

Proposed residential zoning of 160-190 North Creek Road Lennox Head

Proposal Title : **Proposed residential zoning of 160-190 North Creek Road Lennox Head**

Proposal Summary : **The proposal is to rezone the subject land from an urban investigation zone to a part residential zone and a part recreational zone.**

PP Number : **PP_2012_BALLI_003_00** Dop File No : **12/08576**

Proposal Details

Date Planning Proposal Received : **14-May-2012** 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 : **160 - 190 North Creek Road**

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

Land Parcel : **Lots 2, 3 and 4 DP 241585 and Lot 6 DP 598177 160-190 North Creek Road Lennox Head**

DoP Planning Officer Contact Details

Contact Name : **Di Yeates**

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RPA Contact Details

Contact Name : **Sally McGarry**

Contact Number : **0266861284**

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

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MDP Number :		Date of Release :	
Area of Release (Ha) :	3.23	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	25	No. of Dwellings (where relevant) :	30
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 Department of Planning Code 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 meeting between other Departmental officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **The Planning Proposal is currently seeking to amend the draft comprehensive LEP 2012. The draft comprehensive plan has been submitted for making but has not yet made.**

The planning proposal will amend either the new Ballina LEP 2012 or the current Ballina LEP 1987, whichever is in force at the time.

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 the subject land to enable density residential development and associated infrastructure.**

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

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

Comment : **The PP seeks to rezone the subject land to a medium density residential zone and will provide an infill development within an established urban area in Lennox Head.**

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**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 5.1 Implementation of Regional Strategies**

* May need the Director General's agreement

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6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Housing for Seniors or People with a Disability) 2004

North Coast REP 1988

SEPP (Affordable Rental Housing) 2009

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 :

The mapping provided adequately shows the subject land and the proposed zoning.

Mapping that complies with the Department's 'Standard Technical Requirements for LEP Maps' will be provided when the LEP is submitted for making.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to publicly exhibit the proposal in the normal manner, or as directed through the gateway determination process.

Council indicates it will also consult with relevant agencies following the gateway determination.

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 providing:

- 1) appropriate objectives and intended outcomes;**
- 2) an outline of the proposed planning provisions to achieve the outcomes;**
- 3) adequate justification for the proposal; and**
- 4) a proposed community consultation program.**

Proposal Assessment

Principal LEP:

Due Date : June 2012

Comments in relation to Principal LEP :

The current LEP is the Ballina LEP 1987. However the draft comprehensive LEP (Ballina LEP 2012) has been submitted for making.

The Planning Proposal will amend the relevant LEP.

Assessment Criteria

Need for planning proposal :

The planning proposal allows a small residential infill development within the existing urban area of Lennox Heads assisting regional dwelling targets.

The proposed land use will be consistent with the surrounding development and can be economically serviced with a full range of infrastructure.

Consistency with strategic planning framework :

The proposal is consistent with all relevant local and regional planning strategies, including the Far North Coast Regional Strategy; the approved Ballina Urban Land Release Strategy 2000; and the locality based Lennox Head Structure Plan 2004.

Council has identified ten s117 Directions relevant to the proposal. A further one (4.4) is also relevant. Five SEPPs were identified by Council in respect to the planning proposal.

The planning proposal is consistent with all relevant s117 Directions and SEPPs with the exception of directions 1.2, 1.5. These inconsistencies may be justified for the following reasons:

1.2 - Rural Zones states a planning proposal must not: (i) rezone land from a rural to residential zone; nor (ii) contain provisions that will increase the permissible density of development of rural zoned land where the land is not in a town or village. The PP is inconsistent with item (i) but consistent with (ii) as it is located in Lennox Head township.

The inconsistency with item (i) may be justified as the subject land has been identified in a local land release strategy approved by the Director General.

1.5 - Rural Lands requires a PP, affecting rural zoned land, to be consistent with the SEPP Rural Lands (2008).

The inconsistency with direction 1.5 may be justified as the subject land has been identified in a local land release strategy approved by the Director General.

4.4 - Planning for Bushfire Protection, requires the council to consult with the commissioner of the NSW Rural Fire Service following receipt of the gateway determination. To ensure this consultation occurs a recommendation has been included to this effect.

A check will be required at s59 to ensure Council has received written advice that the Commissioner does not object to the PP proceeding.

While Council has identified a number of other relevant directions, there are no further inconsistencies.

Environmental social economic impacts :

The proposed residential land use will likely have positive social and economic benefits to the community in terms of providing additional construction work in the short term and additional dwellings in the longer term assisting dwelling targets for the region.

The subject land is generally cleared grazing land dominated with exotic or extra-regional species. Consequently the planning proposal is not expected to result in adverse environmental impacts.

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Assessment Process

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

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

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 : **The RPA has not nominated any particular exhibition time frame, however, given the minor nature of the planning proposal 14 days is considered adequate.**

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
BallinaPP_160to190NorthCreekRoad_ LennoxHead.pdf	Proposal	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**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 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**

Additional Information : **It is recommended that:**

- 1) the proposal proceed as a minor planning proposal;**
- 2) the planning proposal is publicly exhibited for 14 days;**

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3) the planning proposal is completed within 9 months;

4) the Director General (or an officer nominated by the Director General) agree that the inconsistency with s117 Directions 1.2 and 1.5 are justified as being of minor significance, noting also that the planning proposal is consistent with all other relevant directions;

5) the RPA consult with the NSW Rural Fire Service in respect to s117 Direction 4.4 - Planning for Bushfire Protection.

Supporting Reasons :

The reasons for the above recommendation are as follows:

1) The proposed medium residential use of the land is consistent with all relevant local and regional planning strategies.

2) The planning proposal allows a small residential infill development within the existing urban area of Lennox Heads.

3) The proposed land use will be consistent with the surrounding development and can be economically serviced with a full range of infrastructure.

Signature:



Printed Name:

JIM CLARK

Date:

18 May 2012