

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSWES-9
DA Number	DA2020/0004
LGA	Bland
Proposed Development	Extractive Industry (Increase extraction limit to 250,000 tonnes per annum)
Street Address	331 Wargin Road, Wyalong 2671
Applicant/Owner	Regional Hardrock Pty Ltd
Date of DA lodgement	15 July 2019
Number of Submissions	Nil
Recommendation	Approve
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Designated Development - Extractive Industry
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Bland Local Environmental Plan 2011 • SEPP (Mining, Petroleum Production and Extractive Industries)2007 • SEPP No 33 – Hazardous and Offensive Development • SEPP No 55 – Remediation of Land • Bland Development Control Plan 2012
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Environmental Impact Statement •
Clause 4.6 requests	<ul style="list-style-type: none"> • Not applicable
Summary of key submissions	<ul style="list-style-type: none"> • Not applicable
Report prepared by	Lesley Duncan, Manager Development and Regulatory Services
Report date	27/5/2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Not Applicable
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? Yes
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

APPLICATION DETAILS

JRPP No:	PPSWES-9
Local Government Area:	Bland
Application No:	DA2020/0004
Lodgement Date:	15 July 2019
Applicant:	Regional Hardrock Pty Ltd ATF Regional Hardrock West Wyalong Unit Trust
Proposal:	Extractive Industry (increase extraction rate from 100,000 tonnes to 250,000 tonnes per annum)
Estimated Cost:	\$150,000
Assessment Officer:	Manager Development and Regulatory Services
Concurrence Required:	Yes
Referrals:	Department of Planning, Industry & Environment Environmental Protection Authority NSW Transport for NSW Office of Environment & Heritage
Adjoining Owner Notification:	Yes
Advertising:	Yes
Determination Body:	Western JRPP
Reason:	Designated Development Extractive Industry
Meeting Date:	TBA
Owner's Consent Provided:	Yes

SITE DETAILS

Subject Land:	331 Wargin Road & 381 Wargin Road, Wyalong Extraction Area: Lot 51 DP749271 Ancillary Activities: Lot 24 DP750617 & Lot 52 DP749271
Owner:	Regional Hardrock (West Wyalong) Pty Ltd

PLANNING CONTROLS

Environmental Planning Instrument: Bland Local Environmental Plan 2011

Zoning: RU1 Primary Production

Current Land Use: Extractive Industry (Quarry)

Permissibility: Permitted with consent

Description of Development

Extractive Industry (increase the maximum extraction rate from 100,000 tonnes per annum to 250,000 tonnes per annum.

Site and Locality

Location: The development site, 331 Wargin Road, is located on the eastern side of Wargin Road approximately 3.3 kilometres south of Wyalong.

The site has a total area of 355.06 comprising of three lots:

331 Wargin Road

Lot 51 DP749271	34.96 ha	Extractive area
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381 Wargin Road

Lot 24 DP750617	51.80 ha	Ancillary uses
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Lot 52 DP749271	268.30 ha	Farm land
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The site is generally flat and consists of the extractive industry, ancillary buildings and farm land.

Due to the Covid19 pandemic a site inspection was conducted using drone technology. Photos from the inspection area included in this report.

Easements and Covenants

There is no record of any easements or covenants that are applicable to the land.

Previous Development Consents

10/1995	Continuation of Operation of Blue Metal Quarry
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Drone Images



TOWN PLANNING ASSESSMENT

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

3.1 Section 4.15 Evaluation

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 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 the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (iv) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979,
 - (v) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (b) the suitability of the site for the development
- (c) any submissions made in accordance with this Act or the regulations
- (d) the public interest.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15 (1)

Section 4.15(a)(i) – The provisions of any environmental planning instrument

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs are applicable to the land:

State Environmental Planning Policy (Affordable Rental Housing) 2009

Comment: Not applicable to this proposal.

State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004

Comment: Not applicable to this proposal.

State Environmental Planning Policy (Concurrences and Consents) 2018

Comment: Not applicable to this proposal.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Comment: Not applicable to this proposal.

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

Comment: Not applicable to this proposal.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Comment: Not applicable to this proposal.

