

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSWES-269 – DA0070/2025
PROPOSAL	Extractive Industry (Hard Rock Quarry) with an extraction rate of up to 350,000 tonnes per annum (tpa) over an area of 7.34ha for a period of 25-30 years.
ADDRESS	'Talinga' 1848 Castlereagh Highway, Tallawang NSW 2852 LOT 1 DP 1239728
APPLICANT	Outline Planning Consultants P/L
OWNER	Mr Hamish B Drury & Mrs Sally L Drury
DA LODGEMENT DATE	18 October 2024
APPLICATION TYPE	Development Application (Designated and Integrated)
REGIONALLY SIGNIFICANT CRITERIA	<p>Clause 7 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as:</p> <p>Particular designated development – Development for the purposes of extractive industry facilities that meet the requirements for designated development under the <i>Environmental Planning and Assessment Regulation 2021</i>, Schedule 3 Section 26 (a), (b) and (c)(iv).</p>
CIV	\$3,995,804.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Primary Production) 2021</i> • <i>State Environmental Planning Policy (Resources and Energy) 2021</i> • <i>State Environmental Planning Policy (Transport and infrastructure) 2021</i> • <i>Mid-Western Regional Local Environmental Plan 2012</i>
AGENCY REFERRALS	<ul style="list-style-type: none"> • Environmental Protection Agency <ul style="list-style-type: none"> - S43(b), 48, 55 Protection of the Environment and Operations Act - Scheduled Activity. • Transport for NSW <ul style="list-style-type: none"> - S138 Roads Act 1993 (Non-Integrated) and

	<ul style="list-style-type: none"> - S2.22 State Environmental Planning Policy (Resources and Energy) 2021. • Essential Energy - S2.48 SEPP (Transport and Infrastructure) 2021 • Crown Land - Referred as the development site is adjoined by Crown Land.
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	<p>12 submissions were received comprising of 9 objections and 3 in support.</p> <p>The key issues raised in the objections include, but are not limited to site suitability, inadequacies of specialist reports, environmental impacts on ground water and loss of ecology, loss of agricultural land, cumulative impacts and general concern over the growth of the renewable energy zone, land use conflicts and potential adverse effects on the surrounding communities with a particular emphasis on the loss of amenity especially with regard to noise, impacts of blasting, traffic generation, air quality (dust) and visual impacts.</p>
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Environmental Impact Statement (EIS) including Appendix A to P containing technical reports and supplementary information. Key technical reports include the following:</p> <ul style="list-style-type: none"> • Project Plans – Site plan, sections and staging plan. • Environmental Impact Statement • Noise Impact Assessment • Road and Traffic Assessment • Agronomist Report • Air quality assessment • Groundwater Assessment and Water Balance Report • Water Balance Report • Geotechnical Report • Preliminary Site Investigation • Biodiversity Development Assessment Report • Aboriginal Heritage Assessment Report • Rehabilitation Plan <p>Addendum information including:</p> <ul style="list-style-type: none"> • Response to Submissions including an amended intersection design • Cover Letter Response to 4 April 2025 Request for Information – received 22 April 2025.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Not applicable
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	24 June 2025
PREPARED BY	Hannah Draper – Town Planner
DATE OF REPORT	10 June 2025

EXECUTIVE SUMMARY

Mid-Western Regional Council is in receipt of a Development Application (DA0070/2025) seeking consent for the establishment and operation of a hard rock quarry and ancillary facilities at Lot 1 DP1239728, 'Talinga' 1848 Castlereagh Highway, Tallawang NSW 2852.

Approval is being sought for an extraction capacity of up to 350,000 tonnes per annum (tpa) over a period of 25-30 years dependent on the eventual rate of extraction and market demand for the resource. The construction would be undertaken in two key stages followed by site rehabilitation works.

The proposed annual extraction volumes meet the requirements for Designated Development under Clause 26 of Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*. Consequently, the application is accompanied by an Environment Impact Statement (EIS) prepared in accordance with the requirements of the Secretary's Environmental Impact Assessment Requirements (SEARs).

In accordance with Clause 4.46 of the *Environmental Planning and Assessment Act 1979*, the proposed development is also Integrated Development, requiring an Environmental Protection Licence (EPL) from the NSW Environmental Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997*. The development application was referred to the EPA for detailed assessment. The EPA has since issued General Terms of Approval for the development. In addition to the EPA, the development application has been referred to Transport for NSW, Essential Energy and Crown Land.

The proposal was notified in accordance with the Council's Community Participation Plan from 30 October 2024 until 16 January 2025. During this period the application was required to be re-advertised to ensure the designated development exhibition requirements were met, which resulted in an overall extended exhibition period. A total of 12 unique submissions, comprising 9 objections and 3 submissions in support were received. The issues raised in the submissions largely relate to amenity impacts citing traffic, dust, noise, blasting impacts, visual and rural amenity, and land use conflicts as well as ecological impacts, ground water impacts, site suitability, loss of agricultural land and contribution to the renewable projects. The submissions are considered in Section 5 of this report.

There is currently a small borrow pit established on an elevated stony hill providing road base for internal use within the farm holding. The topography of land within the vicinity of the project site is variable, with ridge lines generally ranging between 400 metres (m) Australian Height Datum (AHD) and 500m AHD.

Lot 1 is zoned RU1 – Primary Production under the Mid-Western Local Environmental Plan 2012. The surrounding area is rural in nature primarily comprising agricultural holdings with associated dwellings. The surrounding properties are characterised by medium-sized cropping and pastoral landholdings.

Lot 1 is a largely cleared site containing scattered trees and existing farm dams. It is located in a rural area where extractive industries are permissible. In particular, the development area is relatively unconstrained and is not mapped as possessing biodiversity value, being bushfire prone or flood prone land. The site does contain remnant aboriginal heritage artefacts that are outside the quarry footprint. These will be required to be fenced and protected as a condition of consent.

The closest occupied residence is located approximately 788m north of the proposed development. There are several other nearby residences approximately 1.3-1.4kms from the proposed quarry. The closest residential zone is a number of R5 Large Lot Residential allotments located on Suzanne Road which is approximately 3km to the west of the quarry footprint. The Environmental Impact Statement (EIS) contends that the impacts to adjoining residences can be reduced to an acceptable level with mitigation strategies to ensure the relevant standards can be achieved.

Potential impacts arising from the proposed development include traffic, road safety, noise and vibration, dust, surface and groundwater, biodiversity, heritage, and visual amenity and hazards. The proposal is supported by a number of technical studies including (but not limited to) a Noise Impact Assessment, Road

and Traffic Assessment, Agronomist Report, Air Quality Assessment, Groundwater Assessment and Water Balance Report, Geotechnical Report, Biodiversity Development Assessment Report, Aboriginal Heritage Report, and Rehabilitation Plan. An assessment of the potential impacts associated with the proposed development is provided within the body of this report.

The subject site is located within the Central-West Orana Renewable Energy Zone (CWO REZ). Since the government's announcement, a number of state significant developments (SSD) projects for renewable energy, as well as Energy Corporation of NSW (EnergyCo's) transmission lines, are currently planned within and around the Mid-Western Regional Local Government Area (MWR LGA). A key driver for this project has been the applicants desire to cater to the anticipated increase in demand for road making material, in the millions of tonnes to facilitate the renewable projects. The proponent has stated that the project site is strategically positioned in terms of its close proximity to and ability to service these SSD projects with road making material, located as it is in the northern part of the Mid-Western Regional Council LGA.

A detailed assessment has been undertaken against all relevant legislation, including State Environmental Planning Policies, the *Mid Western Regional Local Environmental Plan 2012* and the *Mid Western Development Control Plan 2013*. A detailed assessment of the relevant clauses is provided within the body of this report.

Council's Engineering, Environmental Health, Ecological and Building units have assessed the Development Application with regard to potential impacts arising from the proposed development. Clarification was sought on a number of matters but were subsequently resolved and no objections were raised by Council officers, subject to the imposition of relevant conditions of consent, including General Terms of Approval from the EPA and conditions from Transport for NSW.

The proposed development is considered satisfactory, subject to the imposition of suitable conditions of consent to address and mitigate potential impacts arising from the proposed development. As such, it is recommended that the proposed development be approved, subject to conditions documented in the recommended Draft Schedule of Conditions in **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is described as Lot 1 DP 1239728 and is located at 1848 Castlereagh Highway, Tallawang ('the site'). The lot forms part of a larger holding known as 'Talinga' comprised of twenty-eight lots with a total land area of 1215.20 ha ('the landholding') (See **Figure 1**). The holding is owned by Hamish and Sally Drury and the Talinga Pastoral Company.

Lot 1 is located at the northmost end of the holding and is bisected by the Castlereagh Highway. The proposed quarry is located on the western side of the Highway and is approximately 0.2km to the south of the intersection of Castlereagh Highway and Tucklan Road. Lot 1 has an area of approximately 122ha (See **Figure 2 and 3**).

Lot 1 is a largely cleared site containing scattered trees and existing farm dams. There is currently a small borrow pit established on an elevated stony hill providing road base for internal use within the Talinga Pastoral Company farm holding (**Figure 3 and 4**). It is noted that the existing bottom pit and existing access driveway cross over was constructed semi-recently without a Section 138 approval.

The topography of land within the vicinity of the project site is variable, with ridge lines generally ranging between 400 metres (m) Australian Height Datum (AHD) and 500m AHD. The geology of the site is defined by a prominent knoll which extends 550m AHD. The EIS advises core drilling and preliminary geotechnical investigations were undertaken and involved drilling at two boreholes to depths ranging from 13.54 m to 15.55 m. The results indicated both highly fractured phyllite and moderately fractured meta-siltstone.

