



Bentley Quarry

**Independent Peer Review of the Land Use Conflict Risk
Assessment to the Northern Regional Planning Panel**

PPSNHTH – 141 (DA 2022/0107)

November 2022



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Commissioned by the Department of Planning and Environment

On behalf of the Northern Regional Planning Panel

EXECUTIVE SUMMARY

The proposal involves the construction and operation of a hard rock quarry, known as the Bentley Quarry, to extract up to 300,000 tonnes per annum and 2,000 tonnes per day over 30 years, with a total disturbance area of approximately 6.5 hectares. Bentley Quarry will predominantly supply materials for use as fill and for road construction and maintenance.

This report comprises an independent review of the *Land Use Conflict Risk Assessment* ('LUCRA') prepared by the applicant for the proposed development. This Review has been commissioned by the Department of Planning and Environment on behalf of the Panel, following the Panel's deferral of the determination of the application on 24 August 2022. The Panel's request for this Review followed concerns that the proposal may result in land use conflict.

While there are other issues which form part of the assessment for this project, only the potential for land use conflict is the subject of this independent review.

The key issues which have been considered in this Review and which had the greatest potential to result in a land use conflict on nearby land uses included:

- Potential amenity impacts to residential development
- Potential impacts on traffic and access
- Potential social and community impacts
- Potential impacts on agriculture
- Potential impacts on tourism
- Potential impacts on water resources
- Potential impacts on natural areas and values

Following a thorough consideration of the applicant's LUCRA and supporting documentation as well as an independent review of these issues, it is considered that the proposal includes mitigation measures which are adequate to address potential impacts and have been included in Council's recommended draft conditions provided for the Panel's consideration.

Accordingly, it is concluded that there will be no land use conflict arising from the proposal on nearby sensitive receptors and it is considered the applicant's LUCRA is satisfactory.

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1. INTRODUCTION

Development Application No DA 2022/0107 proposes the construction and operation of a hard rock quarry, known as the Bentley Quarry, to extract up to 300,000 tonnes per annum and 2,000 tonnes per day over 30 years, with a total disturbance area of approximately 6.5 hectares (**‘the proposal’**). Bentley Quarry will predominantly supply materials for use as fill and for road construction and maintenance.

A background to the development application including a chronology and the reasons for this report are outlined below.

1.1 Background to the Development Application

The application was lodged on 23 November 2021 with Richmond Valley Council (**‘the Council’**) and is classed as designated development, as the proposed annual extraction volumes meet the requirements for Designated Development under Clause 19 of Schedule 3 of the *Environmental Planning and Assessment Regulation, 2000*. The proposal is also identified as integrated development as it requires an Environmental Protection Licence from the NSW Environmental Protection Authority (**‘the EPA’**) under Section 53 of the *Protection of the Environment Operations Act, 1997*.

The proposal is *regionally significant development* pursuant to Section 2.19(1) of *State Environmental Planning Policy (Planning Systems) 2021* and Section 4.5(b) of the *Environmental Planning and Assessment Act 1979* (**‘EP&A Act’**). The criteria for the proposal being regionally significant development is Clause 7(1)(a) of Schedule 6 as it comprises *Development for the purposes of extractive industry facilities that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 26* (Clause 19(1)(a) and (b) of Schedule 3 of the 2000 Regulation).

Accordingly, the Northern Regional Planning Panel (**‘the Panel’**) is the consent authority and the applicant for the development application is R & S Contracting Pty Ltd (**‘the applicant’**). The NSW Department of Planning and Environment (**‘DPE’**) provided the Secretary’s Environmental Assessment Requirements (**‘SEARs’**) for the Environmental Impact Statement (**‘the EIS’**) in SEARs – ID 1589 dated 20 July 2021. An application chronology is in **Table 1**.

Table 1: Chronology of the DA

Date	Event	Comments
23 November 2021	DA lodged (DA 20022/0107)	DA lodged with Council – Designated and nominated integrated development
13 December 2021 to 1 February 2022	Public exhibition (Exhibition #1)	227 submissions received, including adjoining Councils
2 December 2021	Referral to Agencies	The DA was referred to following agencies: <ul style="list-style-type: none"> • Water NSW • EPA (integrated) • Transport for NSW (not integrated) • DPI (agriculture)
Various	Agency responses	DPI – no objections and EPA – GTAs provided
2022		
11 March 2022	Council (Planit) RFI letter	Council/Planit sent request for information ('RFI') to applicant seeking additional and amended information.
18 March 2022	Response from applicant	Response to Council's RFI.
20 April 2022	Panel Briefing	Panel briefing with Council and assessment staff where key issues were identified and discussed.
27 April 2022	Water NSW response	
28 April 2022	Council (Planit) RFI letter	Council sent RFI to applicant seeking additional and amended information in relation to the Water NSW issue.
3 May 2022	Response from applicant	Applicant responded to RFI letter of 28 April 2022 in relation to WaterNSW issue.
24 May 2022	Submissions Report from applicant	Applicant provided Response to Submissions (included amended noise, biodiversity and air assessments, updated LUCRA, and bushfire, wastewater and contamination assessments not previously provided.
16 August 2022	Assessment report prepared	A report prepared by Council's consultant recommending approval of the project.
24 August 2022	Public Panel meeting	Panel held a public meeting for the project attended by the applicant, Council and community members.
31 August 2022	Panel deferral date	Panel deferred determination for max 3 months for further information/reports to be provided by 28 October 2022.

1.2 Panel Involvement

The Panel was briefed by the Council assessment staff and Council's engaged consultant on this proposal on 20 April 2022, where various key issues were identified and discussed.

On 24 August 2022, a public meeting of the Panel, Council, the applicant and Community members was held where submitters addressed the Panel. Following this meeting, the Panel deferred determination of the matter for a period of up to three months, in order for further information and reports on key issues to be prepared including (due by 28 October 2022):

1. Preparation by the applicant of a comprehensive Traffic Management Plan and Driver Code of Conduct. The Plan and Code should include a prohibition of the use of heavy vehicles during school bus operating hours
2. Preparation of an independent Land Use Conflict Assessment for the proposed development
3. Preparation of an independent advice on potential road safety impacts of the proposed development and any available mitigation measures.

The Panel also requested advice from Council on:

1. Options for applicant contributions to the maintenance of the haulage route within the Lismore Council Area; and
2. Options for a rehabilitation bond or other security to be provided to Council and an assessment of the appropriate amount for that security to ensure adequate funds are available for site rehabilitation.

1.3 Reason for the Report

This report comprises an independent review of the *Land Use Conflict Risk Assessment* ('LUCRA') for the proposed development and has been commissioned by DPE on behalf of the Panel to satisfy the first point 2 above. While there are other issues which form part of the assessment for this project, only the potential for land use conflict is the subject of this independent review ('**the Review**').

1.4 Land Use Conflict Risk Assessment (LUCRA)

Land use conflicts can occur when one land use is *perceived to infringe upon the rights, values or amenity of another land use*. These land use conflicts commonly occur in rural areas between agricultural and residential uses, however, can also occur between different agricultural enterprises and other primary industries including mining¹.

Rural amenity issues are the most common land use conflict issues, followed by environmental protection issues. Rural amenity issues can include impacts to air quality due to agricultural and rural industry, use and enjoyment of neighbouring land including noise from machinery, and visual amenity associated with rural industry. Environmental protection issues include soil erosion leading to land and water pollution, clearing of native vegetation, and stock access to waterways.

A Land Use Conflict Risk Assessment ('**LUCRA**') is a system to identify and assess the potential for land use conflict to occur between neighbouring land uses. It helps land managers and consent authorities assess the possibility for and potential level of future land use conflict.

