

Report

Subject	Planning Proposal to rezone land at 37 Baldock Drive, McLeans Ridges to Large Lot Residential
TRIM Record No	BP16/437:EF16/127
Prepared by	Strategic Planning Coordinator - Integrated Planning
Reason	To obtain a Council resolution to support a planning proposal for the rezoning of 37 Baldock Drive, McLeans Ridges to R5 Large Lot Residential and to seek a Gateway Determination from the Department of Planning and Environment

Executive Summary

This report provides Council with an overview of a planning proposal at 37 Baldock Drive, McLeans Ridges (Lot 23 DP 1130169) to amend the Lismore Local Environmental Plan 2012 to enable large lot residential subdivision as follows:

- a) Amend the land zone applying to the land from RU1 Primary Production to R5 Large Lot Residential.
- b) Amend the minimum lot size applying to the land from 40ha to 3ha.
- c) Apply a building height limit of 8.5 metres consistent with other land in Zone R5.

Council staff have assessed the site constraints and consider that there are no issues preventing the planning proposal described above from progressing to a Gateway determination. It is recommended that Council support the planning proposal as part of the implementation of the Lismore Growth Management Strategy 2015-2035 and refer the proposal to the NSW Department of Planning and Environment for Gateway Determination.

Recommendation

That:

1. Council support the planning proposal included at Attachment 1 of this report that proposes amendments to the Lismore Local Environmental Plan 2012 to enable the subdivision of Lot 23 DP 1130169 at 37 Baldock Drive, McLeans Ridges for large lot residential development.
2. Council forward the planning proposal to the NSW Department of Planning and Environment requesting it issue a Gateway Determination.
3. The proponent is to provide an updated Flora and Fauna Assessment of the site following Council's receipt of a Gateway Determination.
4. Council agree that staff can proceed to public exhibition of the planning proposal and government agency consultation based on the Gateway Determination and report back to Council with any issues as part of post-exhibition reporting of submissions.

Background

Council received a planning proposal on 11 February 2016 seeking the rezoning of Lot 23 DP 1130169 at 37 Baldock Drive, McLeans Ridges. The site is approximately 7.5 ha in area and is currently vacant, although consent for a dwelling was granted on 2 May 2016 (DA16/40) with the proposed location being on the southern end of the land. This does not impact on the planning proposal to rezone the land or amend the lot size map. The subject land is currently in the RU1 Primary Production Zone and the minimum

lot size applying to the land is 40ha. There is no maximum height of buildings that applies to land in Zone RU1. Figure 1 below shows the subject site. Figure 2 is the current zone map.

The applicant is seeking to rezone the land to the R5 Large Lot Residential zone with a minimum lot size of 2 hectares. This would enable the future subdivision of the land into three (3) lots.

