specifies who the roads authority is for different types of roads. Some roads have more than one roads authority.
- (3) *The consent authority—*
 - (a) *must not determine the application until it has taken into consideration any submissions that it receives in response from any roads authority or the Roads and Traffic Authority within 21 days after they were provided with a copy of the application, and*
 - (b) *must provide them with a copy of the determination.*
- (4) *In circumstances where the consent authority is a roads authority for a public road to which subsection (2) applies, the references in subsections (2) and (3) to a roads authority for that road do not include the consent authority.*

Satisfied

Traffic Impact Assessment dated 19 February 2025 submitted with the application details:

- *“The proposed development seeks to undertake operations south-west from existing operations on land formally described as Lot 158 DP750984 and Lot 4 DP1096529. It is intended that the proposed development would support ongoing operations of the existing quarry without any changes to the approved annual extraction volume, truck movements or any other aspect associated with the existing operation.*
- *The current haulage route for the development is along the defined Restricted Access Vehicle route as defined by the National Heavy Vehicle Regulator for truck movements to and from the quarry.*
- *It is proposed that access to the new extraction area will be provided internally within the site, with no additional access to the external road network proposed as part of the application.”*

Having regard to the above, a condition should be applied to any consent restricting transportation of any material from the proposed extraction site to the existing processing facility via proposed internal track, and not via public road. Such a condition, is not essential, noting submitted documents detail this, but would serve to reinforce the requirement.

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Given the rural location of the proposed development and haulage route via rural roads to the Hume Highway, conditions precluding truck movements, in connection with the development, from occurring on roads in residential areas or on roads near schools is not considered necessary. However, conditions should be applied to avoid heavy vehicle movements interfering with school bus operations on local roads including Darbalara and Gobalong Roads.

Conditions requiring preparation of a implementation of a code of conduct relating to the transport of materials on public roads is not required for the subject development.

Council is the relevant Roads and Traffic Authority. Notwithstanding this, the subject application was referred to TfNSW for comment under section 56 of the Environmental Planning & Assessment Regulation 2000. Comments were received on 6 May 2025 and are detailed elsewhere in this assessment report.

Upon determination of the application a copy of the Notice of Determination will be provided to TfNSW.

3.1.2.6 Section 2.23 Rehabilitation

Section 2.23 states:

- (1) *Before granting consent for development for the purposes of mining, petroleum production or extractive industry, the consent authority must consider whether or not the consent should be issued subject to conditions aimed at ensuring the rehabilitation of land that will be affected by the development.*
- (2) *In particular, the consent authority must consider whether conditions of the consent should—*
 - (a) *require the preparation of a plan that identifies the proposed end use and landform of the land once rehabilitated, or*
 - (b) *require waste generated by the development or the rehabilitation to be dealt with appropriately, or*
 - (c) *require any soil contaminated as a result of the development to be remediated in accordance with relevant guidelines (including guidelines under clause 3 of Schedule 6 to the Act and the Contaminated Land Management Act 1997), or*
 - (d) *require steps to be taken to ensure that the state of the land, while being rehabilitated and at the completion of the rehabilitation, does not jeopardize public safety.*

Satisfied

RFI response letter dated 11 July 2025 provided by the applicant details the following in regard to the provisions of this section *“The Proposal, like the existing Quarry is located adjacent to the Murrumbidgee River and the sand deposit will be replenished over time by floods. The final landform will be suitable for the re-establishment of the existing rural and agricultural land use through the natural regeneration of pasture grasses.”*

Noting this, the landform at the conclusion of the development is expected to reflect the submitted Amended Operational Landform Plan, having a ground level of 222m, 4m below existing finished ground level. Remediation of the site, is proposed to occur naturally over time with increased sand deposits occurring with flooding. Details such as provision of topsoil, proposed seeding/plantings and/or weed management to be implemented as part of the process have not been provided.

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It is considered that submission of a remediation plan/rehabilitation plan is required for the proposed development. GTA outlined by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) require the provision of a Rehabilitation Management Plan to accompany the required application for Controlled Activity Approval. However, it is noted that as GTA cannot be included as a condition of DA consent there is scope for the outlined requirements to be amended as part of the controlled activity approval process. It is therefore recommended that a staging and rehabilitation plan be required as a condition of any DA consent, to be agreed upon with council prior to the carrying out of any works or commencement of operations. It is intended that the required plan be consistent with anticipated requirements of DCCEEW to avoid any potential issues such as conflicting requirements.

The development is not anticipated to result in generation of waste. Any waste generation is anticipated to be as a result of ancillary activities such as establishing the proposed vegetation screen, and maintenance of plant. A general condition shall be applied to any consent regarding waste generation and ensuring appropriate disposal of such waste.

No soil contamination is anticipated as a result of the development, as such remediation of contamination would not be required.

Remediation of the site is proposed to occur naturally over time, no public safety issues are anticipated while remediation occurs.

3.1.3 SEPP (Resilience and Hazards) 2021

Assessment of relevant sections and provision of the SEPP is provided below.

3.1.3.1 *Section 4.6 Contamination and remediation to be considered in determining development application*

Section 4.6 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (3) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (4) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning*

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guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(5) *The land concerned is—*

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(ii) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(iii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Satisfied

Part 4.5.5 of the submitted EIS details:

“A search of the Environmental Protection Agency (EPA) Contaminated Land Record database was undertaken in November 2024 and identified two sites within the LGA with no records within the suburb of Coolac.

A search of the EPA POEO Act Public Register resulted in 24 licences having been granted, 16 of which are active. A total of four licences have been granted within Coolac including the current licence for the subject site. A search of the NSW EPA list of Notified Sites shows one record located in the town of Coolac being the service station with a further record located in Gundagai itself.

Noting the lack of records for contamination in the area and the existing use of the site for agricultural purposes, the site is considered to be low risk for potential contamination and further testing not required.”

A review of council’s records including council’s register of potentially contaminated sites has been undertaken. No records have been identified indicating potential current or past use likely to have resulted in contamination of land. Further to this the site inspection did not identify any activities or likely historical activities likely to have resulted in contamination. As such, it is considered that no further investigation or testing is required.

3.1.4 Gundagai Local Environmental Plan 2011

3.1.4.1 [Section 2.3 Zone objectives and Land Use Table](#)

The site is located within the RU1 – Primary Production as shown in **Figure 16**.

