

AUTHORISED OFFICERS REPORT

DEVELOPMENT APPLICATION: 2025/0357

NSW PLANNING PORTAL PAN-576082

WESTERN REGIONAL PPSWES-400
PLANNING PANEL

FOR: Extractive Industry – Increase in extraction volume of up to 100,000 tonnes per annum and the extraction activity area to 100 ha.

ZONE: RU1 Primary Production

ADDRESS: 4920 Noorong Road, Tullakool

PROPERTY Lot 32 DP 756510, Lot 58 DP 756510 and Lot 33 DP 756510

OWNER: Peter Norman Chalmers and Rhiannon Louise Chalmers

APPLICANT: Rodney Harold Chalmers

EXECUTIVE SUMMARY

Rodney Harold Chalmers (the Applicant) operates the Lytton Sand Quarry at 4920 Noorong Road, Tullakool, under Development Consent DA10.2020.134.2 (as modified). The Applicant seeks development consent to expand the existing extractive industry by increasing both the approved extraction area and annual production capacity to secure a long-term supply of construction sand for the Riverina and north-west Victorian regions.

The proposal seeks approval to:

- increase the annual extraction volume from 29,500 m³ (less than 30,000 tonnes) to 100,000 tonnes per annum;
- expand the approved extraction footprint from approximately 7.8 hectares to 100 hectares within a total operational activity area of 135 hectares;
- continue extraction, screening and stockpiling of fine to medium-grade construction sand using existing mobile plant and equipment;
- continue to utilise the existing site access from Noorong Road without requiring upgrades or new permanent infrastructure; and
- undertake progressive rehabilitation of completed extraction areas throughout the life of the quarry.

The proposal does not include blasting, crushing, chemical processing, fixed processing infrastructure or groundwater extraction. Quarry operations will continue during approved daytime

operating hours using existing mobile equipment, internal haul roads and established access arrangements.

The site is located at 4920 Noorong Road, Tullakool, comprising Lots 33 and 58 DP756510, with access via Lot 32 DP756510. The land is zoned RU1 Primary Production under the Wakool Local Environmental Plan 2013 (LEP), where an extractive industry is permissible with development consent. The broader property comprises approximately 2,632 hectares, with the proposed quarry activity occupying approximately 135 hectares.

The proposal will continue supplying construction sand to regional concrete producers and construction industries servicing the Riverina and northern Victoria, while maintaining the existing haulage route via Noorong Road and the surrounding regional road network. Traffic assessments conclude that the existing access and surrounding road network have sufficient capacity to accommodate the proposed increase in heavy vehicle movements.

The Environmental Impact Statement (EIS) concludes that the proposed quarry expansion can be undertaken with minimal environmental impacts through implementation of established mitigation measures, progressive rehabilitation, environmental management plans and ongoing monitoring, while supporting continued regional supply of construction materials and employment opportunities.

The Development Application was notified publicly and to surrounding property owners in accordance with legislation and Council's Notification Policy. No submissions were received.

The application was referred to Government agencies under various legislation, with the application being classed as Designated Development, Integrated Development (with NSW EPA) and Regionally Significant Development. Referrals were also sent internally to Murray River Council teams. Responses received are incorporated into the assessment in this Report.

The proposed development is considered appropriate for the location and does not adversely impact upon the existing amenity and neighbourhood character of the area and is appropriately located within a Primary Production area.

The proposed development is generally consistent with the LEP, the Wakool Development Control Plan 2013 (DCP) and other relevant planning instruments associated with the site. The Application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act) and is deemed consistent with the requirements therein.

For the foregoing reasons, the proposed development can be granted development consent subject to appropriate conditions of consent (refer to Section 4 of this Report).

SECTION 1: INTRODUCTION

1.1 Subject land and surrounding environment

Peter Norman Chalmers and Rhiannon Louise Chalmers own and operate the Lytton Sand Quarry (the Quarry).

The subject land is located at 4920 Noorong Road, Tullakool, approximately 27 kilometres west of Wakool and 19 kilometres north-east of Murrabit (Victoria) within the Murray River Council Local Government Area. The site comprises Lots 33 and 58 DP756510, with access provided via Lot 32 DP756510, Parish of Belmore, County of Wakool.

The land has an overall area of approximately 2,632 hectares and is zoned RU1 Primary Production under the LEP.

The site forms part of a broadacre agricultural holding historically utilised for dryland cropping and periodic sheep grazing. The land has been extensively cleared over many decades and is characterised by predominantly flat topography associated with the Riverina plains. Vegetation within the proposed extraction area is largely limited to exotic pasture and annual cropping, with isolated remnant trees and degraded native vegetation generally confined to the northern and eastern portions of the property. The surrounding landscape is overwhelmingly rural in nature and supports agricultural production consistent with the RU1 Primary Production zone.

Refer to Figure 1 for a drone image and Figure 2 for a Locality Plan.



Figure 1 – Site Image by Drone
Source: EIS

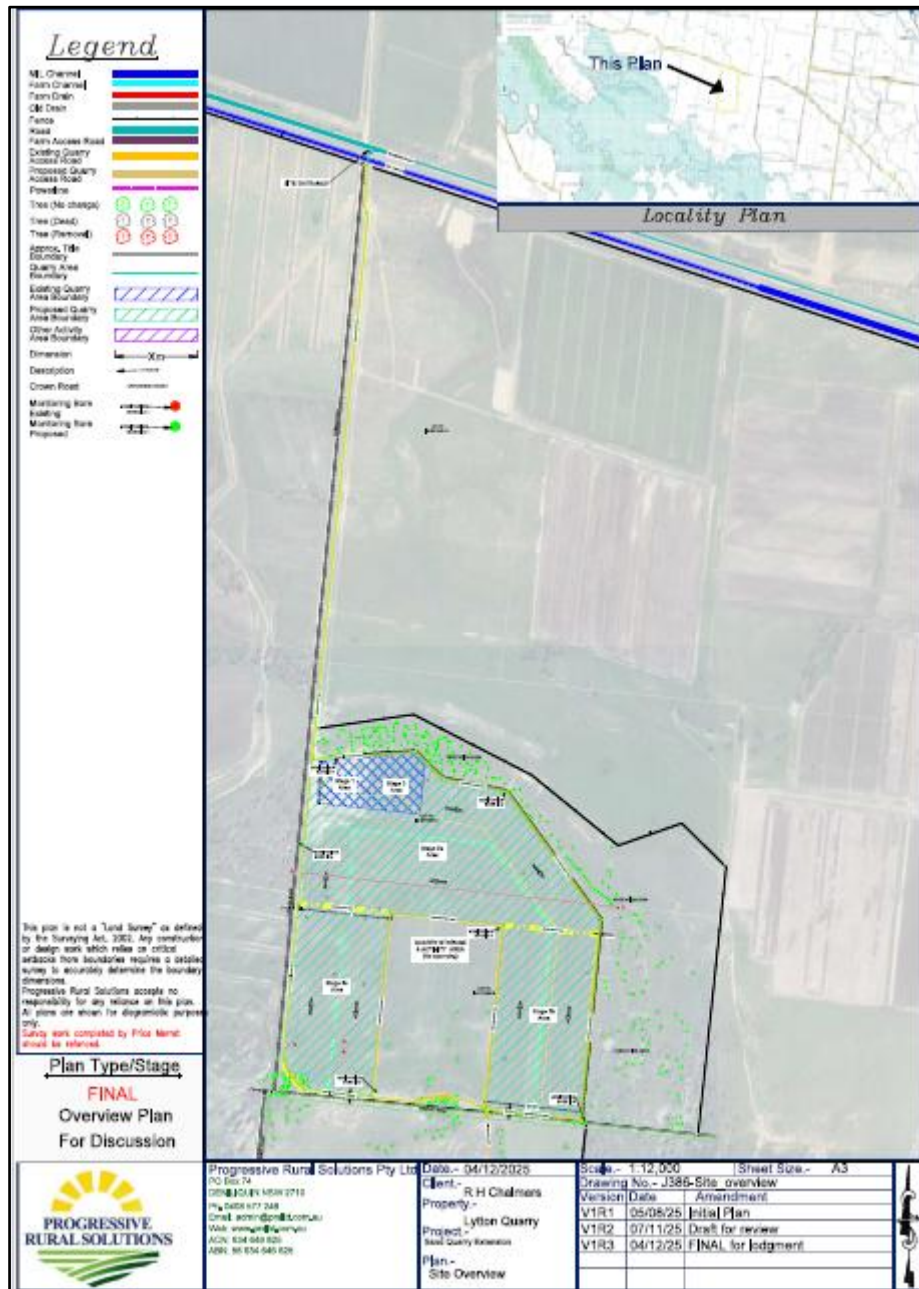


Figure 2 – Locality Plan
Source: Attachments to the EIS

An existing quarry operates under an established development consent and currently includes extraction areas, stockpiles, mobile screening equipment, internal haul roads and loading areas. Refer to Figure 3.



Figure 3 – Location of the existing quarrying
Source: EIS

Vehicular access to this quarry is provided via an existing dedicated access road connecting to Noorong Road. Heavy vehicles transporting quarry products utilise the established haulage route via Noorong Road to the surrounding regional road network.

The locality is sparsely populated, with surrounding land uses comprising predominantly broadacre cropping, grazing and other rural activities. There are no urban settlements adjoining the site and nearby residences are well separated from the proposed extraction area.

The EIS identifies that the site has been subject to long-term agricultural disturbance, contains limited ecological constraints, and is not affected by mapped floodplain management areas.

1.2 Proposed development

1.2.1 Overview

The applicant seeks development consent to expand the existing approved extractive industry located at 4920 Noorong Road, Tullakool, intended to secure a long-term supply of construction sand for the Riverina and north-west Victoria. Specifically, the proposal seeks approval for the following:

- Increase the approved annual extraction volume from approximately 29,500m³ (less than 30,000 tonnes per annum) to 100,000 tonnes per annum.
- Expand the approved extraction area from approximately 7.8 hectares to approximately 100 hectares within a total operational activity area of 135 hectares.
- Continue the extraction, screening, stockpiling and dispatch of fine and medium-grade construction sand using existing mobile equipment.
- Continue to utilise the existing quarry access from Noorong Road without modification.

- Implement progressive rehabilitation of exhausted extraction areas throughout the operational life of the quarry.
- Continue quarry operations for an estimated resource life of approximately 30 years.

The EIS states that the proposal does not require any significant changes to the established operational methodology. Existing site infrastructure, access arrangements and mobile extraction equipment will continue to be utilised throughout the life of the development.

Refer to Figure 4 for a Site Plan.



Figure 4 – Site Plan
Source: Attachments to the EIS

1.2.2 Quarry design and extraction

Extraction will continue to comprise shallow, open-cut "free-dig" sand extraction undertaken using hydraulic excavators, front-end loaders and other mobile quarry equipment.

