



Date: 26 June 2015
Our Ref: 07/542

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

Attention: Mr Matthew Wood

Dear Matthew,

**RE: Concept Planning Proposal Request
Stoneyhurst Drive, Lennox Head**

We refer to the recent conversation with Council's Mr Matthew Wood and Ms Karina Vikstrom of this office.

As discussed, please find enclosed the request to commence the preparation of a Planning Proposal to rezone the lands known as the 'Stoneyhurst Drive Precinct' in Lennox Head. Included herein is a cheque for Council's fee for the processing of the request as well as signed landowner authorities from 6 of the 7 landholders which NDC are representing. The seventh landholder, Ms Linda Fuchs lives overseas. As indicated in the attached email, Ms Fuchs has advised that the landowner authority and political donation form will be forthcoming in the near future. NDC will forward this to Council upon receipt.

We trust that the above is satisfactory to Council and look forward to Council's assessment of this project.

Yours sincerely,
NEWTON DENNY CHAPELLE

A handwritten signature in black ink that reads 'Damian Chapelle'.

DAMIAN CHAPELLE
Town Planner. BTP CPP.

JOHN NEWTON B. Surv. M.I.S. Aust. TONY DENNY B. Surv. (Hons); M.I.S. Aust. DAMIAN CHAPELLE BTP CPP
Office: Suite 1, 31 Carrington Street, Lismore, Postal Address: PO Box 1138 Lismore NSW 2480
Phone (02) 6622 1011 Fax (02) 6622 4088 Email office@newtondennychapelle.com.au
Also at: Cassino Court, 100 Barker Street, Casino NSW 2470 Phone/Fax (02) 6662 5000

**Planning Proposal / LEP Amendment Request
Proponent & Proposal Information Form**

Lodge Applications at Ballina Shire Council • 40 Cherry Street • Ballina (Mon-Fri 8.15am to 4.30pm)
mail PO Box 450 Ballina 2478 • **dx** 27789 • **f** 02 6686 7035 • **e** council@ballina.nsw.gov.au
t 02 6686 4444 • **w** www.ballina.nsw.gov.au • **abn** 53 929 887 369



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

Proponent Details

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

Proponent's Name

Address

Postal Address

Telephone (w) (h) Mobile

Email Address Fax

Signature Date

Consultant / Representative Details

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

Name

Address

Telephone (w) Mobile Fax

Email Address

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

Description of the Land

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

Property Address

Lot/Portion Section DP

Property Address

Lot/Portion Section DP

Property Address

Lot/Portion Section DP

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

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head.DOC

Landholder Details and Consent

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

Owner's Name(s)	See attached		
Address			
Lot/Portion	Section	DP	
Telephone (w)	(h)	Mobile	
Email Address			Fax
<input type="checkbox"/> I/we being the owner(s) of the property identified above, consent to the submission of this planning proposal/LEP amendment.			
Signature			Date

Summary of the LEP Amendment Request / Planning Proposal

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

This request proposes the rezoning of the Stoneyhurst Drive Precinct from the current RU1 - Primary Production and RU2 - Rural Landscape zones to R2 - Low Residential zone, pursuant to the Ballina Local Environmental Plan 2012. This request also proposes that Council's subdivision standards also be modified to enable subdivision of the land for residential purposes.

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head.DOC

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

Refer to attached Letter Report dated 17 June 2015 which provides background and planning justification for proposal.

Privacy Protection Notice

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

Disclosure of Political Donations and Gifts

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

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

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

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

Is a disclosure statement to accompany your application? Yes No

Additional Information

[Empty rectangular box for additional information]

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head.DOC



CLIENT	ADDRESS	POSTAL ADDRESS	LOT AND DP	CONTACT	EMAIL	PREFERRED CONTACT
<u>Michael O' Reilly</u>	11 Stoneyhurst Drive Lennox Head NSW 2478	11 Stoneyhurst Drive Lennox Head NSW 2478	Lot 2 DP 259704	Mobile: 0401654216	mojolivemusic@gmail.com	mojolivemusic@gmail.com
<u>Mark. A. Taylor</u>	9 Henderson Lane Lennox Head NSW 2478	9 Henderson Lane Lennox Head NSW 2478	Lot 10 DP 542783	Telephone: (02) 66 877 259 (Lennox Head) or Telephone: (02) 93 262 171(Sydney)		
<u>Linda Fuchs</u>	28 Stoneyhurst Drive Lennox Head NSW 2478	527 Rosemont Street LA JOLLA CA 92037 USA	Lot 7 DP 259704	Telephone: 00111 858 551 8587	LindafuchsLj@yahoo.com	Email: LindafuchsLj@yahoo.com (based in America)
<u>Robert and Elizabeth Dowling</u>	13 Stoneyhurst Drive Lennox Head 2478	13 Stoneyhurst Drive Lennox Head 2478	Lot 3 DP 259704	Telephone: (02) 66 877 142	redowling@bigpond.com	
<u>Robert And Sunny Hudson</u>	20 Stoneyhurst Drive Lennox Head 2478	20 Stoneyhurst Drive Lennox Head 2478	Lot 6 DP 259704	Mobile: 04 2887 7719 Telephone: 06 877719	Sunnyhudson@hotmail.com	
<u>Sherry and Steve Fletcher</u>	38 Stoneyhurst Drive Lennox Head 2478	38 Stoneyhurst Drive Lennox Head 2478	Lot 9 DP 259704	Mobile: 04 1866 7895 Telephone: (02) 66 876 293	sherryfletcher@gmail.com	
<u>Neil Mackay</u>	12 Stoneyhurst Drive Lennox Head 2478	12 Stoneyhurst Drive Lennox Head 2478	Lot 5 DP 259704	Telephone: (02) 66 877 882		

LANDOWNER AUTHORITY

To Whom it May Concern:

This is to advise that Newton Denny Chapelle has been authorised by the landowner to meet with Ballina Shire Council to discuss procedural and information requirements associated with a future rezoning application for the Stoneyhurst Drive area.

I understand that after the meeting with Council, NDC will provide me with information with respect to Council's requirements, as well as anticipated costs for advancing the project. At that stage, I will be asked to decide to what extent I wish to be involved with the rezoning.

Landowner Name: ROBERT & Sunny HUDSON

Property Address: LOT 6 No 20 STONEYHURST DR LENNOX HEAD

Postal Address: " "


Contact Phone Number: 0428 877719

Email: Sunny.hudson@hotmail.com

ROBERT HUDSON
Name


Signature

Sunny HUDSON
Name


Signature

Date: 28 6 13

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

Legislation requires the disclosure of reportable political donations, made within the past two years (by you or any person or entity with a financial interest connected to this application) to political parties, elected members of NSW Parliament, Local Government elections and elected Council members. This includes disclosure of gifts made to Councillors or Council employees, and any donation or gift made when a person was a candidate for Council election.

Have you made a political donation or gift?

YES [] NO []

(if ticked yes, a separate disclosure form must be completed. Forms are available at Council or downloaded from the Department of Planning's website)

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

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Landowner Name: MARK A. TAYLOR

Property Address: 9 HENDERSON LANE LENNOX HEAD NSW
LOT 10 DP542783 2478

Postal Address: M.A.TAYLOR PO. BOX 440 LENNOX HEAD NSW
2478

Contact Phone Number: 0499997259 MOBILE
LOCAL 66877259 02 93262171 MESSAGE SYDNEY

Email :

MARK A. TAYLOR
Name

M.A. Taylor
Signature

.....
Name

.....
Signature

Date: / 13

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

Legislation requires the disclosure of reportable political donations, made within the past two years [by you or any person or entity with a financial interest connected to this application] to political parties, elected members of NSW Parliament, Local Government elections and elected Council members. This includes disclosure of gifts made to Councillors or Council employees, and any donation or gift made when a person was a candidate for Council election.

Have you made a political donation or gift?

YES [] NO

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Landowner Name: STEVE + SHERRY FLETCHER

Property Address: 38 STONEYHURST DRIVE, LENNOX HEAD

Postal Address: AS ABOVE

Contact Phone Number: 0418667895

Email: sherryfletcher@gmail.com

STEVE
Name


Signature

SHERRY
Name


Signature

Date: 13/8/13

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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Have you made a political donation or gift?

YES [] NO

[if ticked yes, a separate disclosure form must be completed. Forms are available at Council or downloaded from the Department of Planning's website]

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I understand that after the meeting with Council, NDC will provide me with information with respect to Council's requirements, as well as anticipated costs for advancing the project. At that stage, I will be asked to decide to what extent I wish to be involved with the rezoning.

Landowner Name: MICHAEL O'REILLY

Property Address: 11 STONEYHURST DRV LENNOX HEAD

Postal Address: PO BOX 20 BYRON BAY NSW 2481

Contact Phone Number: 0401654216

Email: stoneyhurstdrive@gmail.com

M O'Reilly
Name

M O'Reilly
Signature

.....
Name

.....
Signature

Date: 4/11/13

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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Have you made a political donation or gift?

YES [] NO

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I understand that after the meeting with Council, NDC will provide me with information with respect to Council's requirements, as well as anticipated costs for advancing the project. At that stage, I will be asked to decide to what extent I wish to be involved with the rezoning.

Landowner Name: *NEIL J. MACHAY*
Property Address: *12 STONEYHURST DRIVE, LENNOX HEAD*
Postal Address: *AS ABOVE*
Contact Phone Number: *66 877 882*
Email :

Neil J Machay
.....
Name

Neil J Machay
.....
Signature

.....
Name

.....
Signature

Date:

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YES [] NO

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I understand that after the meeting with Council, NDC will provide me with information with respect to Council's requirements, as well as anticipated costs for advancing the project. At that stage, I will be asked to decide to what extent I wish to be involved with the rezoning.

Landowner Name: ROBERT & ELIZABETH DOWLING

Property Address: 13 STONEYHURST DR. LENNOX HEAD

Postal Address: AS ABOVE

Contact Phone Number: 0266877142

Email: redowling@bigpond.com

ROBERT DOWLING
Name


Signature

ELIZABETH DOWLING
Name


Signature

Date: 25/6/13

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

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Have you made a political donation or gift?

YES [] NO

(if ticked yes, a separate disclosure form must be completed. Forms are available at Council or downloaded from the Department of Planning's website)

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Callie Webb

From: linda fuchs <lindafuchslj@yahoo.com>
Sent: Tuesday, 23 June 2015 1:38 AM
To: Callie Webb
Subject: Re: Landowner Authority - Stoneyhurst Drive, Lennox Head

ok; will do
thanks,
Linda

From: Callie Webb <cwebb@newtondennychapelle.com.au>
To: "Lindafuchslj@yahoo.com" <Lindafuchslj@yahoo.com>
Cc: Karina Vikstrom <kvikstrom@newtondennychapelle.com.au>
Sent: Sunday, June 21, 2015 8:20 PM
Subject: FW: Landowner Authority - Stoneyhurst Drive, Lennox Head

Good afternoon Linda,

I am just following up on the below email which was sent to you last week.

If you could please complete the attached Landowner Authority form and return it to me via email at your earliest convenience it would be greatly appreciated.

I apologise for the haste in completing this document, however as a matter of urgency we are trying to get this application submitted into Council this week before the application fees for the lodgement of the Planning Proposal are increased.

Should you have any queries in relation to this matter, please do not hesitate to contact Karina Vikstrom or myself.

Kind Regards,
Callie

From: Callie Webb
Sent: Wednesday, 17 June 2015 4:58 PM
To: Lindafuchslj@yahoo.com
Cc: Karina Vikstrom
Subject: Landowner Authority - Stoneyhurst Drive, Lennox Head
Importance: High

Good afternoon Linda,

Please find attached our standard Landowner Authority form which is required to be lodged with the Planning Proposal (rezoning application) which has been prepared for Stoneyhurst Drive, Lennox Head, on your behalf.

The Planning Proposal is ready to be lodged with Ballina Shire Council and we have received payment from all landholders for the prescribed lodgement fee.

