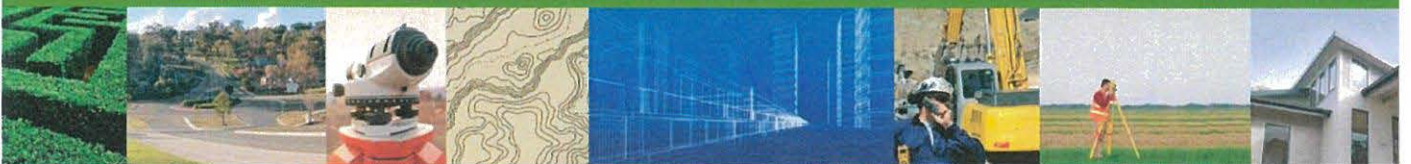




**Planning Application Report &
Statement of Environmental Effects
Extractive Industry (Gravel Extraction)**

**“Bonnie Doon”
Lot 104 DP753751
1984 Coach Road
MORVEN**





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Environment Design Management

Town Planning Surveying Engineering Environmental Planning Building Design Project Management

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1. INTRODUCTION

The purpose of this report is to support a development application for the development of Lot 104 off Coach Road, Morven for extractive industry purposes. As will be outlined in further detail below the proposal relates to the removal and stockpiling of the topsoil and extraction of an underlying gravel deposit from a relatively small section of the property known as "Bonnie Doon", in the Morven locality (Appendix 1).

The extraction of gravel on site commenced during 2017 with the aim of utilising the material for upgrade of the farm track system within the property as part of an overall farm improvement program. The landowner also owns property in the Albury area and when gravel was then exported off site to use as base material for development of that site, the quarry operations came to the attention of Council. As this latter component of works was being conducted without development consent the works subsequently became the subject of a Notice of Preventive Action under the provisions of the Protection of the Environment Operations Act, 1997.

The purpose of this application is to address the need for consent for undertaking an extractive industry on site. This application is subsequently lodged under the provisions of Section 4.2 of the Environmental Planning & Assessment Act and including the Greater Hume Local Environmental Plan 2012.

The development is not regarded as being designated development as the total yield will not exceed 30,000m³ p/a and the disturbed surface area will not exceed 2 hectares of land.

While an Environmental Impact Statement is not required in respect of this development proposal, this application has been prepared having regard to matters addressed in the EIS Guideline – Extractive Industries Quarries.

As will be outlined within this report it is contended that this proposal represents an example of orderly planning consistent with relevant Guideline provisions as well as the strategic intent of the planning scheme.

2. SUBJECT LAND

The subject land comprises part of a 48.5ha allotment located within a significantly larger rural holding of over 334ha (Figure 1). (Also refer to Site Context Plan at Appendix 2).

Described as Lot 104 DP 753751 (Part of Folio 9608-207), the subject land is situated 2.3km to the south of the main farm access gate off Coach Road and is accessed by internal farm tracks. Title particulars for the subject land are attached at Appendix 3.

As can be noted from the Site Context at Appendix 2, the overall property is largely cleared having been long given to cropping and grazing purposes. Also located on the land are various outbuilding and associated infrastructure. The nearest dwellings to the subject land are approximately 1.6km to the west and 1.9km to the south west of the subject land.

Located immediately to the west of the subject land is a former road reserve that is now described as Lot 2 DP1171528. This land is also held in the same ownership.

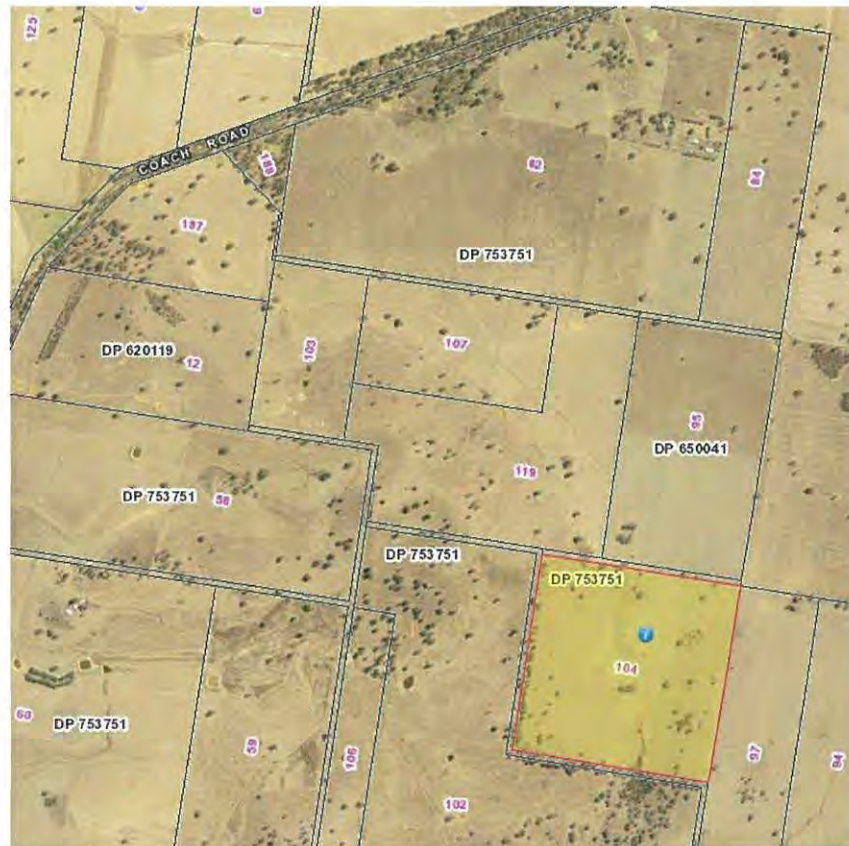


Figure 1: Locality Plan

The site of the proposed extraction (Photos 2 & 3) is located within an elevated area of the property at approximately 303m AHD. The development site itself rises to the north western section of the 2ha work area with an indicative slope of around 11% from north to the western high point and around 1.6% from south to north.

