

Council's Reference:
LEP0021:CR - P1003045

Contact:
Craig Rideout

25 February 2013

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

Attention: Steve Murray, Jenny Johnson

Dear Jenny and Steve

Subject:

**Richmond Valley Local Environmental Plan (LEP) Amendment
- Approved Lot 100 DP1181445, 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 14 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 19 February 2013 (Action Item 13.16) to facilitate the lodgement with the Department of Planning and Infrastructure through the gateway process.

The report presented to Council 19 February 2013 is attached to electronic correspondence sent 25/02/2013 for your reference. A preliminary site plan submitted by the consultant proposes 14 lots in total and is represented within the report.

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 (also electronically on CD) is included with this correspondence. Additionally, please find all relevant documents for your convenience attached to an electronic reproduction of this correspondence. The delegation request form (attachment 4) is also included.

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

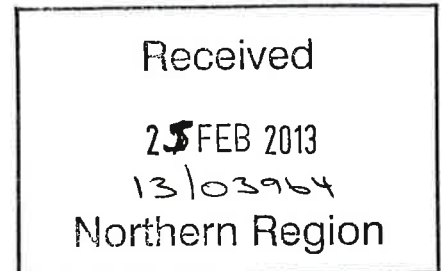
Yours faithfully



Craig Rideout
Planning Officer - Infrastructure and Environment, Richmond Valley Council

The General Manager,
RICHMOND VALLEY COUNCIL

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



PROJECT TIMELINE LEP0021 – Newman’s Planning Proposal

Planning Proposal – Proposed rezoning of Lot 100 DP1181445, Reardon’s Lane, Swan Bay to R5 – Large Lot Residential Zone.

Project Timeline:

Anticipated Commencement Date – (Gateway Determination):	TBA	(March 2013)
Anticipated timeframe for the completion of required technical information: (technical information has been provided, however this will be determined via the gateway process)		10 June 2013
Timeframe for Government Agency Consultation (pre and post exhibition):		13 July 2013
Commencement and Completion dates for public exhibition period: July 2013 – exhibition period 28 days		Anticipated
Timeframe for the consideration of the proposal post exhibition: 2013		September
Anticipated timeframe for PC opinion: November		October-
Date of submission to the department to finalise the LEP: (Reporting to Department and to Council): Meeting 2013		November
Anticipated date RPA will make the plan (if delegated):		
Anticipated date RPA will forward to the department for notification: 2013		December
Minister (+ 2 weeks) - December 2013		Late

Thanks Jenny,

Please consider these dates for the purpose of the submission to the LEP Review Panel.

Please advise if there is any further detail you require,

Kind Regards

Craig Rideout

Planning Officer

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[Agenda Report](#)

User Instructions

To view the original Report, double-click on the 'Agenda Report' blue hyperlink above.

ACTION ITEM 13.16 - MEETING TUESDAY, 19 FEBRUARY 2013

Action is required for Item 13.16 of the Meeting as per the Resolution outlined below.

NEWMAN'S - PLANNING PROPOSAL TO REZONE LAND AT REARDONS LANE FOR RURAL RESIDENTIAL PURPOSES - ZONE R5 - LEP 0021

Reference: Land Use and Planning - Planning, Subdivision, Zoning; P1003045

Prepared by: Planning Officer

RECOMMENDATION

Recommended that Council support the planning proposal to rezone Lot 100, DP1181445 located at Reardons Lane, Swan Bay for a rural residential development and facilitate the lodgement with the NSW Department of Planning and Infrastructure for assessment by the gateway process.

RESOLVED (Cr Morrissey/Cr Mustow)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

NEWMAN'S - PLANNING PROPOSAL TO REZONE REARDONS LANE LAND FOR RURAL RESIDENTIAL PURPOSES - ZONE R5 – LEP 0021

Reference: Land Use and Planning – Planning, Subdivision, Zoning; P1003045 – Lot 100 DP1181445.

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 100 DP1181445 located at Reardons Lane, Swan Bay. This lot was recently created to separate the area of land proposed for development from the adjoining farmland used for sugarcane production. Figure 1 below shows the location of the subject and surrounding land which is recognised within the Richmond River Rural Residential Strategy to smaller rural residential allotments. It can be seen this rezoning falls between R5 land zoned for the same purpose.

