

# RICHMOND VALLEY COUNCIL

## DEVELOPMENT APPLICATION ASSESSMENT SCHEDULE

**DA No:** DA2018.0188 **Property Address:** 65 Broadwater Quarry Road Broadwater

**Land description:** Lot 1 & 8 DP1216612

**Defined Land Use: (Planning Term):** Zone RU1 – Primary Production

**Description:** Extractive Industry

*extractive industry* means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

**Note.**

Extractive industries are not a type of *industry*

**Application received:** 23 March 18

**Application checked for completeness by** Deb Manendis & others **Date:** 24Feb19

**Owners Consent - Yes/No**

**Details of the proposed use - Yes/No**

**Suitable Plans Supplied - Yes/No** **No. Copies Appropriate - Yes/No** **Fee Paid \$:** 5489.64

**Estimated Capital Investment Value Reasonable - Yes/No** **Verify Cost of Development**

**Date Site Inspection Conducted:** **Site Inspection Date:** January 2019

**Special Investigation required ? (i.e. – Flora & Fauna Assessment):** ..... **Yes** ☐ **No** ☒ **X**

**Land Use Conflict Risk Assessment Required?** ..... **Yes** ☐ **No** ☒ **X**

### REFERRALS

**NOTE:** If concurrence is required a copy of the development application is to be sent within two (2) days of receipt to the following Government Departments.

Referral Agency	Sent	Reply	Issues
Dept of Planning	6Apr18		
Dept Primary Industries (Agriculture)			
Dept Primary Industries (Fisheries)	6Apr18		
NSW Office of Water (DPI)	6Apr18		
National Parks Service (OEH)			
Environmental Protection Authority	6Apr18	28May18	Revised QEMP
NSW Health			
NSW Heritage Office	6Apr18		
NSW National Parks & Wildlife			
NSW Police Service			
Roads & Traffic Authority	5Apr18	28Apr18	LOS, Road Impacts identified for 5 years only, Driver CofC
Local/Regional Traffic Committee			
<b>Integrated Development Concurrence</b>			
Fisheries Management Act			
Heritage Act			
Mining Act			
National Parks and Wildlife Act			
PoEO Act			
Roads Act			
Rural Fires Act			
Water Management Act			
Other			
<b>Internal Council Referral</b>			
Building and/ or Planning Referral	6Apr18		
Works (Water/ Sewer & Roads)			
Environmental Health	6Apr18		
Committee – i.e. Access, etc			

**Advertised** **From:** 12Apr18 ..... **To:** 11May18..... ..

**Adjoining owners notified? Yes/No**

**Re-advertised (if applicable) From:** ..... **To:** .....

To be approved/refused by Delegated Authority	Yes/No	Date .....
To be referred to Council by Report	Yes/No	Date .....
Concurrence of Dept of Planning required	Yes/No	Date .....

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**Declaration**

The above application was determined under delegated Authority granted to me by the Chief Executive Officer with the concurrence of the DAP

Responsible Officer .....

Date .....

Chairperson DAP .....

Date .....

Date .....

## PLANNING CHECKLIST

Is the development "Advertised Development"?      Yes/ No  
 Is the development "Designated Development"?      Yes/ No

### (1) Aboriginal Heritage Search

Study? **AHIMS Record Search done**      Copy of search attached      Further  
 YES / NO

