



Planning Proposal 20/002

**» No. 6-20 Fitzroy Street,
Wardell**

June 2021 (V2 Exhibition) 21/48713

ballina
shire council

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1. Introduction

1.1 Summary of Planning Proposal

This planning proposal applies to Lots 2-5, Section 10, DP 759050, No. 6-20 Fitzroy Street, Wardell (the subject land). The subject land has a total combined area of 7385.5 square metres.

The subject land is shown by red outline in Figure 1 below and the Locality Map contained within Appendix 1.



Figure 1: The subject land, outlined in red

This planning proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) by rezoning the land to R3 – Medium Density Residential zone, apply a minimum lot size requirement of 800m² and to remove the Strategic Urban Growth Area (SUGA) designation that applies to the land.

The LEP amendment request has been prepared by Ardill Payne and Partners and is contained within Appendix 5.

1.2 Land to Which the Planning Proposal Applies

This planning proposal relates to four lots that are described in real property terms as Lots 2, 3, 4 and 5, Section 10, DP 759050 and are located at No. 6-20 Fitzroy Street, Wardell as indicated in Figure 1 above. Details of individual lot areas are provided in Table 1 below.

Table 1: Site area of Lots 2-5 Section 10 DP 759050

Lot	Area m ²
Lot 2	1871.7
Lot 3	1846.4
Lot 4	1846.4
Lot 5	1821.0
Total site area	7385.5m²

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1.3 Council Resolutions

A copy of the report to the Council is contained in Appendix 3.

Council considered the matter at its Ordinary meeting held on 24 September 2020. The Council resolved as follows:

1. *That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 20/002 – No. 6-20 Fitzroy Street, Wardell) contained within Attachment 1 for submission to the Department of Planning, Industry and Environment for Gateway determination.*
2. *That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.*
3. *That upon an affirmative Gateway determination being received from the Department of Planning, Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken including public exhibition.*
4. *That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.*

1.4 Gateway Determination

A Gateway determination allowing the planning proposal to proceed to public exhibition was issued on 8 March 2021. A copy of the gateway determination is contained with in Appendix Four.

2. Objectives & Intended Outcomes

The objectives of this planning proposal are to amend the Ballina LEP 2012 so as to:

- Apply a medium density residential zone to Lots 2-5 Section 10 DP 759050 and apply an 800m² minimum lot size requirement; and
- Remove the Strategic Urban Growth Area designation from Lots 2-5 Section 10 DP 759050, and remove associated buffer areas.

The intended outcomes of this planning proposal will be:

- To enable land proposed to be zoned for residential purposes to be considered for subdivision.

3. Explanation of Provisions

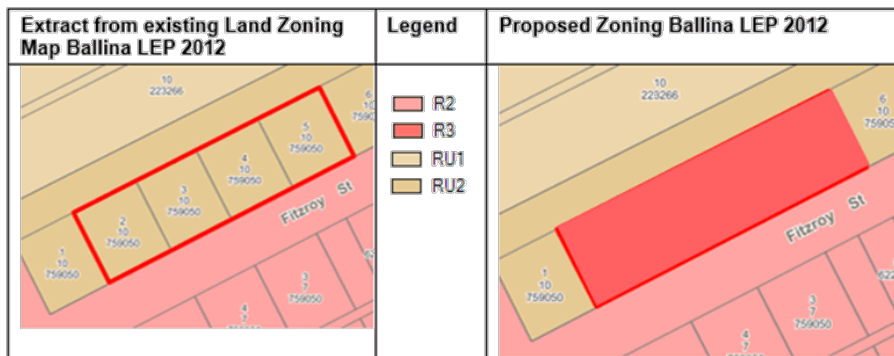
3.1 The Proposal

The proposed outcome will be achieved by:

- Amending the Ballina LEP 2012 Land Zoning Map by deleting the RU2 Rural Landscape zone that applies to the subject land and replacing it with an R3 Medium Density Residential zone;
- Amending the Ballina LEP 2012 Lot Size Map by deleting the 40 hectare lot size that applies to the subject land and replacing it with an 800m² lot size; and
- Amending the Ballina LEP 2012 Strategic Urban Growth Area (SUGA) Map so as to delete the SUGA designation from the subject land, and to delete associated buffers.

The thumbnail maps contained in Figures 2 to 4 indicate the mapping outcomes proposed by this planning proposal.

Figure 2: Existing and proposed zoning



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Figure 3: Existing and proposed minimum lot size

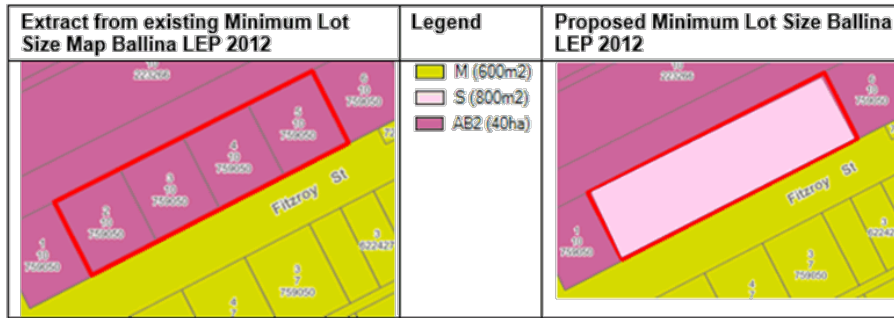
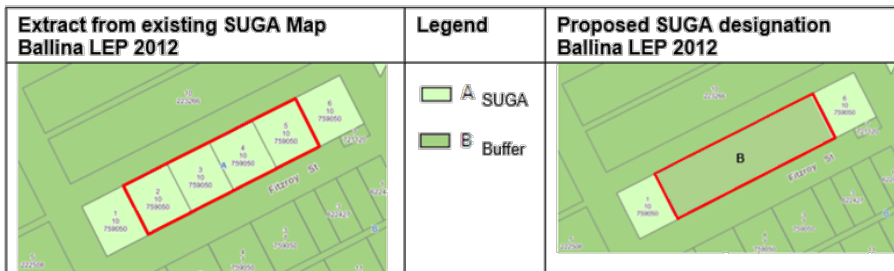


Figure 4: Existing and proposed Strategic Urban Growth Area (SUGA) and Land Adjoining Strategic Urban Growth Area (Buffer) designation



Q4 Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Ballina Shire Council Community Strategic Plan 2017-2027 (CSP)

The planning proposal is considered to be generally consistent with the elements and specified outcomes of Council’s CSP as indicated in the table below:

Element and Reference	Outcomes	Benefits
PE3 Prosperous Economy	Improve liveability in the shire	
PE3.2	Facilitate and provide affordable infrastructure	More housing opportunities created
HE3 Healthy Environment	Our built environment blends with the natural environment	
HE3.1	Develop and implement plans that balance the built environment with the natural environment	More people are satisfied with our management of development

Ballina Shire Local Strategic Planning Statement 2020-2040 (LSPS)

The purpose of the LSPS is to provide a land use planning vision for Ballina Shire in the 20-year period to 2040. The LSPS provides a level of consistency between key directions and actions within the North Coast Regional Plan 2036 and Ballina Shire’s strategic planning priorities and actions. The planning priorities and actions contained within the LSPS build on the strategic planning actions already contained within the CSP and the 2019-2023 Delivery Program and Operational Plan.


The planning proposal is considered to be generally consistent with the themes and planning priorities contained within the LSPS.

Ballina Shire Growth Management Strategy 2012 (BSGMS)

The Ballina Shire Growth Management Strategy 2012 (BSGMS) provides the strategic planning context for urban development in Ballina Shire. The BSGMS incorporates the following strategic action of relevance to this planning proposal:

- Implement the Wardell Strategic Plan via the investigation of rezoning opportunities.

Strategic Action No 24 contained within the Wardell Strategic Plan 2015 – 2035 is of relevance and is reproduced below:

	Initiate a planning proposal for the rezoning of SUGA designated properties located within and adjacent to the boundaries of Wardell Village (does not include SUGA area 1 with frontage to Pimlico Road). HIGH BSC	Consolidates village area and creates a pool of land for subdivision. Based on a shared cost arrangement between landholders.
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The rezoning of the land from RU2 to R3 as proposed is consistent with Council’s Ballina Shire Growth Management Strategy.

Ballina LEP 2012

Lots 2 to 5 are designated as a Strategic Urban Growth Area as shown on the SUGA Map.

Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs) as detailed in the table below:

SEPP Title	Compliance of Planning Proposal
SEPP No 55 – Remediation of Land	<p>Clause 6 of this SEPP was repealed on 17 April 2020 and the provisions relating to rezoning proposals were transferred to Ministerial Direction 2.6 Remediation of Contaminated Land.</p> <p>Refer to s.9.1 Direction checklist contained within Appendix 2 of this planning proposal.</p>
SEPP (Primary Production and Rural Development) 2019	<p>The subject land is mapped as regionally significant agricultural land. The objects of Part 2 of this SEPP are as follows:</p> <p><i>(a) to identify State significant agricultural land and to provide for the carrying out of development on that land,</i></p> <p><i>(b) to provide for the protection of agricultural land—</i></p> <p><i>(i) that is of State or regional agricultural significance, and</i></p> <p><i>(ii) that may be subject to demand for uses that are not compatible with agriculture, and</i></p> <p><i>(iii) if the protection will result in a public benefit.</i></p> <p>Land is State significant land if it is listed in Schedule 1 of this SEPP. At the time of preparing this planning proposal, Schedule 1 was blank.</p> <p>The subject land is zoned RU2 – Rural Landscape under the BLEP 2012. The proposed rezoning of the lots to a residential zone will not compromise or prejudice the use of the subject and adjoining land for agricultural purposes, due primarily to the nature and character, existing uses and small size of the subject lots (and of the adjoining lots).</p> <p>The application of a residential zone will not result in increased land use conflicts as there is no adjoining productive agricultural land and the adjoining land has limited potential for agricultural use.</p> <p>The planning proposal is considered to be consistent with the provisions of this SEPP.</p>
SEPP (Coastal Management) 2018	<p>The subject land is not mapped as containing "Coastal Wetlands" or "Littoral Rainforests" or being "Proximity Area" to such vegetation. The land is partially mapped as "Coastal Use Area" and entirely mapped as "Coastal Environment Area".</p> <p>The subject land is physically and spatially separated from any foreshore area or watercourses and is unlikely to impact on any coastal land or foreshore area. Future subdivision and residential development of the land will not adversely impact on any part of the coastal foreshore or any public land.</p> <p>The planning proposal is considered to be consistent with the provisions of, and is not contrary to, the intent of this SEPP.</p>

Q6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

No. A number of inconsistencies, considered to be of minor significance and justifiable in the circumstances, have been identified. A section 9.1 Direction checklist for this planning proposal is provided at Appendix 2.

