

DATE OF DETERMINATION	Thursday, 13 August 2020
PANEL MEMBERS	Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, David Thurley and Henk van der Ven
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 29 July 2020. Panel Briefing Meeting held on 1 July 2020 (via videoconference).

MATTER DETERMINED

2017STH035 – Albury City Council – DA10.201735776.1 – 208 Winchester Lane, TableTop – Rockwood Quarry (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 proposed development is permissible in the RU1 Primary Production Zone under Albury Local Environmental Plan 2010.
- The proposed development is generally consistent with the objectives of the zone;
- Subject to the conditions of consent, the proposed development can be operated to comply with relevant environmental criteria. In this regard the panel notes that the Environment Protection Authority has provided General Terms of Approval;
- The Panel was satisfied that the visual impact of the development, particularly when viewed from nearby large lot residential development is ameliorated by the topography of the site and existing vegetation.
- With regard to noise, Panel notes that the acoustic report predicts that noise impacts will be within noise levels set by the existing environment protection licence. The Panel has amended recommended Condition B8 – Operational Management Plan to require that the OMP include a noise management plan which addresses the recommended mitigation and monitoring measures in the EIS dated August 2019 as well as appropriate monitoring of noise levels as the footprint of the quarry expands towards sensitive receptors.
- The Panel was satisfied that traffic impact and road safety can be appropriately managed. Roadworks at the intersection of Gerogery Road and Winchester Lane are required by Transport for NSW and by way of a condition of consent to provide for safer traffic management, access and egress. A recommended condition of consent requires a separate further approval from NSW Crown Lands for access to Pit 1 via Reserve 70577.
- The Panel is satisfied that, if access to the site via Reserve 70577 is not approved by NSW Crown Lands, satisfactory alternative access through the site between Pit 1 and Pit 2 can be implemented.

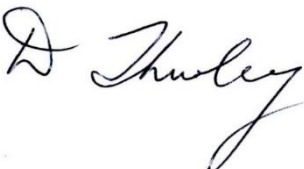
CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition A3 Approval Conditions of other Authorities:
 1. Amend the first sentence to state:
The development is to be carried out in accordance with the General Terms of Approval and conditions from the authorities and agencies specified in Schedule 1
 2. Remove Parts 1-5 and include as Schedule 1 at the end of the conditions of consent.
- Condition B8 Operational Management Plan – include the following additional dot point:
 - A noise management plan which addresses the recommended mitigation and monitoring measures in the EIS dated August 2019 as well as appropriate monitoring of noise levels as the footprint of the quarry expands towards sensitive receptors.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Gordon Kirkby	 Renata Brooks
 Tim Fletcher	 David Thurley
 Henk van der Ven	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017STH035 – Albury City Council – DA10.201735776.
2	PROPOSED DEVELOPMENT	Extractive Industry and crushing of recycled concrete
3	STREET ADDRESS	208 Winchester Lane Table Top NSW 2640
4	APPLICANT/OWNER	AP Delany and Co c/- Habitat Planning
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: 1. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007; 2. State Environmental Planning Policy (Rural Lands) 2008; 3. State Environmental Planning Policy (Infrastructure) 2007; 4. State Environmental Planning Policy (State and Regional Development) 2011; 5. State Environmental Planning Policy No. 33 – Hazardous and Offensive Development; 6. State Environmental Planning Policy No. 44 – Koala Habitat Protection; and 7. State Environmental Planning Policy No. 55 – Remediation of Land. 8. Environmental Planning & Assessment Act 1979; 9. Protection of Environment Operations Act 1997; 10. Biodiversity Conservation Act 2016; 11. Mining Act 1992; 12. Albury Local Environmental Plan 2010 (Albury LEP 2010); 13. Commonwealth legislation: 14. Environment Protection and Biodiversity Conservation Act 1999; and 15. Native Title Act 1993. • Draft environmental planning instruments: Nil • Development control plans: 1. Albury Development Control Plan 2010 (Albury DCP 2010) • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Environmental Planning and Assessment Regulation 2000 ○ Protection of the Environment Operations (General) Regulation 2009; ○ Protection of the Environment Operations (Noise Control) Regulation 2017; ○ Protection of the Environment Operations (Waste) Regulation 2014; ○ Protection of the Environment Operations (Clean Air) Regulation 2010; ○ Mining Regulation 2016;

		- 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: 29 July 2020 - Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: Wednesday, 1 July 2020 <u>Panel members</u>: Gordon Kirkby (Chair), Tim Fletcher and Renata Brooks <u>Council assessment staff</u>: Terri O'Brien and David Christy - Due to Covid 19 restrictions, Gordon Kirkby, Renata Brooks and Tim Fletcher were unable to inspect the site.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report