

Bellingen LEP 2010 – Expansion of the B2 Local Centre Zone in William St Bellingen.

Proposal Title : **Bellingen LEP 2010 – Expansion of the B2 Local Centre Zone in William St Bellingen.**

Proposal Summary : **The planning proposal seeks to amend Bellingen LEP 2010 by rezoning land bounded by Oak, William, Church Streets and Halpins Lane, Bellingen, and part of the adjoining Church St road reserve, from R1 General Residential to B2 Local Centre, and removing the the current 600sqm minimum lot size. The amendment to the LEP will enable the land to be developed for a range of commercial, health and educational uses as identified in the Bellingen Shire Employment Lands Strategy 2013.**

PP Number : **PP_2014_BELLI_002_00** Dop File No : **14/05696**

Proposal Details

Date Planning Proposal Received :	24-Mar-2014	LGA covered :	Bellingen
Region :	Northern	RPA :	Bellingen Shire Council
State Electorate :	OXLEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	1,5,5-7,9,11,13,15,17,19,21 and 23 William St		
Suburb :	Bellingen	City :	Postcode : 2454
Land Parcel :	Lot 1 DP 555591, Lot 2 DP 303245, Lot 1 and 2 DP 920847, Lot B DP 900113, Lots 1 and 2 DP964404, Lots 11 and 12 DP 706176 Lot 2 DP 420959.		
Street :	9 Church Street		
Suburb :	Bellingen	City :	Postcode : 2454
Land Parcel :	Lots 2 and 3, DP 555591		
Street :	2 Oak Street		
Suburb :	Bellingen	City :	Postcode : 2454
Land Parcel :	Lot 10 DP 706176		

DoP Planning Officer Contact Details

Contact Name : **Paul Garnett**
Contact Number : **0266416607**
Contact Email : **paul.garnett@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Melanie Green**
Contact Number : **0266557326**
Contact Email : **mgreen@bellingen.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Jim Clark**
Contact Number : **0266416604**
Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.64	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	36

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The number of jobs generated by the proposed rezoning has been estimated at 1 job per 90 square metres (sqm) assuming 50% of the site is developed. The total area of the land to be rezoned is approximately 6400sqm. Assuming 50% of the land is developed for employment generating land uses it is expected that 36 jobs may be generated by the proposed rezoning.**

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Statement of objectives adequately describes the intention of the planning proposal. The proposal seeks to amend the Bellingen LEP 2010 to permit the land bounded by Oak, Church and Williams Streets and Haplins Lane, Bellingen to be redeveloped for a range of commercial, health and education purposes.**

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

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

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal seeks to amend the LEP by amending the Land Zoning Map and Lot Size Map to rezone the land from R1 General Residential to B2 Local Centre and remove the current 600sqm minimum lot size (MLS) development standard applying to the land.**

The removal of the MLS is consistent with other B2 zoned land in the local government area (LGA).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

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

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

d) Which SEPPs have the RPA identified?

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

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

If No, explain : **See the assessment section of this report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The planning proposal contains maps which show the site, the current zone and minimum lot size and the proposed zone and minimum lot size.**

For exhibition purposes, the maps should be amended to clearly indicate the current planning controls and the proposed amendments, and to include that part of Church St road reserve which will also have its planning controls changed.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal nominates a 28 day community consultation period. The planning proposal states that community consultation will entail notification in the local newspaper, exhibition at the Bellingen Administration Centre and library, and notification on the RPA's website.**

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is consistent with surrounding land use zones, and the strategic planning framework, and it does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners. It is therefore recommended that a community consultation period of 14 days is appropriate and affected adjoining properties should be notified in writing.

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 :

Time Line

The planning proposal includes a project timeline which estimates the completion of the planning proposal in August 2014. To ensure the RPA has adequate time to complete exhibition, reporting, and legal drafting it is recommended that a time frame of 9 months is appropriate.

Delegation.

The RPA has requested an Authorisation to exercise delegation for this proposal. An Evaluation Criteria For the Delegation of Plan Making Functions has been provided. The proposal is considered to be consistent with the strategic planning framework, and of local planning significance. It is recommended that an Authorisation for the execution of delegation be issued to the RPA.

Overall Adequacy

The planning proposal satisfies the adequacy criteria by;

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line
6. Completing the evaluation criteria for the delegation of plan making functions.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Bellingen LEP 2010 commenced in August 2010. This planning proposal seeks an amendment to the Bellingen LEP 2010.