4.3 Section C – Environmental, social and economic impact

Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Based on information currently available the planning proposal is not considered to give rise to any direct adverse impacts on critical habitat or threatened species, population or ecological communities, or their habitats. The subject land is vacant and devoid of any significant vegetation.

Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire Impacts

The subject land is designated as bushfire prone land. The proponent has submitted a Draft Strategic Bush Fire Study prepared in accordance with the provisions of *Planning for Bushfire Protection 2019* (PBP) which concludes the following:

- the proposed rezoning is appropriate in the bush fire hazard context;
- bush fire mitigation and management measures for the future development can be adequately addressed with the proposal having an ability to comply with PBP 2019; and
- the indicative allotment layout with proposed minimum lot sizes are considered appropriate to accommodate the Asset Protection Zones (APZs) within future subdivision, with exception of Concept Lot 1 which will require adjustment to accommodate the APZ.

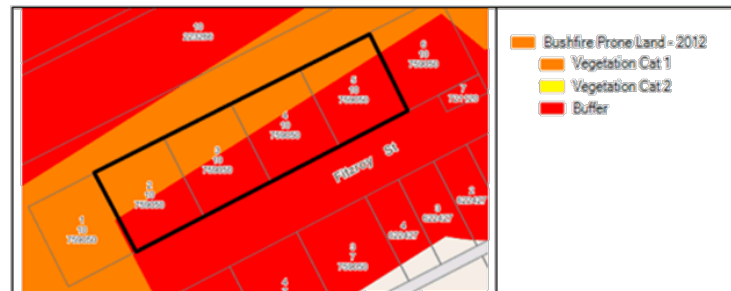


Figure 6: Bushfire Prone Land Map Extract

Consultation with the NSW Rural Fire Service will occur post-Gateway determination.

Flooding

The subject land is identified in the Ballina LEP 2012 as being subject to the 1 in 100 year flood event, being within a medium flood hazard area (Figure 7).

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Chapter 2b – Floodplain Management of the BSDCP 2012 has been adopted to reflect the findings of the Ballina Floodplain Risk Management Study and Plan (2012) and preceding studies, including the Wardell and Cabbage Tree Island Floodplain Risk Management Study (2007).

This chapter of the DCP permits the construction of elevated dwellings and non-filling of sites except for drainage purposes within the Wardell Village, including at the subject site. This means of flood control ensures any future dwellings are more compatible with existing development within the village and reduces the cumulative impact of raising ground levels within an identified flood prone area.

Further impacts regarding flood hazard and mitigation measures would be required to be considered as part of the development assessment process associated with the future development of the site.



Figure 7: Flood Planning Area Map Extract

Acid Sulfate Soils

The subject land is mapped as containing part Class 2 and part Class 3 Acid Sulfate Soils (ASS) as shown in Figure 8.

The Wardell Planning & Environmental Study identified that ASS may be an impediment to the rezoning of the land for residential purposes. The Ballina LEP 2012 contains provisions that require ASS to be addressed in relation to future development applications for the subject land.

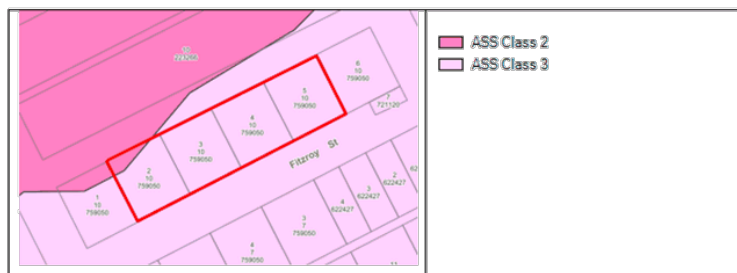


Figure 8: Acid Sulfate Soils Map Extract

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Land Contamination

Council's Environmental Health Officer has reviewed the Preliminary Site Investigation Report submitted by the proponent and provides the following comments:

The Contaminated Land Assessment prepared by CSI dated 25 March 2020 has been prepared generally in accordance with the requirements of the NSW EPA – Guidelines for Consultants Reporting on Contaminated Sites.

The consultant undertook a stage 1 investigation in line with the requirements of the Managing Land Contamination Planning Guidelines (DUAP and EPA, 1998). This involved establishing the site history and collecting soil samples.

The results of the soil analysis were compared with Column 1 of the Table 'Soil Investigation Levels for Urban Redevelopment Sites in NSW' (NSW DEC, 2006 and NEPM 2013). Column 1 represents health-based investigation levels (HIL A) for "Residential with garden/accessible soil (home grown produce less than 10% fruit and vegetable intake (no poultry) also includes childcare centres, pre-schools and primary schools".

Six surface soil samples were collected in a targeted sampling pattern for analysis. One sample was collected within each existing lot plus one duplicate sample. The site history did not identify any potential contaminating land uses, neither did the site inspection (long grass impeded the visual inspection) and the consultant was conservative by analysing the samples for heavy metals, organochlorine (OC) and organophosphate (OP) pesticides and hydrocarbons.

The results demonstrated that none of the targeted pollutants exceeded the Human Based Investigation Levels (HBIL) in the collected soil samples. Therefore based on these findings the site is considered suitable for the proposed planning proposal to proceed in changing the zone from RU2 Rural Landscape to R3 medium density residential.

This assessment may also be adequate to address any future subdivision or residential development on the subject land however depending on the details of any future subdivision or development application further assessment of land contamination may be required.

Q9 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is considered to provide benefits to the community via an increase in residential zoned within Wardell village. As such, social and economic outcomes resulting from the proposed rezoning are considered to be positive.

4.4 Section D – State and Commonwealth interests

Q10 Is there adequate public infrastructure for the planning proposal?

Infrastructure available to service the site and future residential development comprises the following:

- Electricity
- Water
- Sewer
- Telephone
- Sealed roadway

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Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.

5. Mapping

The following maps will be prepared following the public exhibition of the planning proposal (Appendix 1):

- Map 1 – Proposed Land Zoning Map Ballina LEP 2012;
- Map 2 – Proposed Lot Size Map Ballina LEP 2012; and
- Map 3 – Proposed Strategic Urban Growth Area Map Ballina LEP 2012.

6. Community Consultation

This proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that a minimum public notification period of 28 days will be applied to this planning proposal.

7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination	March 2021
Government Agency Consultation	June 2021
Public Exhibition Period	June 2021
Public Hearing	N/A
Submissions Assessment	July 2021
RPA Assessment of Planning Proposal and Exhibition Outcomes	July 2021
Submission of Endorsed LEP to DPIE for Finalisation	N/A
RPA Decision to Make the LEP Amendment (if delegated)	August 2021
Forwarding of LEP Amendment to DPIE for Notification (if delegated)	August 2021

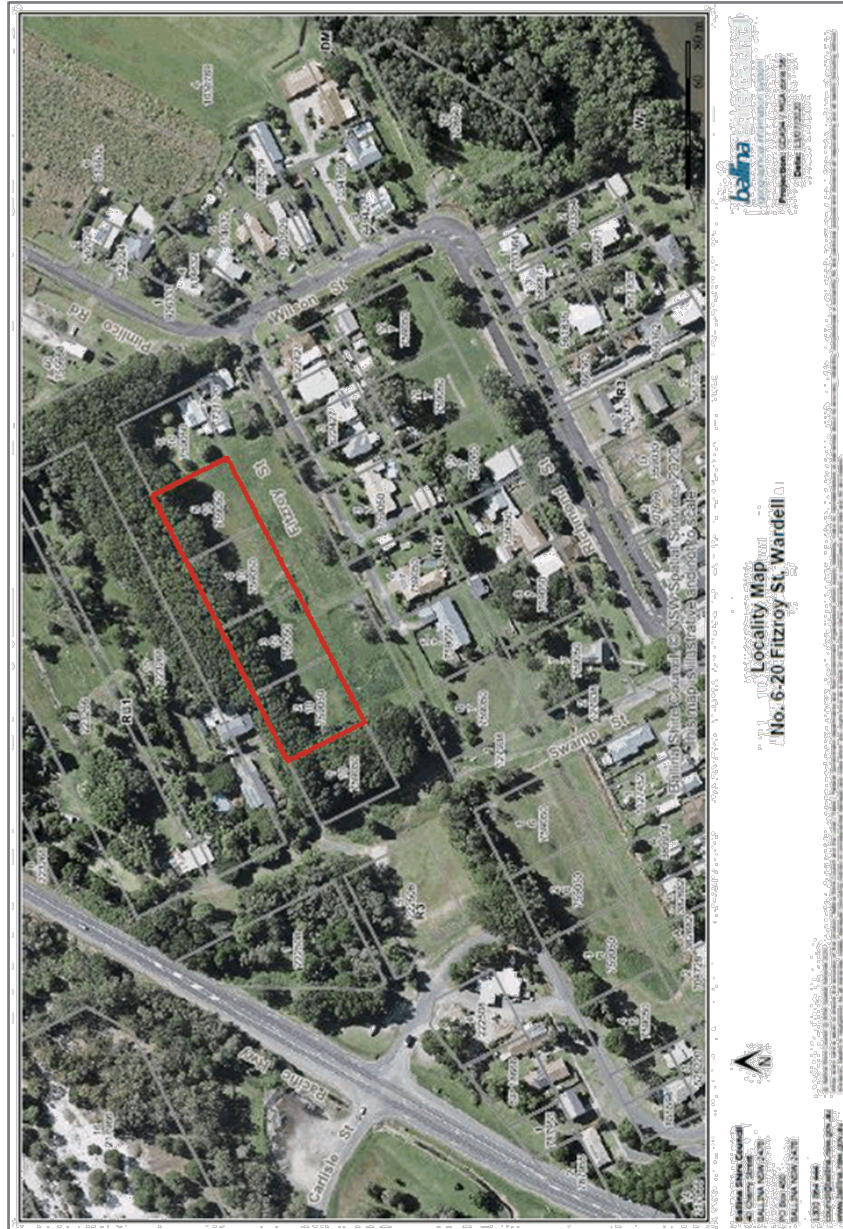
Council has been authorised as the local plan-making authority for finalisation of this LEP amendment.

