



*Planning Proposal 17/006*

**» 17 Bath Street, Wardell**

August 2017 (V1. Gateway) 17/14062

**ballina**  
shire council



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# 1. Introduction

## 1.1 Summary of Planning Proposal

This planning proposal applies to Lot 1, Section 15, DP 759050, (Lot 1) No 17 Bath Street Wardell (the site). The site has an area of approximately 2023 square metres.

The site is shown by red outline in Figure 1 below and the Site Identification Map contained within Appendix 1.

**Figure 1: The subject site, outlined in red**



This planning proposal proposes to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) by rezoning the site from rural to residential so as to enable the subdivision of the site for low density housing purposes.

The proponent and landowner is Mrs R F Sly. The LEP amendment request has been prepared by Ardill Payne and Partners and is contained within Appendix 5.

## 1.2 Council Resolutions

Council considered this planning proposal at its Ordinary Meeting of 25 January 2017. The Council resolved as follows (Minute No. 250117/15):

1. That Council endorses the preparation of a planning proposal which proposes to rezone Lot 1, Section 15, DP 759050, 17 Bath Street Wardell to R2 Low Density Residential as outlined in this report.
2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
3. That subject to a Gateway determination allowing the proposal to proceed to community consultation being issued, and adequate studies in support of the planning proposal being prepared, the procedural steps associated with progression of the planning proposal including public exhibition be undertaken.
4. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

A copy of the report considered by the Council is contained in Appendix 3.

### **1.3 Gateway Determination**

(To be completed following the Gateway determination.)

## 2. Objectives & Intended Outcomes

To amend Ballina LEP 2012 so as to:

- Apply a low density residential zone to Lot 1 together with a 600m<sup>2</sup> minimum lot size requirement; and
- Remove the Strategic Urban Growth Area affectation from Lot 1, and remove associated buffer areas.

The intended outcomes of this planning proposal will be:

- To enable land proposed to be zoned for residential purposes to be considered for subdivision.

## 3. Explanation of the Proposal

### 3.1 Land to Which the Planning Proposal Applies

This planning proposal primarily relates to Lot 1, Section 15, DP 759050, (Lot 1), No 17 Bath Street Wardell, as shown on the Site Identification Map contained within Appendix 1.

### 3.2 The Proposal

The proposed outcome will be achieved by:

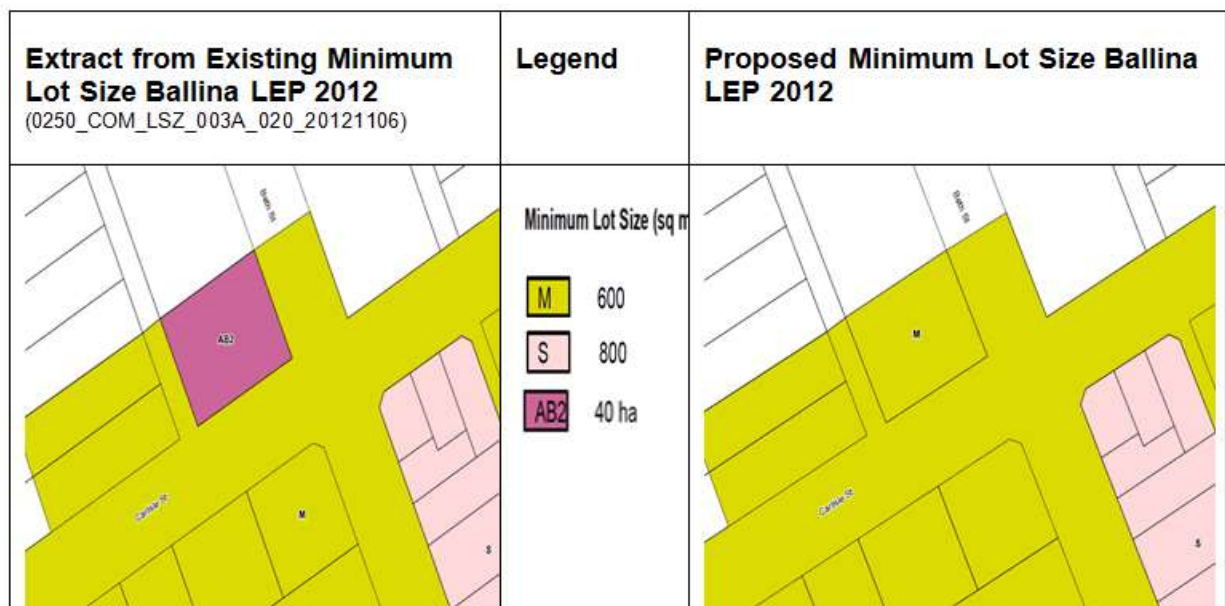
- Amending the BLEP 2012 Land Zoning Map by deleting the RU2 Rural Landscape zone that applies to the site and replacing it with an R2 Low Density Residential zone;
- Amending the BLEP 2012 Lot Size Map by deleting the 40 hectare lot size that applies to the site and replacing it with a 600m<sup>2</sup> lot size; and
- Amending the BLEP 2012 Strategic Urban Growth Area Map so as to delete the Strategic Urban Growth area affectation from the site, and to delete associated buffers.

The thumbnail maps contained in Figures 2 to 4 indicate the mapping outcomes proposed by this planning proposal.

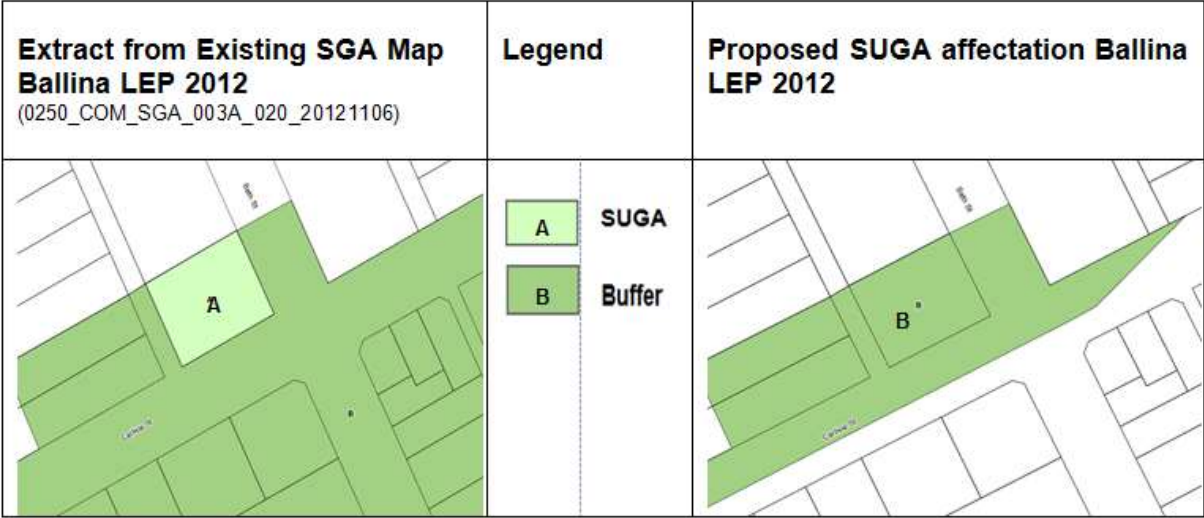
**Figure 1: Existing and proposed zoning**



**Figure 2: Existing and proposed minimum lot size**



**Figure 4: Existing and proposed Strategic Urban Growth Area (SUGA) and Land Adjoining Strategic Urban Growth Area (Buffer) affectation**



## 4. Justification

### 4.1 Section A – Need for the Planning Proposal

#### Q1 Is the planning proposal a result of any strategic study or report?

Yes, the planning proposal resulted in part as a consequence of the 2015 Wardell Planning and Environmental Study (WPES). The WPES incorporated an evaluation of the Strategic Urban Growth Areas (SUGAs) located at Wardell, under the provisions of Ballina LEP 2012, for their urban development suitability. In the subject case the evaluation concluded that the site had a good suitability for urban development and would support 2 to 3 residential lots.

Annexure 5 contains an extract from the WPES which relates to the subject site.

#### Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is the appropriate and only mechanism to rezone the site as proposed.

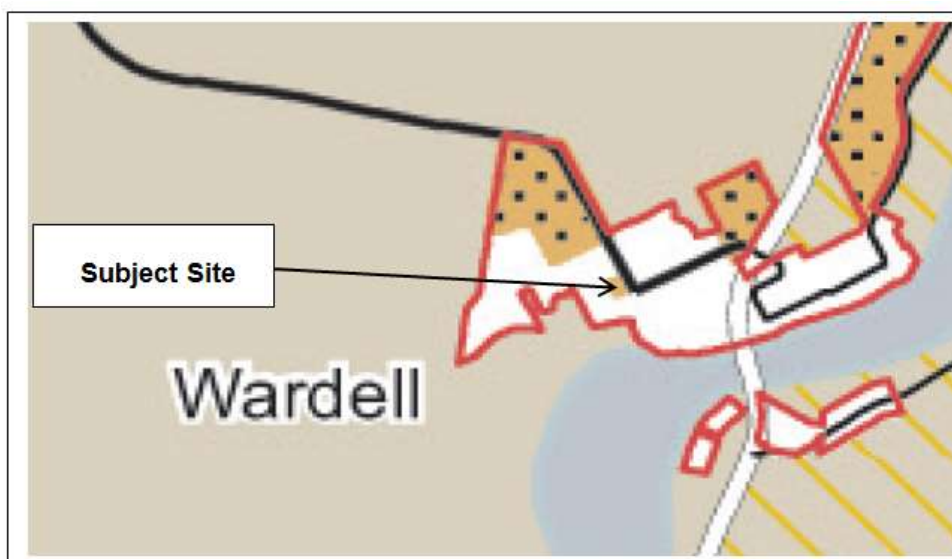
### 4.2 Section B – Relationship to Strategic Planning Framework

#### Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Far North Coast Regional Strategy 2006-31(FNCRS) Superseded

The subject site is located within the existing urban footprint of Wardell village. The FNCRS designates the site as a Proposed Future Urban Release Area. Figure 5 below is an extract from the Town and Regional Growth Boundary Map – Sheet 3 – Ballina.

