

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	29 January 2024
DATE OF PANEL DECISION	29 January 2024
DATE OF PANEL MEETING	23 January 2024
PANEL MEMBERS	Garry Fielding (Chair), Graham Brown, Donna Rygate, Manjit Singh Lally
APOLOGIES	Christine Stead
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 18 January 2024 (Council Assessment Report).

MATTER DETERMINED

PPSWES-187 - 78/2023(1) - Griffith - 1/-/DP1290213 - Stevenson Road Tharbogang, Expansion and continued use of Extractive Industry – 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 listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application subject to conditions, 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 and further reasons that were reflected in additional conditions, amendment to conditions in the Council Assessment Report and correction of typographical errors.

CONDITIONS





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

- New condition 1A to require the surrender of an existing approval for the site,
- Addition to condition 19 to provide a survey plan to identify the outer limits for extraction,
- Amendment to condition 38 for consistency with condition 68.
- Condition 41 to be amended to provide for a 36-month maintenance period for civil works rather than 12 months,
- Condition 50 deleted and replaced with a new condition 50 for on site wastewater treatment facility and effluent disposal area,
- New condition 70 to require compliance with the EPA General Terms of Approval, and
- New condition 71 to require compliance with WaterNSW General Terms of Approval.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 1 written submission made during the public exhibition of the proposal. Issues raised included Dust Contamination, Noise, Residential Impact, Property Value, Water Contamination, Farming practices.

The Panel considers concerns raised in submissions have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Graham Brown
 Donna Rygate	 Manjit Singh Lally

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-187 - 78/2023(1) - Griffith
2	PROPOSED DEVELOPMENT	Expansion and continued use of Extractive Industry – Quarry
3	STREET ADDRESS	Stevenson Road Tharbogang, Expansion and continued use of Extractive Industry – Quarry
4	APPLICANT/OWNER	Applicant: Rockwood's Investment Group Owner: Jeffery John Stevenson
5	TYPE OF REGIONAL DEVELOPMENT	SEPP (Planning Systems) 2021 – Schedule 6 Regionally Significant Development 7(1)(a) Particular designated development – extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Griffith Local Environmental Plan, 2014 Protection of the Environmental Operations Act (POEO Act) 1997 Biodiversity Conservation Act (BC Act) 2016 National Parks and Wildlife Act (NP&W Act) 1974 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy (Planning Systems) 2021 SEPP (Resources and Energy) 2021 Draft environmental planning instruments: Nil Development control plans: Griffith Development Control Plan No 1 – Non-Urban Development 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

		<p>the locality</p> <ul style="list-style-type: none"> • 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. • Written submissions during public exhibition: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Council briefing: 25 July 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Cr Manjit Singh Lally ○ <u>Council assessment staff</u>: Kerry Rourke, Joanne Tarbit, Greg Balind • 23 January 2024 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Graham Brown, Donna Rygate, Cr Manjit Singh Lally ○ <u>Council assessment staff</u>: Kerry Rourke, Joanne Tarbit, Greg Balind ○ <u>Applicant</u>: Tracey Nolan, Caiden O Connor
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report