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8. Appendices

Appendix 1 – Maps

Locality Map



8.1 Planning Proposal - Fitzroy Street, Wardell

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The following additional maps will be prepared following public exhibition:

Map 1 – Land Zoning Map Ballina LEP 2012

Map 2 – Lot Size Map Ballina LEP 2012

Map 3 – Strategic Urban Growth Area Map Ballina LEP 2012

Appendix 2 – Section 9.1 Direction Checklist

Section 9.1 Direction Checklist Planning Proposal – No. 6-20 Fitzroy Street, Wardell	
Direction No.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	Justifiably inconsistent. This planning proposal has been prepared as a consequence of the North Coast Regional Plan 2036 designating the site as an Investigation Area – Urban Land located within a designated Urban Growth Area. The proposal is also consistent with the relevant Wardell strategic actions contained in the Ballina Shire Growth Management Strategy and the Wardell Strategic Plan 2015 – 2035. The Director, Northern Region, Local and Regional Planning, Department of Planning, Industry & Environment (DPIE) in his letter dated 8 March 2021 has advised that he has agreed, as delegate of the Secretary, that the inconsistency is justified and that no further approval is required in relation to this Direction.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Lands	Justifiably inconsistent. This planning proposal has been prepared as a consequence of the North Coast Regional Plan 2036 designating the site as an Investigation Area – Urban Land located within a designated Urban Growth Area. The proposal is also consistent with the relevant Wardell strategic actions contained in the Ballina Shire Growth Management Strategy and the Wardell Strategic Plan 2015 – 2035. The Director, Northern Region, Local and Regional Planning, DPIE in his letter dated 8 March 2021 has advised that he has agreed, as delegate of the Secretary, that the inconsistency is justified and that no further approval is required in relation to this Direction.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent. The planning proposal does not involve the development of land identified as being within an environmentally sensitive area.

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Section 9.1 Direction Checklist Planning Proposal – No. 6-20 Fitzroy Street, Wardell	
Direction No.	Compliance of Planning Proposal
2.2 Coastal Protection	<p>Consistent.</p> <p>The planning proposal facilitates the rezoning of land designated as an Investigation Area – Urban Land in the North Coast Regional Plan 2036.</p> <p>The planning proposal is also supported by the Wardell Planning and Environmental Study (2015) which assessed this site as having a fair suitability for urban development.</p> <p>The subject land is mapped as being within a coastal environment area as defined by the <i>State Environmental Planning Policy (Coastal Management) 2018</i>.</p> <p>It is considered that this planning proposal is consistent with:</p> <p>(a) the objects of the <i>Coastal Management Act 2016</i> and the objectives of the relevant coastal management areas;</p> <p>(b) the NSW Coastal Management Manual and associated Toolkit; and</p> <p>(c) the NSW Coastal Design Guidelines 2003.</p> <p>The Director, Northern Region, Local and Regional Planning, DPIE in his letter dated 8 March 2021 has advised that he has agreed, as delegate of the Secretary, that the inconsistency is justified and that no further approval is required in relation to this Direction.</p>
2.3 Heritage Conservation	<p>Consistent.</p> <p>The site is not listed as containing an item of environmental heritage within Ballina LEP 2012.</p>
2.4 Recreation Vehicle Areas	<p>Consistent.</p> <p>The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
2.6 Remediation of Contaminated Land	<p>Consistent.</p> <p>The planning proposal is accompanied by a Preliminary Site Investigation Report prepared in accordance with the contaminated land planning guidelines which concludes the following:</p> <p><i>"A desktop review of available information and a site visit did not identify evidence of previous development or activities on the site that would suggest any potentially contaminating activities had taken place on the site. Analytical results from surface soils indicated all of the compounds tested returned concentrations that were below the adopted criteria for residential use.</i></p> <p><i>Based on the sample data collected (5 primary surface soil samples) and the absence of contamination at the site, no further investigation is deemed warranted.... Therefore the site is considered to be free of contamination and suitable for its intended use."</i></p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>Justifiably Inconsistent.</p> <p>The proposal is considered to be of minor significance.</p> <p>This proposal involves the rezoning of land from RU2 Rural Landscape zone to R3 Medium Density Residential with a proposed 800m² minimum lot size. The lot size has been nominated to better maximise the lot yield and for its consistency with the lot size applicable to nearby residential land.</p> <p>BLEP 2012 includes an existing provision (Clause 7.7) that requires that adequate servicing be in place, or suitable arrangements to have been made for such servicing, before development proceeds.</p>
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.

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Section 9.1 Direction Checklist Planning Proposal – No. 6-20 Fitzroy Street, Wardell	
Direction No.	Compliance of Planning Proposal
3.3 Home Occupation	Consistent. Home occupations are permitted without development consent within the proposed R3 zone.
3.4 Integrating Land Use and Transport	Justifiably inconsistent The proposed rezoning is considered to be of minor significance. The planning proposal facilitates the rezoning of land designated as an Investigation Area – Urban Land in the North Coast Regional Plan 2036. The proposal will facilitate development which is able to make use of existing roads and transport services.
3.5 Development near Licensed Aerodromes	Does not apply to planning proposal.
3.6 Shooting Ranges	Does not apply to planning proposal.
3.7 Reduction in non-hosted short term rental accommodation period	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Justifiably Inconsistent. The subject land is mapped as containing part Class 2 and part Class 3 acid sulfate soils. The site is subject to Clause 7.1 of the Ballina LEP 2012 which contains provisions addressing this matter in relation to future development applications. The Director, Northern Region, Local and Regional Planning, DPIE in his letter dated 8 March 2021 has advised that he has agreed, as delegate of the Secretary, that the inconsistency is justified and that no further approval is required in relation to this Direction.
4.2 Mine subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Justifiably inconsistent. The subject land is identified as being subject to the 1 in 100 year flood event, being within a medium flood hazard area. Chapter 2b – Floodplain Management of the BSDCP 2012 has been adopted to reflect the findings of the <i>Ballina Floodplain Risk Management Study and Plan (2012)</i> and preceding studies, including the <i>Wardell and Cabbage Tree Island Floodplain Risk Management Study (2007)</i> . This chapter of the DCP permits the construction of elevated dwellings and non-filling of sites except for drainage purposes within the Wardell Village, including at the subject site. This means of flood control ensures any future dwellings are more compatible with existing development within the village and reduces the cumulative impact of raising ground levels within an identified flood prone area. Given the proposed planning proposal will allow for future residential development upon the subject site that is subject to flooding, the provisions of this Chapter of the DCP are relevant. These provisions have been formulated as a result of numerous flood studies that have been undertaken for the entire Shire including the Wardell Village. The DCP permits dwellings upon flood prone sites, and as per the WPES which identified the subject lots for strategic urban growth, the site is considered to be consistent with the relevant floodplain management plan/controls and is not contrary to this direction. Clause 7.3 of the Ballina LEP 2012 includes provisions addressing this matter in relation to future development applications. The Director, Northern Region, Local and Regional Planning, DPIE in his letter dated 8 March 2021 has advised that he has agreed, as delegate of the Secretary, that the inconsistency is justified and that no further approval is required in relation to this Direction.

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Section 9.1 Direction Checklist	
Planning Proposal – No. 6-20 Fitzroy Street, Wardell	
Direction No.	Compliance of Planning Proposal
4.4 Planning for Bushfire Protection	<p>Justifiably Inconsistent.</p> <p>The subject land is mapped as bush fire prone land being partly affected by Category 1 vegetation and the 100 metre wide buffer.</p> <p>A Draft Strategic Bush Fire Study has been prepared in accordance with the provisions of <i>Planning for Bushfire Protection 2019</i> (PBP 2019) to support the proposed rezoning and future possible subdivision of the land.</p> <p>The Study has determined that the proposed rezoning is appropriate in the bush fire hazard context. Bush fire mitigation and management measures for the future development can be adequately addressed, with the proposal having the ability to comply with PBP2019. The indicative allotment layout with proposed minimum lot sizes are considered appropriate to accommodate the APZs within future subdivisions.</p> <p>The NSW RFS will be consulted post Gateway determination.</p>
5. Regional Planning	
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	Revoked.
5.2 Sydney Drinking Water Catchments	Does not apply to planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Justifiably inconsistent.</p> <p>While the subject land is mapped as being regionally significant farmland, the land is mapped as an Investigation Area – Urban Land in the North Coast Regional Plan 2036.</p> <p>The Director, Northern Region, Local and Regional Planning, DPIE in his letter dated 8 March 2021 has advised that he has agreed, as delegate of the Secretary, that the inconsistency is justified and that no further approval is required in relation to this Direction.</p>
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Revoked 18 June 2010)	Revoked.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	Revoked.
5.7 Central Coast (Revoked 10 July 2008)	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to planning proposal.
5.9 North West Rail Link Corridor Strategy	Does not apply to planning proposal.
5.10 Implementation of Regional Plans	<p>Consistent.</p> <p>The subject land is mapped as an Investigation Area – Urban Land in the North Coast Regional Plan 2036.</p>
5.11 Development of Aboriginal Land Council Land	Does not apply to planning proposal.
6. Local Plan Making	
6.1 Approval and Referral Requirements	<p>Consistent.</p> <p>The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.</p>
6.2 Reserving Land for Public Purposes	<p>Consistent.</p> <p>The planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.</p>

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Section 9.1 Direction Checklist	
Planning Proposal – No. 6-20 Fitzroy Street, Wardell	
Direction No.	Compliance of Planning Proposal
6.3 Site Specific Provisions	Consistent. The planning proposal does not relate to a specific development proposal to be carried out nor does it contain or refer to drawings that show details of the development proposal.
7. Metropolitan Planning	
7.1 to 7.10	Does not apply to planning proposal.

Appendix 3 – Council Reports

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

Delivery Program Strategic Planning

Objective To outline a proposal to amend the Ballina Local Environmental Plan 2012 to rezone land located at No. 6-20 Fitzroy Street Wardell from RU2 Rural Landscape to R3 Medium Density Residential and seek direction on the progression of the proposal.

Background

Council has received a request from Ardill Payne and Partners on behalf of the landowner to rezone No. 6-20 Fitzroy Street Wardell from RU2 Rural Landscape to R3 Medium Density Residential.

The proposal also involves a change from the 40ha minimum lot size for subdivision standard to apply an 800m² minimum lot size.

The proposed amendment enables the subdivision of the land and associated residential development.

A copy of the information submitted by the proponent in support of the LEP amendment request is contained in Attachment 2.

The subject site comprises Lots 2, 3, 4 and 5, Section 10, DP 759050 and is known as No. 6-20 Fitzroy Street, Wardell (the subject land). The subject land is designated as a Strategic Urban Growth Area (SUGA) under Council's Local Growth Management Strategy. The land is also identified as an Investigation Area – Urban Land under the State Government's North Coast Regional Plan.

In January 2016 Council adopted the Wardell Strategic Plan 2015-2035. This plan provides the planning framework and future vision for the village of Wardell and is informed by the Wardell Planning and Environmental Study (WPES).

The WPES undertook a preliminary examination of the merits of rezoning all SUGA areas located at Wardell for residential purposes. In respect to the subject land, the study ranked it as having a fair suitability for urban development, following consideration of land constraints.