The proposal does not include blasting, crushing, drilling, chemical processing or other intensive extractive techniques. Extraction will occur above the groundwater table and will not intercept groundwater resources.

Refer to Figure 5 for an image of the current operation.



Figure 5 – Site image by drone of the current operation
Source: EIS

The expanded quarry has been designed to:

- progressively recover identified sand resources across approximately 100 hectares;
- maintain staged extraction and rehabilitation to minimise the disturbed area at any one time;
- retain extraction wholly within the subject property;
- continue extraction above the groundwater table;
- continue using mobile screening equipment located on the quarry floor; and
- maintain natural acoustic and visual shielding by undertaking extraction below existing ground level.

1.2.3 Processing and stockpiling

Extracted material will continue to be screened on site using mobile screening equipment before being stockpiled for subsequent loading and transport. No washing plant, crushing plant, fixed processing infrastructure or chemical treatment facilities are proposed.

Processing operations will continue to comprise:

- excavation of raw material;
- transport by front-end loader or mobile plant to screening equipment;
- screening into construction sand products;
- temporary stockpiling of processed material;
- loading into heavy vehicles for transport from the site; and
- reuse of overburden and unsuitable material for rehabilitation and landform construction.

1.2.4 Site access and traffic

Vehicular access will continue to be provided via the existing dedicated access road connecting the quarry to Noorong Road. Internal haul roads servicing extraction areas will be progressively extended as quarry operations advance.

Product will continue to be transported to construction markets throughout the Riverina and northern Victoria using the existing regional road network.

1.2.5 Infrastructure and services

No significant new infrastructure is proposed as part of the application. The proposal will continue to utilise the existing:

- site access;
- internal haul roads;
- mobile extraction and screening equipment;
- stockpile areas;
- site administration facilities;
- water supply arrangements;
- environmental management systems; and
- rehabilitation programme.

The proposal does not involve the construction of permanent buildings or processing facilities beyond those associated with the existing approved operation.

1.2.6 Water management

Water demand will remain relatively modest and will continue to be met through existing on-site water sources, rainfall runoff capture and existing supply arrangements. The proposal includes:

- continued use of water for dust suppression;
- capture and reuse of site runoff;
- sediment and erosion controls;
- groundwater monitoring; and
- spill prevention and management measures.

The EIS states that groundwater will not be intercepted.

1.2.7 Rehabilitation

Progressive rehabilitation will occur throughout the operational life of the quarry rather than at cessation of extraction.

Rehabilitation measures include:

- progressive replacement of topsoil;
- recontouring of exhausted extraction areas;
- reuse of overburden and unsuitable material to establish final landforms;
- erosion and sediment control;

- weed management;
- revegetation where appropriate; and
- return of rehabilitated land to productive agricultural use consistent with surrounding land uses.

Refer to Figure 6 for the rehabilitation plan.



Figure 6 – Rehabilitation plan
Source: Attachments to the EIS

The rehabilitation strategy seeks to achieve a stable, low-maintenance landform capable of supporting ongoing agricultural production while minimising long-term environmental impacts.

1.2.8 Workforce and hours of operation

The proposal will continue to operate with a relatively small workforce using existing mobile plant and equipment, and staffing.

Quarry operations will continue during approved daytime operating hours in accordance with the development consent and applicable Environment Protection Licence (EPL) requirements that is:

- 6:00am to 6:00pm Monday to Friday
- 8:00am to 4:00pm Saturday, and
- No operations are permitted on Sunday and Public Holidays.

No night-time extraction activities are proposed.

1.2.9 Statutory Planning

The proposal exceeds the threshold of 30,000 tonnes per annum and is therefore classified as Designated Development under Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*.

The application is accompanied by an EIS addressing the Secretary's Environmental Assessment Requirements (SEARs).

The proposal will also require an EPL under the *Protection of the Environment Operations Act 1997* as a scheduled extractive activity due to the proposed annual production capacity; and needing general terms of approval from the NSW Environmental Protection Authority. This was obtained during the assessment of this application and attached to this Report as Appendix 1.

General terms were also received during the assessment of this application from Transport for NSW, which is attached to this Report as Appendix 2.

The proposal is also a "Regionally Significant Development", requiring determination by the Western Regional Planning Panel.

SECTION 2: STATUTORY ASSESSMENT PROCESS

2.1 *Environmental Planning and Assessment Act 1979*

Section 1.3 Objects

This Act aims to ensure the sustainable development and management of the State's resources by:

- promoting community wellbeing, economic growth, and environmental protection
- supporting housing supply and affordability
- improving productivity and land use
- conserving biodiversity and cultural heritage (including Aboriginal heritage)
- building resilience to climate change and natural disasters
- encouraging good design and safe, healthy built environments
- fostering public participation in planning, and
- integrating economic, environmental, and social factors in decision-making.

Section 1.3 establishes the objects of the Act, which seek to promote the proper management and development of land while balancing environmental, social and economic considerations.

Comment:

The proposal has been assessed against these objects and is consistent with the intent of the Act for the reasons outlined below.

- The proposal promotes the social and economic welfare of the community through the responsible management and development of an existing extractive resource. The expansion of the approved quarry will provide a continued and reliable supply of construction sand to support infrastructure, civil works and development projects throughout the Riverina region and northern Victoria. The proposal will also contribute to ongoing regional employment and economic activity whilst making efficient use of an established quarry with existing infrastructure and access arrangements.
- The proposal facilitates ecologically sustainable development by integrating environmental, social and economic considerations into the assessment and design of the development. Comprehensive specialist assessments have been undertaken addressing biodiversity, soils, groundwater, surface water, Aboriginal and historic heritage, traffic, noise, air quality, hazards and visual amenity. The proposal incorporates mitigation measures, environmental management plans, monitoring programmes and progressive rehabilitation to minimise environmental impacts throughout the operational life of the quarry. The proposal represents an expansion of an existing lawful extractive industry rather than the establishment of a new quarry on previously undisturbed land.
- The proposal promotes the orderly and economic use and development of land by expanding an existing approved extractive industry within land zoned RU1 Primary Production where extractive industries are permissible with development consent. The proposal makes efficient use of identified construction sand resources while utilising established infrastructure, site access, haul roads and operational areas, thereby avoiding unnecessary duplication of infrastructure elsewhere.
- While the proposal does not directly provide housing, it will contribute to the continued availability of construction materials required for residential development, public infrastructure and other building projects across the region. In this regard, the proposal provides an indirect contribution to housing supply and broader community development.
- The proposal protects the environment through the implementation of appropriate environmental safeguards and management measures. The EIS concludes that the site has

been extensively modified through historical agricultural activities and possesses relatively low ecological values. Assessments demonstrate that the proposal will not result in significant impacts upon threatened species, ecological communities, groundwater resources or other environmental values, subject to the recommended mitigation measures and conditions of consent.

- Aboriginal cultural heritage and non-Indigenous heritage assessments conclude that the proposal will not adversely affect identified heritage values. Appropriate Unexpected Finds Procedures will be implemented during quarry operations to ensure any previously unidentified heritage material is managed in accordance with legislative requirements.
- The proposal has limited implications for the built environment, as no significant permanent buildings or processing infrastructure are proposed. Quarry operations will continue below natural ground level using mobile equipment, thereby reducing visual impacts and assisting in the attenuation of operational noise. Existing site access, internal haul roads and supporting infrastructure will continue to be utilised.
- The object relating to the proper construction and maintenance of buildings has limited relevance to the proposal as the application does not involve the construction of habitable buildings or substantial built infrastructure. Existing operational facilities will continue to comply with relevant workplace health and safety requirements and applicable environmental legislation.

The proposal has been assessed through the statutory planning framework established under the Act, including consultation with relevant State agencies as required for Designated Development. The assessment process appropriately reflects the shared responsibilities of State and local government in environmental planning and assessment.

The proposal has also been subject to the public participation requirements applicable to Designated Development. The EIS has been publicly exhibited, enabling government agencies, adjoining landowners and the broader community to review the proposal and provide submissions prior to determination of the application.

Having regard to the above, the proposal is considered to be consistent with the objects of Section 1.3 of the Act.

The development represents the orderly expansion of an existing extractive industry, supports regional economic growth and the continued supply of essential construction materials, and incorporates appropriate environmental safeguards to ensure that impacts on the surrounding environment and community are appropriately managed.

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Section 1.7 of the Act requires the consent authority to apply the biodiversity assessment provisions contained within Part 7 of the *Biodiversity Conservation Act 2016* (BCA) and Part 7A of the *Fisheries Management Act 1994* (FMA), where relevant.

Comment:

The application has been supported by a Biodiversity Assessment prepared in accordance with the Secretary's Environmental Assessment Requirements and the requirements of the BCA. The assessment concludes that the proposal is located within a highly modified agricultural landscape that has been subject to historical clearing, broadacre cropping and grazing activities for many decades. Vegetation within the proposed extraction area is predominantly exotic pasture and annual

cropping, with only isolated remnant paddock trees and small areas of highly degraded native vegetation located outside the primary extraction areas.

The Biodiversity Assessment determined that no threatened ecological communities occur within the proposed extraction area and that no threatened flora species were identified during field investigations. Similarly, the site provides limited habitat for threatened fauna due to the absence of intact native vegetation, hollow-bearing trees and other important habitat features. The assessment also concluded that no groundwater dependent ecosystems occur within or adjacent to the proposed extraction area and that the proposal will not result in significant impacts upon biodiversity values.

In accordance with the Biodiversity Assessment Method (BAM) Threshold Tool, the proposal does not trigger the Biodiversity Offset Scheme. Consequently, the preparation of a Biodiversity Development Assessment Report (BDAR) is not required, and biodiversity offsets are not applicable to the proposed development. The proposal has therefore been assessed using the relevant biodiversity impact assessment provisions of the BCA.

The proposal incorporates a range of environmental management measures to further minimise biodiversity impacts during construction and operation. These include clearly defining disturbance limits, retaining vegetation outside approved extraction areas where practicable, implementing weed and biosecurity controls, managing fuels and chemicals appropriately, undertaking progressive rehabilitation of exhausted extraction areas and implementing an Unexpected Finds Procedure where necessary. These measures are considered appropriate to ensure residual biodiversity impacts remain negligible throughout the life of the development.

With respect to Part 7A of the FMA, the proposal does not involve works within waterways, marine environments or aquatic habitats, nor will it result in impacts on marine vegetation, key fish habitat or threatened aquatic species. The proposed extraction area is not located within mapped waterfront land or watercourses, and the EIS confirms that groundwater will not be intercepted and no natural waterways occur within the extraction area. Accordingly, the provisions of Part 7A of the FMA are not considered to be applicable to the proposal.

