

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	22 May 2026
DATE OF PANEL DECISION	22 May 2026
DATE OF PANEL MEETING	12 May 2026
PANEL MEMBERS	Dianne Leeson, (Chair) Stephen Gow, Michael Wright
APOLOGIES	None
DECLARATIONS OF INTEREST	Brett McInnes declared a conflict of interest as Council has had a commercial relationship with the proponent, including historical purchase of gravel material from the subject Quarry site. That being the case, he would consider it appropriate to declare a conflict of interest and seek to be removed from consideration of the Development Application. For the record – former Councillor Diana Baker was appointed to the Panel by Council but is now no longer serving as a Councillor.

Papers circulated electronically on 1 May 2026.

MATTER DETERMINED

PPSNTH-413 - Inverell - DA-19/2025 - 472 Eddy Park Lane, Gum Flat - Continued operation of existing gravel quarry with a maximum extraction rate of 90,000 tonnes per year (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 the 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 reasons outlined in the Council Assessment Report.

In determining the application, the Panel was satisfied that there is little prospect of groundwater impact and that traffic, noise and air quality can be adequately managed. The Panel concluded that any potential adverse environmental impacts can be adequately mitigated by the imposition of conditions including requiring the operations to be carried out in accordance with the approved plans.

The Panel concluded that some elements of the proposed draft conditions were unnecessary or unreasonable and made a number of amendments. In respect of Eddy Park Lane road upgrades which had been recommended, the Panel concluded these were unreasonable when limitations on the use of relevant sections of Eddy Park Lane did not apply to other road users. The Panel agreed, however, that upgrade works are appropriate prior to any increase in haulage volumes on Eddy Park Lane. The Panel also agreed that the north bound haul route be restricted to rigid body trucks only unless suitably upgraded to accommodate articulated or truck and dog type vehicles.

The Panel concluded that requirements for community consultation in 'peak periods' is also unreasonable given the dynamic nature of the business and the imposition of maximum daily vehicle movements to and from the quarry site.

CONDITIONS

The Development Application was approved subject to the amended conditions attached to the Council Assessment Report (uploaded to the portal on 08/05/2026) with the following amendments:

- Amend Condition 3(d) to delete '10' and insert '25'
- Insert new Condition 4. Commence of Consent to read as follows and renumber the remaining conditions accordingly:

4. Commencement of Consent

This consent does not operate until the relevant plans under conditions 12, 13 and 14 have been completed to Council's satisfaction.

NOTE: Operation of the quarry requires an Environmental Protection Licence (EPL) to be obtained from the NSW Environment Protection Authority (EPA).

Reason: To clarify when the consent becomes active and operations on the site are approved.

- Delete former Condition 9. Environmental Protection Licence (EPL) and renumber the remaining conditions accordingly

- Amend Condition 10, which reads as follows:

10. Primary haulage route – Eddy Park Lane south bound to the Gwydir Highway via Copeton Dam Road east bound

The approved primary haulage route from the site access crossing via Eddy Park Lane south bound to Copeton Dam Road must be upgraded to a standard suitable for the proposed vehicle combinations. This includes sealing the access crossing from Eddy Park Lane to the site boundary.

Until the upgrade works are completed, south bound haulage must not exceed 10 laden trucks per day.

Before any road upgrade and access sealing works commence, a separate application must be made to Council for approval under Section 138 of the Roads Act 1993 for the upgrade works. This application must be lodged with Council within 6 months of the date of this consent, and the approved upgrade must be completed within 12 months of the date of this consent.

The application for approval under Section 138 of the Roads Act 1993 must be accompanied by detailed engineering survey and design to the relevant Australian and Austroads Standards.

Reason: To ensure the road is upgraded to a sufficient standard relative to the use and ensure all necessary approvals under the Roads Act 1993 are obtained for the development.

- Amend Condition 11, which reads as follows

11. Secondary haulage route – Eddy Park Lane north bound to the Gwydir Highway

The secondary haulage route from the access crossing via Eddy Park Lane north bound connecting with the Gwydir Highway must be upgraded to achieve a road standard suitable for the proposed vehicle combinations.

Until the upgrade works are completed the north bound haul route is restricted to access by up to 3 laden Rigid Body Trucks, without trailers, per day.

