

DEVELOPMENT ASSESSMENT REPORT for WESTERN REGIONAL PLANNING PANEL

DA number	PPSWES-311 & DA 29/2025
Type of development	Regionally significant development (as per Schedule 6, clause 7 of State Environmental Planning Policy (Planning Systems) 2021.
Proposed development	Extractive industry (sand quarry)
Brief description	The development involves the expansion of the existing sand quarry from 2 hectares (ha) to up to 40ha (at any one time) and increase the maximum extraction rate from 30,000m ³ to 300,000 tonnes per annum (tpa). A maximum of 4,900,000 tonnes would be extracted over the life of the quarry.
Capital investment value	\$150,000 (excluding GST)
Property	Lot 175 DP750908, Kidman Way, Darlington Point
Applicant	EB Mawsons & Sons
Land owner	EB Mawsons & Sons
Relevant environmental planning instruments	Murrumbidgee Local Environmental Plan 2013 SEPP (Planning Systems) 2021 SEPP (Resources & Energy) 2021 SEPP (Transport & Infrastructure) 2021
Clause 4.6 requests	Nil
Submissions	Environmental Protection Authority
Documents submitted with application	Environmental Impact Statement incorporating the following appendices: • Secretary's Environmental Assessment Requirements (SEARS) • Proposal Plans • Resource Assessment • Transport Impact Assessment • Noise and Vibration Impact Assessment • Air Quality Impact Assessment • Biodiversity Test of Significance • Surface and Groundwater Assessment • Aboriginal Cultural Due Diligence Assessment • Waste Management Plan • Quarry Rehabilitation Strategy
Date of lodgement	7 July 2023
Assessment officer	Mr SJ Parisotto, Senior Planner – Murrumbidgee Council
Recommendation	APPROVAL

PART 1: EXECUTIVE SUMMARY

1.1 Determining authority

The application has been referred to the Western Regional Planning Panel ('WRPP') for determination on the basis that the development is for an extractive industrial purpose that meet the requirement for designated development as set out in Schedule 6, clause 7 of State Environmental Planning Policy (Planning Systems) 2021 ('PS-SEPP').

A briefing paper was submitted to the WRPP on 26 February 2026

1.2 Outline of development

The development involves the expansion of the existing sand quarry from two (2) hectares (ha) to up to forty (40) ha (at any one time) and increase the maximum extraction rate from 30,000m³ to 300,000 tonnes per annum (tpa).

A maximum of 4,900,000 tonnes would be extracted over the life of the quarry.

A copy of the submitted documents is contained in **Appendix 1**.

Both the existing and expanded quarry operations incorporated the following fundament processes:

- a. Stripping of topsoil and overburden material using mechanical means and stockpiling for inclusion into on-site rehabilitation works where required, or use in constructing stormwater control structures (e.g., perimeter banks).
- b. Screening the raw material using mobile screening processing equipment.
- c. Stockpiling the final products using a front-end loader within designated areas until required to be loaded into road trucks for transportation off-site for sale.
- d. The rehabilitation of the disturbed areas progressively, as the quarry pit expands and contracts following the exhaustion of winnable materials.

The proposed expansion of the quarry will not result in any major shift in employment opportunities, and is likely to create one additional staff member being required on site.

The existing site facilities including transportable buildings comprising a site office and amenities will be utilised.

As the operational aspects of the quarry are dynamic, the position of internal

roads and sumps within the pit will vary overtime.

The quarry will operate between 7.00am and 6.00pm Monday to Friday and between 8.00am and 4.00pm on Saturdays with no operations on Sundays or public holidays.

1.3 **Site context**

Locality	6.2km by road south of the village of Darlington Point
Development site	Lot 175 DP750908, Kidman Way, Darlington Point
Existing Land Use	Sand quarry
Development Footprint	70ha+
Setting	Irrigated farm land with their associated irrigation infrastructure, dwellings, farm buildings and a native tree plantation
Environment	Highly disturbed as a result of current quarrying activities

1.4 **Statutory considerations**

The proposed development accords with the provisions of the relevant environmental planning instruments and is permissible within the RU1 Primary Production zone of Murrumbidgee Local Environmental Plan 2013 ('MLEP').

1.5 The development application was notified in accordance with the Environmental Planning and Assessment Regulation, 2021 ('EP&A Regulation') and Murrumbidgee Council's Community Participation Plan ('CPP').

One (1) submission was received seeking clarification to the type of development being proposed and an administrative error whereby Council indicated the proposed development was for a cattle feedlot, which they were objecting to. Council responded to the submission that the development was incorrectly advertised and that the application was for the expansion of the existing quarry. No further correspondence was received.

In light of the error, Council re-notified the development and received no submissions.

- 1.6 The application was referred to the NSW Environment Protection Authority (EPA) and Transport for NSW ('TfNSW').
- 1.6.1 The NSW EPA reviewed and assessed the documentation submitted with the designated & integrated development application and have indicated tacit support of the quarry expansion by issuing their General Terms of Approval (GTA) which are set out in **Schedule B**.
- 1.6.2 TfNSW have likewise considered the information submitted with the application and have not raised any issues with the proposed quarry expansion (refer to **Schedule C**).
- 1.7 The development application has been referred to the WRPP with a recommendation for approval.