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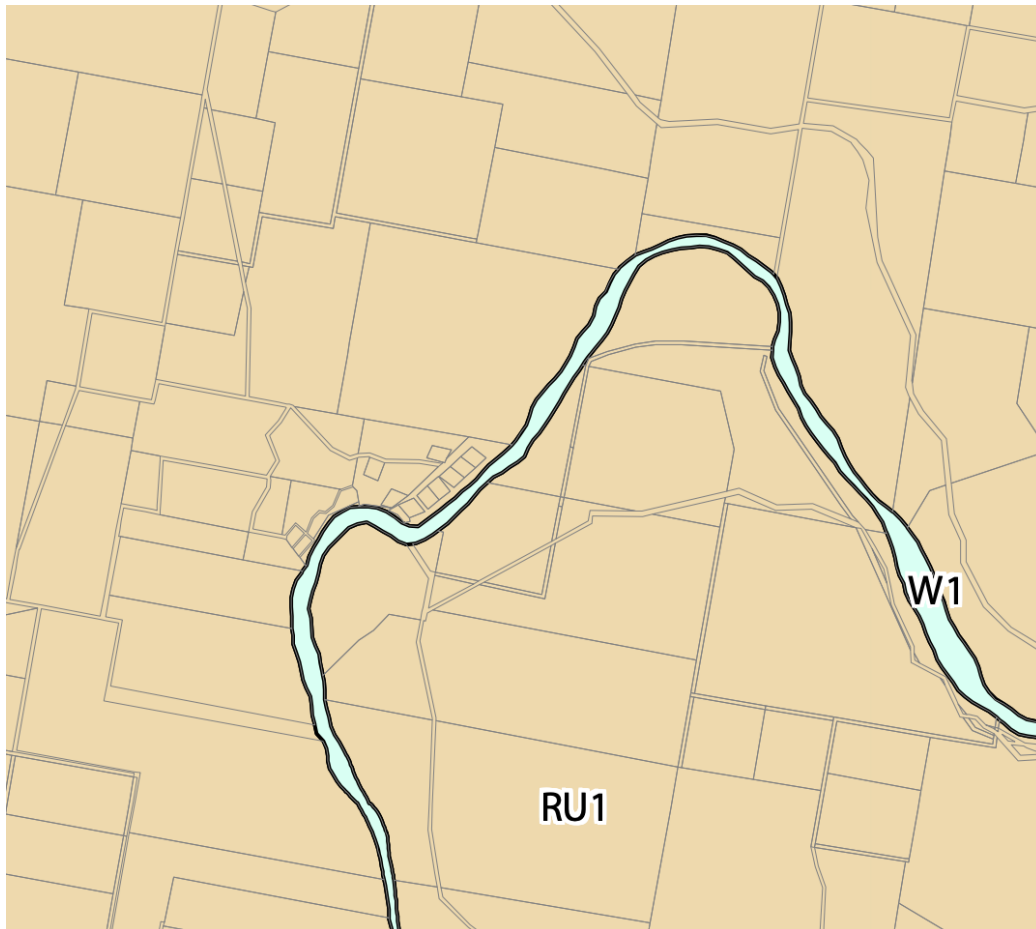


Figure 16 - Land Use Zone (Source: Gundagai LEP 2011)

The proposal is defined as an extractive industry:

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

Note.

Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

Extractive industries are permitted with consent in the RU1 Landuse Table.

2 Permitted without consent

Extensive agriculture; Environmental protection works; Home occupations; Intensive plant agriculture

3 Permitted with consent

Aquaculture; Dwelling houses; Extractive industries; Farm buildings; Function centres; Intensive livestock agriculture; Local distribution premises; Open cut mining; Roads; Roadside stalls; Any other development not specified in item 2 or 4

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4 Prohibited

Amusement centres; Attached dwellings; Business premises; Cemeteries; Centre-based child care facilities; Community facilities; Dual occupancies; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Hardware and building supplies; Health services facilities; Home occupation (sex services); Industrial retail outlets; Industrial training facilities; Marinas; Mooring pens; Mortuaries; Multi dwelling housing; Office premises; Public administration buildings; Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Semi-detached dwellings; Seniors housing; Service stations; Sex services premises; Shop top housing; Specialised retail premises; Storage premises; Timber yards; Vehicle body repair workshops; Vehicle sales or hire premises; Wharf or boating facilities; Wholesale supplies

The development is consistent with the objectives of the RU1 zone addressed in **Table 8** below.

Table 8: Consideration of zone objectives

Objective	Assessment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposed development is not contrary to this objective. Provides for extraction of a natural resource which is anticipated to replenish over time. Proposed extractive industry is not anticipated to result in land use conflict with current or future primary industry production developments which operate or may operate in the area in future.
To encourage diversity in primary industry enterprises and systems appropriate for the area.	Proposal provides diversity in operations within the RU1 zone
To minimise the fragmentation and alienation of resource lands.	The proposed development would not result in fragmentation of land.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed development includes various methods to minimise land use conflict between the proposal and existing landuses on surrounding properties with a particular focus on noise, dust and visual impact mitigation.
To encourage the efficient use and conservation of water resources.	The proposed development does not have a high water use requirement. Water usage is anticipated to be restricted to dust suppression.
To protect significant scenic landscapes.	The subject development site is not identified or mapped as an area of significant scenic value. The proposed development would have an

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	adverse impact on the scenic landscape enjoyed by surrounding properties. Means of mitigating the impact have been proposed and can be further strengthened through imposing conditions on any consent.
To encourage development that does not adversely impact nearby agricultural activities.	The proposed development would not result in any significant adverse impact on nearby agricultural activities.
To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.	The proposed development site has been selected to minimise potential adverse impacts on the natural environment. Vegetation clearing is minimal, providing for protection of native vegetation and habitat.
To ensure development prevents or mitigates land degradation.	Measures proposed as part of the development such as provision of a Soil and Water Management Plan will mitigate land degradation impacts.

Table 8 – Consideration of zone objectives

3.1.4.2 Section 5.10 Heritage conservation

Section 5.10 states:

5.10 Heritage conservation

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

- (1) **Objectives** The objectives of this clause are as follows—
 - (a) to conserve the environmental heritage of Gundagai,
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - (c) to conserve archaeological sites,
 - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) **Requirement for consent** Development consent is required for any of the following—
 - (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
 - (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

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- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
 - (d) *disturbing or excavating an Aboriginal place of heritage significance,*
 - (e) *erecting a building on land—*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
 - (f) *subdividing land—*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*
- (3) **When consent not required** *However, development consent under this clause is not required if—*
- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
 - (b) *the development is in a cemetery or burial ground and the proposed development—*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
 - (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
 - (d) *the development is exempt development.*
- (4) **Effect of proposed development on heritage significance** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*
- (5) **Heritage assessment** *The consent authority may, before granting consent to any development—*
- (a) *on land on which a heritage item is located, or*
 - (b) *on land that is within a heritage conservation area, or*
 - (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b),*

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- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items** The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives** The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

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Satisfied

The subject site is not identified as a heritage item or within a heritage conservation area. An Aboriginal Heritage Due Diligence Report (AHDDR) accompanies the application and EIS. The AHDDR included both desktop and visual impact of the proposed site. No known items or artefacts have been identified on the subject site. Both documents detail that there is a low likelihood of aboriginal objects being encountered. Notwithstanding this, conditions shall be applied to any consent consistent with the recommendations of DCCEE (Heritage NSW).

3.1.4.3 Section 5.21 Flood planning

Section 5.21 states:

- (1) *The objectives of this clause are as follows—*
 - (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (c) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - (d) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
 - (e) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - (a) *is compatible with the flood function and behaviour on the land, and*
 - (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (f) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
 - (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) *the intended design and scale of buildings resulting from the development,*
 - (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*
- (4) *A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*
- (5) *In this clause—*

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Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the *Flood Risk Management Manual*.

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

Satisfied

Council has no adopted flood study or mapping that applies to the subject site, however, the submitted Surface and Groundwater Assessment prepared by SLR identifies that the 1%AEP event has a peak flood elevation of 230.5m AHD, placing the development site within the flood planning area.

