

## NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Kempsey Shire Council on Thursday 20 August 2015 at 3:30 pm

Panel Members: Garry West (chair), Pamela Westing, Bruce Clarke, Cr Rhonda Hoban and Daniel Walsh

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

**2014NTH017 Kempsey Shire Council T6-14-272 [at 627 Pacific Highway, South Kempsey] as described in Schedule 1.**

**Date of determination:** 20 August 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 assessment satisfied the Panel that the proposal is not considered to be a 'potentially hazardous' or 'potentially offensive' industry (SEPP No.33 – Hazardous and Offensive Development); the vegetation to be cleared has already been offset as part of the rezoning of the land to industrial, therefore the potential impact on the koala and its habitat have been met (SEPP No.55 – Koala Habitat Protection); and the proposal is in accordance with the objectives of the zoning of the Kempsey LEP 2013.

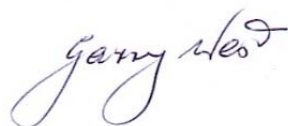
The panel adopted the assessment of those matters in the Council Assessment Report.

The principal reason for the panel decision was that the development complies with relevant legislation, environmental planning instruments and relevant development controls ensuring the public interest is maintained. Other reasons for the panel decision were:

- 1) The conditions of Consent will ensure that impacts to the surrounding environment are minimal;
- 2) The surface water runoff will be contained within the quarry site;
- 3) The haulage route avoids residential areas and any school zones;
- 4) Consent conditions will ensure the air quality measures are implemented;
- 5) Operational noise criteria has been conditioned requiring mitigation measures to be undertaken to ensure continuous compliance;
- 6) Blast noise and vibration criteria has been conditioned together with monitoring of each blast event to ensure continuous compliance; and
- 7) Once quarry extraction ceases, the land will be rehabilitated and developed for other industrial purposes.

**Conditions:** The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. Condition C3 was amended to align the hours of operation with the hours submitted in the EPA GTA's; and condition 46 to extend the period for the submission of Annual Reports to council from 1 month to 3 months. Approved conditions are in Schedule B

**Panel members:**



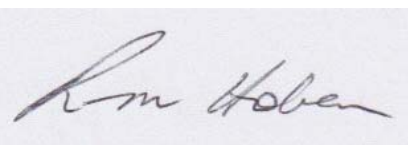
**Garry West (chair)**




**Pamela Westing**



**Bruce Clarke**



**Rhonda Hoban**



**Daniel Walsh**

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014NTH017 Kempsey Shire Council T6-14-272
2	<b>Proposed development:</b> Continued extraction of up to 500,000 tonnes per annum of hard rock at the existing quarry, extend extraction activities beyond the approved limit by approximately 8ha, extend the depth of extraction in the existing approved extraction area by up to 8m, and extend the operational life of the quarry to 15 - 20 years
3	<b>Street address:</b> 627 Pacific Highway, South Kempsey
4	<b>Applicant:</b> Pacific Blue Metal Pty Ltd <b>Owner:</b> Galban Pty Ltd
5	<b>Type of Regional development:</b> Extractive Industry – Designated development
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007</li> <li>• State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>• State Environmental Planning Policy No. 44 – Koala Habitat Protection</li> <li>• Kempsey Local Environmental Plan 2013</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: 10 August 2015 Written submissions during public exhibition: two (2) Supplementary Report from Kempsey Shire Council dated 19 August 2015 Verbal submissions at the panel meeting: Support- None; Against- Mrs Den-hertog; On behalf of the applicant- Charlie Kennett, Quarry Manager; Kempsey Shire Council – Rachael Jeffrey, Town Planner; Erin Fuller, Manager, Development Assessment; and Les Pawhak, Compliance Officer.
8	<b>Meetings and site inspections by the panel:</b> Site Visit 20 August 2015
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Attached to council supplementary assessment report dated 19 August 2015 and as amended at the meeting.