



Planning Proposal – April 2016

Reservoir Hill Site, Lennox Head

Lot 1 DP 517111, North Creek Road Lennox Head

16/12831 Exhibition

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INTRODUCTION

Summary of Planning Proposal

This planning proposal alters the planning proposal which related to Lot 1 DP 517111 and was the subject of a Gateway determination dated 17 April 2014. The altered planning proposal relates to Lots 1 and 2 DP 517111 (Lots 1 and 2) North Creek Road, Lennox Head, as well as adjoining sections of public road, as shown on the Site Identification Map in Part 4.

An LEP amendment request was originally made by the TGM Group in June 2013 and applied only to Lot 1. The request was made on behalf of the sole owners of Lot 1 - Ballina Island Developments Pty Ltd.

Lot 1 comprised an original total area of 15.17ha which has been reduced through road widening resumption, in the far north – eastern corner associated with North Creek Road, to approximately 14.96ha. Lot 1 has frontages to Henderson Lane in the south, North Creek Road in the east and the Coast Road in the north.

The TGM Group is no longer associated with this planning proposal which is now being pursued by Northern Rivers Surveying Pty Ltd (NRS) on behalf of the owners of Lot 1 - Ballina Island Developments Pty Ltd.

Lot 1 adjoins an existing concrete reservoir structure that is located on the eastern boundary of the site within Lot 2, adjacent to North Creek Road. Lot 2 has an area of 1619m².

Council at its Ordinary Meeting on 25 January 2016 resolved to incorporate Lot 2 and public roads which adjoin the site within the planning proposal. This has been done to provide flexibility should road closures and or property boundary alterations be required to facilitate future residential development upon Lot 1.

The original LEP amendment request proposed the rezoning of Lot 1 from RU1 Primary Production (RU1) to enable residential development on the site via application of a mix of R3 Medium Density Residential (R3) and R2 Low Density Residential (R2) zonings along with application of an RE1 Public Recreation zone in the north western part of the site. A 600m² minimum lot size standard, for the proposed R2 zoned land, and a 450m² minimum lot size standard for the proposed R3 zoned land was nominated.

Following the submission of proponent's technical reports, and the independent assessment of this documentation, the planning proposal was significantly revised in terms of proposed zone boundaries, areas designated for open space, drainage, riparian buffers, and proposed roads. The route for the relocation of North Creek Road, which was previously proposed to dissect Lot 1 at its approximate midpoint, has now been relocated to the east to a point immediately west of Lot 2. The proportion of the site now proposed to be rezoned R3 has been reduced. A significant portion of the site is now also not proposed to be rezoned due to its ecological value and will retain its RU1 zoning. A minimum lot size of 600m² is also proposed to be applied to both the proposed R2 and R3 zoned areas.

The proponent's original and current indicate subdivision layout plans are contained within Appendix A. These plans are relevant mainly due to the extent that they document the changed location for the realignment of North Creek Road through Lot 1.

Planning Context

Site History – LEP Amendment No.108

Separate to the current request, the Council has previously considered the rezoning of Lot 1 for residential purposes via draft Amendment No.108, initially commenced in relation to the Ballina Local Environmental Plan 1987. Amendment No.108 included Lot 1, as well as Lots 1 and 2 DP 620838 and Lot 1 DP 878933. With respect to that amendment, Council resolved to request that the Minister for Planning and Infrastructure discontinue Draft Amendment No.108 to the Ballina LEP (relating to the subject land) at its February 2013 Ordinary Meeting. Amendment No.108 had been before the Council since 2008 and the then proponent's had not submitted the necessary documentation to enable an assessment of the proposal. The Minister agreed to Council's request and the previous rezoning process was ceased.

The June 2013 LEP amendment request constitutes a new application for the rezoning of Lot 1 by a different proponent. This proposal is not related to the former Amendment No.108.

Council Resolutions – Planning Proposal for Rezoning of Lot 1 DP 517111

The request for rezoning of Lot 1 by the TGM Group was reported to Council's Ordinary Meeting held on 22 August 2013. At that meeting, the Council resolved as follows (Minute No: 220813/12):

1. *That Council prepare a planning proposal for the rezoning of Lot 5 DP 517111, North Creek Road, Lennox Head to enable residential development on the land.*
2. *That the preparation of the planning proposal includes further consideration of:*
 - *land use zoning options associated with residential development on the land;*
 - *land use zoning options for proposed open space areas; and*
 - *minimum lot size standards for subdivision of the land.*

Following the above resolution of the Council, additional information was requested and received from the proponent. Council then considered the planning proposal at its Ordinary Meeting on 27 March 2014. At that meeting the Council resolved as follows [Minute No. 270314/1]:

1. *That, with respect to Lot 1 DP 517111, Council endorses the application of a mixed R2 Low Density Residential and R3 Medium Density Residential zone, and an open space and/or an environmental protection zone being applied to the land as the basis for a planning proposal (as contained in Attachment 3).*
2. *That Council authorises the submission of the planning proposal relating to Lot 1 DP 517111 to NSW Planning and Infrastructure for review and Gateway determination.*
3. *That upon an affirmative Gateway determination being received from Planning & Infrastructure, Council initiates a third party review and preparation of an environmental study for the land.*
4. *That Council receive a further report on the outcomes of the third party review process prior to public exhibition of the planning proposal.*
5. *That Council confirms that it does not support the current concept plan based on layout, high density, lack of open space and road network etc.*

The planning proposal considered by the Council, at its meeting held on 27 March 2014, proposed the application of a mixture of R2, R3 and RE1 Public Open Space zones over Lot

1. The split between the R2 and R3 zones aligned with the then proposed location of the realignment of North Creek Road through the middle of the site. A minimum lot size standard of 600m² for the R2 and 450m² for the R3 zone was also proposed. This planning proposal was the subject of a Gateway determination dated 17 April 2014.

Council Resolutions – Planning Proposal for Rezoning of Lot 1 and 2 DP 517111 and Adjoining Sections of Public Road

Following Gateway determination, documentation submitted by the proponent was subject to independent review by Mike Svikis Planning assisted by Greg Alderson and Associates and Blackwood Ecology. A *Gap Analysis Report* dated October 2014 identified various deficiencies within the proponent's documentation. The *Gap Analysis Report* is contained within Appendix G.

The proponent was invited to submit revised technical information and reports which addressed the issues identified in the *Gap Analysis Report*. Following the consideration of the additional information submitted an *Environmental Assessment and Planning Report* was prepared by Mike Svikis Planning in December 2015. The *Environmental Assessment and Planning Report* is contained within Appendix K.

Council at its meeting on 25 February 2016 considered the *Environmental Assessment and Planning Report* prepared by Mike Svikis Planning and resolved as follows [Minute No. 250216/18]:

1. *That the planning proposal relating to land comprising Lot 1 DP 517111, North Creek Road, Lennox Head be amended to make provision for the altered zoning regime as shown in Diagram 5 within this report as well as the incorporation of the reservoir site (Lot 2, DP 517111) with an R3 zone, and public roads which adjoin the site to be assigned the nearest proposed zone and associated planning provisions.*
2. *The planning proposal be amended to provide for a minimum lot size of 600m² for all proposed R2 and R3 zoned areas.*
3. *The existing maximum building height of 8.5 metres applicable to the site be retained.*
4. *Following the amendment of the planning proposal, it be submitted to the NSW Department of Planning and Environment for an altered Gateway determination and an extension of time request.*
5. *Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal for a minimum period of 28 days.*
6. *That the matter be reported for further consideration by Council following the mandatory public exhibition period.*
7. *That issues relating to the negotiation process for the acquisition of the road corridors associated with the realignment of North Creek Road and the extension of Hutley Drive, as well as any associated land swap proposals, be reported to Council for consideration once the negotiation process has reached a stage where a firm proposal requires consideration.*

The report considered by the Council at its Ordinary Meeting on 25 February 2016 is contained within Appendix L. This altered planning proposal has been prepared in accordance with Council's resolution of 25 February 2016.

Consistency with Strategic Planning Policy

The zoning of the subject land to enable residential development is generally consistent with both Council and State Government urban planning policy. The following provides an overview of the proposed amendment with respect to key planning policy documents.

Far North Coast Regional Strategy (FNCRS)

The subject land is identified as a proposed future urban release area under the FNCRS. The proposed rezoning for residential purposes is consistent with this.

Ballina Shire Local Growth Management Strategy 2012 (LGMS)

The subject land is identified as a strategic urban growth area under the LGMS. Given that the site is identified as a potential future urban area, the proposed rezoning for residential purposes is consistent with Council's LGMS.

Lennox Head Structure Plan (LHSP)

The subject land is identified as being within Area I under the Lennox Head Structure Plan. The structure plan identifies low and medium density housing as preferred urban land use outcomes. Residential use of the land is consistent with the envisaged outcomes identified in the structure plan.

The structure plan also identifies road infrastructure, vehicle access, stormwater management, slope and vegetation as key issues for consideration as part of any rezoning proposals. These matters have now been considered in detail. As a consequence the planning proposal has been altered to exclude areas of the site having ecological value and to alter the zoning regime previously proposed.

In addition to the above, the structure plan also indicates a preference for the rezoning of the subject land to occur in conjunction with the surrounding land within Area I (two land parcels, one to the east and one to the north). Whilst an integrated outcome is preferred, the proponent has indicated that the owner of the land to the east is not presently able to participate in the rezoning and the land to the north would ultimately be on the opposite side of any extension to Hutley Drive.

Given the above, the potential road infrastructure outcomes of benefit to the wider community, and that the subject land represents almost 90% of Area I, it is considered to be reasonable for the LEP amendment request to proceed in this instance. If the proposal proceeds, further consideration will be given to the relationship between potential development on the subject land and surrounding land holdings.

Ballina Local Environmental Plan (LEP) 2012

Following gazettal of the Ballina LEP 2012 in January 2013, the zoning of the subject land changed from 1(d) Rural (Urban Investigation) in accordance with the provisions of Ballina LEP 1987 to RU1 Primary Production. Having regard to the objectives of the RU1 zone and the location and size of the subject land, the site is considered to have limited to no capability of being used and managed for sustainable primary industry. The proponent's supporting documentation has stated that the development of a primary industry is incongruent with the surrounding urban context and would likely create conflict with the dominant surrounding residential use.

The site is also identified as a Strategic Urban Growth Area under the LEP consistent with Council's Local Growth Management Strategy.