**Figure 5 – Extract from FNCRS – Sheet 3 – Ballina**



*North Coast Regional Plan 2036 (NCRP)*

The planning proposal is consistent with the NCRP. The site is designated as an Investigation Area – Urban Land located within an Urban Growth Area.

**Figure 6 – Extract from NCRP 2036 Data**



**Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

*Ballina Shire Council Community Strategic Plan 2013-2023*

The planning proposal is considered to be generally consistent with the elements and specified outcomes of Council's Community Strategic Plan (CSP) 2017 – 2027 as indicated in the table below:

| Element and Reference          | Outcomes                                                                                    | Benefits                                                     |
|--------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| <b>PE3 Prosperous Economy</b>  | <b>Improve liveability in the shire</b>                                                     |                                                              |
| PE3.2                          | Facilitate and provide affordable infrastructure                                            | More housing opportunities created                           |
| <b>HE3 Healthy Environment</b> | <b>Our built environment blends with the natural environment</b>                            |                                                              |
| HE3.1                          | Develop and implement plans that balance the built environment with the natural environment | More people are satisfied with our management of development |

*Ballina Shire Growth Management Strategy 2012 (BSGMS)*

The Ballina Shire Growth Management Strategy 2012 (BSGMS) provides the strategic planning context for urban development in Ballina Shire. The BSGMS incorporates the following strategic action of relevance to this planning proposal:

- Implement the Wardell Strategic Plan via the investigation of rezoning opportunities.

Strategic Action No 24 contained within the Wardell Strategic Plan 2015 – 2035 is of relevance and is reproduced below:

|           |                                                                                                                                                                                                                                   |                                                                                                                                      |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <p>24</p> | <p>Initiate a planning proposal for the rezoning of SUGA designated properties located within and adjacent to the boundaries of Wardell Village (does not include SUGA area 1 with frontage to Pimlico Road).</p> <p>HIGH BSC</p> | <p>Consolidates village area and creates a pool of land for subdivision. Based on a shared cost arrangement between landholders.</p> |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|

The rezoning of the land from RU2 to R2 as proposed is consistent with Council's Ballina Shire Growth Management Strategy.

Ballina LEP 2012

Lots 1 is designated as a Strategic Urban Growth Area as shown on the SUG Map.

**Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The proposal consistency with applicable State Environmental Planning Policies (SEPPs) is detailed in the table below:

| SEPP Title                      | Compliance of Planning Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP No. 55 Remediation of Land | At this stage of the process sufficient evidence and information has not been submitted in accordance with the requirements of SEPP 55 and Council's <i>Management of Contaminated Land Policy</i> . Post Gateway determination the proponent will be required to submit a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) to demonstrate that the land is suitable for residential purposes, with or without remediation. |
| SEPP (Rural Lands) 2008         | This planning proposal is considered to be consistent with the relevant Rural Planning Principles contained within the SEPP.                                                                                                                                                                                                                                                                                                                                   |

**Q6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

No. A number of inconsistencies, considered to be of minor significance and justifiable in the circumstances, have been identified. A Section 117 Direction checklist for this planning proposal is provided at Appendix Two.

**4.3 Section C – Environmental, Social and Economic Impact**

**Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Based on information currently available the planning proposal is not considered to give rise to any direct adverse impacts on critical habitat or threatened species, population or ecological communities, or their habitats.

Detailed ecological assessment of the sites flora and fauna characteristics will be required to be submitted by the proponent post Gateway determination and prior to public exhibition.

**Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

*Land Contamination Issues*

The sites land use history is uncertain and as a consequence the proponent will be required to prepare a combined Preliminary Site and Detailed Site Investigation Report to determine potential for site contamination. Site contamination issues will be required to be further investigated by the proponent post Gateway determination.

*Bushfire Impacts*

The site is designated as bushfire prone land and is wholly affected by the 100 metre wide buffer to Category 1 vegetation. The proponent will be required to submit a Bushfire Threat Assessment Report post Gateway determination.

*Heritage*

The existing dwelling located on the site has been estimated to have been built in the period 1890 to 1915. The heritage value of this dwelling will be required to be further investigated by the proponent so as to enable a determination to be made as to whether it warrants listing as an item of Ballina Shire's Environmental Heritage in Ballina LEP 2012.

**Q9 Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal is considered to provide benefits to the community via an increase in residential zoned within Wardell village.

As such, social and economic outcomes resulting from the proposed rezoning are considered to be positive.

**4.4 Section D – State and Commonwealth Interests**

**Q10 Is there adequate public infrastructure for the planning proposal?**

Infrastructure available to service the site and future residential development consists of the following:

- Electricity
- Water
- Sewer
- Telephone
- Sealed roadway

**Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Consultation is proposed to be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the planning proposal. At this stage consultation is proposed to be undertaken with the NSW Rural Fire Service and the Office of Environment and Heritage.

## 5. Mapping

The following maps will be prepared following the public exhibition of the planning proposal (Appendix 1):

- Map 1 – Proposed Land Zoning Map Ballina LEP 2012;
- Map 2 - Proposed Lot Size Map Ballina LEP 2012; and
- Map 3 - Proposed Strategic Urban Growth Area Map Ballina LEP 2012.

## 6. Community Consultation

This proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that the planning proposal will be exhibited for a period of 28 day which will incorporate the following elements:

- Advertisement within the Ballina Shire Advocate;
- Letters to adjoining and nearby property owners;
- Consultation with the Jali Local Aboriginal Land Council;
- Notice on Council's web site; and
- Exhibition at Council's Customer Service Centre and Libraries.

## 7. Timeline

The proposed timeline for completion of the planning proposal is as follows:

| Plan Making Step                                                    | Estimated Completion (Before) |
|---------------------------------------------------------------------|-------------------------------|
| Gateway Determination                                               | September 2017                |
| Government Agency Consultation                                      | December 2017                 |
| Public Exhibition Period                                            | February 2018                 |
| Public Hearing                                                      | N/A                           |
| Submissions Assessment                                              | March 2018                    |
| RPA Assessment of Planning Proposal and Exhibition Outcomes         | March 2018                    |
| Submission of Endorsed LEP to DP&E for Finalisation                 | N/A                           |
| RPA Decision to Make the LEP Amendment (if delegated)               | April 2018#                   |
| Forwarding of LEP Amendment to DP&E for Notification (if delegated) | April 2018                    |

# Council is proposing to exercise plan finalisation functions under delegation.

## 8. Appendices

## Appendix 1 – Maps

### Site Identification Map



The following additional maps will be prepared following public exhibition:

**Map 1 – Land Zoning Map Ballina LEP 2012**

**Map 2 –Lot Size Map Ballina LEP 2012**

**Map 3 – Strategic Urban Growth Area Map Ballina LEP 2012**

## Appendix 2 – Section 117 Direction Checklist

| Section 117 Direction Checklist (Directions updated 15 May 2017)<br>Planning Proposal – 17 Bath Street, Wardell |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Direction No.                                                                                                   | Compliance of Planning Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>1. Employment and Resources</b>                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1.1 Business and Industrial Zones                                                                               | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.2 Rural Zones                                                                                                 | Justifiably inconsistent.<br>This planning proposal has been prepared as a consequence of the North Coast Regional Plan 2036 designating the site as a Investigation Area – Urban Land located within a designated Urban Growth Area. The proposal is also consistent with the relevant Wardell strategic actions contained in the Ballina Shire Growth Management Strategy and the Wardell Strategic Plan 2016 – 2036.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1.3 Mining, Petroleum Production and Extractive Industries                                                      | Does not apply to planning proposal. No prohibition or restriction of mining or extractive industries is proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 1.4 Oyster Aquaculture                                                                                          | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.5 Rural Land                                                                                                  | Justifiably inconsistent. This planning proposal has been prepared as a consequence of the North Coast Regional Plan 2036 designating the site as an Investigation Area – Urban Land located within a designated Urban Growth Area. The proposal is also consistent with the relevant Wardell strategic actions contained in the Ballina Shire Growth Management Strategy and the Wardell Strategic Plan 2016 – 2036.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>2. Environment and Heritage</b>                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2.1 Environmental Protection Zones                                                                              | Consistent.<br>The planning proposal does not involve the development of land identified as being within an environmentally sensitive area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2.2 Coastal Protection                                                                                          | Consistent.<br>The planning proposal facilitates the rezoning of land designated as an Investigation Area – Urban Land in the North Coast Regional Plan 2036.<br>The planning proposal is also supported by the Wardell Planning and Environmental Study (2015) which assessed this site as having a good suitability for urban development.<br>Clause 5.5 Development within the coastal zone contained within Ballina LEP 2012 applies to the site.<br>It is considered that this planning proposal is consistent with the planning principles established under:<br>(a) the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i> , and<br>(b) the <i>Coastal Design Guidelines 2003</i> , and<br>(c) the manual relating to the management of the coastline for the purposes of section 733 of the <i>Local Government Act 1993</i> (the <i>NSW Coastline Management Manual 1990</i> ). |
| 2.3 Heritage Conservation                                                                                       | Consistent.<br>At this stage the planning proposal is considered to be consistent with the terms of this direction. Council has undertaken an AHIMS search and has found that there are no recorded Aboriginal sites or places located within 50 metres of this site. One recorded Aboriginal site was found within 200 metres of the subject site. Consultation with the Jali Local Aboriginal Land Council is proposed to be undertaken post Gateway determination.<br>The site is not listed as an item of Ballina Shire's Environmental Heritage within Ballina LEP 2012. Notwithstanding this and having regard to the existence of a wooden single storey dwelling house on part of the site it is proposed that the potential heritage significance of this dwelling house be required to be further investigated by the proponent post Gateway determination.                                                    |