Within 4 weeks of the date of this consent a Dust Suppression Plan must be submitted to and approved by Council. The Dust Suppression Plan must detail mitigation works which will be implemented in the event of the proponent being notified of a dust nuisance occurring from

haulage along the north bound haul route. The proponent or any contractor will not be allowed to undertake any dust mitigation works identified within the Dust Suppression Plan unless written approval is granted via Section 138 of the Roads Act 1993. The Dust Suppression Plan will be reviewed anytime a complaint is received to ensure it remains appropriate in its dust mitigation measures.

Before any road upgrade works commence to the secondary haulage route, a separate application must be made to Council for approval under Section 138 of the Roads Act 1993 for the upgrade works. This application must be lodged with Council within 6 months of the date of the proponents request to upgrade the road, and the approved upgrade must be completed within 12 months of the request to upgrade the road.

The application for approval under Section 138 of the Roads Act 1993 must be accompanied by detailed engineering survey and design to the relevant Australian and Austroads Standards.

Note: Eddy Park Lane is not an approved route for Restricted Access Vehicles.

Reason: To ensure the road is upgraded to a sufficient standard to accommodate the heavy vehicle movements and ensure all necessary approvals under the Roads Act 1993 are obtained for the development.

- Amend Condition 12 to delete dot point 'Community consultation measures proposed for peak periods'
- Amend Condition 15 to delete words 'to a minimum height of 1.8m' in the first sentence
- Amend Condition 16(i)) to insert 'or' after blasting and delete the words 'or screening'
- Amend Condition 18, to read as follows:

18. Compliance with Approved Management Plans

During operations, the development is to comply with all management plans required by this consent, as follows:

- The approved Environmental Impact Statement and supporting documentation including:
 - Noise Impact Assessment
 - Land Use Conflict Risk Assessment
 - Rehabilitation Plan
 - Soil and Water Management Plan
 - Operational and Environmental Management Plan
 - Air Quality Impact Assessment
 - Pollution Incident Response Management Plan
 - Biosecurity Risk Management Plan
- The plans required by conditions 12, 13 and 14, namely:
 - Traffic Management Plan
 - Waste Management Plan
 - Bushfire Emergency Management and Evacuation Plan

A copy of these plans must be kept on site at all times while work approved under the development consent is being carried out.

The operator of the quarry must ensure that all employees and contractors (and their sub-contractors) are made aware of, and instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.

This includes all obligations under the relevant Management Plans and Driver Code of Conduct.

Reason: To ensure the operation is appropriately managed, ensure public safety and protect the amenity of the local area.

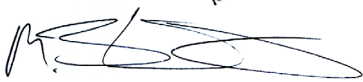
- Amend Condition 23. Noise Management to delete '.3' in the second paragraph and underline the words 'does not'

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:

- Historic unapproved quarry expansion
- Accuracy of Environmental Impact Statement
- Dust
- Groundwater
- Rehabilitation
- Aquifer breach risk
- Visual amenity
- Noise
- Hours of operation
- Extraction rates
- Number of truck movements
- Speed limits
- Cumulative impacts

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Michael Wright
 Stephen Gow	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-413 - Inverell - DA-19/2025
2	PROPOSED DEVELOPMENT	Continued operation of existing gravel quarry with a maximum extraction rate of 90,000 tonnes per year
3	STREET ADDRESS	472 Eddy Park Lane, Gum Flat
4	APPLICANT/OWNER	ATJs Earthworks Pty Ltd G & S Hough
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Primary Production) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Resources and Energy) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - Inverell Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Inverell Development Control Plan 2013 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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	- Council Assessment Report: 1 May 2026 - Written submissions during public exhibition: 2 - Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 16 June 2025 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Michael Wright <u>Council assessment staff</u>: Mark Lyndon and Gregory Doman <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova - Applicant Briefing: 12 May 2026 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright <u>Council assessment staff</u>: Elise Short <u>Independent Planning Consultant</u>: Nicola Neil

		○ <u>Applicant representatives</u>: Peter Taylor, Steve Cheal, Sonya Hough, Glen Hough ○ <u>Department Staff</u>: Carolyn Hunt and Holly McCann ● Final briefing to discuss Council's recommendation: 12 May 2026 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow and Michael Wright ○ <u>Council assessment staff</u>: Elise Short ○ <u>Independent Planning Consultant</u>: Nicola Neil ○ <u>Department Staff</u>: Carolyn Hunt and Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended on 08/05/2026