### (2) Does the proposed development require rural dwelling opportunity(s) to exist?

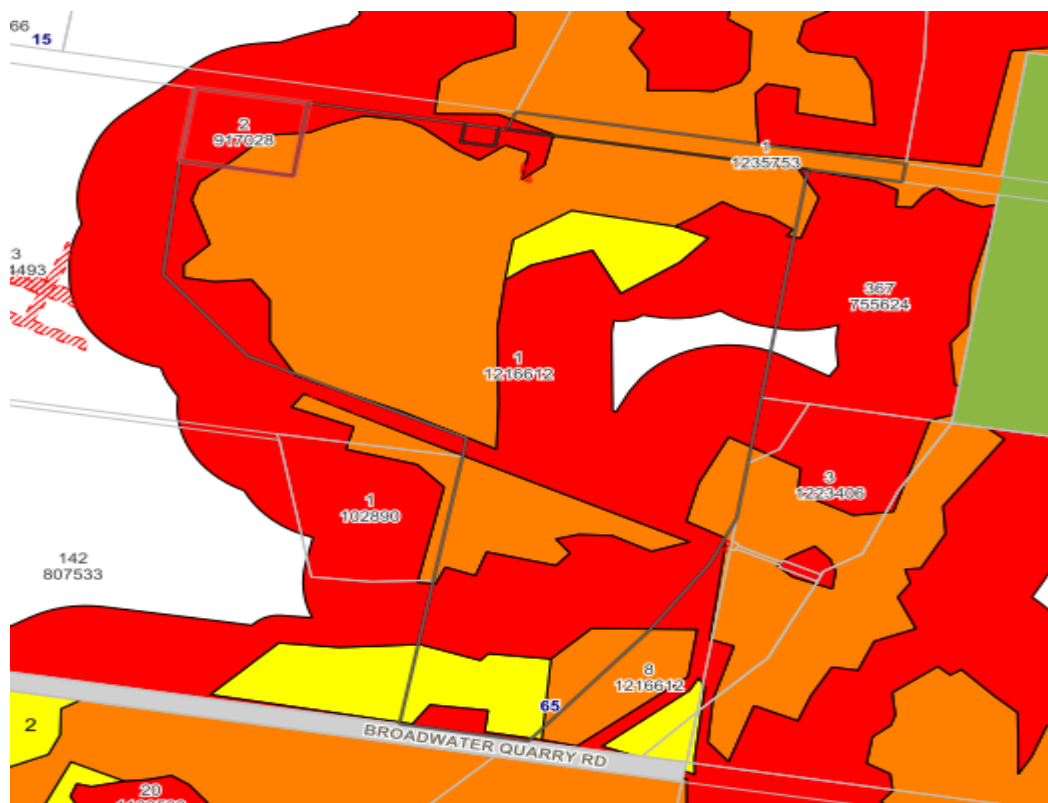
**Not Applicable or No**      YES ☐      - Attach evidence of  
 Opportunity ☐

### (3) Environmental Zoning and Natural Resource Sensitivity (NRS) layers within LEP Mapping

E2 or E3 Zone existing on the lot?      YES ☐  
