

RECORD OF DEFERRAL

NORTHERN REGIONAL PLANNING PANEL

| | |
|---------------------------------|---|
| DATE OF DEFERRAL | 8 December 2020 |
| PANEL MEMBERS | Penny Holloway (Acting Chair), Stephen Gow, Peter Petty and Bob Rogan |
| APOLOGIES | Paul Mitchell and Greg Sauer |
| DECLARATIONS OF INTEREST | None |

Public meeting held by teleconference on 8 December 2020, opened at 4:00pm and closed at 6:03pm.

MATTER DEFERRED

PPSNTH-13 – Tenterfield – 2019.101 at Mt Lindesay Road, Tenterfield – extractive industry (as described in Schedule 1)

REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter until an independent review of the Human Health Risk Assessment for Respirable Crystalline Silica: Expansion of Dowe's Quarry has been undertaken by suitably qualified consultants engaged by Tenterfield Council at the applicant's expense.

The independent review must be undertaken and reported to the panel by 31 March 2021 and must:

- consider the adequacy of the Human Health Risk Assessment and the proposed mitigation measures for the emission of respirable crystalline silica in the workplace and in the surrounding community
- identify any gaps in the documentation, analysis, assessment and recommendations
- propose any other measures that could reasonably be applied to manage and mitigate the emission of respirable crystalline silica





The reason for the deferral is to enable the independent review of the Human Health Risk Assessment for Respirable Crystalline Silica to be undertaken, because:

- the proposed expansion and changed operations, including on-site crushing, at Dowe's Quarry will produce a level of respirable crystalline silica dust
- residents and members of the community surrounding the quarry have made submissions expressing their concern about the management of dust emission from proposed expanded quarry operations
- the panel wishes to be satisfied that the proposed expanded quarry will be able to operate with acceptable measures in place to manage and mitigate respirable crystalline silica dust emissions.

When this information has been received, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

| PANEL MEMBERS | |
|--|--|
|  Penny Holloway (Acting Chair) |  Stephen Gow |
|  Bob Rogan |  Peter Petty |

| SCHEDULE 1 | | |
|------------|-----------------------------------|---|
| 1 | PANEL REF – LGA – DA NO. | PPSNTH-13 – Tenterfield – 2019.101 |
| 2 | PROPOSED DEVELOPMENT | <p>The proposal seeks to increase production from the current approved volume of 150,000 tonnes per year to 230,000 tonnes per year at the existing Dowe's Quarry within an expanded extraction area.</p> <p>Processing activities, involving the crushing and screening of materials using mobile processing plant would also be included in ongoing operations.</p> |
| 3 | STREET ADDRESS | <p>Mt Lindesay Road, Tenterfield.</p> <ul style="list-style-type: none"> • Lots 308, 309 DP 751540 • Lots 3,4 DP 42044 • Lots 239, 244, 246, 260 DP 751540 • Lots 1,2,3,4 DP 1092215 |
| 4 | APPLICANT OWNER | Darryl McCarthy Constructions Pty Ltd R & M Dowe |
| 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 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 and Petroleum and Extractive Industries) 2007 ○ Tenterfield Local Environmental Plan 2013 ○ New England North West Regional Plan 2036 ○ Tenterfield Local Strategic Planning Statement 2040 • Draft environmental planning instruments: Nil • Development control plans: 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: 1 December 2020 • Written submissions during public exhibition: 46. • Documents tabled during the public: One (Summary of verbal submission) • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Christian Uhrig, Vince Sherry, Dianne Larson, Jessica Morrow, David Tumbridge, Peter Murphy, Laura Williams, Ben Morrow ○ Council assessment officer – Anthony Daintith, Tamai Davidson ○ On behalf of the applicant – Nick Warren, Nick Warren, Jackie Wright, Morgan Hamilton, Peta newton, Murray Payne, Darryl McCarthy, Rodney Dowe |

| | | |
|-----------|--|---|
| | | |
| 8 | MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Site inspection: 2 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Stephen Gow and Bob Rogan ○ <u>Council assessment staff</u>: Anthony Daintith and Tamai Davidson ○ <u>Applicant</u>: Murray Payne • Final briefing to discuss council's recommendation: 8 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Paul Mitchell (Chair), Penny Holloway, Stephen Gow, Peter Petty and Bob Rogan ○ <u>Council assessment staff</u>: Anthony Daintith, Tamai Davidson and Kylie Smith |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |