

DATE OF DETERMINATION	17 July 2017
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan and Lindsay Mathieson
APOLOGIES	Mark Grayson
DECLARATIONS OF INTEREST	None

Public meeting held at Dubbo Regional Council, Corner Church and Darling Streets, Dubbo on Wednesday 5 July 2017, opened at 2.00 pm and closed at 3.00pm.

MATTER DETERMINED

2016WES016 – Dubbo Regional Council – D2016-482 – 20L Sheraton Road, Dubbo (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 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 development is permissible with consent in the RE2 Private Recreation Zone by virtue of Clause 7(3)(a) of *State Environmental Planning Policy (Mining Petroleum Production and Extractive Industries) 200*.
- The Panel is satisfied that the environmental impacts of the development are able to be managed or mitigated through the revised conditions of consent.
- Potential land use conflict with future residential and rural residential development can be minimised through a revised sequencing of extraction such that extraction commences at the western end of the proposed quarry and progresses in an eastward direction.
- Potential traffic impact on schools located further north on Sheraton Road can be mitigated through a Transport Code of Conduct and a prohibition on truck movements during school drop off and pick up periods.
- The Panel notes that the Environment Protection Authority has considered the environmental impact statement and issued its General Terms of Approval.

CONDITIONS

That Development Application D16-482 (2016WES016) be approved subject to the draft conditions of consent listed in Appendix 2, subject to the following modifications and additional conditions:

- **Condition 5 to be amended to read as follows:**

The existing access servicing the proposed Quarry (Lot 211) and Solar Farm (Lot 210) off Sheraton Road shall be upgraded by and at full cost to the Developer with construction of a Type AUL intersection to Council's satisfaction.

The ingress/egress to the development (i.e. the AUL component) is to be constructed as a bitumen sealed culverted access. Additionally, all internal access roads are to also be fully bitumen sealed. These roads are to be of sufficient width so as to accommodate two-way traffic flow based upon the turning swept paths of 'semi-trailer 19.0 m' (utilising the Austroads design templates, with a turning speed of 5-15 km/hr) with such design width to ensure that at no stages will a semi-trailer be required to cross over onto the wrong side of Sheraton Road when either entering or exiting the proposed development.

All works required to fulfil the above condition are to be undertaken in accordance with Council's adopted AUS-SPEC #1 Development Specification Series – Design and Construction standards, with detailed engineering design plans being submitted to, and approved prior to any construction works commencing.

Should Council's Development Engineer (or his representative) not undertake the required routine inspections during the course of construction of this condition, then a detailed list of inspections undertaken by an accredited private certifier verifying compliance with Council standards will be required to be lodged with Council prior to the issue of the Occupation Certificate for the proposed development.

During construction works, vehicular access to adjoining Lot 210 DP 1220433 (which utilises the same access driveway) shall be maintained.

Additionally, the proposed internal access road shall be designed to a standard for the proposed traffic loadings. Details shall be provided to Dubbo Regional Council for approval prior to this work commencing. Such road shall be completed and sealed prior to quarrying operations commencing. {Reason: To provide a satisfactory means of entry/exit to the proposed development and adjoining Lot 210 DP 1220433, and to ensure dust impacts on adjoining property are minimised}

- **Condition 40 to be amended to read as follows:**

Prior to quarrying operations on the subject property commencing, a Code of Conduct for the transportation of materials on public roads shall be submitted to and approved by Council. The Code of Conduct shall incorporate the following matters:

- *Details of transportation hours and vehicle types;*
- *Procedure for the transport of hazardous materials;*
- *Details of local school operating hours and in particular, student drop off/pick up times. Haulage operations in the vicinity of schools adjoining Sheraton Road during student drop off and pick up times (i.e. 8:00 am to 9:30 am and 2:30 pm to 4:00 pm gazetted school days) shall be prohibited; and*
- *Requirement for drivers to operate vehicles in a safe, professional and courteous manner.*

The Code of Conduct as approved shall be implemented for the life of the development.

{Reason: Requirement of Clause 16(1)(c) of SEPP (Mining, Petroleum and Extractive Industries) 2007}

- **Condition 47 added to read as follows:**

A Dilapidation Report shall be prepared by a suitably qualified independent consultant, at the Applicant's expense, to record the condition of the existing buildings, structures and infrastructure on the solar farm, taking note of any defects, cracks, abnormalities and damage outside of the scope of normal wear and tear prior to the commencement of the quarry operations. The Report shall include detailed photographic evidence.

The Report shall focus on two (2) sites within the solar farm, each having an area of 100m x 100 metres. One (1) of these sites shall be located adjacent to the proposed quarry.

Any damage or impacts identified as a result of the quarry operations on the adjacent solar farm, shall be repaired and remediated to the standard that existed prior to quarry works commencing. {Reason: To monitor impacts of the development on the solar farm on Lot 2100 DP 1233890}

- **Condition 48 added to read as follows:**

The Sequence of Extraction Operations shall be undertaken as per Figure 2.3 of the Environmental Impact Statement prepared by R.W. Corkery & Co. Pty Ltd dated October 2016, with the exception of the following:

Following completion of Stage 1 (Cell 1), work within Stage 5 (Cells 18-23) shall commence.

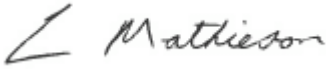
Following completion of Stage 5, the remainder of the staging shall commence. Stages 2-4 shall not commence until Stage 5 has been completed.

{Reason: To minimise impact on adjoining residential zoned land by ensuring Stage 5 is completed prior to residential development on adjoining land being undertaken}

- **Condition 49 added to read as follows:**

The Applicant shall submit a Dust Suppression Management Plan to Dubbo Regional Council for approval prior to the commencement of earthworks on site. The Plan shall demonstrate that dust generated on the site shall be controlled so as to minimise movement of dust particles off the site, in particular to minimise impact on the adjacent solar farm and to maintain the amenity of the area. The management plan shall also include dust suppression methods for pre and post construction stages, and the ongoing operations of the site.

{Reason: To maintain the amenity of the area and minimise dust impacts on the adjacent solar farm}

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Lindsay Mathieson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016WES016 – Dubbo Regional Council – DA2016-482
2	PROPOSED DEVELOPMENT	Extractive Industry (Quarry)
3	STREET ADDRESS	20L Sheraton Road, Dubbo
4	APPLICANT/OWNER	Regional Hardrock P/L
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 Development - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 - State Environmental Planning Policy (State and Regional Development) 2011 - Dubbo Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: - Dubbo Development Control Plan 2013 - 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: 18 April 2017 - Written submissions during public exhibition: 3 - Verbal submissions at the public meeting: - Support – Nil - Object – - Philip Towler (representing Holcim Australia – local quarry), - Jennifer O'Connor (on behalf of Starjest Pty Ltd, Owner of the land at Lot 1, Sheraton Road, Dubbo). - Belinda Tink (on behalf of St John's Primary School: Parents and Friends association) - On behalf of the applicant – Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection – 1 June 2017 - Final briefing meeting to discuss council's recommendation - 1 June 2017. Attendees: <u>Panel members</u>: Gordon Kirkby (Chair), Panel members - Ruth Fagan, Mark Grayson and Lindsay Mathieson <u>Council assessment staff</u>: Shaun Reynolds - Determination meeting – 1 June 2017 - Final briefing meeting to discuss council's recommendation - 5 July 2017. Attendees:

		○ <u>Panel members</u>: Gordon Kirkby (Chair), Panel members - Ruth Fagan and Lindsay Mathieson ○ <u>Council assessment staff</u>: Shaun Reynolds • Determination meeting – 5 July 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report