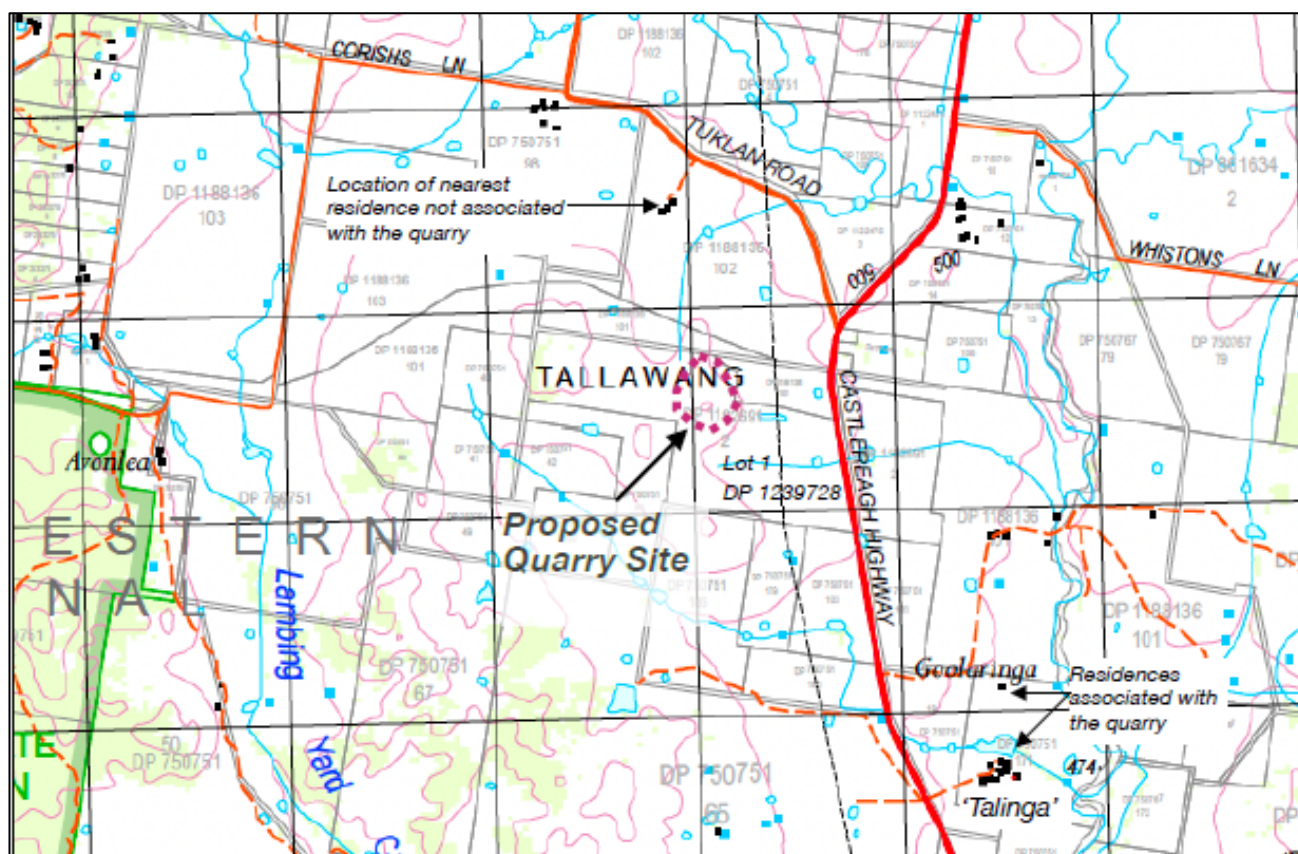


Figure 1 – Locational Map

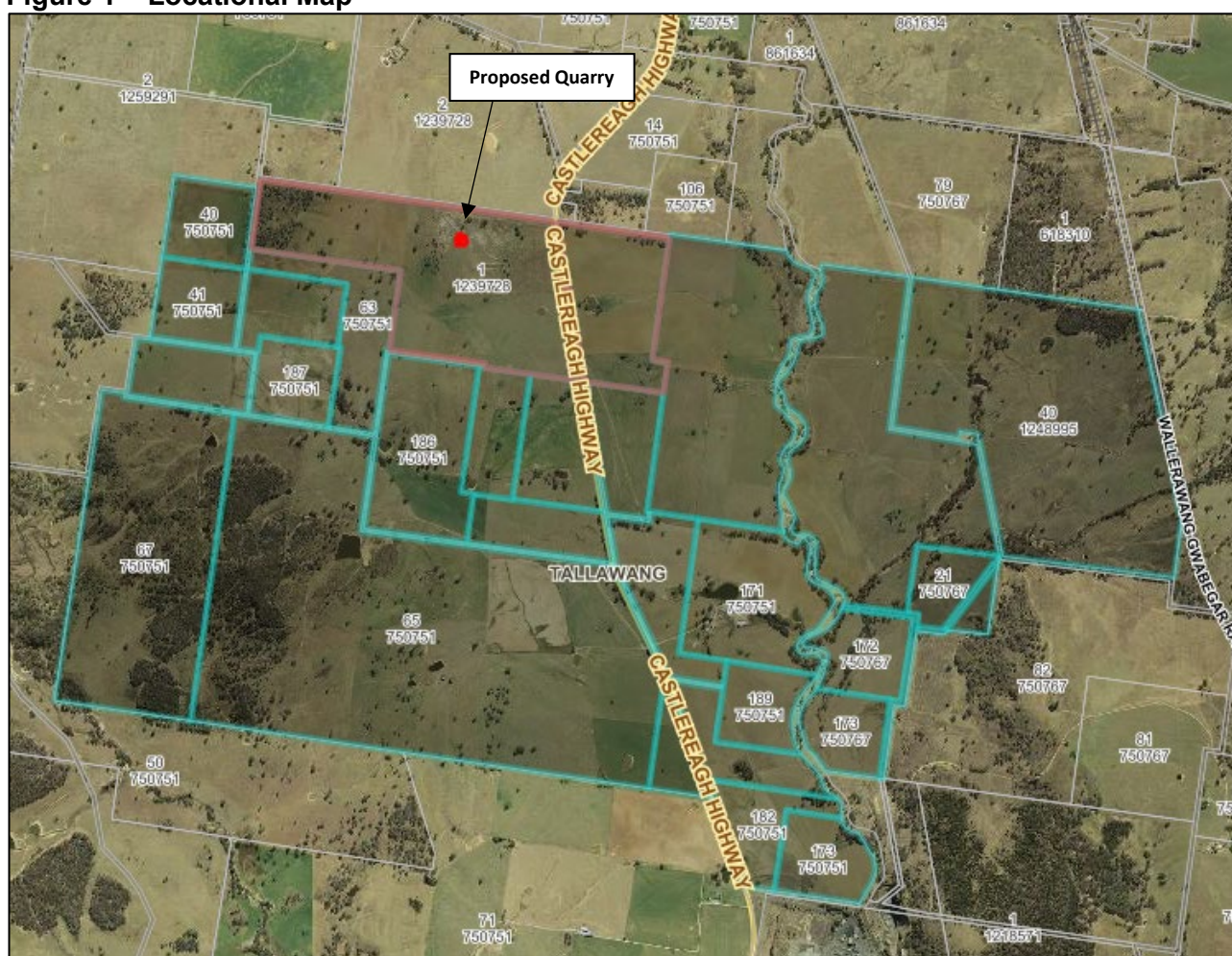


Figure 2 – Land Holding Map

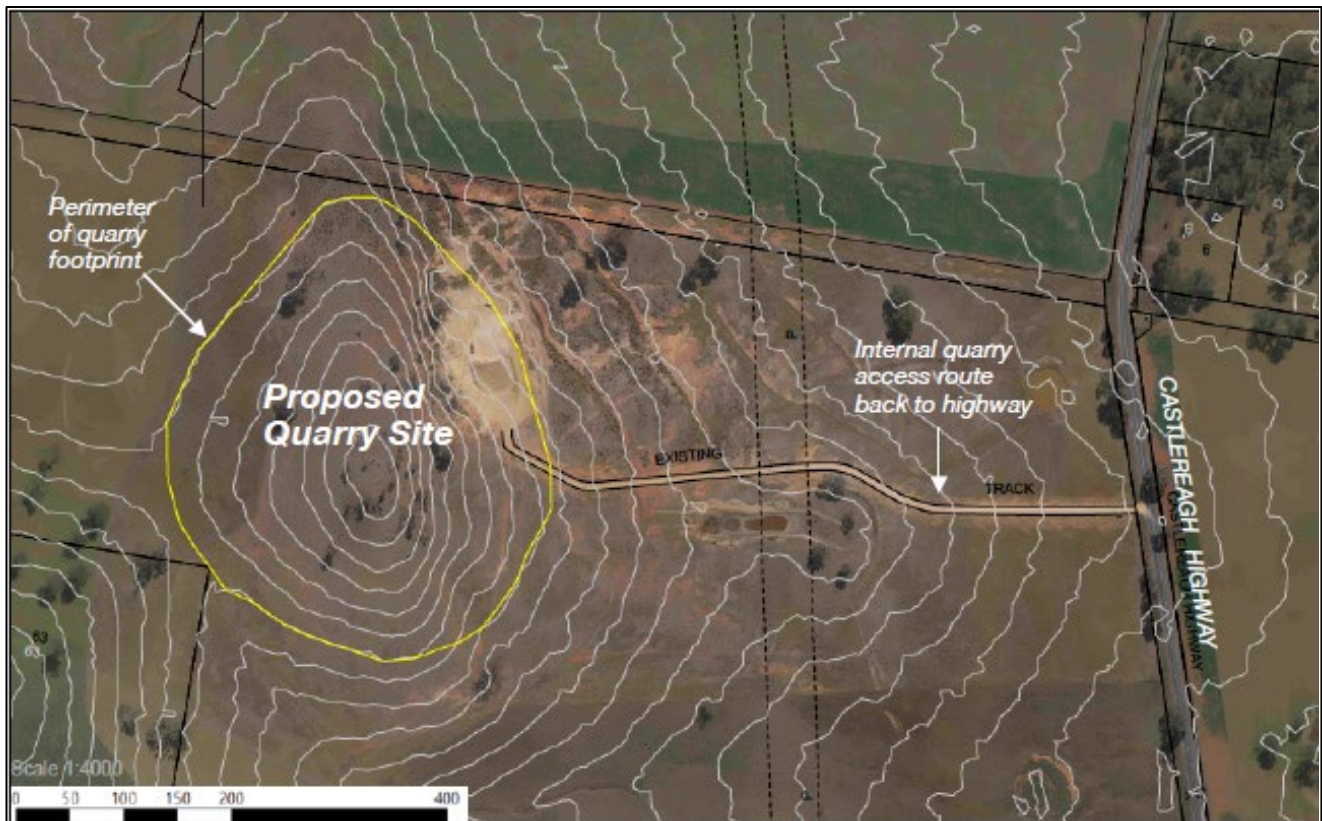


Figure 3 – Aerial image of the proposed quarry footprint

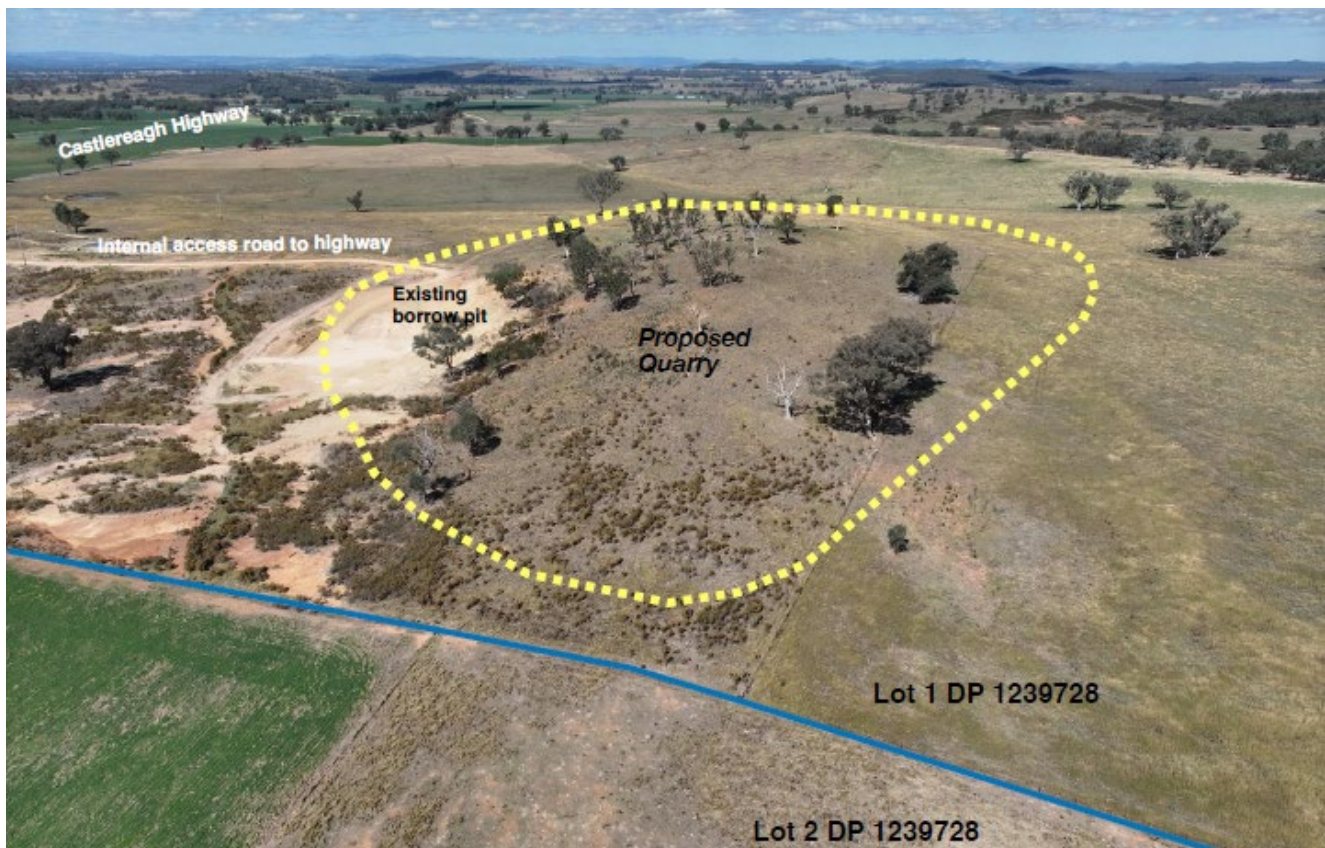


Figure 4 – Aerial Overview of the Proposed Quarry Site – Looking south

1.2 The Locality

The subject site is located on the fringe of the Mid Western Local Government Area nearby to the border with Warrumbungle Local Government Area. The site is located approximately 21.5km by road to the north of the township of Gulgong, 32km to the south of Dunedoo and approximately 52kms north of Mudgee (Figure 5).



Figure 5 – Project Site – Regional Setting

The surrounding area is rural in nature primarily comprised of agricultural holdings with associated dwellings. The surrounding properties are characterised by cropping and pastoral landholdings subject to vegetation clearing associated with historic agricultural land uses. The land surrounding the site is used for grazing and cultivation.

Lot 1 is located at the northmost end of the holding and is bisected by the Castlereagh Highway which is a state classified road which connects a large portion of the central west.

Contextually, the subject site is located within the Central-West Orana Renewable Energy Zone (CWO REZ) and located on the Castlereagh Highway. The proponent has stated that the project site is strategically positioned in terms of its close proximity to and ability to service nearby renewable State Significant Development (SSD) projects with road making material, located as it is in the northern part of the Mid-Western Regional Council LGA.

The closest receptors outside the holding are located to the north of the site as illustrated in **Figure 6**. The closest residential dwelling is located directly north approximately 788m to the quarry footprint (See **Figure 7**). The second closest dwelling is approximately 1.3km to the north-east and the third closest being two dwellings 1.4km to the northwest and northeast. The holding itself has two residences located to south away from the quarry footprint. The closest residential zone is a number of R5 – Large Lot Residential allotments located on Suzanne Road which is approximately 3km to the west of the quarry footprint.

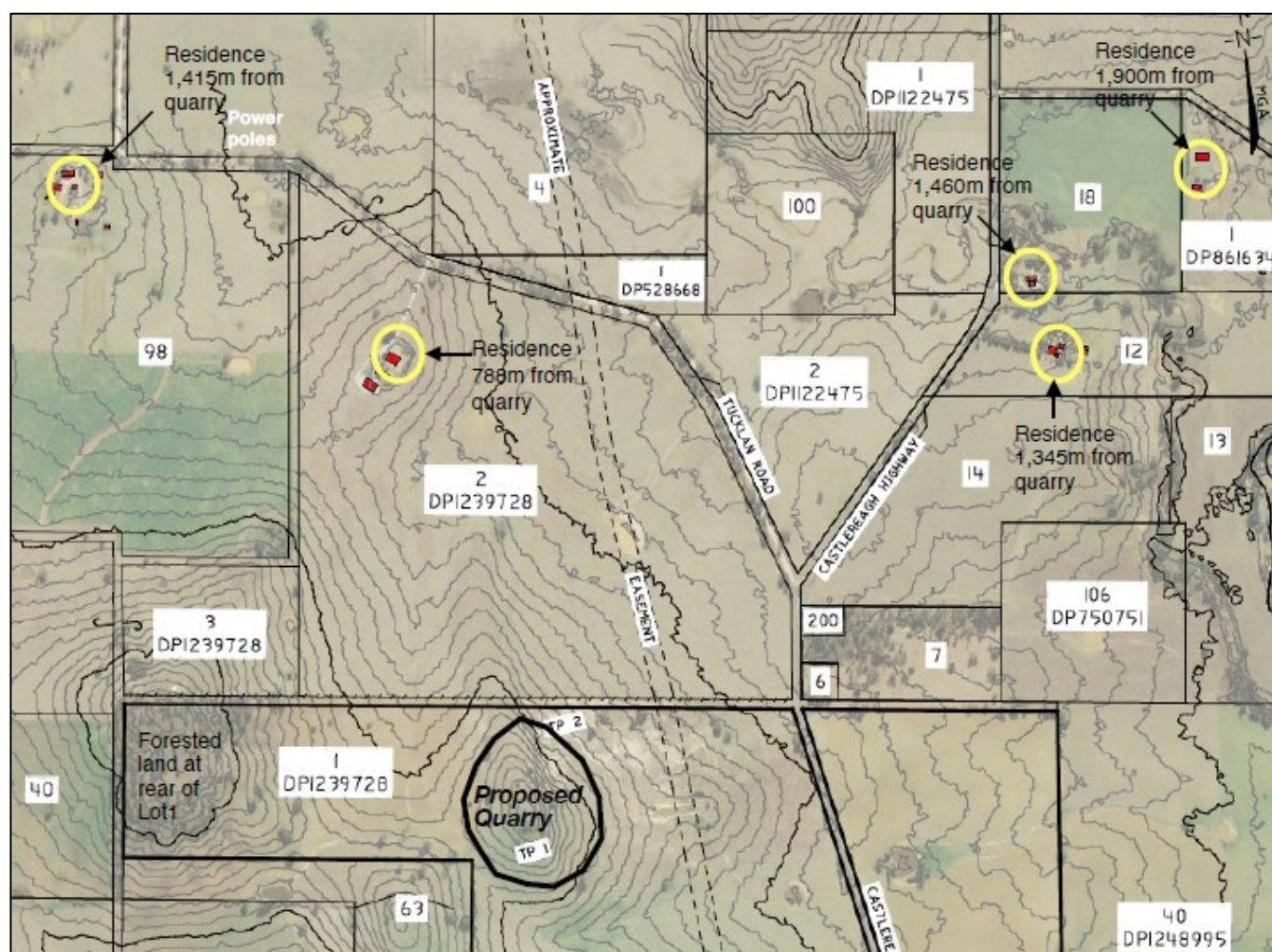


Figure 6 – Map showing nearest residences

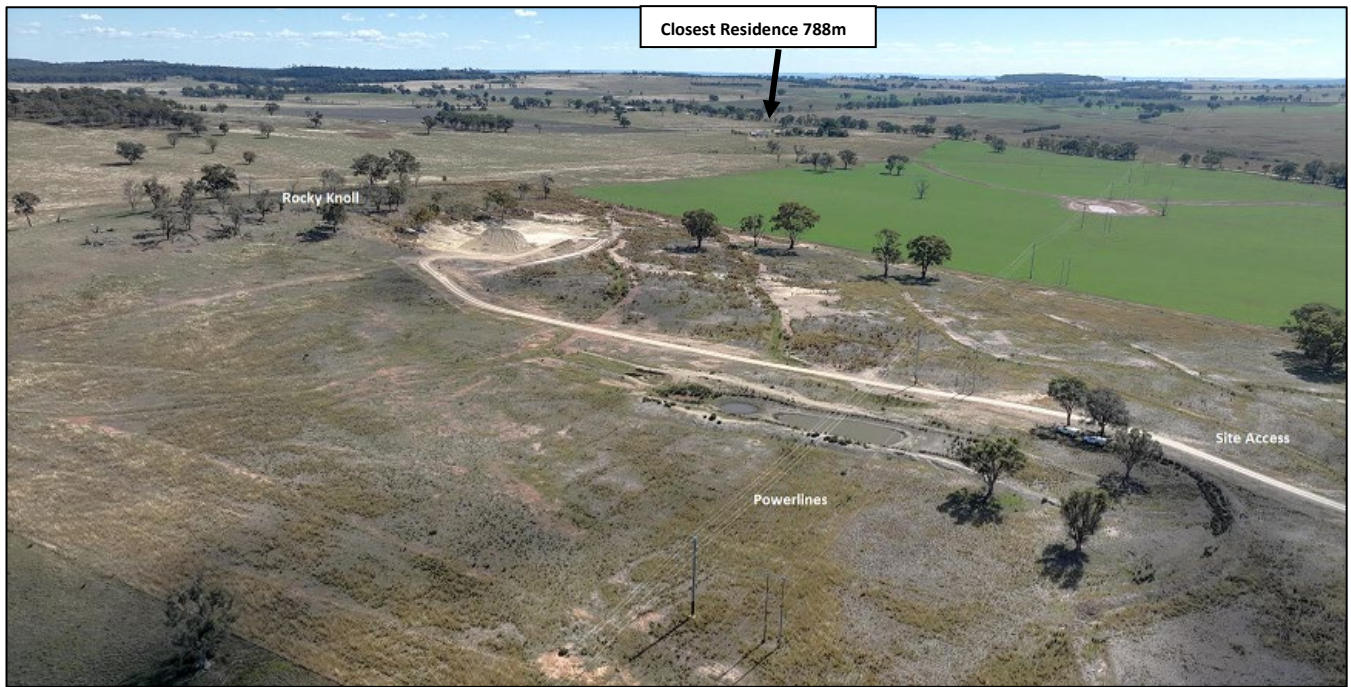


Figure 7 – Drone Footage looking North West



Figure 8 – Drone Footage looking West

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the development and operation of a hard rock pit quarry. The quarry is proposed to extract up to 350,000 tonnes per annum (tpa) over a period of 25-30 years. The construction would be undertaken in two stages with an additional two years being required for rehabilitation (See **Figure 9-13**). It is proposed to use 7.34 hectares (ha) of the site as an extraction area for a quarry. It is estimated that a resource of approximately 4.67 million tonnes (Mt) will be extracted from the proposed quarry pit.

