

DATE OF DETERMINATION	7 October 2021
PANEL MEMBERS	Paul Mitchell (Chair), Penny Holloway and Chris Wilson
APOLOGIES	Stephen Gow
DECLARATIONS OF INTEREST	Robert Hayes and Daniel Simpson declared conflicts of interest, as Richmond Valley Council is the landowner of the application site and they are elected Councillors

Papers circulated electronically on 15 September 2021.

MATTER DETERMINED

PPSNTH-101 – Richmond Valley – DA/1989/0062.01 at 4250 Bruxner Highway, Woodview – modification to Woodview Quarry development consent (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.

Modification application

The panel determined to approve the modification application pursuant to section 4.55(2) 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 Panel is satisfied that the proposed modification is substantially the same development as that originally approved.
2. The site of the proposed modification, being an existing and well-established quarry, is suitable for the intended use.
3. The proposed modification is consistent with relevant provisions of the applicable planning instruments, including the Mining SEPP.
4. The modified development will remain within the approved footprint of the existing quarry and will not involve increased truck movements. For these reasons and given the safeguards incorporated into the existing operation, the modification will not materially change environmental impacts.
5. For the above reasons and because the modification will enable orderly use of valuable geological resources, approval of the application is in the public interest.

CONDITIONS

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

- Condition j to be amended to read:

A rehabilitation plan shall be prepared, submitted and approved by Council within 3 months of the total extractive volume reaching 4.5 million tonnes, or within 3 months of any closure of the quarry. The rehabilitation plan shall include detail confirming the implementation of rehabilitation works including timeframes.

- Condition l to read:

The total amount of material extracted and transported in any annual return period shall not exceed 205,000 tonnes. The total extracted resource shall not exceed 5 million tonnes for the life of the development.

Truck movements, inclusive of all incoming and outgoing trucks, in any one-day period shall not exceed thirty-six (36) truck movements Monday to Saturday, excluding Public Holidays.

- Condition n to be amended to read:

The developer shall ensure that all extracted material is weighed when leaving the site. Accurate records shall be kept confirming the volumes of all extracted material leaving the site, and provided to Council upon request. Condition s to be amended to read:

The development shall be undertaken in accordance the submitted Surface Water Management Plan Ref 2580.800.001 dated May 2021 prepared by Groundworks Plus.

- Condition q to be added:

Prior to the commencement of operations, the proponent shall submit a Complaints Management Plan and Register which must include:

- A telephone number on which complaints and enquiries about construction and operation activities may be registered.
- A postal address to which written complaints and enquiries may be sent.
- An email address to which electronic complaints and enquiries may be sent.
- Records and detail of all complaints received, including how they were addressed and whether resolution was reached shall be kept and provided to Council upon request.

The information contained within the Plan must be made available to Council upon request.




- Condition r to be added:

An amended Traffic Management Plan including a Drivers Code of Conduct shall be submitted to and approved by Richmond Valley Council prior to the commencement of the modification consent.

The wording on page one of the draft modification instrument attached to the **Addendum to Council Assessment Report** provided on 1 October 2021 should be amended to show that Council is issuing the notice of determination and the Northern Regional Planning Panel is the consent authority.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Paul Mitchell OAM (Chair)	 Penny Holloway
 Chris Wilson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-101 – Richmond Valley – DA/1989/0062.01
2	PROPOSED DEVELOPMENT	<p>Section 4.55 (2) modification to approved extractive industry to enable:</p> <ul style="list-style-type: none"> a) The annual extraction limit to be described in tonnes rather than cubic metres b) The annual extraction limit to increase from 50,000m3 to 73,740m3, which if expressed in tonnes (t) is an increase from 139,000t to 205,000t c) Modernisation / alignment with the conditions of the Environment Protection License
3	STREET ADDRESS	4250 Bruxner Highway, Woodview
4	APPLICANT OWNER	Groundworks Plus Pty Ltd Richmond Valley Council
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Richmond Valley Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Nil • 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	<ul style="list-style-type: none"> • Council assessment report: 15 September 2021 • Council memorandum: 15 September 2021 • Council memorandum: 17 September 2021 • Council memorandum: 21 September 2021 • Addendum to Council Assessment Report: 1 October 2021 • Written submissions during public exhibition: nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 23 September 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway and Chris Wilson ○ <u>Council assessment staff</u>: Megan Yates, Chad Borgeest, Brian Eggins, Cherie Smith and Pooja Chugh ○ <u>Department staff</u>: Amanda Moylan and Lisa Foley • Applicant Briefing: 23 September 2021

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway and Chris Wilson ○ <u>Council assessment staff</u>: Megan Yates, Chad Borgeest, Brian Eggins, Cherie Smith and Pooja Chugh ○ <u>Department staff</u>: Amanda Moylan and Lisa Foley ○ <u>Applicant representatives</u>: Jim Lawler, Dave Ellis and Rod Graham <p><u>Note</u>: Applicant briefing was requested to respond to the recommendation in the council assessment report</p>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report