



Ballina Shire Council

**Planning Proposal BSCPP 13/006
October 2013**

**Mt Moriah Subdivision,
Plateau Drive, Wollongbar**

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Final



Introduction

Summary of Planning Proposal

This planning proposal relates to 30 approved (but not created) allotments of land located at Wollongbar, on parent parcel Lot 31 DP 1183600. Council understands that the lodgement of a subdivision certificate, to give effect to the approved plan of subdivision, is immanent.

The location of the subject land is shown in Figure 1 below.

The need for the planning proposal has arisen due to a request to amend the Ballina Local Environmental Plan 2012 (Ballina LEP 2012) to reflect the intended development outcomes associated with a subdivision approval for the land. The approved lots were not assessed in relation to zoning as part of the preparation of the Ballina LEP 2012 as they were not created at the time the plan was prepared.

The Department of Planning and Infrastructure (DP&I) issued an affirmative Gateway determination on 14 August 2013 allowing the matter to proceed. Further, the Gateway determination authorised the Council to exercise delegation to finalise the LEP amendment, should the Council resolve to proceed with the planning proposal following public exhibition. A copy of the Gateway determination, including the authorisation to exercise delegation, is provided in Appendix 2.

Planning Context

Ballina LEP 2012

The Ballina LEP 2012 provides for the following residential zones:

- R2 Low Density Residential Zone – provides for low density residential development forms including dwellings and secondary dwellings (and other compatible uses);
- R3 Medium Density Residential Zone – provides for a broad range of residential development forms including dual occupancies, residential flat buildings, multi dwelling housing and the like (and other compatible uses).

The subject land is currently partly zoned R3 Medium Density Residential under the terms of the Ballina LEP 2012. The land also includes an area of land deferred from the Ballina LEP 2012, having been proposed for zoning for environmental management (E3) purposes during the preparation of the Ballina LEP 2012 (the open space lot). The area the subject of the deferred matter is currently zoned 7(d) Environmental Protection (Scenic/Escarpment) under the Ballina LEP 1987.

The proposed zoning is illustrated in Part 4.

The subject land is nominated in the associated development consent (DA 2009/633 as amended) as comprising the following:

- 16 x Low density lots (less than 1000m²);
- 11 x Low density lots (greater than 1000m²);
- 3 x Dual occupancy lots; and
- 1 x Open space lot (zoned environmental protection).

The planning proposal seeks to acknowledge the approval by the application of appropriate residential zoning to the land to reflect the existing approval. The proposal also involves a minor realignment of zone boundaries to better match the zoning to the approved lot boundaries.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 provides the strategic planning context for urban development in Ballina Shire. The development of the land, to which the planning proposal relates, is consistent with Council's Growth Management Strategy.



Figure 1. Land to which the planning proposal relates

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to acknowledge the residential development outcomes intended for the land by identifying allotments created for the purpose of low density development by way of zoning. The proposal seeks to apply a land use zoning arrangement that is consistent with the development approval issued for subdivision of the land.

Part 2 - Explanation of the Proposal

This planning proposal relates to 30 approved (but not created) allotments of land located at Wollongbar, on parent parcel described in real property terms as Lot 31 DP 1183600. The subject land is owned by Mt Moriah Pty. Ltd.

The subject land is currently zoned R3 Medium Density Residential Zone under the terms of the Ballina LEP 2012. The land also includes an area of land deferred from the Ballina LEP 2012, having been proposed for zoning or environmental management purposes (the open space lot).

The subject land is nominated in the associated development consent (DA 2009/633 as amended) as comprising the following:

- 16 x Low density lots (lots less than 1000m²);
- 11 x Low density lots (lots greater than 1000m²);
- 3 x Dual occupancy lots; and
- 1 Open space lot.

The planning proposal seeks to acknowledge the existing approval by the application of residential zonings to the land that match the outcomes envisaged under the subdivision approval.

In terms of residential land uses, the R2 Low Density Residential zone will permit only dwellings and secondary dwellings on the land with development consent, whereas the current R3 Medium Density Residential zone permits a broader range of residential development types than intended by the development approval relating to the land.