The recommended conditions, including those set out by external agencies are set out in **Schedule A**. The conditions are broken down into three sections, as follows:

- Part A General Conditions
- Part B Requirements of External Agencies
- Part C Prior to the Commencement of Further Quarrying Activities and Ongoing Requirements

A copy of these conditions were given to the applicant on 10 March 2026.

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PART 2: PROPOSED & EXISTING DEVELOPMENT

- 2.1 The development involves the expansion of the existing sand quarry from two (2) hectares (ha) to up to forty (40) ha (at any one time) and increase the maximum extraction rate from 30,000m³ to 300,000 tonnes per annum (tpa).

It is expected that a maximum of 4,900,000 tonnes would be extracted over the life of the quarry.

Figure 1 – Site plan¹



- 2.2 The proposed development is for designated development as identified in Schedule 3 Part 2, item 26 as it comprises of an extractive industry (sand quarry) which involves the extraction of more than 30,000m³ per year and will disturb a surface area more than 2ha of land as a result of excavating, the construction of roads and the storing and depositing of overburden and extracted material.
- 2.3 The existing development for the establishment of *sandpit for the extraction of sand* for 30,000m³ was originally approved subject to conditions by Murrumbidgee Council on 27 November 2018 viz. DA 07-18/19 and modified on 16 November 2023.
- 2.4 Condition 17 of DA 07-18/19 had the effect of limiting the development to a surface area of 2ha, which based available aerial imagery (set out in Figures 2, 3 and 4) the condition has not been adhered to.

¹ GroundWork (SLR), Drawing No. 2833.DRG.005

Figure 2 – Site after commencement of operations (2019)²



Figure 3 – Site after commencement of operations (2021)³



² GoogleEarth, image date 28 October 2019

³ GoogleEarth, image date 31 January 2021

- 3.1 The sand quarry will have a footprint of approximately 70ha and will be constructed across Lots 175 DP 750908, Kidman Way, approximately 6.2 km south of Darlington Point in the Murrumbidgee local government area.

Figure 4 – Locality and site plan⁴



Figure 5 – Existing entrance to site⁵



⁴ GoogleEarth, image date 28 August 2019

⁵ © Steven Parisotto Photography, 2025 – images taken 26 August 2025

Figure 6 – Intersection of Jim Cattanach Rd and Kidman Way⁶



- 3.2 Lot 175 in DP750908 is rectangular shape, with an area of approximately 118.4 hectares. The site fronts both the Kidman Way (a classified road) and Jim Cattanach Road. Access to the site is from Jim Cattanach Road, approximately, 175m west of its intersection with the Kidman Way.
- 3.3 The terrain levels across the entire property are generally flat. The siting of the development is on land which can be described as flat, varying from 123m AHD to 125m AHD. The floor of the quarry is approximately 114m AHD.
- 3.4 The siting of the quarry is on land which has in the past been cleared for agricultural use and is its current operations (see Figures 2, 3 & 4).

Figure 7 – Existing internal roads and site office⁷



⁶ ibid

⁷ ibid

Figure 8 – Existing sand pit ⁸



⁸ ibid

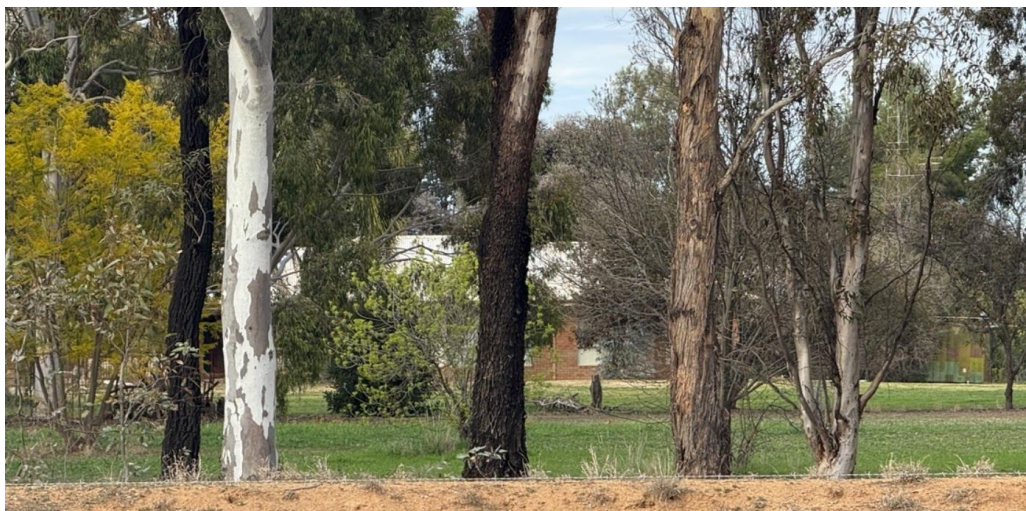
- 3.5 The perimeter of property is fenced, and stock fencing within the property is also in place.

Figure 9 – Existing boundary fencing ⁹



- 3.6 The site is in a rural locality characterised by both dry land and irrigation farms, including associated infrastructure such as water supply and drainage channels and irrigation bridges over roads.
- 3.7 Rural dwellings, farm sheds and farm buildings are scattered about the locality with the nearest dwelling being located approximately 600 metres to southeast development area on the opposite side of the Jim Cattnach Road.

Figure 10 – Nearest residential receptor ¹⁰



⁹ ibid

¹⁰ ibid

- 3.8 The land opposite the subject incorporates a rural industry. A submission was received from the operators of this business, however upon clarification with them no objection was made.