A LUCRA enables a systematic, consistent and site-specific conflict assessment approach to land use planning and development assessment and aims to:

- Accurately identify and address potential land use conflict issues and risk of occurrence before a new land use proceeds or a dispute arises;
- Objectively assess the effect of a proposed land use on neighbouring land uses;
- Increase the understanding of potential land use conflict to inform and complement development control and buffer requirements, and
- Highlight or recommend strategies to help minimise the potential for land use conflicts to occur and contribute to the negotiation, proposal, implementation and evaluation of separation strategies.

¹ Factsheet – *Land Use Conflict Risk Assessment Guide* (Department of Primary Industries, October 2011)

There are four (4) key steps in undertaking a LUCRA, which include:

1. Gather information about proposed land use change and associated activities
2. Evaluate the risk level of each activity
3. Identify risk reduction management strategies
4. Record LUCRA results

A review of the applicant's LUCRA is provided in Section 4 of this Review.

1.5 Structure of this Review

This Review provides the following sections:

- Section 2 – The Site
- Section 3 – The Proposal
- Section 4 – Review of the LUCRA
- Section 5 – Key land use conflict issues
- Section 6 – Part I-11 LUCRA Assessment
- Section 7 – Conclusion
- Section 8 – Recommendation

2. THE SITE AND LOCALITY

2.1 The Site

The site is located at 1465 Bentley Road, Bentley and comprises a rural landholding approximately 15 km west of Lismore. The site is zoned RU1 Primary Production under the *Richmond Valley Local Environmental Plan 2012* ('**RVLEP 2012**') and is located adjacent to Bentley Road. The site has a total area of approximately 212 hectares.

The site comprises a mix of landscapes, with the northern portion adjoining Bentley Road largely comprising unulating pastureland with scattered paddock trees. This poriton of the site has been partially cleared and modified, with an existing quarry (approximately 1 hectare in size) as well as cattle grazing currently being undertaken on the site. The proposed quarry is within the existing quarry site (**Figure 1**).



Figure 1: The Site looking north towards Bentley Road

Native vegetation exists on the higher slopes in the southern portion of the site. The proposal does not impact on this southern portion of the site, which is to be retained in its current state.

The site has been used for rock extraction since the 1970s, with the existing quarry comprising an excavation with benching which is currently operating to a limited capacity of 3,000m³ per annum and a disturbance footprint of approximately 1 hectare. No blasting or crushing occurs

on-site at present and there are no other buildings or equipment (apart from a single machine) on the site associated with the quarry. The proposal aims to increase the extraction rate and include blasting and crushing as part of the proposal, due to increasing demand for the quarry materials.

Currently there is one existing access point to the site via Bentley Road (**Figure 2**). This site access road is unsealed and its intersection with Bentley Road permits all movements however it does not have any turn treatments (such as a basic left-turn (BAL) or a basic right-turn (BAR) treatment).



Figure 2: Existing site entry point from Bentley Road

2.2 The Site Context and Nearby Sensitive Land Uses

The surrounding land use is primarily agricultural and forestry, with some nearby tourist uses and rural dwellings. These nearby sensitive receptors as outlined in the amended LUCRA provided with the Submissions Report in May 2022 are outlined in **Table 2** and **Figure 3**. The surrounding land uses in bold in Table 2 are within 1km of the site. These uses are further discussed in this Review.

Table 2: Nearby Sensitive Uses

REF	DISTANCE FROM SITE	LAND USE	ADDRESS
R1	On site	Dwelling owned by applicant	Lot 2 DP 1196757 (136.8ha)
R2	650m (N)	Dwelling unoccupied (heritage listed)	Lot 1 DP 122850 (25.2ha)
R3	1.27km (SW)	Occupied dwelling	Lot 2 DP 1012708 (120.5ha)
R4	600m (W)	Potential future dwelling (Subdivision approved – 12 May 2022 - DA2022/0015)	Lot 2 DP 1012708 (120.5ha)
R5	1.5km (W)	Proposed dwelling in subdivision	Lot 2 DP 1012708 (120.5ha)
R6	1.2km (E)	Occupied dwelling (closest residential)	Lot A DP 406337 (25.8ha)
R7	750-800m (E)	Farm shed – Bentley Community Market (closest commercial)	Lot 10 DP 1065523 (47.9ha)
R8	1.65km	House and B&B (included as close to road)	Lot 1 DP 837015 (57.3ha)
R9	450m (E)	Approved residence under CDC (not yet built)	Lot 10 DP 1065523 (47.9ha)
R10	550m (E)	Proposed tourist (farm stay – 10 X 1 bed units) accommodation - DA2022/0191	Lot 10 DP 1065523 (47.9ha)
R11	1.48km (W)	Bentley Rail Tourist Hub	

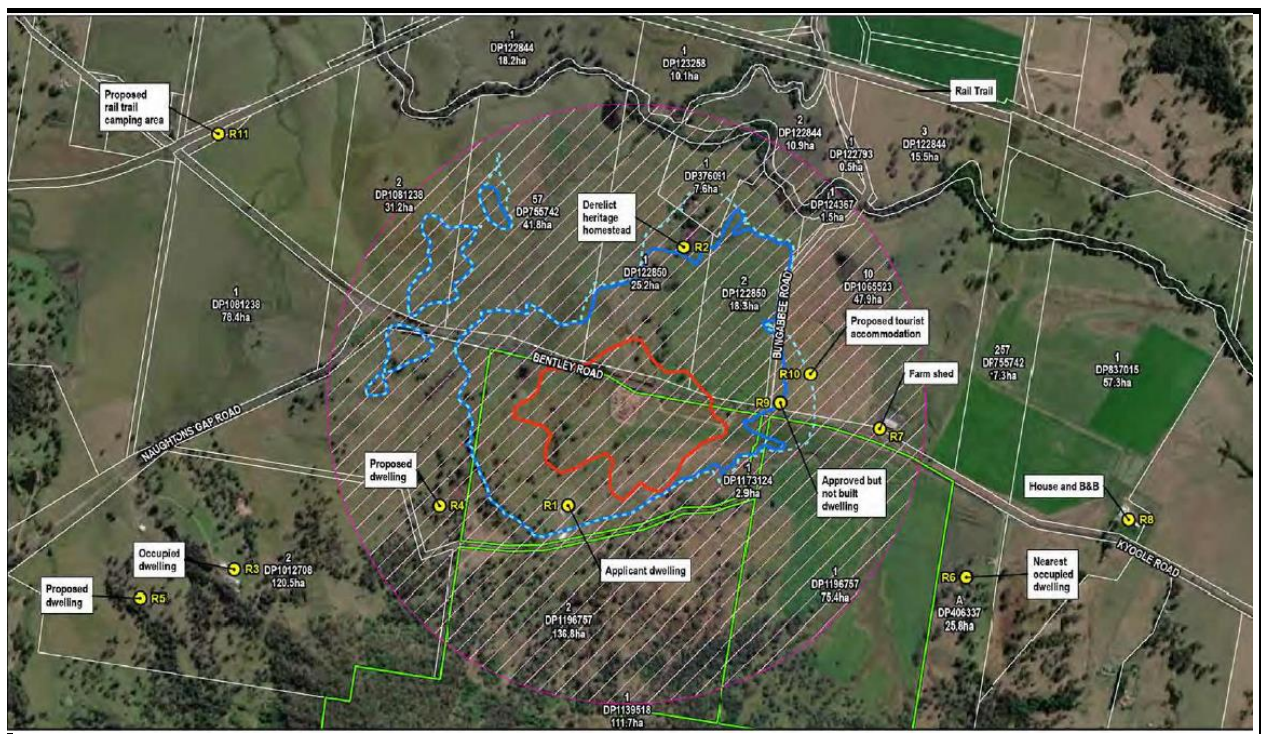


Figure 3: Sensitive Receptors (Source: Amended LUCRA - Submissions Report, May 2022)

3. THE PROPOSAL

The proposal is for the construction and operation of a hard rock quarry, with an annual maximum extraction rate of 300,000 tonnes per annum over 30 years and a maximum daily extraction rate of 2,000 tonnes per day. The total area of disturbance is proposed to be 6.5 hectares with a pit approximately 3.65 hectares in size.

