

Richmond Valley LEP 2012 – Rezoning of land at Ellems Bridge Road, Piora.

Proposal Title : **Richmond Valley LEP 2012 – Rezoning of land at Ellems Bridge Road, Piora.**

Proposal Summary : **The planning proposal seeks to amend Richmond Valley LEP 2012 by rezoning part of Lot 2 DP 1170052 and Lot 1 DP 449328, Ellems Bridge Road Piora from RU1 Primary Production to R5 Large Lot Residential.**

PP Number : **PP_2013_RICHM_006_00** Dop File No : **13/17971**

Proposal Details

Date Planning Proposal Received : **07-Nov-2013** LGA covered : **Richmond Valley**

Region : **Northern** RPA : **Richmond Valley Council**

State Electorate : **CLARENCE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **25 Ellems Bridge Road**

Suburb : **Piora** City : **Piora** Postcode : **2470**

Land Parcel : **Lot 2 DP 1170052 and Lot 1 DP 449328**

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**

Contact Number : **0266416607**

Contact Email : **paul.garnett@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Craig Rideout**

Contact Number : **0266600219**

Contact Email : **craig.rideout@richmondvalley.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **No**

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MDP Number :	0	Date of Release :	
Area of Release (Ha) :	54.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	31	No. of Dwellings (where relevant) :	31
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to amend the Richmond Valley LEP 2012 by rezoning the land from RU1 Primary Production to R5 Large Lot Residential in order to permit the development of the site for rural residential purposes. A concept plan showing a lot yield of 31 lots has been prepared by the proponent.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal seeks to amend the LEP by altering the zoning on the Land Zoning Map from RU1 Primary Production to R5 Large Lot Residential and amending the minimum lot size from 40ha to 1ha.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

5.3 Farmland of State and Regional Significance on the NSW Far

North Coast

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 33—Hazardous and Offensive Development
SEPP No 44—Koala Habitat Protection
SEPP No 55—Remediation of Land
SEPP (Mining, Petroleum Production and Extractive Industries)
2007
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **See the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which clearly identify the site, and show the area of land proposed to be zoned R5 Large Lot Residential. It is recommended that, should the planning proposal proceed, the Gateway Determination should include a condition which requires the planning proposal be amended to include maps which clearly show the existing and proposed zones and the existing and proposed minimum lot sizes.

Maps which comply with the Standard Technical Requirements for LEP maps can be prepared at the legal drafting stage of the amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal does not nominate a community consultation strategy. However Council's Community Consultation Schedule recommends a consultation period of 28 days and written notification to adjoining properties. This approach is considered to be appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by;

- 1. Providing appropriate objectives and intended outcomes.**
- 2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.**
- 3. Providing an adequate justification for the proposal.**
- 4. Outlining a proposed community consultation program.**
- 5. Providing a project time line**
- 6. Advising that Council does not wish to use its delegation in relation to this matter**

Time Line

The RPA has provided a project timeline which estimates the completion of the planning proposal in March 2015. This time frame will ensure the RPA has adequate time to complete additional studies and exhibition. It is recommended that a time frame of 18

months be nominated.

Delegation.

The Council's covering letter states that Council is not seeking an authorisation to use its delegation in this matter since there may be a perceived conflict of interest with the Council owned quarry located to the north of the subject land. It is recommended that an Authorisation for the execution of delegation not be issued in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Richmond Valley LEP commenced in 2012. This planning proposal seeks an amendment to the Richmond Valley LEP 2012.

Assessment Criteria

Need for planning
proposal :

The proposal is not a direct result of a strategic study or report. The planning proposal is the second proposal to rezone the land. In October 2006 in response to Council's Section 54 notification, the Department advised that an LEP amendment to rezone the land to 1(c) Rural Residential should continue. It was required that the following information be exhibited with the LEP amendment;

1. The supply and uptake/development of lots in Stage 1 of the Rural residential Strategy (the land is located within Stage 2 of the strategy and Stage 1 is not fully taken up).
2. Any Stage 1 sites which are constrained and the nature of those constraints
3. A Staging plan for the whole release area
4. Any areas or items with heritage or cultural significance
5. The impact of additional traffic accessing the Bruxner Highway and any infrastructure changes needed.