Figure 11 – Nearby rural industry ¹¹



- 3.9 During the site inspection undertaken on 26 August 2025 it was observed that activities associated with the existing quarry were being undertaken, however as noted in Figures 4 and 8, the operations exceed the terms of the current approval (DA 07-18/19) and also it appears that there is a stockpile of building rubble which is unauthorised (see Figure 12 below).

Figure 12 – Unauthorised stockpile of building rubble ¹²



¹¹ ibid

¹² ibid

- 3.10 The issues relating to stockpiling of materials identified above have been resolved with the landowner being directed, via their planning consultant, to remove the materials and duly complying with Council's directive.
- 3.11 Council is satisfied that while the current quarrying activities do not comply with the existing consent, they would be in accordance with what is proposed with the current development application and Council has not nor will be taking any enforcement or compliance action at this point in time.

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PART 4: STATUTORY CONSIDERATIONS

- 4.1 Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') outlines the matters which the consent authority must take into consideration when determining a development application. 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*
 - (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.*
- 4.2 The proposed development falls within the categories of designated or integrated development and the concurrence of the NSW EPA is required as a sand quarry requires an Environmental Protection Licence (EPL).
- The NSW EPA have provided their General Terms of Approval (GTA) which is set out in **Schedule B**.
- 4.3 The following environmental planning instruments have been deemed relevant to this application:
- *State Environmental Planning Policy (Planning Systems) 2021*
 - *State Environmental Planning Policy (Resources & Energy) 2021*
 - *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Riverina Murray Regional Plan 2041*
 - *Murrumbidgee Local Environmental Plan 2013*
- 4.4 *State Environmental Planning Policy (Planning Systems) 2011* applies to the proposal as it identifies the development is regionally significant development as set out in Schedule 6, clause 7 of State Environmental Planning Policy (Planning Systems) 2021 ('PS-SEPP') as the development is for an extractive industrial which triggers requirement for designated development as set out in Schedule 6, clause 7 of State Environmental Planning Policy (Planning Systems) 2021 ('PS-SEPP').
- 4.5 The provisions of *State Environmental Planning Policy (Resources and Energy) 2021* (R&E SEPP) recognises the importance of extractive industries to NSW. The aims of Chapter 2 of the R&E SEPP include:
- a. to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
 - b. to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and

- c. to promote the development of significant mineral resources, and
- d. to establish appropriate planning controls to encourage ecologically sustainable development
- e. through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.

Council concurs with the author of the EIS that the expansion of the existing quarry would satisfy aims of the R&E SEPP thus enabling the extractive output of the quarry to be able to supply significant infrastructure and development projects in the region. Although not specifically identified by the applicant, Council would consider the renewable energy projects being undertaken in its local government area and in the neighbouring ones as being a substantial infrastructure project.

4.5.1 The provisions of the R&E SEPP also list matters that the consent authority must take in to consideration before determining whether a consent should be issued subject to conditions; including:

- a. Natural resource management and environmental management (cl2.20)
- b. Resource recovery (c2.21)
- c. Transport (c2.22)
- d. Rehabilitation (c2.23)

Council may be satisfied that the proposed development, with the imposition of conditions would not have adverse impact on surface or groundwater; nor would it have any detrimental impact on threaten species or biodiversity.

Council may also be satisfied that the method of extracting sand from the site will be done in an efficient manner and that waste generated by the quarrying activities is minimal.

As the development relies on the use of public roads, including a classified road, Council has satisfied the provisions of clause 2.22 by referring the application to TfNSW. No conditions were imposed by TfNSW, however Council in assessing the impact of the development of the local road it maintains, which is relied on by the quarry, requires ongoing action. This has been included as a condition of consent (see 38 in Schedule A).

Council's primary concern with this proposal, and with non-agricultural uses within the RU1 Primary Production zone generally, is with the rehabilitation or remediation of the site when winnable materials are exhausted.

With respect to the future and progressive rehabilitation, Council keenly notes that the applicant's objective for rehabilitation is to achieve a post extraction landform suitable for rural activities including but not limited to cattle grazing, suggesting that plant-based agriculture options, seasonal or permanent, are limited.

Council agrees that over the life of the quarry, primarily with the advancement in technologies, and to a lesser degree changes to legislation, land use and policies priorities are likely to result in opportunities for alternative post extraction land uses other than rural activities on the land.

The applicant states that the rehabilitation of the site is aimed at achieving a safe and stable final landform that will provide greater opportunities for future land uses post extraction land uses.

Council has considered the remediation and rehabilitation measures put forward by the applicant and deems them appropriate.

- 4.6 Division 5, clause 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) SEPP* (T&I-SEPP) requires consultation with Essential Energy (EE) if certain circumstances are met. As the proposed development will not impact electricity transmission or distribution, nor are works within the distances prescribed in the SEPP no referral was deemed necessary.

- 4.7 Division 17, clause 2.122, of *State Environmental Planning Policy (Transport and Infrastructure) SEPP* (T&I-SEPP) requires referral to Transport for NSW if certain thresholds are exceeded. The application was referred to TfNSW to in accordance with the thresholds identified in Schedule 3 of the T&I SEPP.

Their response may be found in **Schedule C**.

- 4.8 The *Riverina Murray Regional Plan 2041* ('RMRP') provides a vision for the future of the Riverina Murray. The RMRP identifies that the region's extractive operations are mainly for construction materials (construction sand, road and concrete aggregates or road base) and that areas with known mineral and construction material resources should be managed to ensure the resources are not affected or sterilised by the encroachment of sensitive land uses.