In addition, a maximum of 50,000 tonnes per annum of soil, topsoil and waste concrete is proposed to be imported to the site to be used for constructing landscape mounds, rehabilitation and blending with aggregate material. The project will predominantly supply materials for use as fill and for road construction and maintenance.

The proposal involves the following components:

- Progressive installation of environmental controls including erosion and sediment control measures, establishment of revegetation area and installation of nest boxes.
- Delineation of the site and stockpiling areas.
- Construction of fencing.
- Construction of a site office, weighbridge and car parking area.
- Provision of an on-site wastewater system and associated application area
- Crushing and screening of material to construct the access road and intersection.
- Construction of an access road and intersection with Bentley Road, including installation of signage.
- Importation of clean soil for landscape mounds to the east and west of the quarry.
- Vegetation clearance, soil stripping and stockpiling for use in landscape mounds.
- Expanded quarry operations, including blasting, crushing, screening, precoating and importing materials for blending.
- Close and rehabilitate the quarry.

A number of amendments were made to the proposal in the Response to Submissions as outlined in this Review.

4. REVIEW OF THE LUCRA ASSESSMENT

The applicant's LUCRA comprises a number of documents which have been lodged over the course of the assessment of the development application. These documents include:

- The EIS prepared by GHD dated 11 November 2021 and Appendix E – Land Use Conflict Risk Assessment;
- Response to Request for Information dated 18 March 2021 prepared by GHD ('RFI Response'); and
- Response to Submissions prepared by GHD dated 24 May 2022 ('Submissions Report').

An assessment of the information against the relevant DCP clause contained in Part I-11 Land Use Conflict Risk Assessment (LUCRA) is also provided. It is further noted that the SEARs also required that the EIS consider:

".....any likely interactions between the development and any existing/approved developments and land uses in the area, paying particular attention to potential land use conflicts with nearby residential development"

4.1 Review of Applicant's LUCRA

As outlined above, the applicant has provided numerous documents which contribute to the assessment of the potential land use conflict of the proposal. These documents are reviewed in detail below.

(a) The EIS

The EIS contained various sections and annexures assessing the numerous matters for consideration. In relation to LUCRA, the following sections are relevant and are reviewed in the context of this peer review.

(i) Section 6 (Risk Assessment)

This chapter provides the results of the identification and prioritisation of issues to broadly assess the potential environmental risks that may arise as a result of the proposal. The preliminary environmental risk assessment identifies and ranks potential environmental risks with the aim of identifying potential impacts for detailed assessment. In this case, risk was generally measured as the result of a combined consideration of how likely it is that an impact would occur ('likelihood') and what would be the outcomes if it did occur ('consequence').

This assessment assigned a risk rating based on this evaluation of likelihood and consequence and outlined that the extent of management or monitoring required would depend on the level of risk that may be associated with the impact. This enables higher rating risks to be identified early in the process for the purpose of focusing the environmental assessment process.

An impact priority matrix was established, where issues were assigned a priority category comprising:

- Category A considered the highest priority and the main focus of the environmental impact assessment. This category requires detailed specialist investigations and field work, and were the highest priority to enable identification of appropriate management and mitigation options;
- Category B where it is desirable to undertake further investigations as part of the environmental assessment to address some uncertainties; and
- Category C issues which may not require detailed specialist investigations, particularly where identifiable management/mitigation guidelines exist, only broad or desktop investigations were undertaken.

The matrix shown in Table 6.1 of the EIS was used to prioritise potential project environmental risks as either category A, B or C. The issues identified and their priority category are outlined in **Table 3**. The outcome of this risk assessment was used to inform the scope of further work and investigations, outlined in Section 7 and in Appendix E: LUCRA.

Table 3: Risk Assessment and Priority Category (Source: Section 6, EIS)

ISSUE	CATEGORY
Land resources	A
Water resources	A & B
Noise and vibration	B & C
Air quality and greenhouse gas emissions	B
Biodiversity	B
Traffic	A
Heritage	C
Visual amenity	C
Waste management	C
Hazards and risk	C
Socio-economic	C

Generally, this risk assessment is considered to represent a thorough and robust consideration of the potential environmental impacts arising from the proposal, however, it is considered that noise should have been assigned a priority category of A, and visual amenity and socio-economic should have been assigned a priority category of A or B. These issues are further considered in Section 5 of this Review.

(ii) Section 7 (Impact Assessment)

This chapter provides an assessment of the matters listed in the risk assessment in Section 6 and outlines the issue and the proposed mitigation measures. These measures are considered satisfactory to mitigate the impacts and have been included in Part C - Specific Environmental Conditions Council's recommended draft conditions dated August 2022.

(iii) Appendix E – Land Use Conflict Risk Assessment

This Appendix to the EIS provided the initial LUCRA for the proposal, which comprised the four (4) step LUCRA process in accordance with the *Land Use Conflict Risk Assessment Guide* (DPI 2011). These steps included:

- Step 1 – Background Information

- Step 2 – Risk Evaluation for each activity associated with the proposal
- Step 3 – Identification of the risk reduction management strategies
- Step 4 - Record the LUCRA results

The LUCRA was based on the LUCRA Guide (DPI 2011), where a ranking of 25 is the highest magnitude of risk, considered to be a highly likely, very serious event. A rank of 10 or below is considered to be low risk. Based on this, the LUCRA considered that rural dwellings, agriculture and Bentley Road all require management strategies, while it was considered a conflict with tourism land uses was low risk. The LUCRA concluded that the management strategies identified and proposed for rural dwellings and agriculture were likely to also reduce the potential impacts to tourism.

In general, it is considered that this LUCRA represents a satisfactory assessment of the potential impacts rising from the proposal however a more robust assessment would have had a more direct correlation between the potential impact (such as noise) and the mitigation measures proposed to address that impact (i.e. bunds and hours of operation). This would have provided a more direct connection with resolving the issues, rather than cross referencing the 'relative section' of the EIS.

It is considered that the proposed mitigation measures are satisfactory as outlined in Section 5 of this review and which have been included in Council's recommended draft conditions dated August 2022. The LUCRA followed the required format for such an assessment and is satisfactory.

(b) RFI Response

The applicant provided a response to Council's RFI in correspondence dated 18 March 2022. Section 5 of this correspondence referred to sensitive receivers, which stated that the relevant assessments were currently being updated and would be provided to Council as soon as possible. These were subsequently provided in the Submissions Report (refer below).