Key Site Issues

Key planning issues identified in relation to the proposal, and assessed in the *Environmental Assessment and Planning Report* prepared by Mike Svikis Planning (Appendix K) and associated peer review reports prepared by Greg Alderson and Associates and Blackwood Ecology (Appendices J and X) , are as follows:

Key Issue	Summary
Aboriginal Archaeology and Non Aboriginal Heritage	A Cultural Heritage Assessment has been prepared and consultation with Jali LALC and the Office of Environment and Heritage undertaken. No areas have been identified as having heritage significance. Appendix P contains a copy of the Cultural Heritage Assessment.
Agricultural Land	Lot 1 has been identified as regionally significant agricultural land according to the Northern Rivers Farmland Project. The land is not contiguous to other agricultural areas and has not been identified in mapped biophysical strategic agricultural land. The best use of the land is no longer considered to be for agriculture.
Ecological Attributes	The proponent's supporting ecological assessment identifies several vegetation communities on the site with key attributes being concentrated in the north western portion of the site. Key flora considerations are the threatened species Hairy Joint Grass and a Freshwater Wetland Endangered Ecological Community. The sites ecological attributes have been considered and the impacted parts of the site excluded from rezoning for residential purposes at this time. Subject to a satisfactory bio-banking, or other offset, arrangement being developed it is open to the landowner to pursue rezoning these areas at some future time. Appendix Q, R and H contain the proponent's ecological reports. Appendix X contains the peer review report prepared by Blackwood Ecological Services
Coastal Protection	The land is within the coastal zone as identified in the Coastal Protection SEPP and is subject to the NSW Coastal Policy 1997. The matters required to be considered in clause 8 of the Coastal Protection SEPP have been considered and do not limit the zoning of the site for residential purposes.
Land Contamination	The site has been cleared since at least 1947 and is still used for beef cattle grazing. A phase one site contamination study, including preliminary soil sampling has been undertaken. No areas of concern have been identified. Appendix W contains a Phase 1 Site Contamination Assessment
Noise Impacts	The proponent's supporting material assessed noise impacts related to the realignment of North Creek Road through the middle of Lot 1 as originally proposed. This report indicated that some future dwellings on land adjoining the realignment of North Creek Road would require mitigation measures in the design and construction of the buildings. Appendix S contains the proponent's Environmental Noise Report. Following the relocation of the realignment of North Creek Road further to the east noise impacts associated with the revised route have not been further assessed. It is considered that further work in relation to road noise issues is not required as part of the rezoning process. Consideration of road noise issues in this case is more appropriate for the land subdivision development process. There are various engineering approaches available to mitigate road noise. These do not warrant further consideration as part of the rezoning process.

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Key Issue	Summary
Obstacle Limitation Surface (OLS) and Aircraft Noise	Consultation with Federal authorities has found that OLS is not an issue that should affect future rezoning and development. Appendix F contains advice received from relevant airport authorities.
Public Open Space	<p>The original planning proposal nominated an area in the north western part of the site for public open space. The suitability of this land for public open space, has been assessed in the Mike Svikis Planning report (<i>Environmental Assessment and Planning Report</i> Appendix K). The application of an RE1 zoning to this land was not supported for the following reasons:</p> <ul style="list-style-type: none"> the RE1 zone is for public open space and Council has not made a decision that the land is suitable for acquisition, The objectives of the RE1 zone do not match the characteristics of the land ie its ecological values, The ecological characteristics of the land are better suited to an E zone when this zone is reinstated into Ballina LEP 2012. <p>An additional area within the central western part of the site, containing a large fig tree, was identified as having value as a local park. Securing this site as a local park will occur through the subdivision development process following rezoning. Rezoning this area as RE1 is not supported at this stage due to difficulties associated with determining the boundaries of the park in the context of future subdivision layout plans.</p>
Road Infrastructure	<p>The altered planning proposal identifies the construction of a new road through the site, being a realignment of North Creek Road. The location of the road including its relationship with the existing North Creek Road, the extension of Hutley Drive and its reconnection with the roundabout on The Coast Road has been the subject of detailed engineering analysis.</p> <p>A detailed engineering road design is currently being prepared by Council for the relocation of North Creek Road and the extension of Hutley Drive through Lot 1. Once completed this plan will be used as the basis for negotiating the acquisition of the land required for the road corridor.</p> <p>An R2 Low Density Residential zone is proposed to be applied to proposed North Creek Road and Hutley Drive road corridors through Lot 1.</p>
Scenic Values and Amenity	<p>The subject land is visible from a number of key locations including The Coast Road to the north and the Meadows Estate to the west of the land.</p> <p>An assessment of this issue has concluded that the site does not include significant public viewing locations and is not a significant scenic landscape area or view corridor. The assessment is contained within the <i>Environmental Assessment and Planning Report</i> (Appendix K).</p>

Key Issue	Summary
Stormwater Management	<p>The proposal nominates land in the north western part of the site for the location of stormwater management infrastructure. This area also contains the threatened flora species Hairy Joint Grass and a Freshwater Wetland described by the proponent's supporting material as an endangered ecological community.</p> <p>The interaction between stormwater management and infrastructure, public open space and the ecological attributes of the land has been considered by Greg Alderson and Associates who undertook a peer review of the proponent's stormwater strategy. The peer review report is contained within Appendix J.</p> <p>The peer review concluded that the proposed location of the bio retention basins, parts of the road, and proposed lots impacted on EEC's and threatened species. It questioned whether this is the best ecological outcome for the site.</p> <p>Areas of the site with assessed ecological value and or required for stormwater management purposes are not proposed to be rezoned and will retain their current RU1 Primary Production zone.</p>

The zoning regime now proposed for the site has been developed following detailed consideration of the technical reports prepared for the proponent, the independent assessment and peer review of such documentation, and the Council's consideration of the proposal as documented.

PART 1 – OBJECTIVES & INTENDED OUTCOMES

The objectives of this planning proposal are to:

- enable residential development on part of the site through the application of low and/or medium density zoning; and
- recognise that part of the site has attributes and constraints that warrant the retention of the existing RU1 Primary Production zone for these areas.

PART 2 – EXPLANATION OF THE PROPOSAL

This planning proposal relates to Lot 1 and 2 DP 517111 (Lots 1 and 2), North Creek Road, Lennox Head and adjoining sections of public road. The land is commonly known as the Water Tower or Water Reservoir site at Lennox Head (see Site Identification Map in Part 4).

An LEP amendment request was originally made in June 2013, in respect to Lot 1 by TGM Group on behalf of the sole owners of Lot 1, Ballina Island Developments Pty Ltd. The proponent at that time submitted a comprehensive proposal inclusive of a variety of technical reports addressing servicing, stormwater management, cultural heritage, site ecology, site contamination, geotechnical conditions, noise, traffic and bushfire. The supporting material prepared by the proponent at that time is contained within appendices to this planning proposal.

The amendment to the LEP as proposed by the proponent in 2013, and subject to the Gateway determination dated 17 April 2014, involved the rezoning of the land from RU1 Primary Production to enable residential development on the site via application of a mix of

R3 Medium Density Residential zone and R2 Low Density Residential zonings along with application of an RE1 Public Recreation zone in the north western part of Lot 1. A minimum lot size of 600m² for the R2 zone and 450m² for the R3 zoned areas was also proposed.

There were a number of key issues relating to the proposal that require further examination.

Council engaged Mike Svikis Planning to initially prepare a documentation review and gap analysis of the information submitted originally by TGM Group and subsequently by Northern Rivers Surveying Pty Ltd (NRS), followed by the preparation of an *Environmental Assessment and Planning Report* (Appendices G and K).

Following consideration by the Council of the *Environmental Assessment and Planning Report*, at its Ordinary Meeting on 25 February 2016, an alternative zoning regime has been prepared for Lot 1. A mixed R2 and R3 zoning approach is proposed with a minimum lot size of 600m². Parts of Lot 1 which have identified ecological value, and or would be required for drainage related purposes, are not proposed to be rezoned and will retain the existing RU1 zone. It is this alternative zoning regime and changes to the minimum lot size control that is the subject of this altered planning proposal.

Other mapping changes proposed include alteration to the Strategic Urban Growth Area map to remove the subject land from being identified as a strategic urban growth area and a change to the Dwelling Opportunity Reinstatement Map to delete the dwelling entitlement recognised for the site on the map.

PART 3 – JUSTIFICATION

Section A - Need for the Planning Proposal

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

The subject land is identified in the Lennox Head Structure Plan, Ballina Shire Local Growth Management Strategy and the Far North Coast Regional Strategy as a potential area for urban development. The proposed rezoning to enable residential development on part of the land is consistent with local and State government urban planning policy.

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

Yes, the zoning of the land to enable residential development 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 proposal is consistent with the Far North Coast Regional Strategy, as it is identified as a proposed future urban release area.

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

The planning proposed is consistent with the Lennox Head Structure Plan and the Ballina Shire Local Growth Management Strategy as the land is identified as a potential urban release area in both plans (see further detail under Planning Context).

The proposal is consistent with Council's Community Strategic Plan in that it aligns with Council's endorsed urban planning policy which sits under the overarching direction of the CSP.

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). More detailed assessment in relation to applicable SEPPs is contained within the *Environmental Assessment and Planning Report* (Appendix K).

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

No. A Section 117 Direction checklist for the planning proposal is contained in Appendix B and also forms a part of the *Environmental Assessment and Planning Report* (Appendix K).

Identified inconsistencies relate to directions 1.2 Rural Zones, 1.5 Rural Lands, and 5.3 Farmland of State and Regional significance on the Far North Coast. In each case the inconsistency is considered to be justified. The Gateway determination dated 17 April 2014 indicated that inconsistencies with S117 Directions 1.2 and 1.5 were of minor significance.

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 supporting documentation provided by the proponent has identified the presence of the threatened species, Hairy Joint Grass, and a Freshwater Wetland Endangered Ecological Community on the site.

The extent of potential impacts on the ecological attributes of the land has been independently assessed. In the absence of an offsetting strategy, such as that able to be achieved through bio-banking offset schemes, it has been determined that these areas should not be rezoned. These areas will therefore retain their existing RU1 zoning.

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

Additional potential environmental impacts associated with the proposal are those associated with road construction, drainage and stormwater mitigation works.

Potential road noise impacts associated with the relocation of North Creek Road are proposed to be further investigated as part of the subdivision and road construction process.

Stormwater and drainage impacts have been investigated in some detail within the peer review report prepared by Greg Alderson and Associates (Appendix J).

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

There are a range of potential social and economic effects that may arise as a result of the rezoning of the land for residential purposes.