If you could please complete the attached authority as a matter of priority (including the Political Donations statement on page 2), and return it to me via email, it would be greatly appreciated.

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head.DOC

We are hoping to get the application lodged early next week. Once it has been submitted, I will send you a copy via email for your reference.

Please let me know if you have any queries in relation to this matter.

Kind Regards,

Callie Webb
Personal Assistant to Damian Chapelle





Planning Proposal BSCPP 16/002

April 2016

Stoneyhurst Drive, Lennox Head

Council Report Version 16/5481

DISCLAIMER © Land & Property Information 2015. Although all care is taken in the preparation of plans within this document, Ballina Shire Council accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurements should be undertaken by survey.

Planning Proposal – April 2016
Stoneyhurst Drive, Lennox Head

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INTRODUCTION

Summary of Planning Proposal

This planning proposal seeks to facilitate residential zoning and enable further subdivision of the subject land through changes to the land use zoning and minimum lot size provisions of the *Ballina Local Environmental Plan 2012*.

The Stoneyhurst Drive precinct covers an area of approximately 7.5 hectares (excluding road reserves), comprising 11 separate rural residential allotments ranging in size from 2,023m² to 11,602m². An existing dwelling house is erected on each lot and several lots contain associated outbuildings. Each lot is under separate ownership under freehold title.

The subject land is located on the existing edge of the urban area of Lennox Head. The site is, however, surrounded by Lennox Head's main greenfield residential growth areas, with the Epiq development site located to the south of Stoneyhurst Drive and Reservoir Hill urban release area located to the north of Henderson Lane. Following the development of these adjacent lands, the subject land will be located wholly within the urban locality of Lennox Head.

Currently the subject land is zoned partly RU1 Primary Production zone and partly RU2 Rural Landscape zone under the terms of the *Ballina Local Environmental Plan 2012*. A 40 hectare minimum lot size standard applies to land. Further, the land is identified as a Strategic Urban Growth Area on the strategic urban growth areas map of the LEP.

This planning proposal seeks to amend the *Ballina Local Environmental Plan 2012* to affect the following:

- Application of a R2 Low Density Residential zone to the land, through amendment to the zoning map;
- Application of a 600m² minimum lot size standard to one parcel of land having frontage to North Creek Road and a 1200m² minimum lot size standard to the remainder of the land, through amendment to the minimum lot size map; and
- Removal of the subject land as a strategic urban growth area, through amendment to the strategic urban growth areas map.

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objectives of this planning proposal are to:

- Enable subdivision and further residential development on the subject land through the application of the R2 Low Density Residential zone and appropriate minimum lot size provisions to the land;
- Amend the strategic urban growth area map to remove the subject land from designation as a strategic urban growth area.

PART 2 – EXPLANATION OF THE PROPOSAL**The Subject Land**

The Stoneyhurst Drive precinct covers an area of approximately 7.5 hectares (excluding road reserves), comprising eleven separate rural residential allotments ranging in size from 2,023m² to 11,602m². An existing dwelling house is erected on each lot and several lots also contain associated outbuildings. Each lot is under separate ownership under freehold title. A map identifying the subject land is providing in Appendix 1.

Council has received an LEP amendment request on behalf of seven of the eleven landholders within the precinct. Four landholders have declined to participate in the process. Property details for the eleven land parcels within the precinct are provided in the table below, along with an indication of which landholders have/have not participated in the LEP amendment request.

Lot and DP	Street Address	Land Area (m ²)	Ownership	Landholder participating in this LEP amendment request (Yes/No)
Lot 2 DP 259704	11 Stoneyhurst Drive	8,060	M. O'Reilly	Yes
Lot 5 DP 259704	12 Stoneyhurst Drive	7,640	N. Mackay	Yes
Lot 3 DP 259704	13 Stoneyhurst Drive	6,542	R & E Dowling	Yes
Lot 4 DP 259704	17 Stoneyhurst Drive	6,716	R Brearley	No
Lot 6 DP 259704	20 Stoneyhurst Drive	7,494	S & R Hudson	Yes
Lot 7 DP 259704	28 Stoneyhurst Drive	7,023	L. Fuchs	Yes
Lot 8 DP 259704	34 Stoneyhurst Drive	6,758	D & M Baker	No
Lot 9 DP 259704	38 Stoneyhurst Drive	6,988	S & S Fletcher	Yes
Lot 10 DP 542783	9 Henderson Lane	11,602	M. Taylor	Yes
Lot 1 DP 323386	82 North Creek Road	2,023	S & M Alexander	No
Lot 4 DP 244488	84 North Creek Road	4,041	C Cooney	No
Total Land Area (m²)		74,887		
Total Land Area (hectares)		7.49		

Maps showing the location of the above lots are provided in the LEP amendment request provided in Appendix 2.

The subject land is currently zoned partly RU1 Primary Production zone and partly RU2 Rural Landscape zone. The 40 hectare minimum lot size provision currently applies to the land. The site is also identified as a Strategic Urban Growth Area of the strategic urban growth areas map of the *Ballina Local Environmental Plan 2012*.

The subject land is located on the existing edge of the urban area of Lennox Head. The site is, however, surrounded by Lennox Head's main greenfield residential growth areas, with the Epiq development site located to the south of Stoneyhurst Drive and Reservoir Hill urban release area located to the north of Henderson Lane. Following the development of these adjacent lands, the subject land will be located wholly within the urban locality of Lennox Head. It is noted that the Reservoir Hill urban release area is the subject of a separate planning proposal (BSCPP 14/002).

9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head.DOC

Background

The land to which this planning proposal relates is identified as a Strategic Urban Growth Area in the Ballina Shire Growth Management Strategy 2012 and the *Ballina Local Environmental Plan 2012* (clause 7.8). The land is also identified as a Proposed Future Urban Release Area in the Far North Coast Regional Strategy (2012) and as 'Candidate Release Area J' of the Lennox Head Structure Plan (2004). Further details regarding the strategic planning context of the proposal are provided in Part 3 of this planning proposal.

