



Planning Proposal BSCPP 16/001

January 2016

General Mapping Amendments (3)

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MAP DISCLAIMER:

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INTRODUCTION

Summary of Planning Proposal

This planning proposal contains a number of amendments to the *Ballina Local Environmental Plan 2012* (BLEP 2012) that have been identified as part of ongoing review of the plan's function and content.

Council resolved to refer the subject planning proposal to the Department of Planning & Environment for gateway determination at its Ordinary Meeting held on 28 January 2016. A copy of the Council's resolution regarding this matter is provided in Appendix A.

This planning proposal relates to 12 separate map amendments to the BLEP 2012. The amendments are summarised in Table 1.

Table 1. Summary of Proposed LEP Amendments BSCPP16/001

No.	Location	Affects	Details
1	Ballina Heights Estate, Cumbalum	LZN Map, LSZ Map	Reflect changes requested by developer to align zoning with subdivision plans, relating to R2, R3 and RE1 zones. Adjust R2/R3 zone boundary to match cadastre at Foley Avenue.
2	Proximity of Ballina Lighthouse, East Ballina	LZN Map, LAP Map	Adjust RE1 boundaries to better match cadastre. Adjust land application map accordingly.
3	River Street, West Ballina	LZN Map, LSZ Map, LAP Map	Apply R2 zone to reflect recent approval of 39 lot Community Title subdivision (DA2012/291) and apply RU2 zone to remainder of deferred area (DM). Apply 40 hectare minimum lot size standard to RU2 zoned land. Adjust land application map accordingly.
4	Bolwarra Circuit, Wollongbar	LZN Map, LSZ Map, LAP Map	Apply RE1 zone to open space area. Remove minimum lot size standard. Adjust land application map accordingly.
5	Tamarind Drive, Cumbalum	LZN Map, LSZ Map	Apply RU2 zone to land adjacent to Emigrant Creek currently zoned W1 to reflect improved survey information in the locality, arising from the construction of the Ballina Bypass project. Apply 40 Hectare minimum lot size standard.
6	Blue Seas Parade, Lennox Head	LSZ Map, LZN Map, LAP Map	Apply 1200m minimum lot size standard (currently 600m) to 8 lots, to reflect and maintain the intent of original subdivision plan. Apply R2 zone to the road reserve of Blue Seas Parade. Adjust the land application map accordingly. This amendment gives to effect to Council resolution 221015/4 made in relation to the refusal of DA2015/377.

No.	Location	Affects	Details
7	Simpson Avenue, Wollongbar	LSZ Map	Apply 600m minimum lot size standard (currently no standard applies) to Wollongbar Public School site (zoned R2) to be consistent with policy applied to school sites elsewhere in the Shire.
8	Morton Way, Skennars Head	LZN Map, LSZ Map	Adjust R2/R3 zone boundaries to align with cadastre. Reflect adjustment in minimum lot size map.
9	Elkhorn Parade, North Ballina	SGA Map	Reinstate Strategic Urban Growth Area designation.
10	Cooper Close and Fig Tree Hill, Lennox Head	SGA Map	Apply Strategic Urban Growth Area designation to reflect Ballina Shire Growth Management Strategy and adjust buffer accordingly.
11	Broken Head Road, Newrybar	LZN Map, LSZ Map, LAP Map	Adjust zone and minimum lot size maps for amendment to Local Government Area boundary. Adjust the land application map accordingly.
12	Tuckean Nature Reserve, Meerschaum Vale	LZN Map	Remove land that lies outside of the Ballina Local Government Area from the zone map.

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objective of this planning proposal is to implement mapping amendments to improve the function, content and consistency of the *Ballina Local Environmental Plan 2012* (BLEP 2012). The amendments seek to ensure the BLEP 2012 functions efficiently and that its provisions are up to date and reflect the community's expectations.

PART 2 – EXPLANATION OF THE PROPOSAL

The amendments contained in this planning proposal are detailed below.

