

ATTACHMENT 8

**Richmond Valley Council
Correspondence**

22 October 2008

Newton Denny Chapelle
186 Molesworth Street
LISMORE NSW 2480



Dear Sir

**Draft Richmond River Local Environmental Plan 1992 Amendment No. 34 –
Rezoning of Part Lot 2 DP 572347 and Lot 1 DP 449328 from Rural 1(b1) to 1(c)
for Rural Residential development.**

I refer to the meeting at Council with Luke Fittock and Peter Williams present from Newton Denny Chapelle consultants and Brian Eggins, Tony McAteer and Craig Rideout from Council attending. Details relative to the subject rezoning were discussed and main points are summarised below;

the cost of the Ellems Bridge Road intersection upgrade to be borne wholly by the owner or developer. 'Black spot' funding is only available for intersections with a history of fatalities and is subject to application to funding based on this premise.

the rezoning is proposed outside of immediate release area within the Rural Residential Strategy. A section 94 contribution plan is not proposed for this area and any recouping of developer expenditure or planning agreement is to be structured by the proponent.

with regard to the Strategy, any application for rezoning within immediate release areas will be given precedence upon receipt of application. The Piora rezoning could possibly be withheld until such a time as the supply in earlier release areas are utilised. All future rural residential areas are subject to review by the Department of Planning, dependent upon supply and demand for housing within the area. The terms of reference for the Department's review of residential strategies are subject to modification without notice.

previous advertising conducted for the rezoning occurred prior to issue of a s.65 Certificate and requires readvertising pursuant to the EP&A Act 1979 (Department of Planning correspondence 31 October 2006). Any application to the Department for a s.65 certificate must necessarily address the following issues raised by various agencies:

Department of Primary Industries concerns outlined 12 January 2007 concerning the proximity to the operating quarry to the proposed rezoning, the lack of buffered riparian area to watercourses (flowing to floodplain lagoons) and impacts upon established adjoining agricultural pursuits.

...2

All correspondence should be addressed to:

**The General Manager,
RICHMOND VALLEY COUNCIL**

Administration Office: Cnr Walker St. & Graham Place (Locked Bag 10) CASINO NSW 2470

Telephone: (02) 6660 0300

Facsimile: (02) 6662 5198

email: council@richmondvalley.nsw.gov.au

www.richmondvalley.nsw.gov.au

ABN 54 145 907 009

Department of Natural Resources correspondence 11 January 2007 similarly raised concerns with respect to agricultural lands, environmentally sensitive areas, and quarry buffer distances.

Piora quarry was recognised within DPI resource assessment 2004 as a regionally significant resource, the buffer areas of which extend into the area proposed for rezoning are not recommended for residential development in order to protect the resource.

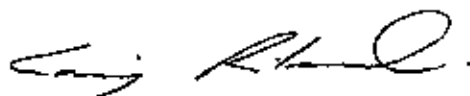
Noise buffer distance from the highway should also be considered, particularly in conjunction with the above restrictions when proposing any future layout design.

As requested by your consultancy, Council encloses a copy of the following;

Section 117(2) Direction with accompanying plans showing regionally significant mineral resource areas within Richmond Valley Local Governmental Area.

Should you have any further enquiries regarding this matter, please contact Craig Rideout on (02) 66600219, between the hours of 8.15am and 10.30am, Monday to Friday.

Yours faithfully



Craig Rideout
TOWN PLANNER
ENVIRONMENTAL DEVELOPMENT SERVICES

Council's Reference:

T-310.11 LEP Amendment No.34 LEP-0011:CR

Contact:

Craig Rideout

12 October 2009

Newton Denny Chapelle
186 Molesworth Street
LISMORE NSW 2480



Dear Sir

**Draft Richmond River Local Environmental Plan 1992 Amendment No. 34 –
Rezoning of Part Lot 2 DP 572347 and Lot 1 DP 449328 from Rural 1(b1) to 1(c)
for Rural Residential development.**

I refer to the meeting on this day that was cancelled and rescheduled at your request due to the unavailability of Council engineers as per your last minute requirement.

Council engineers indicated there was little or no need to discuss the intersection plans supplied 1 September 2009 as the RTA correspondence 11 July 2008 and the North Coast Council Development Design Manual outline construction requirements for intersections of the nature proposed. It is also recommended you consult the RTA directly regarding specific issues you may have concerning the intersection.

In further reference to the recent amended rezoning submission received from NDC, Council proffers the following observations;

You are aware the rezoning is proposed outside of immediate release area within the Richmond River Rural Residential Strategy. The strategy is due for review by Council and re-adoption by the Department of Planning in accordance with more recent planning principles. The amended rezoning submission continues to reference reports and correspondence dated from over 3 years ago and includes little reference to more recent correspondence and discussion with Council. The Rural Residential Development Strategy indicates preference will always be granted to rezoning proposals received that adjoin and augment existing and established release areas rather than creating newer rural residential areas where services and facilities are deficient. You will be aware Council has received alternative rezoning proposals adjoining established rural residential areas and in terms of meeting demands for rural residential development, present rezoning applications lodged are likely to meet the projected supply for almost the next 5 years of demand.

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All correspondence should be addressed to:

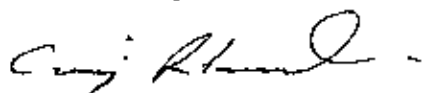
**The General Manager,
RICHMOND VALLEY COUNCIL**

Administration Office: Cnr. Walker St. & Graham Place (Locked Bag 10) CASINO NSW 2470

- The estimated time period for consideration and assessment of the rezoning proposal for Ellems Bridge Road, Piora is largely dependent upon Council time and resources that have been stretched recently to accommodate the writing, advertising and gazettal of a new shire-wide Local Environmental Plan. A schedule spanning almost the next two years has been drawn up with the Department of Planning (DoP) which effectively freezes up all but one or two rezoning proposals to be considered concurrent to the LEP formulation process. The Piora proposal will almost certainly not progress until the LEP has been finalised, and with the advent of new legislation relating to Rezoning Proposals within the Environmental Planning and Assessment Act, it may be advisable the Piora proposal be presented to the DoP for 'Gateway Determination' in accordance with the new provisions.
- The Noise Impact Report (Tim Fitzroy & Associates) recommends a 140m minimum distance between proposed dwellings and the Bruxner Highway effectively contravening the layout design supplied with the amended application. The proposed design must take into account all site constraints including this recommended buffer area, slope and the issue of siting dwellings where the onsite treatment systems may be logically located relative to the dwellings.

Should you have any further enquiries regarding this matter, please contact Craig Rideout on (02) 66600219, between the hours of 8.15am and 10.30am, Monday to Friday.

Yours faithfully



Craig Rideout
TOWN PLANNER
ENVIRONMENTAL DEVELOPMENT SERVICES

Council's Reference:

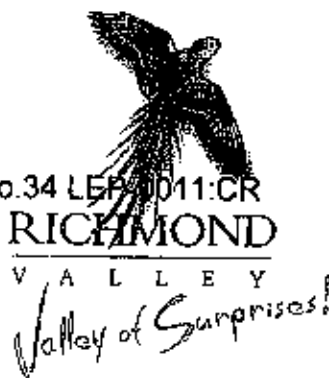
T-310.11 LEP Amendment No.34 LEP 0011:CR

Contact:

Craig Rideout

19 March 2012

Newton Denny Chapelle
186 Molesworth Street
LISMORE NSW 2480



Dear Sir

Previously known as: Proposed Rezoning of Part Lot 2 DP 572347 and Lot 1 DP 449328 from Rural 1(b1) to 1(c) for Rural Residential development (Under the Richmond River LEP (LEP-0011). Planning proposal for Rural Residential development on the subject land.

I refer to your request for a meeting to discuss the planning proposal for rural residential development on the subject land. Council officers (Tony McAteer and Craig Rideout) are available to discuss the matter between 11.00 a.m. and 12.00 at the Richmond Valley Council offices at Casino on 22 March 2012 (Committee Room)

Please be reminded Council has requested justification for the development due to the proposal being outside of any immediate release area, as outlined within the Rural Residential Development Strategy (RRDS). Regard for the proposal was based upon demonstration of sufficient demand for Rural Residential development. There are a number of applications pending within the Casino Rural Catchment (RRDS) and the subject Piora rezoning is required to be prioritised accordingly.

There has been correspondence concerning this proposal where Council has requested justification concerning inconsistencies with the RRDS:

- "You are aware the rezoning is proposed outside of immediate release area within the Richmond River Rural Residential Strategy. The strategy is due for review by Council and re-adoption by the Department of Planning in accordance with more recent planning principles. The amended rezoning submission continues to reference reports and correspondence dated from over 3 years ago and includes little reference to more recent correspondence and discussion with Council. The Rural Residential Development Strategy indicates preference will always be granted to rezoning proposals received that adjoin and augment existing and established release areas rather than creating newer rural residential areas where services and facilities are deficient. You will be aware Council has received alternative rezoning proposals adjoining established rural residential areas and in terms of meeting demands for rural residential development, present rezoning applications lodged are likely to meet the projected supply for almost the next 5 years of demand." (Correspondence 12 October 2009).

All correspondence should be addressed to:

...2/

**The General Manager,
RICHMOND VALLEY COUNCIL**

Administration Office Cnr. Walker St. & Graham Place (Locked Bng 10) CASINO NSW 2470

"with regard to the Strategy, any application for rezoning within immediate release areas will be given precedence upon receipt of application. The Piora rezoning could possibly be withheld until such a time as the supply in earlier release areas are utilised. All future rural residential areas are subject to review by the Department of Planning, dependent upon supply and demand for housing within the area..." (Correspondence 22 October 2008).

Please be advised Council has requested justification as to why consideration should be forthcoming for development within the Piora area when there are numerous rural residential allotments presently available within the same Casino catchment and whilst other planning proposals for same style development within earlier release areas are awaiting consideration.

Should you have any further enquiries regarding this matter, please contact Craig Rideout on (02) 66600219, between the hours of 8.15am and 10.30am, Monday to Friday.

Yours faithfully

Craig Rideout
TOWN PLANNER
ENVIRONMENTAL DEVELOPMENT SERVICES

cc: Sid Lane, 25 Ellems Bridge Road, Piora 2470

Council's Reference:

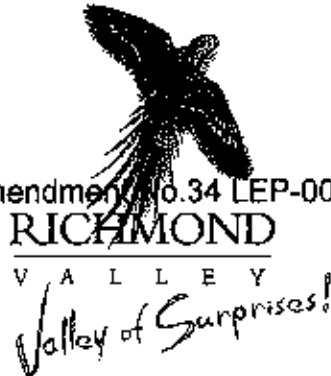
P1002919: T-310.11 LEP Amendment No.34 LEP-0011:CR

Contact:

Craig Rideout

7 May 2012

Newton Denny Chapelle
186 Molesworth Street
LISMORE NSW 2480



Dear Sirs

Previously known as: Proposed Rezoning of Part Lot 2 DP 1170052 and Lot 1 DP 449328 from Rural 1(b1) to 1(c) for Rural Residential development (Under the Richmond River LEP (LEP-0011) – to be considered for a Rural Residential Planning proposal on the subject land.

Following the scheduled meeting to discuss the proposed zoning changes to the abovementioned property held at the Casino Council office on 22 March 2012, you have requested verification of Council's intent to further the proposal, as inherent within Council's resolution 19 September 2006.

As you are aware, changes to the Environmental Planning and Assessment Act, 1979 means the rezoning application is unable to progress as initiated under the revoked Part 3 of the Act. It will be necessary to rework the application to be presented as a Planning Proposal as required in accordance with these legislative changes as the period of time progressed since the changes is in excess of the savings provisions issued at that time. Council is agreeable to develop this planning proposal in cooperation with Newton Denny Chapelle, and will seek to present the proposal to the Department of Planning in the appropriate format and subject to all current requirements.

The Department reminded Council within correspondence 31 October 2006 that it was not in receipt of delegation of Written Authorisation to Exercise Delegation and that a copy of the draft plan (i.e. proposal) need to be forwarded to the Department prior to issue of a section 65 certificate to exhibit.

Progression of the rezoning matter to date has necessitated the addressing of all issues in accordance with all recommendations of the Council resolution 31 October 2006 and recommendation 5 (as adopted) requires 'Council undertake the necessary statutory requirements to consult and publically exhibit the Draft LEP Amendment along with any supplementary information or material.'

To reiterate, Council is agreeable to present the subject proposal provided all material presented can satisfy all Council and Agency requests for clarification made regarding this matter to date.

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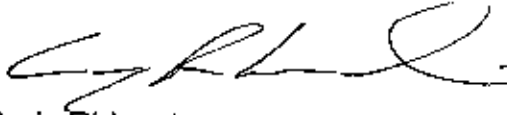
All correspondence should be addressed to:

**The General Manager,
RICHMOND VALLEY COUNCIL**

Administration Office: Cnr. Walker St. & Gribbin Place (Locked Bag 101 CASINO) NSW 2470

Should you have any further enquiries regarding this matter, please contact Craig Rideout on (02) 66600219, between the hours of 8.15am and 10.30am, Monday to Friday.

Yours faithfully



Craig Rideout
TOWN PLANNER
ENVIRONMENTAL DEVELOPMENT SERVICES

cc: Sid Lane, 25 Ellems Bridge Road, Piora 2470

Council's Reference:
LEP0011:CR

Contact:
Craig Rideout

11 April 2013



Newton Denny Chapelle
PO Box 1138
Lismore NSW 2480

Attention: Damian Chapelle

Dear Damian,

Planning Proposal to Amend the Richmond Valley Local Environmental Plan 2012 – Rezoning of Rural (RU1 - Primary Production) Land for the Purpose of Rural Residential (R5 - Large Lot Residential) – LEP-0011 – 25 Ellems Bridge Road, Piora (Your Reference: 04/102) – NDC on behalf of Mr Sid Lane.

I refer to your lodgement of the Ellems Bridge Road Piora Planning Proposal received at Council 25 March 2013.

As you are aware, the amendment to Council's LEP is subject to a Gateway Determination by the Department of Planning and Infrastructure. This process is prescribed within the new (replacement) Part 3 of the Environmental Planning and Assessment Act 1979. In addition to the Legislative Requirements, the Department has issued informative guidelines as to what is expected and required in regards to a proposal which is to be presented to the State LEP Planning Panel.

The Planning Proposal, as it stands before Council, is required to explain the intended effect of a proposed LEP amendment and detail the justification for making The new plan.

All rezoning matters (Planning Proposals to amend a LEP) are subject to a stringent public exhibition process, and the documents provided for this purpose by the proponent must detail all aspects of the proposal and supply a level of detail which can withstand any and all scrutiny. The proposal will be used by a wide audience which includes the general community during exhibition.

The Department of Planning and Infrastructure's guidelines: 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans' are available on the Department's website, and represent the most contemporary guidelines for all Planning Proposal matters.

Council's main criticism of the proposal upon initial assessment is that it does not successfully present as a 'stand-alone' document to explain all matters and justification pertaining to the proposal.

All correspondence should be addressed to:

**The General Manager,
RICHMOND VALLEY COUNCIL**

....2/

Administration Office: Carr, Walker St. & Graham Place (Locked Bag 10) CASINO NSW 2470

The Piora Planning Proposal before Council (LEP0011) consequently cannot satisfy the current State requirements for documentation suitable for referral and exhibition as required under Part 3 the EP&A Act - Plan Making.