The development site is located within the south-western of the NSW South Western Slopes bioregion and the Yambla sub-catchment of the Murray Catchment. The landform unit across the subject land is characteristic of the Low & gently undulating country sub-component with the general geology of the undulating county being porphyry, quartzite, slate, schist, phyllite & greywacke¹.

More specifically the property falls within the Morgans Range-Black Rock Hydrogeological Landscape (HGL) which includes rolling hills on granite-derived colluvium. This HGL comprises granitic rocks from the Silurian and Devonian periods and associated colluvial material. Soils tend to be shallow and well -drained on crests.² At the works site the thin top soil layer (approx.<25mm) comprises dark reddish brown sandy clay loam over a deeper gravel deposit.

The remnant native vegetation type across this landform element and including the adjoining unmade former road reserve to the west of the site (Photo 1) is representative of Box Woodland. Importantly for the purposes of this development proposal it is to be noted that there is no native vegetation affected by the proposal.

¹ Stelling, F. (1998) *South west slopes revegetation guide (south of the Murrumbidgee River)*, Murray Catchment Management Committee / NSW Department of Land and Water Conservation, Albury

² Muller, R., Nicholson, A., Wooldridge, A., Jenkins, B., Winkler, M., Cook, W., Grant, S. and Moore C.L. (2015) *Hydrogeological Landscapes for the Eastern Murray Catchment*, Office of Environment and Heritage, Sydney, NSW.



Photo 1. Looking westerly along adjoining Lot 2 DP117528 being former road reserve. The extraction site is located to the right.



Photo 2. Looking westerly along western edge of development site.



Photo 3. Looking south easterly across development site.

3. DEVELOPMENT PROPOSAL

The proposal seeks to establish an extractive industry over a 2ha area of the subject land (Appendix 1). The total resource is estimated to be around 150,000m². While operations will vary according to demand for the extracted gravel product, the maximum production level under this current proposal is to be in the order of 30,000m³ of material per year.

As noted from the attached plans the development site is to be situated within the western section of Lot 104 to the west of water storage tanks on site. Because of the site location as well as the site topography itself it is expected that proposed operations will not be particularly evident from the public realm.

From an operational perspective the proposed site area will provide more than sufficient land area for future requirements including space for a portable site office/staff room, vehicle parking and loading, product crushing/screening/sieving and stockpiling of material.

Access to and from the site will be by way of an existing farm access track which will allow all vehicles to enter and leave the site in a forward direction.

Based on an annual extract limit of up to 45,000 tonnes of gravel material per year the following estimates of truck movements generated by the development proposal are provided.

Vehicle Types ¹	Capacity (tonnes)	Annual Total (tonnes) ⁴	Trips per Annum ⁵
Truck & Dog combination ²	42.5	30,000	705
19m B-double ³	50	15,000	300
TOTAL		45,000	1005

Table 1. Traffic generation

NOTES:

1: It is assumed that gravel will be primarily removed from the site by way of Truck and Dog Trailer combinations as well as 19m B-doubles. From time to time however it is possible that smaller and/or larger capacity vehicles may also visit the site.

2. The capacity of Truck and Dog Trailer combinations varies depending upon axle spacing. To cart over 42.5 tonnes however various additional requirements in respect of suspension systems, load documentation and minimum axle spacing apply.

3. While the subject land is located within a B-Double Approved Zone the 19m B-double up to 50 tonnes is relied upon for this analysis as they may operate on all roads, including neighbouring Shires (except where prohibited by a load limit sign).

4. 45,000 tonnes total. Truck & Dogs to remove 66.66% and B-doubles 33.33%.

5. It is expected that the site will operate up to a rate of 5 days/week for 40 weeks/year.

From the above it can be calculated that on average with the gravel extraction operating up to 200 days per year that there would approximately be 5 – 6 trucks (10 – 12 truck movements) per day for 40 weeks of the year.

In addition it is expected that there would be up to 2 staff at any one time. This would generate up to a maximum of 4 car movements per day, 20 trips per week and 800 per annum.

In respect of site rehabilitation it is anticipated that once the gravel is removed that the site will be rehabilitated.

At this stage no native vegetation is expected to be required to be removed as a consequence of the development proceeding.

4. PLANNING PROVISIONS

4.1 Environmental Planning and Assessment Act 1979

Section 4.14 Consultation and development consent – Certain bush fire prone land

COMMENT: The property is not identified as being subject to Bush Fire Risk on Council's Bush Fire Prone Land Map As a consequence no further assessment is required under the provisions of the NSW RFS "Planning for Bushfire Protection Guidelines" (the "Guidelines").

Section 4.15 Evaluation

The Act provides that in determining a development application, the following matters take where relevant to the development are to be taken into consideration, namely:

(1) Matters for consideration - general

(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

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

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.

In respect of the consideration of a Development Control Plan the Act provides as follows:

(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying

those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Section 4.46 What is “integrated development”?

COMMENT: The proposed development is not regarded as an Integrated Development as the development will not require any other relevant government agency approval.

5. ASSESSMENT RESPONSE

As previously noted assessment of a development application needs to be undertaken in respect to relevant considerations arising from Section 4.15 of the Act. Responses to relevant matters are provided as follows:

5.1 (a)(i) Environmental Planning Instruments

5.1.1 State Environmental Planning Policies

COMMENT: There are a range of SEPP's that generally apply to the subject land. Of those that cover the property the following are considered to be of some relevance requiring more detailed response.

SEPP NO. 44 – Koala Habitat Protection

This policy aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas so as to ensure permanent free-living populations will be maintained over their present area. The policy applies to 107 local government areas throughout NSW providing that development approval cannot be granted in an area affected by the policy without an investigation of core koala habitat.

