

**15.2 PLANNING PROPOSAL - 70 MANIFOLD ROAD NORTH CASINO - RURAL RESIDENTIAL**

**Director:** Angela Jones

**Responsible Officer:** Tony McAteer

**EXECUTIVE SUMMARY**

Council has received a Planning Proposal application (PP2025/0001) (Portal Case No. PP-2024-2355) seeking to amend the *Richmond Valley Local Environmental Plan 2012* (the LEP) by rezoning 9.68ha of land at 70 Manifold Road North Casino to enable its subdivision into potentially 9 rural residential lots (Zone R5 Large Lot Residential) having a minimum lot size of 7500m<sup>2</sup>.

This proposal is supported by Council's Growth Management Strategy (2023) which identifies a corridor of potential large lot residential development along Manifold Road, including this land.

Council's support for the Planning Proposal is required prior to seeking a Gateway Determination from the Department of Planning, Housing and Infrastructure (DPHI).

**RECOMMENDATION**

That

1. Council supports Planning Proposal PP2025/0001 [Portal Case No. PP-2024-2355], which proposes to amend the *Richmond Valley LEP 2012*, as it applies to 70 Manifold Road North Casino, being Lot 21 DP601461, by rezoning the land to facilitate its development for rural residential;
2. PP2025/0001 [Portal Case No. PP-2024-2355] be submitted to the Department of Planning, Housing and Infrastructure for a Gateway Determination; and
3. Council seeks Local Plan-making authority for this Planning Proposal and delegates this function to the General Manager.

**DELIVERY PROGRAM LINKS**

Objective 2: Establish the Richmond Valley as a regional growth centre

2D Provide more homes for our growing community

2D1 Activate residential development on flood-safe land

**BUDGET IMPLICATIONS**

Nil

**REPORT**

Council has received a Planning Proposal application (PP2025/0001) (Portal Case No PP-2024-2355) prepared by consultancy firm Newton Denny Chapelle and lodged on behalf of Jestermond Pty Ltd for 70 Manifold Road North Casino, comprising Lot 21 DP601461 (figure 1). The planning proposal seeks to rezone the land so that it can be developed for rural residential purposes (figure 2) and is supported by the owner Dougherty Pastoral Company Pty Ltd.

The property currently has a Land Zone of RU1 Primary Production (figure 3) under the *Richmond Valley LEP 2012*, with a minimum lot size of 40ha. To facilitate its development for rural residential development an amendment of the LEP will be required under Part 3 of the *Environmental Planning and Assessment Act 1979*. This process is known as the Gateway Planning process and

involves assessment of proposed LEP amendments against a number of State, regional and local plans, policies, and strategies, including Section 9.1 Ministerial Plan Making Directions and consultation with relevant Government Authorities and the community.

