

## NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Kempsey Masonic Hall on Wednesday 15 October 2014 at 12:00 pm

Panel Members: Garry West (Chair), Pamela Westing, John Griffin and Daniel Walsh

Apologies: Cr Rhonda Hoban Declarations of Interest: NIL

### Determination and Statement of Reasons

**2014NTH005 Kempsey Shire Council T6-14-53 [at 593 Gowings Hill Rd, Dondingalong] as described in Schedule 1.**

**Date of determination:** 15 October 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.

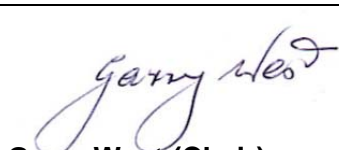
#### Reasons for the panel decision:

The panel adopted the assessment of those matters in the Council Assessment Report.

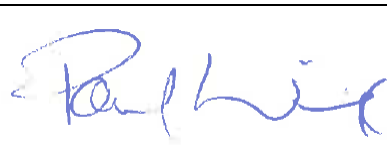
The reasons for the panel decision was that extractive industry was permissible with consent, the environmental impacts have been assessed as being capable of being managed within the required criteria as laid out in the Conditions of Consent. The Panel consider the Conditions of Consent as amended address the amenity and safety issues raised in submissions.

**Conditions:** The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. The panel amended the Conditions of Approval as follows: A2 c) amended to clarify the protection of the habitat compensation offset areas; C2 to require haul trucks not to use the haul route during the periods it is used by the school bus; C11 b) to clarify when the trigger arises when environmental performance criteria are exceeded; and C11 Table 1 to add extra Lots applicable to R10;

#### Panel members:



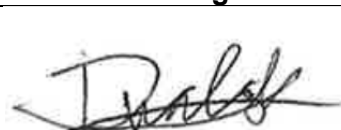
Garry West (Chair)



Pamela Westing



John Griffin



Daniel Walsh

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014NTH005 Kempsey Shire Council T6-14-53
2	<b>Proposed development:</b> Increasing the extraction rate of existing hard rock quarry from 80,000 tonnes per annum to 450,000 tonnes per annum
3	<b>Street address:</b> 593 Gowings Hill Rd, Dondingalong
4	<b>Applicant/Owner:</b> NSW Quarry Services PL / CK&YE Bates
5	<b>Type of Regional development:</b> Extractive industry that is designated development
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Kempsey Local Environment Plan 2013</li> <li>• SEPP (Mining, Petroleum Production and Extractive Industries) 2007</li> <li>• SEPP (State and Regional Development) 2011</li> <li>• SEPP 44 Koala Habitat Protection</li> <li>• Kempsey Development Control Plan 2013</li> <li>• EPA Regulation 2000: Schedule 3 Part 2 clause 35</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 1 October 2014 Written submissions during public exhibition: forty-nine (49) Verbal submissions at the panel meeting: Support- NIL; Against- Six; On behalf of the applicant- One
8	<b>Meetings and site inspections by the panel:</b> site inspection and briefing meeting on 15 October 2014
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> attached to report