

Lismore LEP 2012 – Richmond Hill Rural Residential Expansion.

Proposal Title : **Lismore LEP 2012 – Richmond Hill Rural Residential Expansion.**

Proposal Summary : **The planning proposal seeks to amend Lismore LEP 2012 by rezoning part of Lot 1 DP 254131 and part of Lot 2 DP 1182633, 379A and 387 Richmond Hill Road, Richmond Hill from RU1 Primary Production to R5 Large Lot Residential and applying a 2500m2 and 3 hectare minimum lot size, and 8.5m maximum building height to the land being rezoned R5, to enable the land to be developed for rural residential purposes.**

PP Number : **PP_2016_LISMO_003_00** Dop File No : **16/06139**

Proposal Details

Date Planning Proposal Received :	26-Apr-2016	LGA covered :	Lismore
Region :	Northern	RPA :	Lismore City Council
State Electorate :	LISMORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	379A and 387 Richmond Hill Road		
Suburb :	Richmond Hill	City :	Postcode : 2480
Land Parcel :	Lot 1 DP 254131 and Lot 2 DP 1182633		

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**
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RPA Contact Details

Contact Name : **Paula Newman**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

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

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MDP Number :		Date of Release :	
Area of Release (Ha) :	14.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	30
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment : The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment : The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.			

Supporting notes

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 statement of objectives describes the intention of the planning proposal. The proposal intends to amend Lismore LEP 2012 to permit rural residential development over part of the subject land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal intends to amend the Land Zoning Map, Lot Size Map, and Height of Buildings Map, to apply appropriate zones and other planning controls to the land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
3.6 Shooting Ranges

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 (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008
SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **See the assessment section of his report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which adequately show the subject land, the current zones and the proposed zones, minimum lot sizes and maximum building height. These maps are adequate for exhibition purposes though the planning proposal should also include the current minimum lot size and building height maps to clearly demonstrate the changes proposed. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal nominates a community consultation period of 28 days.

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is consistent with the pattern of surrounding land use zones and inconsistencies with the strategic planning framework are of minor significance. The proposal does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore considered that a community consultation period of 14 days is adequate and affected and adjoining properties should be notified in writing. However there is no impediment to Council conducting a longer community consultation.

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 :

Time Line

The planning proposal includes a project timeline which estimates the completion of the planning proposal in November 2016. To ensure the RPA has adequate time to complete the additional site investigations, exhibition, reporting, and legal drafting, it is recommended that a time frame of 12 months is appropriate.

Delegation.

The RPA has requested an Authorisation to exercise delegation for this proposal. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be of local planning significance since it applies to land identified for rural residential purposes by the strategic planning framework, particularly the Far North Coast Regional Strategy and Councils Growth Management Strategy which has been approved by the Department. It is recommended that an Authorisation for the execution of delegation be issued to the RPA in this instance.

Overall Adequacy

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.
5. Providing a project time line
6. Completing the evaluation criteria for the delegation of plan making functions.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Lismore LEP 2012 is in force. This planning proposal seeks an amendment to the Lismore LEP 2012.

Assessment Criteria

Need for planning
proposal :

The proposal results from the outcomes of Council's Growth Management Strategy 2015-2035. This Strategy identified land at Richmond Hill for potential large lot residential development. The owners of the subject land have initiated a planning proposal for the rezoning of Lot 1 DP 254131 and Lot 2 DP 1182633, Richmond Hill Road, Richmond Hill in accordance with this strategy.

The subject land is approximately 18.8 hectares in size. Lot 1 is a closed road of approximately 0.77 hectares located along the western edge of Lot 2. Lot 1 is currently zone RU1 Primary Production and is mostly open grassland with scattered camphor laurel and dry rainforest trees.

Lot 2 is a lot of 18 hectares of which 14.5ha is located on the western side of Richmond Hill Road and 3.45 hectares is located on the eastern side of Richmond Hill Road.

The western portion of Lot 2 is mostly open grassland with scattered camphor laurel trees, a farm dam and two small wet steep sided gullies. A single dwelling and farm sheds are located on this portion of Lot 2, which is currently zoned RU1 Primary Production and has a 40 hectare minimum lot size (MLS) and no maximum building height. Both Lot 1 and the western portion of Lot 2 are currently used for cattle grazing.

The eastern portion of Lot 2 is also mostly open grassland with scattered camphor laurel

trees, and contains some steep land with a slope of over 25%. The eastern portion of Lot 2 is already zoned R5 Large Lot Residential and has an MLS of 2 hectares and an maximum building height of 8.5m.