Key components of the proposed quarry operation include the following:

Site Establishment:

- Progressive installation of environmental controls, including visual landscape screening to the north and sediment and erosion controls.

Construction and Operational:

- The intersection with the Castlereagh Highway will be upgraded. The applicant has proposed to enable suitable material won from the quarry to be used in the construction of this intersection upgrade and the internal access route from the Castlereagh Highway back to the quarry, once development consent is granted, prior to the commencement of road haulage of quarry products to off-site sources.
- Clearing of land ahead of extraction.
- Ripping of weathered rock and blasting of unweathered (hard) quarry rock.
- Loose rock is then transported from the active quarry face to the processing plant within the quarry pit, where it is then crushed and screened, before being transported off-site.
- Transport of material from the quarry site via the internal quarry access route back to the Castlereagh Highway, before being transported to nearby infrastructure projects.
- Two passing bays are proposed along the length of the internal haul route.
- Blasting, crushing, and stockpiling of material. Stockpiles and storage areas to be within the approved quarry area.
- Installation of on-site facilities including office building, staff amenities, car parking, a weighbridge (if required), storage containers, and processing plant equipment (crusher).
- During the initial stage of quarry formation any overburden will be stored on the existing farm borrow pit before ultimate transfer to within the quarry.
- Mobile plant and equipment will be brought to the quarry when required based on market demand for the resource.

The quarry will be constructed in the following stages:

Stage 1 – Southern Extraction Area:

Area 4.98ha. Retain the steeper part of the elevated knoll and carry out quarrying behind this feature, while achieving a satisfactory depth of quarrying. Quarrying commences in the southern section of the site to achieve a quarry depth approximately between 20m-30m below natural ground level. Quarrying proceeds behind existing topography, working progressively to the north-west from the southern end of the pit.

Stage 2 – Northern Extraction Area:

Area 7.34ha. Stage 2 of the quarry development is planned to involve a progressive lateral extension of the quarrying operation towards the east and north-east. Quarrying will be undertaken relying on the

existing quarry floor level established at Stage 1. Quarry benches no longer in use would be decommissioned and rehabilitated progressively. With a suitable depth achieved the remainder of the elevated knoll is removed.

End of Life Rehabilitation

- About 6.54ha of the working quarry area will be returned to agricultural use within 2 years of the project's completion.

Table 1 below provides an overview of the Development Data.

Table 1: Key Development Data

Control	Proposal
Site area	The subject lot (Lot 1) has approximately 122ha, while the total holding has 1215.20ha
GFA	The total quarry disturbance area is 7.34ha (including internal access tracks to the highway).
plResource	Total resource of 4.6 million tonnes. The material is weathered and unweathered phyllite and meta-siltstone.
Extraction Method	Bulldozer or excavator used to remove weathered rock, with drill and blast used for unweathered rock. Material is then processed (crushed and screened) within the quarry pit before it is transported off site.
Clause 4.6 Requests	N/A
Average Truck Movements	Access is to the Castlereagh Highway. A mix of truck and dog combination (33 tonnes +), with larger and smaller trucks used where road weight limits may apply. It is anticipated that the quarry will generate an average of 35 loaded trucks per day, with a maximum 60 loaded quarry trucks per day. The maximum size of vehicle entering the site is limited to 20m per the intersection modelling provided.
Hours of Operation	Construction work, and truck movements are limited to 7.00am to 6.00pm Monday to Friday and 8:00am to 1pm on Saturday. No construction is to occur Sunday or public holidays. Hours of blasting are to be restricted to 9.00am to 3.00pm Monday to Friday (per EPA conditions). Blasting is not to occur on weekends or public holidays.
Staff	Up to 4 employees working on site + contractors (Eg. blasting contractor, machinery servicing contractors, refuelers).
Facilities	Site office with staff amenities (demountable), car parking, storage shed, weighbridge may also be installed and plant equipment for processing (crushing).
Landscaped area/rehabilitation work	Landscape screening is proposed to the northern perimeter of the site and is to be established prior to construction. Rehabilitation includes benching the quarry and revegetating

	it with pasture species with a perimeter of native trees and shrubs.
Car Parking spaces	No designated spaces shown. The estimated number of on-site staff is 4. Parking shall be provided adjacent to the office building at a rate of 4 spaces (minimum).
Setbacks	The quarry footprint is setback approximately 460m from the Castlereagh Highway (east). The side setback is 10.1m (north) and south-west is approximately 0m, although this is not labelled. The adjoining land is in the same ownership.

