

Rezone Lot 12 DP 581159 and part of Lot 21 DP 1007134, Greenwood Place, Lennox Head to allow for residential development

Proposal Title :	Rezone Lot 12 DP 581159 and part of Lot 21 DP 1007134, Greenwood Place, Lennox Head to allow for residential development		
Proposal Summary :	The Planning Proposal aims to: * Rezone Lot 12 DP 581159 and part of Lot 21 DP 1007134, Greenwood Place, Lennox Head from RU2 Rural Landscape to R2 Low Density Residential under Ballina LEP 2012; * Rezone part of Lot 21 DP 1007134 Greenwood Place, Lennox Head from 1(d) Rural (Urban Investigation) under Ballina LEP 1987 to R2 Low Density Residential under Ballina LEP 2012; * Apply a minimum lot size of not less than 800m² for both of the subject lots (subject to further investigation); and * Amend the Strategic Urban Growth Area Map to reflect the areas made redundant as a result of this rezoning.		
PP Number :	PP_2015_BALLI_004_00	Dop File No :	15/05827

Proposal Details

Date Planning Proposal Received :	01-Apr-2015	LGA covered :	Ballina
Region :	Northern	RPA :	Ballina Shire Council
State Electorate :	BALLINA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Greenwood Place		
Suburb :	Lennox Head	City :	Postcode : 2478
Land Parcel :	Lot 12 DP 581159 and part of Lot 21 DP 1007134		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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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
MDP Number :		Date of Release :	
Area of Release (Ha) :	2.23	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	14
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's Code of Practice in relation to communication 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? : **Yes**

If Yes, comment : **Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meetings between other department officers 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 adequately describes the intention of the planning proposal. The proposal seeks to rezone the subject land and amend the minimum lot size to enable residential development.**

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.**

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

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment Protection Zones

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2.2 Coastal Protection
2.3 Heritage Conservation
2.4 Recreation 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
4.2 Mine Subsidence and Unstable 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

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **Other matters for consideration include the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan as discussed below.**

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

If No, explain : **Refer to the assessment section below.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains mapping sufficient to identify the site and proposed changes to the land use zoning, minimum lot size and strategic urban growth area maps. These are considered suitable for exhibition purposes.**

It is noted that the Ballina LEP 2012 Land Application Map and Height of Building Map will also need amendment due to the inclusion of the land that is currently deferred. These maps should also be included in the proposed exhibition material.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **While the planning proposal is generally considered to be a low impact proposal, Council has proposed an exhibition period of 28 days. This is considered appropriate due to the nature of the site and the number of potential constraints that still need to be assessed and determined.**

It is noted that Council has proposed a 800m2 minimum lot size for the land subject to further detailed investigation which may result in changes to this lot size. To ensure that the public is fully informed in regard to this issue, it is considered that these investigations should be completed prior to public exhibition and any change to the proposed minimum lot size be incorporated into the exhibited proposal.

Additional Director General's requirements

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

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by 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 project time line.

Council has sought an authorisation to exercise its plan making delegations in this instance. The proposal is considered to be a local matter with no issues of State or regional significance. It is therefore recommended that an authorisation to exercise its plan making delegations be issued to Council in regard to this matter.

The RPA has provided a project time line which estimates that the plan will be finalised in January 2016. To ensure an adequate period for finalisation (particularly due to the number of additional studies proposed by Council to be undertaken to support the proposal should a Gateway determination to proceed be issued) a 12 month time frame for completion of the proposal is recommended.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Ballina LEP 2012 was made in January 2013.

Assessment Criteria

Need for planning proposal :

While the land to be rezoned is identified as being potentially suitable for residential development in the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy (GMS) and the Lennox Head Structure Plan (LHSP) 2004, the Planning Proposal was initiated in this instance by the owner of Lot 12 (Trustees of the Roman Catholic Church, Diocese of Lismore). Council has actively attempted to seek the comment of the owner of Lot 21 (N & M Condon) but to date has received no direct formal response. Council has progressed the matter on the understanding that the owner of Lot 21 is supportive, and has confirmed that they will be actively engaging with the landowner should a Gateway determination to proceed with the proposal be issued.

