

Coopers Advisors

Dated: 23rd August 2020

Ballina Shire Council (BSC)
40 Cherry Street
BALLINA NSW 2478

Dear Sir/Madam,

RE: PLANNING PROPOSAL & LEP AMENDMENT REQUEST (GATEWAY DETERMINATION) – 12 GILMORE CLOSE WOLLONGBAR NSW 2477 – LOT 18 DP 1046117 & LOT 3 1128207 – STAGED RESIDENTIAL DEVELOPMENT

We act for my client Mr John Mudge who owns 12 Gilmore Close, Wollongbar NSW 2477 (*“the property”*)

Thank you for your letter of (8th July 2020) CM 20/41450 inviting my client to lodge a *Planning Proposal LEP Amendment Request (Gateway Determination) (“PP/LEP AR”)* to rezone his property from RU1 (Primary Production) to R3 (Medium Density Residential) and replace the 40ha minimum lot size with a 600m2 minimum lot size etc.

We also refer to the email of (24th July 2020) from the (NSW) Department of Planning, Industry and Environment (DPIE) also encouraging my client to lodge a *PP/LEP AR* for the property as well as to continue to work with Ballina Shire Council to progress the *PP/LEP AR* in the spirit of bipartisan cooperation and support.

Given the foregoing, and as requested, we (**attach**) the *“Planning Proposal / LEP Amendment Request Proponent & Proposal Information Form”*.

Delivery of Regional Jobs

Approval of the *PP/LEP AR* will create jobs, both during and post-construction. It will ensure the delivery of moderate to high jobs numbers, once the Development Application (DA) is approved etc.

We understand that the (DPIE) will use the **Landcom Calculator** to ascertain the **number of construction jobs** (including post-construction ongoing jobs) to be generated for the *PP/LEP AR* and also calculate the project’s **per metre construction cost** by multiplying the project’s gross floor area by a measure of construction cost per square metre etc.

We further understand, that approval of the *PP/LEP AR* will also create other forms of job opportunities such as those for architects, planners, quantity surveyors and specialist consultants and that those opportunities will be considered by (BSC) and the (DPIE).

At a minimum, the granting of the *PP/LEP AR* will **deliver moderate to high job numbers** which will:

- contribute to high levels or proportions of jobs in identified strategic and key centres (above and beyond what has already been identified in relevant regional plans and district plans);
- create local jobs in places/regions of high unemployment such as (Wollongbar, McLeans Ridges, Alstonville and Lismore);

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cooperslawfirm@yahoo.com

(M) 0405 202 606
(Ph) (02) 9666 3795

- generates a significant pipeline of jobs over the long term (e.g. 10-20 years)
- be synergistic or catalyst to the extent of acting as a keystone to attract and generate other forms of employment generating further development;
- will enable retention of jobs in the industries most affected by the COVID pandemic, including
- (tourism, hospitality, education, health and/or creative industries);
- be an employment generating development that seeks to achieve innovative and sustainable green design outcomes;
- provides jobs in a location with a displaced workforce with relevant or readily adaptable skills etc.

Timing of Public Interest and Regional Economic Benefits

The granting of the *PP/LEP AR* will have strong capacity to **unlock significant construction investment** over the short and long term.

The **main constraints** at present, being the expeditious rezoning of the subject lands from Primary Production (RU1) to (Residential), including the abandoning of the Regionally Significant Farmland (RSF) classification. However, the favorable history of the land comprising the Wollongbar Urban Expansion Area (WUEA), which surrounds my client's property, is that the land was previously zoned (RU1) and (BSC) and the (DPIE) supported the rezoning of this land to residential as well as the abandoning of the (RSF) classification, to create the burgeoning (WUEA) we know today.

We understand that where particular constraints, whether at local or state level, prevent the granting of the *PP/LEP AR*, (BSC) and the (DPIE) will pull-out all stops and work tirelessly and diligently to *'continue to work to resolve these matters through collaboration and negotiation, using the powers available under existing and new legislation'* etc.

Public Benefits

The granting of *PP/LEP AR* will deliver a moderate to high number of additional housing, where a significant proportion is available to be for the purpose of:

1. Built-to-rent;
2. Social or affordable;
3. Key worker housing; (and/or)
4. (SEPP) compliant Housing for Seniors or People with a Disability etc

Also, in consideration of granting of the granting of *PP/LEP AR*, my client is committed to providing a development that has substantial:

- Public and Open spaces;
- Environmental benefits; and
- Quality environmental and green design etc.
- Green infrastructure (including no hookup to the electricity grid);

Green infrastructure would include, but would not be limited to:

- Downspout disconnection;

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- Rainwater harvesting;
- Rain gardens;
- Planter boxes;
- Bioswales;
- Permeable pavements;
- Green Streets and alleys;
- Green parking;
- Green roofs;
- Urban tree canopy; (and)
- Land conservation

The development will also comply with the **coveted 6-Star Green-Star-Communities-rating** for residential master-planned projects, as specified by the **Green Building Council of Australia**. **6-Star Green-Star-Communities-rating** sets the highest possible environmental sustainability standards for the community both during construction and after it is completed.

Accordingly, the development will be assessed against **best practice benchmarks for governance** and innovation, design excellence, environmental sustainability, economic prosperity and liveability etc. This also means more green spaces with better and safer parks and playgrounds; more sustainable, high-quality materials selection; and the connectedness and walkability of neighborhoods.

Also, **Green Star-certified housing and communities** can:

- Lower operating costs and increase asset value;
- Use 66% less electricity;
- Use 51% less potable water than if they had been built to meet minimum industry requirements;
- Boost human productivity by up to 15%;
- Produce 62% fewer greenhouse gas emissions than average buildings;
- Improve the health and wellbeing of occupants;
- Speed up recovery times of hospital patients;
- Reduce risk and 'future proof' investments; (and)
- Deliver a competitive edge in a crowded marketplace.

We firmly believe that the granting of *PP/LEP AR* will be a win-win for (BSC), the NSW Government, as well as the struggling economies and communities of Wollongbar, McLeans Ridges, Alstonville, and Lismore etc.

Thanking you for your consideration of the foregoing and we look forward to working with (BSC) and the (DPIE) to ensure a favorable granting of my clients *PP/LEP AR* application.

Yours Sincerely,

Robert Shacklady

Robert Shacklady (Solicitor)

By email to: council@ballina.nsw.gov.au

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1106 Botany Road, Botany NSW 2019
cooperslawfirm@yahoo.com

(M) 0405 202 606
(Ph) (02) 9666 3795

Planning Proposal / LEP Amendment Request Proponent & Proposal Information Form

Lodge Applications at Ballina Shire Council - 40 Cherry Street - Ballina (Mon-Fri 8.15am to 4.30pm)

mail PO Box 450 Ballina 2478 - f 02 6686 7035 - e council@ballina.nsw.gov.au

t 1300 864 444 - w www.ballina.nsw.gov.au - abn 53 929 887 369

This form is to be completed and submitted when a request for an LEP amendment or planning proposal is lodged with Council.



Proponent Details

All correspondence will be forwarded to this name and address unless alternative details are specified below.

Proponent's Name	<input type="text" value="John Damian Mudge"/>		
Address	<input type="text" value="12 Gilmore Close, Wollongbar NSW 2477"/>		
Postal Address	<input type="text" value="7/5 Stonelea Court, Dural NSW 2158"/>		
Telephone (w)	<input type="text"/>	(h) <input type="text"/>	Mobile <input type="text" value="0424427542"/>
Email Address	<input type="text" value="johnmudge@iib.ws"/>	Fax	<input type="text"/>
Signature	<input type="text" value="John Damian Mudge"/>	Date	<input type="text" value="21/08/2020"/>

Consultant / Representative Details

Details of consultants/representatives acting on behalf of the proponent are required. Please nominate whether the consultant/representative will be the principal contact for the proposal.

Name	<input type="text" value="Robert John Shacklady"/>		
Address	<input type="text" value="PO Box 45, Botany NSW 1455"/>		
Telephone (w)	<input type="text"/>	Mobile <input type="text" value="0405202606"/>	Fax <input type="text"/>
Email Address	<input type="text" value="cooperslawfirm@yahoo.com"/>		

Please tick if consultant/representative is to be the principal point of contact with Council.

Description of the Land

Property descriptions of all land holdings the subject of the LEP amendment request/planning proposal are required. Additional properties the subject of the proposal should be documented in the additional information field at the end of the form.

Property Address	<input type="text" value="12 Gilmore Close, Wollongbar NSW 2477"/>		
Lot/Portion	<input type="text" value="18"/>	Section <input type="text"/>	DP <input type="text" value="1046117"/>
Property Address	<input type="text" value="12 Gilmore Close, Wollongbar NSW 2477"/>		
Lot/Portion	<input type="text" value="3"/>	Section <input type="text"/>	DP <input type="text" value="1128207"/>
Property Address	<input type="text"/>		
Lot/Portion	<input type="text"/>	Section <input type="text"/>	DP <input type="text"/>

Office Use Only

Proposal Name:	Type: <input type="checkbox"/> Major <input type="checkbox"/> Minor	Pre-Lodgement Discussion: <input type="checkbox"/> Y <input type="checkbox"/> N
Fee Paid: <input type="checkbox"/> Y <input type="checkbox"/> N Amount: \$	Date Received:	Receipt No:
Code 6, Job No: 20001.1001.061		

Page 1 of 4

Landholder Details and Consent

Details of all landholders are to be provided. If landholders do not sign this form, evidence of the consent of landholders for the nomination of their landholding as part of the LEP amendment/planning proposal is required in conjunction with this form. Space is provided at the end of this form for additional landholder details.

Owner's Name(s)	John Damian Mudge		
Address	12 Gilmore Close, Wollongbar NSW 2477		
Lot/Portion	18 + 3	Section	DP 1046117 + 1128207
Telephone (w)		(h)	Mobile 0424427542
Email Address	johnmudge@iib.ws	Fax	

I being the owner of the property identified above, consent to the submission of this planning proposal/LEP amendment.

Signature	<i>John Damian Mudge</i>	Date	21/08/2020
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Summary of the LEP Amendment Request / Planning Proposal

Brief outline of the concept or idea underpinning the LEP amendment request / planning proposal.

