

## NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Coffs Harbour City Council Administration Centre on Thursday 19 March 2015 at 5:00 pm

Panel Members: Garry West (chair), John Griffin, Pamela Westing, Sally Townley and John Arkan

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

**2013NTH024 Coffs Harbour City DA0271/14 [at 4003 Pacific Highway, Dirty Creek] as described in Schedule 1.**

**Date of determination:** 19 March 2015

**Decision:**

The panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

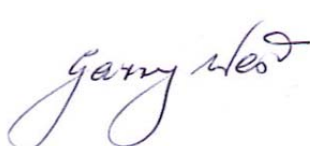


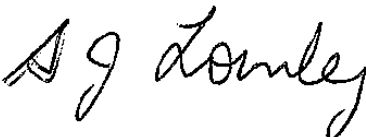
**Reasons for the panel decision:**

The panel adopted the recommendation of the assessment report to refuse the development application for the reasons detailed in the report and as amended at the meeting.

The reasons for the panel decision are:

1. That Development Application No.271/14 for an extractive industry at Lot 24, DP 705683, 4003 Pacific Highway, Dirty Creek, be refused for the following reasons;
  - a. The application proposes development on Lot 76, DP 752828 and the owner of this land has not consented to the application being made (as required by Regulation 49 of the Environmental Planning and Assessment Regulation).
  - b. The application is not in accordance with Director General's Requirements that have been issued by the Department of Planning with respect to the proposed crushing works.
  - c. Plans of the proposed development are not in accordance with Part 1 of Schedule 1 of the Environmental Planning and Assessment regulation 2000.
  - d. Adequate information with respect to blasting, flora and fauna impacts, rehabilitation and sediment and erosion control for the development has not been provided to enable likely impacts of the proposed development to be assessed.
  - e. The safety, efficiency and ongoing operation of the Pacific Highway may be adversely affected by the development.
  - f. The application has been in for a lengthy period of time without the required information being provided and this is not in the public interest.
2. That person and organisations who have made submissions on the application be informed of the determination.

**Panel members:**

 <b>Garry West (chair)</b>	 <b>John Griffin</b>	 <b>Pamela Westing</b>
 <b>Sally Townley</b>	<b>John Arkan</b>	

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2013NTH024 Coffs Harbour City DA0271/14
2	<b>Proposed development:</b> continuation of extractive industry to allow a total extraction rate of 490,000 tonnes per annum
3	<b>Street address:</b> 4003 Pacific Highway, Dirty Creek
4	<b>Applicant/Owner:</b> Hopkins Consultants / Mr S Apokis
5	<b>Type of Regional development:</b> Clause 8 Particular Designated Development: development for the purpose of an extractive industry, which meets the requirement for designated development under clause 19 of Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i>
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy 55 Remediation of Land</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State and Regional Development_ 2011</li> <li>• State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>• State Environmental Planning Policy (Rural Lands) 2008</li> <li>• Coffs Harbour Local Environmental Plan 2013</li> <li>• Coffs Harbour Development Control Plan 2013</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 EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 28 November 2014 Written submissions during public exhibition: three (3) Verbal submissions at the panel meeting: Support- None; Against- Ms Rosemary Hogan; On behalf of the applicant- None
8	<b>Meetings and site inspections by the panel:</b> Site Visit on 19 March 2015
9	<b>Council recommendation:</b> Refusal