

COUNCIL ASSESSMENT REPORT

Panel Reference	2019NTH006
DA Number	DA 2011-0034
LGA	KYOGLE COUNCIL
Proposed Development	Modification of existing consent (establishment and operation of a quarry) to provide an additional permitted haulage route
Street Address	Edenville Road, Cedar Point
Applicant/Owner	Stephen Fletcher and Associates Pty Ltd/ Grahams Quarries Pty Ltd
Date of DA lodgement	17 December 2018
Number of Submissions	31 + 2 petitions
Recommendation	Approval, subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Item 7 in Schedule 7 of the SEPP. Clause 123BA of the <i>EP&A Regulation</i> provides that a regional panel is the determining authority for applications to modify an existing consent under section 4.55(2) of the <i>EP&A Act</i> where the original development was regionally significant development.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Kyogle Local Environmental Plan 2012 • <i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i> • Kyogle Development Control Plan 2014
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Planning Assessment Report 2. Copy of submissions received 3. Submissions analysis 4. Existing consent 5. Request for further information (RFI) 6. Applicant's response to RFI 7. State agency comments 8. Council assessment of suitability of haul (including traffic counts, Omagh Road condition assessment and Wadsworth Bridge structural assessment)
Report prepared by	PLANIT Consulting on behalf of Kyogle Council
Report date	6 November 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (\$7.24)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes, draft conditions have

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions,

notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

been provided to
the applicant
however,
comment has not
been sought as
there was
insufficient time to
request and
consider
comments prior to
submission of this
assessment report.
It is not considered
that the applicant
is likely to have
major objection to
the recommended
amended or
additional
conditions.