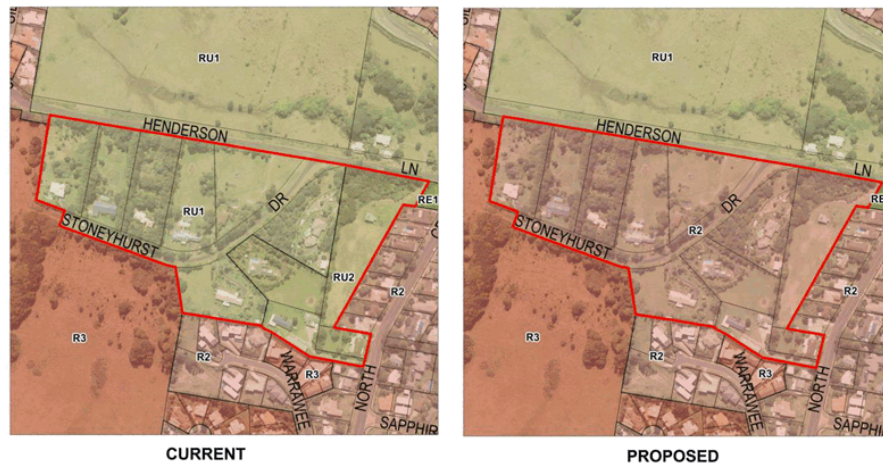
A submission was made in 2010 in relation to the area during the public exhibition processes associated with the drafting of the Ballina Local Environmental Plan 2012. In consideration of this matter, in May 2011, the Council resolved to invite the subject landholders to progress the matter through the planning proposal process. Landholders were advised at the time that progress of the matter, through reporting to the elected Council, would require support for the proposal from a majority of landholders within the precinct.

Council has received an LEP amendment, prepared by Newton Denny Chapelle, on behalf of seven of the eleven landholders within the precinct. A copy of the proponents' request is provided in Appendix 2. The proponents' submission seeks an LEP amendment that would facilitate residential zoning and further subdivision of the land through changes to the land use zoning and minimum lot size provisions of the Ballina Local Environmental Plan 2012.

It is noted that whilst the majority of landholders within the precinct support the proposal, several landholders are not party to the request.

The Proposal

The proponents LEP amendment request involves amending the *Ballina Local Environmental Plan 2012* to rezone the land from part RU1 Primary Production and part RU2 Rural Landscape to the R2 Low Density Residential zone, to enable residential development. A map identifying the existing and proposed zoning is shown below.

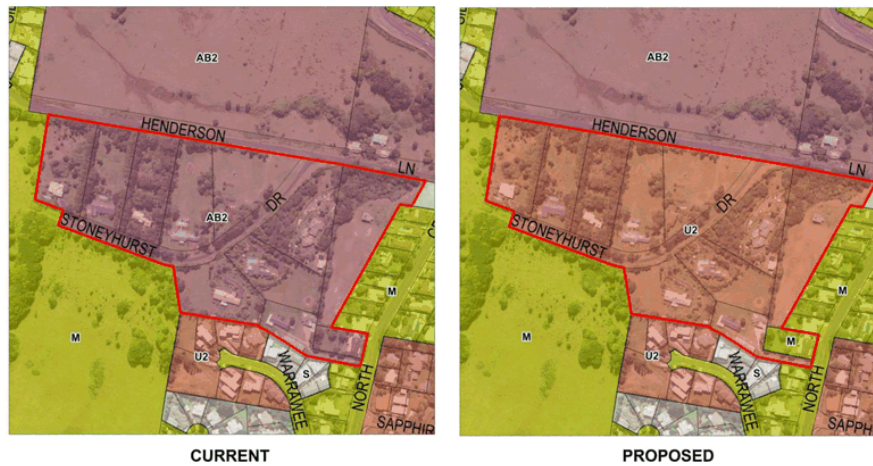


Whilst not definitive in terms of the minimum lot size standard being sought, the proponent's initial request suggests that development of larger residential lots 1000 to 1200m² may be appropriate having regard for the character of the land and the existing property arrangements.

At this preliminary stage, Council proposes the application of the 600m² minimum lot size standard to one parcel of land having frontage to North Creek Road and the 1200m²

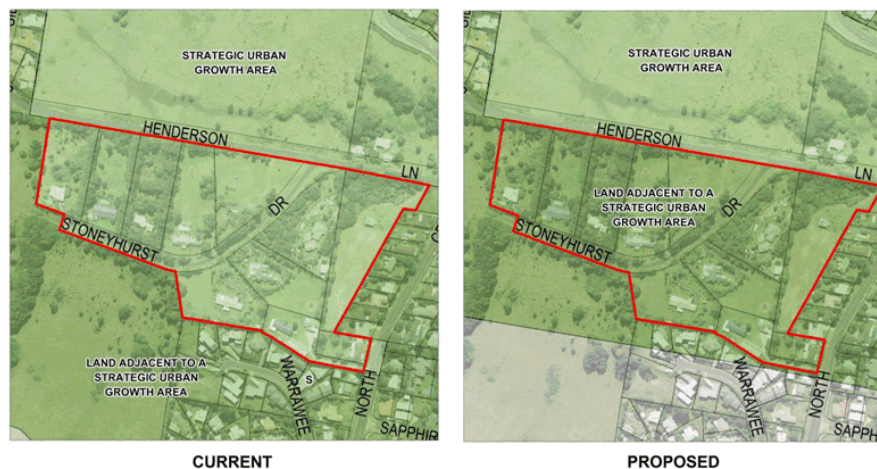
9.1 Planning Proposal - Stoneyhurst Drive, Lennox Head.DOC

minimum lot size standard to the remainder of the land, through amendment to the minimum lot size map. A map identifying the existing and proposed minimum lot size standard is shown below.



Notwithstanding the above, it is proposed that the appropriate minimum lot size standard be confirmed following the consideration of detailed environmental assessments and site analysis to be undertaken for the land, prior to the finalisation of the planning proposal.

