

Rezone Lot 1 DP 517111 at North Creek Road, Lennox Head for residential and open space purposes

Proposal Title :	Rezone Lot 1 DP 517111 at North Creek Road, Lennox Head for residential and open space purposes		
Proposal Summary :	The planning proposal seeks to rezone Lot 1 DP 517111 from RU1 Primary Production to a mix of R2 Low Density Residential, R3 Medium Density Residential and a portion of the lot to RE1 Public Recreation. The planning proposal will require amendment to Ballina LEP 2012 Zoning and Lot Size Maps to illustrate the new Residential and Public Recreation zones proposed.		
PP Number :	PP_2014_BALLI_003_00	Dop File No :	14/06414

Proposal Details

Date Planning Proposal Received :	04-Apr-2014	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 :	North Creek Road		
Suburb :	Lennox Head	City :	Postcode : 2478
Land Parcel :	Lot 1 DP 517111		

DoP Planning Officer Contact Details

Contact Name :	Jenny Johnson		
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RPA Contact Details

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DoP Project Manager Contact Details

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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
MDP Number :		Date of Release :	
Area of Release (Ha) :	15.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	150
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Agency's Coade of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	Northern Region has not met any lobbyists in relation to this proposal, nor has Northern Region been advised of any meetings between other agency officers and lobbyists concerning this proposal.		

Supporting notes

Internal Supporting Notes :

External Supporting Notes : The site was subject to a earlier LEP amendment which was initially to amend Ballina LEP 1987. In Council's view the proponent was not able to provide adequate information to allow for a assessment to be undertaken. At Council's request the LEP amendment was discontinued in February 2013.

The site was subject at the same time to a Part 3A Major Project application. As the rezoning did not proceed, the Major Project also lapsed.

This current planning proposal is not related to the previous LEP amendment or the Major Project.

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 rezone the subject lot for residential purposes as identified in the Far North Coast Regional Strategy (FNCRS) and open space. This will enable the land to be used for urban expansion while protecting the sensitive nature of the north western portion of the site.

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

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

Comment : **The explanation of provisions adequately describes the intention of the planning proposal. The proposal seeks to rezone the subject land from RU1 Primary Production to R2 Low Density and R3 Medium Density Residential to support residential development on the site in accordance with the FNCRS. A Public Recreation zone over the north western part of the site seeks to protect the sensitive nature of this portion of land from extensive development, as Ballina LEP currently does not include environmental overlays. Amendments to the corresponding maps are also proposed to reflect the changes made to allow development to proceed.**

This is the best means of achieving the intent of the objectives.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

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

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

d) Which SEPPs have the RPA identified?

N/A

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

The Council resolved (27/03/2014) as part of the planning proposal that once a Gateway determination was received from Planning and Infrastructure Council would initiate a third party review and preparation of an environmental study of the land to determine a recommended zoning and development standards outcomes.

The environmental study is to aid Council to determine if the proposed zoning and extent of low and medium density residential development and the minimum lot size proposed are suitable for the site. Council is required to ensure that the proposed zoning for the residential development is resolved prior to exhibition and to clearly state in the exhibition documents what areas will be zoned R2 Low Density and/or R3 Medium Density Residential. Council will be required to notify Planning and Infrastructure of any changes to ensure the Gateway determination reflects the correct proposal.

The water reservoir is not included in the subject site.

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

If No, explain :

The inconsistencies with the s117 Directions have been addressed and are considered to be justified by the FNCRS.

See the assessment section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The proposal includes mapping which adequately shows the land which is affected by the proposed amendment. The maps have been prepared in accordance with the Standard Technical Requirements for LEP Maps and are suitable for exhibition purposes.

Amendments to Zoning and Lot Size Maps will be required to illustrate the new Residential and Public Recreation zones proposed. Amendments to the Strategic Urban Growth and Dwelling Opportunity Maps are also proposed, to remove the subject site

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and its original dwelling entitlement.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : The planning proposal did not specify a preferred exhibition period. The planning proposal is classed as a low impact proposal as the rezoning is supported by both Council and State Government strategies. An exhibition period of 14 days is considered adequate for the proposal.

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 satisfies the adequacy criteria by:

- 1) Providing appropriate objectives and intended outcomes.
- 2) Providing a suitable explanation of the provisions for the LEP to achieve the outcomes.
- 3) Providing an adequate justification for the proposal.
- 4) Allowing for a suitable proposed community consultation program.
- 5) Completing an evaluation for the issuing of an authorisation to exercise delegation.
- 6) Providing a timeline for the completion of the proposal. Council has suggested a timeline of 12 months, which is acceptable.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Ballina LEP 2012 was made in January 2013. This planning proposal seeks an amendment to the Ballina LEP 2012.

Assessment Criteria

Need for planning proposal : The planning proposal is a result of the Ballina Shire Growth Management Strategy (GMS) and the Lennox Head Structure Plan (LHSP) 2004, identifying a number of sites suitable for residential development. The GMS identified the subject site as a 'strategic urban growth area'. The LHSP identifies low and medium density housing as a preferred urban land use. The structure plan identified the subject site as suited to accommodate future urban development.

Each of these reports support the option of rezoning the land from primary production to a more suitable residential zoning.

The surrounding area is predominantly residential development. If the land was to remain as RU1 it is unlikely to be profitable as an agricultural enterprise and would raise serious land use conflicts. A residential zone is the most suitable zoning for this area.

