

14.7 PLANNING PROPOSAL TO UNDERTAKE SEVERAL SPOT REZONING CORRECTIONS TO THE 2012 LOCAL ENVIRONMENTAL PLAN**Responsible Officer:**Paul Radnidge (Manager Assessment, Environment and Regulation)

RECOMMENDATION

Recommended that:

1. Council prepare a Planning Proposal to spot rezone:
 - Lot 475 DP755624 – 760 Woodburn-Evans Head Road, Evans Head - Change Land Zone from IN1 General Industry to RU1 Primary Production; and at the same time change the minimum lot size from 750m² to 40ha, and apply a dwelling opportunity;
 - Lot 11 DP777379, 3280 Busbys Flat Road, Busbys Flat - Change Land Zone from RU3 Forestry to RU1 Primary Production; and at the same time apply a 100ha minimum lot size, and apply a dwelling opportunity; and
 - Broadwater National Park - Change Land Zone from SP2 Infrastructure (Waste and Resource Management Facility)(where applying) to Zone E1 National Parks and Nature Reservesby amendment to the Richmond Valley Local Environmental Plan 2012; and
2. Council submit the Planning Proposal to the NSW Department of Planning and Environment's Gateway process for determination, including a request for community engagement to be waived, and for Council's Chief Executive Officer to be delegated the Minister's plan making functions.

201015/ 10 RESOLVED (Cr Mustow/Cr Humphrys)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

Executive Summary

Several zoning anomalies have been detected in the Richmond Valley Local Environmental Plan 2012 Land Zone Map. To correct these anomalies it is proposed to prepare a Planning Proposal that will amend the Richmond Valley LEP 2012. The amendments being sought are to rezone:

- Lot 475 DP755624, 760 Woodburn-Evans Head Road, Evans Head from Zone IN1 General Industry to RU1 Primary Production;
- Lot 11 DP777379, 3280 Busbys Flat Road, Busbys Flat from Zone RU3 Forestry to RU1 Primary Production; and
- Part of the Broadwater National Park (adjoining the former Broadwater Landfill site) from Zone SP2 Infrastructure (Waste and Resource Management Facility) to E1 National Parks and Nature Reserves.

Community Strategic Plan Links

Focus Area 5 Rural and Urban Development - Long term Goal 5.1 Land use development should be appropriate for the retention of a country atmosphere and village lifestyle (Strategy 5.1.1) and Long term Goal 5.2 Establish simpler, easier development processes (Strategy 5.2.2).

Budget Implications

Nil.

Report

Several land zoning anomalies in the Richmond Valley Local Environmental Plan 2012 have come to the attention of Council's Strategic Planning section. These anomalies each have unique circumstances as detailed in the report but all have resulted in the specified parcels of land being zoned incorrectly. To rectify the anomalies it is proposed to prepare a Planning Proposal to justify the spot rezoning of these properties.

Set out below is a brief explanation of each zoning issue and recommended solutions.

1. 760 Woodburn-Evans Head Road, Evans Head

Lot 475 DP755624 contains a rural dwelling house and is zoned IN1 – General Industry under the 2012 LEP.

When the 2012 LEP was prepared, the land's zoning was changed from Zone 1(b1) – Rural (Secondary Agricultural Land) under the former Richmond River Local Environmental Plan 1992.

The owner is now having difficulties refinancing their residential home loan because banks and other financial institutions will not issue such loans over commercial or industrial zoned land.