The Wardell Strategic Plan 2015-2035, under Locality Objective 5 *Ensuring that future development is staged, progressive and affordable*, incorporates the following strategic action:

24. Initiate a planning proposal for the rezoning of SUGA designated properties located within or adjacent to the boundaries of Wardell Village (does not include SUGA area 1 with frontage to Pimlico Road).

This LEP amendment request is consistent with Strategic Action 24 as contained in the Wardell Strategic Plan 2015-2035.

Planning Proposal 20/002 – No. 6-20 Fitzroy Street, Wardell

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

The purpose of this report is to outline the amendment proposal and seek direction in relation to the further consideration and assessment of the amendment request.

Key Issues

- Merits of the proposed LEP amendment
- Processing of LEP amendment request and progression of the planning proposal

Information

The subject land comprises four lots that are square in shape, positioned in a row with common side boundaries and having an approximate frontage of 160m to both Fitzroy Street to the southeast and an unformed road (Binga Street) to the northwest. The total combined site area is 7,385.5m².

The aerial photo in Figure 1 shows the subject land outlined in red (note the cadastre shown is not accurate in this location). The subject land is currently vacant, contains minimal vegetation and is devoid of any structures. Vehicular access to the site is via Fitzroy Street which is a constructed urban road with a bitumen seal that finishes adjacent to existing Lot 2.

Figure 1: Aerial photo – No. 6-20 Fitzroy Street, Wardell



Land Constraints

Bushfire

The subject land is designated as bushfire prone land. The proponent has submitted a Draft Strategic Bush Fire Study prepared in accordance with the provisions of *Planning for Bushfire Protection 2019* (PBP) which concludes the following:

- the proposed rezoning is appropriate in the bush fire hazard context
- bush fire mitigation and management measures for the future development can be adequately addressed with the proposal having an ability to comply with PBP 2019, and

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

- the indicative allotment layout with proposed minimum lot sizes are considered appropriate to accommodate the Asset Protection Zones (APZs) within future subdivision, with exception of Concept Lot1 which will require adjustment to accommodate the APZ.

Consultation with the NSW Rural Fire Service will occur post-Gateway determination. A copy of the Draft Strategic Bush Fire Study is contained within Attachment 1.

Flooding

The subject land is identified in the Ballina LEP 2012 as being subject to the 1 in 100 year flood event, being within a medium flood hazard area.

Chapter 2b – Floodplain Management of the Ballina Shire Development Control Plan (DCP) 2012 has been adopted to reflect the findings of the Ballina Floodplain Risk Management Study and Plan (2012) and preceding studies, including the Wardell and Cabbage Tree Island Floodplain Risk Management Study (2007).

Chapter 2b of the DCP permits the construction of elevated dwellings and non-filling of sites except for drainage purposes within the Wardell Village, including at the subject site.

This method of flood control ensures any future dwellings are more compatible with existing development within the village and reduces the cumulative impact of raising ground levels within an identified flood prone area.

Further impacts regarding flood hazard and mitigation measures would be required to be considered as part of the development assessment process associated with the future development of the site.

Acid Sulfate Soils

The subject land is mapped as containing part Class 2 and part Class 3 Acid Sulfate Soils (ASS). The Wardell Planning & Environmental Study identified that ASS may be an impediment to the rezoning of the land for residential purposes. The Ballina LEP 2012 contains provisions that require ASS to be addressed in relation to future development applications for the subject land.

Land Contamination

In April 2020 the requirements for consideration of contaminated land under Clause 6 of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) in relation to rezoning proposals were transferred to a section 9.1 Ministerial Direction (No. 2.6). This amendment provides certainty that the likelihood of contamination is appropriately considered before the planning proposal is finalised and not necessarily before a Gateway assessment.

In accordance with the Ministerial Direction and the contaminated land planning guidelines, the proponent has submitted a Preliminary Site Investigation Report which has been reviewed by Council's Environmental Health Officer. The report concludes that the site is considered suitable for the proposed zone change from RU2 Rural Landscape to R3 Medium Density Residential.

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

Wardell Strategic Plan 2015-2035

The Wardell Strategic Plan 2015-2035 envisaged that Council would seek to initiate and prepare one planning proposal for all SUGA areas located within and adjacent to the boundaries of Wardell Village.

This would cover a total of four SUGA sites as shown by the green colour in Figure 2.

Figure 2: SUGA Areas within and adjacent to Wardell Village



It was envisaged that specialist consultant costs associated with the preparation of the planning proposal would be shared by all affected owners. During consultation associated with the Strategic Plan and Environmental Study few SUGA owners demonstrated interest in such an approach.

Whilst it is possible to defer consideration of the current LEP amendment request and proceed to prepare an alternative planning proposal covering the other designated SUGA areas, there is also merit in proceeding with the submitted request. This is because it may act as a catalyst through which interest may be stimulated amongst other SUGA owners to also submit joint or individual LEP amendment requests for their properties.

Importantly, where Council seeks to initiate an LEP amendment rather than a landowner (or group of landowners), Council would be required to meet the costs associated with the amendment including site investigations and studies as well as processing costs.

It is recommended that Council proceeds with the processing of the LEP amendment in this case.

A planning proposal outlining the proposal for submission to the Department of Planning, Industry and Environment for Gateway determination has been prepared (Attachment 1).

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

Sustainability Considerations

- **Environment**
Consultation with the NSW Rural Fire Service will occur post Gateway determination should the planning proposal proceed.
- **Social**
There are no significant negative social impacts anticipated as a consequence of this LEP amendment request. The proposal will provide for a slight increase in housing opportunities in Wardell. The use of the land for residential purposes will be compatible with existing adjacent residential uses.
- **Economic**
There are no significant economic impacts anticipated as a consequence of this rezoning proposal.

Legal / Resource / Financial Implications

Council's processing guidelines and adopted fees and charges for LEP amendment requests will be applied to further processing of this request. All costs associated with the processing of the application are to be met by the proponent. Processing of the amendment can be accommodated within the work program of the Strategic Planning Section.

Consultation

There has been no specific consultation undertaken with either the community or government agencies in relation to this LEP amendment request to date as the matter is in its initial phases.

Should the proposal proceed beyond Gateway determination, public exhibition and agency consultation will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Options

The following options are presented for the Council's consideration.

Option 1 – Council may resolve to endorse the planning proposal for submission to the Department of Planning, Industry and Environment for Gateway determination.

This is the preferred option. It is recommended that Council proceeds to lodge the planning proposal (Attachment 1) with the Department of Planning, Industry and Environment (DPIE) for Gateway determination and then proceed to public exhibition. Council would receive further reporting on the planning proposal following public exhibition.

Council also needs to determine whether to exercise its delegated plan making functions for this LEP amendment. It is recommended that Council seeks agreement from the DPIE to exercise the plan making delegation in this instance.

Planning Proposal 20/002 – No. 6-20 Fitzroy Street, Wardell

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

Option 2 – Council may resolve to defer consideration of the planning proposal or broaden the area affected to incorporate additional SUGA areas.

Council may defer consideration of the planning proposal in order to undertake an inspection of the site and locality, to seek additional information and/or to obtain a more in-depth briefing of the proposal.

This approach is suggested in the event that the Council would like to examine options to advance a broader planning proposal relating to all SUGA designated properties located within and adjacent to the boundaries of Wardell Village, as detailed in Locality Objective No. 24 of the Wardell Strategic Plan 2015-2035. However, for the reasons outlined above, it is recommended that this proposed rezoning proceeds as a stand-alone amendment.

Option 3 – Council may resolve to decline to initiate the planning proposal.

It is open to the Council to decline the requested LEP amendment. Endorsement of this option would mean that no further action would be taken by Council with respect to the processing of the request. If this was to occur, it is open to the proponent to exercise a right to lodge a request for a pre-Gateway determination review with the Department of Planning, Industry and Environment. Having regard to the characteristics of the site and the consistency of the proposal with the strategic planning framework for Wardell, declining to initiate the planning proposal is not recommended.

RECOMMENDATIONS

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 20/002 – No. 6-20 Fitzroy Street, Wardell) contained within Attachment 1 for submission to the Department of Planning, Industry and Environment for Gateway determination.
2. That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
3. That upon an affirmative Gateway determination being received from the Department of Planning, Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken including public exhibition.
4. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

Attachment(s)

1. BSCPP 20/002 - Planning Proposal (Initiation/Gateway)
2. LEP Amendment Request - No. 6-20 Fitzroy Street Wardell

Planning Proposal 20/002 – No. 6-20 Fitzroy Street, Wardell

8.2 LEP Amendment Request - No.6-20 Fitzroy Street, Wardell

240920/11 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

1. That Council endorses the proposed amendments to the Ballina Local Environmental Plan 2012 as outlined in the planning proposal (BSCPP 20/002 – No. 6-20 Fitzroy Street, Wardell) contained within Attachment 1 for submission to the Department of Planning, Industry and Environment for Gateway determination.
2. That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.
3. That upon an affirmative Gateway determination being received from the Department of Planning, Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken including public exhibition.
4. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.

FOR VOTE - All Councillors voted unanimously.

Planning Proposal 20/002 – No. 6-20 Fitzroy Street, Wardell

Appendix 4 – Gateway Determination



PP-2021_2014 / IRF21/724

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Via email council@ballina.nsw.gov.au
Leah.Toole@ballina.nsw.gov.au

Dear Mr Hickey

Planning proposal PP-2021-2014 to amend Ballina Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone certain land for residential purposes at 6-20 Fitzroy Street, Wardell, and amend associated development controls.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.2 Coastal Management; 4.1 Acid Sulfate Soils; 4.3 Flood Prone Land; and 5.3 Farmland of the State and Regional Significance on the NSW Far North Coast are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within six months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

Northern Region | 49 Victoria Street Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460 | planning.nsw.gov.au

Planning Proposal 20/002 – No. 6-20 Fitzroy Street, Wardell

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any questions in relation to this matter, I have arranged for Ms Helen Willis to assist you. Ms Willis can be contacted on 5778 1489.

Yours sincerely



8/3/2021

Jeremy Gray
Director, Northern Region
Local and Regional Planning

Encl: Gateway determination
Authorised plan-making reporting template



Gateway Determination

Planning proposal (Department Ref: PP-2021-2014): to rezone certain land for residential purposes at 6-20 Fitzroy Street, Wardell, and amend associated development controls.

I, the Director, Northern Region, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone certain land for residential purposes at 6-20 Fitzroy Street, Wardell, and amend associated development controls should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) amend the proposed timeline for completion to reflect the six month timeframe of the Gateway Determination.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **14 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the NSW Rural Fire Service under section 3.34(2)(d) of the Act. NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Planning Proposal 20/002 – No. 6-20 Fitzroy Street, Wardell

5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **six months** following the date of the Gateway determination.

