

Ballina LEP 2012 - Mt Moriah Subdivision, Plateau Road, Wollongbar.

Proposal Title : **Ballina LEP 2012 - Mt Moriah Subdivision, Plateau Road, Wollongbar.**

Proposal Summary : **This Planning Proposal aims to rezone land north of Wollongbar to reflect the lot design and density of an approved subdivision. The amendment to the LEP would result in the application of the R2 Low Density Residential zone to 27 proposed allotments and the retention of the current R3 Medium Density Residential zone on 3 lots of land that have been designated for dual occupancy development. An additional lot created by the subdivision is to be dedicated to Council for open space purposes.**

PP Number : **PP_2013_BALLI_006_00** Dop File No : **13/12666**

Proposal Details

Date Planning Proposal Received :	30-Jul-2013	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 :	Plateau Drive		
Suburb :	Wollongbar	City :	Postcode : 2477
Land Parcel :	Lot 31, DP 1183600		

DoP Planning Officer Contact Details

Contact Name : **Jon Stone**
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RPA Contact Details

Contact Name : **Simon Scott**
 Contact Number : **0266861284**
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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
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	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 :			
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	No meetings or other communications have been held with Registered Lobbyists in regards to this Planning Proposal.		

Supporting notes

Internal Supporting Notes : **As submitted, the Planning Proposal seeks to amend the Ballina LEP 2012 to reflect the layout and density of an approved subdivision. It seeks to apply the R2 Low Density Residential zone to 27 proposed allotments and the retain the current R3 Medium Density Residential zone on 3 lots of land designated for dual occupancy development.**

The Planning Proposal also includes land that is currently deferred from the Ballina LEP 2012. This deferred land retains the 7(d) Environmental Protection (Scenic/Escarpment) Zone from the Ballina LEP 1987. The Planning Proposal seeks to rezone this deferred land and some existing R3 Medium Density Residential zoned land to E3 Environmental Management. The land currently deferred is pending the outcome of a review being undertaken by consultants for the Department into the appropriate use of Environmental Zones. At the time of submission of this Planning Proposal the review had not concluded.

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 for the Planning Proposal are adequately expressed in relation to the proposed rezoning.**

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

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

Comment : **The Planning Proposal provides and adequate explanation of the intended provisions to achieve its objectives.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

3.1 Residential Zones

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

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

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

d) Which SEPPs have the RPA identified?

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

The Far North Coast Regional Strategy applies to the Ballina LGA. This Planning Proposal is consistent with that Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The Planning Proposal is considered to be consistent with all relevant SEPPs, the Far North Coast Regional Strategy and all applicable section 117 Directions except for 3.1 Residential Zones and 4.4 Planning for Bushfire Protection. These inconsistencies are discussed below.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Revised mapping is recommended to be included in the Planning Proposal to reflect the proposed recommendations of the Gateway Determination.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Planning Proposal advises community consultation will be consistent with the Gateway Determination. Due to the nature of the proposal it is recommended a 14 day public exhibition period be undertaken.

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 :

The Planning Proposal is considered to be adequate and has been prepared in accordance with the Department's 'A Guide to Preparing LEPs'. Council has included a Project Timeline and identified an approximate 6 month time frame for completion of this Planning Proposal. This is considered to be achievable.

Council is not seeking an authorisation to exercise its plan making delegations. However, as the rezoning is considered to be consistent with the strategic planning framework (see discussion below) and of local significance, there appears to be no impediment to Council using its plan making delegation for this proposal. It is recommended that an authorisation to exercise its plan making delegations be issued to Council in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Ballina LEP 2012 was notified on 4 February 2013**

Assessment Criteria

Need for planning proposal :

Council has been requested to amend the Ballina LEP 2012 to reflect the layout and density of an approved subdivision. The subdivision (DA2009/633) was approved by Council prior to the commencement of the Ballina LEP 2012. The lots had not been formally created or assessed for zoning potential during the preparation of the LEP. The Planning Proposal will result in an LEP amendment that will alter the zoning of the land from predominantly R3 Medium Density Residential Development to R2 Low Density Residential Development. Some lots will retain the R3 zoning as they have been identified as being suitable for dual occupancy development. The LEP Amendment will reflect the desired future character of the area.

The Planning Proposal also seeks to zone part of the site E3 Environmental Management. The majority of this land is currently deferred from the Ballina LEP 2012 due to the ongoing review into the use of Environmental Zones on the Far North Coast.

Consistency with strategic planning framework :

The Far North Coast Regional Strategy applies to the Ballina LGA. This Planning Proposal is considered to be consistent with this Strategy as the subject land is within the Town and Village Growth Boundary for Wollongbar.

The Department is currently coordinating a 'Review of environmental zones in Far North Coast'. This will review the application of the E2, E3 and E4 Environmental zones and environmental overlays on the Far North Coast in consultation with other government agencies and stakeholders. Standard Instrument LEPs in the local government areas affected by the review have continue to be progressed. However, all land to be zoned E2, E3 or E4 in the plans has been deferred from the final LEPs.

