

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Ballina Shire Council on Friday 21 August 2015 at 2:00 pm

Panel Members: Garry West (chair), Pamela Westing, Bruce Clarke, David Wright and Steve Barnier

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014NTH024 Ballina 2014/615 [at Lots 2 and 3 DP 1192234, Old Bagotville Road and Montis Road, Bagotville] as described in Schedule 1.

Date of determination: 21 August 2015

Decision:

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

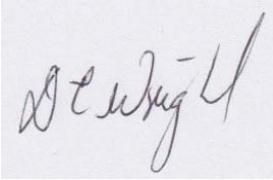
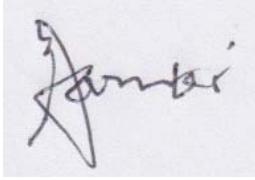
The principal reason for the panel decision is that the application is not in the public interest as it significantly impacts on Critical State Significant Infrastructure specifically listed in Schedule 5 of the State Environmental Planning Policy (State and Regional Development) 2011.

Other reasons for the panel decision were:

- 1) The proposal is not considered to be the orderly and economic development of the land and would restrict the provision for the development of public services and infrastructure. This is inconsistent with the aims of the Environmental Planning and Assessment Act and the Ballina Local Environmental Plan 2012;
- 2) The application does not have the support of the NSW Transport Roads and Maritime Services as it is proposed within the direct alignment of the Woolgoolga to Ballina Pacific Highway Upgrade Project;
- 3) The landowners have been advised by the NSW Transport Roads and Maritime Services of the intention to purchase the affected land. Therefore the road infrastructure is considered imminent and the site is not suitable for the proposed development;
- 4) The proposal is incompatible with clause 12 of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007;
- 5) The application has not adequately demonstrated that the vibration from heavy vehicle haulage trucks will not unreasonably impact on residents, particularly those along Carlisle Street, Wardell; and
- 6) The application has not adequately addressed the potential adverse cumulative impact of heavy vehicle haulage trucks operating under peak capacity on the amenity of residents along the haulage route.

Conditions: The panel adopts the Council Assessment Report, and agrees with the recommended reasons for refusal in the report.

Panel members:

 Garry West (chair)	 Pamela Westing	 Bruce Clarke
 David Wright	 Steve Barnier	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014NTH024 Ballina 2014/615
2	Proposed development: Designated (Integrated) Development Proposal to undertake the expansion of an existing extractive industry (gravel quarry) with a total extractable resource amount of 2.39 million cubic metres (in situ)
3	Street address: Lots 2 and 3 DP 1192234, Old Bagotville Road and Montis Road, Bagotville
4	Applicant: Ardill Payne and Partners (on behalf of AK, PD & CJ Monti)
5	Type of Regional development: Extractive Industry – designated development [more than 30,000 cubic metres of extractive material per year, or disturb a total surface area of more than two (2) hectares]
6	<p>Relevant mandatory considerations</p> <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 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State and Regional Development) 2011 • Ballina Local Environmental Plan 2012 • Ballina 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	<p>Material considered by the panel:</p> <p>Council Assessment Report Dated: August 2015</p> <p>Written submissions during public exhibition: eight (8)</p> <p>Written submission by the applicant dated 20 August 2015</p> <p>Verbal submissions at the panel meeting: Support- None; Against- Mia Cassidy; On behalf of the applicant- Paul Snellgrove</p> <p>Ballina Council: Anthony Peters, Senior Town Planner; Andrew Smith, Manager, Development Services</p>
8	Meetings and site inspections by the panel: Site Visit 21 August 2015
9	Council recommendation: Refusal
10	Draft conditions: Not supplied