

DATE OF DETERMINATION	10 August 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown, Allana McHugh
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 August 2021.

MATTER DETERMINED

PPSWES-77 – Coonamble – DA027/2020 at 4948 Tooraweenah Road, Mount Tenandra for a hard rock 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.

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. The panel made minor changes to the conditions 15, 24 and 31 to provide greater clarity and included a new condition 37 to ensure the timely rehabilitation of the site.

CONDITIONS

The development application was approved subject to the conditions in the council supplementary assessment report dated 9 July 2021 with the following amendments:

- Condition 15 amended to read as follows:
“The following management plans specific to the Ralston Quarry site and surrounds must be prepared and finalised prior to commencement of any surface disturbance:
 - a) Environmental Management Plan.
 - b) Bushfire Management Plan.
 - c) Traffic Management Plan.
 - d) Stormwater Management Plan.
 - e) Erosion and Sediment Control Plan.
 - f) Waste Management Plan.
 - g) Final Landform Plan.
 - h) Rehabilitation Management Plan, including rehabilitation timeframes.

The required management plans must adequately deal with all mitigation measures documented in the Ralston Quarry Environmental Impact Statement prepared by Groundwork Plus Pty Ltd, dated August 2020 and other conditions in this consent and submitted to Coonamble Shire Council for approval. The management plans must be implemented during operation of the quarry and haulage operations. All personnel are to be inducted to be aware of all management plans in place for the site, with current copies to be maintained on site for reference purposes.”

- Condition 24 amended to read as follows:

In accordance with the Biodiversity Development Assessment Report (BDAR) prepared by OzArk for the development, the class and number of species credits must be retired to offset the residual biodiversity impacts of the development before there is an impact on the biodiversity values for each stage. The retirement of the credits shall be in 2 stages based on the two separate pit areas and occur as outlined in Table 24 below. Note that credit obligations for each stage is derived from the BDAR Figures 7.1, 7.2 and 7.3. The staged retirement of the credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits as calculated by the BAM Credit Calculator (BAM-C) in the BDAR or by purchasing and retiring credits on the open market. Evidence of the retirement of credits (either by payment to the Biodiversity Conservation Fund, purchasing credits or securing credits through a Biodiversity Stewardship Agreement) must be provided to Council prior to the commencement of disturbance for each stage of the development.

Table 24: Staged credit retirement for ecosystem credits and species credits

Development Stage	Staged credit retirement			
	Plant Community Type (PCT)	Ecosystem credits	Species	Species credits
Stage 1 – Southern Pit	PCT244 - Poplar Box grassy woodland on alluvial clay-loam soils mainly in the temperate (hot summer) climate zone of central NSW (wheatbelt)	0	Australian Bustard (<i>Ardeotis australis</i>)	5
			Finger Panic Grass (<i>Digitaria porrecta</i>)	5
			White-bellied Sea Eagle (<i>Haliaeetus leucogaster</i>)	1
			Little Eagle (<i>Hieraaetus morphnoides</i>)	1
			Pale-headed Snake (<i>Hoplocephalus bitorquatus</i>)	5
			Square-tailed Kite (<i>Lophocitinia isura</i>)	1
			Brush-tailed Rock Wallaby (<i>Petrogale penicillata</i>)	7
			Koala (<i>Phascolarctos cinerus</i>)	6
			Greenhood Orchid (<i>Pterostylis cobraensis</i>)	5
			Slender Darling Pea (<i>Swainsona murrayana</i>)	5
			Silky Swainson-pea (<i>Swainsona sericea</i>)	5
Stage 1 SUB-TOTAL	Ecosystem credits	0	Species credits (various types)	45
Stage 2 – Northern Pit	PCT98 – Poplar Box – White Cypress Pine – Wilga – Ironwood shrubby woodland on red sandy loam soils in the Darling Riverine Plains	54	Silky Swainson-pea (<i>Swainsona sericea</i>)	78
			Little Eagle (<i>Hieraaetus morphnoides</i>)	59
			Square-tailed Kite (<i>Lophocitinia isura</i>)	59
			Koala (<i>Phascolarctos cinerus</i>)	78
			White-bellied Sea Eagle (<i>Haliaeetus leucogaster</i>)	78
			Bush-stone Curlew (<i>Burhinus grallarius</i>)	72
			Black-breasted Buzzard (<i>Hamirostra melanosternom</i>)	59
Stage 2 SUB-TOTAL	Ecosystem credit (PCT98)	54	Species credits (various types)	483
TOTAL for both stages		54		528