This information was not provided with the request for a s65 certificate to enable exhibition and consequently the LEP amendment was not formally exhibited. The LEP amendment was not converted to a planning proposal and consequently ceased.

Council has resolved to conditionally support the planning proposal however states that there are two issues that the proponent has not adequately resolved;

1. The land is identified for longer term rural residential purposes in the Richmond River Rural Residential Development Strategy 1999 and the earlier stages have not yet been exhausted. Council is currently processing a number of other rural residential developments which satisfy the intended supply of rural residential lots for at least the next five years.
2. The land is located adjacent to the Woodview Quarry which is a regionally significant extractive resource that is owned and operated by Council. The development of adjoining land for rural residential purposes has the potential to compromise the continuing operation of the quarry.

These matters are discussed further in subsequent sections of this report.

The proposal to amend the LEP by rezoning the land and changing the minimum lot size is the most appropriate means of achieving the intent of the proposal to enable rural residential development on the land.

Consistency with strategic planning framework :

Far North Coast Regional Strategy (FNCRS).

The FNCRS actions state that new rural residential land shall not be released within the coastal area and shall only be released in accordance with a local growth management strategy. The land is not located within the coastal area and the Richmond River Rural Residential Development Strategy 1999 (the 'RRRRDS') identifies the land for rural residential purposes. However, this is in the longer term being after release of the stage one lands is substantially progressed.

The FNCRS also states that rural residential development should avoid areas of significant natural resources. The Strategy requires the protection of land identified as having extractive resources of regional significance and requires buffers to avoid land use conflict.

The subject land is located on the southern side of the Bruxner Highway, immediately south of the land that contains the Woodview Quarry. The Woodview Quarry is listed as a regionally significant extractive resource by the NSW Department of Trade and Investment - Mineral Resources Branch (MRB) in its Statewide Mineral Resource Audit (the 'Audit') dated August 2012. The Audit was prepared in response to S117 Direction 1.3 'Mining, Petroleum Production and Extractive Industries'. The site contains a valuable basalt resource of approximately 1.75M tonnes with the potential to produce 30,000 to 40,000 tonnes of coarse aggregate per annum for over 40 years.

Mineral Resources Branch identifies a one kilometre transition area (buffer zone) around the property containing the Woodview Quarry. The proposed rural residential development is 500m from the face of the existing quarry and substantially closer to the boundary of the property that contains the quarry.

It is considered that the current proposal to rezone the subject land to R5 Large Lot Residential to enable rural residential development in close proximity to a regionally significant extractive resource is not consistent with the FNCRS.

Consistency with Council's Local Strategies.

The Richmond River Rural Residential Development Strategy 1999 identifies the subject land as 'potential' rural residential land. The RRRRDS planned for the release of 400 lots in the first 10 years of the strategy (Stage 1), 200 of which were in the areas around Casino. The RRRRDS schedules the release of the 'potential' rural residential land, in the longer term, after the first 10 years, and after the stage 1 rural residential land has been substantially developed.

In the Council report of 15 October 2013 Council states that new rural residential development is being concentrated in the North Casino area where opportunity exists in areas that are already serviced. In relation to the subject land, which is approximately 10km west of Casino, the report states that development for rural residential purposes "represents initiating another precinct of rural residential development in an area which does not have the advantage of utilising existing infrastructure, services and facilities."

Council states the Strategy proposes a demand of 20 rural residential lots per year, and there are approximately 80-90 lots which are undeveloped in the same catchment as the subject land. Therefore a 4-5 year supply of rural residential land already exists.

The Strategy also notes that extractive industries may cause land use conflict with rural residential development and adopts a principle which promotes the avoidance of extractive industries where possible.

While an existing supply of rural residential land exists in the Casino Area, the proposal to release an additional 31 lots is not considered to be excessive, nor is it expected to have an adverse impact on the rural residential land market.