The Planning Proposal/LEP Amendment Request (PP/LEP AR) seeks to rezone 12 Gilmore Close, Wollongbar NSW 2477 comprising (Lot 18 1046117 and Lot 3 1128207), from RU1 Primary Production to R3 Medium Density Residential and replace the 40ha minimum lot size with a 600m² minimum lot size. The (PP/LEP AR) will require an amendment to Ballina LEP (2012) Zoning and Lot Size Maps to illustrate the new residential zone proposed.

The purpose of the (PP/LEP AR) is to provide housing (including residential care facilities) that will—

- increase the supply and diversity of residences on the property that meet the needs of seniors or people with a disability,
- make efficient use of existing infrastructure and services which already surround the property being the Wollongbar Urban Expansion Area (WUEA), and
- be of good design (including housing that is of environmental green design and green infrastructure which is located within a green environment comprising an arboretum of natural rainforest and exotic trees).

The (PP/LEP AR) will:

- create much needed and timely jobs and employment (i.e. an employment generating development) and be in the public interest as well as for the public benefit;
- contribute to economic growth and promote sustainable practice;
- provide high quality, appropriately located housing accessible to the broader and lower income community;
- provide much needed medical or community facilities and services; (and)
- support preservation and conservation of the environment;

List of Information Provided in Support of the LEP Amendment Request / Planning Proposal

Please refer to the covering letter for this (PP/LEP AR).

Privacy Protection Notice

The completed application form contains personal information which is being collected for the purpose of assessing this LEP amendment request/planning proposal. Please be aware that information contained in this documentation is public information and may be accessed by other government agencies, service providers, the general community or other organisations. The information will be processed by Council officers and may be made available to public enquiries under the Government Information (Public Access) Act. The information will be stored in Council's electronic document management system.

Disclosure of Political Donations and Gifts

A person who submits an LEP amendment request/planning proposal to Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the proposal within the period commencing two years before the request is made and ending when the proposal is determined:

- All reportable political donations made to any Ballina Shire Councillor; and
- All gifts made to any local Councillor or employee of Ballina Shire Council.

A reference to a reportable political donation made to a 'Councillor' includes a reference to a donation made at the time the person was a candidate for election to the Council.

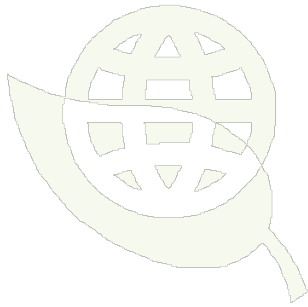
Significant penalties apply to non-disclosure. For more information and to obtain a political donations and gifts disclosure statement go to the Department of Planning and Infrastructure website at www.planning.nsw.gov.au.

Is a disclosure statement to accompany your application? Yes No



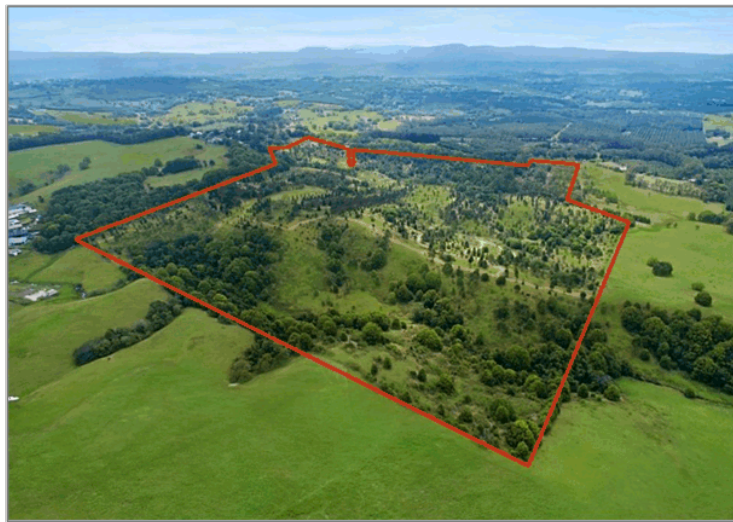
Additional Information

Please refer to the covering letter for this (PP/LEP AR).



Mike
Svikis
Planning

Merit Assessment of Planning Proposal for 12 Gilmore Close Wollongbar



Prepared for Ballina Shire Council
by MikeSvikisPlanning
5 November 2020

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The opinions, conclusions and any recommendations in this Report are based on conditions encountered and information reviewed at the date of preparation of the Report. MikeSvikisPlanning has no responsibility or obligation to update this Report to account for events or changes occurring subsequent to the date that the Report was prepared.

The opinions, conclusions and any recommendations in this Report are based on assumptions made by MikeSvikisPlanning described in this Report. MikeSvikisPlanning disclaims liability arising from any of the assumptions being incorrect.

 **MikeSvikisPlanning**
 ABN 84638645183
 3 Gibingbell Close Ocean Shores 2483
 Mob: 0447 805 871
 Ph: (02) 6680 1003
 E: mikesvikisplanning@bigpond.com



Rev No	Author	Approved for issue	
		Signature	Date
A	Mike Svikis		1 November
B	Mike Svikis		5 November 2020

Image on front cover: realestate.com

CONTENTS

1	Background	1
1.1	Objective of this Report	1
1.2	Subject Land	2
1.3	Existing Planning Controls	5
2	Planning Proposal	7
3	Strategic Merit	8
3.1	Is the planning proposal consistent with the relevant regional or subregional strategy?	8
3.2	Is the planning proposal consistent with a relevant local council strategy?	10
3.3	Does the relevant LEP remain contemporary?	14
3.4	Is there a demonstrable reason for the rezoning or change in planning controls to occur, based on changed circumstances since the LEP was made?	14
4	Site-specific Merit	15
4.1	The natural environment (including known significant environmental values, resources or hazards)	15
4.2	The existing uses, approved uses and likely future uses of land in the vicinity of the proposal	24
4.3	The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision	24
5	Conclusion	25
5.1	Strategic Merit	25
5.2	Site-specific Merit	25
	Appendices	27

(i)

1 Background

In August 2020, Ballina Shire Council received a planning proposal requesting that it rezone land at 12 Gilmore Close to permit residential development (Appendix A). Council engaged Mike Svikis Planning to undertake an independent review of the merit of this application with a view to this being reported to Council so that it may make a decision as to whether the planning proposal is supported.

The structure of this assessment report is consistent with the Department of Planning, Infrastructure and Environment (DPIE) Strategic Merit Test and Site-specific Merit Test.

1.1 Objective of this Report

The objective of this report is to determine if the planning proposal passes the strategic merit test and the site-specific merit test.

(a) The Strategic Merit Test

- Is the planning proposal consistent with the relevant regional or subregional strategy? This would include the North Coast Regional Plan;
- Is the planning proposal consistent with a relevant local council strategy, endorsed by the Department? This would include the *Ballina Shire Growth Management Strategy 2012*. It would also include the *Ballina Shire Local Strategic Planning Statement 2020 – 2040* and the *Wollongbar Strategic Plan 2019 – 2039*;
- Does the relevant LEP remain contemporary? Measured by the time elapsed since the community has been consulted on the zoning of the subject area (including, for example, as part of the introduction of standard instrument LEPs); and
- Is there a demonstrable reason for the rezoning or change in planning controls to occur, based on changed circumstances since the LEP was made? Such as:
 - new infrastructure;
 - a new or updated regional, subregional or local strategy to address an inconsistency between strategic planning and zoning and/or development standards; or
 - the public interest.

DPIE recommends that a planning proposal which seeks to amend controls that are less than five years old should only be considered where it clearly meets the strategic merit test.

Passing the strategic merit test is fundamental to supporting the planning proposal.

(b) Site-specific Merit Test

This requires an assessment of site-specific merit and compatibility with surrounding land uses, having regard to:

- the natural environment (including known significant environmental values, resources or hazards);
- the existing uses, approved uses and likely future uses of land in the vicinity of the proposal;
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

1.2 Subject Land

The subject land is described as 12 Gilmore Close Wollongbar NSW 2477, being Lot 18 DP 1046117 and Lot 3 DP 1128207 (Figures 1, 2, 3 and 4). It has a combined area of approximately 49 hectares. Lot 3 DP 1128207 is a small, landlocked parcel of land in the south-western corner of the subject land and is approximately 735 m². Lot 3 was created in 2008 by a road closure under the *Roads Act 1993*. The balance of the 49 hectares is Lot 18 DP 1046117.

Figure 1: Aerial photo of the subject land taken prior to Plateau Drive and recent subdivision (circa 2009)



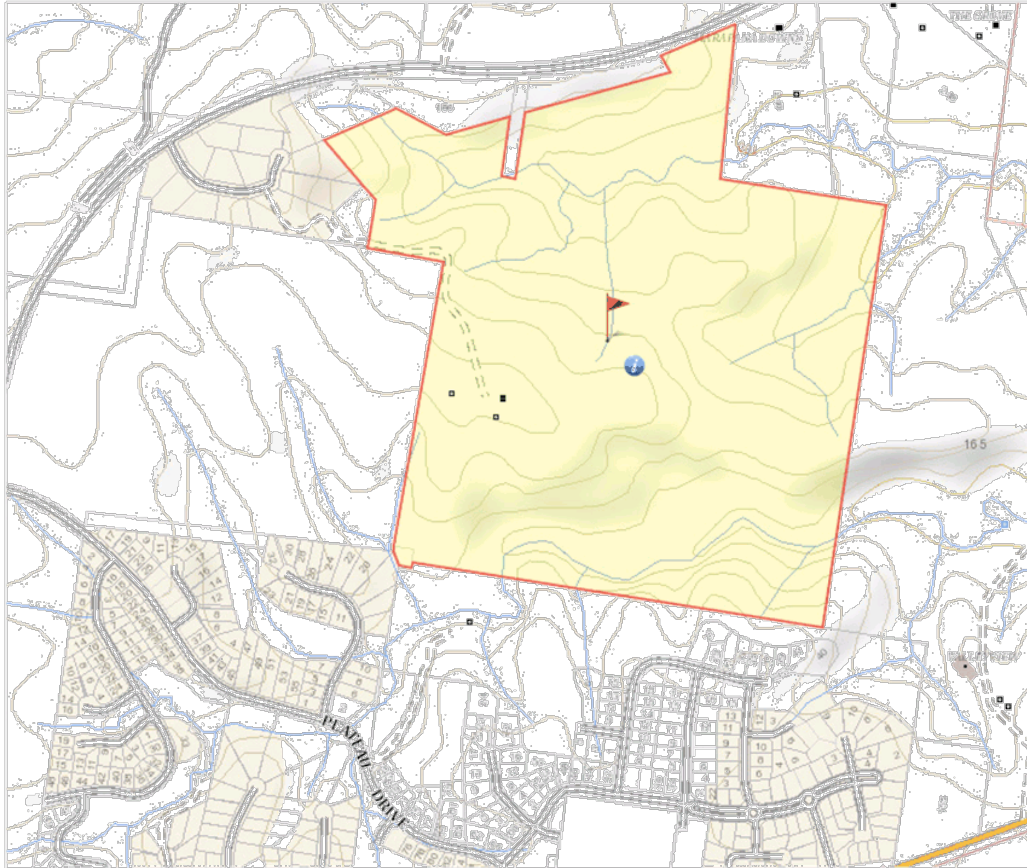
Source: SIX Maps

Figure 2: Aerial photo of the subject land taken after Plateau Drive and recent subdivision (circa 2015)



