

DATE OF DETERMINATION	7 July 2020
PANEL MEMBERS	Garry Fielding (Chair), Andrew Hutton, Clare Brown, Les Lambert, Craig Davies
APOLOGIES	Sandra Hutton
DECLARATIONS OF INTEREST	None

Public meeting held via teleconference on 7 July 2020, opened at 10.05am and closed at 10.42am.

MATTER DETERMINED

PPSWES-4 - Narromine – DA2019/36 at 116 Euromedah Road Narromine for Macquarie Manor 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 and the matters observed at site inspections listed at item 8 in Schedule 1.

The panel adjourned at the conclusion of the public meeting to consider technical issues and confer amongst itself. This was conducted via a Team video platform meeting.

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 assessment report appropriately addressed all relevant matters in accordance with s4.15 of the EP&A Act.
- The recommended conditions of consent, as modified by the panel, are considered appropriate to protect the environmental amenity of the locality.
- The extracted material will help facilitate the provision of important transport infrastructure in the region.
- The required Rehabilitation & Quarry Closure Plan will help ensure the site is appropriately restored at the conclusion of quarrying activities on the site.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments:

- Condition 1 to be amended to read as follows:
This consent relates to the Macquarie Manor Quarry as described in the EIS, plans, specifications and supporting documentation listed below and as modified by the following conditions. The development must be carried out in accordance with this consent.

<i>Plan/Doc Title</i>	<i>Plan/Doc Reference No.</i>	<i>Issue No.</i>	<i>Prepared by</i>	<i>Date</i>
<i>Environmental Impact Statement</i>	<i>Ref. 1001/03</i>		<i>R.W. Corkery & Co. Pty. Limited</i>	<i>June 2019</i>

<i>Modified Extraction Area Layout</i>	<i>Figure B</i>		<i>R.W. Corkery & Co. Pty. Limited</i>	<i>04/02/2020</i>
<i>Proposed Project Site Layout</i>	<i>Figure 2.1</i>		<i>R.W. Corkery & Co. Pty. Limited</i>	<i>04/02/2020</i>
<i>Design of the Extraction Area</i>	<i>Figure 2.3</i>		<i>R.W. Corkery & Co. Pty. Limited</i>	<i>12/03/2020</i>
<i>Response to Submissions</i>	<i>Ref No. 1001/04</i>		<i>R.W.Corkery & Co. Pty Ltd</i>	<i>October 2019</i>

Notes:

- *Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
- *Condition 9 is deleted*
- *Condition 10 is deleted*
- *Condition 11 is deleted*
- *Condition 63 amended to read as follows:*
Prior to works commencing on site under this consent the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of Council. This plan must include an Unanticipated Finds Protocol consistent with Appendix 3 of the Aboriginal and Historic Cultural Heritage Assessment that accompanied the EIS and must:
 - (a) provide a summary of relevant background or baseline data;*
 - (b) describe the measures to be implemented on the site to:*
 - i. ensure all workers on the site receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;*
 - ii. protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the project;*
 - iii. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places (unexpected finds), including provisions for burials, over the life of the project;*
 - iv. appropriately protect the scar tree identified on the site; and*
 - (c) detail who would be responsible for monitoring, reviewing and implementing the plan.*
- *Condition 82 amended to read as follows:*
Prior to the commencement of the quarry operations under this consent the Applicant must prepare to Council's satisfaction a Quarry Rehabilitation and Closure Plan. The Quarry Rehabilitation and Closure Plan must describe:
 - i. the final land use and landform options considered, and justification of the preferred option;*
 - ii. detail any rehabilitation methods to be implemented for both planned and unplanned closure of the site;*
 - iii. suitable completion criteria;*
 - iv. a risk assessment to demonstrate that post-closure risks associated with the proposed final landform and land use are acceptable; and*
 - v. an estimate of the closure costs prepared in accordance with the DRE ESG1- Rehabilitation cost Estimate Guidelines (DPE 2017).*

The quarry rehabilitation and closure plan must be prepared in accordance with any applicable legislation and the principles of the Strategic Framework for Mine Closure produced by the Australian and New Zealand Minerals and Energy Council and Minerals Council of Australia (ANZMEC, 2000).

- Condition 92 amended to read as follows:
Once 150,000 tonnes of material has been extracted, or at the request of Council, the Applicant must commission an Independent Environmental Audit of the project to assess compliance since the previous audit. The audit must:
 - a) be led by a suitably qualified, experienced and independent auditor;(b) be carried out in consultation with the relevant agencies;*
 - b) assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval, any relevant EPL, water licences and mining leases for the project (including any assessment, strategy, plan or program required under these approvals);*
 - c) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this approval;*
 - d) recommend appropriate measures or actions to improve the environmental performance of the project and any assessment, strategy, plan or program required under the abovementioned approvals and this approval; and*
 - e) be conducted and reported to the satisfaction of Council.*
- New condition 95 to read as follows:
Blasting at the premises may only take place between 9:00am and 5:00pm Monday to Friday, with no blasting permitted on Saturdays, Sundays and Public Holidays.

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:

- Risk of vibration
- Noise and dust impacts
- Impact on pedestrian safety at local bus stop

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues appropriate conditions have been imposed addressing environmental impacts, as well as conditions requiring appropriate site rehabilitation following quarry closure.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Andrew Hutton
 Clare Brown	 Craig Davies
 Les Lambert	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-4 – Narromine – DA2019/36
2	PROPOSED DEVELOPMENT	- Extraction of an average of 150,000 tpa, and a maximum of 500,000 tpa, using conventional drill and blast techniques, for a period of up to 28 years - Crushing and screening of extracted material using mobile plant to produce a range of quarry products, including aggregates, railway ballast, road base and general fill - Construction and use of a product stockpile area for storage and blending of extracted materials - Loading and transportation of extracted and stockpiled material from the site via the existing site access road, Euromedah Road, and Eumungerie Road, using rigid trucks, truck and dog combinations, semi-trailers, B-double trucks and Type 1 A-double road trains. Daily heavy vehicle movements would be approximately 26 movements (13 loads) on average, with a maximum of 88 movements (44 loads) for limited periods - Construction and use of surface water management structures, including sediment basins and diversion banks - Establishment of ancillary infrastructure, including a workshop, a hard stand area, and offices - Upgrade of the site access road, including sealing, to a distance of at least 200 m from Euromedah Road
3	STREET ADDRESS	116 Euromedah Road, Narromine
4	APPLICANT/OWNER	Matt Montgomery
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy 33 – Hazardous and Offensive Development - State Environmental Planning Policy No. 44 – Koala Habitat Protection - Narromine Local Environmental Plan 2011 - Draft environmental planning instruments: Nil - Development control plans: - Narromine Development Control Plan 2011 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - 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	• Council assessment report: 11 June 2020 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: - o Council assessment officer - [names of speakers] - o On behalf of the applicant – Gordon Barnes, Matt Montgomery
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 30 June 2020 - o <u>Panel members</u>: Garry Fielding (Chair), Andrew Hutton, Clare Brown, Les Lambert, Craig Davies - o <u>Council assessment staff</u>: Phil Johnston • Final briefing to discuss council's recommendation, 7 July 2020 at 9.30am. Attendees: - o <u>Panel members</u>: Garry Fielding (Chair), Andrew Hutton, Clare Brown, Les Lambert, Craig Davies - o <u>Council assessment staff</u>: Phil Johnston, Ben Luffman (consultant planner for council)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report