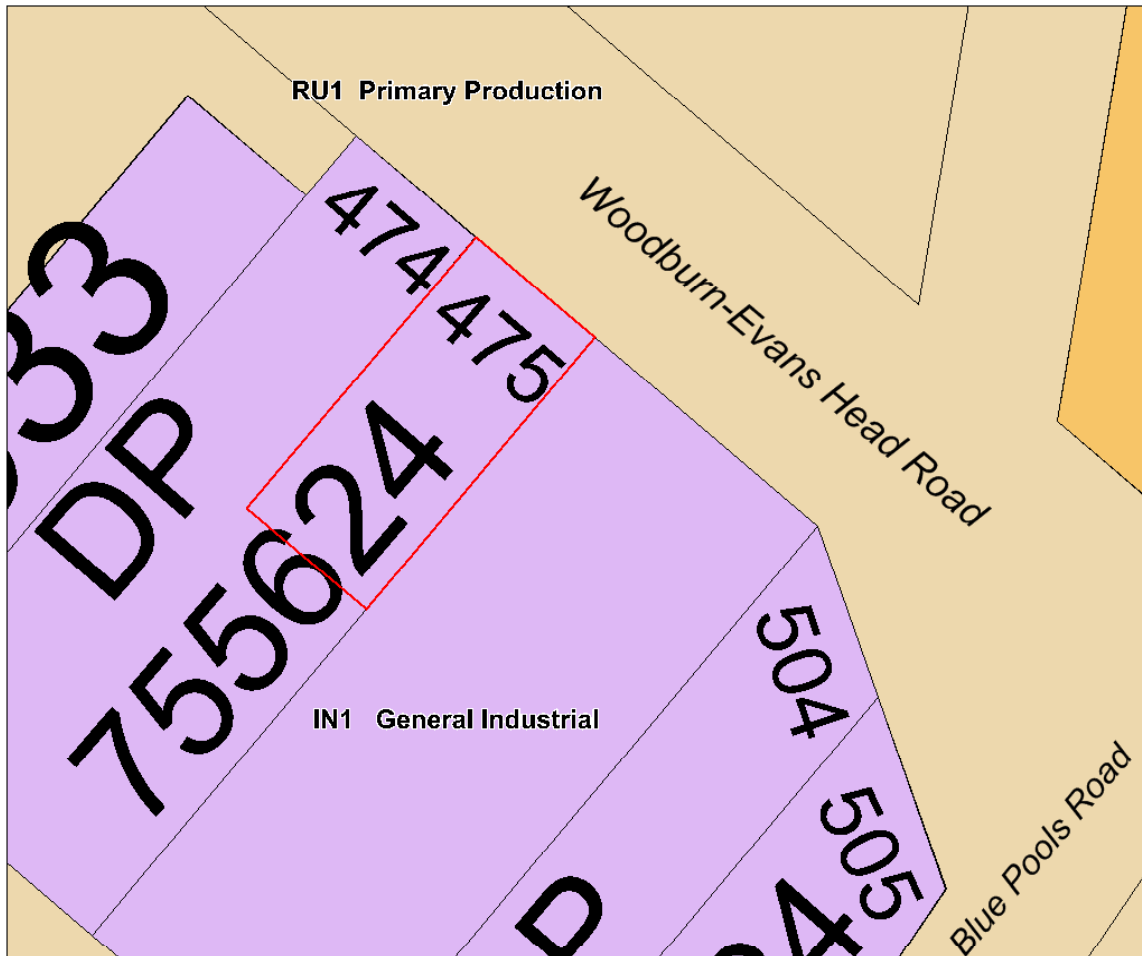


Figure 1 – Current Zoning of Lot 475 DP755624, at 760 Woodburn Evans Head Road, Evans Head, under the 2012 LEP.

Why was the land Zoned IN1?

Lots 474 and 475 DP755624 are owned together and were both previously zoned 1(b1) – Rural (Secondary Agricultural Land) under the 1992 LEP. They adjoin land on three sides which was previously Zoned 4(a) - Industrial. Lot 474, along with adjoining industrial zoned land, had been developed as a landscape supplies business and as such the business was covered by dual zoning.

One of the objectives in preparing the 2012 LEP was to avoid dual zonings where possible. In this particular case, IN1 General Industry zoning was applied because it was the higher order zoning and offered far more business development opportunities to the property than Zone RU1 Primary Production.

This IN1 zoning was also applied to Lot 475 because it was all owned together. Under normal circumstances the owner would be contacted to gauge their support, or otherwise, to such a zoning change. Unfortunately, there is no record of this occurring. The owners would be happy to retain the IN1 General Industry zoning over Lot 475, however, it is causing them financial hardship and they have requested it be returned to a similar zoning to Zone 1(b1).

