

DATE OF DETERMINATION	Wednesday, 4 July 2018
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Alan Ward and Ken Keith
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Parkes Shire Council Chambers, 2 Cecile Street, Parkes on 4 July 2018, opened at 3pm and closed at 4:30pm.

MATTER DETERMINED

2018WES007 – Parkes – DA2018/0027 at 1105 Bogan Rd, Goonumbla (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 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 with consent in the RU1 Primary Production Zone under *Parkes Local Environmental Plan 2012* and is not inconsistent with the zone objectives.
- The Panel was satisfied that the proposed development meets the criteria for determination as *Regionally Significant Development* in accordance with Clause 20 and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*.
- The Panel is satisfied that the development application relates to future development and that current operations on the site are the subject of current approvals in place
- The Panel is satisfied that the potential environmental impacts of the development are able to be mitigated or managed through the measures proposed in the environmental impact statement and the recommended conditions of consent as amended by the Panel, in particular
 - The Panel is satisfied that the groundwater assessment undertaken in the EIS and proposed contingency mitigation measures are adequate. The proposed quarry is not located on the Groundwater Vulnerable Land Map in the LEP and the existing quarry operations (33m below surface) have not encountered groundwater;
 - The Panel is satisfied that rehabilitation of the site at the cessation of operations is able to be undertaken to ensure that the site is left in a stable and satisfactory state subject to the inclusion in the Condition 4 of the consent of the requirement for a Rehabilitation Management Plan to be prepared for the approval of Council prior to commencement of operations. The Rehabilitation Management Plan will be required to shall include details of the final rehabilitated landform and include topsoil and revegetation of the final void area;
 - The Panel is satisfied that the impacts of the proposed development are acceptable through the provision of 3.6 hectares of compensatory planning on the site as an offset.
- The panel is satisfied that annual reporting requirements to Council and the Environment Protection Authority are adequate to verify the output of material from the operations.
- The Panel is satisfied that the proposed development does not require a controlled Activity Approval under the *Water Management (General) Regulation 2001*.

CONDITIONS

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

- Amend Condition 4 Management Plans to include the following words (**in bold**):
4. The following management plans must be prepared **and submitted to Council for approval** prior to commencement of any surface disturbance and implemented during operation **and, in the case of subclause (d) following cessation of operations**:
- (a) Environmental management plan – adequately dealing with all mitigation measures documented in the Environmental Impact Statement Goonumbla Quarry Expansion dated March 2018;
 - (b) Surface water and sediment management plan - this plan must be prepared in accordance with the requirements for such plans outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom), 2004)" and "Managing Urban Stormwater: Soils and Construction - volume 2E – Mines and Quarries (DECC, 2008)";
 - (c) Blast management plan - should include but not necessarily be limited to monitoring methods including for flyrock, notification procedures for neighbours prior to the detonation of each blast and measures to protect underground utilities and residences;
 - (d) **Rehabilitation management plan - the plan must include:**
 - **details of the measures proposed in the Environmental Impact Statement to rehabilitate the site**
 - **revegetation of the final void area**
 - **a closure plan in the event of either temporary (in excess of 6 months) or permanent closure of the quarry**

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	 Alan Ward
 Ken Keith	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WES007 – Parkes – DA2018/0027
2	PROPOSED DEVELOPMENT	Extractive Industry - Quarry (Ausrock Quarries Pty Ltd)
3	STREET ADDRESS	1105 Bogan Rd, Goonumbra
4	APPLICANT/OWNER	Ausrock Quarries Pty Ltd
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 No. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy NO. 44 – Koala Habitat Protection ○ State Environmental Planning Policy (Mining, Petroleum, Production and Extractive Industries) 2007 ○ State Environmental Planning Policy (Rural Lands) 2008 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ Parkes Local Environmental Plan 2012 ○ Parkes Shire Council Section 94 Contributions Plan 2016 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Parkes Shire 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	<ul style="list-style-type: none"> • Council assessment report: 19 June 2018 • Written submissions during public exhibition: 5 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Jake Horsfall ○ On behalf of the applicant – Hamish Kenneth Shannon
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 4 July 2018 • Final briefing meeting to discuss council's recommendation, 4 July 2018, 1.30pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Alan Ward and Ken Keith ○ <u>Council assessment staff</u>: Michael Carter, Madelyn Swindle
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report