

Minor rezoning to correct mapping anomaly - Crane St, Ballina

Proposal Title : **Minor rezoning to correct mapping anomaly - Crane St, Ballina**

Proposal Summary : **The proposal is to rezone a strip of land 55m by 2m adjacent to the Ballina CBD from R3 Medium Density Residential to B3 Commercial Core. The land was originally zoned for commercial purposes under Ballina LEP 1987; however, it was inadvertently mapped as residential during digitisation of the 2012 LEP. It forms part of the site of Ballina Fire Station.**

PP Number : **PP_2013_BALLI_004_00**

Dop File No :

13/09986

Proposal Details

Date Planning : **13-Jun-2013**

Proposal Received :

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 : **60 Crane St**

Suburb :

City : **Ballina**

Postcode : **2478**

Land Parcel : **Lot 2 DP 506103**

DoP Planning Officer Contact Details

Contact Name : **Claire Purvis**

Contact Number : **0266416611**

Contact Email : **claire.purvis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Simon Scott**

Contact Number : **0266861284**

Contact Email : **simons@ballina.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 :

Release Area Name :

Regional / Sub : **Far North Coast Regional**

Consistent with Strategy : **Yes**

Regional Strategy : **Strategy**

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MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	110.00	No of Jobs Created :	0

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 : **No special arrangements are proposed for processing the planning proposal, due to the minor nature of the matter.**

External Supporting Notes : **Ballina Council is in the the process of acquiring the land from Fire and Rescue NSW, and therefore has a commercial interest. Accordingly, the Council has indicated that it will not be using delegation.**

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

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

Comment : **The objective clearly conveys the nature and scale of the proposal. Council's objective is to rezone the land from R3 to B3 to reflect its current and historic use and to correct a mapping anomaly.**

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

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

Comment : **The explanation of provisions conveys that the proposal's objective will be achieved by rezoning the land.**

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

1.1 Business and Industrial Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

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

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? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping is adequate and accurate.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Council has indicated that consultation will be as directed through the gateway process. The planning proposal is 'low impact' in accordance with the Department's guidelines and therefore a 14 day public exhibition period is recommended.**

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 clear objectives and intended outcomes;**
- 2. Providing suitable explanation of the provisions proposed for the LEP to achieve outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Indicating that community consultation will be as set by the Gateway;**
- 5. Providing a project timeline which is for 6 months up to submission of the proposal at S59(2) stage to the Minister. This is an acceptable timeframe; and**
- 6. Indicating that because it has a commercial interest in the land, it is not seeking delegation of plan-making functions. While Council's position is understood in that it maintains transparency and accountability for the Council, this is a very minor rezoning issue and delegation could be made. .**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The principal LEP is Ballina LEP 2012. The planning proposal will amend the zoning map LZN_006C.**

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Assessment Criteria

Need for planning proposal :	The planning proposal is needed to correct a mapping anomaly which arose from digitisation of Ballina LEP 1987. The land was originally zoned for commercial purposes in LEP 1987, but was inadvertently included in the adjacent residential zone when LEP 1987 was digitised. In the Ballina LEP 2012 process, the land was zoned R3 on the basis of its residential zoning under LEP 1987. The Council, in preparing to buy the land from Fire and Rescue NSW, noticed the incorrect zoning.
Consistency with strategic planning framework :	The proposal is consistent with the strategic planning framework. Ballina is identified in the Far North Coast Regional Strategy as a developing major centre, and the subject land's proposed commercial zoning supports Ballina's CBD.
Environmental social economic impacts :	The subject land is a narrow strip - 55 metres by 2 metres - running between streets in the town of Ballina. It is currently occupied by part of a shed (partly located in the adjoining property) and a fence. No adverse environmental, social or economic impacts are expected. The site, together with the adjoining property, is listed in Ballina LEP 2012 as the location of a local heritage item - Ballina Fire Station. The listing will not be affected by the proposed rezoning.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Fire and Rescue NSW		

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
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Planning_Proposal.pdf
letter_from_Ballina_Council.pdf

Proposal
Proposal Covering Letter

No
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**
 2.2 Coastal Protection
 2.3 Heritage Conservation
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 5.1 Implementation of Regional Strategies
 6.1 Approval and Referral Requirements

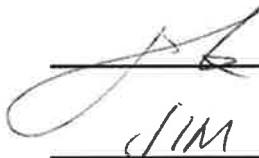
Additional Information : **Preparation of the planning proposal is supported at this stage. Recommended with conditions.**

It is recommended that:

- 1) The planning proposal be supported;**
- 2) The planning proposal be exhibited for 14 days;**
- 3) The planning proposal be completed within 6 months.**
- 4) That delegation to finalise the proposal be granted to Council**

Supporting Reasons : **1) The proposal is minor in nature and scale, and will enable efficiencies in the adjoining commercial area, thus supporting Ballina CBD.**
 2) Commercial use of the land is unlikely to result in environmental, social or economic impacts.
 3) While the proposal is of a minor nature, in light of the Council's commercial interest in the land a community consultation period should be undertaken .

Signature:



Printed Name:

JIM CLARK

Date:

21 June 2013

