

D2020-1 Part 1  
AD21/11131  
Parcel 61819  
NAB:TF

18 March 2021



Department of Planning, Industry & Environment  
Planning & Assessment  
Energy, Resources & Compliance  
4 Parramatta Square  
12 Darcy Street  
PARRAMATTA NSW 2150

Dear Mr Hodgkins

### **SSD 10417 Dubbo Quarry Continuation Project**

Property: Lot 222 DP 1247780, 22L Sheraton Road  
& Lot 100 DP 628628, Old Dubbo Road DUBBO

Proposed development: Extractive Industry - Holcim Quarry continuation project (SDD 10417)

Thank you for the opportunity to provide comment on the SSD 10417 Dubbo Quarry Continuation Project, forwarded to Council on 8 February 2021. Review of the application has resulted in the following comments being provided:

#### (1) Planning

As per Council's previous correspondence dated 6 February 2020 (SEARs submission), Council maintains concerns with extraction within the proposed Western Extraction Area (WEA). This area is zoned RE2 Private Recreation pursuant to the Dubbo Local Environmental Plan (LEP) 2011. The permissibility of extractive industry is outlined in Clause 7(3) of State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007 and states that extractive industry is permissible with consent on land on which development for the purposes of *agriculture or industry* may be carried out. Pursuant to the Dubbo LEP 2011 both land uses are prohibited in the RE2 zone.

While Section 4.38(3) of the Environmental Planning and Assessment Act 1979 is noted with regards to State Significant Development being granted consent despite being partly prohibited by an Environmental Planning Instrument, the development proposal is still considered contrary to the RE2 zone objectives which are:

- To enable land to be used for private open space or recreational purposes;
- To provide a range of recreational settings and activities and compatible land uses; and
- To protect and enhance the natural environment for recreational purposes.

All communications to: **CHIEF EXECUTIVE OFFICER**

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The purpose of the RE2 zoning here was originally to provide for a golf course development (private recreation) as was envisaged by the previous land owner. Additionally, it is also strategically located to act as a buffer between the quarrying activities in the IN3 zone and the residential zoned land to the west. The encroachment of extractive industry into the RE2 zone will undermine this protective buffer. Dubbo Regional Council maintains that an *extractive industry (quarry)* is therefore considered to be an incompatible use in the zone.

The WEA is proposed to be approximately 300 metres from residential zoned land, namely Lot 2 DP 880413 to the west. The land has recently been rezoned R2 Low Density Residential with a minimum lot size of 600m<sup>2</sup>, with a 50 metre wide 2,000m<sup>2</sup> minimum lot size buffer along its eastern boundary. This may result in a development yield of approximately 365 residential allotments within close proximity to significant extractive industry operations. In addition, Lot 2 DP 1261522 located approximately 700 metres to the north-west of the WEA contains a development consent for a 51 lot residential subdivision.

Given the potential for significant land use conflict, and the zone objective concerns as raised previously, Council does not support the proposed WEA of the project. In general, it is not considered 'good planning practice' to locate an extractive industry adjacent to residential zoned land and residential development due to the land use conflicts that can arise. This is a matter of consideration under Clause 12 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Concerns are particularly raised with regards to dust, noise, traffic, vibration and visual amenity impacts to residential development, as well as other neighbouring development including the solar farm on Lot 2100 DP 1227782, located approximately 550 metres to the north of the WEA.

#### Siding Spring – light pollution

No consideration has been given to light pollution and potential impacts on the Siding Spring Observatory. This is a matter of consideration under Section 5.14 of the Dubbo LEP 2011. The EIS has not demonstrated that the development will not result in the emission of 1,000,000 lumens, the generation of light pollution to neighbouring property, and generally consider the requirements of The Dark Skies Guidelines.

#### (2) Draft Dubbo City Transportation Strategy

Council advises that the draft Dubbo City Transportation Strategy has been completed and placed on public exhibition. The subject site is situated adjacent to the Hennessy Road Reserve. The draft Strategy includes a proposal for Hennessy Road to become part of the Southern Distributor, to allow for the effective movement of traffic through the Precinct to the schools on Sheraton Road and to provide a greater level of access for the existing quarries out to the Mitchell Highway.

It is strongly suggested that the Proponent undertakes a review of the draft Dubbo City Transportation Strategy to ensure familiarisation with the document. It is also suggested that the Proponent seek to meet with Council's Manager Infrastructure Strategy and Design - Chris Godfrey to further discuss Council's strategy for the area.

(3) Environment

- The submitted Environmental Impact Statement (EIS) fails to mention the importation of 'Fly Ash' which is currently occurring on the site. The 'Fly Ash' is inadequately banded and does not appear to be well managed. It is close to the site boundary and poses a risk to the health of Holcim employees as well as neighbouring properties. A Waste Management Plan should be submitted which details the manner in which the Fly Ash' will be handled, ensuring that it does not create air or surface water pollution through mismanagement. Ideally, the ash needs to be kept in a sheltered and fully banded location, in silos where water can easily be accessed to mitigate off-site migration and ensure that this highly contaminated material does not pose a risk to human or ecological health.
- With regard to the BDAR, all site vegetation inspections undertaken for the Dubbo Quarry Continuation Project occurred prior to the break in the drought. It would be optimal if the vegetation assessments were repeated in this more representative season and data recalculated.