Source: Ballina Shire Council

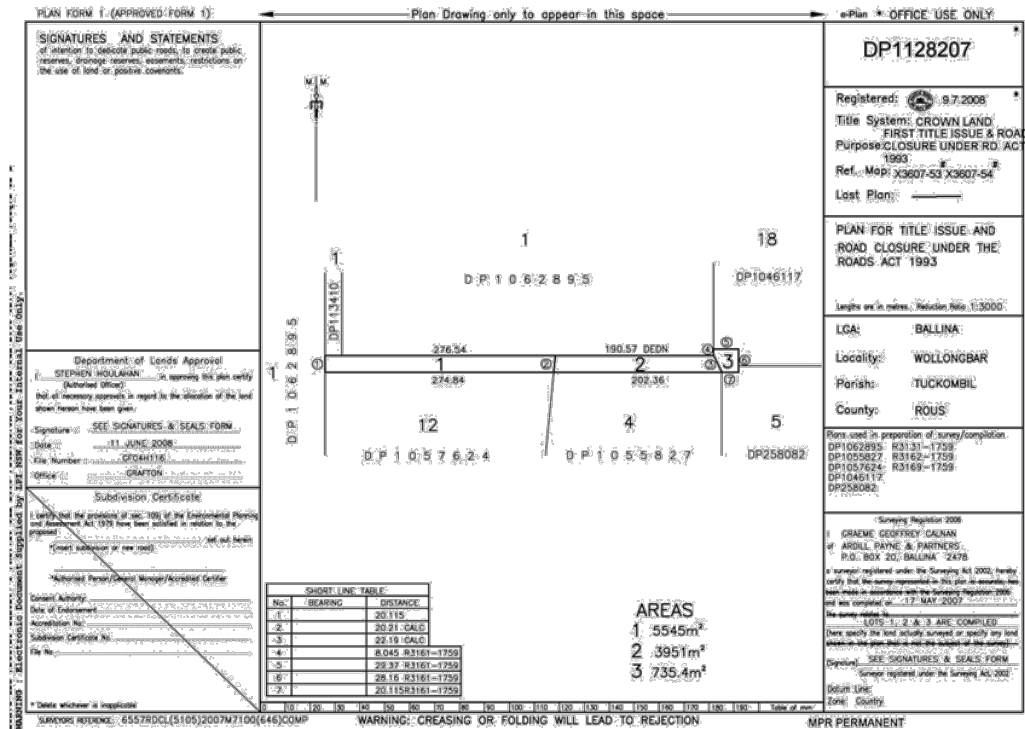
Figure 3: Cadastre of the subject land showing recent subdivision of nearby land



Source: SIX Maps

Merit Assessment of Planning Proposal for 12 Gilmore Close Wollongbar

Figure 4: Deposited Plan for Lot 3 DP 1128207 created by a road closure in 2008



1.3 Existing Planning Controls

The subject land is zoned RU1 Primary Production under Ballina LEP 2012 (Figure 5). It has a 40-hectare Minimum Lot Size and a maximum Building Height of 8.5 metres. No FSR applies to the land.

Adjoining land is variously zoned RU1 Primary Production and R3 Medium Density Residential under Ballina LEP 2012. Some adjoining land is Deferred Matter. The Deferred Matter land is zoned 7(d) Environmental Protection (Scenic/Escarpment) under Ballina LEP 1987 (Figure 6).

Figure 5: The subject land is zoned entirely RU1 Primary Production under Ballina LEP 2012

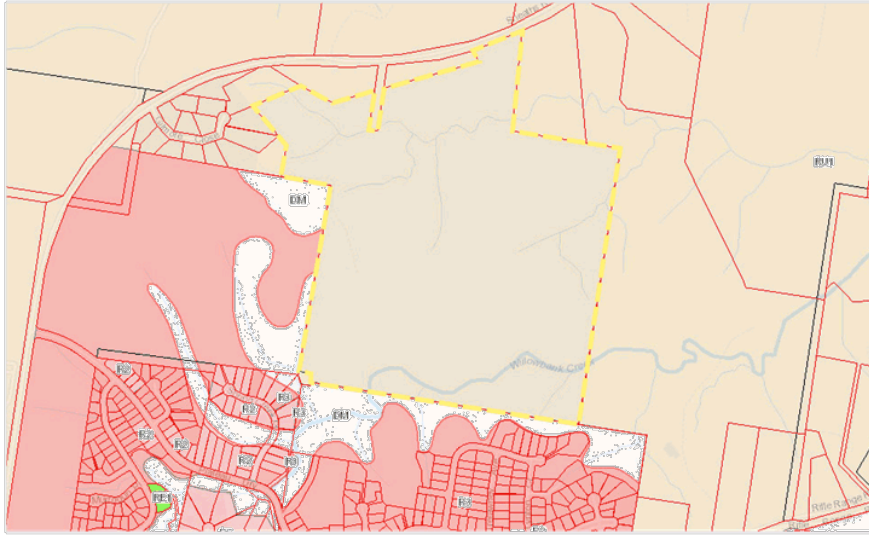


Figure 6: The Deferred Matter land adjoining the site is zoned 7(d) Scenic/Escarpment under Ballina LEP 1987



2 Planning Proposal

The applicant's consultant, Coopers Advisors, submitted a letter to Council dated 23 August 2020 on behalf of the land owner at that time (Mr John Mudge). It included a completed "Planning Proposal/LEP Amendment Request Proponent & Proposal Information Form". These documents are attached at Appendix A.

The planning proposal is to rezone all of the subject land from "RU1 (Primary Production) to R3 (Medium Density Residential) and replace the 40ha minimum lot size with a 600m² minimum lot size etc."

The reasons stated by the applicant for the rezoning are that it will:

- ensure the delivery of moderate to high jobs numbers,
- unlock significant construction investment over the short and long term,
- deliver a moderate to high number of additional housing,
- provide a development that has substantial:
 - public and open spaces,
 - environmental benefits,
 - quality environmental and green design, etc,
 - green infrastructure (including no hookup to the electricity grid),
- achieve a Six Star Green Star – Communities rating for residential master planned projects,
- will be a win-win for Ballina Shire Council, the NSW government, as well as the struggling economies and communities of Wollongbar, McLeans Ridges, Alstonville and Lismore, etc,
- provide much needed medical or community facilities and services,
- support preservation and conservation of the environment,
- make efficient use of existing infrastructure and services,
- increase the supply and diversity of residences on the property that meet the needs of seniors or people with a disability.

The planning proposal application does not include any technical or specialist reports and does not provide any site mapping or site assessment documentation. It does not show the developable land on the site or give any indication of lot or dwelling yield.

3 Strategic Merit

The following assessment is based on the DPIE strategic merit test.

3.1 Is the planning proposal consistent with the relevant regional or subregional strategy?

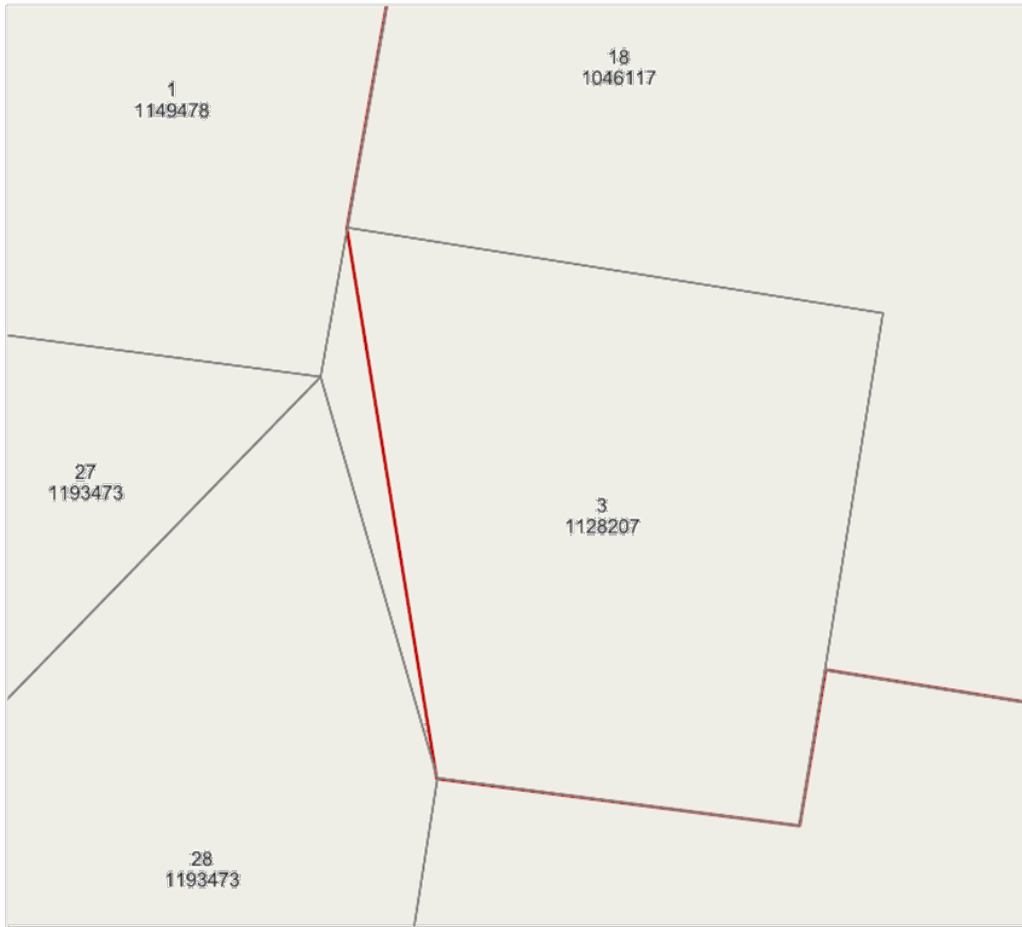
No. The *North Coast Regional Plan 2036* (NCRP) was released in 2017 and remains the current regional strategy for Ballina Shire (and surrounding LGAs). Principle One of the principles for Guiding Growth (NCRP, page 16) states “Direct growth to identified urban growth areas”. Action 1.1 (NCRP, page 17) states that Councils should “Focus future urban development to mapped urban growth areas”. In this case, the Urban Growth Area for Wollongbar does not substantially include the subject land (Figure 7). None of Lot 18 DP 1046117 is included in the urban growth area. When the mapping is examined closely, a small sliver of Lot 3 DP 1128207, being approximately 40 m², is located inside the urban growth area but this is most likely an artefact of drafting (Figure 8).