It is however, considered that the proposal to create a rural residential estate in close proximity to a regionally significant extractive resource is not consistent with the principles of the RRRRDS.

SEPPs

The planning proposal identifies the following SEPPs as relevant to the proposal, SEPP 33 Hazardous and Offensive Development, SEPP 44 Koala Habitat Protection, SEPP 55 Remediation of Land, SEPP (Mining, Petroleum Production and Extractive Industries) 2007, SEPP (Rural Lands) 2008. The proposal is not considered to be inconsistent with SEPPs 33 and 44.

SEPP 55 (Remediation of Land).

A preliminary assessment for potential land contamination has been conducted as part of the planning proposal which concluded a low risk of potential contamination. The planning proposal states that soil sampling may be undertaken at development application stage to determine whether any site specific risks exist. This approach is acceptable.

SEPP (Rural Lands) 2008.

The SEPP prescribes Rural Planning Principles and Rural Subdivision Principles with which the proposal must be consistent as required by S117 Direction 1.5 Rural Lands. The principles which are relevant to the proposal require;

1. The protection of current productive economic activities.
2. The protection of natural resources and avoidance of constrained land.
3. Minimisation of rural land use conflicts between residential land uses and other rural land uses.
4. The consideration of the natural and physical constraints and opportunities of the land.

It is considered that the proposal is inconsistent with these principles as it proposes the rezoning of the land for rural residential purposes when it is located in close proximity to the Woodview Quarry, which is a regionally significant extractive resource.

The proposal has included a land use conflict risk analysis (LUCRA) to address the potential impacts of the quarry on the proposed residential land uses. The LUCRA has applied buffer distances from the location of the existing quarry face. The LUCRA does not address future movement of the quarry face or expansion of quarry operations.

In relation to potential noise impacts the LUCRA states that a mobile crushing plant operates anywhere up to 9 months a year at the face of the quarry. The LUCRA states that best practice management by quarry operators will reduce the noise conflicts with surrounding rural residential development. The LUCRA does not provide any noise measurements of existing quarry operations at the location of the proposed rural residential estate to determine the potential impact, or demonstrate what improvements may occur as a result of 'best practice'.

A 1km transition zone has been nominated by MRB because of the need for blasting at the quarry to extract the material. It is indicated in the LUCRA that blasting currently occurs between 2 and 4 times a year. The EIS for the quarry in 1989 estimated 6 blasts per year. The LUCRA states that approximately 15 years ago, in response to a complaint, seismic monitoring of a property 1.5km from the quarry was undertaken. The monitoring indicated that the impact of the blasting was unlikely to cause damage to the structures on this property.

The LUCRA does not include any vibration monitoring of the land proposed to be zoned R5. Given this land is only 500m from the existing quarry face it is considered there is a greater likelihood of impact on this land from the blasting activities at the quarry than on a property 1.5km away.

The conditions of development consent for the quarry specify maximum blast overpressure levels and peak ground vibration velocities at the nearest affected residence. If these limits are exceeded as a result of new dwellings being permitted in close proximity to the subject quarry then the future operations of the quarry may be at risk. The LUCRA places emphasis on protecting the proposed residences from the impacts of the quarry operations. It does not consider the consequent impacts on the future operations of the

quarry, or its potential expansion.

The LUCRA suggests that the absence of complaints relating to noise, dust and seismic activity from blasting means that residential development can co-exist with the operation of the quarry. However, the LUCRA does not account for an increase in residential development on the proposed land and potential migration of the quarrying activities closer to the residential development or intensification of quarrying activity.

The Council report indicates that the consent for the quarry is applicable to the entire land parcel and quarrying operations are not limited to the existing quarry face. Notwithstanding the LUCRA advice, it seems likely that the development of 31 additional dwellings within 1km of the quarry will result in complaints from future residents which may have an adverse impact on the operations of the quarry.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007.