| Section 117 Direction Checklist (Directions updated 15 May 2017)                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Proposal – 17 Bath Street, Wardell                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Direction No.                                                                         | Compliance of Planning Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2.4 Recreation Vehicle Areas                                                          | Consistent.<br>The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>3. Housing, Infrastructure and Urban Development</b>                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3.1 Residential Zones                                                                 | Justifiably Inconsistent.<br>The proposal is considered to be of minor significance.<br>This proposal involves the rezoning of land from RU2 Rural Landscape zone to R2 Low Density Residential with a proposed 600m <sup>2</sup> minimum lot size. The lot size has been nominated to better maximise the lot yield and for its consistency with the lot size applicable to nearby residential land.<br>BLEP 2012 includes an existing provision (Clause 7.7) that requires that adequate servicing be in place, or suitable arrangements to have been made for such servicing, before development proceeds. |
| 3.2 Caravan Parks and Manufactured Home Estates                                       | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.3 Home Occupations                                                                  | Consistent.<br>Home occupations are permitted without development consent within the proposed R2 zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3.4 Integrated Land Use and Transport                                                 | Justifiably inconsistent<br>The proposed rezoning is considered to be of minor significance. The proposed rezoning is also consistent with applicable State and local regional planning strategies.                                                                                                                                                                                                                                                                                                                                                                                                           |
| 3.5 Development Near Licensed Aerodromes                                              | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.6 Shooting Ranges                                                                   | Does not apply to planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>4. Hazard and Risk</b>                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.1 Acid Sulfate Soils                                                                | Justifiably Inconsistent.<br>The subject land is mapped as containing Class 4 acid sulfate soils. The site is already subject to Clause 7.1 of the Ballina LEP 2012 which contains provisions addressing this matter in relation to future development applications.                                                                                                                                                                                                                                                                                                                                          |
| 4.2 Mine Subsidence and Unstable Land                                                 | Does not apply to planning proposal.<br>The land is not considered to be unstable land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4.3 Flood Prone Land                                                                  | Consistent<br>The site is not subject to flooding associated with the Richmond River.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.4 Planning for Bushfire Protection                                                  | Justifiably Inconsistent.<br>The subject land is mapped as bush fire prone land being wholly affected by the 100 metre wide buffer to Category 1 vegetation.<br>The NSW RFS will be consulted post Gateway determination.                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>5. Regional Planning</b>                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.1 Implementation of Regional Strategies                                             | Consistent.<br>The planning proposal is considered to be consistent with the North Coast Regional Plan 2036.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| <b>Section 117 Direction Checklist</b> (Directions updated 15 May 2017)<br><b>Planning Proposal – 17 Bath Street, Wardell</b> |                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Direction No.                                                                                                                 | Compliance of Planning Proposal                                                                                                                                                                                                                  |
| 5.2 Sydney Drinking Water Catchments                                                                                          | Does not apply to Ballina Shire.                                                                                                                                                                                                                 |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast                                                    | Consistent<br><br>The subject site is not mapped as farmland of State or Regional Significance. The Northern Rivers Farmland Protection Project Final Map 2005 designates the site as <i>Committed Urban Uses and Rural –Residential Zones</i> . |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast                                                  | Does not apply to planning proposal.                                                                                                                                                                                                             |
| 5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).                                              | Revoked.                                                                                                                                                                                                                                         |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1                                              | Revoked.                                                                                                                                                                                                                                         |
| 5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)                                                           | Revoked.                                                                                                                                                                                                                                         |
| 5.8 Second Sydney Airport: Badgerys Creek                                                                                     | Does not apply to Ballina Shire.                                                                                                                                                                                                                 |
| 5.9 North West Rail Link Corridor Strategy                                                                                    | Does not apply to Ballina Shire.                                                                                                                                                                                                                 |
| 5.10 Implementation of Regional Plans                                                                                         | Consistent.<br>The planning proposal is considered to be consistent with the North Coast Regional Plan 2036.                                                                                                                                     |
| <b>6. Local Plan Making</b>                                                                                                   |                                                                                                                                                                                                                                                  |
| 6.1 Approval and Referral Requirements                                                                                        | Consistent.<br>The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.                                                                                           |
| 6.2 Reserving Land for Public Purposes                                                                                        | Consistent.<br>The planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.                                                                                                     |
| 6.3 Site Specific Provisions                                                                                                  | Consistent.<br>The planning proposal does not relate to a specific development proposal to be carried out nor does it contain or refer to drawings that show details of the development proposal.                                                |
| <b>7. Metropolitan Planning</b>                                                                                               |                                                                                                                                                                                                                                                  |
| 7.1 Implementation of the Metropolitan Strategy                                                                               | Does not apply to Ballina Shire.                                                                                                                                                                                                                 |
| 7.2 Implementation of Greater Macarthur Land Release Investigation                                                            | Does not apply to Ballina Shire.                                                                                                                                                                                                                 |

## Appendix 3 – Reports and Resolutions

### 9.1 LEP Amendment Request - 17 Bath Street Wardell

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#### 9.1 LEP Amendment Request - 17 Bath Street Wardell

**Delivery Program** Strategic Planning

**Objective** To outline a proposal to amend the Ballina Local Environmental Plan 2012 to rezone 17 Bath Street Wardell from RU2 Rural Landscape to R2 Low Density Residential and seek direction on the progression of the proposal.

---

#### Background

Council has received a request from Ardill Payne and Partners on behalf of Ms Rhonda Sly to rezone 17 Bath Street Wardell from RU2 Rural Landscape to R2 Low Density Residential. The proposal also involves a change from the 40ha minimum lot size for subdivision standard to apply a 600m<sup>2</sup> minimum lot size.

The proposed amendment enables the subdivision of the land and associated residential development. A copy of the information submitted by the proponent in support of the LEP amendment request is contained in Attachment One.

The subject site is known as Lot 1, Section 15, DP 759050, No 17 Bath Street Wardell (Lot 1). Lot 1 is designated as a Strategic Urban Growth Area (SUGA) under the provisions of Ballina LEP 2012 and is identified in Council's Local Growth Management Strategy as a strategic urban growth area.

Council has also relatively recently considered the planning framework for Wardell through the Wardell Strategic Plan. The Council at its Ordinary Meeting on 27 August 2015 endorsed the Wardell Planning and Environmental Study and the draft Wardell Strategic Plan for public exhibition [Minute No. 270815]. Following public exhibition the Wardell Strategic Plan 2015 – 2035 was subsequently adopted by the Council in January 2016 [Minute No. 280116/10].

The 2015 Wardell Planning and Environmental Study undertook a preliminary examination of the merits of rezoning all SUGA areas located at Wardell for residential purposes. In respect to Lot 1 the study ranked it as having a "Good" suitability for urban purposes, following consideration of land constraints, with potential for 2 to 3 lots providing housing for 5 to 8 people.

The Wardell Strategic Plan 2015 – 2035 under Locality Objective 5, *Ensuring that future development is staged, progressive and affordable*, incorporates the following strategic action:

*24. Initiate a planning proposal for the rezoning of SUGA designated properties located within or adjacent to the boundaries of Wardell Village (does not include SUGA area 1 with frontage to Pimlico Road).*

This LEP amendment request is consistent with Strategic Action 24 as contained in the Wardell Strategic Plan 2015 - 2035.

## 9.1 LEP Amendment Request - 17 Bath Street Wardell

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The purpose of this report is to outline the amendment proposal and seek direction in relation to the further consideration and assessment of the amendment request.

### Key Issues

- Merits of proposed LEP amendment.
- Processing of LEP amendment request and preparation of a planning proposal.

### Information

Lot 1 is located on the north-western corner of Bath and Carlisle streets Wardell. Lot 1 has an approximate frontage of 41 metres to Bath Street and 50 metres to Carlisle Street and an area of 2,023 square metres.

Erected upon Lot 1 is a single storey timber dwelling house and garden shed. A single storey timber garage building is also located within the curtilage of the dwelling house. The garage may be partly located within the Carlisle Street Road reserve.

A detailed site survey would be required to establish the exact location of site improvements and what appears to be a bushfire asset protection zone (APZ) on the northern side of Lot 1. Should the Council resolve to prepare a planning proposal then a site survey will be required to be submitted by the proponent after Gateway determination and prior to the public exhibition of the planning proposal.

Diagrams One and Two are aerial photo and zoning plan extracts that identify the site the subject of the LEP amendment request by red outline.

