

NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Grafton Community and Function Centre on 21 October at 9.00am

Panel Members: Garry West (Chair), John Griffin, Pamela Westing, Cr Richie Williamson and Cr Craig Howe

Apologies: NIL Declarations of Interest: NIL

Determination and Statement of Reasons

2015NTH007 – CLARENCE VALLEY - MOD2015/008 [Boundary Creek Forest Road Nymboida] as described in Schedule 1.

Date of determination: 21 October 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:

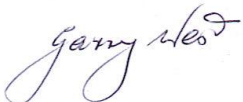
The panel adopted Council's Assessment Report.

The principal reason for the panel decision was that the modification provided an additional access to the quarry for heavy vehicles thereby providing a better location in terms of road safety. Other reasons for the panel decision were:

- 1) The overburden proposed for sale did not include any topsoil that could be used in rehabilitation;
- 2) The alternate creek crossing proposed for Copes Creek will not have a detrimental impact on water quality flowing into the Nymboida River;
- 3) The higher extraction rate was used for the assessment of the original application and therefore there should be no additional impacts resulting by moving to a higher extraction at the commencement of operations.

Conditions: The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. Condition 19 g) was amended to remove words that were of an advice nature rather than a conditional requirement. Final approved conditions are attached.

Panel members:

 Garry West (Chair)	 John Griffin	 Pamela Westing
 Cr Richie Williamson	 Cr Craig Howe	

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SCHEDULE 1

1	JRPP Reference – LGA – Council Reference: 2015NTH007 Clarence Valley MOD2015/0008: Modification to DA2014/0024
2	Proposed development: Modification to DA2014/0024 (extraction rates, creek crossing and site access. Modification of development consent (s96(2)) Extractive Industry (hard rock quarry) previously granted by the panel.
3	Street address: Boundary Creek Forest Road, Nymboida
4	Applicant/Owner: Greenhill Bros P/L (c/o GeoLINK) / Unwin Gaine Cartmill
5	Type of Regional development: Development for the purposes of an extractive industry, which meets the requirements for designated development
6	Relevant mandatory considerations: • 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 • Clarence Valley Local Environmental Plan 2011 • Clarence Valley Council Rural Zones Development Control Plan 2011 • 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 15 October 2015 Written submissions during public exhibition: 4 Verbal submissions at the panel meeting: Support- None; Against- None; On behalf of the applicant- Simon Waterworth, Director, GeoLINK; Mr Gaine Cartmill (Owner); On behalf of Council Ian Dodd, Development Engineer & Sarah Sozou, Development Planner
8	Meetings and site inspections by the panel: Determination meeting on 21 October 2015
9	Council recommendation: Approve
10	Draft conditions: Subject to Conditions in Assessment Report as amended at the meeting.