

DETERMINATION AND STATEMENT OF REASONS
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	24 November 2020
PANEL MEMBERS	Stephen Gow (Acting Chair), Penny Holloway, Denise Knight and George Cecato
APOLOGIES	None
DECLARATIONS OF INTEREST	Paul Mitchell declared a conflict of interest as he had acted for the owner in land acquisition proceedings about 5 years ago.

Papers circulated electronically on 9 November 2020.

MATTER DETERMINED

PPS-2015NTH025 – Coffs Harbour City Council - 0328/16DA at Lot 550, DP 1181369, 3367 Solitary Islands Way (formerly Lot 24, DP 705683, 4003 Pacific Highway) and Lot 76, DP 752820 – quarry (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the following reasons:

1. The proposal is permissible pursuant to State Environmental Planning Policy (Mining Petroleum and Extractive Industries) 2007 and (for that land in the RU2 Rural Landscape Zone) the Coffs Harbour LEP 2013. The proposal is consistent with relevant provisions of Coffs Harbour DCP 2015. Limited imported material, required for blending with quarry product from the site, is allowed for in the consent as an ancillary component of the project.
2. The site of the proposed development benefits from existing use rights for extractive industry for up to 17000m³ quarried material per annum, as well as a consent for concrete block manufacturing. The site is considered to be sufficiently separated from neighbouring residences and has adequate visual isolation.
3. The proposal has the potential for beneficial social and economic impacts. It can create local employment and contribute to regional road construction projects over the approved 20 year extraction period.
4. The application was referred to the Natural Resources Access Regulator and the Environmental Protection Authority and their General Terms of Approval have been incorporated into the conditions for consent. The advice of Transport for NSW and Council's engineering staff was also considered in relation to traffic impacts and safety.
5. The panel considered submissions from the applicant relating to the capital costs of establishing certain infrastructure, including road intersection works, prior to the commencement of operations under this proposal. Conditions provide for a limited start up period of three months during which alternative arrangements to the satisfaction of the Council/roads authority can be implemented.

6. The panel has carefully considered the issues raised by objectors and believes they have been resolved either in the assessment of the proposal or by the conditions to be imposed. There are no residual issues that warrant refusal of the application.
7. Overall the panel finds that the proposal is acceptable subject to conditions and for this reason as well as those given above believes approval will be in the public interest.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report, with the following amendments:

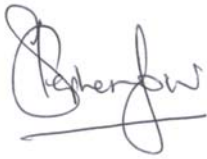
- Condition 1 - Amended to incorporate the comments/response from the panel regarding the limited use of certain imported materials for blending with quarry products
- Condition 7 - Removes the need for a civil works construction certificate and instead requires relevant approval from the relevant roads authority
- Condition 17 - Amended to incorporate comments/response from the panel so that intersection upgrading works at Solitary Islands Way are not required until three months from commencement of quarry operations. A traffic control plan to be implemented up until intersection upgrade works are completed.
- Condition 18 - Replace civil works principal certifying authority with relevant roads authority
- Condition 21 - Allow a suitable weighing 'system approved by Council' for first three months of operation. A weighbridge to be installed within three months of operations.
- Condition 36 - Fix typographical error in point (1); The order of conditions 36 and 37 is reversed.
- Condition 39 – Clarify application of contribution applicable for haulage on Council roads.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Blasting will result in impacts to the health and wellbeing of adjoining residents.
- The quarrying activities will result in dust impacts to adjoining residents.
- The development will impact on wildlife.
- The development will negatively affect property values.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the site inspection or briefing meeting. The panel also notes that in addressing these issues appropriate conditions have been imposed to ensure safe and environmentally acceptable operation of the proposed facility.

PANEL MEMBERS	
 Stephen Gow (Acting Chair)	 Penny Holloway
 Denise Knight	 George Cecato

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2015NTH025 – Coffs Harbour City Council - 0328/16DA
2	PROPOSED DEVELOPMENT	Extractive industry (quarry) with maximum extraction rate of 490,000 tonnes per annum
3	STREET ADDRESS	Lot 550, DP 1181369, 3367 Solitary Islands Way (formerly Lot 24, DP 705683, 4003 Pacific Highway) and Lot 76, DP 752820
4	APPLICANT OWNER	Ben Luffman – GHD NSW Minister for Lands
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy No 55 – Remediation of Land - State Environmental Planning Policy (Mining Petroleum and Extractive Industries) 2007 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Rural Lands) 2008 - State Environmental Planning Policy (State and Regional Development) 2011 - Coffs Harbour Local Environmental Plan 2013 - Draft environmental planning instruments: Nil - Development control plans: - Coffs Harbour Development Control Plan 2015 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - Coastal zone management plan: Nil - 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 9 November 2020 - Applicant submission regarding proposed conditions of consent and Council response: 17 November 2020 - Written submissions during public exhibition: three (3) - Memorandum from Council Development Engineer: 18 November 2020
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Site inspection: 17 November 2020 <u>Panel members</u>: Stephen Gow (Acting Chair), Denise Knight and George Cecato <u>Council assessment staff</u>: Gilbert Blackburn, Marion Rhodes and Tim Smith <u>Applicant representatives</u>: Joe Cauchi - Final briefing to discuss council's recommendation: 18 November 2020 <u>Panel members</u>: Stephen Gow (Chair), Penny Holloway, Denise Knight and George Cecato <u>Council assessment staff</u>: Gilbert Blackburn, Marion Rhodes and Tim Smith

		- Applicant Briefing: 18 November 2020 <u>Panel members</u>: Stephen Gow (Chair), Penny Holloway, Denise Knight and George Cecato <u>Applicant representatives</u>: Ben Luffman, Louise Cauchi, Joe Cauchi and Dianne Sweid <u>Note</u>: Applicant briefing was requested to respond to the recommendations in the council assessment report.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report