

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Evans Head Offices of Richmond Valley Council
on Friday 21 August 2015 at 10:30 am

Panel Members: Garry West (chair), Pamela Westing, Bruce Clarke,
Cr Robert Hayes and Cr Daniel Simpson

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014NTH023 Richmond Valley Council 2015.130 [at 499 Woodburn Evans Head Road Doonbah] as described in Schedule 1.

Date of determination: 21 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 the development is not considered hazardous or offensive and therefore satisfies the terms of SEPP No.33; whilst there was evidence of koalas present within the property it was assessed that the site does not constitute 'core Koala habitat' and does not require a KPOM and therefore satisfies SEPP No.44; the subject land is not considered to be contaminated and satisfies the requirements of SEPP No.55 and is considered consistent with the zone objectives of the Richmond Valley Council LEP 2012.

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

The principal reason for the panel decision was that it is considered the proposed development complies with legislative requirements and the impacts have been adequately assessed and mitigated where feasible.

Other reasons for the panel decision were;

- 1) Traffic safety has been addressed through conditions of consent including restricting trucks along the Woodburn-Evans Head Road during school bus drop off and pickups, limiting the total number of truck movements and modifying the haul route after the completion of the Pacific Highway upgrade to restrict truck movements through the township of Woodburn;
- 2) Impacted EEC will be offset through a Biobanking scheme and appropriately conditioned to ensure its protection;
- 3) Site rehabilitation has been appropriately assessed and conditioned;
- 4) Groundwater impacts will be managed by the Office of Water GTA's; and
- 5) Air quality and noise impacts both operational and those generated by transportation activities have been adequately addressed and will be regulated by the EPA GTA's; conditions of consent ensuring ongoing management and compliance; and conditions of consent requiring the sealing of part of the access to the quarry.




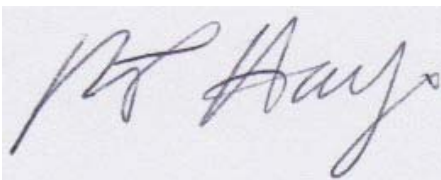

Conditions:

The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. These amendments were amending Condition 6 requiring the proponent to consult and reach agreement with the bus companies and Richmond Valley Council regarding operational and communication protocols for haulage trucks operating on the Woodburn-Evans Head Road; Condition 8 so as to amend the haulage route to include Woodburn-Evans Head Road from the site access to Evans Head and to define the haulage route

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through Woodburn after the completion of the Pacific Highway upgrade; Delete Condition 16 as it is covered in condition 17; condition 39 to require the proposed upgrade works at the intersection of the Woodburn Evans Head Road only once the operations exceed the extraction rate of 50,000 tonnes per year.

Panel members:

 Garry West (chair)	 Pamela Westing	 Bruce Clarke
 Robert Hayes	 Daniel Simpson	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014NTH023 Richmond Valley Council 2015.130
2	Proposed development: Expansion of existing extractive industry from 35,715 m ³ to a combined 490,000 tonnes (extraction and importation of material for blending) per annum from a total resource of 4 million tonnes for up to 25 years.
3	Street address: 499 Woodburn Evans Head Road Doonbah
4	Applicant: C and J Uebergang C/- Ben Luffman GHD
5	Type of Regional development: Extractive Industry – 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 (Infrastructure) 2007 • State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State and Regional Development) 2011 • Richmond Valley Local Environmental Plan 2012 • Richmond Valley Development Control 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: 30 July 2015 Written submissions during public exhibition: seven (7) Written Submission by GHD on behalf of the Applicant dated 19 August 2015 Submission from Richmond Valley Council concerning future truck movements through Woodburn. Verbal submissions at the panel meeting: Support- None; Against – Peter Baker; On behalf of the applicant- Ben Luffman, Senior Environmental Scientist/Planner GHD; Richmond Valley Council – Stephen McCarthy, Co-ordinator, Development Assessment; Andrew Hanna, Co-ordinator, Environment and Regulatory Control; and Paul Radnidge, Manager, Assessment, Environment & Regulation.
8	Meetings and site inspections by the panel: Site Visit 21 August 2015
9	Council recommendation: Approval
10	Draft conditions: As attached to Council Assessment Report and as amended at the determination meeting.