

Rezoning of Lots 31 & 32 DP 837448, Tara Downs, Lennox Head from RU1 to R2

Proposal Title : **Rezoning of Lots 31 & 32 DP 837448, Tara Downs, Lennox Head from RU1 to R2**

Proposal Summary : **Proposed rezoning of Lots 31 & 32 DP 837448, Tara Downs, Lennox Head from RU1 Primary Production to R2 Low Density Residential, to reflect the existing urban nature of the land and to consider an appropriate minimum lot size for the land.**

PP Number : **PP_2013_BALLI_003_00** Dop File No : **13/09313**

Proposal Details

Date Planning Proposal Received : **30-May-2013** LGA covered : **Ballina**

Region : **Northern** RPA : **Ballina Shire Council**

State Electorate : **BALLINA** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **31 & 32 Tara Downs**

Suburb : **Lennox Head** City : **Lennox Head** Postcode : **2478**

Land Parcel : **lots 31 & 32 DP 837448, 31 & 32 Tara Downs, Lennox Head**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

Contact Number : **0267019687**

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RPA Contact Details

Contact Name : **Joanne Kay**

Contact Number : **0266861284**

Contact Email : **joannek@ballina.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 2

No. of Dwellings 2
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :

The Department of Planning and Infrastructure's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge. The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.

Due to the need to undertake further studies relating to land constraints prior to exhibition, the exact number of lots and minimum lot size cannot be accurately determined at this stage. Given the surrounding landuse and size of the subject lots, it is expected that a minimum of two additional lots with dwelling entitlements will be created.

The RPA staff have indicated that they do not wish to use their delegations for this Planning Proposal. The Planning Proposal however is supported by a strategy (Far North Coast Regional Strategy) and considered low impact. There appear no impediments to Council using its plan making delegation for this proposal.

External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment :

The objective of this Planning Proposal is to rezone Lots 31 & 31 DP 837448, Tara Downs, Lennox Head from RU1 to R2 under Ballina LEP 2012 to reflect the existing urban nature of the land and to consider the appropriate minimum lot size for the land.

The objectives and intended outcomes of the Planning Proposal are adequately expressed

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

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions adequately addresses the intended changes to the subject lots.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 26—Littoral Rainforests

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Rural Lands) 2008

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Each lot is listed as bushfire prone land, encumbered by a drainage channel and located within a high risk mosquito management area. Lot 32 is also within the 100m buffer for an adjoining SEPP 26 littoral rainforest. For these reasons, the subdivision potential of the land and the associated minimum lot size will be determined following submission of further technical details. These studies will be required prior to public exhibition of the proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Given the nature of the proposed amendment and the existing surrounding landuse, the Planning Proposal is considered to be of a low impact nature and a 14 day consultation period is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

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1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program; and
5. Providing a project timeline.

Council is not seeking an authorisation to exercise its plan making delegations. As the rezoning is however supported by a strategy (Far North Coast Regional Strategy) endorsed by the Minister in January 2009, and is considered low impact, there appear to be no impediments to Council using its plan making delegation for this proposal.

The RPA has provided a project timeline. The 9 month timeframe for completion of the proposal is considered to be satisfactory.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

Ballina LEP 2012 was notified on 4 February 2013

Assessment Criteria

Need for planning
proposal :

The proposal is needed to amend the zoning for the subject lots to accurately reflect the existing residential nature of the land. The rezoning of the land to R2 Low Density residential is consistent with surrounding landuse to the North, West and South-West. The land is also located within the a Town and Village Growth Area as identified in the Far North Coast Regional Strategy.

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Consistency with strategic planning framework :

The Far North Coast Regional Strategy (FNCRS) identifies the land as being within the existing urban footprint. The subject land is shown on the Town and Village Growth Boundaries Map for Ballina (see attachment). The proposed rezoning and potential residential development comply with the strategy's aims of creating greater housing choice and affordability.

The land is subject to the provisions of Ballina LEP 2012. The rezoning was initially considered during the preparation of the Ballina LEP 2012, however timing and some complexities regarding land constraints and potential minimum lot size meant that Council preferred to consider the application as a stand alone proposal following gazettal of the LEP. The application of a R2 Low Density residential zone to the subject land is consistent with the objectives of the zone within the Ballina LEP 2012.