Diagram One: Aerial Photo – 17 Bath Street Wardell



## 9.1 LEP Amendment Request - 17 Bath Street Wardell

Diagram Two: Land Use Zoning Plan – 17 Bath Street Wardell



RU2 – Rural Landscape Zone

R2 – Low Density Residential Zone

DM – Deferred Matters (BLEP 2012)

Photos One and Two show the garage, thought to be located partly on the Carlisle Street road reserve, and the older style timber dwelling house erected on Lot 1. Photo Three shows the cleared area thought to be an APZ on the northern side of Lot 1.

Photo One: Garage Associated with Lot 1



Photo Two: Dwelling House Erected on Lot 1



## 9.1 LEP Amendment Request - 17 Bath Street Wardell

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Photo Three: Cleared Area Adjoining Northern Fence Line of Lot 1



The dwelling house erected upon Lot 1 is considered to be a good local example of a timber dwelling house from the Edwardian (Federation) period with a construction date most likely within the range 1890 to 1915. Whilst the dwelling house is not heritage listed within Ballina LEP 2012 its external appearance suggests that it may have local heritage value.

It is suggested that the heritage value of the dwelling house be further examined as part of the planning proposal process. This will enable the Council to give consideration to listing the dwelling as an item of Ballina Shire's Environmental Heritage, within Ballina LEP 2012, at the same time as the rezoning of the site is examined. An assessment of heritage value will be required to be prepared by the proponent post Gateway determination to further evaluate the history and heritage value of the existing dwelling house.

Aboriginal cultural heritage matters have been examined in a preliminary manner by undertaking a Basic AHIMS (Aboriginal Heritage Information Management System) search. The search indicated that there were no Aboriginal sites or places recorded in or within 50 metres of Lot 1. One Aboriginal site was located within 200 metres of Lot 1. Based on the results of the AHIMS search, the sites relatively small area and urbanised use it is not proposed to require additional formal investigation of Aboriginal cultural heritage issues related to Lot 1 as part of the planning proposal process. This is subject to consultation with the Jali Local Aboriginal Land Council that is proposed to be undertaken post Gateway determination.

State Environmental Planning Policy (SEPP) 55 - Remediation of Land requires Council to consider, when preparing an LEP, whether the land is contaminated, and if contaminated, whether it is suitable for its intended purpose. The LEP Amendment Request Application (Attachment One) indicates that based on the historical and current use of the site for rural residential purposes and small site area, as well as the site not adjoining intensive horticulture or potentially contaminating uses that there is not likely to be a requirement for any detailed contamination investigation. This matter will be considered further as part of the assessment of the LEP amendment request post Gateway determination.

## 9.1 LEP Amendment Request - 17 Bath Street Wardell

Lot 1 is designated as bushfire prone land and is wholly affected by the 100 metre wide buffer to Category 1 vegetation. As a consequence of this consultation with the NSW Rural Fire Service (RFS) will be undertaken post Gateway determination. The proponent will also be required to prepare a Bushfire Threat Assessment Report post Gateway determination and prior to consultation with the RFS.

There are a number of existing trees and shrubs located on Lot 1 which will be required to be identified and their ecological value assessed in a Flora and Fauna (Ecological) Assessment Report post Gateway determination.

Lot 1 is also designated as being affected by Class 4 Acid Sulfate Soils. In this respect Clause 7.1 of Ballina LEP 2012 specifies that for works more than 2 metres below natural ground level or works which would likely lower the water table by more than 2 metres the preparation of an Acid Sulfate Soils Management Plan is required. Given these provisions no further assessment of acid sulfate soil issues is proposed to be required as part of the planning proposal process as the matter can be suitably addressed at the development application stage having regard for the details of development that is proposed.

Land contour information available to Council suggests that Lot 1 is within an area located at approximate 6 metres AHD. The 1 in 100 year flood level for 2100 has been modelled as reaching a height of 3.7m AHD. On this basis the subject property is not designated as prone to flooding from the Richmond River.

The Wardell Strategic Plan 2015 – 2035 envisaged that Council would seek to initiate and prepare one planning proposal for all SUGA areas located within and adjacent the boundaries of Wardell Village. This would cover a total of five SUGA sites as shown by the green colour in Diagram Three.

**Diagram Three: SUGA Areas within and Adjacent to Wardell Village**



## 9.1 LEP Amendment Request - 17 Bath Street Wardell

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It was envisaged that specialist consultant costs associated with the preparation of the planning proposal would be shared by all affected owners. During consultation associated with the Strategic Plan and Environmental Study few SUGA owners demonstrated interest in such an approach.

Whilst it is possible to defer consideration of the current LEP amendment request, and proceed to prepare an alternative planning proposal covering the other designated SUGA areas, there is also considered to be merit in proceeding with the submitted request. This is because it may act as a catalyst through which interest may be stimulated amongst other SUGA owners to also submit joint or individual LEP amendment requests for their properties.

Importantly, where Council seeks to initiate an LEP amendment rather than a landowner (or group of landowners), Council would be required to meet the costs associated with the amendment including site investigations and studies as well as processing costs.

### Sustainability Considerations

- **Environment**  
The subject site contains a number of trees and other vegetation the significance of which is not known. Ecological issues will be required to be further addressed in a Flora and Fauna (Ecological) Assessment Report, prepared by a qualified ecologist, if the Council endorses the preparation of a planning proposal relating to this LEP amendment request.
- **Social**  
There are no significant social impacts anticipated as consequence of this LEP amendment request.
- **Economic**  
There are no significant social impacts anticipated as consequence of this rezoning proposal.

### Legal / Resource / Financial Implications

Council's processing guidelines and adopted fees and charges for LEP amendment requests would be applied to the further processing of this request. All costs associated with the processing of the application would be met by the proponent.

Processing of the amendment can be accommodated within the Strategic and Community Facilities Group work program.

### Consultation

There has been no specific consultation undertaken with either the community or government agencies in relation to this LEP amendment request to date as this matter is in the initial concept phase. It is noted however, that the preparation of the Wardell Strategic Plan 2015 – 2035 was the subject of extensive community engagement during 2015.

## 9.1 LEP Amendment Request - 17 Bath Street Wardell

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Should the proposal proceed beyond Gateway determination, public exhibition and agency engagement will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act*. This would include consultation with the NSW Rural Fire Service, the Office of Environment and Heritage, the Jali Local Aboriginal Land Council as well as community consultation for a minimum period of 14 days.

### Options

1. Initiate a planning proposal related to the rezoning of Lot 1, Section 15, DP 759050, No. 17 Bath Street, Wardell from RU2 Rural Landscape zone to R2 Low Density Residential zone.

This is the preferred option. Initiating a planning proposal will enable Council to further investigate the merits of this proposal, and also obtain relevant Government authority and broader community feedback on the proposal.

Under this approach a planning proposal would be prepared that identifies the intended outcome and nominates the range of issues (such as ecology, heritage, site survey and bush fire risk) which require further investigation post Gateway determination and prior to public exhibition.

Given the small scale nature of the proposed rezoning and its consistency with the strategic planning framework for Wardell it is recommended that Council authorises submission of a planning proposal, consistent with the sentiments expressed in this report, to the Department of Planning and Environment for Gateway Determination without a further report on the planning proposal documentation being presented to the Council.

As further investigations and procedural steps are undertaken it is open to Council to either cease the amendment or change its approach, depending on the available information.

If the Council endorses this approach, staff will prepare and then lodge a planning proposal to enable the rezoning with the Department of Planning and Environment upon payment of the applicable Stage 2 processing fees by the proponent. A further report would be presented to the Council following the completion of the public exhibition phase of the process.

In addition to the above, it is also recommended that where a favourable Gateway determination enabling the planning proposal to proceed is received, Council proceeds at this stage on the basis that it is willing to exercise delegation from the Department of Planning and Environment for the processing of the amendment. In relation to the exercise of delegation, it is open to Council to decline to use its delegation (if granted) later in the planning proposal process.

### **9.1 LEP Amendment Request - 17 Bath Street Wardell**

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2. Defer consideration of the LEP amendment request or broaden the area affected to incorporate additional SUGA areas.

The Council may defer consideration of the LEP amendment request in order to undertake an inspection of the site and locality, to seek additional information and/or to obtain a more in-depth briefing of the proposal.

This approach is suggested in the event that the Council would like to examine options to advance a broader planning proposal relating to all SUGA designated properties located within and adjacent to the boundaries of Wardell Village, as detailed in Locality Objective No. 24 of the Wardell Strategic Plan 2015 – 2035.

However, for the reasons outlined above, it is recommended that this proposed rezoning proceeds as a stand alone amendment.

3. Decline to initiate the LEP amendment request.

It is open to the Council to decline the requested LEP amendment. Endorsement of this option would mean that no further action would be taken by Council with respect to the processing of the request. If this was to occur, it is open to the proponent to exercise her right to lodge a request for a pre-Gateway determination review with the Department of Planning and Environment.

Having regard to the characteristics of the site and the consistency of the proposal with the strategic planning framework for Wardell, declining to initiate the LEP amendment process is not recommended.