Solution

It is proposed to spot rezone Lot 475 as Zone RU1 Primary Production, which is the Standard Instrument LEP zoning equivalent to the former Zone 1(b1). In addition:

- the lot size map will be amended to apply a 40 hectare minimum lot size; and
- the Dwelling Opportunity Map will be amended to recognise a dwelling opportunity over the land.

2. 3280 Busbys Flat Road, Busbys Flat

Lot 11 DP777379 is a rural property at Busbys Flat. The land is owned by a commercial forestry company and was zoned RU3 Forestry under the 2012 LEP. Zone RU3 Forestry is reserved for State Forests, and not private forest enterprises.

The land was recently listed for sale with a Section 149 Planning Certificate obtained. It was in processing this Certificate that it was discovered the land should not be Zoned RU3 Forestry. Furthermore, under this zoning a dwelling opportunity is not present.

The land had a Zone 1(b1) – Rural (Secondary Agricultural Land) zone, along with a dwelling opportunity, under the former 1992 LEP.

Why was the land Zoned RU3?

There is no apparent reason for this land being zoned RU3 other than it was done in error.

Solution

It is proposed to spot rezone Lot 11 as Zone RU1 Primary Production, which is the Standard Instrument LEP zoning equivalent to the former Zone 1(b1). In addition:

- the Lot Size Map will be amended to apply a 100 hectare minimum lot size; and
- the Dwelling Opportunity Map will be amended to recognise a dwelling opportunity over the land.

