

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Narrabri Shire Council on Monday 29 June 2015 at 1:00 pm

Panel Members: Garry West (chair), Pamela Westing, John Griffin, Cr Robyn Faber and Cr Cathy Redding

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014NTH016 Narrabri Shire DA 41/2015 [at Westport Road Narrabri, Part Lot 21 DP 757083] as described in Schedule 1.

Date of determination: 29 June 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:

The relevant State Environmental Planning Policies were considered and it was deemed that no further consideration is required.

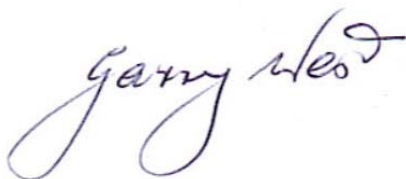
The panel adopted the assessment of those matters in the Assessment Report prepared by Council's independent consultant.

The principal reason for the panel decision was that notwithstanding the conflicting legal advice provided to Council by their Solicitors and from the Forestry Corporation the proposed development was considered permissible within the RU3 zone. Other reasons for the panel decision were:

- 1) The response from the Roads and Maritime Services (RMS) did not object to the proposal but required a number of conditions to address safety issues at the intersection of Westport Road and the Newell Highway which were adopted;
- 2) Appropriate conditions were adopted to satisfactorily address the concerns raised from the public consultation process (including school bus set down at the highway intersection, site safety and signage);
- 3) The quarry is relatively isolated from neighbouring residences and noise and dust impacts and regarded as minimal; and
- 4) The proposed expansion is considered to be in the public interest extend Council's ability to provide gravel material for maintenance and upgrading of Council's roads.

Conditions: The development application was approved subject to the conditions in Appendix A of Schedule 1 attached.

Panel members:



Garry West (chair)



John Griffin



Pamela Westing



Robyn Faber



Cathy Redding

NORTHERN JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014NTH016 Narrabri Shire DA 41/2015
2	Proposed development: 4.74 hectare extension of existing Westport Gravel Quarry
3	Street address: Westport Road Narrabri, Part Lot 21 DP 757083
4	Applicant/Owner: Narrabri Shire Council/Forestry Corporation
5	Type of Regional development: Schedule 4A Section 8(a) Extractive Industries which meet the requirements for designated development.
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 • Narrabri Local Environmental Plan 2012 • 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: 1 June 2015 Written submissions during public exhibition: one (1) Verbal submissions at the panel meeting: Mr David Casson, Planning and Development Advisor, MM Hyndes Bailey & Co (Assessment Consultant) Support- NIL; Against- Mr A Pickard; On behalf of the applicant- Mr Bill Pigram, Acting Road Services Manager
8	Meetings and site inspections by the panel: Teleconference on 18 June 2015, Site visit on 29 June 2015
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report, as amended at the meeting and attached as Appendix A.

NORTHERN JOINT REGIONAL PLANNING PANEL

Conditions of Consent – DA 41/2015

Development in Accordance with Plans

1. The development being carried out in accordance with the development application and the Environmental Impact Statement prepared by SMK Consultants dated September 2013, except where amended by the following conditions.

(Reason: To ensure the matters addressed in the Environmental Impact Statement are recognised and, where appropriate, implemented)

Newell Highway Intersection Upgrade

2. Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off site, the following matters shall be completed in accordance with the requirements of the Roads and Maritime Services (correspondence dated 14/11/2014 and 27/01/2015)
 - Provide a basic left turn (BAL) at Newell Highway intersection
 - Seal Westport Road for 50m from the Newell Highway intersection
 - Provide safe intersection sight distance (SISD) at Newell Highway intersection
 - Before commencement, contact RMS to determine if Road Occupancy License (ROL) is required
 - Enter into a Work Authority Deed (WAD) with RMS
 - Install any gate, grid etc at quarry, minimum 20m (for single articulated) or 30m (for B Double) from edge of Westport Road
 - All work to satisfy RMS before operation of the development

(Reason: To address requirements of the RMS)

Newell Highway Intersection Upgrade Design

3. The basic left turn (BAL) Newell Highway intersection design shall incorporate a safe set down area for school buses.

(Reason: to ensure the design of an appropriate school bus set down area)

Westport Road Access

4. At all times heavy haulage vehicles associated with the quarry operation shall not enter or exit Westport Road to or from the south of the Westport Road Newell Highway Intersection, unless a basic right turn (BAR) is provided to the Newell Highway intersection to the satisfaction of the Roads and Maritime Services.

(Reason: To ensure safe vehicle access to Westport Road and that vehicle movements are in accordance with the Roads and Maritime Services requirements)

Noise Mitigation

5. Prior to any gravel from the area included in the “expansion” of the Westport Quarry being crushed, the Quarry Operator shall develop and implement a neighbour notification policy, which ensures neighbours in close proximity (R1 and R2 as nominated in the EIS) are advised of the proposed works at least 5 working days before the activity, and requested to advise Council if noise levels generated during the crushing process cause any concern.