State Environmental Planning (Infrastructure) 2007

Comment: Not applicable to this proposal.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Comment: Under this policy, 'extractive industry' means *the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include:*

- (a) Turf farming, or*
- (b) Tunnelling for the purpose of an approved infrastructure development, or*
- (c) Cut and fill operations, or the digging of foundations, ancillary to approved development, or*
- (d) The creation of a farm dam if the material excavated in the creation of the dam is used on the site and not removed from the site.*

An assessment of the development against the relevant provisions of this Policy follows:

Clause 7 (3) allows with development consent extractive industry on land on which agriculture or industry can be carried out. The subject land is zoned RU1 Primary Production. Agriculture is permissible without consent within the zone.

Clause 7 (4) allows certain ancillary purposes to be carried out on the land with development consent, if extractive industry is being carried out with development consent on that land. The additional uses relevant to the subject application includes:

- The processing of extractive material
- Facilities for the processing of transport of extractive material.

Clause 10 & 10A list associated activities that are defined as exempt development.

Clause 11 lists activities that are defined as complying development.

Clause 12 provides the matters for consideration for the assessment of development applications for extractive industries. It is considered that the proposed increase in extraction limits and continued use of the site as a quarry, including blasting, will not have a significant adverse impact on surrounding properties, the majority of which are used for agricultural purposes.

In relation to Clause 13, the property and quarry are not located in the vicinity of competing extractive industry and are not identified by an environmental planning instrument as being the location of significant resource materials.

Clause 14 requires consideration of the imposition of conditions relating to impacts on water resources, threatened species and biodiversity, and the emission of greenhouse gases.

In accordance with Clause 15 it is considered that the operation of the quarry will be carried out so as to optimise the efficiency of recovery of extractive materials and the creation of waste.

As required by Clause 16, the application was referred to Transport for NSW (formerly Roads and Maritime Services). TfNSW support the application subject to the application of conditions.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Comment: The proposal is consistent with the provisions of the policy.

State Environmental Planning Policy No 21 – Caravan Parks

Comment: Not applicable to this proposal.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

Comment: This planning policy has the aim of ensuring that Council has sufficient information to assess whether a proposal represents hazardous or offensive development. Under the SEPP a potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The Guidelines state that the “key consideration in the assessment of a potentially offensive industry is that the consent authority is satisfied there are adequate safeguards to ensure emissions from a facility can be controlled to a level to which they are not significant.”

The proposal has the potential to have an adverse impact on the amenity of nearby residents in terms of noise, odour and dust emissions. The accompanying Environmental Impact Statement provides sufficient information to address relevant matters for consideration under Clause 13 of SEPP 33.

There are no identified potentially hazardous substances, which depending on the manner in which it is stored on site, may result in the project being classified a ‘potentially hazardous industry’. For example, diesel is defined as a C1 Flammable Liquid under the Australian Dangerous Goods Code. However, SEPP 33 guidelines provides that diesel (or other C1 Flammable Liquid) is not considered potentially hazardous if “it is stored in a separate bund or within a storage area where it is the only flammable liquid present”.

The proposed development is, therefore, not a potentially ‘hazardous industry’.

The proposal does require an amendment to an existing Environmental Protection Licence (EPL) from the NSW Environmental Protection Authority and consequently the proposed development does constitute an offensive development.

The proposed development does not constitute “potentially hazardous development” and as such a preliminary hazard analysis (POHA) is not required.

SEPP 33 does not apply to existing developments unless a new development application (DA) is required for the site.

State Environmental Planning Policy No 36 – Manufactured Home Estates

Comment: Not applicable to this proposal.

State Environmental Planning Policy No 50 – Canal Estate Development

Comment: Not relevant to this proposal.

State Environmental Planning Policy No 55 – Remediation of Land

Comment: The planning policy is required to be considered in the processing and determination of development applications.

The purpose of this policy is to provide a statewide planning approach to the remediation of land. In particular, this policy aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or other aspects of the environment.

In accordance with Clause 7 of SEPP 55 it has been considered that the land may be contaminated and that is suitable for the intended use. The requirements of the SEPP are therefore satisfied.

State Environmental Planning Policy No 64 – Advertising and Signage

Comment: Not relevant to this proposal.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

Comment: Not applicable to this proposal.