**No**  
 Environmental Protection      E2..... ☐      -  
 Environmental Management      E3..... ☐      -      (Address all 'E' Zone provisions within  
 79C section)

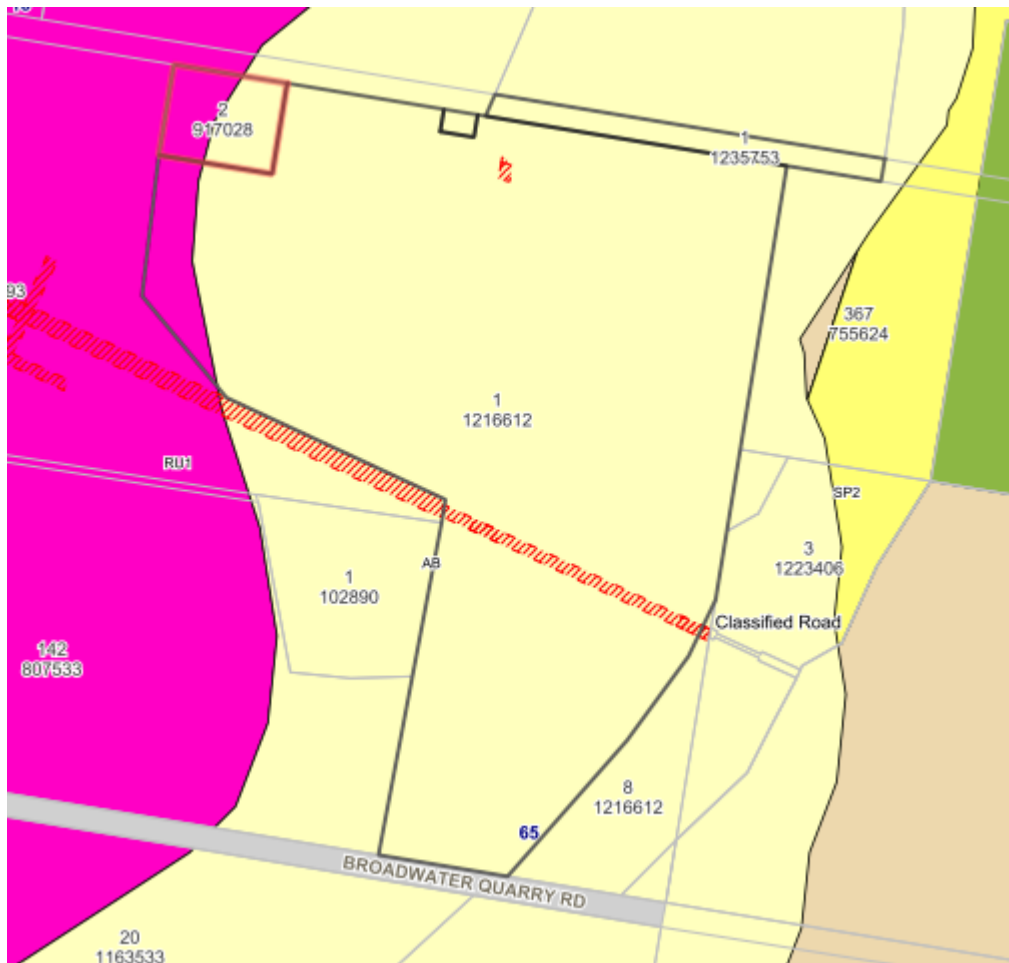
Natural Resources existent on the property? YES      No ☐      (Attach Layer  
 Map) ☐