The site is identified as a Strategic Urban Growth Area in the strategic urban growth areas map of the Ballina Local Environmental Plan 2012 (linked to clause 7.8). The proposal includes the removal of the land from such designation as shown below.



With respect to this aspect of the proposal, it is noted that the function of the strategic urban growth area map in the *Ballina Local Environmental Plan 2012* is to identify areas that are earmarked for urban suitability investigations (in the Ballina Shire Growth Management Strategy) and to preserve them from inappropriate development impacts that could occur (on the land or on adjacent land) prior to their investigation. Once such areas are investigated, designation as a strategic urban growth area is removed.

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The extent to which the land would remain within the area 'adjacent to a strategic urban growth area' is dependent on the progress of the planning proposal for the Reservoir Hill site immediately to the north. If this site is rezoned for residential purposes, the mapping will change.

Environmental assessments

The proponent has not at this stage submitted comprehensive information required to justify the outcomes sought by the planning proposal. It is proposed that this information be required to be prepared and submitted by the proponent following Gateway determination.

Technical information relating to the following matters will be required, at a minimum, to support the finalisation of the planning proposal:

- Coastal zone and visual amenity impacts;
- European and Aboriginal heritage;
- Ecological values;
- Geotechnical assessment including assessment of land slip hazards;
- Land contamination;
- Land use conflict;
- Mosquito hazards;
- Road noise impacts;
- Engineering services and stormwater management;
- Traffic impacts arising from the development; and
- Obstacle limitation surface and ANEF considerations arising from proximity of the land to flightpaths of the Ballina-Byron Gateway Airport.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

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

Yes, the Lennox Head Structure Plan (2004) identifies the site as a Candidate Release Area. The land is also identified in the Ballina Shire Growth Management Strategy (2012) and the Far North Coast Regional Strategy (2012) as a potential area for urban development.

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

Yes, amending the local environmental plan through zoning the land to enable residential development and amending the minimum lot size standard is the appropriate mechanism to recognise the proposed change of land use.

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 subject land is identified as a 'Proposed Future Urban Release Area' in the Far North Coast Regional Strategy (2012). The site is also identified as 'Proposed Urban
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Land' in the Draft North Coast Regional Plan (2016). Consequently, the consideration of the land for further residential development is consistent with the relevant regional planning framework.

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

The proposal is consistent with the Ballina Shire Growth Management Strategy as the land is identified as a Strategic Urban Growth Area. The growth management strategy identifies such as being "areas which Council considers warrant further detailed investigation to determine their urban suitability".

The planning proposal is also consistent with the Lennox Head Structure Plan 2004, which identifies the subject land as Candidate Urban Release Area J, as shown below.



The Lennox Head Structure Plan provides that if Area J is found through the rezoning process to be suitable for urban development, subdivision of the land for residential purposes with a range of lot sizes provided is the recommended development outcome.

The structure plan also flags the following as important planning considerations for Area J at rezoning stage:

- Any rezoning of Area J is to occur on an integrated basis and should involve all land holdings within the area;
- Vehicular access should primarily be from Stoneyhurst Drive. Vehicular access from Henderson Drive is to be via integrated road access points, although at such time as the Hutley Drive extension is constructed, opportunities for direct access from Henderson Lane will be considered.
- The subdivision design should be such that development should not protrude above the ridgeline.
- The subdivision design should seek to minimise cut and fill on the steeper portions of the site
- Mature native vegetation on the site is to be retained as part of the development of the land.

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The above matters are to be addressed as part of the detailed investigations to be undertaken post Gateway determination.

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

The proposal is considered to be generally consistent with applicable State Environmental Planning Policies (SEPP's). Further consideration of applicable SEPPs will be undertaken in association with the detailed technical assessments to be undertaken post Gateway determination.

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

The proposal is considered to be justifiably inconsistent with the following Ministerial Directions (s.117):

- 1.2 Rural Zones;
- 1.5 Rural Lands;
- 5.3 Farmland of State or Regional Significance on the NSW Far North Coast.

In each case the above inconsistencies are considered to be minor and justifiable in terms of the criteria contained within the direction.

Currently the planning proposal is inconsistent with Ministerial Direction 3.5 Development Near Licensed Aerodromes, as consultation has not yet been undertaken with relevant Commonwealth aviation authorities. Part of the subject land is located within the Obstacle Limitation Surface of the Ballina-Byron Gateway Airport. Notwithstanding, consultation will be undertaken in association with the progress of the planning proposal, following Gateway Determination. It is noted that the subject land is not affected by the ANEF categories referred to in the direction.

It is noted, with respect to Ministerial Direction 4.2 Mine Subsidence and Unstable Land, that part of the subject land has been identified as being susceptible to potential land slip hazard in the study 'Geotechnical Zoning Survey of Slope Instability in Residential Areas of Ballina Shire' prepared by Coffey Partners Pty Ltd (1986). Consequently, more detailed investigation is required to determine the degree of land slip risk and its impact on any potential residential subdivision. Such investigations will be undertaken to inform the planning proposal, following Gateway determination. Notwithstanding, the planning proposal is considered to be consistent with Ministerial Direction 4.2 on the basis that such instability does not relate to mine subsidence issues.

Further information regarding the above consistencies with the Ministerial Directions is provided in Appendix 3.

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 proponent has not yet examined the ecological significance of the subject site. A detailed ecological assessment is to be undertaken following Gateway determination.

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

There are a number of potential environmental effects associated with the proposal which include stormwater management issues. The extent of impacts and associated mitigation measures will be assessed following Gateway determination.

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

The potential for adverse social impact is considered to be limited given the infill nature of the proposed LEP amendment request.

Economic impacts associated with the release of additional residential land in the Lennox Head area are considered to be positive.

Section D - State and Commonwealth interests

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

Development of the subject land will require the extension of existing water, sewerage, electricity and telephone infrastructure. There may also be a need for onsite stormwater management infrastructure such as on site detention and bio-filtration areas. These matters will be further examined as a part of the technical assessments to be undertaken post Gateway determination.