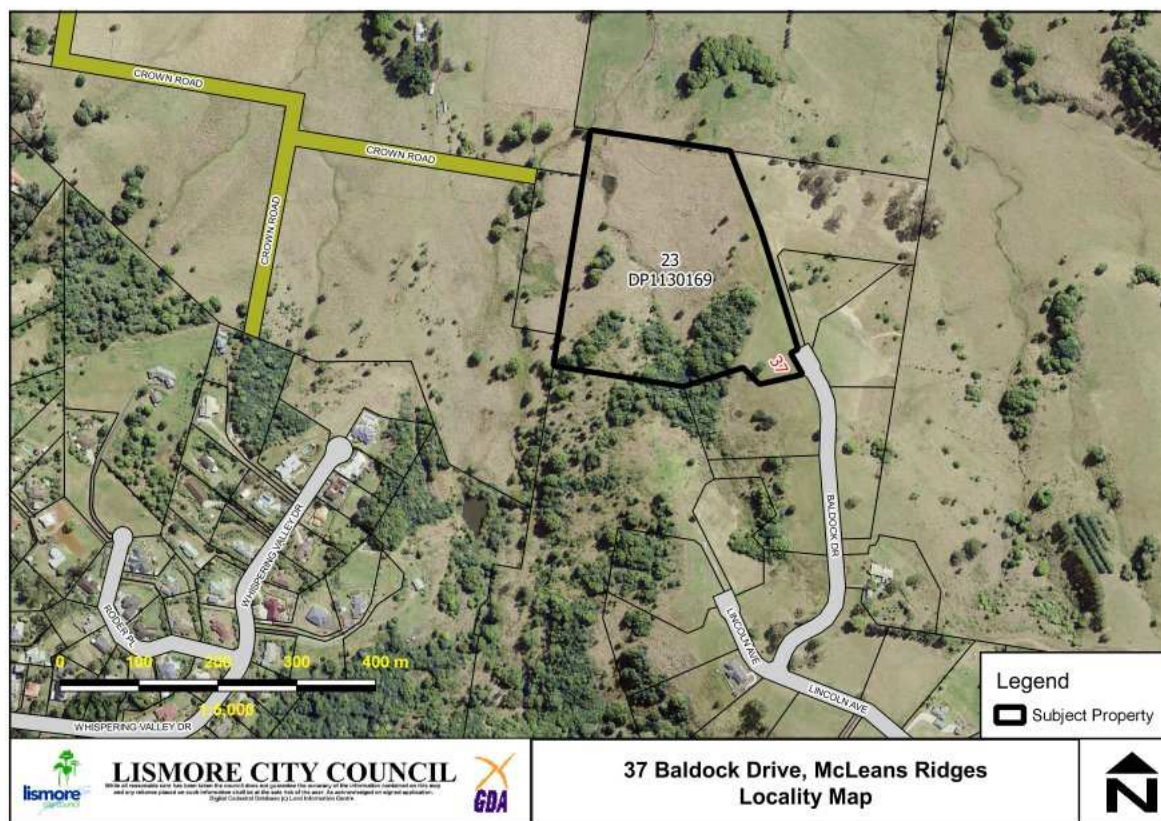


Figure 1 - Subject site and surroundings

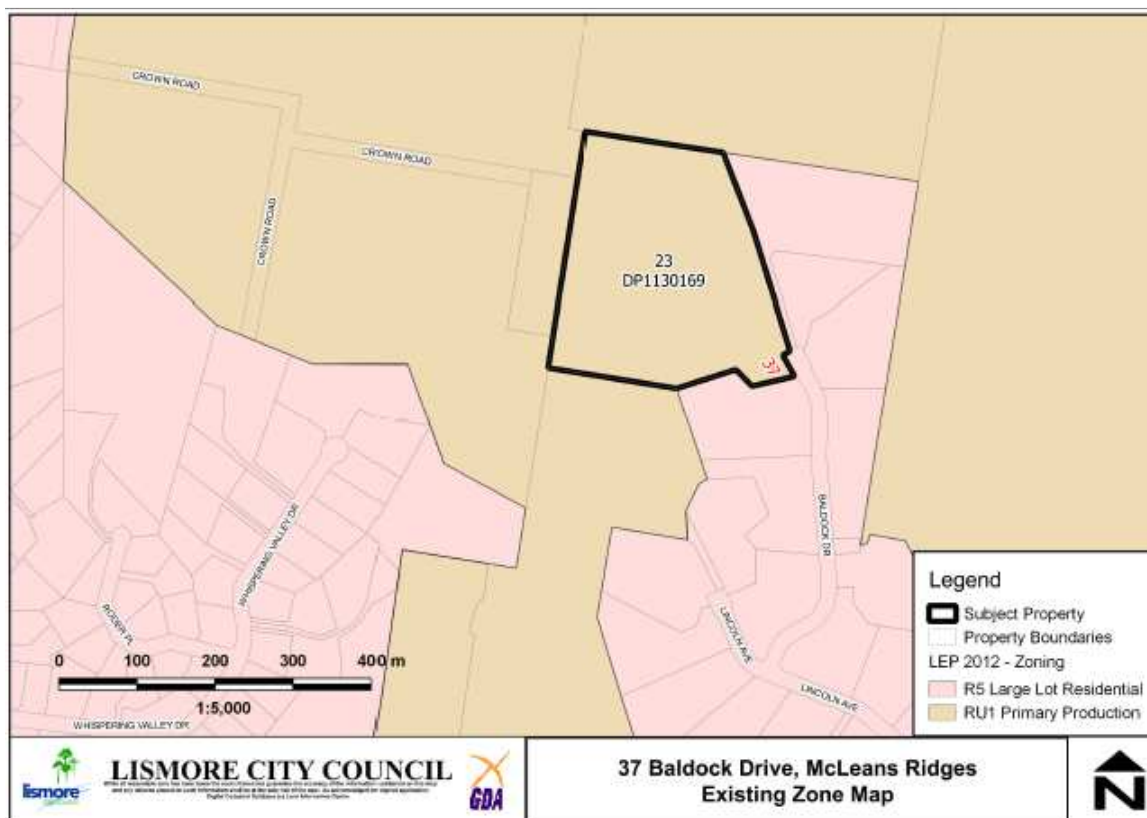


Figure 2 – Existing zone map for 37 Baldock Drive, McLeans Ridges

Inclusion in Lismore Growth Management Strategy

The Lismore Growth Management Strategy 2015-2035 (GMS) was adopted by Lismore City Council on 12 May 2015. It was conditionally approved by the Department of Planning and Environment on 11 August 2015. Map 26 'McLeans Ridges- Potential large lot residential' of the GMS clearly identifies the subject land as being 'potential large lot residential' land, as shown on Figure 3 below. The subject land is one of two lots included in the GMS in McLeans Ridges and the supporting text in relation to these sites notes that there may be potential for an additional 3-4 lots in Lincoln Avenue as the land is heavily constrained by steep slopes.

Supply of land for rural residential development

The review of demand and supply of land for rural residential development undertaken by Mike Svikis Planning in November 2013 for the preparation of the Growth Management Strategy found that around 341 hectares of the 1,020 hectares zoned R5 Large Lot Residential is in allotments large enough to have further subdivision potential with further analysis of constraints showing that only 160 hectares of this has the capability to be further subdivided. This could yield around 130 lots (107 of these are currently 'approved').

Based on an assessment of anticipated demand of 26 hectares per year there was estimated to be 5-6 years supply of R5 zoned land remaining. Over the long term (20 years) the demand in terms of land area was projected to be 598 hectares, less the existing supply of 160 hectares, leaving potentially 438 hectares to be identified for the timeframe of the Strategy.

Following an assessment of physical and locational constraints a combined area of approximately 432 hectares was identified as having potential for rural residential development. The areas nominated in the GMS were estimated as having the potential to yield 265 dwellings over the life of the GMS. There have been no planning proposals to rezone any of this land adopted since the GMS was endorsed by the Department of Planning and Environment in August 2015, although two (2) have received Gateway determinations.

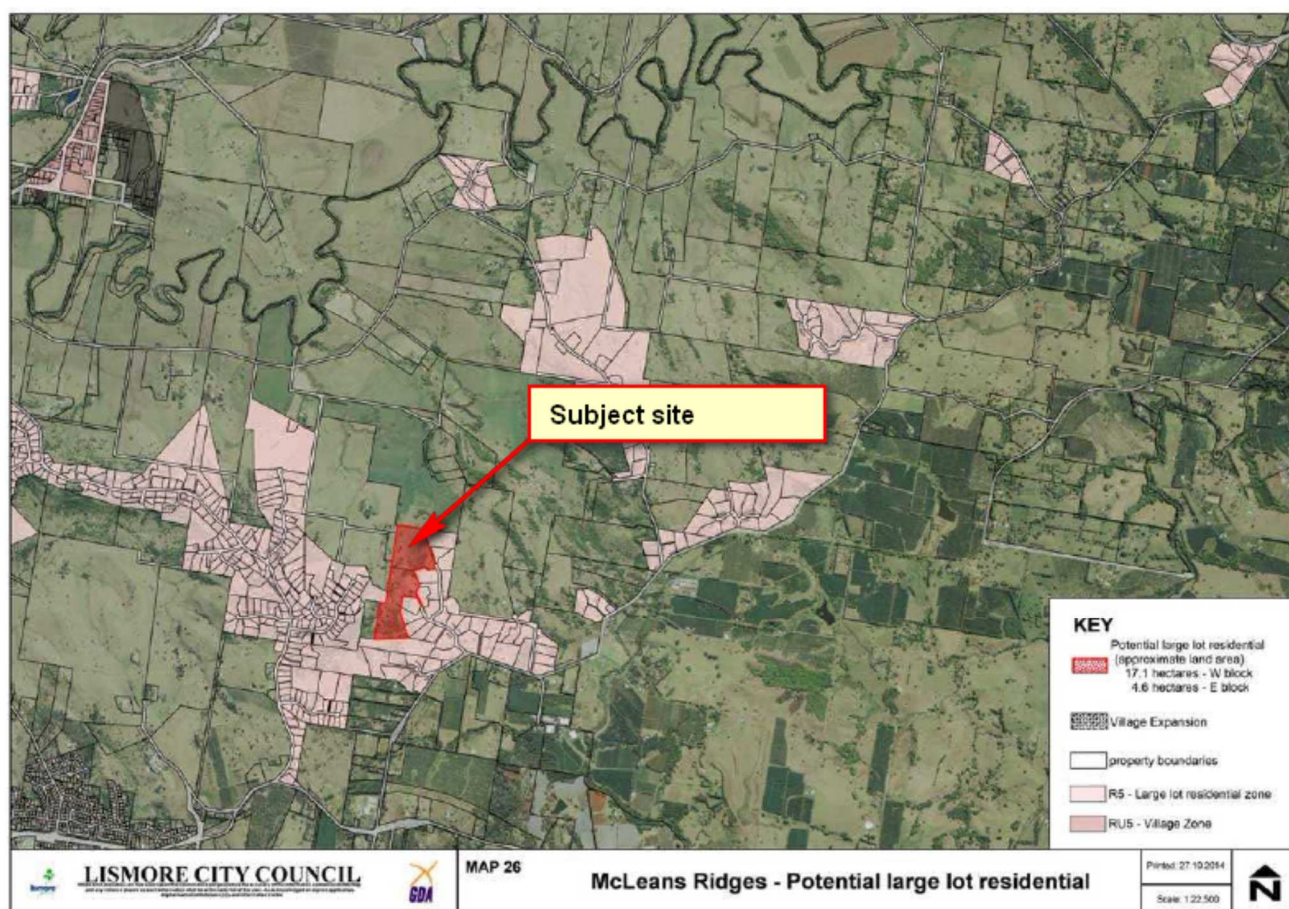
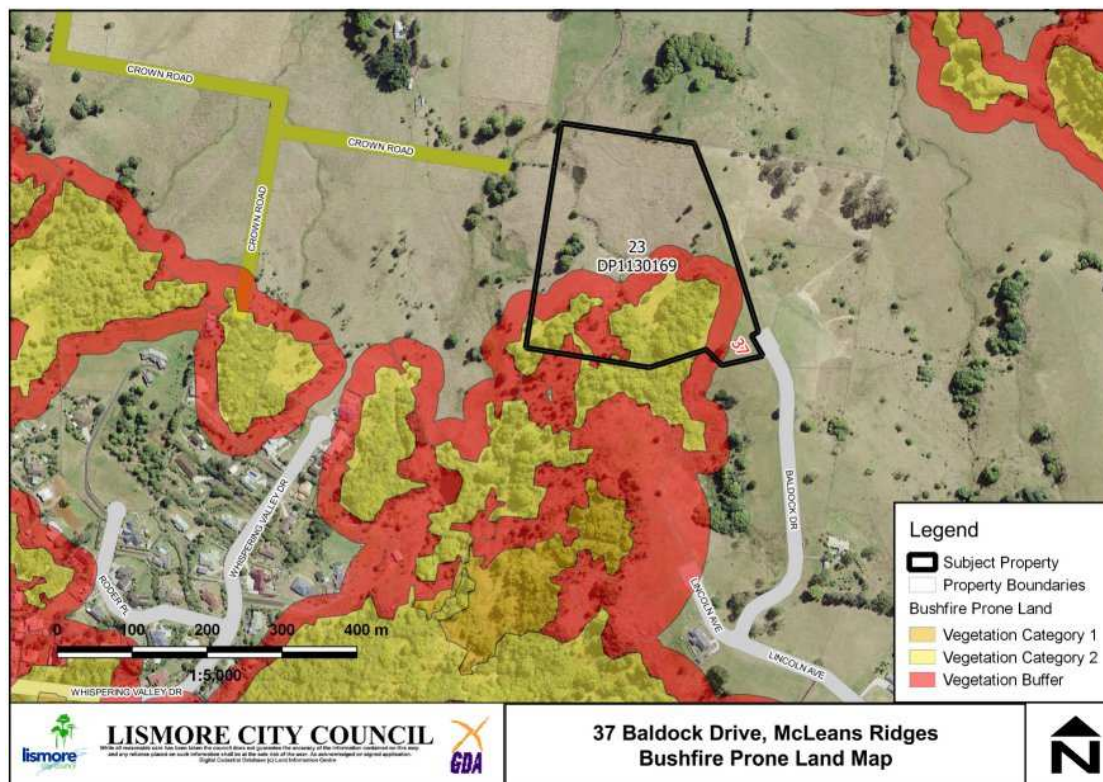


Figure 3 - Map 26 Lismore Growth Management Strategy 2015-2035

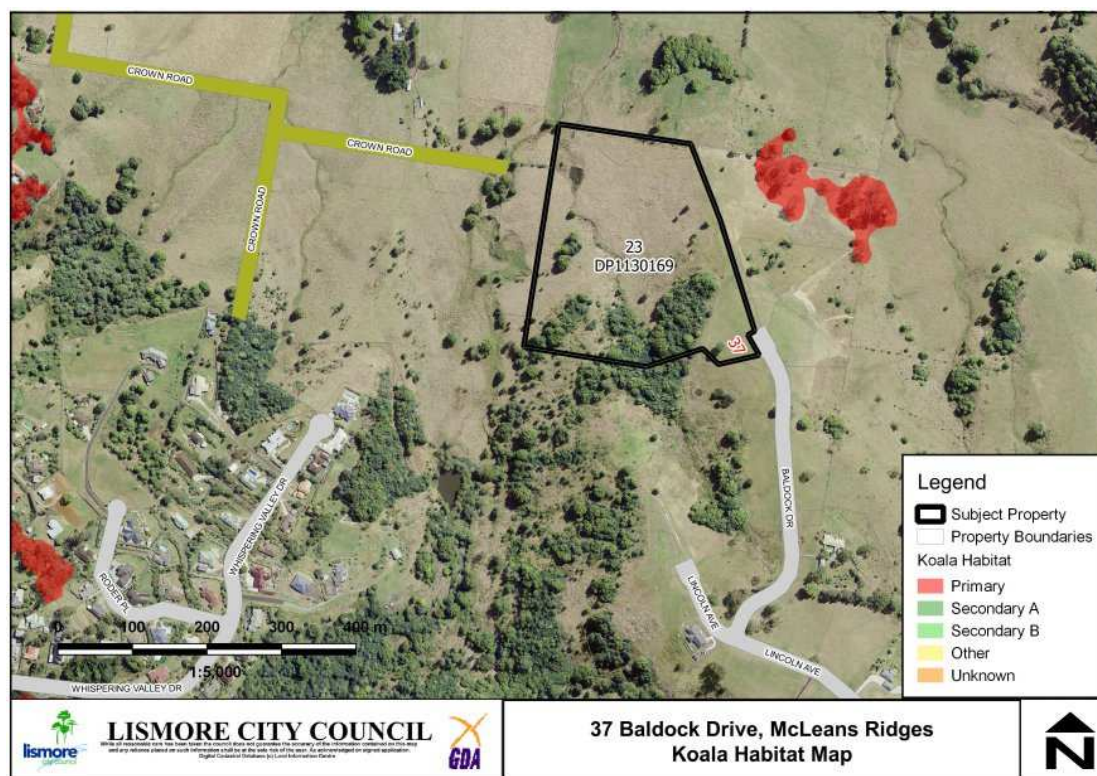
Characteristics of the subject site

The subject site is located at 37 Baldock Drive, McLeans Ridges. It is approximately 7.5 ha in area and is currently vacant, although consent for a dwelling was granted on 2 May 2016 (DA16/40) with the proposed location being on the southern end of the land. The lot was created as part of the 'Floreat Park' rural residential estate. The majority of the site is cleared of vegetation, the southern portion features a patch of dense regrowth and scattered trees. Land to the east and south is used for large lot residential purposes, land to the north and west is rural land used for grazing.

The southern part of the site is mapped as bushfire prone land as depicted in Figure 4.



The site is not mapped as containing any Primary or Secondary koala habitat – refer to Figure 5 below.



An area of approximately 700m² of the site is mapped as 'Regionally Significant Farmland' under the Northern Rivers Farmland Protection Project as shown on Figure 6.

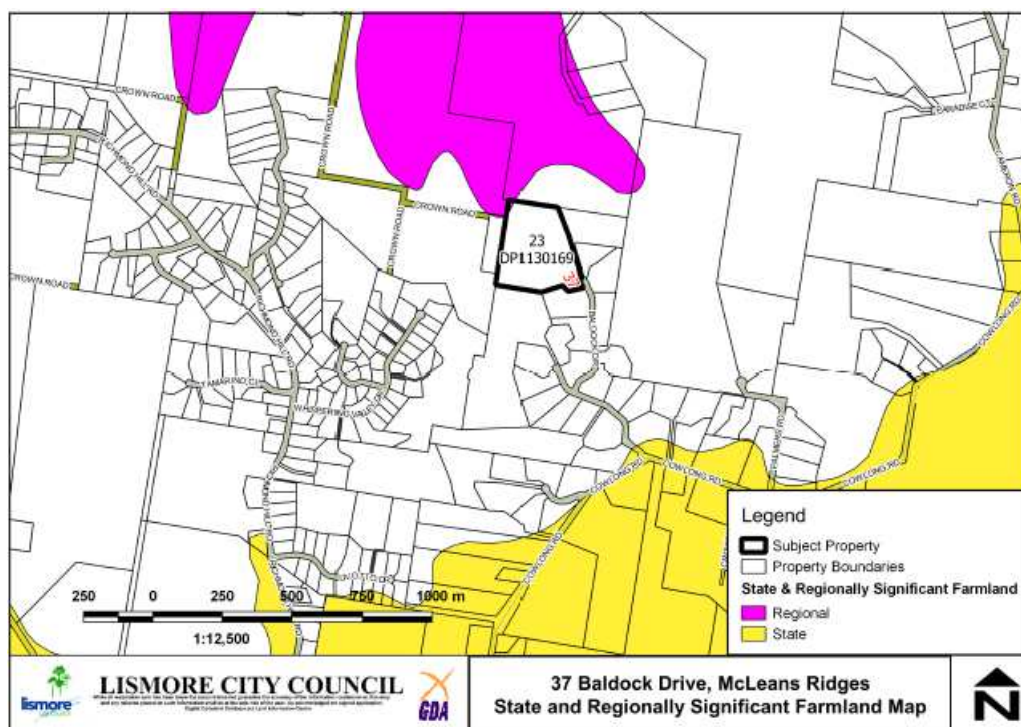


Figure 6 – Regionally Significant Farmland

The land is steep in parts with a gully running through the site and mapped as being a 1st order stream as shown in Figure 7. The site is not prone to flooding and is not mapped as being prone to mass movement.