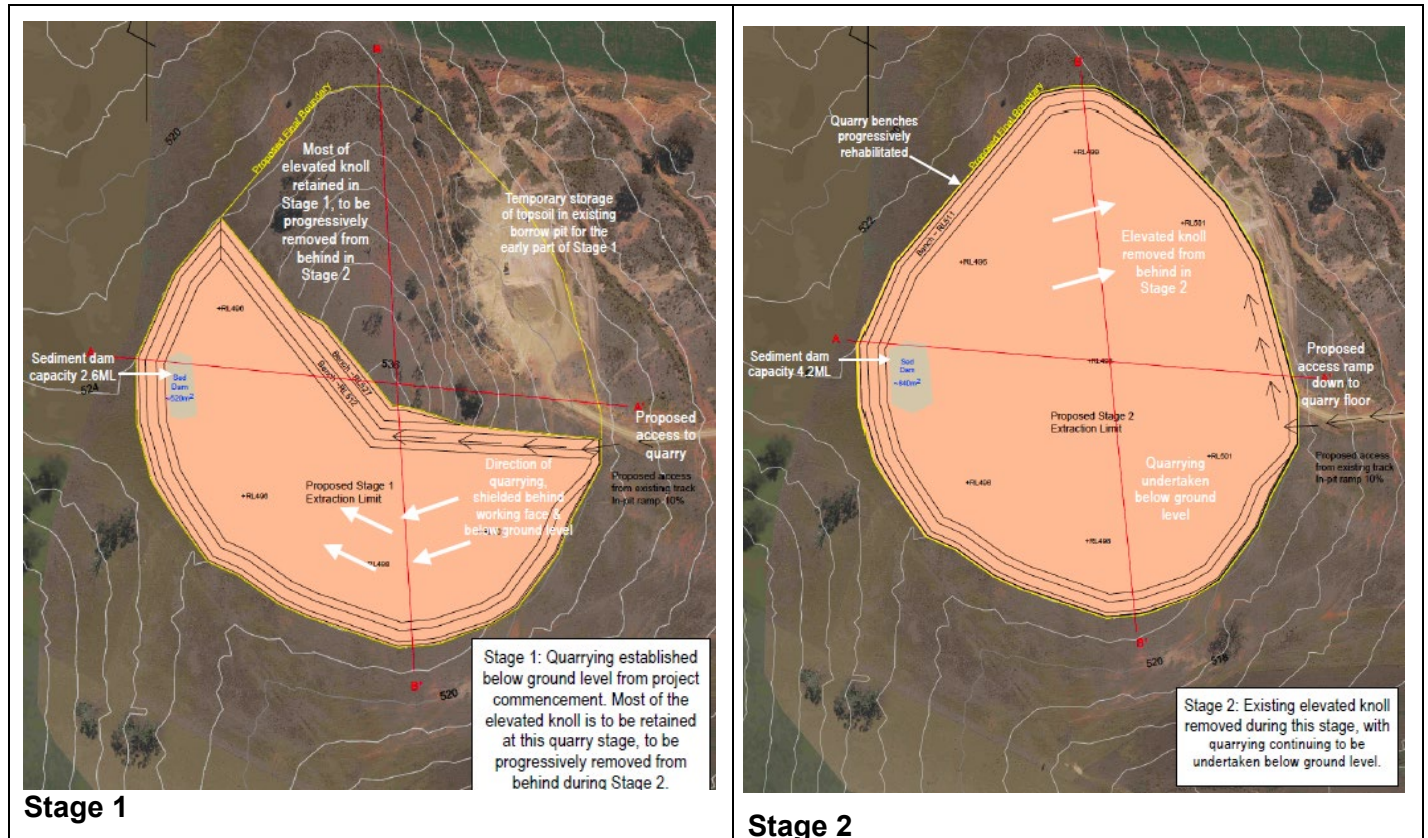


Figure 9 – Construction Staging

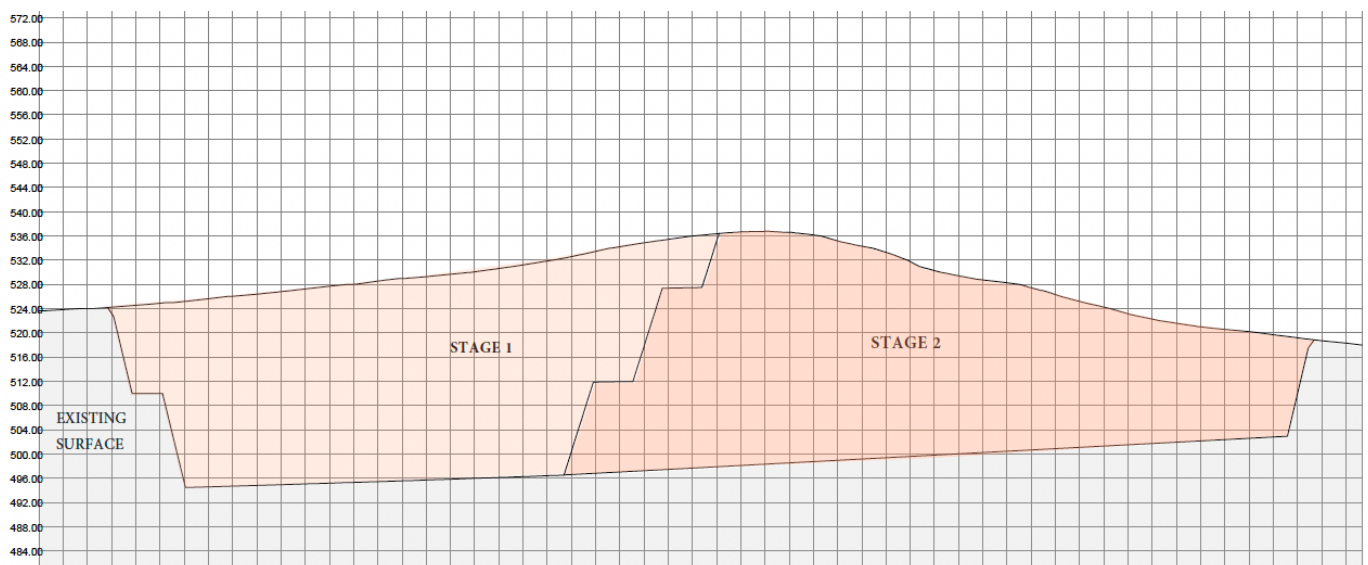


Figure 10 – Section A-A – East-west staging construction plan

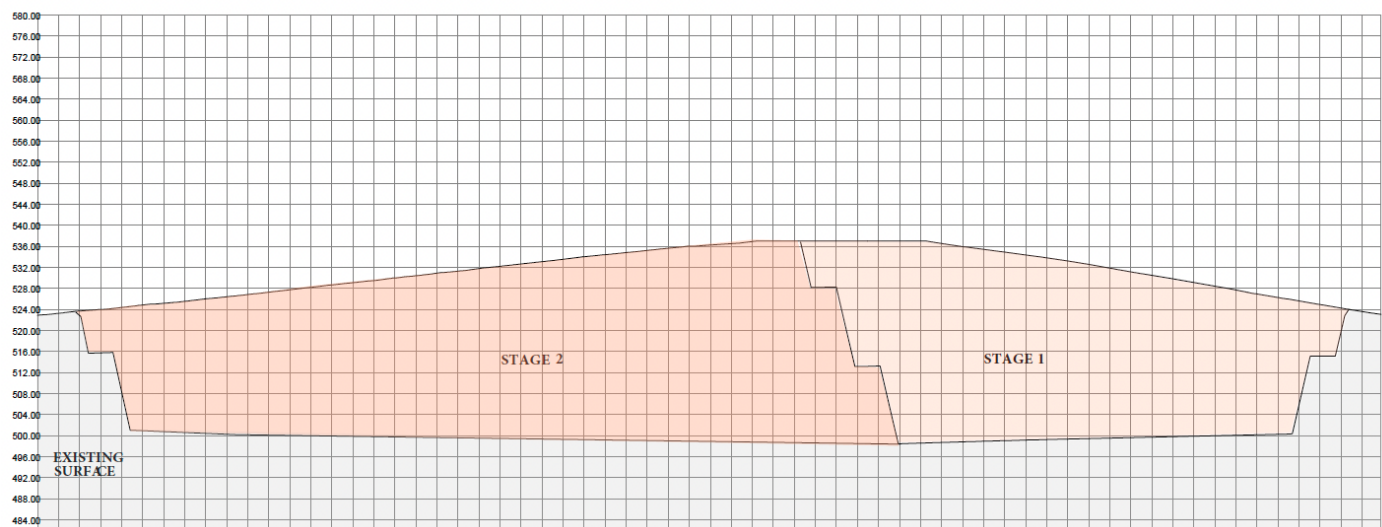


Figure 11 – Section B-B – North-south staging construction plan

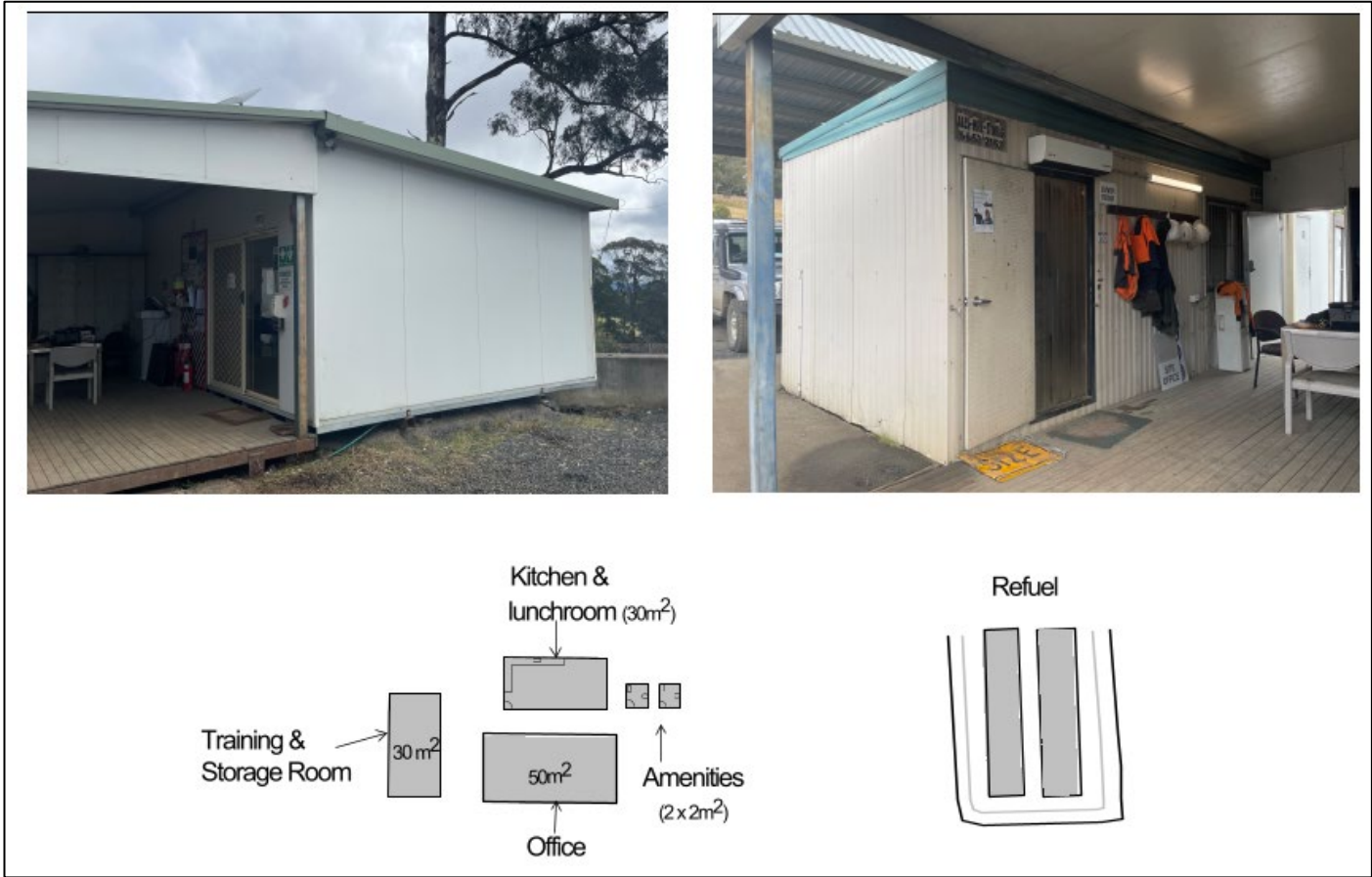


Figure 12 – Typical Site Facilities and Floor Layout Plan

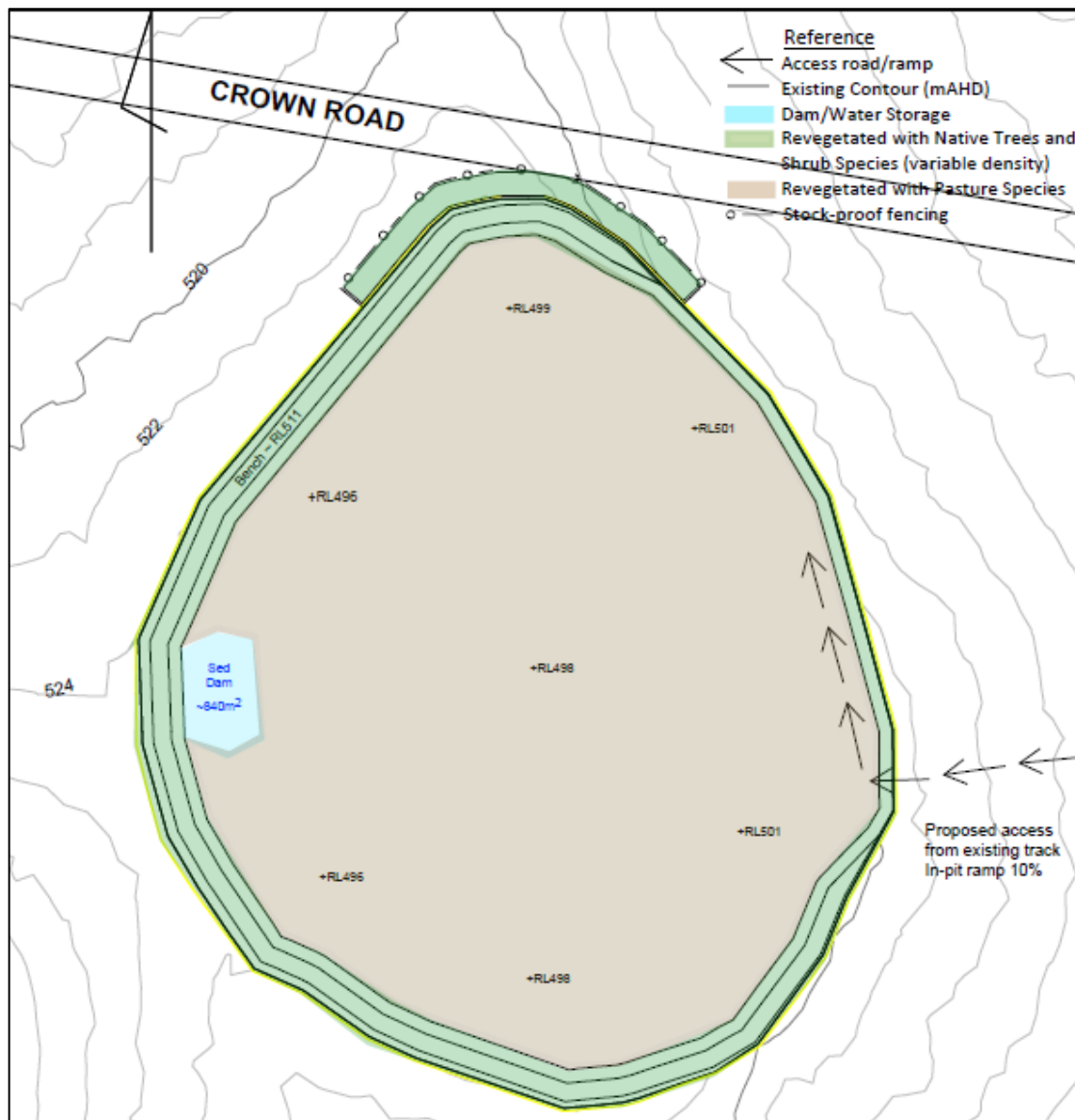


Figure 13 – Proposed Rehabilitation Plan

2.2 Background

A pre-lodgement meeting was held on 2 July 2024 where various issues were discussed. A summary of the key issues is outlined below:

- Ground water impacts
- Visual Impacts
- Setbacks and Landscaping
- Amenity Impacts and Operational Details
- Traffic
- Road Access
- Dust Management
- Cumulative Impacts from other REZ projects.

In addition to the above matters, a number of specialist report and supporting documentation were also sought.

The development application was lodged on 18 October 2024. A chronology of the development application since lodgement is outlined in **Table 2** below:

Table 2: Chronology of the DA

Date	Event
18 October 2024	DA Lodged
23 October 2024	DA referred to external agencies <ul style="list-style-type: none"> • Environmental Protection Authority • Transport for NSW • Crown Land • Essential Energy
30 October 2024	Exhibition of the application. <i>Note: The application was re-advertised to correct a misstep in the designated development exhibition requirements.</i>
1 November 2024	Essential Energy Comments received. No objection
21 November 2024	Request for Information – Transport for NSW.
16 January 2025	Public exhibition closes
21 January 2025	Request for Information – A de-identified copy of all objections was provided to the applicant with a request that they provide a response.
4 February 2025	EPA General Terms of Approval issued.
13 February 2025	Applicant provided ‘Response to Submissions’ document which responded to the objections received and provided a response to the Transport for NSW requirements.
18 February 2025	Panel briefing.
18 February 2025	Applicant submitted further information on street lighting for TfNSW.
18 February 2025	Amended documents referred to TfNSW
26 February 2025	Applicant submitted additional information on quarry setbacks in response to Panel briefing report.
13 March 2025	Site visit carried by Council staff visiting the following: <ul style="list-style-type: none"> • Development site and • Closest residence to the North <p>Note – TfNSW were invited to attend but they did not wish to partake</p>
25 March 2025	A letter response was provided by the EPA on Ground Water and a letter granting concurrence was provided by Transport for NSW.
4 April 2025	Request for further information seeking clarification on noise, biodiversity, amended site/building plans showing

	ancillary infrastructure, operational details, septic information, visual treatment and setbacks.
7 April 2025	Panel site visit with the Panel chair, Panel members, Council staff, the applicant and land owners.
22 April 2025	Further information provided by the applicant in response to Councils letter 4 April 2025.
12 May 2025	Additional comments from EPA were provided per Councils request on noise.

2.3 Site History

Lot 1 has no significant site history aside from previous applications for lot consolidation application and a boundary adjustment.

The site contains an existing borrow pit and an existing access road to the Castlereagh Highway. Anecdotally, it has been described that this borrow pit has been historically used, however there is no known approval for the borrow pit in Councils records. The access driveway cross over was constructed approximately in 2022, however there is also no Section 138 approval for these works.

3. STATUTORY CONSIDERATIONS

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

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

These matters are further considered below.

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

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

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

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

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Resources and Energy) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Mid-Western Local Environmental Plan 2012.*

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

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	Section 2.19(1) declares the proposal as regionally significant pursuant to Clause 7 of Schedule 6 as the proposed development is an extractive industry.	Y
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The proposal will involve quarrying over land and the removal of grasses and scattered trees which requires consideration under Chapter 4 – Koala Habitat Protection 2021 of the SEPP. The land is not mapped on the biodiversity values map, however the clearing threshold was exceeded and as such the applicant has submitted a Biodiversity Development Assessment Report (BDAR).	Y
State Environmental Planning Policy (Resilience and Hazards) 2021	<u>Chapter 4: Remediation of Land</u> Section 4.6 Contamination and remediation are to be considered in determining development applications. <u>Chapter 3 – Potentially hazardous or potentially offensive development</u> Chapter 3 requires the consent authority to consider whether an industrial proposal is a potentially hazardous industry or a potentially offensive industry.	Y

State Environmental Planning Policy (Resources and Energy) 2021	<p>The site is zoned as RU1 Primary Production. Extractive industries are listed as being permitted with consent in the zone.</p> <p>Chapter 2 requires consideration of a range of matters including:</p> <ul style="list-style-type: none"> • Compatibility with other land uses, • Natural resource management and environmental management, • Resource recovery, • Transport, and • Rehabilitation. <p>These matters have been considered in the EIS and supported by specialist reports. The assessment has concluded that potential impacts can be appropriately mitigated.</p>	Y
State Environmental Planning Policy (Primary Production) 2021	<p><u>Chapter 2: Primary Production and rural development</u></p> <ul style="list-style-type: none"> • Clause 2.8 State Significant Agricultural Land 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><u>Chapter 2: Infrastructure</u></p> <p>The application was referred to Essential Energy pursuant to Section 2.48 as the developments internal access track is located in proximity to existing electricity infrastructure.</p> <p>The application has also been considered under the following sections:</p> <ul style="list-style-type: none"> • Section 2.118(2) - Development with frontage to classified road. • Section 2.119(2) Impact of road noise or vibration on non-road development. • Section 2.121(4) - Traffic-generating development 	Y
Mid-Western Regional Local Environmental Plan 2012	<p><u>Clause 5.10 – Heritage</u></p> <p>The site contains 3 aboriginal heritage sites outside the quarry footprint.</p> <p><u>Section 6.1 – Salinity</u></p> <p>The proposal involves earthworks which is not expected to significantly affect the process of salinisation.</p> <p><u>Section 6.3 – Earthworks</u></p> <p>The excavation of material is being carried out with mitigation measures in place.</p> <p><u>Section 6.4 – Groundwater vulnerability</u></p> <p>The site is partially identified as groundwater vulnerable in accordance with Council's mapping. A Groundwater Assessment has been submitted and the EPA has been consulted for specialist advice.</p> <p><u>Section 6.5 – Terrestrial biodiversity</u></p> <p>The site is partially mapped as having moderate biodiversity sensitivity however this is outside the quarry footprint.</p>	Y

	<u>Section 6.9 - Essential Services</u> <ul style="list-style-type: none"> • All essential services that are relevant to the proposal are available or can be made available as a result of the development. 	
Mid-Western Regional Development Control Plan 2013	<u>Part 5.3 Stormwater Management</u> Councils Engineer has not raised concerns with the proposed method of drainage. Conditions are recommended. <u>5.1 Car Parking</u> Specific car parking rates are not provided under this Part for extractive industries and therefore car parking is assessed based on expected traffic generation. <u>Part 5.4 Environmental Controls</u> <ul style="list-style-type: none"> • Protection of Aboriginal Archaeological Items • Bushfire Management • Riparian and Drainage Line Environments • Pollution and Waste Management. • Threatened Species and Vegetation Management 	Y

Consideration of the relevant SEPPs is outlined below:

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

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 7 of Schedule 6 of the Planning Systems SEPP as the proposal is development for extractive industry that meet the requirements for designated development under the *Environmental Planning and Assessment Regulation 2021*, Schedule 3, clause 26.

The three triggers under clause 26 are listed below:

- (a) *that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
- (b) *that disturb or will disturb a total surface area of more than 2 hectares of land*
- (c) *that are located –*
 - (iv) *on land that slopes at more than 18 degrees to the horizontal.*

Accordingly, the Western Regional Planning Panel is the consent authority for the application. It shall be noted that the proposal is not State Significant Development as the rate of extraction is below 500,000 tonnes per annum threshold.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP 2021 aims to protect the biodiversity values of trees and other vegetation through proper conservation and management. The project results in the removal of grassland and scattered trees to facilitate the development which requires consideration under the SEPP.

Biodiversity Offset Scheme (BOS)

The land is not mapped on the biodiversity values map, however clearing threshold is exceeded which triggers consideration under the Biodiversity Offset Scheme (BOS). The applicant submitted a Biodiversity Development Assessment Report (BDAR) prepared by Bower Ecology which assesses the impacts of the

proposal on biodiversity and the proponent's offset obligations under the NSW Government's Biodiversity Offset Scheme.

The BDAR finds that there is a need for two (2) offset credits by Vegetation Zone 2 – PCT 277 (Blakelys Red Gum - Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion). The vegetation removal must be offset prior to commencement of the development by purchasing or retiring the correct number and type of species credits on the open market based on the like-for-like options. If the correct credits cannot be sourced, the proposal may offset by paying an amount directly to the Biodiversity Conservation Trust.

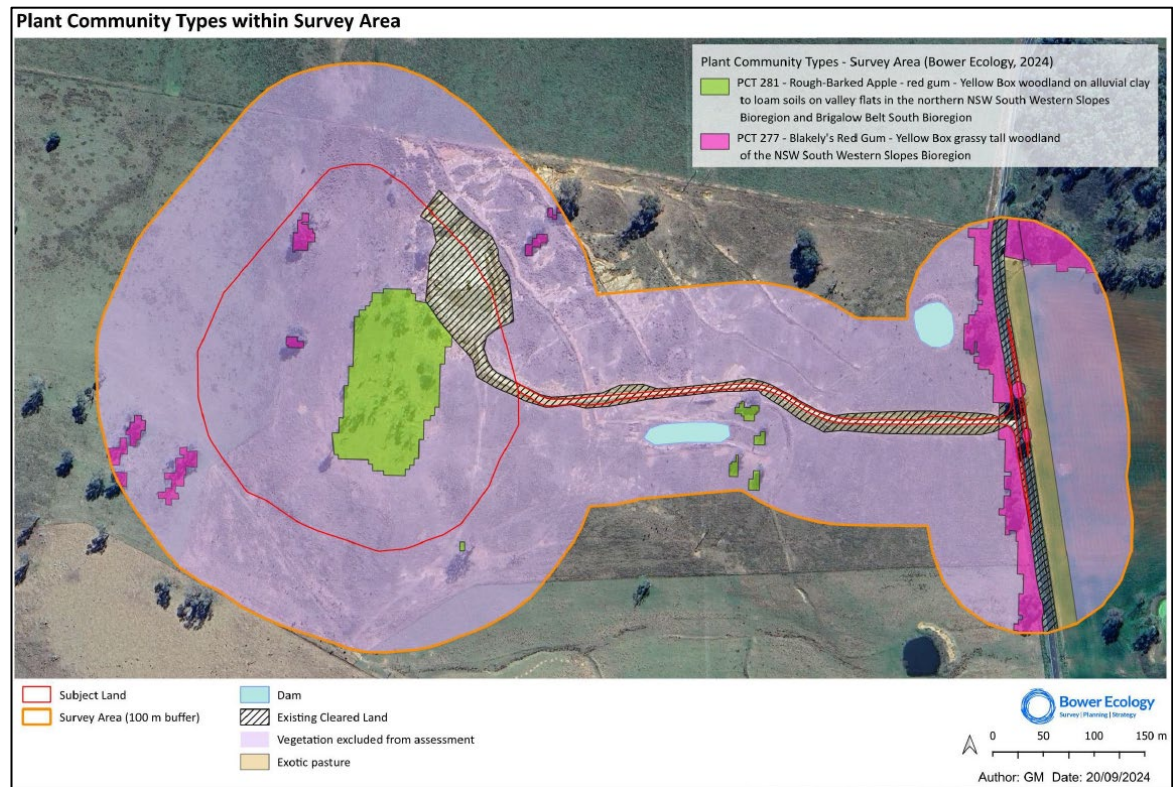


Figure 14 – Extract from BDAR report – PCT277 mapped.