Importantly, the proposal includes the realignment of North Creek Road and the extension of Hutley Drive through the site to link with the Coast Road / Byron Bay Road. This is a significant planned road connection for Lennox Head. These works are envisaged to have net social and economic benefits for the local community in terms of the function of the local road network and improvements to community connectivity.

Section D - State and Commonwealth interests.

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

The proposal for residential development on the land is generally compatible with existing and planned infrastructure in the locality. However, there will be a need for onsite stormwater management infrastructure and the proposal includes substantial new road infrastructure in the form of the realignment of North Creek Road.

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

Consultation has been undertaken with the Office of Environment and Heritage as required in the original Gateway determination dated 17 April 2014. Consultation has also been undertaken with relevant Commonwealth Authorities responsible for aerodromes as required by Section 117 Direction 3.5 as well as Telstra. Responses received are contained within Appendix D, E and F to this report.

The table below provides a summary of the issues raised within correspondence received, and the manner in which these issues have been addressed by this planning proposal.

Authority	Advice Summary	Council Comments
OEH	Recommend further investigation in relation to freshwater wetlands on coastal floodplains, Hairy Joint Grass and flood hazard, followed by the application of appropriate land use zones prior to the planning proposal being finalised.	Blackwood Ecological Consultants undertook a peer review of the proponent's ecological assessment. The peer review is contained within Appendix X. Subsequently the proponent provided additional ecological advice which is contained within Appendix H. The conclusion reached by Mike Svikis Planning in the Environmental Assessment and Planning Report, Appendix K, is that in the absence of a bio banking assessment, to address and offset the loss of EEC and

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		<p>Hairy Joint Grass, these areas should be retained on site. The affected areas should not be rezoned for residential purposes but retain their RU1 Primary Production zoning.</p> <p>This planning proposal retains the existing RU1 zone for those parts of the site which contain the EEC and Hairy Joint Grass</p> <p>Drainage and flooding issues were subject to peer review by Greg Alderson and Associates, refer to the report contained within Appendix J. The proponent's additional report related to stormwater treatment and management, Appendix I, was further reviewed by Alderson and Associates, and is discussed within Appendix K. Concerns raised have been addressed in part by sizing the retained RU1 zoned areas on this site to also cater for the anticipated stormwater management and treatments requirements associated with the proposed residential zoned areas of the site.</p> <p>It is considered that the matters raised by the OEH have been appropriately addressed.</p>
Ballina Byron Gateway Airport, Air Services Australia and CASA	<p>Consultation was undertaken as the subject land is located within the Obstacle Limitation Surface (OSL) for Ballina Aerodrome. Responses received are contained within Appendix F. Consultation was based on the current height limit of 8.5 metres which is not proposed to be altered by this planning proposal.</p> <p>Whilst it will be the case that proposed structures will penetrate the OSL this was not seen as grounds for objection by CASA as surrounding development is lit at night and supported by a nearby existing obstacle lighting.</p>	No issues have arisen as a consequence of comments made by airport authorities which are required to be addressed by this planning proposal.
Telstra	The Telstra Lennox Head Exchange facility is located adjoining the roundabout at the intersection of The Coast Road and North Creek Road. Telstra have advised that they have no plans to exit from this site. Telstra	Information was sought from Telstra as to their future plans. The information obtained informed the design of the extension of Hutley Drive and the realignment of

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	advice is contained within Appendix D.	North Creek Road through the subject site.
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PART 4 – MAPPING

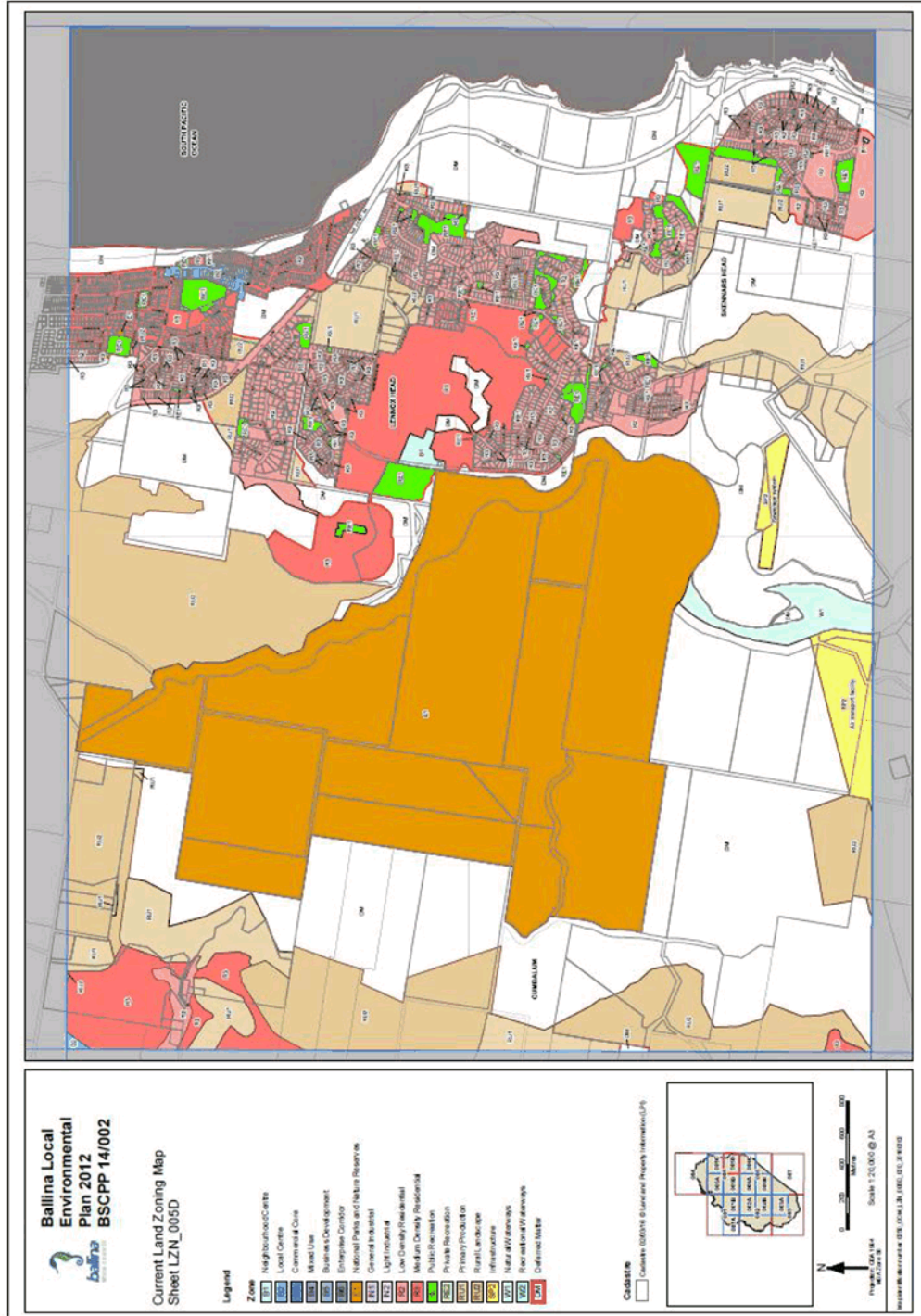
The following maps have been prepared to support this planning proposal and the proposed land use and development outcomes.

- Map 1 – Site Identification Map;
- Map 2 – Current Land Zoning Map;
- Map 3 – Current Land Zoning Map Zoomed;
- Map 4 – Proposed Land Zoning Map;
- Map 5 – Proposed Land Zoning Map Zoomed;
- Map 6 – Current Lot Size Map;
- Map 7 – Current Lot Size Map Zoomed;
- Map 8– Proposed Lot Size Map Zoomed;
- Map 9 – Current Strategic Urban Growth Area Map;
- Map 10 – Proposed Strategic Urban Growth Area Map;
- Map 11 – Current Dwelling Opportunity Reinstatement Map; and
- Map 12 – Proposed Dwelling Opportunity Reinstatement Map.