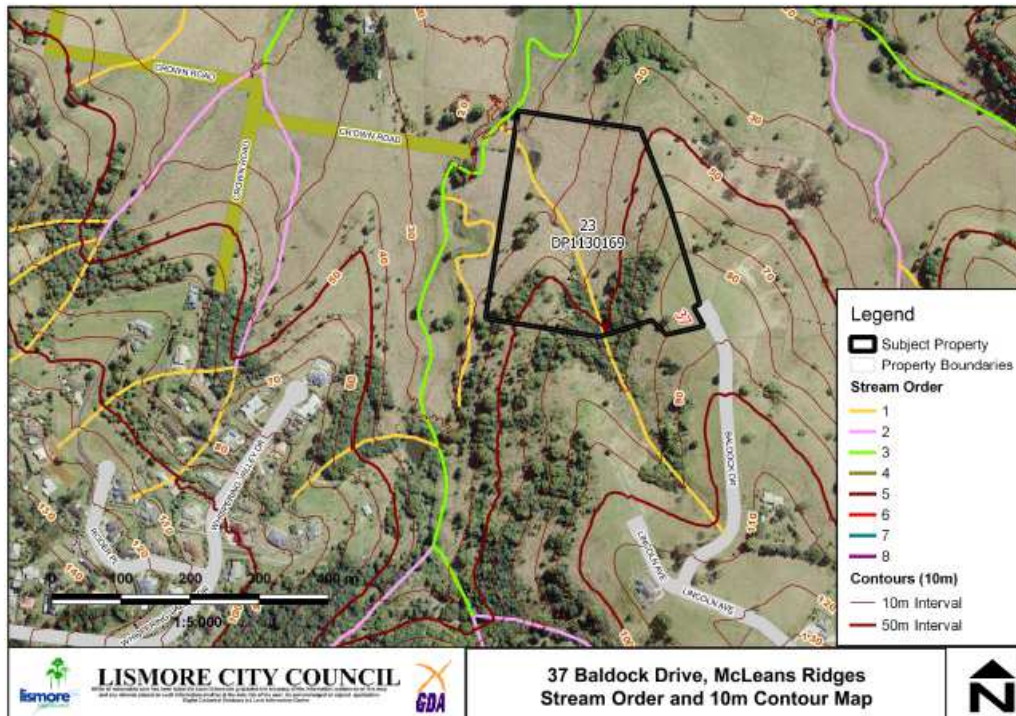


Figure 7 – Site contours and stream order

Environmental, Social and Economic Impact Assessment

Environmental and physical constraints

Biodiversity

The applicant submitted a flora and fauna assessment report that was prepared in 2005 for the site and adjoining land in the Floreat Park estate. The submitted report found that the site has minimal ecological value; however, the patch of regrowth vegetation features a range of native flora species, including one threatened species (Arrow-headed vine), and would provide some value as habitat. Council's Ecologist has reviewed the report and advised that it does not provide a contemporary assessment of the biodiversity values of the site. It is therefore recommended that an updated flora and fauna assessment be requested following Gateway Determination as this will enable a thorough assessment of the biodiversity values of the site and proper consideration of potential impacts of the planning proposal. The site is not mapped as containing any primary or secondary koala habitat.

Land contamination

A preliminary contaminated land assessment was undertaken for the site as part of the previous subdivision that created the subject lot. Council's Environmental Health Officer has advised that there are no land contamination issues that would prevent the planning proposal from being supported.

Geotechnical

The land has moderate to steep slopes. It is severed by a water course running from south to north and feeds a farm dam located in the North West corner of the site. Although a geotechnical assessment of the site has not been provided the risk of slope instability is considered high on the steeper slopes of the site and in these locations finding suitable house sites could be problematic given the slope of the land.

While it is possible to require geotechnical reports at the dwelling development application stage it is recommended that the number of potential lots is reduced at this pre Gateway stage rather than proceed with a problematic proposal that will enable the creation of three (3) lots and their subsequent dwellings. It is therefore proposed that the lot size is three (3) hectares rather than two (2) hectares as proposed by the applicant.

Bushfire

Part of the site is mapped as bushfire prone land. A preliminary assessment of bushfire hazard prepared in 2005 was submitted by the applicant. This report does not consider development that will be enabled by this planning proposal and therefore does not adequately consider how the development will meet the provisions of *Planning for Bushfire Protection 2006*. As the site is mapped as bushfire prone land the planning proposal will require referral to the NSW Rural Fire Service (RFS). The RFS may require the preparation of an updated bushfire hazard assessment.

Land use conflict

The planning proposal will enable residential development on land that is adjacent to agricultural land which has potential to create land use conflict. Council's Environmental Health Officer has assessed the proposal and advised that appropriate buffers between future dwellings and grazing activities on adjoining land can be accommodated on site and there are therefore no issues in regard to land use conflict that would prevent the planning proposal from being supported.

It is noted that increasing the minimum lot size to three (3) hectares, as recommended in the geotechnical section above, will result in fewer dwellings and less potential for land use conflict. This is particularly important where the adjoining farmland is mapped as regionally significant.

Social, economic and cultural heritage impacts

Aboriginal and European cultural heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) by the applicant found no Aboriginal sites or places are registered on the site or its nearby surroundings. Schedule 5 Environmental

Heritage of the Lismore LEP 2012 does not contain any reference to the subject site. The proposal is not expected to have any adverse impacts on cultural heritage. It is proposed to refer the planning proposal to the Local Aboriginal Land Council following at the same time as stage agency referrals.

Social impacts

The zoning of additional land for residential development will increase housing supply. Due to the nature and scale of the proposal there are not expected to be any significant adverse social impacts. However, it is also noted that increasing rural residential subdivision in McLeans Ridges has caused concern in the local community due to potential impacts on road safety, farmland and rural amenity.