Whilst the Ballina Shire Growth Management Strategy (GMS) 2012 does not recognise the subject land as being within a strategic urban growth area, it does identify it as being within the existing urban footprint of Lennox Head. The Planning Proposal is considered to be generally consistent with this strategy. The Ballina GMS 2012 was approved by the Director General in May 2013.

The Planning Proposal is considered to be consistent with all applicable SEPPs and the recommendations of the FNCRS approved by the Minister in January 2009.

The Planning Proposal has been identified as being consistent with all applicable Section 117 Directions, except in relation to 1.2 Rural Zones and 4.4 Planning for Bushfire Protection as discussed below.

Section 117 Direction 1.2 Rural Zones.

This Direction applies when a LEP aims to rezone land from a rural to a residential, business, industrial, village or tourist zone or contains provisions that will increase the permissible density of the land within the rural zone. As the Planning Proposal seeks to rezone the land to residential and reduce the minimum lot size, the Direction is applicable. The inconsistency with this direction is considered to be justified as it is in accordance with the FNCRS.

The Planning proposal is considered to be inconsistent but justified as a matter of minor significance due to its proximity to existing residential zoned lands, the strategic framework that clearly identifies the land within the urban footprint and the small size of the subject land (.5ha). The land currently adjoins the urban zone of the Ballina Township and is generally surrounded by residential landuse. The Planning Proposal therefore does not conflict with the objective of this Direction to protect the agricultural production value of rural land as no land currently being used for agriculture will be alienated.

Section 4.4 Planning for Bushfire Protection

The subject lots are identified as being bushfire prone land. The Planning Proposal is considered to be inconsistent with this Direction as it does not contain all the required provisions as specified by the Direction and as the RPA has not yet consulted with the Commissioner of the NSW Rural Fire Service. It is anticipated that the Planning Proposal will be consistent with this Direction after post Gateway Determination consultation with the NSW Rural Fire Service has been undertaken.

Environmental social economic impacts :

The Planning Proposal considers the environmental, social and economic impacts associated with the amendment and identifies no specific adverse impact of the proposal subject to the application for an appropriate minimum lot size. The proposed minimum lot size will be determined after the completion of further technical studies, but prior to exhibition.

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

Timeframe to make LEP : **9 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Bushfire

If Other, provide reasons :

slope stability

sensitive vegetation

bushfire hazard

drainage

mosquitoes

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Tara Downs_Lennox Head_Ballina_2013-05 - Planning Proposal.pdf	Proposal	No
Tara Downs_Lennox Head_Locality Map.pdf	Map	No
Tara Downs_Lennox Head_Ballina_PP cover letter_300513.pdf	Proposal Covering Letter	No
FNCRS_T&VGB Map Ballina.pdf	Map	No

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
1.5 Rural Lands
2.3 Heritage Conservation
3.1 Residential Zones

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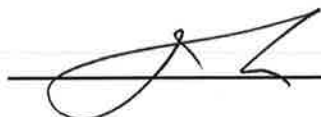
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Additional Information : It is recommended that:

1. The Planning Proposal be supported;
2. That the Director General's delegate agree that the inconsistency with Section 117 Directions 1.2 Rural Zones and 4.4 Planning for Bushfire Protection is justified as consistent with the Far North Coast Regional Strategy;
3. That consultation be undertaken with the NSW Rural Fire Service regarding the issue of Bushfire Prone land;
4. Prior to undertaking public exhibition, further studies detailing potential constraints relating to sensitive vegetation and bushfire hazard, be prepared to support the Planning Proposal, in view of the site's proximity to SEPP 26 Littoral Rainforest areas;
5. That the Planning Proposal be considered as low impact and exhibited for a period of 14 days; and
6. The Planning Proposal should be completed within 9 months;
7. That an authorisation to exercise delegation be issued to Council (Council has formally accepted its plan making delegations); and
9. Council is to update the project timeline within the Planning Proposal to reflect the date of Gateway Determination (if approved) and the issuing of an authorisation to Council to exercise its plan making delegations in relation to the Planning Proposal.

Supporting Reasons : The Planning Proposal is in keeping with the recommendations of the Far North Coast Regional Strategy and surrounding landuse.

Signature:



Printed Name:

JIM CLARK

Date:

6 June 2013

