

Council's Reference:

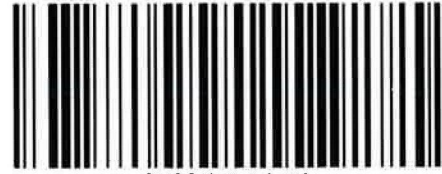
LEP0014:CR

P1002093, 25451, 25452, 1001802, 1001443



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PGF001678

Contact:

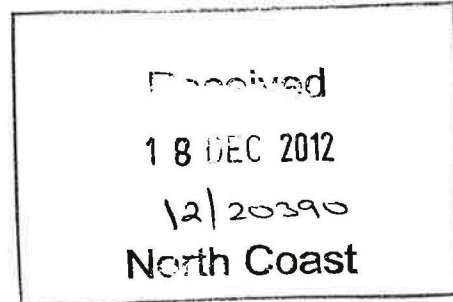
Craig Rideout

13 December 2012

The Regional Director
Department of Planning
Locked Bag 9022
GRAFTON NSW 2460

Attention: Steve Murray

Dear Steve



Subject:

Richmond Valley Local Environmental Plan (LEP) Amendment

- Part Lot 13 DP1128557 (Approved Lot 4 per DA2011.243), Lot 1 DP1107254 (closed road) and Lot 3 DP10811829 and Lots 91 & 92 DP755603, Reardon's Lane Swan Bay.

Request for the Subject Planning Proposal to be forwarded for Consideration by the LEP Review Panel – The Proposal is to Permit Future Rural Residential Subdivision (Rezone RU1 Primary Production to R5 Large Lot Residential) – Conceptual Plan Layout showing 56 Lots.

As a result of the consideration of the subject Planning Proposal by the LEP Review Panel, Council requests advice pursuant to Section 56(2) of the *Environmental Planning and Assessment Act 1979* as to whether the proposal should proceed, and request the terms of reference should it be successful.

Council nominated to support the proposal as presented at the Council Ordinary meeting 20 November 2012 (Action Item 13.11) to facilitate the lodgement with the Department of Planning and Infrastructure through the gateway process.

The report presented to Council 20 November 2012 is attached to this correspondence for your reference. The report outlines issues that were relevant when the proposal was presented previously as an LEP amendment under repealed Part 3 EP&A Act provisions. The proposed Lot 4 intends to sever land as to remain an appropriate distance from an area registered as having Aboriginal significance (presently identified as part Lot 13 DP1128557). A preliminary site plan submitted by the consultant avoids fragmenting the existing vegetated areas and proposes 56 lots in total.

At your earliest convenience, please arrange for this Planning Proposal to be presented to the LEP Review Panel for consideration. A hard copy of all relevant recent reports and documentation is included with written correspondence forwarded this day, and is attached to an electronic reproduction of this correspondence. Please be advised further history concerning this land and previous LEP Amendment history should be available within your records as per reference T.310.14.

The General Manager,


RICHMOND VALLEY COUNCIL

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

Please also advise as to whether this matter might be determined by the new delegation opportunities, as Richmond Valley Council recently nominated the General Manager.

For further information relating to the above, please contact Craig Rideout of RVCs Infrastructure and Environment Section on (02) 66600219, mobile 0409 076475 or via email craig.rideout@richmondvalley.nsw.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. Rideout', with a horizontal line extending to the right.

Craig Rideout
Planning Officer
Infrastructure and Environment
Richmond Valley Council

13.11 MURRELL AND WADE - PLANNING PROPOSAL TO REZONE REARDONS LANE LAND FOR RURAL RESIDENTIAL PURPOSES - ZONE R5 - LEP-0014

Reference: Land Use and Planning – Planning, Subdivision, Zoning; P25451, P25452, P1002093

Prepared by: Planning Officer

Background

The planning proposal submitted to Council is to rezone rural RU1 – Primary Production land for the purposes of allowing the creation of smaller ‘rural-residential’ lifestyle lots mostly around one hectare in area. The proposal involves Lot 4, Lots 91 and 92, DP755603 and Lot 3, DP1081829 located at Reardons Lane, Swan Bay. Figure 1 below shows the location of the subject land, and surrounding land which is similarly recognised within the Richmond River Rural Residential Strategy in relation to other land rezoned in the past to smaller rural residential allotments.