The applicant in their EIS has indicated that continued supply of material from the quarry aims to ensure that the available resources on the site is properly utilised over the long term and that approval of the development would meet the objectives of the RMRP. Council concurs with this.

- 4.9 The relevant local environmental plan applying to the site is the *Murrumbidgee Local Environmental Plan 2013* (MLEP).

- 4.10 The aims of MLEP are as follows:

- *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- *to protect, enhance and conserve agricultural and horticultural land through the proper management, development and conservation of natural and man-made resources,*
- *to encourage a range of housing, employment, recreation and community facilities to meet the needs of existing and future residents of Murrumbidgee,*
- *to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- *to conserve the environmental heritage of the land to which this Plan applies*

The aims of MLEP are silent in terms of extraction of natural resources and as such the proposed development would neither be consistent nor inconsistent with the specific aims of MLEP.

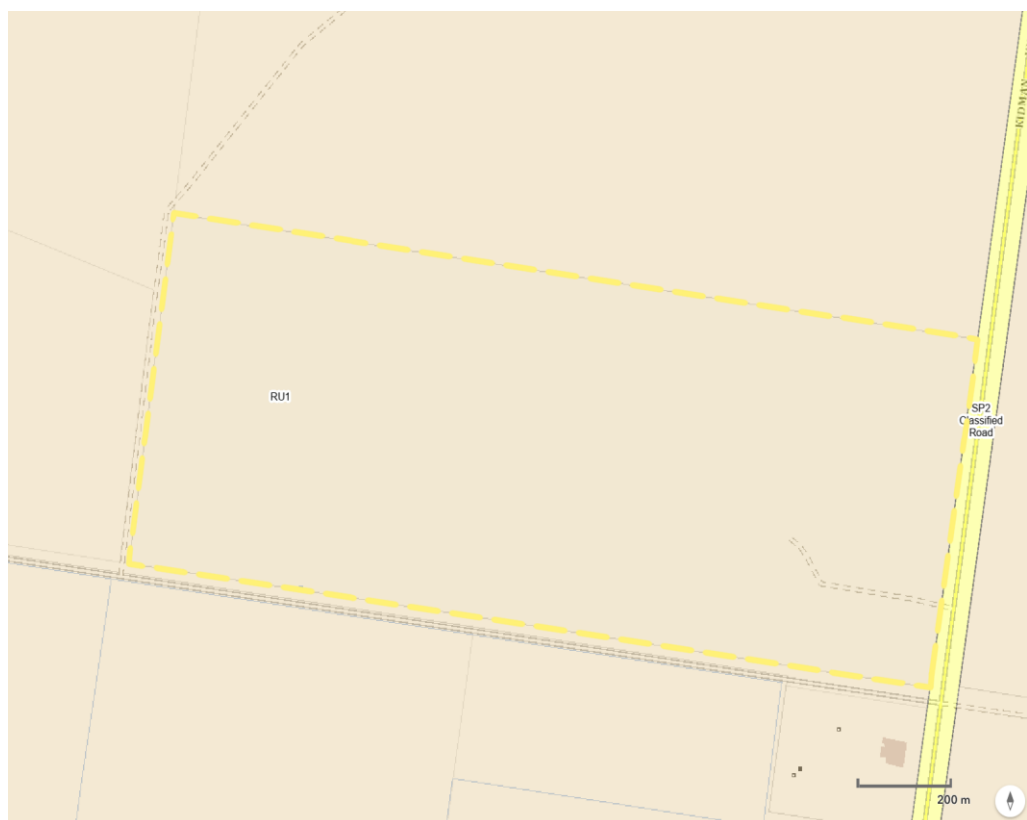
4.11 The site is located within the RU1 Primary Production Zone pursuant to clause 2.2 of the MLEP (refer to Figure 13) and the objective of the RU1 zone are:

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

On face value an extractive industry appears to be inconsistent with the objectives of the RU1 zone especially when considering the first two points as the development does not relate to primary production.

While the objectives of the zone are important, they cannot be seen as a ground for refusal given that an extractive industry is specifically listed as a permitted land use in the zone.

Figure 13 – Extract for MLEP 2013 Zoning Map¹³



4.12 The proposed development is defined as an *extractive industry* under the standard instrument, being.

¹³ NSW Planning Portal, Murrumbidgee LEP 2013 Zoning Map downloaded 9 October 2025

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 proposed development involves the removal of an extractive material¹⁴, being sand, by way of quarrying.

which falls within *extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.*

- 4.13 *Extractive industries* are specifically listed in Item 3 of the Land Use Table of MLEP 2013 as being a type of development that is **permissible with consent** within the RU1 Primary Production zone.
- 4.14 MLEP 2013 also provides directions and controls relating to development standards, miscellaneous provisions and local provisions. Those deemed of relevance are considered below.

Clause 5.10 Heritage

The objectives relate to the conservation of built and historic heritage, places of significance and aboriginal objects.

There are no items of built heritage on the development site. A due diligence assessment was carried out by the applicant (reference as Appendix 9 of their EIS) in accordance with the *Due Diligence Code for the Protection of Aboriginal Objects in NSW*. The report identified that because the development site was disturbed agricultural land that further on-site investigation was not warranted.