Koala Habitat Protection

Further, Chapter 4 – Koala Habitat Protection 2021 of the SEPP applies to the site as it exceeds 1 hectare in size, is zoned RU1 – Primary Production, has no approved Koala Management Plan, and is located within the Mid-Western Regional Local Government Area to which the SEPP applies. The SEPP requires consideration as to whether the land, subject of the application, comprises potential or subsequently core koala habitat. An assessment of potential koala habitat on site was conducted in accordance with Chapter 4 and has been discussed in the BDAR.

The assessment finds that the proposed quarry development will not have any impact as the site does not contain 'potential koala habitat' or 'core koala habitat' under the SEPP. Based on the site investigations by Bower Ecology, the site does not contain any feed tree species as listed in Schedule 1 of the SEPP. The subject land did however, contain some 'koala use trees' (e.g. *Eucalyptus blakelyi* and *Eucalyptus albens*), however, the report stated that due to highly fragmented nature of suitable habitat, the species is considered unlikely to rely on the habitat within the subject land. In addition, the investigation included survey work via habitat assessment, ground searches, spotlighting and camera trapping with no sightings observed. In this regard, the assessment concluded that the site is not considered to be core koala habitat.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared by Ballpark Environmental. The report states that based on the past and present land-uses there is a low-level risk for contamination that does not warrant site remediation.

The assessment included a desktop site history review and site walk over. The investigation found that the site is predominately being used for agricultural purposes with minimal disturbance. Part of the site is also being used as a quarry borrow pit, and historical imagery suggests it may have sporadically been used for this purpose in the past. The assessment states that the current borrow pit may have potential contamination from the servicing and maintenance of machinery and equipment, collection and disposal of waste oils, spills and potentially poor handling of waste products which may contribute to soil contamination and potential contamination from poor waste disposal practices, including on site disposal of inert waste, i.e., scrap metal. It was however noted that should there be potential contamination, it presents a low-level risk. The consultant has recommended conditions of consent regarding inert waste material and an unexpected finds protocol to appropriately manage future disturbance of the site.

The assessment concludes the site poses an acceptable low level of risk for contamination and that the site is suitable for the proposed quarry, in satisfaction of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

Chapter 3 – Potentially hazardous or potentially offensive development

In accordance with State Environmental Planning Policy (resilience and Hazard) 2021, Chapter 3 – Potentially hazardous or potentially offensive development, Council must consider whether a development is a potentially hazardous or offensive development. This policy aims to ensure that the approval of any development is based on its safety standards and pollution control measures.

Extractive industries, by the nature of their operations, may be classified as hazardous or offensive developments. A development is considered a potentially hazardous industry where it involves the storage or handling of dangerous goods in quantities that exceed specified thresholds, or where the proximity of such materials to the site boundary presents a risk to surrounding land uses. Where the quantities of dangerous goods are below the relevant thresholds, it is generally considered that the risk of significant off-site impacts is low, and the development is not classified as a 'potentially hazardous industry'.

Small quantities of hazardous materials are likely to be held or used onsite during operations. The applicant has advised that these will be restricted to diesel fuel and hydrocarbon products only. Any fuel storage will be self-bunded and in full conformance to the Australian Standard AS1940-2017. The proposed development does not propose storage of any explosives onsite. A suitably qualified blasting contractor would bring explosives to site as required and all blasting and processing of quarry products is to be undertaken in accordance with EPA blasting criteria.

A condition of consent is recommended that such materials be stored, handled and transported in accordance with the relevant Australian Standards, particularly AS 1940 and AS 1596, and the Dangerous Goods Code. It is considered that the development is not a 'potentially hazardous' industry requiring a preliminary hazard analysis to be provided to support the application.

The proposed operations will require an Environment Protection Licence (EPL) as extractive industries are listed in Schedule 1 of the POEO Act and as such the development is considered to be 'potentially offensive development'. However, it is recognised that if an EPL can be obtained for a development, the development is not considered to be an 'offensive industry'. The EPA has reviewed the application and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. Therefore, the proposed operations are not an offensive industry and further consideration under Chapter 3 is not required.

Overall, the proposed use is not considered to be a potentially hazardous or offensive industry. It is considered that appropriate site management controls would be implemented to mitigate risks.

State Environmental Planning Policy (Resources and Energy) 2021

The SEPP recognises the importance of mining, petroleum production and extractive industries to NSW and aims to provide for the proper management and the orderly development of land containing minerals, petroleum products and extractive materials.

Chapter 2 Mining, petroleum production and extractive industries

Chapter 2, Part 2.3 of the Resources and Energy SEPP 2021 outlines the matters for consideration prior to determining an application for an extractive industry, as follows:

Section 2.17 Compatibility of proposed extractive industry with other land uses.

The existing surrounding land uses are generally limited to rural industries, predominately grazing and cropping. Located approximately 3.5km to the south of the development site on the western side of the highway is a Magnetite Mine which has been operational for some time.

It is acknowledged that there are a number of residences located nearby to the proposed quarry site with the closest sensitive receiver being located 788m to the north. Environmental assessment through the EIS included modelling of noise, blasting, traffic and dust impacts on nearby receptors. The modelling determined that the quarry could operate in accordance with the required industry standards. The EPA have issued their General Terms of Approval with recommended conditions to ensure mitigation measures are imposed and compliance is achieved with the relevant standards.

The proposed construction methodology of the quarry development has been undertaken in a manner so as to reduce exposure to sensitive receivers as much as practicably possible. It involves commencement of quarrying from the southern side to provide an element of shielding to neighbouring properties as well as quarrying at depth. The construction will then continue in a clockwise direction. Stage 2 does involve partial exposure to northern residences to remove the knoll. Landscape screening with the use of trees and dense shrubs has been required to soften views toward the quarry.

The applicant contends that the development is generally acceptable as it has integrated mitigation measures to manage the impacts of the quarry to an acceptable level. The development is a permissible form of development, and compliance with industry standards has been demonstrated and all impacts can be managed through conditions of consent.

Section 2.20 Natural resource management and environmental management.

The EIS has identified and provided justification that the proposed development is generally able to be carried out in an environmentally responsible manner with mitigation measures put in place. This is supported by specialist reports including an air quality assessment, BDAR report, and ground water assessment which demonstrate the development can achieve industry standards. The applicant has committed to ensuring there is sufficient water available for quarrying operations, sediment and erosion control and dust suppression. It is important to note that there is no intention to pump water from nearby watercourses.

The EPA has further undertaken a thorough assessment of air quality, ground water, surface water management and has issued their general terms of approval. It is noted that specialist advice was also sought from the EPA on ground water due to the depth of quarrying proposed, and complexity of technical assessments/reports. The advice provided was that the quarry was unlikely to pose a significant risk to local or regional ground water quality should the development be approved.

Assessment of greenhouse gas emissions associated with the construction and operation of the proposal was also undertaken as part of the EIS. Greenhouse gas emissions will be limited to the emissions from fuel consumption of plant equipment and vehicles, as well as from vegetation removal. The applicant has stated that the primary purpose of the quarry is to support nearby renewable energy projects. The quarry is located in close proximity to approved and proposed REZ projects, resulting in short haul distances for quarry truck traffic and minimisation of greenhouse gases. On balance, it is considered that there will be no significant impact with regard to greenhouse gas emissions.

Section 2.21 Resource Recovery

Waste will be generated as part of the site preparation works and during operations from the office building. This is able to be managed through conditions of consent. The applicant advises that due to the volume and number of renewable projects in the area, the extracted material will be heavily utilised and optimised across a variety of projects. The proposal has been described as generating minimal waste rock due to the quality of the rock available. However, any remaining overburden and topsoil material can be retained on-site and repurposes as part of the rehabilitation process.

Section 2.22 Transport

The application proposes the transportation of quarry product via the internal quarry haul route back to the Castlereagh Highway. From there, quarry product will be transported to nearby renewable energy projects resulting in short haul distances for quarry truck traffic.

The capacity of Castlereagh Highway has been assessed as being capable to accommodate the increase by Transport for NSW and Council's Development Engineers. There is no viable alternative to remove the extractive material from the site other than via truck haulage.

- *Transport for NSW Concurrence*

The application was referred to Transport for NSW (TfNSW) under clause 2.22 of the SEPP for concurrence, as well as under S138(2) of the Roads Act 1993. A Traffic Impact Assessment prepared by Streetwise was submitted as part of the development application. In this report Streetwise concluded that the intersection of the quarry access road to the highway is to be upgraded to a Type Basic Right-turn (BAR) / Basic left-turn (BAL) intersection layout in order to accommodate existing and future traffic flows. Streetwise also recommend the sealing of shoulders, having regard to the number of heavy vehicles predicted to use the highway and the quarry.

This was however not accepted by Transport for NSW with concerns raised that this treatment was insufficient when considering the increased heavy vehicle movements and sight distance non-compliance. Further treatment was recommended. In response, the applicant submitted a concept plan which amended the design to be a Channelised Right-Turn (CHR) treatment at the intersection of the quarry access road and the highway (See **Figure 15**). This amended design was supported by Transport for NSW subject to a number of conditions. A Section 138 is to be obtained from Transport for NSW prior to the commencement of work.

The applicant has sought to commence quarrying prior to the construction of the intersection, but only to enable suitable material won from the quarry to be used in the construction of this intersection upgrade and the internal access route from the Castlereagh Highway back to the quarry. This is considered reasonable, and conditions will clearly stipulate that this will only be permitted provided quarry material is not sold and distributed to off-site sources.

In this regard, the proposed development is not considered to have an unacceptable impact to the safety, efficiency and ongoing operation of the classified road.

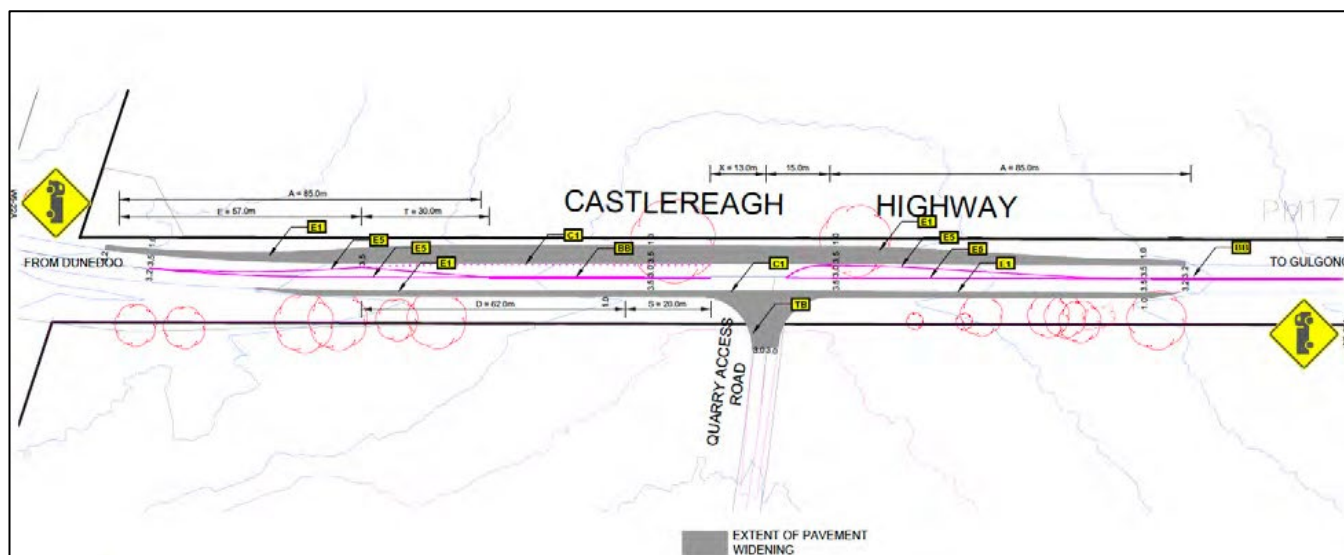


Figure 15 – Channelised Right-turn (CHR) treatment intersection layout (Streetwise)

Section 2.23 Rehabilitation

EIS has provided a plan for the gradual rehabilitation of the land over a two-year period following the life of the quarry. This is able to be managed through conditions of consent.

State Environmental Planning Policy (Primary Production) 2021

Chapter 2 – Primary Production and Rural Development

The proposal is for the purpose of a quarry on land zoned RU1 – Primary Production. The proposed development is generally consistent with the broad aims of the policy. The land is currently used for light grazing due to its topography and rock outcrop which has limited native vegetation. The application is supported by an Agronomist Report by Yellow Ag, which states that the quarry site is not conducive to high output agricultural production, and it is only really appropriate for grazing and supporting tree coverage. In this regard, the site is not considered to represent land of high agricultural worth, especially when in contrast to highly productive agricultural land that can be found on less elevated areas or pastures near waterways. The proponent has committed to operate with stabilised measures in place to contain the quarry works within the subject lot so as not to impact on adjoining agricultural activities.

The proposal has an estimated life span of 25-30 years, after which it is proposed to be rehabilitated. At that time, the land can be made suitable for some future primary production activities.

Clause 2.8 State Significant Agricultural Land

In section 2.8 of the SEPP, it is established that land is deemed State significant agricultural land if it is listed in Schedule 1. Council staff are satisfied that the site of the development does not constitute State significant agricultural land. The proposal is considered to be consistent with the aims of SEPP (Primary Production) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48 - Determination of development applications—other development

The Transport and Infrastructure SEPP seeks to protect and facilitate appropriate infrastructure. Clause 2.48 of SEPP requires consideration of electricity supply requirements, where the development is in close proximity to electricity infrastructure. The application was referred to Essential Energy pursuant to Section 2.48 as the internal access track is located nearby to overhead powerlines and power poles. The EIS

stated that the internal access track will need to be moved 2m further away from the power lines to accommodate the relevant clearances to Essential Energy infrastructure. Essential Energy responded advising that they have no safety concerns. Advisory comments only were provided.

The application has also been considered with respect to the following sections:

Section 2.118(2) - Development with frontage to classified road.

The project site is located with frontage and direct access to the Castlereagh Highway which is State Classified Road. It is a 2-way line marked and sealed road with a speed limit of 100 km/h in the vicinity of the site. In this regard, the consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied the development will not adversely affect the safety, efficiency and ongoing operation of the classified road.

A Traffic Impact Assessment prepared by Streetwise was submitted as part of the development application proposing a Type Basic Right-turn (BAR) / Basic left-turn (BAL) intersection layout. This was referred to Transport for NSW under the provisions of the *Roads Act 1993* and the *State Environmental Planning Policy (Resources and Energy) 2021*. The proposed design featuring a BAL/BAR intersection treatment was not supported by Transport for NSW and further treatment to the intersection was requested.

In response the applicant has prepared a concept plan for a Channelised Right-turn (CHR) treatment at the intersection of the quarry access road and the highway. This amended design was supported by Transport for NSW. In this regard, the proposed development is not considered to have an unacceptable impact to the safety, efficiency and ongoing operation of the classified road as this has been appropriately considered and supported by Transport for NSW and Councils Engineering Department.

Section 2.119(2) Impact of road noise or vibration on non-road development.

The Castlereagh highway does not generate in excess of 20,000 vehicles. The land use proposed is also not specified under this section.

Section 2.121(4) - Traffic-generating development

Extractive Industries are not listed as traffic generating development under the Schedule 3 of the SEPP.

Mid-Western Local Environmental Plan 2012.

The relevant local environmental plan applying to the site is the *Mid-Western Regional Local Environmental Plan 2012* ('the LEP'). The objectives of the plan are listed below. The proposal is generally consistent with the aims of this plan.

- (aa) *to protect and promote the use and development of land for arts and cultural activity including music and other performance arts,*
- (b) *to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,*
- (c) *to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—*
 - (i) *land of significance to agricultural production, and*
 - (ii) *soil, water, minerals and other natural resources, and*
 - (iii) *native plants and animals, and*
 - (iv) *places and buildings of heritage significance, and*
 - (v) *scenic values,*
- (d) *to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,*
- (e) *to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,*
- (f) *to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—*

- (i) managing the urban and rural interface, and
- (ii) preserving land that has been identified for future long- term urban development, and
- (iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and
- (iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,
- (g) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,
- (h) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape.