Map 1 – Site Identification Map

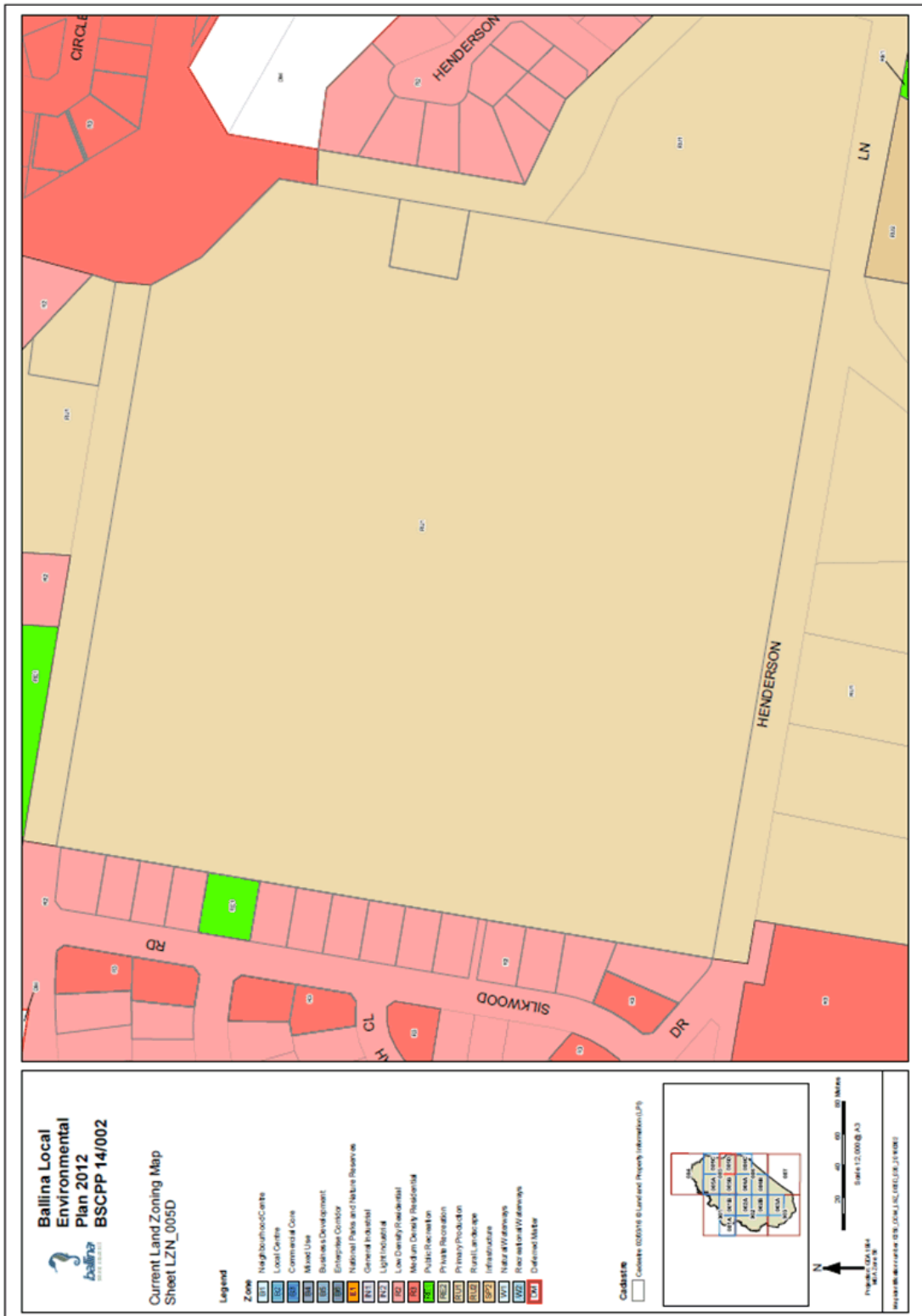


Map 2– Current Land Zoning

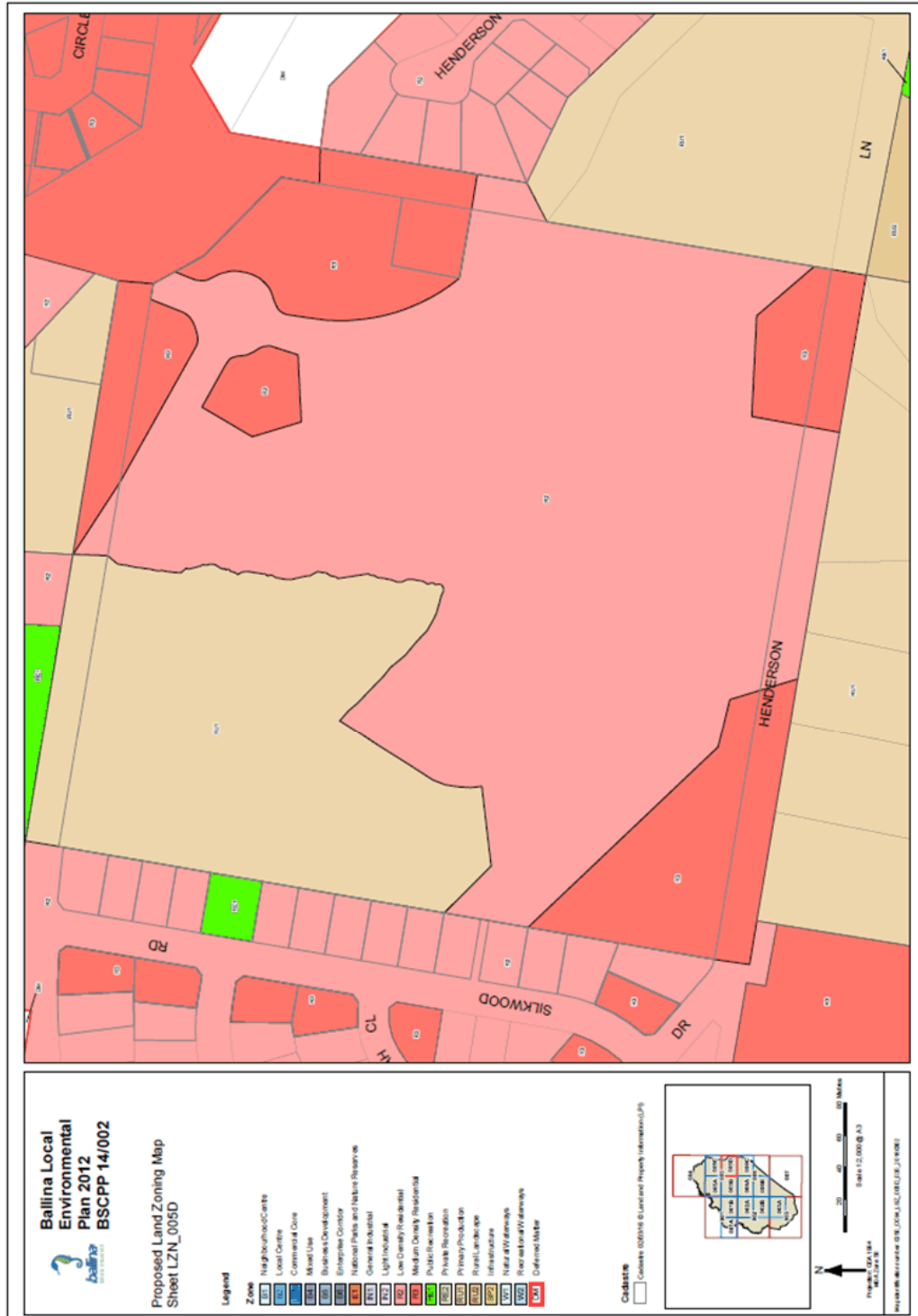


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Map 3 – Current Land Zoning Map Zoomed