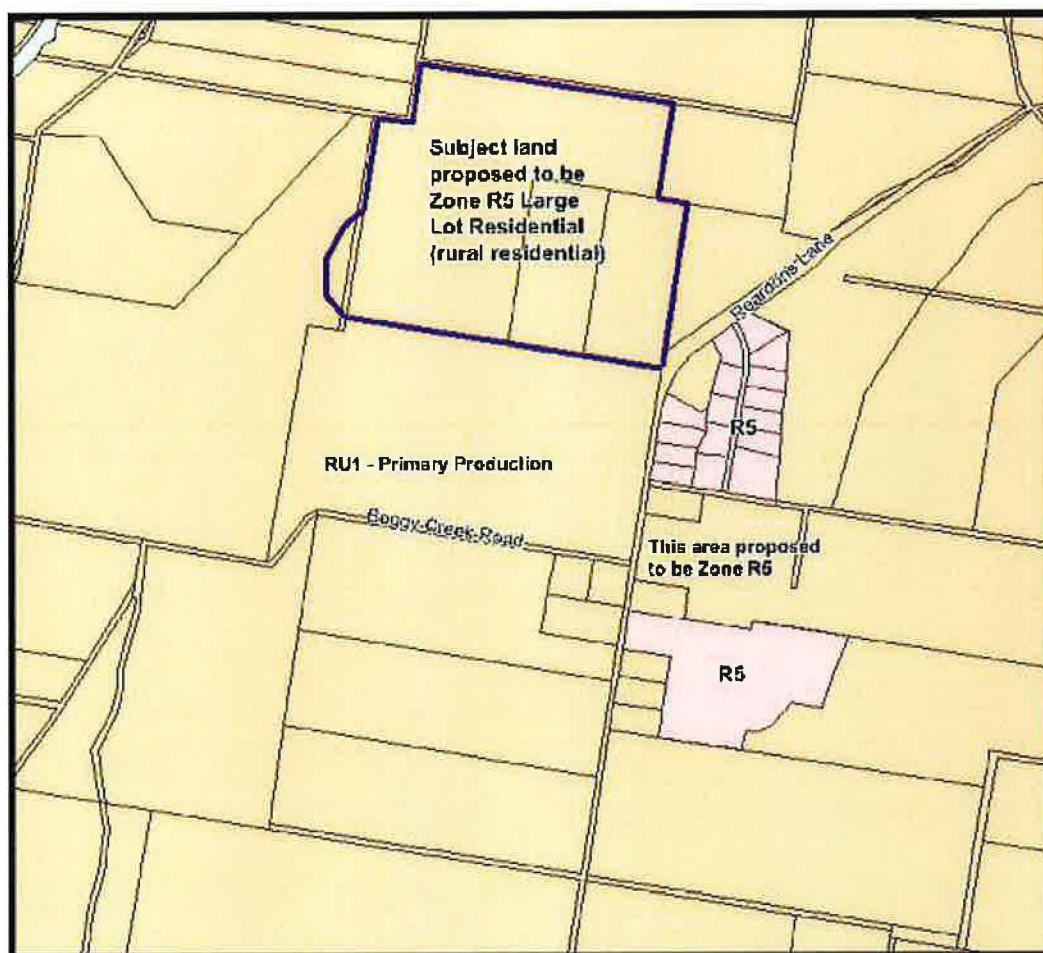


Figure 1: Subject land proposed to become R5 – Large Lot (Rural) Residential

The proposal identifies the possibility for the creation of 56 rural residential style allotments which would be subject to further assessment prior to subdivision and subject to the support of Council as well as the rezoning proposal being accepted by the State Department of Planning. The concept plan shown in Figure 2 is representative of the nature of the development proposed. It can be seen similar development has been permitted on adjoining land in this locality.



Figure 2: Concept Plan

All Rural residential development, including that proposed within the Swan Bay (Reardons Lane) locality is required to be identified within a local strategy and to be ultimately endorsed by the State (Department of Planning). The proposal before Council is strategically supported.

This particular proposal before Council has been previously reported and adopted, however due to the duration of time which has transpired since the earlier support, changes in legislation and amendments to the proposal area, it is necessary to reintroduce and confirm Council support for the development. Council support and resolution is required to lodge the planning proposal with the Department of Planning to facilitate further progression of the rural residential rezoning.

Report

Issues

The preparation of land for rural-residential development (i.e. rural 'lifestyle' lots generally around 1 hectare or 2.5 acres) necessarily involves the 'rezoning' of that land from 'RU1 – Primary Production' to 'R5 – Large Lot Residential' in

accordance with the recently adopted Richmond Valley Local Environmental Plan (LEP) 2012.

Legislative changes have resulted in rezonings (or amendments) to LEPs being replaced with 'planning proposals' to explain and justify 'rezonings' and the intent of the amendment to the LEP. Planning proposals are to be prepared in the majority of cases by Council as the Relevant Planning Authority (RPA) and are initially assessed by the Department of Planning prior to LEP Panel consideration.

A 'Gateway Determination' then establishes if there is sufficient justification early in the process to proceed and whether further studies and/or amendments need to be undertaken prior to resubmission. When all requirements have been met, the Director General will approve the Planning Proposal for community consultation, State and Commonwealth agency consultation and for any public hearing if required.