There is a large amount of information provided which assumes the reader knows all history of the matter to date, and does not adequately justify the proposal as required within the Department's guidelines. For example:

- The recent Planning Proposal document submitted states: "Information was previously submitted to Richmond Valley Council within our previous rezoning submission [version C: August 2009] addressing those matters raised by the department of Planning [31/10/06]."
- * (Part 3 Justification, Section A – Need for the Planning Proposal).

The matter referred to has been the subject of contention and has been discussed in previous Council correspondence which was not supplied or referred to within this recent proposal. *

- * (ECM: 771328 - 7 May 2012 and Council correspondence 19 March 2012).

When Part 3 of the EP&A Act was rewritten, the new provisions included a moratorium for rezoning matters (planning proposals) that had they been sufficiently initiated to warrant progression under the 'old' Part 3 of the Act. As you are aware, the Piora rezoning proposal had never undergone Certification by the Department to enable exhibition pursuant to section 65 of the EP&A Act. Records of the prior rezoning reveal the matter had not satisfactorily progressed through the procedural process as some matters were not adequately resolved.

Upon preliminary assessment, the following inadequacies within the planning proposal document were also noted in order of importance:

1. Table 3 – Direction 117 (page 19)
The table does not indicate that there are regionally significant natural resources located in proximity to the site. Consequently no consideration is given throughout the entire proposal as to how the extractive material resource could be compromised by inappropriate (potentially stifling) development within the buffer area to the resource. Buffer distances to the highway and the quarry have not been observed. (see DPI response 10/01/2007 (appendix 10) and Figure 1, this correspondence).
2. The Council resolution of 2006 when read in full and in context resolved to progress the rezoning. The resolution includes the statement: "Council undertake the necessary statutory requirements..." which indicates Council's intention to progress the matter legally as per the statutory guidelines. Council cannot support a proposal which has not followed due process or has failed to meet all State requirements applicable, as outlined within Departmental publications. Nothing within the resolution of 2006 gives authority to ignore statutory requirements.

3. The Planning Proposal is required to satisfy the provisions of SEPP 44 and there is some element of doubt as to whether Primary koala habitat is not present on the subject land as indicated by preliminary assessment.
4. A more detailed assessment may be required as to whether SEPP 55 provisions concerning past agricultural use of the property have been adequately satisfied.

Please be advised the above observations are noted as a result of preliminary assessment only and Council has distributed the proposal for relevant internal advice which could reveal further detail. Council will forward any additional requirements in due course following full assessment of the document.

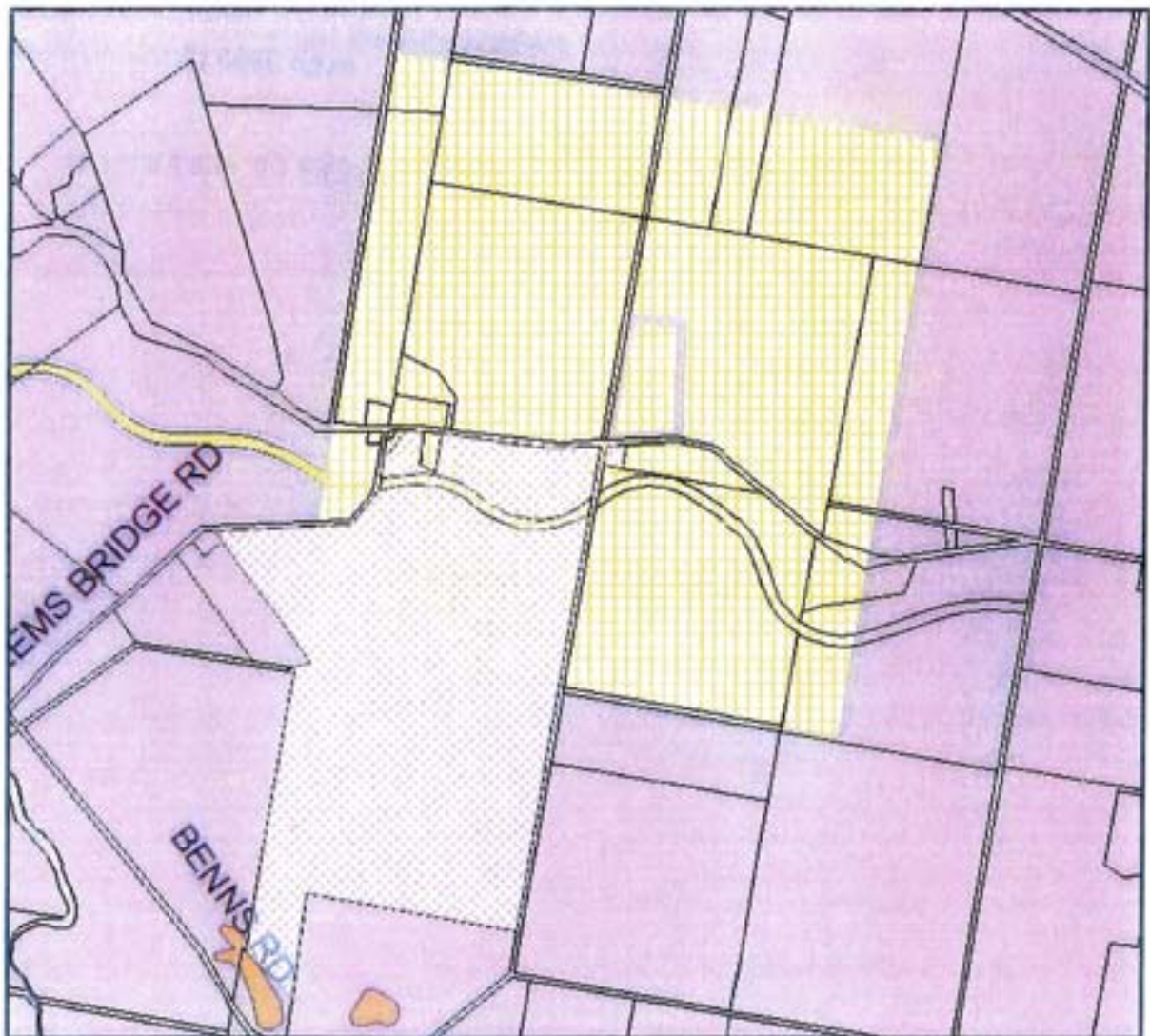
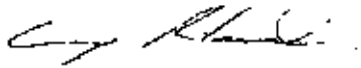


Figure 1: Representation of the area of the subject land within the buffer zone adjoining Woodview (Piora) Quarry – as notified by the NSW Department of Primary Industries pursuant to s.117(2) of the EP&A Act 1979. *

*[The area impacted is shown as yellow hatch and the subject (Lane) land is shaded]. ..4/

Council looks forward to working together to rectify deficiencies within the Planning Proposal document. Council wishes to ensure all issues relevant to the matter are resolved so that the final document shall provide an appropriate level of justification to satisfy all Departmental, Council and community requirements,

Yours sincerely,



Craig Rideout
PLANNING OFFICER
INFRASTRUCTURE AND ENVIRONMENT
Telephone: (02) 6660 0270

cc: Mr. Sid Lane, 25 Ellems Bridge Road, Piora 2470.

Council's Reference:
LEP0011:CR

Contact:
Craig Rideout

14 May 2013

Newton Denny Chapelle
PO Box 1138
Lismore NSW 2480



Attention: Damian Chapelle and Luke Fittock

Dear Damian and Luke,

Planning Proposal to Amend the Richmond Valley Local Environmental Plan 2012 – Rezoning of Rural (RU1 - Primary Production) Land for the Purpose of Rural Residential (R5 - Large Lot Residential) – LEP-0011 – 25 Ellems Bridge Road, Piora (Your Reference: 04/102) – NDC on behalf of Mr Sid Lane.

I refer to your lodgement of the Ellems Bridge Road Piora Planning Proposal received at Council 25 March 2013. To recap discussions within the scheduled meeting 24 April 2013, the main concern raised with the proposal by council is the deficiency in the proposal to address Ministerial Directive 1.3 – Mining, Petroleum Production and Extractive Industries.

The direction outlines the requirement to identify and take into consideration issues likely to lead to land use conflict between other land uses and development identified under (4)(a)(i). The Woodview quarry is clearly identified within the Mineral Resource Audit for Richmond Valley LGA compiled by the State of NSW Trade and Investment – Resources and Energy. I have attached a copy of this publication and mapping to electronic correspondence sent this day.

As you may recall, Council's other main criticism of the proposal was that it does not successfully present as a 'stand-alone' document to explain all matters and justification pertaining to the proposal. We received an undertaking from you to update the proposal to make it suitable for agency referral and exhibition purposes.

The internal referral to council's Environmental Health Officers revealed concerns the proposed subdivision layout lots 1-8 encroach the 140 metre setback requirement within Environmental Criteria for Road Traffic Noise (NSW EPA 1999). The 1000 metre buffer from Woodview quarry blasting operations was also not observed and noted Lot 7 is extremely constrained considering the 140m and dam set backs for on-site sewage management. It was identified that shallow bed rock may pose a problem for efficient effluent disposal on Lots 4, 5, 10, 11, 16, 17 & 19. Council considers these issues more likely to be dealt with at subdivision stage, however setback, soil and possible localised flooding concerns may influence the extent of land which may be rezoned and/or the Lot Size mapping which will be produced to reflect the LEP amendment. The Environmental Health assessment also recommended possible past use of pesticides, fertiliser, other chemical and/or oil/petrol storage should also be investigated for SEPP 55 consideration.2/

The General Manager,

RICHMOND VALLEY COUNCIL

Administration Office: Cnr. Walker St. & Graham Place (Locked Bag 10) CASINO NSW 2470

The Piora Planning Proposal's consideration of the section 117 Direction should adequately address the following section within the Mineral Resource Audit:

IMPLICATIONS FOR PLANNING

Minerals can only be mined where they occur. Economic, environmental and other constraints further limit the areas available for mining. An important aspect of mineral resource evaluation and development from a land use planning viewpoint is that the locations of minable deposits cannot always be predicted. This makes it imperative that known resources should be protected from sterilisation by inappropriate zoning or development, and that access to land for mineral exploration should be maintained over as much of the planning area as possible.

Changes to land use which are incompatible with mineral exploration and mining can result in the loss to the community of valuable mineral resources. It is therefore essential, when planning how land is to be used, to take account of both known mineral resources and the potential for further discoveries.

NSW Trade & Investment recommends that councils adopt the following strategies regarding mineral resources in its planning.

- 1. Operating mines and quarries should be protected from sterilisation or hindrance by encroachment of incompatible adjacent development.**
- 2. Known resources and areas of identified high mineral potential should not be unnecessarily sterilised by inappropriate zoning or development.**
- 3. Access to land for mineral exploration and possible development should be maintained over as much of the planning area as possible.**

Damian Chapelle mentioned within the April meeting he was aware seismic testing had been conducted in the past on land adjoining the quarry whilst blasting was undertaken. Mr. Paul Radnidge's recollection of the events concerning Woodview Quarry (Manager Civil Operations – RVC) has supplied information that seismic testing of adjoining property was conducted approximately 15 years ago in response to a complaint received by a resident 1.5 km away from the quarry. Although the seismic results indicated the impacts were unlikely to cause any damage to the residence or associated structures, the complainant was not consoled and felt blasting had considerable negative consequences to habitation within proximity to the quarry.

The rezoning proposes placing residences (approximately 30 lots proposed) within distances not consistent with guidelines (LUCRA = 1km exclusion for quarry blasting activities). Although the blasting is infrequent, the incident above illustrates that although it may be conveyed to a concerned resident that affects of blasting/quarrying activities are unlikely to cause damage, the nature of seismic and noise disturbance concerns nearby residents greatly.

Any complaint received from nearby residences due to noise and vibration concerns pose a risk to future continued operation of the quarry. The Woodview quarry resource is estimated to be 1.75 M tonnes with a potential to produce 30,000 – 40,000 tonnes basalt aggregate per annum for over 40 years. Mineral Resource Audit mapping also shows the extent of the extraction is likely to expand beyond the present walls of the quarry which encapsulate the working face and may not serve to mitigate noise and vibration impacts in the future.

...3/

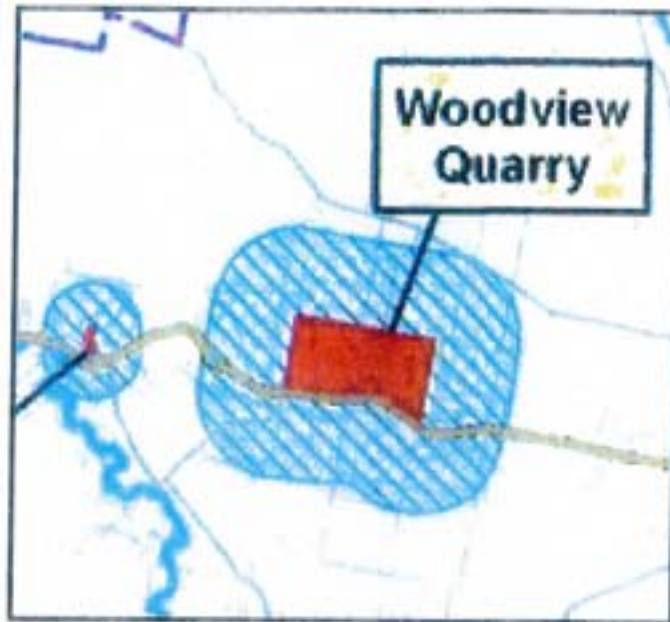


Figure 1: Representation of the area of the subject land within the buffer zone adjoining Woodview (Piora) Quarry as identified within the Mineral Resource Audit – Richmond Valley LGA - NSW Trade and Investment – Resources and Energy - pursuant to s.117(2) of the EP&A Act 1979. *

The NSW Department of Primary Industries (DPI) objected when the rezoning matter was referred back in 2007. The correspondence dated 11 January 2013 outlining the Department's objection based on section 117 Direction 1.3 was included as Attachment 10 to the Planning Proposal you submitted March 2013, however the implications of this objection were not adequately addressed within the main body of the proposal document.

Should you have any further enquiries regarding this matter, please contact Craig Rideout on (02) 66600219, between the hours of 8.15am and 10.30am, Monday to Friday.

Yours sincerely,

Craig Rideout
PLANNING OFFICER
INFRASTRUCTURE AND ENVIRONMENT

cc: Mr. Sid Lane, 25 Ellems Bridge Road, Piora 2470.



ATTACHMENT 9

AHIMS

Fax to: Mitchell Taylor of: Place Design Group
Fax no: 07 3852 4766
From: Shannon Freeburn of: Culture & Heritage Division
Phone: 9585 6471
cc:
Date: 10/08/2008 No of pages (including this page):

RE: AHIMS SITE SEARCH RESULTS**Hi Mitchell****AHIMS Results as Requested.****Regards,****Shannon**

PO Box 1967, Hurstville NSW 2220
43 Bridge Street, Hurstville NSW
Tel: (02) 9595 6000 Fax: (02) 9585 6555
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of Environment & Climate Change NSW



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Department of
**Environment
and Climate Change (NSW)**



Your reference : [Unknown]
Our reference : AHIMS #26832

PLACE Design Group Pty Ltd
PO Box 419
Fortitude Valley QLD 4008

Tuesday, 11 August 2008

Attention: Mitchell Taylor

Dear Sir or Madam:

Re: AHIMS Search for the following area at Lot 2 Dp 572347; Lot 1 Dp 449328

I am writing in response to your recent inquiry in respect to Aboriginal objects and Aboriginal places registered with the NSW Department of Environment and Climate Change (DECC) at the above location.