Dated 9 day of March 2021.



Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning
and Public Spaces**

PP-2021-2014 (IRF21/724)

Planning Proposal 20/002 – No. 6-20 Fitzroy Street, Wardell

Appendix 5 – Proponent’s Planning Proposal Submission

(Provided under separate cover)

Attachment 2: Submissions and NSW Rural Fire Service Consultation

Mon 14/06/2021 12:09 PM Jenny Jones <jones-way@bigpond.com.au>

Hi Leah

I have been reading the 20/002 Planning Proposal on council's website (<https://ballina.nsw.gov.au/files/bscpp-20002-planning-proposal-v2-exhibition.pdf>) this morning and have a couple of queries that I hope that you are in a position to answer.

1. Where would I locate Appendix 5, which is noted as provided under separate cover?
2. Re: Section 3.4, p. 19 – “The proposal will facilitate development which is able to make use of existing roads and transport services” and question 10, p. 11 “Is there adequate public infrastructure for the planning proposal?” I am not a qualified town planner and cannot comment on the adequacy of electricity, water, sewer or telephone infrastructure, however as a resident of this section of Fitzroy Street for 18 years I can share my observations in relation to the sealed roadway and can confirm that the roadway is not adequate for existing residents and is inadequate to be “available to service the site and future residential development”.
 - a. Has council concluded that a one-way dead-end street without a turning point is adequate for supporting future residential development? The road is wide enough for 2 small cars to pass, not wide enough to allow parking on the street, and requires any truck that enters the street to back-up to the end of the street to exit in reverse onto Wilson Street (including council bin collection services each week). Given that this is a residential street and not a commercial one, trucks exiting in reverse compromises resident's safety, particularly in relation to young children. Works undertaken using trucks or larger vehicles, for example, electricity maintenance or upgrade work impedes access by residents to their homes or impedes exits from their homes.
 - b. The roadway is also compromised by the open drain. In times of significant rain and high tides the street becomes an impassable water course delaying returning to homes or delays for residents in leaving their homes by vehicle. Some residents experience water inundation into their homes and properties during such events. Has council determined that they will close-in the drain so that the roadway is “available to service the site and future residential development”?

Given the existing housing crisis in Northern NSW I encourage council to approve development applications which increase the supply of housing to residents or future residents in the Ballina LGA. I am concerned that the next five to ten years will see ongoing housing stress and increased homelessness in our local government area and any actions to address this is to be commended when due consideration is provided to safety, environmental impacts, and infrastructure requirements.

Thanks – looking forward to your response.

Jenny Jones
9 Fitzroy Street, Wardell
P O Box 157, Wardell, 2477
Ph. 0478 587 153



NSW RURAL FIRE SERVICE

Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your reference: BSCPP 20/002
Our reference: SPI20210609000083

ATTENTION: Leah Toole

Date: Friday 16 July 2021

Dear Sir/Madam,

LEP Amendment - Planning Proposal
Request for Advice
6 Fitzroy Street WARDELL NSW 2477

I refer to your correspondence dated 07/06/2021 regarding the above proposal.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following comments:

The land is constrained by a small strip of remnant vegetation situated on a drainage line to the immediate north of the lots. This vegetation will constrain any future subdivision pattern that would be permissible under the proposed zoning.

Council will need to demonstrate a suitable subdivision pattern, that could comply with the requirements of *Planning for Bush Fire Protection 2019*.

If additional information is not received within 100 days the application will be closed. A formal request for re-assessment would be required after this time.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
Manager Planning & Environment Services
Built & Natural Environment

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au





NSW RURAL FIRE SERVICE

Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Your reference: BSCPP 20/002
Our reference: SPI20210609000083

ATTENTION: Leah Toole

Date: Friday 15 October 2021

Dear Sir/Madam,

Strategic Planning Instrument
LEP Amendment – Planning Proposal
Request for Advice

I refer to your correspondence dated 07/06/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The land is constrained by a small strip of remnant vegetation situated on a drainage line to the immediate north and west of the lots.

In line with the conclusion of the Strategic Bush Fire Study prepared by Bushfire Certifiers, dated 16 March 2020, the NSW RFS conditionally supports the rezoning proposal. The future subdivision plan will need to reflect identified setback distances from un-managed vegetation and provide indicative building envelopes to assure that no future dwellings exceed 29k/W radiant heat exposure.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
Manager Planning & Environment Services
Built & Natural Environment

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
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PP-2021-2014 / IRF21/4113

Mr Paul Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Via email council@ballina.nsw.gov.au
leah.toole@ballina.nsw.gov.au

Attention: Leah Toole

Dear Mr Hickey

Planning proposal PP-2021-2014 – Alteration of Gateway Determination

I refer to your correspondence seeking an extension of time to complete planning proposal PP-2021-2014 in relation to rezoning certain land at 6-20 Fitzroy Street, Wardell.

I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 9 March 2021 for PP-2021-2014. The Alteration of Gateway determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Helen Willis to assist you. Ms Willis can be contacted on 5778 1489.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Diss'.

18/10/21

Craig Diss
Manager, Local and Regional Planning
Northern Region

Encl: Alteration of Gateway Determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2021-2014)

I, Manager, Local and Regional Planning, Northern Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 9 March 2021 for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Delete condition 6:

"6. The time frame for completing the LEP is to be **six months** following the date of the Gateway determination."

and replace with a new condition 6:

"6. The time frame for completing the LEP is by 9 March 2022."

Dated 18 day of October 2021

A handwritten signature in black ink, appearing to read 'Craig Diss'.

Craig Diss
Manager, Local and Regional
Planning, Northern Region
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning
and Public Spaces**

PP-2021-2014 (IRF21/4113)



t: 02-6687 7461
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4/57 Ballina Street / PO Box 375
Lennox Head NSW 2478

info@bushfirecertifiers.com.au
www.bushfirecertifiers.com.au

ABN: 95 102 451 210
BCA Check Pty Ltd trading as Bushfire Certifiers

DRAFT STRATEGIC BUSH FIRE STUDY
PROPOSED REZONING

Lots 2, 3, 4, 5 section 10 DP 759050,
6-20 Fitzroy Street, Wardell

Prepared for: Mr Benn Lane.

Date: 16 March 2020

Ref: 20052

Bushfire Certifiers - Bushfire assessment reports, strategic plans, performance solutions, BAL reports

BCA Check Pty Ltd t/as Bushfire Certifiers
4/57 Ballina Street Lennox Head NSW 2478
PO Box 375 LENNOX HEAD NSW 2478

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Peter Thornton MFireSafeEng.
Principal
BPAD-L3 Accredited Practitioner No. 14867
Building Surveyor MAIBS



DOCUMENT				
Revision	Date	Description	Prepared	Authorised
A	16.03.20	Draft report	Peter Thornton	Peter Thornton

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EXECUTIVE SUMMARY

Bushfire Certifiers have been engaged to prepare a Strategic Bushfire Study for the proposed rezoning of existing vacant land located adjacent to the village of Wardell in accordance with Planning for Bushfire Protection 2019 (PBP 2019) and *Environment Planning and Assessment Act 1979* Section 9.1 and Ministerial Direction 4.4 Planning for Bush Fire Protection. The study will be used to establish that the site is suitable for residential rezoning, and has been prepared for referral and consultation with the NSW Rural Fire Service as a means of demonstrating compliance with the EP&A Act 1979 s 9.1 and Ministerial Direction 4.4, and PBP 2019.

The Study has determined that the proposed rezoning is appropriate in the bush fire hazard context. Bush fire mitigation and management measures for the future development can be adequately addressed, with the proposal having the ability to comply with PBP2019. The indicative allotment layout with proposed minimum lot sizes are considered appropriate to accommodate the APZs within future subdivisions.

The proposal includes the potential for approximately 9 residential allotments. The indicative allotment layout with proposed minimum lot sizes are considered appropriate to accommodate the APZs within future subdivisions with exception to indicative Lot No. 1 which will require adjustment. The northern and western perimeter of the development site abuts forest vegetation. The eastern boundary abuts Fitzroy Street. The entire site is located within the buffer to bush fire prone land and is vulnerable to bushfire attack. The assessment assumes the worst bushfire attack scenario on a day of catastrophic fire danger with a Fire Danger Rating (FDI) of 80.

A number of bushfire planning controls have been recommended to reduce the risk from bushfire attack to an appropriate level having regard to the proposed development and the nature of the locality. The proposed rezoning is capable of meeting the bushfire prevention measures of PBP 2019 and Ministerial Direction 4.4, with recommendations including:

- Setbacks from bushfire hazard vegetation (Asset Protection Zones).
- Fuel management within APZ's.
- Access and egress from the proposed allotments via an appropriate well designed road system to support evacuation and fire fighting demands.
- Underground electricity and gas services.
- Compliant water supplies.
- Increased APZ's to accommodate SFPP's and vulnerable development types.

The proposed rezoning will allow future subdivision of the land to meet Planning for Bushfire Protection Guidelines (NSW RFS) 2019 applicable at the time of reporting. Further bushfire assessment will be required at the time of subdivision to accurately determine required APZ's, road upgrade requirements, and landscaping provisions to achieve compliance with standards for subdivisions in NSW. The site is serviced by existing reticulated town water, with the benefit of full street hydrant coverage.

Summary Strategic Bush Fire Study (Table 4.2.1, PBP 2019).

ISSUE	DETAIL	ASSESSMENT CONSIDERATIONS	COMMENT
Bush fire landscape assessment	A bush fire landscape assessment considers the likelihood of a bush fire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape.	The bush fire hazard in the surrounding area, including vegetation, topography and weather.	Rezoning suitable
		The potential fire behaviour that might be generated based on the above.	Rezoning suitable
		Any history of bush fire in the area.	Rezoning suitable
		Potential fire runs into the site and the intensity of such fire runs.	Rezoning suitable
		The difficulty in accessing and suppressing a fire; the continuity of bush fire hazards or the fragmentation of landscape fuels and the complexity of the associated terrain.	Rezoning suitable
Land use assessment	The land use assessment will identify the most appropriate locations within the masterplan area or site layout for the proposed land uses.	The risk profile of different areas of the development layout based on the above landscape study.	Rezoning suitable
		The proposed land use zones and permitted uses	Rezoning suitable
		The most appropriate siting of different land uses based on risk profiles within the site (i.e. not locating development on ridge tops, SFPP development to be located in lower risk areas of the site).	Rezoning suitable
		The impact of the siting of these uses on APZ provision.	Rezoning suitable
Access and egress	A study of the existing and proposed road networks both within and external to the masterplan area or site layout.	The capacity for the proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile.	Rezoning suitable subject to Fitzroy Street upgrade.
		The location of key access routes and direction of travel.	Rezoning suitable
		The potential for development to be isolated in the event of a bush fire.	Rezoning suitable
Emergency services	An assessment of the future impact of new development on emergency services.	Consideration of the increase in demand for emergency services responding to a bush fire emergency including the need for new stations/brigades.	Rezoning suitable
		Impact on the ability of emergency services to carry out fire suppression in a bush fire emergency.	Rezoning suitable
Infrastructure	An assessment of the issues associated with infrastructure and utilities.	The ability of the reticulated water system to deal with a major bush fire event in terms of pressures, flows, and spacing of hydrants.	Rezoning suitable
		Lifesafety issues associated with fire and proximity to high voltage power lines, natural gas supply lines etc.	Rezoning suitable
Adjoining land	The impact of new development on adjoining landowners and their ability to undertake bush fire management.	Consideration of the implications of a change in land use on adjoining land including increased pressure on BPMs through the implementation of Bush Fire Management Plans.	Future proposed development will result in improvement of current conditions.