Zoning and Permissibility

The site is located wholly within the RU1 – Primary Production Zone pursuant to Clause 2.2 of the LEP (Figure 16)

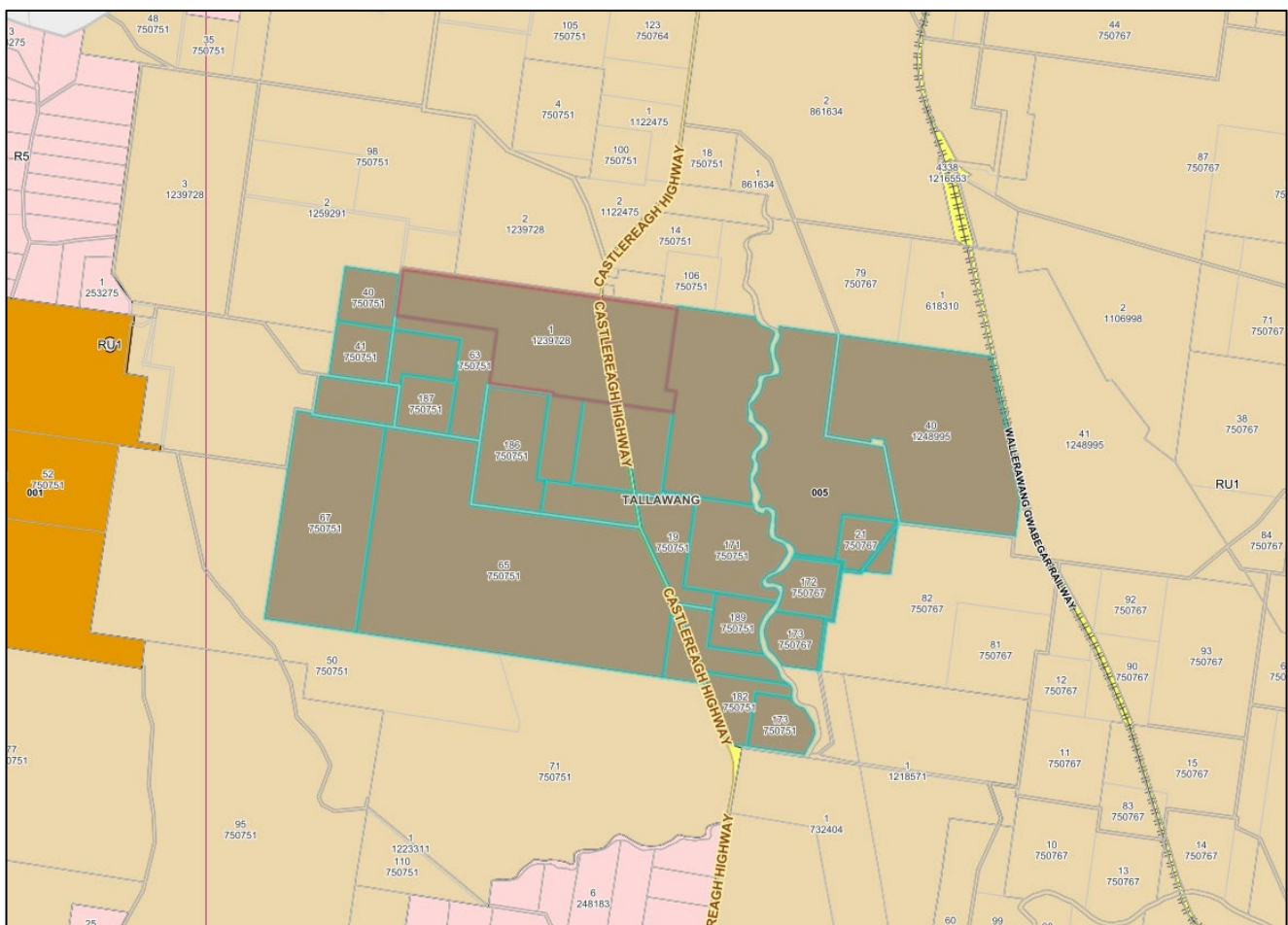


Figure 16 – Exert from Zoning Map (Councils Mapping)

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

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

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

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.
- To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses

The proposal is considered to be generally consistent with these zone objectives for the following reasons:

- It does not impede sustainable primary production within the remainder of the property holding or neighbouring properties.
- It provides diversity in permissible primary industry enterprises on the site.
- It does not cause fragmentation or alienation of resource lands.
- It incorporates mitigation measures to minimise visual impacts.
- Specialist report have been provided which demonstrate impacts can be reduced to an acceptable level.
- It does not increase demand for public services or public facilities.

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

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Clause 5.10 Heritage	This clause requires consideration of heritage items or works in a heritage conservation area that is identified under the Mid-Western Regional LEP 2012 and any Aboriginal heritage items.	<p>The property does not contain any heritage items listed in the NSW State Heritage Inventory. The site further is not located within a heritage conservation area or contain any items listed under Schedule 5 of the Mid Western Regional LEP.</p> <p>However, a search of the Aboriginal Heritage Information Management System (AHIMS) found 3 aboriginal sites.</p> <p>A site survey undertaken by OzArk with Aboriginal representatives identified that three Aboriginal archaeological sites were found located on Lot 1 outside of the proposed quarry footprint and outside lands forming part of the internal access route linking the quarry to the highway.</p> <p>To ensure the aboriginal sites are not disturbed the report recommends that</p>	Y

		appropriate measures be put in place to ensure no damage is done to these sites during construction including a copy of the location provided to contractors and fencing established during the life of the quarry. In conclusion, Council is advised that there is a low likelihood that the proposed work will harm the Aboriginal cultural heritage items or sites, provided the management measures recommended are adhered to. Conditions of consent are recommended.	
Clause 6.1 Salinity	Clause 6.1 requires the consent authority to consider whether the development is likely to have any adverse impact on salinity processes on the land or whether salinity is likely to have an impact on the development and what kind of mitigation measures will be in place.	The site has a low potential for salinity, based on regional soil landscape mapping. The proposed quarry development will not contribute to salinity. In this regard, the earthworks to be undertaken are not expected to significantly affect the process of salinisation.	Y
Clause 6.3 Earthworks	Earthworks must not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Before granting development consent, the consent authority must consider likely impacts and appropriate measures to mitigate against any impacts.	<p>Being an extractive industry, earthworks are an inherent part of the operation. The quarry footprint is 7.34ha and the total resource size is about 4.6 million tonnes.</p> <p>The extent of earthworks has been documented in the EIS, including details of land disturbance, topsoil removal, roadworks and extraction volumes, including removal of the knoll and quarrying at depth. The majority of excavation works will be undertaken within the quarry void itself.</p> <p>The impact of the proposed extraction works on drainage pattern, aboriginal relics and future use of the site has been taken into account. Runoff from disturbed areas will generally be contained within the void. Conditions of consent are recommended for environmental management, a plan of management, water management conditions and soil and erosion control measures to ensure the site is correctly managed.</p>	Y

Section 6.4 – Groundwater vulnerability	Clause 6.4 requires the consent authority to consider the likelihood of groundwater contamination from the development and any adverse impacts the development may have on groundwater, cumulative impacts and any mitigation measures	<p>The site is partially identified as groundwater vulnerable in accordance with Council's mapping. However, only a small part of the proposed quarry extraction area falls within this mapped area. A Groundwater Assessment with water table data has been submitted with the application which indicates that groundwater is unlikely to be intercepted as a result of the quarry and its operations. The EPA were also extensively consulted on groundwater and advised that the development was unlikely to pose a significant risk to local or regional ground water as a result of the development and quarrying activities were unlikely to result in substantial interactions with underlying groundwater systems.</p> <p>Conditions are recommended requiring an environmental management plan, ground water monitoring as well as other recommended conditions aimed at avoiding any groundwater impacts.</p>	Y
Section 6.5 – Terrestrial biodiversity	Development within the terrestrial biodiversity area must consider any adverse impact on the condition, ecological value and significance of flora and fauna. Consent must not be granted unless the development is designed and sited to avoid any significant adverse environmental impacts.	The site is partially mapped as having moderate biodiversity sensitivity however this is outside the quarry footprint. Notwithstanding this, a Biodiversity Assessment Report has been submitted with the application which addresses all vegetation removal and credits that apply.	Y
Section 6.9 - Essential Services	<p>Essential services for the proposed development must be available or adequate arrangements in place to make them available when required, including —</p> <ul style="list-style-type: none"> - the supply of water, - the supply of electricity, - the disposal and management of sewage, 	<p>Water – On-site basin is proposed and tanks to cater to the quarry water needs. Potable water will be delivered to site via road truck and stored on site in one or more tanks, supplementing roof water.</p> <p>Electricity – It is proposed that power to the buildings will be by solar panels, with all other quarry plant and equipment to be powered by diesel fuel.</p>	Y

	<ul style="list-style-type: none"> - stormwater management, - suitable road access. 	<p>Sewage – The EIS states that there will be a small demountable site office including staff amenities (kitchen, toilets, training room). A condition is recommended for S68 approval to be obtained for any on-site waste.</p> <p>Stormwater – Stormwater runoff from quarrying activities proposed to be captured and contained within the quarry footprint. Stormwater around the quarry footprint will be contained with sediment and erosion controls in place.</p> <p>Access – The site access to the Castlereagh Highway is required to be upgraded to a channelised intersection treatment. The site access way is proposed to be partially sealed for the first 100m to provide a stable trafficable surface and to minimise dirt being tracked.</p>	
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The proposal is considered to be generally consistent with the LEP.

Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

No draft environmental planning instruments apply to the land to which the Development Application relates.

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

The following Development Control Plan is relevant to this application:

- *Mid-Western Regional Development Control Plan 2013 (The DCP)*

The applicable DCP provisions are listed below:

Part 5.3 Stormwater Management

Councils Engineer has not raised concerns with the proposed method of drainage which includes management of runoff around the quarry as well as the collection and storage of runoff within a sediment basin sump within the disturbed quarry. Conditions are recommended including the requirement for a soil and water management strategy.

5.1 Car Parking

Specific car parking rates are not provided under this Part for extractive industries and therefore car parking is assessed based on expected traffic generation. The number of on-site staff is expected to be 4. Parking is to be provided adjacent to the office and amenities building. Conditions have been imposed to ensure these spaces be provided and that they are maintained.

Part 5.4 Environmental Controls

- Protection of Aboriginal Archaeological Items

An Aboriginal Cultural Heritage Assessment Report was submitted with the application which discussed three Aboriginal sites which have been labelled below in **Figure 17** as Tallawang IF1, Tallawang IF2, and Tallawang IF3. A field survey was undertaken an OzArk Archaeologist with the assistance of a representative of the Mudgee Local Aboriginal Land Council. The newly recorded sites are isolated finds consisting of unmodified flakes (quartz and mudstone flake) which are considered to be displaced artefacts. No intangible Aboriginal cultural values specific to the study area have been identified through consultation with the Aboriginal community. The location of the three sites are outside the proposed quarry area of disturbance, albeit nearby. The report recommends that appropriate measures be put in place to ensure no damage is done to these sites throughout the life of the quarry including a requirement that a copy of the location be provided to contractors and fencing be established during the life of the quarry. In conclusion, Council is advised that there is a low likelihood that the proposed work will harm the Aboriginal cultural heritage items or sites, provided the management measures recommended are adhered to. In this regard, No Aboriginal Heritage Impact Permit (AHIP) is considered necessary, and conditions of consent are recommended.

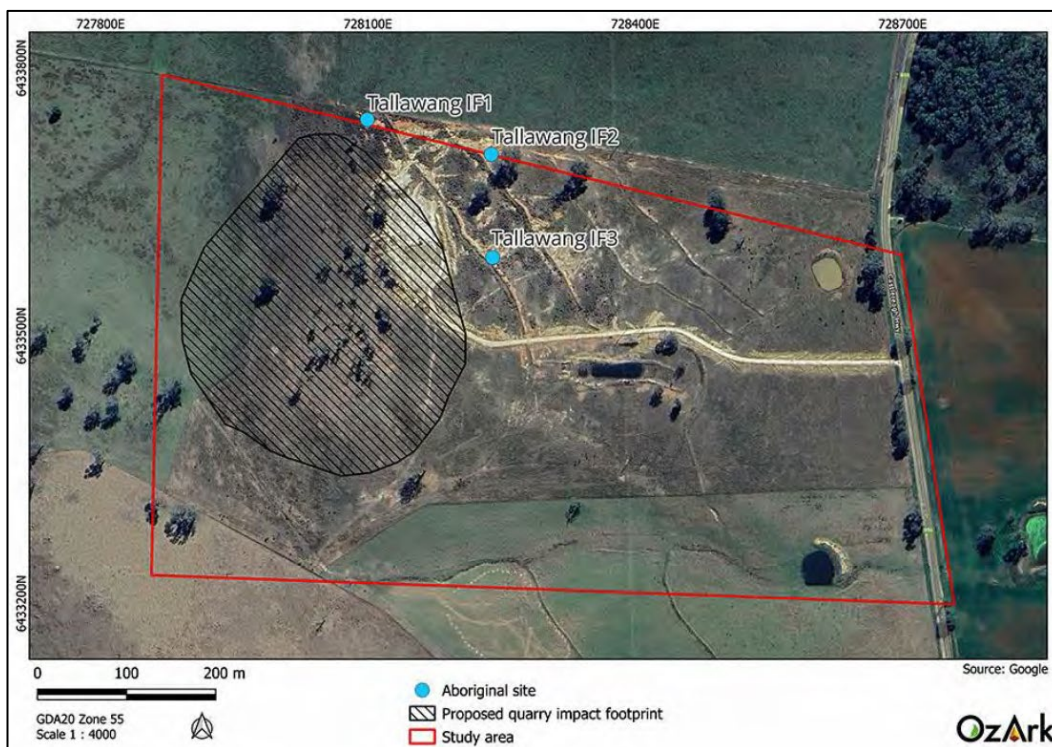


Figure 17 – Extract showing heritage sites (OzArk)

- Bushfire Management

The subject site is not mapped as bushfire prone land and as such the project is not likely to alter the bushfire risk of the proposed quarry site.

- Riparian and Drainage Line Environments

All drainage within the quarry shall be directed to an onsite sediment basin within the quarry floor. A mapped natural drainage line has been identified in the EIS. However, it is not characterised as a 'watercourse', but rather a small depression due to the absence of a defined channel and bank. No referral under the Water Management Act 2000 was considered necessary.

- Pollution and Waste Management

The EIS has identified that only minor waste is expected to be generated from the office/amenities and machinery. Due to the quality of the rock material, it is not anticipated that there will be a lot of waste rock material. Any material not utilised can be set aside and re-purposed as part of the rehabilitation stage. Sufficient measures to manage pollution and waste management may be included as conditions of consent.

- **Threatened Species and Vegetation Management**

A Biodiversity Development Assessment Report was provided with the application. The report assessed the vegetation to be removed for the proposed quarry footprint. Credits are recommended to offset the vegetation removal. It was concluded there will be a moderate impact but it would not result in irreversible ecological impacts.

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

- *Mid-Western Regional Contributions Plan 2019*

The Plan enables Council to levy development contributions under Section 7.11 where the anticipated development, will or is likely to, generate additional heavy haulage vehicle movements, such as from extractive industries. Monies collected will fund road maintenance and rehabilitation works within the nominated haulage distance of the development. It is accepted practice to levy development contributions based directly upon the number and weight of laden truck movements, which contribute to the damage to road surfaces and the need to upgrade roads.

A condition has been imposed accordingly which requires payment to Council a levy of \$0.66 per tonne of resource removed from the site, paid quarterly, in accordance with the Plan.

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

There have been no planning agreements entered into.

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

There are no relevant clauses under the EP&A Regulation 2021 that apply to the proposed development.

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

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

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

- **Context, setting and visual impact**

The proposal is considered to be generally consistent with the context of the site which is located in a rural area where extractive industries are permitted with consent in the zone. The site is relatively unconstrained as it is not bushfire affected or flood prone. It requires minimal vegetation removal and can operate without impacting Aboriginal Heritage sites. The site however requires access via a state classified road which requires substantial upgrade and is located nearby to residential dwellings. The applicant has submitted a number of specialist reports which have demonstrated that the proposal is capable of operating within industry standards and because of this, is not considered to result in unacceptable impacts.