The SEPP does not contain any provisions which are directly relevant to the planning proposal to rezone the land. However it does contain clause 13 which provides matters that must be assessed by a consent authority before it approves of development in the vicinity of an extractive resource to ensure that the existing and future extraction of mineral resources is not compromised by the proposed development. Future rural residential development of the land may be inconsistent with the aims of the SEPP.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.2 Rural Zones, 1.3 Mining Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.4 Planning for Bush Fire Protection, 5.1 Implementation of Regional Strategies, 5.3 Farmland of State or Regional Significance on the NSW Far North Coast, 6.1 Approval and Referral Requirements, and 6.2 Reserving Land for Public Purposes.

Of the above s117 Directions the proposal is considered to be inconsistent with Directions 1.2, 1.3, 1.5, 4.4, and 5.1.

Direction 1.2 Rural Zones is relevant to the proposal. The direction provides that a planning proposal must not rezone land from a rural to a residential zone. The planning proposal seeks to rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential. The direction provides that the planning proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a strategy or study or is of minor significance.

The subject land is identified for rural residential purposes in the Richmond River Rural Residential Development Strategy 1999 (the 'RRRRDS'). This strategy was approved by a delegate of the Director General in March 1999. The approval of the Strategy required that the subject land should not be rezoned until major development of the Stage 1 release areas is underway. As discussed earlier in this report Council has identified that there is still approximately 4 to 5 years supply of rural residential land in the locality.

The proposal to rezone land for rural residential development in close proximity to a regionally significant extractive resource is not consistent with the RRRRDS. It is considered that the inconsistency of the proposal with the direction is therefore not justified in accordance with the terms of the direction.

Direction 1.3 Mining Petroleum Production and Extractive Industries is relevant to the proposal. The direction requires that the relevant planning authority must consult with the Director General of the Department of Primary Industries, take into consideration any comments made, and advise the Department of Planning and Infrastructure of these comments prior to commencing community consultation for the planning proposal.

The subject land is located, immediately south of the land that contains the Woodview Quarry which is a regionally significant extractive resource. Council has previously consulted with the State agency responsible for mineral resources on two occasions.

In correspondence to Council in January 2007 as part of the Section 62 consultation for the previous LEP amendment, NSW Department of Primary Industries stated that it objected to the rezoning of the subject land. It also advised that the known resource at Woodview Quarry extends laterally from the existing quarry face, so future operations could be more extensive and more intensive than currently, further exacerbating the potential for conflict.

Council also consulted with MRB in July 2013 and has been advised that MRB has serious concerns with the proposal to rezone land for residential purposes so close to the quarry. Specifically MRB notes that entire area of the land to be rezoned lies within the 1km transition area around the quarry (See MAP "A" in the documents list). The land use conflict risk assessment uses a 500m distance from the current quarry face and fails to acknowledge the possibility of impacts over the greater 1km distance nor does it consider the possibility of future extensions to the existing quarry.

Any inconsistency cannot be justified until consultation with the State agency for mineral resources has been conducted. However, it is considered that the planning proposal as submitted does not address the concerns previously raised by MRB and consequently the inconsistency of the proposal with the direction is unlikely to be of minor significance.

Direction 1.5 Rural Lands is relevant to the proposal. The direction provides that a planning proposal that will affect land in a rural zone must be consistent with the Rural Planning Principles in SEPP (Rural Lands) 2008.

The planning proposal seeks to rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential. The direction provides that a proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a strategy or is of minor significance.

As discussed previously in this report, it is considered that the proposal is inconsistent with some of the Rural Planning Principles in SEPP (Rural Lands). The inconsistencies with the principles are not considered to be justified by the Richmond River Rural Residential Development Strategy 1999. Equally, given the inconsistencies relate to potential land use conflict with a regionally significant extractive resource, they are not considered to be of minor significance.

Therefore it is considered that the inconsistencies of the proposal with the direction have not been justified in accordance with the terms of the direction.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. The land is identified as being partly bush fire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after the Gateway determination is issued and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Direction 5.1 Implementation of Regional Strategies is relevant to the proposal. The direction provides that the proposal must be consistent with the regional strategy, in this instance the Far North Coast Regional Strategy.