Bushfire Certifiers - Bush Fire Strategic Study Lots 2, 3, 4, 5 section 10 DP 759050, Fitzroy Street, Wardell. 5

1.0 INTRODUCTION

1.1 Purpose

This Strategic Bush Fire Report has been prepared to address bushfire risk and mitigation measures in relation to the proposed rezoning of four existing rural allotments, for residential purposes, adjoining the village of Wardell located on the NSW North Coast. The report makes comment on whether the statutory and policy requirements for development in bushfire prone areas can be achieved. The proposal has been assessed against the requirements of Planning for Bushfire Protection Guidelines (NSW RFS 2019).

The purpose of the strategic bush fire study is to avoid high-risk areas, ensure that zoning is appropriate to allow for adequate emergency access, egress, and water supplies, and to ensure that future compliance with this PBP is achievable. The Study provides an assessment as to whether new development is appropriate in the bush fire hazard context, and the implications of future development for bush fire mitigation and management.

1.2 Location

The site is located at Lots 2, 3, 4, 5-section 10, DP 759050, 6-20 Fitzroy Street, Wardell as detailed in Figure 1.

1.3 Legislation

1.3.1 Environmental Planning and Assessment Act

Appropriate consideration of bush fire hazards for the proposed rezoning is required by the *Environmental Planning and Assessment Act 1979* Section 9.1(2), and Direction 4.4 Planning for Bushfire Protection. Clause 4.4.1 of recently adoption of Planning for Bushfire Protection (PBP) 2019 states Direction 4.4 is to be addressed in a Strategic Bush Fire Study at the initial planning stage in accordance with Clause 4.2 of PBP. Consultation with the RFS will require consideration of a bush fire assessment to demonstrate compliance with the Direction and PBP.

The broad principles which apply to the strategic analysis include-

- Ensuring land is suitable for development in the context of bush fire risk;
- Ensuring new development on bushfire prone land will comply with PBP;
- Minimising reliance on performance-based solutions;
- Providing adequate infrastructure associated with emergency evacuation and firefighting operations; and Facilitating appropriate ongoing land management practices.

1.3.2 Rural Fires Act

Future residential subdivision will be assessed under Section 100B of the *Rural Fires Act 1997*, and a Bush Fire Safety Authority (BFSA) must be obtained from the NSW Rural Fire Service (RFS). A

Bushfire Assessment Report will be required, indicating compliance with Planning for Bushfire Protection 2019, in accordance with the requirements of Clause 44 of the Rural Fires Regulation.

This report does not consider the following legislation. In this regard this report should be read in conjunction with the Statement of Environmental Effects submitted with the development application to ensure full compliance has been adequately demonstrated.

- State Environmental Planning Policy No. 44 (Koala Habitat Protection)
- Biodiversity Conservation Act 2016 (NSW)
- Local Land Services Act 2013 (NSW)
- Land Management (Native Vegetation) Code 2017 (NSW)
- National Parks and Wildlife Act 1974 (NSW)
- Environmental Protection and Biodiversity Conservation Act 1999 (Cwth)

1.3.3 Planning for Bushfire Protection Guidelines 2019

The relevant bush fire protection measures outlined in chapters 5-8 of PBP 2019 have been considered to ensure future development is capable of complying with PBP where appropriate. An indicative development layout has been provided to assess the suitability of the land for the proposed development and to demonstrate required APZs can be met on site. The indicative allotment layout with proposed minimum lot sizes are considered appropriate to accommodate the APZs within future subdivisions with exception to indicative Lot No. 1 which will require adjustment.

Special Fire Protection Purpose (SFPP) developments include developments where occupants may be more vulnerable to bushfire attack. These developments require considerably larger APZs than residential developments and include the following types of uses which may be permitted in the proposed R3 zoning-

- A school (RF Act 100B);
- A child care centre (RF Act 100B);
- A hospital (including a hospital for the mentally ill or mentally disordered) (RF Act 100B);
- A hotel, motel or other tourist accommodation (RF Act 100B);
- A building wholly or principally used as a home or other establishment for mentally incapacitated persons (RF Act 100B);
- Seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (RF Act 100B);
- A group home within the meaning of State Environmental Planning Policy No 9 - Group Homes (RF Act 100B);
- A retirement village (RF Act 100B);
- Any other purpose prescribed by the regulations (RF Act 100B);
- Public assembly buildings greater than 500m², including place of public worship (PBP 2019 cl.8.3.11);
- Manufactures Home Estates (RF Regs 2013 cl.46 and PBP 2019 cl. 6.3.2);

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- A sheltered workshop, or other workplace, established solely for the purpose of employing persons with disabilities (RF Regs 2013 cl.46);
- A respite care centre, or similar centre, that accommodates persons with a physical or mental disability or provides respite for carers of such persons (RF Regs 2013 cl.46);
- Student or staff accommodation associated with a school, university or other educational establishment (RF Regs 2013 cl.46 and PBP 2019 cl. 6.3.2);
- A community bush fire refuge approved by the Commissioner (RF Regs 2013 cl.46).

For these developments the specific objectives of SFPP developments within PBP should be followed in addition to the requirements for residential developments. The specific objectives for SFPP developments as detailed in PBP 2019 are to:

- minimise levels of radiant heat, localised smoke and ember attack through increased APZ, building design and siting;
- provide an appropriate operational environment for emergency service personnel during firefighting and emergency management;
- ensure the capacity of existing infrastructure (such as roads and utilities) can accommodate the increase in demand during emergencies as a result of the development;
- and ensure emergency evacuation procedures and management which provides for the special characteristics and needs of occupants.

Commercial uses are classified in PBP 2019 as "Other Development". These developments need to satisfy the aims and objectives of PBP. Generally, the bushfire protection measures listed in PBP for residential development can be used as a guide and are discussed in the following sections. The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

The objectives of PBP are to-

- a. Afford buildings and their occupants protection from exposure to a bush fire;
- b. Provide for a defensible space to be located around buildings;
- c. Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings;
- d. Ensure that appropriate operational access and egress for emergency service personnel and occupants is available;
- e. Provide for ongoing management and maintenance of bush fire protection measures; and
- f. Ensure that utility services are adequate to meet the needs of firefighters.

2.0: PROJECT DESCRIPTION

2.1 Existing site

The site adjoins the Wardell township as shown in Figure 1. The total land area subject to the rezoning is approximately 7380m². The subject site has previously been cleared and currently supports grassland vegetation. Access to Fitzroy Street is via Wilson Street. Fitzroy Street is sealed for the first 185m from Wilson Street, however does not continue to Swamp Street, forming a dead-end road within the road reserve. There is not an adequate turning area at the end of the sealed section of road for a medium rigid vehicle to turn and exit in a forward direction. The site is described in Table 1.

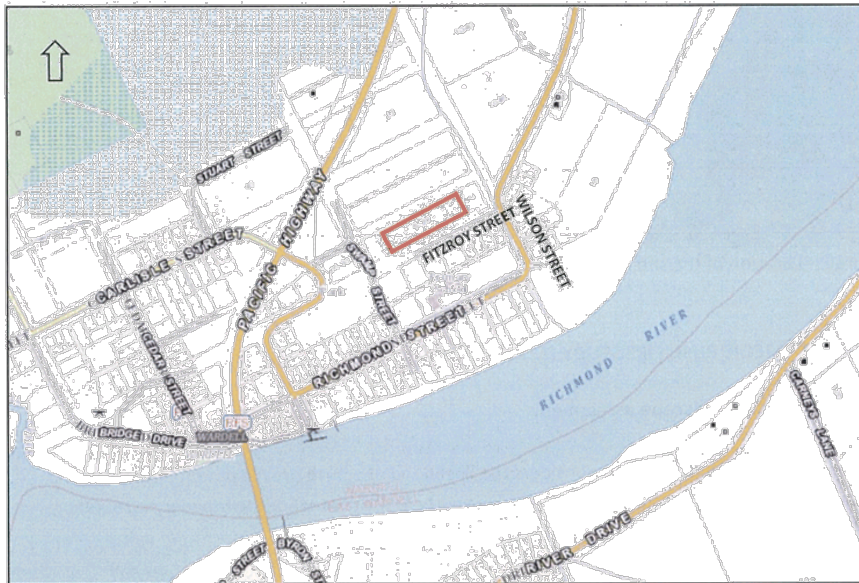


Figure 1 - Locality map

Table 1 - Existing site description

Parameter	Description
Local Government area	Ballina Shire Council.
Property Description:	6-20 Fitzroy Street, Wardell NSW, 2477. Lot 2/10/759050, Lot 3/10/759050, Lot 4/10/759050, Lot 5/10/759050.
Site area	7380m ² (approximately).
Zoning confirm :	RU2 - Rural Landscape; R2 - Low density residential.
Bushfire Prone Land	Located within the 100m buffer to Category 1 bushfire hazard vegetation.
Flood planning area	Mapped as within the flood planning area.
Fire Station	Wardell Rural Fire Service located within 2km by road from the site.
Police Station	Wardell Police Station located within 2km by road from the site.

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2.2 Proposed rezoning

Proposed zoning R3 medium density residential. The indicative allotment layout provides for nine future allotments each having a frontage to Fitzroy Street. The indicative allotment layout is provided in Appendix A.



Figure 2 - Location of the subject land.

3.0 STRATEGIC BUSH FIRE STUDY (TABLE 4.2.1 PBP 2019)

3.1 Bush fire landscape assessment

A bush fire landscape assessment considers the likelihood of a bush fire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape.

3.1.1 The bush fire hazard in the surrounding area, including vegetation, topography and weather.

The site is located within the Richmond River floodplain with a generally flat topography. The Richmond River is located approximately 250m to the south and 300m to the east of the site, having a width of 150-200m in the vicinity of the site. The village of Wardell separates the site from the river. A small pocket of remnant vegetation is located along the river approximately 200m south-east of the site. The dominant agricultural land use on the eastern side of the Richmond River is sugar cane farming throughout the floodplain between the Pacific Ocean and the Richmond River.

