

JOINT REGIONAL PLANNING PANEL Western Region

JRPP No.	2016WES011
DA No.	10.2016.38.1
Local Government Area	Oberon Council
Proposed Development	Extractive Industry and Waste Management Facility
Street Address	No 50 Sewells Creek Road, Oberon Lot 2 DP 1112479
Applicant/Owner	Applicant: Oberon Earthmoving Pty Ltd Owner: Clift Engineering (Oberon) Pty Ltd
Exhibition Period	16 June 2016 – 18 July 2016
Number of Submissions	Five (5) public submissions
Regional Development Criteria (Schedule 4A of the Act)	Schedule 4a to the <i>Environmental Planning and Assessment Act 1979</i> outlines development for which regional panels may be authorised to exercise consent authority functions of councils. Clause 8 of schedule 4a has identified extractive industries which meet the requirements for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> as being development suitable for a regional panel. <u>Extractive industry – designated development</u> The proposed extractive industry is classified as designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> because it is a proposed industry that obtains or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year or that disturb or will disturb a total surface area of more than 2 hectares of land by (i) clearing or excavating, or (ii) constructing dams, ponds, drains, roads or conveyors, or (iii) storing or depositing overburden, extractive material or tailings. Designated development requires an Environmental Impact Statement with the development application and requires a comprehensive assessment of the impacts of the development proposal. <u>Waste Management Facility</u> The application additionally proposes a waste management facility on the land which comprises the importation of raw mulch and the composting, screening and blending of the material before it is exported off site.
Integrated Development (Section 91 of the Act)	The development proposal is considered to be Integrated Development as defined under section 91 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) as the application seeks the following approvals from the Environment Protection Authority (EPA) and the Roads and Maritime Services (RMS):

	• An Environment Protection Licence under section 43(b), 48 and 55 of the Protection of the Environment Operations Act 1997. • Consent to carry out works over a public road in accordance with section 138 of the Roads Act 1993. The NSW Environment Protection Authority (EPA) in correspondence dated 7 September 2016 granted their General Terms of Approval for the proposal noting that a separate application to the EPA is required to obtain an environment protection license, should consent be granted. The Roads & Maritime Service (RMS) in correspondence 21 July 2016 provided recommendations for Council's consideration.
List of All Relevant s79C(1)(a) Matters	• SEPP 33 Hazardous and Offensive Industry • SEPP 44 Koala Habitat Protection • SEPP 55 Remediation of Land • SEPP Mining, Petroleum and Extractive Industries 2007 • SEPP Rural Lands 2009 • SEPP Infrastructure • Oberon Local Environmental Plan 2013 • Oberon Development Control Plan 2001
List all documents submitted with this report for the panel's consideration	• Submission Report Summary • Response to submissions by R.W. Corkery & Co. Pty. Ltd (October 2016) • Council Report with recommended conditions
Recommendation	That the Western Region Joint Regional Planning Panel issue conditional consent.
Report by	Brendan O'Loan, Consulting Town Planner, Oberon Council
Report date	18 November 2016