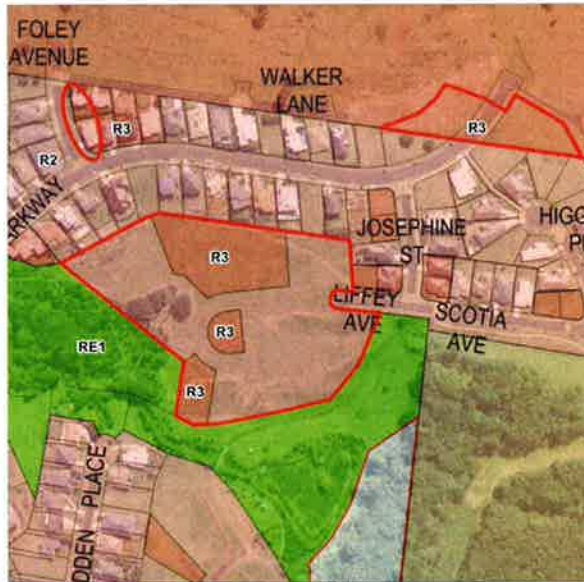
1. Ballina Heights Estate, Cumbalum

Three sites within the Ballina Heights Estate are subject to the amendment, being:

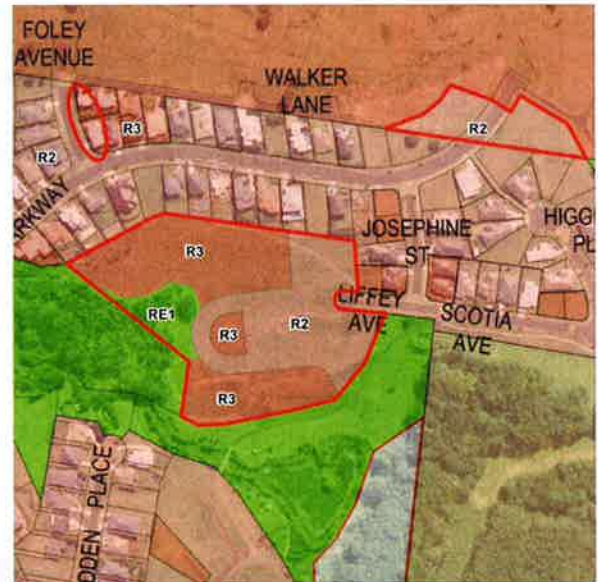
- Liffey Ave – Involving the adjustment to existing R2 Low Density Residential, R3 Medium Density Residential and RE1 Public Recreation zones to reflect the development intentions for the land (Lot 389 of DP 1199596) as per s.96 application lodged to vary development consent DA2012/351.
- Unara Parkway – Involving the application of R2 Low Density Residential zone to land currently zoned R3 Medium Density Residential zone to reflect approved development intentions for the land (being part of Lot 390 DP1199596 and road reserve) as per development consent DA2014/286.
- Foley Avenue – Minor realignment of zone boundaries to match cadastre (property boundaries of Lot 237 of DP 1117692 and Lots 1 & 2 of Strata Plan 85843).

The amendment also applies changes to the Minimum Lot Size Map as per the following:

- 600m minimum lot size applied to land zoned R2 Low Density Residential zone;
- 800m minimum lot size applied to land zoned R3 Medium Density Residential zone; and
- No minimum lot size applied to land zoned RE1 Public Recreation zone.



CURRENT



PROPOSED

2. Proximity of Ballina Lighthouse, East Ballina

The amendment seeks to adjust the RE1 Public Recreation zone boundary (adjacent to Deferred Matter) and adjust the Land Application Map accordingly. The purpose of the amendment is to better align the zone boundaries with the cadastre and adjust for the creation of a new road reserve associated with the construction of the Ballina Surf Club.

The amendment relates to part of Lots 4 & 5 of DP 1197191 and adjoining Council road reserves.



CURRENT



PROPOSED

3. River Street, West Ballina

The site, being part of Lot 11 DP1011575, is currently part zoned RU2 Rural Landscape zone and part identified as a Deferred Matter under the Ballina LEP 2012. The area of deferred matter is currently zoned 2(a) Residential (Living Area) zone under the Ballina LEP 1987.