The Pacific Highway dissects the village in a north-south direction. West of the highway is a wetland with a mixture of forest vegetation, and low and tall heath vegetation. A pocket of exotic (camphor laurel) and rainforest vegetation is located between the site and the highway to the west and north-west. Small areas of Koala Habitat are also located in the vicinity of the highway.

Bordering the wetland to the west is the Pacific Motorway under construction. To the west of the

motorway is a band of open grazing land (grassland) on the foothills of the Blackwall Range. The Blackwall Range extends from Uralba in the north to Bagotville to the south, and is generally forest vegetation with some cleared areas used for grazing, as shown in Figure 3 and 4.



Figure 3 - Vegetation in the broader surrounding landscape.

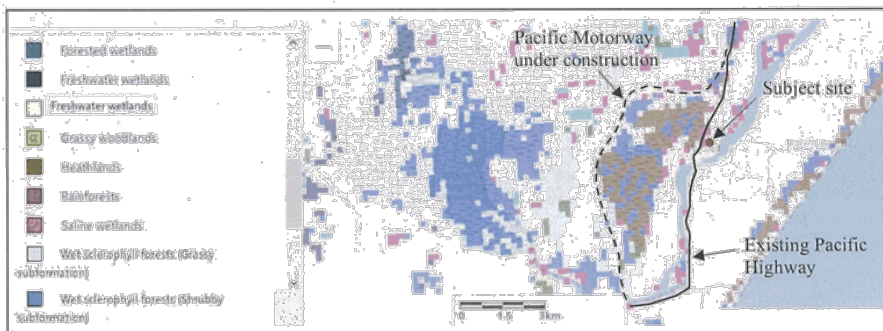


Figure 4 - Vegetation mapping

Vegetation mapping <http://www.bionet.nsw.gov.au/>

Rainforest vegetation adjoins the north and western boundaries of the site, with managed residential land to the south and east. It is noted that the road reserve has a width of approximately 20m from the edge of the sealed road to the boundary of the subject site. The method of managing the vegetation within the road reserve should be addressed with the subdivision application to ensure the area is managed land, or appropriate APZ's will be required to the southern boundary of

the allotments. Table 2 summarises the bushfire threat. The subject site is designated bushfire prone land, located within the 100m buffer to Category 1 vegetation as shown in Figure 5.

Table 2 – Summary Bushfire Threat Assessment

Table 2: Summary Bushfire Threat Assessment					
ASPECT	SLOPE	VEG. CLASS	FDI	APZ REQUIRED SINGLE AND MEDIUM DENSITY 29kW/m ²	APZ REQUIRED FOR SPECIAL FIRE PROTECTION PURPOSE (SFPP)
North	0° Flat	Rainforest	80	9m	38m
East	n/a	Managed land	80	To boundary	To boundary
West	0° Flat	Rainforest	80	9m	38m
South	n/a	If road reserve is managed.	80	To boundary	To boundary
	0° Flat	If road reserve is not managed land - grassland	80	10m	36m



Photo 1 – Subject site



Photo 2 – Camphor Laurel/Rainforest to the north of the subject site.



Photo 3 - Camphor Laurel/Rainforest to the north of the subject site.



Photo 4 - Camphor laurel over-storey and rainforest plants emerging.



Photo 5 - Table drain within the road reserve.



Photo 6 - Forest vegetation further to the northwest.

3.1.2 The potential fire behaviour that might be generated based on the above.

The assessment assumes the worst bushfire attack scenario on a day of catastrophic fire danger with a Fire Danger Rating (FDI) of 80 in accordance with Planning for Bushfire Protection 2019. The bushfire prone land mapping is not completely accurate in that the mapping indicates Category One vegetation adjacent to the north and west boundary of the subject property. The inspection, however identified the vegetation in this area as a combination of exotic camphor laurel and rainforest vegetation.

Further, the vegetation to the north is disconnected by managed residential properties and to the west by grassland vegetation. The remainder of the vegetation beyond this rainforest/exotic vegetation is generally Category One vegetation being a combination of forest, forested wetland and tall heath classifications.



Figure 5 - Bushfire Hazard Map

Figure 6 identifies areas of Koala habitat in proximity to the subject property. Further studies may be required having regard to impact however this will need to be assessed and addressed with the statement of environmental effects.

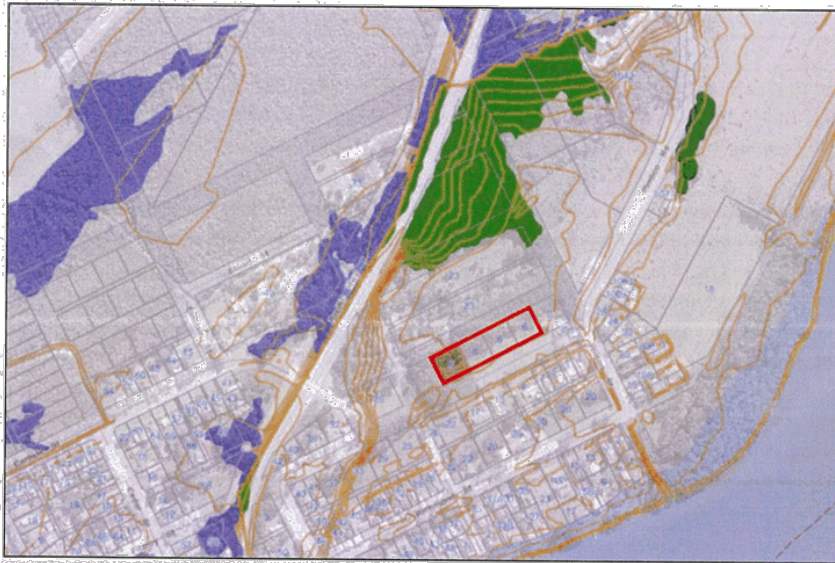


Figure 6 - Koala habitat Ballina Council mapping.

3.1.3 Any history of bushfire in the area.

The area has a history of fires with further details to be provided with the final report. The fire history has been considered and will not impact the outcome of this report.

3.1.4 Potential fire runs into the site and the intensity of such fire runs.

The potential fire runs from the northwest and west are lengthy and considered to be the most likely impact on the subject property if the fire weather is high. These aspects are generally associated with high fire danger days with elevated FDI's. The fire runs are generally through high fuel load areas such as forest and tall heath however there are buffer areas of managed land and grassland between this vegetation and the closed forest vegetation directly adjacent to the subject sites.



Figure 7 – Areas of managed land and grassland are located between the forest/heath vegetation and the remnant closed forest adjacent to the subject property boundaries to the north and west.

3.1.5 The difficulty in accessing and suppressing a fire, the continuity of bush fire hazards or the fragmentation of landscape fuels and the complexity of the associated terrain.

As previously outlined the closed forest adjacent to the subject site is separated from the primary forest hazard by managed land and grassland. There are street hydrants available to assist in firefighting and the existing public road network provide good access for fire fighting purposes. The terrain is relatively flat however it is noted there is a petrol station located approximately 150m to the west which would be a specific hazard of concern in a bushfire event.

3.2 Land use assessment

The land use assessment will identify the most appropriate locations within the site layout for the proposed land uses.

3.2.1 The risk profile of different areas of the development layout based on the above landscape study.

The subject property is relatively small and is essentially impacted by the same level of risk throughout. The western end of the development would be most likely impacted given this is the likely the direction of the most severe bushfire weather.

3.2.2 The proposed land use zones and permitted uses.

The current zoning is RU2 Rural landscape. The proposed land use zone will be R3 Medium density residential. Permitted uses for the proposed rezoning are detailed below.

Zone R3 Medium Density Residential

2. Permitted without consent

Home based child care, home occupations.

3. Permitted with consent

Attached dwellings, boarding houses, child care centres, community facilities, extensive agriculture, group homes, home industries, kiosks, markets, multi-dwelling housing, neighbourhood shops, place of public worship, respite day care centres, roads, roadside stalls, seniors housing, any other development not specified in 2 or 4.

4. Prohibited

Advertising structures, agriculture, air transport facilities, airstrips, amusement centres, animal boarding and training establishments, boat building and repair facilities, charter and tourism boating facilities, commercial premises, correctional centres, crematoria, dairies (pasture based), depots, eco-tourist facilities, farm stay accommodation, forestry, freight transport facilities, heavy industrial storage establishments, highway service centres, industrial retail outlets, industrial training facilities, industries, marinas, mooring pens, moorings, mortuaries, recreation facilities (major), restricted premises, rural industries, rural workers' dwellings, service stations, sex services premises, storage premises, transport depots, truck depots, vehicle body repair workshops, vehicle repair stations, veterinary hospitals, warehouse or distribution centres, waste or resource management facilities, wharf or boating facilities, wholesale supplies.

The sites are considered suitable for single or multi dwelling housing, however some Special Fire Protection Purpose development such as seniors housing, group homes, child care centres, place of worship (depending on size) and potentially boarding houses are not likely to be capable of achieving sufficient asset protection zone widths within the allotments as required by Table A.1.12.1 of Planning for Bushfire Protection 2019 being 38m from the north and western boundaries.

Table A1.12.1
Minimum distances for APZs – SFPP developments (>10kW/m², 1200K)

KEITH VEGETATION FORMATION	EFFECTIVE SLOPE				
	Up slopes and flat	>0°-5°	>5°-10°	>10°-15°	>15°-20°
	Distance (m) from the asset to the predominant vegetation formation				
Rainforest	38	42	57	69	81
Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	67	79	95	100	100
Grassy and Semi-Arid Woodland (including Mallee)	42	50	60	72	85
Forested Wetland (excluding Coastal Swamp Forest)	34	42	51	62	73
Tall Heath	50	56	61	67	73
Short Heath	33	37	41	45	49
Arid Shrublands (acacia and chenopod)	24	27	30	34	37
Freshwater Wetlands	19	22	25	28	30
Grassland	36	40	45	50	55

Single or multi dwelling (Class 1a – BCA) development must be capable of having the asset protection zone widths required by Table A1.12.3 PBP2019, being 9m for the northern boundary and 9m from the western boundary. It is noted that Lot No. 1 of the indicative subdivision layout will need to be potentially consolidated into Lot 2 in order to enable a 9m APZ from both the north and west boundary whilst supporting minimum size building envelopes.