(c) Submissions Report (including amended LUCRA)

The applicant provided a Submissions Report dated 24 May 2022 which aimed to review and respond to the submissions in respect to the proposal. Among other issues, the Submissions Report included an assessment of a recently approved dwelling house (known as R9 in the

assessment) which had been approved under Complying Development. The Submissions Report also made a number of amendments to the proposal arising from the submissions, including:-

- Noise wall at the entrance, if R9 is constructed
- Noise and visual screen on the northern side of the quarry, if R2 (heritage item) is occupied
- Relocation of the proposed biodiversity offset area
- Providing a variety of nest boxes for bats and arboreal mammals
- Restricting traffic speeds within the quarry to 50km/hr
- Incorporating a toilet and wastewater system at the quarry

Some of the amendments were described by the applicant as essential, while others are to be further considered by Council in their assessment. Additional and/or updated technical assessments were also provided with the Response to Submissions. The outcomes of these additional and revised technical assessments are considered in Section 5 of this Review. An amended LUCRA was also provided, which is considered below.

Amended LUCRA

The amended LUCRA included the approved dwelling at R9 in the assessment. In general, the amended LUCRA found that all land uses to be at risk of conflict if not mitigated, however, following further evaluation when mitigation measures were considered, the risk of land use conflict were reduced to below 10 and therefore considered acceptable and a low risk of conflict.

The LUCRA also stated that there is likely to be some conflict expected due to the objections from some of the neighbours, however, it should be noted that the predicted impacts are a '*worst case scenario*' which are unlikely to occur and if they do it would only be for short durations. Such *worst case scenario* conditions/assumptions which have been used in the technical assessments include that all machinery was operating at once, blasting occurring often (when it is restricted to once per month), that the least desirable weather conditions prevail (strong prevailing winds, high relative humidity) and that the proposed quarry operates at maximum daily production. These factors are unlikely to occur simultaneously and in some cases not at all.

The LUCRA concluded:

“Provided the mitigation measures recommended are implemented it is anticipated the quarry will assimilate into the area with impacts consistent with the surrounding rural land use. It is therefore considered that the risk of land use conflict is limited and acceptable”.

It is considered that the Submissions Report provides satisfactory mitigation measures for the proposal to address likely impacts arising from the proposal. The amended LUCRA followed the required format for such an assessment and is satisfactory.

4.2 Consideration of Part I-11 of Richmond Valley Development Control Plan 2021

Part I-11 of the *Richmond Valley Development Control Plan 2021* contains controls relating to the requirement for a land use conflict risk assessment to be undertaken for certain developments. In this case, the proposal required the undertaking of a land use conflict risk assessment pursuant to Clause I-11.2(2) as the proposal infringes upon nearby existing land-uses by more than the recommended buffer distance of 1000m for proposed extractive industries involving blasting.

The LUCRA submitted with the application was updated in the Submissions Report document arising from the approval of an additional dwelling within the 1000m buffer distance following lodgement of this development application. An assessment of the LUCRA submitted with the application in relation to the requirements of Part I-11 of the DCP is outlined in **Table 4**. This assessment concluded that the amended LUCRA submitted with the Submissions Report is consistent with the provisions of Part I-11 of the DCP.

It is considered that the LUCRA undertaken by the applicant is satisfactory and considers all of the likely sources of conflict between land uses in the vicinity of the site. The proposed mitigation measures adequately address likely impacts arising from the proposal and have been satisfactorily addressed in the Council's recommended draft conditions.

Table 4: Consideration of Part I-11 of the Richmond Valley DCP

REQUIREMENTS	PROPOSAL	COMPLY
I-11.1 General Objectives		
The general objectives of this Chapter are: (1) <i>To reduce the incidence and likelihood of land use conflict within Richmond Valley.</i>	The LUCRA provided has prevented likely land use conflicts arising from the proposal as appropriate mitigation and management measures have been proposed.	✓
(2) <i>To introduce methods and guidelines to reduce the likelihood and manage existing land use conflict within the Local Government Area (LGA).</i>	Refer above.	✓
(3) <i>To reproduce current guidelines and 'buffer distances' (at the time of DCP formulation) between conflicting land uses in accordance with best practice principles (Living and Working in Rural Areas – A handbook for managing land use conflict issues on the NSW North Coast (LWRA Handbook)). 'Buffer distances' provided within this section of the DCP serve as a benchmark for proposed development within Richmond valley, with some opportunity for modification or review based upon demonstrated exceptional circumstance.</i>	The LUCRA has developed appropriate mitigation and management measures which appropriately resolve potential land use conflicts.	✓
(4) <i>To introduce the concept of Land Use Conflict Risk Assessment (LUCRA) as part of the development assessment process. Where it is deemed necessary by the consent authority or consultant representing the applicant, a LUCRA shall be provided alongside all other reports provided to support proposed development. Land use buffers provided here and within the LWRA Handbook can be used to determine whether land use conflict risk assessment need to be addressed in detail within a formal development application.</i>	A LUCRA has been provided, refer above.	✓
I-11.2 LUCRA Design principles		
(1) A LUCRA is not an alternative to locating proposed development away from existing land-uses. The first choice for locating new development should always be outside of the buffer distance area for the proposed and neighbouring existing land-uses. A LUCRA should support the proposed siting of the new development based upon technical reasoning and measurements demonstrating land use conflict is unlikely to occur.	This has been achieved as outlined in the technical reports provided with the application (noise, air, traffic etc).	✓
(2) Circumstances where proposed development requires a LUCRA ➤ A LUCRA is required where a proposed development for a particular land-use has a buffer distance which infringes upon nearby existing land-uses and/or development. Buffer distances of existing land uses, key environmental assets and/or development also trigger the need for LUCRA if the development proposed	A LUCRA was required for the proposal as it involves blasting and is within 1000m of rural dwellings, while distances to roads and property boundaries is subject to "site specific determination with no standard buffer distances applying.	✓

infringes existing land-use/development/key environmental asset buffers. Buffer distances for development types are given below.

	Residential areas & Urban development	Rural dwellings	Education facilities & pre-schools	Rural tourist accommodation	Watercourses & wetlands	Bore & wells	Potable water supply/catchment	Property boundary	Roads
Potentially hazardous or offensive industry	1000	1000	1000	1000	100	SSD	800	100	100
Mining, petroleum, production & extractive industries	500 1000*	500 1000*	500 1000*	500 1000*	SSD	SSD	SSD	SSD	SSD

* Recommended min. for operations involving blasting

A LUCRA was provided.

✓

➤ A LUCRA is also required if development is proposed with the vicinity of an existing land use which, due to extraordinary circumstances deemed by the consent authority, applicant or representing consultant for the applicant, requires an increased buffer distance. In exceptional circumstances a buffer distance may be reduced based upon accepted technical reasoning. Reduction of buffer distance could be based upon one or more of the relevant elements given below, however more commonly these elements may increase buffer distances.

Increased buffer distances were not considered required by the EIS or the Council.

N/A

(3) Buffer distances applied to proposed and existing land uses

➤ Buffer distances may vary from those stated within the DCP as the distances are based upon generic situations between proposals based on local topographic, climate, environmental and social considerations. The minimum buffer distances do not apply to existing developments that have already been approved. The conditions of consent placed on these developments form the minimum standards that these developments should achieve.

The proposal involves excavation for the purposes of extraction and therefore these topographic conditions will reduce impacts to the surrounding area as the noise will be lower in the landscape. Accordingly, it is considered that the buffer distances for this proposal do not require any variations.

✓

➤ Proponents, land owners and consultants undertaking conflict risk assessment will be required to reach consensus concerning the effort and detail should be applied to a LUCRA. The consent authority and any other involved regulatory authorities should be consulted prior to the lodgement of a formal application for a development requiring LUCRA to determine the level and direction of detail required.

As outlined in this review, it is considered that LUCRA submitted is satisfactory.

✓

I-11.3 Buffers

(1) Types of Buffers

Separation buffers are the most common and involve establishing a physical separation between land uses where conflict could arise. The aim of doing this is to reduce the impacts of the uses solely by distance separation, rather than by any physical means such as

The proposal involves separation buffers as well as bunds and vegetation to screen and reduce noise impacts arising from the proposal.