Figure 7: Wollongbar Urban Growth Area (red line is UGA boundary)



Source: North Coast Regional Plan 2036

Figure 8: Close-up of Wollongbar Urban Growth Area (red line is UGA boundary)



Source: North Coast Regional Plan 2036

Other Actions relevant to the subject land include Action 11.1 (NCRP, page 40), which states that councils should “Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland”. In this case, the subject land is entirely mapped as regionally significant farmland.

The Urban Growth Area chapter for Ballina LGA states (NCRP, page 62) that Council should “Protect important farmland areas at Wollongbar, Alstonville, etc ... and support the development of the agricultural sector and agribusiness.” In this case, the subject land is entirely mapped as important farmland (NCRP, page 43).

The planning proposal is not consistent with the *North Coast Regional Plan 2036* (NCRP) and the inconsistencies have not been justified.

3.2 Is the planning proposal consistent with a relevant local council strategy?

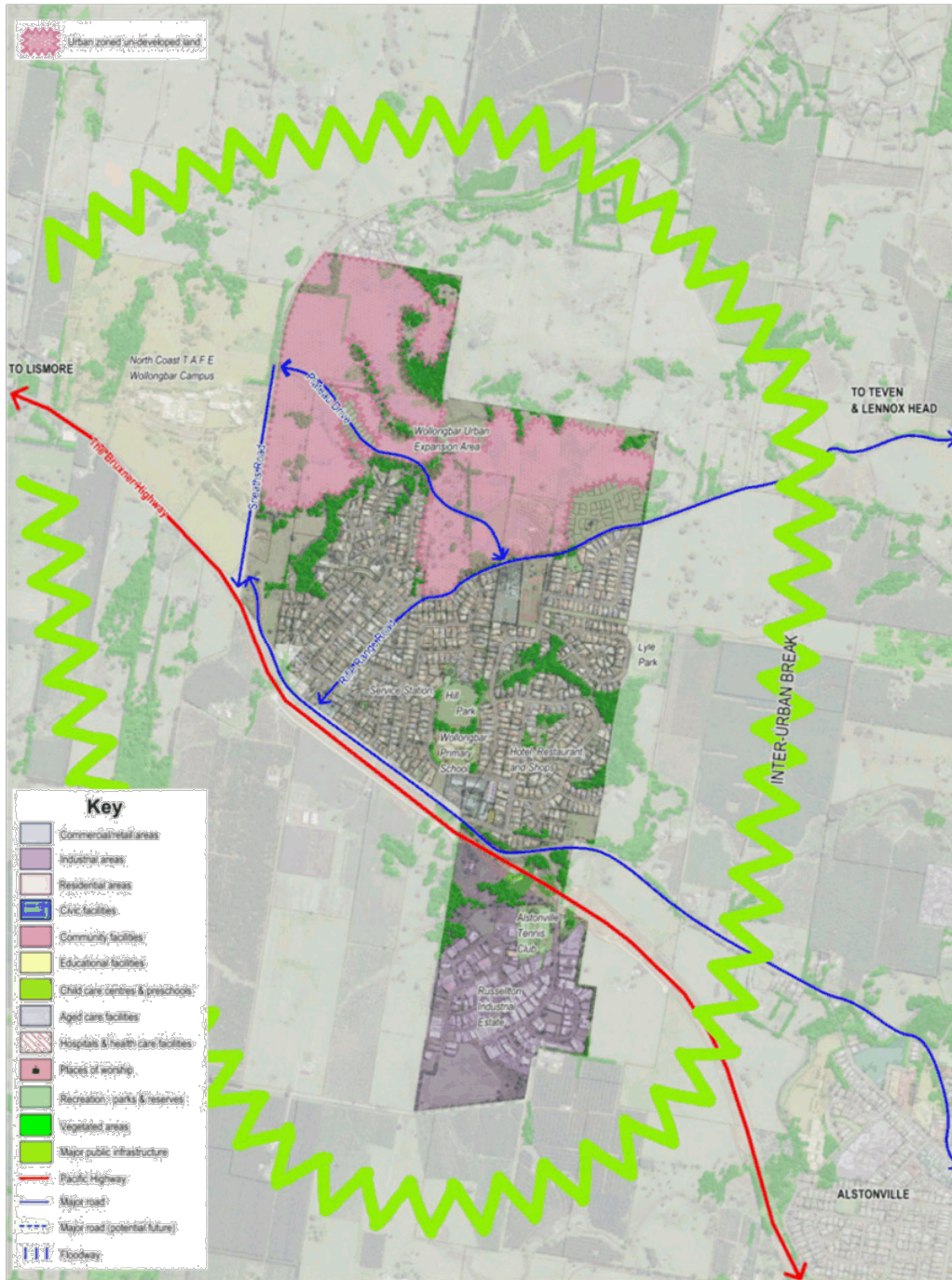
No. In this case, there are a number of relevant local strategies and the subject land is not identified for residential development in any of them.

(i) Ballina Shire Growth Management Strategy 2012

This Growth Management Strategy was prepared as required by the *Far North Coast Regional Strategy 2006–31* and associated planning guidelines. It was exhibited in 2012, adopted by Council and then endorsed by the State government in 2013.

In relation to Wollongbar, the GMS states “The Wollongbar Urban Expansion Area (WUEA) comprising approximately 80 hectares of land is located immediately to the north of the existing urban area of Wollongbar.” “Significant scope for outward expansion, via the Wollongbar Urban Expansion Area, having capacity to accommodate an additional 900 dwelling units (approximately).” The WUEA is identified on a map (BSGMS, page 49) and is shown at Figure 9. The subject land is not located in the WUEA and is therefore not identified for residential purposes in the GMS.

Figure 9: Wollongbar Urban Expansion Area map



Source: Ballina Shire Growth Management Strategy 2012 (page 49)

(ii) Wollongbar Strategic Plan 2019 – 2039

The Wollongbar Strategic Plan was prepared in 2017/18 and was supported by the Wollongbar Planning and Environmental Study (WPES). It was exhibited from August to November 2018 and adopted in June 2019. Its purpose is to guide Council's strategic planning and decision making relating to Wollongbar Village and surrounds within the period 2019 – 2039.

Four strategic actions listed on page 9 deal with the theme of "Ensuring that Wollongbar continues to grow so as to facilitate well planned housing choice and employment opportunities". None of the four actions require Council to initiate a planning proposal to permit an expansion of the existing area of land zoned for residential purposes. The WPES examined this site in a SWOT analysis of potential residential expansion areas, but recommended that additional land was not required over the period of the strategic plan and was not suitable due to being regional farmland, having slope constraints, bushfire and slip hazard and lack of suitable connectivity to the road network and business centre.

The planning proposal is not consistent with the Wollongbar Strategic Plan.

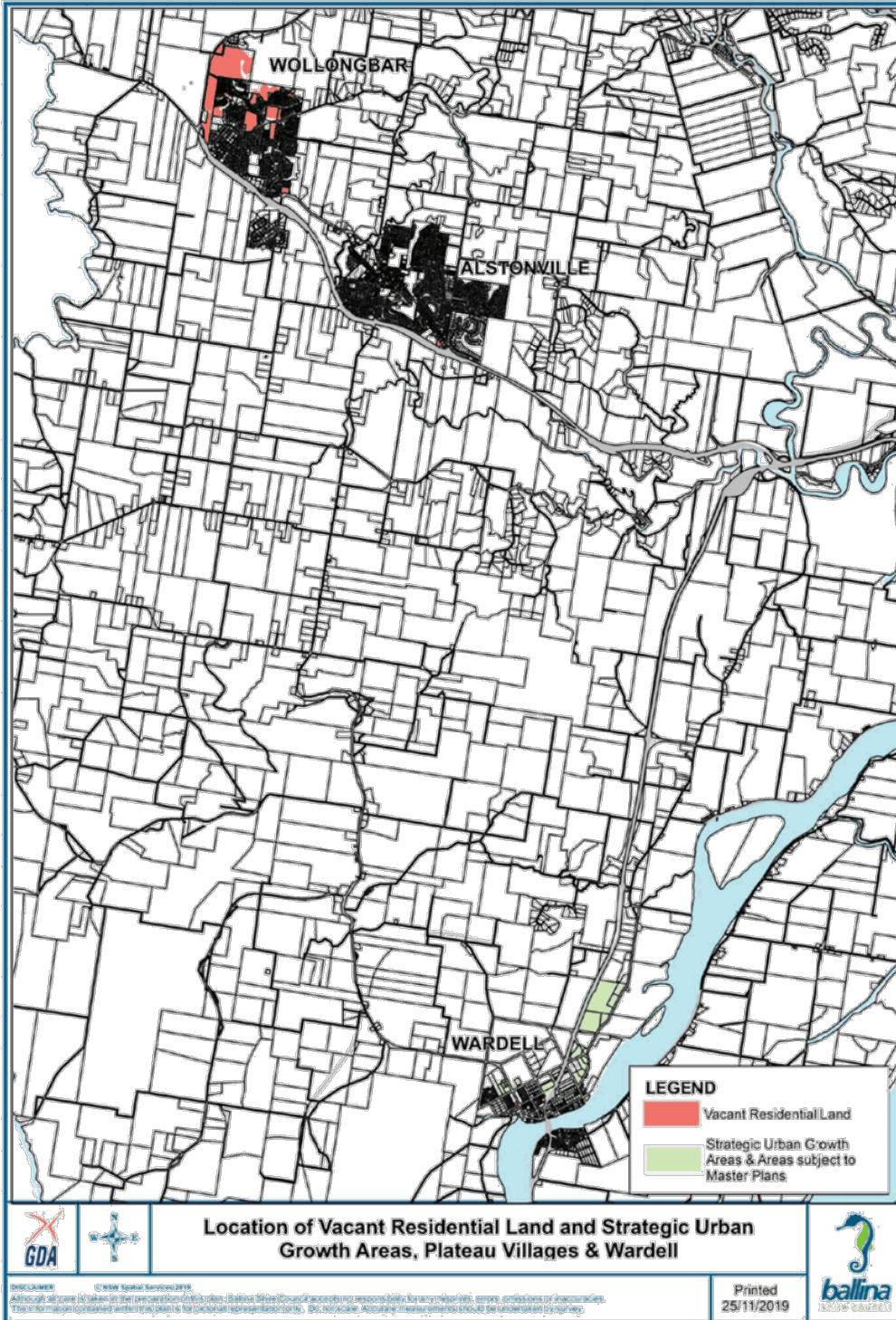
(iii) Ballina Shire Local Strategic Planning Statement 2020 – 2040