Based on the submitted Biodiversity Assessment and supporting environmental investigations, it is concluded that the proposal satisfies the requirements of Section 1.7 of the Act. The development is not expected to result in significant impacts upon biodiversity values, does not trigger the Biodiversity Offset Scheme, does not require the preparation of a BDAR, and does not give rise to matters requiring consideration under Part 7A of the FMA.

Section 4.14 Consultation and development consent—certain bush fire prone land

Section 4.14 of the Act applies to development on bush fire prone land and requires the consent authority to be satisfied that the development conforms with the relevant provisions of *Planning for Bush Fire Protection* and, where applicable, consult with the NSW Rural Fire Service (RFS).

Comment:

The subject site is identified as containing Category 3 Bush Fire Prone Land.

The EIS includes an assessment of bush fire hazards and concludes that the proposal presents a low bush fire risk due to the nature of the development and the characteristics of the site. The proposal does not include the construction of habitable buildings, residential accommodation, tourist accommodation or other special fire protection purposes as defined under the *Environmental Planning and Assessment Regulation 2021*. Accordingly, the proposal is not considered to create additional bush fire risk to occupants or increase the vulnerability of development to bush fire.

Note that the operational characteristics of the quarry inherently reduce bush fire risk. The extraction areas are maintained largely devoid of vegetation, with active quarrying, internal haul roads, stockpile areas and regularly disturbed surfaces providing substantial asset separation and limiting the availability of combustible fuels. The surrounding agricultural landscape is similarly characterised by broadacre cropping and grazing, resulting in relatively low fuel loads compared to heavily vegetated environments.

The EIS identifies that bush fire risks associated with quarry operations will be managed through the site's operational procedures and Workplace Health and Safety systems. These include maintaining all-weather site access, ensuring mobile water carts and firefighting equipment are available on site, maintaining emergency response procedures, providing appropriate staff training, and implementing ongoing vegetation and fuel management around operational areas. These measures are considered appropriate for the scale and nature of the development and are consistent with the principles contained within *Planning for Bush Fire Protection*.

As such, referral to the RFS under Section 4.14 is not merited.

Subject to compliance with the recommended conditions of consent and implementation of the proposed emergency management measures, the development is unlikely to result in unacceptable bush fire risk and is considered satisfactory with respect to bush fire planning and public safety.

It is therefore considered that the proposal adequately addresses the relevant requirements of Section 4.14 of the Act.

Section 4.15 Evaluation

When assessing a development application, the consent authority must consider relevant planning instruments (such as environmental plans, proposed instruments, development control plans, and planning agreements), the likely environmental, social, and economic impacts, the site's suitability, any public submissions, and the overall public interest.

Comment:

This report provides the necessary review and evaluation of the development application. See below.

Section 4.46 What is "integrated development"?

Integrated development is development (excluding State significant or complying development) that requires both development consent and at least one additional approval from another government authority before it can proceed.

Comment:

The application is classed as Integrated Development with NSW EPA.

2.2 Chronology of events and public notification and statutory referral process.

The below table provides an overview of the timeline with respect to the lodgement and assessment of the application.

Application history/timeline

Application submitted	8 December 2025
Application lodged	6 March 2026
Regional Planning Panel initiated	15 May 2026
Neighbour Notification	The proposed development was neighbour notified in accordance with the Council's DCP requirements. The exhibition period was between 18 March to 16 April 2026. No submissions were received.
Further information requested	None related to planning or any technical assessments.
Further information received	Not applicable.
Public Exhibition	18 March to 16 April 2026 (no submissions were received)
Site Inspection	27 May 2026

2.3 Referrals

	Agency / Team	Response
Internal referrals	Engineering	No objections subject to conditions.
	Waste	No objections.
	Liquid Trade Waste	No objections.
	Flooding	No objections.
External referrals	EPA (Integrated Development)	No objections subject to conditions. Refer to Appendix 1. Dated – 23 April 2026
	TfNSW	No objections subject to conditions. Refer to Appendix 2. Dated – 10 April 2026
General referrals	None	None

Note that the Applicant engagement Government Agencies prior to lodgement of this application, to which a SEAR was received dated 2 July 2025. This includes assessment from the following:

- Department of Planning Housing Infrastructure
- Department of Primary Industries and Regional Development
- Department of Climate Change, Energy, the Environment and Water
- NSW Environmental Protection Authority
- Murray River Council, and
- Transport for NSW.

The responses received informed the EIS.

2.4 Owners Consent

Owners Consent	Provided.
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2.5 Contributions

Section 7.11 (formally Section 94) Development Contribution and Section 7.12 (formally Section 94A) Levy Development Contributions were superseded by the adopted Murray River Council Section 7.12 Levy Development Contribution Plan as of 26 May 2026. Given the cost of project is under \$100,000.00, no contributions is required.

Section 64 contributions are also not triggered by the proposed development.

SECTION 3: TOWN PLANNING ASSESSMENT

Assessment of the development application has been undertaken with respect to relevant considerations arising from Section 4.15 of the *Environmental Planning and Assessment Act 1979* as follows:

3.1 Section 4.15 Evaluation

(1) Matters for consideration-general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (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*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) (Repealed)*

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.

Matters for consideration

3.2(a) the provisions

3.2(a)(i) Environmental Planning Instruments

- Murray River Local Strategic Planning Statement (LSPS) 2020-2040

The LSPS establishes Council's 20-year vision for land use planning across the Local Government Area. The LSPS provides the strategic framework for future growth and development through three overarching planning priorities:

- A robust, growing and innovative economy;
- Liveable communities with social capital; and
- Environment, heritage and climate change.

The proposal has been assessed against these planning priorities and is considered to be generally consistent with the strategic intent of the LSPS.

The proposal directly supports the objective of fostering a robust, growing and innovative economy by facilitating the continued operation and expansion of an existing extractive industry that supplies an essential construction resource to the Riverina region and northern Victoria. The availability of locally sourced construction sand is critical to supporting regional infrastructure, residential development, road construction, agricultural development and other economic activities. Expanding an existing approved quarry improves resource efficiency, strengthens regional supply chains, supports local employment and investment, and reduces reliance on transporting construction materials from more distant sources, thereby contributing to regional economic resilience.

The proposal is also consistent with the LSPS objective of creating liveable communities with social capital. Although the development is located within a rural area and does not directly contribute to housing or community infrastructure, it supports the continued provision of construction materials required for future residential development, public infrastructure and essential services throughout the Local Government Area and adjoining regions. The proposal is situated within an established extractive industry operating in a sparsely populated rural locality and is supported by environmental assessments demonstrating that potential impacts relating to traffic, noise, dust, visual amenity and surrounding land uses can be appropriately managed through the implementation of recommended mitigation measures and conditions of consent. Accordingly, the proposal is unlikely to adversely affect the amenity or wellbeing of surrounding landowners or the broader community.

The proposal is further considered to align with the LSPS priority relating to environment, heritage and climate change. The EIS includes comprehensive specialist assessments addressing biodiversity, water resources, soils, Aboriginal and non-Aboriginal heritage, air quality, noise, traffic, hazards and rehabilitation. These assessments conclude that the site is highly modified through historical agricultural activities, possesses relatively low environmental constraints and is capable of accommodating the proposed expansion without significant adverse environmental impacts. The proposal incorporates progressive rehabilitation, erosion and sediment controls, groundwater monitoring, biosecurity measures, dust suppression, environmental management plans and ongoing monitoring programmes to ensure environmental impacts remain acceptable throughout the operational life of the quarry. The progressive rehabilitation of exhausted extraction areas will enable the land to be returned to productive agricultural use consistent with the surrounding rural landscape.

Overall, the proposal represents the orderly expansion of an existing lawful extractive industry within land identified for primary production purposes. It supports regional economic development, provides an essential resource for future growth and infrastructure delivery, and incorporates appropriate environmental safeguards consistent with the strategic planning directions established by the LSPS. As such, the proposal is considered to be consistent with the objectives and planning priorities of the LSPS.

3.2(a)(i) Environmental Planning Instruments

- Wakool Local Environmental Plan 2013 (Wakool LEP)

Part 1 Preliminary

1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in that part of the Murray River local government area to which this Plan applies (in this Plan referred to as "Wakool") in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) The particular aims of this Plan are as follows—*
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) to reinforce the strong rural character of Wakool,*
 - (b) to encourage the continued use of agricultural land for primary production,*
 - (c) to avoid the unnecessary fragmentation of rural land,*
 - (d) to encourage sustainable economic growth and development within Wakool,*
 - (e) to identify, protect, conserve and enhance Wakool's natural assets,*
 - (f) to identify and protect Wakool's built and cultural heritage assets for future generations,*
 - (g) to encourage and support growth in the townships of Barham, Wakool, Koraleigh, Tooleybuc, Moulamein and Murray Downs within the servicing catchment for sewer and water,*
 - (h) to protect environmentally sensitive land and conserve native vegetation habitats and threatened species,*
 - (i) to give priority to the protection, conservation and enhancement of indigenous and non-indigenous cultural heritage,*
 - (j) to encourage non-agricultural enterprises by permitting a wide range of urban land uses consistent with the imperative to support economic growth, employment creation and business opportunities.*

Comment:

Clause 1.2 of the LEP establishes the overarching aims and strategic planning outcomes for land within the former Wakool Shire area. The proposal has been assessed against the relevant aims of the LEP and is considered to be generally consistent with the intent of the Plan for the reasons outlined below.

- The proposal is considered to be consistent with the aim of reinforcing the strong rural character of Wakool. The development involves the expansion of an existing extractive industry located within a predominantly agricultural landscape and does not introduce urban development or land uses incompatible with the surrounding rural environment. The proposal will maintain the rural character of the locality and will continue to operate within a working agricultural landscape.
- The proposal is not anticipated to adversely affect the continued use of agricultural land for primary production. Whilst the quarry footprint will expand within the subject property, the extraction activity remains concentrated within a defined operational area and is accompanied by a progressive rehabilitation programme that seeks to return exhausted extraction areas to a productive agricultural land use. The broader landholding will continue to be utilised for agricultural purposes throughout the life of the development.
- The proposal does not involve subdivision or the creation of additional allotments and therefore will not contribute to the unnecessary fragmentation of rural land. The development remains wholly contained within the existing landholding and will not compromise the long-term agricultural viability of surrounding properties.
- The proposal strongly supports the aim of encouraging sustainable economic growth and development within Wakool. The quarry supplies construction sand to regional infrastructure, civil construction, agricultural and development projects throughout the Riverina and northern Victoria. The continued availability of locally sourced construction materials supports employment, investment and economic activity while reducing transportation costs and improving the resilience of regional supply chains.
- In relation to environmental protection, the EIS concludes that the site is highly modified by historical agricultural activities and contains limited environmental constraints. Detailed assessments addressing biodiversity, water resources, soils, air quality, noise, traffic, visual amenity and hazards have been undertaken. The proposal incorporates a range of environmental safeguards, monitoring programmes and mitigation measures to ensure that impacts on natural assets are minimised and appropriately managed throughout the operational life of the quarry.
- The proposal is consistent with the aims relating to the protection of built, cultural and heritage assets. Aboriginal and non-Aboriginal heritage assessments undertaken as part of the EIS did not identify any heritage items, Aboriginal objects or culturally significant sites that would be adversely affected by the proposed development. Appropriate management measures, including Unexpected Finds Procedures, are proposed to ensure ongoing protection of any previously unidentified heritage values.
- The proposal is considered consistent with the aim of protecting environmentally sensitive land, native vegetation habitats and threatened species. Biodiversity investigations conclude that the proposed extraction area comprises predominantly cleared agricultural land with limited ecological value. No threatened ecological communities were identified, the Biodiversity Offset Scheme is not triggered, and the proposal is not expected to result in significant impacts on threatened species or biodiversity values.
- The proposal also aligns with the aim of giving priority to the protection, conservation and enhancement of Indigenous and non-Indigenous cultural heritage. Specialist heritage investigations have confirmed that no significant heritage impacts are anticipated, and management measures are proposed to address any unexpected discoveries during operations.