COMMENT: The site is not regarded as representing “Potential Koala Habitat” and there are no significant trees required to be removed from the subject land. As a consequence the planning proposal is seen as complying with SEPP 44.

SEPP NO. 55 – Remediation of Land

SEPP 55 establishes that a local government council must not grant consent to a development without having considered whether or not the land is contaminated. If it is found to be contaminated, the council must be satisfied that it can be remediated to a level in line with the sensitivity of the proposed use.

COMMENT: It is to be noted that the land is not proposed to be used for a sensitive land use being development for the extractive industry purposes. As a consequence it is concluded that the proposal is not one that would necessitate a site audit and/or remediation.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The SEPP provides that development for any of the following purposes may be carried out with development consent:

- (a) extractive industry on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent),

COMMENT: There are no matters of inconsistency between Greater Hume LEP 2012 and the SEPP.

SEPP(Rural Lands) 2008

COMMENT: The proposed development is not inconsistent with this particular Policy including the Rural Planning Principles as identified at Clause 7 of the Policy.

5.1.2 Greater Hume Local Environmental Plan 2012

Part 1 Preliminary

Clause 1.2 Aims of Plan

The Greater Hume LEP 2012 (the LEP) is the principle local planning instrument applicable to Shire.

COMMENT: The proposed development is consistent with relevant aims of LEP 2011 including the following:

- (a) to encourage sustainable economic growth and development in Greater Hume,
- (b) to protect and retain productive agricultural land,
- (c) to protect, conserve and enhance natural assets,

Clause 1.9A Suspension of covenants, agreements and instruments

COMMENT: Noted.

Part 2 Permitted or prohibited development

Clause 2.3 Zone objectives & Land Use Table (development permissibility)

The LEP comprises a number of Zone Provisions and Special Provisions. Among other things the general aims of the LEP include:

- 2(c) to maintain a strong economy by:
 - (i) retaining sufficient rural land in a form suitable for primary production.
 - (iii) promoting opportunities for business development.

Part 2 of the LEP relates to prohibited or permitted development and includes various zone provisions as outlined within the Landuse Table. It is noted that the subject land is zoned RU1 (Primary Production) under the LEP (Appendix 4). Among other things relevant objectives of the RU1 Zone include:

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

Relevant to this DA the following definition is noted:

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

Note. Extractive industries are not a type of industry.

COMMENT: The land use table provides that Extractive Industry is a permitted use with consent in the zone. The current proposal is seen as consistent with not only the relevant zone provisions but also the strategic intent of the LEP. The proposed development will supplement farming operations utilising a part of the property which will not impact upon remaining broad acre farming on the remainder of the land. The

proposal will also support opportunity for business development enhancing the rural economy within Greater Hume Shire.

The layout of the development can rely upon existing access arrangements from off Coach Road offering excellent access to the local and regional road network. The proposed layout will also ensure that amenity of surrounding land will not be significantly impacted upon.

In this context the proposed development can be considered to be a legitimate land use within the applicable zone that can be duly considered on a merits basis. As a consequence it is considered that there are no matters raised in respect of the proposal that could be considered to be inconsistent with the LEP.

Clause 2.6 Subdivision—consent requirements

COMMENT: Not applicable.

Clause 2.7 Demolition requires development consent

COMMENT: Not applicable.

Clause 2.8 Temporary use of land

COMMENT: Not applicable.

Part 3 Exempt and complying development

Provision	Comment
Clause 3.1 Exempt Development	No applicable
Clause 3.2 Complying Development	Not applicable
Clause 3.3 Environmentally sensitive areas excluded	Noted

Part 4 Principal development standards

Provision	Comment
Clause 4.1 Minimum subdivision lot size	Not applicable
Clause 4.1AA Minimum subdivision lot size for community title schemes	Not applicable
Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environmental zones	Not applicable
Clause 4.2 Rural Subdivision	Not applicable
4.2AA Exceptions to minimum lot sizes for certain rural subdivisions	Not applicable
Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and residential zones	Not applicable
Clause 4.3 Height of buildings	Not adopted
Clause 4.4 Floor Space Ratio	Not adopted

Provision	Comment
Clause 4.5 Calculation of floor space ratio and site area	<i>Not adopted</i>
Clause 4.6 Exceptions to development standards	<i>Not applicable</i>

Part 5 Miscellaneous provisions

Provision	Comment
Clause 5.1 Relevant acquisition authority	<i>Noted</i>
Clause 5.2 Classification and reclassification of public land	<i>Noted</i>
Clause 5.3 Development near zone boundaries	<i>Noted</i>
Clause 5.4 Controls relating to miscellaneous permissible uses	<i>Not applicable</i>
Clause 5.5 Development within the coastal zone	<i>Repealed</i>
Clause 5.6 Architectural roof features	<i>Not applicable</i>
Clause 5.7 Development below mean high water mark	<i>Not applicable</i>
Clause 5.8 Conversion of fire alarms	<i>Not applicable</i>
Clause 5.9 & 5.9AA	<i>Repealed</i>
Clause 5.10 Heritage conservation	<i>Not applicable.</i>
Clause 5.11 Bush fire hazard reduction	<i>Noted</i>
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	<i>Noted</i>
Clause 5.13 Eco-tourist facilities	<i>Not applicable</i>
Clause 5.14 Siding Spring Observatory—maintaining dark sky	<i>Not adopted</i>
Clause 5.15 Defence communications facility	<i>Not adopted</i>

Part 6 Additional local provisions

Provision	Comment
Clause 6.1 Earthworks	<i>It is anticipated that any earthworks associated with the development would not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. All such works will be undertaken to council's satisfaction in accordance with relevant codes and guidelines.</i>

