

**Rezoning of Land at Reardons Lane, Swan Bay**

Proposal Title : **Rezoning of Land at Reardons Lane, Swan Bay**

Proposal Summary : **The proposal is to rezone a 20 ha parcel of land at Reardons Lane, Swan Bay, from RU1 Primary Production to R5 Large Lot Residential under Richmond Valley LEP 2012.**

PP Number : **PP\_2013\_RICHM\_002\_00**      Dop File No : **13/03964**

**Proposal Details**

Date Planning Proposal Received :	<b>25-Feb-2013</b>	LGA covered :	<b>Richmond Valley</b>
Region :	<b>Northern</b>	RPA :	<b>Richmond Valley Council</b>
State Electorate :	<b>LISMORE</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Spot Rezoning</b>		

**Location Details**

Street :	<b>Reardons Lane</b>		
Suburb :	<b>Swan Bay</b>	City :	<b>Postcode : 2471</b>
Land Parcel :	<b>lot 100 DP 1181445</b>		

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager Contact Details**

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**Land Release Data**

Growth Centre :	<b>N/A</b>	Release Area Name :	<b>N/A</b>
Regional / Sub Regional Strategy :	<b>Far North Coast Regional Strategy</b>	Consistent with Strategy :	<b>Yes</b>

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MDP Number :		Date of Release :	
Area of Release (Ha)	<b>20.00</b>	Type of Release (eg Residential / Employment land) :	<b>Residential</b>
No. of Lots :	<b>14</b>	No. of Dwellings (where relevant) :	<b>14</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>
The NSW Government Lobbyists Code of Conduct has been complied with :	<b>Yes</b>		
If No, comment :	<b>The Department of Planning Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.</b>		
Have there been meetings or communications with registered lobbyists? :	<b>No</b>		
If Yes, comment :	<b>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.</b>		
<b>Supporting notes</b>			
Internal Supporting Notes :			
External Supporting Notes :			

**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 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.**

**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**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

\* May need the Director General's agreement

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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 44—Koala Habitat Protection  
SEPP No 55—Remediation of Land  
SEPP (Rural Lands) 2008**

e) List any other matters that need to be considered : **The rezoning of the proposed site for rural residential purposes is consistent with Council's approved rural residential land release 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 : **The planning proposal contains maps and concept plans which enable the identification of the site. However clearer maps which show the current and proposed zoning and minimum lot sizes for the land at a suitable scale should be provided prior to exhibition. Mapping that complies with the Department's 'Standard Technical Requirements for LEP Maps' will be provided for the making of the LEP.**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal has proposed a 14 day public exhibition period for community consultation. The proposal is considered to be a low impact planning proposal since the proposal is consistent with surrounding land zonings and no significant planning issues have been identified. A 14 day consultation period is considered to be adequate.**

**The RPA has provided a project timeline which estimates the completion of the planning proposal in December 2013. This timeline is considered to be reasonable.**

### Additional Director General's requirements

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

If Yes, reasons :

### 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 to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a suitable project timeline**
- 6. Completing the evaluation criteria for the delegation of plan making functions.**

**Delegation of plan making functions is considered to be appropriate in this instance, as the proposal is largely consistent with relevant strategic planning instruments and inconsistencies with s117 Directions are considered to be of minor significance.**

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### 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 proposal is indirectly the result of a strategic study. The land owners have requested that Council rezone the land to enable it to be developed for rural residential purposes. The land is identified for rural residential use in the Richmond River Rural Residential Development Strategy 1999 (the 'Rural Residential Strategy'). The land is nominated as a stage 1 release area in the Rural Residential Strategy.

Rezoning the land to R5 Large Lot Residential, and applying a 1 hectare minimum lot size is the best means of achieving the objective of the planning proposal.

The planning proposal identifies a net community benefit ensuing from;

1. Increased stocks of rural residential land which will increase choice and competition in the local market.
2. Multiplier economic effects from increased development and construction activity in the locality.
3. Rezoning of land for rural residential purposes which was identified for such a use more than 10 years ago.

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Consistency with strategic planning framework :

**Far North Coast Regional Strategy (FNCRS).**

The planning proposal is consistent with the FNCRS. The subject land is identified for rural residential use in the Council's Rural Residential Strategy and is not located within the coastal area nominated by the FNCRS. The land is also located between two existing areas of R5 zoned land and is relatively unconstrained for residential development.

**SEPPs**

The planning proposal identifies SEPP 44 – Koala Habitat Protection, SEPP 55 – Remediation of Land, and SEPP (Rural Lands) 2008 as being relevant to the planning proposal. The proposal is not inconsistent with any of these SEPPs.

**S117 Directions.**

The following S117 directions are applicable to the proposal, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies, 5.3 Farmland of State and Regional Significance on the NSW Far North Coast, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is inconsistent with Directions 1.2, 4.1, 4.3 and 4.4.

Direction 1.2 Rural Zones is relevant to the proposal. The Direction states that a planning proposal shall not rezone land from a rural zone to a residential, business or industrial zone. The planning proposal aims to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential.

