

	To rezone Lot 4 DP 537419, Burns Point Ferry Rd, West Ballina for residential and employment uses and RU2 Rural Landscape					
Proposal Title :	To rezone Lot 4 DP 537419, Burns Point Ferry Rd, West Ballins for residential and employment uses and RU2 Rural Landscape					
Proposal Summary :		To rezone Lot 4 DP 537419, Burns Point Ferry Rd, West Ballina for residential and employment uses and RU2 Rural Landscape				
PP Number :	PP_2014_BALLI_007_00 Dop File No : 14/15938					
Proposal Detalis						
Date Planning Proposal Received :	19- Sep-2014	LGA covered :	Bellina			
Region :	Northern	RPA :	Ballina Shire Council			
State Electorate :	BALLINA	Section of the Act :	55 - Planning Proposal			
LEP Туре :	Spot Rezoning					
Location Details						
Street : Bu	rns Point Ferry Rd					
Suburb :	City :	West Ballina	Postcode : 2478			
Land Parcel : Lo	t 4 DP 537419					
DoP Planning Offi	cer Contact Details					
Contact Name :	Craig Diss					
Contact Number :	0267019685					
Contact Email :	craig.disa@planning.nsw.gov.a	u				
RPA Contact Deta	lis					
Contact Name :	Lachlan Sims					
Contact Number :	0266881419					
Contact Email :	iachians@bailina.new.gov.au					
DoP Project Manager Contact Details						
Contact Name :						
Contact Number :						
Contact Email :						
Land Release Data	1					
Growth Centre :		Release Area Name :				
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) :	0.00	Type of Release (eg Residential / Employment land) :	N/A		
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 compiled with :	Yes				
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbylats has been compiled with to the best of the Region's knowledge. The Northern Region has not met with any lobbylats in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbylats concerning the proposal.				
Have there been meetings or communications with registered lobbyists? :	Νο				
If Yes, comment :					
Supporting notes					
Internal Supporting Notes :					
External Supporting Notes :					
Adequacy Assessment Statement of the obj Is a statement of the obj	ectives - s55(2)(a)				
Comment :	The statement of objectives ad	equately describes the intent	ion of the Planning Proposal.		
	The proposal seeks to amend I mix of residential and employn as suitable for an urban zoning	Bailina LEP 2012 by rezoning nent uses. The remainder of t	parts of the land to enable a he site that is not considered		
	While sufficient environmental suitability of the site for further final development footprint, zon after completion of the followin	detailed investigation, Coun nings and development stand	cil proposes to determine the		
	- ecological / flore and fauna				
	- acid suifate soils - land contemination				
	- geotechnical				
	- stormwater impact - entomological (mosquitoes)				
	- bushfire hazard				
	- archaeological / cultural heriti	lge			

Explanation of provisions provided - s55(2)(b) Is an explanation of provisions provided? Yes Commant: The explanation of provisions adequately addresses the Intended method of achieving th objectives of the Planning Proposal by amending Balline LEP 2012 and its associated maps Justification - s55 (2)(c) a) Has Councils strategy been agreed to by the Director General? Yes b) S.117 directons identified by RPA: 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Rural Lands 2.4 Recreation Vehicle Areas 3.1 Residential Zones 3.2 Caravan Parks and Manufactured Home Estates 3.3 Home Occupations 3.4 Integrating Conservation 2.4 Recreation Vehicle Areas 3.4 Integrating Conservation 2.5 Approval and Referral Requirements 6.5 Approval and Referral Requireme		37419, Burns Point Fe d RU2 Rural Landscap	rry Rd, West Ballina for residential and e
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Comment : The Planning Proposel Includes maps which show the subject land and a proposed concept plan provided by the landowner indicating the areas currently proposed for urban development (land adjoining the northern boundary and a proposed restaurant site in the south sast corner). Significant further investigation on the areas and footprints of the land to be rescaned for urban purposes is proposed by Council prior to public exhibition to confirm their suitability. To ensure that the public is fully informed and provided an opportunity to comment on the proposal, it is recommended that once the further detailed site investigations are completed, that existing and proposed maps of the following are prepared and placed on public exhibition: Land Zoning Lot Size 	Mapping Provided	- s55(2)(d)	
concept plan provided by the landowner indicating the areas currently proposed for urban development (land adjoining the northern boundary and a proposed restaurant site in the south sast corner). Significant further investigation on the areas and footprints of the land to be rezoned for urban purposes is proposed by Council prior to public exhibition to confirm their suitability. To ensure that the public is fully informed and provided an opportunity to comment on the proposal, it is recommended that once the further detailed site investigations are completed, that existing and proposed maps of the following are prepared and placed on public exhibition: - Land Zoning - Lot Size	Is mapping provided?	Yes	
the proposal, it is recommended that once the further detailed site investigations are completed, that existing and proposed maps of the following are prepared and placed on public exhibition: - Land Zoning - Lot Size	Comment :	concept plan provid urban development site in the south cas footprints of the land	ed by the landowner indicating the areas currently proposed for (land adjoining the northern boundary and a proposed restaurant it comer). Significant further investigation on the areas and d to be rezoned for urban purposes is proposed by Council prior to
- Height of Buildings - Land Application Map - Building Height Allowance Map		the proposal, it is re completed, that exia on public exhibition - Land Zoning - Lot Size - Height of Buildings - Land Application N	commended that once the further detailed site investigations are ting and proposed maps of the following are prepared and placed :