Clause 6.1A Flood planning	<i>Not applicable</i>
Clause 6.2 Terrestrial Biodiversity	<i>Not applicable</i>
Clause 6.3 Riparian Land and Watercourses	<i>Not applicable</i>
Clause 6.4 Wetlands	<i>Not applicable</i>
Clause 6.5 Development on river front areas	<i>Not applicable</i>
Clause 6.6 Development on riverbeds and banks	<i>Not applicable</i>
Clause 6.7 Essential services	<i>Noted. The subject land is capable of connection to essential services with adequate spare capacity.</i>

Schedules

Provision	Comment
Schedule 1 Additional permitted uses	<i>Not applicable</i>
Schedule 2 Exempt development	<i>Not applicable</i>
Schedule 3 Complying development	<i>Not applicable</i>
Schedule 4 Classification and reclassification of public land	<i>Not applicable</i>
Schedule 5 Environmental heritage	<i>Note applicable</i>

5.2 (a)(ii) Proposed instruments

COMMENT: There are a number of draft amendments to the LEP that have been the subject of public consultation under the Act. While these draft amendments apply to land within Greater Hume Council it is noted that none of these Amendments specifically change the provisions affecting the subject land. As a consequence there are no relevant issues identified.

5.3 (a)(iii) Any development control plan

5.3.1 Greater Hume Development Control Plan

COMMENT: The DCP provides general development standards that relate to all types of proposals, including rural development that is generally but not exclusively related to dwellings within the Primary Production Zone (RU1).

The DCP is however silent in respect of Extractive Industry.

5.4 (a)(iiia) Any Planning Agreements

COMMENT: No planning agreements apply.

5.5 (a)(iv) The regulations

COMMENT: 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.

5.6 (a)(v) Coastal Zone Management Plan

COMMENT: Not applicable.

5.7 (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.

COMMENT: [NOTE: Refer to Section 5 of this report as well as the following Statement of Environmental Effects at Section 6 of this report.]

There is not expected to be any adverse impact on the natural environment or surrounding farm land as a consequence of approval of this development application.

The proposal will also not impact upon high quality agricultural land. The proposed gravel extraction site will be located within a small section of the property which comprises hillside used for limited grazing and as a consequence is a less productive part of the property.

In terms of the rural environment, it is submitted that the development proposal will facilitate a sustainable extractive industry development that is provided for within the zoning provisions of the Greater Hume LEP 2012.

The development will create additional employment opportunities facilitating a positive social and economic benefit for the local community. There will be additional positive outcomes as a consequence of providing further assistance to farm-gate return relative to the size of the rural land holding

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

COMMENT: Refer to above discussion. The subject land is considered to be suitable for the proposed development as the resource is known and identified as being a viable source of gravel material.

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

COMMENT: This matter will be dealt with by Council as a part of the due process..

5.10 (e) The public interest.

COMMENT: It is contended that there is nothing against the public interest that would preclude Council making a favourable determination in this matter. No issues exist in relation to the public – private land interface that are raised as matters of significant concern.

The proposed location of the gravel extraction operations will ensure that it will be a relatively discrete landuse within the broader landscape context. Significant separation from the Coach Road road reserve as well as dwelling houses within the general locality also greatly assists with this outcome in terms of any views of the development site from off-site. As a consequence, it is submitted that here will not be any adverse amenity caused to surrounding land as a result of this proposal.

6. STATEMENT OF ENVIRONMENTAL EFFECTS

Clause 2(1)(c) of Part 1 of Schedule 1 to the Environmental Planning and Assessment Regulation 2000 provides that a statement of environmental effects must accompany a development application. Subclause 2(4) specifies the matters to be addressed in a statement of environmental effects are as follows:

- a) *The environmental impacts of the development,*
- b) *How the environmental impacts of the development have been identified,*
- c) *The steps taken to protect the environment or to lessen the expected harm to the environment,*
- d) *Any matters required to be indicated by any guidelines issued by the Director – General for the purpose of this clause.*

It is noted that there are no matters required to be indicated by guidelines issued by the Director-General applicable to this proposal. However as previously noted relevant matters addressed in the EIS Guideline – Extractive Industries Quarries have been taken into consideration with the following Statement.

The development is considered to have the following environmental effects identified through site inspection of the subject land, desktop analysis, and research of relevant background documents and databases.

6.1 Context and Setting

The proposal relates to the establishment of a relatively small scale gravel extraction operation to be located upon the property known as “Bonnie Doon”.

As noted above the nature of the development site comprises a small section of a significantly larger broad acre rural holding, consistent with the general locality. The development site is approximately 2ha located within the western section of Lot 104 DP753751 which is a land locked parcel accessed off internal farm tracks. The nearest dwellings to the subject land are approximately 1.6km to the west and 1.9km to the south west of the subject land.

The development site is situated away from areas of the farm used for cropping and will occupy a relatively discrete location within the broader rural landscape. The general topography will ensure that the development site cannot be readily seen from the public realm.

When framing the proposal, the following matters were given particular consideration, namely the need to:

- Have regard for existing site constraints and opportunities;
- Respect the landscape character and setting;
- Access arrangements to the subject land; and
- Ensure other nearby land uses are not prejudiced by the proposed.

6.2 Design

The design response of the quarry development reflects site opportunities and constraints, including location of the resource, access arrangements and proximity to perimeter native vegetation.

6.3 Noise

Given the relatively small scale nature of the proposal it is anticipated that the primary noise sources would be generated by front end loaders, excavators, trucks, material crushing/screening/sieving and mobile plant.

Because of the distance to dwellings on other properties in the locality as well as the topographical features of the site itself it is not anticipated that there will be any significant off-site impacts. Further the location of the haul route through the central section of the overall farm property will assist in reducing any off-site noise impacts.

As a consequence it is expected that from the perspective of any sensitive land-uses in the district that noise levels will not be beyond existing levels already generated and experienced in the locality.

6.4 Access & traffic

As previously noted it is expected that on average with the extraction site operating up to 200 days per year that there could be on average approximately 10-12 truck movements per day for 40 weeks of the year. Trucks removing gravel material from the site will primarily comprise Truck and Dog Trailer combinations as well as 19m B-doubles.

