

DATE OF DETERMINATION	15 December 2021
DATE OF PANEL DECISION	15 December 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Chris Bilkey
APOLOGIES	Alan Mathers
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 10 December 2021.

MATTER DETERMINED

2016WES013 – Murray River – DA033/17 - RAN 79 Rushy Road, Moama – Extractive Industry - Extension of area of existing sandpit and increase in extraction volume. (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the Supplementary Assessment Report dated 07 December 2021 prepared by Department Planning Industry and Environment's Carolyn Hunt.

In particular, the panel noted the satisfactory resolution of the proposal's key issues as outlined in the assessment report, namely:

- Road and intersection requirements;
- Aboriginal cultural heritage; and
- Clarification of the proposed development.

CONDITIONS

The development application was approved subject to the revised conditions dated 14 December 2021, specifically as referenced below:

- Condition B5 amended to reference Extraction Boundary Identification Survey, condition to read as follows:

Operations Environment Management Plan

Prior to the commencement of extraction operations, an Operations Environment Management Plan (OEMP) is to be prepared and approved by Council. The OEMP shall include the following:

- Procedures, reporting and the allocation of responsibilities designed to minimise environmental impacts;*
- General maintenance and operation of the site e.g. inspection times, contact details of the site manager/maintenance staff;*
- Addressing complaints relating to the operation of the premises;*

- (d) Access arrangements to the site;
- (e) Noise control and mitigation measures;
- (f) Emergency, safety and security;
- (g) Weed management and biosecurity;
- (h) Monitoring and mitigation measure for future rehabilitation remedial actions;
- (i) Incident reporting;
- (j) Bushfire management, including annual inspection of the site prior to the bushfire danger period;
- (k) Reviews, amendments, and updates to the plan; and
- (l) A copy of the Extraction Boundary Identification Survey prepared under Condition B8.

Reason: To ensure environmental protection throughout the operation of the development.

- Condition C3 amended to remove reference to solar farm and replace with extractive industry, condition to read as follows:

Operations Environmental Management Plan

The approved Operations Environmental Management Plan ('OEMP') for the development shall be complied with throughout the operation of the development.

Reason: To ensure the extractive industry is operated in accordance with relevant Australian Standards and best practice.

- Delete Conditions B8, B9 and C8 that reference the requirement for landscaping.
- Amend Condition B10 to read as follows (to be renumbered to be condition B8):
Identification of Extraction Boundary

The 'limit of extraction' boundary (as identified in Figure 2-1 of the accompanying Environmental Impact Statement and Condition A2) shall be clearly marked out by an independent registered surveyor with durable pegs or other markers prior to the commencement of extraction operations. The identification marks shall in place remain for the life of the development, with all operators being made aware of the boundary markers and the limits of the extraction boundary.

Reason: To ensure compliance with application and plans.





CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the one written submissions made during public exhibition.

The panel notes that issues of concern included:

- Impact upon the natural environment; and
- Potential Aboriginal Cultural Heritage items which may exist on the site.

The panel considers that the issues of concern raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Chris Bilkey

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016WES013 – Murray River – DA033/17
2	PROPOSED DEVELOPMENT	Extractive Industry - Extension of area of existing sandpit and increase in extraction volume.
3	STREET ADDRESS	RAN 79 Rushy Road, Moama
4	APPLICANT/OWNER	EMM Group P/L/
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> SEPP (Mining, Petroleum Production and Extractive Industries) 2007 SEPP (Primary Production and Rural Development) 2019 Murray Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Murray Development Control Plan 2012 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	<ul style="list-style-type: none"> Council assessment report: 29 October 2021 Supplementary Report: 7 December 2021 Revised conditions: 14 December 2021 Written submissions during public exhibition: 1 Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 22 July 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton <u>Council assessment staff</u>: Chris O'Brien Final briefing to discuss council's recommendation: 16 November 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Alan Mathers, Chris Bilkey <u>Council assessment staff</u>: Chris O'Brien <u>Applicant representatives</u>: Kane Henson Final briefing to discuss council's recommendation: 14 December 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Chris Bilkey <u>Council assessment staff</u>: Chris O'Brien <u>Applicant representatives</u>: Kane Henson
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report