It is noted that the planning proposal also involves minor realignment of zone boundaries to the approved lot boundaries, including the rezoning of 63.1m² of land previously deferred from the Ballina LEP 2012 that is proposed for residential zoning.

The Council had, in making its Gateway request, sought to apply an E3 Environmental Management zone to the whole of the 'open space' lot. It is noted, however, that the Gateway determination directed the Council to omit the application of the E3 zone until the conclusion of the Department of Planning & Infrastructure's 'Review of environmental zones in Far North Coast'. Consequently, the application of the E3 zone to the open space lot may be considered through a separate planning proposal, in due course.

Part 3 - Justification

Section A - Need for the Planning Proposal

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

The proposal is not the result of any strategic study or report.

The need for the planning proposal has arisen as a result of the processes associated with the implementation of the Ballina LEP 2012. Essentially, the subject lots were not created at the time the land was zoned under the LEP. As such, the approved lots were not assessed in relation to zoning at the time the LEP was prepared.

The proposal is consistent with Ballina LEP 2012 and the Ballina Shire Development Control Plan 2012 (including previous iterations of these plans).

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

Yes, the planning proposal is the most appropriate means of securing the intended development outcomes for the land into the future.

Section B - Relationship to the Strategic Planning Framework

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

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

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

The planning proposal is consistent with the following key local plans:

Ballina Local Environmental Plan 2012

Prior to the Ballina LEP 2012 coming into effect, the subject land was zoned 2(b) Residential (Village Area) Zone under the terms of the Ballina LEP 1987. The land was originally zoned for residential purposes (under the BLEP 1987) in 2002 as part of the Wollongbar Urban Expansion Area. Development consent (of DA 2009/633) was granted to the subdivision of the land, pursuant to the Ballina LEP 1987.

The subject land is currently zoned R3 Medium Density Residential under the terms of the Ballina LEP 2012.

The Ballina LEP 2012 provides for the following residential zones:

- R2 Low Density Residential Zone – provides for low density residential development forms including dwellings and secondary dwellings (and other compatible uses);
- R3 Medium Density Residential Zone – provides for a broad range of residential development forms including dual occupancies, residential flat buildings, multi dwelling housing and the like (and other compatible uses).

Subdivision of the land has been consented to (DA 2009/633 as amended), involving the creation of the following residential allotments:

- 16 x Low density lots (less than 1000m²);
- 11 x Low density lots (greater than 1000m²);
- 3 x Dual occupancy lots; and
- 1 Open space lot

The planning proposal seeks to acknowledge the approval by the application of appropriate residential zoning to the land that reflects the approval. It is noted that the planning proposal also involves minor realignment of zone boundaries to the approved lot boundaries.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 provides the strategic planning context for urban development in Ballina Shire. The development of the land, to which the planning proposal relates, is consistent with this strategy.

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

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

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

Yes, the proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the planning proposal is contained in Appendix 1.

It is noted, in relation to Ministerial Direction 4.4 - Planning for Bushfire Protection, that the development application for the subdivision of the land was reviewed and concurrence was given by the NSW Rural Fire Service, with regard to the Planning for Bushfire Protection (2006) guidelines. Accordingly, the incorporation of bush fire asset protection zones and other bushfire protection measures have been incorporated in the consent for the subdivision of the land. Notwithstanding, the planning proposal was referred to the NSW Rural Fire Service for comment, prior to public exhibition. The RFS response is provided in Appendix 3. The RFS did not raise any object to the planning proposal proceeding.

Section C - Environmental, Social and Economic Impact

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

The subject land is zoned for the purpose of medium density residential development and is approved for subdivision for residential purposes. The planning proposal seeks to clarify the development intentions for the land to achieve a low density residential outcome. The planning proposal is unlikely, therefore, to have any greater environmental impact than has already been envisaged in relation to the subdivision approval and current zone arrangement.