The development is capable of meeting the objectives of this clause provided that in the event an aboriginal object or relic is encountered, work cease and if necessary, a Heritage Impact Permit be obtained if required.

In order to address the potential for unexpected discoveries a number of conditions have been recommended – refer to condition 6 in Schedule A.

Clause 5.21 Flood planning

The objectives relate to minimising flood risk to life

The land is not known to have been affected by flooding and is not identified as being within a

¹⁴ **extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the Mining Act 1992.

and property and ensuring that the development of land was commensurate with the flood hazard, and to ensure safe evacuation and avoid cumulative impacts on flooding and the environment.

Clause 6.1 Earthworks

The objectives relate to ensuring that earthworks will not detrimentally impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land.

Flood Planning Area. There is a low possibility of the development being affected by flooding or resulting in flood-related impacts. The development complies with this clause.

The proposed development for the purpose of an **extractive industry** by its very essence involves earthworks through the excavation of winnable materials.

The provisions of clause 6.1 obligates the consent authority to consider, before granting development consent the following matters—

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

Upon review of the documentation contained in the Environmental Impact Statement prepared by *Groundwork, part of SLR* submitted with the development application, and in particular the approaches to ground and surface water management, the Aboriginal cultural heritage and due diligence assessment and the quarry

rehabilitation plan, the assessment officer is satisfied that the development meets the provisions of clause. 6.1 of MLEP 2013.

Conditions have been drafted to incorporate the recommendations set out in the EIS – refer to condition 6 and 20 in Schedule A.

Clause 6.3 Terrestrial Biodiversity

The objectives are to maintain terrestrial biodiversity by the protection of native fauna and flora and encouraging their conservation and their habitats and protecting ecological processes.

The map set out in Figure 14 identifies that part of the area to be developed has been mapped as being an area of biodiversity and therefore the provisions of this clause must be taken into consideration.

Figure 14 – MLEP Terrestrial Biodiversity¹⁵



It is noted that the land to be developed has not been identified on the Biodiversity Values Map (Non-EPI).

The applicant has undertaken an ecological assessment. The Test of Significance (“ToS”) prepared by Red-Gum Environmental Consulting Pty Ltd (“Red-Gum” investigated the potential environmental impacts that might be caused by the construction and ongoing operation/presence of an extended quarry footprint at the sand quarry, and whether any development impacts (direct and indirect impacts) are likely to have a significant impact on threatened species or threatened ecological communities, or other matters of environmental significance.

¹⁵ NSW Planning Portal, Murrumbidgee LEP 2013 Terrestrial Biodiversity Map downloaded 9 February 2026

The ToS¹⁶ prepared by Red-Gum informs the consent authority of the following:

- The development area does not intersect an area mapped on the Biodiversity Values Map and is not within an area of Outstanding Biodiversity Value;
- The development does not pose a significant threat to ecological communities, threatened species or their habitats;
- Vegetation loss is limited to one large tree and only exempt Category 1 land¹⁷; and
- The development does not exceed the BOS clearing threshold of 1 hectare of native vegetation.

The consent authority may be satisfied that the proposed development accords with the provisions of clause 6.3 of MLEP 2013 in that it will:

- not have an adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- not have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

Further the development does not result in any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, nor have adverse impact on the habitat elements providing connectivity on the land, and

Given the current use of the land and nature of works associated with the development it is unlikely that the development would have an impact on local native ecological communities, flora or fauna and their habitats.

Refer to Conditions 18, 20c & 27 of Schedule A.

¹⁶ "Test of Significance", Red-Gum Environmental Consulting Pty Ltd, 22 May 2025 p.5

¹⁷ Native vegetation clearing is allowed without approval from Local Land Services. Vegetation in this category does not contribute to the BOS threshold calculation.

Clause 6.4 Groundwater vulnerability

The objectives are to ensure the maintenance of key groundwater systems and protect groundwater resources from contamination arising from development.

The development site, as is much of the local government area has been mapped as being in a groundwater vulnerable area.

The applicant has undertaken a Surface and Groundwater Assessment (prepared by SLR dated 3 June 2025). The report provides the following information:

- The proposed quarry will be excavated to just above the water table and it is not expected that the proposed quarry will intercept groundwater and no impact to groundwater from excavation of the quarry is anticipated.
- There is potential for infiltration and contamination of groundwater as a result of accidental spills (e.g., chemical and/ or fuel), disturbance of sediment, and/ or stormwater mismanagement during the operational phase of the Project.
- Any accidental spill that interacts with the neighbouring groundwater environment could result in a degradation of groundwater quality.
- The likelihood of occurrence of accidental spills is considered very low and where quality impacts exist, they are anticipated to be minor due to the short-term (temporary) nature of quality impacts in the water environment and the low permeability of granite rock.

The development is capable of complying with the objectives of this clause provided that conditions are imposed regulating the storage and use of chemicals or other toxic materials and the appropriate management of stock, weeds and pasture.

Appropriate conditions have been included within the recommended conditions of consent (Condition 20b of Schedule A).

Clause 6.9 Essential Services

This clause requires the consent authority to be satisfied that services essential for the development are provided water, electricity, storm water drainage sewage management and vehicular access

The proposed development will not require the provision of a potable water supply nor a permanent onsite waste management system. Temporary sanitary facilities, and tanked potable water will be provided during operations

Electricity is currently provided to the site.

Access to within the site is via a series of all-weather gravel tracks (see Figure 7) which connect the entrance on Jim Cattnach Road which is constructed to an all-weather gravel standard (see Figure 5).