The proposal seeks to rezone Lot 12 DP 581159 (1.619ha) and part of Lot 21 DP 1007134 (0.61HA) to R2 Low Density Residential under Ballina LEP 2012. Approximately 0.1ha of this land is zoned 1(d) Rural (Urban Investigation) under Ballina LEP 1987 and is currently deferred from Ballina LEP 2012 due to a proposed environmental zoning under the draft 2012 LEP for scenic protection purposes. The deferred land has now been brought forward to allow connection with Blue Horizon Drive and to enable better access and connection for this area of Lennox Head. Council has also identified that the deferred land to be rezoned is not within the important eastern scenic catchment of the site (it is located on the western side of the hill) and that the land can therefore be considered for residential zoning.

It is noted that the proposal originally submitted to Council by the proponent requested a R3 Medium Density Zone and a minimum lot size of 450m2. Council resolved that this level of development was not appropriate due to the potential environmental constraints (significant cross fall and landslip potential) affecting the land and adopted a R2 Low

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Density Zone and 800m² minimum lot size consistent with the residential land adjoining the site to the north (The proposal notes that the 800m² lot size is still subject to further investigation should a Gateway Determination to proceed be issued).

The rezoning of the subject site and amendments to the zoning and lot size maps are the most appropriate means of achieving the desired outcomes for the proposal. The rezoning will allow for the land to be utilised for residential development in accordance with the strategic planning framework for the area and will help provide additional housing for the Lennox Head locality.

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Consistency with strategic planning framework :

The Far North Coast Regional Strategy (FNCRS) identifies the site as a 'Future Urban Release Area' within the mapped Town & Village Growth Boundaries (T&VGB). The FNCRS also identifies the site has as being subject to a high level of physical constraints. It is understood that these constraints for the land being rezoned relate primarily to potential landslip (which is discussed below in more detail). The proposal is considered to be consistent with the FNCRS subject to resolution of the potential landslip hazard.

The Director General approved Ballina Shire Growth Management Strategy identifies the land as a strategic urban growth area. While the 0.1ha of deferred land that has been included in the proposal to allow connection to Blue Horizon Drive is not identified, this is considered to be of minor significance particularly in relation to the access and connection benefits for the community that will result.

The Lennox Head Structure Plan (LHSP) identifies Lot 12 DP 581159 as a Candidate Release Area suitable for low and medium density residential development. Council has also confirmed that it believes the LHSP provides a clear intent that the candidate area can be extended over the part of Lot 21 west of the existing Banksia trees on the site. The proposal is therefore considered to be consistent with the LHSP.

The proposal is considered to consistent with all relevant SEPP's (except SEPP (Rural Lands) 2008 which is discussed below in relation to s117 Direction 1.5 Rural Lands).

The planning proposal is considered to be consistent with all relevant s117 Directions except in relation to 1.2 Rural Zones, 1.5 Rural Lands, 4.2 Mine Subsidence and Unstable Land and 5.3 Farmland of State & Regional Significance on the NSW Far North Coast as discussed below.

1.2 Rural Zones

The planning proposal is not consistent with this direction as it proposes to rezone land from a rural zone to a residential zone. The inconsistency is considered to be justified in this instance as the proposal is consistent Council's Director General approved local growth management strategy (Ballina Shire Growth Management Strategy) and the Far North Coast Regional Strategy (FNCRS).

1.5 Rural Lands

The planning proposal is not consistent with this direction as it will affect land within an existing or proposed rural zone and is not consistent with the rural planning principles contained in the SEPP (Rural Lands) 2008. The inconsistency is considered to be justified in this instance as the proposal is consistent Council's Director General approved local growth management strategy (Ballina Shire Growth Management Strategy) and the Far North Coast Regional Strategy (FNCRS).

4.2 Mine Subsidence and Unstable Land

The proposal is inconsistent with this direction as it seeks to rezone land for residential development that has been identified as being susceptible to landslip (Coffey Partners Pty Ltd Report and Department of Minerals Mapping). Council and the proponent acknowledge further detailed investigation is required to determine the degree of land slip risk and its impact on any potential residential subdivision and an appropriate minimum lot size. This further investigation is proposed to be undertaken should a Gateway determination to proceed be issued. Until this further technical assessment has occurred the consistency of the proposal with the Direction cannot be resolved.