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

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

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

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

Section D - State and Commonwealth Interests

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

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

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

Consultation was undertaken with the NSW Rural Fire Service (RFS) in accordance with the Gateway determination, prior to public exhibition. A copy of the RFS response is provided in Appendix 3. Significantly, the RFS did not raise any objections to the planning proposal proceeding.

Part 4 - Mapping

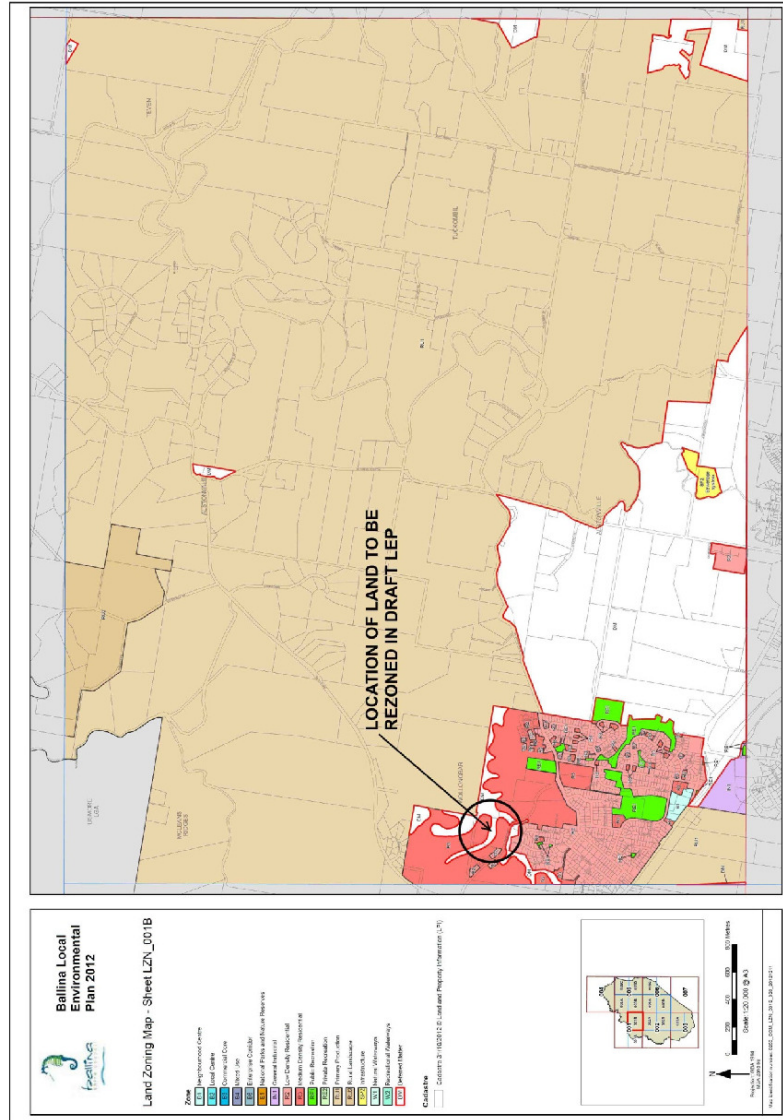
As outlined above, the subject planning proposal involves amendment of the Zoning Map, under the terms of the Ballina LEP 2012, to apply an R2 Low Density Residential Zone to the majority of the lots in the approved subdivision of Lot 31 DP1183600. The planning proposal also involves minor realignment of zone boundaries to the approved lot boundaries.

The following maps have been prepared to support this planning proposal, as follows:

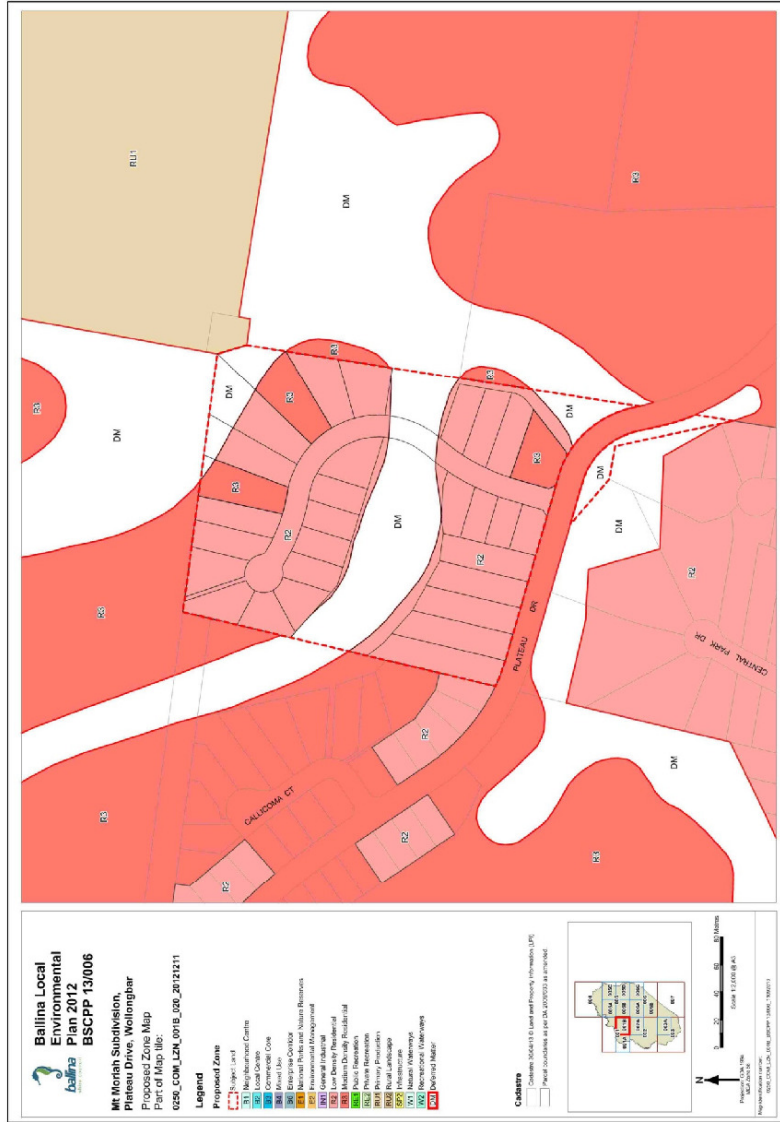
- Map 1 – illustrates the location of the subject land – Site Identification Map;
- Map 2 – illustrates the existing zoning of the land under the terms of the Ballina LEP 2012 (LZN Map);
- Map 3 – presents the proposed zoning of the land under the terms of the Ballina LEP 2012 (LZN Map); and
- Map 4 – presents the proposed Land Application Map under the terms of the Ballina LEP 2012 (LAP Map).