A search of the DECC Aboriginal Heritage Information Management System (AHIMS) has shown that 0 Aboriginal objects and Aboriginal places are recorded in or near the above location. Please refer to the attached report for details.

The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.

The following qualifications apply to an AHIMS search:

- AHIMS only includes information on Aboriginal objects and Aboriginal places that have been provided to DECC;
- Large areas of New South Wales have not been the subject of systematic survey or recording of Aboriginal history. These areas may contain Aboriginal objects and other heritage values which are not recorded on AHIMS;
- Recordings are provided from a variety of sources and may be variable in their accuracy. When an AHIMS search identifies Aboriginal objects in or near the area it is recommended that the exact location of the Aboriginal object be determined by re-location on the ground; and
- The criteria used to search AHIMS are derived from the information provided by the client and DECC assumes that this information is accurate.

All Aboriginal places and Aboriginal objects are protected under the *National Parks and Wildlife Act 1974* (NPW Act) and it is an offence to destroy, damage or deface them without the prior consent of the DECC Director-General. An Aboriginal object is considered to be known if:

- It is registered on AHIMS;
- It is known to the Aboriginal community; or
- It is located during an investigation of the area conducted for a development application.

If you considering undertaking a development activity in the area subject to the AHIMS search, DECC would recommend that an Aboriginal Heritage Assessment be undertaken. You should consult with the relevant consent authority to determine the necessary assessment to accompany your development application.

Yours Sincerely

Freeburn, Shannon
Administrator
Information Systems & Assessment Section
Culture & Heritage Division
Phone: 02 9585 6471
Fax: 02 9585 6094



List of Sites (List - Short)

Grid Reference Type = AGD (Australian Geodetic Datum), Zone = 68, Easting From = 491020, Northing From = 8602220,
 Northing to = 8603013, Requestor ID = 20832, Feature Search Type = AHIMS Features

Site ID	Site Name	Datum Zone	Easting	Northing	Context	Site Features	Site Types	Recording	Reports	State Arch. Box No
							Recorded prior to June 2001	(Primary)	(Check logon Number)	(for office use only)

No Site Recorded

ATTACHMENT 10

**NSW DPI, NSW RFS, NSW DoP,
NSW RTA & NSW DNR Objection**

NSW DEPARTMENT OF
PRIMARY INDUSTRIESOur Ref: 03/3227 OUT06/5777
Your Ref: T.310.11

10 January 2007

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2482

Attention: Mr John Hession

Dear Sir

**Draft Richmond River LEP Amendment No. 34
Rural Residential Rezoning – 25 Ellems Bridge Road, Piora**

I refer to your letter of 20 November 2006 accompanied by a rezoning submission prepared by Newton Denny Chapelle (CD July 2005, Version B October 2006).

The Department of Primary Industries has been formed by the merger of NSW Fisheries, Mineral Resources NSW, State Forests NSW and NSW Agriculture. This is a coordinated response from the Department of Primary Industries.

Proposal

NSW DPI has reviewed the rezoning submission and notes that the proposal includes the rezoning of part Lot 2 DP 572347 and Lot 1 DP 449328, No 25 Ellems Bridge Road, Piora to enable rural residential subdivision (31 lots). The subject land is 10 km west of Casino adjacent the Bruxner Highway and is said to have been identified for closer rural settlement in Council's Rural Residential Development Strategy 1999. The subject site is largely cleared grazing land.

Mineral Resource Issues

The NSW DPI Division of Mineral Resources objects to the subject proposal for the following reasons.

- Large parts of the subject subdivision are within a buffer zone around Woodview (Piora) Quarry notified to Council pursuant to s117(2) of the EPA Act.
- There is potential for adverse quarry impact on the subject subdivision arising from noise, dust, ground vibrations and/ or fly rock.
- The quarry is within the viewshed from parts of the proposed subdivision, exacerbating the risk of objections to quarrying based on aesthetic or noise considerations.
- There is potential for conflict between quarry traffic and traffic from the subject subdivision.
- Inappropriate development so close to the quarry could lead to conflict and public controversy which in turn could limit future use of Woodview Quarry.
- Woodview Quarry is an important resource which needs to be protected from sterilisation by inappropriate nearby landuses.
- The known resource at Woodview Quarry extends laterally from the existing quarry face, so future operations could be more extensive and more intense than currently, further exacerbating the potential for conflict.

Any proposal for development close to important, current and potential sites such as Woodview Quarry would need to demonstrate that current and future quarry operations would not be adversely affected by proposed developments. Issues for consideration would include, but not necessarily be limited to, those listed above. Potential future quarry development, including potential for expansions, intensification and modification to quarry layout, would need to be taken into account and hence there would need to be consultation between the developer and the quarry operator.

Without potential constraints to current and future quarrying around Woodview Quarry being adequately and appropriately addressed, NSW DPI (Mineral Resources) has little choice but to object to proposals such as the subject subdivision, whatever its merits might otherwise be. Consequently, NSW DPI (Mineral Resources) objects to the subject development as currently presented.

Contact Mr Jeff Brownlow on (02) 6738 8513 or jeff.brownlow@dpi.nsw.gov.au for further information with regard mineral resource issues.

Fisheries Issues

The Fisheries Division raise no objection to the proposal but note that the southern and lowest portion of the property contains floodplain lagoons known as Diamond D Lagoon. Floodplain lagoons are an important fish habitat. Research has demonstrated that the growth rates of the recreationally popular Australian bass (locally known as perch) is significantly faster in healthy floodplain lagoons compared with the main river and its tributaries. Cognisant of this and other aquatic habitat values of the Lagoon, NSW DPI recommends there be appropriate investigation and efforts to maintain floodways to the lagoon. It is appreciated that the lagoon and its surround represent the lowest part of the site. Despite this, infrastructure and services for the proposed development should be sited so as to avoid obstruction of floodwater flows.

Establishment of a riparian buffer to minimise the impact of the development on aquatic habitats is also important, particularly so, as the lagoon which has a limited assimilatory capacity is positioned downslope of the development. NSW DPI policy with regard aquatic habitat buffers is outlined in: Policy and Guidelines Aquatic Habitat Management and Fish Conservation 1999 available on DPI website at: <http://www.fisheries.nsw.gov.au/hab/tool-kit.htm> and requires:

"Terrestrial areas adjoining freshwater, estuarine or coastal habitats be carefully managed in order to minimise land use impacts on these aquatic habitats. As a precautionary approach, foreshore buffer zones at least 50 metres wide should be established and maintained, with their natural features and vegetation preserved. Such buffer zones may need to be fenced or marked by signs. The width of these buffer zones may need to be increased to 100 metres or more where they are adjacent to ecologically sensitive areas."

Contact Mr Pat Dwyer on (02) 6626 1397 or pat.dwyer@dpi.nsw.gov.au for further information with regard fisheries issues.

Agricultural Issues

The draft LEP and subsequent planned development will contribute to dispersed rural settlement in a rural precinct that supports and has the potential to support intensive and extensive agricultural industries. The inference that this rezoning is part of a larger and longer term plan for rural settlement in this locality suggests that further and contemporary examination of the suitability of the land for closer rural settlement may be required.

NSW DPI is concerned that without proper and effective planning, the proposed rural residential development could lead to land use conflict with existing and future agricultural enterprises. Any additional land use conflict arising from the development would jeopardise the regional target of a 90% reduction in land use conflict within or adjacent to environmental assets and rural production areas by 2012 (Northern Rivers Catchment Action Plan 2006).

Specific agricultural issues of concern to NSW DPI include:

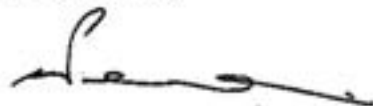
1. Increased traffic (279 additional daily vehicle movements after development) on the Bruxner Highway between Casino and the site which could increase risk of collisions with dairy cattle that cross this road as part of routine farm management arrangements. Cattle underpasses could be cost prohibitive and people moving into rural areas are not always patient with stock crossing roads.
2. Proposed meat chicken farms located on lands to the south of the property could be a source of odour, noise and complaint. The relationship and potential risk of conflict between the proposed chicken sheds and the development site needs to be duly assessed. The documentation needs to clearly demonstrate the assessment process used to demonstrate that the proposed rural living and nearby chicken sheds can coexist.
3. Should development of the site proceed, dwellings should, as a general recommendation, be located at least 50 metres from a boundary that adjoins agricultural land so as to provide a basic level of separation and amenity between rural living and the rural lands. A lesser distance may be appropriate but should still be aimed at providing an appropriate level of rural living amenity and not lead to undue interference with the routine and legitimate management and use of adjoining agricultural lands.

Forestry Issues

The proposal raises no issues for the Forests NSW Division of NSW DPI.

Please contact Mr Rik Whitehead on (02) 6626 1349 or rik.whitehead@dpi.nsw.gov.au in the first instance should you require any further information or advice with regard agricultural issues or the NSW DPI response to this matter.

Yours faithfully



Sally Pearmain
Acting Regional Director DPI Relations
NORTH COAST

12/1/2007

All communications to be addressed to:

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02) 8741 5555

Development Control Services
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02) 8741 5550



The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Your Ref: T.310.11

Our Ref: LEP/0105 0003
A06/2507 CS

Attention: Ken Exley

28 December 2006

Dear Ken,

**Re: Draft Richmond River LEP Amendment – Rural Residential Rezoning – 25
Ellems Bridge Road, Piora**

I refer to your letter dated 20 November 2006 seeking our advice in accordance with Section 62 of the *Environmental Planning & Assessment Act 1979* for the above Local Environmental Plan (LEP).

The NSW Rural Fire Service (RFS) notes that the subject site is identified as bush fire prone on the Richmond Valley Bush Fire Prone Land Map. As such any future residential (including rural residential subdivision) or Special Fire Protection Development will be subject to the requirements of Section 100B of the *Rural Fires Act 1997* and Section 79BA of the *Environmental Planning and Assessment Act 1979*.

For further information regarding this matter, please contact Corey Shackleton.

Yours faithfully

Lew Short
Manager, Development Control Services

Incoming/Outgoing - Letter	
10 JAN 2007	
Date	Assigned: J. Hession
Resubmit (Date/Officer)	
File No. T.310.11	Doc. No. 1151/446



NSW GOVERNMENT
Department of Planning

Office of the Director General

Contact: John Finlay
Phone: (02) 6641 6600
Fax: (02) 6641 6601
Email: John.Finlay@planning.nsw.gov.au
Postal: Locked Bag 10, Grafton 2460

Our ref: G06/00038
Your ref: T310.11

Mr Brian Wilkinson
General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Dear Mr Wilkinson

Re: Section 54(4) Notification – Draft Amendment 34 to Richmond River LEP 1992

I am writing in response to Council's letter dated 11 October 2006 advising, pursuant to section 54(4) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), of the Council's decision to prepare a draft local environmental plan ('LEP') to rezone Lot 1 DP 449328 and part Lot 2 DP 572347, 25 Ellens Bridge Road, Piora from Rural 1(b1) Secondary Agricultural land to Rural Residential 1(c) zone.

The Council should now continue with the preparation of the draft LEP.

While I have determined that an environmental study is not required in the preparation of the draft LEP, Council should ensure the following information is exhibited along with any other relevant documentation to support the draft LEP:

- The supply and take up/development of lots in Stage 1
- Any Stage 1 sites which are constrained and the nature of those constraints
- A Staging Plan for the whole release area
- Any areas or items with heritage or cultural significance
- The impact of additional traffic accessing the Bruxner Highway and any infrastructure changes needed

Council should also consider utilising a common effluent disposal system for the entire release area given its size and density.

Consultation with the Department under section 62 of the Act is not required in this instance.

You will be aware that an instrument of delegation in respect of my LEP making functions was executed on 16 February 2006. Use of the delegation in respect of a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation. As an Authorisation is not being issued on this occasion, Council should submit the draft LEP to the Department seeking a section 65 certificate.

Incoming/Outgoing - Letter	
10 NOV 2006	
Date	
Assigned	J. Finlay
Resubmit (Date/Officer)	
File No.	Doc. No.
T. 310.11	[106] 15550

Please forward a copy of the draft plan and any other information to be publicly exhibited in respect of the draft LEP to the Regional Office with advice to the Department as required under section 64 of the Act when seeking a section 65 certificate.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely

SHaddad

Sam Haddad
Director General

31.10.2006.

on.



File No: 389.5314/6
Your reference: T.310.11 Mr J Hession
Liz Smith

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

HW16 - Bruxner Highway
Richmond River LEP Draft Amendment No 34 - Rural Residential Rezoning at 25 Ellems Bridge Road, Piora.

Dear Sir

I refer to your letter dated 20 November 2006 regarding the above amendment to the Richmond River Local Environment Plan.

The Roads and Traffic Authority (RTA) objects to the rezoning at this stage. Land should not be rezoned unless it can be clearly demonstrated that safe and efficient access can be achieved. The RTA therefore requests the following information in relation to road safety and network efficiency:

1. It would be appropriate to assess the locations along the site frontage where adequate Safe Intersection Sight Distance (SISD) is available for the prevailing speed limit. It should be noted that the existing junction of the Bruxner Highway and Ellems Bridge Road does not meet the minimum requirement of 250m for SISD. Should a more appropriate location be found, the RTA would pursue the closure of the existing junction, and all new and existing properties would need to be connected to the new junction by the internal road network.
2. A traffic study should be undertaken to determine the impact of the additional volume of traffic generated by this development on the surrounding road network, particularly the Bruxner Highway at this location.

The traffic study should take into account the key issues relevant to the scale of this proposal as set out in Section 2.3 of the RTA's "Guide to Traffic Generating Developments" (copy attached.). This should at least include information relating to:-

- Intersection sight distances (see 1. above)
- The total traffic impact on the road network, including other activities in the area
- Existing and proposed access conditions and proposed intersection treatment
- Infrastructure and public transport routes eg. cycleways and buses (including school bus stops)
- A Section 94 Contributions Plan for improvements to the road network

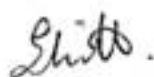
Current AUSTROADS standards should be adopted when designing any necessary upgrading of the surrounding road infrastructure. Detailed plans of any roadworks required on the Bruxner Highway should be submitted to the RTA for consideration.



Any roadworks on the Bruxner Highway will be subject to the execution of a Works Authorization Deed (WAD) with the RTA to meet current legislative, environmental and construction requirements. It should be noted that the approvals for the WAD are subject to fees, and this forms part of the Development Application process.

Should you wish to discuss this matter further please do not hesitate to contact Ms Liz Smith at the Grafton Regional Office on 6640 1345.

Yours faithfully



- 9 JAN 2007

Jim Campbell
A/Regional Manager, Northern Region

2.3 Issues to be addressed

A traffic impact study should follow the standard format and structure that is listed in Table 2.1. This format covers the key issues to be addressed in determining the impact on traffic of a development. Use of this format and the checklist will ensure those involved in the preparation and / or assessment of Development Applications that the most significant matters are considered.

