

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Port Macquarie-Hastings Council on Thursday 20 August 2015 at 10:30 am

Panel Members: Garry West (chair), Pamela Westing, Bruce Clarke, Paul Drake and Matt Rogers

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2015NTH001 Port Macquarie-Hastings Council DA2014 - 960.1 [at PLT 129 DP 754445, 129 Milligans Road Herons Creek] 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 project was not considered an 'offensive industry' (SEPP No. 33 – Hazardous and Offensive Development); no koala habitat is to be removed or modified (SEPP No. 44 – Koala Habitat Protection); the subject land is not identified as being potentially contaminated (SEPP No. 55 – Remediation of Land); and the proposal is consistent with the zone objectives of the Port Macquarie-Hastings LEP 2011.

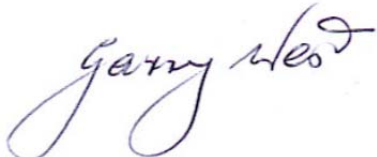


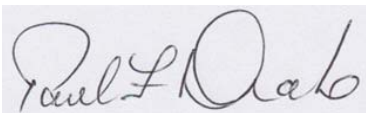
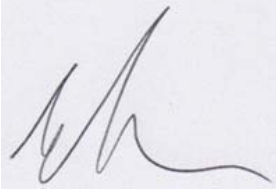
The panel adopted the assessment of those matters in the Council Assessment Report.

The principal reason for the panel decision was that the proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality. Other reasons for the panel decision were:

- 1) The road, transport and traffic impacts were adequately assessed and appropriately conditioned to ensure the safety of all road users;
- 2) The Soil and Water Management Plan adequately outlines how the site operations will be managed so that potential impacts on soil and water resources are minimised and the operational water needs on the site are met;
- 3) Air quality mitigation measures were assessed and conditioned; and
- 4) A full Rehabilitation Plan is required to be submitted to council within six (6) months from the date of consent.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. The following recommended Conditions of Approval were amended at the meeting: Condition 14, to delete reference to a S96 modification; condition 15 to require the truck management plan to include a driver code of conduct; delete condition 16, as it is covered by condition 21; condition 17 to require a video recording apparatus to be installed at the weighbridge and to require road works to be completed prior to the export of 30,000 tonnes of material; condition 19 deleting reference to 12 months for the road works to be undertaken and enhancing the road works required; in Section F the addition of 2 new conditions requiring annual reporting to Council and adding restrictions attached to the hours of operation.

Panel members:

 Garry West (chair)	 Pamela Westing	 Bruce Clarke
 Paul Drake	 Matt Rogers	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015NTH001 Port Macquarie-Hastings Council DA2014 - 960.1
2	Proposed development: Alterations to Extractive Industry - Increase in Extraction (Bago Quarry)
3	Street address: PLT 129 DP 754445, 129 Milligans Road Herons Creek
4	Applicant: M, W & I Roche
5	Type of Regional development: Designated development – extractive industry
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 • State Environmental Planning Policy (Rural Lands) 2008 • State Environmental Planning Policy (State and Regional Development) 2011 • Port Macquarie-Hastings Local Environmental Plan 2011 • Development Control Plan 2013 • Draft Bago Quarry Planning Agreement • 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: 5 August 2015 Written submissions during public exhibition: three (3) Verbal submissions at the panel meeting: Support- None; Against- None; On behalf of the applicant- Mark Roche, Applicant and Murray Curtis, ERM. Port Macquarie-Hastings Council: Patrick Galbraith-Robertson, Development Assessment Planner; David Troemel, Co-ordinator, Development Engineering; and Bevan Crofts, Development Engineer.
8	Meetings and site inspections by the panel: Site Visit 20 August 2015
9	Council recommendation: Approval
10	Draft conditions: Attached to Council Assessment Report