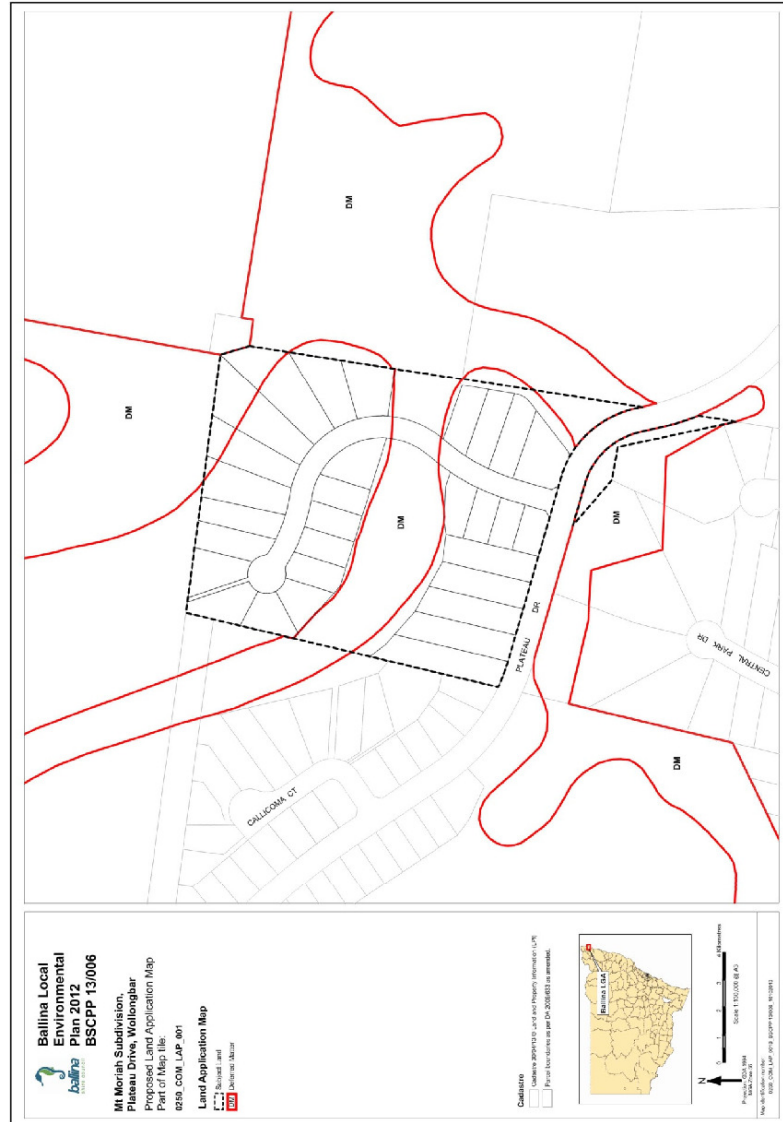
Map 1 – The Subject Land (Site Identification Map)



Map 2 – Existing Zoning (Ballina LEP 2012 LZN Map)



Map 3 – Proposed Zoning (Ballina LEP 2012 LZN Map)



Map 4 – Proposed Zoning (Ballina LEP 2012 LAP Map)

Part 5 – Community Consultation

This planning proposal was publicly exhibited for a minimum of 14 days, between 18 September 2013 and 2 October 2013, in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. A copy of the Gateway determination is provided in Appendix 2.

No submissions were received during the public exhibition period.

Part 6 – Project Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination (Anticipated)	August 2013
Public Exhibition Period	September 2013
Submissions Assessment	September 2013
RPA Assessment of Planning Proposal and Exhibition Outcomes	October 2013
Submission of Endorsed LEP to DP&I for Finalisation	November 2013
RPA Decision to Make the LEP Amendment (if delegated)	N/A – Council is not exercising its delegation for the processing of the amendment.
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	N/A – Council is not exercising its delegation for the processing of the amendment.

Appendices

Appendix 1 - Section 117 Direction Checklist

Section 117 Direction Checklist	
Planning Proposal – Mt Moriah Subdivision, Plateau Drive, Wollongbar	
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	Does not apply to planning proposal.
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 Land	Does not apply to planning proposal.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. The planning proposal involves minor realignment of zone boundaries, including land currently zoned 7(d) Environmental Protection (Scenic/Escarpment) Zone under the terms of the Ballina LEP 1987, to align with the approved subdivision configuration for the land.
2.2 Coastal Protection	Consistent.
2.3 Heritage Conservation	Consistent.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. (Note – DP&I advise that inconsistency with 3.1 – reduction of residential density permissibility is of minor significance). The planning proposal provides for a range of dwelling densities on the subject land. The planning proposal seeks to align the residential zoning of the land with the approved subdivision plan, to clearly identify the intended residential development outcomes intended for allotments within the estate, being a combination of low medium density housing. The delivery of appropriate urban infrastructure to service the land has been secured through existing development consents relating to the creation of the subject allotments.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	Home occupations are permitted on the land, without consent, pursuant to the Ballina LEP 2012.
3.4 Integrated Land Use and Transport	Does not apply to planning proposal.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Does not apply to planning proposal.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Does not apply to planning proposal.