Table 2.1
Key issues in preparing traffic impact studies

Procedures & Key Parameters	Source	Check
<i>Brief description of the development</i>		
<i>Application and study process</i>		
Introduction		
<i>Background</i>		
<i>Scope of report</i>		
The key issues and objectives of a traffic impact study		
General Data Collection / Existing Conditions		
<i>Description of the Site and Proposed Activity</i>		
<i>Site location</i>		
Current land use characteristics (zoning) of the proposed site and land use in the vicinity	Council	
Site access		
<i>The Existing Traffic Conditions</i>		
Road hierarchy; including the identification of the classified road network (major and minor roads) which may be affected by the development proposal	Council / RTA	
Inventory of road widths, road conditions, traffic management and parking control	Council, RTA and Survey	
Current and proposed roadworks, traffic management works and bikeways	Council / RTA	
<i>Traffic Flows</i>		
Selection of key streets - possibly divided into the major and the minor road network; selection of key assessment periods, chosen to cover the times at which the development would be expected to have its major impacts	Section 3	
AADT on key streets	RTA / Council / Survey	
Daily traffic flow hourly distribution, particularly in or near residential areas	Survey	



Procedures & Key Parameters	Source	Check
Estimate of the speed of traffic on the road to which vehicular access is proposed	Survey	
Current traffic generation of site	Survey	
Daily and peak period heavy vehicle flows and percentages	Survey	
The adaptation of appropriate computer models or techniques for assessing levels of traffic congestion and queuing conditions		
<i>Traffic Safety</i>		
Accident history of road network in the area	Accident Histories	
<i>Parking Supply and Demand</i>		
On-street parking provision	Local Council	
Off-street parking provision	Councils / Surveys	
Current parking demand, including utilisation by time of day and turnover rates	Survey	
Short term pick up and set down areas	Council / Survey	
<i>Modal Split</i>	STA / Survey	
<i>Public Transport</i>		
Rail station locations	SRA	
Bus routes and bus stop locations; Pedestrian access to bus stops; Constraints and conflicts	STA / Private Operators / Survey	
Rail and bus service frequencies, ideally separated into Monday to Friday, Saturday and Sunday, for both peak and off-peak times	SRA / STA / Private Operators	
Commuter parking provision	SRA / Survey	
<i>Pedestrian Network</i>		
Identify major pedestrian routes	Survey	
Pedestrian flows and potential conflicts with vehicles, particularly where such conflicts cause capacity constraint on either vehicular or pedestrian movement	Observation	
Pedestrian infrastructure	Survey	
<i>Proposed developments in the vicinity</i>	Council	

Procedures & Key Parameters	Source	Check
Proposed Development		
<i>The Development</i>		
Plan reference, if plans not contained in study report		
Nature of development		
Gross floor areas of each component of development		
Projected number of employees/users/residents		
Hours and days of operations		
Staging and timing of development		
Selection of appropriate design vehicles for determining access and circulation requirements	Section 6	
<i>Access</i>		
Driveway location, including review of alternative locations	Sections 5, 6	
Sight distance of driveways and comparisons with stopping and desirable minimum sight distances	Section 6	
Service vehicle access	Section 6	
Analysis of projected queuing at entrances	Section 6	
Current access to site and comparison with proposed access		
Provision for access to, and by, public transport	Section 6	
<i>Circulation</i>		
Proposed pattern of circulation	Section 6	
Internal road widths	Section 6	
Provision for bus movements		
Service area layout		
<i>Parking</i>		
Proposed supply		
Parking provision recommended by State Government policy	RTA	
Council code and local parking policies and plans	Council	
Parking layout		
Projected peak demand, based where appropriate on similar research reports and on surveys of similar developments;	Section 5	
Parking for Service / courier vehicles and bicycles	Section 5	



Procedures & Key Parameters	Source	Check
Impact Of Proposed Development		
<i>Traffic generation during design periods</i>		
Daily and seasonal factors		
Pedestrian generation and movements		
<i>Traffic Distribution and Assignments</i>		
Hourly distribution of trips		
Assignments of these trips to the road system, based where possible on development feasibility studies or on origin/destination surveys undertaken at similar developments in the areas		
<i>Impact on Traffic Safety</i>		
Assessment of Road Safety Impact		
<i>Impact of Generated Traffic</i>		
Daily traffic flows and composition on key streets and their expected effect on the environment, particularly in residential areas		
Peak period volumes at key intersections and effect of generated traffic on congestion levels	Survey	
Impact of construction traffic during construction stages		
Other proposed developments in the vicinity, their timing and likely impact, if known	Local Council	
Assessment of pedestrian movements	Survey	
Assessment of traffic noise		
<i>Public Transport</i>		
Options for extensions and changes to bus routes and bus stops, following discussions with the STA and or private bus operators	STA	
Provision for pedestrian access to bus stops		
<i>Recommended Works</i>		
Improvements to site access and circulation		
Improvements to roads, signals, roundabouts and other traffic management measures		
Improvements to pedestrian facilities		
Effect of recommended works on the operation of adjacent developments		



Procedures & Key Parameters	Source	Check ✓
Effect of recommended works on public transport services, including bus routes, bus stops and access thereto		
Provision of LATM measures		
Funding of proposed improvement projects		
Noise attenuation measures		

ATTACHMENT 11

Richmond Valley Council Report

SUBJECT: DRAFT RICHMOND RIVER LOCAL ENVIRONMENTAL PLAN 1992 (AMENDMENT No. 34) - RURAL 1(b1) SECONDARY AGRICULTURAL LAND TO 1(c) RURAL RESIDENTIAL, 25 ELLEMS BRIDGE ROAD, PIORA - T.310.11

PREPARED BY: PLANNING OFFICER

Council is in receipt of a rezoning application proposing to rezone Lot 1 on DP449328 and part of Lot 2 on DP572347, Parish of Bundock, from the Rural 1(b1) Secondary Agricultural Land zone to 1(c) Rural Residential zone in order to facilitate the development of a rural residential subdivision containing 32 allotments.

The application to rezone the land was originally lodged with Council in July 2005. However, upon the preliminary review of the documentation it was established that there were a number of outstanding elements as follows:-

i) Configuration and Placement of proposed lots

There is a lack of allowance for connectivity to future stages of rural residential development both throughout the subject site and also to property adjoining to the west.

ii) Buffer from Bruxner Highway

It is considered that there is insufficient buffer distance available from the Bruxner Highway to the proposed available house site areas within Lots 1 to 6 given the additional constraints such as the existing gully and buffer areas required to the existing dam.

iii) Proximity to Extractive Industry

In addition to the above constraints, the available areas for house sites on proposed lots 5 and 6 are further restricted by their proximity to the extractive industry on the northern side of the Bruxner Highway and the excessive distances of the battleaxe handle accesses to the proposed house sites.

iv) Future Available Rural Residential Land

Irrespective of a planned proposal to establish an Intensive Animal Establishment - chicken sheds on the property adjoining the subject site to the south, Council considers that there is sufficient additional area within the subject site for future additional rural residential development and would prefer that the rezoning submission includes an additional area to incorporate the logical expansion of this form of development, without the need to revisit this element in the form of a further rezoning application. This will also assist in revising the allotment configuration due to the constraints

as outlined above, in addition to indicating where the future connectivity throughout the subject parcel and to adjoining parcels will occur.

The applicant has submitted a revised layout in which it is stated that the above elements have been amended. Whilst the allotment configuration has been amended and extended in a southerly direction, the matters outlined in ii) and iii) above will be further determined as Council receives feedback from such agencies as the Roads and Traffic Authority and the Department of Planning.

REPORT

Council's Policy on the consideration of rezoning applications requires, amongst other things, the submission by the applicant of a range of basic information to enable Council to properly assess individual applications. The following is a summary report of the information submitted to date.

DETAILS OF REZONING/AMENDMENT

<i>Applicant:</i>	Newton Denny Chapelle
<i>Owner:</i>	Mr. S. & Mrs. J. Lane
<i>Property Description:</i>	Lot 1 on DP449328 and Part Lot 2 on DP572347, Parish of Bundock
<i>Rezoning/ Amendment Requested:</i>	Rural 1(b1) Secondary Agricultural Land to Rural Residential 1(c) Zone.
<i>Current Zoning provision</i>	Rural 1(b1) - (Secondary Agricultural Land) Zone.
<i>Potential Development Resulting from Rezoning Amendment</i>	Development of 32 Rural Residential lots of between 1 ha. and 5 ha. in area.

**Local
Environmental
Study
Requirement:**

No LES required.

Rural Areas

• Existing zone,	1(b1) Secondary Agricultural Land Zone
• proposed zone and	1(c) Rural Residential Zone
• proposed use	Rural Residential subdivision
• Existing uses on the site, uses on adjoining lands	Grazing
• Vegetation cover, effect of any proposal on flora and fauna of the site and in the locality	Site is predominantly cleared.
• Slope assessment, landform, drainage	Slope range is approx. 5% to 15% across site, with a spring fed dam to be retained in proposed Lot 9. Undulating and dissected by a number of gullies and drainage lines.
• Waterways or wetland areas, possible effects on water quality	No waterways or wetlands on site or adjoining.
• Flooding	Site is believed not to be subject to flooding.
• Means of access and possible traffic impacts	garbage service, medical services and emergency vehicles, construction vehicles bus services domestic vehicles Road network adequate to service this development.
• Agricultural classification and impact on agricultural uses on the land and on adjoining lands	Land identified as Class 4 against the Rural Land Evaluation Manual. Farmland Protection mapping has the entire property as "Other".
• Visual analysis	Predominantly cleared pasture land with scattered rural dwellings and stands of vegetation.
• Availability and location of public utility services.	The site is serviced with electricity and

MINUTES OF THE ORDINARY MEETING OF THE RICHMOND VALLEY COUNCIL, HELD IN THE COUNCIL CHAMBERS, CORNER WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 19 SEPTEMBER 2006, COMMENCING AT 2.00 P.M.

e.g. water, sewerage, electricity, drainage etc	telecommunications. A stormwater management plan has been submitted with the rezoning application.
• Soil capability/erodibility - suitability for on-site waste disposal	An On Site Sewage and Wastewater Management Report has been submitted with the rezoning application stating that an effluent site area of 800 sq. m. is available on each proposed lot.
• Bushfire hazard	A proportion of the site to the west of the proposal is located within the Category 2 and 3 Buffer. To the south of the proposal some Category 1 and Category 3 bushfire prone land is located on the subject site.
• Archaeological significance	Not applicable.
Each submission should be accompanied by a concept plan. Detail plans which would be required for a development application or a building application are not required at this stage, unless specifically requested where the detail is necessary for Council to fully appreciate a proposal	A concept plan has been submitted.

RELEVANT LEGISLATIVE PROVISIONS

Provision	Comment	Consistent
<u>Richmond River Local Environmental Plan 1992</u>		
CL2 - Aims & Objectives		Yes
CL9 - Zone Objectives and development control table	Proposed zoning is appropriate for the proposed use of the land.	Yes
CL17 - Clearing and scenic protection	The land is clear of native vegetation.	Yes
CL21 - Heritage Items	There are no environmental heritage items, listed in Schedule 1, on the land.	Yes
CL29 - Flood liable land	The land is not believed to be flood liable.	Yes
CL32 - Restrictions of access	Contributions in accordance with Council's S.94 Contributions Plan will ensure that the appropriate amounts	Yes

MINUTES OF THE ORDINARY MEETING OF THE RICHMOND VALLEY COUNCIL, HELD IN THE COUNCIL CHAMBERS, CORNER WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 19 SEPTEMBER 2006, COMMENCING AT 2.00 P.M.

Provision	Comment	Consistent
	are applied.	
CL34 - Butters	The land is within 500m of land Zoned I(e) - Extractive Industry.	To be determined under Section 117 Directions.
<u>Council Strategies / DCPs</u>		
DCP 9 - Water Sensitive Urban Design	This DCP aims to implement the principles of water sensitive urban design (WSUD) to new developments. These principles incorporate water efficiency, stormwater minimisation and improved water quality, erosion & sediment controls and riparian protection.	Yes
<u>North Coast Regional Environmental Plan</u>		
Part 2 - Division 1 - Agricultural resources	Aims to protect prime crop or pasture land by identifying agricultural protection zones, setting minimum allotment sizes etc. Land is not considered to be prime crop or pasture land as it has been assessed as Class 4 Agricultural land using the Rural Land Evaluation Manual.	Yes - Land not prime crop or pasture land
Part 2 - Division 2 - Catchment management	Objective is to promote sustainable use of natural resources.	Yes - no rivers, creeks, wetlands on property.
Part 2 - Division 3 - Geological resources	Objective is to prevent sterilisation of known geological resources.	Yes - no known geological resources in locality
Part 4 - Division 3 Environmental hazards	Objective is to locate urban and tourism development on land that is free from flooding, land instability, coastal erosion, bush fire risk, and aircraft noise pollution. The land is above the 1 in 100 year flood event. Land is not subject to mass movement or subsidence. The land is not known to contain any contamination. The land is not within the coastal zone, an acid sulfate soil area, or close to an airport or flight path, sewerage	Yes

Provision	Comment	Consistent
	treatment plant, or offensive or hazardous industry. There are no high tension powerlines on the land	
Part 5 – Division 3 – Health and education	Objective is to ensure that residential land has adequate access to health and education facilities. The land is located approximately 10 kilometres west of the Town of Casino, which has the above facilities.	Yes

The following table must also be completed by Council as part of the formal request to the Local Environmental Plan Review Panel for its assessment of the content of the rezoning application, under the new procedures implemented by the Minister for Planning. The Table which is to accompany this report forms the notification to the Director-General, Department of Planning under Section 54(4) of the Environmental Planning and Assessment Act, of Council's decision to prepare a Draft LEP.

LEP Pro-forma Evaluation Criteria

Category 1 : Spot Rezoning LEP

1.	Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	Yes. The LEP is consistent with the provisions of the Richmond River Rural Residential Strategy, 1999.
2.	Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s.117) directions?	No.2 - Consultation with Public Authorities to occur as part of the Section 62 consultation process; No. 5 - Coal, other mineral, petroleum and extractive resources - the LEP does not introduce provisions prohibiting mining or extraction of coal, other mineral, petroleum and extractive resources, however, part of the subject site is located within 500 metres of an ongoing extractive industry site which is zoned Rural 1(e) Extractive and Mineral Resources Zone; No.9 - Conservation and management of environmental and indigenous heritage - the LEP is consistent with the direction as there are no known items of environmental and indigenous heritage within the subject lands; No.14 - Protection of farmland - the

MINUTES OF THE ORDINARY MEETING OF THE RICHMOND VALLEY COUNCIL, HELD IN THE COUNCIL CHAMBERS, CORNER WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 19 SEPTEMBER 2006, COMMENCING AT 2.00 P.M.

		Direction does not apply as the lands have been identified for rural residential settlement in a currently enforced strategy agreed by the Director –General of Planning; No.17 – Integrating land use and transport – the LEP considers rail and road networks in the area and further consultation with State Rail and the NSW RTA will occur as part of Sec. 62 consultation; No. 19 – Planning for Bushfire – there are some constraints which will be addressed in consultation with NSW Rural Fire Service; No. 22 – Rural Zones – the LEP is consistent with the Direction as it proposes to rezone rural land for rural residential purposes and as the land is included in the Rural Residential Strategy as approved by the Director General, Planning; No. 25 – Site Specific Rezoning, being in accordance with the Rural Residential Strategy approved by the Director General and the Draft Far North Coast Regional Strategy.
3.	Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	Yes. The LEP amendment is consistent with the Rural Residential development elements as outlined in the Draft Far North Coast Regional Strategy.
4.	Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP will not result in the loss of employment lands.
5.	Will the LEP be compatible/complimentary with surrounding land uses?	Yes. The LEP will be compatible and complimentary to the surrounding land uses. The site was chosen for its locational attributes when preparing the Rural Residential Development Strategy.
6.	Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landowners?	No. The LEP is consistent with an adopted Rural Residential Development Strategy in which the limits of the future extent of this form of development have been defined.
7.	Will the LEP deal with a deferred matter in an existing LEP?	No.
8.	Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. Provided that adjoining lands as identified in the Rural Residential Development Strategy are rezoned in accordance with this designation, other spot rezonings which are consistent with the planned land use,

		Rural Residential, will be welcomed, as there are comparatively fewer constraints in the Piora locality when assessed against other localities outlined in the Rural Residential Development Strategy.
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CONCLUSION

The application for rezoning of Lot 1 on DP449328 and Part Lot 2 on DP572347, Parish of Bundock is consistent with the provisions of the Richmond River Rural Residential Development Strategy 1999. The application will be referred to the following State Authorities as part of Section 62 consultations:

- Department of Infrastructure, Planning and Natural Resources - regarding native vegetation, catchment management issues, farmland protection, and strategic planning;
- NSW Rural Fire Service - regarding Planning for Bushfire Protection and S.100B Authority under Rural Fires Act;
- Department of Primary Industries for an assessment of impacts on Agricultural Lands;
- Roads and Traffic Authority for an assessment on the level of any impacts on the Bruxner Highway which fronts that part of the site subject to this rezoning;
- Railcorp concerning the former rail corridor which traverses the site.