The proposal does not directly relate to the growth of the townships of Barham, Wakool, Koraleigh, Tooleybuc, Moulamein or Murray Downs. However, the continued supply of construction materials to the region will indirectly support future residential, commercial, industrial and infrastructure development within these settlements and their associated servicing catchments.

While the proposal does not involve a non-agricultural enterprise within an urban area, it is nevertheless consistent with the broader objective of supporting economic growth, employment creation and business opportunities within the local government area. The proposal will facilitate the continued operation and expansion of an established regional industry that contributes to the local and regional economy.

Having regard to the above, the proposal is considered to be consistent with the aims of the LEP. The development supports sustainable economic development, maintains the rural character of the locality, protects environmental and heritage values, and contributes to the continued supply of essential construction materials required to support growth and development across the region.

1.9A Suspension of covenants, agreements and instruments

Comment:

The lodgement material does not indicate the suspension of covenants, agreements and instruments to facilitate the proposed extension.

Part 2 Permitted or prohibited development

2.3 Zone Objectives and Land Use Table (development permissibility)

Zone RU1 Primary Production

- *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.*

Comment:

The subject land is zoned RU1 Primary Production under the LEP. The proposed extractive industry is permissible within the zone with development consent.

The proposal is considered consistent with the objectives of the RU1 zone. The expansion of the existing quarry facilitates the sustainable use of an identified construction sand resource while incorporating progressive rehabilitation to return exhausted extraction areas to productive agricultural use, thereby maintaining the long-term natural resource base.

The proposal also supports the diversification of rural enterprises by allowing an established extractive industry to operate alongside the broader agricultural activities undertaken on the property. This provides an additional source of rural economic activity without compromising the ongoing agricultural use of the balance of the landholding.

The development does not involve subdivision or fragmentation of rural land and will remain wholly within the existing allotments. As such, it will not result in the alienation of rural land or adversely affect the long-term viability of surrounding agricultural properties.

The surrounding locality is characterised by agricultural land uses, with the quarry operating as an established use within the rural landscape. Specialist assessments demonstrate that potential impacts relating to noise, dust, traffic and visual amenity can be effectively managed through the proposed mitigation measures and conditions of consent. Accordingly, the proposal is not expected to create unreasonable land use conflicts with adjoining properties.

Overall, the proposal is considered to satisfy the objectives of the RU1 Primary Production zone.

Permissibility

Comment:

Extractive Industry uses within the RU1 Primary Production zone are categorised as development permitted with consent.

2.6 Subdivision—consent requirements

Comment:

Not applicable.

2.7 Demolition requires development consent

Comment:

Not applicable.

2.8 Temporary use of land

Comment:

Not applicable.

Part 3 Exempt and complying development

Comment:

The proposed development cannot be classed as exempt or complying development as it is made assessable development under the LEP and is Integrated and Designated Development and is also a Regionally Significant Development.

Part 4 Principal development standards

4.1 Minimum subdivision lot size

Comment: Not applicable.

4.1AA Minimum subdivision lot size for community title schemes

Comment: Not applicable

4.1A Minimum subdivision lot size for strata plan schemes in certain rural and conservation zones

Comment: Not applicable

4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Comment: Not applicable.

4.2 Rural Subdivision

Comment: Not applicable.

4.2A Erection of dwelling houses on land in certain rural and conservation zones

Comment: Not applicable.

4.2B Subdivision for the purposes of intensive plant agriculture

Comment: Not applicable.

4.3 Height of buildings

Comment: Not applicable.

4.4 Floor space ratio

Comment: Not applicable.

4.5 Calculation of floor space ratio and site area

Comment: Not applicable.

4.6 Exceptions to development standards

Comment: Not applicable.

Part 5 Miscellaneous provisions

5.3 Development near zone boundaries

Comment: Not applicable.

5.4 Controls relating to miscellaneous permissible uses

Comment: Not applicable.

5.5 Controls relating to secondary dwellings

Comment: Not applicable.

5.6 Architectural roof features

Comment: Not applicable.

5.7 Development below mean high water mark

Comment: Not applicable.

5.9 Dwelling house or secondary dwelling affected by natural disaster

Comment: Not applicable.

5.10 Heritage conservation

Comment: The site does not contain any known items of Environmental Heritage Significance following a review of the Spatial Viewer. It is the responsibility of the Applicant to ensure compliance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. Any consent issued will set out expectations and protocol for the protection of Aboriginal Cultural Heritage.

5.11 Bushfire hazard reduction

Comment: Not applicable.

5.12 Infrastructure development and use of existing buildings of the crown

Comment: Not applicable.

5.13 Eco-tourist facilities

Comment: Not applicable.

5.14 Siding Spring Observatory – maintain dark sky

Comment: Not applicable.

5.15 Defence communications facility

Comment: Not applicable.

5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

Comment: Not applicable.

5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations

Comment: Not applicable.

5.18 Intensive livestock agriculture

Comment: Not applicable.

5.20 Standards that cannot be used to refuse consent—playing and performing music

Comment: Not applicable.

5.21 Flood planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) *In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*

(a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*

(b) *the intended design and scale of buildings resulting from the development,*

(c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

(d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

(4) *A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

(5) *In this clause—*

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

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

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

Clause 5.21 applies to development on land within a flood planning area and seeks to minimise flood risk to life and property, ensure development is compatible with flood behaviour, avoid adverse impacts on flooding and the environment, and facilitate the safe occupation and evacuation of people during flood events.

Comment:

The EIS includes an assessment of flood risk and concludes that the proposed extraction area is not located within mapped flood planning land and does not contain natural watercourses or flood-prone land. Rainfall runoff is contained within the quarry and managed through on-site drainage and sediment control measures, with no discharge to adjoining land or waterways. Groundwater will not be intercepted as part of the extraction activities. Accordingly, the proposal is not expected to alter flood behaviour or increase flood risk on the site or adjoining properties.

The proposal does not involve the construction of habitable buildings or intensification of occupation that would increase the exposure of people to flood hazards. Existing site access will be retained, and quarry operations can be suspended during adverse weather events if required. As such, the proposal does not adversely affect the safe occupation or evacuation of the site.

The development incorporates appropriate erosion and sediment controls, progressive rehabilitation and stormwater management measures to protect surrounding land and water resources throughout the operational life of the quarry. These measures are considered sufficient to prevent adverse environmental impacts associated with runoff or sedimentation.

As the site is not identified as being within a flood planning area, the detailed matters for consideration under Clause 5.21(2) and (3), including projected changes to flood behaviour resulting from climate change, are not directly applicable. Nevertheless, the proposal has been designed to ensure that extraction activities do not adversely affect overland flow paths, surrounding land or the receiving environment.

The proposal is therefore considered to satisfy the objectives and relevant requirements of Clause 5.21.

5.22 Special flood considerations

Comment: Not adopted.

5.23 Public bushland

Comment: Not adopted.

5.24 Farm stay accommodation

Comment: Not applicable.

5.25 Farm gate premises

Comment: Not applicable.

Part 6 Additional local provisions

6.1 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider 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.

Note.

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

Comment:

The EIS demonstrates that the proposed earthworks have been designed to minimise impacts on the surrounding environment through staged extraction, progressive rehabilitation and implementation of comprehensive environmental management measures. Specialist assessments

addressing soils, water resources, biodiversity, heritage, noise, air quality and hazards accompany the application and conclude that the proposal can proceed without unacceptable environmental impacts.

The proposed extraction will not adversely affect local drainage patterns or soil stability. Surface water will continue to be managed through on-site drainage, sediment controls and containment of runoff within the quarry, while groundwater will not be intercepted by the proposed extraction. Progressive rehabilitation and erosion control measures will ensure the long-term stability of the site.

The proposal will not prejudice the future use of the land. Rather, exhausted extraction areas will be progressively rehabilitated and returned to a stable landform capable of supporting ongoing agricultural use consistent with the surrounding rural landscape.

The soils to be excavated comprise predominantly sand deposits identified through geotechnical investigations as suitable for construction purposes. Overburden and unsuitable material will be retained on-site and reused in rehabilitation works. No imported fill is proposed, and excavated material will not require off-site disposal other than the extracted sand resource transported for commercial use.

Potential impacts on the amenity of adjoining properties, including noise, dust, traffic and visual impacts, have been assessed through specialist studies accompanying the application. These assessments conclude that, subject to the recommended mitigation measures and conditions of consent, the proposal is unlikely to result in unreasonable impacts on adjoining landowners.

Aboriginal and non-Aboriginal heritage assessments have not identified any relics or heritage items within the proposed extraction area. An Unexpected Finds Procedure will be implemented during quarry operations to manage any previously unidentified archaeological or cultural material encountered during earthworks.

The proposed earthworks are not located within or immediately adjoining waterways or environmentally sensitive areas. Appropriate erosion and sediment controls, stormwater management measures and environmental management plans are proposed to protect surrounding land and water resources throughout the operational life of the quarry.

Having regard to the matters for consideration under Clause 6.1(3), it is considered that the proposed earthworks have been appropriately designed and managed to avoid or minimise adverse environmental impacts. The proposal is therefore consistent with the objectives and requirements of Clause 6.1 – Earthworks.

6.2 Repealed

6.3 Terrestrial biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by—

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

- (a) whether the development is likely to have—*

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Clause 6.3 seeks to maintain terrestrial biodiversity by protecting native fauna and flora, protecting the ecological processes necessary for their continued existence, and encouraging the conservation and recovery of native species and their habitats.