The land is the subject of an approval for a 39 lot Community Title residential subdivision (DA2012/291). The amendment seeks to apply the R2 Low Density Residential zone to the approved residential portion of the land and the RU2 Rural Landscape zone to remainder of deferred area (DM). The amendment also seeks to apply a 40 hectare minimum lot size standard to the land. The Land Application Map is to be adjusted accordingly.



CURRENT



PROPOSED

4. Bolwarra Circuit, Wollongbar

The subject site, being Lot 101 of DP1212282, has been dedicated to Council as open space in association with the residential subdivision of adjacent land. The amendment seeks to apply the RE1 Public Recreation zone to the open space reserve and remove the minimum lot size standard (consistent with the approach to open space reserves elsewhere in the Shire). The Land Application Map is to be adjusted to accommodate a minor adjustment to the zone extent.



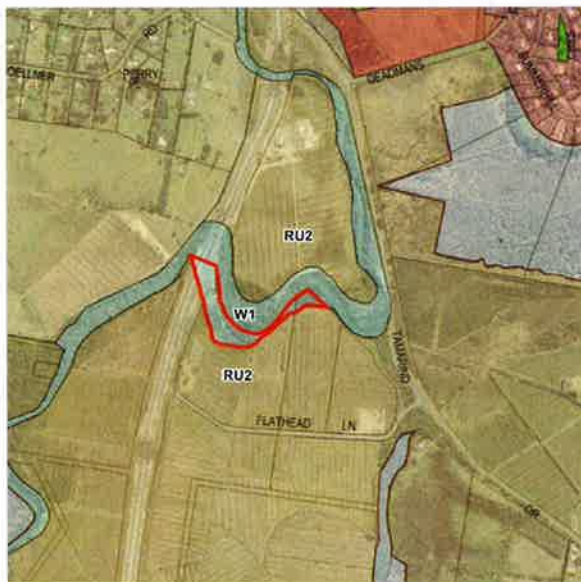
CURRENT



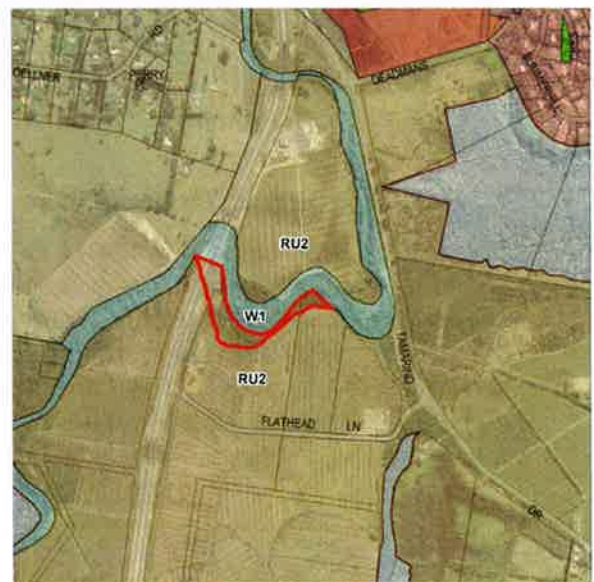
PROPOSED

5. Tamarind Drive, Cumbalum

The amendment involves applying the RU2 Rural Landscape zone to land adjacent to Emigrant Creek, that is currently zoned W1 Natural Waterways zone, to reflect improved survey information in the locality (and amended boundary of Lot 2 of DP 1208439), arising from the construction of the Ballina Bypass project. The amendment also seeks to apply a 40 hectare minimum lot size standard to the land.



CURRENT



PROPOSED

6. Blue Seas Parade, Lennox Head

The amendment involves applying a 1200m minimum lot size standard (where it is currently 600m) on the Lot Size Map to 8 large lots on Blue Seas Parade in Lennox Head, being Lots 26-33 of DP 1168665. The purpose of the amendment is to limit the potential for further subdivision, consistent with the intent of original subdivision plan for the estate.