This Planning Proposal seeks to zone land E3 Environmental Management. This zone designation is currently deferred from the Ballina LEP 2012. Zoning land E3 is considered inappropriate at this time given the review of the environmental zones has not been completed. It is recommended that the proposed E3 zoned land be removed from the Planning Proposal and dealt with under a separate future amendment that can consider and address the recommendations of the 'Review of environmental zones in Far North Coast'.

While this will affect land within the existing approved subdivision, the land is to be dedicated to Council as open space and therefore does not pose a threat of further development that would be inconsistent with this Planning Proposal or the strategic plans applying to the site. It will also affect some lots in the north of the subdivision that would have a split zoning of and "deferred". This will not affect the development potential of these lots.

Once the 'Review of environmental zones in Far North Coast' is completed, it is envisaged Council will seek to amend the Ballina LEP 2012 to include appropriate 'E zones'. At that time the matters removed from this Planning Proposal could be zoned appropriately.

The Ballina Shire Growth Management Strategy 2012 was prepared by Council and approved by the Deputy Director General in May 2013. This Planning Proposal is consistent with this Strategy as the site is located within the identified Wollongbar Urban Expansion Area and will maintain the low scale residential character of the village.

The Planning Proposal is consistent with all relevant SEPPs, and applicable section 117 Directions, except in relation to Direction 3.1 Residential Zones and 4.4 Planning for Bushfire Protection as discussed below:

3.1 Residential Zones

This Planning Proposal is inconsistent with this Direction as it will reduce the permissible residential density on the land. However, it is considered to be of minor significance due to the nature of the approved subdivision on the site, the retention of some R3 Medium Density Residential zoned land within the subdivision and the limited area of land involved (5.4ha).

4.4 Planning for Bushfire Protection

Under the terms of this Direction, the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination. Council has advised that the development application for the subdivision of the land was reviewed and concurrence given by the NSW Rural Fire Service. Although this has been done, the Direction is clear that consultation is required following the receipt of a Gateway Determination, or, to be inconsistent with the Direction, that Council has obtained written advice from the Commissioner of the NSW Rural Fire Service confirming that he does not object to the progression of the planning proposal. Until this consultation has occurred, the inconsistency with this Direction remains unresolved.

Environmental social economic impacts :

The subject land is currently zoned R3 Medium Density Residential under the Ballina LEP 2012. A 30 lot subdivision has been approved and is currently being constructed on the land. The Planning Proposal is therefore unlikely to have an adverse environmental impact - it is only reflecting the approved and constructed subdivision.

It is considered the Planning Proposal will have a positive social impact due to the proposed rezoning of the land to R2 Low Density Residential reflecting the surrounding development pattern and desired future character of the area.

There is likely to be minimal economic impact of this Planning Proposal as it does not promote further development potential and only recognises the current approved density for the area.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(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
2013_07_30_Cover_Letter.pdf	Proposal Covering Letter	Yes
2013_07_30_Planning_proposal.pdf	Proposal	Yes
2013_08_01_Aerial_PhotoGraph.pdf	Photograph	Yes
2013_08_01_Current_Land_Zoning.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
3.1 Residential Zones
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies

6.3 Farmland of State and Regional Significance on the NSW Far North Coast

Additional Information :

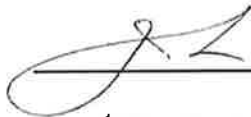
It is recommended that:

- 1. The Planning Proposal be supported**
- 2. That the Planning Proposal be amended prior to agency consultation and public exhibition as follows:**
 - (a) That 'Map 1 – The Subject Land' be amended to apply only refer to the land being zoned R2 Low Density Residential;**
 - (b) That 'Map 3 - Proposed Zoning' show only the amended zoning for the land proposed to be R2 Low Density Residential;**
 - (c) Commentary be added to the Planning Proposal that after the completion of the 'Review of environmental zones in Far North Coast' an appropriate zoning will be applied to the remainder of the subdivision;**
- 3. The Planning Proposal be exhibited for a period of 14 days;**
- 4. The Planning Proposal should be completed within 6 months;**
- 5. That an authorisation to exercise delegation be issued to Council as the revised Planning Proposal is dealing with matters of local significance and that are consistent with the Far North Coast Regional Strategy and Council's Growth Management Strategy;**
- 6. That consultation be undertake with the NSW Rural Fire Service;**
- 7. The Director General, or his delegate, approve the inconsistency with section 117 Direction 3.1 Residential Zones as a matter of minor significance.**
- 8. The potential unresolved Inconsistency with section 117 Direction 4.4 Planning for Bushfire Protection be noted.**

Supporting Reasons :

The Planning Proposal is supported as it aims to reflect the current layout and density of an approved subdivision. It is consistent with the Far North Coast Regional Strategy and Council's Growth Management Strategy and is of local significance.

Signature:



Printed Name:

JIM CLARK

Date:

2 August 2013