The land to the north, south and east of the site is zoned R5 Large Lot Residential with a predominant MLS of 2500m². This land is mostly subdivided and developed for rural residential purposes. The Pineapple Road Urban Release Area is located further to the west of the subject land.

The planning proposal seeks to:

- Rezone part of Lot 1 and the western portion of Lot 2 from RU1 to R5 and apply a 2500m² MLS and 8.5m maximum building height;
- Apply a 3 hectare minimum lot size to the eastern portion of Lot 2 which is already zoned R5 and already has an 8.5m MLS.

The application of a 3 hectare MLS to the eastern portion of Lot 2 will enable the development of the land for rural residential purposes however it will prevent further subdivision as Council believes that due to the site constraints further subdivision of this part of the land is not appropriate. Council's approach is considered to be appropriate.

The proposal seeks to retain the RU1 Primary Production zone over the vegetated portions of the site. The proposal indicates that the site contains small areas of an endangered ecological community (lowland rainforest) and patches of the threatened species, hairy joint grass. Council has chosen to retain the RU1 zone over this land as it considers the primary use of this land is rural since it has a history of grazing use. This is consistent with the Northern Councils E Zone Review Final Recommendations (the 'Final Recommendations') which requires land to be zoned consistent with the primary use of the land. Council could consider the application of an environmental overlay over the vegetated portions of the land if it considered the vegetation met the criteria for an E2 or E3 zone. Council has decided to retain the RU1 zone until it establishes a clear position on how it will address E zones and overlays in a broader context across the LGA in a manner which is consistent with the Final Recommendations. This approach is considered to be appropriate at this stage.

The proposal to rezone the land is the best means of achieving the intent of the proposal which is to enable part of the land to be developed for rural residential purposes.

Consistency with strategic planning framework :

Far North Coast Regional Strategy (FNCRS).

The proposal is generally consistent with the actions and outcomes in the FNCRS. The FNCRS states that rural residential development will be located close to centres with an adequate level of services. The subject site is a logical infill addition to existing R5 zoned land. The site is located approximately 2.5km from the Richmond Hill Community centre and preschool and the Goonellabah shops and services. The site has road frontage and reticulated water available. An on-site waste water management system will be necessary however this is appropriate for rural residential development. Council's Section 94 contributions plan applies to the site and contributions for public infrastructure will be required for the additional rural residential lots.

The FNCRS requires that new rural residential development will only be permitted in non-coastal areas and then only in accordance with an approved local growth management strategy. Lot 2 is not located within the coastal area and is identified for rural residential purposes in Council's Growth Management Strategy 2015-2035.

Lot 1 (the former road reserve) is not identified in Council's Growth Management Strategy. However, as it is contiguous with the western portion of Lot 2, is in the same ownership, and constitutes only a 0.77ha addition to the land parcel it is considered appropriate for Lot 1 to be included in the planning proposal. Approximately half of Lot 1 is proposed to be zoned R5 (constituting approximately 0.35ha). The small area and narrow dimensions of that part of Lot 1 to be rezoned R5 means it will only contribute to a rural residential lot layout in conjunction with the R5 zoned land on the western portion of Lot 2. Therefore Lot 1 constitutes a logical extension of the R5 zone proposed on the western portion of Lot 2. Therefore any inconsistency with the FNCRS is considered to be of minor significance.

Draft North Coast Regional Plan

The proposal is generally consistent with the Draft North Coast Regional Plan (the 'Draft RP'). The Draft RP provides that new rural residential development shall only be permitted where it is located outside of the coastal area and in accordance with an approved strategy. The proposal is consistent with these requirements as the site is not located within the coastal area and has been identified for rural residential purposes by Council's Local Growth Management Strategy 2015-2035.

As discussed previously the inconsistency of including Lot 1 in the proposal to rezone the land is considered to be of minor significance.

Consistency with Council's Local Strategies.

Lismore's Local Growth Management Strategy 2015-2035 (the 'LGMS')

The proposal is generally consistent with the LGMS. The LGMS identifies that there is currently 5-6 years supply of R5 zoned land remaining in the Lismore LGA. An additional 438 hectares of R5 zoned land is projected to be required over the 20 year life of the LGMS. The LGMS identifies part of the subject land for potential large lot residential purposes. The area of the site proposed to be zoned R5 is consistent with the mapped potential large lot residential land in the LGMS. The LGMS was approved by the Department's Executive Director, Regions on 11 August 2015.

As discussed previously the inconsistency of including Lot 1 in the proposal to rezone the land is considered to be of minor significance.