Comment:

The subject land is identified as containing the Terrestrial Biodiversity overlay under the LEP. In accordance with Clause 6.3, the application is supported by a comprehensive Biodiversity Assessment that evaluates the potential impacts of the proposal on biodiversity values.

The Biodiversity Assessment concludes that the proposed extraction area is located within a highly modified agricultural landscape that has been extensively cleared for broadacre cropping and grazing. The vegetation within the disturbance area is predominantly exotic pasture and cultivated land, with limited remnant native vegetation and habitat values. No threatened ecological communities or threatened flora species were identified, and the site provides limited habitat for native fauna due to the absence of significant vegetation structure or habitat features.

Having regard to Clause 6.3(3), the proposal is not considered likely to have a significant adverse impact on the condition, ecological value or significance of native flora and fauna. The development is also not expected to significantly fragment or diminish biodiversity structure, function or composition, nor adversely affect habitat connectivity within the locality, given the existing disturbed nature of the site and the limited ecological values present.

The proposal incorporates appropriate measures to avoid and minimise impacts on biodiversity, including restricting disturbance to approved extraction areas, retaining vegetation outside the operational footprint where practicable, implementing weed and biosecurity controls, managing erosion and sediment, and undertaking progressive rehabilitation of disturbed areas. These measures are considered appropriate to minimise residual impacts and support the long-term recovery of the site following extraction.

Accordingly, the proposal satisfies the requirements of Clause 6.3(4), as it has been designed, sited and will be managed to avoid significant adverse environmental impacts on terrestrial biodiversity. Where impacts cannot be entirely avoided, they have been minimised through the

design of the proposal and will be appropriately mitigated through the implementation of the recommended environmental management measures and conditions of consent.

It is therefore considered that the proposal is consistent with the objectives and requirements of Clause 6.3 – Terrestrial Biodiversity.

6.4 Riparian land and watercourses

Comment:

The proposed development is not occurring on a riparian land.

6.5 Wetlands

(1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.

(2) This clause applies to land identified as “Wetland” on the Wetlands Map.

(3) Before determining a development application to development on land to which this clause applies, the consent authority must consider—

(a) whether or not the development is likely to have any significant adverse impact on the following—

(i) the condition and significance of the existing native fauna and flora on the land,

(ii) the provision and quality of habitats on the land for indigenous and migratory species,

(iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact

Clause 6.5 seeks to ensure that wetlands are preserved and protected from the impacts of development.

Comment:

The subject land is identified as containing the Wetlands overlay under the LEP. The application has therefore been supported by specialist assessments of water resources and biodiversity to determine the potential impacts of the proposal on wetland values.

The EIS concludes that the proposed extraction area does not contain natural wetlands or waterways and that the proposal will not adversely affect the hydrological function or ecological values associated with mapped wetlands. Surface water runoff will continue to be contained and managed on-site through appropriate drainage and sediment control measures, while extraction will remain above the groundwater table and will not intercept groundwater resources. Accordingly, the proposal is not expected to adversely affect groundwater characteristics, natural water flows, water quality or salinity.

The accompanying Biodiversity Assessment also concludes that the proposed development will not have a significant adverse impact on native flora and fauna, habitat values or ecological processes associated with the mapped wetland area. The extraction area comprises predominantly cleared agricultural land with limited ecological values, and no threatened ecological communities or significant wetland habitat were identified within the proposed disturbance area.

The proposal incorporates a range of measures to avoid and minimise environmental impacts, including erosion and sediment controls, stormwater management, groundwater monitoring, progressive rehabilitation and biosecurity measures. These controls are considered appropriate to protect surrounding environmental values throughout the life of the quarry.

Having regard to Clause 6.5(3) and (4), it is considered that the proposal has been designed and will be managed to avoid significant adverse impacts on the values and functions of the mapped wetlands. Where potential impacts have been identified, appropriate mitigation measures have been incorporated into the proposal. The development is therefore considered to be consistent with the objectives and requirements of Clause 6.5.

6.6 Development on river front areas

Comment: The subject land is not classed as a riverfront area.

6.7 Development on river beds and banks

Comment: The proposed development is not occurring on the riverbed or bank of the Murray Rivers.

6.8 Essential services

Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

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

Comment:

The proposal represents the expansion of an existing extractive industry operating from an established quarry with existing infrastructure and servicing arrangements. The development does not require the extension of reticulated water, sewer, electricity or other public utility infrastructure, nor does it generate demand for additional community services.

The EIS confirms that the existing access from Noorong Road will continue to service the quarry and that the surrounding road network has sufficient capacity to accommodate the anticipated increase in heavy vehicle movements associated with the proposal. Water required for dust suppression and operational activities will continue to be sourced through existing on-site water management arrangements, with runoff captured and reused where practicable. No additional permanent buildings or utility services are proposed.

The proposal has been referred to the relevant public authorities where required, and no servicing constraints have been identified that would preclude the development. Conditions of consent will ensure that all required infrastructure and environmental management measures are maintained throughout the operational life of the quarry.

Accordingly, the consent authority can be satisfied that adequate essential services are available to support the proposed development, and the proposal is consistent with the requirements of Clause 6.8.

3.2(a)(i) State Environmental Planning Policies

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Resource and Energy) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 1 Preliminary

Comment:

Noted.

Chapter 2 Vegetation in non-rural areas

Comment:

The subject land is zoned RU1 Primary Production, and accordingly the vegetation provisions applying to non-rural areas are not relevant to the proposal.

Chapter 3 Koala habitat protection 2020

Comment:

The subject land is not located within the area to which Chapter 3 applies and does not contain core koala habitat or potential koala habitat. The Biodiversity Assessment also confirms that no koala habitat occurs within the proposed extraction area.

Chapter 4 Koala habitat protection 2021

Comment:

The proposal is not located within the local government areas to which Chapter 4 applies.

Chapter 5 River Murray lands

Comment:

The proposal is not located within or adjoining land reserved under the *National Parks and Wildlife Act 1974*, and no impacts on protected areas are anticipated.

Part 5.3 Planning requirements and consultation

Comment:

The subject land includes a mapped Wetlands overlay under the LEP; however, the EIS concludes that the proposed extraction area does not contain natural wetlands or waterways and will not adversely affect wetland values, water quality, natural flows or groundwater. The proposal does not trigger the referral requirements under this Chapter and no consultation is required.

5.12 Planning Control and Consultation Table

Comment:

The application was not required to be referred under this Chapter.

5.13 Building setbacks—special provisions

Comment:

The site is not identified as River Murray Lands.

Chapter 6 Water catchments

Comment:

Not applicable to Murray River Council.

Chapters 7-12 (Repealed)

Chapter 13 Strategic conservation planning

Comment:

Not applicable to Murray River Council.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Comment:

The proposed development cannot be classed as exempt or complying development as it does not meet all development controls and is categorised as Integrated and Designated Development.

State Environmental Planning Policy (Housing) 2021

Comment:

Not applicable.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 1 Preliminary

Comment:

Noted.

Chapter 3 Advertising and signage

Comment:

Not applicable.

State Environmental Planning Policy (Planning Systems) 2021

The purpose of this SEPP is to provide the basis for development to be declared “Regionally Significant Development” and to further confer the function of a regional planning panel to determine development applications. As Designated Development for the purpose of Extractive Industry, the Quarry is classified as Regional Development under the Planning Systems SEPP and therefore determination of the application will be by the Western Regional Planning Panel.

Chapter 1 Preliminary

Comment:

Noted.

Chapter 2 State and regional development

Part 2.2 State significant development

Comment:

Not applicable.

Part 2.4 Regionally significant development

Comment:

Pursuant to Schedule 6, the development is categorised as a Regionally Significant Development.

Chapter 3 Aboriginal land

Comment:

Not applicable to Murray River Council.

Chapter 4 Concurrences and consents

Comment:

Proposed development is categorised as a Regionally Significant Development. Concurrence Agency response has been sought for the application as per the relevant provisions of the Act. Should the Concurrence Agency responses not be received within the relevant period, the Planning Secretary may elect to act in the place of the relevant agency.

State Environmental Planning Policy (Primary Production) 2021

Chapter 1 Preliminary

Comment:

Noted.

Chapter 2 Primary production and rural development

Part 2.1 Preliminary

Comment:

Noted.

Part 2.2 State significant agricultural land

Comment:

Not applicable.

Part 2.3 Farm dams and other small-scale and low risk artificial waterbodies

Comment:

Not applicable.

Part 2.4 Livestock industries

Comment:

Not applicable.

Part 2.5 Sustainable aquaculture

Comment:

Not applicable.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 1 Preliminary

Comment:

Noted.

Chapter 2 Coastal Management

Comment:

The subject land is located within the Murray River Council Local Government Area and is not identified as coastal land to which this Chapter applies.

Chapter 3 Hazardous and offensive development

Part 3.1 Preliminary

Comment:

The proposal has been assessed against the provisions of Chapter 3 and is not inconsistent with the requirements of this Part. The proposed development comprises the expansion of an existing extractive industry and does not involve hazardous or offensive development as defined by the Policy. The EIS includes a hazards and risk assessment which concludes that the operational risks associated with the quarry can be appropriately managed through standard quarry operating procedures and environmental management measures.

Part 2 Hazardous or offensive development

Comment:

The proposal is not considered to constitute hazardous or offensive development requiring assessment under this Part. The development does not involve the manufacture, processing or

storage of hazardous materials beyond those ordinarily associated with quarry operations, and no blasting, chemical processing or other high-risk industrial activities are proposed. Accordingly, the proposal is not inconsistent with the requirements of this Part.

Part 3 Potentially hazardous or potentially offensive development

Comment:

The proposal has been supported by a hazards and risk assessment which concludes that the quarry presents a low-risk operational profile. Potential risks associated with mobile plant, fuel storage, stormwater management and site operations can be effectively managed through the site's Environmental Management System and Safety Management System. The proposal is therefore not considered to be potentially hazardous or potentially offensive development requiring further assessment under this Part.

Chapter 4 Remediation of land

4.1 Object of this Chapter

Comment:

Noted.

4.6 Contamination and remediation to be considered in determining development application

Comment:

The subject land is not identified on Council's contaminated land register and there is no evidence to suggest that the site has been subject to contaminating land uses that would render it unsuitable for the proposed development. The EIS identifies the site as an existing approved quarry within a broader agricultural holding and does not identify any contamination constraints affecting the proposal. It is therefore considered that the land is suitable, in its current condition, for the proposed expansion of the extractive industry. Should any unexpected contamination be encountered during quarry operations, works should cease within the affected area and be managed in accordance with the *Contaminated Land Management Act 1997* and relevant EPA guidelines.

State Environmental Planning Policy (Resources and Energy) 2021

The function of this SEPP is to provide proper management, orderly and economic use and development of land containing mineral, petroleum and extractive material resources and to establish appropriate planning controls to encourage ecologically sustainable development through environmental assessment and sustainable management.