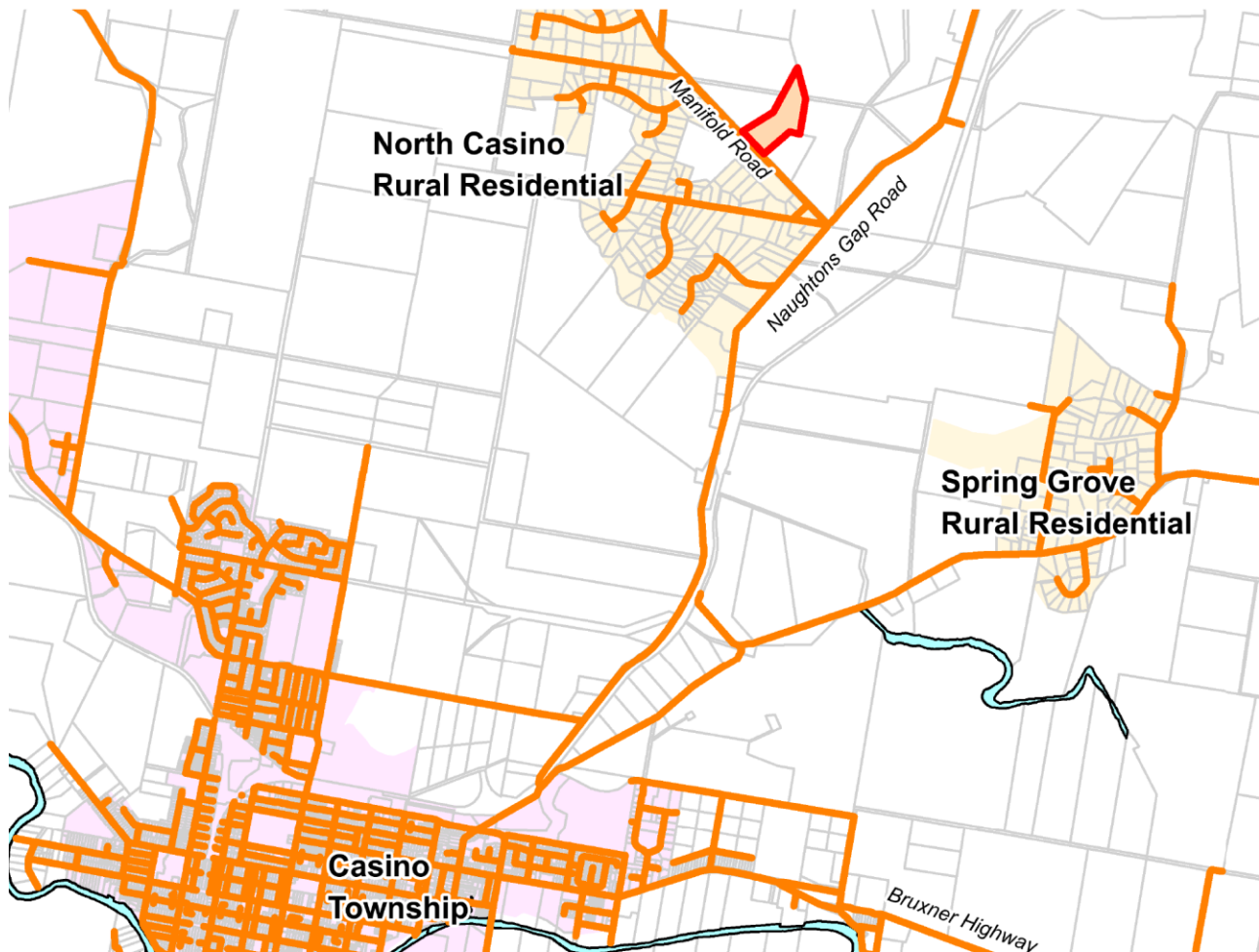


Figure 1 – Locality Plan identifying the subject land (outlined in red with shading) to the north of Casino at 70 Manifold Road North Casino.