SEPPs

The proposal lists the State environmental planning policies (SEPPs) applicable to the land. Many SEPPs apply to the subject land and the proposal is not inconsistent with these SEPPs.

SEPP 44 Koala Habitat Protection

The proposal states that an ecological assessment of the site concluded that there is no significant koala habitat on the site. A stand of Forest Red Gum was identified on the northern boundary of the western portion of Lot 2 however no evidence of koala activity was found. The impacts of future developments on koala habitat will be addressed at development application stage at which time a koala plan of management may be

required.

SEPP 55 Remediation of Land

The proposal states that a preliminary contaminated land assessment has not been undertaken and suggests that a preliminary assessment should be completed prior to public exhibition. This is considered to be appropriate as it will enable the planning proposal to be amended if necessary prior to public exhibition.

SEPP (Rural Lands) 2008

SEPP Rural Lands (the RLSEPP) contains Rural Planning Principles to guide development on rural land. It is considered the proposal is consistent with the Rural Planning Principles. The land is not identified as State or regionally significant farmland. The use of the site for rural residential purposes is not considered to have the potential to significantly increase land use conflict with nearby agricultural land uses. The use of the land for rural residential purposes is also generally consistent with an approved growth management strategy.

The proposal is otherwise consistent with State environmental planning policies.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.4 Planning for Bushfire Protection, 5.1 Implementation of Regional Strategies, 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 considered to be inconsistent with Direction 1.2, 2.1, 2.3, 4.4 and 5.1.

Direction 1.2 Rural Zones is relevant to the proposal. The direction provides that a planning proposal must not rezone land from a rural to a residential zone. The planning proposal seeks to rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential. The direction provides that the planning proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a strategy or study or is of minor significance.

The majority of the land to be zoned R5 is identified in the Lismore Growth Management Strategy 2015-2035 as potential large lot residential land. The Lismore Growth Management Strategy 2015-2035 was approved by the Executive Director, Regions in August 2015. A small portion of Lot 1, which was not included in the growth management strategy is proposed to be zoned R5 however, as previously discussed, this is considered to be of minor significance. It is considered that the inconsistency of the proposal with the direction is justified by an approved strategy and as being of minor significance and therefore has been justified in accordance with the terms of the direction.

Direction 2.1 Environmental Protection Zones is relevant to the proposal. The direction provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. The proposal indicates that the site contains small areas of an endangered ecological community (lowland rainforest) and patches of the threatened species, hairy joint grass. Council has chosen to retain the RU1 zone over this land as it considers the primary use of this land is rural since it has a history of grazing use. This is consistent with the Northern Councils E Zone Review Final Recommendations (the 'Final Recommendations') which requires land to be zoned consistent with the primary use of the land. Council could consider the application of an environmental overlay over the vegetated portions of the land if it considered the vegetation met the criteria for an E2 or E3 zone. Council has decided to retain the RU1 zone until it establishes a clear position on how it will address E zones and overlays in a broader context across the LGA in a manner which is consistent with the Final Recommendations. The inconsistency of the proposal with the direction is considered to

be of minor significance is therefore considered to be justified in accordance with the terms of the direction.

Direction 2.3 Heritage Conservation is relevant to the planning proposal. The direction provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance. The proposal indicates that preliminary investigations into Aboriginal and European Heritage have not yet been undertaken on the site. Council has indicated in its planning proposal that an Aboriginal and European cultural heritage assessment should be prepared prior to public exhibition. It is therefore considered that any inconsistency of the proposal with this direction cannot be resolved until the heritage assessment has been completed.

Direction 3.1 Residential Zones is relevant to the proposal. The Direction provides that a planning proposal must not reduce the permissible residential density of the land. The proposal seeks to change the minimum lot size (MLS) for the eastern portion of Lot 2 from 2 hectares to 3 hectares to prevent further subdivision of the land.

Council considers that the constraints of the site make further subdivision inappropriate. The proposal is not however considered to be inconsistent with the direction as it does not reduce the permissible development of Lot 2 in total as the larger western portion of Lot 2 will be zoned R5 and a 2500m2 MLS will apply. The permissible development on the eastern portion of the land will still enable dwelling houses and dual occupancies with development consent.