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

Consultation has not yet been undertaken with any State or Federal Authority in relation to the planning proposal. Such consultations will be undertaken following the preparation of detailed technical studies to be undertaken post Gateway determination.

PART 4 – MAPPING

The following maps have been prepared to support this planning proposal and are contained in Appendix 1:

- Map 1 – Site Identification Map (Aerial)
- Map 2 – Proposed Land Zoning Map, Ballina LEP 2012
- Map 3 – Proposed Minimum Lot Size Map, Ballina LEP 2012
- Map 4 - Proposed Strategic Urban Growth Area Map, Ballina LEP 2012

The mapping may be subject to change based on the outcome of further assessment.

PART 5 – COMMUNITY CONSULTATION

It is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. A minimum exhibition period of 28 days is suggested as appropriate for this planning proposal.

PART 6 – TIMELINE

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

Plan Making Step	Estimated Completion
Gateway Determination	May 2016
Preparation of technical studies	August 2016
Government Agency Consultation	October 2016
Public Exhibition Period	October 2016
Public Hearing	N/A
Submissions Assessment	November 2016
RPA Assessment of Planning Proposal and Exhibition Outcomes	November 2016
Submission of Endorsed LEP to DP&E for Finalisation	December 2016
RPA Decision to Make the LEP Amendment (if delegated)	January 2017
Forwarding of LEP Amendment to DP&E for Notification (if delegated)	February 2017

