

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	06 July 2023
DATE OF PANEL DECISION	06 July 2023
DATE OF PANEL MEETING	04 July 2023
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate, Dawn Collins, Les Lambert
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 15 June 2023 (Council Assessment Report).

MATTER DETERMINED

PPSWES-142 – DA2022/31 - 1185 TANTITHA ROAD Narromine, Bakers Quarry, by Macquarie Valley Rock and Sand Pty Ltd, Extractive Industry - extraction of up to 100 000tpa of granite and diorite material for up to 30 years and ancillary processing and transport of material (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 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 Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with following amendments –

Condition 7 is amended to read as follows -

The pavement of the haulage route is to be rejuvenated prior to commencement of operations in accordance with this consent. The haulage route is to meet the current relevant standard as per Council's Roads Management Strategy or as otherwise agreed by Council. An Application to Work within a Public Road under Section 138 of the Roads Act, 1993 must be made for approval to Council as the Roads Authority prior the rejuvenation of the haulage route.

REASON: To ensure the existing roads are upgraded to the relevant standard to ensure road safety and public infrastructure is adequate for the development.

Note: Tantitha Road is considered a 'Hierarchy 3 road' at the time of Determination.

Condition 8 is deleted

Condition 13 is amended to read as follows –

Transport of extractive material from the site may only occur on the designated haulage routes, specified in the EIS. Any changes to the designated haulage route must first be approved by Council and may require further road upgrade works. An Application to Work within a Public Road under Section 138 of the Roads Act, 1993 must be made for approval to Council as the Roads Authority prior the commencement of any road works.

REASON: To ensure the transport / haulage routes are limited to those adequate for heavy vehicle movements.

CONSIDERATION OF COMMUNITY VIEWS




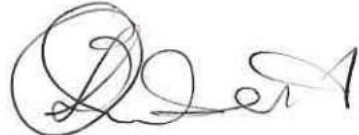
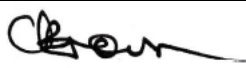
In coming to its decision, the panel considered one written submission made during public exhibition. The panel notes that issues of concern included:

- Traffic safety at the Mitchell Highway and Tantitha Road intersection

The Panel considers concerns raised in the submission have been adequately addressed in the Assessment Report and in the Conditions of Consent.

CHAIR'S COMMENT

It is strongly recommended that TfNSW and Council jointly initiate discussions with all quarry operators involved in transporting material through the Mitchell Highway/Tantitha Road intersection with the view to adopting appropriately proportionate monetary contributions from the quarry operators towards the necessary upgrading of the intersection. In the interests of public safety, such discussions are urgently required to ensure that the necessary upgrading is undertaken prior to further quarry development in the area.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Dawn Collins
 Donna Rygate	 Les Lambert
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-142 – DA2022/31 - Narromine
2	PROPOSED DEVELOPMENT	Extractive Industry - extraction of up to 100 000tpa of granite and diorite material for up to 30 years and ancillary processing and transport of material
3	STREET ADDRESS	1185 TANTITHA ROAD Narromine
4	APPLICANT/OWNER	Applicant: Jack Flanagan - MACQUARIE VALLEY ROCK & SAND PTY LTD Owner - Kelvin Baker

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 (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resources and Energy) 2021 Narromine Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Narromine Development Control Plan 2011 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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 with recommended conditions of consent. Applicant response to recommended Conditions of Approval Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site Inspection Council briefing: 20 September 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Dawn Collins, Les Lambert <u>Council assessment staff</u>: Emma Yule, Phil Johnston, Ben Luffman (consultant) 04 July 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Dawn Collins, Les Lambert <u>Council assessment staff</u>: Emma Yule, Phil Johnston, Ben Luffman (consultant) <u>Applicant representatives</u>: Jack Flanagan, Billy Brownie

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report