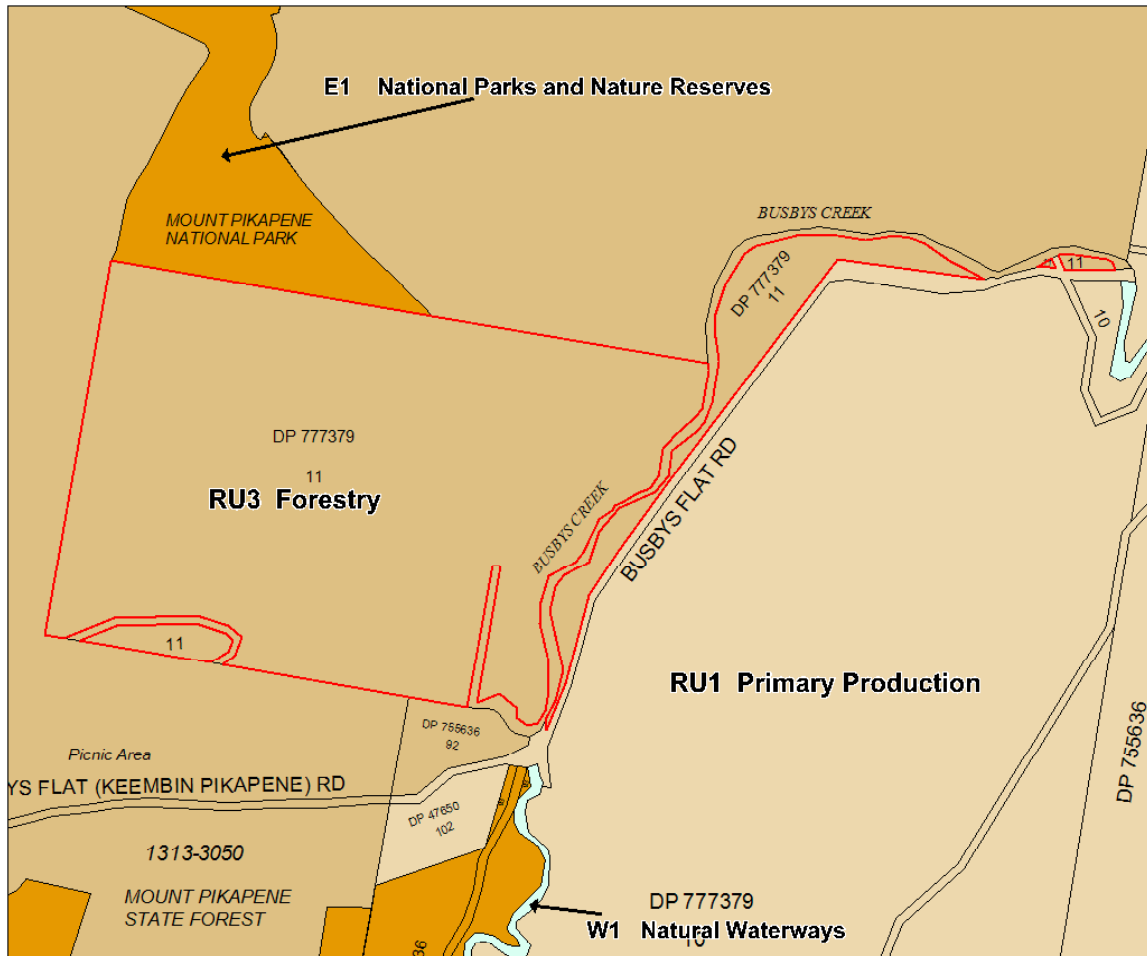


Figure 2 – Current Zoning of Lot 11 DP777379, at 3280 Busbys Flat Road, Busbys Flat.

3. Broadwater National Park adjoining the Former Broadwater Landfill

The former Landfill site, on the Pacific Highway at the southern outskirts of Broadwater village, has a dual zoning of SP2 Infrastructure (Waste or Resource Management Facility), and SP2 Infrastructure (Classified Road). The latter zoning being part of the land, identified for resumption to widen the Pacific Highway.

A recent survey of the land fill site identified the reserve is not as large as had been mapped in Council's Geographic Information System, meaning that part of the SP2 Infrastructure (Waste or Resource Management Facility) zoning has been applied to about 4000m² of Broadwater National Park.

Why was the land Zoned SP2 Infrastructure?

The digital cadastre used by Council's GIS is supplied by NSW Land Property Information (LPI). LPI are constantly improving the accuracy of their mapping. A recent survey of the Broadwater Landfill site, as part of widening the Pacific Highway, found the Digital Cadastral Database (DCDB) had mapped the reserve inaccurately. The reserve was shown as being about 40 metres wider, or about 4000m² larger than it should. When the DCDB was corrected it left part of the

Broadwater National Park with an SP2 Infrastructure zoning. All National Parks should be covered by Zone E1 National Parks and Nature Reserves.

Solution

It is proposed to spot rezone part of the Broadwater National Park and replace the SP2 Infrastructure zoning with Zone E1 National Parks and Natural Reserves. There are sections of National Park that have an SP2 Infrastructure zoning which relates to the widening of the Pacific Highway, however, this spot rezoning will only apply to those SP2 zones with an identified purpose of Waste or Resource Recovery Facility.

