

Bellingen LEP 2010 - Planning Proposal to rezone Bellingen Bowling Club land.

Proposal Title : **Bellingen LEP 2010 - Planning Proposal to rezone Bellingen Bowling Club land.**

Proposal Summary : **The rezoning of the Bellingen Bowling Club site from RE2 Private Recreation to R3 Medium Density Residential and to apply a floor space ratio of 1.4:1 to the site. hjbk**

PP Number : **PP_2011_BELLI_002_00** Dop File No : **11/16329**

Proposal Details

Date Planning Proposal Received : **06-Sep-2011** LGA covered : **Bellingen**

Region : **Northern** RPA : **Bellingen Shire Council**

State Electorate : **COFFS HARBOUR** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **6 Bowra Street**

Suburb : City : **Bellingen** Postcode : **2454**

Land Parcel : **Lot 570 DP 755557 zoned RE2 Private Recreation under Bellingen LEP 2010**

DoP Planning Officer Contact Details

Contact Name : **John Finlay**

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RPA Contact Details

Contact Name : **Daniel Bennett**

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

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MDP Number :		Date of Release :	
Area of Release (Ha) : 0.57		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots : 0		No. of Dwellings (where relevant) :	0
Gross Floor Area : 0		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 : **The proposal is to rezone the site to allow medium density development to occur however, no indication has been given on the number of lots or dwellings Council expects for the site.**

External Supporting Notes :

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

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

Comment : **The objective of the proposal is to rezone the land to enable medium density residential development. This is proposed to be achieved by zoning the land R3 Medium Density Residential. However, as the present Bellingen LEP 2010 does not include this zone it will require the introduction of the zone into the LEP. In addition, the Council's report recommends applying a floor space ratio of 1.4:1 to the site, but the LEP at present does not adopt the floor space ratio clause. This recommendation therefore also requires the introduction of this clause into the LEP.**

The land around the site is generally residential and zoned R1 General residential. The R1 zone allows a range of residential development including the type proposed. It is therefore unclear why it would be necessary to zone the land R3 and apply a floor space ratio which would involve the introduction of the zone and the floor space ratio clause into the LEP. The R1 zone could allow the types of medium density development anticipated for the site.

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

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

Comment : **Council will need to introduce the R3 zone (including a table of uses) and the optional standard clauses 4.4 and 4.5 for floor space ratio into the LEP 2010.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

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 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

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 :

The site is identified as an Archaeological Site under the Bellingen LEP 2010 as the Old Bellingen Cemetery. The Council states that the heritage of the cemetery site is not of significance as it has been substantially disturbed with the development of the Bowling Club and its associated bowling greens and that the southern part of the Cemetery site is proposed to be protected. The provisions of the LEP require Council to consult with the (then) Heritage Council about any development proposed on an archaeological site. Council should consult with the Office of Environment and Heritage (Heritage Council) in regards the planning proposal and undertake any studies the Heritage Council requests.

The planning proposal is considered to be inconsistent with S117 Directions 2.3 Heritage Conservation and 4.3 Flood Prone Land. Council considers both inconsistencies to be minor and justifiable. Despite Council's references to Directions 3.1, 3.4 and 5.1, no inconsistencies with these directions are involved.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps are adequate to identify the land and its proposed zoning and floor space ratio.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The Council has suggested a 28 day exhibition period, the inclusion of notices in the local paper on two occasions and notifying adjacent land owners. As the proposal seeks to rezone land currently zoned for recreational purposes, the 28 day exhibition period is supported.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The Bellingen LEP 2010, the Standard Instrument, has already been published and is in force.

Assessment Criteria

Need for planning
proposal :

Council's report states that the Bowling Club and the Bellingen Golf Club are merging and so the bowling club facilities are no longer required. The Bowling Club seeks to rezone the land to allow medium density development. To achieve this the submission from the Club suggested the land be rezoned from RE2 Private Recreation to R3 Medium Density Residential.

The Bellingen LEP 2010 does not include the R3 zone with all residential land in the town included in the R1 zone. There are no floor space ratio provisions presently in the LEP and a single height control of 10 metres applies throughout the shire. The R1 zone allows various types of residential development including medium density development such as residential flat buildings, attached dwellings and multi dwelling housing. It is therefore not clear from the proposal why a R3 zone is required and whether the existing R1 zone would allow the development proposed for the site.

Discussions with the planning officer from Bellingen Shire indicated that Council seeks to zone the land R3 to give it the status of a medium density site and give greater assurance that it will be developed for this purpose rather than for low density residential development that is implied from current use of the R1 zone in the locality.

While this seems to be a valid argument, the inclusion of a R3 zone in this isolated location is without a strategic justification. Council should be requested to amend the planning proposal to justify why a R3 zone is required and if justified, prepare the appropriate land use table. If a R3 zone is not to be utilised, the outcome could be achieved by a DCP. If a floor space ratio is to be adopted, the optional standard clauses will need to be included in the LEP.

Consistency with
strategic planning
framework :

The site is in Bellingen, a major town under the Mid North Coast Regional Strategy. The Regional Strategy seeks to reinforce the settlement hierarchy and ensure that higher residential densities are achieved in urban areas where services are available. Higher densities are supported if environmental constraints allow. Council's arguments in this regard are therefore supported.

Environmental social
economic impacts :

The land is already extensively disturbed. The environmental issues that need to be addressed relate to the flooding of the site and its heritage significance. The amalgamation of the bowling club with the golf club could be of benefit to the community in allowing both activities to continue operating.

In regard to flooding, Council has made the statement that part of the land is flood prone, but has provided no more information. As flooding is a significant issue covered by section 117 direction 4.3, Council will need to consider the issue in more detail.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

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

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d) **Housing 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. :

Heritage

Flooding

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
Bellingen Shire Council_06-09-2011 00_00_00_Bellingen Bowling Club Rezoning & Floor Space Ratio - PP_.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that**
1. The planning proposal proceed as a routine planning proposal:
2. The planning proposal be exhibited for 28 days:
3. The planning proposal should be completed in 9 months:
4. The RPA further investigate the significance of the Old Bellingen Cemetery identified as an Archaeological site under the LEP 2010, including consultation with the Heritage Council (OEH).

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5. The RPA provide justification for including the land in the R3 zone rather than the R1 zone and if the R3 zone continues to be supported by Council, amend the planning proposal to provide a land use table for that zone, and indicate that standard clauses 4.4 and 4.5 of the SI Template need to be inserted into the Principal LEP to address the floor space ratio issue.

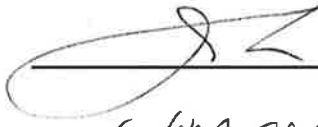
6. The RPA assess the flooding implications of the proposed residential zoning (including advice from OEH).

7. The land use table for R3 (if adopted) together with heritage and flooding information should be submitted to DP&I for consideration under s57(2) of the Act before exhibition, to determine whether inconsistencies with s 117 directions 2.3 and 4.3 are justified.

Supporting Reasons :

The use of the site as a bowling club is to be discontinued and an appropriate use of the land would be for residential development as the site is close to the CBD and surrounded by other residential development. However, further heritage and flooding assessment should be undertaken.

Signature:



Printed Name:

JIM CLARK

Date:

9 September 2011