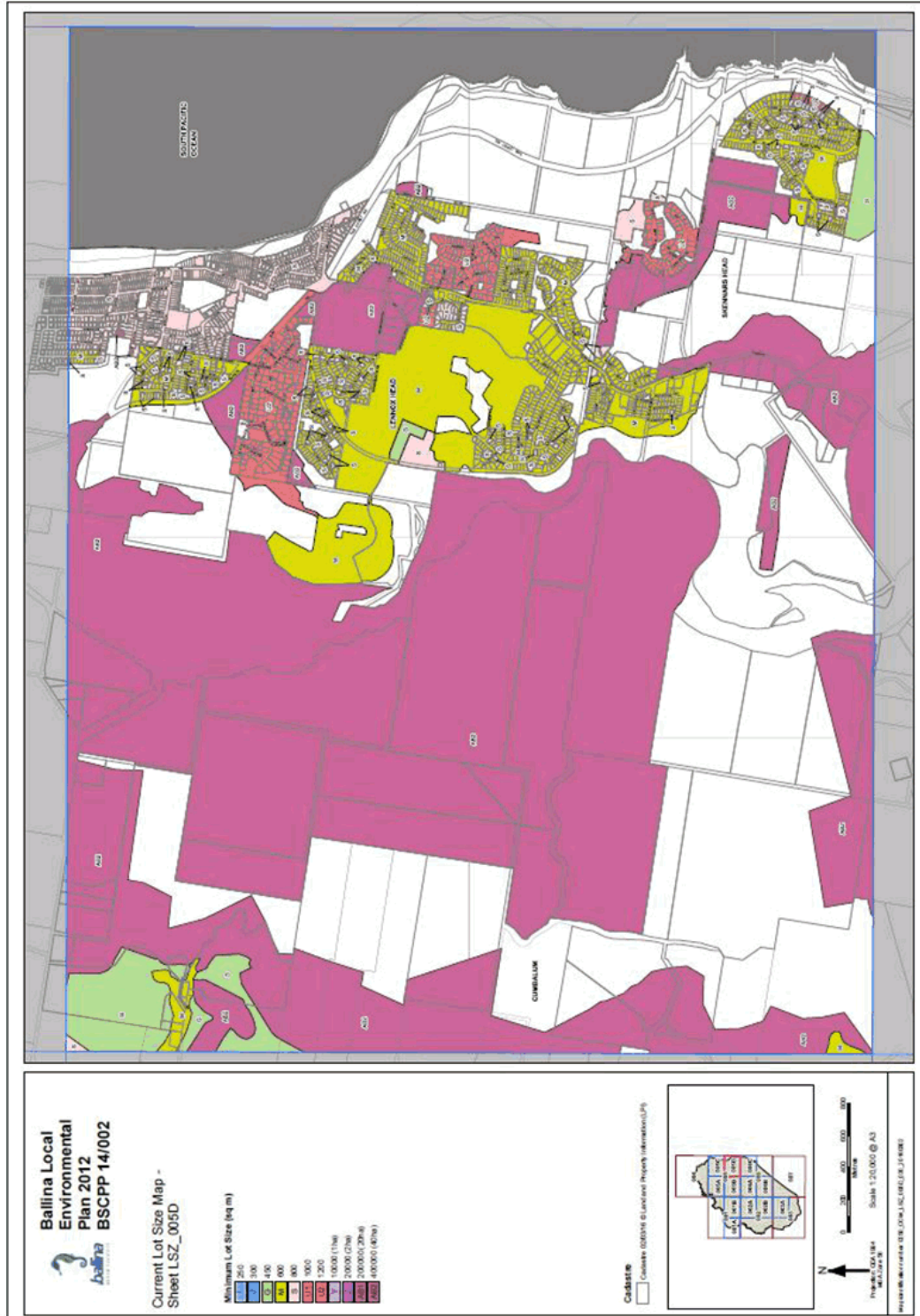


Map 5 – Proposed Land Zoning Map Zoomed

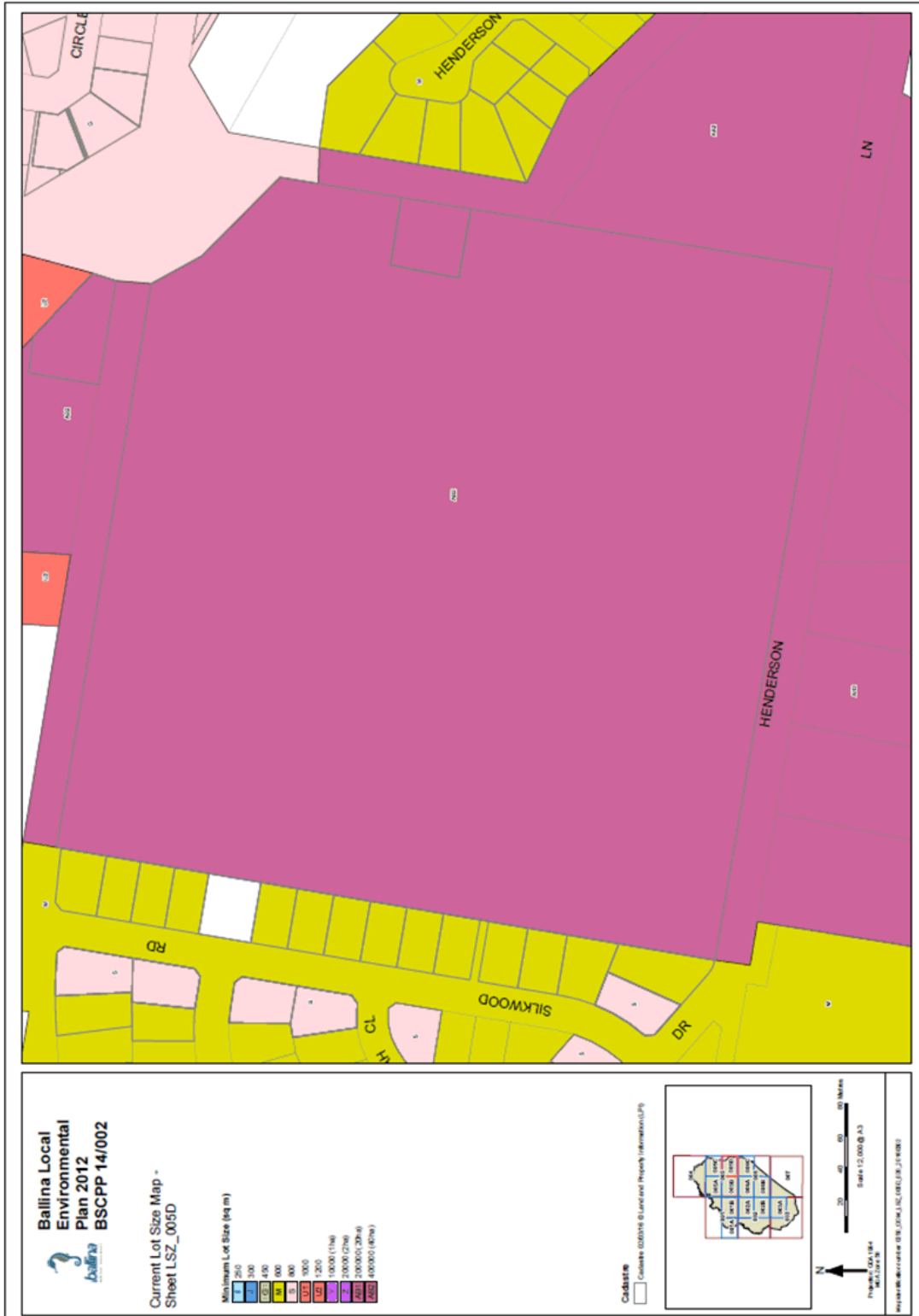


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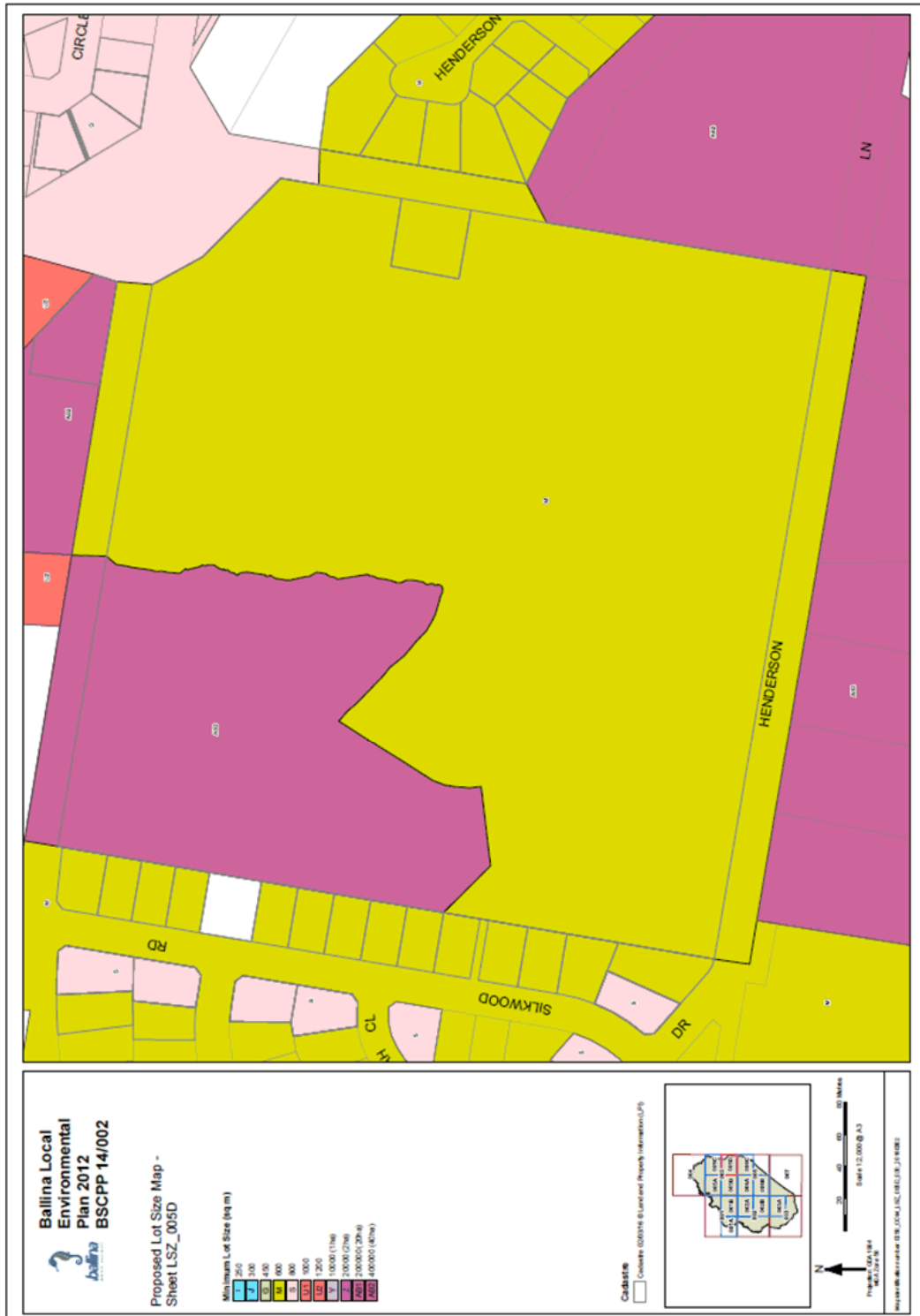
Map 6 – Current Lot Size Map



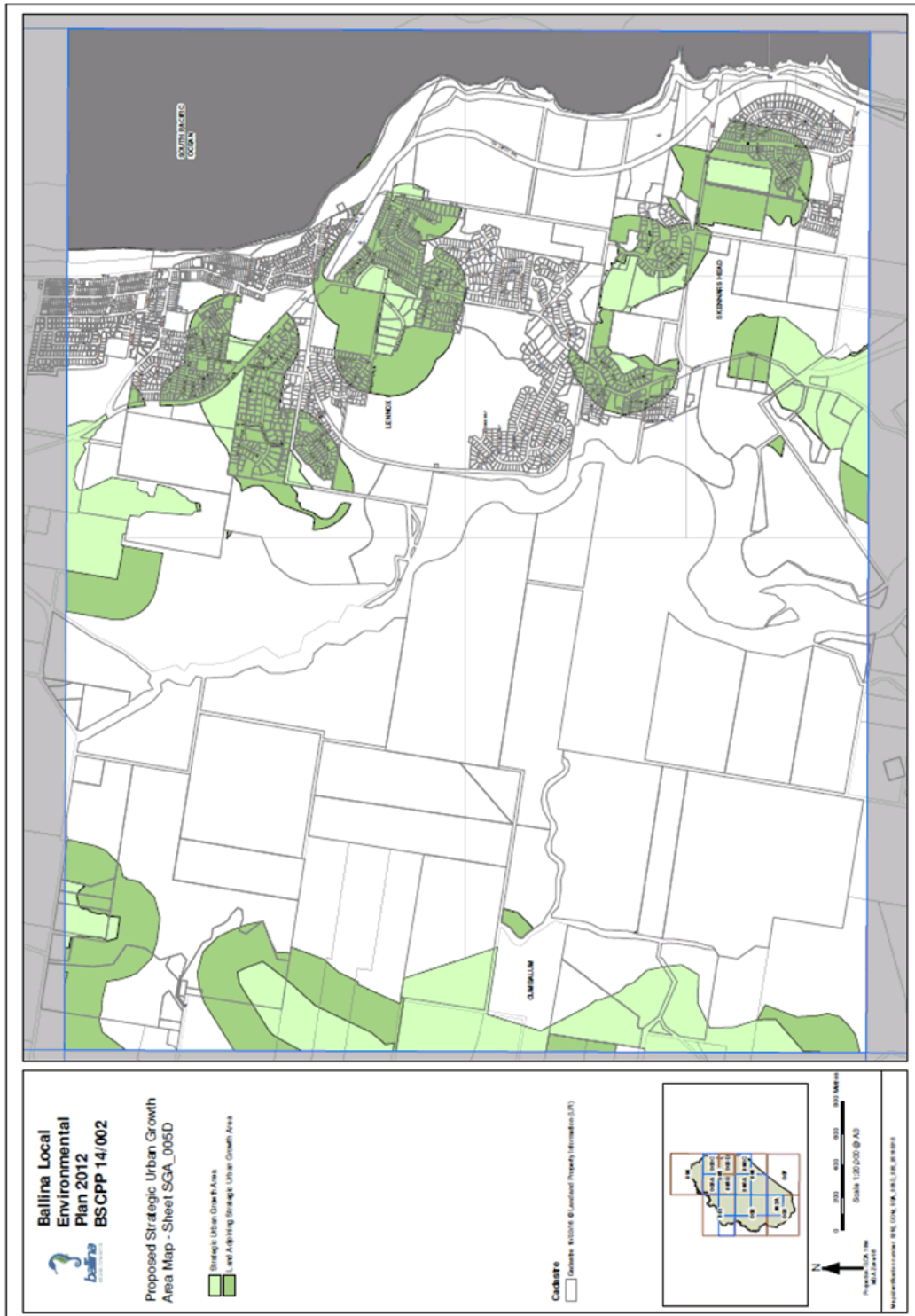
Map 7 – Current Lot Size Map Zoomed



Map 8– Proposed Lot Size Map Zoomed



Map 10 – Proposed Strategic Urban Growth Area Map



Map 11 – Current Dwelling Opportunity Reinstatement Map



PART 5 – COMMUNITY CONSULTATION

It is proposed that this planning proposal will be exhibited for a minimum period of 28 days in accordance with the terms of the *Environmental Planning and Assessment Act 1979*.