### **RECOMMENDATIONS**

1. That Council endorses the preparation of a planning proposal which proposes to rezone Lot 1, Section 15, DP 759050, 17 Bath Street Wardell to R2 Low Density Residential as outlined in this report.
2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
3. That subject to a Gateway determination allowing the proposal to proceed to community consultation being issued, and adequate studies in support of the planning proposal being prepared, the procedural steps associated with progression of the planning proposal including public exhibition be undertaken.
4. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

### **Attachment(s)**

1. LEP Amendment Request 17 Bath Street Wardell

## 9.1 LEP Amendment Request - 17 Bath Street Wardell

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><b>250117/15 Resolved</b><br/>(Cr Ben Smith/Cr Sharon <u>Cadwallader</u>)</p> <ol style="list-style-type: none"><li>1. That Council endorses the preparation of a planning proposal which proposes to rezone Lot 1, Section 15, DP 759050, <u>17 Bath Street Wardell</u> to R2 Low Density Residential as outlined in this report.</li><li>2. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.</li><li>3. That subject to a Gateway determination allowing the proposal to proceed to community consultation being issued, and adequate studies in support of the planning proposal being prepared, the procedural steps associated with progression of the planning proposal including public exhibition be undertaken.</li><li>4. That Council <u>receive</u> a further report on the matter following the completion of the public exhibition of the planning proposal.</li></ol> <p>FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr <u>Eoin Johnston</u>, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon <u>Cadwallader</u> and Cr Ben Smith</p> <p>AGAINST VOTE - Cr Phillip Meehan</p> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### **Appendix 4 – Gateway Determination**

A copy of the Gateway determination will be included here.

## Appendix 5 – Proponent's Planning Proposal Submission

### ARDILL PAYNE

& Partners  
[www.ardillpayne.com.au](http://www.ardillpayne.com.au) e:[info@ardillpayne.com.au](mailto:info@ardillpayne.com.au)

ABN: 51 808 558 977

8274 planning proposal cover letter (nov 2016)



24 November 2016

The General Manager  
Ballina Shire Council  
PO Box 450  
**BALLINA NSW 2478**



Dear Sir/Madam

**re: Planning Proposal/LEP Amendment Request  
Lot 1 Sec 15 DP 759050, No. 17 Bath Street, Wardell**

Ardill Payne & Partners (APP) has been commissioned by Ms Rhonda Sly (owner of the subject land) to provide town planning services in the preparation of a Planning Proposal/LEP Amendment Request to Ballina Shire Council.

Attached herewith is the following:

- signed landowner's authorisation enabling APP act on their behalf
- completed Planning Proposal/LEP Amendment Request Proponent & Proposal Information Form
- 2 x paper and 1 x CD copies of the planning proposal request
- cheque for \$3590.00 as advised in Matt Woods' email dated 15<sup>th</sup> November 2016 (copy attached)

Should you have any questions in respect of this matter, please contact me on 6686 3280 or [pauls@ardillpayne.com.au](mailto:pauls@ardillpayne.com.au).

Yours faithfully

Paul Snellgrove

**ARDILL PAYNE & PARTNERS**

**Engineers | Planners | Surveyors | Environmental | Project Management**

**BALLINA**  
45 River Street  
PO Box 20  
BALLINA NSW 2478  
Ph: 02-6686 3280

**BRISBANE**  
Level 1, The Designbank  
89 Grey Street  
SOUTH BRISBANE QLD 4101  
Ph: 07-3123 6675

**GUNNEDAH**  
Germane House,  
285 Conadilly Street,  
GUNNEDAH NSW 2380  
Ph: 02-6742 9955

## Planning Proposal / LEP Amendment Request Proponent & Proposal Information Form

Lodge Applications at Ballina Shire Council • 40 Cherry Street • Ballina (Mon-Fri 8.15am to 4.30pm)  
mail PO Box 450 Ballina 2478 • fax 27789 • f 02 6686 7035 • e council@ballina.nsw.gov.au  
t 02 6686 4444 • w www.ballina.nsw.gov.au • abn 53 929 887 369

This form is to be completed and submitted when a request for an LEP amendment or planning proposal is lodged with Council.



### Proponent Details

All correspondence will be forwarded to this name and address unless alternative details are specified below.

|                  |                                           |      |                     |
|------------------|-------------------------------------------|------|---------------------|
| Proponent's Name | Rhonda Sly                                |      |                     |
| Address          | Lot 1 Sec 15 DP 759050                    |      |                     |
| Postal Address   | 17 Bath Street, Wardell                   |      |                     |
| Telephone (w)    |                                           | (h)  | Mobile 0438 834 191 |
| Email Address    | rhonda.sly@bigpond.com                    | Fax  |                     |
| Signature        | Refer attached signed landowner authority | Date |                     |

### Consultant / Representative Details

Details of consultants/representatives acting on behalf of the proponent are required. Please nominate whether the consultant/representative will be the principal contact for the proposal.

|               |                                            |        |               |
|---------------|--------------------------------------------|--------|---------------|
| Name          | Ardill Payne & Partners                    |        |               |
| Address       | 45 River Street, Ballina                   |        |               |
| Telephone (w) | 6686 3280                                  | Mobile | Fax 6686 7920 |
| Email Address | pauls@ardillpayne.com.au <i>Paul Sugar</i> |        |               |

☒ Please tick if consultant/representative is to be the principal point of contact with Council.

### Description of the Land

Property descriptions of all land holdings the subject of the LEP amendment request/planning proposal are required. Additional properties the subject of the proposal should be documented in the additional information field at the end of the form.

|                  |                         |         |              |
|------------------|-------------------------|---------|--------------|
| Property Address | 17 Bath Street, Wardell |         |              |
| Lot/Portion      | 1                       | Section | 15 DP 759050 |
| Property Address |                         |         |              |
| Lot/Portion      |                         | Section | DP           |
| Property Address |                         |         |              |
| Lot/Portion      |                         | Section | DP           |

### Office Use Only

|                                                                                    |                                                                     |                                                                                 |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Proposal Name:                                                                     | Type: <input type="checkbox"/> Major <input type="checkbox"/> Minor | Pre-Lodgement Discussion: <input type="checkbox"/> Y <input type="checkbox"/> N |
| Fee Paid: <input type="checkbox"/> Y <input type="checkbox"/> N Amount: \$ 3590.00 | Date Received: 29.11.16                                             | Receipt No: 740399                                                              |
| Code 6, Job No: 20001.1001.061                                                     |                                                                     |                                                                                 |

### Landholder Details and Consent

Details of all landholders are to be provided. If landholders do not sign this form, evidence of the consent of landholders for the nomination of their landholding as part of the LEP amendment/planning proposal is required in conjunction with this form. Space is provided at the end of this form for additional landholder details.

|                                                                                                                                                       |                                                                        |                              |                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------|-----------------------------|
| Owner's Name(s)                                                                                                                                       | <input type="text" value="As above in 'Proponent Details'"/>           |                              |                             |
| Address                                                                                                                                               | <input type="text"/>                                                   |                              |                             |
| Lot/Portion                                                                                                                                           | <input type="text"/>                                                   | Section <input type="text"/> | DP <input type="text"/>     |
| Telephone (w)                                                                                                                                         | <input type="text"/>                                                   | (h) <input type="text"/>     | Mobile <input type="text"/> |
| Email Address                                                                                                                                         | <input type="text"/>                                                   |                              | Fax <input type="text"/>    |
| <input type="checkbox"/> I/we being the owner(s) of the property identified above, consent to the submission of this planning proposal/LEP amendment. |                                                                        |                              |                             |
| Signature                                                                                                                                             | <input type="text" value="Refer attached signed landowner authority"/> |                              | Date <input type="text"/>   |

### Summary of the LEP Amendment Request / Planning Proposal

Brief outline of the concept or idea underpinning the LEP amendment request / planning proposal.

Refer attached document titled "Planning Proposal/LEP Amendment Request" prepared by APP dated November 2016.

List of Information Provided in Support of the LEP Amendment Request / Planning Proposal

Refer attached document titled "Planning Proposal/LEP Amendment Request" prepared by APP dated November 2016.

Privacy Protection Notice

The completed application form contains personal information which is being collected for the purpose of assessing this LEP amendment request/planning proposal. Please be aware that information contained in this documentation is public information and may be accessed by other government agencies, service providers, the general community or other organisations. The information will be processed by Council officers and may be made available to public enquiries under the Government Information (Public Access) Act. The information will be stored in Council's electronic document management system.

Disclosure of Political Donations and Gifts

A person who submits an LEP amendment request/planning proposal to Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the proposal within the period commencing two years before the request is made and ending when the proposal is determined:

- All reportable political donations made to any Ballina Shire Councillor; and
- All gifts made to any local Councillor or employee of Ballina Shire Council.

A reference to a reportable political donation made to a 'Councillor' includes a reference to a donation made at the time the person was a candidate for election to the Council.

Significant penalties apply to non-disclosure. For more information and to obtain a political donations and gifts disclosure statement go to the Department of Planning and Infrastructure website at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

Is a disclosure statement to accompany your application? ☐ Yes ☒ No

Additional Information

Refer attached document titled "Planning Proposal/LEP Amendment Request" prepared by APP dated November 2016.

**Paul Snellgrove**

---

**From:** Matthew Wood <mattheww@ballina.nsw.gov.au>  
**Sent:** Tuesday, 15 November 2016 2:17 PM  
**To:** Paul Snellgrove  
**Cc:** Dwayne Roberts; 'rhonda.sly@bigpond.com'  
**Subject:** RE: 8274 - Planning Proposal

Hi Paul,

The Stage 1 fee is \$3,590 (no GST applicable). For stage 1 we report the request to Council and seek direction on the preparation of a planning proposal for gateway determination.

To prepare a planning proposal, the fee is \$5,960 (being Stage 2).

The stage 3 fee, being for processing after Gateway determination, will be either \$6,160 or \$12,300 plus any costs for consultants engaged by Council. The fee depends on whether any specialist studies or independent assessment are required and consistency with the strategic planning framework. We determine the fee after Gateway determination when we know what the Department of Planning's requirements are.