Bland Local Environmental Plan 2011

Part 1 Preliminary

Clause 1.2 Aims of the Plan

The aims of the Bland Local Environmental Plan 2011 are:

- (a) To protect, enhance and conserve agricultural land through the proper management, development and conservation of natural and man-made resources,*
- (b) To encourage a range of housing, employment, recreation and facilities to meet the needs of existing and future residents of Bland,*
- (c) To promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (d) To conserve, protect and enhance the environmental and cultural heritage of Bland,*
- (e) To promote the twin townships of West Wyalong and Wyalong as the major commercial and community service centres for Bland,*
- (f) To encourage the sustainable growth of the villages of Bland.*

The proposal is consistent with the aims of the Bland Local Environmental Plan 2011. The proposal will provide additional resources for use in road infrastructure within the wider region. The proposal will provide employment for existing staff as well as create new employment opportunities.

Part 2 Permitted or prohibited development

The development is defined as an extractive industry as follows:

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

In accordance with Clause 2.3 and the Land Use Table extractive industries are permitted with consent in the RU1 Primary Production Zone.

Land Use Table

Zoning Table

RU1 Primary Production

Objectives of the Zone:

- 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 fragmentation and alienation of resource lands.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- To ensure that development on land within this zone does not unreasonably increase the demand for public services or public facilities.*

The proposal is consistent with the objectives of the RU1 Primary Production zone. The proposal will not encroach onto productive agricultural land and it further utilises resource lands. The proposal is unlikely to conflict with agricultural uses in the vicinity of the site.

Part 3 Exempt and complying development

The proposed development is not Exempt or Complying Development. The application is seeking consent.

Part 4 Principal development standards

There are no principal development standards applicable to the proposal.

Part 5 Miscellaneous provisions

There are no miscellaneous provisions applicable to the proposal.

Part 6 Additional local provisions

There are no additional local provisions applicable to the proposal.

Section 4.15(a)(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.

No relevant planning instrument under this clause is currently the subject of public exhibition.

Section 4.15(a)(iii) – Any Development Control Plan

Bland Development Control Plan 2012

Assessment against Bland Development Control Plan 2012				
1.3 Development Application Neighbour Notification Policy				
The development was advertised in the West Wyalong Advocate on two separate occasions. The application was initially advertised between 3 August to 2 September 2019. However, a revised EIS document was submitted and the application was readvertised between 18 March and 17 April 2020.				
1.3.9 Notification – Advertised Development				
Animal boarding and training establishments, boarding houses, extractive industries, hotels/motels, intensive livestock keeping, heavy and offensive industries, sex services premises and restricted premises are identified as advertised development. Notification will be given in a local newspaper on at least two (2) occasions. In addition where Council considers that community interest in a development proposal may be wider than the immediate vicinity of the development site, notification may also be given in a local newspaper.				
The proposal being an extractive industry meets the criteria for advertised development. The application was advertised on separate occasions in the West Wyalong Advocate between 3 August to 2 September 2019 and 18 March and 17 April 2020.				
Chapter 7 Industrial Development				
Performance Criteria	Meets Acceptable Solution in DCP	Not Satisfactory	Not Relevant	Comment
Setbacks				
Front/Road Setbacks Setbacks complement the streetscape and allow for landscaping and open space between buildings.			✓	The proposal is for the expansion of the existing pit.
Side and Rear Setbacks			✓	The proposal is for the expansion of the existing pit.

Side and rear setbacks provide emergency services access and reduces adverse impacts on adjoining properties.				
Building Design				
Building Design Buildings are designed to integrate with the streetscape and be compatible with their surroundings.			✓	No new buildings are proposed as part of the application.
Building Height Building height is maintained at a scale appropriate to the location of the development.			✓	No new buildings are proposed as part of the application.
Ancillary Uses Ancillary uses are designed, constructed and located in a sympathetic manner which enhances the visual amenity of the development.			✓	Ancillary uses are not proposed as part of the development.
Ancillary office space is designed to be integral to the industrial development.			✓	Not applicable
Security Building design facilitates surveillance of streets and open spaces.			✓	No new buildings are proposed as part of the application.
Building Materials The form, colours, textures and materials of buildings should enhance the quality and character of the industrial precinct.			✓	No applicable.
Landscaping				
Site Planning Landscaping is considered as a component of the site planning process and reflects the scale of the development.			✓	Landscaping is not proposed as part of the development.
Existing trees and shrubs Development is designed to maximise the number of trees retained onsite.	✓			A Biodiversity Development Assessment Report has been prepared and the application was referred to OEH for comment.