- Condition 31 amended to read as follows:

The Proponent shall pay a quarterly monetary contribution to Coonamble Shire Council for local road maintenance, as per the following agreed road maintenance contributions rate:

Contribution Agreement Subject	Per annum rate
Road maintenance	\$0.58 cents per tonne

The quarterly contribution will be accompanied by a report from the Proponent verifying the actual tonnages of material transported from the quarry site via public roads. The quarterly contribution and report shall be provided within one month of the anniversary of the commencement of haulage on the local road network. The agreed road maintenance contributions rate set out above will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS).

The process for calculating and collecting the contribution will generally be as follows:





- Identify the quantity of material extracted / processed as at the end of the reporting quarter.
 - Identify the quantity of material (tonnes) transported from the site onto the public road network as at the end of the reporting quarter.
 - Identify the quantity of material (tonnes) transported from the site via any new rail corridor as at the end of the reporting quarter.
 - Subtract 3 from 2 to calculate the actual annual contribution, as adjusted by Sydney CPI.
- The title of Section H amended to include the words “At completion of Quarry Stages” in the title.
 - New Condition 37 to read as follows:
The Applicant is to implement all actions identified in the required Rehabilitation Management Plan, during or within three (3) months upon the cessation of each stage of quarry operations and substantially completed within 12 months of the cessation of each stage.

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:

- Impact on existing roads.
- Dust.
- Noise.
- Traffic safety.
- Loss of biodiversity.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and the proposed conditions.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	 Allana McHugh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-77 – Coonamble – DA027/2020
2	PROPOSED DEVELOPMENT	The proposal is a hard rock quarry to operate in two (2) stages. Stage 1 will consist of 490,000 tonnes of material per annum for a period of up to five (5) years, subject to the progress of the Inland Rail Project and associated road upgrade projects, and Stage 2 will include the extraction of 100,000 tonnes of material per annum for a period of up to twenty (20) years.
3	STREET ADDRESS	4948 Tooraweenah Road, Mount Tenandra
4	APPLICANT/OWNER	James Lawler (Applicant) Milton & Sandra Ralston (Owner)
5	TYPE OF REGIONAL DEVELOPMENT	Designated Development
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy – Mining, Petroleum Production and Extractive Industries 2007 State Environmental Planning Policy No.33 – Hazardous and Offensive Development State Environmental Planning Policy No.44 – Koala Habitat Protection State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No.55 – Remediation of Land State Environmental Planning Policy (Primary Production and Rural Development) 2019 Coonamble Local Environmental Plan 2011 Draft environmental planning instruments: Nil Development control plans: Nil 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	<ul style="list-style-type: none"> Council assessment report: 13 May 2021 Council supplementary report: 1 June 2021 Council supplementary report: 9 July 2021 Written submissions during public exhibition: 4 Total unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 2 June 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown, Allana McHugh <u>Council assessment staff</u>: Noreen Vu, Michael Carter (consultant), Hine Basson <u>Panel Secretariat</u>: Kim Holt, Jane Gibbs Site inspection: 2 June 2021

		<ul style="list-style-type: none"> ○ <u>Panel members:</u> Garry Fielding (Chair), Sandra Hutton, Graham Brown, Allana McHugh ○ <u>Council assessment staff:</u> Noreen Vu, Michael Carter (consultant), Hine Basson ○ <u>Panel Secretariat:</u> Kim Holt, Jane Gibbs ● Final briefing to discuss council's recommendation: 10 August 2021 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Garry Fielding (Chair), Sandra Hutton, Graham Brown, Allana McHugh ○ <u>Council assessment staff:</u> Noreen Vu, Michael Carter (consultant), Hine Basson ○ <u>Panel Secretariat:</u> Kim Holt, Jane Gibbs ○ <u>Applicant representatives:</u> James Lawler, Steve Guy, Richard Tomkins
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report