The proposed rezoning of the north western portion of the site to open space (RE1 Public Recreation) is to potentially allow stormwater management infrastructure to be developed (this requires further assessment for suitability), and safeguard the threatened species (Hairy Joint Grass) and the (Freshwater Wetland) Endangered Ecological Community (EEC) that have been identified on this part of the site. As Ballina LEP currently does not include environmental overlays, a rezoning to RE1 Public Recreation is the most suitable

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zone to limit future development that could impact on this sensitive area.

The rezoning of the subject site and amendments to the zoning and lot size maps are the most appropriate means of achieving the desired outcomes for the proposal. The rezoning will allow for the area to be developed for residential purposes of a mix of low and medium residential options that will cater to all levels of the existing and future Lennox Head community.

Additional housing that will occur as a result of the rezoning proposal will contribute to Council's housing targets as set by the Far North Coast Regional Strategy.

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Consistency with strategic planning framework :

The rezoning for residential purposes is consistent with the Lennox Head Structure Plan (LHSP) 2004, the Ballina Shire Growth Management Strategy (GMS) 2012 and the Far North Coast Regional Strategy (FNCRS), where the site is mapped as 'Proposed Future Urban Release Area'.

The proposal is consistent with all SEPPs that apply to the LGA.

The planning proposal is inconsistent with s117 Directions 1.2 Rural Zones and 1.5 Rural Land. The inconsistencies are supported by the FNCRS which has been endorsed by the DG of Planning and Infrastructure.

The following Directions warrant consideration.

1.2 Rural Zones

The planning proposal is not considered to be consistent with this direction as it is proposed to rezone land from a rural zone to a residential zone. The inconsistency is justified because the rezoning is in accordance with the FNCRS which gives consideration to the objectives of this direction. The FNCRS identifies the area as 'Proposed Future Urban Release Area'. The rezoning will allow this area to be developed for residential development, which is consistent with the objectives of the FNCRS.

1.5 Rural Land

The planning proposal is not considered to be consistent with this direction as it will affect land within an existing or proposed rural zone. The existing land use zone is RU1 Primary Production. The provisions that are inconsistent are justified by a strategy (Ballina Shire Growth Management Strategy) that gives consideration to this direction, and is approved by the DG of Planning and Infrastructure. The land is located within the Lennox Head urban area and has limited agricultural productive values.

3.4 Integrated Land Use & Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layout achieve adequate transportation methods. The FNCRS identified the site as suitable area for urban development. The site is easily accessible from existing road infrastructure and is within walking distance of public transport and facilities.

5.1 Implementation of Regional Strategies

The proposal is consistent with this direction. The area proposed to be rezoned is the area identified for future urban growth in the FNCRS.

5.3 Farmland of State & Regional Significance on the NSW Far North Coast

This direction is to ensure that the best agricultural land will be available for current and future generations. Although the land is identified as regionally significant farmland, the direction does not apply to the planning proposal as the area is contained within the Town and Village Growth Boundary (T&VGB) in the FNCRS which excludes the area from the effect of the direction.

Council as part of the planning proposal listed 5.3 as inconsistent with the direction but that the inconsistency was justified by the regional strategy (FNCRS). As stated above the direction does not apply as the area is within the T&VGB and therefore there is no inconsistency.

Environmental social economic impacts :

The proposal rezones the north western portion of the site to RE1 - Public Recreation. The identified threatened species (Hairy Joint Grass) and the Freshwater Wetland EEC will be contained within this low impact zone, which in the absence of an environmental overlay, is the most suitable to protect these sensitive flora species.

A bushfire threat assessment report has been completed and has determined that the site is not bushfire prone.

The proposed residential area will be situated on top of a hill, above the existing

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residential development. Although the site already houses a large water reservoir which impacts on the visual amenity of the existing residential area Council may need to consider and suggest mitigation measures to reduce the impact on scenic amenity that this proposed residential development may create.

The rezoning proposal potentially has an economic benefit due to the job opportunities that will arise during construction of residential development and the flow-on effect within the community of an increase in revenue to the local businesses and area.

Assessment Process

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

Timeframe to make LEP : **12 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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2014-03 Planning Proposal.pdf	Proposal	Yes
Ballina Shire Council_04-04-2014_ LEP 2012 Amendment Lot 1 DP 517111 North Creek Road Lennox Head - Reservoir Hill Site - s56_.pdf	Proposal Covering Letter	Yes

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
5.3 Farmland of State and Regional Significance on the NSW Far North Coast

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Additional Information : It is recommended that:

- 1) The planning proposal should proceed as a routine planning proposal;
- 2) The planning proposal be completed within 12 months;
- 3) The Director General (or an officer nominated by the Director General) agrees that the inconsistencies with s117 Directions 1.2 and 1.5 are justified, through the Far North Coast Regional Strategy;
- 4) That a community consultation period of 14 days is necessary;
- 5) Delegation to finalise the planning proposal be issued to Ballina Shire Council.

Supporting Reasons : The planning proposal to rezone land to residential with a small portion of public recreation in accordance with the Far North Coast Regional Strategy and is appropriate to proceed.

The issue of delgation to Council to finalise the planning proposal is appropriate in this instance.

Signature:



Printed Name:

JIM CLARK

Date:

17 April 2014