The submitted EIS and Surface and Groundwater Assessment do not specifically address the provision of section 5.21 of the LEP. Notwithstanding this, the submitted Surface and Groundwater Assessment concludes that *"flood modelling has been carried out to assess baseline flooding conditions and to predict the potential impact of the proposal on flooding regimes. No significant impacts have been identified in the flood modelling investigation. Flood risk management during operation of the quarry will be managed through the development of a site specific Flood Risk Management Plan."*

With regard to subclause (2), it is considered that the development is compatible with the flood function of behaviour on the land subject to the implementation of a site-specific Flood Risk Management Plan as recommended. Any development consent will be conditioned to require the preparation and provision of such a plan. The assessment has not identified any likely detrimental increases in the potential flood affectation of other development or properties. In this regard the report details *"Velocity and depth modelling indicates that the proposal does not result in adverse hazard impacts to adjoining development."* No increase risk to life has been identified noting the rural nature of the proposal.

The development application does identify potential for the development to result in changes to floodwater and paths which may cause erosion and riparian vegetation but sets out recommended safeguards and management measures which minimise potential impacts. As such, it is considered that subject to the implementation of recommended measures the development will not cause avoidable erosion or destruction of riparian vegetation.

The above notwithstanding, the application was referred to Department of Planning and Environment-Water under integrated development provisions; noting the need for a controlled activity approval under the Water Management Act 2000. GTA issued by Department of Planning and Environment-Water on 31 October 2025, while subject to potential change as part of a subsequent formal application for a Controlled Activity Approval, provide for further documentation and conditions intended to minimise erosion and other potential adverse environmental impacts on the river and riparian vegetation.

3.1.4.4 Section 6.1 Biodiversity protection

Section 6.1 states:

- (1) *The objective of this clause is to maintain terrestrial and aquatic biodiversity, including the following—*
 - (a) *protecting native fauna and flora,*

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- (b) protecting the ecological processes necessary for their continued existence,*
 - (c) encouraging the recovery of native fauna and flora and their habitats.*
- (2) This clause applies to land identified as “sensitive land” on the [Natural Resources Sensitivity Biodiversity Map](#).*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following—*
 - (a) native ecological communities,*
 - (b) the habitat of any threatened species, populations or ecological community,*
 - (c) regionally significant species of fauna and flora or habitat,*
 - (d) habitat elements providing connectivity.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Satisfied

Parts of the subject site are identified as “sensitive land” on the Natural Resources Sensitivity Biodiversity Map as shown on **Figure 17**, below. Submitted BOS Evaluation identified communities present at the site which may support or provide habitat for threatened species. The proposed development minimises proposed vegetation clearing to existing areas of grassland, being a mixture of exotic and native species, and removal of two (2) trees. Areas of plant community type (PCT) 79 River Red Gum shrub/grass riparian tall woodland identified on the site are proposed to be protected and a buffer of 30m has been applied around trees for the tree protection zone.

As detailed by Part 2.1 of this assessment report, proposed clearing does not exceed threshold established under the *Biodiversity Conservation Act 2016*.

Noting the above, the assessing officer is satisfied that the development has been designed and sited to avoid adverse environmental impact, that where impact cannot be avoided it is minimised.

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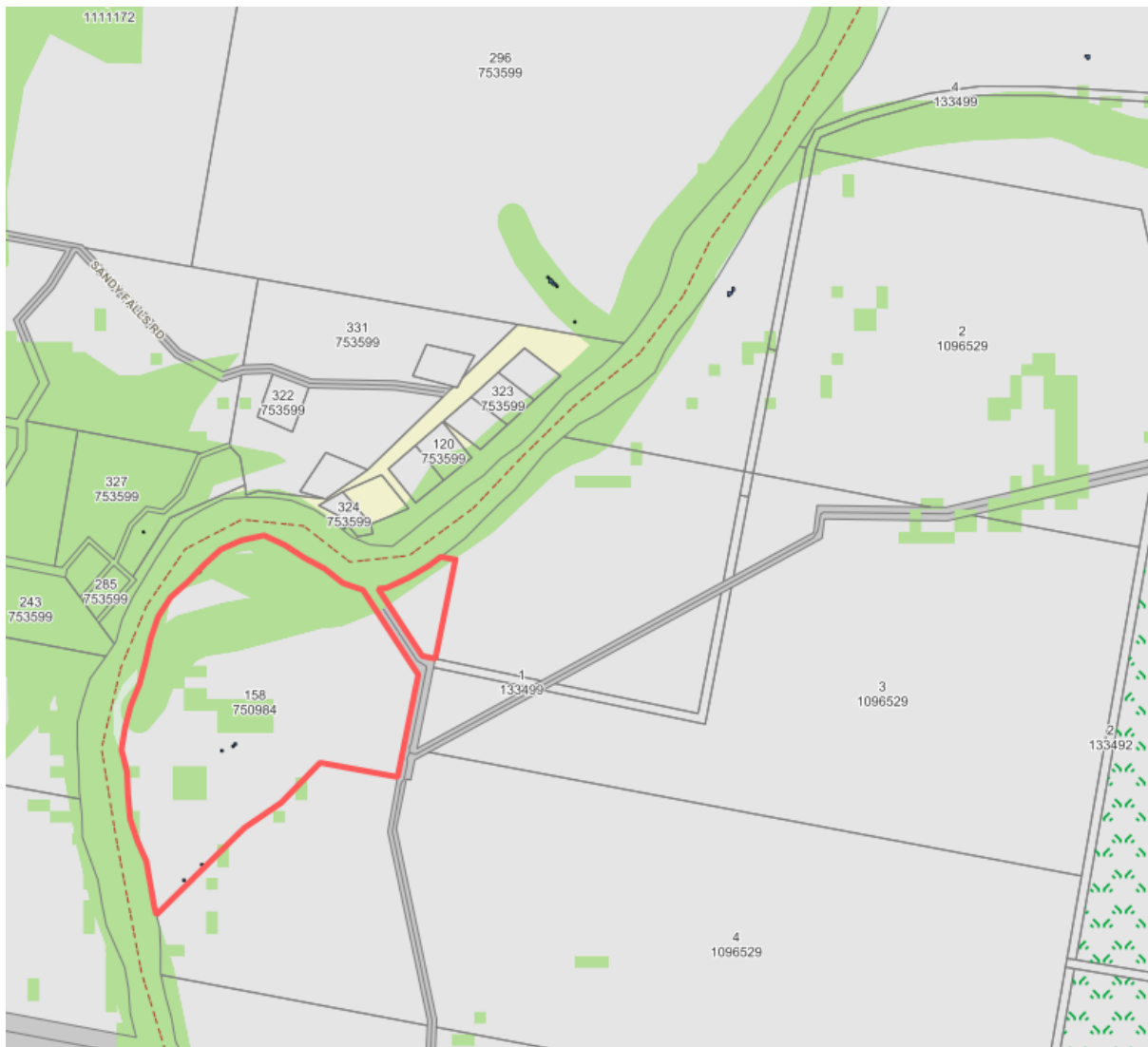


Figure 17 - Natural Resources Sensitivity Biodiversity Map extract.