Alternatively we could look at whether this is a matter suitable for a housekeeping amendment (with lower fees) but we would need to discuss this further in terms of the particular site issues and timing. At this stage we don't have a timeframe for our next housekeeping amendment.

Please let me know if you have any further queries.

Regards

Matthew Wood  
Manager Strategic Planning  
Strategic and Community Facilities Group



[ballina.nsw.gov.au](http://ballina.nsw.gov.au) | [discoverballina.com](http://discoverballina.com)  
p: 66861284 | f: 626669814

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Opinions, conclusions and other information contained within this message that do not relate to official Council business are those of the individual sender, and shall be understood as being neither given nor endorsed by the Ballina Shire Council.

**From:** Paul Snellgrove [mailto:PaulS@ardillpayne.com.au]  
**Sent:** Tuesday, 15 November 2016 2:04 PM  
**To:** Matthew Wood  
**Cc:** Dwayne Roberts; 'rhonda.sly@bigpond.com'  
**Subject:** 8274 - Planning Proposal

Matt

Ardill Payne & Partners (APP) has been commissioned by Rhonda Sly (owner of Lot 1 Sec 15 DP 759050, No. 17 Bath Street, Wardell) to provide town planning services in the preparation of a Planning Proposal/LEP Amendment Request to Ballina Shire Council to rezone the land to residential.

# ARDILL PAYNE & PARTNERS

Civil & Structural Engineers – Project Managers – Town Planners – Surveyors



## PLANNING PROPOSAL/LEP AMENDMENT REQUEST

Submission to Ballina Shire Council

Lot 1 Sec 15 DP 759050  
17 Bath Street, Wardell

for:  
Rhonda Sly

November 2016

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Document Control Sheet

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|                |                                              |
|----------------|----------------------------------------------|
| Filename:      | 8274 Planning Proposal/LEP Amendment Request |
| Job No.:       | 8274                                         |
| Job Captain:   | Dwayne Roberts                               |
| Author:        | Paul Snellgrove                              |
| Client:        | Rhonda Sly                                   |
| File/Pathname: |                                              |

| Revision No: | Checked By     |        | Issued By       |                                                                                     |
|--------------|----------------|--------|-----------------|-------------------------------------------------------------------------------------|
|              | Name           | Signed | Name            | Signed                                                                              |
| 0            | Dwayne Roberts |        | Paul Snellgrove |  |
| 1            |                |        |                 |                                                                                     |
| 2            |                |        |                 |                                                                                     |

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## 1 Introduction

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*This section introduces the proposal and provides a general overview of the project.*

### 1.1 Background

This submission comprises a Planning Proposal/LEP Amendment Request and explains the intended effect of, and provides justification for a proposed amendment to the Ballina Local Environmental Plan 2012 (BLEP).

The proposed amendment relates to land described as Lot 1 Sec 15 DP 759050, No. 17 Bath Street, Wardell and involves:

- rezoning the lot from RU2 – Rural Landscape Zone to R2 – Low Density Residential Zone; and
- replacing the 40ha minimum lot size with a 600m<sup>2</sup> minimum lot size for the lot.

The proposed R2 zone is the same zone as the adjoining/adjacent land to the east, west and south. The land is mapped as being a "Strategic Urban Growth Area" on the Strategic Urban Growth Area Map – Sheet SGA\_003A of the BLEP 2012. The mapped minimum lot size standard for the adjoining R2 zoned land is 600m<sup>2</sup> on the Lot Size Map – Sheet LSZ\_003A of the BLEP 2012.

This Planning Proposal has been prepared having regard to Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and:

- Planning Proposals – A Guide to Preparing Planning Proposals (Department of Planning and Environment, August 2016)
- Planning Proposals and Local Environmental Plan Amendments: Process Guidelines v3.0 (Ballina Council, 23 June 2015)

This submission comprises and supports the Phase 1: LEP Amendment Initiation process of the Planning Proposal and addresses all of the information on Council's *Planning Proposal/LEP Amendment Request – Proponent & Proposal Information Form*.

There is no Political Donations and Gifts Disclosure required to accompany this request.

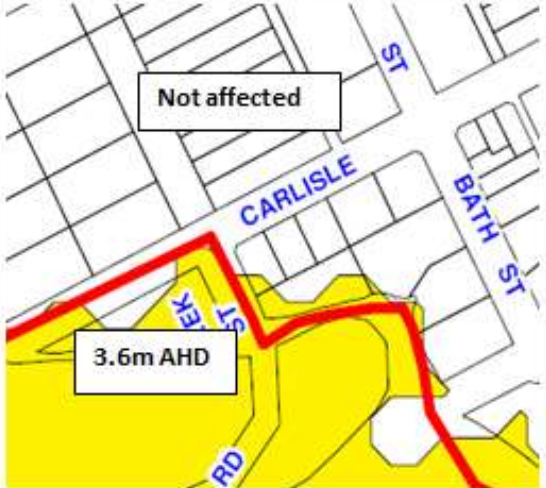
## 1.2 Structure and Scope of Report

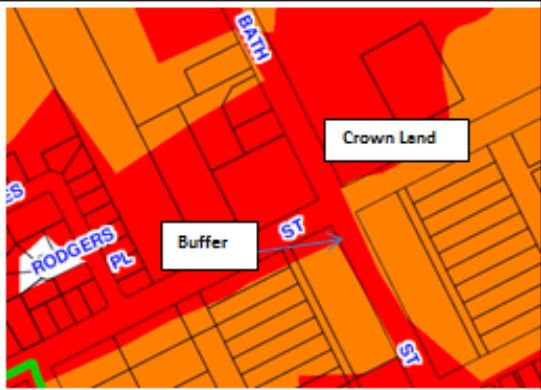
This LEP Amendment Initiation Request contains the following:

|                  |                                                                                                                                      |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 2</b> | Context and characteristics of subject land.                                                                                         |
| <b>Section 3</b> | A statement of the <b>Objectives and Intended Outcomes</b> of the proposed LEP amendment (Section 2, Part 1).                        |
| <b>Section 4</b> | An <b>Explanation of the Provisions</b> that are to be included in the proposed LEP amendment (Section 2, Part 2).                   |
| <b>Section 5</b> | The <b>Justification</b> for those objectives, outcomes and provisions and the process for their implementation (Part 2, Section 3). |
| <b>Section 6</b> | Details of the <b>Community Consultation</b> in respect of the Planning Proposal (Part 2, Section 4).                                |
| <b>Section 7</b> | Conclusion                                                                                                                           |

## 1.3 Background

The Wardell Planning and Environmental Study (WP&ES) was prepared in 2015 and was endorsed by Ballina Council at its Ordinary Meeting on the 27<sup>th</sup> August 2015. The WP&ES identifies the subject property as 'Wardell SUGA – Area 5' as shown below:

| Wardell SUGA – Area 5 - C'm Bath and Carlisle Streets (2012m <sup>2</sup> – 1 owner) |                                                                                      |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Extract from SUGA Map                                                                | 2007 Aerial photo                                                                    |
|     |    |
| Extract from land zoning map LEP 2012                                                | Extract from Contour Map                                                             |
|    |   |
| Extract from 1:100 year Flood Map 2100 Climate                                       | Extract from Acid Sulfate Map                                                        |
|   |  |

| Extract from 2012 Bushfire Prone Land Map                                                                                                                                                                                                                                       |                  | Natural Areas and Habitat                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                |                  |                                                                                                                                                                                                                                                                                                                                                                         |
| Wardell SUGA – Area 5 - Cnr Bath and Carlisle Streets (2012m <sup>2</sup> – 1 owner)                                                                                                                                                                                            |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Criteria                                                                                                                                                                                                                                                                        | Score            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Number of owners within SUGA<br>1 owner = 5; 2 to 5 owners = 4; more than 6 = 3                                                                                                                                                                                                 | 5                | 1 owner                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Topography – General precinct levels<br>(General level across precinct at least 50% of lots meet minimum level)<br>< AHD RL 3.3 metre = 0<br>AHD RL 3.3 metre to 3.7 metres = 2<br>AHD RL > 3.7 metre to 4 metres = 3<br>AHD RL > 4.1 to 4.9 metres = 4<br>AHD RL > 5 metre = 5 | 5                | Site at approximate level of RL 6m AHD                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Precinct potential lot orientation<br>North – South > 75% = 5<br>North – South 50 to 75% = 3<br>North – South up to 50% = 2                                                                                                                                                     | 3                | Estimated up to 75% of lots will have a north south orientation.                                                                                                                                                                                                                                                                                                                                                                                          |
| Acid Sulfate soil affected<br>Not affected = 5<br>Class 5 = 4<br>Class 4 = 3<br>Class 3 = 2<br>Class 1 or 2 = 1                                                                                                                                                                 | 3                | Potential to be impacted by Class 4 Acid Sulfate Soil.<br>Works more than 2 metres below the natural ground surface or works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface require development consent. Clause 7.1 of Ballina LEP 2012 applies and may require the preparation of an acid sulfate soil management plan to support the DA.                                                           |
| Bushfire Risk<br>(General estimate applied to precinct at least 25% of lots affected)<br>Not affected = 5<br>Within buffer area = 2<br>Within flame zone and buffer = 0                                                                                                         | 2                | All lots affected by bush fire buffer area. Future subdivision of lots will be classified as bushfire prone land. An assessment is required by s79BA of the Environmental Planning and Assessment Act to ensure that proposed development complies with the Planning for Bush Fire Protection, publication and a certificate has been provided in respect to compliance. Additional building costs may be incurred when building on bush fire prone land. |
| Flooding<br>(At least 25% of site affected)<br>Not Subject to 1:100 year flood = 5<br>Subject to 1:100 flood = 2<br>Subject to 1:50 year flood = 0<br>Subject to 1:20 year flood or within a floodway = 0                                                                       | 5                | Not flood affected.                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Natural Areas and Habitat<br>Unaffected = 5<br>Buffer = 3<br>Significant Area = 0                                                                                                                                                                                               | 3                | Located within buffer area to natural and or habitat significant areas.                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Total Area 5</b>                                                                                                                                                                                                                                                             | <b>26 or 74%</b> | Good suitability for urban development. Potential for 2 to 3 lots providing housing for 5 to 8 people.                                                                                                                                                                                                                                                                                                                                                    |

