

<b>DATE OF DETERMINATION</b>	Monday 1 June 2020
<b>PANEL MEMBERS</b>	Garry Fielding (Chair), Andrew Hutton, Stuart McDonald
<b>APOLOGIES</b>	Sandra Hutton, Councillors Russell Holden and Paul Cavalier
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held via teleconference on 1 June 2020, opened at 10:30am and closed at 10:52am.

#### **MATTER DETERMINED**

PPSSWES-8 – Mid-Western – DA0010/2019 at 329 Quarry Road Cardwell for an extractive industry application (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(3) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

- The proposed development is permissible with consent in the RU1 Primary Production zone applying to the subject land under the Mid-Western Regional LEP 2012.
- The proposed realignment of the Quarry Road/Bylong Valley Road intersection and this intersection and Quarry Road serving as the proposed quarry's haulage route will avoid any adverse impacts on land to the north.
- The conditions of consent will serve to appropriately protect the amenity of the locality.
- The proposed development is acceptable having regard to the relevant matters for consideration under s.4.15 of the EP&A Act.

#### **CONDITIONS**

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

- Condition 18 – relocated to Schedule A, deferred commencement condition 1B.
- Condition 28 – relocated to Schedule A, deferred commencement condition 1C.




#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic impacts due to movements of agricultural plant and livestock along Cudgegong Road and Quarry Road between land holdings;
- Owners' consent not provided for all land parcels;
- Proposed development is considered "mining" as it is extracting limestone from the site.

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 the confinement of road haulage to the required realignment of the Quarry Road/Bylong

Valley Road intersection, thus avoiding the Cudgegong Road intersection, together with other conditions of consent, have served to appropriately address the issues of concern.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Andrew Hutton
 Stuart McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-8 – Mid-Western – DA0010/2019
2	PROPOSED DEVELOPMENT	Extractive Industry
3	STREET ADDRESS	329-331 Quarry Road, Carwell
4	APPLICANT/OWNER	Kandos Operations Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007;</li> <li>State Environmental Planning Policy 55 – Remediation of Land;</li> <li>State Environmental Planning Policy 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy No.44 Koala Habitat Protection</li> <li>Mid-Western Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Mid-Western Regional Development Control Plan 2013</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> <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	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 29 April 2020</li> <li>Written submissions during public exhibition: 9</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Council assessment officer – Kayla Robson</li> <li>On behalf of the applicant – Gordon Barnes, Kandos Operations Mitchell Bland, Kandos Operations</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: 18 May 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair)</li> <li><u>Council assessment staff</u>: Kayla Robson</li> </ul> </li> <li>Site inspection: 26 May 2020 <ul style="list-style-type: none"> <li><u>Panel members</u>: Andrew Hutton</li> </ul> </li> <li>Final briefing to discuss council's recommendation 1 June 2020 Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Garry Fielding (Chair), Andrew Hutton, Stuart McDonald</li> <li><u>Council assessment staff</u>: Kayla Robson</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report