	37419, Burns Point Ferry Rd, West Ballina for residential and d RU2 Rural Landscape
	- Flood Planning - Strategic Urban Growth Area
Community consu	Itation - s55(2)(e)
Has community consu	ultation been proposed? Yes
Comment :	As the proposal includes land to be used for residential or employment purposes outside of the development footprint identified for the site in Council's existing local growth management, it is considered appropriate that the community be provided a 28 day period to review and comment on the proposal.
Additional Director	r General's requirements
Are there any addition	al Director General's requirements? No
If Yes, reasons :	
Overall adequacy o	of the proposal
Does the proposal me	et 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 proposed for the LEP to achieve the outcomes. 3. Providing an adequate justification for the proposal. 4. Outlining a proposed community consultation program. 5. Advising that Council seeks delegation to make the plan in this instance. 6. Providing a proposed time line to complete the proposal. It is considered appropriate that a written authorisation to exercise plan making delegations be issued to Council (if a Gataway Determination is granted) as the proposal is consistent with the Far North Coast Regional Strategy and is essentially a local planning issue. It is noted that the project time line included in the proposal estimates that it will be finalised by July 2015. Discussions with Council staff have indicated that the proposal is unlikely to be completed prior to early 2016 due to the number of detailed site investigations that are proposed prior to proceeding to exhibition. If a Gateway Determination is granted, an 18 month period to complete the Planning Proposal is recommended due to the number and nature of the proposed additional studies
posal Assessment	required.
rincipal LEP:	-
Due Date ;	
Comments in relation to Principal LEP :	Ballina LEP 2012 was made in Fabruary 2013. The proposal includes land currently under both Ballina LEP 2012 and Ballina LEP 1987. The land under Ballina LEP 1987 is currently zoned 1(d) Rural (Urban Investigation) and was deferred from Ballina LEP 2012 due to the pending outcomes of the E Zone review on the Far North Coast. The land was proposed to be zoned as E2 Enviromental Conservation under draft Ballina LEP 2012.
	It is now proposed that the entire site be rezoned and included in Ballina LEP 2012 (with areas not suitable for an urban zoning to be included as RU2 Rural Landscape).

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To rezone Lot 4 DP 537419, Burns Point Ferry Rd, West Ballina for residential and employment uses and RU2 Rural Landscape

Assessment Criteria Need for planning proposal : Part of the land on the northern boundary being investigated for urban rezoning is identified in Ballina LEP 2012 and Council's local growth management strategy as a strategic urban growth area. The proposal has been brought forward by Council due to a submission from the landowner to the draft Ballina LEP 2012. As a result of this submission, further environmental studies have been undertaken that have confirmed that parts of the site outside the identified strategic urban growth area are suitable for further urban rezoning investigation.

To rezone	Lot 4 DP	537419,	Burns	Point Ferry	Rd,	West Ballina	for residential	and
employme	ent uses a	and RU2	Rural I	andscape				

