

Rezone land at Reardon's Lane, Swan Bay for rural residential purposes

Proposal Title : **Rezone land at Reardon's Lane, Swan Bay for rural residential purposes**

Proposal Summary : **The planning proposal seeks to rezone the following land in the Swan Bay area from RU1 - Primary Production to R5 - Large Lot Residential for rural residential purposes under the Richmond Valley LEP 2012:**

**Part Lot 13 DP 1128557;
Lot 1 DP 1107254;
Lot 3 DP 1081829;
Lot 91 DP 755603; and
Lot 92 DP 755603.**

PP Number : **PP_2013_RICHM_001_00** Dop File No : **12/20390**

Proposal Details

Date Planning Proposal Received :	18-Jan-2013	LGA covered :	Richmond Valley
Region :	Northern	RPA :	Richmond Valley Council
State Electorate :	CLARENCE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street : **Reardon's Lane**
 Suburb : **Swan Bay** City : Postcode : **2471**
 Land Parcel : **Part Lot 13 DP 1128557, Lot 1 DP 1107254, Lot 3 DP 1081829, Lot 91 & 92 DP 755603**

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**
 Contact Number : **0266416614**
 Contact Email : **Jenny.Johnson@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Craig Rideout**
 Contact Number : **0266600219**
 Contact Email : **craig.rideout@richmondvalley.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**
 Contact Number : **0266416604**
 Contact Email : **Jim.Clark@planning.nsw.gov.au**

Rezone land at Reardon's Lane, Swan Bay for rural residential purposes

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	78.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	56	No. of Dwellings (where relevant) :	56
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment : **The Department of Planning & Infrastructure Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **The land proposed to be rezoned does not comprise the whole of the subject lots the total of which is approximately 120ha. Only approximately 78 ha is to be rezoned.**

External Supporting Notes : **It should be noted that Part Lot 13 DP 1128557 and Lot 1 DP 1107254 have been approved to be re-subdivided (under Council's DA 2011.243) into four lots. These lots are yet to be registered. They are collectively referenced as Lot 4.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the planning proposal are adequately expressed for the area of the proposed amendment to Richmond Valley LEP 2012.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objectives and intended outcomes.**

The draft amendment proposes to:

- 1)Rezone 78ha of rural land to allow for rural residential development of up to 56 lots. Development is currently limited to a single dwelling under the rural zoning and a 40ha minimum lot size;**
- 2 Amend the Minimum Lot Size Maps for the proposed R5 - Large Lot Residential from**

Rezone land at Reardon's Lane, Swan Bay for rural residential purposes

40ha to one hectare allotments, in accordance with the subdivision standard cl4.1
Minimum subdivision lot size.

The remainder of the subject site will retain the RU1 - Primary Production zoning.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA : **1.2 Rural Zones**

* May need the Director General's agreement

1.5 Rural Lands

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**
SEPP (Rural Lands) 2008

e) List any other matters that need to be considered : **The inconsistencies with the S117 Directions have been addressed and are considered to be justified by the local approved strategy.**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Preliminary mapping has been supplied however, is not of a standard suitable for exhibition. There are inconsistencies identified between the maps provided. These Council has been made aware of.**

Updated mapping including existing and proposed zoning maps (in accordance with the Standard Technical Requirements for LEP maps) and proposed Lot Size mapping will be prepared by Council prior to exhibition.

The maps will need to be reviewed prior to exhibition. In accordance with s57(2) this will require the Director General to be satisfied that the maps (material to be exhibited) provides sufficient detail for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal, although it does identify that community consultation is required, has not specified the number of days required for exhibition. The Project Time line identifies 28 days for exhibition.**

An estimated Project Time Line for the planning proposal has been provided by Council indicating that a period of twelve months is a suitable time frame to complete the project.

The Gateway will make the final determination of the time frame required for exhibition.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Rezone land at Reardon's Lane, Swan Bay for rural residential purposes

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP
3. Providing an adequate justification for the proposal.
4. Provided a time frame for community consultation.
5. Providing a project time line.
6. Advising that Council request delegation to make the plan in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Richmond Valley LEP commenced in April 2012. This planning proposal seeks an amendment to the Richmond Valley LEP 2012.

Assessment Criteria

Need for planning
proposal :

The planning proposal is an outcome of the identification of the subject site as being 'available rural residential land' within the 'Richmond River Rural Residential Development Strategy 1999' (RRRRDS).

Council has previously considered the subject land for rezoning in a separate application under the previous plan making provisions. A s54 Notification was issued by the Director General for the subject site in 2007. The application was then withdrawn until Council completed its comprehensive LEP, which was published in 2012. The application was previously supported by Council and the Department's LEP Review Panel (subject to conditions and further studies).

The site is currently zoned rural and does not permit rural residential development. Rezoning the land to R5 – Large Lot Residential and adjusting the minimum lot size will allow the land to be subdivided to allow dwelling houses to be constructed without the need to amend the development standard for the subject site. The R5 zoning is appropriate for the rural residential development proposed for the site.

The area proposed within the strategy for rezoning to rural residential will connect with the existing rural residential land to the south of the site that is already zoned R5 - Large Lot Residential. This rezoning becomes a continuation of the rural residential development that is occurring in the Swan Bay area.

