

DATE OF DETERMINATION	20 February 2018
PANEL MEMBERS	Renata Brooks (Chair), John Griffin, Mark Grayson, Cr Rod Kendall
APOLOGIES	Cr Kerry Pascoe
DECLARATIONS OF INTEREST	None

Public meeting held at Wagga Wagga City Council at 243 Baylis St, Wagga Wagga on 20 February 2018, opened at 1:15PM and closed at 2:20PM.

MATTER DETERMINED

2017STH023 – Wagga Wagga – DA13/0307.01 at TARCOOLA Gillard Rd EAST WAGGA WAGGA (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 96 of the *Environmental Planning and Assessment Act 1979*.

The decision was Unanimous (4:4).

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The modified development proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, including the provisions of section 96(2) of the Act.
- The modified development proposal remains consistent with the provisions of the Wagga Wagga Local Environmental Plan 2010.
- Mitigation measures proposed will safeguard against impacts which might otherwise be generated by the proposed modifications, including concerns raised in the public submission received from the general public and comments received from public authorities.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments to conditions 8 (A,B,C,&D), and 32 as follows:

8. **(A) Subject to 8(D), Gillard Road shall be constructed and sealed to provide for 2 travel lanes in accordance with Council's Engineering Guidelines from its intersection with Tacoola Road for a minimum distance of 360m to the north. The road shall be sealed by a suitably experienced contractor. Prior to commencement of works required to be carried out under this condition, plans and a pavement design carried out by a suitably experienced Geotechnical Engineer shall be submitted to Council's Development Engineer for approval.**

(B) The sealed pavement of Gillard Road shall be extended for a distance of 20 metres to the north of the existing Tarcoola Road intersection in accordance with Council's Engineering Guidelines. The road shall be sealed by a suitably experienced contractor. Prior to commencement of works required to be carried out under this condition, plans

and a pavement design carried out by a suitably experienced Geotechnical Engineer shall be submitted to Council's Development Engineer for approval.

- (C) A shaker system designed to remove loose material/debris from all quarry trucks leaving the site shall be installed immediately upon exit from the weighbridge.
- (D) The works in 8(A) are deferred until such time as Council notifies the Applicant, under condition 32 of this Consent, that the final maintenance plan is to the satisfaction of the Director of Commercial Operations. At the time of that notification, Council is to notify the Applicant in writing whether or not the construction/sealing of the road can be deferred indefinitely. If Council notifies the Applicant that the draft final maintenance plan is not acceptable and that the required works in 8(A) are to be completed, the Applicant is to complete the works within 6 months of the date of that notification.

REASON: To ensure traffic related impacts associated with the development are minimised. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended

- 32 (A)** Prior to commencement of quarrying operations under this consent, the Applicant is to prepare, and submit to Council, a 12 month trial maintenance plan for Gillard Road. The trial plan shall cover the section of Gillard Road extending from the entry to the quarry through to its intersection with Tarcoola Road and shall incorporate a program of maintenance works to be carried out by the applicant, including, but not limited to, the application of an emulsion, and that will aim to:
- Maintain the unsealed section of Gillard Road (from Tarcoola Road to the quarry entrance) to a standard appropriate for the movement of quarry trucks without posing unacceptable risk to other users of the road.
 - Suppress dust generated by vehicles using the unsealed section of Gillard Road (from Tarcoola Road to the quarry entrance).
 - Prevent the tracking of sediment from the unsealed section of Gillard Road onto the sealed section of Gillard Road and the Sturt Highway.
 - Manage the surface level of Gillard Road where it traverses the floodway to minimise impact on the movement of water along that floodway.

The plan shall also incorporate details of required approvals and licences that must be maintained in order to undertake the maintenance works required under this plan on a public road. The plan must also include details regarding the appropriate storage, handling and application of the emulsion product to prevent harm to the environment.

- (B) Prior to the commencement of quarrying operations under this consent, the applicant shall obtain confirmation in writing from Council that the trial plan is to the satisfaction of the Director of Commercial Operations, or their delegate. The trial plan shall be implemented for a trial period of 12 months from the commencement of quarrying operations under this consent.
- (C) For the purpose of administering this condition, the applicant shall notify Council in writing of the date of commencement of quarrying operations under this consent. Notification is to be given within 14 days of the commencement of quarrying operations under this consent.
- (D) At least two months prior to the expiration of the 12 month trial period, the applicant shall:
 - Provide Council with a draft final maintenance plan outlining any amendments required to address any identified limitations in meeting the aims of the trial plan.
 - Arrange for Council to undertake an inspection of Gillard Road for the purpose of reviewing the effectiveness of the trial plan and assessing any proposed amendments proposed within the draft final maintenance plan.

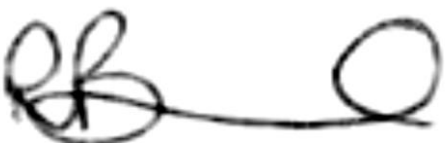



Following this review, the Council shall notify the applicant whether the draft final maintenance plan is acceptable or not and if so any details of any additional amendments required to be included to achieve the aims identified in 32(A).

The applicant is to incorporate any amendments to the final maintenance plan in accordance with any directions issued by the Council and submit the final plan to Council for approval a minimum of 1 month prior to the expiration of the trial period.

Upon confirmation in writing from Council that the final plan is to the satisfaction of the Director of Commercial Operations, or their delegate, the final maintenance plan shall be implemented for the life of the quarry operation under this consent.

- (E) Until such time as Council confirms in writing that the final management plan is to the satisfaction of the Director of Commercial Operations, or their delegate, the applicant is to continue to maintain the road in accordance with the trial maintenance plan.

REASON: To ensure traffic related impacts associated with the development are minimised. Section 79C (1) (b) of the Environmental Planning and Assessment Act 1979, as amended.

PANEL MEMBERS	
 Renata Brooks (Chair)	 John Griffin
 Mark Grayson	 Cr Rod Kendall

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH023 – Wagga Wagga – DA13/0307.01
2	PROPOSED DEVELOPMENT	Application to modify consent DA13/0307 for the expansion of the Tarcoola Sand and Gravel Quarry located on Gillard Road, East Wagga Wagga, originally approved by the Southern Region Joint Regional Planning Panel on 1 December 2014. The requested modification includes the removal of the requirement to seal Gillard Road and replacement with road maintenance agreement including emulsion treatment. Also a request to modify conditions 8, 9, 16, 18, 19, 32, 47 and M2.2.
3	STREET ADDRESS	Gillard Rd, East Wagga Wagga
4	APPLICANT/OWNER	Tarcoola Quarries/Kenneth Tyson
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Section 96(2) of the Environmental Planning and Assessment Act State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy No 55 State Environmental Planning Policy No 33 – Hazardous and Offensive Development State Environmental Planning Policy (Rural Lands) 2008 State Environmental Planning Policy No 44 – Koala Habitat Protection Wagga Wagga Local Environment Plan 2010 (WWLEP) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wagga Wagga Development Control Plan 2010 (WWDCP) Planning agreements: Nil Provisions of the Environmental Planning and Assessment Regulation 2000 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: 5 February 2018 Written submissions during public exhibition: One (1) Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – N/A Object – Dr Nick Stephenson On behalf of the applicant – Ken Tyson (Managing Director)
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 20 February 2018 Final briefing meeting to discuss council's recommendation 20 February 2018 at 11:30 Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Renata Brooks (Chair), John Griffin, Mark Grayson, Rod Kendall <u>Council assessment staff</u>: Cameron Collins, Amanda Gray
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report