

Rezone Lot 1 DP 1173776, Blue Seas Parade, Lennox Head for residential purposes

Proposal Title : Rezone Lot 1 DP 1173776, Blue Seas Parade, Lennox Head for residential purposes

Proposal Summary : The Planning Proposal seeks to rezone Lot 1 DP 1173776 under Ballina LEP 1987 from 1(d) Rural (Urban Investigation) to 2(a) Residential (Living Area).

UNDER THE DRAFT BALLINA LEP 2012

The draft comprehensive Ballina LEP 2012 is currently being finalised and has the potential to be made prior to this rezoning being completed. If the comprehensive Ballina LEP is made, only the eastern part of Lot 1 DP 1173776 will need be rezoned to R2 - Low Density Residential. The eastern portion of the site is part of a former Crown road reserve which has been consolidated with an adjacent parcel.

The planning proposal also seeks to amend the Minimum Lot Size (MLS) Map and the Strategic Urban Growth Area (SGA) Map. If the land is rezoned R2 - Low Density Residential the MLS applying to the land, to be consistent with the surrounding locality, would change from 40ha to 600m2.

The draft Ballina LEP has nominated the lot for potential urban growth on the SGA Map. If the rezoning proceeds the nomination on the SGA map would no longer be required and the land can be removed from the map set.

PP Number : PP_2012_BALLI_005_00 **Dop File No :** 12/17745

Proposal Details

Date Planning Proposal Received :	05-Nov-2012	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 :	Blues Seas Parade		
Suburb :	City :	Postcode :	2478
Land Parcel :	Lot 1 DP 1173776		

DoP Planning Officer Contact Details

Contact Name : **Jenny Johnson**
 Contact Number : **0266416614**
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RPA Contact Details

Contact Name : **Sally McGarry**
 Contact Number : **0266861284**
 Contact Email : **sallym@ballina.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Paul Garnett**
 Contact Number : **0266416607**
 Contact Email : **Paul.Garnett@planning.nsw.gov.au**

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Far North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	1	No. of Dwellings (where relevant) :	0
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 Infrastructure 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? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other departmental officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting
Notes : **The planning proposal is seeking to amend the existing Ballina LEP 1987. The Department
is currently considering the draft Ballina LEP 2012 which was exhibited in 2011. Should the
comprehensive LEP be made prior to the finalisation of this planning proposal, the
planning proposal will amend the new LEP.**

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives and intended outcomes of the planning proposal are adequately expressed for the area of the proposed amendment to Ballina LEP 1987.**

The rezoning to low density residential allows for the land to be consistent with the Coastal Grove residential estate which adjoins the subject site.

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

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal provides a clear explanation of the intended provisions to achieve the objective and intended outcomes.**

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

1.5 Rural Lands

* May need the Director General's agreement

2.2 Coastal Protection

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

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 55—Remediation of Land

SEPP No 71—Coastal Protection

North Coast REP 1988

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

The rezoning of the proposed site for residential purposes is consistent with the Ballina Shire Growth Management Strategy 2012, the draft comprehensive Ballina LEP 2012 and the Far North Coast Regional Strategy (FNCRS).

The inconsistencies with the S117 Directions have been addressed and are considered to be justified by the FNCRS.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Although the mapping provided is suitable for a Gateway Determination, discussions with Council have highlighted the need for further detailed mapping, to clarify which part of the lot will be rezoned based on which planning instrument is in place when/if the plan is to be made (ie Ballina LEP 1987 or comprehensive Ballina LEP 2012).**

The revised maps will be provided prior to exhibition.

It is recommended that the revised maps be a condition of the Gateway Determination.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal does indicate that community consultation will be undertaken however have not indicated the length of exhibition. The Gateway will determine the time frame required for exhibition. Community consultation will be in accordance with the DoP&I 'A Guide to preparing an LEP'.**

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 :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **The draft comprehensive Ballina LEP 2012 is with the Department for consideration to be made by the Minister.**

Amendments to the existing Ballina LEP 1987 are necessary to allow residential release areas to be rezoned to meet present and future housing demands.

