

<b>DATE OF DEFERRAL</b>	23 August 2022
<b>PANEL MEMBERS</b>	Clare Brown (Acting Chair), Andrew Hutton, Chris Wilson, Kris Dunstan
<b>APOLOGIES</b>	Terrey Kiss
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 11 August 2022 and 22 August 2022.

#### **MATTER DEFERRED**

PPSSTH-84 – Coolamon Shire Council – DA 2021/44 - Walleroobie Quarry.

#### **REASONS FOR DEFERRAL**

The panel agreed to defer the determination of the matter until a further assessment report and revised condition set have been prepared for the panel's consideration. This assessment report will be required to address the additional information submitted in response to issues raised during the briefing and this record of deferral. The report will be required to address the matters raised by the panel and listed below as it was considered that key matters to the determination of the development application required further information and a detailed assessment by the Council. Further, the draft conditions sought to defer key considerations to a future time which in the pinion of the panel was not supportable.

#### **ADDITIONAL INFORMATION REQUIRED TO BE SUBMITTED TO COUNCIL**

The Applicant be requested to submit the following information to Council for assessment:

1. Provide an overview of the proposal and provide a detailed explanation as to how the existing operations will be phased out and the proposal will be phased in. This explanation must include details on quantities of material to be removed from across the site and the way staged rehabilitation of the site is to occur and where it is to occur during the proposed 25-year operational time frame of the quarry.
2. The additional information must detail the proposed phasing of operations between the existing approved and proposed operations.
3. Updated plans and documentation must be submitted that:
  - a) Are drawn to scale delineating existing and proposed works and the extent of excavation including cross and longitudinal sections.
  - b) Detail preliminary rehabilitation plans for the site including likely closure phasing.
  - c) Include concept engineering plans for road upgrade and methods to manage impacts of such works.
  - d) Include a methodology for calculating tonnages of material to be extracted (weighbridge or tonnage).
  - e) Detail the extent of vegetation clearing under the proposal and the scope and nature of the proposed mitigation measures whether they are a biodiversity stewardship or offset credit arrangement.
  - f) Detail how the southern stockpile will be managed throughout the life of the proposal and how interrelates with the phasing of the proposed development.
4. The nature of the rehabilitation bond proposed to ensure that land disturbed by quarrying activities is returned to a safe, stable and sustainable land use. The panel suggests that the following details be provided:
  - a) Rehabilitation costs using the cost estimate tool for mines as issued by the Resources Regulator (<https://www.resourcesregulator.nsw.gov.au/news-articles/updated-rehabilitation-cost-estimate-tool>)
  - b) Agreement with Council on how the bond is calculated.

- c) Clarification of mechanism proposed for securing bond (bank guarantee or cash).
- 5. An explanatory note to be appended to the draft Voluntary Planning Agreement.

### **COUNCIL ASSESSMENT REPORT AND CONDITIONS**

The Council's Assessment Report dated 1 August 2022 and draft conditions are to be comprehensively revised to:





1. Address any additional information submitted by the applicant as referred to above
2. Fully interrogate the development proposal as submitted and as amended by the additional information and specifically the assessment report is required to:
  - a) Demonstrate how the SEARs issued for the proposal have been addressed in the application and documentation submitted.
  - b) Demonstrate how matters raised in the previous Panel briefing dated 28 September 2021 and 29 March 2022 have been addressed.
  - c) Provide details around the rehabilitation bond proposed and the manner in which it will be implemented over the life of the proposed development.
  - d) Address the relevant provisions of applicable environmental planning instruments.
  - e) Address in detail the submissions received, and any mitigation measures proposed (by the amended details or through conditions) to address the issues raised
3. Should the final assessment report propose the grant of a development consent subject to conditions then the draft conditions must:
  - a) Reference all relevant plans, specifications and reports that the applicant is relying on and the Council is recommending for approval.
  - b) Provide clear specification for any required intersection upgrades including timing (including the intersection at Seberrys Lane) and whether any of these upgrades need to be completed prior to extraction under the development consent the subject of the development application consent commencing.
  - c) Arrangements for the surrender of or modifications to existing consents (should the current DA be approved) as may be required, ensuring provisions are in place for works required under the terms of any surrendered consent to continue where applicable.
  - d) Review the three draft conditions provided to the Panel which relate to contributions (Condition 14 - Volumetric Survey, Condition 22- Independent Audit and Condition 16 relating to the Weighbridge).
  - e) Review of draft conditions that require works in an adjoining local government area such as condition 14.

### **TIMETABLE**

The Panel expects the revised information as referred to above be submitted to Council within eight weeks from the date of this deferral record. Council is requested to update its assessment within four weeks of the receipt of revised information. If revised information from the applicant is not provided within eight weeks, the Panel may move to determine the DA based on the information currently at hand.

When this information has been received, the panel will determine the matter electronically. The Panel expects an addendum assessment report from Council responding to the material and the matters raised above.

The decision to defer the matter was Unanimous.

PANEL MEMBERS	
 Clare Brown (Acting Chair)	 Andrew Hutton
 Chris Wilson	 Kris Dunstan

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-84 – Coolamon Shire Council – DA 2021/44
2	PROPOSED DEVELOPMENT	Continued operation and extension of Quarry (Wallerobie Quarry) with an increase of extraction to 300,000 tonnes per annum. The quarry to operate for a period of 25 years
3	STREET ADDRESS	1 Seberrys Lane Wallerobie NSW - Lot: 1 in DP 1225817
4	APPLICANT/OWNER	Geoff Pigram on behalf of Milbrae Quarries 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 (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resources and Energy) 2021</li> <li>State Environmental Planning Policy (Primary Production) 2021</li> <li>Coolamon Local Environmental Plan 2011</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans:               <ul style="list-style-type: none"> <li>Coolamon Development Control Plan 2015</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Clause 19 Schedule 3 Designated Development</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: 1 August 2022</li> <li>Total number of unique submissions received by way of objection: Two</li> </ul>

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: Tuesday, 28 September 2021 <ul style="list-style-type: none"> <li><u>Panel members:</u> Gordon Kirkby (Chair), Renata Brooks, Tim Fletcher, Kris Dunstan and Terrey Kiss</li> <li><u>Council assessment staff:</u> Colby Farmer</li> <li><u>Applicant representatives:</u> Geoff Pigram, Caidan O'Connor, Tracy Cotter, Tara Cassidy</li> </ul> <p><u>Note:</u> Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> </li> <li>Site Inspection and Briefing: Tuesday, 29 March 2022 <ul style="list-style-type: none"> <li><u>Panel members:</u> Clare Brown (Acting Chair), Andrew Hutton, Chris Wilson, Kris Dunstan</li> <li><u>Council assessment staff:</u> Colby Farmer, Tony Donoghues</li> <li><u>Applicant representatives:</u> Geoff Pigram, Brett Woods, P Bell, Peter Richardson</li> </ul> <p><u>Note:</u> Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> </li> <li>Final briefing to discuss council's recommendation: Tuesday, 23 August 2022 <ul style="list-style-type: none"> <li><u>Panel members:</u> Clare Brown (Acting Chair), Andrew Hutton, Chris Wilson and Kris Dunstan</li> <li><u>Council assessment staff:</u> Colby Farmer</li> <li><u>Applicant representatives:</u> Geoff Pigram – Milbrae Quarries Pty Ltd, Caiden O'Connor – RW Corkery, Travis Johnston – Kell Moore, Tracey Cotter – PA Woods</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report and as outlined above