The Local Strategic Planning Statement (adopted and approved in 2020) plans for the Ballina community's economic, social, environmental and leadership needs from a strategic land use planning perspective in the 20-year period to 2040. In relation to land use and accommodating future residential growth, the BSLSPS states on page 28 that "The increase in population and dwellings will be accommodated largely in existing zoned residential release areas located at Cumbalum, Kinvara, Lennox Head, Skennars Head, Ballina Heights, West Ballina and Wollongbar. Initial planning for these areas commenced in the early 2000s. In total these areas occupy approximately 480 hectares and have been estimated to yield between 3,934 and 5,303 residential lots. This number of lots represents approximately 20 years of residential land supply" and "Additional potential for residential lots exists within identified Strategic Urban Growth Areas (SUGA)." Figure 10 confirms that the subject land is not within an identified SUGA.

The BSLSPS states on page 33 "Apart from minor adjustments to the Shire's urban growth area boundaries, as shown in the NCRP 2036, no further releases of land for residential purposes are considered required for the period to 2040 as of June 2020."

The planning proposal is not consistent with the Ballina Local Strategic Planning Statement 2020.

Figure 10: Location of SUGAs and zoned residential land



Source: Ballina Shire Local Strategic Planning Statement 2020 – 2040 (page 30)

3.3 Does the relevant LEP remain contemporary?

The subject land is zoned RU1 Primary Production under Ballina LEP 2012. This LEP is in the format of the Standard LEP. At eight years old, it is at an age where a review may be expected. However, the LEP has been amended many times since gazettal and Council has revised its strategic plans consistently over that period to ensure the LEP remains current and contains a supply of future residential land. The zoning of the subject land has been considered on a number of occasions since 2012 as part of the strategic planning documents outlined in this report. On balance, Ballina LEP 2012 remains contemporary.

3.4 Is there a demonstrable reason for the rezoning or change in planning controls to occur, based on changed circumstances since the LEP was made?

This aspect relates to changed circumstances such as:

- *new infrastructure;*
- *a new or updated regional, subregional or local strategy to address an inconsistency between strategic planning and zoning and/or development standards; or*
- *the public interest.*

In this case, there is no new infrastructure that would trigger a demand for additional residential land beyond what has been anticipated in multiple strategic documents.

The North Coast Regional Plan was released in 2017 and remains the current regional strategy for Ballina Shire. It contains an Urban Growth Area for Wollongbar that does not include the subject land. There are no inconsistencies between regional or local strategic planning that would require the subject land to be zoned for residential purposes.

It is in the public interest that there is sufficient zoned residential land such that a shortage does not occur. However, zoning excessive areas of land makes it difficult to service land with infrastructure and creates problems with staging. A 20-year supply based on estimates of demand is consistent with industry standards. A review of supply and demand every five years will ensure that land can be included in future strategies and then rezoned in time if supplies dwindle faster than expected or land is not brought to the market in a timely fashion.

4 Site-specific Merit

This requires an assessment of site-specific merit and compatibility with surrounding land uses, having regard to the following matters. Note that the site-specific merit assessment would normally only be undertaken for a planning proposal that passed the strategic merit test. This planning proposal has not passed the strategic merit test. It has been undertaken in this case to ensure the planning proposal is considered to the fullest extent based on available information.

4.1 The natural environment (including known significant environmental values, resources or hazards)

The applicant has not provided any substantive reports or assessments of the subject land that address environmental issues.

However, there is some information available on the Ballina Council and other public websites that provides an overview of the natural environment, resources and hazards that affect this land. The following is a brief summary of that information.

Ecology and Native Vegetation

No site-specific assessment of the ecology of the subject land has been provided. This would normally accompany a site-specific planning proposal. Council records identify it as an area that once would have been in the Big Scrub and the very large fig tree located near the dwelling on the subject land is likely to be a remnant of this. Aerial photographs show that the site was substantially cleared over a long period, and the vegetation on the site now is a mix of natives and non-native trees planted in rows. Some remnant native vegetation is located along creek lines and in gullies, but a lot of this appears to be regrowth and weeds such as camphor laurel and lantana (Figures 11 and 12).

Figure 11: Site vegetation is mostly a mix of planted exotics and native trees with some open grassed areas

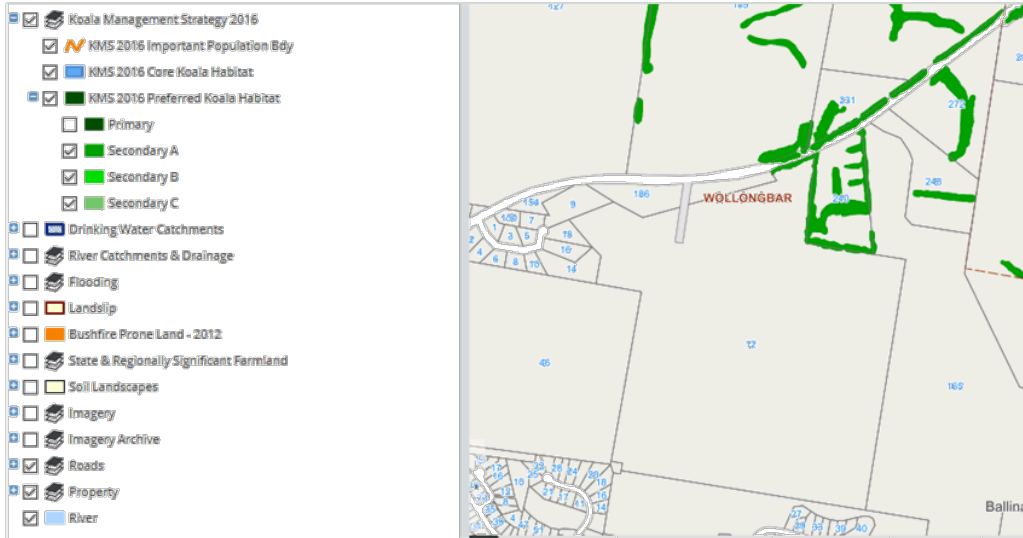


Figure 12: Vegetation in the gullies is a mix of exotics, regrowth native trees and weeds



Council's koala habitat mapping only identifies some boundary trees on the far northern edge of the subject land as being koala habitat (Figure 13).

Figure 13: A small amount of Secondary A Koala Habitat is located on the northern edge of the site

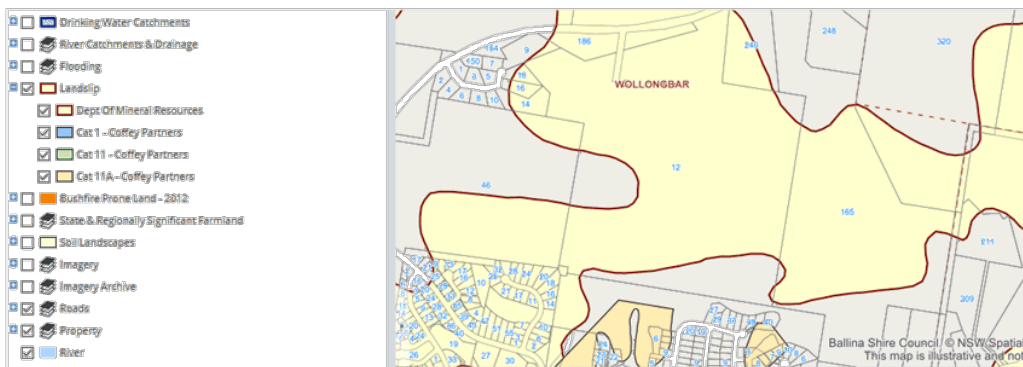


A specific study of the vegetation on this site is required. However, the site inspection on 16 October 2020 indicated that there may be trees of significance such as the mature fig plus some rainforest remnants in the gullies and eucalypts along the northern edge. On balance, however, the site does not appear to contain extensive areas of native vegetation as result of past clearing for grazing and recent forestry plantings.