APPENDICES

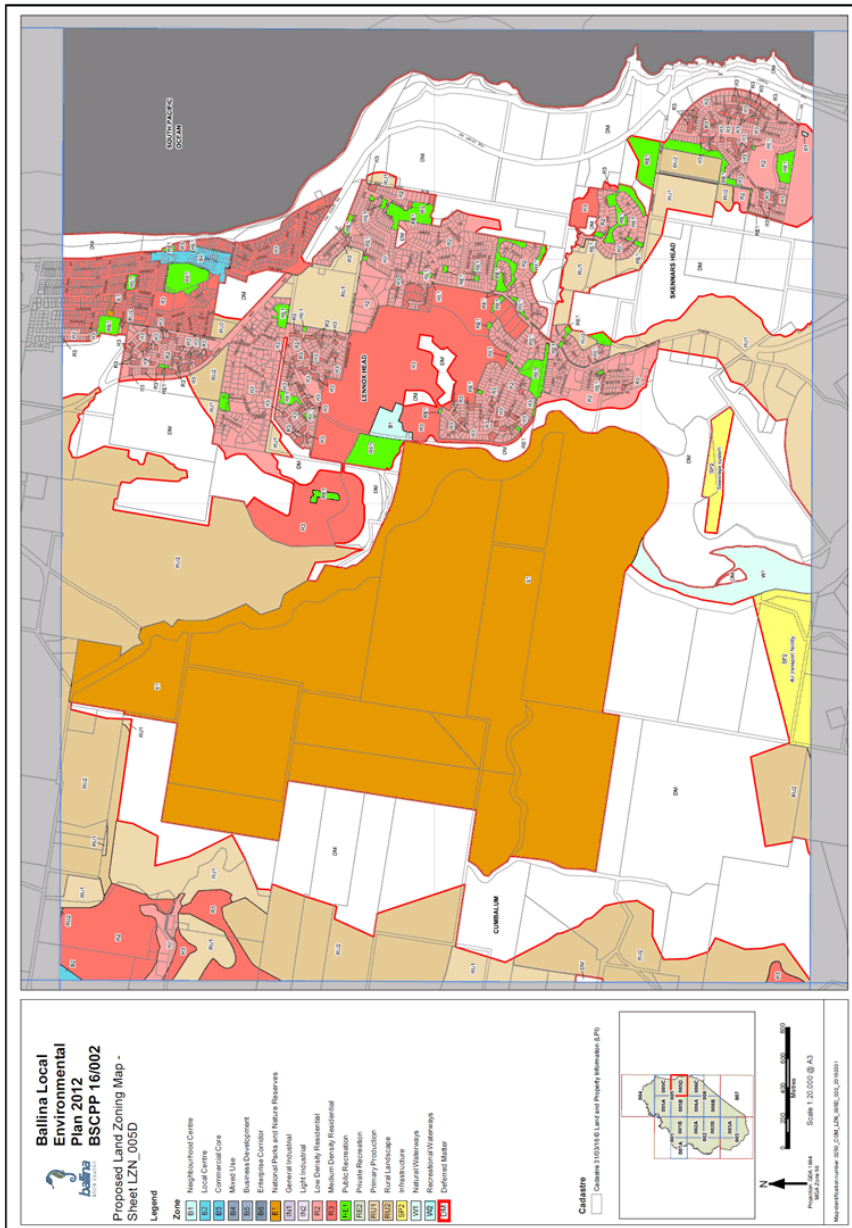
Appendix 1 – Maps

Map 1 – Site Identification Map



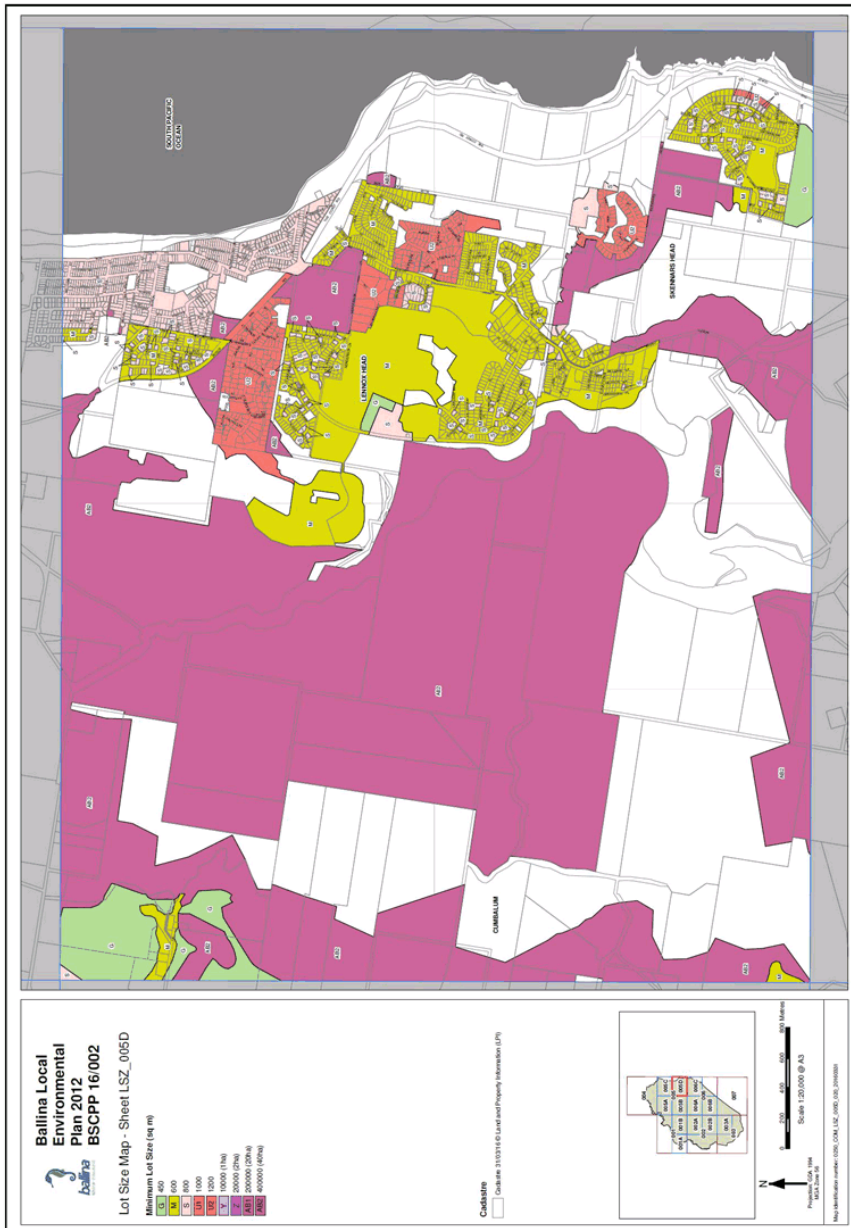
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Map 2 – Proposed Zoning Map, Ballina LEP 2012



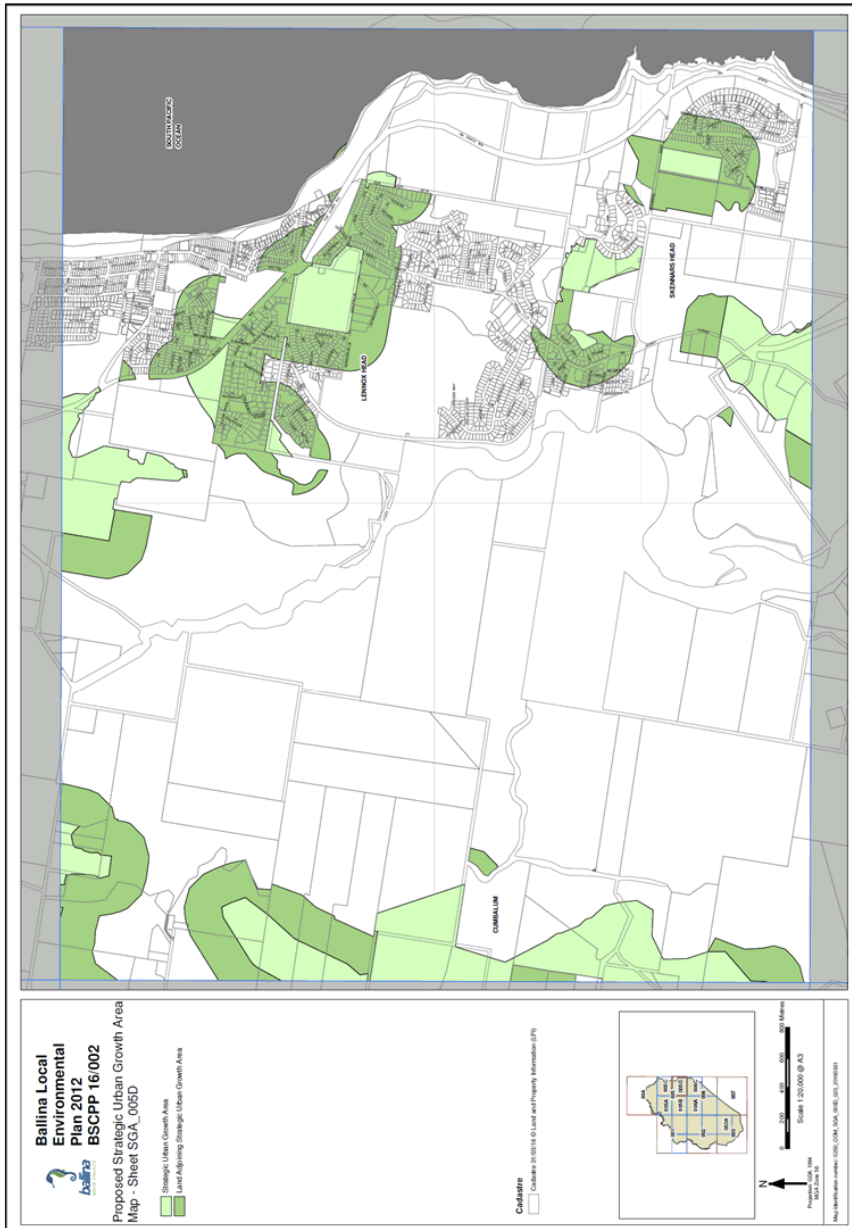
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Map 3 – Proposed Minimum Lot Size Map, Ballina LEP 2012



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Map 4 – Proposed Strategic Urban Growth Area Map, Ballina LEP 2012



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Appendix 2 – LEP Amendment Request prepared by Newton Denny Chapelle, June 2015.

Copy of landholders LEP amendment request to be inserted here.