✓

earthworks or vegetation planting. These can be fixed separation distances or variable.		
<p>2) Other Statutory and Recommended Buffers There are other statutory and recommended buffers that can apply to specific sites and situations. These include:</p> <ul style="list-style-type: none"> ➤ bushfire protection buffers ➤ mosquito buffers ➤ airport buffers ➤ power line buffers ➤ rifle range buffers ➤ railway line buffers ➤ cultural heritage buffers. 	Not required for this site.	N/A
(3) Other Recommended LUCRA Minimum Buffers (m) for other land uses	Not relevant to this site or proposal.	N/A
<p>(4) Site Specific Factors LUCRA should consider (LWRA Handbook)</p> <ul style="list-style-type: none"> ➤ The nature of the land use change and development proposed. A modest land use change is likely to create a different risk of land use conflict compared to a substantial and extensive land use change. ➤ The nature of the precinct where the land use change and development is proposed. This provides an understanding of the context of the proposed change and development and may provide some insights into the values and expectations of adjoining land owners and stakeholders. ➤ The topography, climate and natural features of the site and broader locality which could contribute either to minimising or to exacerbating land use conflict. ➤ The typical industries and land uses in the area where the development is proposed. This provides for a broad test of compatibility with the dominant existing land uses in the locality. ➤ The land uses and potential land uses in the vicinity of the proposed development or new land use. Identifying and describing what is happening within a minimum 1000 metre radius of the subject land and development site help to establish the specific land uses in the locality that are most likely to have some effect on and be affected by the proposed land use or development. This description of surrounding land uses should include discrete land uses such as dwellings, schools, and public places as well as rural industry activities such as intensive animal industries, cropping, 	<p>A quarry has existed on this site previously and the direction of working is downward which will reduce external impacts arising from the proposal.</p> <p>The site is located within a rural landscape where there is good natural separation between land uses and where uses such as extractive industries are permissible and reasonably expected.</p> <p>The natural attributes of the site including the weather and topography have been considered in detail in the technical reports.</p> <p>The site is located in a rural landscape where extractive industries are permissible and which have historically been carried out on the site.</p> <p>The surrounding land uses have been considered in the LUCRA.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

<p>agricultural processing industries, aquaculture, mining, petroleum production and extractive industries, plantations and farm forestry.</p> <p>➤ Describe and record the main activities of the proposed land use and development as well as how regular these activities are likely to be. Note infrequent activities that are likely to create conflict with neighbouring land uses and be the source of neighbour disputes given our knowledge of issues that can be a trigger for complaints and conflict.</p> <p>➤ Describe and record the main activities of the adjoining and surrounding land uses as well as how regular these activities are, including periodic and seasonal activities that have the potential to be a source of complaint or conflict.</p> <p>➤ Compare and contrast the proposed and adjoining/surrounding land uses for incompatibility and conflict issues.</p>	<p>The LUCRA has outlined the activities to be undertaken on the site. It is noted that the proposed blasting is likely to be concern to nearby properties however this will be infrequent at no more than 1 blast per month and likely less.</p> <p>This has been outlined in the LUCRA.</p> <p>This has been outlined in the LUCRA</p>	<p>✓</p> <p>✓</p> <p>✓</p>
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5. KEY LAND USE CONFLICT ISSUES AND MITIGATION MEASURES

The key aspects of the proposal which have the potential to result in land use conflict issues are outlined in this section, with an assessment of whether the proposed mitigation and management measures are sufficient.

A site inspection was carried out to better appreciate the proximity of nearby dwellings and other existing land uses which may be impacted by the proposal. At this inspection, it was observed that the site sits within a rural landscape where the predominant land use is agricultural comprising mainly grazing land. There are a number of interspersed dwellings and tourist uses as well as proposed land uses, as outlined in **Table 2**.

Following this inspection and review of the EIS, LUCRA and Submissions Report, the following issues are considered to be the most likely potential impacts which may arise to result in a land use conflict with existing land uses in the area.

5.1 Potential Amenity Impacts to Residential Development

Potential impacts arising from the proposal on surrounding sensitive receptors are likely to be those resulting from noise, dust, traffic generation and vehicle access and impacts on the visual amenity of the area. These matters are considered further below. Traffic and access is considered in Section 5.2.

Air Quality

The EIS and Submissions Report outlined that dust and particulate matter were identified as the pollutants most likely to impact nearby sensitive receptors during the construction and operation of the proposal. The amended *Bentley Quarry: Air Quality Impact Assessment* prepared by GHD dated 29 April 2022 ('Air Quality Report') considered Total suspended particulates (TSP), particulate matter smaller than 10 microns in diameter (PM10) and particulate matter smaller than 2.5 microns in diameter (PM2.5)

The processes identified that may generate significant amounts of particulate matter (dust) included the stripping of topsoil, extraction by excavation, screening and crushing of material,

loading of materials to trucks, internal haulage routes and wind erosion of topsoil and product stockpiles.

A cumulative air quality assessment was undertaken in accordance with NSW EPA guidelines which added predicted daily dust levels to ambient air quality data. Results of the assessment demonstrated that the proposal complies with the EPA impact assessment criteria. The worst case impact is at R07, where the maximum incremental 24-hour PM10 concentration is approximately 42% of the criteria (**Figure 4**), however, still well within the limits of the relevant criteria.

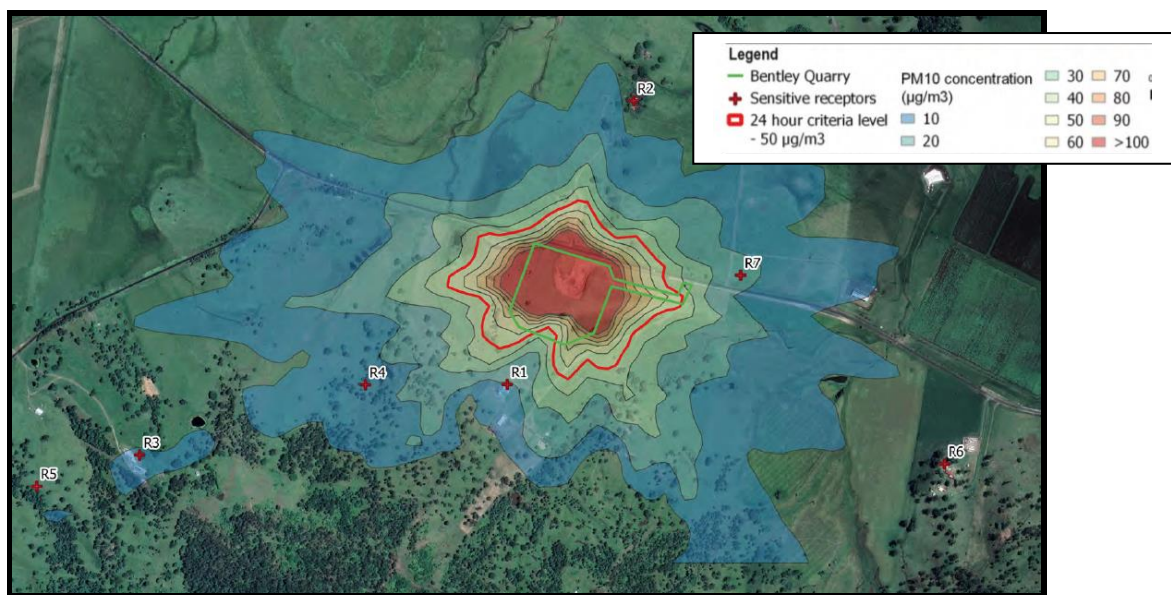


Figure 4: Air Quality Impact Assessment (Source: GHD, 14 April 2022)

The Air Quality Report recommended numerous management measures to minimise any potential air quality impacts during the operation of the project including the preparation of a dust management plan for the site, compliance monitoring and various control measures including water sprays of crushing and screening activities and level 2 watering across all access roads. Further measures included aiming to minimise the size of storage piles where possible, having regard to ambient dust levels and care being taken on days when high ambient dust levels are high and to receive and act on any complaints relating to dust.

