


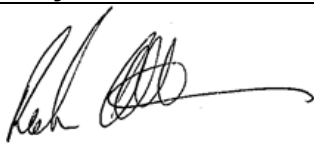



NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at 11:00 am on Monday 22 December 2014 at Nymboida Hall		
Panel Members: Garry West, John Griffin, Pamela Westing, Richie Williamson and Andrew Baker		
Apologies: None Declarations of Interest: NIL		
Determination and Statement of Reasons		
2014NTH001 - DA2014/0024 - Clarence Valley Council - Extractive Industry (hard rock quarry) [Boundary Creek Forest Road, Nymboida] as described in Schedule 1.		
Date of determination: 22 December 2014		
Decision: The panel determined to approve the development application as described in Schedule A 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 assessment of those matters in the Council Assessment Report. The principal reason for the panel decision was that the proposed development complies with the relevant legislation and local policies ensuring that the public interest is maintained. Other reasons for the panel decision were: <ul style="list-style-type: none"> • The application is integrated development under s91A(2) of the EP&A Act and the NSW Environment Protection Authority (EPA), the NSW Office of Water and Fisheries NSW issued General Terms of Approval (GTAs); • The Panel noted that the EPA GTAs will not be triggered until Stage 2 of the development and in the interim Council will be the responsible authority for monitoring water quality, noise impacts and erosion and sediment control measures; • The surrounding land uses are predominately natural bush land and the nearest rural dwelling is 2 km from the quarry site; • The EIS and Council's Assessment Report indicate that the potential for the proposal to cause significant detrimental impacts to groundwater dependent ecosystems is considered to be minimal and the proposal would not result in significant changes to the hydrology of the Copes Creek catchment or the broader Nymboida River catchment; • The quarry design has been proposed to avoid and minimise impacts on the dry rainforest EEC identified on the site. 		
Conditions: The development application was approved subject to the conditions in the Schedule of Draft Conditions of the Council Assessment Report as amended at the meeting. The conditions were amended as recommended in Council's Memo dated 9 December 2014 and suggested changes tabled on 22 December 2014. Changes were made to conditions 1, 19(c), 19(h), 19(i), 28, 28(d), 60 & 65. Draft conditions 26 & 27 were deleted. 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: 2014NTH001 - DA2014/0024 - Clarence Valley Council
2	Proposed development: Extractive Industry (hard rock quarry)
3	Street address: Boundary Creek Forest Road, Nymboida
4	Applicant: Greensill Bros P/L (c/o GeoLINK) Owner: Unwin Gaine Cartmill
5	Type of Regional development: Designated Development – Extractive industries
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy No. 33 – Hazardous and Offensive Development • State Environmental Planning Policy No. 44 – Koala Habitat Protection • 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 • Clarence Valley Local Environmental Plan 2011 • Clarence Valley Council Rural Zones Development Control Plan 2011 • 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 dated 03 December 2014 Council Memo dated 9 December 2014 Written submissions during public exhibition: <ul style="list-style-type: none"> • 10 Submissions & 1 Petition (36 signatures) objecting • Oral submissions at the panel meeting: Support- NIL; Against- John Edwards, Sharon Sullivan, Malin Blazejowshi, Georgie Wilbe (on behalf of Simon Cook) & John Cooper; On behalf of the applicant- Gaine Cartmill & Simon Waterworth (Geolink) Clarence Valley Council: Sarah Ducat, Development Planner; Renan Solatan (Development Engineer); Clem Rhoden (Manager, Environment, Development and Regulated Services); Ian Dodd (Development Engineer).
8	Meetings and site inspections by the panel: Site visit on 12 December 2014; Panel Meeting (1): 12 December 2014, this meeting was adjourned by the Chair and re-scheduled for 22 December 2014 to permit registered speakers adequate time to read the Assessment Report; Panel Meeting (2): 22 December 2014
9	Council recommendation: Approval with Conditions
10	Draft conditions: as attached to assessment report and amended at the determination meeting