



<b>DATE OF DEFERRAL</b>	31 August 2022
<b>PANEL MEMBERS</b>	Penny Holloway (Chair), Stephen Gow and Marcia Doheny
<b>APOLOGIES</b>	Paul Mitchell
<b>DECLARATIONS OF INTEREST</b>	Peter Jeuken declared a conflict of interest as his employment at Lismore City Council as Director Infrastructure Services involves oversight of Blakebrook Quarry operations, which is in competition with this quarry, and Lismore City Council has lodged an objection. Mr Jeuken did not participate in any Panel consideration or discussion of this application.

Public meeting held by videoconference on 24 August 2022, opened at 4pm and closed at 7:37pm.

**MATTER DEFERRED**

PPSNTH-141 – Richmond Valley – DA2022/0107 at 1465 Bentley Rd, Bentley - Bentley Quarry (as described in Schedule 1).

**REASONS FOR DEFERRAL**

The panel agreed to defer determination of the matter for a period of up to three months, in order for further information and reports on key issues to be prepared, including:

1. Preparation by the applicant of a comprehensive Traffic Management Plan and Driver Code of Conduct. The Plan and Code should include a prohibition of the use of heavy vehicles during school bus operating hours
2. Preparation of an independent Land Use Conflict Assessment for the proposed development
3. Preparation of an independent advice on potential road safety impacts of the proposed development and any available mitigation measures.

The Panel would also like advice from Council on:

1. Options for applicant contributions to the maintenance of the haulage route within the Lismore Council Area; and
2. Options for a rehabilitation bond or other security to be provided to Council and an assessment of the appropriate amount for that security to ensure adequate funds are available for site rehabilitation.

The Panel expects revised information as referred to above, be submitted to Council within 2 months (ie. 28 October 2022). Council is requested to update their assessment within 2 weeks of the receipt of revised information. If revised information from the applicant is not provided within 2 months, the Panel may move to determine the DA based on the information currently at hand.

When this information has been received, the panel will hold another public determination meeting. The Panel expects an addendum assessment report from Council responding to the material and the matters raised above.

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 (Chair)	 Stephen Gow
 Marcia Doheny	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-141 – Richmond Valley – DA2022/0107
2	PROPOSED DEVELOPMENT	Proposed Designated Development and Integrated Development for an extractive industry with an intended extraction capacity of up to 300,000 tonnes per annum
3	STREET ADDRESS	Lot 2 DP 1196757, 1465 Bentley Road, Bentley NSW 2480
4	APPLICANT/OWNER	R & S Contracting
5	TYPE OF REGIONAL DEVELOPMENT	Designated development - extractive industry
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011;</li> <li>○ State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007;</li> <li>○ State Environmental Planning Policy No. 33 (Hazardous and Offensive Development);</li> <li>○ State Environmental Planning Policy (Koala Habitat Projection) 2020;</li> <li>○ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;</li> <li>○ Draft Remediation of Land State Environmental Planning Policy;</li> <li>○ Draft State Environmental Planning Policy (Environment);</li> <li>○ Richmond Valley Local Environmental Plan 2012</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Richmond Valley Development Control Plan 2021</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 16 August 2022</li> <li>• Written submissions during public exhibition: 227</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Peter Kerle, Edwina Lloyd, Charles Wilkinson, Rosemary Joseph, Roslyn Irwin, Christine Thomas on behalf of Colin and Joan Thomas, Adam Guise, Charmaine Kerle, Sonya Nourse, Bill Sheaffe, Saxon Van Bentley, Leone Wilkinson, Lib Ruytenberg, Stephen Knowles, Aliison Kelly on behalf of Friends of the Koala, John Scarrabelotti, Vanessa Ekins, Erin and Matthew Gooding, Scott Sledge, Peter Nielsen, Meg Nielsen, Robert Hanby, Maria Moy, Wendy Harris, Brendan Shoebridge and Craig Armstrong</li> <li>○ On behalf of the applicant – Ben Luffman</li> <li>○ Independent assessment officer – Rachel Heath</li> </ul> </li> <li>• Total number of unique submissions received by way of objection: 216</li> </ul>

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 20 April 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Penny Holloway (Chair) and Stephen Gow</li> <li>○ <u>Council assessment staff</u>: Rachel Heath, Brown Jarvis, Andy Edwards, Cherie Smith, Brian Eggins and Angela Jones</li> <li>○ <u>Department staff</u>: Carolyn Hunt</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 24 August 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Penny Holloway (Chair), Stephen Gow and Marcia Doheny</li> <li>○ <u>Council assessment staff</u>: Rachel Heath, Cherie Smith, Travis Eggins, Andy Edwards, Carla Dzenolet and Georgia Campbell</li> <li>○ <u>Department staff</u>: Carolyn Hunt, Lisa Foley and Mary Francis</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report