This amendment gives effect to Council resolution 221015/4 made in relation to the refusal of DA2015/377, where the Council resolved:

2. *That the Lot Size Maps of the Ballina Local Environmental Plan 2012 as they apply to Lots 26-33 in D.P. 1168665, be amended from a 600m² minimum area to 1,200m².*

The amendment also involves applying the R2 Low Density Residential zone to a portion of the Blues Seas Parade road reserve (that is currently identified as "Deferred Matter"), to be consistent with the approach applied elsewhere in the Shire, and adjusting the Land Application Map accordingly.



CURRENT



PROPOSED

7. Simpson Avenue, Wollongbar

The amendment involves the application of a 600m minimum lot size standard (currently no standard applies) to the Wollongbar Public School site (zoned R2 Low Density Residential), to be consistent with the approach applied to school sites elsewhere in the Shire.



CURRENT



PROPOSED

8. Morton Way, Skennars Head

The amendment involves the minor realignment of the R2/R3 residential zone boundaries to align with cadastre. This adjustment is also to be reflected in the Minimum Lot Size Map.

The amendment relates to Lots 308 & 311 of DP 1211326 and adjoining Council road reserve.



CURRENT



PROPOSED

9. Elkhorn Parade, North Ballina

The amendment involves the reinstatement of designation as a Strategic Urban Growth Area on the Strategic Urban Growth Areas Map for land in North Ballina, being parts of Lot 2 of DP 1074242, Lot 47 of DP 1148641 and Lot 212 of DP 1205071. The designation was omitted in error in association with Amendment No.22 to the Ballina LEP 2012.



CURRENT



PROPOSED

11. Broken Head Road, Newrybar

The amendment seeks to align the area affected by the Ballina LEP 2012 to the boundary of the Ballina Shire Local Government Area. This corrects an error in a previous version of the LGA boundary information held by Council.

Parts of the subject land are identified within the Byron LEP 2012, zoned a mixture of RU1 Primary Production zone and DM (Deferred Matter). It is noted that the area 'deferred' from the Byron LEP 2012 is land where Byron Shire Council sought to apply an environmental protection buffer to all creeks and waterways in the preparation of their LEP. This approach was not applied in relation to the preparation of the Ballina LEP 2012. The amendment to the Ballina LEP 2012 seeks to adjust the RU1 Primary Production zone boundary in the Zone Map to align with the amended LGA boundary.

The amendment also involves the adjustment of the following LEP maps:

- Minimum Lot Size Map – to apply a 40 Hectare minimum lot size standard;
- Drinking Water Catchments Map – to identify the land as a drinking water catchment; and
- Land Application Map – so that the Ballina LEP 2012 applies to all land within the Ballina Shire LGA and omits land within the Byron Shire LGA.

Byron Shire Council will be consulted during the public exhibition of the planning proposal.



CURRENT



PROPOSED

these appear to be the same

10. Cooper Close and Figtree Hill, Lennox Head

The amendment involves applying the Strategic Urban Growth Area designation to reflect the Ballina Shire Growth Management Strategy in relation to the area. It also involves an associated adjustment to the Strategic Urban Growth Area buffer (land designated as Land Adjacent to a Strategic Urban Growth Area on the map). Note, the areas omitted from the map (shown white/no colour) reflect land deferred from the Ballina LEP 2012.



CURRENT



PROPOSED

Excerpt of Ballina Local Growth Management Strategy (2012)



The amendment relates to the following real properties:

- Lots 1-3 & 10-12 of DP 771659
- Lots 4-6 of DP 749834
- Lots 1 & 2 of DP 749166
- Lot 1 of DP 601809
- Lot 2 of DP 581640
- Lot 3 of DP 714444
- Lot 10 of DP 1181942
- Lot 60 of DP 1067198

12. Tuckean Nature Reserve, Meerschaum Vale

The amendment seeks to align the area affected by the Ballina LEP 2012 to the boundary of the Ballina Shire Local Government Area. This corrects an error in a previous version of the LGA boundary information held by Council.