PART 6 – TIMELINE

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

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

*An opportunity is proposed to be provided to the OEH to review relevant documentation during the exhibition period. No additional consultation with Airport Authorities is considered to be required.

APPENDICES

Appendix A – Indicative Subdivision Layout Original and Current

Original Indicative Subdivision Layout Plan



Appendix B – Section 117 Direction Checklist

Section 117 Direction Checklist	
Planning Proposal Lot 1 and 2 DP 517111, North Creek Road 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	Inconsistent. However, the proposed rezoning is consistent with local and State government urban planning policy as the land is identified as a potential urban growth area in the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan. The land is located within the Lennox Head urban area and has limited agricultural production values. Determined to be justifiably inconsistent in Gateway determination dated 17 April 2014.
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	Inconsistent. The proposed rezoning and changes to minimum lot size standards for subdivision are consistent with local and State government urban planning policy as the land is identified as a potential urban growth area in the Far North Coast Regional Strategy, the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan. The land is located within the Lennox Head urban area and has limited agricultural production values. Having regard for the above, the proposed LEP amendment will not adversely impact on significant agricultural production on the land or in the immediate surrounds of the site through fragmentation or land use conflict. Determined to be justifiably inconsistent in Gateway determination dated 17 April 2014.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Consistent. Environmental Protection zones are not proposed due to deferral of E zones from the Ballina LEP 2012. Areas within the site having ecological value are not proposed to be rezoned for urban purposes. This provides flexibility to the landowner to pursue bio-banking or other offset arrangements at some future time.
2.2 Coastal Protection	Consistent. 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 considered as part of the preparation of an environmental study for the site, having regard for the characteristics of the land.
2.3 Heritage Conservation	Consistent. There are no known items of environmental or Aboriginal cultural heritage value on the land. Heritage values will, however, be further examined as part of the preparation of an environmental study for the land.
2.4 Recreation Vehicle Areas	Consistent. The proposed LEP amendment relates to provision of residential housing and does not involve development for the purpose of a recreational vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Consistent in so far as an E zone or an environmental overlay is not proposed to be introduced by this planning proposal.

3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>Consistent.</p> <p>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 is within the existing Lennox Head urban area.</p> <p>The proposal involves rezoning part of the site from rural land (RU1) to a residential zoning. The proposed R2 and R3 zones provide for a variety of permitted residential housing forms.</p> <p>The Ballina LEP 2012 include an existing provision (Clause 7.7) that requires that adequate servicing is in place, or suitable arrangements have been made for such servicing, before development proceeds.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>Consistent.</p> <p>Caravan parks are not permitted under the current RU1 zoning of the land.</p> <p>The planning proposal does not specifically relate to the provision of caravan parks or manufactured home estates.</p>
3.3 Home Occupations	<p>Consistent. Home occupations are permitted in the R2 and R3 residential zones under the Ballina LEP 2012.</p>
3.4 Integrated Land Use and Transport	<p>Consistent.</p> <p>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 considered as part of the preparation of an environmental study for the site, having regard for the characteristics of the land and the proposed land use.</p>
3.5 Development Near Licensed Aerodromes	<p>Consistent.</p> <p>Development of the subject land for residential purposes results in development that protrudes into the Obstacle Limitation Surface for the Ballina Byron Gateway Airport. The relevant Commonwealth agency and the operator of the Ballina Byron Gateway Airport have been consulted and have not raised objection to the future intrusion of development into the OSL. Refer Appendix F.</p> <p>The subject land is not affected by ANEF contours of 20 or greater.</p>
3.6 Shooting Ranges	<p>Does not apply to planning proposal.</p>
4. Hazard and Risk	
4.1 Acid Sulphate Soils	<p>Does not apply to planning proposal.</p>
4.2 Mine Subsidence and Unstable Land	<p>Consistent.</p> <p>The geotechnical assessment prepared by the proponent has indicated a very low to moderate risk of geotechnical instability across various potential hazard categories.</p>
4.3 Flood Prone Land	<p>Does not apply to planning proposal.</p>
4.4 Planning for Bushfire Protection	<p>Does not apply to planning proposal.</p>
5. Regional Planning	
5.1 Implementation of Regional Strategies	<p>Consistent.</p> <p>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 Local Growth Management Strategy and the Lennox Head Structure Plan.</p>
5.2 Sydney Drinking Water Catchments	<p>Does not apply to planning proposal.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Inconsistent.</p> <p>The subject land is identified as regionally significant farmland under the Northern Rivers Farmland Protection Project mapping. However, the subject land is identified as a proposed future urban release area under the Far North Coast Regional Strategy and is identified as a potential urban area under the Ballina Shire Growth Management Strategy and the Lennox Head Structure Plan.</p>
5.4 Commercial and Retail Development	<p>Does not apply to planning proposal.</p>

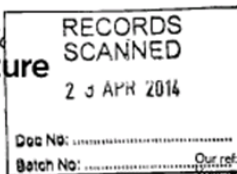
9.1 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head.DOC

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. No land associated with this planning proposal is proposed to be reserved for public purposes. No existing reservations for public purposes affect the site.
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 C – Gateway Determination, Correspondence and Alterations



Planning & Infrastructure



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

PP_2014_BALLI_003_00 (14/06414)
Reservoir Hill Site Lennox Head (14/20997)

Dear Mr Hickey

Planning proposal to amend Ballina Local Environmental Plan (2012)

I am writing in response to Council's letter dated 4 April 2014 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 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Land are of minor significance. No further approval is required in relation to these Directions.

While Council's request to rezone the land for residential purposes and retain the flexibility in the application of minimum lot size standards is supported your request to include the option to include environmental protection zones is not supported at this time. The agency is currently coordinating the 'Review of environmental zones and overlays in the Far North Coast', which reviews the application of environmental zones and overlays. Given the Review has not yet been completed, the application of environmental protection zones is not appropriate at this time and is to await the outcomes of the Review. Consequently the planning proposal is to be amended to remove reference to the environmental protection zones.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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.


The amending Local Environmental Plan (LEP) is to be finalised within 12 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 Planning and Infrastructure 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.

Northern Region 49 Victoria Street Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460
T: (02) 6641 6600 | F: 02 6641 6601 | E: northcoast@planning.nsw.gov.au | www.planning.nsw.gov.au

Should you have any queries in regard to this matter, I have arranged for Jenny Johnson of the Grafton regional office to assist you. Jenny can be contacted on (02) 6641 6614.

Yours sincerely

 17 April 2014
Stephen Murray
General Manager, Northern Region
Growth Planning and Delivery



Gateway Determination

Planning proposal (Agency Ref: PP_2014_BALLI_003_00): to rezone Lot 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes.

I, the General Manager, Northern Regional Team at 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 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes should proceed subject to the following conditions:

1. 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 (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 (Planning & Infrastructure 2013)*.
2. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. Office of Environment and Heritage 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.
3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *17* day of *April* 2014.


Stephen Murray
 General Manager, Northern Region
 Growth Planning and Delivery
 Planning and Infrastructure

 Delegate of the Minister for Planning
 and Infrastructure

Ballina PP_2014_BALLI_003_00(14/06414)



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_2014_BALLI_003_00	Planning proposal to rezone Lot 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes

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

Dated 17 April 2014


Stephen Murray
 General Manager, Northern Region
 Growth Planning and Delivery
 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_2014_BALLI_003_00
Date Sent to Department under s56	04/04/2014
Date considered at LEP Review Panel (if applicable)	Proposal considered by General Manager, Northern Region under delegation
Gateway determination date	17/04/2014

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		

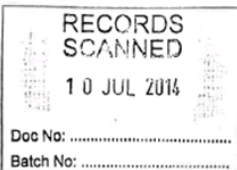
Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:



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



Our ref: 14/06414
Your ref: BSCPP 14/002

9 July 2014

Dear Mr Hickey

Revised Planning Proposal Reservoir Hill Site Lennox Head, PP_2014_BALLI_003_00

I refer to your request on the 26 June 2014 regarding the revised planning proposal for the Reservoir Hill site at Lennox Head PP_2014_BALLI_003_00. I apologise for the delay in replying.

Due to the Gateway determination of 17 April 2014 not actually stating a condition to remove all references to environmental zones and/or overlays, the Planning Proposal can proceed without amendment to the determination. The amendments made to the planning proposal are satisfactory and have clarified the issue of using environmental zones where none (at present) apply in the LEP.

The Act allows flexibility with planning proposals as Council can alter a planning proposal either before or after exhibition and/or prior to making of the plan. Alterations made prior to exhibition may require a revised Gateway determination. Alterations to a planning proposal are a suitable way to achieve more appropriate planning outcomes.

Council has stipulated that an environmental study is currently underway. If the environmental study evaluates the issue of using or replacing the RE1 Public Recreation zone for the sensitive area, identified in the PP and proposes an alternative zoning, the planning proposal will need to be altered and an amended Gateway determination issued.

Council is encouraged to determine these changes prior to exhibition (if possible) based on the issue that a change to a zone within the approved planning proposal may force re-exhibition of the proposal. This may ultimately impact on the time frame and expected completion date of the LEP.

If you have any further enquiries, please contact me on (02) 6641 6614.

Yours sincerely

Jenny Johnson
Planning Officer, Northern Region

Northern Region 49 Victoria St Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460
T: 02 6641 6600 | F: 02 6641 6601 | E: northcoast@planning.nsw.gov.au | www.planning.nsw.gov.au



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

Our ref: 14/06414

Attention: Klaus Kerzinger

Dear Mr Hickey

Planning Proposal PP_2014_BALLI_003_00 – Alteration of Gateway Determination

I refer to your email of 13 March 2015 seeking an extension of time to complete Planning Proposal PP_2014_BALLI_003_00 for Lot 1 DP 517111 North Creek Road, at Lennox Head.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 17 April 2014 for PP_2014_BALLI_003_00. The Alteration of the Gateway Determination is enclosed.

If you have any questions in relation to this matter, I have arranged for Ms Jenny Johnson to assist you. Ms Johnson can be contacted on (02) 6641 6614 (Tuesday to Friday).

Yours sincerely

 20 April 2015
Stephen Murray
General Manager, Northern Region
Planning Services

Encl:
Alteration to Gateway Determination

Northern Region 49 Victoria St Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460
T: 02 6641 6600 | F: 02 6641 6601 | E: northcoast@planning.nsw.gov.au | www.planning.nsw.gov.au



Alteration of Gateway Determination

Planning proposal (Department Ref: no: PP_2014_BALLI_003_00)

I, the General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 17 April 2014 for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Delete:

"condition 4" "The timeframe for completing the LEP is to be 12 months from the week following the Gateway determination".

and replace with:

a new condition 4 "The planning proposal is to be completed by 24 April 2016.