The access is approximately 150 west of its junction with the Kidman Way, a classified road, with the first 50 metres from the intersection being bitumen sealed and the remainder of Jim Cattnach Road to the accessway and beyond being an all-weather gravel construction.

The Kidman Way-Jim Cattnach Road intersection includes formalised channelisation with a basic right and left turn lanes from the classified road (see Figure 6)

TfNSW have indicated that the existing intersection of the Kidman Way (classified road) and Jim Cattnach Road is satisfactory and is of a capacity to handle the increased traffic volume and not upgrade works are necessary.

TfNSW have not mandated any conditions however suggested that *“Council may wish to consider requiring the applicant to install truck turning signage.”*. (Refer to condition 8 of Schedule A.)

Council does not require Jim Cattnach Road to be upgraded to a bitumen standard however will require the quarry operator to enter into an agreement with Murrumbidgee Council to undertake maintenance. This is discussed in more detail later in the report.

- 4.17 The provisions of section 4.15(1)(a)(ii) require a consent authority to take into consideration any draft environmental planning instrument. In this instance there are no proposed environmental planning instruments that have been the subject of public consultation, that have relevance to this development proposal.

Council has a Planning Proposal before the Department of Planning, Housing & Infrastructure seeking a gateway determination to place it on public exhibition.

The purpose of the planning proposal is to consolidate the Murrumbidgee Local Environmental Plan 2013 with the Jerilderie Local Environmental Plan 2012 so that Council has one single environmental planning instrument removing the the inconsistencies between two. There is nothing in the planning proposal which would affect the zoning of the land or otherwise affect the permissibility of the development.

- 4.18 The provisions of section 4.15(1)(a)(iii) require a consent authority to take into consideration any draft environmental planning instrument. The only development control plan that is in force, is *Murrumbidgee Development Control Plan 1995 Village* ('DCP'). This DCP only applies to the village areas of Darlington Point and Coleambally and consequently is not relevant, nor does it apply to this rural zoned development site.

- 4.19 Although not falling in the category of a development control plan, the provisions of *Murrumbidgee Council Development Contributions Plan Section 7.12 Environmental Planning and Assessment Act 1979* are an instrument that may be considered. Should the provisions of the contributions plan be applied, the required contribution is 0.5% of the project cost which is \$750.00

An appropriate condition has been included within the recommended conditions of consent (see condition 13 of Schedule A).

- 4.20 The provisions of section 4.15(1)(a)(iv) require the consent authority to take into consideration the provision of any regulation. In this instance there are no regulations of relevance to the proposed development.

- 4.21 The likely impacts of development section 4.15(1)(b), including environmental impacts on both the natural and built environments and social and economic impacts in the locality have been addressed throughout the report, and in the following table.

Table 1: Likely Impacts of proposed development

<i>Context and setting</i>	The development is largely unseen from the private-public interface due to the setbacks from the boundaries and
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Access

therefore is deemed to be compatible in terms of context and setting.

The development is considered to have minimal impact on the rural setting in which it is proposed.

Access within the site is via all-weather tracks which connect to Jim Cattnach Road, which is a local road constructed to an all-weather gravel standard. The first 50m of Jim Cattnach Road at its intersection with the Kidman Way is bitumen sealed.

The site fronts the Kidman Way, which is a classified road with a speed limit of 100km/h. The intersection of the Kidman Way and Jim Cattnach Road includes basic turning lanes and the bitumen seal extends direct access is proposed.

Access to the site is deemed satisfactory and no upgrade works are required.

Traffic

The applicant has provided a Traffic and Transport Impact Assessment ('TIA') prepared by SLR Consulting Pty Ltd which informs the consent authority of the following:

- The site is predicted to increase from an average of 20 vehicle movements per day to 70 vehicle movements per day, an increase of approximately 50 vehicle movements.
- The peak operational output of the site is predicted to remain constant at 1,600 tonnes per day resulting in the same number of heavy vehicle movements in the peak daily scenario (up to 100 heavy vehicle movements per day).
- Similarly, the same number of heavy vehicle movements in the peak hour are predicted although the number of light vehicle movements is predicted to increase marginally from 2 vehicles per hour to 5 vehicles per hour.
- The additional traffic generated can be accommodated within the surrounding transport environment resulting in negligible impacts to the safety and efficiency of the Local and State roads.

The TIA does not make any recommendations regard the need for any upgrade to the intersection of the Kidman Way and Jim Cattnach Road or any need to upgrade Jim Cattnach Road.

Council is of the view, that the increase in traffic along Jim Cattnach Road, has the potential to cause greater wear

due to the increased volume of traffic and impact on nearby premises and place a greater burden on Council to maintain the road, beyond its current program.

Council in the recent past, when in dealing with a non-agricultural development involving frequent heavy vehicle movements, has imposed a condition to ensure that the development does not have an adverse impact on the local (unsealed) road network. To ensure consistency a condition has been recommended (see 14 of Schedule A) which requires:

- a. There be no heavy vehicle movement during wet weather;
- b. Heavy vehicle movements are not to commence until a minimum of 48 hours after rain has ceased;
- c. No heavy vehicle movements during school bus hours;
- d. Heavy Vehicles are to be limited to 25m long B-Doubles.
- e. Prior to the commencement of quarrying activities, the person or entity with the benefit of the consent shall enter into an agreement with Murrumbidgee Council that they are to maintain Jim Cattnach Rd used by heavy vehicles associated with the quarry that are deemed necessary and go beyond Council's regular rural road maintenance schedule. Assessment of the road condition that will trigger maintenance works will be undertaken by Council using its Road Asset Condition Assessment System (RACAS). All maintenance work, required as a consequence of heavy vehicle traffic generated by the development, will be undertaken by Council at the full cost of the Developer."

