

DATE OF DETERMINATION	4 December 2017
PANEL MEMBERS	Renata Brooks (Chair), John Griffin, Louise Camenzuli, Lindsay Usher
APOLOGIES	Hon Pam Allan, Alison McCabe
DECLARATIONS OF INTEREST	Renata Brooks declared a non-pecuniary, insignificant interest in that she is a member of the Biodiversity Conservation Trust Board.

Public meeting held at Eurobodalla Shire Council, Administration Centre, Vulcan Street, Moruya on 4 December 2017, opened at 2.05PM and closed at 2.10PM.

MATTER DETERMINED

2017STH003 – Eurobodalla - DA366/17 at Nerrigundah Mountain Road Eurobodalla (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 decision was unanimous.

REASONS FOR THE DECISION

The Southern Joint Regional Planning Panel determines the application by granting approval, for the following reasons:

- Existing operations at quarry have not raised any complaints or non-compliance with existing conditions.
- The facility is compliant with zoning for the area
- Offset arrangements mitigate impacts on biodiversity.
- Access arrangements appear appropriate.
- Water run-off and leachate pond appear appropriate.
- The environmental buffer areas appear appropriate, as the Riparian waterway is protected by buffer and conditions.
- Noise, odour and dust effects controlled by conditions and remoteness from adjoining dwellings.
- The use of a Voluntary Planning Agreement (VPA) is a suitable alternative when appropriate s94 contribution plans are not in place.
- In the public interest to have varying products from the quarry for local and more general requirements, including recycling for both hard materials and green waste.
- Further, the application has received no objections from the public and is support by all relevant referral agencies.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with amendment to conditions 5, 8 and 26 as follows:

5. **Conservation Offset Mechanism to be finalised**

Prior to the commencement of works or use the applicant is to submit to Council, and finalise, a suitable mechanism for obtaining the proposed 'Offset Area' within Figure 2 of the Biodiversity Assessment Addendum prepared by NGH environmental, dated May 2017. The conservation offset mechanism shall also incorporate a 60 m riparian zone between Swamp Creek and the edge of the quarry footprint and undertake revegetation within areas containing pasture. This is to be achieved by:

- a) Conservation agreement prepared in accordance with the Biodiversity Conservation Act and maintained in perpetuity ~~and prepared in accordance with NSW Biodiversity Conservation Trust recommendations~~. The conservation agreement shall not be eligible for stewardship payments and shall be registered on title; or
- b) Environmental Management Plan (EMP) prepared by a suitably qualified Ecologist and at no cost to Council. Any such EMP shall, at minimum meet the ecological objectives outlined within section 2.2.3 'Biodiversity Offsets' of the Biodiversity Assessment Addendum prepared by NGH environmental, dated May 2017.

The measures to achieve the above shall be required to be registered on the registered property title as a 'restriction as to user' burdening all affected allotments subject to offset.

8. **Quarry Extraction Limitation**

Extraction and removal of the quarried material from the site:




- a) is limited to 175,000 tonnes in any one year;
- b) for a maximum period of 30 years; and
- c) shall not exceed 1400 tonnes in any one day

commencing from the date the applicant obtains the licence variation to operate the premises from the Environment Protection Authority.

Note: Compliance with the annual extraction limit is to be in accordance with the period specified in the Environment Protection Licence so that there is one consistent period for the purpose of monitoring compliance.

26. **Time of Blasting**

Blasting operations on the premises may only take place between 9am and 5pm Monday to Friday inclusive. No Blasting shall take place on ~~Sundays or~~ Public Holidays.

PANEL MEMBERS	
 Renata Brooks (Chair)	 John Griffin
 Louise Camenzuli	Approved via email 11/12/17 Lindsay Usher

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH003 – Eurobodalla - DA366/17
2	PROPOSED DEVELOPMENT	Quarry expansion and resource recovery facility
3	STREET ADDRESS	Lot 1 Nerrigundah Mountain Road, Eurobodalla
4	APPLICANT/OWNER	Applicant: T & S Hollis, Owner: M Hollis
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"> ○ State Environmental Planning Policy 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy 44 – Koala Habitat Protection ○ State Environmental Planning Policy 55 – remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Rural Lands) 2008 ○ State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 ○ Eurobodalla Local Environment Plan 2012 (ELEP 2012) • Draft environmental planning instruments: Nil • Development control plans: Nil • Planning agreements: DRAFT planning agreement that a developer has offered to enter into under section 93F • Provisions of the Environmental Planning and Assessment Regulation 2000: 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 Environmental Planning and Assessment Act 1979 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: 17 November 2017 • Written submissions during public exhibition: zero (0) • Verbal submissions at the public meeting: Nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 4 December 2017 • Final briefing meeting to discuss council's recommendation, 4 December 2017, 1:30 pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Renata Brooks (Chair), John Griffin, Louise Camenzuli, Lindsay Usher ○ <u>Council assessment staff</u>: David Sheehan, Gary Bruce
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report