Visual Amenity Landscaping is used to soften the impact of buildings, as a screen to visual intrusions, parking areas and for recreation space.			✓	Landscaping is not proposed as part of this development.
Water Efficiency Landscaping should use indigenous species of a low water demand.			✓	Not applicable.
Vehicular Access, Parking and Hardstand Areas				
Ingress and Egress Ingress and egress points are located and sized to facilitate the safe and efficient movement of vehicles to and from the site. Note: The design vehicle used to determine the width of the ingress, egress, driveways, access ways and manoeuvring areas is to be the largest vehicle likely to enter the site. The minimum design vehicle for: <ul style="list-style-type: none"> • IN2 Light Industry zone is a prime mover and semi-trailer (19 metres); and • IN1 General Industrial zone is a B-Double (25 metres). 			✓	There are no changes proposed to the ingress and egress arrangements currently servicing the development.
Access ways Access ways and driveways are sized to facilitate the safe and efficient movement of vehicles to, from and within the site. Note: The dimensions mentioned are minimums only. It is still required that the width be suitable given the turning path of the required vehicle design.			✓	There are no changes proposed to the current driveways and access ways associated with the proposal.

Car Parking Car parking does not adversely impact upon the visual amenity of the site and the locality.			✓	The existing car park is set back from Wargin Road and is not
Car parking is conveniently located and easily accessed.			✓	The existing car parking arrangements are able to meet the needs of the development.
Car parking areas are designed to facilitate the safe movement of vehicles and provide a sufficient number of spaces for the projected needs of the development.			✓	There are no design changes proposed to the current car parking arrangements.
Loading/Unloading and Manoeuvring Areas Facilities are provided onsite for the loading and unloading of goods.			✓	There are no proposed changes to the loading and unloading facilities at the site.
Manoeuvring areas are provided to ensure that the design vehicle can enter and leave the site in a forward direction.			✓	The existing manoeuvring areas are suitable for the development.
Sealing and Drainage All driveways, car parks, loading, unloading, manoeuvring areas etc are appropriately drained and sealed.			✓	Not applicable.
Fencing				
Fencing and Screen Walls Fencing and screen walls do not adversely impact upon the visual amenity of the area.			✓	Fencing and screen walls are not proposed as part of this development.
Soil and Water Quality and Noise Management				
Soil Erosion Adequate provision is made for measures during construction to ensure that the land form is stabilised and erosion is controlled.			✓	There is no construction works proposed and as such soil erosions measures are not required. The EIS adequately addresses soil erosion measures for the operation of the gravel pit.
Water Quality The system design optimises the interception, retention and removal of	✓			The EIS provides that the majority of the quarry catchment is retained on the project site and it is considered that the increase in quarry

water-borne pollutants through the uses of appropriate criteria, prior to their discharge to receiving waters.				<p>operations is unlikely to impact on the quality of water within the broader catchment.</p> <p>The submitted EIS provides that refuelling equipment will be stored and utilised within a bunded area. Rainfall run off will be collected within a sump and pass through an oil/water separator before reuse on the quarry site.</p> <p>Further to this the application was referred to the EPA who have raised no issue with water quality.</p>
Stormwater Management				
Drainage from development sites is consistent with the predevelopment stormwater patterns.			✓	Not applicable to this proposal.
Drainage systems should be designed to ensure safety and minimise stormwater inundation of habitable floor areas.			✓	Not applicable to this proposal
Noise Management				
The hours of operation of noise generating activities are restricted to avoid any noise nuisance upon surrounding residential areas.	✓			<p>Blasting and heavy vehicle movements are identified as the primary noise generating activities. Hours of operation are as follows:</p> <p>Onsite activities – 7.00am to 6.00pm Monday to Friday and 7.00am to 3.00pm Saturday</p> <p>Blasting – 9.00am to 3.00pm Monday to Friday</p> <p>Transportation – 6.00am to 6.00pm Monday to Friday and 6.00am to 3.00pm Saturday</p>

Section 4.15 (1)(a)(iia) – Planning Agreements

No planning agreements have been proposed in relation to this development.

