

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2013_BALLI_011_00

Planning proposal to amend Ballina LEP 2012 by rezoning 28 lots in stage 7a of Ballina Heights Estate from R3 Medium Density Residential and B2 Local Centre to R2 Low Density Residential, and amending the building height, minimum lot size and floor space ratio development standards accordingly.

Planning proposal summary:

The planning proposal seeks to amend the Ballina LEP 2012 by rezoning lots in Stage 7a of the Ballina Heights Estate from R3 Medium Density Residential and B2 Local Centre to R2 Low Density Residential to reflect the development outcomes anticipated in the subdivision approval for the lots. Associated amendments to the building height, minimum lot size and floor space ratio provisions are also included to reflect the changes to the residential zoning of the land.

Date of Gateway determination:

12 December 2013

1.0 SUMMARY

This report relates to Ballina LEP 2012 Amendment No 15.

The proposed amendment was exhibited from 8 January 2014 to 24 January 2014.

Two public submissions were received during the exhibition period objecting to the proposal in relation to perceptions regarding residential densities.

The Gateway determination did not require consultation with any public authorities.

The Council considered the proposed LEP amendment at its Ordinary Meeting on 27 February 2014. Following consideration of the report, including the issues raised in the two submissions, the Council resolved to endorse the rezoning of lots in Stage 7a of the Ballina Heights Estate from R3 Medium Density Residential and B2 Local Centre to R2 Low Density Residential to reflect the development outcomes anticipated in the subdivision approval for the lots. Council also resolved to finalise and implement the planning proposal directly in liaison with Parliamentary Counsel (PCO). A copy of the report to Council and adopted resolution is contained in the final Planning Proposal submitted to PCO and Plan Making Monitoring via email on 20 March 2014.

The report to Council's Ordinary Meeting specifically considered the issue of delegation. A recommendation to exercise Council's delegated plan making function was contained within the report.

2.0 GATEWAY DETERMINATION

The Gateway determination was issued on 12 December 2013. It required that the planning proposal be completed 9 months from the week following the date of Gateway determination.

There was no review request contained within the Gateway determination.

Subject to the LEP being made by 19 September 2014 all requirements of the Gateway determination have been complied with.

3.0 COMMUNITY CONSULTATION

Details related to community consultation have been documented elsewhere in this report and are referenced within the final planning proposal document.

No changes to the proposed LEP amendment were made following the exhibition period.

4.0 VIEWS OF PUBLIC AUTHORITIES

The Gateway determination did not require consultation with any public authorities and as such, no consultation has been undertaken in this regard.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

This matter is addressed in the planning proposal. The proposed amendment is consistent with all relevant s117 directions.

6.0 PARLIAMENTARY COUNSEL OPINION

PCO opinion was initially sought on 20 March 2014. A final opinion was received on 17 June 2014 which indicates that the attached draft LEP may be legally made.

7.0 OTHER RELEVANT MATTERS

There are no other matters of relevance to this amendment.

8.0 MAPPING

Replacement map tiles for the following maps were forwarded to POCGIS as per the details contained within the attached Map Cover Sheet (MCS).

- Floor Space Ratio Map (FSR) 005D,

- Height of Building Map (HOB) 005,
- Minimum Lot Size Map (LSZ) 005D, and
- Land Zoning Map (LSZ) 005D.

The map sheets referenced in the MCS and within the proposed amendment have been checked and are consistent and correct. A copy of all maps and the MCS are attached.

Following Council's finalisation of the draft map sheets for this amendment, further minor modifications were made to the map sheet for the Floor Space Ratio Map (Sheet FSR 005D). This resulted in an alteration to the standard font presentation which was subsequently corrected by Council GIS staff and forwarded to the Department of Planning and Environment for updating.

9.0 RECOMMENDATION

Having regard to the attached PCO Opinion, the contents of the MCS and the maps which form a part of draft Ballina LEP Amendment No 15 it is now recommended that the delegate sign the LEP and the attached MCS (0250_COM_MCS_20140523).

A handwritten signature in black ink, appearing to read 'Lachlan Sims', written in a cursive style.

Lachlan Sims
Strategic Planner