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| DATE OF DETERMINATION | 28 July 2022 |
| DATE OF PANEL DECISION | 28 July 2022 |
| PANEL MEMBERS | Paul Mitchell (Chair), Penny Holloway, Stephen Gow, John Coulton and Catherine Egan |
| APOLOGIES | None |
| DECLARATIONS OF INTEREST | None |

Papers circulated electronically on 12 July 2022.

MATTER DETERMINED

PPSNTH-123 – Gwydir– DA 34/2021 at 472 Minilya Road, North Star – extractive industry (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 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 a permissible development in the RU1 Primary Production zone and is consistent with relevant zone objectives.
2. The proposal satisfies the relevant provisions of the Gwydir LEP 2013 and other applicable State planning policies.
3. The site of the proposed development is suitable for its intended use. It is largely free of environmental constraints, already contains a smaller operational quarry, is compatible with the adjoining land uses, has appropriate road access and is close to the main market destination for the quarry products being the Inland Rail corridor.
4. The proposal, together with the conditions imposed on this approval, will ensure that suitable safe road access is provided, that potential environmental impacts including fly rock control from blasting are effectively managed, and that satisfactory rehabilitation and post extraction land use will occur.
5. The proposal will assist in cost efficient development of the Inland Railway and thus have direct and broader socio-economic benefits.
6. For the reasons given above, approval of the application is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions in Attachment A (amended) of the Council Assessment Report with the following amendments:



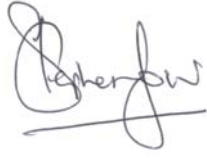

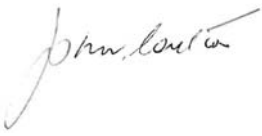
- Condition B1 - insert the following haulage hours into the table:

| Activity | Monday to Friday | Saturday | Sunday | Public Holidays |
|----------|------------------|------------------|--------|-----------------|
| Haulage | 6.00am to 6.00pm | 7.00am to 1.00pm | Nil | Nil |

- Condition B5 – In the event that the approved quarries in the locality (Pearlmans and Tikitere) and the subject development will operate concurrently, a cumulative traffic impact assessment is to be prepared and submitted to Council’s Director of Engineering Services for approval. All required works identified in the assessment are to be implemented, prior to concurrent operations.
- Condition D3(a) – insert ‘The Applicant/Owner is to prepare and obtain approval from Council’s Director of Engineering Services for a’ prior to ‘Blast Management Plan’
- Condition D3(c) – delete the words at the start ‘The establishment of Private Agreement/s’ and replace with ‘The Applicant/Owner is to seek the agreement’.

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 | |
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|  Paul Mitchell OAM (Chair) |  Penny Holloway |
|  Stephen Gow |  Catherine Egan |
|  John Coulton | |

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DA NO. | PPSNTH-123 – Gwydir– DA 34/2021 |
| 2 | PROPOSED DEVELOPMENT | Extractive Industry – 490,000 tonnes per year for a period of five (5) years to service the Inland Rail Project and associated road upgrade projects and then a maximum of 150,000 tonnes per year for a further period of ten (10) years to service general market in the local area |
| 3 | STREET ADDRESS | Lot 7 DP 755984 & Part Lot 1 DP 1227212 427 Minilya Road, North Star NSW 2408 |
| 4 | APPLICANT OWNER | Jim Lawler Doolin Minilya Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Designated development - extractive industry |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity & Conservation) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience & Hazards) 2021 State Environmental Planning Policy (Resources & Energy) 2021 State Environmental Planning Policy (Transport & Infrastructure) 2021 Gwydir Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: nil Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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: 11 July 2022 Written submissions during public exhibition: nil |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> Briefing: 23 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, John Coulton and Catherine Egan <u>Council assessment staff</u>: Patsy Cox <u>Department staff</u>: Carolyn Hunt and Lisa Foley Final briefing to discuss council's recommendation: 19 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, John Coulton and Catherine Egan <u>Council assessment staff</u>: Patsy Cox and Alex Eddy <u>Department staff</u>: Carolyn Hunt and Lisa Foley Applicant Briefing: 19 July 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, John Coulton and Catherine Egan |

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| | | <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Patsy Cox and Alex Eddy ○ <u>Department staff</u>: Carolyn Hunt and Lisa Foley ○ <u>Applicant representatives</u>: Jim Lawler, Steve Guy, Peter Hewson, Ashleigh Zarlenga and Richard Thompkins <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 as Attachment A – Draft Schedule of Conditions - Amended |