

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

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.

Panel Recommendation

Recommendation Date : **21-Nov-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Prior to commencing public exhibition, the following studies are to be undertaken:
 - 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, including blasting, that may arise from increased residential development in the vicinity of the quarry; and
 - 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.
2. Prior to public exhibition, the planning proposal is to be amended to;
 - 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; and
 - include maps which clearly show the existing and proposed zones and minimum lot sizes for the land.
3. Prior to public exhibition of the planning proposal consultation with the Department of Trade and Investment – Mineral Resources Branch is to be undertaken in accordance with S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries. Council is to provide a copy of the response to the Department of Planning and Infrastructure and update the planning proposal accordingly.
4. Prior to public exhibition of the planning proposal consultation with the NSW Rural Fire Service is to be undertaken in accordance with S117 Direction 4.4 Planning for Bushfire Protection. Council is to update the planning proposal in accordance with any comments

received.

5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

M. Sena

Date:

13/12/12