The Air Quality Report concluded that there are no adverse impacts anticipated, providing the dust mitigation measures are implemented during operation. The NSW EPA has assessed the proposal and issued its GTAs for an EPL indicating air quality impacts can be managed to an acceptable level, and so as to not cause unreasonable impacts on the nearest sensitive receptors.

Accordingly, it is considered that the proposal generally complies with the relevant standards for air quality and it is considered that air pollution from the proposal will not result in any land use conflicts for surrounding sensitive receptors.

Noise and Vibration

The emission of noise and vibration from the proposal has been considered in the *Bentley Quarry Noise and Vibration Impact Assessment* dated 29 October 2021 and the amended report dated 19 April 2022. The amended report forms the basis of this consideration ('the Noise Report'). The Noise Report considered the proposal in terms of predicted noise levels on sensitive receptors and to provide noise mitigation measure where exceedances were predicted in accordance with relevant standards.

The conclusions from the Noise Report:

- The noise assessment indicates that the noise levels due to operation of the quarry are expected to exceed criteria at R1 and R2 by up to 3 dB during stage 1 worst case operating conditions, and marginally exceed criteria by up to 1 dB during stage 2 worst case operating conditions. R1 and R2 can be considered low risk receptors as R1 is the quarry owner and R2 is an abandoned uninhabited homestead and a letter of support from the owner of the property has been provided.
- The noise assessment indicates an estimated 4 dB exceedance at the recently approved residence at R9 during all stages and concluded that the noise impact at this receiver is dominated by truck movements entering and exiting the quarry via the access road, and is not impacted by major changes to operations within the pit. The proposed mitigation measures to alleviate noise impacts at R9 include the construction of an eastern bund, adjacent the site access road, should sensitive receiver 'B' be constructed (refer to **Figure 5**).
- The noise impacts are predicted to comply at all other sensitive receptors (residential and non-residential) in the area when operating under worst case conditions.
- The operational noise assessment has been undertaken based on a worst case operating scenario, with all equipment operating at maximum sound power levels and simultaneously. Therefore, it is likely that the actual site noise on a day-to-day basis would be lower than the predicted values.

- The predicted growth in quarry traffic along local roads due to peak production operations was investigated using the United States EPA's Intermittent Traffic Noise guidelines. This model indicated road noise along the local roads would comply with the RNP criteria at all assessed sensitive receptors.
- In relation to blasting and vibration, the NSW EPA has assessed the proposal and issued GTAs for an EPL indicating vibration impacts can be managed to an acceptable level, and so as to not cause unreasonable impacts on the nearest sensitive receptors

Council's recommended draft conditions include conditions to ensure noise impacts are effectively managed, including standard hours of operation, noise criteria, blasting criteria, operating conditions, noise attenuation and the preparation/implementation of a Noise and Blast Management Plans.

It is considered that the proposal generally complies with the relevant standards for noise, with some minor exceptions which have been adequately addressed in the proposed mitigation measures for the proposal. Accordingly, it is considered that noise from the proposal will not result in any land use conflicts for surrounding sensitive receptors.

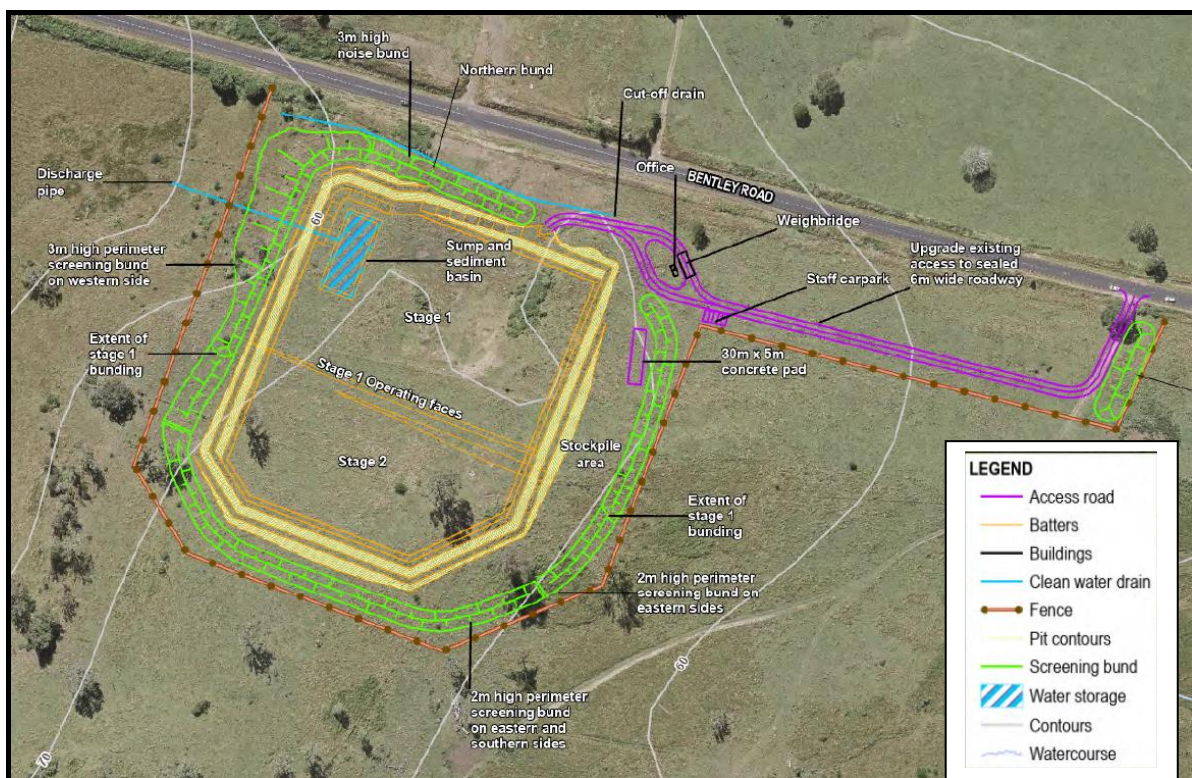


Figure 5: Proposed Noise Strategies (Source: Amended Noise Report, GHD, April 2022)

Visual Impact

The site is located within a rural landscape which has an undulating topography. The main feature in the vicinity of the site is Bentley Road, which is a two lane rural road which winds through the landscape and in some places is within a cutting, which is evident adjoining the site to the north (**Figures 6 and 7**). Therefore, views of the proposed development are limited due to the undulating topography and nature of the quarry development in that it is proposed to excavate vertically, rather than cutting into the side of the existing landform. As the proposed quarrying operations progress, the direction of excavation is lower into the ground, thereby reducing the visual impacts of the quarry.