Assessment Criteria

Need for planning proposal : **The planning proposal is a result of the land being identified as a 'strategic urban growth area' in Ballina's Local Growth Management Strategy, a potential strategic urban growth area in the draft comprehensive Ballina LEP and part of a 'proposed future urban release area' in the Far North Coast Regional Strategy (FNCRS).**

The proposed change to the LEP is the most appropriate means of achieving the desired outcome for the proposal, to enable future residential development.

Additional housing that will occur from the rezoning proposal will contribute to Council's housing targets as set by the FNCRS.

Rezoning Lot 1 DP 1173776, Blue Seas Parade, Lennox Head for residential purposes

Consistency with strategic planning framework :

The proposal is consistent with the FNCRS and the area has been identified in the FNCRS as part of a 'Proposed Future Urban Release Area'.

The proposal is consistent with all SEPPs that apply to the LGA.

SEPP 55 - Remediation of Land

A preliminary contamination assessment was undertaken for the adjoining Coastal Grove development including an assessment of the western portion of the subject lot. The remaining portion of the lot comprises the former road reserve (eastern portion). Based on its former land use, it is unlikely that the land is contaminated. Therefore the subject site is suitable for rezoning to allow residential development, and is not inconsistent with the SEPP.

S117 Directions

The planning proposal is inconsistent with S117 Directions 1.2 Rural Zones and 4.4 Planning for Bushfire Protection. The inconsistencies are supported by the FNCRS which has been endorsed by the Director General of DoP&I and are discussed below.

1.2 Rural Zones

The planning proposal is not considered to be consistent with this direction as it is proposed to rezone land from a rural zone to a residential zone. The existing land is zoned 1(d) Rural (Urban Investigation) which is used by Council to indicate areas considered to have potential for urban development. The inconsistency with the direction is considered to be justified because the rezoning is in accordance with the FNCRS prepared by the DoP&I which gives consideration to the objectives of this direction. The FNCRS identified the area as part of a 'Proposed Future Urban Release Area'. The rezoning will allow this area to be developed for residential development.

4.4 Planning for Bushfire Protection

The direction requires that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway determination. It is not considered that the planning proposal will raise significant issues in regard to this matter. The RPA have identified that they will consult following the Gateway determination.

The planning proposal is otherwise consistent with the remaining S117 Directions.

Environmental social economic impacts :

There is no known critical habitat or threatened species, populations or ecological communities or their habitats which would be adversely affected by this rezoning proposal.

No known heritage items will be impacted upon through the rezoning process.

The proposed rezoning area exists close to existing residential development. These existing development areas are adequately serviced and the planning proposal will not increase the services required for the new development that would put an unacceptable strain on the existing services available. Sewer, water, electricity and telecommunications can all be connected to residential development in the proposed rezoned area.

The rezoning proposal potentially has economic benefit due to job opportunities that will arise during construction of residential development and could have flow-on effects within the community as an increase in revenue to the local businesses in the area.

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

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - s56(2) (d) : **NSW Rural Fire Service**

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. :

If Other, provide reasons :

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
Ballina PP - Blue Seas Parade Lennox Head - Application Letter.pdf	Proposal Covering Letter	Yes
Ballina PP Blue Seas Parade - Planning Proposal.pdf	Proposal	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
2.2 Coastal Protection
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that:**

- 1. The planning proposal be supported;**
- 2. The planning proposal be exhibited for 28 days;**
- 3. The planning proposal should be completed within 12 months;**

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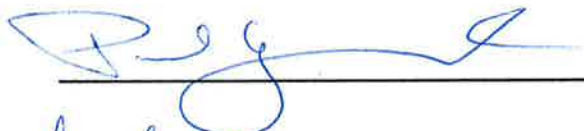
4. The Director General (or an officer of the Department nominated by the DG) agree that the inconsistency with S117 Direction 1.2 Rural Zones is justified in accordance with the terms of the direction;

5. Consultation is to be undertaken with the Commissioner of the NSW Rural Fire Service in relation to S117 Direction 4.4 Planning for Bushfire Protection.

6. Prior to exhibition, Council are to provide further detailed mapping to clearly depict and clarify the land that is to rezoned, either under the current planning instrument (Ballina LEP 1987) or the draft future planning instrument (Ballina LEP 2012).

Supporting Reasons : The planning proposal will rezone land to allow for residential development identified in the Far North Coast Regional Strategy.

Signature:



Printed Name:

Paul Garnett

Date:

8/11/2012

Acting Team leader Local Planning