Slope and Steep Land

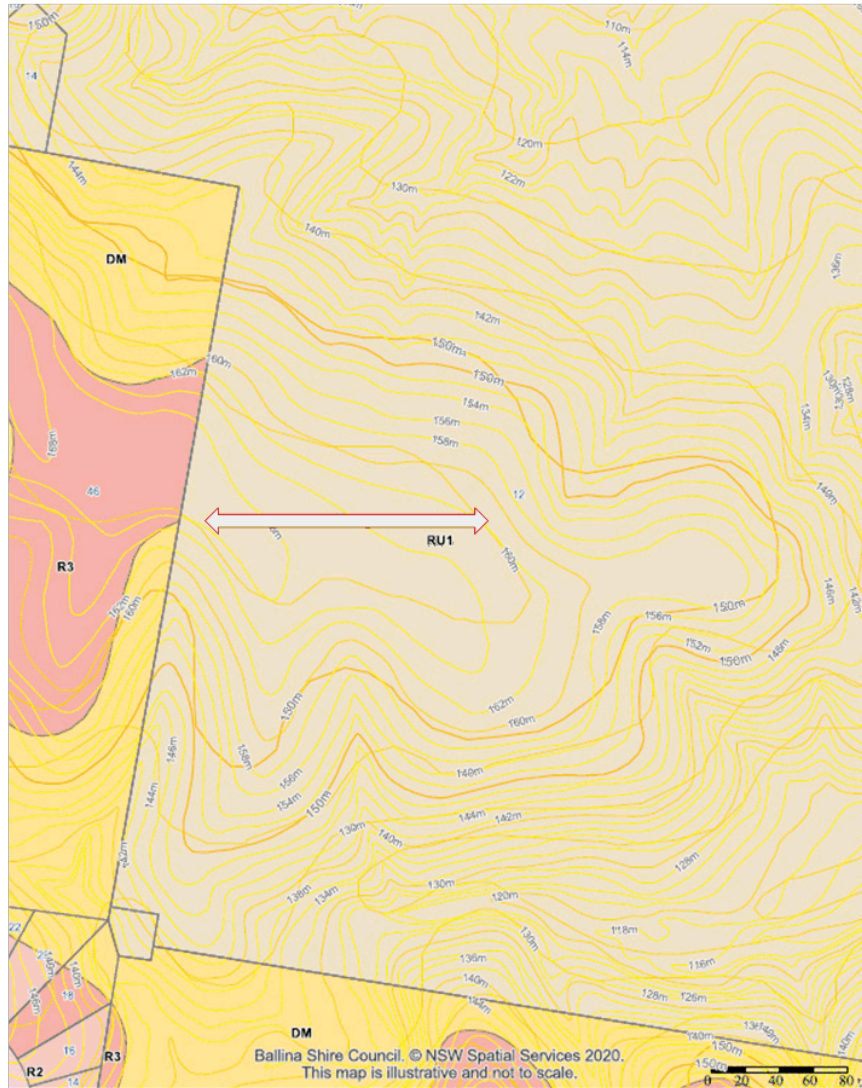
No site-specific slope analysis of the subject land has been provided. This would normally accompany a site-specific planning proposal. Council's GIS identifies the site as being substantially affected by landslip (Figure 14), but this mapping is quite broad and may not be accurate at site level.

Figure 14: State government landslip mapping for the subject land



Council's contour mapping (Figure 15) supports observations during the site inspection on 16 October 2020 that parts of the site in proximity to the dwelling and the boundary with the UPS land (in part) are relatively flat and similar to other land already zoned for urban purposes.

Figure 15: Contour mapping shows a fairly flat area adjoining the undeveloped UPS land to the west of the site



It was also observed (and is supported by contour mapping) that much of the site is quite steep and affected by multiple gullies. Significant parts of the site may be too steep to service or construct dwellings or roads and may be predisposed to landslip when cleared or disturbed (Figure 16).

Figure 16: Signs of landslip on adjacent cleared land show this issue may be a constraint to the subject land

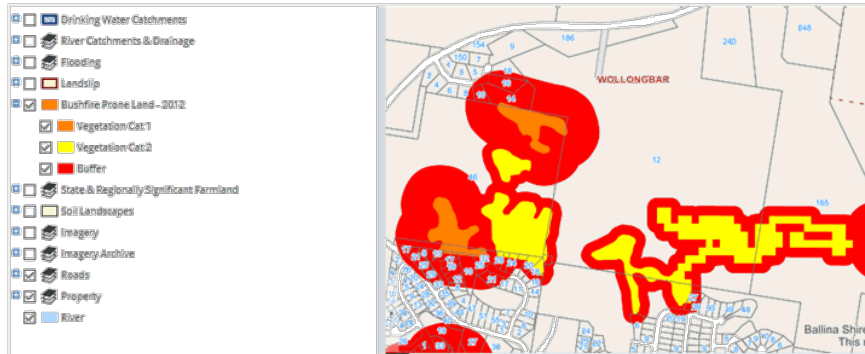


The observation that the site contains some relatively flat to undulating land relates to an area of approximately 6 hectares, which is a lot less than the 49 hectares suggested in the planning proposal request. It is also possible that the land may be slip prone despite it not being steeply sloping. A slope and slip analysis would be required to verify this constraint.

Bushfire Hazard

No site-specific bushfire hazard analysis of the subject land has been provided. This would normally accompany a site-specific planning proposal. Council's GIS identifies the site as being partly affected by bushfire hazard Vegetation Category 2 and buffer (Figure 17). It is adjacent to land in Vegetation Category 1 and its buffer.

Figure 17: Bushfire vegetation categories for the subject land



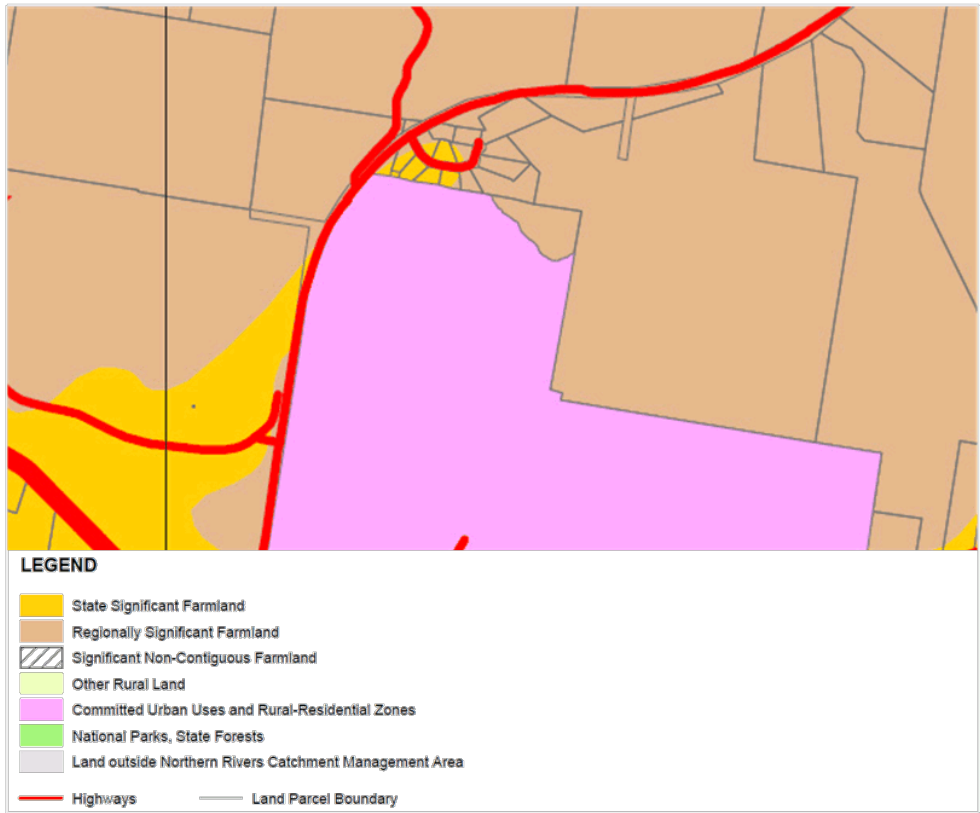
This mapping does not appear to reflect the forest plantings that cover most of the site. Current and accurate mapping of this constraint would assist in identifying its effect on potential future residential development of the site.

Agricultural Land

No site-specific agricultural land analysis of the subject land has been provided. This would normally accompany a site-specific planning proposal. The Northern Rivers Farmland Protection Project maps all of Lot 18 DP 1046117 as regionally significant agricultural land (Figure 18). Lot 3 DP 1128207 is not mapped as regionally significant agricultural land; it is included in the committed urban/rural residential uses category. None of the site is mapped as State significant farmland. The regionally significant farmland is contiguous with the wider extent of agricultural land in the area on two sides and abuts committed urban land on two sides.

The presence of regionally significant farmland is a major constraint to urban expansion. It is not normally considered to be appropriate for urban use. Using it for residential purposes is not consistent with advice from the NSW Department of Primary Industries regarding the need to protect important agricultural land and to avoid land use conflicts that stem from urban encroachment. It is also not consistent with NSW DPIE advice and policy. However, all of Wollongbar is surrounded by either State or regionally significant farmland, and urban expansion can only occur with some impacts on farmland. In that context, this site would need to be evaluated against alternative sites. That cannot occur without a site-specific agricultural land analysis of the subject land.

Figure 18: Northern Rivers Farmland Protection Project mapping for the subject land



Flooding

The site is elevated and not mapped as flood prone. However, it does contain multiple small waterways which would each have an area that is affected by flooding in high rainfall events (Figure 19). These gully areas would each have an area of land that is unsuitable for urban use due to flooding.

Figure 19: Waterways on the subject land



Land Contamination

No site-specific contaminated land analysis of the subject land has been provided. This would normally accompany a site-specific planning proposal.

Council is required, before land is zoned from a rural zone to a residential zone, to consider whether the land is contaminated, and if the land is contaminated, that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used. If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority must be satisfied that the land will be so remediated before the land is used for that purpose.

The history of land use on this site and its potential to be contaminated is unknown. This is a major constraint to urban expansion that would need to be addressed before any rezoning could proceed.

Aboriginal Cultural Heritage

No site-specific assessment of the Aboriginal cultural heritage of the subject land has been provided. This would normally accompany a site-specific planning proposal. An AHIMS search was conducted on 30 October 2020 for Lot 18 DP 1046117 with a 200-metre buffer (Figure 20). It shows that there is likely to be at least one Aboriginal site located on or near the subject land. There is no evidence of contact with the relevant LALC or any site assessment by a qualified archaeologist.

This is a significant constraint to urban expansion that would need to be addressed before any rezoning could proceed.

Figure 20: AHIMS search result for Lot 18 DP 1046117 with a 200-metre buffer

AHIMS Web Service search for the following area at Lot: 18, DP:DP1046117 with a Buffer of 200 meters, conducted by Mike Svikis on 30 October 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

4.2 The existing uses, approved uses and likely future uses of land in the vicinity of the proposal

The subject land is on the northern fringe of the Wollongbar Urban Expansion Area. Its southern boundary is a steep gully (Willowbank Creek) beyond which (on adjacent land) is a residential subdivision. To the west is the proposed urban area known as the United Protestants Association (UPA) land. Council has been advised that this land has been identified by its owners for niche housing, such as seniors, but there are currently no applications for any form of residential subdivision or development.

A small rural residential subdivision (Gilmore Close) is located at the north-west corner of the subject land. The balance of surrounding land is farmland that is a mix of grazing land and horticulture (particularly macadamia nut farming orchards).

