



DETERMINATION AND STATEMENT OF REASONS

WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	18 September 2024
DATE OF PANEL DECISION	18 September 2024
PANEL MEMBERS	Garry Fielding (Chair), Donna Rygate and Lauren Trembath
APOLOGIES	Graham Brown
DECLARATIONS OF INTEREST	Clive McCarthy declared a conflict of interest as a close relative works for one of the parties involved in the application.

Papers circulated electronically on 28 August 2024.

MATTER DETERMINED

PPSWES-197 – Oberon – DA 10.2016.38.2 at 50 Sewells Creek Road Oberon – Modification of DA10.2016.38.1 to include washing, extension of resource limits, and increase in annual production level and vehicle trips per day (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.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.56 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 Modification Application was approved subject to the conditions in the Council Assessment Report dated 5 September 2024, with the inclusion of the following additional condition:

- The outer perimeter of the proposed extraction area is to be identified by a registered surveyor and a survey plan prepared that reflects the outer limits of the extraction area, as set out in the Applicant's Statement of Environmental Effects (Umwelt, May 2023).
Reason: To identify the outer limits of extraction are identified on site to ensure that the extraction does not extend beyond the approved limits.


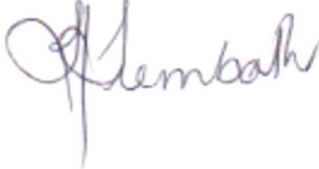

CONSIDERATION OF COMMUNITY VIEWS

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

- Dust
- Noise
- Odour
- Impact on roads from truck movements

- Amenity of locality
- Visual impacts
- Biodiversity impacts
- Links between Middle Creek Quarry and Bettergrow Oberon
- Proposal is a significant change - is it a modification?
- Reports submitted are out of date
- Lack of data on how current operations are monitored
- Potential for further expansion of quarry
- Suitability of the site
- Water use and impact on groundwater

The Panel considers that concerns raised by the community have been adequately considered in the Assessment Report and appropriately addressed in the conditions of approval.

PANEL MEMBERS	
 <p>Garry Fielding (Chair)</p>	 <p>Lauren Trembath</p>
 <p>Donna Rygate</p>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-197 – Oberon – DA 10.2016.38.2
2	PROPOSED DEVELOPMENT	Extractive industry and waste management facility: modification to increase extraction and production rates, add new waste materials and processes and increase traffic movements
3	STREET ADDRESS	50 Sewells Creek Road, Oberon (Lot 2 DP 1112479)
4	APPLICANT OWNER	Zac Rowlinson, Oberon Earthmoving Clift Engineering (Oberon) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Primary Production) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Resources and Energy) 2021 ○ Oberon Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Oberon Development Control Plan 2001 • 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: 20 August 2024 • Written submissions during public exhibition: 8
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 10 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Donna Rygate and Lauren Trembath ○ <u>Council assessment staff</u>: Bennett Kennedy ○ <u>Independent assessing officer</u>: Mark Hitchenson ○ <u>Department staff</u>: Adam Iskander • Applicant briefing: 10 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Garry Fielding (Chair), Donna Rygate and Lauren Trembath ○ <u>Council staff</u>: Gary Wallace ○ <u>Independent assessing officer</u>: Mark Hitchenson ○ <u>Department staff</u>: Adam Iskander ○ <u>Applicant representatives</u>: Zac Rowlandson, Alex Irwin

9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Provided on 5 September 2024