In addition it is expected that there would be up to 2 staff which would generate up to a maximum of 4 car movements per day, 40 trips per week and 800 per annum.

Traffic will use the Coach Road to access the site with the majority of vehicles arriving from the northern direction. An established point of access that is already relied upon for farm traffic will also be able to be relied upon to access to the extraction site. Access to and from the works area within the site area itself will be by way of well-established farm tracks allowing all vehicles to enter and leave the site in a forward direction.

Material removed from the site will be on a demand basis with truck operators generally departing northerly towards the Culcairn-Holbrook Road intersection. Depending upon the destination for the material, trucks will then either head east towards Culcairn and the Olympic Highway or to the west towards Holbrook and the Hume Freeway.

The geometry and alignment of Coach Road is of sufficient capacity to accommodate expected traffic to be generated by the proposed development. The quarry expansion on the subject land will not contribute to additional traffic flows beyond the design capacity of the broader road network servicing the property.

6.5 Biodiversity Assessment

The subject land is largely clear of vegetation, aside from a few scattered paddock trees. Having regard to the base field work undertaken in the initial site assessment of the proposed work area, a desk top assessment has also been undertaken in respect of the development site itself to investigate the potential effect of the proposal on any significant threatened species, populations or ecological communities or their habitats in a terrestrial environment.

The principal source of this assessment is the NSW Wildlife Atlas ³ with the enquiry area set at a 10km radius from the works area. This online tool provides a whole-of-government system for NSW flora and fauna sightings information. Additionally enquiry was also made of the Atlas of Living Australia ⁴ and the Commonwealth Protected Matters Search Tool ⁵ with both relying upon enquiry setting a 5km buffer around the site.

6.5.1 Flora & Fauna

A search of the Atlas accessing all available records indicates a total of 4,085 records relating to 653 species. Of these there were recorded 448 flora species none of which are listed as protected species under the Threatened Species Conservation Act 1995 [TSC Act].

A further refinement of the search to encompass fauna sightings over the last twenty years reveals a total of 32 protected fauna species (see Appendix 5) of which two are identified as vulnerable species, namely:

- Superb Parrot (*Polytelis swainsonii*)
- Diamond Firetail (*Stagonopleura guttata*)

In addition it is noted that the Commonwealth Protected Matters Search Tool indicates that there are a number of threatened Flora and Fauna species that may occur within the locality (EPBC Report Appendix 6). This is certainly unsurprising given the location of the Benambra National Park within the southern section of the mapped area.

6.5.2 Ecological Communities

Although the EPBC Report indicates that there are potentially two Listed Threatened Ecological Communities nominated as relevant to the works area these nominated communities cover an extensive area of the Murray Darling Basin. These communities are identified as follows:

- Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-eastern Australia (Endangered) Community likely to occur within area.
- Weeping Myall Woodlands (Endangered) Community likely to occur within area.
- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Critically Endangered) Community may occur within area.

6.5.3 Biodiversity Impacts

Flora

No threatened flora species are affected by the proposed works.

Fauna

In assessing the recorded vertebrate fauna species and having regard to their respective habitat requirements it is firstly noted that none of the above listed species have habitat requirements that are specific to the development site.

³ NSW Environment & Heritage BioNet Atlas – Species Sighting search [Online] URL http://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS/AtlasSearch.aspx (accessed 19/07/2018)

⁴ Atlas of Living Australia [Online] URL <https://www.ala.org.au/> (accessed 19/07/2018)

⁵ Australian Government Department of Environment & Energy Protected Matters Search Tool [Online] URL: <http://www.environment.gov.au/webgis-framework/apps/pmst/pmst.jsf> (accessed 19/07/2018)

Secondly given that the proposal involves no removal of native vegetation it is readily concluded that the proposal will not impact on the habitat of any of the above identified threatened or vulnerable species to the extent that it will have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.

Lastly from careful analysis of the proposed works site, it is concluded that none of the threatened fauna species listed above are expected to regularly occur within the foot print area given not only the lack of vegetation currently present reducing the habitat value, but also because the preferred habitat for the listed species (including Box-Gum woodlands) is not to be found within the development site.

While there is opportunity that mobile species such as Superb Parrot might opportunistically forage within the vicinity of the study area, as anywhere within the Region, there is nothing to suggest that the development site itself provides important foraging, nesting or roosting habitat.

Review of the Register of Critical Habitat in NSW ⁶ also indicates that the site does not contain any area which has been declared as critical habitat. Accordingly, it is concluded that no areas of critical habitat will be unaffected by the proposed activity.

Ecological Communities

The subject land comprises part of a highly modified environment comprising cleared farm land previously used for limited cropping purposes.

There is no evidence of any threatened communities present within the development site.

Having regard to the threatening processes that might impact upon EEC's within the broader review area, it is noted that the proposal does not involve:

- Clearing, degradation or fragmentation of remnant vegetation;
- Invasion by non-native plant species or feral animals;
- Harvesting of fire wood; and
- Clearing away of on-ground woody debris.

On balance it is therefore concluded that the proposal will not result in an action likely to have an adverse effect on any EEC such that any viable local representative species are likely to be placed at risk of extinction. Accordingly, it is concluded that the proposed activity will not be likely to:

- Have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction; or
- Substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

6.6 Public Domain

The Public Domain will not be adversely affected by the development. As previously noted the development site will occupy a relatively discrete location within the broader landscape context. The topographical setting along with the separation distance from Coach Road will also provide significant screening to the site in terms of any views of the development from the public realm.

⁶ Register of Critical Habitat in NSW – OEH [Online] URL:
<http://www.environment.nsw.gov.au/criticalhabitat/criticalhabitatprotectionbydoctype.htm> (accessed 19/07/2018)

6.7 Social & Economic

The proposal will have a positive economic impact of the Greater Hume Shire through resource recovery and employment at the development site.

