

<b>DATE OF DETERMINATION</b>	28 June 2018
<b>PANEL MEMBERS</b>	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Anthony Durkin and Mark Dicker
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Cabonne Council, 99-101 Bank Street, Molong on 28 June 2018, opened at 1pm and closed at 2pm.

#### **MATTER DETERMINED**

2018WES011 – Cabonne Shire – DA2018/0093 at 4748 The Escort Way, Toogong (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- The proposed development is permissible with consent in the RU1 Zone;
- potential environmental impacts of the development are able to be managed and mitigated by the measures outlined in the EIS, as amended by the conditions of consent:
  - with regard to visual impact, a new condition has been included that requires the preparation of a landscape plan to be prepared in consultation with adjoining landowners, for the approval of Council. Tree planting required by the plan is to be undertaken within 12 months of Council approval.
  - With regard to air quality, the Panel is satisfied that proposed measures in the EIS and that will be required under the EPA's General Terms of Approval will be sufficient.
  - With regard to noise, the Panel is satisfied that proposed measures in the EIS and that will be required under the EPA's General Terms of Approval will be sufficient. The operation of the quarry will be on a campaign basis and infrequent.
  - With regard to traffic impacts, the Panel is of the view that the additional traffic will be able to be managed. An upgrade of Bowens Road / The Escort Way intersection is not directly required as a result of the development and is therefore a matter for Council and RMS to consider in any future upgrade of The Escort Way.
  - The Panel is satisfied that the complaints management process required in recommended Condition 22 (final Condition 23) and in the EPA's General Terms of Approval are appropriate. The Panel requires however that the complaints hotline be advertised on a sign at the entry to the development.
- The Panel notes that the Environment Protection Authority has assessed the proposed development and issued General Terms of Approval

## CONDITIONS

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

- Amend Condition 6 – Access Road Upgrade to include (*in italics*) the following:

### **6. ACCESS ROAD UPGRADE**

#### **Objective**

It is in the public interest that environmental impacts be identified, and effects mitigated.

#### **Performance**

The applicant is to deliver all road upgrades as deemed necessary by RMS and Cabonne Council, and to the satisfaction of those authorities, prior to transporting any products off-site from the quarry site. *The condition does not prevent material extracted on site from being used in the construction of the internal road and the intersection with The Escort Way.*

- Insert Condition 13 – Landscape Management Plan:

### **13. LANDSCAPE MANAGEMENT PLAN**

#### **Objective**

*To provide visual screening of the development.*

#### **Performance**

*A landscape management plan is to be submitted for the approval of council prior to operations commencing. The plan will be prepared in consultation with adjoining land owners with regard to species appropriate to the locality. The plan will also detail ongoing maintenance, and where required, replacement of trees during the operation life of the development. Tree planting is to be undertaken within 12 months of approval by council.*

- Amend Condition 23 to include (*in italics*) the following:

### **23. COMPLAINTS LINE - TELEPHONE HOT LINE**

#### **Objective**





To ensure the impact of the development on the environment and surrounding properties is considered.

#### **Performance**

The proponent is required to establish a telephone complaints hot line, for the purpose of receiving any complaints from members of the public in relation to activities conducted at the site, or by vehicles and plant associated with the site activity. The proponent must notify the public of the complaints telephone line so that the impacted community is aware of the service.

*The details of the complaint hotline is to be provided on a sign to be located at the site entrance, and adjoining owners are to be notified of the contact details prior to commencement of the quarry operation.*

- Amend recommended Condition 15 (final Condition 16) to replace the word “area” with the plural “areas”
- Amend recommended Condition 26 (final condition 26) to replace the word “authorises” with “authorised”

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	<i>Approved by email – 4 July 2018</i> Anthony Durkin
 Mark Dicker	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WES011 – Cabonne Shire – DA2018/0093
2	PROPOSED DEVELOPMENT	Extractive industry (gravel quarry)
3	STREET ADDRESS	4748 The Escort Way, Toogong NSW 2864
4	APPLICANT/OWNER	Toogong Gravel Quarry Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>State Environmental Planning Policy (Rural Lands) 2008</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Cabonne Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Cabonne Development Control Plan No. 5</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 14 June 2018</li> <li>Written submissions during public exhibition: 2</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Support – Nil</li> <li>Object – Ben Attard, Janelle Attard</li> <li>On behalf of the applicant – Mitchell Bland</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing meeting 28 June 2018</li> <li>Final briefing meeting to discuss council's recommendation, 28 June 2018 at 12.30pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Anthony Durkin and Mark Dicker</li> <li><u>Council assessment staff</u>: Heather Nicolls</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report