The SEPP specifies matters requiring consideration in the assessment of any mining, petroleum production and extractive industry development, as defined in NSW legislation.

Chapter 2 Mining, petroleum production and extractive industries

Part 2.1 Preliminary

Comment:

Noted.

Part 2.2 Permissible development

Comment:

The proposal is for the expansion of an existing extractive industry, which is permissible with development consent within the RU1 Primary Production zone under the LEP.

Part 2.3 Development applications – matters for consideration

2.16 Non-discretionary development standards for mining

Comment:

The proposal relates to an extractive industry and does not involve mining development to which this clause applies.

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

Comment:

The proposal expands an existing quarry within a predominantly agricultural locality. The EIS demonstrates that surrounding land uses remain compatible with the proposal and that potential impacts relating to noise, dust, traffic and visual amenity can be effectively managed. The separation distances to nearby sensitive receivers, together with the proposed environmental management measures, are considered adequate to minimise land use conflict.

2.18 Consideration of the voluntary land acquisition and mitigation policy

Comment:

The proposal does not trigger the application of the NSW Voluntary Land Acquisition and Mitigation Policy. Specialist air quality and noise assessments conclude that the proposed expansion is not expected to result in significant adverse impacts at nearby privately owned residences. Accordingly, no land acquisition or mitigation measures are required.

2.19 Compatibility with mining, petroleum production or extractive industry

Comment:

The proposal represents the orderly expansion of an existing approved extractive industry, enabling the efficient recovery of an identified construction sand resource from within the existing landholding. The proposal maximises resource recovery while utilising established infrastructure, access arrangements and operational areas, consistent with the objectives of the SEPP.

2.20 Natural resource and environmental management

Comment:

The proposal is supported by comprehensive environmental assessments addressing biodiversity, water resources, soils, heritage, air quality, noise, traffic and hazards. The EIS concludes that impacts can be appropriately managed through environmental management plans, progressive rehabilitation, groundwater monitoring, erosion and sediment controls, dust suppression and other mitigation measures. The proposal is therefore considered to appropriately manage environmental values while enabling the sustainable extraction of the resource.

2.21 Resource recovery

Comment:

The proposal facilitates the recovery of an identified extractive resource by expanding the existing quarry to access additional high-quality sand reserves. This will maximise the efficient use of the resource while avoiding the need to establish a new extractive industry elsewhere and supporting the continued supply of construction materials to the region.

2.22 Transportation

Comment:

Access to the site will continue via the existing entrance from Noorong Road. The Traffic Impact Assessment concludes that the surrounding road network has adequate capacity to accommodate the anticipated increase in heavy vehicle movements and that no upgrades to the existing access are required. The proposal is therefore not expected to result in unacceptable transport impacts.

2.23 Rehabilitation

Comment:

The proposal incorporates a comprehensive program of progressive rehabilitation throughout the operational life of the quarry. Exhausted extraction areas will be recontoured, stabilised and returned to productive agricultural use, supported by soil management, erosion controls and ongoing environmental monitoring. These measures are considered appropriate to achieve a stable final landform and minimise long-term environmental impacts.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 1 Preliminary

Comment:

Noted.

Chapter 2 Infrastructure

2.122 Traffic-generating development

Comment:

The proposal has been supported by a Traffic Impact Assessment which concludes that the existing access from Noorong Road and the surrounding road network have sufficient capacity to accommodate the proposed increase in heavy vehicle movements associated with the expanded quarry operations. The proposal will continue to utilise the existing site access and haulage routes, and no road upgrades or changes to the existing transport network are required.

Accordingly, the proposal is not considered to result in unacceptable traffic or transport impacts.

Chapter 3 Educational establishments and child care facilities

Comment:

Not applicable.

3.2(a)(ii) Proposed instruments

Comment:

There are no known proposed environmental planning instruments applicable to the site that would affect the assessment of this development application.

3.2(a)(iii) Any development control plan

- Wakool Development Control Plan 2013

Having regard to the nature of the development as an extractive industry, the following sections are relevant:

- Section A – Introduction;
- Section B.6 – Other Types of Development (particularly B.6.3 Earthworks and Erosion/Sedimentation and B.6.9 Extractive Industries/Mining); and
- Section C – Site Specific Controls.

Section A – Introduction

The proposal has been accompanied by an EIS and supporting technical investigations consistent with the DCP's requirements for designated development. The application has addressed the relevant environmental planning instruments, identified site constraints, considered cumulative impacts, and provided the technical information necessary to enable a comprehensive assessment of the proposal. The application is therefore consistent with the intent of Section A of the DCP.

Section B

- B.6.3 Earthworks and Erosion / Sedimentation

Earthworks are integral to the extraction process and have been assessed through the EIS and supporting technical reports. The proposal incorporates staged extraction, topsoil management, erosion and sediment controls, progressive rehabilitation and stormwater management measures to minimise environmental impacts throughout the operational life of the quarry. These measures are considered consistent with the objectives of the DCP.

- B.6.9 Extractive Industries / Mining

The proposal involves the expansion of an established extractive industry within an existing quarry and has been supported by comprehensive specialist assessments addressing:

- land use compatibility;
- traffic and transport;
- noise and vibration;
- air quality;
- biodiversity;
- groundwater and surface water;
- rehabilitation;
- visual impacts;

- bushfire;
- heritage; and
- cumulative environmental impacts.

The proposal demonstrates that the extractive resource can be recovered in an environmentally responsible manner while maintaining acceptable environmental performance. Progressive rehabilitation forms a key component of the proposal and will ensure disturbed areas are restored throughout the life of the quarry.

Subject to the recommended conditions of consent, the proposal is considered consistent with the objectives and intent of Clause B.6.9.

Section C

- C.1 Natural Environment

The proposal has been assessed against the environmental values of the site through specialist ecological, hydrological and rehabilitation investigations. Matters relating to biodiversity, wetlands, groundwater and surface water have been comprehensively addressed elsewhere in this report.

Specifically:

- Significant vegetation and biodiversity (C.1.1);
- Watercourses and wetlands (C.1.2); and
- Groundwater (C.1.3).

The proposal incorporates appropriate avoidance, mitigation, monitoring and rehabilitation measures and is considered consistent with the objectives of this section of the DCP.

- C.2 Hazards

Hazard-related matters have been comprehensively assessed within the EIS and supporting technical reports. The proposal appropriately addresses:

- Geology and salinity (C.2.1);
- Contamination and pollution (C.2.2);
- Stormwater and drainage (C.2.3);
- Flood planning (C.2.4);
- Bushfire (C.2.5);
- Noise and vibration (C.2.6); and
- Odour (C.2.7).

Appropriate environmental management measures are proposed to minimise operational risks and ensure compliance with relevant environmental criteria.

- C.3 Heritage and Culture

Aboriginal cultural heritage and archaeological values have been assessed as part of the EIS. No unacceptable impacts have been identified, and appropriate unexpected finds procedures will apply throughout construction and operation.

The proposal is also not expected to adversely impact any identified non-Aboriginal heritage items.

Accordingly, the proposal is considered consistent with:

- Indigenous Heritage and Archaeology (C.3.1); and
- Non-Indigenous Heritage (C.3.2).

- C.4 Access and Parking

The proposal will continue to utilise the existing approved site access and internal haul road network.

The Traffic Impact Assessment concludes that the surrounding road network is capable of accommodating the projected heavy vehicle movements associated with the proposal without unacceptable impacts on safety or operational performance.

Accordingly, the proposal is consistent with:

- General Controls (C.4.1);
- Off-Street Car Parking (C.4.2); and
- Road Design (C.4.3).

- C.5 Urban Area Character Statements

The proposal is located within a rural area outside the urban settlements identified within Section C.5 of the DCP. The development will continue an established extractive industry and is not expected to alter the character of nearby towns or villages.

The proposal has been assessed against the relevant provisions of the DCP. It is considered that the proposed quarry expansion is consistent with the objectives and intent of the DCP, particularly the provisions relating to extractive industries, environmental protection, hazard management, access and progressive rehabilitation.

The proposal is therefore satisfactory having regard to the relevant provisions of the DCP.

Chapter 6 Strategic Land Use Plan

Comment:

The proposal is not inconsistent with the strategic planning framework applicable to the locality. The continued operation and expansion of an established extractive industry supports the orderly development of the region while maintaining compatibility with surrounding rural land uses.

Chapter 9 Vegetation Removal

Comment:

The proposal has been supported by a Biodiversity Assessment which concludes that the extraction area comprises predominantly cleared agricultural land with limited ecological values.

Any vegetation removal associated with the proposal has been assessed through the biodiversity assessment process, and appropriate mitigation measures, including limiting disturbance to approved areas and progressive rehabilitation, are proposed. The proposal is therefore not inconsistent with the intent of this Chapter.

Chapter 10 Watercourses & Riparian Land

Comment:

The EIS concludes that the extraction area does not contain natural waterways, extraction will not intercept groundwater, and appropriate stormwater, erosion and sediment controls will be implemented to protect surrounding land and water resources.

Chapter 11 Flood Prone Land

Comment:

The EIS concludes that the site is not located within mapped flood planning land and that the proposed development will not adversely affect flood behaviour, flood storage or surrounding properties. Appropriate stormwater management and erosion control measures will be implemented throughout the operational life of the quarry.

Chapter 12 Notification Policy

Comment:

The application was notified publicly and to adjoining property owners. No submissions were received.

3.2(a)(iia) Any Planning Agreements

Comment:

The application material and Council's record do not indicate Planning Agreements applicable to the site.

3.2(a)(iv) The regulations

Comment:

The relevant provisions of the *Environmental Planning and Assessment Regulation 2021* have been considered in the assessment of this application. The application has been accompanied by an EIS and supporting technical documentation addressing the matters prescribed by the Regulation for Designated Development. It is considered that the proposal is consistent with the objectives and requirements of the Regulation.

The regulations have been considered in the assessment of this application. It is considered that the application is consistent with the objectives of the regulations based on the scale of the development which is within the parameters of the existing approval over the site.

Section 42 consent authority to seek general terms of approval

Comment:

The proposal constitutes Integrated Development and requires an Environment Protection Licence under the *Protection of the Environment Operations Act 1997*. General Terms of Approval were obtained from the NSW Environment Protection Authority and form part of this development consent.

Section 56 Notice of development applications

Comment:

The application was publicly exhibited in accordance with the notification requirements for Designated Development under the *Environmental Planning and Assessment Regulation 2021*. Public notification and agency consultation were undertaken following lodgement of the application, providing interested persons with an opportunity to make submissions.

Section 61 Additional matters that consent authority must consider

Comment:

The relevant matters prescribed by the Regulation have been addressed through the EIS and supporting specialist reports. No additional matters have been identified that would preclude the granting of development consent.

