

enquiries refer

Simon Scott

in reply please quote

Planning Proposal – Mt Moriah Subdivision Wollongbar (13/43189)

29 July 2013



PGF001909



Mr Steve Murray
Regional Director, North Coast
Department of Planning & Infrastructure
Locked Bag 9022
GRAFTON NSW 2460

Received

30 JUL 2013

13/12666

Northern Region

Dear Mr Murray

Re: Planning Proposal – Mt Moriah Subdivision, Wollongbar.

Council has resolved to progress a planning proposal with respect to land recently subdivided for residential purposes in the Wollongbar Urban Expansion Area. The proposal involves amendment to the zoning of the subject land to reflect the development outcomes envisaged by an existing subdivision approval. The planning proposal has been prepared following a request from the landholder, a copy of which is enclosed.

The subject land is currently zoned R3 Medium Density Zone under the terms of the Ballina LEP 2012. The planning proposal also relates to land that is a "Deferred Matter" in the Ballina LEP 2012 and is zoned 7(d) Environmental Protection (Scenic/Escarpment) Zone under the terms of the Ballina LEP 1987.

The planning proposal seeks to amend the LEP to acknowledge the development consent for the subdivision of the land by the application of the R2 Low Density Residential zone to 27 proposed allotments. Further, the R3 Medium Density Residential zone is to be retained for 3 lots of land, designated as dual occupancy lots in the development consent.

In terms of residential housing, the R2 Low Density Residential zone will permit only dwellings and secondary dwellings on the land with development consent, whereas the current R3 Medium Density Residential zone would permit a broader range of residential development types than intended by the development approval relating to the land. The planning proposal also involves minor realignment of zone boundaries to the approved lot boundaries and application of an E3 Environmental Management zone (if available depending on the outcome of the Department of Planning and Infrastructure's review of 'E' zones).

More specifically, with respect to the above, Council considered the matter at its July 2013 Ordinary Meeting and resolved as follows:

1. *That the Council endorses the application of an R2 Low Density Residential zone to land within the approved subdivision of Lot 31 DP1183600 as the basis for a planning proposal (as shown in Map 3 of the planning proposal contained in Attachment 1).*
2. *That the Council submit the planning proposal relating to various approved residential lots in the Wollongbar Expansion Area to the NSW Department of Planning and Infrastructure for review and Gateway determination.*
3. *That upon an affirmative Gateway determination being received from the Department of Planning & Infrastructure, the procedural steps associated with progression of the planning proposal, including public exhibition, be undertaken.*

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4. *That a further report be presented to the Council in relation to this matter following mandatory community consultation.*

In accordance with the above resolution, please find enclosed a copy of the planning proposal for gateway determination in accordance with Section 56 of the *Environmental Planning & Assessment Act 1979*.

It is noted, in relation to Ministerial Direction 4.4 - Planning for Bushfire Protection, that the development application for the subdivision of the land was reviewed and concurrence was given by the NSW Rural Fire Service, with regard to the Planning for Bushfire Protection (2006) guidelines. Accordingly, the incorporation of bush fire asset protection zones and other bushfire protection measures have been incorporated in the consent for the subdivision of the land. Further, the subject planning proposal is consistent with the subdivision consent issued for the land. Consequently, Council is of the view that the referral of the subject planning proposal to the NSW Rural Fire Service is not necessary in the circumstances.

Further, given the relatively minor nature of the subject planning proposal, it is submitted that an exhibition period of 14 days would be appropriate in the circumstances.

With respect to the delegation of plan making functions, Council is not seeking delegation in this instance.

I look forward to the consideration of this matter by the Gateway Panel. In the meantime, if you have any enquiries in regard to this matter please contact Simon Scott on telephone 6686 1284.

Yours faithfully



Matthew Wood
Acting Group Manager
Strategic and Community Facilities Group

Encl: Planning Proposal – Mt Moriah Subdivision Wollongbar (Council Report/Gateway).
LEP Amendment Request – Worth/Mr Moriah – Wollongbar (DA 2009/633)