Economic impacts

Due to the nature and scale of the proposal there are not expected to be any significant economic impacts. Future development of the land for residential purposes is likely to create a small economic benefit through the construction of dwellings.

Servicing and infrastructure

Water

The site is not serviced by reticulated water. The planning proposal does not propose development that will be required to be serviced by reticulated water.

Sewerage

The site is not serviced by reticulated sewerage. It is proposed to service future development of the site through on-site management of wastewater. A preliminary assessment of the capability of the land to accommodate on-site wastewater management and disposal has been undertaken. Council's Environmental Health Officer has reviewed the report and advised that there are no issues with servicing future development of the site through on-site wastewater management and disposal.

Storm water

The site is not serviced by a storm water drainage network. Council's Strategic Engineer has advised that future development of the site for large lot residential development is not likely issues regarding management of storm water.

Roads and traffic

Future development of the site is not likely to generate significant additional traffic due to the potential number of lots. Council's Strategic Engineer has advised that existing roads are of suitable standard and have the capacity to accommodate additional traffic generated by future development of the site.

Overview of the planning proposal

Based on the assessment of the site constraints described in the previous section, the following changes to Lismore LEP 2012 maps are proposed:

1. Amend the Land Zoning Map to change the zone from RU1 Primary Production to R5 Large Lot Residential.
2. Amend the Lot Size Map to change the minimum lot size that applies to the land from 40ha to 2ha.
3. Amend the Height of Buildings Map to apply a 8.5 metre maximum building height to the land.

The proposed LEP maps are shown in Figures 8-10 below. The planning proposal does not seek to amend the Lismore LEP 2012 written instrument.