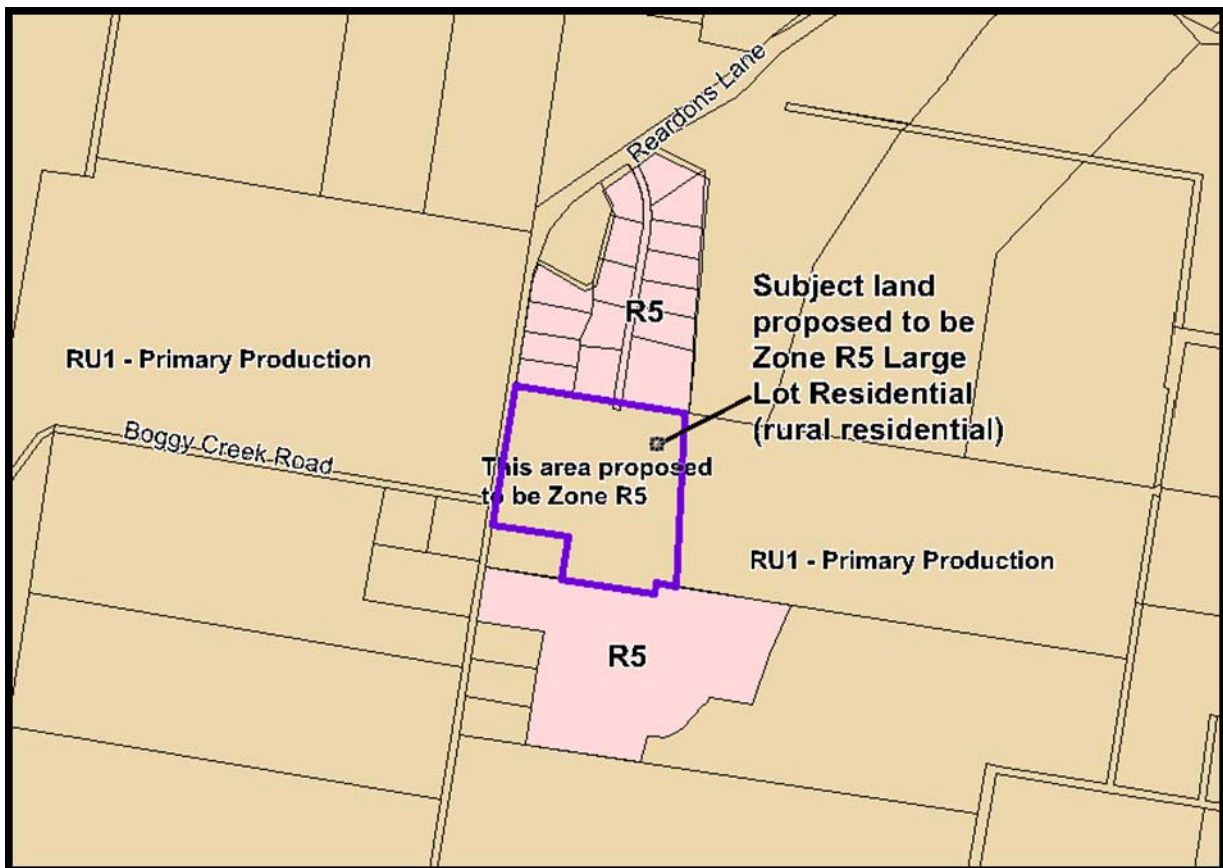


Figure 1: Subject land (Newman) proposed to become R5 – Large Lot Residential

The proposal identifies the potential for the creation of 14 rural residential style allotments subject to additional assessment prior to subdivision. The proposal requires the support of Council as well as the rezoning being accepted and endorsed

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.