No adverse social impacts are expected.

6.8 Utilities

No extension of utility services is required.

6.9 Air & Microclimate

Dust is a potential source of nuisance. However it is expected that dust generated by the proposal would be largely confined to the works area and the haulage track through the property itself.

Mitigation measures that may be employed include minimising the area of disturbance and progressively revegetating the site. Recommended site practice would include:

- Consideration of prevailing wind direction when undertaking works;
- Revegetating stockpiles that will not be used for some time;
- Minimise vehicle movements
- Reduce on-site vehicle speeds
- Covering or dampening loads leaving the site
- Maintain plant and equipment so that it is a proper operating condition
- During dry, windy conditions:
 - Stop the crushing plant
 - Increase use of watering systems
 - Stop work in some areas of the site.

6.10 Cultural Heritage

There are no built heritage items on the site or in proximity of the site that would be adversely affected by the development proceeding as outlined within this report.

A search of the OEH AHIMS Web Services System indicates that there are no aboriginal sites recorded or aboriginal places declared in or near the subject land (Appendix 7).

Consistent with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, an Aboriginal Heritage Impact Permit (AHIP) is not necessary in this instance however, it will be necessary for the exercise of proper caution in the operation of the quarry and if aboriginal objects and/or human remains are found there will be a need to stop work and make the appropriate notifications to DECCW and NSW Police as the case may be.

6.11 Bush Fire Hazard

None of the subject land is identified as bush fire prone on Council's Bush Fire Land Use Plan. There are also no buildings or works to be situated within close proximity of land mapped as Bushfire Prone.

This notwithstanding it would be expected that normal quarry operations would be conducted in a manner that took all reasonable precautions to prevent the ignition and spread of fire.

6.12 Other Hazards

The subject land is not identified as an area of flood hazard. There is no evidence of salinity, landslip or other soil instability or other natural hazards on the subject land.

6.13 Waste

Minimal solid wastes (eg grease cartridges and rags) will be stored in drums prior to removal to an authorised disposal site as necessary. On site toilet facilities (porta-loos) will be maintained under contract to the satisfaction of Council.

It is expected that generally only daily quantities of fuel will be stored on site. An area can be set up in the work area where vehicles carrying fuel tanks will be designated for parking. This area will be located away from the lower edge of any current workings and consist of a bunded depression that would localise and any inadvertent spill. A spill kit will be located with the mobile plant on site.

6.14 Drainage

The proposed gravel extraction is not expected to significantly alter existing drainage patterns across the broader land holding or the immediate locality.

7. CONCLUDING COMMENTS

It is understood that because development approval can be issued that it should not be necessarily assumed that a DA should or will be granted. This notwithstanding, it is contended that the proposal is not inconsistent with the purposes or objectives of the Primary Production (U1) Zone under the provisions of the Greater Hume LEP and consequently the proposed development would be both appropriate and reasonable in the circumstances.

This position is further supported as follows:

1. No adverse off site impacts are anticipated.
2. No native vegetation is required to be removed.
3. The proposal will not adversely impact upon the more highly productive areas of the land holding; and
4. The benefits attributable to extraction of a valuable resource without impacting upon the ongoing rural use of the overall farm property.

As noted above it is contended that the proposal represents order planning for the subject land. Having regard to the above, it is requested that Council approve this application.

EDM Group
PETER O'DWYER
MANAGER ENVIRONMENT & PLANNING

19 July 2018
Ref: 18005300

APPENDIX 1

DEVELOPMENT PLANS



**DESIGN RESPONSE
 LOT 104 DP753751 &
 PART LOT 2 DP1171528
 198 COACH ROAD
 MORVEN 2660**

NOTE:
 The cadastre has been laid over an aerial image for presentation purposes only.
 The aerial image is intended as a visual aid only and may not be an accurate representation of ground conditions. Title survey must be undertaken to accurately verify the location of any boundary shown hereon.

Drawing No. 180053_DA01_19Jun18
 Scale 1:4000

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SHEET
 1 OF 2

Original
 Sheet
A3

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Lot 119

Lot 95

**DESIGN RESPONSE
 LOT 104 DP753751 &
 PART LOT 2 DP1171528
 198 COACH ROAD
 MORVEN 2660**

APPROX TRUE NORTH

71.4
 4
 232
 4
 Lot 2
 DP1171528



**Quarry
Lease Area
2ha**

Track

Access

Lot 104
DP753751

Lot 102

Water Tanks

NOTE:
 The cadastre has been laid over an aerial image for presentation purposes only.
 The aerial image is intended as a visual aid only and may not be an accurate representation of ground conditions. Title survey must be undertaken to accurately verify the location of any boundary shown hereon.

