

Proposed residential rezoning at Burns Point Ferry Road, West Ballina

Proposal Title : **Proposed residential rezoning at Burns Point Ferry Road, West Ballina**

Proposal Summary : **Rural zoned land at Burns Point Ferry Road, West Ballina, is proposed to be zoned R3 Medium Density to facilitate residential development. The minimum lot size for the land is proposed to be reduced from 40ha to 600 square metres.**

PP Number : **PP_2012_BALLI_007_00** Dop File No : **12/19107**

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
2.2 Coastal Protection
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies**

Additional Information : **It is recommended that:**
1. The planning proposal is supported;
2. The planning proposal is to be exhibited for a period of 14 days;
3. The planning proposal should be completed within 12 months;
4. The Director General (or an officer of the Department nominated by the Director General) agree that the inconsistencies with s117 Directions 1.2 and 4.3 are justified in accordance with the terms of the Direction; while all other S117 directions are consistent with the planning proposal.
5. The RPA is to consult with the Office of Environment and Heritage in relation to the issue of flooding on the site;
6. The RPA is to place supporting documentation on exhibition with the planning proposal relating to the issue of flooding on the site; and
7. The RPA is to prepare a potential land contamination study for the site. The study is to be placed on exhibition with the planning proposal.

Supporting Reasons : **The planning proposal is consistent with Council's approved residential settlement strategy and the FNC Regional Strategy.**

All inconsistencies with s117 Directions are justified by the proposal's consistency with the above strategies or are of minor significance.

Panel Recommendation

Recommendation Date : **06-Dec-2012**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning. This report is to be included as part of the public exhibition material.**
- 2. As part of the public exhibition material, Council is to include the Ballina Flood Study Update prepared by BMT WBM Pty Ltd in 2008 and any subsequent updates to this study, including any other supporting material it may have relating to flooding matters.**

Proposed residential rezoning at Burns Point Ferry Road, West Ballina

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012) and must be made publicly available for 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Noel McGuffin

Date:

10.12.12