Figure 6: Existing site looking west



Figure 7: Existing site looking east

Perimeter vegetated screening bunds are proposed to shield views of the upper benches and stockpile area, further limiting the potential for visual impacts. The LUCRA concluded that the risk of visual impacts arising from the proposal were low, however, further various mitigation measures are proposed to minimise future visual impacts, including:

- Maintenance of existing vegetation outside extraction boundary for visual screening.
- Maintain the site in a clean and tidy condition at all times.
- Ensure that areas of disturbance are kept to the minimum practicable at any one point in time.
- Progressively revegetate all areas where quarrying is completed.
- Where possible, stockpiles, plant and equipment should be located in positions which are screened from views into the site.

Photomontages of the proposed development are provided (**Figures 8 and 9**), which demonstrate there is likely to be minimal adverse visual impacts arising from the proposal.

Accordingly, the LUCRA assessment in relation to visual impact is supported and it is considered the proposal will have minimal adverse visual impacts in the area. Council's recommended draft conditions include conditions to ensure visual impacts are effectively mitigated through the requirement for the perimeter screening bund to be undertaken which is adequate for maintaining visual amenity.

The potential impacts arising from the proposal on surrounding sensitive receptors resulting from noise, dust and impacts on the visual amenity of the area have been satisfactorily addressed by the proposal and within the Council's recommended draft conditions. Accordingly, this Review concurs with the LUCRA that these potential impacts will not result in a land use conflict from the proposal.

In relation to potential amenity impacts to residential development, it is considered that the proposal has adequately mitigated any potential impacts and accordingly, the proposal will not result in a land use conflict on nearby residential development.



Figure 8: Proposed Development – looking west (Source: Submissions Report, May 2022)



Figure 9: Proposed Development - Looking East (Source: Submissions Report, May 2022)

5.2 Potential Impacts on Traffic and Access

Potential impacts on the local road network and access into the site have the potential to conflict with surrounding land uses and is therefore a matter which requires detailed consideration in a LUCRA for the proposal. The potential impact on traffic in the vicinity of the site as well as the proposed access point into the site were considered in the *Traffic Impact Assessment - Bentley Quarry* prepared by GHD dated 29 October 2021 ('the Traffic Report').

The Traffic Report made the following conclusions/observations:

- The traffic generated during construction is anticipated to generate a peak rate of 100 vehicle trips per day that would occur evenly over a 10-hour period each weekday over the construction period of around one month. Several light vehicles would also access the site daily during the construction works. This is less than that generated during operation of the quarry and was found that the safety of the local network during the construction phase is not expected to be negatively affected, provided that the works are carried out with appropriate and compliant temporary traffic management. However, construction works are expected to have some negative impact on travel times on Bentley Road due to reduced speed zones, but such works would be carried out over a brief period and therefore the effect on local traffic is not expected to be significant.
- The Traffic Report proposes intersection upgrade works involving the construction of a channelised right turn treatments for the right turn from Bentley Road to the site access road and an auxiliary left-turn short lane. Transport for NSW ('TfNSW') reviewed the proposal and advised that it supports the recommendation of the Traffic Report to install these treatments at the quarry access, which are to be designed to accommodate the deceleration and storage length for relevant design vehicles.
- TfNSW further recommended a condition be applied, requiring the applicant prepare and implement a Traffic Management Plan, supported by a Driver Code of Conduct and including procedures for travel through residential areas, school zones and/or bus routes.
- The site access way is proposed to be sealed to provide a stable trafficable surface and to minimise dirt being tracked onto Bentley Road.
- There will be no adverse structural integrity issues to Bentley Road arising from the proposal as the recommended buffer distance of a 15 metre setback between the quarry crest and road reserve boundary has been provided. The existing quarry boundary is to be moved to the south to comply with this recommended buffer.

Recommended conditions from TfNSW and Council's Traffic Engineer are contained within Council's recommended draft conditions to ensure traffic impacts are effectively managed, including road upgrades, road haulage, product transport monitoring and the preparation/implementation of a Traffic Management Plans supported by a Driver Code of Conduct.

It is considered that the proposal generally complies with the relevant standards for traffic and access, and adequate mitigation measures for the proposal are included in the recommended draft conditions. Accordingly, it is considered that traffic and access issues from the proposal will not result in any land use conflicts for surrounding sensitive receptors.

5.3 Potential Social and Community Impacts

The potential social and community impacts are generally related to noise, dust, traffic and access issues and visual amenity as well as environmental issues such as impacts on water resources and biodiversity. There were significant concerns raised by the community that these impacts would occur and would adversely impact on their amenity and enjoyment of the rural area.

As outlined in Sections 5.1 and 5.2 of this Review, the issues of potential noise, dust and visual impacts and traffic and access concerns have been adequately mitigated by the proposal. Furthermore, the technical studies demonstrated that apart from two sensitive receivers in relation to noise, that the proposal will not result in any exceedance of the adopted criteria. In relation to noise, the proposed additional bunding in the event that the recently approved dwelling is constructed and the heritage item is occupied in the future, is considered to satisfy the noise exceedances. It is also considered that the majority of nearby sensitive receivers are located outside the 1 km zone and those within the 1km area will not be subjected to impacts outside of the relevant criteria.

The particular concerns of the heavy vehicles on Bentley Road and the potential for conflicts with school buses and local traffic, has been mitigated with the requirement for a Traffic Management Plan including a Driver Code of Conduct. This Plan will include, among other things, procedures for travel through residential areas, school zones and/or bus route/s.

Accordingly, it is considered that the proposal has provided adequate mitigation measures to reduce or resolve impacts to surrounding sensitive receptors and appropriate conditions have been recommended by Council to address these mitigation measures. It is considered that there will be no land use conflicts arising from the proposal on the community.

5.4 Potential Impacts on Agriculture

The dominant agricultural use of the site and surrounding area is primarily for grazing with some cropping. The NSW Department of Primary Industries ('DPI') outlined that the site is mapped as 'regionally significant farmland' under the *Northern Rivers Farmland Protection Project* and also mapped as Biophysical Strategic Agricultural land (BSAL). This land is considered to contain high quality soil and water resources capable of sustaining high levels of productivity, which such resources limited in NSW.

DPI were referred the application and noted that the proposal is small (3.65ha) in terms of land area, representing only 1% of the property and is simply an extension of the existing quarry (1ha in area). DPI also noted that *extractive industries* are permitted with consent in the zone, the site adjoins transport infrastructure and the quality of the rock resource on the site also means that the site is highly favourable for quarrying activity. Accordingly, the DPI raised no objection to the proposal.

In relation to the LUCRA, it is noted that potential impacts arising on agriculture could result from noise dust, vibration, water and land valuation. These potential impacts have been addressed in the technical assessments and considered further in this section.

The potential conflict with nearby agricultural uses is considered to be low and can be mitigated as outlined in the technical assessments. Accordingly, it is considered that there will be no land use conflict arising from the proposal on nearby agricultural land uses.

5.5 Potential Impacts on Tourism

The potential impacts on tourism were considered in the LUCRA to include the proposed rail trail to the north of the site, the proposed glamping area at R11 to the north-west and the proposed tourist accommodation at R10 to the north-east. The technical assessments in relation to noise, dust, visual impacts and traffic and access revealed that there will be minimal impacts to these nearby uses as the proposal will not result in any exceedances of the relevant criteria at these locations.

As outlined in this Review, it is also important to note that the technical assessments represent 'worst-case-scenario' which are unlikely to occur and if they were to occur, such impacts would

prevail only for short durations.

Accordingly, with the proposed mitigation measures required by Council's recommended draft conditions, it is considered that there will be no adverse impacts arising from the proposal on nearby tourism uses and that there is no land use conflict arising from the proposal on tourism.