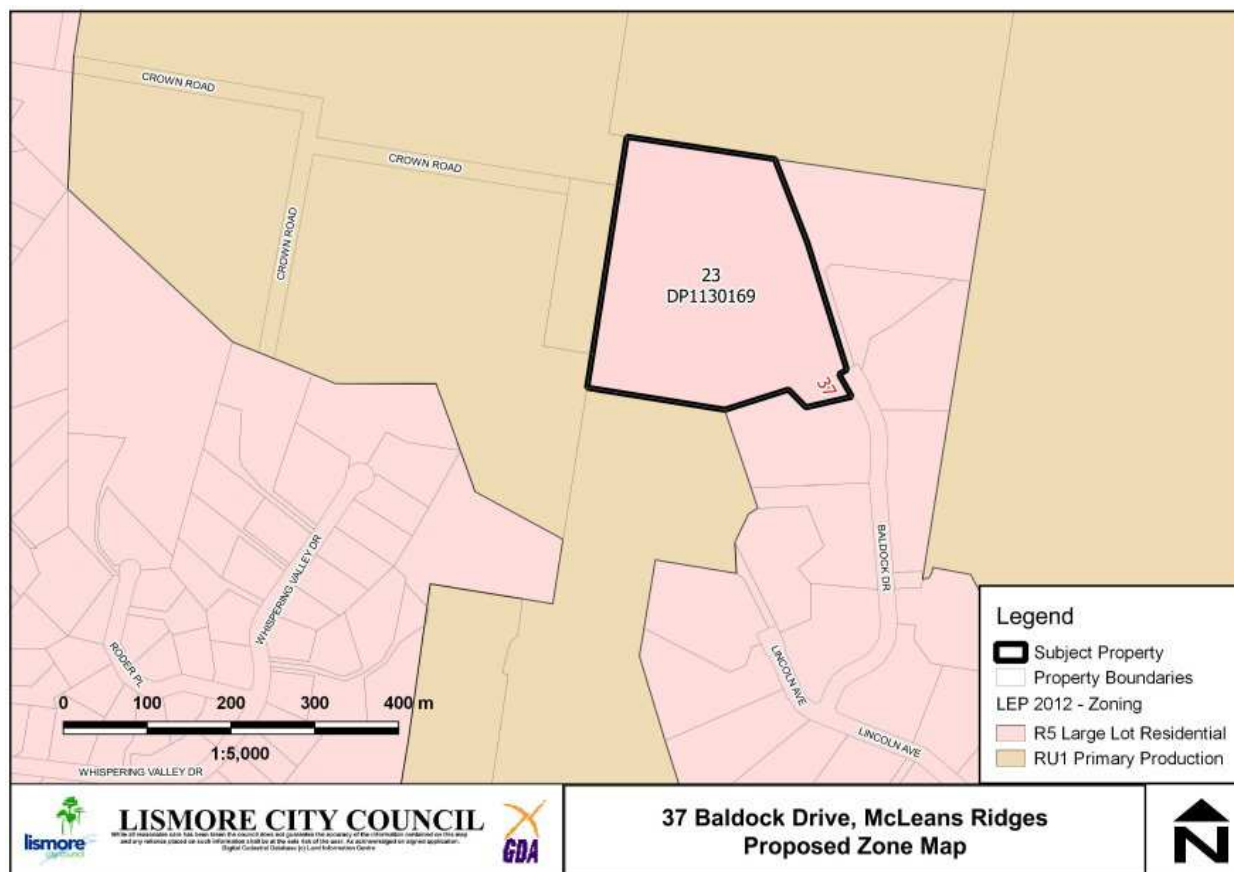


Figure 8 - Proposed land zoning map

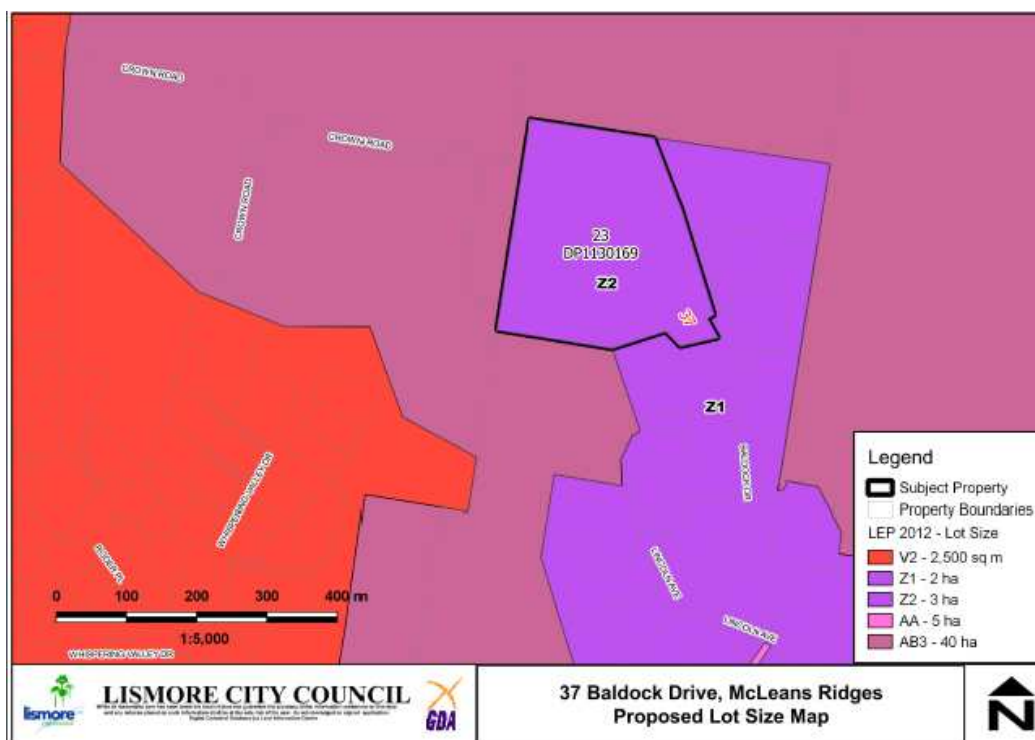


Figure 9 - Proposed lot size map

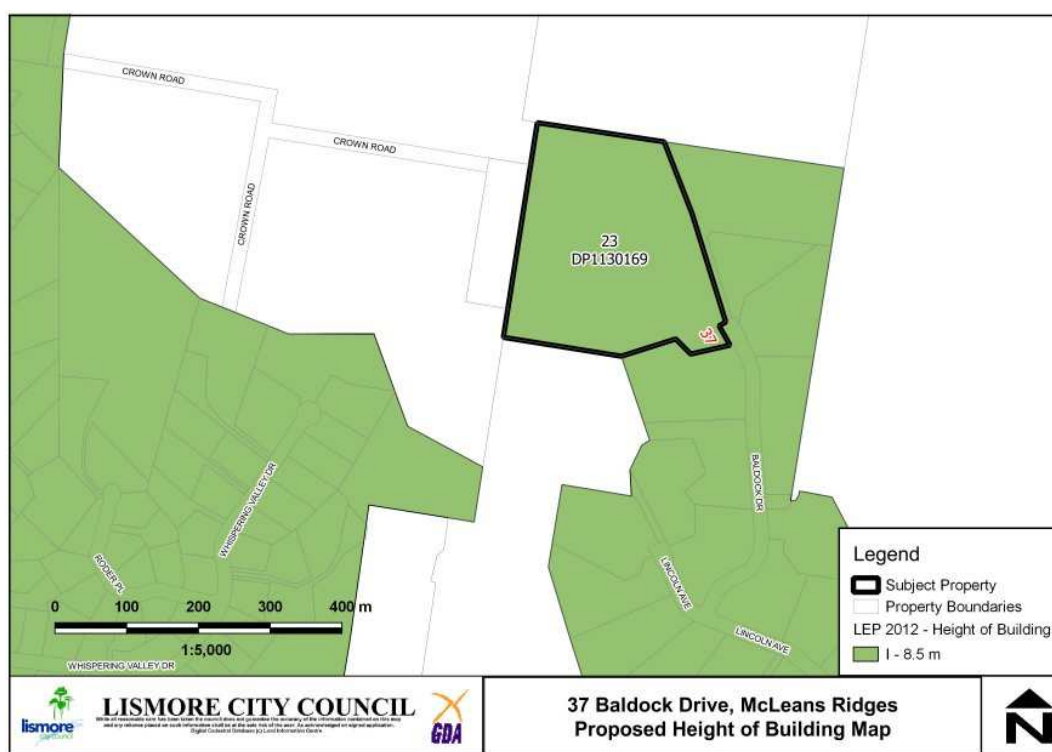


Figure 10 - Proposed height of buildings map

Table 1 below provides an overview of the planning proposal structured in accordance with the Department P& E guidelines. The full planning proposal is provided at Attachment 1 to this report.

Table 1 - Summary of planning proposal to rezone 37 Baldock Drive

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
1	OBJECTIVES OR INTENDED OUTCOMES	The objective of the planning proposal is to enable the development of 37 Baldock Drive, McLeans Ridges for large lot residential development.
2	EXPLANATION OF PROVISIONS	The planning proposal seeks to amend the following parts of the Lismore LEP 2012: a. Land Zoning Map - Sheet LZN_005 b. Lot Size Map - Sheet LSZ_005 c. Height Of Buildings Map - Sheet HOB_005
3	JUSTIFICATION Section A- Need for the Planning Proposal 1. <i>Is the planning proposal a result of any strategic study or report?</i> 2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	• The land is identified in the Lismore GMS as 'potential large lot residential' land. • In order for the land to be developed as large lot residential the land zone and minimum lot size provision of the LEP 2012 must be changed. The Planning Proposal is the only means to achieve this.
3	JUSTIFICATION Section B- Relationship to Strategic Planning Framework 3. <i>Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?</i> 4. <i>Is the Planning Proposal consistent with the Council's local strategy or other local strategic plan?</i>	• The land is not within the Town and Village Growth Boundary in the Far North Coast Regional Strategy (FNCRS). Pages 28 and 30 of the FNCRS state that rural settlement in non-coastal locations should occur in accordance with a local growth management strategy agreed to by the Department. As the site is identified in the Lismore GMS which has been endorsed by the Department, the proposal is consistent with the FNCRS. • The planning proposal is consistent with the Lismore GMS. • The planning proposal is consistent with Imagine Lismore's community vision and aspirations.

