






NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Halfway Creek Community Hall, Kungala, on Thursday 20 November 2014 at 11am		
Panel Members: Garry West (Chair), Pamela Westing, John Griffin, Cr Richie Williamson, Cr Andrew Baker		
Apologies: NIL Declarations of Interest: NIL		
Determination and Statement of Reasons		
2013NTH027 – Clarence Valley Council – DA2013/0508 [at Kungala Road, Kungala] as described in Schedule 1.		
Date of determination: 20 November 2014		
Decision: The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the <i>Environmental Planning and Assessment Act 1979</i> .		
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 Council Assessment Report. The principal reason for the panel decision was that the proposed development is permissible with consent and the land has been previously used for extractive operations, is partially cleared and the proposed extraction proposes to rework the existing cleared disturbed areas. Other reasons for the panel decision were; <ol style="list-style-type: none"> 1) Through the measures proposed by the Draft Conditions of Consent and amended, the development is unlikely to have a significant impact or substantial incompatibility on the current and preferred land uses in the vicinity; 2) There is no proposal to pump water from Dundoo Creek and this has not been approved as part of the conditions of consent as amended; 3) A Traffic Impact Study, including a road audit was submitted with the application. The Conditions of Consent as amended require the corrective actions identified in the Road Safety Audit together with further significant roadworks to be undertaken by the applicant at their cost prior to commencement of quarry operations; 4) A condition of consent has been imposed restricting the movement of material on Kungala Road for a designated period either side of the school bus pick up and drop off periods both morning and afternoon; 5) The Flora & Fauna impacts have been mitigated by restricting operations to reworking of the previously cleared area. 		
Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting to restrict the movement of quarry product for a designated period either side of the school bus pick up and drop off periods; requirement of a dilapidation report of all legal residences within 1 kilometre of the quarry operation; additional widening on Kangula Road due to horizontal alignment in accordance with Austroads standard and water reuse ponds to be constructed prior to commencement of operations. The approved conditions are in schedule 2.		
Panel members:		
 Garry West	 John Griffin	 Pamela Westing
 Richie Williamson	 Andrew Baker	

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2013NTH027 Clarence Valley Council DA2013/0508
2	Proposed development: Extractive Industry (Sandstone and Ironstone Quarry)
3	Street address: Kungala Road, Kungala
4	Applicant/Owner: Ardill Payne & Partners/Ramornie (NSW) Pty Ltd
5	Type of Regional development: Extractive industry that is designated development
6	Relevant mandatory considerations: <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ North Coast Regional Environmental Plan ○ Clarence Valley Local Environmental Plan 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development ○ State Environmental Planning Policy No. 44 – Koala Habitat ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 ○ State Environmental Planning Policy (Rural Lands) 2008 ○ State Environmental Planning Policy (State and Regional Development) 2011 • Draft environmental planning instruments: Nil • Development control plans: Clarence Valley Council Rural Zones Development Control Plan 2011 • Planning agreements: Nil • Regulations: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Regulation 2000 • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report provided 17 October 2014 Written submissions during public exhibition: 75 Verbal submissions at the panel meeting: Support- NIL; Against – 17 (Andrew Richards, Janelle Montgomery, Paul Galliford, Lois Blanchard, Ton van der Linden, Lady Carmel Chester, Kelli McCoy, John Edwards on behalf of Clarence Environment Centre, Sonia Schweikert, Susan Lloyd, Julie Wallow, Terry Elvey, Simon Colledge, Leanne Watson & Phillip Watson; On behalf of the applicant- Kevin Holmes, Ramornie (NSW) Pty Ltd & Paul Snellgrove, Ardill Payne & Partners. Clarence Valley Council – Carmen Landers, Development Planner & Marion Rhodes, Development Engineer.
8	Meetings and site inspections by the panel: Site visit 20 November 2014; Public meeting on 20 November 2014.
9	Council recommendation: Approval
10	Draft conditions: attached to Council's assessment report