As previously discussed in this report, it is considered that the proposal is not consistent with the FNCRS and the inconsistency is not of minor significance, and does not achieve the overall intent of the strategy. Therefore it is considered that the inconsistency of the planning proposal with the direction has not been justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

Environmental social
economic impacts :

The land is predominantly cleared grazing land. An ecological assessment of the site was conducted to support the planning proposal. The assessment concluded that the site did not support any endangered or vulnerable plant species, endangered ecological communities, endangered population or declared critical habitat.

The site is not flood prone and the planning proposal indicates that there are no items of environmental or Aboriginal heritage significance on the site.

The planning proposal identifies social and economic benefits stemming from; creation of employment opportunities through the construction of the subdivision and dwellings; increases in housing supply and choice; increased demand for community services improving their economic viability.

These benefits are acknowledged however the location of a proposed rural residential estate in close proximity to a regionally significant extractive resource is likely to have a negative impact on either the amenity of the future residents of the estate or the continued operation of the quarry. Should the quarry be required to cease or scale back its operations, there may be adverse impacts for the wider community as a result of increased cost of materials, or proposed establishment of new quarry operations elsewhere.

The subject lot, Lot 2 DP 117052, also includes an area of land outside of the 1km transition zone around the Woodview Quarry property. The planning proposal does not address the suitability of this land as an alternative location for rural residential development.

The land proposed to be rezoned R5 Large Lot Residential adjoins three existing properties which have dwelling houses on undersized rural zoned lots. If the planning proposal proceeds, it is suggested that Council consider also including these lots in the R5 zone so that the extent of permissible land uses on the existing RU1 zone does not create further potential for land use conflict with the proposed rural residential development.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **18 months** Delegation : **DDG**

Public Authority Consultation - s56(2)(d) : **NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **1. The current proposal is considered to be inconsistent with the Far North Coast Regional Strategy, the Richmond River Rural Residential Development Strategy 1999, SEPP (Rural Lands) 2008 and consequently is inconsistent with S117 directions 1.2 Rural Zones, 1.3 Mining Petroleum Production and Extractive Industries, 1.5 Rural Lands, and 5.1 Implementation of Regional Strategies.
2. The current proposal increases the potential for land use conflict between the proposed rural residential development and the Woodview Quarry which is a regionally significant extractive resource.**

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **1. The current proposal is inconsistent with the strategic planning framework.
2. The land use conflict risk analysis that supports the planning proposal does not adequately address the potential impacts on or from the Woodview Quarry.
3. There is other land on the site which is further away from the Woodview Quarry that has not been investigated for rural residential development.**

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Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

- An assessment, conducted in consultation with the NSW Department of Trade and Investment – Mineral Resources Branch, of the future potential of the extractive resource and the likely extent and direction of expansion of the quarry face over the life of the resource.
- An assessment of the impact from noise, dust, vibration and traffic movements from the existing and potential future quarry operations on the proposed residential land uses.
- A revised Land Use Conflict Risk Analysis which takes into account the future expansion of the quarry operations and has regard to the potential impact on future quarry operations that may arise from increased residential development in the vicinity of the quarry.
- An assessment of that land on Lot 2 DP 1170052 which is outside of the 1km transition zone surrounding Woodview Quarry, as an alternative location for rural residential development.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Richmond Valley Council - Cover Letter Ellems Bridge Road Piora planning proposal.pdf	Proposal Covering Letter	Yes
Richmond Valley - PLanning Proposal Ellems Bridge Road Piora - Part 1.pdf	Proposal	Yes
Richmond Valley - PLanning Proposal Ellems Bridge Road Piora - Part 2.pdf	Proposal	Yes
Richmond Valley - PLanning Proposal Ellems Bridge Road Piora - Part 3.pdf	Proposal	Yes
Richmond Valley - PLanning Proposal Ellems Bridge Road Piora - Part 4.pdf	Proposal	Yes
Richmond Valley Council minutes Ellems Bridge Road Planning Proposal.pdf	Determination Document	Yes
Community Consultation schedule - Ellems Briudge Road Piora rezoning.docx	Proposal	Yes
Trade and Investment - Mineral and Energy response to Ellems Bridge Road Piora Planning Proposal.pdf	Proposal Covering Letter	No
Project Timeline - Ellems Bridge Road Piora Planning Proposal.docx	Proposal	Yes
Map A - Relationship to Woodview Quarry.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Additional Information :