Air Quality

It is anticipated that dust will be generated as a consequence of on-site quarrying activities as well as from vehicles using internal roads.

Amenity impacts are addressed in the Air Quality Impact Assessment (AQIA) prepared by SLR and assessed by the NSW EPA in their General Terms of Approval (see Condition 12 O1.1 to O1.3 of Schedule A).

Council is generally satisfied that the dust mitigation contingency measures set out in Part 9 of the AQIA would address the operational impacts and has included a condition (see 20a of Schedule A) which specifies reasonable dust mitigation measures.

Visual amenity & public domain

The development is proposed in a sparsely populated and relatively isolated rural location, on flat ground and well setback from any public road and property boundaries. The excavation pits are not visible from the public realm, however the stockpiles of overburden are clearly visible and to a small degree overwhelm the rural setting.

Although not addressed in any meaningful way in the EIS, Council can be reasonably satisfied that existing perimeter landscaping of the site from the Kidman Way and Jim Cattanch Road frontages would mitigate any visual impact as viewed from the public realm.

A condition of consent (see 23 of Schedule A) sets out the need for maintaining the existing landscaping including the replacement of any trees or shrubs that have perished.

Noise & vibration

There are seven (7) residential receptors not associated with the site located within 2.4km of the site, with the nearest being approximately 200m to the south of the quarry entrance.

The Noise Assessment Report (prepared by SLR) has been considered by the NSW EPA who have provided their General Terms of Approval. These conditions have been set out in Condition 12-L2.2 and 11-R2.1 (see Schedule A).

In summary the Noise Assessment suggests that the predicted noise levels are within the relevant EPA guidelines.

Mitigation of potential noise impacts in terms of construction and operation have been addressed by the aforementioned conditions and conditions 19 and 25 as set out in Schedule A.

Biosecurity

The primary biosecurity issue associated with the development is around the management of weeds in and around the development site including the road reserve. Weeds if allowed to spread have the potential to impact extensive areas of land.

It is not expected of the development to take responsibility for weed control; it is considered reasonable that the site be managed in accordance with the principles of the Australian Weeds Strategy 2017-2027 and implement measures that would mitigate the off-site migration of weeds as a result of vehicle movements.

*Water
Resources*

The contamination of surface or ground waters is unlikely to be detrimentally affected as a result of the proposed development.

The applicant has indicated that no permanent sediment basin has been proposed for the pit, since the pit is self-contained and will be progressively expanded in the course of the quarry expansion. The applicant has indicated that a pit sump will be utilised to capture and retain surface water for express purposed of re-use onsite for dust suppression onsite. The applicant has stated that the pit sump would remain within the sand layer and not go below the underlying clay band and therefore would not intercept or impact on groundwater.

Biodiversity

The Biodiversity Conservation Act, 2016 provides a framework for the management of flora and fauna on lands within NSW and under this piece of legislation the principles of ecologically sustainable development are established to achieve the conservation and protection of biodiversity values.

An ecological assessment has been undertaken by the applicant and the impacts of the development to flora and fauna have been considered previously in this assessment, under the provisions of *Clause 6.3 Terrestrial Biodiversity* in paragraph 4.16 of this report.

There are expected to be minimal impacts to biodiversity on and near the development site.

Heritage

The subject site does not contain any heritage item identified in MLEP 2013, nor have any sites or places containing Aboriginal cultural heritages been identified in the Aboriginal Heritage Information Management System ('AHIMS').

The applicant has undertaken a Due Diligence Assessment prepared in accordance with the Department of Environment and Climate Change (2010) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* which concludes that because the site is disturbed because of past agricultural activities and current quarrying activities there is little likelihood of discovering Aboriginal artefacts.

While the potential for discovery is low, it is important that the chance finds procedure protocols be included as a condition of consent to ensure the protection of aboriginal heritage during construction.

<i>Other land Resources</i>	The development is not in a water catchment area nor known to contain significant minerals or other geological resources other than the sand which is sought for extraction. The lifespan of the development is estimated at 25 years after which the land will undergo final rehabilitations to its pre-quarrying state and be capable of being used for productive agriculture. There are no known other land resources that are likely to be affected.
<i>Utilities</i>	Essential services that are considered suitable and necessary for the development will be provided. This includes property access, power (generator), water supply (tank), and onsite treatment of sewage.
<i>Waste</i>	The ongoing operation of the quarry is not likely to result in waste generation.
<i>Contamination</i>	The provisions of Chapter 4 of SEPP (Resilience and Hazards) 2021 states that a consent authority must not consent to the carrying out of any development on land unless: <i>(a) it has considered whether the land is contaminated, and</i> <i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i> <i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i> With regard to clause 4.6(4) of the SEPP the land concerned: <i>(a) not land within an investigation area</i> <i>(b) is not land upon which a development which is identified in Table 1 of the Contaminated Land Planning Guidelines has previously and is to be carried out.</i> <i>(c) the proposed development is a sensitive land use.</i> The subject site is not within an investigation area however the historical use of the site, prior to its use as a quarry, for grazing and rotational cropping is listed as a potentially contaminating land use in Table 1 of "Managing Land Contamination – Planning Guidelines – SEPP 55 –