Dated 20th day of March 2015


Stephen Murray
General Manager, Northern Region
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

PP_2014_BALLI_003_00 (14/06414)



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



Our ref: 14/06414
Your ref: BSCPP 13/005

Attention: Klaus Kerzinger

Dear Mr Hickey


Planning Proposal PP_2014_BALLI_003_00 – Alteration of Gateway Determination

I refer to your letter of 10 March 2016 seeking an alteration and extension of time in relation to Planning Proposal PP_2014_BALLI_003_00 (as altered) for land at North Creek Road, Lennox Head.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 17 April 2014 for PP_2014_BALLI_003_00 (as altered). The Alteration of the Gateway Determination and amended Written Authorisation to Exercise Delegation are enclosed.

If you have any questions in relation to this matter, I have arranged for Mr Daniel Summerhayes to assist you. Mr Summerhayes can be contacted on (02) 6641 6614.

Yours sincerely


22 March 2016

Craig Diss
Acting Director Regions, Northern
Planning Services

Encl:
Alteration to Gateway Determination
Written Authorisation to Exercise Delegation

Northern Region 49 Victoria St Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460
T: 02 6641 6600 | F: 02 6641 6601 | E: northcoast@planning.nsw.gov.au | www.planning.nsw.gov.au



Alteration of Gateway Determination

Planning proposal (Department Ref: no: PP_2014_BALLI_003_00)

I, the Acting Director Regions, Northern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to alter the Gateway determination dated 17 April 2014 (as since altered) for the proposed amendment to the Ballina Local Environmental Plan 2012 as follows:

1. Change the description of the Planning Proposal:

from "...to rezone Lot 1 DP 517111 at North Creek Road, Lennox Head to low density residential, medium density residential and public recreation purposes should proceed subject to the following conditions:"

to "...to rezone part of Lot 1 and Lot 2 DP 517111, and sections of the adjoining road reserves, at North Creek Road, Lennox Head, to facilitate future residential development should proceed subject to the following conditions:"

2. Delete:

"condition [4]" "The planning proposal is to be completed by 24 April 2016."

and replace with:

a new condition [4] "The planning proposal is to be completed by 24 April 2017."

Dated 22 day of March 2016

A handwritten signature in black ink, appearing to be "Craig Diss".

Craig Diss
Acting Director Regions, Northern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

PP_2014_BALLI_003_00 (14/06414)



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ballina Shire Council is authorised to exercise the functions of the Minister for Planning 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_2014_BALLI_003_00	Planning proposal to amend the Ballina Local Environment Plan (LEP) 2012 to rezone part of Lot 1 and Lot 2 DP 517111, and sections of the adjoining road reserves, at North Creek Road, Lennox Head, to facilitate future residential development

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

Dated 22 March 2016

Craig Diss
A/Director Regions, Northern
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

PP_2014_BALLI_003_00 (14/06414)

Appendix D – Telstra Advice

From: O'Donnell, Tony [mailto:Tony.O'Donnell@team.telstra.com]
Sent: Wednesday, 30 July 2014 9:02 PM
Subject: RE: Enquiry regarding appropriate Telstra contact person - LENNOX HEAD Small Country Automatic EXchange (SCAX)

Dear Klaus,

Further to your enquiry, Telstra confirms its observations as outlined in my email of 24 July 2014 to you. In addition, Telstra further advises as follows:

There no plans to exit this site as the facility provides much needed telecommunication services to a large number of customers connected to the Lennox Head exchange;
Any changes to the site and surrounding roads should not restrict:
access to the site including access to the existing manholes and pits on the site and immediately surrounding the site,
the ability to install another equipment building on site;
the ability to augment Telstra's underground assets (eg install new conduits).

The attached plan is not clear as to how access to the Telstra site would occur in the future.

Thank you for inviting Telstra to review and comment on the Council proposal.

Kind regards,

Tony O'Donnell
Tenure Resolution Manager
Network Delivery Strategic Solutions
Network Delivery



P 02 8576 1642
M 0418 246 970
E Tony.O'Donnell@team.telstra.com
W www.telstra.com or internal [Networks Delivery](#)



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From: O'Donnell, Tony
Sent: Thursday, 24 July 2014 2:39 PM
To: 'Klaus Kerzinger'
Subject: RE: Enquiry regarding appropriate Telstra contact person - LENNOX HEAD Small Country Automatic EXchange (SCAX)

Dear Klaus,

Thank you for your email. I'll enquire internally with the relevant Telstra network planner.

However, in general, Telstra:

- Tends to remain for the long term where it has constructed its wireline network telephone exchanges;

Planning Proposal – April 2016
Reservoir Hill Site Lennox Head

45

9.1 **Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head.DOC**

- is reluctant to remove its telephone exchange facilities as this is a high cost (>\$1M) and resource intensive exercise with long lead times (2 – 3 years).

If a developer wants the Telstra site, then the developer can acquire the site, provide Telstra with an alternate site and pay for the full cost of relocating the exchange facility to the alternate site.

I'll revert back to you once this particular site has been reviewed.

Kind regards.

Tony O'Donnell
Tenure Resolution Manager
Network Delivery Strategic Solutions
Network Delivery



P 02 8576 1642
M 0418 246 970
E Tony.O'Donnell@team.telstra.com
W www.telstra.com or internal [Networks Delivery](#)



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Appendix E – Office of Environment and Heritage Advice



Your reference: 1277
Our reference: DOC14/127401
Contact: Marcy Mills 6659 8233

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

Attention: Mr Klaus Kerzinger

Dear Mr Hickey

Re: Planning Proposal BSCPP 14/002 – Reservoir Hill Site Lennox Head

Thank you for your letter of 10 July 2014 requesting comments from the NSW Office of Environment and Heritage (OEH) on the planning proposal for Lot 1 DP 517111, North Creek Road, Lennox Head in accordance with s56(2)(d) of the *Environmental Planning and Assessment Act 1979*. I appreciate the opportunity to provide input.

OEH understands that the planning proposal seeks to rezone the above land from RU1 Primary Production under the *Ballina Local Environmental Plan (LEP) 2012* to a mix of R3 Medium Density Residential, R2 Low Density Residential and RE1 Public Recreation zones under this Plan. The Far North Coast Regional Strategy identifies the subject site as a potential urban growth area. Prior to the *Ballina LEP 2012*, the land was zoned 1(d) Rural (Urban Investigation) under the *Ballina LEP 1987* and is identified as a strategic urban growth area under the Ballina Shire Growth Management Strategy 2013.

OEH has reviewed the planning proposal and associated documentation and detailed OEH comments are provided in Attachment 1 to this letter relating to the statutory responsibilities of OEH, which include Aboriginal cultural heritage, historic heritage, biodiversity values including threatened flora and fauna, OEH estate and potential impacts on flooding, coasts and estuaries.

On the basis of this review OEH recommends that further investigations are undertaken in relation to freshwater wetlands on coastal floodplains, Hairy Joint Grass and flood hazard, followed by the application of appropriate land use zones prior to the planning proposal being finalised.

If you require further information or clarification, or should Council be in possession of information that suggests that OEH's statutory interests may be affected, please contact Conservation Planning Officer, Ms Marcy Mills, on 6659 8233, or via email at marcelle.mills@environment.nsw.gov.au. Please note that Marcy works Thursdays and Fridays only.

Yours sincerely

 8 August 2014

Dimitri Young
Senior Team Leader Planning - North East Region
Regional Operations

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

Attachment 1: Detailed OEH Comments – Reservoir Hill Planning Proposal Lennox Head

Aboriginal Cultural Heritage

An important component of the environmental assessment process undertaken in support of planning proposals is the consideration of potential impacts to Aboriginal cultural heritage values. The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the *National Parks and Wildlife Act 1974* (NPW Act).

The NPW Act clearly establishes that Aboriginal objects and places are protected and may not be damaged, defaced or disturbed without appropriate authorisation. Importantly, approvals under Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) do not absolve the proponent of their obligations under the NPW Act.

As part of any planning proposal, it is critical that tangible and intangible Aboriginal cultural heritage values are fully assessed and considered. Planning proposals provide opportunities to reduce future impacts to Aboriginal cultural heritage by ensuring that appropriate land use zones are applied where important Aboriginal cultural heritage values exist.

OEH's preference is to avoid impacting Aboriginal cultural heritage values and to ensure that appropriate long term protection mechanisms are in place in perpetuity.

The Aboriginal Cultural Heritage Assessment prepared by Everick Heritage Consultants Pty Ltd (2013) provided as supporting documentation to the planning proposal, has been reviewed by OEH.

The results of the field assessment of the subject site undertaken on 13 October 2010, which did not identify any evidence of Aboriginal occupation, are noted. It is also noted that an appropriate analysis of the Aboriginal cultural heritage values of the subject site has been undertaken as part of the Aboriginal cultural heritage assessment.

In light of the above, OEH is satisfied that there are no known Aboriginal cultural heritage constraints to the planning proposal.

Biodiversity

Freshwater Wetlands on Coastal Floodplains of the NSW North Coast

OEH has reviewed the flora and fauna assessment prepared by JWA Pty Ltd Ecological Consultants (May 2013) provided as supporting documentation to the planning proposal.

The assessment has identified four vegetation communities on the subject site, including Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, which is listed as an endangered ecological community (EEC) under the *Threatened Species Conservation Act 1995*; and wet grassland / sedgeland, which comprises species that are representative of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast.

The flora and fauna assessment concludes that the location, extent and condition of the EEC within the wet grassland/sedgeland vegetation community may cover a larger area of the site than currently mapped. A site inspection undertaken by OEH on 25 July 2014 and a review of OEH data also indicates that the EEC may have been under-represented in the documentation supporting the planning proposal.

Whilst the planning proposal intends to retain a portion of the floodplain EEC on land zoned RE1 Public Recreation under the *Ballina LEP 2012*, OEH's preference is for the full extent of the EEC to be retained on land zoned E2 Environmental Conservation or E3 Environmental Management, as such zones afford better protection for area of high biodiversity values.

Attachment 1: Detailed OEH Comments -- Reservoir Hill Planning Proposal Lennox Head

Where impacts cannot be avoided or mitigated, appropriate offsets should be provided in accordance with those required by the BioBanking Assessment Methodology. OEH does not support translocation as an appropriate offset as there is no guarantee of a successful outcome. Hence, threatened species proposed for translocation must be treated as a 'loss' and appropriately offset.