A copy of the proposed Draft LEP Amendment is included as part of the Minutes.

RECOMMENDATION

Recommended that:

1. Council notify the Department of Planning under Section 54(4) of the *Environmental Planning and Assessment Act 1979* of Council's decision to prepare a draft Local Environmental Plan.
2. Draft *Richmond River Local Environmental Plan 1992 (Amendment No. 34)* as published within this report be adopted for the purposes of obtaining a Section 65 Certificate to enable its public exhibition.
3. Council notifies the Director-General of its decision and to advise that a local environmental study will not be required.

4. Council request the Director-General to issue a "Written Authorisation to Exercise Delegation" with respect to assuming the Director-General's delegations in issuing a Section 65 Certificate and Section 69 Report.
5. Council undertake the necessary statutory requirements to consult and publicly exhibit the Draft LEP Amendment along with any supplementary information or material.
6. Where no objections are received during the public exhibition of the draft LEP Amendment and no further alterations are required, beyond deleting the word draft and the advisory notes and correcting typographical errors), the General Manager be granted delegated authority to submit the LEP Amendment to the Parliamentary Counsel for an opinion and to submit a report under Section 69 of the Act to request the Minister make the plan.

2006-648 **RESOLVED THAT** the above recommendation be adopted.
(Cr. Mustow/Cr. Sullivan)

draft version 1

Draft Richmond River Local Environmental Plan 1992 (Amendment No 34)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G... ..)

Minister for Planning

Sydney,

2006

Draft Richmond River Local Environmental Plan 1992 (Amendment No 34)

1 Name of plan

This plan is the *Draft Richmond River Local Environmental Plan 1992 (Amendment No.34)*.

2 Aims of plan

- (1) This plan aims to rezone the land to which this plan applies from Zone No 1(b1) (the Rural (Secondary Agricultural Land) Zone) to Zone No 1(c) (the Rural Residential Zone) under *Richmond River Local Environmental Plan 1992* (the 1992 plan).
- (2) The zoning map supporting the 1992 plan currently comprises 13 sheets (identified consecutively as Map 1 to Map 13). The effect of amending the definition of **THE MAP** in clause 5(1) of the 1992 plan is to allow for the replacement of the sheet identified as "MAP 2 of 13" that will incorporate the new zoning of the subject land.

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to Lot 1 DP 449328 and Part of Lot 2 on DP 572347, 25 Ellems Bridge Road, Piora, Parish of Bundock, and shown edged heavy black and lettered "1(c)" on Map 2 of 13 of the map marked "Richmond River Local Environmental Plan 1992 (Amendment No. 34)" deposited in the office of Richmond Valley Council.

4 Amendment of Richmond River Local Environmental Plan 1992

Richmond River Local Environmental Plan 1992 is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 4)

Note All advisory notes contained within this draft LEP Amendment comprise commentary for drafting and exhibition purposes and do not form part of the plan. Advisory notes will be deleted from the final plan.

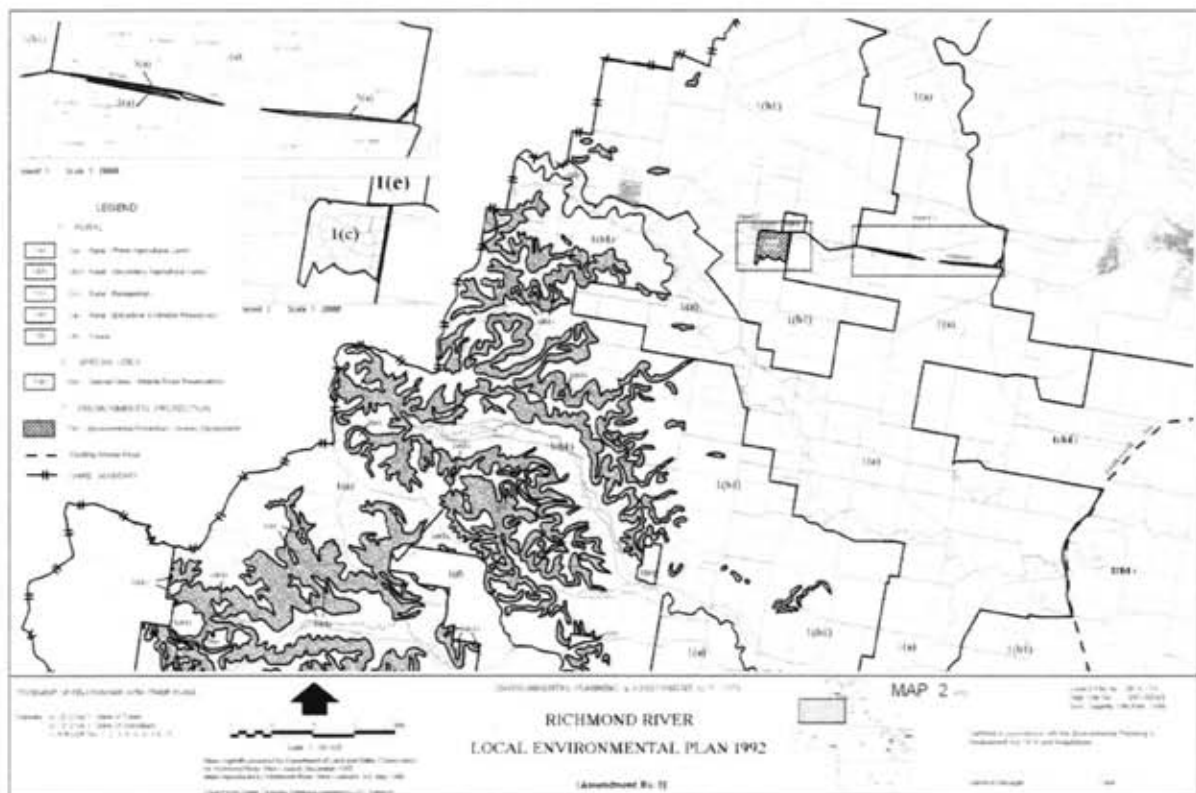
Note. This draft LEP Amendment has been produced concurrently with other Amendments. The following provisions may be identical in content with those of other draft LEP Amendments. In the event that this Amendment is published in the Government Gazette subsequent to the aforementioned Amendments the repetitive and superfluous provisions shall be changed or omitted where necessary.

Clause 5

[1] Insert the following words into clause 5(1) at the end of the definition **THE MAP**:

MAP 2—replaced by Richmond River Local Environmental Plan 1992 (Amendment No 34)

MAP 2



MINUTES OF THE ORDINARY MEETING OF THE RICHMOND VALLEY COUNCIL, HELD IN THE COUNCIL CHAMBERS, CORNER WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 19 SEPTEMBER 2006, COMMENCING AT 2.00 P.M.

SUBJECT LAND EDGED THUS

PROPOSED ZONING - (R) Rural Residential

RICHMOND VALLEY COUNCIL

DRAFT

RICHMOND RIVER LOCAL ENVIRONMENTAL PLAN 1992

AMENDMENT No 34

DRAFT DATE BY CHECKED DATE	APPROVED BY DATE BY DATE
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MINUTES OF THE ORDINARY MEETING OF THE RICHMOND VALLEY COUNCIL, HELD IN THE COUNCIL CHAMBERS, CORNER WALKER STREET AND GRAHAM PLACE, CASINO, ON TUESDAY, 19 SEPTEMBER 2006, COMMENCING AT 2.00 P.M.

(Cr. Mustow, having previously declared an interest in the following matter, retired from the meeting at this stage, the time being 3.56 p.m.)

SUBJECT:	DRAFT CASINO LOCAL ENVIRONMENTAL PLAN 1992 (AMENDMENT No. 8) RURAL 1(b) SECONDARY AGRICULTURAL LAND TO 2 - TOWNSHIP LOCATED AT REYNOLDS ROAD, CASINO - T.310.16
PREPARED BY:	PLANNING OFFICER

Council is in receipt of a rezoning application proposing to rezone a number of contiguous parcels located at Reynolds Road, Casino from the Rural 1(b) Secondary Agricultural Land zone to the 2 - Township zone under the Casino LEP 1992. The total area of the parcels subject of this application is 49.13 hectares. A concept plan has been submitted which details a proposed allotment layout that has been designed to provide a range of allotment sizes from 0.5 ha. to 12.3 ha.

REPORT

Council's Policy on the consideration of rezoning applications requires, amongst other things, the submission by the applicant of a range of basic information to enable Council to properly assess individual applications. The following is a summary report of the information submitted to date.

DETAILS OF REZONING/AMENDMENT

<i>Applicant:</i>	Country Member Pty. Ltd. Trustees for Casino Property Trust
<i>Owner:</i>	As above.
<i>Property Description:</i>	Lots 9,12 and 13 and 244 on DP755727, Lot 1 on DP118483, Lot 2 on DP570138, Lot 2 on DP1091888 and un-named road reserve
<i>Rezoning/ Amendment Requested:</i>	Zone Rural 1(b) to 2 - Township
<i>Current Zoning provision</i>	Rural 1(b) - (Secondary Agricultural Land) Zone

ATTACHMENT 12

**Section 117: Direction 1.3 –
Mining, Petroleum Production &
Extractive Industries**

1.3 Mining, Petroleum Production and Extractive Industries

Objective

- (1) The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that would have the effect of:
- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
 - (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:
- (a) consult the Director-General of the Department of Primary Industries (DPI) to identify any:
 - (i) resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance, and
 - (ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal, and
 - (b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and
 - (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and :
 - (i) development of resources identified under (4)(a)(i), or
 - (ii) existing development identified under (4)(a)(ii).
- (5) Where a planning proposal prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), the relevant planning authority must:
- (a) provide the Director-General of DPI with a copy of the planning proposal and notification of the relevant provisions,
 - (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
 - (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) before undertaking community consultation in satisfaction of section 57 of the Act.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the provisions of the planning proposal that are inconsistent are of minor significance.

Whole title Parent Act Historical versions Historical notes Search title Maps

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Current version for 14 September 2012 to date (accessed 24 May 2013 at 13:42)

[Part 3](#) Clause 13

<< page >>

13 Compatibility of proposed development with mining, petroleum production or extractive industry

(1) This clause applies to an application for consent for development on land that is, immediately before the application is determined:

- (a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or
- (b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or

Note. At the commencement of this Policy, no land was identified as referred to in paragraph (b).

- (c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.

Note. *Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)* is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.

(2) Before determining an application to which this clause applies, the consent authority must:

- (a) consider:
 - (i) the existing uses and approved uses of land in the vicinity of the development, and
 - (ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and
 - (iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and
- (b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a) (i) and (ii), and
- (c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a) (iii).

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**GEOLOGICAL SURVEY OF NEW SOUTH WALES
DEPARTMENT OF PRIMARY INDUSTRIES
MINERAL RESOURCES DIVISION**

**Resource Assessment &
Section 117(2) Direction No. G28 Notification
Richmond Valley LGA**

by

JT Pienmunne and JW Brownlow
Geologists

Geological Survey Report: GS2004/224

Dated: September 2004

Department File: L95/0232

Map Reference:	1:250,000 sheets	1:100,000 sheets
	Grafton	Coaldale
	Maclean	Woodburn
	Tweed Heads	Lismore
	Warwick	Bonalbo

Accompanying Plans: Richmond_Valley_S117.jpg

© Department of Primary Industries, 2004

The information in this report has been obtained by the Department of Primary Industries as part of the policy of the State Government to assist in the responsible development of mineral resources and furtherance of geological knowledge. It may not be published in any form, or used in a company prospectus, document or statement without the permission in writing of the Director-General, Department of Primary Industries, Orange.

SUMMARY

Section 117(2) Direction No. G28 – Coal, other Minerals, Petroleum and Extractive Resources of the Environmental Planning and Assessment Act 1979 was gazetted by the Minister for Planning on the 6th of December 1994.

The Direction requires that local councils consult with the Mineral Resources Division of the Department of Primary Industries when preparing Local Environmental Plans (LEPs) which are likely to prohibit or restrict the mining of mineral and extractive resources. The Direction makes it incumbent upon the Department to notify local government agencies of the locations of known and potential mineral resources.

This is the first Section 117(2) Direction No. G28 advice to Richmond Valley Council. Section 117(2) Direction No. G28 advice has been previously provided to Richmond Valley Council's predecessors Richmond River Shire and Copmanhurst Shire Councils.

This advice forms a part of the New South Wales Government's Comprehensive Coastal Assessment. This is a major, whole-of-government assessment of the physical, biological, social and economic resources and values of the State's coastal zone that is being undertaken in order to inform future land use and resource management decision making.

Areas containing operating mines/quarries, identified mineral resources and potential mineral resources have been identified.

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INTRODUCTION

Section 117(2) Direction No. G28 – Coal, other Minerals, Petroleum and Extractive Resources of the Environmental Planning and Assessment Act 1979 was gazetted by the Minister for Planning on the 6th of December 1994.

The Direction requires that councils consult with the Department of Primary Industries if proposed Local Environmental Plans (LEPs) are likely to prohibit or restrict the mining of mineral and extractive resources. The Direction makes it incumbent upon the Department to notify local government agencies of the locations of known and potential mineral resources.

The purpose of the Direction is to make local councils aware of the mineral resources within their Local Government Areas (LGAs) and to prevent the unnecessary loss of important resources. The advice issued to councils by the Department of Primary Industries informs councils of operating mines and quarries, and identified and potential mineral resources within their LGA. It is intended that the advice should provide a basis for better informed land use planning which will steer development away from areas containing important mineral resources where possible so as not to sterilise them unnecessarily.

ROLE OF THE DEPARTMENT OF PRIMARY INDUSTRIES

The Minerals Division of the Department of Primary Industries (previously NSW Department of Mineral Resources) is the principal Government agency responsible for the administration of the State's mineral resources. Under the Mining Act 1992 mineral resources are those mineral commodities which are listed in Schedule 1 Mining Amendment Regulation 2001 of the Act. Although most mineral commodities are classified as 'mineral resources' under the Mining Act 1992, extractive resources such

as sand, gravel, hard rock aggregate are generally not administered under that Act.

Because most extractive resources are not minerals in terms of the Mining Act 1992, the Department of Primary Industries does not have a formal, statutory role in their development, except for the mine safety role flowing from the Mines Inspection Act 1901. However, the Department has an accepted role amongst State Government agencies of assessing extractive resources, and providing advice pertaining to their development and management.

The Minerals Division of the Department has been involved in the assessment of extractive resources since at least the 1950s. This work has concentrated on the coastal regions where pressure on extractive resources from other land uses is the greatest.