3.1.4.5 Section 6.2 Land Protection

Section 6.2 States:

- (1) *The objective of this clause is to maintain soil resources and the diversity and stability of landscapes, including protecting the following—*
 - (a) *land with steep slopes and shallow soils,*
 - (b) *land subject to soil salinity,*
 - (c) *land with high erosion potential soils,*
 - (d) *land susceptible to other forms of land degradation,*
 - (e) *landforms.*
- (2) *This clause applies to land identified as “sensitive land” on the Natural Resources Sensitivity Land Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development in relation to—*

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- (a) the geotechnical stability of the site, and
 - (b) the probability of increased erosion or other land degradation processes.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid any adverse environmental impact, or
 - (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Satisfied

Parts of the subject site are identified as “sensitive land” on the *Natural Resources Sensitivity Land Map* as shown on **Figure 18**, below. The EIS submits that “An assessment of surface water impacts has been undertaken as part of the larger *Surface and Groundwater Assessment* at Appendix F. The assessment considered impacts of the Proposal on land stability related to surface water flows. All recommendations of the assessment are to be implemented so that potential erosion and land degradation risks are appropriately managed.” The assessing officer is satisfied that the submitted *Surface and Groundwater Assessment* provides for management measures to minimise and mitigate the increased erosion and land degradation likelihood and impacts.

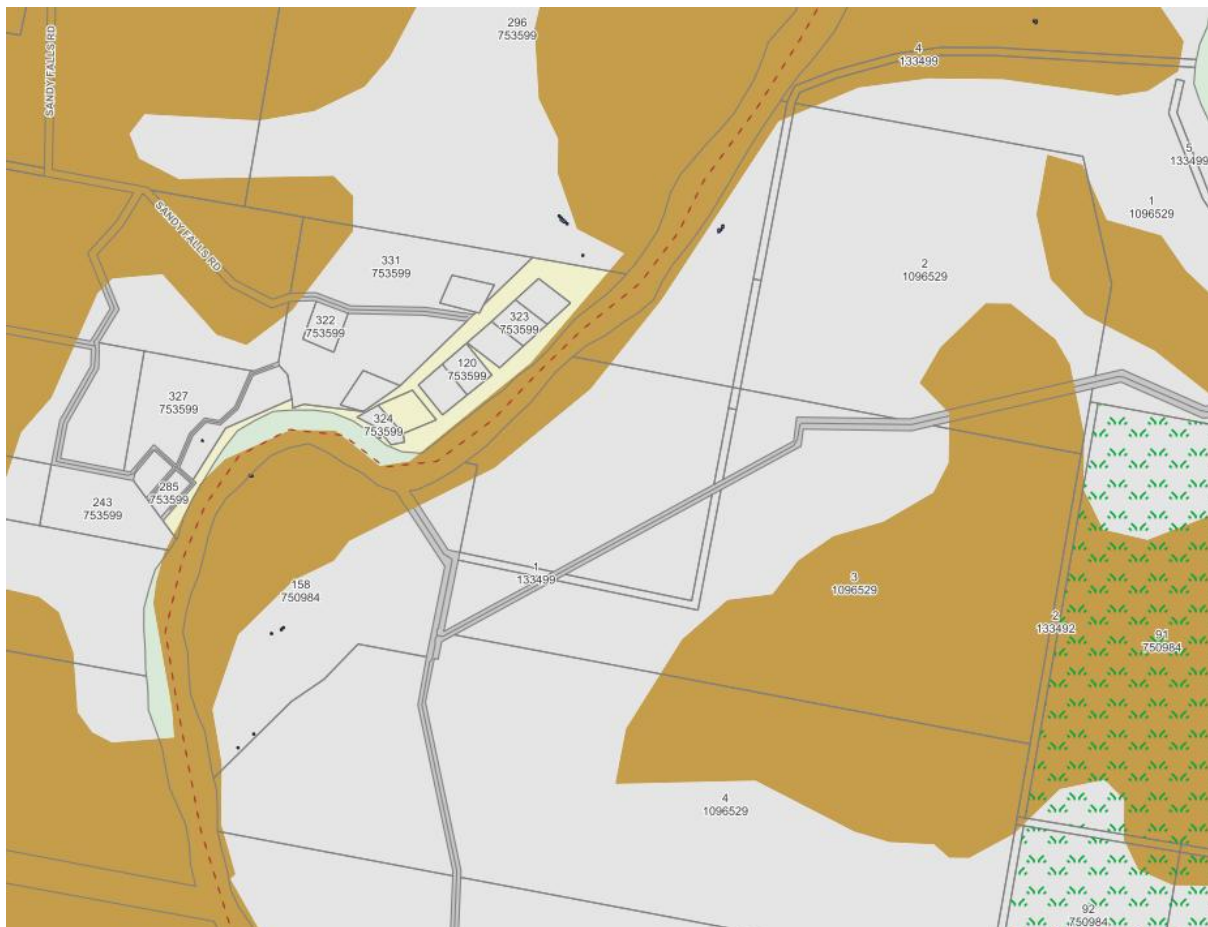


Figure 18 - Natural Resources Sensitivity Land Map extract

3.1.4.6 Section 6.3 Water protection

Section 6.3 States:

- (1) *The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers, including protecting the following—*
 - (a) *water quality,*
 - (b) *natural water flows,*
 - (c) *the stability of the bed and banks of waterways,*
 - (d) *groundwater systems.*
- (2) *This clause applies to land identified as “sensitive land” on the [Natural Resources Sensitivity Water Map](#).*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact from the proposed development on the following—*
 - (a) *the water quality of receiving waters,*
 - (b) *the natural flow regime,*
 - (c) *the natural flow paths of waterways,*
 - (d) *the stability of the bed, shore and banks of waterways,*
 - (e) *the flows, capacity and quality of groundwater systems.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) *the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - (b) *if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Satisfied

The development site is identified as “sensitive land” on the Natural Resources Sensitivity Water Map, as shown by **Figure 19**, below. The application is accompanied by a Surface and Groundwater Assessment demonstrating that potential adverse impacts from the proposed development on water quality, natural water flows, stability of the bed and bank and groundwater systems would be minimised and managed through the implementation of mitigation measures as recommended by the assessment.

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Figure 19 - Natural Resources Sensitivity Water Map extract

3.1.4.7 Section 6.5 Earthworks

Section 6.5 States:

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
 - (b) *to allow earthworks of a minor nature without requiring separate development consent.*
- (2) *Development consent is required for earthworks unless—*
 - (a) *the work is exempt development under this Plan or another applicable environmental planning instrument, or*
 - (b) *the work is ancillary to other development for which development consent has been given.*
- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*

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- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Note.

The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

Satisfied

The proposed development involves the undertaking of earthworks, being the extraction of sand from the site along with minor earthworks required to establish proposed internal access track. Submitted EIS does not directly address the requirements of this clause. However, the application is supported by a Surface and Groundwater Assessment, which outlines recommended measures to limit possible detrimental effects on existing drainage patterns and soil stability in the locality. It is considered that the proposed development is unlikely to have a significant adverse impact on the potential future use of the land for agricultural purposes following remediation. Noting the location of the site on a floodplain, redevelopment for purposes other than extensive agriculture is unlikely.

No fill is proposed to be placed on the site as part of the works other than as required for the establishment of proposed internal access track.

The matter of potential site contamination impacting the quality of soil/sand excavated from the site has been addressed elsewhere in this report. Notwithstanding this, a standard condition shall be applied to any consent outlining requirements of earthworks including soil management.

The potential impacts of proposed excavation/extraction on amenity of adjoining properties has been considered by submitted reports including Surface and Groundwater Assessment, no increase in potential flood affectation of other development or properties as a result of the extraction has been identified.