<p>4.4 Planning for Bushfire Protection</p>	<p>Consistent.</p> <p>The development application for the subdivision of the land was reviewed and concurrence was given by the NSW Rural Fire Service (RFS), with regard to the Planning for Bushfire Protection (2006) guidelines. Accordingly, the incorporation of bush fire asset protection zones and other bushfire protection measures have been incorporated in the consent for the subdivision of the land. Further, the subject planning proposal is consistent with the subdivision consent issued for the land.</p> <p>The planning proposal was referred to the RFS prior to public exhibition, in accordance with the Gateway determination. A copy of the RFS response is provided in Appendix 3. Significantly, the RFS did not raise any objection to the planning proposal proceeding.</p>
<p>5. Regional Planning</p>	
<p>5.1 Implementation of Regional Strategies</p>	<p>Consistent.</p> <p>The zoning of the land to permit a variety of residential development forms is consistent with the Far North Coast Regional Strategy.</p>
<p>5.2 Sydney Drinking Water Catchments</p>	<p>Does not apply to Ballina Shire.</p>
<p>5.3 Farmland of State Regional significance on the NSW Far North Coast</p>	<p>Consistent.</p> <p>The proposal involves a change of residential zoning on land already zoned for residential purposes that is the subject of an existing subdivision approval.</p>
<p>5.4 Commercial and Retail Development</p>	<p>Does not apply to planning proposal.</p>
<p>5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).</p>	<p>Repealed.</p>
<p>5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</p>	<p>Repealed.</p>
<p>5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)</p>	<p>Repealed.</p>
<p>5.8 Second Sydney Airport: Badgerys Creek</p>	<p>Does not apply to Ballina Shire.</p>
<p>6. Local Plan Making</p>	
<p>6.1 Approval and Referral Requirements</p>	<p>Consistent.</p>
<p>6.2 Reserving Land for Public Purposes</p>	<p>Consistent.</p>
<p>6.3 Site Specific Provisions</p>	<p>Does not apply to planning proposal.</p>
<p>7. Metropolitan Planning</p>	
<p>7.1 Implementation of the Metropolitan Strategy</p>	<p>Does not apply to Ballina Shire.</p>

Appendix 2 - Gateway Determination



**Planning &
Infrastructure**

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



Contact: Jon Stone
Phone: (02) 6701 9689
Fax: (02) 6701 9690
Email: Jon.Stone@planning.nsw.gov.au
Postal: PO Box 550, Tamworth NSW 2340

Our ref: PP_2013_BALLI_006_00 (13/12666)
Your ref: Planning Proposal - Mt Moriah Subdivision
Wollongbar (13/43189)

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan 2012

I am writing in response to your Council's letter dated 29 July 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone Lot 31 DP 1183600 at Plateau Drive, Wollongbar from part R3 Medium Density Residential and part 'deferred matters' to R2 Low Density Residential, R3 Medium Density Residential and E3 Environmental Management and realign zone boundaries.

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

While Council's proposal to rezone the subject land at Wollongbar for residential purposes is supported, the proposal to zone land currently deferred from Ballina Local Environmental Plan (LEP) 2012 and partly zoned R3 Medium Density Residential to E3 Environmental Management is not supported at this time. The department is currently coordinating the 'Review of environmental zones in Far North Coast,' which reviews the application of environmental zones and overlays in the Far North Coast. Given the Review has not yet been completed, zoning the subject land to E3 Environmental Management is not appropriate at this time and is to await the outcomes of the Review. Consequently, prior to undertaking public exhibition, the planning proposal is to be amended to remove the proposal to zone land at Wollongbar to E3 Environmental Management.

I have also agreed the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Department of Planning & Infrastructure
22-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6111 | F 02 9228 6455 |
www.planning.nsw.gov.au

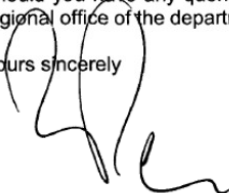
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation, however has asked not to use its delegation for the making of this plan. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan because the proposal is considered to be of local significance. Council should contact the regional office of the department should it require assistance in relation to the exercise of its delegation.

The amending LEP is to be finalised within 6 months of the week following 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Jon Stone of the regional office of the department on 02 6701 9689.

