

<b>DATE OF DETERMINATION</b>	6 April 2017
<b>PANEL MEMBERS</b>	Gordon Kirkby – Chair, Ruth Fagan, Mark Grayson, Ian Doney and Clive McCarthy
<b>APOLOGIES</b>	Councillor Gibbons advised that his son is a shareholder in the quarry and he will not participate in determination of this application.
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Oberon Council on Thursday 6 April 2017 opened at 5.00 pm and closed at 6.30 pm.

### **MATTER DETERMINED**

2016WES017 – DA10.2016.78.1 – Oberon Council, Extractive Industry – Pine Hill Quarry, 48 Gilholmes Road, Oberon, Lot 267 DP 757068.

### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the matters observed at site inspection 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**





1. The Panel agreed with Council's environmental assessment and recommendations.
2. The Panel was of the view that the proposed development is permissible with consent in the RU1 Primary Production Zone and consistent with the zone objectives.
3. The Panel was of the view that the 500m buffer provisions in *Oberon Development Control Plan 2001* could be varied given the management and mitigation measures proposed in the EIS and the addition of conditions restricting construction and operation to weekdays and prohibition on the use of Gilholmes Road for quarry related traffic
4. The Panel noted that there were no major issues raised by Government Agencies and that the Environment Protection Authority and Roads and Maritime Services have issued General Terms of Approval.
5. The impacts of the proposed development on adjoining land owners including traffic and access, stormwater management and visual impact are considered to minimal and able to be managed or mitigated by way of conditions of consent.

### **CONDITIONS**

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

- Condition 7 Annual Return - to be amended to require a levy of 11 cents (indexed annually on July 1) per tonne of extracted material multiplied by 6.5.

- Condition 14 Hours of Operation - to be amended to require that no works be permitted on weekends or public holidays.
- Condition 20 Quarry Access Road (moved from Condition 24) - be amended to require that the road be completed within 3 months of commencement of operations.
- Condition 21 Gilholmes Road (new condition) – to require that three months after commencement of operations, quarry related traffic is prohibited from using Gilholmes Road.
- Condition 22 No Blasting (new condition) – to prohibit any blasting.
- Condition 23 Community Consultative Committee (new condition) – to require the formation of a Community Consultative Committee
- Condition 25 Access Improvements – be amended to clarify that a shaker grid be constructed within the sealed section of the Quarry Access Road
- Condition 26 Revised Rehabilitation Plan – to be amended to restrict the harvesting of pine tree above 1120m AHD contour west and north of the proposed quarry site and above the 1140m AHD east of the quarry site boundary, with the exception of thinning.
- Condition 34 Time Limit (new condition) – to provide that the consent will expire 21 years after the issue date.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	(Approved via Email) Ian Doney
 Clive McCarthy	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016WES017 – DA10.2016.78.1 – Oberon Council
2	PROPOSED DEVELOPMENT	Extractive Industry
3	STREET ADDRESS	Lot 267 DP 757068, No. 48 Gilholmes Road, Oberon
4	APPLICANT/OWNER	Applicant: Robert McGrath Owner: Pine Hill Unit Trust
5	TYPE OF REGIONAL DEVELOPMENT	Extractive industry – designated development
6	RELEVANT MANDATORY CONSIDERATIONS	<p>Environmental planning instruments:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy 33 – Hazardous and Offensive Industry</li> <li>• State Environmental Planning Policy 44 – Koala Habitat Protection</li> <li>• State Environmental Planning Policy 55 – Remediation of Land</li> <li>• State Environmental Planning Policy Mining, Petroleum and Extractive Industries 2007</li> <li>• State Environmental Planning Policy Rural Lands 2009</li> <li>• State Environmental Planning Policy State and Regional Development 2011</li> <li>• Oberon Local Environmental Plan 2013</li> </ul> <p>Draft environmental planning instruments: Nil</p> <p>Development control plans:</p> <ul style="list-style-type: none"> <li>• Oberon Development Control Plan 2001</li> </ul> <p>Planning agreements:</p> <ul style="list-style-type: none"> <li>• No planning agreement relates to the site or proposed development</li> </ul> <p>Regulations:</p> <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act Regulation 2000</li> </ul> <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</p> <ul style="list-style-type: none"> <li>• The subject site is not within any coastal zone management plan.</li> </ul> <p>The suitability of the site for the development.</p> <p>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The public interest, including the principles of ecologically sustainable development.</p>
7	MATERIAL CONSIDERED BY THE PANEL	<p>Council Assessment report and written submissions.</p> <p>Written submissions during public exhibition: 20</p> <p>Verbal submissions at the panel meeting:</p>

		<ul style="list-style-type: none"> <li>• Object: <ul style="list-style-type: none"> <li>– Col Roberts</li> <li>– Megan Booth</li> <li>– Noah Schuyler</li> <li>– Maree Arrow</li> <li>– Lyn Prowse</li> </ul> </li> <li>• On behalf of the applicant: <ul style="list-style-type: none"> <li>– Rob McGrath</li> <li>– Alex Irwin (RW Corkery &amp; Co Pty Ltd)</li> <li>– Kevin McGrath</li> <li>– Chris O’Neil</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	6 April 2017 - Site Inspection 6 April 2017 – Final Briefing Meeting 6 April 2017 – Public Meeting
9	COUNCIL RECOMMENDATION	<b>Approve</b>
10	DRAFT CONDITIONS	Attached to the council assessment report