Likelihood of disturbing relics has been considered as part of consideration of heritage elsewhere in this report and is considered low. Likewise, potential impacts on the adjoining watercourse and riparian land has been considered and addressed elsewhere. The extent of potential impacts shall be minimised and managed through implementation of recommended measures.

3.1.4.8 Section 6.6 Essential services

Section 6.6 states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are

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available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

Satisfied

Submitted EIS details *“The Proposal must not be granted consent unless suitable arrangements for the listed services are provided to the development. Noting the site is currently operating as a quarry, no new services are proposed to be connected to the proposed location with current arrangements to continue to adequately service the existing Quarry.”*

However, it is considered that the supply of water is considered necessary to the development for the purpose of proposed dust suppression measures as outlined by the submitted Air Quality Impact Assessment. Water is available from the river, subject to obtaining appropriate license/approval in accordance with the *Water Management Act 2000* and from on-site storage of water (tanks and harvestable rights). A condition shall be applied to any consent requiring the Proponent to ensure access to sufficient water supply for dust suppression.

Supply of electricity is not required for the subject development.

Disposal and management of sewage is not required for the subject development.

Stormwater drainage or on-site conservation of stormwater is not required for the subject development.

Vehicle access to the subject site is available only through proposed internal access track which crosses multiple allotments. All allotments are under the ownership of the Proponent. The proposed access provides legal and practical access between the public access on Darbalara Road and the proposed extraction site. While there is potential that lots could be sold separately, doing so would only impact the Proponent, as such it is not considered necessary for consolidation or registration of an easement to be established. However, a condition should be imposed preventing access to the site other than via the approved internal access track.

3.2 SECTION 4.15 (a)(ii) PROPOSED INSTRUMENTS

There is no draft SEPP or LEP which applies to the land or proposed development.

3.3 SECTION 4.15 (1)(a)(iii) ANY DEVELOPMENT CONTROL PLAN

No development control plan has been adopted by Cootamundra-Gundagai Regional Council for the former Gundagai Shire Council which applies to the land.

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3.4 SECTION 4.15(1)(a)(iiia) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT

No planning agreement has been entered into or has been formally proposed to be entered into by the proponent.

An existing agreement established under DA 2007/78/2 relates to existing quarry operations. The agreement provides for a per vehicle usage charge in lieu of payment of Section 7.11 Contribution Fees and specifically applies to operations under DA 2007/78/2 and any subsequent modifications. As such, the VPA does not account/provide for fees to be charged for transport of extracted material originating from the proposed new extraction site.

Discussions during assessment of the application surrounding applicable contribution fee under the adopted Gundagai Development Generating Heavy Vehicle Usage of Local Roads Contributions Plan dated June 2015 have indicated that a VPA seeking periodic and/or deferred payment may be requested. No draft planning agreement has been submitted. Notwithstanding this, any condition of consent requiring payment of contribution fees should provide for a VPA to be sought/entered into subject to compliance with the requirements of Division 7.1 Development Contributions, Subdivision 2 Planning Agreements of the EP&A Act 1979.

3.5 SECTION 4.15(1)(a)(iv) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Nil applicable to the subject development.

3.6 SECTION 4.15(1)(b) THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY

3.6.1 Context and setting

The proposed development is not anticipated to have a significant adverse impact on the context and setting of the surrounding area. Matters such as amenity impacts including visual impacts are discussed below and can be appropriately mitigated through the implementation of conditions.

The site is located in a rural area and is associated with an existing extractive industry operation. Other extractive industries including gravel quarries are located in the broader area.

3.6.2 Amenity

The site is located within a rural area. The site and surrounds are used for agricultural uses, rural residential uses and for an existing sand quarry to which the proposal relates.

There is potential for the development to result in adverse impacts on the amenity of nearby residences, in particular, on four (4) dwellings (receptors), located to the North and West of the proposed site on the opposite side of the Murrumbidgee River.

Potential adverse amenity impacts include:-

- Noise generated by the development;
- Dust and odour generated by the development; and
- Visual impacts.

Noise and Vibration

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The application has been accompanied by Noise and Vibration Impact Assessment, the assessment was revised following requests for information from the EPA as part of the integrated development referral, current version is dated 9 October 2025.

The Amended Noise Assessment identifies that:-

- Noise levels associated with the spreading of road base using a grader during the construction of the proposed internal track is predicted to exceed the Project Noise Trigger Level (PNTL) at all receivers R3 and R4 by up to 4 dBA. However, noise would remain below a Noise Management Level of 45 dBA derived from the NSW Interim Construction Noise Guideline at all residential receivers. Construction of the track is expected to be able to be undertaken quickly noting the largely level area that the track is proposed along, as such receivers would not be subject to extended noise while construction is undertaken.
- Operational noise involving extraction and haulage of material from the project area along with existing Eulonga Quarry operations is predicted to comply with the PNTL at all receivers complying with The Noise Policy for Industry (2017).
- Vibration levels from activities at the Project are predicted to be negligible and generally below levels of human perception at the nearest residences.

The existing quarry operation is scheduled under the *Protection of the Environment Operations Act 1997* and regulated by the EPA through Environmental Protection Licence (EPL) No 12835. The proposed new extraction site would likewise be regulated by the EPA. On 24 October 2025, EPA issued GTA. The GTA are not to be attached as conditions of consent and may be subject to variation as part of an application to amend the current EPL.

GTA as issued by the EPA detail that, except for the internal access track establishment, noise generated must not exceed the below noise limits. Variation to the limits as outlined may be applied through a new or amended EPL. Notwithstanding this, the Amended Noise and Vibration Impact Assessment demonstrates that operation noise is expected to comply with the anticipated limits detailed in **Table 9**.

Location	Noise Limits in dB(A)
	Day
	L _{Aeq} (15 minute)
254 Sandy Falls Road, Coolac (Lot 285, DP 753599)	40
312 Sandy Falls Road, Coolac (Lot 322, DP 753599)	37
360 Sandy Falls Road, Coolac (Lot 330, DP 753599)	40
370 Sandy Falls Road, Coolac (Lot 325, DP 753599)	37
Any other non-associated residential receiver	35

Table 9 – Noise limits for residential receivers

With regard to the above:-

- R1 is 254 Sandy Falls Rd, Coolac (Lot 285, DP753599)
- R2 is 312 Sandy Falls Rd, Coolac (Lot 322, DP753599)
- R3 is 330 Sandy Falls Rd, Coolac (Lot 330, DP753599)
- R4 is 370 Sandy Falls Road, Coolac (Lot 325, DP753599)
- R5, R6 and R7 would be regarded as any other non-associated residential receiver

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Vibration from construction of the access track and operation of the proposed development is not expected to be experienced by sensitive receivers noting their location on the opposite side of the Murrumbidgee River.

Dust and Odour

Submitted Air Quality Impact Assessment dated 13 March 2025 identifies that dust from the proposed development is not likely to result in exceedances of air quality impact assessment criteria at sensitive receptors.

Odour is not expected to be generated by the development. There is some potential for odour generated by fumes from machinery should machinery not be correctly maintained or provided with filters. A condition shall be applied requiring that vehicles and machinery associated with the operations be maintained to prevent potential occurrence. Any odour generated would be minimal given the operation of a single truck and excavator as part of the proposed operations.