5.3 Farmland of State & Regional Significance on the NSW Far North Coast

The proposal is inconsistent with this direction as the proposal seeks to rezone land identified as 'regionally significant non-contiguous farmland' for urban purposes. The inconsistency is considered to be justified due to the small area of land involved (2.23ha), its non contiguous nature with other significant farmland and as the proposal is consistent with the Far North Coast Regional Strategy and the Northern Rivers Farmland Mapping Project recommendations.

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Environmental social
economic impacts :

The subject land is identified as not being bushfire or flood prone or containing acid sulphate soils. Potential land contamination is considered unlikely as the site has been used only for grazing purposes for the last 50 years, but Council has confirmed that a preliminary site contamination investigation will be undertaken should a Gateway determination to proceed be issued.

The subject site is cleared land within the Lennox Head urban footprint and has a long history of grazing activity. Flora and fauna impacts from the proposal are therefore considered unlikely, but Council has confirmed that a preliminary site contamination investigation will be undertaken should a Gateway determination to proceed be issued.

The main environmental constraint to the potential development of the land is its identification as being susceptible to landslip. Council has confirmed that a more detailed investigation to confirm the suitability of the land for rezoning and an appropriate minimum lot size will be undertaken should a Gateway determination to proceed be issued.

No significant adverse social or economic impacts are expected as a result of the proposal.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

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

Public Authority Consultation - s56(2)(d) : **Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council has identified consultation with the Department of Primary Industries due to the presence of agricultural uses on the residue portion of Lot 21. Due to the flora and fauna, landslip, and Aboriginal heritage assessment to be undertaken, it is also recommended that consultation be undertaken with the Office of Environment and Heritage.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Other - provide details below

If Other, provide reasons :

Council has identified the following further investigations as being necessary to support the proposal should a Gateway determination to proceed be issued:

- coastal zone impacts and visual amenity impacts
- Aboriginal heritage
- flora and fauna
- geotechnical / landslip

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- land use conflicts
- mosquito management
- road noises
- services and stormwater

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
Planning Proposal_Greenwood Place_Lennox Head.pdf	Proposal	Yes
Cover letter_ Greenwood Place_Lennox Head.pdf	Proposal Covering Letter	Yes

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**
 - 2.2 Coastal Protection**
 - 2.3 Heritage Conservation**
 - 2.4 Recreation 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**
 - 4.2 Mine Subsidence and Unstable 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**

- Additional Information :
- It is recommended that:**
- 1) The planning proposal be supported;**
 - 2) That the planning proposal be exhibited for a period of 28 days;**
 - 3) The planning proposal be completed in 12 months;**
 - 4) The Secretary (or her delegate) agree that the inconsistencies with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.3 Farmland of State & Regional Significance on the NSW Far North Coast are justified in accordance with the Far North Coast Regional Strategy;**
 - 5) The Secretary (or her delegate) note the outstanding inconsistency with Direction 4.2 Mine Subsidence and Unstable Land and that this matter will need to be resolved prior to the plan being made;**
 - 6) Consultation should be undertaken with Department of Primary Industries and the Office of Environment and Heritage;**
 - 7) Prior to undertaking public exhibition, Council is to complete a:**
 - Coastal zone impacts and visual amenity impacts assessment;
 - Contaminated land assessment;
 - Due diligence Aboriginal heritage assessment;
 - Flora and fauna assessment;
 - Geotechnical assessment (landslip);
 - Land use conflict risk assessment;
 - Mosquito management assessment;
 - Road noise assessment; and

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- services and stormwater management assessment
to support the planning proposal. This material should be placed on public exhibition
with the planning proposal;

8) Once the necessary studies have been completed Council will determine a suitable
minimum lot size and place an appropriate map on exhibition prepared in accordance
with the Standard Technical Requirements for LEP Maps. Council is to provide the
Department with a copy of the material for community consultation for approval, as
required by section 57(2) of the EP&A Act;

9) Prior to public exhibition an amended draft Land Application Map and Height of
Buildings Map incorporating the land proposed to be rezoned from 1(d) Rural (Urban
Investigation) is to be included in the proposal; and

10) That an authorisation to exercise plan making delegations be issued to Council.

Supporting Reasons :

The planning proposal to rezone the land for residential development is considered
appropriate and is in accordance with the strategic planning framework for the site.

Signature:



Printed Name:

Craig Diss

Date:

10/4/15