The subject land has not been identified in any strategies as a future residential area. An alternative site along Rifle Range Road is viewed as a logical urban expansion area when current zoned land supply is exhausted.

No land in the vicinity of the subject land (beyond that already zoned) is identified for future urban expansion.

High quality agricultural land in a high rainfall area that has been cleared of native vegetation in the past is an important resource for agricultural production in Ballina LGA. There is no evidence to suggest that the subject land could not support a viable horticultural activity.

4.3 The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision

No site-specific services and infrastructure assessment of the subject land has been provided. This would normally accompany a site-specific planning proposal. The planning proposal provides no indication of how much of the subject land would be suitable to be serviced with water, sewer, energy, roads, etc. There is no indication of housing or lot yield, and whether existing water and sewer services are available in terms of headworks or local infrastructure capacity.

The subject land has a narrow, right-of-way access to Gilmore Close that is totally unsuitable as a future site access for residential subdivision. Access to Sneaths Road may be possible, but no evidence has been provided that it is even plausible given the topography along this road frontage.

In the long term, it may be possible to access the subject land from the UPS land but no evidence has been provided that it is even plausible or that the UPS is interested in any such arrangement.

There is no substantial assessment of existing and future infrastructure and no indication of prospective site yield or even developable land. There is not enough information to state whether the site is or will be able to be serviced, and no indication of the financial impacts of this on Council or any other service providers.

5 Conclusion

5.1 Strategic Merit

The planning proposal is not consistent with the *North Coast Regional Plan 2036*. It is also not consistent with the *Ballina Shire Growth Management Strategy 2012*, *Ballina Shire Local Strategic Planning Statement 2020 – 2040* and the *Wollongbar Strategic Plan 2019 – 2039*.

Ballina LEP 2012 has been updated regularly and remains contemporary. It has an adequate supply of residential zoned land, both in greenfield areas and infill development opportunities. Council monitors land development and is aware of supply and demand trends. There is no evidence of changed circumstances that would warrant rezoning the subject land from rural to residential.

This planning proposal cannot be supported based on an assessment of strategic merit.

5.2 Site-specific Merit

The planning proposal is not supported by any substantive reports or assessments of the subject land that address environmental issues. It is not the intention of this report to recommend that such reports or assessments be undertaken. The site-specific merit assessment would normally only be undertaken for a planning proposal that passed the strategic merit test. This planning proposal has not passed the strategic merit test. The site-specific merit assessment has been undertaken in this case to ensure the planning proposal is considered to the fullest extent based on available information.

A specific study of the vegetation on this site has not been undertaken. The site inspection on 16 October 2020 indicated that there may be trees of significance such as the mature fig plus some rainforest remnants in the gullies and eucalypts along the northern edge. On balance, however, the site does not appear to contain extensive areas of native vegetation as result of past clearing for grazing and recent forestry plantings.

Council's contour mapping supports observations during the site inspection on 16 October 2020 that parts of the site in proximity to the dwelling and the boundary with the UPS land (in part) are relatively flat and similar to other land already zoned for urban purposes. It was also observed (and is supported by contour mapping) that much of the site is quite steep and affected by multiple gullies. Significant parts of the site may be too steep to service or construct dwellings or roads and may be predisposed to landslip when cleared or disturbed.

Council identifies the site as being partly affected by bushfire hazard Vegetation Category 2 and buffer, and it is adjacent to land in Vegetation Category 1 and its buffer. This mapping does not appear to reflect the forest plantings that cover most of the site. Current and accurate mapping of this constraint would assist in identifying its effect on potential future residential development of the site.

The Northern Rivers Farmland Protection Project maps all of Lot 18 DP 1046117 as regionally significant agricultural land. The presence of regionally significant farmland is a major constraint to urban expansion. It is not normally considered to be appropriate for urban use. Using it for residential purposes is not consistent with advice from the NSW Department of Primary Industries regarding the need to protect important agricultural land and to avoid land use conflicts that stem from urban encroachment. It is also not consistent with NSW DPIE advice and policy.

The site is elevated and not mapped as flood prone. However, it does contain multiple small waterways which would each have an area that is affected by flooding in high rainfall events. These gully areas would each have an area of land that is unsuitable for urban use due to flooding.

No site-specific contaminated land analysis of the subject land has been provided and the history of land use on this site and its potential to be contaminated is unknown. This is a major constraint to urban expansion that would need to be addressed before any rezoning could proceed.

No site-specific assessment of the Aboriginal cultural heritage of the subject land has been provided. An AHIMS search was conducted on 30 October 2020 for Lot 18 DP 1046117 with a 200-metre buffer. It shows that there is likely to be at least one Aboriginal site located on or near the subject land. There is no evidence of contact

8.5 LEP Amendment Request - 12 Gilmore Close, Wollongbar

Merit Assessment of Planning Proposal for 12 Gilmore Close Wollongbar

with the relevant LALC or any site assessment by a qualified archaeologist. This is a significant constraint to urban expansion that would need to be addressed before any rezoning could proceed.

This planning proposal cannot be supported based on an assessment of site-specific merit.

Appendices

Appendix A: Planning Proposal/LEP Amendment Request Proponent & Proposal Information Form

APPENDIX A

Planning Proposal/LEP Amendment Request Proponent & Proposal
Information Form

Coopers Advisors

Dated: 23rd August 2020

Ballina Shire Council (BSC)
40 Cherry Street
BALLINA NSW 2478

Dear Sir/Madam,

RE: **PLANNING PROPOSAL & LEP AMENDMENT REQUEST (GATEWAY DETERMINATION) – 12 GILMORE CLOSE WOLLONGBAR NSW 2477 – LOT 18 DP 1046117 & LOT 3 1128207 – STAGED RESIDENTIAL DEVELOPMENT**

We act for my client Mr John Mudge who owns 12 Gilmore Close, Wollongbar NSW 2477 (*“the property”*)

Thank you for your letter of (8th July 2020) CM 20/41450 inviting my client to lodge a *Planning Proposal LEP Amendment Request (Gateway Determination) (“PP/LEP AR”)* to rezone his property from RU1 (Primary Production) to R3 (Medium Density Residential) and replace the 40ha minimum lot size with a 600m² minimum lot size etc.

We also refer to the email of (24th July 2020) from the (NSW) Department of Planning, Industry and Environment (DPIE) also encouraging my client to lodge a *PP/LEP AR* for the property as well as to continue to work with Ballina Shire Council to progress the *PP/LEP AR* in the spirit of bipartisan cooperation and support.

Given the foregoing, and as requested, we (**attach**) the *“Planning Proposal / LEP Amendment Request Proponent & Proposal Information Form”*.

Delivery of Regional Jobs

Approval of the *PP/LEP AR* will create jobs, both during and post-construction. It will ensure the delivery of moderate to high jobs numbers, once the Development Application (DA) is approved etc.

We understand that the (DPIE) will use the **Landcom Calculator** to ascertain the **number of construction jobs** (including post-construction ongoing jobs) to be generated for the *PP/LEP AR* and also calculate the project’s **per metre construction cost** by multiplying the project’s gross floor area by a measure of construction cost per square metre etc.

We further understand, that approval of the *PP/LEP AR* will also create other forms of job opportunities such as those for architects, planners, quantity surveyors and specialist consultants and that those opportunities will be considered by (BSC) and the (DPIE).

At a minimum, the granting of the *PP/LEP AR* will **deliver moderate to high job numbers** which will:

- contribute to high levels or proportions of jobs in identified strategic and key centres (above and beyond what has already been identified in relevant regional plans and district plans);
- create local jobs in places/regions of high unemployment such as (Wollongbar, McLeans Ridges, Alstonville and Lismore);

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(Ph) (02) 9666 3795

- generates a significant pipeline of jobs over the long term (e.g. 10-20 years)
- be synergistic or catalyst to the extent of acting as a keystone to attract and generate other forms of employment generating further development;
- will enable retention of jobs in the industries most affected by the COVID pandemic, including
- (tourism, hospitality, education, health and/or creative industries);
- be an employment generating development that seeks to achieve innovative and sustainable green design outcomes;
- provides jobs in a location with a displaced workforce with relevant or readily adaptable skills etc.

Timing of Public Interest and Regional Economic Benefits

The granting of the *PP/LEP AR* will have strong capacity to **unlock significant construction investment** over the short and long term.

The **main constraints** at present, being the expeditious rezoning of the subject lands from Primary Production (RU1) to (Residential), including the abandoning of the Regionally Significant Farmland (RSF) classification. However, the favorable history of the land comprising the Wollongbar Urban Expansion Area (WUEA), which surrounds my client's property, is that the land was previously zoned (RU1) and (BSC) and the (DPIE) supported the rezoning of this land to residential as well as the abandoning of the (RSF) classification, to create the burgeoning (WUEA) we know today.

We understand that where particular constraints, whether at local or state level, prevent the granting of the *PP/LEP AR*, (BSC) and the (DPIE) will pull-out all stops and work tirelessly and diligently to *'continue to work to resolve these matters through collaboration and negotiation, using the powers available under existing and new legislation'* etc.

Public Benefits

The granting of *PP/LEP AR* will deliver a moderate to high number of additional housing, where a significant proportion is available to be for the purpose of:

1. Built-to-rent;
2. Social or affordable;
3. Key worker housing; (and/or)
4. (SEPP) compliant Housing for Seniors or People with a Disability etc

Also, in consideration of granting of the granting of *PP/LEP AR*, my client is committed to providing a development that has substantial:

- Public and Open spaces;
- Environmental benefits; and
- Quality environmental and green design etc.
- Green infrastructure (including no hookup to the electricity grid);

Green infrastructure would include, but would not be limited to:

- Downspout disconnection;

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- Rainwater harvesting;
- Rain gardens;
- Planter boxes;
- Bioswales;
- Permeable pavements;
- Green Streets and alleys;
- Green parking;
- Green roofs;
- Urban tree canopy; (and)
- Land conservation

The development will also comply with the **coveted 6-Star Green-Star-Communities-rating** for residential master-planned projects, as specified by the **Green Building Council of Australia**. **6-Star Green-Star-Communities-rating** sets the highest possible environmental sustainability standards for the community both during construction and after it is completed.