Section 4.15 (1)(a)iv) – Any matter prescribed by the regulations

NSW Coastal Policy 1997	Not applicable to the Bland LGA
Fire Protection and Structural Capacity	Not applicable to this proposal.
Upgrade of Buildings	Not applicable to this proposal.
Temporary Structures	Not applicable to this proposal.

Section 4.15 (1)(b) – Likely Impacts of the Development

Context & Setting

The development site is located approximately 3 kilometres from Wyalong on the Wargin Road. The locality is predominantly agricultural with rural residential development located approximately 1.7 km to the north west.

Streetscape

The proposed development will not significantly change the appearance of the development when viewed from Wargin Road. The vegetation located between the extraction area and Wargin Road will be retained acting as a visual screen.

Access, Transport & Parking

The ingress and egress to the site is from Wargin Road, no changes are proposed to this arrangement.

At the current extraction rate of 100,000 tonnes per annum the peak heavy vehicle movements are 22 per day. The proposed quarry expansion is anticipated to result in an additional 32 heavy vehicle movements per day.

Car parking is available adjacent to the administration building. It is considered that the space available meets the needs of the development.

Public Domain

There are limited public spaces and facilities in the vicinity of the development. The proposal will not limit the community's ability to access recreational activities in the locality.

Utilities

Reticulated water and electricity supplies are available at the site and it is not anticipated that the increase in extraction will place excessive demand on these services.

Heritage

The project site is not located in a heritage conservation area and there have been no heritage items located on the site. Conditions will be applied (as per advice provided by OEH) in relation to Aboriginal Cultural Heritage.

Other Land Resources

The proposal is for the expansion of the existing pit and as such will not encroach on land currently being used for agriculture.

Rainfall run off that is currently diverted to surrounding agricultural uses will not be captured onsite.

Water quality & stormwater

Groundwater will not be extracted except under licence. The depth of extraction has been limited to prevent interception of the groundwater table.

Soils & soil erosion

A sediment and erosion control plan has been provided in the Environmental Management Plan (EMP).

Air & microclimate

Activities within the site from the quarry operation are likely to generate dust. The EMP provides mitigation measures for dust control during various activities undertaken on the site.

Flora and fauna

A Biodiversity Development Assessment Report was completed and submitted as part of the EIS. The outcome of the assessment is that biodiversity credits for White Cypress Pine open woodland and Silky Swainson-pea are to be paid to the Biodiversity Trust's Offset fund or the retirement of biodiversity credits.

Waste

The proposed development can generate the following wastes: excavated material, general waste (office waste, food scraps), green waste, construction waste, hazardous waste, contaminated soil and contaminated run off.

The EMP provides mitigation and management measures which are adequate to address the disposal of the waste generated and includes but is not limited to: lined receptacles, storage of waste containers in hard stand areas and hazardous wastes appropriately classified and stored.

Energy

The proposed increase in extraction will not require additional energy resources.

Noise & vibration

Noise and vibration will be generated by the development from transport and blasting activities. It is estimated that there will be approximately 6 blasts per year of 40,000 to 45,000 tonnes per blast. The proposal will also generate an additional 32 heavy vehicle movements per day.

To mitigate the impacts blasting will only take place between 9.00 am and 5.00 pm Monday to Friday with no blasting on weekends (condition to be applied). Truck movements will be limited to the approved hours of operation with trucks leaving the site from 6.00 am however no loading or unloading operations to occur prior to 7.00 am (condition to be applied).

Natural hazards

There is no evidence of subsidence, slip or mass movement on the site. A quarry has operated on the site for many years with no issues reported.

The land is not subject to flooding.

The land is not mapped as being bushfire prone land.

Technological hazards

The transport, storage and handling of hazardous goods have been identified in the EIS as a potential hazard. A Pollution Incident Response Management Plan has been prepared for the Quarry.

Distillate, oils, greases and other miscellaneous chemicals have the ability to contaminate land and water on the site. Appropriate storage, transport, use and disposal of these substances have been identified in the EIS.