The process undertaken is appropriate, the BDAR is complete and compliant, however the timing of inspections and therefore the data being relied upon to calculate impact is problematic.

(4) Engineering

- As stated in Council's correspondence dated 6 February 2020, upgrades to Sheraton Road and access into the site are required to be undertaken. Council is open to entering into a Planning Agreement (PA) with the Applicant for the ongoing maintenance of Sheraton Road. This is an acknowledgement that the quarry will increase the amount of heavy traffic on Sheraton Road which will in turn require an increased maintenance regime.

The EIS only mentions a Planning Agreement (p.49) and that it was mentioned by Council at a meeting held 17 July 2019, with no further response from the proponent.

It is recommended that the proponent commence negotiations regarding the Planning Agreement with Council as soon as possible. The Planning Agreement will need to address the following issue:

- (i) Maintenance of Sheraton Road from the intersection with Wellington Road (Mitchell Highway) to the vehicular access point for 22L Sheraton Road.

The contribution is likely to be a monetary figure based on the tonnage rate of product won from the subject development as determined by Dubbo Regional Council and the Applicant.

It should be noted that there exists a Planning Agreement between Council and the adjoining Regional Hardrock Pty., Ltd., as required by a condition of consent to their 2016-482 approval dated 5 July 2017.

- Notwithstanding the comments above, Sheraton Road from the proposed access servicing the Quarry up to the southern side of intersection of Wellington Road (Mitchell Highway) will be required to be reconstructed to accommodate the increased traffic generated by the expansion of Holcim Quarry. The reconstruction work will need to be carried out to the satisfaction and approval of Dubbo Regional Council and that Council staff will provide input with regard to the reconstruction works and their associated design. This reconstruction is to be carried out at an apportioned cost (noting Regional Hardrock Pty., Ltd.) as determined by the Director Infrastructure in consultation with Holcim (Australia) Pty., Ltd.
- Travel restrictions along Sheraton Road shall be provided for heavy vehicles during 'school hours' in consultation with the schools located along Sheraton Road, TfNSW and Council. These restrictions shall be incorporated into a Code of Conduct for the transportation of materials on public roads.
- With regard to the Traffic Impact Assessment, prepared by EMM dated December 2020, the following comments are provided:

Traffic Impact Assessment Report	Traffic Comments
<p>3.4 Background traffic growth (p.22)</p> <p>As a conservative approach, a linear annual locality traffic growth of 1% has been assumed for additional future baseline traffic growth for this period.</p>	<p>Traffic growth in Dubbo is about 1.8% per year. Therefore, the growth considered in the study is not accurate. Due to the extension of Boundary Road up to Sheraton Road and due to the expansion of Southlakes and Keswick Estate, it is likely that the volume of traffic on Sheraton Road south of Mitchell Highway will increase. In addition Sheraton Road south of the schools will eventually operate as an urban environment unlike a rural environment that exists now.</p>
<p>Figure 3.7 and Figure 3.8 (p.24)</p>	<p>Does the Sheraton Road traffic consider the increase in traffic on this road that is expected to happen due to the expansion of Boundary Road up to Sheraton Road?</p>
<p>4.2.1 Average daily quarry production (p.28)</p> <p>With 25% growth of background traffic by 2045 (1% linear annual growth), the intersection will still perform at LOS A or B in the peak hours, with approximately 40% spare capacity to accommodate additional traffic growth.</p>	<p>Traffic growth in Dubbo is about 1.8% per year. Therefore, the growth considered in the analysis is not accurate.</p>
<p>4.3 Impacts on public transport, pedestrian and cycling facilities (p.29)</p>	

<p>Public transport services, pedestrian footpath, and cycling infrastructure do not extend beyond the schools on Sheraton Road leading up to the quarry. Hence, there are no such impacts as a result of the project.</p>	<p>Currently, public transport services, pedestrian footpath and cycling infrastructure do not extend beyond the schools on Sheraton Road but the Boundary Road extension project, which is up to Sheraton Road includes bicycle lanes on both sides and a footpath on the south side of Boundary Road. Therefore, it is likely that footpath and bicycle lane will also be constructed on Sheraton Road between the schools and the Boundary Road and Sheraton Road intersection to improve active transport connectivity to the schools and also address the active transport missing link between the schools and the roundabout.</p> <p>Furthermore, due to the extension of Boundary Road up to Sheraton Road, it is expected that some school buses will travel on this route. As a result, the impacts of public transport, pedestrian and cycling facilities should be considered as part of the TIA.</p>
<p>Other</p>	<p>Travel restriction on Sheraton Road should be provided the same MAAS quarry.</p>

I trust this is of assistance and if you have any enquiries in this matter, please do not hesitate to contact Darryll Quigley, Manager Building and Development Services during normal office hours, on 6801 4000.

Yours faithfully



*Stephen Wallace*  
Director Development and Environment