Table A1.12.3
Minimum distances for APZs – residential development, FFDI 80 areas (<20kW/m², 1050K)

KEITH VEGETATION FORMATION	EFFECTIVE SLOPE				
	Up slopes and flat	>0°-5°	>5°-10°	>10°-15°	>15°-20°
	Distance (m) from the asset to the predominant vegetation formation				
Rainforest	9	12	15	20	25
Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and Sub-Alpine Woodland	20	25	31	39	48
Grassy and Semi-Arid Woodland (including Mallee)	11	13	17	21	27
Forested Wetland (excluding Coastal Swamp Forest)	8	10	13	17	22
Tall Heath	16	18	20	22	25
Short Heath	9	10	12	13	15
Arid Shrublands (acacia and chenopod)	6	7	8	9	10
Freshwater Wetlands	5	6	7	8	9
Grassland	10	11	12	14	16

3.2.3 *The most appropriate siting of different land uses based on risk profiles within the site (i.e. not locating development on ridge tops, SFPP development to be located in lower risk areas of the site. Not locating high risk development in hazardous areas of the site.*

The village of Wardell is located adjacent to the Richmond River and is generally flat with minor undulations. There are no areas of the site at higher risk from bushfire due to topography or access arrangements. The required APZs will be an appropriate risk mitigation measure to address the proximity to the bushfire hazard for the proposed rezoning.

3.2.4 The impact of the siting of these uses on APZ provision.

The limited site area and proximity to the bushfire hazard may limit some uses due to the APZ requirements such as SFPP. The proposed allotment layout provides for sufficient lot size for required APZs for single dwellings on individual allotments; although indicative Lot No. 1 will need to be adjusted to support the required APZs for residential dwellings (Class 1a).

3.3 Access and Egress

A study of the existing and proposed road networks both within and external to the masterplan area or site layout:

3.3.1 The capacity for the proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile.

The road network has been assessed to determine suitability to support evacuation demands as the rezoning includes residential or SFPP development on bush fire prone land. No new public access roads are proposed. Upgrade of Fitzroy Street will be required to ensure compliance with PBR2019.

The existing public road network in the vicinity of the site, based on the potential volumes of traffic, are generally considered capable to support the increased volumes of traffic in the event of a bush fire emergency. However Fitzroy Street will either need to be extended to link back into the existing public road network to the west or be provided with a turn-around area compliant with Table 5.3b and Appendix 3 of Planning for Bushfire Protection 2019. Fitzroy Street whilst generally complying with the minimum 5.5m sealed carriageway will require some upgrading at the western end.

The existing street hydrants appear to provide adequate coverage of potential building envelopes, i.e. within 70m, however this will need to be confirmed at subdivision stage. In any case there is capability for compliance to be achieved. On this basis there should be no specific bushfire requirements for property access roads with standard driveway designs being adequate.

The rezoning to residential use of the small portion of land will not support a perimeter road, however the inspection noted the residential development further to the north and to the west essentially isolating the small remnant closed forest adjacent to the boundaries. It is noted that the northern boundary of the site adjoins a paper road reserve which supports part of the hazard vegetation.



Figure 8— Driveway and road providing fire brigade access to the hazard vegetation.

Further detailed traffic reporting from a person competent in this field will be required however from a high level assessment relating to bushfire it appears the rezoning will not have an adverse impact on evacuation, and apart from some upgrading required to Fitzroy Street the existing public road network has sufficient width and travel options not to preclude the proposed rezoning.

3.3.2 The location of key access routes and direction of travel.

There are a number of access and egress routes available which include traveling south from Fitzroy street then west toward the Highway where an option to travel north or south is available. There is also an option to travel north from Fitzroy street toward Pimlico and rejoin the Pacific Highway south of Ballina. It is also possible to travel via River Drive with a ferry crossing the Richmond River to Ballina.

3.3.3 The potential for the development to be isolated in the event of a bushfire.

The development is on the urban edge of Wardell and therefore is not considered to be isolated with egress available away from the existing bushfire hazard.



Figure 9—Existing access to Fitzroy Street

Existing sealed access road in Fitzroy approximately 185m long to a dead-end street. In this regard the 4m wide section of Fitzroy Street will need upgrading to 5.5m width and a turn-around area provided in accordance with Table 5.3b and Appendix 3 of PBP2019 allowing adequate fire brigade intervention whilst occupants may be evacuating. Alternatively, Fitzroy Street would be linked back into the existing public road system.



Photo 7—Fitzroy Street will require a turn-around or continue through to the public road system.



Photo 8—Fitzroy Street



Photo 9 –Public road north toward Pimlico.



Photo 10 – Existing public roads in Wardell are adequate for evacuation.



Photo 11 – Pacific Highway allows egress to the north and south.

3.4 Emergency Services

An assessment of the future impact of new development on emergency services.

3.4.1 *Consideration of the increase in demand for emergency services responding to a bush fire emergency including the need for new stations/brigades.*

The proposed development is within 2km by road of Wardell RFS and Police Station. The increase in population is not considered significant in the context of the overall existing village of Wardell and it is considered the existing RFS Station and Police Station will not require any adjustment.

3.4.2 *Impact on the ability of emergency services to carry out fire suppression in a bush fire emergency.*

The proposal is considered to have negligible impact for emergency services to carry out fire suppression in a bush fire emergency. The development is likely to improve the function of Fitzroy Street having regard to fire brigade intervention.

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3.5 Infrastructure

An assessment of the issues associated with infrastructure and utilities.

3.5.1 *The ability of the reticulated water system to deal with a major bush fire event in terms of pressures, flows, and spacing of hydrants.*

Reticulated town water supply is provided by Ballina Shire Council from Marom Creek Weir and the Ellis Road and Lindendale Bores. The existing supply services the township and the existing street hydrant system. The existing reticulated water supply and hydrant mains are located along Fitzroy Street and will provide coverage of the site. The water supply network has not been tested, however as it is a reticulated village system currently relied upon by NSW RFS, it is considered sufficient for fire fighting purposes for the proposed allotments. Pressure and flow testing should be undertaken at subdivision stage.



Photo 12 - Existing street hydrants located in Fitzroy Street.

3.5.2 *Life safety issues associated with fire and proximity to high voltage power lines, natural gas lines etc.*

Existing above ground power transmission lines along the southern side of Fitzroy Street are external to the site. All new power lines should be located underground in accordance with PBP2019.

The site is not known to be serviced by reticulated natural gas.

3.6 Adjoining land

The impact of new development on adjoining landowners and their ability to undertake bush fire management.

3.6.1 Consideration of the implications of a change in land use on adjoining land including increased pressure on BPMs through the implementation of Bush Fire Management Plans.

It is considered by developing the land for residential purposes and applying compliant asset protection zones and landscaping requirement together with construction standards to the buildings, the development will decrease the fuel loads currently impacting adjacent development. The fuel loads consist of essentially grassland vegetation which can increase the fire spread through the subject property to adjacent residential development.

4.0 CONCLUSION

The Study has determined the proposed rezoning is appropriate in the bush fire hazard context. Bush fire mitigation and management measures for the future development can be adequately addressed with the proposal having the ability to comply with PBP2019. The indicative allotment layout with proposed minimum lot sizes are considered appropriate to accommodate the APZs within future subdivisions, with exception to indicative Lot No. 1 which will require adjustment to accommodate the APZ.

This report has been prepared for referral and consultation with the NSW Rural Fire Service as a means of demonstrating compliance with the EP&A Act 1979 s 9.1 and Ministerial Direction 4.4, and PBP 2019 as applicable to the proposed rezoning.

Disclaimer

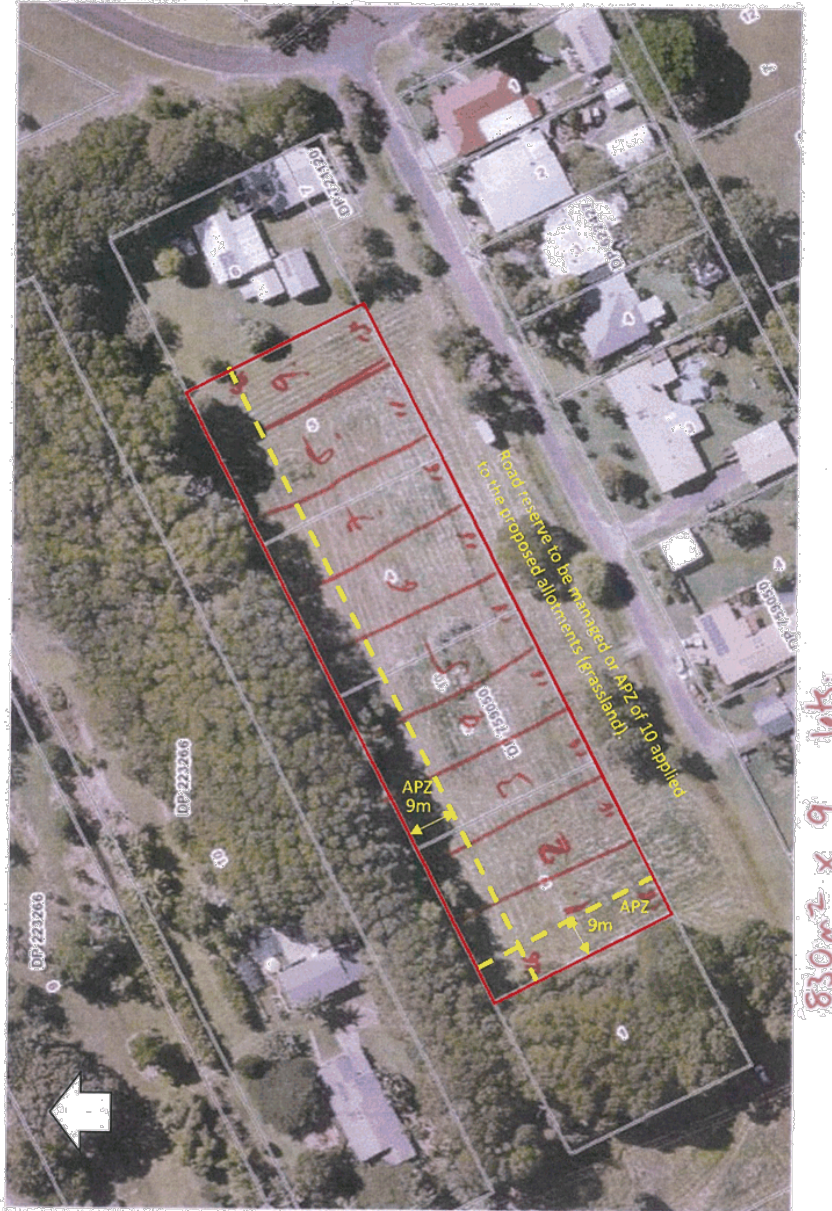
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All dimensions indicated within this report are indicative only, and are subject to detailed survey. To the best of our knowledge this report does not contain any false, misleading or incorrect information.

Appendix A

Indicative subdivision plan

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