Safety, security & crime prevention

The proposal is the increase in extraction limit does not warrant any additional safety and security measures.

Social impact on the locality

The proposed development is for an increase in the extraction from an existing quarry. There is the potential for loss of amenity to residents in locality due to the operation of the quarry, however, it is considered that the proposed mitigation measures will reduce this impact.

Economic impact on the locality

The proposal will provide employment for 10 to 12 personnel on the project site and an additional eight (8) truck drivers. Additional staff will be sourced from the local community where possible. This will provide a flow on effect to the local community through the payment of wages and through the purchase of goods and services for the ongoing operation of the quarry.

Site design and internal design

The existing site design is sufficient to meet the needs of the development. Minor changes are proposed to the location of ancillary structures. The proposal is for the increase in extraction and the current arrangements are satisfactory.

Overlooking & overshadowing

Not applicable to this proposal.

Construction

Construction is not proposed as part of this development.

Cumulative impacts

The extractive industries have the potential to create cumulative impacts however as there are no other quarries operating in the vicinity of this site cumulative impacts are limited. The proposed extension is within the existing footprint of the site and blasts are anticipated to six (6) times per annum which further reduces the likelihood of cumulative impacts.

Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The Precautionary Principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In application of the precautionary principle, public and private decisions should be guided by:

- (a) Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) An assessment of the risk weighted consequences of various options.*

2 Intergenerational Equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations (that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of Biological Diversity and Ecological Integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved Valuation, Pricing and Incentive Mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) Polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) The user of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) Environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

Comment

The submitted Environmental Impact Statement has been prepared in consultation with relevant government agencies and community representatives. As a result environmental impacts were considered and environmental management principles applied to the proposal.

The quarry when operating within parameters outlined in the submitted Environmental Management Plan and Environmental Impact Statement will minimise its environmental impact. Further to this a rehabilitation strategy has been proposed with the final land use being compatible with rural activities and industries.

Section 4.15 (c) - The suitability of the site for the development

The proposal is for the increase in the annual extraction rate from 100,000 tonnes per year to 250,000 tonnes per year which will make use of existing infrastructure currently operating on the site. Accordingly, the site is considered suitable for the development.

Section 4.15 (d) – Any submissions made in accordance with the Act or the regulation

The proposal was notified to property owners in the vicinity of the site and advertised in the West Wyalong Advocate on two separate occasions. No submissions were received.

The following State Government agencies provided comments which are summarised in the following table:

Agency	Comment
Transport for NSW	<p>The current figuration of the intersection of the Newell Highway with Wargin Road is appropriate to accommodate the additional traffic proposed.</p> <p>TfNSW supports the application subject to the provided conditions.</p>
Planning Industry & Environment – Biodiversity and Conservation Division	<p>DPIE are satisfied that the amended BDAR is an appropriate assessment and the BOS credit obligation calculated is a reasonable mitigation to the harm caused by the proposal.</p> <p>DPIE are satisfied the assessment for Aboriginal Culture Heritage (ACH) provided in the Due Diligence Assessment. A condition had provided for inclusion in the conditions of consent should ACH be encountered.</p>
Environmental Protection Authority	<p>The EPA have issued General Terms of Approval for the proposal.</p>

Section 4.15 (e) – The public interest

The public interest is a broad consideration relating to many issues and is not limited to the issues discussed in this report. Taking into account the full range of matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (as discussed in this report) it is considered approval of the application is in the public interest.

Development Contribution Plans

Section 7.11 Development Contribution Plan 2011 – Traffic Generating Development

A contribution is payable under the provisions of this plan. A payment of \$7000 per annum has been negotiated for road maintenance.

Section 7.12 Development Contribution Plan 2011

Not applicable to this proposal.

Conclusion

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with Section 4.15C of the Environmental Planning and Assessment Act 1979.

Recommendation

It is recommended that DA2020/0004 for an Extractive Industry (increase extraction limit to 250,000 tonnes per annum be approved subject to conditions.

ATTACHMENTS

- A. Bushfire Prone Land Map**
- B. Local Provisions Map**
- C. Sensitive Receivers Map**
- D. Draft Conditions of Consent**
- E. Agency Responses**