Section 62 Consideration of fire safety

Comment:

The proposal does not involve the construction of habitable buildings or the alteration of existing buildings requiring fire safety measures under the Regulation. Existing operational procedures and emergency response measures for the quarry will continue to apply. Accordingly, this section has limited application to the proposed development.

Section 63 Considerations for erection of temporary structures

Comment:

The proposal does not involve the erection of temporary structures.

Section 64 Consent authority may require upgrade of buildings

Comment:

The proposal does not involve alterations or additions to existing buildings that would warrant consideration of building upgrades under this section.

3.3(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.

The likely impacts of the proposal have been assessed through the EIS and supporting specialist reports, together with the relevant provisions of the applicable State Environmental Planning Policies, the LEP and the DCP.

The key environmental, social and economic impacts are summarised below.

Environmental Impacts

The proposal seeks to expand the existing approved extractive industry by increasing the approved extraction area and annual production to facilitate the long-term recovery of a construction sand resource. The EIS concludes that the proposal can be undertaken without resulting in significant adverse environmental impacts, subject to the implementation of the proposed mitigation measures and environmental management plans.

Water

The proposal will not intercept groundwater, alter natural watercourses or adversely affect surrounding surface water systems. Water will continue to be sourced and managed through existing site arrangements, with stormwater, erosion and sediment controls implemented to protect downstream environments.

Appropriate monitoring will continue throughout the operational life of the quarry.

Soil

The proposal involves the extraction of sand within the approved operational area. Topsoil and overburden will be stripped, stockpiled and reused as part of the progressive rehabilitation programme. Soil management practices incorporated into the proposal are considered appropriate to minimise erosion and ensure the long-term stability of the final landform.

Biodiversity

A Biodiversity Assessment has been undertaken and concludes that the proposal will not result in significant impacts on native flora, fauna or ecological communities. The site comprises predominantly cleared agricultural land with limited ecological values, and the Biodiversity Offset Scheme is not triggered.

Progressive rehabilitation and environmental management measures will further minimise impacts on biodiversity values.

Air quality

Operational dust emissions will continue to be generated through extraction, material handling, stockpiling, screening and vehicle movements. The EIS concludes that emissions can be effectively managed through existing dust suppression measures, including water carts, operational controls and monitoring, and that the proposal will not result in unacceptable impacts on surrounding sensitive receivers.

An Operational Environmental Management Plan will continue to manage air quality throughout the life of the quarry.

Noise and Vibration

Operational noise will continue to arise from mobile plant, screening equipment, loading activities and heavy vehicle movements. EIS concludes that the proposal will comply with the applicable noise criteria at surrounding receivers, with the increase in production not resulting in unacceptable operational noise impacts.

Existing operating hours, the EPA General Terms (contained in Appendix 1) and environmental management measures will continue to apply.

Built Environment

The proposal represents the expansion of an existing quarry and does not require substantial new permanent buildings or supporting infrastructure. Existing site access, internal haul roads and operational facilities will continue to be utilised. As the development remains within an established extractive industry site located within a rural landscape, no new built environment impact is envisaged for this proposal.

Social Impacts

The proposal is located within a sparsely populated rural locality and is well separated from sensitive land uses. The EIS concludes that impacts relating to amenity, noise, dust and traffic can be appropriately managed through the proposed mitigation measures. The development is therefore not expected to result in significant adverse social impacts.

Economic Impacts

The proposal will provide ongoing economic benefits through the continued supply of construction sand to the Riverina and northern Victoria, supporting regional infrastructure, construction and agricultural development. The proposal will also contribute to continued local employment and investment while maximising the recovery of an identified extractive resource.

Key planning considerations include:

- **Traffic and Parking:**

The proposal will continue to utilise the existing access from Noorong Road. The Traffic Impact Assessment concludes that the surrounding road network has adequate capacity to accommodate the projected increase in heavy vehicle movements and that no upgrades to the existing access are required.

No change is proposed to the parking and manoeuvring arrangement.

Accordingly, the proposal is not expected to result in unacceptable traffic impacts.

- **Noise & Amenity:**

The EIS concludes that operational noise and associated amenity impacts can be managed to comply with the relevant criteria. Given the separation from nearby residences and the implementation of operational controls, the proposal is not expected to adversely affect the amenity of the locality.

In this regard, the increased extraction activity is not considered to unduly impact the noise and amenity of the immediate sensitive receivers.

- **Waste:**

Waste generated during quarry operations will continue to be managed in accordance with the site's existing operational procedures. Overburden and unsuitable material will be retained on-site for rehabilitation purposes, with no significant changes proposed to existing waste management practices.

- **Non-Aboriginal Heritage:**

The site is not subject to any heritage conservation provisions. In any event statutory requirements would trigger contingency measures if any cultural heritage was subsequently identified.

- **Aboriginal Cultural Heritage:**

No known items of Aboriginal Cultural Heritage are identified on the subject land. In any event statutory requirements would trigger contingency measures if any cultural heritage was subsequently identified.

- **Bushfire Hazard:**

- The site is identified as bush fire prone land; however, the proposal does not involve habitable buildings or sensitive land uses. Bushfire risks will continue to be managed through the

quarry's emergency management procedures, fuel management practices and operational controls.

- **Water Quality and Stormwater:**

Stormwater will continue to be managed through established drainage infrastructure, sediment controls and on-site water management measures. The proposal is not expected to adversely affect water quality or surrounding drainage systems.

- **Soils, soil erosion:**

The proposal involves the expansion of an existing extractive industry within a site that has been subject to quarrying and agricultural activities for a number of years. The EIS includes assessments of soils and land capability and concludes that the proposal can be undertaken without significant adverse impacts on soil resources. Topsoil and overburden will be progressively stripped, stockpiled and managed for reuse in rehabilitation, with erosion and sediment control measures implemented throughout the operational life of the quarry. The staged extraction methodology and progressive rehabilitation programme will minimise the extent of disturbed land at any one time and ensure the long-term stability of the final landform.

Subject to the recommended conditions of consent, impacts relating to soils and soil erosion are considered acceptable.

- **Flora & Fauna:**

A Biodiversity Assessment has been prepared in support of the application and concludes that the proposed extraction area comprises predominantly cleared agricultural land with limited ecological values. No threatened ecological communities or threatened flora species were identified within the disturbance area, and the site provides limited habitat for native fauna due to the absence of significant native vegetation and habitat features. The proposal has been designed to minimise impacts by restricting disturbance to the approved extraction area, retaining vegetation where practicable, implementing weed and biosecurity management measures, and progressively rehabilitating exhausted areas. The Biodiversity Offset Scheme is not triggered, and the proposal is not expected to result in significant adverse impacts on flora, fauna or ecological processes.

Accordingly, the proposal is considered acceptable with respect to biodiversity impacts.

- **Utilities:**

The proposal will continue to utilise existing servicing arrangements and does not require augmentation of public utility infrastructure.

- **Signage:**

No change proposed to the existing development.

- **Safety, security & crime prevention:**

Changes are not proposed to the safety, security and crime prevention arrangement for the site and approved development. Further, the proposal is not considered to trigger additional safety, security, and crime prevention.

3.4(c) The suitability of the site for the development

Comment:

The subject site has operated as an approved extractive industry for a number of years and is located on land zoned RU1 Primary Production, where extractive industries are permissible with development consent under the LEP. The proposal represents the expansion of an existing lawful quarry and does not introduce a new or incompatible land use.

The EIS and supporting specialist assessments demonstrate that the site is suitable for the proposed development, with no significant constraints identified that would preclude the expansion of quarry operations. Environmental matters relating to biodiversity, water resources, traffic, noise, air quality, heritage, bushfire and rehabilitation have been comprehensively assessed and are capable of being appropriately managed through the proposed mitigation measures and recommended conditions of consent.

The site is located within a predominantly rural locality, is well separated from sensitive land uses, and benefits from established access, infrastructure and operational areas. The proposal will make efficient use of an identified extractive resource while incorporating progressive rehabilitation to return exhausted areas to productive agricultural use.

Accordingly, having regard to the existing lawful use of the land, the zoning of the site, the availability of established infrastructure and the findings of the EIS, the site is considered suitable for the proposed development.

3.5(d) any submissions made in accordance with this Act or the regulations

Not applicable.

Public Submissions

The application was publicly exhibited along with neighbour notification; and did not receive any submissions.

3.6(e) The public interest

The proposed expansion of the existing quarry will facilitate the continued supply of construction sand to the Riverina and northern Victoria, supporting the delivery of residential, commercial, agricultural and infrastructure projects. The proposal will also contribute to the local and regional economy through ongoing employment, investment and the efficient utilisation of an established extractive resource.

The application has demonstrated that potential environmental impacts, including those relating to biodiversity, water resources, traffic, noise, air quality and amenity, can be appropriately managed through the proposed environmental management measures and recommended conditions of consent. The development is compatible with the rural character of the locality, is consistent with the applicable planning framework, and does not give rise to unacceptable impacts on adjoining land uses or the broader community.

The application was publicly exhibited in accordance with the requirements for Designated Development, allowing government agencies and the community the opportunity to review and comment on the proposal. All matters raised have been considered as part of this assessment.

Overall, it is considered that the proposal will deliver a net public benefit through the continued supply of an important regional construction resource while ensuring environmental impacts are appropriately managed. The proposal is therefore considered to be in the public interest.

3.7 Summary

The proposed development has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, having regard to the EIS, supporting technical assessments, relevant State Environmental Planning Policies, the *Wakool Local Environmental Plan 2013*, the *Wakool Development Control Plan 2013*, and expert referral feedback.

The assessment concludes that the proposal represents the orderly expansion of an existing approved extractive industry and will facilitate the efficient recovery of a regionally significant construction sand resource. The proposal incorporates comprehensive environmental management measures, including progressive rehabilitation, to ensure that potential impacts on the natural and built environment are appropriately avoided, minimised or mitigated.

The proposal is considered to satisfy the relevant statutory planning requirements, is compatible with the rural character and surrounding land uses, and will provide ongoing economic and community benefits through the continued supply of essential construction materials to the region.

Accordingly, it is considered that the proposal is suitable for the site and is in the public interest. It is therefore recommended that development consent be granted, subject to the recommended conditions of consent. Note that these conditions have been reviewed and endorsed by the Applicant as acceptable.