Visual Impacts

Images provided within the EIS are from Darbarala Road only. Commentary on the likely visual impacts experienced by residential receivers is provided in the EIS and subsequent letter addressing concerns raised in submissions.

Two submissions were received during the advertising period for the subject development, both raised concerns with visual impact of the proposed development. The submissions related to residential receivers R3 and R4 as identified in **Figure 20** below. Concerns were also raised about the visual impact of the development when viewed from the hill crest on Sandy Falls Road.

Site inspection undertaken by Council's assessing officer and members of the SRPP included attendance to Sandy Falls Creek Road to ascertain an understanding of potential visual impacts. The following assessment of the visual impacts has been undertaken by giving consideration to the potential impacts to the four (4) receivers located on Sandy Falls Road.

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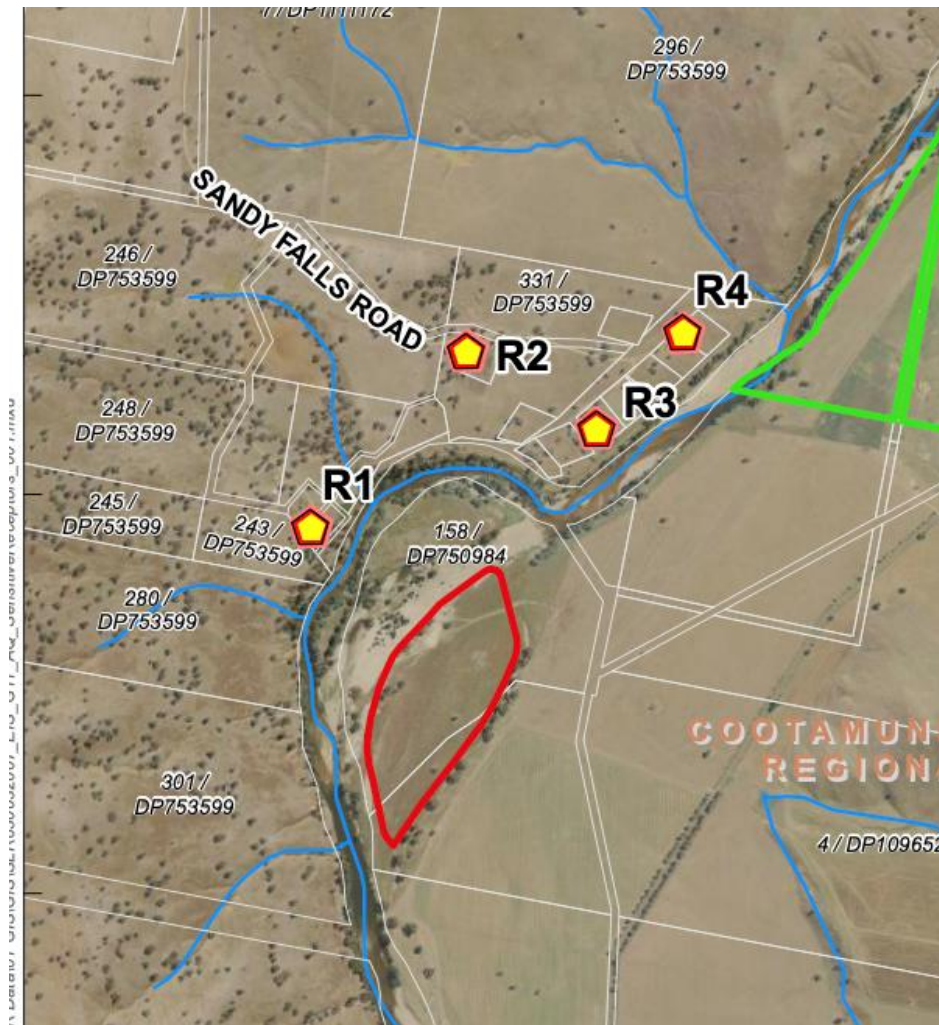


Figure 20 – Residential receivers that may experience visual impact (Source: Extract from submitted development plans)

Potential Impact to receiver R1- 254 Sandy Falls Road

R1 is located to the north-northwest of the proposed extraction site. The residence is oriented approximately south–southeast, facing toward the development site. The dwelling is situated at a slightly higher elevation than the extraction area, at approximately 240m AHD. By comparison, the extraction site has a current ground level of approximately 226m AHD and a proposed floor level of 222m AHD.

The residence enjoys foreground views of the Murrumbidgee River, with the nearest extent of the extraction site located approximately 400m from the dwelling. Views toward the development site are largely screened by existing vegetation, including established trees. Submitted EIS also proposes further targeted plantings. Notwithstanding the existing and proposed vegetation screening, it is anticipated that partial views of the extraction site may still be available from the dwelling.

Recommendations are made elsewhere in this report requiring the preparation and agreement of a staging and rehabilitation plan between the proponent and Council. The implementation of such a plan will significantly reduce the extent of the extraction area that is actively disturbed and visible at any one time. The recommendations include a requirement that each stage of extraction be

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progressively rehabilitated to an extent agreed upon with Council and the Department of Climate Change, Energy, the Environment and Water. In addition, a condition should be applied to prevent the stockpiling of material within the extraction site in order to minimise visual impacts.

No submissions have been received raising concerns regarding potential view impacts from this residence. Given the separation distance, the retention of primary water views currently enjoyed by the dwelling, and the visual screening provided by existing vegetation, it is concluded that the proposed development would not result in a significant adverse visual impact for R1.



Figure 21- Orientation of views from R1

Potential Impact to receiver R2- 312 Sandy Falls Road

R2 is located to the north of the proposed extraction site. The residence is oriented approximately south–southwest, facing toward the development site. The dwelling is situated at a slightly higher elevation than the extraction area, at approximately 250m AHD. In comparison, the extraction site has a current ground level of approximately 226m AHD and a proposed floor level of 222m AHD. This elevated position increases the potential for visibility of the extraction site from the residence.

The dwelling enjoys foreground views of the Murrumbidgee River/bank, with the extraction site located further in the distance at approximately 580m from the residence. Views toward the development site are largely screened by existing vegetation, including established trees, as above, the submitted EIS also proposes further targeted plantings. Notwithstanding the existing and proposed vegetation screening, it is anticipated that partial views of the extraction site may still be available from the dwelling.

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No submissions have been received raising concerns regarding potential view impacts from this residence. Given the separation distance, the retention of the residence's primary views, and the visual screening provided by existing vegetation. It is concluded that the proposed development would not result in a significant adverse visual impact for R2.

Staging of the development will further limit the extent of impact.



Figure 22- Orientation of views from R2

Potential Impact to receiver R3 - 360 Sandy Falls Road

R3 is located northeast of the proposed extraction site. While the extraction area may be visible from parts of the property, it is not expected to be prominently visible from within the dwelling itself noting presence of existing vegetation on the riverbank and within the property, to the western side of the dwelling. Recommendations for staging of the extraction operations as discussed above will further reduce the extent of any visual impact.

The dwelling is directly opposite the proposed internal access track and will have views of the track and associated vehicle movements. The dwelling is located approximately 200m from the proposed track. To mitigate this impact, planting is proposed along the access track as part of dust and visual mitigation measures. However, no detailed landscape plan has been submitted.