It is recommended that the planning proposal not proceed in its current form. If it is to be resubmitted the following information should be provided;

1. An assessment, conducted in consultation with the NSW Department of Trade and Investment – Mineral Resources Branch, of the future potential of the extractive resource

at Woodview Quarry, and the likely extent and direction of expansion of the quarry face over the life of the resource.

2. An assessment of the impact from noise, dust, vibration and traffic movements from the existing and potential future quarry operations on the proposed residential land uses.
3. A revised Land Use Conflict Risk Analysis which takes into account the future expansion of the quarry operations and has regard to the potential impact on future quarry operations that may arise from increased residential development in the vicinity of the quarry.
4. An assessment of that land on Lot 2 DP 1170052 which is outside of the 1km transition zone surrounding Woodview Quarry, as an alternative location for rural residential development.

If the Panel decides that the planning proposal should proceed it is recommended that;

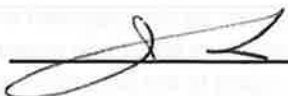
1. The planning proposal be proceed as a 'routine' planning proposal.
2. Prior to consulting with the NSW Department of Trade and Investment – Mineral Resources Branch as required by S117 direction 1.3 and prior to undertaking public exhibition, the following studies are to be undertaken;
 - a. An assessment, conducted in consultation with the NSW Department of Trade and Investment – Mineral Resources Branch, of the future potential of the extractive resource and the likely extent and direction of expansion of the quarry face over the life of the resource.
 - b. An assessment of the impact from noise, dust, vibration and traffic movements from the existing and potential future quarry operations on the proposed residential land uses.
 - c. A revised Land Use Conflict Risk Analysis which takes into account the future expansion of the quarry operations and has regard to the potential impact on future quarry operations, including blasting, that may arise from increased residential development in the vicinity of the quarry.
 - d. An assessment of that land on Lot 2 DP 1170052 which is outside of the 1km transition zone surrounding Woodview Quarry, as an alternative location for rural residential development.
3. Prior to public exhibition, the planning proposal is to be amended to;
 - a. include the rezoning of the adjoining lots Lot 1 DP 573247, Lot 2 DP 543038, and Lot 1 DP 1170052 to R5 Large Lot Residential and the application of a 1ha minimum lot size.
 - b. include maps which clearly show the existing and proposed zones and minimum lot sizes for the land.
4. The planning proposal is to be completed within 18 months.
5. A community consultation period of 28 days is necessary.
6. A written authorisation to exercise delegation not be issued to Richmond Valley Council in this instance due to the identified potential conflict of interest as operator of the Woodview Quarry.
7. As required by S117 Direction 1.3, prior to public exhibition of the planning proposal consultation with the Department of Trade and Investment – Mineral Resources Branch is to be undertaken and a copy of the response provided to the Department of Planning and Infrastructure.
8. As required by S117 Direction 4.4, prior to public exhibition of the planning proposal consultation with the NSW Rural Fire Service is to be undertaken and the planning proposal amended in accordance with any comments received.

Supporting Reasons :

The reasons for the recommendation are as follows;

1. The current proposal is inconsistent with the strategic planning framework.
2. The land use conflict risk analysis that supports the planning proposal does not adequately address the potential impacts on or from the Woodview Quarry.
3. There is other land on the site which is located further from the Woodview Quarry and may be suitable for rural residential development. The suitability of this land has not been addressed in the planning proposal.

Signature:



Printed Name:

JIM CLARK

Date:

14. November 2013