Terrestrial biodiversity	<input checked="" type="checkbox"/>	Corridor*	<input type="checkbox"/>	
		Natural Vegetation*	X	(LEP Clause
	6.6)*			
Landslide Risk	X	(LEP Clause 6.7)*		
Riparian land and watercourses	<input type="checkbox"/>	(LEP Clause 6.8)*		
		Riparian Habitat*	<input type="checkbox"/>	Fish <input type="checkbox"/>
		Habitat*		
Drinking water catchments	<input type="checkbox"/>	(LEP Clause 6.9)*		
Wetlands	X	(LEP Clause 6.10)*		
Part H4)		* (Refer in detail to DCP		



Bushfire Prone Land Buffer – (red) – 76.5%  
Cat 1 – (orange) 23.95%

The site is within a Cat 1 and the Buffer Zone of bushfire prone land however, the site is an existing one with much of the vegetation removed. The greater part of the site and that adjoining is cleared.



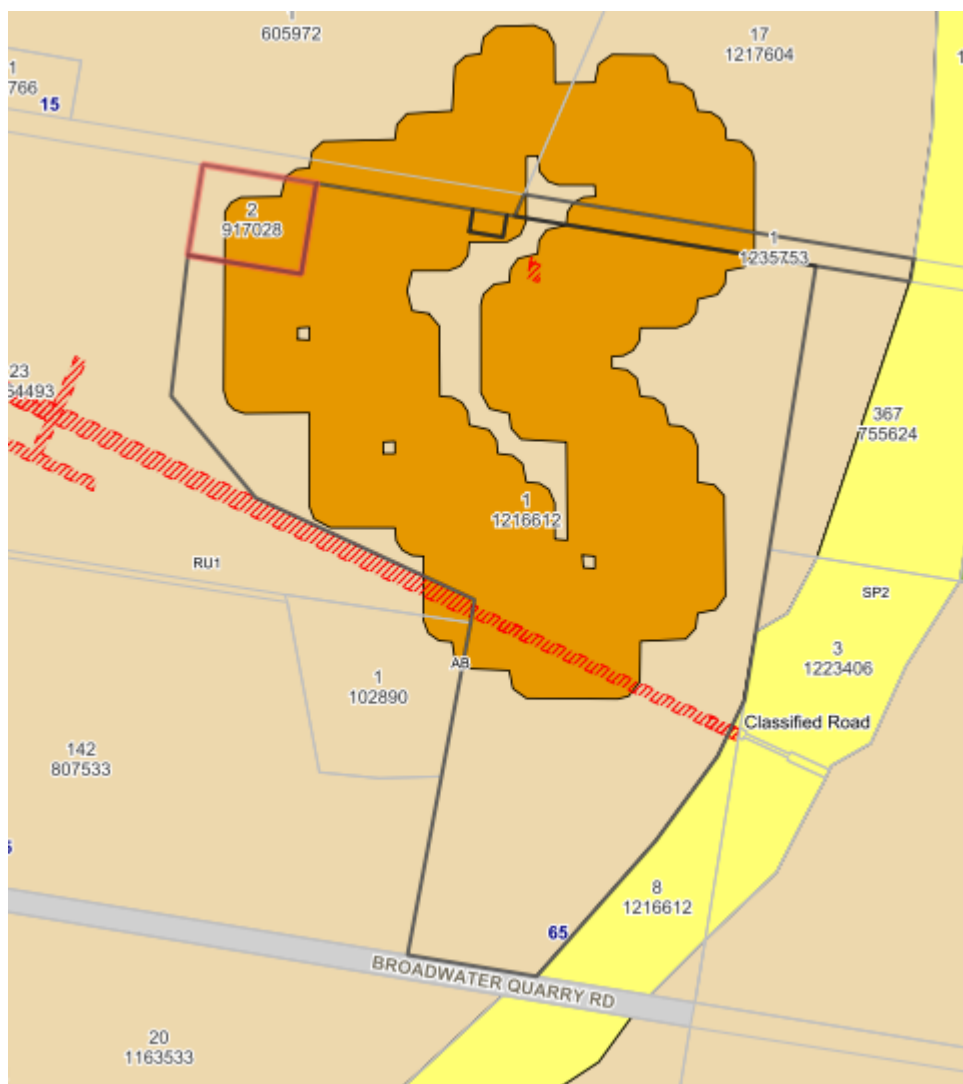
#### Acid Sulfate Soil – Class 5

The area used for extractive industry is located within the class 5 area (yellow) and will not extend below the recommended depth of RL5m AHD. The site is located within 500m of a section of class 5 acid sulfate soil however, this area is located within the vegetated area of the site and it outside of the footprint of the quarry site.



#### Natural Resource Sensitivity Terrestrial Biodiversity and Wetland

The whole of the property is located within the Terrestrial Biodiversity area however, the subject site has been severely modified as have those adjoining it. Vegetated areas on the site will not be disturbed and an ecological study was undertaken on the site as part of the EIS. The identified wetlands are outside of the footprint



## Landslide Risk

The footprint includes an identified landslide area however, operating and mitigating measures have been identified in the EIS. The existing footprint is sited away from the remaining peak of the original hill with stockpiles located on solid ground.

## **SECTION 4.15 CONSIDERATION**

### **(1) MATTERS FOR CONSIDERATION**

#### **(a) The provisions of:**

##### **(i) Any environmental planning instruments:**

***Richmond Valley Local Environmental Plan (LEP) 2012 Land Use Zone*** : ...Current version for 20 April 2018 to date (accessed 20 March 2019 )  
Land Use Table Zone RU! Rural Production

Definition which best fits the development and its permissibility within the zone:

Development is allowed with consent

#### **State Environmental Planning Policies (SEPPs):**

(Note: SEPP 1, REP and Rural Lands

(Cl. 9) no longer apply)