Assessment Criteria

Need for planning
proposal :

The proposal implements the recommendations of the Bellingen Shire Employment Lands Strategy 2013 (ELS). The Strategy was endorsed by the Deputy Director General on 10 July 2013. The Strategy identified a need for additional commercial floor space in the town of Bellingen. It was forecast that approximately 1800sqm will be required for retail space and a similar 1800sqm for other commercial, health, and education uses.

The proposal seeks to rezone approximately 6400sqm of private land to B2 Local Centre in which retail, commercial, health and education land uses are permitted with consent. The Bellingen LEP 2010 does not specify floor space ratios for development in the B2 zone.

However, it is assumed that a floor space ratio of approximately 50% is appropriate for redevelopment of residential uses to commercial in Bellingen, particularly given the heritage significance of many of the buildings on the subject land. It is estimated that a yield of approximately 3200sqm of commercial floor space could be realised from the subject land and this is consistent with the forecasts in the Strategy.

The subject land is well suited to the proposed B2 zoning being adjacent to the existing B2 zone of the Bellingen central business district (CBD). The land is not flood prone, is serviced by water, sewer, stormwater, telecommunication and sealed road infrastructure and contains some existing commercial land uses.

The proposal to rezone the land is the most appropriate means of achieving the intent of the planning proposal. A rezoning will enable a wide range of commercial land uses and will give more certainty to potential investors and developers in Bellingen CBD.

Consistency with
strategic planning
framework :

Mid North Coast Regional Strategy (MNCRS).

The proposal is consistent with the MNCRS. The MNCRS identifies that Bellingen is expected to undergo growth and redevelopment of its commercial centre and that fragmentation and out of centre retailing should be resisted. The proposal will facilitate growth of employment opportunities within the Bellingen CBD. The subject land adjoins the existing B2 zone and is serviced by adequate public transport and infrastructure. The expected use of the land for health, retail, commercial and education land uses is consistent with the MNCRS which identifies employment opportunity growth in the region from the health, aged care, business services and tourism sectors.

The MNCRS recognises the need for major towns to be able to evolve while maintaining their heritage values and character. The subject land is located within the Bellingen Heritage Conservation area and contains several heritage items. A report by Council's Heritage Advisor has been prepared to accompany the planning proposal. The report concludes that the higher intensity of development expected in the B2 zone would have the potential to increase adverse pressure for redevelopment of heritage items on the subject land. The RPA has recognised this, and proposes new DCP controls to protect the heritage character of the precinct from redevelopment pressures associated with the rezoning to B2. The heritage protection controls in clause 5.10 of the Bellingen LEP 2010 will continue to apply to the land.

Consistency with Council's Local Strategies.

The proposal is consistent with the RPA's Employment Lands Strategy (ELS). The proposal implements one of the recommendations of the ELS as discussed previously.

SEPPs

The proposal is not inconsistent with any State environmental planning policies (SEPPs). While many SEPPs apply to the subject land the proposal to rezone the land is not inconsistent with these SEPPs.

S117 Directions.

The following S117 directions are applicable to the proposal, 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 2.4 Recreational Vehicle Areas, 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates, 3.3 Home Occupations, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.2 Reserving Land for Public Purposes, and 6.3 Site Specific Provisions.

Of the above s117 Directions the proposal is considered to be inconsistent with Direction 3.1 and 4.1.

Direction 3.1 Residential Zones is relevant to the proposal. The direction provides that a planning proposal must not reduce the permissible residential density of land.

The planning proposal seeks to rezone the land to permit redevelopment for commercial purposes. The proposed B2 zone does not permit as many types of residential accommodation as the existing R1 zone, however it does still permit dwelling houses, boarding houses and shop top housing.

The direction provides that the planning proposal may be inconsistent with the terms of the direction if it is justified by a strategy or study or is of minor significance. The proposed rezoning is consistent with the Bellingen Shire Employment Lands Strategy 2013 which was endorsed by the Deputy Director General in July 2013. The inconsistency is therefore considered to be justified in accordance with the terms of the direction.

Direction 4.1 Acid Sulfate Soils is relevant to the proposal. The Direction provides that a planning proposal must not propose intensification of land uses on land identified as having a probability of containing acid sulfate soils unless an acid sulfate soil study has been prepared.