The proposed Lot 4 (as approved through DA2011.0243) provides for the separation of the land (presently identified as Lot 13, DP1128557) for rezoning separately from the remainder of land in the same ownership. The subdivision was approved prior to application for the rezoning to provide for the resolution of Aboriginal heritage issues. An area of Aboriginal significance is recorded within proximity to the land area which is proposed to be subdivided. This land will not be included to potentially provide an adequate buffer to land identified to have Aboriginal significance. Council will require that Lot 4 be created prior to the rezoning being registered, as it is considered appropriate to remove sensitive land from the proposal.

Legal

Amended Part 3 provisions within the Environmental Planning and Assessment Act 1979 took effect on 1 July 2009. The previous Council resolution concerning this particular rezoning was reported to Council at the Ordinary Meeting of 19 December 2006. The requirement for the re-reporting and re-adoption is based upon the extinguishing of the 'savings provision' which would have allowed the rezoning to be considered in accordance with the repealed Environmental Planning and Assessment Act provisions.

Policy

The area concerned is recognised as appropriate for the proposed development in accordance with the Richmond River Rural Residential Strategy 1999. Although the Strategy is due for review, this particular area would be included within any new strategy as it directly adjoins developed rural residential areas. Generally areas adjoining existing rezoned areas are considered above remoter areas, and the staged progression of this land to rural residential lots is considered appropriate.

Relatively recent reforms to the legislation prescribing all planning matters within NSW included a rewriting of Part 3 of the Environmental Planning and Assessment Act concerned with the making of Plans – or 'Rezoning' of land. The

requirement is for all proposals of this nature to undergo a 'gateway process' to determine early on if the development has merit. The State Department of Planning determines if the proposal is suitable, largely based upon demonstrated support within Council strategies, policies and studies.

Environmental

Environmental issues concerning the land are perceived to be negligible, based upon the mostly cleared nature of the site, and the reduced likelihood of potential impacts due to terrain relief, lack of vegetation. There is apparent opportunity to retain and preserve those areas of environmental significance, and the poor agricultural viability of the site allows the land to be suitable for residential development. A preliminary site plan submitted by the consultant avoids fragmenting the existing vegetated areas and proposes 56 lots in total.

Social

The social impacts upon the community and region can be perceived to be positive due to the likelihood the augmentation of the rural-residential precinct will attract better opportunity and services over time as a result of this proposal. Social impacts were considered in the development of the rural-residential strategy, and the area concerned is supported by the strategy, and nearby towns and services.

Consultation

The consultation phase of any proposed development of this nature is more involved once the proposal has proceeded through the 'gateway proposal'. The consultation process will be enacted in detail and in accordance with legislative requirements.

Economic

The proposal is likely to positively affect economic development, due to the direct creation of employment in the building and development industry, and the ongoing provision of residential land for inhabitants and workers in the immediate area.

Staff

Staff resources are allocated for rezoning proposals based upon demand for a particular land use, and considers in detail how the 'uptake' of such residential development has been facilitated and satisfied in the past. Council policy provides for the proponent to pay a fee in stages which reimburses the cost of Council Officer's time spent in processing, assessing and report writing for the planning proposal.

Strategic Links

The provision of Rural Residential land is one way in which new residential lots are created to satisfy demand and directly relates to strategic objectives to

actively plan and provide new areas of residential and employment land within the Richmond Valley Local Government Area.

This report has strategic links to Council's Community Strategic Plan and the following Long Term Goals and Strategies:

- Release more land for Urban Development
- Identify rural land for Subdivision Development

Financial Implications

Council policy provides for the proponent to pay a fee in stages which reimburses the cost of Council Officer's time spent in processing, assessing and report writing for the planning proposal. The rezoning policy provides for recouping Council resources from the applicant.

Sustainability (ESD Principles)

Ecologically Sustainable Development principles are required to be considered as necessary to the development proposal process stipulated within the Environmental Planning and Assessment Act and as required in the justification for residential and employment lands within local strategies.

Conclusion

The planning proposal presented here represents an essentially identical proposal presented and endorsed previously by Council for progression at the Ordinary Meeting, 19 December 2006. The exception proposed here excludes potentially sensitive land recognised within the Aboriginal Heritage database to have significance, and requires the subdivision of land to exclude any area which might be affected. The proponent has sought and gained approval to subdivide off the affected land.

Council Planning Officers are satisfied this will facilitate smoother progression of the planning proposal with the Department through the 'gateway process' and supports the planning proposal. The planning proposal will be subject to the 'gateway process' which will initially decide whether Departmental support is offered and will define the scope for further investigation.

RECOMMENDATION

Recommended that Council support the planning proposal to rezone Lot 4, Lots 91 and 92, DP755603 and Lot 3, DP1081829 located at Reardons Lane, Swan Bay for a rural residential development and facilitate the lodgement with the Department of Planning through the gateway process.

201112/ 23 RESOLVED (Cr Mustow/Cr Morrissey)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.