***(Check whichever applies and circle if the Application is to be primarily accessed against the SEPP):***

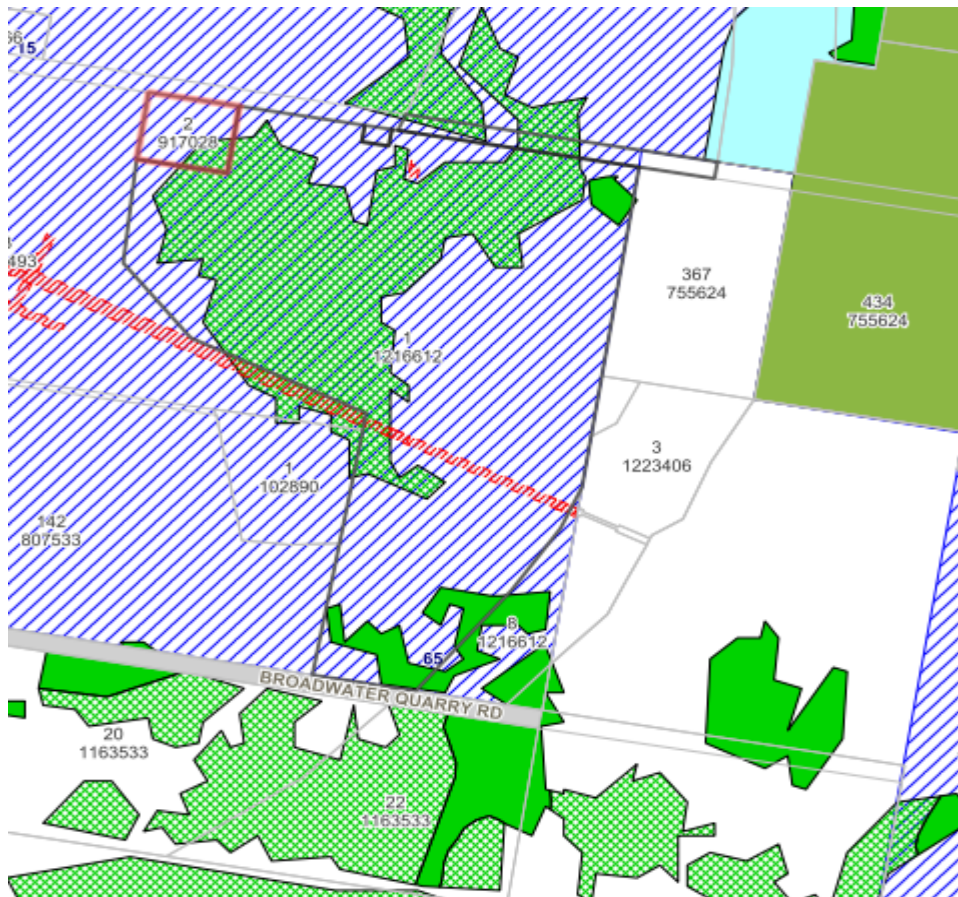
- ☐ SEPP (State and Regional Development) 2011
- ☐ SEPP (Rural Lands) 2008
- ☐ SEPP (Infrastructure) 2007
- ☐ SEPP (Temporary Structures) 2007
- ☐ SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- ☐ SEPP (Major Development) 2005
- ☐ SEPP (Housing for Seniors or People with a Disability) 2004
- ☐ SEPP No. 71 - Coastal Protection
- ☐ SEPP No. 64 - Advertising and Signage
- ☐ SEPP No. 55 - Remediation of Land
- ☒ SEPP No. 44 - Koala Habitat Protection
- ☐ SEPP No. 33 - Hazardous and Offensive Development
- ☐ SEPP No. 36 - Manufactured Home Estates
- ☐ SEPP No. 21 - Caravan Parks
- ☐ SEPP No. 15 - Rural Land-Sharing Communities
- ☒ SEPP (Coastal Management)(2018)
- ☐ SEPP No. 14 - Coastal Wetlands
- ☐ SEPP No. 30 – Intensive Agriculture
- ☐ SEPP No. 33 - Hazardous and Offensive Development
- ☐ SEPP Affordable Rental Housing) 2009
- ☐ SEPP (Basix) 2004
- ☐ SEPP (Educational and Child Care Facilities) 2017
- ☐ SEPP (Vegetation in Non Rural Areas) 2017 *(N/A to development requiring consent).*

- ☐ Any other applicable SEPP: \_\_\_\_\_

#### **Draft SEPPs**

- ☐ Draft Environment SEPP
- ☐ Draft Educational and Child Care Facilities
- ☐ Draft Infrastructure
- ☐ Draft updates to SEPP 44
- ☐ Draft Primary Production and Rural Development
- ☐ Remediation of Land SEPP (updates to SEPP 55)

**Concurring Authority:** Richmond Valley Council / Department of Planning



Koala Habitat – Secondary Habitat Class 'C' (18.86%)

The site footprint, follows the vegetated area designated as Koala Habitat area and is therefore located outside of the area. This is visible from the aerial photograph located below.



Describe suitability with DCP density, standards and provisions:

DCP Standard	Compliance

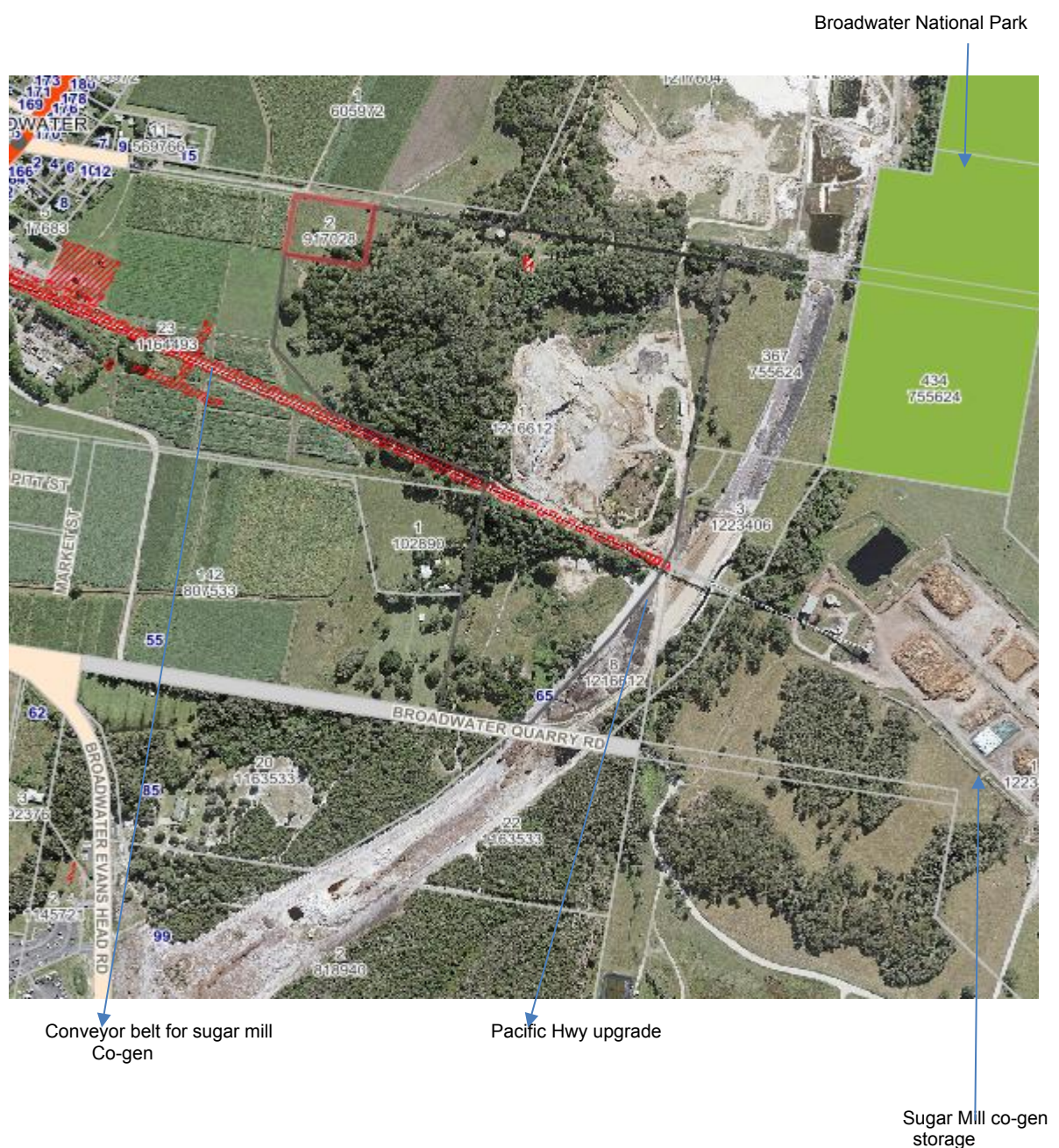
Variations?

..... N/A

☐

(iv) any matters prescribed by the EP&A Regulations:

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**(b) The likely IMPACTS of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality and consistency with ESD objectives.**

- **Context & setting (bulk, scale, height, mass; design etc); Access to development site and public transport; traffic generation and parking;**

No changes to the existing amenity will result as the proposal is for top down extraction rather than increase the footprint. The access to the site will not alter however, an internal haulage route direct to the Pacific Highway upgrade is also available. Increased traffic generation will occur spasmodically over the 5 year time limit allocated to the increased extraction rate.

**Impact on, adequacy of and availability of utilities services**

The proposal will not have any impact on the availability of adequacy of utilities and services

- **Impact of the development on public recreational opportunities; pedestrian linkages**

It was raised in submissions regarding the cycle path however, the use of this haulage route is a temporary one and pavement measures have been addressed in the additional information provided. No changes to pedestrian linkages will occur. Measures to address the recreational and pedestrian and the truck movement interface can be addressed with a Drive Code of Conduct.