SECTION 4. RECOMMENDATION

It is **recommended**:

1. Development consent be granted; and
2. The following conditions be included with the development consent.

GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Approved plans and supporting documents

The development must be implemented in accordance with the approved plans, specifications and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended by conditions of this consent:

Plans	Prepared by	Reference	Date
Site Plan (including overview)	Progressive Rural Solutions	J386-V1R3	4 Dec 2025
Rehabilitation Plan (Sheets 1 to 2)	Progressive Rural Solutions	J386-V1R3	4 Dec 2025
Monitoring Plan	Progressive Rural Solutions	J386-V1R3	5 Dec 2025
Biosecurity Management Plan	Progressive Rural Solutions	J386-V1R3	12 Nov 2025

Reports	Prepared by	Reference	Date
Environmental Impact Statement	Progressive Rural Solutions	J386-EIS-V1R4	4 Dec 2025
Aboriginal Cultural Heritage Assessment	Landskape	-	24 Nov 2025
Biodiversity Values and Threshold Report	Department of Planning and Environment	-	13 Nov 2025

Biosecurity Management Plan	Progressive Rural Solutions	J386-Biosecurity Management Plan-V1R4	4 Dec 2025
Land Use Conflict Risk Assessment	Progressive Rural Solutions	J386-LUCRA-V1R4	12 Nov 2025
Protected Matters Report	Department of Climate Change, Energy, the Environment and Water	-	9 Aug 2025
Rehabilitation Plan	Progressive Rural Solutions	J386-RMP-V1R4	4 Dec 2025
Site and Geotechnical Investigation	South East Soil and Water	-	26 Mar 2025
Traffic Impact Assessment	Traffic Group	G33690L-02B	16 Sep 2025

In the event of any inconsistency between conditions of this approval and the drawings/documents referred to above, the conditions prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

Reason: To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Separate approval required from approval bodies that have given general terms of approval

No works or operations authorised under this development consent may commence until separate approvals are obtained from the NSW Environment Protection Authority (EPA) in accordance with the General Terms of Approval attached to this consent.

Reason: To ensure compliance with the requirements of relevant regulatory authorities before the commencement of development activities.

3. Statutory requirements

The applicant must ensure that all necessary licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the applicant to obtain, renew or comply with such licences, permits or approvals.

Reason: To ensure the development meets legislative requirements.

COMPLIANCE WITH GOVERNMENT DEPARTMENT CONDITIONS OF CONSENT

4. NSW Environmental Protection Authority (NSW EPA)

The Applicant must comply with all NSW EPA comments and general terms of approval dated 23 April 2026, attached to this Development Consent as **Appendix 1**.

Reason: To ensure compliance with EPA requirements.

5. Transport for NSW (TfNSW)

The Applicant must comply with all comments and requirements outlined in TfNSW correspondence dated 10 April 2026, attached to this Development Consent as **Appendix 2**.

Reason: To ensure compliance with TfNSW requirements.

CONDITIONS WHICH MUST BE FULFILLED ON APPROVAL OF THIS CONSENT

6. Operations Environmental Management Plan

An Operations Environment Management Plan (OEMP) shall be prepared and approved by Council, and thereafter implemented for the duration of the activity.

The OEMP shall include the following:

- a) Procedures, reporting and the allocation of responsibilities designed to minimise environmental impacts, particularly traffic, air quality, soil and water management;
- b) General maintenance and operation of the site e.g. inspection times, contact details of the site manager/maintenance staff;
- c) Addressing complaints relating to the operation of the premises including a complaints register;
- d) Access arrangements to the site;
- e) Drivers code of conduct;
- f) Noise control and mitigation measures;
- g) Emergency, safety and security;
- h) Bush fire risks and response;
- i) Weed management and biosecurity;
- j) Monitoring and mitigation measure for future rehabilitation remedial actions and rehabilitation management;
- k) Incident reporting and pollution incident response management; and
- l) Reviews, amendments, and updates to the plan.

Reason: To ensure environmental protection throughout the operation of the development.

PRIOR TO COMMENCEMENT OF WORKS WITHIN THE EXTENSION

7. Identification of new/extended/amended approved extraction area

Prior to the commencement of quarrying operations within the extension area, unless otherwise agreed in writing by Council:

- (a) A registered surveyor must be engaged to conduct the survey and clearly mark the boundaries of the updated/amended approved extraction area within the site.
- (b) A survey plan prepared by the registered surveyor, showing the surveyed boundaries with coordinates using geodetic coordinate system must be submitted to Council.
- (c) Where the development is to be undertaken in stages, the boundaries of the approved extraction area for each stage must be separately surveyed and identified in accordance with (a) and (b) above prior to the commencement of that stage.

The approved extraction area boundaries must be clearly delineated on site in a durable manner that ensures they are always readily identifiable during quarrying operations.

Reason: To ensure operations do not extend outside of the approved extraction area.

8. Protection of Public Infrastructure

Unless the applicant and the applicable authority agree otherwise, the applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to damage to roads caused as a result of general road usage or otherwise addressed by payment of contributions required by this consent.

Reason: The protection of public infrastructure during works.

9. Compliance with consent and approved documents

The applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Reason: To ensure compliance with consent and approved documents

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO USE OF THE DEVELOPMENT

10. Government Agencies

Prior to the use of the quarry at the increased extraction rate, evidence must be provided to Council outlining how relevant conditions from Government Agencies listed in the subject DA have been complied with. The evidence must be to the satisfaction of Council and the relevant Government authority.

Reason: To ensure Government Department requirements are met.

11. Notification of commencement

The date of commencement of the quarry operations must be notified to adjoining properties, at least seven (7) days before that date unless otherwise agreed upon with Council in writing.

Reason: To keep adjoining property owners and nearby residents informed of key activities, minimise potential impacts and facilitate effective communication.

12. Access – Sealed Pavement at Road Interface

The quarry access road must be sealed from the edge of the existing carriageway for a sufficient distance within the site to prevent the tracking of sand, dirt, and debris onto the public road network. The extent of sealing must be designed in accordance with relevant engineering standards and be to the satisfaction of Council.

Reason: To minimise the tracking of material onto the public road and ensure the safety and amenity of the road network.

CONDITIONS WHICH MUST BE COMPLIED WITH FOR THE DURATION OF CONSENT

13. Complaints handling

In event of complaints registered with the EPA, details of the matter and actions arising must be submitted to Council via email to: admin@murrayriver.nsw.gov.au

Reason: To enable awareness of any active complaints.

14. Records of Extracted Material

The applicant must maintain accurate records of the volume of material extracted under this consent. Copies of these records must be submitted to Council annually, within one (1) month of the anniversary of the commencement of extraction unless otherwise agreed by Council in writing.

Reason: To enable verification of extraction volumes and ensure compliance with the conditions of this consent.

15. Extraction Volume and Footprint

The total volume of material extracted under this consent must not exceed 100,000 tonnes per year over a 100 ha area with a supporting area of 35 ha.

Reason: To ensure extraction remains within the approved limits and footprint, and to minimise environmental and operational impacts.

16. Processing of extracted material

No processing of extracted materials shall occur under this consent.

Reason: To ensure the operation remains compliant with this application and approval.

17. Hours of work

Site work must only be carried out between the following times –

- 6:00am to 6:00pm Monday to Friday
- 8:00am to 4:00pm Saturday, and
- No operations are permitted on Sunday and Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

Reason: To protect the amenity of the surrounding area.

18. Scope of quarrying

- a) Materials shall not be removed within 20m of the boundary of the property.
- b) The depth of the pit shall not exceed 4 meters.
- c) An extraction period of 30 years from date of commencement of this consent.

Reason: To ensure the development is carried out as assessed.

19. Operation of Plant and Equipment

All plant and equipment used on site, or to monitor the performance of the development must be maintained and operated in a proper and efficient manner.

Reason: To ensure plant and equipment are properly maintained and operated so as to minimise environmental impacts and ensure the safe and efficient operation of the development.

20. Stormwater Management

All stormwater runoff generated by the development must be managed on site and controlled such that it does not result in nuisance, damage, or adverse impacts to adjoining or downstream properties.

Reason: To ensure stormwater is appropriately managed and does not negatively affect neighbouring land.

21. Rehabilitation

The long-term rehabilitation programme shall provide a low maintenance, geotechnically stable and safe landform with minimal erosion; and establish native vegetation or pasture / crops similar to that currently within and surrounding the Quarry Site, as far as practicable.

Specifically, these should include:

- reshaping and stabilisation of worked areas;
- resspreading of topsoil;
- re-establishment of agricultural production or groundcover vegetation; and
- removal of temporary infrastructure as extraction areas are completed.

Reason: To ensure the development allows for future maintenance, reduce risks and suitably rehabilitated.

22. Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- (a) the work in the area of the discovery must cease immediately;
- (b) the area must be secured to avoid further harm to the Aboriginal object(s);
- (c) the following must be notified
 - i. for a relic – the Heritage Council by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location; or
 - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.
- (d) Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the applicant to ensure the development is consistent with the Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. All reasonable precautions must be taken to prevent damage to Aboriginal objects.

Reason: To ensure the protection of objects of potential significance during works.

ADVICE TO APPLICANT

It is the responsibility of the Applicant to check, understand and seek assistance where needed to ensure full compliance with the conditions of this Development Consent. Please contact Murray River Council on 1300 087 004 or admin@murrayriver.nsw.gov.au if there is any difficulty in understanding or complying with any of the above conditions.

Reason: To ensure the Applicant is aware of their obligations.

The development must be in accordance with the relevant provisions and Regulations of the *Biodiversity Conservation Act 2016*, the *Fisheries Management Act 1994*, the *Heritage Act 1977*, the *Local Government Act 1993*, the *National Parks and Wildlife Act 1974*, the *Protection of the Environment Operations Act 1997*, the *Roads Act 1993*, the *Rural Fires Act 1997*, the *Water Management Act 2000* and all other applicable legislation.

Reason: To comply with relevant legislation.

The Applicant should be aware that under Section 120 of the *Protection of the Environment Operations Act 1997* it is an offence to pollute waters.

Reason: To comply with NSW Environment Protection Authority requirements.

Reason: To protect Aboriginal heritage and to ensure compliance with the National Parks and Wildlife Act 1974.

In accordance with Section 4.17(1) of the Environmental Planning and Assessment Act 1979 and the Murray River Council Development Contributions Plan 2026, developments under the value of \$100,000 are exempt from contributions. With the development cost estimate being \$87,150.000 no contributions are required.

Reason: Compliance with Murray River Council Development Contributions Plan 2026.

RIGHT OF APPEAL

If you are dissatisfied with this decision Section 8.7 & 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court of NSW within 6 months after the date on which you receive this notice.

SECTION 5. SIGNATORIES



Reporting Officer

23 June 2026

Vish Chandra, Senior Planner, Murray River Council

SECTION 6. ATTACHMENTS

Appendix 1 – EPA General Terms

Appendix 2 – TfNSW General Terms

Appendix 3 – Plan, Site incl. overview

Appendix 4 – Plan, Biosecurity Management

Appendix 5 – Plan, Rehabilitation

Appendix 6 – Plan, Monitoring

Appendix 7 – Recommended conditions (applicant endorsed version)