	Remediation of Land.” Lastly the use is not for a sensitive land use. A Preliminary Site Investigation is not considered warranted based on a review of the Guidelines for the following reasons: • There is no evidence of the site being used for potentially contaminating uses historically with elevated levels of herbicide or pesticide usage. • The site is not listed on a Contaminated Site Registry. • There are no land restrictions or notices issued by Council or the EPA on the site. • The Proposal does not include a sensitive land use.
<i>Natural hazards</i>	The subject site is not prone to natural hazards such as tidal inundation, subsidence, slip, mass movement, flooding nor is it mapped as being bushfire prone land. Despite the land not being mapped as being bushfire prone land, all land is still subject to a level of bushfire risk. The applicant in their EIS has undertaken a limited bushfire risk assessment, concluding that as the land is not mapped as being bushfire prone, the quarry operator’s, Mawsons, general emergency management statement is sufficient as it incorporates bushfire emergency management. This document has not been sighted, and would be covered by obligations to SafeWork NSW and the NSW Resources Regulator.
<i>Technological hazards</i>	The development is subject to no known technological hazards.
<i>Safety, security and crime prevention</i>	The site and infrastructure will be secure, surrounded by a wire perimeter fence and security gate.
<i>Socio- economic</i>	The expansion of the proposed quarry is unlikely to have any discernible social or economic impacts, either positive or negative. The expansion will facilitate the long-term viability of the quarry, which provides some economic benefits in that it would providing a critical resource to the construction industry and therefore indirect employment opportunities for other commercial enterprises.

		The ongoing income to the quarry operator or to the landowner is not a relevant consideration that would give weighted support or refusal of the application. As mentioned in this report, the materials sourced from the quarry are likely to be taken up by the renewable energy projects that will be undertaken across this and adjoining local government areas.
<i>Construction</i>		No construction is proposed.
<i>Hours of Operation</i>	<i>of</i>	The hours of operation of the development have already been discussed above under <i>Noise and Vibration</i>. The existing hours of operation, being 7.00am to 6.00pm weekdays, 8.00am to 4.00pm Saturday and no work on Sunday and public holidays are appropriate. The hours of operation have been regulated by conditions of consent (see 12-L2.2 and 19).
<i>Cumulative impacts</i>		Potential cumulative impacts have been considered to be insignificant.

Based on the above there is unlikely to be any significant adverse impacts as a result of the development subject to the recommended imposition of conditions.

- 4.22 In terms of 4.15(1)(c) the proposed development site does not contain any significant constraints and can be appropriately serviced. Land restrictions, hazards and risks have been identified, can be reasonably controlled and managed and potential environmental impacts mitigated. The site is considered suitable and able to sustainably accommodate the solar farm development.
- 4.23 The provisions of the EP&A Regulation 2021 and Murrumbidgee Council's Community Participation Plan (CPP) set down consultation, concurrence and advertising requirements for specific types of development applications and taking into consideration any submissions received in response to the notification process. In this instance, Council exhibited the development for a period of 28 days through the NSW Planning Portal, on Council's website and adjoining landowners being informed by way of letter. Further, Council referred the application to the NSW EPA and TfNSW.
- 4.24 Council notified the proposed development on 19 August 2025 with the closing date for submissions being 12 September 2025.
- 4.25 Council received one submission from a nearby property owner seeking clarification to the type of designated development being sought as an administrative error with the letters being sent out mis-describing the development as a feedlot. An e-mail was sent to the person making the submission informing them our Council's error.
- 4.26 Re-notification of the development was undertaken with the exhibition period running from 9 September 2025 to 7 October 2025. No submissions from the general-public were received.

- 4.27 Two (2) submissions from statutory authorities were received, one from NSW EPA and from TfNSW. The submissions are set out in **Schedules B & C**. Neither submission raises any objections
- 4.28 The provisions of Section 4.15(1)(e) of the EP&A Act 1979 provides an overarching requirement to consider the public interest. It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments, development control plan, Council policy, and by Council ensuring that any adverse effects on the surrounding area and the environment are avoided. On the basis that the proposed development is considered consistent with the aims and objectives of the relevant environmental planning instruments and policies; and Land and Environment Court Planning Principles, it is therefore unlikely to raise any issues that are contrary to the public interest.

PART 5: CONCLUSION AND RECOMMENDATION

- 5.1 The development application has been evaluated with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. On the basis of this assessment, it is considered the proposal has merit and the development can be supported for the following reasons:
- The proposed development is permissible within the RU1 Primary Production zone and is generally consistent with the aims, objectives and provisions of Murrumbidgee Local Environmental Plan 2013.
 - The proposed development is consistent with the provision the relevant SEPPs that apply.
 - The proposed development is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.
 - The subject site is suitable for the proposed development.
 - The proposed development does not raise any matter contrary to the public interest.
- 5.2 It is **recommended** that the Development Application DA No 29-2025 (PPSWES-311) for the expansion of the existing sand quarry from two (2) hectares (ha) to up to forty (40) ha (at any one time) and increase the maximum extraction rate from 30,000m³ to 300,000 tonnes per annum (tpa) at Lot 175 DP 750908 Kidman Way, Darlington Point be **approved** pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to conditions including those set out in **Schedule A**.