Should consent be granted, conditions are recommended requiring:

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- Submission of a detailed vegetation plan identifying planting locations, species, and stock sizes for Council approval; and
- Implementation of the approved planting prior to commencement of works.

While landscaping should not typically be relied upon as the primary method of visual screening, given its dependence on establishment, maintenance, and climatic conditions such as drought or flooding, alternative screening measures in this context are unlikely to be practical and may introduce greater visual intrusion.

It is considered that any visual impact of the proposed extraction site on the dwelling is not significant. Further, it is considered that existing established trees and further proposed plantings will be sufficient to minimise the impact of the proposed access track.



Figure 23- Orientation of views from R3

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Figure 24- vegetation to the west of R3

Potential Impact to receiver R4

R4 is located northeast of the proposed extraction site. While the extraction area may be visible from parts of the property, it is not expected to be prominently visible from within the dwelling itself noting presence of existing established vegetation and location of the neighbouring property (R3) between the proposed extraction site and the dwelling. Recommendations for staging the extraction operations as discussed above will further reduce the extent of any visual impact.

The dwelling is directly opposite the proposed internal access track and will have views of the track and associated vehicle movements. To mitigate this impact, planting is proposed along the access track as part of dust and visual mitigation measures. However, no detailed landscape plan has been submitted.

As detailed with R3 above, it is considered that any visual impact of the proposed extraction site on the dwelling is not significant, particularly with the inclusion of mitigation measures including staging and plantings.

Further, the impact of the proposed access track would be appropriately mitigated as a result of existing established trees and further proposed plantings.

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Figure 25- View from R4 towards proposed access track



Figure 26- Orientation of views from R4

Visibility from hill Crest on Sandy Falls Road

A submission also raised concerns regarding views of the extraction site from the opposite side of the river, particularly when cresting the hill along Sandy Falls Road. Parts of the proposed extraction site would be visible in the distance beyond existing established trees from this vantage point. However, this viewpoint is located within the public road corridor, and views are expected to be transient in nature, experienced primarily by passing vehicles and including glimpses between vegetation.



Figure 27- View towards proposed extraction site from public road near hill crest

3.6.3 Public domain

The development would not impact negatively in terms of such things as recreational opportunities, or the amount, location, design, use and management of public spaces. As discussed above, the development would be visible from areas of the public domain including the hill crest on Sandy Falls Road, however, the impact is not considered to be significant noting:-

- The area is not identified by the LEP or any DCP as subject to any visual protection measures or controls.
- The view is relatively isolated, noting that Sandy Falls Road is a non-through road which experiences minimal traffic.

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3.6.4 Waste

There will be limited waste associated with the quarry, but in any event appropriate conditions will be imposed on any consent issued, in relation to the storage and disposal of waste.

3.6.5 Soil

The development would have minimal impact on soil conservation in terms of soil qualities or instability, management of soils, soil erosion and degradation, sedimentation and pollution of water bodies contamination, or acid sulphate soils.

3.6.6 Utilities

The issue of utilities has been discussed above in relation to the relevant provisions of the LEP, and all necessary services are available or can be extended.

3.6.7 Heritage

As discussed above (Section 5.10 of the LEP), there are no known European or indigenous heritage items on the site, and accordingly, it is not considered that the development would have any impact in terms of historic, scientific, social, aesthetic, anthropological, cultural, spiritual or archaeological significance.

3.6.8 Other Land Resources:

The site has been identified as Class 4 agricultural land, having reduced agricultural production value in account of the of the high sand soil profile, resulting in high permeability and low nutrient hold capacity which limits crop and fodder production. Accordingly, the assessing officer is satisfied that the development will not have any significant adverse effect on conserving and using valuable land resources such as productive agricultural land or mineral extractive resources.

3.6.9 Water

The proposed development is not anticipated to have any significant adverse impact on water supplies or sources. The proposal has a minimal water demand requirement, limited to dust suppression. Additional information supplied details water supply will be from harvestable rights, primarily from water collecting in the base of the excavation pit. A search of NSW Public Water Register shows that site of the existing quarry operations benefits from an existing extraction approval with an annual extraction limit of 2 ML/year (approval DS7473-00006). It's anticipated that this approval may be utilised or amended to meet the requirements for dust suppression should additional water be required particularly during construction of the access track.

A condition shall be applied requiring the proponent to ensure sufficient access to water for dust suppression. General condition reinforcing the need for all activities to comply with relevant legislation ensures that water used for dust suppression is coming from an appropriate source complying with any necessary approvals.

Other potential impacts of the development on water including the nearby Murrumbidgee River have been addressed elsewhere in this assessment report and are captured by GTA issued by DCCEEW.

3.6.10 Energy

The proposed development is not an energy related development. Further, the development does not have a high energy demand that is likely to impact supply or demand to the area.

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3.6.11 Air and microclimate

The proposed development is not anticipated to result in any significant adverse impact on air quality and microclimatic conditions in terms of existing air quality or pollution. Dust emissions would be managed through mitigation measures as outlined by the submitted Air Quality Impact Assessment. Discharge of odours, fumes, gases or pollutants may arise only as a result of operation of plant. However, plant related to the development is minimised to a single truck and excavator and use of existing processing plant already in operation as part of the existing quarry activities.

3.6.12 Flora and fauna

Biodiversity considerations including potential impacts on flora and fauna have been considered elsewhere in this report. Submitted BOS Evaluation dated February 2025 addresses the requirements of the *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*, providing an assessment of the proposed native vegetation clear against BOS thresholds and a Test of Significance. The proposal provides for protection of woody native vegetation including hollow bearing trees and areas of native-dominate grassland. The proposed clearing area has been assessed as disturbing 0.17ha of native vegetation, significantly less than the allowable clearing threshold of 1ha. Through protection/retaining potential habitat area of threatened species identified as having a high potential of occurring in the area; impact on threatened species in the area is minimised to the greatest extent possible.

3.6.13 Access, transport and traffic

Access to the proposed extraction site is to be provided via the existing access from Darbalara Road, which currently services the associated quarry operations. An internal access track is proposed to connect the existing operations with the proposed extraction area. The track will traverse several allotments under the ownership of the proponent and will generally follow the alignment of the river.

The construction of the internal access track and vehicle movements associated with operations along the track have the potential to generate dust and noise impacts. These matters have been addressed earlier in this assessment.

Aside from a minor temporary increase in vehicle movements associated with the construction of the internal access track, the proposed development is not expected to result in an increase in the number of vehicles entering or leaving the site via the public road network on an annual basis. This is because the total annual extraction volume across the existing and proposed extraction areas will remain unchanged, with no increase in approved extraction volumes sought as part of this application.

Notwithstanding the above, the proposal will extend the operational lifespan of the existing quarry. This will result in vehicle movements continuing over a longer overall timeframe, as the additional extraction area will enable operations to continue during periods when access to the existing extraction area is restricted due to water levels or while existing extraction areas are undergoing natural replenishment.

The application was referred to TfNSW as outlined in Part 2.5 of this report and was also internally referred to Council's Engineering Department for review and comment. Council's Engineering Department recommended that a condition be imposed restricting truck movements on local roads during times when school buses are operating and undertaking pick-ups and drop-offs. This recommendation reflects safety concerns associated with the narrow carriageways of Darbalara Road and Gobarraalong Road. The draft conditions of consent accompanying this report have been reviewed by Council's Engineering Department.