The proposed changes to the LEP are the most appropriate means of achieving the desired outcomes for the proposal. Additional housing that will occur from the rezoning proposal will contribute to Council's housing targets as set by the FNCRS.

Rezoning land at Reardon's Lane, Swan Bay for rural residential purposes

Consistency with strategic planning framework :

The planning proposal, although not identified in the Far North Coast Regional Strategy (FNCRS), is consistent with the overall intent of the strategy. The FNCRS allows for rural residential land release in non-coastal areas in accordance with existing local rural residential strategies. The subject site is identified in the local strategy 'Richmond River Rural Residential Development Strategy 1999.

The planning proposal is consistent with all relevant SEPP's with specific reference to SEPP 55 - Remediation of Land and SEPP (Rural Lands).

The planning proposal is considered inconsistent with the following S117 Directions:

1.2 Rural Zones

The planning proposal is considered inconsistent with this direction as it proposes to rezone land from a rural zone to a rural residential zone. The inconsistency is justified as the rezoning is in accordance with a strategy that identifies the land which is the subject of the planning proposal - Richmond River Rural Residential Strategy (RRRRDS) and gives consideration to the objectives of this direction. The rezoning will allow these areas to be developed for rural residential development which is consistent with the objectives of the FNCRS for rural residential development.

1.5 Rural Lands

The planning proposal is considered inconsistent with this direction as it affects land within an existing or proposed rural zone. The subject land is not considered productive agricultural land or classed as State or Regionally Significant Farmland (RSF). There was a significant reduction in the number of lots proposed (during the previous application) which allowed the rezoning boundary to align itself with the boundary of RSF. This allowed the proposal to not impact the RFS. The inconsistency is justified as the subject site is located within 'available rural residential land' within the RRRRS and is in accordance with the strategy that identifies the land which is the subject of the planning proposal.

4.4 Planning for Bushfire Protection.

A portion of the site is identified as bushfire prone. A detailed bushfire hazard assessment has been prepared that supported the original rezoning proposal. The direction requires Council to consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of the Gateway Determination. Council will be instructed to consult with the RFS either before or during exhibition. It is not considered that the planning proposal will raise significant issues regarding bushfire protection.

The proposal is otherwise consistent with the S117 Directions.

Environmental social economic impacts :

A number of studies were undertaken during the previous rezoning application to address issues raised by Council and the LEP Review Panel.

These include flora and fauna, agriculture, bushfire, cultural heritage, preliminary contamination, effluent disposal and stormwater. Issues raised regarding acid sulfate soils, flooding and extractive industries have been alleviated by removing the land affected by these from the rezoning proposal.

The subject site is mostly devoid of vegetation. A detailed ecological assessment was undertaken as part of the previous rezoning application and no threatened species, populations or endangered ecological communities were likely to be impacted by the proposed rezoning.

The detailed cultural heritage assessment identified one scarred tree of Aboriginal significance in the rezoning area. Initially it was to be recommended for inclusion in the heritage schedule of the Richmond Valley LEP. However due to the sensitive nature of the Aboriginal item and concern of identifying the location of these types of items, it was not included in the LEP schedule at the time of publication. The location will be noted and any potential development within the vicinity of the item will be minimised. Heritage items of Aboriginal significance are dealt with under the National Parks & Wildlife Act 1974.

Rezone land at Reardon's Lane, Swan Bay for rural residential purposes

Services and facilities are provided in the nearby populated centres of Woodburn, Coraki and Broadwater.

Job opportunities could arise during construction of the rural residential development and there is potential for a economic flow on effect within the community with an increase in revenue to the local area.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal (September 2012) & cover letter.pdf	Proposal	Yes
Richmond Valley Council_18-12-2012 00_00_00_PP Part Lot 13 DP 1128557 Lot 1 DP 1107254 Lot 3 DP 10811829 Lots 91 92 DP 755603 Reardons Lane Swan Bay - s56_.pdf	Proposal Covering Letter	Yes
Project timeline.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
1.5 Rural Lands
4.4 Planning for Bushfire Protection

Rezone land at Reardon's Lane, Swan Bay for rural residential purposes

Additional Information : It is recommended that:

1. The planning proposal be supported;
2. The planning proposal is to be exhibited for a period of 28 days;
3. The planning proposal should be completed within 12 months;
4. The Director General (or an officer of the Department nominated by the Director General) agree that the inconsistencies with s117 Directions 1.2 Rural Zones and 1.5 Rural Land are justified and accept that 4.4 will be resolved through consultation with the NSW Rural Fire Service before or during exhibition;
5. Council is to upgrade mapping to include existing and proposed zoning maps (in accordance with the Standard Technical Requirements for LEP maps) and the proposed changes to the Lot Size map;
6. The Council be advised the Director General in accordance with s57(2) will review the mapping required for exhibition. The Director General is to be satisfied that the maps (material to be exhibited) provides sufficient detail for community consultation.
7. Subject to recommendation 6 the request to delegate the plan making function to Richmond Valley Council be approved.

Supporting Reasons : The rezoning of land on Reardon's Lane, Swan Bay for rural residential purposes is a strategically planned release area which will contribute to Council's housing targets as set by the Far North Coast Regional Strategy.

Signature:



Printed Name:

JIM CLARK

Date:

24 January 2013