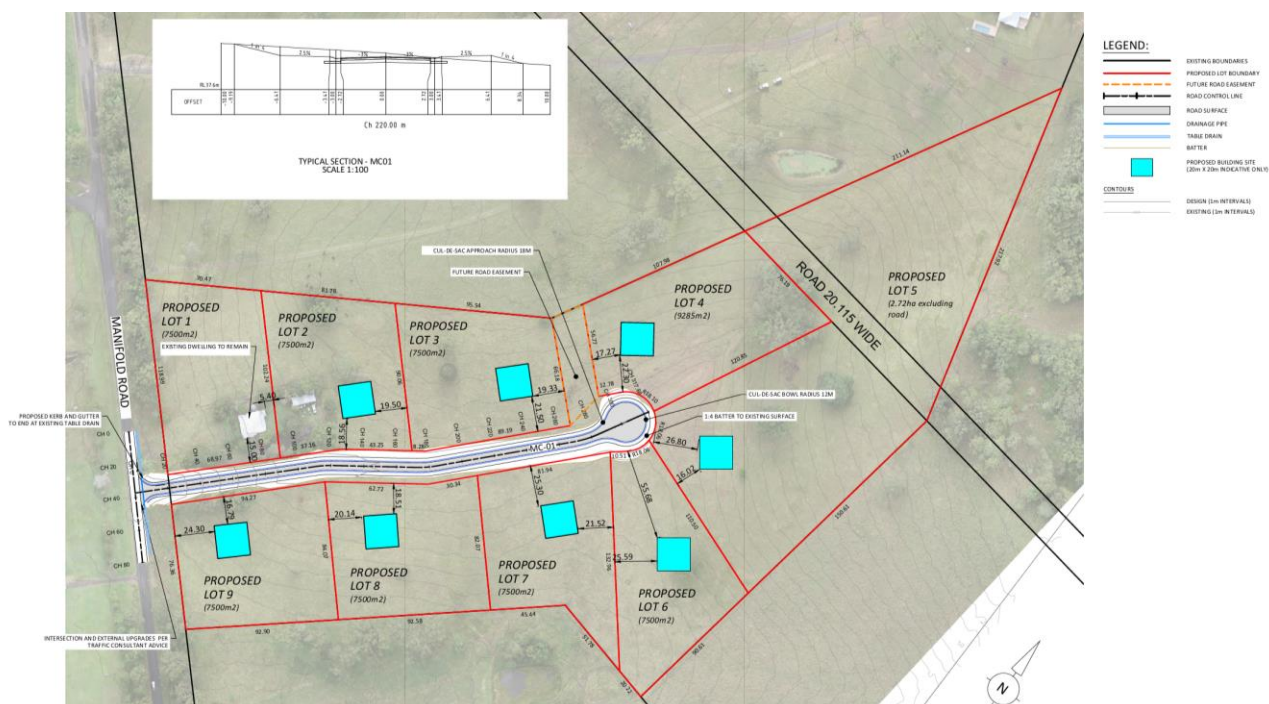


Figure 2 – Concept subdivision layout extracted from Planning Proposal PP2025/0001

**LEP Amendment**

Planning Proposal PP2025/0001 proposes to amend the *Richmond Valley LEP 2012* by:

- amending the Land Zone Map by changing the Land Zone from Zone RU1 Primary Production to Zone R5 Large Lot Residential,
- amending the Lot Size Map by changing the minimum lot size (MLS) from 40ha to 7,500m<sup>2</sup>, and
- amend the Dwelling Opportunity Map to remove this land from the map (this amendment is because the map only applies to land within Zone RU1 and C3).

See figure 3 for details.

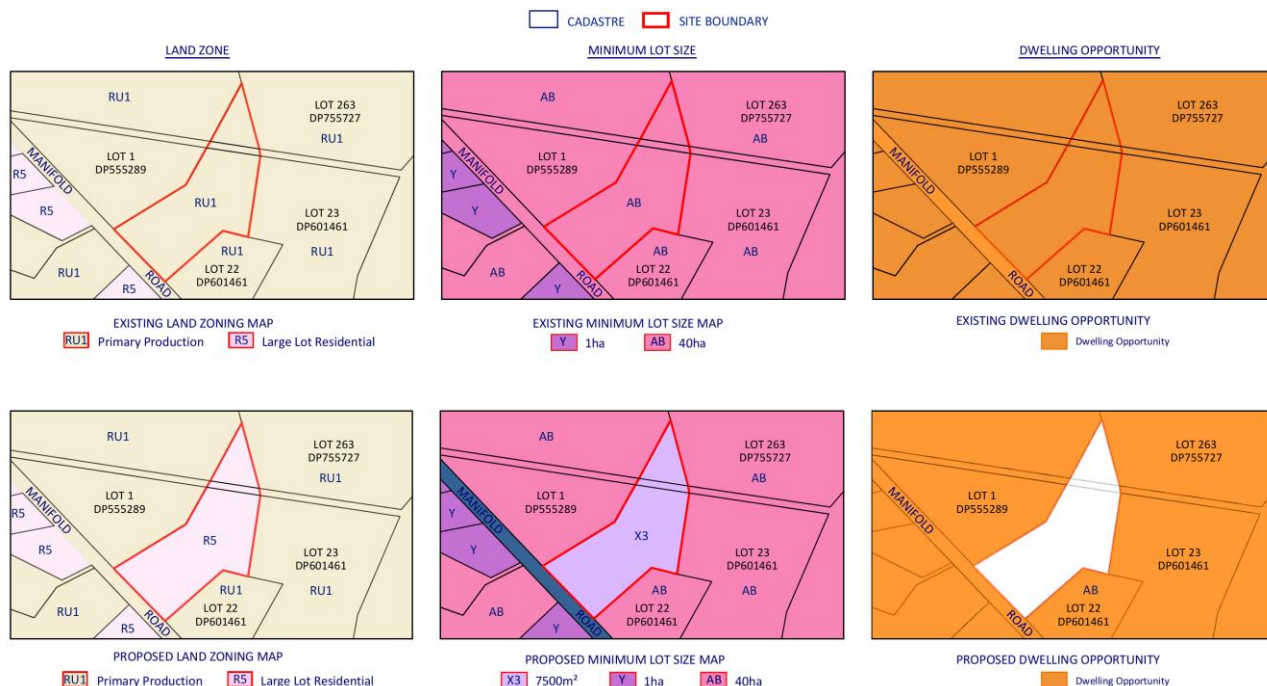


Figure 3 – Maps showing the existing Land Zone (upper left), Lot Size (upper middle) and Dwelling Opportunity (upper right) for the subject land (outlined in red) with the proposed Zone R5 Large Lot Residential, Minimum Lot Size X3 representing 7500m<sup>2</sup>, and removal of the Dwelling Opportunity (bottom left, bottom middle and bottom right respectively)

