

<b>DATE OF DETERMINATION</b>	15 September 2016
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Kevin Ryan
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Briefing meeting held at Bogan Shire Council followed by site inspection on Thursday, 15 September 2016, commenced at 11:45 AM and closed at 2:30PM.

#### **MATTER DETERMINED**

2015WES003 – Bogan Shire Council – DA 2015/004 AT Yarrandale Road, Hermidale (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- The panel concurred with the findings of Council's Assessment Report;
- The panel was satisfied that the development was not inconsistent with any applicable environmental planning instruments

#### **CONDITIONS**




The development application was approved subject to a number of amendments to the conditions in the Council Assessment Report. The amendments are as follows:

Condition	Change	Reason
A4	Delete reference to <i>Department</i> and replace with <i>Council</i>	Typing error
A6	Delete	Existing funding arrangements are in place for the proponent to contribute to funding for road maintenance for the public sections of the haul route
B2	Delete	No specific criteria have been included in the EPA's General Terms of Approval. Dust deposition is not considered to be significant impact that would warrant specific management criteria
B3	Delete	No specific criteria have been included in the EPA's General Terms of Approval. Dust deposition is not considered to be a significant impact that would warrant specific management criteria

B12	Amend Condition to insert of <i>Planning and Environment</i> after the word "Department"	To clarify authorship of the document
B13	Amend Condition to insert of <i>Planning and Environment</i> after the word "Department"	To clarify authorship of the document
B15	Delete reference to <i>Department</i> and replace with <i>Council</i> in the Note to the condition.	Typing error
B21(b)	Delete the word <i>maintain</i>	Requirement is not considered practical given the arid environment and the short life span of the development.
B27	Amend condition to read:  <i>Non-production waste measures listed in Section 2.9 of the EIS are to be implemented for the life of the development in accordance with the Protection of the Environment Operations (Waste) Regulation 2014</i>	To reflect the fact that the development will not operate in perpetuity
C3A	Insert new condition: <b>Commissioning</b> <i>The Applicant shall advise the Bogan Shire Council in writing of the date of the commissioning of the development.</i>	To clarify commissioning date for purposes of the timing of environmental management and reporting requirements.
C4	Amend condition to insert the words <i>following development commissioning</i> after the word <i>year</i> in the first line	To clarify that annual reporting is to commence after commissioning of the development.
C5(a)	Amend to replace C3 with C4	Typing error
C6	Amend the condition to read:  <i>The Applicant shall establish and operate a Community Consultative Committee (CCC) that includes members of the Council, recognised environmental groups and the local community, where available and to the satisfaction of Bogan Shire Council. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Developments (Department of Planning, 2007, or its latest version).</i>  Notes: <ul style="list-style-type: none"> <li>• <i>The CCC is an advisory committee. Council is responsible for ensuring that</i></li> </ul>	To reflect that the existing Community Consultative Committee can be utilised for this development.

	<i>the Applicant complies with this consent.</i>	
C8	Amend condition to replace the words <i>this consent</i> in the first line with the words <i>commissioning of the development</i> .	To align the timing of the independent audit to the operation phase of the development.

In making the above amendments to the conditions, the Panel took into account the views of Bogan Shire Council.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Mark Grayson
 Ruth Fagan	Approved by email 7 October 2016 Kevin Ryan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2015WES003 – Bogan Shire Council – DA 2015/004
2	PROPOSED DEVELOPMENT	Construction and operation of an underground mine and associated infrastructure including but not limited to a box cut, decline, ROM pad, waste rock emplacement, access road, workshop, offices, hardstand areas and related infrastructure.
3	STREET ADDRESS	Yarrandale Road, Hermidale
4	APPLICANT/OWNER	Aeris Resources
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy (State and Regional Development)</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Bogan Development Control Plan 2012</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Local Environment Plan: <ul style="list-style-type: none"> <li>Bogan Local Environmental Plan 2011</li> </ul> </li> <li>Regulations: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The matters for consideration under Section 79C of the <i>Environmental Planning and Assessment Act 1979</i></li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: <b>24 August 2016</b></li> <li>Written submissions during public exhibition: None</li> <li>Verbal submissions at the panel meeting: <ul style="list-style-type: none"> <li>Support – None</li> <li>Object – None</li> <li>On behalf of the applicant – None</li> </ul> </li> </ul>

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"><li>• Site inspection on September 15, 2016</li><li>• Briefing Meeting with Council &amp; Applicant on September 15, 2016</li></ul>
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the council assessment report.