- **Effect on Natural Resources (water, soils, air & microclimate, Flora & Fauna, Threatened Species, waste, energy etc.)**

Nil

- **Any Natural Hazards (site stability, flooding, bushfire, ASS);.**

Nil

- **Social Impact (effect of the development on social cohesion, community structure, character, social equity, etc.);**

Nil

- **Economic impact of the development on the surrounding locality;**

The proposal will have a positive economic impact on the surrounding locality with the opportunity of additional employment and the multiplier effect on the retail sector.

- **The sensitivity of the site and internal design, in regard to local environmental conditions and site attributes (size, shape and design of allotments, easements, roads site coverage, positioning of buildings, landscaping, open-space, etc.)**

The site has a long term history of use as a quarry. Overall, there is no changes to the site attributes or any other major changes relative to the proposal that will affect the site. The

proposal is sited within a rural production area and is located outside of designated environmental zones. The proposal will not impact on environmental conditions within the area and this is demonstrated within the ecological assessment submitted with the EIS.

- **Cumulative impacts.**

**(c) The SUITABILITY of the site for the development:**

- Does the proposal fit the locality? Yes
- Are the site attributes conducive to the development? Yes
- Site Inspection Date

**(d) Any submissions made in accordance with this Act or the regulations:**

The application was on public exhibition for days

Name	Address	Summary of Submission	Relevance
Mr Aaron Kennedy	18 McDonald St Broadwater	Dust – impact on health Noise – blasting and operational noise and truck movements Safety issues – <ul style="list-style-type: none"> <li>• intersection Btr Q Road &amp; Btr/EHd Rd;</li> </ul> Amenity –effect on landscape (removal of half quarry hill) Road damage Unenforceability of annual extraction limit	7/10
Mr Leroy Fry	Connors Road Tregeagle (8 Fischer St)	Additional truck movements Dust & Noise – health issues Devaluation of property	5/10
Dr Richard Gates	PO Box 4 Evans head	Truck movements – decrease in quality of life Infrastructure contributions	5/10
Mr Michael Ward	19 River St Broadwater	Noise – trucks and extraction and existing sugar mill and co-gen plant Bike path construction (cnr Pitt St & Btr/EHd Rd) Needed to connect with existing bike path Safe passageway for residents/families Haulage routes (1 & 2A) additional traffic already increased by Hwy upgrade	6/10
Mr J Day	15 George St Broadwater	(Not against operation) Dust Noise esp empty trucks and bogeys on rough road	6/10
Mr Shannon Earle & Ms Kim Newby	17 George St Broadwater	Blasting – crack or cause movement with house Dust/noise – vehicle movements	7/10

		Traffic – road maintenance. Not only due to quarry vehicles but also concrete trucks and other vehicles	
Mr David Maloney	130A Broadwater Evans Head Road Broadwater	( <i>Not against expansion of quarry</i> ) Safety – intersection of Btr/Evn Hd Road needs to be upgraded Crossing of new bikeway Road maintenance Intersection McDonald St Pac Hwy	7/10
Mr & Mrs Dean Maloney	130C Evans Head- Broadwater Road Broadwater	Noise – excavation, blasting, truck movements Dust Safety issues – <ul style="list-style-type: none"> <li>• intersection Btr Q Road &amp; Btr/EHd Rd;</li> <li>• intersection McDonald St Pac Hwy</li> <li>• School Bus stop – McDonalds St</li> </ul> Amenity –effect on landscape (removal of half quarry hill) Unenforceability of annual extraction limit	7/10
Mr & Mrs Shane Davey	14 River Street Broadwater	Noise – excavation, blasting, truck movements Dust Safety issues – <ul style="list-style-type: none"> <li>• intersection Btr Q Road &amp; Btr/EHd Rd;</li> <li>• intersection McDonald St Pac Hwy</li> <li>• School Bus stop – McDonalds St</li> </ul> Amenity –effect on landscape (removal of half quarry hill) Unenforceability of annual extraction limit	7/10
Lee Kearney	14-16 Simmons St Broadwater	Safety - when using bikeway Noise and air pollution Road maintenance	7/10
Mr Robert Young	20 Cook St Broadwater	Noise Impacts – blasting and operational and truck movements Dust Safety – intersection Btr/Qry Rod – Btr/EvnHd Rd Landscape Loss Road maintenance and damage to infrastructure Unenforceability of annual extraction limit	6/10
Mr Malcolm Young	10 Pine Hill Avenue Double Bay (14-18 Cook)	Noise Impacts – blasting and operational and truck movements Dust Safety – intersection Btr/Qry Rod – Btr/EvnHd Rd Landscape Loss Road maintenance and damage to infrastructure Unenforceability of annual extraction limit	7/10
Ms Rebecca Vale	70 River St Broadwater	Truck movements – additional to Pac Hwy upgrade	5/10