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2 Context and Characteristics of Subject Land

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*This section describes the subject land and identifies the geographical context of the site and its relationship to the surrounding locality.*

### 2.1 Property Details

The Planning Proposal relates to a single lot which is described in real property terms as Lot 1 Sec 15 DP 759050 and is commonly known No. 17 Bath Street, Wardell. The lot is rectangular in shape with the following approx. dimensions and area:

- 50m northern boundary (to Lot 68 DP 755688)
- 40m eastern boundary (to Bath Street)
- 50m southern boundary (to Carlisle Street)
- 40m western boundary (to road reserve)
- 2012m<sup>2</sup> total area

As shown on the below aerial photograph, existing on the land is a single storey dwelling house and detached double garage which are both constructed of timber weatherboard with a metal roof.

Vehicular access to the site is via an existing bitumen driveway to Bath Street which is a constructed urban (residential) road with a bitumen seal for the full property frontage.



Source: SixMaps (23 November 2016)

It should be noted that the cadastral overlay on the above is not accurate and is out by approx. 15m to the north.

## 2.2 Other matters

Preliminary planning investigations in respect of the subject land confirm that it is:

- **not** mapped as being subject to SEPP 14 or SEPP 26
- mapped as being bushfire prone, being 100m buffer to Vegetation Category 1 vegetation
- **not** likely to be contaminated as a consequence of existing or prior land uses (existing long-standing residential use – single dwelling house)
- **not** is mapped as being subject to the 1 in 100 year flood event
- mapped being subject to Class 4 acid sulfate soils
- **not** identified as being or containing an item of environmental heritage (per Schedule 5 of the Ballina LEP 2012)

- **not** identified as including or comprising critical habitat as prescribed in the *Threatened Species Conservation Act 1995* or (subject to section 5C) Part 7A of the *Fisheries Management Act 1994*
- **not** identified as being affected by the operation of Sections 38 or 39 of the *Coastal Protection Act 1979*
- **not** affected by any road widening or realignment proposal under either Division 2 of Part 3 of the *Roads Act 1993*, any environmental planning instrument or any resolution of Council
- **not** identified as being subject to acquisition by a public authority under the provisions of any environmental planning instrument, deemed or draft environmental planning instrument

### 2.3 Local Context

The subject lot is a developed small rural residential type lot (which contains a dwelling house) and which has two formed road frontages. The land is adjoined by residential zoned land to the east, south and west and developed residential land to the south. The land to the north comprises bushland.

### 2.4 Strategic Planning Context

#### 2.4.1 Far North Coast Regional Strategy 2006-31 (FNCRS)

The subject land is mapped in the FNCRS as being a 'Proposed Future Urban Release Area'.

Under the circumstances, the proposed application of a residential zone is consistent with the Strategy.

#### 2.4.2 Ballina Shire Growth Management Strategy 2012 (GMS)

The subject land is mapped as a 'Strategic Urban Growth Area' under the GMS.

Under the circumstances, the proposed application of a residential zone is consistent with the Strategy.

#### **2.4.3 The Wardell Planning and Environmental Study (WP&ES)**

The subject land is identified as 'Wardell SUGA – Area 5 Cnr Bath and Carlisle Streets (2012m<sup>2</sup> – 1 owner)' and scored a 26 or 74% in the Strategic Urban Growth Area Evaluation Tool and is identified as *"Good suitability for urban development. Potential to 2 to 3 lots providing housing for 5 to 8 people"*.

Under the circumstances, the proposed application of a residential zone is consistent with the WP&ES.

#### **2.4.4 Draft North Coast Regional Plan 2016**

The subject land is mapped on Figure 30: Urban Growth Area Map for Ballina LGA as 'Proposed Urban Land' under the DNCRP.

Under the circumstances, the proposed application of a residential zone is consistent with the Draft Plan.

### **2.5 Relevant Provisions of BLEP 2012**

The subject land is mapped under the BLEP 2012 as follows:

- RU2 – Rural Landscape Zone
- AB2 – 40ha minimum lot size/subdivision standard
- Strategic Urban Growth Area
- Class 4 acid sulfate soils
- 8.5m maximum building height

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**3 Objectives or Intended Outcomes of Proposed LEP**

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**3.1 Objectives of Planning Proposal**

The objective of the Planning Proposal is to rezone the subject land to an urban residential zone and to apply a minimum lot size that will enable the land to be subdivided into minimum 600m<sup>2</sup> lots, and to enable the construction of a dwelling house on the vacant lots at some future time (and subject to a separate approval process).

**3.2 Possible Future Subdivision**

That lot has an area of approximately 2012m<sup>2</sup> and it is proposed to apply an R2 – Low Density Residential Zone with a 600m<sup>2</sup> minimum lot size.

Based purely on a 600m<sup>2</sup> lot size, the site could yield up to 3 lots. It should be noted that this yield is a purely hypothetical number and has not been calculated having regard to any of the constraints that may exist on the site.

The Village of Wardell is serviced by all necessary reticulated public infrastructure services, including:

- potable water supply
- sewerage disposal
- electricity
- telecommunications
- constructed urban roads (including stormwater)

Any future new lots would be able to be connected to and serviced by such systems.

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4 Explanation of Provisions

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#### 4.1 Explanation of Proposed Amendments

The proposed amendments to the BLEP 2012 involve:

- rezoning the lot from RU2 – Rural Landscape Zone to R2 – Low Density Residential Zone;
- applying a 600m<sup>2</sup> minimum lot size to the R2 zoned land

The proposed R2 zone is same zoning as the adjoining/adjacent land to the east, west and south. The existing adjacent residential lots have a 600m<sup>2</sup> minimum lot size.

Contingent upon the zoning change being affected, there will also have to be a consequential change to the Strategic Urban Growth Area map, such that the land is no longer mapped as a 'Strategic Urban Growth Area'.

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5 Justification for the Proposed Amendments

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**5.1 Section A – Need for the planning proposal**

**1. *Is the planning proposal a result of any strategy study or report?***

The subject land is identified as:

- 'Proposed Future Urban Release Area' under the Far North Coast Regional Strategy
- 'Strategic Urban Growth Area' under the Ballina Shire Growth Management Strategy
- 'Wardell SUGA – Area 5 – good suitability for urban development. Potential to 2 to 3 lots providing housing for 5 to 8 people' under the Wardell Planning and Environmental Study
- 'Proposed Urban Land' under the Draft North Coast Regional Plan

**2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The proposed application of a residential zone is consistent with these strategic planning documents that identify the land as being appropriate for future urban development/use.

It is submitted that an LEP amendment is the best (and only) way in which to achieve the proposed outcomes, with the proposal relating expressly to land use zoning and subdivision.

**3. *Is there a net community benefit?***

The net community benefit that will result from the proposal is:

- additional economic activity generated by the development of the land for urban residential purposes
- additional land available for residential and related development

## 5.2 Section B – Relationship to strategic planning framework

### **4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

As detailed elsewhere in this Planning Proposal, the proposal is consistent with the Far North Coast Regional Strategy and the Draft North Coast REP.

The Planning Proposal involves changes to the zoning and minimum lot size standards to enable future subdivision (and construction of new dwelling houses).

The Planning Proposal will provide for increased housing opportunities which will assist in accommodating the projected local and regional population increase.

The Planning Proposal is thus consistent with the FNCRS and Draft NCREP. The information contained in this Planning Proposal document confirms and supports the capability of the land to accommodate urban residential development, which is thus consistent with the regional planning framework.

### **5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?***

*Ballina Shire Growth Management Strategy 2012 (GMS)*

The purpose of the GMS is to provide the framework for the management of population and employment growth in Ballina Shire over the planning period of 2012-2031.

The subject land is mapped as a "Strategic Urban Growth Area" under the GMS, and as such, the application of a residential zone over the land is consistent with the Strategy.

*Wardell Planning and Environmental Study (11/2015)(WP&ES)*

The purpose of the WP&ES is to provide the framework for the management of population growth, urban expansion and infrastructure servicing needs of the Wardell Village.

