

SOUTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at 11:30 am on Thursday 11 December 2014 at Kempsey Shire Council

Panel Members: Garry West, John Griffin, Pamela Westing, Daniel Walsh

Apologies: Rhonda Hoban Declarations of Interest: None

Determination and Statement of Reasons

2014NTH004 – Kempsey Shire Council – DA T6-14-67 – [Church Hill Quarry, 204 Crescent Head Road, South Kempsey] as described in Schedule 1.

Date of determination: 11 December 2014

Decision:

The panel determined to approve the development application as described in Schedule A 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 assessment of those matters in the Council Assessment Report.

The principal reason for the panel decision was that the development was in the public interest, utilising local resources to supply material to meet the needs of road construction for the Pacific Highway. Other reasons for the panel decision were:

- The quarry footprint was reduced to exclude any land within 150m of any existing residence;
- The quarry footprint was reduced to provide a minimum 50m setback from the northern boundary of Lots 186 and 187 DP 754400;
- The location of the internal access road was adjusted so that the construction is not closer than 140m to dwelling R5; and
- Conditions were approved to require the acquisition of 10 residences upon request in the event the development exceeds the environmental performance criteria in regard to noise, air quality and blasting.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting.

Panel members:

 Garry West (Chair)	 John Griffin	 Pamela Westing
 Daniel Walsh		

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014NTH004 – Kempsey Shire Council – DA T6-14-67
2	Proposed development: Church Hill Quarry
3	Street address: 204 Crescent Head Road, South Kempsey
4	Applicant/Owner: NSW Quarry Services Pty Ltd
5	Type of Regional development: Designated Development – Extractive industries
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Kempsey Local Environmental Plan 2013 • SEPP (Mining, Petroleum Production and Extractive Industries) 2007 • SEPP (State and Regional Development) 2011 • SEPP 44 Koala Habitat Protection • Kempsey Development Control Plan 2013 • EPA Regulation 2000: Schedule 3The 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 17 November 2014 Written submissions during public exhibition: <ul style="list-style-type: none"> • 9 public submissions; • A submission on behalf of the Applicant dated 9 December 2014 • Oral submissions at the panel meeting: Support- Nil; Against- Andrew Winkley; On behalf of the applicant- Warren Wells. Rum Rajasinghan addressed the meeting on behalf of the Kempsey Adventist School.
8	Meetings and site inspections by the panel: Site visit on 11December 2014; Panel Meeting: 11 December 2014
9	Council recommendation: Approval with Conditions
10	Draft conditions: as attached to assessment report