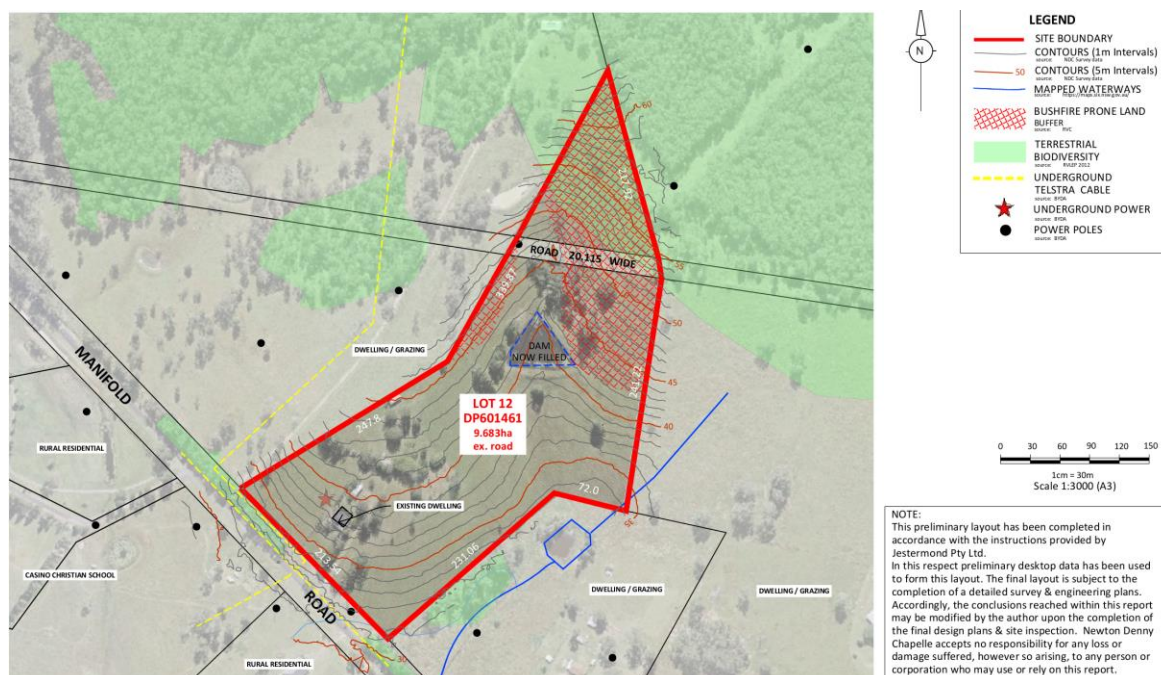


Figure 4 – Site Analysis for 70 Manifold Road North Casino, extracted from Planning Proposal.

### Consideration of Strategic Policies and Land Suitability

The Planning Proposal has been prepared in accordance with the DPE *Local Environmental Plan Making Guideline* (2021). In preparing the planning proposal, consideration was given to the land's suitability against State, regional and local plans, policies and strategies, and Section 9.1 Ministerial Plan Making Directions. No inconsistencies were found in this regard.

#### **Richmond Valley Council Growth Management Strategy 2023**

The land is mapped within the boundary of the Casino rural residential investigation area under the *Richmond Valley Growth Management Strategy 2023* (figure 5). Notwithstanding, areas mapped as having rural residential development potential are required to mitigate against constraints such as flooding, bushfire, contaminated land and land use conflict. The *North Coast Regional Strategy 2041* also supports well planned rural residential development which promotes sustainable land use outcomes and is located outside the more environmentally sensitive and constrained coastal strip.

A number of supporting documents have been prepared by specialist consultants to support the planning proposal. These reports include-

- Biodiversity Assessment – produced by Geolink (5 September 2024)
- Bush Fire Assessment Report – produced by Geolink (4 September 2024)
- Onsite Wastewater Assessment – produced by North Coast Wastewater Solutions (23 October 2024)
- Contaminated Land Assessment – produced by North Coast Wastewater Solutions (23 October 2024)
- Aboriginal Cultural Heritage Assessment – produced by Heritage Management & Planning (August 2024)
- Land Use Conflict Risk Assessment – produced by Tim Fitzroy & Associates (25 October 2024)
- Traffic Impact Assessment – produced by ABTT Consulting (16 August 2024)
- Geotechnical Site Investigation – produced by ASCT (27 August 2024)