The amendment involves the removal of certain land within the Tuckean Nature Reserve that lies outside of the Ballina Local Government Area, from application of the Ballina LEP 2012. It is noted that this land is zoned under the Lismore LEP 2012. The amendment affects the Zone Map and Minimum Lot Size Map, Acid Sulphate Soils Map, and Height of Building Map.

As the land application map does not apply to the site, the current designation of planning controls to the land, has no legal effect. The amendment seeks to clarify this status, as it relates to the Ballina LEP 2012.



CURRENT



PROPOSED

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study or report. The proposed amendments result from ongoing review of the function and operation of the BLEP 2012 and generally comprise housekeeping actions and rectifications of identified anomalies.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendments are considered the best way to achieve the updates and adjustments identified.

Section B - Relationship to the Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

In general, the proposed amendments are consistent with the Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The elements of this proposal are not in conflict with the outcomes or actions of the strategy.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plans?

The proposal is consistent with the principles of Council's Community Strategic Plan and other local strategies in that it seeks to enhance the function, content and consistency of the BLEP 2012. The amendments contained in the proposal will achieve a more functional local environmental plan that will better serve the community's needs.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

6. Is the planning proposal consistent with the applicable Ministerial Directions (S. 117 directions)?

The proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix C.

Section C - Environmental, Social and Economic Impact

7. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?**

The amendments contained in this proposal are not expected to impact on critical habitats, threatened species, populations or ecological communities or their habitats.

8. **Are there any other likely environmental effects as a result of the planning proposals and how are they proposed to be managed?**

No significant adverse environmental impacts are likely to arise as a result of the planning proposal.

9. **How has the planning proposal adequately addressed any social and economic effects?**

As a consequence of its relatively minor nature, no broad positive or negative social or economic impacts are likely to arise as a result of the planning proposal.

Section D - State and Commonwealth interests.

10. **Is there adequate public infrastructure for the planning proposal?**

The planning proposal does not create the need for any additional public infrastructure.

11. **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation will be undertaken with government agencies as required by the Gateway determination prior to the public exhibition of the LEP amendment.

PART 4 – MAPPING

The amendments included in this planning proposal will necessitate updates to the following BLEP 2012 maps:

- Lot Size Map (LSZ_001B, LSX_004, LSZ_005B, LSZ_005D, LSZ_006A)
- Land Zoning Map (LZN_001B, LZN_003, LZN_005B, LZN_005D, LZN_006A, LZN_006C)
- Strategic Urban Growth Area Map (SGA_005C, SGA_005D, SGA_006C)
- Drinking Water Catchment Map (DWC_004)
- Acid Sulphate Soils Map (ASS_003)
- Height of Building Map (HOB_003)
- Land Application Map (LAP)

PART 5 – COMMUNITY CONSULTATION

This proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*.

PART 6 – TIMELINE

The proposed timeline for completion of the planning proposal is as follows:

Plan Making Step	Estimated Completion (Before)
Gateway Determination	February 2016
Government Agency Consultation	March 2016
Public Exhibition Period	March 2016
Public Hearing	N/A
Submissions Assessment	May 2016
RPA Assessment of Planning Proposal and Exhibition Outcomes	May 2016
Submission of Endorsed LEP to DP&I for Finalisation	N/A
RPA Decision to Make the LEP Amendment (if delegated)	June 2016
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	June 2016

APPENDICES

Appendix A – Council resolution

MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 28/01/16 AT 9.00 AM

9. Strategic and Community Facilities Group Reports

9.1 Wardell Strategic Plan - Exhibition and Project Completion

280116/10 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the Council adopts the Wardell Strategic Plan as exhibited subject to the following amendments:

- Incorporation of a status reporting and review process.
- Incorporation of an action relating to the preparation of a master plan for the Wardell Cemetery.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