The direction provides that a planning proposal may be inconsistent with the direction if the inconsistency is justified by a strategy, a study, or is of minor significance. The subject land is identified for rural residential purposes in the Richmond River Rural Residential Development Strategy 1999 which was approved by a delegate of the Director General in March 1999. It is therefore considered that the inconsistency with the direction is justified in accordance with the terms of the direction.

Direction 4.1 Acid Sulfate Soils is relevant to the draft plan. The direction provides that a draft plan shall not permit the intensification of land containing acid sulfate soils unless a study of the land assessing its suitability has been conducted.

The draft plan proposes to rezone land from RU1 Primary Production to R5 Large Lot Residential. The land is mapped as containing class 5 acid sulfate soils. The proposal may be inconsistent with the direction if it is justified by a study or is of minor significance. Class 5 acid sulphate soils are the lowest risk class and the Richmond Valley LEP already contains provisions for management of acid sulphate soils through the development application process. The inconsistency of the proposal with the direction is considered to be of minor significance and therefore is justified in accordance with the terms of the direction.

Direction 4.3 Flood Prone Land is relevant to the draft plan. The direction provides that a draft plan must not rezone land within a flood planning area to a residential zone.

The concept plan contained in the planning proposal indicates that the draft plan proposes to rezone a small portion of land in the north east corner below the 1 in 100 year flood level to enable development for rural residential purposes. The direction states that the proposal may be inconsistent with the direction if the proposal is consistent with a floodplain management plan or the inconsistencies are of minor significance. The small portion of land below the 1 in 100 year flood level is located at the rear of three of the fourteen lots shown on the subdivision concept plan. There is still adequate area on each of these lots for a dwelling and effluent disposal areas and therefore the inconsistency is considered to be of minor significance and therefore is considered to be justified in accordance with the terms of the direction.

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Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. The land is identified as being partly bush fire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and must include provisions relating to bushfire control. Consultation with the RFS is required after the Gateway determination is issued and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved. While the RPA consulted with the RFS in 2009 during previous investigations into the rezoning of this land which did not proceed, it is considered that more up to date consultation should be undertaken.

The proposal is otherwise consistent with S117 Directions.

Environmental social economic impacts :

The majority of the subject land is cleared rural land used for agricultural purposes and has been disturbed by prior activities. Previous investigations of the flora and fauna on the site concluded there would be no significant effect on threatened species, populations or ecological communities or their habitats from development of the site.

The proposed development of the site for rural residential purposes is consistent with the surrounding land uses which include rural residential to the north and south and rural to the east and west.

The planning proposal states that the proposed rezoning will provide additional land for residential purposes which will have positive social and economic impacts for the community. It also proposes a social and economic assessment and cultural heritage assessment will be undertaken to support and inform the rezoning proposal.

Given the land is identified for rural residential purposes in Council's Rural Residential Strategy; the small area and lot yield of the subject land; and the fact the Council report does not identify any further issues, no further investigations into social and economic impact are considered necessary.

The previous cultural heritage assessment was conducted in 2007. It is appropriate for Council to review this investigation and consult with the relevant Local Aboriginal Land Councils.

**Assessment Process**

Proposal type :	<b>Routine</b>	Community Consultation Period :	<b>14 Days</b>
Timeframe to make LEP :	<b>12 Month</b>	Delegation :	<b>RPA</b>
Public Authority Consultation - 56(2)(d) :	<b>Office of Environment and Heritage NSW Rural Fire Service</b>		

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. :

**Heritage**

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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
Council_cover_letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Evaluation Criteria for delegation of plan making functions - Lot 100 Reardons Lane Swan Bay.doc	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**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information :

**It is recommended that;**

- 1. The planning proposal should proceed as a 'routine' planning proposal.**
- 2. Prior to undertaking public exhibition, Council is to provide existing and proposed land use zoning and minimum lot size maps, at an appropriate scale, which clearly identify the subject site.**
- 3. The planning proposal is to be completed within 12 months.**
- 4. A community consultation period of 14 days is necessary.**
- 5. Council is to consult with the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.**
- 6. Council is to review the previous cultural heritage investigations for the land and consult with the relevant Local Aboriginal Land Councils and the NSW Office of Environment and Heritage in relation to the potential Aboriginal cultural heritage on the site.**
- 7. The delegate of the Director General agree that the inconsistency of the proposal with S117 Directions 1.2, 4.1 and 4.3 are justified in accordance with the provisions of the direction.**
- 8. An Authorisation to exercise delegation to make the plan be issued to the RPA for this planning proposal.**


Supporting Reasons :

**The reasons for the recommendation are as follows;**

- 1. The land has been identified for rural residential purposes for 13 years in the Richmond River Rural Residential Development Strategy 1999 and its rezoning will contribute to meeting the housing targets in the Far North Coast Regional Strategy.**
- 2. The site is located between two existing areas of rural residentially zoned land and is relatively unconstrained and suitable for rural residential purposes.**

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Signature:

 (Acting Team Leader Local Planning)

Printed Name:

Carlie Boyd

Date:

1/3/2013