Visual impact was raised by Council staff as a key concern at pre-lodgement stage (and was raised in the submissions), noting the quarry proximity to the Castlereagh Highway and sensitive receivers. A visual impact assessment was not provided; however the applicant did discuss visual impact as part of the EIS. The applicant has cited in their assessment that no visual impacts from the quarry are likely because of the following:

- The construction method will utilise the existing knoll as a topographic barrier that will conceal operations from view until sufficient depth is achieved.
- The knoll will slowly reduce over the life of the quarry.

This position is not concurred with by Council staff and further information was sought. While it is acknowledged that the construction methodology utilising the existing topography as a shield, commencing to the south is considered the best approach, the development will result in a substantial change to the rural landscape with moderate impacts anticipated. Other visual impacts include vehicle movements to and from the quarry and Stage 2 works involving the gradual removal of the elevated knoll to the north. This is expected to result in partial exposure of the quarrying activities.

To address this concern the applicant has proposed a 10m wide landscape screening buffer around the northern side of the quarry, in order to soften views of the quarry site. This will provide visual screening when viewed from the closest residences to the north (**Figure 18 and 19**).

A condition of consent will require a detailed landscape plan is to be submitted and endorsed by Council prior to the commencement of works and that all plantings be undertaken prior to the commencement of work. This condition will specify that:

- both native trees (at least 10m maturity) and dense shrubs beneath are to be planted. This will ensure there is both ground level screening as well as large trees for higher level screening.
- The plantings are to be semi-mature at the time of planting.
- The proposed quarry benching to the north is not to impact on or damage the root system from trees planted within the 10m wide landscape buffer.
- Maintenance details are to be provided
- landscaping is to remain for the life of the development, and should any species die or be damaged they are to be replaced.

Note – Following receipt of submissions, it was suggested to the applicant that the buffer between the Crown Road and quarry be adjusted to ensure there are no adverse impacts to adjoining land and to allow sufficient visual mitigation measures to be incorporated into the development. It was anticipated that additional plantings and increased setbacks could be incorporated. The applicant did not increase the setbacks, arguing that the visual impacts are sufficiently mitigated by the inclusion of a 10m landscape screen. While the current proposal represents a bare minimum level of visual mitigation, it is considered acceptable in the context of the broader site constraints and landscape character.

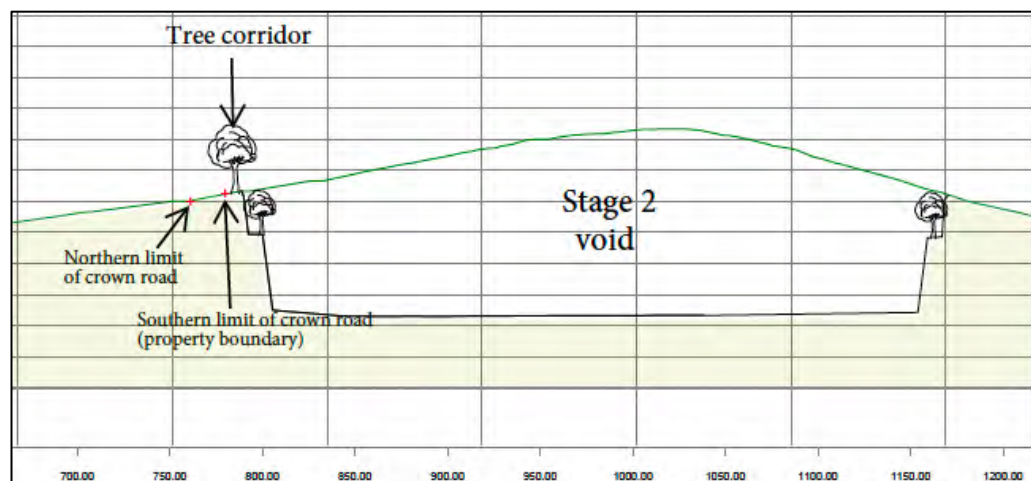


Figure 19 – Landscape screening section view

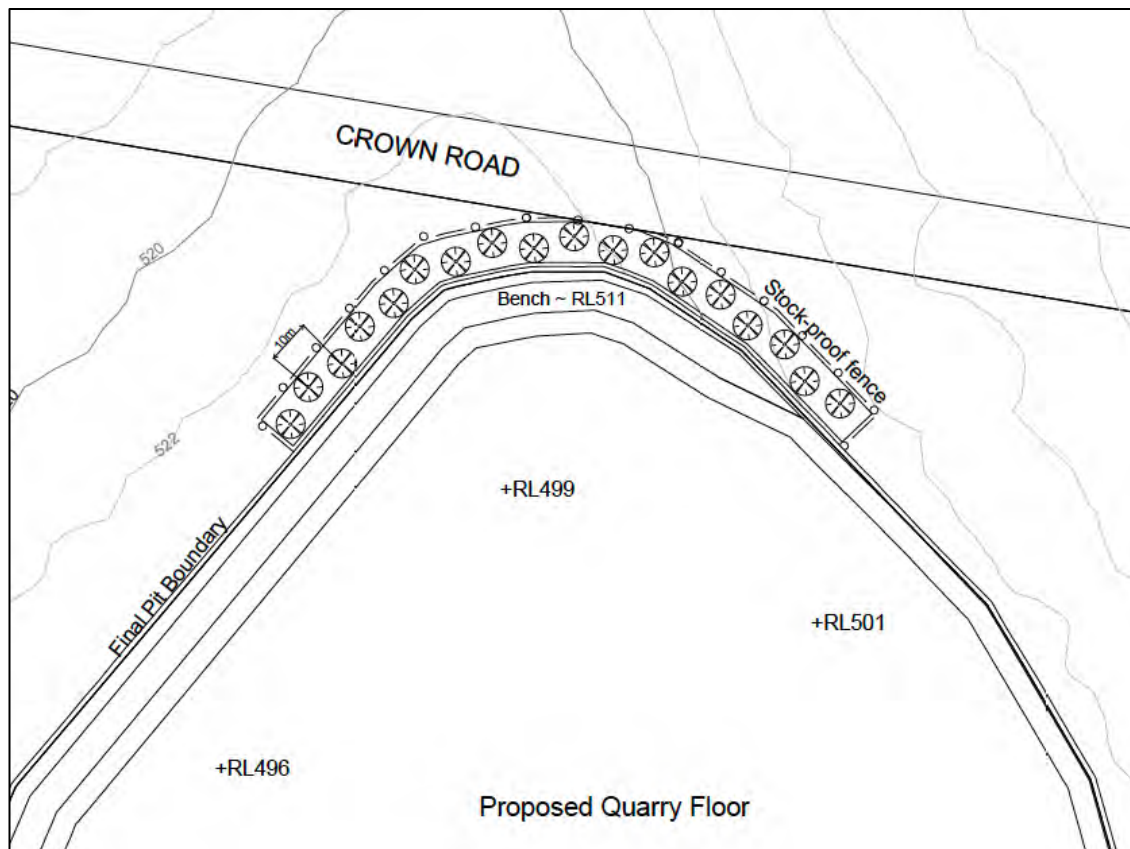


Figure 18 – Proposed Landscape Buffer

- **Access, traffic and parking**

The quarry is located on rural land with access proposed to the Castlereagh highway which is a state classified road. The application was supported by a Traffic Impact Assessment prepared by Streetwise which detailed the use of the site by a mix of truck and dog combination (33 tonnes +), with larger and smaller trucks used where road weight limits may apply. It was anticipated that the quarry will generate an average of 35 loaded trucks per day, with a maximum 60 loaded quarry trucks per day. The maximum size of vehicle entering the site is limited to 20m per the intersection modelling provided. The applicant advises that short haulages distances are anticipated as the project will predominately service the various CWO-REZ projects.

The application was referred to Transport for NSW for concurrence. The original design was not supported with concerns over the reduced Safe Sight Intersection Distance (SSID) and truck movements accessing a high-speed road environment. It was requested that the applicant provide an amended design with a Channelised Right Turn (CHR) intersection treatment. This was provided and TfNSW issued their concurrence subject to conditions of consent.

The application was also referred to Councils Development Engineer who raised no objection to the proposal.

- **Heritage – Aboriginal Cultural Heritage and Historic Heritage Significance**

The subject site contains three Aboriginal heritage sites which are outside the quarry footprint, albeit they are in close proximity to quarry activities. An Aboriginal Cultural Heritage Assessment Report has been prepared by OzArk which undertook a study of these sites. To ensure no damage occurs to these sites, a condition has been recommended to ensure that each site be fenced for the life of the quarry and that the

location of each site be provided to staff/contractors. An unexpected finds contingency condition is also recommended.

- **Noise and vibration**

A noise and vibration assessment was prepared by Vipac Engineers and Scientists. The report has considered the existing noise environment and considered the closest noise sensitive receptors. Modelling has been prepared for predicted and worst-case scenarios which indicates the quarry is capable of complying with EPA's *Noise Policy for Industry*. The proposed quarry will generate noise from extraction and processing activities, including truck and equipment movements and from hard rock blasting.

The initial stage of works is to be confined to the southern part of the quarry which will act as a topographic buffer for noise generated by the quarry. This working face of the quarry will provide an acoustic shield to reduce noise impacts to northern residences while eventually achieving suitable depth of quarrying.

It is acknowledged that there will be noise from activities carried out within the quarry and from quarry truck traffic travelling to and from the quarry pit back to the highway. This is expected to be periodically audible, but at a level within EPA noise criteria.

The application proposes design mitigation and monitoring measures to ensure noise generated is within acceptable levels during the operation of the Project. The EPA issued their General Terms of Approval and were also consulted for specialist advice and clarification on some of the noise modelling. The EPA advised that they were satisfied with the noise assessment which demonstrated compliance with the criteria. They recommended a number of conditions including hours of operation which are limited to 7am to 6pm Monday to Friday and 8am to 1pm on Saturday as well conditions around noise under specific meteorological conditions.

The Noise Impact Assessment has also considered blasting vibration and air blast pressure. The EPA have blasting standards which set a limit on the maximum vibration and air blast pressure permitted so as not to have an adverse impact on adjoining residences. The noise assessment indicated that air blast overpressure should not exceed 120 dBL (Lin Peak) at any time and that vibration should not exceed 10mm/s peak particle velocity (PPV) at any time which is within the EPAs principal standards. The proposed blasting shall only occur once harder rock is encountered. All blasting work will be done by a licenced blasting contractor who will be responsible for ensuring that all blasting protocols are complied with. The EPA have issued their General Terms of Approval which require monitoring of all future blasting operations at any licenced quarry, to ensure compliance is achieved at the closest receptors. Further the terms issued stipulate blasting is only to occur within restricted hours between 9 to 3pm Monday to Friday. These EPA conditions will form part of any EPA licence granted.

Provided the minimum EPA criteria is achieved, structural building damage is not likely to occur. The applicant has advised that they are willing to accept a condition requiring a dilapidation assessment if requested by a neighbour within 1km of the site. They have suggested a condition which states that if an adjoining landowner within 1km submits a written request within 2 months from the issue of the consent then the applicant shall engage a suitably qualified third-party professional to undertake a property inspection to establish baseline conditions. If buildings become damaged from blasting and this is confirmed by a property investigation then the applicant shall be obligated to repair the damage. This is considered a reasonable approach and the suggested condition has been adopted.

- **Land resources**

The proposal will alter the topography and soil resource as a result of the extractive industry. The proposal has been considered having regard to agricultural land-use, including site specific soil classification and management, impacts on adjoining agricultural lands, site rehabilitation and biodiversity management.

The proposed quarry, being located on land with shallow to very shallow, stony soils, has been assessed on the rural land capability system as comprising Class 5-6, namely land with a low rural land capability,

with the steeper, eastern face of the knoll comprising Class 7 land. This indicates that there are limitations to agriculture. The application is supported by an Agronomist Report by Yellow Ag, which states that the quarry site is not conducive to high output agricultural production.

The development will be required to operate with stabilised measures in place to contain the quarry works within the subject lot so as not to impact on adjoining agricultural activities. Appropriate mitigation measures are proposed in the EIS to manage the potential land resource impacts, including an Environmental Management Plan, Stormwater management measures, Erosion and Sediment Control Plan and Rehabilitation Plan.

- **Soil and Water impacts - Ground Water and Surface Water**

The majority of the quarry footprint is not identified as being Groundwater Vulnerable on Councils Mapping. However, a small part of the western portion of the quarry is identified. The development was supported by a ground water investigation and water table assessment which did not detect groundwater. The EIS states that the proposed floor of the quarry is located well above known groundwater levels in the near vicinity. The EPA were contacted for specialist advice on groundwater impacts, largely due to the depth of the quarrying activities. The EPA advised that they were satisfied that there is a low likelihood for ground water impacts.

The quarry's proposed soil and water management strategy includes drainage and sediment capture systems to divert 'clean' water around the quarry. Also proposed is the collection and retention of all runoff from disturbed quarry working areas to within the active parts of the quarry footprint ensuring the quarry does not contaminate off site areas. **Figure 20** is an example of a typical sediment/water basin proposed within a quarry.

In the initial establishment phase of the quarry, all overburden and stockpiles will be placed within that part of the existing borrow pit currently utilised for stockpiling purposes. Once suitable depth is obtained whatever remains of these stockpiles can be transferred to within the working quarry pit. The stockpile areas will move progressively as the active quarry working face moves.

Mitigation measures include:

- Appropriate soil stripping, handling and stockpiling procedures.
- All drainage within the active quarry area will be directed to the sediment basin system.
- Potential for this water to be re-used for quarry-related purposes such as dust suppression.
- Installation of diversion drains and catch drains.
- Continued monitoring by the quarry operator.

Conditions of consent have been required for a Soil and Water Management Plan which will include mitigation measures to be installed.



Figure 20 – Typical Sediment basin/sump system

- **Air Quality – Dust**

Dust will occur during the life of the quarry resulting from earthworks, excavation and vehicle movements. An air quality assessment has been prepared by Vipac. The assessment contends that air quality/dust emissions are expected to comply with EPA guidelines at the nearby sensitive receptors therefore minimising the possibility of impacts. The following mitigation measures have been summarised in the EIS as follows:

- All activities to be managed in accordance with the Protection of the Environment Operations Act (1997) and EPL, once approved.
- Sufficient water to be stored on site for dust suppression activities.
- Locating the quarry processing plant within the active quarry area at depth reduces the exposure to winds and reduces dust potential.
- All loads leaving the site are covered, with tailgates effectively sealed, to minimise dust and debris.
- Maintain a high level of repair and servicing for all quarry trucks.
- All trafficable areas to be well maintained, at a reasonable grade and free of loose dust generating material.
- Internal haul route to be sealed near the highway intersection for the first 100m, to further reduce dust.
- Regular use of water carts as required on the unsealed sections of the internal quarry haul route.
- Sign posted speed limit of 30km/hour to be strictly maintained. Training of quarry personnel, including any subcontractors, for awareness of dust minimising practices.
- Quarry plant and equipment to be cleaned frequently, with the turning off all vehicles and plant when not in use, where practicable.
- Miscellaneous dust sources such as spillages from trucks and silt from sediment controls are to be regularly cleaned up.
- Regular inspections for excessive visible dust generation will be undertaken and appropriate controls will be implemented when such events occur.
- Monitoring and reporting of dust complaints. A complaint management system will be used to ensure that complaints are recorded, investigated and responded to within a reasonable timeframe.

In addition, the EPA have issued their General Terms of Approval, which include conditions for dust management which generally align with the commitments listed above.

- **Flora and fauna impacts**

The proposal requires the removal of vegetation to facilitate the quarry. Flora and fauna impacts have been extensively discussed in the preceding sections of this report. In summary, an ecological assessment was provided which includes a BDAR assessment by Bower Ecology who undertook extensive survey work over the site. The report additionally considers impacts to Koala populations.

The findings of the report indicates that some vegetation removal needs to be offset – specifically, PCT 277: Blakelys Red Gum-Yellow Box grassy tall woodland (Moderate condition). In this regard, the Biodiversity Offset System (BOS) will be utilised to compensate for the loss via the requirement to provide ecosystem credits for loss of PCT 277.