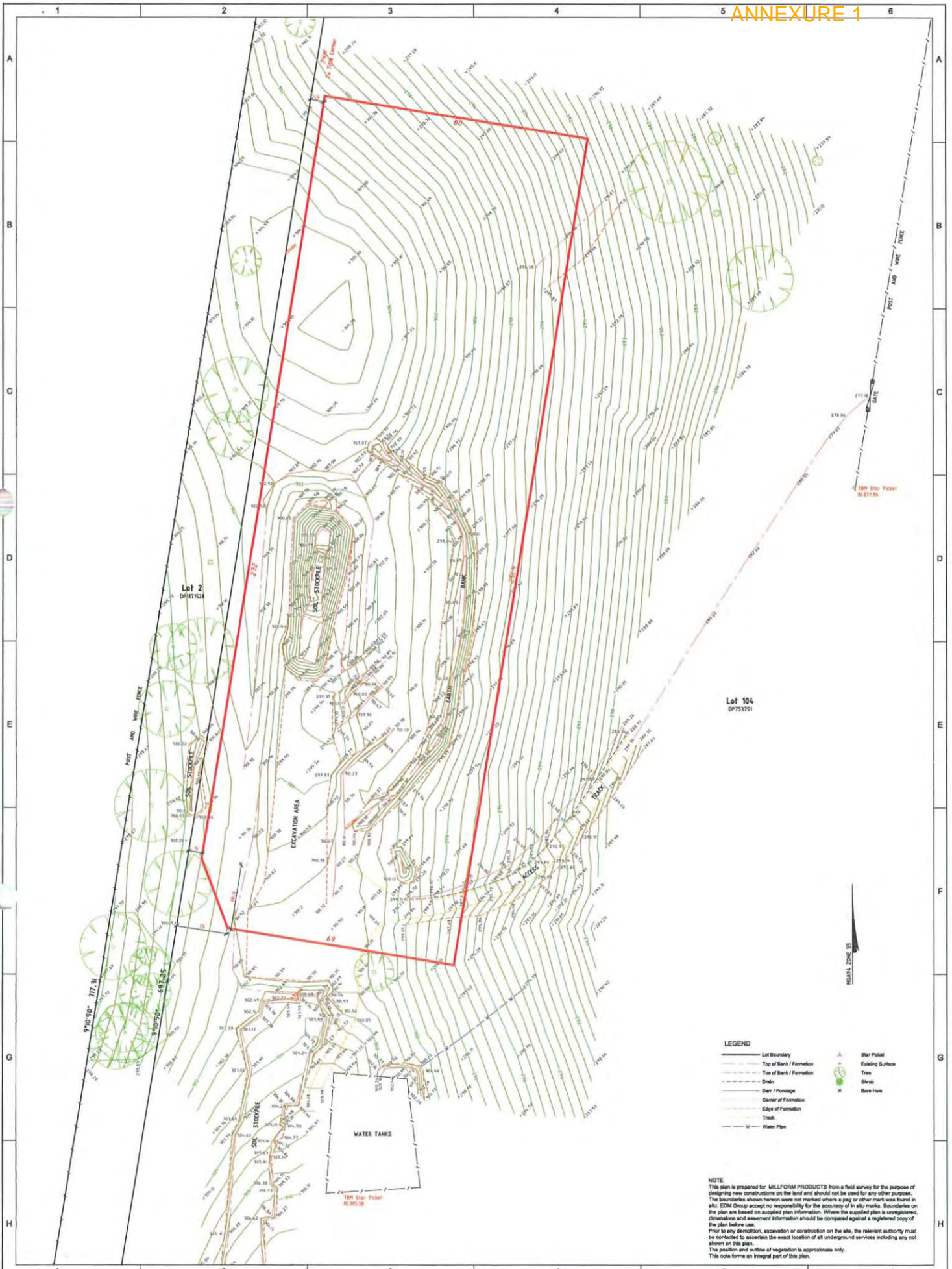
Drawing No. 180053_DA01_19Jun18
 Scale 1:4000

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2 OF 2

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Sheet
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LEGEND

—	Lot Boundary	+	Star Picket
—	Top of Bank / Formation	+	Existing Surface
—	Toe of Bank / Formation	+	Tree
—	Drain	+	Shrub
—	Ditch / Pondage	+	Bore Hole
—	Center of Formation		
—	Edge of Formation		
—	Track		
—	Water Pipe		

NOTE
 This plan is prepared for MILLFORM PRODUCTS from a field survey for the purpose of designing new constructions on the land and should not be used for any other purposes. The boundaries shown hereon were not marked where a peg or other mark was found in situ. EDM Group accept no responsibility for the accuracy of in situ marks. Boundaries on the plan are based on supplied plan information. Where the accepted plan is unregistered, dimensions and assessment information should be compared against a registered copy of the plan before use.
 Prior to any demolition, excavation or construction on the site, the relevant authority must be contacted to ascertain the exact location of all underground services including any not shown on this plan.
 The position and outline of vegetation is approximate only.
 This note forms an integral part of this plan.

NOTES

1. [Red Box] PROPOSED QUARRY LEASE AREA - 2ha

Issue	Amendments	Inf	Date
REVISIONS			

edm
 EDM Group
 PLANNERS SURVEYORS & ENGINEERS

PO Box 317 WOODONGA 3689
 Ph (02) 6052 8578
 Fax (02) 6056 2392

EDM Group ABN 6 532 346 916
www.edmgroup.com.au

Designed	CR
Checked	CR
Drawn	LR
Survey	CR
Date	13/06/18
Datum	AHD

MILLFORM PRODUCTS
EXISTING CONDITIONS PLAN PART OF LOT 104 DP753751 AND LOT 2 DP117524 1948 CACCH ROAD, MORVEN 2668
Drawing No. 180953_DTH01_18Jun18
Scale 1:500

APPENDIX 2

SITE CONTEXT



**SITE CONTEXT PLAN
 LOT 104 DP753751 &
 PART LOT 2 DP1171528
 198 COACH ROAD
 MORVEN 2660**

NOTE:
 The cadastre has been laid over an aerial image for presentation purposes only.
 The aerial image is intended as a visual aid only and may not be an accurate representation of ground conditions. Title survey must be undertaken to accurately verify the location of any boundary shown hereon.

Drawing No. 180053_DA01_19Jun18
 Scale 1:4000

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SHEET
 1 OF 1

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 Sheet
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APPENDIX 3

TITLE PARTICULARS



FOLIO: AUTO CONSOL 9608-207

SEARCH DATE	TIME	EDITION NO	DATE
19/7/2018	11:08 AM	2	29/8/2017

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY NATIONAL AUSTRALIA BANK LIMITED.

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA GREATER HUME SHIRE
PARISH OF MORVEN COUNTY OF HUME
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

RJS & JGS DEVELOPMENTS PTY LTD (T AM542044)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS IN LOTS 94 AND 97 - SEE CROWN GRANT
- 3 AM683294 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED

NOTATIONS

NOTE: THIS FOLIO MAY BE ASSOCIATED WITH A CROWN TENURE WHICH IS
SUBJECT TO PAYMENT OF AN ANNUAL RENT. FOR FURTHER DETAILS CONTACT
THE LOCAL CROWN LANDS OFFICE AT WAGGA WAGGA. NOT ALL PARCELS
WITHIN THIS TITLE MAY BE AFFECTED BY A CROWN TENURE.