The subject land contains class 5 acid sulfate soils. The direction provides that a planning

proposal may be inconsistent with the direction if the inconsistency is of minor significance. While the rezoning is expected to enable an intensification of land uses it is not expected that the intensification will be significant compared to the potential residential development currently permissible on the site. The class 5 acid sulfate soils are the lowest risk class and provisions exist within the Bellinghen LEP 2010 to address acid sulfate soils at development application stage. Therefore the inconsistency is considered to be of minor significance and justified in accordance with the terms of the direction.

The proposal is otherwise consistent with S117 Directions.

Environmental social
economic impacts :

The subject land is urban zoned and is currently developed for residential and some commercial purposes. The land does not contain any significant native vegetation and there is no likelihood that the proposal will adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.

The proposed rezoning will not have any adverse environmental effects. The land is not affected by known environmental hazards and is serviced by public infrastructure. Any potential impacts on the urban environment that may arise from the redevelopment of the site can be addressed at development application stage.

The proposal is expected to generate positive social and economic impacts for Bellinghen and the wider area. The additional B2 zoned land will enable additional employment generating opportunities and will reinforce Bellinghen's status as a major town in the region. The B2 zone permits dwelling houses and other appropriate forms of residential accommodation, consequently the proposed rezoning will not have significant adverse impact on the existing residential uses on the land and will not displace the current residents.

Assessment Process

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

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

Public Authority
Consultation - 56(2)
(d) :

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Bellingen LEP 2010 – Expansion of the B2 Local Centre Zone in William St Bellingen.

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bellingen - William St B2 rezoning Gateway request signed cover letter.pdf	Proposal Covering Letter	Yes
Bellingen - William St B2 rezoning Planning Proposal 8 V1 March 2014.pdf	Proposal	Yes
Bellingen - William St B2 rezoning Attachment A - Extract Bellingen Shire ELS.pdf	Study	Yes
Bellingen - William St B2 rezoning Attachment B - Council report 27 Nov 2013.pdf	Determination Document	Yes
Bellingen - William St B2 rezoning Attachment C - Site Identification Map.pdf	Map	Yes
Bellingen - William St B2 rezoning Attachment D - Aerial photo of site.pdf	Photograph	Yes
Bellingen - William St B2 rezoning Attachment E - Existing Lot Size Map.pdf	Map	Yes
Bellingen - William St B2 rezoning Attachment F - Proposed Lot Size Map.pdf	Map	Yes
Bellingen - William St B2 rezoning Attachment G - Existing Land Zoning Map.pdf	Map	Yes
Bellingen - William St B2 rezoning Attachment H - Proposed Land Zoning Map.pdf	Map	Yes
Bellingen - William St B2 rezoning Attachment I - Heritage Advisor Report.pdf	Study	Yes
Bellingen - William St B2 rezoning Attachment J - Project Timeline.pdf	Proposal	Yes
Bellingen - William St B2 rezoning Attachment K - Delegation request checklist.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils

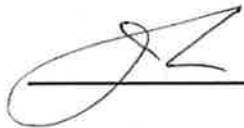
Additional Information : **It is recommended that;**
1. The planning proposal should proceed as a 'routine' planning proposal.
2. For exhibition purposes the maps should be amended to clearly indicate existing and proposed zones and minimum lot sizes, and should include that part of the Church St road reserve that will be rezoned, as part of the subject land.
3. A community consultation period of 14 days is necessary and affected and adjoining land owners be notified in writing.
4. The planning proposal is to be completed within 9 months.
5. No consultation with State agencies is considered necessary.
6. A written authorisation to exercise delegation is issued to Bellingen Shire Council.
7. A delegate of the Director General agree that the inconsistencies of the proposal with S117 Directions 3.1 and 4.1, are justified in accordance with the terms of the direction.

Supporting Reasons : **The reasons for the recommendation are as follows;**
1. The proposal will provide for additional employment generating opportunities in the Bellingen Shire.
2. The proposal is consistent with the Mid North Coast Regional Strategy and Bellingen Shire Employment Lands Strategy 2013.
3. The inconsistencies of the proposal with S117 Directions 3.1 Residential Zones and

Bellingen LEP 2010 – Expansion of the B2 Local Centre Zone in William St Bellingen.

4.1 Acid Sulfate Soils are considered to be justified in accordance with the terms of the directions.

Signature:



Printed Name:

JIM CLARK

Date:

28 March 2014