Consistency with strategic planning	The Far North Coast Regional Strategy The subject site is identified in the Far North Coast Regional Strategy as a proposed future
framework :	urban release area (subject to high level constraints). These constraints are related to the
numeron.	environmental values of the land, Council has now completed further environmental
	investigations that have confirmed that parts of the site are suitable for more detailed
	examination for urban rezoning.
	examination to a near reconny.
	While not specifically identified for employment purposes, as the land is wholly contained
	within the Town and Village Growth Boundary, and is identified as a proposed future urban
	release area, it is considered that the proposal is consistent with the Regional Strategy.
	SEPPs
	While Council has not detailed any specific SEPPs as being applicable to the proposal, it is
	considered that a number of SEPPS are relevant. These SEPPs include SEPP 14 Coastal
	Wetlands, SEPP 44 Koala Habitat Protection, SEPP 55 Remediation of Land, SEPP 71
	Coastal Protection, SEPP (Exempt and Complying Development Codes) and SEPP
	(Infrastructure). No inconsistency with any applicable SEPP has been identified.
	Section 117 Directions
	Council has identified the proposal as being consistent with all applicable section 117
	Directions. it is however considered that the proposal is inconsistent with the following
	Directions:
	1.1 Business and Industrial Zones
	The proposal seeks to rezone parts of the land to facilitate a mix of residential and
	employment uses, including land outside the area identified as a strategic urban growth
	area in Council's Secretary approved local growth management strategy. The Direction
	requires all new employment areas to be in accordance with a strategy approved by the
	Secretary. This inconsistency is considered to be of minor significance as the land is
	within the Town and Village Growth Area within the Far North Coast Regional Strategy and
	Is identified as a future urban release area. Council's Secretary approved local growth
÷	management strategy also identifies West Ballina for a mixture of residential and mixed
	business (not retail) uses.
	1.2 Rural Zones
	The proposal is inconsistent with this Direction as it seeks to rezone land from a rural zone
	to an urban zone(s) to facilitate a mix of residential and employment uses. This
	Inconsistency is considered to be of minor significance as the land is within the Town and
	Village Growth Area contained in the Far North Coast Regional Strategy and is identified as
	a future urban release area.
	1.5 Rural Lands
	The proposal is inconsistent with this Direction as it seeks to rezone existing rural land
	and amend the minimum lot size in a manner that is not consistent with the Rural Planning
	Principles or Rural Subdivision Principles contained in the SEPP (Rural Lands). This
	inconsistency is considered to be of minor significance as the land is in the Town and
	Village Growth Area contained in the Far North Coast Regional Strategy and is identified as
	a future urban release area.
	2.1 Environmental Protection
	The proposal is Inconsistent with this Direction as it does not propose to include
	provisions that protect and conserve environmentally sensitive areas. Council currently
	proposes to:
	- rezone any environmentally constrained land not suitable for urban purposes on the site
	to RU2 Rural Landscape; and
	- enter into a planning agreement with the landowner to provide suitable offsets and
	environmental mitigation measures associated with the development footprint on the RU2
	jands. This issue statement to considered to be of minor elempificance due to:
	This inconsistency is considered to be of minor significance due to: - the current review into the application of environmental zones on the Far North Coast
	- No curoir loaica nito ne abhicarion ol anaronnenter sonos ou me car voigi coast

	7419, Burns Point Ferry Rd, West Ballina for residential and
employment uses and	I RU2 Rural Landscape
	preventing Council from utilising environmental zones on the land; - no significant increase in development or potential for environmental degradation will result due to a change from the current 1(d) Rural (Urban Investigation) Zone to RU2 Rural Landscape; and - the proposed planning agreement to be negotlated between Council and the developer to ensure appropriate environmental offsets and protection measures.
	4.1 Acid Sulfate Soils Direction 4.1 Acid Sulfate Soils provides that a draft plan shall not permit the Intensification of land containing acid sulfate soils unless a study of the land assessing its suitability has been conducted. The land is identified as contained Class 2 acid sulfate soils and no study has yet been completed. The inconsistency of the proposal with this Direction is considered to be of minor significance as management of acid sulfate soils can be adequately addressed and controlled at the development application stage. It is also noted that Council proposes to undertake further acid sulfate soil assessment to support the rezoning prior to exhibition should a Gateway determination for the proposal be granted.
	4.3 Flood Prone Land Diraction 4.3 Flood Prone Land provides that a draft plan must not rezone land within a flood planning area to an urban zone. The proposal is inconsistent with this Direction as it seeks to rezone parts of the land to facilitate a mix of residential and employment uses. This inconsistency is considered to be of minor significance as assessment of the potential impacts associated with filling the site has already been undertaken as part of Council's flood plain management planning process. It is recommended however that additional specific flood investigation to support the proposal be undertaken to confirm the suitability of the site for development should a Gataway determination be granted.
	Ballina Local Growth Management Strategy As noted in the Planning Proposal, the proposed footprint of the development is inconsistent with Council's Secretary approved local growth management strategy. The strategy identified the land currently zoned 1(d) Rural (Urban Investigation) as being a 'high conservation vagetation' area and limited development on the site to the area currently zoned RU2 Rural Landscape on the northern part of the land. Environmental investigations of the site have since been undertaken which have confirmed that parts of the 1(d) Rural area are not as sensitive as previously considered, and that development for urban purposes may be possible. This inconsistency is therefore considered to be of minor significance due to the further environmental investigations which have taken place and as the entire site is in the Town and Village Growth Area contained in the Far North Coast Regional Strategy and is identified as a future urban release area.
Environmental social economic impacts :	Discussions with Council staff have confirmed that the site is not bushfire prone and no known potential contamination that would prevent the proposal from proceeding for further detailed investigation has been identified. No adverse environmental impacts have been identified due to the environment assessments undertaken to date confirming the suitability of parts of the site for further investigation, and the likely environmental benefits that could accrue from any environmental offsetting and mitigation measures that are undertaken on the area of the site to be zoned RU2 Rural Landscape.
	No adverse social or economic impacts resulting form the proposal have been identified, subject to confirmation from the more datailed assessments proposed to be undertaken to support the proposal prior to public exhibition.

