

DETERMINATION AND STATEMENT OF REASONS

NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	21 August 2026
DATE OF PANEL DECISION	21 August 2026
DATE OF PANEL MEETING	17 August 2026
PANEL MEMBERS	Dianne Leeson (Chair), Michael Wright, Shane Reinhold
APOLOGIES	Robert Hayes and Jamie Van Iersel
DECLARATIONS OF INTEREST	Stephen Gow declared a perceived conflict of interest as he was a Panel member on at least two previous occasions for the development and the subject application is essentially a review of the determination. He did not participate in the determination of the matter.

Papers circulated electronically on 7 August 2026.

MATTER DETERMINED

PPSNTH-456 – Richmond Valley – MA2025/0032 – 1465 Bentley Road Bentley 2480 – S4.55(2) Modification to approved Extractive Industry to amend Condition 60(b)(ii) and delete Condition 107 (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 briefings listed at item 8 in Schedule 1.

Application for modification of consent

The Panel determined to approve the modification application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The Panel is satisfied, pursuant to s.4.55(2) of the *Environmental Planning and Assessment Act*, that the proposed development is substantially the same development.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the modification application for the reasons outlined below and in consideration of Council's Assessment Report.

1. Additional analysis of the road network used by school bus services (predominantly Bentley Road, Naughtons Gap Road and Manifold Road) correlated with peak school use times demonstrates a 30 minute restriction (morning and afternoon) is sufficient. The Panel concluded the evidence presented did not support the request for a 15 minute restriction;
2. There have been upgrades to Bentley Road, the quarry entry/exit and the introduction of the Rail Trail Head interchange as a safe transfer point for students from one service to another; and
3. The Panel found, on the evidence presented, that the Community Consultative Advisory Committee is not an effective or efficient forum for information and consultation. There appears no genuine effort on the part of any stakeholders for cooperative participation. The Panel determined to approve the

deletion of Condition 107 but to strengthen obligations on the applicant to establish and maintain a publicly accessible website with enhanced information requirements.

CONDITIONS

The Modification Application was approved subject to the conditions attached the Council Assessment Report (Attachment H – Draft Amending Conditions – Information for Panel determination only) with the following amendments:

- Amend Condition 2 to include the following documents and renumber part f) to h):
 - f) Statement of Environmental Effects (SEE) titled *Bentley Quarry Modification (Development Consent) DA2022/0107* (GHD, 27 June 2025); and
 - g) Traffic Review correspondence titled *Bentley Quarry (DA2022/0107) – Haulage truck assessment during the AM and PM peak school hours* (EMM Consulting Private Limited, 25 March 2026); and

- Amend Condition 22 to read as follows:

SIGNAGE

22. Prior to commencement of operations, the Operator must install a business identification sign, including phone number for registering complaints. During ongoing operation, the sign content may be refreshed as required to ensure the quarry contact details are clear and visible.

- Amend Condition 60 to insert new part (b)(iii) which reads as follows and renumber the remaining parts accordingly:
 - ii. Delete the duplicated words ‘as determined in consultation with the school bus service providers’
 - iii. Advise truck drivers that queuing at the Quarry entrance is not permitted at any time including during the restricted hours of peak school bus operations.
- Amend Condition 106 to read as follows:

106. The Operator must keep up-to-date copies of the following information available on a publicly accessible website , at all times:

 - a) the documents listed in condition 2 of this consent;
 - b) approved strategies, plans or programs;
 - c) a complaints register, which is to be updated on a quarterly basis;
 - d) Annual Reviews (over the last 5 years);
 - e) any independent environmental audit;
 - f) truck movement monitoring data to evidence compliance with the restricted truck movements during peak school bus operating times, which is to be updated on a quarterly basis.

The Operator is required to maintain a public website with the above information being readily available. The hours of operation advertised on the website are to include notice of the restricted truck access times and that queuing of vehicles outside the quarry is not permitted.

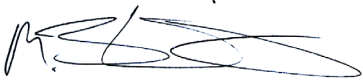
Advisory Note: Suitable technology for collecting truck movement data and verifying compliance is such as automatic number plate recognition (ANPR) systems are recommended to be installed at the site.

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:

- Traffic safety
- Interaction of haulage trucks with school buses
- Road conditions
- Compliance
- Community consultation

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel utilised its discretion and did not hold a public meeting for the subject modification as the matters raised were consistent with those raised in previous application submissions and the public meetings for the same development. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Shane Reinhold
 Michael Wright	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-456 – Richmond Valley - MA2025/0032
2	PROPOSED DEVELOPMENT	Modification to approved Extractive Industry to: a) Amendment of Condition 60(b)(ii). This condition restricts the hours of trucks entering or exiting the quarry (for one hour at peak school pick up and one hour at peak school drop off times). It is proposed to amend the condition to restrict trucks entering or exiting the quarry (for 15 minutes at peak school pick up and peak school drop off times). b) Delete Condition 107. This condition sets out requirements for the establishment, purpose, and operation of a Community Consultative Advisory Committee. Rather than having the community consultative advisory committee, it is proposed Bentley Quarry provides regular updates about its operations on the website, including monitoring data, complaints, compliance documents and Annual Reports, as per Condition 106.
3	STREET ADDRESS	1465 Bentley Road, Bentley
4	APPLICANT/OWNER	R and S McKenzie
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resources and Energy) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Richmond Valley Local Environmental Plan 2012 - Draft environmental planning instruments: Nil - Development control plans: - Richmond Valley Development Control Plan 2021 - 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: 6 August 2026 - Statement of Environmental Effects titled <i>Bentley Quarry Modification (Development Consent) DA2022/0107</i> (GHD, 27 June 2025) - Traffic Review correspondence titled <i>Bentley Quarry (DA2022/0107) – Haulage truck assessment during the AM and PM peak school hours</i> (EMM Consulting Private Limited, 25 March 2026) - Written submissions during public exhibition: 16 - Total number of unique submissions received by way of objection: 16

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Applicant Briefing: 17 August 2026 ○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Shane Reinhold ○ <u>Applicant representatives</u>: Rob McKenzie, Ben Luffman, Abdullah Uddin, Tim Brooker ○ <u>Council assessment staff</u>: Cherie Smith, Yash Patel, Tina Kao ○ <u>Department staff</u>: Carolyn Hunt • Final briefing to discuss Council's recommendation: 17 August 2026 ○ <u>Panel members</u>: Dianne Leeson (Chair), Michael Wright, Shane Reinhold ○ <u>Council assessment staff</u>: Cherie Smith, Yash Patel, Tina Kao ○ <u>Department staff</u>: Carolyn Hunt, Holly McCann
9	COUNCIL RECOMMENDATION	Referred to Panel for determination
10	DRAFT CONDITIONS	Attached to the Council Assessment Report