The Department has been developing databases on known mineral and extractive resources as a basis for better informed land use planning, and to encourage further exploration. However, changing concepts and knowledge of the geology of the State mean that this process is a continuing one.

Comprehensive inventories of resources, concentrating on areas of greatest land use pressures (essentially the eastern part of the State), are being developed through updating of mineral occurrence databases and knowledge of mineral resource potential.

RESOURCE ASSESSMENT PROCEDURES

Data Sources

Identification of sites for Section 117(2) Direction No. G28 notification is based on data obtained from a number of sources.

The main data sources are the Geological Survey's mineral occurrence databases *Indmin* and *Metmin*. Data in these databases is derived from sources such as:

- technical reports of the Geological Survey of the Department of Primary Industries;
- environmental impact statements for quarrying and mining operations;
- data held by local and State government authorities;
- mineral exploration reports; and,
- other sources including newspapers, periodicals, annual company reports and prospectuses.

Other important data sources are:

- local councils which provide information on current quarrying/mining operations or proposals within their LGA; and
- quarry/mine operators who provide information on annual production, resources and expected life of quarry/mine operation.

Site Identification

Sites Identified in the Section 117(2) Direction No. G28 are either significant operating quarries or mines, significant quarrying or mining proposals, identified mineral resources or areas containing potential mineral resources.

For operating quarries, mines or proposals, the Section 117(2) Direction No. G28 notification identifies the mine or quarry site and an adjacent area or "buffer zone". The "buffer zones" are indicative of the areas that may be subject to significant impacts from current or future mining or quarrying operations. They are based on criteria previously developed by the (then) Environmental Protection Authority as a guide to buffer zone requirements, in the absence of the data on operational impacts needed, to determine a site specific buffer zone. Buffer zone widths are based on distances of 1000m for sites where blasting is, or would be used, and 500m for sites where blasting is not required. These distances may be reduced to take account

of factors such as existing land uses (eg built-up areas, industrial areas, or national parks) and the physical characteristics of individual sites.

For identified and potential resources the notification identifies the land containing resources and in some cases a buffer zone.

Where practicable, cadastral boundaries or other features such as roads or rivers are used as boundaries to facilitate definition of areas on the ground.

NOTIFICATION PROCEDURES

After gazettal of the Section 117(2) Direction No. G28, in December 1994, all LGAs in the State were assigned a high, medium or low priority rating for notification (figure 1) based on the following criteria:

- Degree of development in the LGA;
- Density of known mineral development and potential in the LGA; and,
- Nature and extent of information available to the Department.

To date, Section 117(2) Direction No. G28 notification advice has been provided to all high and most medium priority LGAs. In addition, notifications have been prepared for some low priority LGAs at the request of council.

Initial notifications have been provided to 137 councils (figure 2). Of these, the notification has been revised or amended at least once for 70 councils since the initial notification.

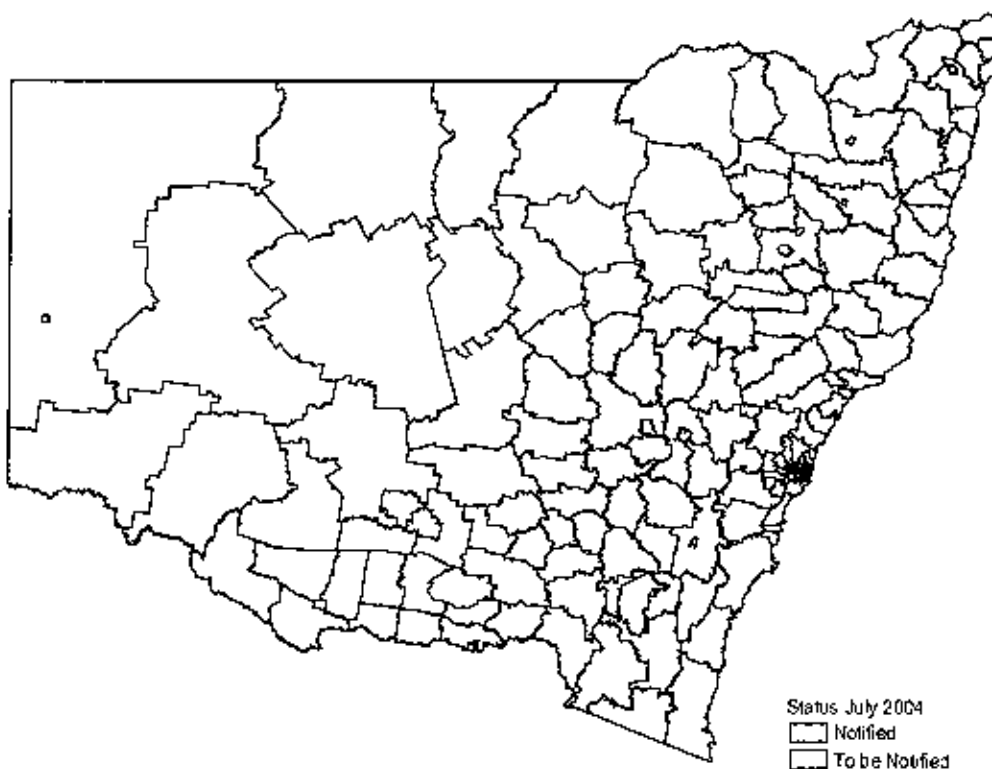
Initially notifications consisted of maps of identified sites and tabular data about each site.

In an effort to make the Section 117(2) Direction No. G28 notifications more relevant and 'user friendly' they will be accompanied by more detailed information in the future. The data is also available in digital form.

Figure 1: Priority Status December 1994



Figure 2: Notification Status July 2004



RICHMOND RIVER LGA SECTION 117(2) DIRECTION No. G28

This is the first Section 117 Direction No. G28 advice to Richmond River Council.

This advice forms a part of the New South Wales Government's Comprehensive Coastal Assessment. This is a major, whole-of-government assessment of the physical, biological, social and economic resources and values of the State's coastal zone that is being undertaken in order to inform future land use and resource management decision making.

Areas containing operating mines/quarries, identified mineral resources and potential mineral resources have been identified.

The resource information contained herein were compiled as part of brief assessment of resources in the LGA from the best available sources and are considered to provide a useful indications of the state of resource availability in the LGA at the time of compilation. They rely on existing data sources such as available reports, EISs, production statistics, and in some cases discussions with current operators. Neither these sources nor the Department's assessments are guaranteed to be free from error or omission. Council should liaise with the Department or with individual operators before making critical land use decisions.

All draft Local Environmental Plans which propose a change in zoning in the identified areas should be referred to the Department of Primary Industries for comment.

The Department would object to any proposed change in zoning in areas containing operating quarries/mines and/or identified mineral resources which may prohibit mining/quarrying in these areas.

The Department will endeavour to ensure that Council is kept informed of mineral and extractive resource developments in the district.

The identified sites are listed below and shown on the accompanying plan.

Site 1: Lanes Quarry

Operator: D.S. Marsh Haulage

Commodity: construction sand

Rock Type: friable sandstone

Status: identified resource

Production: currently nil

Resources: > 1 000 000 tonnes

Life of Operation: > 20 years

Comment: Site has conditional approval for extraction of 50 000 tonnes of material per annum.

Site 2: Plora Quarry

Operator: Richmond Valley Council

Commodity: hard rock aggregate

Rock Type: basalt

Status: operating quarry

Production: unknown

Resources: about 1 750 000 tonnes

Life of Operation: > 40 years

Comment: Taken over by Richmond Valley Council, currently only producing some overburden but has the potential to produce 30 000 - 40 000 tonnes per annum for over 40 years.

Site 3: Bultitudes Pit

Operator: Richmond Valley Council

Commodity: road materials

Rock Type: friable sandstone

Status: operating quarry

Production: about 30 000 tonnes per annum

Resources: about 60 000 tonnes

Life of Operation: about 2 years

Comment: Current resource nearly exhausted. Potential to expand laterally where large resources exist.

Site 4: Clovass Quarry

Operator: Holmes P/L

Commodity: hard rock aggregate

Rock Type: basalt

Status: operating quarry

Production: 97 670 tonnes in 2003/04

Resources: > 2 000 000 tonnes

Life of Operation: > 20 years

Comment: Long term coarse aggregate source. Lease recently renewed for 20 years.

Site 5: Yorklea Quarry

Operator: Conlon Bros.

Commodity: road materials

Rock Type: basalt

Status: operating quarry

Production: about 8 000 tonnes in 2003/04

Resources: about 750 000 tonnes

Life of Operation: > 20 years

Comment: Company hopes to operate the quarry for a long term. Drilling has proved basalt to 40m depth.

Site 6: Vidlers Pit

Operator: Jim Fraser

Commodity: road materials

Rock Type: weathered basalt

Status: operating quarry

Production: less than 2 000 tonnes per annum

Resources: about 100 000 tonnes

Life of Operation: > 20 years

Comment: Small road materials quarry.

Site 7: Coombell Brickworks Pit

Operator: none

Commodity: brick clay/shale

Rock Type: shale

Status: potential resource

Production: currently nil

Resources: unknown

Life of Operation: unknown

Comment: Pit area has potential for future brick clay extraction.

Site 8: Cattleyards Pit

Operator: Claypave

Commodity: brick clay/shale

Rock Type: shale

Status: operating quarry

Production: < 2 000 tonnes in 2003/04

Resources: about 700 000 tonnes

Life of Operation: >100 years

Comment: Pit area has potential for future brick clay extraction.

Site 9: Petersons Quarry

Operator: Richmond Valley Council

Commodity: hard rock aggregate

Rock Type: basalt

Status: operating quarry

Production: about 80 000 tonnes in 2003/04

Resources: about 5 000 000 tonnes

Life of Operation: > 60 years

Comment: Regional significant quarry with potential to be a long term supplier of hard rock aggregate.

Site 10: Coraki

Operator: Boral Resources P/L

Commodity: construction sand

Rock Type: alluvium

Status: operating quarry

Production: up to 30 000 tonnes per annum

Resources: unknown

Life of Operation: unknown

Comment: Area held under licence No. 350458 which Boral Resources P/L took over in February 2004. Operation involves dredging sand which is constantly replenished by the river. At modest extraction rates the operation has an indefinite life.

Site 11: Swan Bay Dredgings

Operator: Boral Resources P/L

Commodity: construction sand

Rock Type: alluvium

Status: operating quarry

Production: up to 30 000 tonnes per annum

Resources: unknown

Life of Operation: unknown

Comment: Area held under licence No. 350458 which Boral Resources P/L took over in February 2004. Operation involves dredging sand which is constantly replenished by the river. At modest extraction rates the operation has an indefinite life.

Site 12: Hetheringtons Pit

Operator: Uebergang & Sivewright
Commodity: road materials
Rock Type: sandstone
Status: operating quarry
Production: less than 4 000 tonnes per annum
Resources: about 700 000 tonnes
Life of Operation: > 20 years
Comment: Small road materials quarry

Site 13: Williams Pit

Operator: none
Commodity: flagging stone
Rock Type: sandstone
Status: potential resource
Production: currently nil
Resources: unknown
Life of Operation: unknown
Comment: Previously produced decorative aggregate from crushed sandstone. Major resource of flagging stone.

Site 14: Buntings Pit

Operator: NSW Roads and Traffic Authority
Commodity: road materials
Rock Type: sandstone
Status: potential resource
Production: currently nil
Resources: unknown
Life of Operation: unknown
Comment: Roads and Traffic Authority own the site. Site contains resources with development potential

Site 15: Rileys Hill

Operator: Department of Lands
Commodity: armour stone
Rock Type: sandstone
Status: potential resource
Production: currently nil
Resources: > 400 000 tonnes
Life of Operation: unknown
Comment: Long term armour stone quarry in large sandstone resource. SEPP 37 DA not yet determined.

Site 16: Byrnes Quarry

Operator: none
Commodity: road materials
Rock Type: chert
Status: potential resource
Production: currently nil
Resources: > 400 000 tonnes
Life of Operation: unknown
Comment: Old pit with potential for road materials extraction in the future.

Site 17: Campbells Quarry

Operator: McGeary Bros. P/L
Commodity: construction sand, road materials
Rock Type: chert, coastal sand
Status: operating quarry
Production: < 1 000 tonnes of sand in 2003/04. Previously up to 70 000 tonnes per annum
Resources: > 100 000 tonnes of sand and about 50 000 tonnes of chert
Life of Operation: > 10 years
Comment: Important source of sand. Annual production levels very due to demand.

Site 18: Gittoes Quarry

Operator: McGeary Bros. P/L
Commodity: road materials
Rock Type: chert
Status: operating quarry
Production: about 16 000 tonnes in 2003/04
Resources: > 250 000 tonnes
Life of Operation: about 15 years
Comment: Important source of road materials.

Site 19: Cabbage Tree Flat

Operator: none
Commodity: construction sand
Rock Type: alluvium
Status: potential resource
Production: currently nil
Resources: unknown
Life of Operation: unknown
Comment: Area has potential for further sand extraction.

Site 20: Six Mile Creek Swamp

Operator: none

Commodity: construction sand

Rock Type: alluvium

Status: potential resource

Production: currently nil

Resources: unknown, probably large

Life of Operation: unknown

Comment: The area has been subject to small scale sand extraction in the past. The area is thought to contain large reserves of medium- to coarse-grained sand.

Site 21: Robinsons Quarry

Operator: Newman Quarrying P/L

Commodity: road materials

Rock Type: sandstone

Status: operating quarry

Production: about 7 500 tonnes per annum

Resources: > 1 000 000 tonnes

Life of Operation: > 50 years

Comment: Small road materials quarry with large resources.

Site 22: Donaldsons Pit

Operator: C. Uebergang

Commodity: construction sand

Rock Type: coastal sand

Status: operating quarry

Production: up to 15 000 tonnes per annum

Resources: about 200 000 tonnes

Life of Operation: > 10 years

Comment: There is potential for the extraction area to be extended laterally.

Site	Resource	Significance
1. Lower Henry - S.E. South Ridge - Roadside catchment		
2. River Henry - Richmond Valley Council - Roadside catchment		
3. Bullocky Pt - Richmond Valley Council - Road catchment		
4. River Henry - River Pt - Road catchment		
5. Valley Henry - River Pt - Road catchment		
6. River Pt - River Pt - Road catchment		
7. River Pt - River Pt - Road catchment		
8. River Pt - River Pt - Road catchment		
9. River Pt - River Pt - Road catchment		
10. River Pt - River Pt - Road catchment		
11. River Pt - River Pt - Road catchment		
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23. River Pt - River Pt - Road catchment		
24. River Pt - River Pt - Road catchment		
25. River Pt - River Pt - Road catchment		

Areas containing existing quarries and/or
potential quarries



The Department of Mineral Resources would
object to any proposed change in zoning which
may result in quarrying in these areas

Areas containing potential mineral resources

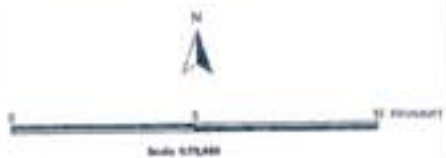


Development in these areas could adversely affect
or be affected by future quarrying operations
any proposed LUP which proposes a change in
zoning which may result in quarrying or
quarrying should be referred to the Department of
Mineral Resources for comment



Development in these areas could adversely affect
or be affected by future quarrying operations
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Mineral Resources for comment

Disclaimer: This map is not guaranteed to be true and accurate.
Therefore, any data of this map should not be used as a basis for any
decision or any other action or liability.