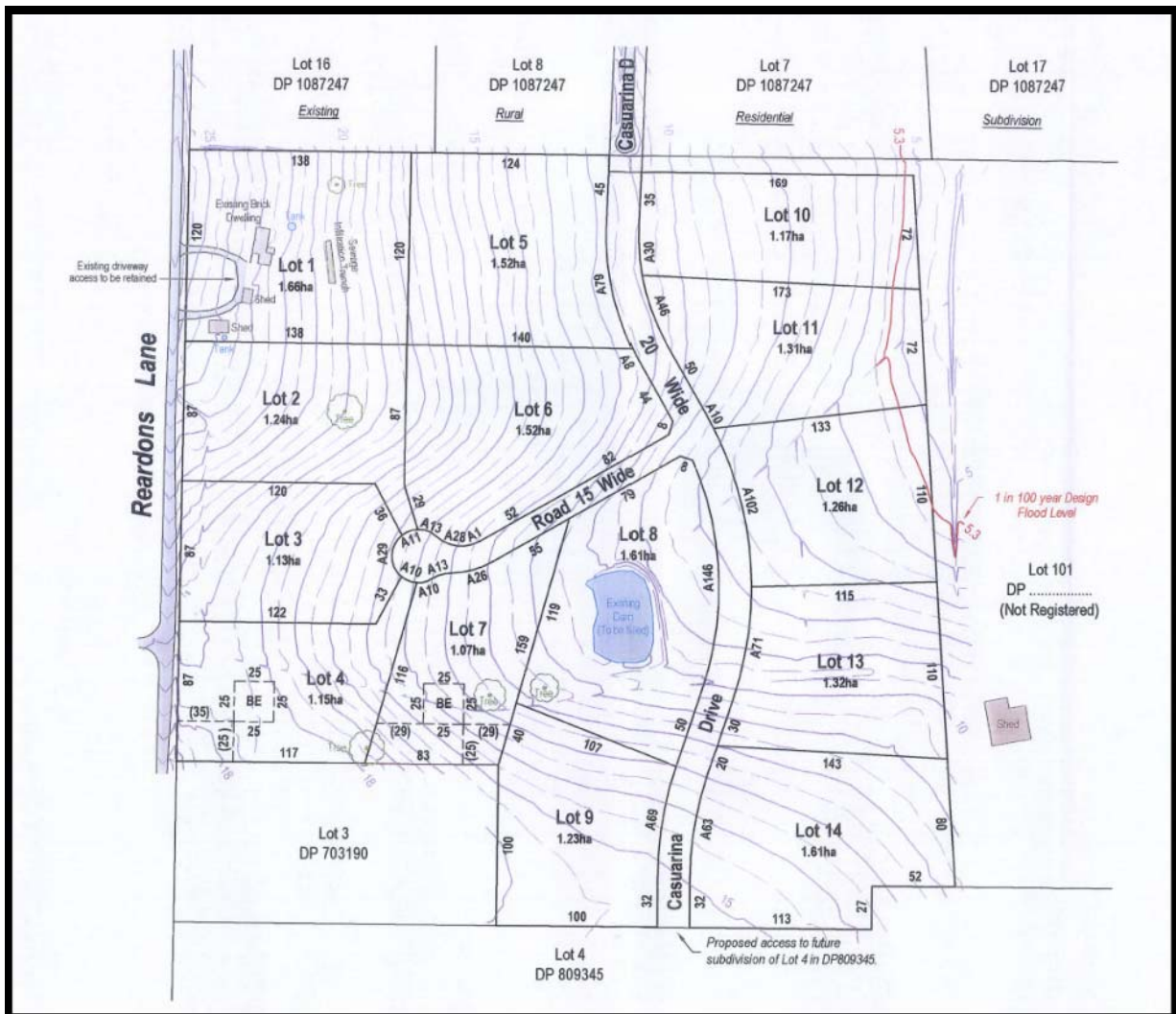


Figure 2: Concept Plan for the proposed subdivision of Lot 100 DP 1181445 into rural residential lots of a minimum one (1) Hectare. .

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 as the land is identified within the Richmond River Rural Residential Strategy.

This particular proposal was being considered prior to the Local Environmental Plan creation and exhibition, however was unable to be included alongside other rezonings treated within the LEP creation due to uncertainty as to whether unsatisfactory impacts would be experienced due to the operation of a nearby quarry and use of Boggy Creek Road.

Report

Issues

The preparation of land for rural–residential development (i.e. rural ‘lifestyle’ lots generally around 1 hectare or 2.5 acres) 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.

The rezoning process is one that involves the development being presented to the LEP Planning Panel as a Planning Proposal which is subject to a ‘gateway determination’. The Planning Proposal’s preliminary report is presented and assessed on its merits. The gateway determination decides which aspects of the development require additional detail and investigation. The proponent is required to explain and justify the LEP amendment or ‘rezoning’ and demonstrate it is in accordance with the intent of the LEP. The LEP panel may reject the proposal if essential criteria are not satisfied.

Lot 100 (as recently approved through DA2012.011) provides for the separation of the subject land for rezoning from the remainder of land which is presently used for sugar cane production. The subdivision allows for significant agricultural land to be removed from the area considered for rezoning, as detailed within the accompanying report. Adjoining land not included in the rezoning will provide adequate buffers to land used for agricultural production hereby minimizing the potential for land use conflicts to arise as a result of the development.

The issue concerning potential impacts from truck movements which prevented this development from being progressed earlier has been negated due to the withdrawal of the application for expansion of activities at ‘Robinson’s Quarry’. The adjacent intersection of Boggy Creek Road and Reardon’s Lane is utilised by trucks for access to the quarry and was identified to be a potential source of unacceptable impacts if quarrying activities were stepped up. The formal application to the State has expired, and any potential new application, whether local or State significant, would require the quarry operator to manage and mitigate potential impacts on nearby rural residential land as a result of quarrying.

In consideration of the reasoning above, it is considered appropriate to progress the proposal for rural residential lots which was postponed during the time the preparation of the LEP was underway.

Legal

Amended Part 3 provisions within the Environmental Planning and Assessment Act 1979 took effect on 1 July 2009 which now require all proposed rezoning activities to be presented and considered by the LEP planning panel to undergo ‘gateway determination’.

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 14 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 has 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 has been identified and supported by the endorsed Richmond River Rural Residential Strategy. The proponent has sought and gained approval to subdivide off the subject land (Lot 100) and there is little impediment foreseen to the progression of the proposal.

Council Planning Officers are satisfied the planning proposal is consistent with all departmental requirements for the 'gateway process' and supports the associated study and 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.

It is anticipated that if the gateway determination is favourable, and all of the planning proposal's gateway requirements are met, the Director General will approve the Planning Proposal for community consultation, State and Commonwealth agency consultation and for any public hearing if required.

Attachment(s)

Nil.

RECOMMENDATION

Recommended that Council support the planning proposal to rezone Lot 100 DP1181445 located at Reardons Lane, Swan Bay for a rural residential development and facilitate the lodgement with the Department of Planning to be determined by the gateway process.