Appendix 3 – Section 117 Direction Checklist

Section 117 Direction Checklist Planning Proposal - Stoneyhurst Drive Precinct, Lennox Head	
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	<p>Justifiably Inconsistent.</p> <p>The planning proposal involves the rezoning of rural land to a residential zone and thus is inconsistent with the Ministerial Direction. Notwithstanding, this inconsistency is justified by the NSW Government's Far North Coast Strategy (2012) which identifies the land as a potential urban growth area. The land is also identified as a Strategic Urban Growth Area in the Ballina Shire Growth Management Strategy (2012), which has been endorsed by the Department of Planning and Environment.</p> <p>Further to the above, the land is located adjoining the Lennox Head urban footprint area and has been previously subdivided and developed for large lot residential housing. The land also has limited agricultural production values.</p> <p>As a consequence, the planning proposal's inconsistency with this direction is considered justifiable under the circumstances.</p>
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	<p>Justifiably Inconsistent.</p> <p>The planning proposal involves the rezoning of rural land to a residential zone and thus may be considered to be inconsistent with the principles of the Rural Lands SEPP 2008 and thus with the Ministerial Direction. Notwithstanding, this inconsistency is justified by the NSW Government's Far North Coast Strategy (2012) which identifies the land as a potential urban growth area. The land is also identified as a Strategic Urban Growth Area in the Ballina Shire Growth Management Strategy (2012), which has been endorsed by the Department of Planning and Environment.</p> <p>Further to the above, the planning proposal is considered to be of minor significance on basis that the land is located directly adjoining the Lennox Head urban footprint area and has been previously subdivided and developed for large lot residential purposes. The land is also considered to be unsuitable for commercial agricultural production.</p> <p>As a consequence, the planning proposal's inconsistency with this direction is considered justifiable under the circumstances.</p>
2. Environment and Heritage	
2.1 Environmental Protection Zones	<p>Consistent.</p> <p>The land is not considered to be an environmentally sensitive area on the basis of current information.</p>
2.2 Coastal Protection	<p>Consistent.</p> <p>The application of coastal planning principles as established under the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual will be required to be evaluated by the proponent after Gateway determination.</p>
2.3 Heritage Conservation	<p>Consistent.</p> <p>There are no known items of environmental or Aboriginal cultural heritage value on the land. Heritage values will however, be required to be further assessed by the proponent after Gateway determination.</p>
2.4 Recreation Vehicle Areas	<p>Consistent.</p> <p>The proposed LEP amendment relates to provision of residential housing and does not involve development for the purpose of a recreational vehicle area.</p>

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2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Consistent. The proposed LEP amendment does not propose to apply environmental zones or overlays to the subject land.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The proposed LEP amendment seeks to provide for additional residential development opportunities in the Lennox Head locality. The subject land is located close to existing services and adjoins the existing Lennox Head urban footprint area. The proposal involves a rezoning from rural land (part RU1 and part RU2) to residential (R2). The Ballina LEP 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.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. Caravan parks are permitted under the current RU2 Rural Landscape zone, which applies to part of the land. Caravan parks will continue to be permitted within the proposed R2 Low Density Residential zone.
3.3 Home Occupations	Consistent. Home occupations are permitted in the proposed R2 Low Density Residential zone.
3.4 Integrated Land Use and Transport	Consistent. The application of the principles set out under Improving Transport Choice – Guidelines for planning and development and The Right Place for Business and Services – Planning Policy will be able to be considered in the environmental assessment and planning report following submission of technical reports by the proponent.
3.5 Development Near Licensed Aerodromes	Inconsistent. The planning proposal is inconsistent with this direction as consultation has not yet been undertaken with the relevant Commonwealth aviation authorities. The subject site is located within the Obstacle Limitation Surface (OLS) associated with the Ballina Byron Gateway Airport as the level of the land exceeds the designated level of RL 46.5 AHD on the OLS map. Site contour levels at the highest part of the subject site are approximately 62m AHD in the eastern extents of the site. It is noted, however, that the subject land adjoins existing urban development to the east which is higher than 62m AHD. Further, no variations to the standard building height limit are proposed as a part of the planning proposal. The subject land is not affected by the ANEF categories referred to in the direction. Consultation with relevant agencies will occur in association with the preparation of technical studies to inform the progress of the planning proposal, post Gateway determination. It is anticipated that following this consultation, the planning proposal will be consistent with the direction.
3.6 Shooting Ranges	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	Consistent The northern extents of Lot 2 DP 259704, Lot 5 DP 259704 and Lot 10 DP 542783 are identified as being susceptible to land slip Category 2 (Geotechnical Zoning Survey of Slope Instability in Residential Areas of Ballina Shire prepared by Coffey Partners Pty Ltd 1986). More detailed investigation is required to determine the degree of land slip risk and its impact on any potential residential subdivision. A geotechnical assessment will be required to be prepared by the proponent to determine the specific risk of the land to geotechnical instability across the various potential hazard categories, following Gateway determination. Notwithstanding, the planning proposal is considered to be consistent with Ministerial Direction 4.2 on the basis that such instability does not relate to mine subsidence issues.

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4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	Consistent The subject site is not designated bush fire prone land.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The proposed rezoning is consistent with the FNCRS as it is identified as a proposed future urban release area under the policy. The proposed rezoning is also consistent with the Ballina Shire Growth Management Strategy.
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	Justifiably Inconsistent The subject land is identified as significant regional non-contiguous farmland under the Northern Rivers Farmland Protection Project mapping. However, the subject land is also identified as a proposed future urban release area under the Far North Coast Regional Strategy (2012) and is identified as a potential urban area under the Ballina Shire Growth Management Strategy (2012). Consequently, the planning proposal complies with the planning principles contained in Section 4 of the report titled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005, and is considered to be justifiably inconsistent with the direction.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Repealed
5.6 Sydney to Canberra Corridor	Repealed
5.7 Central Coast	Repealed
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to planning proposal.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent. This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. The planning proposal does not propose to reserve land for a public purpose.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to planning proposal.

Appendix 4 – Council resolution

Copy of Council resolution to be inserted here.