Mr Geoff Whitehouse & Ms Sandra Shepherd	55 Pine Tree Road Broadwater	Misleading Infor - No community consultation undertaken Minimal notification – all dwellings within 1km were notified of the proposal Safety – impact on new bikeway Dust Noise – additional noise together with sugar mill and Pac Hwy upgrade Habitat – ecological ground truthing did not find any evidence of koala habitat or scats	6/10
Mr Ben Mayo		Truck movements – town already under strain from Hwy upgrade Bus stop Safety – bikeway and increased truck movements Remediation/regeneration to be undertaken Noncompliance - with previous conditions Safety – bikeway and junction with Btr/Qy Rd & Btr/EnsHd Rd Dust and Noise	7/10
Mr & Mrs R Clarke	PO Box 4 Broadwater	No community consultation for DA Noise – blasting Additional truck movements plus sugar mill, Pac Hwy upgrade Road maintenance	5/10
Mr Robert Young	Broadwater	Non-compliance with existing conditions Safety – bikeway and junction of Btr/Qy Rd/Btr Evns Hd Rd) Dust Noise Road maintenance	7/10

**(e) The public interest:**

Federal, State and Local Government interests and community interests any other relevant matters:

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**Other Statutory Requirements**

Native Vegetation Conservation Act, 1998 applicable? : Yes/ No

NSW Coastal Policy, 1997 applicable? Yes/ No

Plan of Management applicable? Yes/ No

Does the development comply with Community/Operational Land? : Yes/ No

Local/Regional Traffic Committee Referral? Yes/ No

Native Title/Land Claim Referral? Yes/ No

**Council Policies:**

2.7.2 Temporary Occupation permits on rural residential allotments Yes/ No

2.7.4 Mediation Yes/ No

2.7.6 Application types that require public exhibition for comment Yes/ No

2.7.5 Applications referred to Council for determination Yes/ No

2.7.7 Referral of DA to the RVC Access Committee Yes/ No

2.7.8 Conflict Management (Development Land use Conflicts) Yes/ No

2.7.10 Kerbside Dining Yes/ No

2.7.16 Heritage Incentives Yes/ No

2.7.19 Construction Site Waste Minimisation and Management Yes/ No

2.7.20 Structures Encroaching Over Land which is Owned by Council Yes/ No

3.11.1 Vehicular Accessway Yes/ No

3.11.2 Urban Carriageway Widths Yes/ No

3.11.3 Urban Tree Plantings Yes/ No

3.11.4 Urban Tree Removal Yes/ No

3.12.1 Rural Road Numbering Yes/ No

3.12.4 Road and Street Naming Yes/ No

3.18.1 Installation of Street Lights Yes/ No

3.18.2 Under Awning Lighting Yes/ No

3.21.1 Water and Sewer Charges (S552 of the LG Act) **Yes**/ No

3.21.2 Categorisation as a Food Producer Yes/ No

**Previous Development History:**

**PLANNER'S COMMENTS**  
**SUMMARY OF RELEVANT MATTERS**

The above assessment prepared by Deb Manendis (Planner)  
Date 26 march 2019

**RECOMMENDATION**

That consent for: Expansion to existing Quarry, be approved subject to the following conditions.

**Consent Period:** 2 3 ☒ 5 years (circle one)      **Building Classification:** .....

**Integrated Development:** ☒ Yes / No

Be approved subject to conditions set out below:

Section 68 Approvals

1. Carry out water supply work.
2. Draw water from a Council water supply or a standpipe or sell water so drawn.
3. Install a meter connected to a service pipe.
4. Carry out sewerage work.
5. Carry out stormwater drainage work.
6. Connect a private drain with a public drain under the control of Council.
7. Connect a private sewer with a public sewer under the control of Council.

Be refused for the reasons set out below:

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Conditions:

Final Checklist:

All Referral Received and Conditions Added to Consent (Including External Agencies) **X**  
Developer Contributions Payable...s.64 ?.. ☐ ...s.94?...**X** Levy Schedule-Conditions Placed  
on Consent?

All necessary reports provided **X** or conditioned to be provided prior to commencement  
of consent? ☐