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOT 94 IN DP753751
LOT 97 IN DP753751
LOT 104 IN DP753751

TITLE DIAGRAM

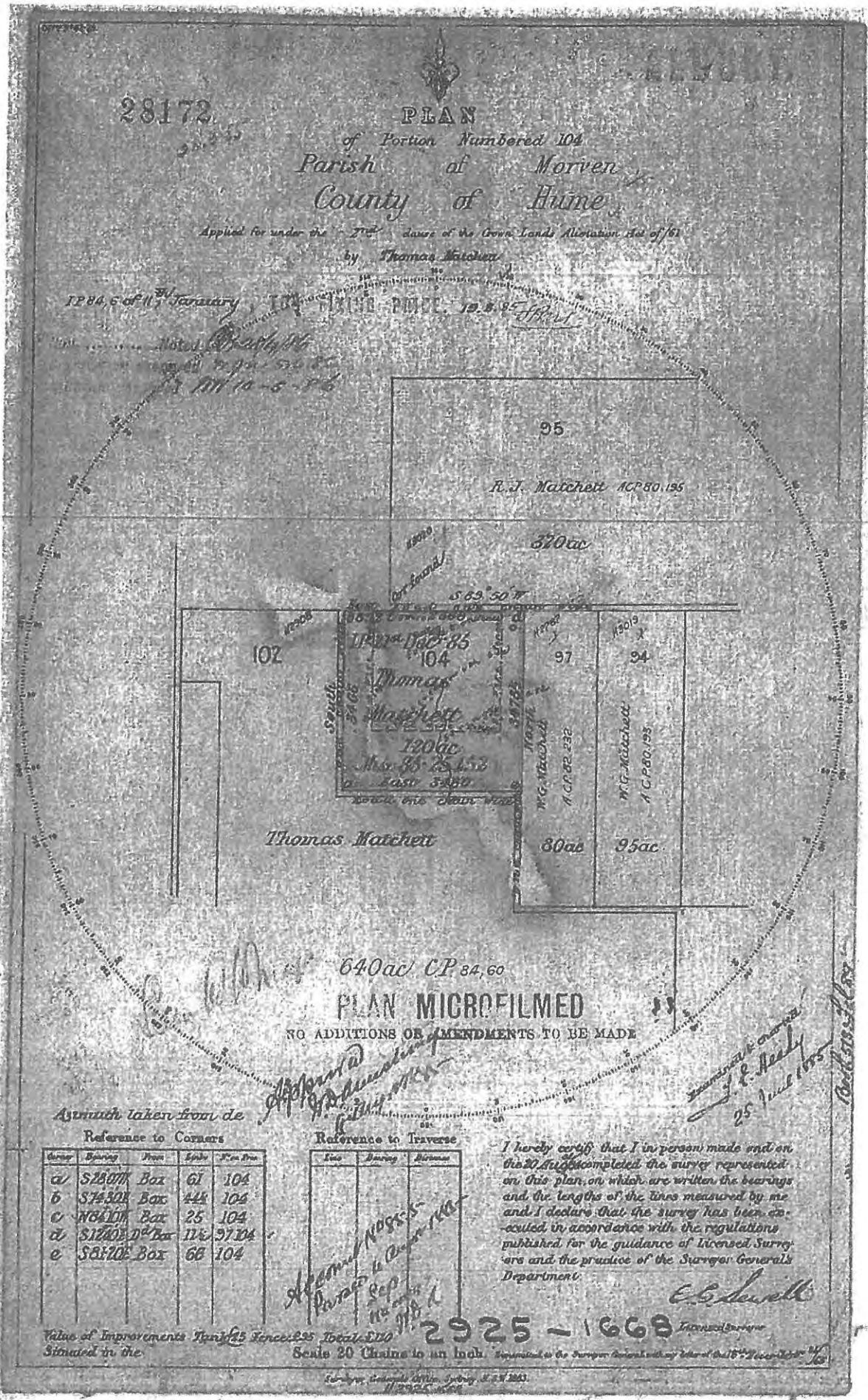
CROWN PLAN 3019.1668
CROWN PLAN 2787.1668
CROWN PLAN 2925.1668.

*** END OF SEARCH ***

150083

PRINTED ON 19/7/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.



28172

PLAN
 of Portion Numbered 104
 Parish of Morven
 County of Hume

Applied for under the 27th clause of the Crown Lands Alienation Act of 1861
 by Thomas Matchett

TP 84, 5 of 11 Secretary, 17th March 1865

95

R. J. Matchett 1CP 80, 195

370ac

102

104
 Thomas Matchett
 120ac
 18th Dec 1865
 18th Dec 1865
 18th Dec 1865

97

94

30ac

95ac

Thomas Matchett

640ac CP 34,60

PLAN MICROFILMED

NO ADDITIONS OR AMENDMENTS TO BE MADE

Asimuth taken from de
 Reference to Corners

Corner	Bearing	From	Links	Perch
a	S 28° 07' N	Box	61	104
b	S 74° 30' E	Box	44	104
c	N 84° 10' W	Box	25	104
d	S 12° 02' W	Box	11	97 104
e	S 81° 02' E	Box	66	104

Reference to Traverse

Line	Bearing	Distance
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

I hereby certify that I in person made and on the 20th day completed the survey represented on this plan, on which are written the bearings and the lengths of the lines measured by me and I declare that the survey has been executed in accordance with the regulations published for the guidance of Licensed Surveyors and the practice of the Surveyor General's Department.

E. G. Sewell

Value of Improvements 1865 25 Total £20
 Situated in the

Scale 20 Chains to an Inch

2925-1668