- **Hazards and risks**

The proposed development will result in small quantities of hazardous materials being held or used onsite during operations including fuel, other hydrocarbons, along with lubricating oils and greases. The proposed development does not propose storage of any explosives onsite. A suitably qualified blasting contractor would bring explosives to site as required.

The Project is not considered to be a potentially hazardous development with respect to the storage, use or transportation of hazardous substances. Nor is the proposed potentially offensive development. A condition of consent is recommended that such materials be stored, handled and transported in accordance with the relevant Australian Standards

- **Waste**

Minimal waste materials are anticipated to be generated. The main waste sources are oil, unserviceable machinery parts, and site office, lunch room (e.g. paper, plastic, food scraps) and on-site effluent. It will be the responsibility of the quarry operator and contractors to take responsibility for the disposal of any waste that they create on site. As the subject site is not serviced by any Council waste collection, a private, commercial contractor will be required to collect wastes from the site or the wastes shall be removed and taken to a licenced waste facility. A condition of consent will be imposed to require all waste generated to be taken to a licenced facility.

- **Social and Economic impact**

The EIS states that the purpose of the project is to maximise the safe and economic recovery of the valuable quarry resource known to underlay the site. The EIS states the project will promote social and economic benefits to the local and regional economy, in particular the needs for road making material for nearby renewable energy projects (REZs), creating further local job opportunities. The project will have some benefits as summarised below:

- Employment opportunities with priority given to local staff and businesses.
- Construction investment
- Short haulage routes resulting in an improved cost benefit.

Several specialist reports have been submitted with the application which advise that the development can be undertaken whilst not resulting in an acceptable impact in line with industry standards.

- **Cumulative impacts**

The proposed development has the potential to result in cumulative impacts, principally through increase dust emissions, noise emissions and increased traffic. In particular, there are several concurrent development projects intended to operate in and around the area. These projects and the proposed quarry will result in cumulative impacts. A few projects in the surrounding area have been approved/are operating. The main project that is to set to commence is EngeryCo's transmission line. There are a number of other projects in the vicinity which are only in the preliminary planning phase, and it is unclear if they will proceed. Specialist reports submitted for noise and air quality have factored in cumulative impacts into their assessment criteria. The traffic assessment provided detailed information on cumulative traffic impacts from 4 known projects that have been approved. Further Transport for NSW as part of their assessment sought for an amended design which included additional engineering to cater to the development and manage impacts to the surrounding road network.

- **Rehabilitation**

Rehabilitation has previously been addressed under SEPP (Resource and Energy) 2021. At the completion of extractive operations rehabilitation of the site shall be undertaken within 2 years. A condition of consent has required a detailed rehabilitation management plan which will outline progressive and final rehabilitation. It will include measures on species selection, monitor all areas of rehabilitation and measures to undertake necessary remedial action if required.

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

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

The proposed location of the quarry is generally suitable. The site is zoned RU1 Primary Production on which an extractive industry (hard rock quarry) is permissible with consent. The proposed development is relatively unconstrained by natural hazards, and the land requires minimal vegetation clearance. The site has been able to achieve suitable access for the anticipated traffic demand to the Castlereagh Highway. It is assessed that the site has the capacity to support the proposal without creating any unreasonable impacts per the specialist reports submitted. It is assessed that the site has the capacity to support the proposal subject to mitigation measures being put in place.

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

The submissions are considered in **Section 5** of this report.

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

The proposed development is a permitted land use which will provide building resources to the surrounding area which will support growth and construction within the region. The application received 12 unique submissions – 9 objections and 3 in support which have been considered in **Section 5** of this report. Following a thorough assessment of the relevant planning controls, consideration of submissions, the development is considered to be able to operate without any unreasonable impacts. Through the imposition of the conditions, it is considered that potential impacts from the development can be mitigated such that the development can proceed, and public interest issues are balanced.

Consequently, the development is considered to promote the orderly and economic use and development of the land, ensuring that the public interest is maintained. The proposal is therefore deemed to be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

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

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

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Transport for New South Wales (TfNSW)	S138(2) Roads Act 1993 (Non-Integrated) and S2.22 State Environmental Planning Policy (Resources and Energy) 2021.	The application proposes access via the Castlereagh Highway which is a state classified road. This section of road is a high-speed environment (100km/hr) and the location of the driveway did not achieve compliance with the safe intersection sight distance standards. In this regard, the site	Y

		<p>access was required to be upgraded to cater to heavier vehicles including a mix of truck and dogs (maximum 20m long) with smaller trucks used where road weight limits may apply.</p> <p>The application proposed a BAR/BAL treatment. Transport for NSW did not support this and requested further amendments with additional treatment. In response, the applicant submitted a concept plan which amended the design to be a Channelised Right-turn (CHR) treatment at the intersection of the quarry access road and the highway. This amended design was supported by Transport for NSW subject to a number of conditions.</p>	
Referral/Consultation Agencies			
Essential Energy	Section 2.48 – State Environmental Planning Policy (Transport and Infrastructure) 2021 Development near electrical infrastructure	<p>The application submitted acknowledged that the existing track crossed an electricity transmission easement and was located in proximity to power poles. Consultation was undertaken with Essential Energy prior to the submission of the application which indicated that the existing track would need to be partially re-located away from the pole/transmission infrastructure. The internal track was located 2.3m from the pole and was required to be relocated so the minimum offset is 4.50m to the poles.</p> <p>Essential energy reviewed the application and raised no concerns with the proposed development subject to general comments. These comments have been included as advisory notes on the consent.</p>	Y
Crown Land	Notified as an adjoining landowner	The quarry envelope has a 10m wide setback to the northern boundary beyond which sits a 20m wide Crown Road. Crown Land were contacted, and they confirmed that they have no objection to the development.	Y
Integrated Development (S 4.46 of the EP&A Act)			
Environmental Protection Authority (EPA)	S43(b), 48, 55 Protection of the Environment and Operations Act - Scheduled Activity.	The application was referred to the EPA as a scheduled activity due to the rate of extraction.	Y

		The EPA have issued their General Terms of Approval which confirms the development is able to obtain an EPL. Conditions have been recommended with a focus on noise and vibration, air quality, soil and water management and hours of operation.	
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4.2 Council Officer Referrals

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

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the application and advised that from an engineering perspective the application is supported. They acknowledge that major issues relating to access and haul routes are being reviewed by Transport for NSW for concurrence.	Y
Building	Council's Health and Building Officer has reviewed the proposal and are supportive subject to conditions. The advice provided was that all buildings proposed are to be used in a commercial capacity. A construction certificate will be required irrespective if the buildings are built on site or are transportable (as they are a commercial use and a CC will be required for footings and connection if they are transportable. Conditions have been recommended accordingly.	Y
Environmental Health	The application was referred to Council's Environmental Health Officer. They had some concerns regarding the acoustic assessment which was raised with the applicant and was also raised with the EPA directly. Following a response from both the applicant and EPA, Council's Health Officer was satisfied with the findings of the assessment subject to conditions of consent.	Y
Environment (Ecology)	The ecology report has been reviewed, and Council's Environmental Officer is satisfied with the assessment and mitigation measures.	Y

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

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 30 October 2024 until 16 January 2025. Of note, the application was required to be re-advertised to ensure compliance with the legislative designated development exhibition requirements, which resulted in an overall extended exhibition period.

Notification for the development included the following:

- A sign placed on the site;
- Notification on Councils website and on the Planning Portal;
- Notification letters sent to adjoining land owners (this included all property owners with a shared boundary and directly opposite the proposed development site if separated by a road).

A total of 12 unique submissions, comprising 9 objections and 3 submissions in favour of the proposal, were received. The key issues/themes raised in these submissions are considered in **Table 7**:

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Noise Impacts Submissions raised concern about the adequacy of the noise impact assessment and ongoing quarry noise from machinery, trucks and blasting.	5	<p>Noise impacts have been modelled in the noise assessment and achieve the minimum criteria. These impacts are considered to be at an 'acceptable' level as they have been modelled to comply with the EPA's noise criteria. The EPA have reviewed this proposal and specifically the noise assessment provided by Vipac and are satisfied with the findings of this assessment subject to conditions of consent.</p> <p>Conditions include outlining hours of operation, minimum noise targets when considering meteorological events, management practices, and monitoring.</p>
Opposition to the REZ Zone Concerns raised with projects linked to the REZ zone.	5	<p>Opposition to the REZ zone and the subject quarry's contribution toward future REZ projects is not a matter requiring planning consideration under S4.15 of the Environmental Planning and Assessment Act 1979. Cumulative impacts from surrounding projects have been considered within the specialist reports submitted and have been addressed in the preceding section of this report.</p>
Vibration and Blasting Submissions raised concerns about noise encountered from blasting and impacts on the structural integrity of buildings	4	<p>The Noise Impact Assessment indicated that ground vibration and air blast criteria can be achieved at nearby sensitive receivers. Blasting will be required but only once the quarry reaches hard rock further down.</p> <p>The proposed development is not likely to result in cracking of surrounding residences as the vibration levels have been modelled to be in accordance with the EPAs standards. Conditions of consent are recommended for blast protocols and monitoring.</p> <p>Further, regarding structural impacts to nearby buildings, the applicant has advised that they would be agreeable to a condition that stipulates that within 2 months of the consent being issued, if the applicant receives a request from a landowner within 1km of the project, they will commission a</p>

		<p>building inspection by a suitably qualified person to establish a baseline condition for the residence. If damage is incurred after blasting this can then be repaired accordingly.</p> <p>The NSW EPA has also assessed the proposal and issued its GTAs for an EPL indicating noise and vibration impacts can be managed to an acceptable level, and so as to not cause unreasonable impacts on the nearest sensitive receptors</p>
<p>Road and Traffic Submissions raised concern the increased number of traffic and heavy vehicle movement.</p>	4	<p>The traffic impact assessment submitted found that a satisfactory level of service would be experienced by motorists on the broader local and regional road network over the life of the quarry. Even when allowing for worst case projections, truck traffic generated by the quarry represents about a 15% increase onto the Castlereagh Highway. Haulage routes further expected to be relatively short due to the proximity of renewable energy projects in the region.</p> <p>The access driveway is being upgraded to include additional turning lanes to the site. Transport for NSW are satisfied with the level of engineering behind the proposed CHR design.</p> <p>Council has imposed a number of conditions including the upgrade of the access intersection, the implementation of a Traffic Management Plan (TMP) and Driver Code of Conduct.</p>
<p>Ground water Submissions raised concern the development will impact water quality and groundwater in the area.</p>	2	<p>The application was accompanied by a ground water and water balance assessment which advised that ground water interception is not proposed and not likely to occur.</p> <p>Council sought specialist advice from the EPA's groundwater assessment team who advised that the site's geological properties and absence of groundwater extracted for processing, confirm the assessments findings that quarrying activities are unlikely to result in substantial interactions with underlying groundwater systems. This conclusion is supported by geological and hydrogeological evaluations conducted within the Environmental Impact Statement (EIS), which are further corroborated by field observations and data from neighbouring boreholes. Collectively, these findings indicate that the proposed project poses no considerable risk to groundwater systems.</p>
<p>Air quality (Dust) Submissions raised concern about the adequacy of the air quality impact assessment and</p>	2	<p>An air quality assessment has been provided which includes an assessment of anticipated dust as well as mitigation measures. The assessment advises that the predicted air quality is within industry standards. The assessment states emission</p>

increased traffic which will result in additional dust.		<p>calculations and dispersion modelling for project-only (incremental) and cumulative scenarios indicated that the project complies with the relevant EPA air quality criteria - including approved methods for the modelling and assessment of air quality pollutants in NSW.</p> <p>A number of conditions of consent are recommended including partial sealing the access road, water carting, operational management practices, erosion and sediment control, covering of loads and stockpiling procedures.</p> <p>The NSW EPA has assessed the proposal and issued its GTAs for an EPL indicating air quality impacts can be managed to an acceptable level, and so as to not cause unreasonable impacts on the nearest sensitive receptors</p>
Visual Impact/Rehabilitation Visual impact of project on two dwellings to the north have not been adequately assessed or mitigated.	1	<p>The development will result in a physical change to the rural landscape which will be mostly seen by residences to the north. As part of the assessment, Council requested the applicant address visual impact with a recommendation for landscape screening. A 10m wide landscape screening buffer has since been proposed to soften the appearance of quarrying activities. This landscaping is to be installed prior to the commencement of commercial quarry activities. This is considered, will achieve a satisfactory mitigation standard.</p> <p>All rehabilitation will be undertaken in accordance with a detailed rehabilitation plan. A condition of consent will require this to be undertaken.</p>
Hours of operation for admin staff Concern with admin staff operating earlier than the quarry itself.	1	<p>The quarry hours of operation have been reduced from what was originally proposed – in accordance with those specified in EPA's GTA's issued.</p> <p>Originally, they were proposed to be 7am to 6pm Monday to Friday and 7am to 6pm Saturday.</p> <p>However, the EPA has prescribed that the hours of operation be reduced on Saturday from 8am to 1pm.</p> <p>Administration hours originally were proposed to commence 1 hours earlier than quarry hours to undertake administrative tasks and to prepare for the day. This is considered acceptable to allow as no significant noise/traffic impacts are anticipated due to the low number of staff and light vehicle usage.</p>
Site Suitability and Alternative Sites	1	<p>The applicant has discussed why the southern site is not feasible. They largely cite increased vegetation impacts, and prevalence of</p>

There are suggestions that an alternative site is available further south of the project site.		watercourses and steep land. Notwithstanding, Council can only consider the development as submitted and does not ordinarily make suggestions or consider other alternate sites as part of an assessment.
Loss of Land Value	1	Loss of land value is not a matter requiring planning consideration under S4.15 of the Environmental Planning and Assessment Act 1979.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

- **Noise and Blasting, Dust**

Comment: Various specialist assessments have been undertaken regarding the potential impacts from the development on adjoining land uses. These studies conclude that acceptable impacts will ensue. The quarry will operate under an EPA Environmental Protection Licence to ensure ongoing impacts are suitably managed.

- **Visual and Landscaping**

Comment: The applicant has committed to providing a 10m wide landscape buffer to the north, to soften the view of the quarry to sensitive receivers.

- **Setback**

Comments: Concerns were raised as to the size of the setback adjoining land to the north. The applicant since provided details around the quarry operation and proposed landscape screening along this interface. A condition is recommended that the landscape screen include trees as well as dense shrubs in order to achieve a denser buffer. Further, the applicant has confirmed that no buildings would be proposed at surface level or no access roads to that interface. Further, a response was provided detailing how all quarry activities would be contained within the allotment without any undue impact to adjoining land and how the quarry wall would be stabilised. These commitments will form part of the conditions of consent.

- **Ancillary Facilities**

Comments: Details of ancillary facilities were not originally shown on the site plan. This was requested to establish the extent of works proposed, to better understand the operation of the quarry, to confirm the extent of works proposed and to ascertain the correct location of buildings and equipment to ensure they are appropriately sited. The applicant submitted a two stage plan, noting buildings are transportable and will move as the quarry expands. The plan submitted shows buildings and facilities will sit within the quarry floor. This is acceptable.

- **Traffic**

Comment: Traffic generation, heavy vehicles and the existing access have been considered as part of the Traffic Impact Assessment provided. Transport for NSW have accepted the amended access design subject to conditions of consent.

- **Heritage**

Comment: Conditions are recommended to ensure the three aboriginal relics are securely fenced and that their location is incorporated into the Plan of Management and Environmental Management Plan. This information is to be distributed to contractors to make them aware.

- **Biodiversity**

Comment: A BDAR report has been prepared which included on site survey work. The vegetation removal has 2 credits which will need to be addressed under the Biodiversity Offset Scheme.

6. CONCLUSION

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

The key issues as outlined in Section 6 have been resolved satisfactorily through clarification and/or amendments to the proposal and in the recommended draft conditions at Attachment A.

7. RECOMMENDATION

That the Development Application DA0070/2025 for an extractive industry (hard rock quarry) at 1848 Castlereagh Highway TALLAWANG – Lot 1 DP 1239728 be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Development Plans
- Attachment C: Copy of Submissions (9 Objections and 3 Support)
- Attachment D: External Agency Responses
- Attachment E: Environmental Impact Statement (EIS)