

NORTHERN REGIONAL PLANNING PANEL

NRPP Number	2018NTH011
DA Number	DA2018/0188
Local Government Area	Richmond Valley Council
Proposed Development	Expansion of existing extractive industry from 70,000 tonnes to 490,000 tonnes per annum for up to 5 years
Street Address	65 Broadwater Quarry Road Broadwater
Applicant/Owner	William Owen McGeary & Marie Frances McGeary (owner)

Response to SRPP secretariat email 15 April 2019

On 15 April 2019 the NRPP requested further information from Council. This followed provision of Council's supplementary report to the NRPP on 3 April 2019.

Council's response to matters raised by the NRPP on 15 April 2019 is detailed below:

- *the Panel requests advice from Council on determination if the landowner should be listed as W McGeary as on the cover sheet or as WF McGeary, W O McGeary and RMS as per the owners consent form in the DA documents*

Council has checked the owner's names, as listed, and has determined that W F McGeary and M O McGeary should be the correct titles.

- *The Coastal Management SEPP is mentioned at item 4.2 on page 15, but it only came into effect on 3 April 2018 and the DA was lodged on 23 March 2018. Should the assessment report only consider the "former planning provisions" under cl.21 of the C M SEPP, namely:*
 - (a) the provisions of each of the following Policies as in force immediately before the Policy's repeal:*
 - (i) [State Environmental Planning Policy No 14—Coastal Wetlands](#),*
 - (ii) [State Environmental Planning Policy No 26—Littoral Rainforests](#),*
 - (iii) [State Environmental Planning Policy No 71—Coastal Protection](#), and*
 - (b) the provisions of [State Environmental Planning Policy \(Infrastructure\) 2007](#) that would be in force if that Policy had not been amended by this Policy.*

In accordance with cl.21 of the CM SEPP, the assessment report should only consider the "former planning provisions."

Reference to item 5.8 in 4.2 discussion:

The following discussion should have been included:

Matters for Consideration

The site is not located on the coastal foreshore and therefore has no impact upon the foreshore, coastal processes and hazards, or the scenic qualities of the coast.

The site has a history of use as a quarry and while the proposal will increase the volume of extracted material, the existing footprint will not be increased and the relationship with the surrounding area would not change significantly.

The application was referred to the NSW Department of Primary Industries (Fisheries) for comment with regard to any potential impacts on fish and marine vegetation. Fisheries raised no objection to the proposal.

The Office of Water had no further comments regarding impacts of the proposed development.

An ecological study of the site for flora and fauna was undertaken and referred to the Office of Environment and Heritage and no biodiversity offset is required.

The proposal will not create any conflict between the existing activities on the site or in the general area.

A cultural heritage assessment was submitted with the applicant and the recommendations contained within the assessment must be adhered to in accordance with draft conditions of consent to ensure measures are taken to protect aboriginal heritage and other items of archaeological or historic significance.

The Environmental Protection Authority has issued General Terms of Approval which, together with the proposed draft conditions of consent will ensure that there are not cumulative impacts of the proposed development on the environment.

Richmond Valley Council

17 April 2019