Yours sincerely



14/8/13

Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2013_BALLI_006_00): to rezone land at Wollongbar or residential and environmental purposes.

I, the Deputy Director General, Planning Operations and Regional Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Ballina Local Environmental Plan (LEP) 2012 to rezone Lot 31 DP 1183600 at Plateau Drive, Wollongbar from part R3 Medium Density Residential and part 'deferred matters' to R2 Low Density Residential, R3 Medium Density Residential and E3 Environmental Management and realign zone boundaries should proceed subject to the following conditions:

1. The proposal to zone land currently deferred from Ballina LEP 2012 or currently zoned R3 Medium Density Residential to E3 Environmental Management is not supported at this time and is to be removed from the planning proposal, prior to undertaking public exhibition. The zoning of this land for environmental purposes can be progressed as a future amendment, once the 'Review of environmental zones in Far North Coast' has been completed and the recommendation of the Review can be considered and addressed. The planning proposal is to be updated to advise that an appropriate zoning for this land will be considered, following finalisation of the Review.
2. Prior to undertaking public exhibition, Council is to amend 'Map 1 - The Subject Land' and 'Map 3 - Proposed Zoning' within the planning proposal to only refer to the land proposed to be zoned for residential purposes.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the NSW Rural Fire Service (RFS) as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. No other consultation is required under section 56(2)(d) of the EP&A Act. RFS 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. If necessary, the planning proposal is to be updated to take into consideration any comments made by RFS, prior to undertaking public exhibition.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

BALLINA PP_2013_BALLI_006_00 (13/12666)



6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 14 day of August 2013.

A handwritten signature in black ink, appearing to read "R Pearson".

Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure

BALLINA PP_2013_BALLI_006_00 (13/12666)



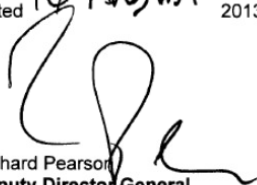
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ballina Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_BALLI_006_00	Planning proposal to rezone land at Lot 31 DP 1183600 at Plateau Drive, Wollongbar from R3 Medium Density Residential to part R2 Low Density Residential and part R3 Medium Density Residential.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 14 August 2013



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP 2013 BALLI 006 00
Date Sent to Department under s56	29/07/2013
Date considered at LEP Review Panel	08/08/2013
Gateway determination date	14/08/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

Appendix 3 - Advice of the NSW Rural Fire Service

All communications to be addressed to:

Headquarters
NSW Rural Fire Service
Locked Mail Bag 17
GRANVILLE NSW 2142

Headquarters
NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2127

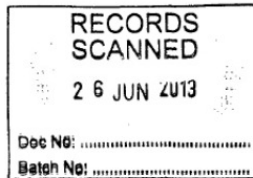
Telephone: (02) 8741 5175
e-mail: csc@rfs.nsw.gov.au

Facsimile: (02) 8741 5433



The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Mr Simon Scott



Your Ref: BSCPP 13/002
Our Ref: L12/0003
DA13052887603 PC

13 June 2013

Dear Mr Scott,

Planning Proposal – Dual Occupancy Lots at Lennox Head

I refer to your letter dated 22 May 2013 seeking comments from the NSW Rural Fire Service (RFS) with respect to the above Planning Proposal.

The RFS understands the Planning Proposal seeks to amend Ballina LEP 2012 to enable dual occupancy development on a number of specific lots at Lennox Head.

The RFS has no objection to the Planning Proposal proceeding.

It is noted that the subject lots contain or adjoin grassland areas that may present a bushfire hazard. Where these areas are not mapped as bushfire prone land, Council should consider assessment of future development applications against the requirements of s.79C of the *Environmental Planning and Assessment Act, 1979* and *AS3959 Construction of building in bushfire prone areas*.

For any enquiries regarding this correspondence please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alan Bawden'.

Alan Bawden
Team Leader – Development Assessment and Planning

For information on *Planning for Bush Fire Protection 2006* visit the RFS web page www.rfs.nsw.gov.au

1 of 1