9.2 Planning Proposal BSCPP 16/001 - General Mapping Amendments

280116/11 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the proposed adjustments to the Ballina Local Environmental Plan 2012 arising from the ongoing review of the plan as outlined in the planning proposal contained in Attachment One.
2. That Council submit the planning proposal relating to the amendment of various provisions of the Ballina Local Environmental Plan 2012 (Attachment One) to the NSW Department of Planning & Environment for review and Gateway determination.
3. That the Department of Planning and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
4. That upon an affirmative Gateway determination being received from the Department of Planning & Environment, Council staff will carry out the procedural steps associated with the progress of the planning proposal, including public exhibition.
5. That the matter be reported for further consideration by the Council following the mandatory public exhibition period.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

Appendix B – Gateway determination

A copy of Gateway determination will be included here.

Appendix C – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal – General Mapping Amendments (3)	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. None of the amendments included in this proposal will impact on business or industrial zones in the shire.
1.2 Rural Zones	Consistent. This proposal includes minor adjustments to the boundaries of rural zones. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not affect the agricultural production value of rural land.
1.3 Mining, Petroleum Production and Extractive Industries	Consistent. This proposal does not include any amendments that will result in compromising any future extraction of coal, minerals, petroleum or other resources.
1.4 Oyster Aquaculture	Consistent. None of the amendments included in this proposal will negatively impact on Priority Oyster Aquaculture Areas.
1.5 Rural Land	Consistent. This proposal is considered consistent with the rural planning principles of the Rural Lands SEPP. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not affect the agricultural production value of rural land nor will they affect the orderly and economic development of rural land.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The proposal is not expected to result in adverse impacts on environmentally sensitive areas.
2.2 Coastal Protection	Consistent. The proposal is generally consistent with the principles of the NSW Coastal Policy.
2.3 Heritage Conservation	Consistent. The proposal does not contain any amendments to Schedule 5 of the BLEP 2012 and associated Heritage Map.
2.4 Recreation Vehicle Areas	Consistent. The proposal will not result in any adverse impacts from recreation vehicles on sensitive land or land with significant conservation values.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. This proposal includes minor adjustments to the boundaries of residential zones. The proposed amendments comprise adjustments to ensure zone boundaries reflect cadastral and actual land use areas and refines these boundaries for clarity. The proposed adjustments will not result in any material loss or gain to any existing zoned residential areas.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrated Land Use and Transport	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.

3.5 Development Near Licensed Aerodromes	Justifiably Inconsistent The proposal does not significantly impact on land in the immediate vicinity of the Ballina Byron Gateway Airport or its associated noise and obstacle navigation areas.
3.6 Shooting Ranges	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Consistent. With respect to site 3, an acid sulfate soils assessment was undertaken in relation to development consent for DA2012/291, for community title subdivision of the land (the planning proposal updates the LEP to reflect this consent). The proposal does not otherwise increase or alter existing applicable development provisions and controls relating to land having the probability of containing acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Justifiably inconsistent. With respect to site 3, an assessment of flooding was undertaken in accordance with the Floodplain Development Manual in relation to development consent for DA2012/291, for community title subdivision of the land (the planning proposal updates the LEP to reflect this consent). The proposal does not otherwise increase or alter existing development provisions and regulatory controls relating to flood prone land or the requirements for consideration of potential flood impacts.
4.4 Planning for Bushfire Protection	Justifiably Inconsistent. The proposal has not been referred to the NSW Rural Fire Service for consultation in accordance with the direction. Notwithstanding, the proposal does not increase or alter existing development provisions and regulatory controls relating to bushfire prone land or the requirements for consideration of bushfire risk. The proposal will be referred to the NSW Rural Fire Service in accordance with the requirements of the Gateway determination.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The planning proposal is generally consistent with the planning framework set out under the Far North Coast Regional Strategy.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Consistent. The proposal does not propose the rezoning of identified significant farmland for residential purposes.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Revoked.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.

6.2 Reserving Land for Public Purposes	Consistent. The proposal includes amendments to several areas of public reserve through the addition to or alteration of zone boundaries for public recreation areas already in public ownership. The proposed changes do not promote the acquisition of land or changes to the reserve status of the land.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