Direction 4.4 Planning for Bushfire Protection is relevant to the proposal. Areas of the subject land are identified as being bush fire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after a Gateway Determination is issued and before public exhibition and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

Direction 5.1 Implementation of Regional Strategies is relevant to the planning proposal. The direction provides that the proposal must be consistent with the Far North Coast Regional Strategy (FNCRS). As discussed previously the inclusion of Lot 1 in the land to be rezoned constitutes a minor inconsistency with the Strategy. Therefore it is considered that the inconsistency of the proposal with the direction is of minor significance and is therefore justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

Environmental social
economic impacts :

An ecological assessment has been undertaken for the subject land. The assessment identified that the site contains small areas of an endangered ecological community (lowland rainforest) and patches of the threatened species, hairy joint grass. A small patch of Lowland Rainforest EEC is located partly on Lot 2 (western part) and partly on Lot 1 in the far south western corner of the subject land. The proposal considers that this area of vegetation although it is quite small, it is worth retaining and would contribute to a riparian rainforest restoration corridor proposed on neighbouring land to the west as part of the Pineapple Road Urban Release Area.

The vulnerable plant Hairy Joint Grass was located on the edge of drainage lines in amongst taller wet grassland.

These areas of the site are not proposed to be zoned R5 and therefore it is not expected that the proposal will have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats. Issues relating to impact on native vegetation can be addressed further at development application stage.

The subject land is not flood prone, does not contain acid sulfate soils and is not identified as state or regionally significant farmland in the Northern Rivers Farmland Protection Project Final Recommendations 2005.

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Parts of the site are bush fire prone or contain land with steep slopes of greater than 25%. A bushfire hazard assessment should be prepared for the site prior to consultation to identify any issues that may impact on the proposed zone layout. The issue of steep land slopes can be addressed at development application stage.

The proposal identifies that the rezoning will result in an estimated 200 additional vehicles per day using the Richmond Hill Road. An investigation of the potential impacts this increased traffic will have on the Bruxner Highway and Richmond Hill Road intersection is considered to be necessary as the intersection currently operates at a low level of services. Council also intends to consult with the Roads and Maritime Services in relation to this matter.

The proposal will have a positive economic and social impact through the release of land for residential development. Consistent with other land identified in the Lismore Growth Management Strategy 2015-2035 the land is located within 2.5km of a village and services to ensure residents can connect to existing social and community services.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Other**

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

Bushfire

Other - provide details below

If Other, provide reasons :

**Aboriginal and European cultural heritage study;
Detailed traffic impact assessment; and
Preliminary contaminated land assessment**

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
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Lismore LEP 2012 – Richmond Hill Rural Residential Expansion.

1. Council cover letter for planning proposal for Richmond Hill Road rezoning.pdf	Proposal Covering Letter	Yes
2. Planning Proposal to Rezone 379A and 387 Richmond Hill Road Richmond Hill.pdf	Proposal	Yes
3. Council Report - Rezoning Planning Proposal to large lot residential for 379A and 387 Richmond Hill Road, Richmond Hill.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 3.5 Development Near Licensed Aerodromes
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
 - 3.6 Shooting Ranges

Additional Information : It is recommended that the planning proposal should proceed subject to the following;

1. The planning proposal proceed as a 'routine' planning proposal.
2. Prior to community consultation the following site investigations are to be undertaken and placed on public exhibition with the planning proposal:
 - a. an Aboriginal and European cultural heritage study;
 - b. a detailed traffic impact assessment;
 - c. a preliminary contaminated land assessment;
 - d. a bushfire assessment.
3. Prior to community consultation the planning proposal is to be amended as follows:
 - a. to include maps that show the current zone, lot size and building height controls as well as the proposed zone, lot size and building height controls.
 - b. to incorporate any necessary changes to the proposal arising from the additional site investigations or consultation with State agencies or organisations.
4. A community consultation period of 14 days is necessary.
5. The planning proposal is to be completed within 12 months.
6. The RPA is to consult with the following State agencies and organisations;
 - a. Roads and Maritime Services;
 - b. Rural Fire Service;
 - c. Department of Primary Industries;
 - d. Office of Environment and Heritage;
 - e. Department of Industry Resources and Energy; and
 - f. The Local Aboriginal Land Council
7. A written authorisation to exercise delegation be issued to Lismore City Council.
8. A delegate of the Secretary agree that the inconsistency of the proposal with S117 Directions 1.2, 2.1 and 5.1 are justified in accordance with the terms of the direction.

Supporting Reasons : The reasons for the recommendation are as follows;

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1. The proposal will contribute to the identified demand for R5 zoned land in Lismore LGA which is identified in the Lismore Growth Management Strategy 2015-2035.
2. The land is relatively unconstrained and has been identified as generally suitable for rural residential development through the strategic planning process.
3. The proposal is consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Signature:



Printed Name:

4 May 2016

Date:

Craig Diss

