

DETERMINATION AND STATEMENT OF REASONS

WESTERN JOINT REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Wednesday 21 st March 2018
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Mark Kellam and Clive McCarthy
APOLOGIES	None
DECLARATIONS OF INTEREST	None (<i>must include reason for declaration and whether the member participated or not</i>)

Public meeting held at Oberon Council on 21 March 2018, opened at 6.30pm and closed at 7:45pm.

MATTER DETERMINED

2016WES011 – Oberon – DA 10.2016.38.1 at 50 Sewells Creek Rd, Oberon (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 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposed development is permissible with consent;
- The environmental impacts of the development are acceptable and are able to be adequately managed through the proposed mitigation measures and recommended conditions of consent.
- In terms of transport impacts, these are considered to be acceptable in light of:
 - The hours of construction and operation required by the Environment Protection Authority;
 - The prohibition of quarry related heavy vehicles using Mayfield Road (except for deliveries to properties on Mayfield Road);
 - The traffic Code of Conduct required by Condition 4 of the consent.
- In terms of visual impact of the proposed development, impacts on local and distant views are able to be adequately mitigated through the revised Rehabilitation and Landscape Management Plan.
- The Panel also notes that the Environment Protection Authority has issued General terms of Approval, indicating it is satisfied with the level of assessment provided and that it is of the view that the proposed development is able to be managed through the proposed management and mitigation measures and licence conditions for impacts associated with noise, dust, odour and water quality.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- The recommended wording in Condition 18 be deleted and replaced with:

Landscaping requirements for Phase 1 Landscaping Preparation as detailed in the Rehabilitation and Landscaping Management Plan shall be established by 31 December 2018 and maintained there from.

- Amend the title of Condition 20 to delete the words *waste reporting*

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	Approved by email Mark Kellam
 Clive McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016WES011- Oberon – DA10.2016.38.1
2	PROPOSED DEVELOPMENT	Extractive industry involving the continued operation and extension of Middle Creek Quarries up to 15 hectares; crushing and screening of extracted materials; establishment of waste management facility; importation of raw mulch, excavated natural material and treated drilling mud; composting, blending and screening of imported materials; rehabilitation of site to create final landform suitable for agricultural activities.
3	STREET ADDRESS	50 Sewells Creek Rd, Oberon
4	APPLICANT/OWNER	Applicant: Oberon Earthmoving Pty Ltd Owner: Clift Engineering (Oberon) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry - State Environmental Planning Policy No. 44 – Koala Habitat Protection - State Environmental Planning Policy No 55. – Remediation of Land - State Environmental Planning Policy Mining, Petroleum and Extractive Industries 2007 - State Environmental Planning Policy Rural Lands 2009 - State Environmental Planning Policy Infrastructure - Oberon Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: - Oberon Development Control Plan 2001 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 7 March 2018 - Written submissions during public exhibition: 6 - Verbal submissions at the public meeting: - Support – Nil - Object – Garrick Hawkins, Hamish Keith, Ben Fuller, Thomas Tramby, Amy Collins and Graham Turnbull - On behalf of the applicant – Alex Irwin (RW Corkery & Co)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection - 16 March 2017 and 21 March 2018 - Briefing meeting - 16 March 2017 - Final briefing meeting to discuss council's recommendation, 21 March 2018, 5.30pm. Attendees: - Panel members: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Mark Kellam and Clive McCarthy

		o <u>Council assessment staff</u> : Shane Wilson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report