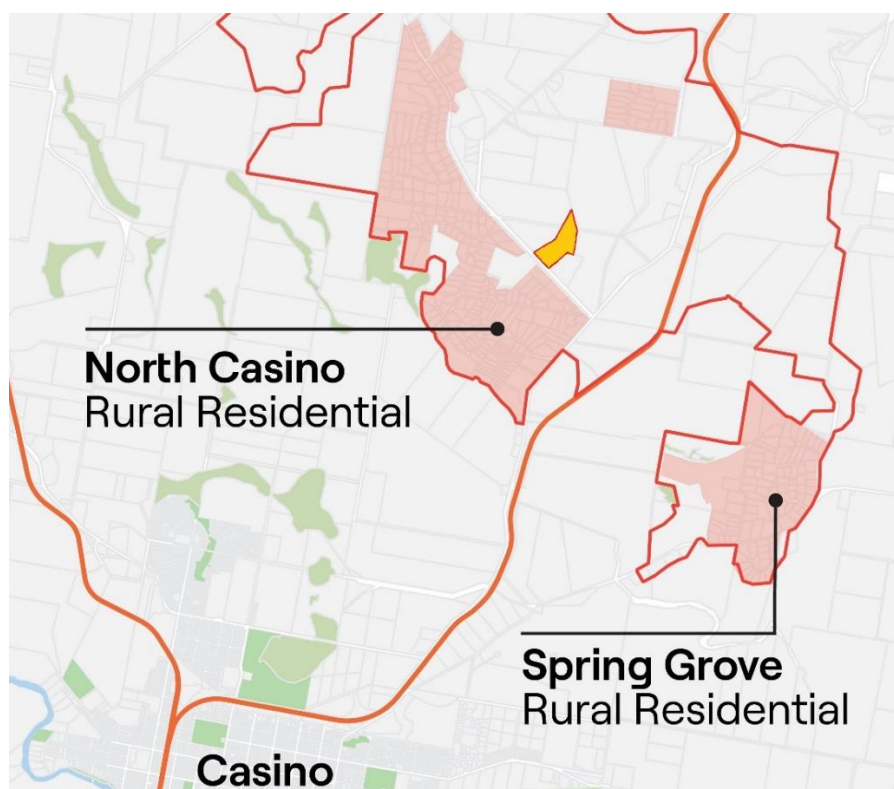


Figure 5 – Extract from Figure 13 of the *Richmond Valley Growth Management Strategy 2023* for the Casino Catchment. The location of 70 Manifold Road North Casino is shown in yellow.

**Local-Plan-making Authority**

When submitting a Planning Proposal for a Gateway determination, Council must identify whether it will or will not be seeking to be authorised as the Local Plan-making Authority for that proposal.

When Council is the Local Plan-making Authority it may delegate this plan making function to an officer within Council (usually the General Manager or Planning Director) who will then exercise the Ministerial functions for making the LEP.

Local Plan-making Authority is generally granted to basic or standard Planning Proposals. This Planning Proposal is for a standard proposal involving the rezoning of land which is consistent with a local and regional strategy. It is therefore recommended that Council seek the Local Plan-making Authority for this Planning Proposal and delegate those functions to the General Manager.

**CONSULTATION**

Council met with the consultant on 21 December 2022 to discuss a Scoping Proposal for the rezoning of this land. Since then, the proponent has arranged for the preparation of supporting studies.

No formal engagement with agencies has taken place at this time but the Gateway will most likely require consultation with NSW Rural Fire Services, Department of Climate Change, Energy, the Environment and Water, and Casino-Boolangle Local Aboriginal Land Council.

Granting of a Gateway will also condition public consultation be undertaken, which is likely to be a minimum of 20 days.

**CONCLUSION**

Planning Proposal PP2025/0001 [Portal Case No. PP-2024-2355] has been lodged with Council seeking to rezone 70 Manifold Road North Casino to facilitate a 9-lot rural residential development.

The Planning Proposal is supported by the *Richmond Valley Council Growth Management Strategy 2023* and is consistent with State, regional and local plans, policies and strategies, as well as Section 9.1 Ministerial Plan Making Directions.

It is recommended that Council supports the planning proposal to commence the Gateway Planning process. It is further recommended that Council seeks Local Plan-making Authority to assume the Minister's Plan Making functions for this planning proposal, and delegate that authority to the General Manager.

**ATTACHMENT(S)**

Nil