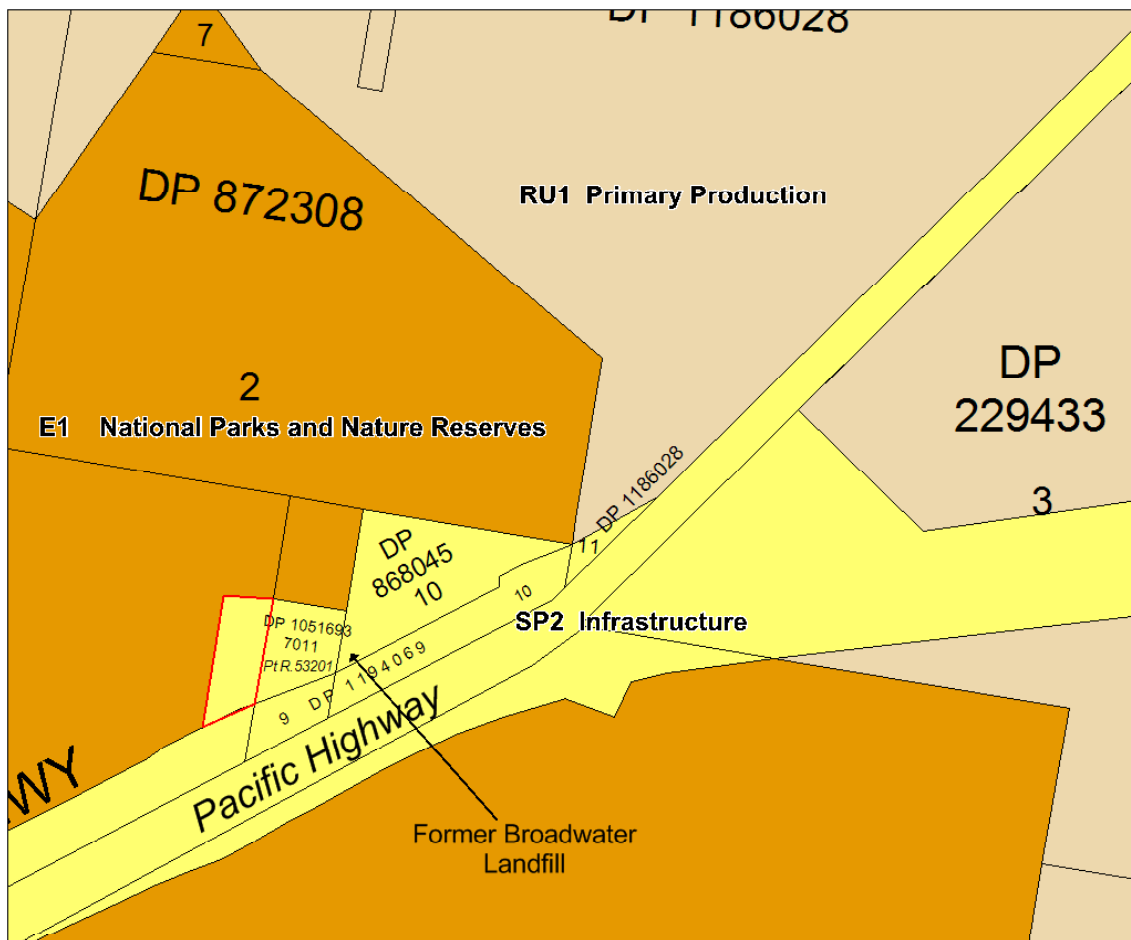


Figure 3 Current Zoning of Broadwater National Park, adjoining the former Broadwater Landfill site, Pacific Highway, Broadwater.

Consultation

Council met with owners of Lot 475 DP755624 and they support Council's proposed solution.

Council has informed the owners of Lot 11 of the zoning error for their land but has not received a response. Further contact will be made with the owners prior to submitting the Planning Proposal to the Department. The change is a positive outcome for the land owners and simply corrects an administrative error.

National Parks and Wildlife have been notified and are expected to support including this area in Zone E1 as per usual practice.

It is normal for Planning Proposals to be publicly exhibited for a minimum period of 28 days. Because these spot rezonings are minor in nature and will be returning the land to an equivalent pre-2012 LEP zoning, Council will seek a Gateway Determination that waives community engagement.

Conclusion

A resolution of Council is being sought to prepare a Planning Proposal to spot rezone three properties where zoning anomalies have been found. The anomalies relate to incorrect zoning of land during the preparation of the 2012 LEP.

The rezonings are considered to be minor in nature and will return the land to an equivalent zoning to that which applied prior to the Richmond Valley LEP 2012. As such, Council will seek to have the need for community consultation waived, and will also seek delegation for Council to assume the Minister's plan making functions for this LEP Amendment.

14.8 TENDER NO T301516RTC PROVISION OF HYGIENIC SERVICES

Responsible Officer:

Ryan Gaiter (Manager Finance and Procurement)

RECOMMENDATION

Recommended that:

1. Rentokil Initial Pty Ltd trading as Initial Hygiene be awarded this contract as the Single Source supplier for provision of hygienic services for the period 1/10/2015 to 30/09/2017 and
2. a provision be allowed for a 12 month extension of contract based on satisfactory supplier performance, which may take this contract through to 30/09/2018.
3. the Common Seal of Council be affixed to any documentation where required.

201015/ 11 RESOLVED (Cr Morrissey/Cr Hayes)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.