The subject land is identified as "Wardell SUGA – Area 5 – good suitability for urban development. Potential to 2 to 3 lots providing housing for 5 to 8 people" under the WP&ES.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

There are a number of SEPP's that are of relevance to the proposal, details of which are as follows:

| SEPP Title                         | Compliance of Planning Proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Rural Lands) 2008            | <p>The subject land is currently zoned RU2. The proposed rezoning of the lot to a residential zone will not compromise or prejudice the use of the subject and adjoining land for agricultural purposes, due primarily to the characteristics, existing use, adjoining use and small size of the lot.</p> <p>The application of a residential zone will not result in increased land use conflicts as there is no adjoining productive agricultural land and the adjoining land has limited potential for agricultural use.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of this SEPP.</p>                                                                                                                                                                                                                   |
| SEPP 44 – Koala Habitat Protection | <p>The subject land is a small (2012m<sup>2</sup>) rural residential lot that contains a dwelling house and associated improvements. The subject land is not mapped as containing core Koala habitat on Figure 8: Core Koala Habitat of the Ballina Shire Koala Management Strategy (March 2016).</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p>                                                                                                                                                                                                                                                                                                                                                                                                         |
| SEPP 55 – Remediation of Land      | <p>Clause 6(1) of this SEPP requires the planning authority when preparing a Draft LEP to consider whether the land is contaminated and whether the land is suitable for such purpose (as either not being contaminated or requiring remediation to make it suitable). Based on the historical and current use of a small (2012m<sup>2</sup>) rural residential type lot for residential purposes and the fact that it does not adjoin and is not proximate to any intensive horticulture or other potentially contaminating uses, it is submitted that the land is not likely to be contaminated and that there would be no requirement for any detailed contamination investigation to support Phase 2.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary to the intent of the SEPP.</p> |

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP 71 – Coastal Protection | <p>The subject land is physically and spatially removed from any coastal foreshore land/area. The future subdivision and residential development of the land will not have any adverse or tangible impacts on any part of the coastal foreshore or any public land.</p> <p>It is therefore submitted that the Planning Proposal is consistent with the provisions of and is not contrary the intent of the SEPP.</p> |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Section 117 of the *EP & A Act 1979* provides directions that relevant planning authorities must have regard to when preparing planning proposals for new LEPs. The following table identifies which of these directions are applicable to the proposed rezoning and how the Planning Proposal is consistent with their provisions.

| Direction Number                                           | Compliance of Planning Proposal                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and Resources</b>                         |                                                                                                                                                                                                                                                                                                                                                                                             |
| 1.1 Business and Industrial Zones                          | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                        |
| 1.2 Rural Zones                                            | Complies – The subject lot is mapped as being 'Proposed Future Urban Release Area' (Town and Village Growth Boundary Map – Sheet 3 – Ballina) of the FNCRS and is thus able to be justified as a consequence of the FNCRS.                                                                                                                                                                  |
| 1.3 Mining, Petroleum Production and Extractive Industries | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                        |
| 1.4 Oyster Aquaculture                                     | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                        |
| 1.5 Rural Lands                                            | Complies – comments in respect of the Rural Lands SEPP are provided in <b>Section 5.2</b> of this Planning Proposal. Further, the proposed rezoning is of relatively minor significance and is consistent with the FNCRS 2006-31 in that part of the lot is mapped as a 'Proposed Future Urban Release Area'.                                                                               |
| <b>2. Environment and Heritage</b>                         |                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.1 Environmental Protection Zones                         | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                        |
| 2.2 Coastal Protection                                     | Complies – the proposal is considered to be of a minor nature, resulting in a possible maximum of 3 lots (and future houses). The subject land is physically and spatially removed from any coastal foreshore land/area and is not subject to flooding, tidal inundation or any coastal processes. The proposal will not have any impact on any coastal foreshore land (public or private). |
| 2.3 Heritage Conservation                                  | Complies – the subject land is not identified as containing or comprising a heritage item or place (per Schedule 5 of the BLEP 2012).                                                                                                                                                                                                                                                       |

|                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.4 Recreation Vehicle Areas                                                 | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>3. Housing, Infrastructure and Urban Development</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.1 Residential Zones                                                        | Complies – adequate public infrastructure is available in the immediate locality to service the existing lot and any possible future lots.<br><br>The proposal will facilitate future urban development which is able to connect to and make use of existing infrastructure services.                                                                                                                                                                                                                                                                        |
| 3.2 Caravan Parks and Manufactured Home Estates                              | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.3 Home Occupations                                                         | Complies – home occupations are permitted without consent in the R2 zone under the BLEP 2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3.4 Integrated Land Use and Transport                                        | Complies – the land is identified as a 'Proposed Future Urban Release Area' in the FNCRS. The proposal will facilitate development which is able to make use of existing roads and transport services.                                                                                                                                                                                                                                                                                                                                                       |
| 3.5 Development Near Licensed Aerodromes                                     | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 3.6 Shooting Ranges                                                          | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>4. Hazard and Risk</b>                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.1 Acid Sulphate Soils                                                      | The site is mapped as containing class 4 acid sulfate soils. This is a minor classification and relates to works more than 2m below the natural ground surface or works by which the watertable is likely to be lowered more than 2m below the natural ground surface.<br><br>If the land is rezoned and developed for urban residential purposes, there will not be any works that will result in any of the above and thus there is no requirement for any further investigation or assessment as there will not be any impacts on any acid sulfate soils. |
| 4.2 Mine Subsidence and Unstable Land                                        | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.3 Flood Prone Land                                                         | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.4 Planning for Bushfire Protection                                         | A Bushfire Hazard Assessment would have to be prepared in accordance with the provisions of Planning for Bushfire Protection 2006 to support of the proposed rezoning and future possible subdivision of the land should the Planning Proposal proceed to Phase 2.                                                                                                                                                                                                                                                                                           |
| <b>5. Regional Planning</b>                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5.1 Implementation of Regional Strategies                                    | Complies – the land is identified as a 'Proposed Future Urban Release Area' under the FNCRS. The land is mapped as 'Proposed Urban Land' under the Draft North Coast REP.                                                                                                                                                                                                                                                                                                                                                                                    |
| 5.2 Sydney Drinking Water Catchments                                         | Does not apply to Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   | The land is identified as a 'Proposed Future Urban Release Area' under the FNCRS and thus provisions of this Direction do not effectively apply to the Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                    |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Does not apply to the Planning Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|                                                                                  |                                                                                                                                                            |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | Revoked 18 June 2010.                                                                                                                                      |
| 5.6 Sydney to Canberra Corridor                                                  | Revoked 10 July 2008                                                                                                                                       |
| 5.7 Central Coast                                                                | Revoked 10 July 2010                                                                                                                                       |
| 5.8 Second Sydney Airport: Badgerys Creek                                        | Does not apply to the Planning Proposal.                                                                                                                   |
| 5.9 North West Rail Link Corridor Strategy                                       | Does not apply to the Planning Proposal.                                                                                                                   |
| <b>6. Local Plan Making</b>                                                      |                                                                                                                                                            |
| 6.1 Approval and Referral Requirements                                           | Complies – does not introduce any new concurrence or consultation provisions or any additional designated development types.                               |
| 6.2 Reserving Land for Public Purposes                                           | Does not apply to the Planning Proposal.                                                                                                                   |
| 6.3 Site Specific Provisions                                                     | Complies – seeks to apply the existing R2 land use zone and standards that are compatible with the residential development of the site and adjoining land. |
| <b>7. Metropolitan Planning</b>                                                  |                                                                                                                                                            |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036                      | Does not apply to Planning Proposal.                                                                                                                       |
| 7.2 Implementation of Greater Macarthur Land Release Investigation               | Does not apply to Planning Proposal.                                                                                                                       |

### 5.3 Section C – Environmental, social and economic impact

#### **8. Is there any likelihood of critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

As evidenced from the aerial photograph in **Section 2.1**, the subject land is a developed small rural residential lot that contains some mature vegetation (effectively domestic type landscaping).

The subject land is not likely to contain any critical habitat or threatened species, populations or ecological communities.

**9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The subject land is mapped as being bushfire prone. A Bushfire Threat Assessment Report would have to be prepared which addresses Planning Direction 4.4 (Section 117 Directions) and assesses the proposal in the context of:

- the provisions of Planning for Bushfire Protection (PBP) 2006
- introducing controls that avoid placing inappropriate developments in hazardous areas
- ensuring that bushfire hazard reduction is not prohibited in the APZ

The land is in a locality that is mapped as being high mosquito risk. The whole of the towns of Wardell and Ballina are situated in such an area and it has not been Council's practice to preclude urban residential development in such areas as a consequence of mosquito risk.

In accordance with Council's current controls and strategies (Section 3.6 – Mosquito Management, Chapter 2 – General and Environmental Considerations, DCP 2012), any future dwellings will be required to contain effective screening to all windows, external doors and other openings to habitable rooms (would be conditioned at DA stage for future houses).

**10. How has the planning proposal adequately addressed any social and economic effects?**

The proposed rezoning (and construction of future houses) may have impacts on the landscape and scenic character of the locality but would not likely have any amenity impacts on adjacent dwellings/residents due to the physical and spatial separation of the land from such. These matters would have to be addressed in more detail should the Planning Proposal proceed to Phase 2.

The subject land is already connected to all necessary reticulated public infrastructure services and thus there are no significant economic issues with the servicing of any future lots.

#### **5.4 Section D – State and Commonwealth interests**

##### ***11. Is there adequate public infrastructure for the planning proposal?***

The existing locality is connected to and serviced by all necessary reticulated public infrastructure services. There is sufficient capacity for any future new lots to be efficiently and economically connected to and serviced by such services.

##### ***12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

The views of the Department of Planning & Infrastructure and other relevant Governmental bodies would be obtained should Council resolve to enable the Planning Proposal to proceed.

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6 Community Consultation

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There has not been any community consultation undertaken in respect of this Planning Proposal at this point in time.

It is likely that a requirement for community consultation will be contained in any Gateway Determination, with such community consultation and advertising having to be duly undertaken by Council in the further processing of this Planning Proposal.

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7 Scope of Engagement

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This Planning Proposal has been prepared by Ardill Payne & Partners (APP) on behalf of Rhonda Sly for lodgement with Ballina Shire Council and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

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