

DETERMINATION AND STATEMENT OF REASONS WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	10 December 2021
DATE OF PANEL DECISION	10 December 2021
PANEL MEMBERS	Garry Fielding (Chair), Sandra Hutton, Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	Clr Les Lambert and Clr Craig Davies declared a conflict of interest due to their working relationship with Council's General Manager who is the landowner.

Papers circulated electronically on 26 November 2021.

MATTER DETERMINED

PPSWES-81 – Narromine – DA2019-58 at 1210 Wallaby Road Narromine for a development application for the Redden Mine (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 original application had been submitted and initially processed as Extractive Industry (Quarry) but was subsequently correctly characterised as a mine due to the proposed extraction of minerals (chert).

The consent authority role was delegated by the Council to the Western Regional Planning Panel pursuant to s377 of the *Local Government Act*, to manage a potential conflict of interest given Council's General Manager is involved in the application. Council also engaged the services of GHD who provided an independent and detailed assessment of the application, including as amended.

To reflect the corrected land use characterisation, amended particulars were received, including a revised EIS (August 2020), and the public and relevant government agencies were re-notified. Additional information through to January 2021 was also included in GHD's assessment of the application.

The Panel benefited from the GHD's final assessment report and a briefing with the assessment team, where a number of matters were discussed and clarified, including SEARs, agency responses, conditions to manage impacts to the local road network, and cumulative impacts in the locality. The assessment report's recommendation was supported by General Terms of Approval issued by both the Environment Protection Authority and Department of Regional NSW – Mining, Exploration & Geoscience, noting a Mining Lease will be required and is conditioned.

The Panel was satisfied that the Environmental Impact Statement and the independent assessment had adequately covered the range of issues pertinent to assessment of a mining proposal, notwithstanding the original assessment requirements (SEARs) related to Extractive Industry.

The determination of the proposal was deferred by the Panel on 10 November 2021 in order to receive a supplementary assessment memo that addressed compliance with *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, rather than relying on cross references to the EIS provided in the assessment report, together with some editorial amendments to the recommended conditions of consent.

The Panel received and reviewed the supplementary assessment memo and a revised set of recommended conditions and was satisfied that the matters raised by the deferral have been appropriately addressed. The

revised set of conditions are a comprehensive and well-structured set of conditions appropriate to the development.

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 GHD independent assessment report and including:

- The proposed mine has a defined and limited footprint, which was reduced during assessment to limit biodiversity impacts, with residual impacts offset through appropriate conditions; and
- The proposed mine has a limited depth of extraction, maximum yearly tonnage, and will be time limited to six years, as proposed, and is primarily intended to supply material to the Inland Rail Project. The potential impacts can be appropriately managed and mitigated, and is supported by ongoing review and management through the required Environment Protection Licence and Mining Lease, and conditions of consent that provide a mechanism to manage impacts to the local road network.

CONDITIONS




The development application was approved subject to the conditions attached to the GHD Redden Mine Assessment Report Addendum dated 18 November 2021.

CONSIDERATION OF COMMUNITY VIEWS

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

- Noise and dust impacts
- Flood risk on haulage routes
- Traffic impacts
- Water use and groundwater impacts

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

PANEL MEMBERS	
 Garry Fielding (Chair)	 Sandra Hutton
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-81 – Narromine – DA2019-58
2	PROPOSED DEVELOPMENT	Redden Mine with an extraction rate of up to 490,000 tonnes per annum for six years.
3	STREET ADDRESS	1210 Wallaby Road Narromine
4	APPLICANT/OWNER	Matthew and Jane Redden
5	TYPE OF REGIONAL DEVELOPMENT	Section 377 of the Local Government Act 1993 due to Council declaring a conflict of interest in the proposal
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 State Environmental Planning Policy 33 – Hazardous and Offensive Development State Environmental Planning Policy No. 44 – Koala Habitat Protection Narromine Local Environment Plan 2011 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Narromine Shire Council 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	<ul style="list-style-type: none"> Determination assessment report (GHD): October 2021 Assessment report Addendum: 18 November 2021 Written submissions during public exhibition: 9 Total unique submissions received by way of objection: 8
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site Inspections: 17 March 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Graham Brown Final briefing to discuss council's recommendation: 3 November 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Sandra Hutton, Graham Brown <u>Council assessment staff</u>: Emma Yule, Phil Johnston, Ben Luffman (consultant planner) <u>Panel Secretariat</u>: Kim Holt, Amanda Moylan
	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the GHD independent assessment report, and revised by GHD Addendum