Subject to receipt of such concerns, the Quarry Operator shall implement measures to reduce the likelihood of further complaint, including but not limited to provision of internal mounding as nominated in the EIS.

(Reason: To provide procedures to mitigate concerns regarding potential impacts of noise levels associated with some aspects of the quarry operations.)

Soil and Water Management Plan

6. Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall prepare and implement the Soil and Water Management Plan (SWMP) in accordance with the Landcom document Managing Urban Stormwater: Soils and Construction. Vol 1 4th ed (Landcom 2004). Such SWMP shall be based on the document attached to the EIS – Appendix 6..

(Reason: To ensure measures are in place to adequately address and soil and water management issues that may be associated with the quarry operations)

Security Fencing and Signage

- 7 Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall construct a fence along the quarry sites frontage to Westport Road to the edge of the approved ‘expansion area’. The fence shall be constructed to the standard of the current site fence or better and is to include a return fence along the sites side boundaries for a minimum distance of 40m. The site shall also be appropriately signposted to discourage unauthorised entry.
(Reason: To provide improved security to the Quarry site)

Westport Road

- 8 Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off site, the Quarry Operator shall implement a system of warning signage to be displayed when the quarry is operating so as to warn other road user of heavy trucks entering and leaving the road into the quarry
(Reason: To provide improved communication with local road users regarding quarry operations)

Dust Mitigation

- 9 Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off-site the Quarry Operator shall
- I. Implement procedures to ensure that a suitable vegetative buffer around the east and north edge of the quarry area is maintained
 - II. Utilise a water truck to
 - wet and main internal haul route within the quarry and at the entrance
 - dampen the section of road near the closest residence (northern side of Westport Rd)
 - III. Provide for the site supervisor to alter or cease dust emitting activity should weather conditions direct dust to and potentially impact on the closest residence
- (Reason: To mitigate potential impacts from dust from quarry operations including transport of gravel)

Operational Environmental Management Plan

- 10 Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall prepare and implement an Operational Environmental Management Plan (OEMP). Such plan shall be based on the document included as Appendix 8 in the EIS. Note that the OEMP may incorporate additional matters to satisfy these conditions of consent.
(Reason: To ensure appropriate environmental management procedures are in place before any work associated with the quarry expansion commences)

Rehabilitation

- 11 Prior to any gravel from the area included in the “expansion” of the Westport Quarry being transported off-site the Quarry Operator shall implement a system whereby a levy of 8cents per tonne of gravel taken from the site, is paid to a “Westport Quarry Rehabilitation Fund”. Details of tonnage transported from the quarry shall be monitored and recorded with levy amount transferred to the rehabilitation fund on an annual basis.
Such levy shall be increased annually in line with the relevant Consumer Price Index.
- 12 Rehabilitation work as outlined in the EIS shall be undertaken on the site upon cessation of quarrying activities.
(Reason: To provide funds for future rehabilitation of the site)

Annual production of materials

- 13 The EIS indicates that historically, the maximum extraction from the Westport Quarry has been 5,000 tonnes although additional extraction may be required for flood damage repair work (which to date has not been the case).
Should such additional extraction be required, the Quarry Operator shall ensure that the closest residents along Westport Road are notified of such circumstances prior to extended quarrying operations being undertaken.
Notwithstanding the above, annual extraction shall not exceed 30,000 tonnes unless an Environment

NORTHERN JOINT REGIONAL PLANNING PANEL

Protection License under the Protection of the Environment Operations Act 1997 has been issued.

(Reason: Statutory requirement)

14 **Hours of operation**

The activities associated with the operation of the quarry are restricted to the following, as per the EIS:

Activity	Operating Times
Dozer operation for winning, clearing and site remediation	7.00am – 6.00 pm Monday to Saturday
Crushing and screening within quarry pit	7.00am – 6.00 pm Monday to Friday
Loading and Transport	7.00am – 6.00 pm Monday to Friday
Staff, maintenance and servicing of plant and equipment on-site	As required
Emergency	* As required

*Emergency refers to supplying materials to the RTA, ARTC, SES and Councils or other agencies under emergency conditions

(Reason: to ensure reasonable hours of operation)

Emergency Evacuation Plan

15 Prior to any clearing of the area included in the “expansion” of the Westport Quarry, the Quarry Operator shall prepare an emergency evacuation plan addressing Section 4.2.7 of ‘Planning For Bushfire Protection 2006’ for the site and a copy provided to the Council prior to the commencement of this development.

(Reason: to comply with the NSW RFS requirements).