5.6 Potential Impacts on Water Resources

The potential impact on water resources has been considered in detail within the EIS and Submissions Report and has been considered by the EPA in the general terms of approval for the EPL. The licencing conditions for the proposed quarry are considered sufficient to adequately address any potential conflicts with nearby land uses on water resources in the area. The LUCRA is supported in this instance and it is considered that there will be no land use conflict with water resources in the area.

5.7 Potential Impacts on Natural Areas and Values

The majority of the site is dominated by exotic grasses and other weeds and is classed as 'Highly disturbed areas with no or limited native vegetation – exotic grasslands' by the *Biodiversity Assessment Report* prepared by GeoLink dated 2 May 2022 ('the BAR'). The site is heavily disturbed and the majority of original vegetation has been cleared as a result of agricultural and quarrying practices within the site. Accordingly, the BAR considered that the site provides minimal habitat for fauna, with the fauna habitat within the site being considered to be of poor condition.

The site is not within any mapped wildlife corridors as per Fauna Corridors for North East NSW and the site does not contain any areas of land mapped as being of Biodiversity Value (as per the Biodiversity Values Map and Threshold Tool (Version 11)). While the site is mapped under the RVLEP 2012 as containing terrestrial biodiversity values, these values are within the southern portion of the site which is not impacted by the proposal.

In relation to the statutory instruments concerning biodiversity, the BAR outlined that potential Koala habitat does not occur, and therefore *State Environmental Planning Policy (SEPP) Koala Habitat Protection 2020* does not apply. Similarly, BAR considered that habitat for threatened species would not be significantly affected by the proposal and due to the area of vegetation requiring removal being below clearing thresholds, the Biodiversity Offsets Scheme

(BOS) in the *Biodiversity Conservation Act 2016* is not triggered and a Biodiversity Development Assessment Report (BDAR) is not required.

In relation to the *Environment Protection and Biodiversity Conservation Act 1999* ('EPBC Act'), there will be no impact on any listed threatened ecological communities listed under EPBC Act, no impact any threatened flora species listed under the EPBC Act and the proposal is unlikely to lead to a significant impact on any threatened species and/or their habitat listed under the EPBC Act.

The BAR considered that there were several potential impacts arising from the proposal including the loss of native vegetation including approximately 0.23 ha of PCT 841 Forest Red Gum grassy open forest, about 5.72 ha of highly disturbed areas with no or limited native vegetation would also be impacted and the loss of 8 hollow-bearing trees. Potential impacts to 8 threatened fauna that have potential to occur on site or were recorded utilising the site, potential for injury or mortality of fauna during clearing works and weed dispersal were further potential impacts.

Various mitigation measures were outlined in the BAR including marking the limits of clearing and installing temporary fencing around the construction footprint area prior to construction commencing to avoid unnecessary vegetation and habitat removal/disturbance and undertaking a pre-clearing survey to ensure no fauna are present within clearing area and implementation of various clearing protocols. A Vegetation Management Plan (VMP) will also be prepared to incorporate weed control and management, compensatory / offset planting of native trees species and the replacement of hollow-bearing trees with next boxes. Implementation of best practice erosion and sediment controls and landscaping the screen bunding with endemic native species are further mitigation measures.

It is considered that these mitigation measures will prevent any significant impacts occurring to the biodiversity values contained on the land and therefore this potential land use conflict matter has been adequately resolved by the proposal.

The Muckleewee Mountain Nature Reserve is located approximately 2.5 km to the north of the site. The Noise Report has demonstrated that any potential noise impacts arising from the proposal are unlikely to adversely impact on noise outside of the site or at a maximum less than 500 metres from the site. Accordingly, there are no impacts expected from the proposal at the Muckleewee Mountain Nature Reserve. Therefore, there are no biodiversity issues likely to result in a land use conflict with nearby development.

6. CONCLUSION

This Peer Review has considered the LUCRA prepared for the proposal. Following a thorough assessment of the land use conflict risk assessment and supporting documentation, it is considered that the LUCRA can be supported and that there will not be a land use conflict arising from the proposal.

The key conclusions arising from this Review of this land use conflict risk assessment which have assisted in reaching this conclusion include:

- The EIS and Submissions Report were accompanied by technical assessments on noise and vibration, air quality, traffic and access, geotechnical, water resources, heritage, biodiversity, bushfire and contamination, which concluded that the proposal satisfies relevant technical criteria and that where some impacts may occur, such impacts can be mitigated.
- The technical assessments were undertaken under ‘*worst case scenario*’ conditions/assumptions including all machinery operating at once, blasting occurring often (when it is restricted to once per month), that the least desirable weather conditions prevail (strong prevailing winds, high relative humidity) and that the proposed quarry operates at maximum daily production. These factors are unlikely to occur simultaneously and in most instances not at all.
- The proposal includes mitigation measures which are adequate to address potential impacts and have been included in Council’s recommended draft conditions provided for the Panel’s consideration.
- The land use conflict risk assessment has been undertaken, which demonstrates that acceptable levels can be met to ensure amenity is achieved at nearby sensitive receptors in the area as outlined in **Table 2** of this Review.
- The NSW EPA has assessed the proposal as an Integrated Development and has issued its General Terms of Approval for an EPL. Therefore it is reasonable to conclude that any pollution (i.e. noise, vibration, dust, water) generated by the proposal can be managed to an acceptable level, and so as to not cause unreasonable impacts on the nearest sensitive receptors. Stringent conditions and on-going monitoring will be included in the licence requirements.

- The visual impact and other potential impacts are minimised through the natural local variation in topography, remnant vegetation and the proposed perimeter bunding of the quarry. The direction of excavation being below ground also assists in shielding the development from neighbouring and nearby properties as well as Bentley Road.

Other factors considered in this Review included:

- The proposed quarry is a permissible use in the zone and the proposal complies with the relevant legislation, is consistent with the zone objectives of the Richmond Valley Council LEP 2012 and the development standards for the site.
- The site is relatively unconstrained in that it is not mapped as having biodiversity value, is not classified as being bushfire prone, flood prone or having any landslide risk. There are no recorded Aboriginal sites located in the vicinity and potential impacts on the historical Disputed Plains Homestead have been assessed and are not anticipated.
- The site has direct access to Bentley Road, a regional connector road providing access to the local and regional market. In addition, the proposed quarried materials will provide essential building resources benefiting the wider community by supporting growth and construction within Richmond Valley and surrounding local government areas.
- The proposed quarry maximises resource recovery associated with the existing quarry disturbance footprint, limiting the potential environmental impacts.

Accordingly, it is concluded that there will be no land use conflict arising from the proposal on nearby sensitive receptors.

7. RECOMMENDATION

This Review report considers that the LUCRA undertaken for the proposal by GHD and the supporting documentation is satisfactory and concurs with the conclusions of this land use conflict risk assessment that the proposal is compatible with surrounding land uses in the vicinity of the proposal.

Accordingly, the following recommendations are made to the Panel:

- (a) The LUCRA and related documentation in the EIS and the Submissions Report concerning the potential land use conflict impacts in relation to the proposed development is satisfactory and considered to accurately reflect the potential land use conflicts which may arise from the proposal;
- (b) The identification and assessment of the potential land use conflicts is satisfactory and that the proposed management measures outlined in the submitted LUCRA and supporting documentation are adequate to mitigate any potential impacts arising from the proposal and demonstrate that any such impacts can be managed on the site.
- (c) The Council's recommended draft conditions are satisfactory and include the proposed mitigation measures outlined by the EIS and Submissions Report.
- (d) The land use conflict provisions of the DCP within Part I-11 have been satisfactorily addressed by the application.
- (e) It is recommended that the proposal is satisfactory having regard to potential land use conflicts and therefore the development application can be supported in relation to potential land use conflicts.