

<b>DATE OF DETERMINATION</b>	29 September 2021
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Brian Mockler, Greg Peart
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 16 September 2021.

**MATTER DETERMINED**

PPSWES-65 – Gilgandra – DA2021/379 at 2697 Oxley Highway Collie for the Berakee Quarry extension (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.

**Development application**

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to conditions.

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 minor amendments to conditions.

**CONDITIONS**

The development application was approved subject to the conditions in the council assessment report with the following amendments. The amendments are minor in nature and provide further clarity on requirements.

The amendments to condition 2 provide flexibility in supplying basalt to the Inland Rail Project, conditions 7, 27 and 29 provide a six month time requirement for the carrying out of certain actions and condition 33 requires an added consideration in the preparation of the rehabilitation plan. New condition 53 provides for a contribution towards the maintenance of roads in the area.

- Condition 2 amended to read as follows:  
Phase 1 extraction and processing activities, as defined by the environmental assessment entitled “Berakee Quarry Extension – Environmental Impact Statement” prepared by Umwelt (Australia) Pty Limited dated January 2021, are limited to no more than 490,000 tonnes extracted or processed per annum. This level of extraction can be undertaken for a period of five years from the date of consent. This consent further authorises extraction beyond five years, if necessary, until basalt from this quarry is no longer needed for the Inland Rail Project within Gilgandra Shire and any extension beyond five years is subject to the conditions of this consent and specifically those relating to the Phase 1 extraction.
- Condition 7 amended to read as follows:  
Upon approval of this development application and within a period of six months of the date of this consent, the existing development consents (DA 2017/218 dated 29 January 2018 and DA 2017/218A dated 25 June 2019) relating to the site are to be formally surrendered in accordance with s 4.63 of the *Environmental Planning and Assessment Act 1979*.






- Condition 27, first paragraph, amended to read as follows:  
Prior to expansion of the excavation or stockpiling area and within a period of six months from the date of this consent, a Vegetation Management Plan (VMP) must be prepared for the balance of Lot 1 DP 1265657 (outside the disturbance footprint) and approved by Council. This area is approximately 52 hectares. The VMP must be prepared in accordance with Best Practice Guidelines available from public access websites.
  - Condition 29, first paragraph, amended to read as follows:  
A section 88B instrument is to be placed on the title of Lot 1 DP 1236657 within a period of six months from the date of this consent. The section 88B instrument is to provide for an easement of conservation as follows:
  - Condition 33 amended to read as follows:  
Within 12 months of commencing the quarry operation, the applicant will prepare a site rehabilitation plan for the excavation and stockpiling area based on the information in section 3.13.1 and Figure 3.3 of the EIS, and submit this for Council's approval.
- The applicant is to give further consideration in the site rehabilitation plan to progressive rehabilitation of the site.
- New Condition 53 to read as follows:  
A contribution of \$5,500 pursuant to s 7.12 of the *Environmental Planning and Assessment Act 1979* is to be provided to address the increased maintenance costs on roads in the area brought about by the proposed development.

**CONSIDERATION OF COMMUNITY VIEWS**

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

- Dust
- Water supply
- Operating hours
- Traffic and intersection with Oxley Highway.

The panel is satisfied that the above issues have been adequately addressed in the documentation provided with the development application and the council officers report and where appropriate, conditions have been imposed to address any potential impacts.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Brian Mockler
 Greg Peart	

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSWES-65 – Gilgandra – DA2021/379
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	<p>Development consent is sought for the extension of an existing basalt extractive industry and crushing operation for up to 490,000 tonnes per annum with a total resource of 4.95 million tonnes. The quarry will be located on Lot 1 DP 1265657. The quarry will use a private haul road over Lot 2 DP 1265657 and Lot 52 DP 43558 to access the Oxley Highway.</p> <p>Associated works include vegetation removal, installation of a site office, staff amenities, a lunch room and above ground diesel storage tank, stormwater runoff and sediment controls, and site remediation over time.</p> <p>The development will be undertaken in two phases:</p> <p>Phase 1 – Approximately 2.5 Mt over 5 years at a production rate of up to 490,000 tpa to supply hard rock products primarily to the Inland Rail Project.</p> <p>Phase 2 – Approximately 2.4 Mt over 20 years at a production rate of between 80,000 and 120,000 tpa to supply hard rock products to local markets.</p> <p>The extraction area will be increased to 8.4 hectares. The processing and stockpiling area will increase to 7.8 hectares. A sediment basin and road will occupy 0.8 hectares. The total disturbance footprint will increase to 17 hectares.</p> <p>The development is defined as an extractive industry and is permitted in the RU1 Primary Production zone under Gilgandra LEP 2011.</p> <p>The development is generally compliant with the prevailing planning controls subject to conditions of approval.</p>
<b>3</b>	<b>STREET ADDRESS</b>	2697 Oxley Highway, Collie
<b>4</b>	<b>APPLICANT/OWNER</b>	Applicant: Wesley Maas, Regional Hardrock Gilgandra Unit Trust Owner: Regional Hardrock Gilgandra Unit Trust
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Designated development - extractive industry
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Koala Habitat Protection) 2020</li> <li>○ State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ Gilgandra 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>○ Gilgandra Development Control Plan 2011</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• Coastal zone management plan: Nil</li> </ul>

		<ul style="list-style-type: none"> <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	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 8 September 2021</li> <li>• Written submissions during public exhibition: 1</li> <li>• Total unique submissions received by way of objection: 1</li> </ul>
8	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site Visit &amp; Briefing: 2 June 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Brian Mockler, Greg Peart</li> <li>○ <u>Council assessment staff</u>: Lindsay Mathieson</li> <li>○ <u>Panel secretariat</u>: Jane Gibbs, Kim Holt</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 21 September 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Brian Mockler, Greg Peart</li> <li>○ <u>Council assessment staff</u>: Lindsay Mathieson, Mike Svikis</li> <li>○ <u>Panel secretariat</u>: Amanda Moylan</li> <li>○ <u>Applicant representatives</u>: Steve Guy, Alex Irwin</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report