Accordingly, the development will be assessed against **best practice benchmarks for governance** and innovation, design excellence, environmental sustainability, economic prosperity and liveability etc. This also means more green spaces with better and safer parks and playgrounds; more sustainable, high-quality materials selection; and the connectedness and walkability of neighborhoods.

Also, **Green Star-certified housing and communities** can:

- Lower operating costs and increase asset value;
- Use 66% less electricity;
- Use 51% less potable water than if they had been built to meet minimum industry requirements;
- Boost human productivity by up to 15%;
- Produce 62% fewer greenhouse gas emissions than average buildings;
- Improve the health and wellbeing of occupants;
- Speed up recovery times of hospital patients;
- Reduce risk and 'future proof' investments; (and)
- Deliver a competitive edge in a crowded marketplace.

We firmly believe that the granting of *PP/LEP AR* will be a win-win for (BSC), the NSW Government, as well as the struggling economies and communities of Wollongbar, McLeans Ridges, Alstonville, and Lismore etc.

Thanking you for your consideration of the foregoing and we look forward to working with (BSC) and the (DPIE) to ensure a favorable granting of my clients *PP/LEP AR* application.

Yours Sincerely,

Robert Shacklady

Robert Shacklady (Solicitor)

By email to: council@ballina.nsw.gov.au

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1106 Botany Road, Botany NSW 2019
cooperslawfirm@yahoo.com

(M) 0405 202 606
(Ph) (02) 9666 3795

Planning Proposal / LEP Amendment Request Proponent & Proposal Information Form

Lodge Applications at Ballina Shire Council - 40 Cherry Street - Ballina (Mon-Fri 8.15am to 4.30pm)

mail PO Box 450 Ballina 2478 - f 02 6686 7035 - e council@ballina.nsw.gov.au

t 1300 864 444 - w www.ballina.nsw.gov.au - abn 53 929 887 369

This form is to be completed and submitted when a request for an LEP amendment or planning proposal is lodged with Council.



Proponent Details

All correspondence will be forwarded to this name and address unless alternative details are specified below.

Proponent's Name	<input type="text" value="John Damian Mudge"/>		
Address	<input type="text" value="12 Gilmore Close, Wollongbar NSW 2477"/>		
Postal Address	<input type="text" value="7/5 Stonelea Court, Dural NSW 2158"/>		
Telephone (w)	<input type="text"/>	(h) <input type="text"/>	Mobile <input type="text" value="0424427542"/>
Email Address	<input type="text" value="johnmudge@iib.ws"/>	Fax	<input type="text"/>
Signature	<input type="text" value="John Damian Mudge"/>	Date	<input type="text" value="21/08/2020"/>

Consultant / Representative Details

Details of consultants/representatives acting on behalf of the proponent are required. Please nominate whether the consultant/representative will be the principal contact for the proposal.

Name	<input type="text" value="Robert John Shacklady"/>		
Address	<input type="text" value="PO Box 45, Botany NSW 1455"/>		
Telephone (w)	<input type="text"/>	Mobile <input type="text" value="0405202606"/>	Fax <input type="text"/>
Email Address	<input type="text" value="cooperslawfirm@yahoo.com"/>		

Please tick if consultant/representative is to be the principal point of contact with Council.

Description of the Land

Property descriptions of all land holdings the subject of the LEP amendment request/planning proposal are required. Additional properties the subject of the proposal should be documented in the additional information field at the end of the form.

Property Address	<input type="text" value="12 Gilmore Close, Wollongbar NSW 2477"/>		
Lot/Portion	<input type="text" value="18"/>	Section <input type="text"/>	DP <input type="text" value="1046117"/>
Property Address	<input type="text" value="12 Gilmore Close, Wollongbar NSW 2477"/>		
Lot/Portion	<input type="text" value="3"/>	Section <input type="text"/>	DP <input type="text" value="1128207"/>
Property Address	<input type="text"/>		
Lot/Portion	<input type="text"/>	Section <input type="text"/>	DP <input type="text"/>

Office Use Only

Proposal Name:	Type: <input type="checkbox"/> Major <input type="checkbox"/> Minor	Pre-Lodgement Discussion: <input type="checkbox"/> Y <input type="checkbox"/> N
Fee Paid: <input type="checkbox"/> Y <input type="checkbox"/> N Amount: \$	Date Received:	Receipt No:
Code 6, Job No: 20001.1001.061		

Page 1 of 4

Landholder Details and Consent

Details of all landholders are to be provided. If landholders do not sign this form, evidence of the consent of landholders for the nomination of their landholding as part of the LEP amendment/planning proposal is required in conjunction with this form. Space is provided at the end of this form for additional landholder details.

Owner's Name(s)	John Damian Mudge		
Address	12 Gilmore Close, Wollongbar NSW 2477		
Lot/Portion	18 + 3	Section	DP 1046117 + 1128207
Telephone (w)		(h)	Mobile 0424427542
Email Address	johnmudge@iib.ws	Fax	

I being the owner of the property identified above, consent to the submission of this planning proposal/LEP amendment.

Signature	<i>John Damian Mudge</i>	Date	21/08/2020
-----------	--------------------------	------	------------

Summary of the LEP Amendment Request / Planning Proposal

Brief outline of the concept or idea underpinning the LEP amendment request / planning proposal.

The Planning Proposal/LEP Amendment Request (PP/LEP AR) seeks to rezone 12 Gilmore Close, Wollongbar NSW 2477 comprising (Lot 18 1046117 and Lot 3 1128207), from RU1 Primary Production to R3 Medium Density Residential and replace the 40ha minimum lot size with a 600m² minimum lot size. The (PP/LEP AR) will require an amendment to Ballina LEP (2012) Zoning and Lot Size Maps to illustrate the new residential zone proposed.

The purpose of the (PP/LEP AR) is to provide housing (including residential care facilities) that will—

- increase the supply and diversity of residences on the property that meet the needs of seniors or people with a disability,
- make efficient use of existing infrastructure and services which already surround the property being the Wollongbar Urban Expansion Area (WUEA), and
- be of good design (including housing that is of environmental green design and green infrastructure which is located within a green environment comprising an arboretum of natural rainforest and exotic trees).

The (PP/LEP AR) will:

- create much needed and timely jobs and employment (i.e. an employment generating development) and be in the public interest as well as for the public benefit;
- contribute to economic growth and promote sustainable practice;
- provide high quality, appropriately located housing accessible to the broader and lower income community;
- provide much needed medical or community facilities and services; (and)
- support preservation and conservation of the environment;

List of Information Provided in Support of the LEP Amendment Request / Planning Proposal

Please refer to the covering letter for this (PP/LEP AR).

Privacy Protection Notice

The completed application form contains personal information which is being collected for the purpose of assessing this LEP amendment request/planning proposal. Please be aware that information contained in this documentation is public information and may be accessed by other government agencies, service providers, the general community or other organisations. The information will be processed by Council officers and may be made available to public enquiries under the Government Information (Public Access) Act. The information will be stored in Council's electronic document management system.

Disclosure of Political Donations and Gifts

A person who submits an LEP amendment request/planning proposal to Council is required to disclose the following reportable political donations and gifts (if any) made by any person with a financial interest in the proposal within the period commencing two years before the request is made and ending when the proposal is determined:

- All reportable political donations made to any Ballina Shire Councillor; and
- All gifts made to any local Councillor or employee of Ballina Shire Council.

A reference to a reportable political donation made to a 'Councillor' includes a reference to a donation made at the time the person was a candidate for election to the Council.

Significant penalties apply to non-disclosure. For more information and to obtain a political donations and gifts disclosure statement go to the Department of Planning and Infrastructure website at www.planning.nsw.gov.au.

Is a disclosure statement to accompany your application? Yes No



Additional Information

Please refer to the covering letter for this (PP/LEP AR).



 **MikeSvikisPlanning**
ABN 84638645183
3 Gibingbell Close Ocean Shores 2483
Mob: 0447 805 871
Ph: (02) 6680 1003
E: mikesvikisplanning@bigpond.com



enquiries refer
Laura Oakley
in reply please quote
CM 20/41450



8 July 2020

Mr Robert Shacklady
Coopers Advisors
1106 Botany Road
BOTANY NSW 2019
Via email: robert@coopersadvisors.com

Dear Mr Shacklady

Re: Request to rezone Lot 18 DP 1046117 and Lot 3 DP 1128207, Wollongbar, following Local Strategic Planning Statement submission

I refer to your correspondence dated 28th May 2020 and the request for Ballina Shire Council to rezone the subject land (owned by your client, Mr John Mudge) currently zoned RU1 Primary Production to a residential zone.

Rezoning of land requires an amendment to Council's Local Environmental Plan (LEP) through a formal planning process under the Environmental Planning and Assessment Act 1979 (EP&A Act). Requests to amend a LEP are subject to the planning proposal process under the Act. More information on this process can be found on Council's website at <https://ballina.nsw.gov.au/rezoning-and-planning-amendments--144>.

It is unlikely that a rezoning request for the subject land will be supported by Council or the Department of Planning Industry and Environment (DPIE) as the land has not been identified for residential growth within Council's land-use planning framework.

In previous correspondence from Council dated 11 November 2019, you were advised that the Wollongbar Planning and Environmental Study has identified sufficient residential zoned land located within the Wollongbar Urban Expansion Area to cater for anticipated residential growth to 2039. In these circumstances, no further release of residential land at Wollongbar is considered to be required over the next 20 year period. This has been reflected in the Wollongbar Strategic Plan which was adopted by Council in June 2019.

If your client wishes to proceed with a rezoning application, LEP amendment requests may be made to Council in writing and accompanied by the appropriate fee and completion of the Proponent and Proposal Information Form which can be accessed via Council's website at <https://ballina.nsw.gov.au/rezoning-and-planning-amendments--144>.

Please note a non-refundable fee of \$4,095 (Commencement Fee – Stage 1) is applicable when lodging an LEP amendment request (as per Council's 2020/21 Fees and Charges).

The rationale behind the existing strategic framework has previously been communicated to you and your client on a number of occasions. Council's position on rezoning Lot 18 DP 1046117 & Lot 3 DP 1128207 has not changed. It is therefore advised that Council will not be responding to

40 cherry street, po box 450, ballina nsw 2478
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369

any further requests relating to the rezoning of this land for residential purposes, outside the standard legislative pathways as stated in this email.

Yours faithfully



Laura Oakley
Strategic Planner
Planning and Environmental Health Division

40 cherry street, po box 450, ballina nsw 2478
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369