MINERAL RESOURCE AUDIT Richmond Valley LGA

by

J. W. Brownlow

Geological Survey report: GS2012/1362

Dated: August 2012

Department File: 12/19965

1:250 000	1:100 000 sheets		
SH56-02	9440		
SH56-03	9540		
SH56-07	9439		
SH56-06	9539		

Accompanying Plans: Richmond Valley ResourceAudit_Plan1.pdf

Key Words: Direction 1.3, s117, Richmond Valley LGA, Lismore City, Council, Broadwater, Casino, Coombell, Pacific Highway, Rappville, Richmond River, Richmond Valley, coal, coarse aggregate, construction materials, fine aggregate, mine, mineral, petroleum, quarry, resource, rutile, zircon, Clarence-Moreton Basin, infrabasin, Mesozoic, Palaeozoic, Quaternary, Tertiary

Disclaimer

The information contained in this publication is based on knowledge and understanding at time of writing (August 2012). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date.

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SUMMARY

The purpose of this report is to provide advice on the location and significance of mineral and extractive resources within the Richmond Valley local government area (LGA) to assist in land use planning within the LGA. Energy resources have not been included in the resource audit mapping, however data will be supplied in future updates as information becomes available.

Richmond Valley LGA has a range of mineral resources, particularly extractive resources suitable for construction applications as well as large potential for clay/shale. In addition, the LGA has potential for conventional petroleum (gas) and for coal and geothermal energy.

An assessment of known mineral and extractive resources and potential resources was undertaken to identify important resources areas that need to be considered in land use planning within the city.

Section 117(2) Direction 1.3 – Mining, Petroleum Production and Extractive Industries was issued on 19 July 2007. The direction requires that councils consult NSW Department of Trade & Investment, Regional Infrastructure and Services, Resources & Energy Division when preparing Local Environmental Plans (LEPs) that may restrict or prohibit the potential development of mineral, coal, petroleum and extractive resources. The direction also requires the department to provide advice to the council on mineral resources within the area subject to the draft LEP.

In February 2007 a new State Environmental Planning Policy (SEPP) was introduced. The *SEPP Mining, Petroleum Production and Extractive Industries (2007)* aims to provide for the proper management and development of resources and to facilitate the orderly economic use and development of land containing mineral, petroleum and extractive resources. The SEPP requires a compatibility test to be undertaken by council planners when assessing any proposed development in the vicinity of existing mines, quarries and petroleum production facilities or resources identified as being of state or regional significance.

NSW Department of Trade and Investment, Regional Infrastructure and Services (NSW Trade & Investment) encourages council to zone areas identified in this report using rural or other zones that allow mining, petroleum production and extractive industries.

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PLANS ACCOMPANYING THIS REPORT

Plan 1 Mineral Resource Audit of Richmond Valley LGA

INTRODUCTION

This report, accompanying maps, and ArcGIS file geodatabase/shapefiles have been prepared by the Resources & Energy Division of NSW Trade & Investment as part of an ongoing mineral resource mapping program to assist councils throughout the state in land use planning within their respective LGAs. The program was initiated in 1994 in response to the issuing of a local planning Direction G28 (now 1.3 – *Mining, Petroleum Production and Extractive Industries*), under Section 117(2) of the *Environmental Planning and Assessment Act 1979*.

Direction G28 – Coal, other Minerals, Petroleum and Extractive Resources under Section 117 (2) of the *Environmental Planning and Assessment Act 1979* was issued by the Minister for Planning in December 1994. This ministerial direction was amended in September 2005 and was further amended on 19 July 2007 and re-issued as *Direction 1.3 – Mining, Petroleum Production and Extractive Industries* (see Appendix 2). The purpose of the direction is to prevent the unnecessary loss of access to important mineral, petroleum and extractive resources due to inappropriate zoning.

The direction requires that councils consult with NSW Trade & Investment if proposed LEPs are likely to prohibit or restrict the development of coal, petroleum, mineral and extractive resources. The direction requires NSW Trade & Investment to notify local government agencies of the locations of current operations and resources of state or regional significance.

In February 2007, the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* was gazetted. The SEPP, which applies state-wide, consolidates and updates many existing planning provisions related to mining, petroleum production and extractive industries as well as introducing new provisions to improve and facilitate the sustainable management of the state's mineral, petroleum and extractive resources. The SEPP introduced a requirement for a compatibility test for any proposed development in the vicinity of existing mines, quarries and petroleum production facilities or resources of state or regional significance.

The advice issued to councils by the Resources & Energy Division of NSW Trade & Investment informs councils of location and status of operating mines, quarries and petroleum production facilities, as well as significant identified and potential resources within their LGA.

ROLE OF NSW TRADE & INVESTMENT

NSW Trade & Investment is the principal government agency responsible for the administration of the state's primary industries – agriculture, fisheries, forestry and mineral resources. 'Minerals' and 'petroleum' are defined under the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* respectively.

Since most extractive resources are not proclaimed minerals in terms of the *Mining Act 1992*, NSW Trade & Investment does not have a formal, statutory role in their development, apart from its role under the *Mine Health and Safety Act 2004*.

However, the department has a long-established accepted role amongst state and local government agencies, of assessing extractive resources and providing advice relevant to their management. Local councils and NSW Department of Planning & Infrastructure are responsible for the approval of extractive industry proposals and the ongoing management of extractive resource operations.

NSW Trade & Investment maintains databases of mineral and extractive resources that provide a basis for informing land use planning, and encouraging mineral exploration in the state. However, changing concepts and knowledge of the geology of the state mean that these databases need regular review. Accordingly the information provided in this report will be updated on a periodic basis.

RESOURCE ASSESSMENT PROCEDURES

Data sources

Identification of sites is based mainly on the Geological Survey's mineral occurrence database MetIndEx. Other important data sources include:

- technical reports of the Geological Survey of New South Wales and NSW Trade & Investment;
- environmental impact statements and environmental assessments for quarrying and mining operations;
- data held by local and state government authorities;
- mineral exploration reports;
- local councils; and
- quarry or mine operators.

Site identification

The sites identified in this report are classified as either identified resources or potential resources. Identified resources comprise significant operating or proposed quarries or mines and undeveloped defined resources. In the case of operating and proposed mines subject to mining titles, the mining leases are used to define the boundaries of the resource.

Potential resource areas comprise either deposits whose potential has not yet been fully assessed or areas that have high potential for the discovery of mineral resources, based upon current knowledge. These sites have been defined using geological boundaries or, where appropriate, cadastral boundaries to facilitate definition on the ground.

It is important to note however, that mineral potential is not restricted to the areas identified in this report and also that mineral potential may change over time as geological knowledge improves and new concepts and exploration techniques are developed.

For operating and proposed quarries and mines, an adjacent area ('transition area') where development may conflict with current or future mining or quarrying operations is also generally identified. These transition areas are indicative of the areas that may be subject to significant impacts from mining or quarrying operations. They are based

upon criteria previously developed by the (then) Environmental Protection Authority as a guide to transition area requirements, where data on operational impacts needed to determine a site specific transition area is not available.

Transition area widths are 1000 m for sites where blasting is, or would be used, and 500 m for sites where blasting is not required. These distances may be reduced to take account of factors such as existing land uses (e.g. national parks) and the physical characteristics of individual sites. Transition areas have generally not been identified for potential resources as these areas are usually sufficiently large to include the lands that could be subject to impacts from any future mines or quarries that may be developed within them.

The identification of resources and transition areas by NSW Trade & Investment does not alter the existing zoning of the land in question, or the range of uses permitted under current zoning. Nor does it negate the existing rights of landowners. The purpose of the advice is simply to identify areas where proposed developments and land use changes may impact upon mineral and extractive operations or resources. These areas must be taken into consideration by council when preparing LEPs or assessing development applications.

In this report, various abbreviations for mining titles issued by NSW Trade & Investment are used. These may include, among others, AL (Assessment Lease), CL (Coal Lease), EL (Exploration Licence), MC (Mineral Claim), ML (Mining Lease), MPL (Mining Purposes Lease), PAL (Petroleum Assessment Lease), PEL (Petroleum Exploration Licence), PLL (Private Lands Lease), PPL (Petroleum Production Lease), and PMA (Private Mining Agreement).

MINERAL RESOURCES IN RICHMOND VALLEY LGA

Appendix 1 of this report highlights what are considered the most important mineral and extractive resources and potential resource areas in the LGA. Accompanying Plan 1 indicates the distribution and extent of identified and potential mineral and extractive resources. Council needs to ensure that these resources are protected from land uses incompatible with their continued or future use and possible expansion. Energy resources have not been included in the resource audit mapping however data will be supplied in future updates as information becomes available.

Richmond Valley LGA has a range of mineral resources, particularly extractive resources suitable for construction applications. The area also has potential for petroleum, coal and geothermal energy.

Geologically, Richmond Valley LGA comprises four key elements:

- Unconsolidated sand, mud, gravel, peat and other deposits of Quaternary age (the last 2 million years) occur in the coastal plain as well as along the riverine plain of the Richmond River and along its tributaries.
- Basalt and related volcanic rocks of Tertiary age (approximately 2-65 million years before present) form scattered ridges and ridge cappings in the centre and north of the LGA.
- Sedimentary rocks (sandstone, mudstone and conglomerate) of Mesozoic age (approximately 65-250 million years before present) form part of the Clarence-

Moreton Basin and associated infrabasins which crop out extensively on hills in most of the LGA and occur at shallow depth below Tertiary Basalts.

- Complexly folded metasedimentary rocks (e.g., slate greywacke, chert) of Palaeozoic age (approximately 250 – 540 million years before present) underlie all other rock units and locally crop out as low hills in the Broadwater and Evans Head areas.

All of these geological materials have some economic significance:

- Quaternary age sand deposits are currently exploited as sources of concrete sand and filling sand. Accumulations of rutile, zircon and gold have been worked from modern and ancient beach sand deposits of Quaternary age.
- Tertiary age basalts are quarried to yield coarse aggregate, prepared roadbase and unprocessed construction materials.
- Mesozoic age sandstones, and outwash sands derived from them are being worked as sources of construction sand and prepared roadbase. Large scale development of one sandstone resource is in abeyance pending resolution of consent issues. Mesozoic age sedimentary rocks host recently discovered coal seam methane and conventional petroleum gas accumulations near Casino. Commercial CSM development is proposed. Potential and current exploration licences extend through most of the LGA. Geothermal energy resources represent a new exploration target if suitable hot rocks (e.g. granites) occur at depth below the basin and heat is trapped by overlying shaly rocks of the basin. Shaly rocks of Mesozoic age are current being extracted on a small scale to supply red-firing clay/shale for use in tile-making at Dunmore (Queensland), and were used as sources of clay/ shale for local brickmaking until the recent closure of the Coombell Brickworks. Potential for future brickmaking near Coombell using local clay and nearby gas appears to be high.
- Metasedimentary rocks of Palaeozoic age are currently being quarried to supply construction materials at Broadwater. Lode gold deposits developed in these rocks were worked historically.

Currently, construction materials are by far the most important mineral resource commodities being produced in Richmond Valley LGA. The outlook for construction materials is for increasing demand to service ongoing maintenance and services needs, new development arising from population growth, upgrading of the Pacific Highway and possibly increasing requirement for fill in low-lying areas to combat sea level rise which directly or indirectly (through trapping of flood waters) could affect low-lying parts of the lower Richmond Valley. Overall, Richmond Valley is well served with extractive resources, but not always close to demand and hence development opportunities are moderated by resulting high transport costs. Land use issues related to growth and changing settlement patterns are potential constraints to future resource use close to markets and need to be carefully managed in order to optimise community benefit from and ensure sustainable access to those resources. Sand supply from traditional river and coastal sources is perceived as most vulnerable, unless substitution by processed sand derived from friable sandstone deposits is acceptable.

Mineral production in Richmond Valley is currently limited to small-scale clay/shale production at Coombell. Historic clay/shale production was much greater and

potential for future brickmaking near Coombell using local clay and nearby gas appears to be very high. Rutile and zircon production was important in the recent past, but the industry is no longer active in the region, although exploration has recently recommenced. Flagging stone was also produced on a small scale until recently. Historic production of other commodities such as gold (both lode and placer deposits) was on a modest scale (mainly modern and ancient strandline accumulations and these commodities have received little or no exploration attention in recent years.

Petroleum exploration titles currently cover most of Richmond Valley LGA. Current petroleum exploration in the Clarence-Moreton Basin is expected to continue and intensify outward from recent gas discoveries and proposed commercial development near Casino. The outlook for coal seam methane and conventional petroleum (natural gas) is very encouraging and their product value may eclipse that of construction materials.

There are currently no coal exploration or mining titles in Richmond Valley LGA or nearby LGAs. While future exploration, discovery and proposals for commercial coal development in or near Richmond Valley LGA are possible, none is expected to occur in the foreseeable future.

Exploration licences and applications for geothermal energy cover most of Richmond Valley LGA and recently commenced exploration there and in adjacent LGAs could lead to future discoveries and proposals for commercial development.

IMPLICATIONS FOR PLANNING

Minerals can only be mined where they occur. Economic, environmental and other constraints further limit the areas available for mining. An important aspect of mineral resource evaluation and development from a land use planning viewpoint is that the locations of minable deposits cannot always be predicted. This makes it imperative that known resources should be protected from sterilisation by inappropriate zoning or development, and that access to land for mineral exploration should be maintained over as much of the planning area as possible.

Changes to land use which are incompatible with mineral exploration and mining can result in the loss to the community of valuable mineral resources. It is therefore essential, when planning how land is to be used, to take account of both known mineral resources and the potential for further discoveries.

NSW Trade & Investment recommends that councils adopt the following strategies regarding mineral resources in its planning.

- 1. Operating mines and quarries should be protected from sterilisation or hindrance by encroachment of incompatible adjacent development.**
- 2. Known resources and areas of identified high mineral potential should not be unnecessarily sterilised by inappropriate zoning or development.**

APPENDIX 1

Site details – Mineral & Extractive Resources

SITE DETAILS – MINERAL & EXTRACTIVE RESOURCES

Name: Brewers Road**Operator:** Robert King**Commodity:** Construction sand**Rock Type:** Fluvial sand**Status:** Operating – intermittent**Comment:** Fluvial sand subject to periodic replenishment. Life indefinite (with replenishment) @ 15 000 tonnes per annum (consent limit). Recent consent. Produces concrete sand.**Name: Bultitudes Pit****Operator:** SJ & RA Smith**Commodity:** Unprocessed construction materials**Rock Type:** Sandstone**Status:** Operating - intermittent**Comment:** Large resource. Life 15-20 years at maximum rate (90 000 tonnes per annum); possibly 50 years @ expected average production of approximately 30 000 tonnes per annum. Recently acquired by S.J. & R.A. Smith. Close to town. Produces select fill and sub-base - good for subdivisions and can blend with crushed rock for better material.**Name: Buntings Pit****Operator:** McGeary Brothers Pty Ltd**Commodity:** Prepared roadbase**Rock Type:** Sandstone**Status:** Operating - intermittent**Comment:** Large resource with unlimited life. Production currently minimal (reworking stockpile). DA being prepared to allow relocation and redevelopment of processing area.**Name: Busby Flat Quarry****Operator:** G Santin**Commodity:** Unprocessed construction materials**Rock Type:** Sandstone**Status:** Operating - intermittent**Comment:** Modest pit distant from markets. Resource (consent) approximately 500 000 tonnes. Life approximately 11 years (consent) @ an average of 18 000 tonnes per annum. Best material in pit floor, blended with better material from Pirlos Quarry. Potential to deepen pit and expand considerably laterally (with consent).**Name: Campbells Sand Quarry****Operator:** McGeary Brothers Pty Ltd**Commodity:** Construction sand**Rock Type:** Coastal sand**Status:** Operating - intermittent**Comment:** Important construction sand source. Resources: > 3 M tonnes. Very long life @ current production ~ 3 000 tonnes per annum and life > 40 years @ maximum recent production rate of 70 000 tonnes per annum. Directly along route of proposed Pacific Highway upgrade.**Name: Cattleyards Pit****Operator:** Claypave Pty Ltd**Commodity:** Brick clay/shale**Rock Type:** Shale**Status:** Operating - intermittent**Comment:** Resource approximately 700 000 tonnes. Very long life @ recent production rate of < 2 000 tonnes. Red-firing clay used for blending with white firing clay in clay paver manufacture at Dinmore (Qld). Pit area has potential for future brick clay extraction.

