

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Tenterfield RSL Pavillion on Thursday 19 March 2015 at 9:30am

Panel Members: Garry West (chair), John Griffin, Pamela Westing, Lotta Jackson and Peter Petty

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014NTH014 Tenterfield Shire DA 2014/078 [at 668 Mount Lindesay Rd, Tenterfield] as described in Schedule 1.

Date of determination: 19 March 2015

Decision:

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

Panel consideration:

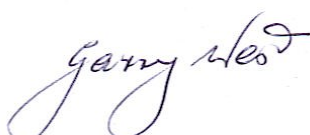


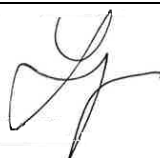

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The subject land is not identified as being contaminated and is considered to be suitable for the intended use.
2. The panel adopted the assessment of those matters in the Council Assessment Report.
3. The principal reason for the panel decision was that the site is occupied by an existing quarry operation, other reasons for the panel decision were; a biodiversity offset area is to be established; conditions have been adopted so all necessary changes to the road network are implemented including the sealing of a minimum length of 600 metres of the access road to mitigate dust impacts.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report and as amended at the meeting. The amendments aligned the hours of operation with the EPA – General Terms of Agreement; permitting the transport of materials to destinations other than those described in the EIS on a limited basis; re-wording the condition relating to the inspection of road works undertaken by the developer on the New England Highway; clarifying that the sealed section of the access road needs only to be appropriate to single lane travel but with the provision of passing bays; requiring the intersection of Mount Lindesay Road and the quarry access be applied with an asphaltic concrete wearing course to protect the road pavement; clarifying the requirements of conditions lies with the current operator of the quarry, regardless of whether it is owned by the original developer of the quarry; and clarifying that the Biodiversity Offset Area is to be maintained in perpetuity in consultation with OEH and extending the period for the finalisation to 24 months.

Panel members:

 Garry West (chair)	 John Griffin	 Pamela Westing
 Lotta Jackson	 Peter Petty	

NORTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014NTH014 Tenterfield Shire DA 2014/078
2	Proposed development: Extension and continued use of existing site for extractive industry and associated material transportation involving a 1.4ha extension of the extraction area, producing up to 100,000 tonnes/year.
3	Street address: 668 Mount Lindesay Rd, Tenterfield
4	Applicant/Owner: Darryl McCarthy Constructions Pty Ltd / Rod Dowe
5	Type of Regional development: 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	Relevant mandatory considerations <ul style="list-style-type: none"> • Tenterfield Local Environmental Plan 2013 • State Environmental Planning Policy 33 Hazardous and Offensive Development • State Environmental Planning Policy 44 Koala Habitat Protection • State Environmental Planning Policy 55 Remediation of Land • State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007 • State Environmental Planning Policy (Rural Lands) 2008 • 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: 4 March 2015 Written submissions during public exhibition: six (6) Verbal submissions at the panel meeting: Support- None; Against- None; On behalf of the applicant- Darryl McCarthy (Operator) & Rob Corkery (EIS)
8	Meetings and site inspections by the panel: Site Visit on 19 March 2015
9	Council recommendation: Approval with Conditions
10	Draft conditions: Attached to council assessment report