PART	REQUIREMENTS	DESCRIPTION OF PLANNING PROPOSAL
3	JUSTIFICATION Section C- Environment, Social and Economic Impact 5. Is there any likelihood that critical habitat of threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal? 6. Are there any likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed? 7. Has the Planning Proposal adequately addressed any social and economic effects?	- One threatened flora species (Arrow-headed vine) was identified on the site. - The flora and fauna assessment report submitted by the applicant was prepared in 2005 and is insufficient to properly consider potential impacts on biodiversity values of the site from the current proposal. Therefore, it is recommended an updated flora and fauna assessment be submitted following Gateway Determination to provide a complete assessment of the ecological values of the site and proper consideration of potential impact of the planning proposal. - The site features no other critical habitat of threatened species, populations or ecological communities or their habitats. - Due to the small scale of the proposal there are not expected to be any significant environmental effects. Environmental effects are discussed in detail in the Environmental, Social and Economic Impact Assessment above. - There is a low risk of impacts on items of cultural heritage significance. However, it is recommended the Planning proposal be referred to the Ngulingah Local Aboriginal Land Council post Gateway determination. - Due to the nature and scale of the planning proposal there are not expected to be any significant social or economic effects.
3	JUSTIFICATION Section D - State and Commonwealth Interests 8. Is there adequate public infrastructure for the Planning Proposal? 9. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?	- Council staff have carried out a preliminary assessment of public infrastructure required and available. Commentary is included in the Environmental, Social and Economic Assessment section above. - The following public authorities will be consulted following Gateway Determination: - Rural Fire Service - Department of Primary Industries - Office of Environment and Heritage.
4	MAPPING	The planning proposal seeks amendments to three LEP 2012 Maps, which are shown in Figures 8-10 above.
5	COMMUNITY CONSULTATION	A 28 day community consultation period is recommended.
6	PROJECT TIMELINE	Recommendation of 10 months for completion. Refer to Attachment 1 for detail.
7	DELEGATIONS	Recommendation for Council to exercise plan making delegations.

Strategic Alignment

The Planning Proposal is consistent (and implements) the following sections of *Imagine Lismore 10 Year Plan*:

Community Vision: Affordable Housing

"Through the implementation of the Lismore Housing Strategy and the Growth Management Strategy we will ensure that Lismore provides housing options that are affordable, appropriate and accessible to the different economic and social needs of the community."

Service: Strategic Planning, Assessment and Construction

"The Growth Management Strategy will be completed in 2014. The implementation of the Strategy will see the values of the community enshrined in Lismore's planning framework."

The Lismore Growth Management Strategy 2015-2035 clearly identifies the subject land on Map 26 "McLeans Ridges – Potential large lot residential". The GMS states on page 88 regarding the implementation of the GMS that, *"the rezoning of identified village and large lot residential expansion areas will occur by way of landowner initiated planning proposals."*

Direct costs associated with the planning proposal are met by the proponent. The benefits of the proposal include the facilitation of the future development of land that has been identified in the GMS as being potentially suitable for residential development.

There are no known risks associated with the proposal.

Comments

Finance

The proposal is supported as it is consistent with the *Imagine Lismore 10 Year Plan* and the *Lismore Growth Management Strategy 2015-2035*.

Other staff comments

The Planning Proposal has been reviewed by Council's specialist staff and their comments incorporated into the above environmental, social and economic assessment section and reflected in the recommended planning proposal.

Public consultation

Council will carry out public consultation on the planning proposal following Gateway Determination. For the purposes of public notification, it is considered that a twenty-eight (28) day exhibition period is appropriate. Notification of the planning proposal will include:

- Publication in Council's Local Matters that circulates in the area affected by the planning proposal.
- Placing a notice on the websites of Council and the Department of Planning and Environment.
- Written notification to adjoining land owners.

The written notice will:

- Provide a brief description of the objectives or intended outcomes of the planning proposal.
- Indicate the land that is the subject of the planning proposal.
- State where and when the planning proposal can be inspected.
- Provide detail that will enable members of the community to make a submission.

Material to be exhibited will include:

- The planning proposal, in the form approved for community consultation by the Director General of the Department of Planning and Environment.
- The Gateway determination.

- Any studies required as part of the planning proposal.

Key stakeholders will be identified and contacted directly to ensure that they are aware of the planning proposal. The Ngulingah Local Aboriginal Land Council will be consulted. The Gateway Determination will confirm community consultation requirements.

LEP delegations

Council resolved at its Ordinary meeting of 11 December 2012 to accept the delegations which enable Council to process the final stages of a planning proposal (LEP amendment). The delegations only extend to routine LEPs. Council does have delegation in this instance as it is a rezoning consistent with an endorsed strategy, unless the Gateway Determination advises otherwise.

Conclusion

The applicant's planning proposal sought to amend certain provisions of the Lismore LEP 2012 that apply to 37 Baldock Drive, McLeans Ridges to enable the subdivision of the site into three (3) large lot residential lots. The GMS identifies the land as potentially suitable for large lot residential development and notes that this site and the adjoining land may yield three (3) to four (4) lots due to site and other constraints. An assessment of these constraints indicates that the land may be more appropriately subdivided into two (2) lots and this is reflected in the recommended LEP lot size of three (3) hectares. There is sufficient information to enable Council to support the planning proposal and forward it to the Department of Planning and Environment for Gateway Determination.

Attachment/s

1. Planning Proposal for rezoning at 37 Baldock Drive McLeans Ridges (Over 7 pages)