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A further condition will require that all trucks entering and leaving the development travel only on the section of Darbalara Road connecting the approved access point to Gobarralong Road.

3.6.14 Natural and technological hazards

The matter of natural hazards including bushfire and flood have been considered elsewhere in this assessment report. It is considered that bushfire risks can be appropriately managed through the implementation of an operation management plan. Flood risks and mitigation measures as recommended by the submitted Surface and Groundwater Assessment are expected to appropriately minimise and mitigate potential adverse impacts on the environment.

There are no known technological hazards that would adversely impact the proposed development.

3.6.15 Safety, security and crime prevention

The proposed development is unlikely to result in any adverse or increased safety, security or crime issues. No further assessment is considered necessary in this regard.

3.6.16 Social impacts in the locality

It is not considered that the development will have a negative social impact in terms of the health and safety of the community, social cohesion, community structure, character, values or beliefs, social equity, socio-economic groups or the disadvantaged, and social displacement.

3.6.17 Economic impact in the locality

It is not considered that there would be any negative impact in economic terms as a result of the development. The proposal is anticipated to provide for increase in employment, or at minimum in job security, either directly or indirectly through services such as fuel sales, transport and maintenance of plant and equipment.

3.6.18 Construction matters

The environmental issues and impacts associated with the development have been addressed throughout this report as necessary, and includes such things as erosion and sedimentation control, noise and dust control, etc, where necessary. In general, care needs to be taken to minimise potential impacts through the imposition and enforcement of appropriate conditions of consent.

3.6.19 Cumulative impacts

No adverse cumulative impacts have been identified

3.7 SECTION 4.15(1)(c) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

3.7.1 Does the proposal fit in the locality?

There are no constraints posed by adjacent developments that would prohibit the development. It is considered that the air quality and microclimate are appropriate for the development, and there are no hazardous landuses or activities nearby. Proposed impact mitigation measures including operational measures for reducing dust, noise and visual impacts are considered appropriate to mitigate likely impacts on nearby dwellings and keep extent of those impacts within allowable levels so not to cause significant adverse impact on amenity of residential dwellings.

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3.7.2 Are the site attributes conducive to development?

The site is affected by flooding and bushfire risks, which can be appropriately managed through implementation of measures as recommended and proposed by supporting documents and this assessment. The soil characteristics are appropriate for the development, and there are no significant adverse impact anticipated to impact critical habitats, or threatened species, populations, ecological communities on the site. The development will not prejudice future agricultural production.

3.8 SECTION 4.15(1)(d) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The DA was publicly advertised from 28 April 2025 to 16 June 2025. During that time two (2) submissions were received. A further submission of was received outside of the submission period. Submissions have been summarised and considered in **Annexure D** to this report.

3.9 SECTION 4.15(1)(e) THE PUBLIC INTEREST

3.9.1 Balancing Development & Conservation

The proposed development provides for appropriate balance of development of conservation, subject to compliance with recommendations of accompanying reports/assessments and subsequent approvals including required environmental protection licence and controlled activity approval.

3.9.2 Respecting Public Sentiment

Public sentiment as outlined by submissions to the proposed development have been considered in detail and matters raised addressed in **Annexure D**. Extent of impacts have been assessed and are within allowable levels so not to cause significant adverse impact on amenity of nearby residential dwellings.

3.9.3 Applicable Policy Considerations

The Riverina Murray Regional Plan 2041 has been developed to plan for future population's needs for housing, jobs, infrastructure and a healthy environment, in the Region. The development is not inconsistent with this Plan.

Staff are not aware of any other policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no management plan that is applicable to a development of this nature, and no codes or guidelines.

Overall, the proposal would not contravene the public interest.

3.10 SECTION 4.15(2) COMPLIANCE WITH NON-DISCRETIONARY DEVELOPMENT STANDARDS—DEVELOPMENT OTHER THAN COMPLYING DEVELOPMENT

Nil identified relevant to the subject proposal.

4 PART 7: INFRASTRUCTURE CONTRIBUTION AND FINANCE

4.1 SECTION 7.11 CONTRIBUTION TOWARDS PROVISION OR IMPROVEMENT OF AMENITIES OR SERVICES

An existing agreement established under DA 2007/78/2 relates to existing quarry operations. The agreement provides for a per vehicle usage charge in lieu of payment of Section 7.11 Contribution Fees

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and specifically applies to operations under DA 2007/78/2 and any subsequent modifications. As such, the VPA does not account/provide for fees to be charged for transport of extracted material originating from the proposed new extraction site.

Accordingly, an assessment of applicable contribution fees under the adopted Gundagai Development Generating Heavy Vehicle Usage of Local Roads Contributions Plan dated June 2015 has been undertaken by Council's Engineering Department.

Applicable contribution fees have been calculated as below:-

Calculations for 7.11 Contribution Fees:

- a) *Material extracted over the life of the project = 635,000tonnes (From DA Application. The original calculation made the assumption of 600,000tonnes. This has been corrected in the calculation below)*
- b) *Estimated Truck Payload = 40tonnes (Estimate)*
- c) *Equivalent Standard Axles (ESA) @ 40tonnes = 4.5 (assuming A-Double as the example vehicle. The range for this is 4 to 6 with a range of vehicles currently entering the quarry) (From Figure 3 from S94 Plan).*
- d) *Estimated Truck movements = a) ÷ b) = 15,875 truck movements*
- e) *Usage of Local Road to the site (From Hume Highway) = 12.6km (From Google Maps)*
- f) *Usage of Local Roads from the site (To Hume Highway at Coolac) = 17.2km (From Google Maps)*
- g) *Round Trip = e) + f) = 29.8km*
- h) *Marginal Costs = \$0.048/ESA-Km (Figure 4 from S94 plan). This assumes a CBR of 7 and a TT of 15.*

7.11 Contribution fees Cost = h) × g) × c) × d) = 0.048 × 29.8 × 4.5 × 15000 = \$102,184.20

The proponent has indicated that a VPA seeking periodic and/or deferred payment may be requested. No draft planning agreement has been submitted. Notwithstanding this, any condition of consent requiring payment of contribution fees should provide for a VPA to be sought/entered into subject to compliance with the requirements of Division 7.1 Development Contributions, Subdivision 2 Planning Agreements of the EP&A Act 1979. Providing for options as to how payment may be made within the condition of consent enables flexibility without requiring the modification of the DA consent.

5 CONCLUSION AND RECOMMENDATION

5.1 CONCLUSION

The assessment has considered all relevant matters under the applicable legislation and finds the proposed development to be appropriate in light of these considerations. Any potential impacts are deemed manageable through the implementation of suitable conditions. Consequently, no reasonable grounds exist to warrant refusal of the application.

5.2 RECOMMENDATION

That the development be approved subject to conditions of consent as outlined by the accompanying Draft Notice of Determination provided in **Annexure E**.

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ANNEXURE A- PLAN AND DOCUMENT SUMMARY

ANNEXURE B- EPA GENERAL TERMS OF APPROVAL PROPOSED TO BE GIVEN

ANNEXURE C- DCCEEW GENERAL TERMS OF APPROVAL PROPOSED TO BE GIVEN

ANNEXURE D – SUBMISSIONS SUMMARY

ANNEXURE E – PROPOSED CONDITIONS OF CONSENT