To rezone Lot 4 DP 537419, Burns Point Ferry Rd, West Ballina for residential and employment uses and RU2 Rural Landscape

Proposal type :	Routine	Community C Period :	ionsultation 28 Days		
Timeframe to make LEP :	18 months	Delegation :	RPA		
Public Authority Consultation - 56(2) (d) :					
Is Public Hearing by th	e PAC required?	No			
(2)(a) Should the matte	er proceed ?	Yes			
If no, provide reasons	:				
				8	
Resubmission - s56(2)	(b) : No				
If Yes, reasons :					
Identify any additional	studies, if required. :				
Flora					
Fauna					
Heritage					
Bushfire					
Flooding					
Other - provide details					
If Other, provide reason	15 :				
		velopment footprint, zonings the following additional asse		ards for the land	
- ecological / flora and	ferme				
- acid sulfate soils					
- land contamination					
- geotechnical					
- stormwater impact					
entomological (mosq	(uitoes)				
bushfire hazard					
erchaeological / cultu	irai neritage				
As discussed above, i	t is also considered a	ppropriate that a more detai	ied flood assessment for	the site be	
		have confirmed that they al			
issessment as approp	oriate.				
dentify any internal cor	sultations, if required	:			
to Internal consultatio	on sequired				
s the provision and fun	ding of state infrastruc	ture relevant to this plan? No)		
f Yes, reasons :					
f Yes, reasons :					
f Yes, reasons : uments Document File Name			mentTy pe N ame	ls Public	

nployment uses and F	119, Burns Point Ferry Rd, W 202 Rural Landscape					
Planning Proposal - Bur - Council letter.pdf	ns Point Ferry Rd, West Bailins	Proposal	Yes			
- Council letter.por Planning Proposal September 2014.pdf Proposal Yes						
anning Team Recomn	rendation					
Preparation of the planning	ng proposal supported at this stage :	Recommended with Conditions	•			
S.117 directions:	1.1 Business and Industrial Zone	4				
	1.2 Rural Zones					
	1,5 Rural Lands					
	2.1 Environment Protection Zone	15				
	2.2 Coastal Protection					
	2.3 Heritage Conservation 2.4 Recreation Vehicle Areas					
	3.1 Residential Zones					
	3.2 Caravan Parks and Manufact	ured Home Estates				
	3.3 Home Occupations					
	3.4 Integrating Land Use and Tra	nsport				
13	4.1 Acid Sulfate Solis					
	4.3 Flood Prone Land					
	5.1 Implementation of Regional S	Strategies				
	6.1 Approval and Referral Regula					
	6.2 Reserving Land for Public Purposes					
Additional Information :	It is recommended that;					
	1. The planning proposal should proceed.					
	2. The following further assessm of rezoning parts of the site shal public exhibition:	ents to support the proposal an I be completed and included in	nd confirm the suitability the material placed on			
	- ecological / flora and fauna					
	- acid sulfate solls - land contamination					
	- geotechnical					
	- stormwater impact - antomological (mosquitoes)					
	- bushfire hazard					
	- archaeological / cultural heritag					
	- flooding					
	3. Existing and proposed maps (of the following are to be prepar	ad consistent with the			
	Department's technical requirem	ents and placed on public exhi-	bition:			
	- Land Zoning					
	- Lot Size					
	- Height of Buildings					
	- Land Application Map					
	- Building Height Allowance Map	1				
	- Acid Sulfate Soils - Flood Planning					
	- Strategic Urban Growth Area					
	4. The planning proposal is to be	completed within 18 months.				
	5. That a community consultatio	n period of 28 days is required.				
	6. That the RPA consult with the	following State Agencies:	eritima (cerse=			
	- Roads and Maritime Services I	n relation to road access and m	iai (fillià (Sènay			

	7419, Burns Point Ferry Rd, West Ballina for residential and RU2 Rural Landscape			
	 Department of Primary Industries ~ Fisheries and Aquaculture Department of Primary Industries - Agriculture 			
	7. It is recommended that a delegate of the Director General agree that the Inconsistencies of the proposal with \$117 Directions 1.1, 1.2, 1.5, 2.1, 4.1 and 4.3 are justified in accordance with the provisions of the Directions.			
	8. That an authorisation to exercise delegation be issued to Council.			
Supporting Reasons :	The proposal is supported as it is consistent with the Far North Cozat Regional Strategy and as it will provide important residential and employment opportunities for West Bailina while facilitating positive environmental outcomes.			
Signature:	X.L			
Printed Name:	JAM CLARK Date: 24 September 2014			