Name: Clovass Quarry
Operator: Holmes Pty Ltd
Commodity: Coarse aggregate
Rock Type: Basalt
Status: Operating - continuous
Comment: Long term coarse aggregate source. Resource > 2 M tonnes. Life > 20 years @ typical production rates of 100 000 to 120 000 tonnes per annum. Important source of rail ballast.

Name: Coombell Brickworks Pit
Operator: Nil
Commodity: Brick clay/shale
Rock Type: Shale
Status: Not operating
Comment: Historical pit at former brickworks site, with potential for future brick clay extraction. Recent coal seam methane discovery nearby plus ongoing population growth enhances prospects for the re-establishment of brick-making in the area.

Name: Doonbah Quarry
Operator: C Uebergang
Commodity: Construction sand
Rock Type: Coastal sand
Status: Operating - intermittent
Comment: Resource approximately 200 000 tonnes (consent). Life > 10 years @ 5 000-10 000 tonnes per annum. Potential to expand laterally over significant area (with consent) and to process sand as fine blending sand for concrete.

Name: Gittoes Quarry
Operator: McGeary Brothers Pty Ltd
Commodity: Prepared roadbase
Rock Type: Chert, argillite
Status: Operating - intermittent
Comment: Important source of road materials. Resource approximately 11 M tonnes. Life > 20 years @ 12 000 to 15 000 tonnes per annum. Adjacent to proposed Pacific Highway upgrade route.

Name: Hetherington Quarry
Operator: S & L Sand and Gravel
Commodity: Construction sand
Rock Type: Friable sandstone
Status: Operating - intermittent
Comment: Small road materials quarry. Resources approximately 700 000 tonnes. Life > 20 years @ approximately 4 000 tonnes per annum.

Name: Kellys Site
Operator: (McGeary Brothers Pty Ltd)
Commodity: Coarse aggregate
Rock Type: Basalt
Status: Undeveloped
Comment: Identified resources of about 3 M tonnes with depth potential. Good quality basalt adjacent to Petersons Quarry.

Name: Lanes Quarry
Operator: (D.S. Marsh Haulage)
Commodity: Construction sand
Rock Type: Friable sandstone
Status: Not operating
Comment: Resource > 1 M tonnes. D.S. Marsh Haulage obtained conditional approval under SEPP 37 to extract 50 000 tonnes per annum but apparently did not activate consent.

Name: Martins Pit
Operator: Robert King
Commodity: Construction sand
Rock Type: Fluvial sand
Status: Operating - intermittent
Comment: Fluvial sand deposit subject to periodic replenishment. Life indefinite (with replenishment) @ approximately 5 000 tonnes per annum (consent limit). Recent consent. Produces concrete sand.

Name: Mongogarrie**Operator:** N Ball**Commodity:** Construction sand**Rock Type:** Fluvial sand**Status:** Operating - intermittent

Comment: Resource replenishing after previous extraction and drought. Has produced up to 18 000 tonnes per annum. Two sites: 260 Mongogarrie Road and 410 Mongogarrie Road. Life indefinite at modest extraction rates.

Name: Olives Pit**Operator:** Robert King**Commodity:** Construction sand**Rock Type:** Fluvial sand**Status:** Operating - intermittent

Comment: Fluvial sand deposit subject to periodic replenishment. Life indefinite (with replenishment) @ approximately 7 500 tonnes per annum (consent limit). Produces concrete sand.

Name: Petersons Quarry**Operator:** Richmond Valley Council**Commodity:** Coarse aggregate**Rock Type:** Basalt**Status:** Operating - continuous

Comment: Large hard rock quarry. Resource (current consent) 5-6 M tonnes. Life > 60 years @ about 70 000 - 80 000 tonnes. DA in progress for expanded and intensified extraction to produce up to 200 000 tonnes per annum from an extractable resource of 18.5 M tonnes of gravel, rock and clay.

Name: Pirlos Quarry**Operator:** G Santin**Commodity:** Unprocessed construction materials**Rock Type:** Weathered basalt**Status:** Operating - intermittent

Comment: Resource approximately 0.9 M tonnes. Life (consent) 12 years @ up to 45 000 tonnes per annum. Small proportion of fresh ("blue") rock which is crushed and blended with crushed sandstone from Busby Flat.

Name: Rappville**Operator:** Holmes Pty Ltd**Commodity:** Construction sand**Rock Type:** Fluvial sand**Status:** Not operating

Comment: Historic site with recent consent, now requiring new Crown Lease. Life effectively unlimited (with replenishment) @ approximately 14 000 tonnes per annum.

Name: Rileys Hill Quarry**Operator:** Department of Lands**Commodity:** Armour stone**Rock Type:** Sandstone**Status:** Not operating

Comment: Historic armour stone quarry in large sandstone resource. Resources: > 400 000 tonnes.

Name: Robinsons Quarry**Operator:** Newman Quarrying Pty Ltd**Commodity:** Prepared roadbase**Rock Type:** Sandstone**Status:** Not operating

Comment: Extremely large resource (estimate at approximately 34 M tonnes). Large Project DA pending to expand Pits "B" (unprocessed construction materials and prepared roadbase) and "C" (prepared roadbase and other crushed rock products) and rehabilitate Pit "A" (construction sand), to intensify production to average 200 000 tonnes (maximum 400 000 tonnes) per annum for ten years then 50 000 tonnes pre annum thereafter to produce proportionately more crushed sandstone products. All pits temporarily closed pending determination of DA.

Name: Williams Pit**Operator:** Nil**Commodity:** Flagging stone**Rock Type:** Sandstone**Status:** Not operating

Comment: Previously produced decorative aggregate from crushed sandstone. Large resource of flagging stone.

Name: Woodview Quarry**Operator:** Richmond Valley Council**Commodity:** Coarse aggregate**Rock Type:** Basalt**Status:** Operating - continuous**Comment:** Resource approximately 1.75 M tonnes. Potential to produce 30 000 - 40 000 tonnes per annum for over 40 years.**Name: Wyrallah****Operator:** Boral Resources (Country) P/L**Commodity:** Construction sand**Rock Type:** Fluvial sand**Status:** Operating - intermittent**Comment:** Important sand dredging site. Life 10 years (lease) with option to renew.

Partly in Lismore City and incorporates 44 000 tonnes per annum. Resource replenishes in modest floods.

Name: Yorklea Quarry**Operator:** Conlon Bros.**Commodity:** Prepared roadbase**Rock Type:** Basalt**Status:** Operating - intermittent**Comment:** Resources about 750 000 tonnes. Life > 20 years @ current production of about 27 000 tonnes per annum. Company hopes to operate for the long term. Drilling has proved basalt to 40m depth.

APPENDIX 2

Section 117 (2) - Direction 1.3

Mining, Petroleum Production and Extractive Industries

LOCAL PLANNING DIRECTIONS

Section 117(2) of the *Environmental Planning and Assessment Act 1979*

1.3 Mining, Petroleum Production and Extractive Industries

Objective

- 1) The objective of this direction is to ensure that the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Where this direction applies

- 2) This direction applies to all councils.

When this direction applies

- 3) This direction applies when a council prepares a draft LEP that would have the effect of:
 - (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
 - (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of state or regional significance by permitting a land use that is likely to be incompatible with such development

What a council must do if this direction applies

- 4) In the preparation of a draft LEP affected by this direction, the council shall:
 - (a) consult the Director-General of the Department of Primary Industries (DPI) to identify any:
 - (i) resources of coal, other minerals, petroleum or extractive material that are of either state or regional significance, and
 - (ii) existing mines, petroleum production operations or extractive industries occurring in the area subject to the draft LEP, and
 - (b) seek advice from the Director-General of DPI on the development potential of resources identified under (4)(a)(i), and
 - (c) identify and take into consideration issues likely to lead to land use conflict between other land uses and:
 - (i) development of resources identified under (4)(a)(i), or
 - (ii) existing development identified under (4)(a)(ii).
- 5) Where a draft LEP prohibits or restricts development of resources identified under (4)(a)(i), or proposes land uses that may create land use conflicts identified under (4)(c), council shall:
 - (a) provide the Director-General of DPI with a copy of the draft LEP and notification of the relevant provisions,
 - (b) allow the Director-General of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the draft LEP, and
 - (c) include a copy of any objection and supporting information received from the Director-General of DPI with the statement to the Director-General of the Department of Planning (or an officer of the department nominated by the Director-General) under section 64 of the *Environmental Planning and Assessment Act 1979*.

Consistency

A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning & Infrastructure (or an officer of the department nominated by the Director-General), that the provisions of the draft LEP that are inconsistent are of minor significance.

PLAN 1

Mineral Resource Audit of Richmond Valley LGA

June, 2012

CULTURAL FEATURES

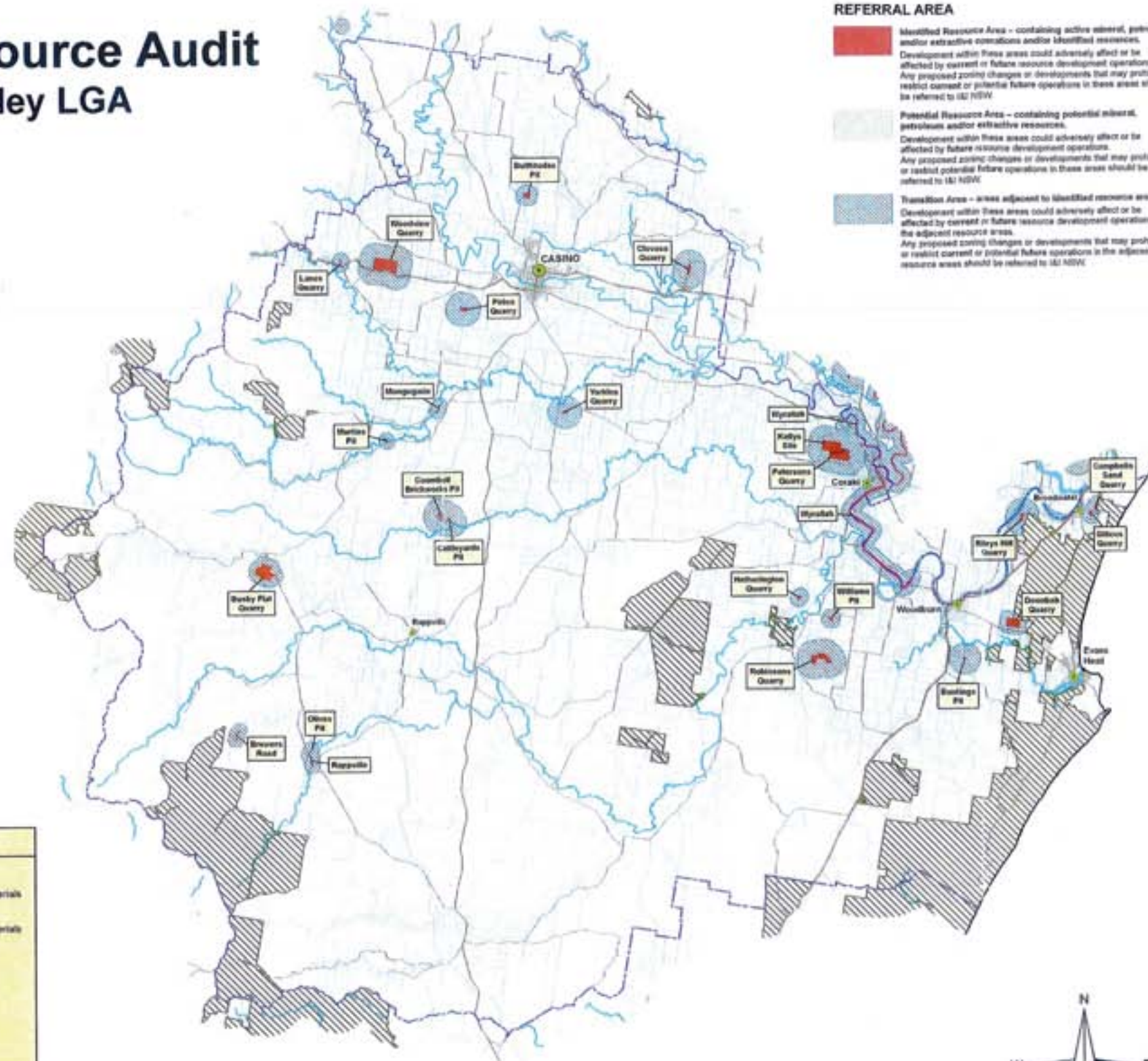
- Principal Road
- Secondary Road
- Minor Road
- Major Watercourse
- Major Waterbody
- National Park Estate (excluding State Conservation Areas)
- LGA Boundary
- Cadastral Boundary

SITE TABLE

Site Name	Major Commodity
Brewers Road	Construction sand
Bullheads Pt	Unprocessed construction materials
Bundings Pt	Prepared roadbase
Busty Flat Quarry	Unprocessed construction materials
Campbells Sand Quarry	Construction sand
Cattleyards Pt	Brick clay/shale
Cloves Quarry	Coarse aggregate
Covenhill Brickworks Pt	Brick clay/shale
Doonbah Quarry	Construction sand
Giffons Quarry	Prepared roadbase
Hatherington Quarry	Construction sand
Kellys Site	Coarse aggregate
Lanes Quarry	Construction sand
Martins Pt	Construction sand
Mongogale	Construction sand
Olives Pt	Construction sand
Petersons Quarry	Coarse aggregate
Pirlos Quarry	Unprocessed construction materials
Rappville	Construction sand
Rileys Hill Quarry	Armour stone
Robinsons Quarry	Prepared roadbase
Williams Pt	Flagging stone
Woodview Quarry	Coarse aggregate
Wyralah	Construction sand
Yorks Quarry	Prepared roadbase

REFERRAL AREA

- Identified Resource Area** - containing active mineral, petroleum and/or extractive operations and/or identified resources. Development within these areas could adversely affect or be affected by current or future resource development operations. Any proposed zoning changes or developments that may prohibit or restrict current or potential future operations in these areas should be referred to I&I NSW.
- Potential Resource Area** - containing potential mineral, petroleum and/or extractive resources. Development within these areas could adversely affect or be affected by future resource development operations. Any proposed zoning changes or developments that may prohibit or restrict potential future operations in these areas should be referred to I&I NSW.
- Transition Area** - areas adjacent to identified resource areas. Development within these areas could adversely affect or be affected by current or future resource development operations in the adjacent resource areas. Any proposed zoning changes or developments that may prohibit or restrict current or potential future operations in the adjacent resource areas should be referred to I&I NSW.



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