The planning proposal investigations should also ensure that the final land use zones enable the provision of any required bush fire asset protection zones on land zoned for residential purposes without encroaching on any land containing threatened species.

OEH also recommends that where Hairy Joint Grass is retained on the site, the land is dedicated to Council via a voluntary planning agreement for retention in public ownership in perpetuity.

OEH comments above regarding the E zone review also pertain to Hairy Joint Grass.

OEH Estate

Ballina Nature Reserve lies approximately 1km to the west of the subject site.

The planning proposal should adequately demonstrate that the rezoning of the land for residential purposes (and subsequent residential development) will not result in any direct or indirect impacts on this reserve, including subsurface and groundwater flows.

Flooding, Coasts and Estuaries

According to the planning proposal prepared by Ballina Shire Council, the subject site is not flood prone. However, due to the presence of the floodplain EEC on the subject site it is recommended that site specific flood investigations are undertaken to determine the extent of the site at or below the flood planning level.

Recommendation

On this basis, OEH recommends that further investigations are undertaken in relation to freshwater wetlands on coastal floodplains, Hairy Joint Grass and flood hazard, followed by the application of appropriate land use zones prior to the planning proposal being supported.

Appendix F – Airport Authority Advice

Ballina Byron Gateway Airport

From: Graeme Gordon [mailto:graemeg@ballina.nsw.gov.au]

Sent: Tuesday, 12 August 2014 4:33 PM

Subject: FW: OSL Encroachment Consultation

Hello Klaus,

Refer to attachments regarding a planning proposal at North Creek Road, Lennox Head.

My assessment of this proposal against the Obstacle Limitation Surface (OLS) for Ballina Aerodrome, as follows:

- A. The subject land being Lot 1 DP 517111 is approximately bounded by the following Co-ordinates (MGA94 Zone 56):

North West corner -	E 557,494.8	N 6,813,862.7
North East corner -	E 557,817	N 6,813,808.7
South East corner -	E 557,825.3	N 6,813,419.9
South West corner -	E 557,430.3	N 6,813,486.9
- B. The natural ground level of the subject land is at an elevation between 13m and 59m AHD.
- C. Part of the proposed development will penetrate the Inner Horizontal Surface, which for Ballina Aerodrome is set at RL 46.5 metres AHD.
- D. The natural ground level of the subject land at the highest point, penetrates the OLS by 12.5 metres.
- E. Including the 8.5m maximum permitted dwelling height there is the propensity for development at the highest point on the subject land to infringe the OLS by 21metres.
- F. The subject land is shielded by higher surrounding residential development and natural terrain to the immediate east including the Lennox escarpment to a height of approx. 73 metres AHD (infringing the OLS by 26.5 metres).
An existing Aerodrome Obstacle Light is located approx. 1km to the south on North Creek Road.

As mentioned by CASA Inspector Mr Danny Eatock, a further assessment of this development by Airservices Australia against Aircraft Operations (PANS OPS) surfaces, including any Required Navigational Performance (RNP) procedures will be required. A contact at Airservices Aust in this regard would be:

Carly Fiumara
Airport Development Assistant
Corporate & Industry Affairs
Phone: +61 02 6268 4725
Email : carly.fiumara@airservicesaustralia.com

Regards

Graeme Gordon
Airport Operations Manager
Ballina Byron Gateway Airport

Airservices Australia

From: Airport Developments [mailto:Airport.Developments@AirservicesAustralia.com]
Sent: Wednesday, 17 September 2014 10:24 AM
Subject: AIRSERVICES RESPONSE: Consultation regarding OLS impact issue for Ballina Byron Gateway Airport (BNA-MA-006)

Hi Klaus,

I refer to your request for Airservices assessment of a future housing development to be located at Lennox Head, NSW.

With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Document 9905, at a maximum height of 67.5m (222ft) AHD the housing development will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Ballina aerodrome nor will it adversely impact the performance of any Airservices Precision/Non-Precision Nav Aids, HF/VHF Comms, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links.

Note: procedures not designed by Airservices at Ballina aerodrome were not considered in this assessment.

Kind regards

Carly

Carly Fiumara

Airport Development Assistant
Corporate & Industry Affairs
☎ +61 02 6268 4725
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Civil Aviation Safety Authority



Australian Government
Civil Aviation Safety Authority

AIRSPACE AND AERODROME REGULATION
File Ref: EF12/10657-5

06/11/2014

Mr Klaus Kerzinger
Strategic Planner
Strategic & Community Facilities Group
PO Box 450
BALLINA
NSW 2478

email: klausk@ballina.nsw.gov.au

Dear Klaus

Re: Ballina-Gateway Airport – OLS consultation – Lot 1 DP 517111, North Creek Road, Lennox Head.

I refer to the correspondence dated the 25th of July 2014, requesting CASA's assessment of the development planning proposal at North Creek Road, Lennox Head.

CASA has assessed the proposed development; the assessment included the consideration of comments from Airservices and CASA Flying Operations.

As notified by Council the property development to the nominated maximum height of 67.5 m Australian Height Datum (AHD) will be a penetration of the Ballina/Byron Gateway aerodrome's Obstacle Limitation Surfaces (OLS) of 48 m and at this height the development at its highest point will infringe the inner horizontal surface by 19.5 m.

CASA has determined that these structures would normally be classified as hazardous objects under regulation 139.370(1) of the *Civil Aviation Safety Regulations 1998* because of its height, location and lack of obstacle lighting.

However the proposed property development is surrounded by existing developments which at night are lit, as will the future proposal, and therefore would provide visual indication of the height of the area.

The area is also supported by a nearby existing obstacle lighting, and therefore CASA believes that no further obstacle lighting is required.

However Council could consider as part of your own safety and risk management approach that the existing water tower could be used to identify the height, location of the developments and existing terrain OLS infringements by:

- I. Installing a low intensity steady red lighting at night as per Section 9.4 of the MOS. Characteristics for low intensity lights are stated in subsection 9.4. 6 (http://www.comlaw.gov.au/Details/F2012C00280/Html/Volume_2;
- II. The obstacle lighting should be maintained in serviceable condition and any outage immediately reported to the aerodrome Ballina/Gateway aerodrome operator, and.

If obstacle lighting is undertaken as suggested above, then in accordance with regulation 139.350(1) of the *CASR 1998* and subsection 7.1.4 and 9.4.10 of the Manual of Standards – Part 139 Aerodromes, Ballina/Byron Gateway Aerodrome is to monitor the ongoing availability of the obstacle lighting.

GPO Box 2005 Canberra ACT 2601 Telephone 131 757
Canberra, Brisbane, Darwin, Cairns, Townsville, Tamworth, Sydney, Melbourne, Adelaide, Perth

For detailed requirements for the monitoring of obstacle lights within the aerodrome's OLS refer to subsection 9.4.10 of MOS Part 139.

Yours sincerely,



Danny Eatock
Aerodrome Inspector
Brisbane Office

Appendix G – Document Review and Gap Analysis Report

Under Separate Cover

Planning Proposal – April 2016
Reservoir Hill Site Lennox Head

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Appendix H – Proponent's Additional Ecological Information



ABN: 63 131 799 641
118 Beacon Rd
Teven NSW 2478
Mob: 0427 628 847
Email: melissa.vanzwieten@exemail.com.au

Date: 21st September 2015

To: Tony Hart

Northern Rivers Surveying Pty Ltd
76 Tamar Street
BALLINA NSW 2478

Dear Tony,

Re: Additional Information Regarding Hairy Joint Grass and the Freshwater Wetlands Endangered Ecological Community at Lot 1 DP517111, 20 North Creek Rd, Lennox Head and proposed Subdivision Proposal

Melaleuca Group Pty Ltd has been engaged by Northern Rivers Surveying on behalf of the proponents to provide independent environmental advice in regard to the potential of an area of the site constituting the Freshwater Wetlands Endangered Ecological Community (EEC). In addition, Melaleuca Group was engaged to review the extent of Hairy Joint Grass (*Arthraxon hispidus*) located on the site and subsequent reporting. A report was provided (dated 28th May 2015) which concluded that the wetland did have a number of elements consistent with the Freshwater Wetland EEC and despite the soils and geological features of the site, the wetland under the precautionary principle should be retained.

A meeting held at Council on 31st August 2015 raised some matters which included a request by Council for some additional advice to Stormwater Detention, Hydrology, Wetland calculations and locations of Hairy Joint Grass compensatory habitat.

The following additional information is provided to address matters raised.

Stormwater and Hydrology

Further design and calculations have been undertaken and two additional areas have been identified to incorporate stormwater detention for the subdivision proposal (Attachment A). It is understood a series of stormwater bioretention basins will be contained within Lots 101, 102 and 104. Based on preliminary calculations, flows from the bioretention basins on Lots 101 and 102 will provide the required environmental flows to recharge the wetland area.

Wetland calculations

During site investigations by Melaleuca Group, it was found that the core area identified by JWA 2013 was considered, in general, consistent with elements of the Freshwater Wetland EEC. As previously discussed (above and in Melaleuca Group May 2015), the soils and geological attributes of the site does not truly meet the definition of the EEC. This is, due to a broad definition by the Scientific Committee, this EEC occurs on "silt, muds or humic loams" and is "associated with coastal floodplains". In this instance, the soils of the site could be considered 'muds' due to the high level of water/moisture within the wetland area and the site could be considered 'associated' with the floodplain despite the alluvial soils typical of a floodplain being located approximately 560m to the south-west due to water flows to the alluvial floodplain. The precautionary principle has been adopted in this instance due predominantly to the species diversity at the site and the relative condition of the wetland despite the presence of cattle at the site. That is, even though the wetland is generally degraded and its low to moderate conservation value (Blackwood 2014; Melaleuca Group May 2015), it is considered the wetland should be retained and managed.

During previous site investigations, some assessment on appropriate management options was undertaken. For example, removal of cattle will greatly improve the condition of the wetland due to a reduction of 'pugging', grazing of native species and reduction in weed introduction (e.g. through feed). During site investigations it was found the margins and, in particular, the 'fingers' of the wetland were highly degraded due to the impacts of cattle and invasion of exotic *Paspalum* spp. In addition, it was considered a relatively convoluted edge would be difficult to manage. A number of slightly elevated areas were identified adjacent to the main core. As such, these combined elements lead to a design that would retract narrow bands of highly degraded wetland to be replaced (at 1:2 ratio) by areas that would lead to an increase of the core area in a manner that would be more easily managed and maintained and lead to a better environmental outcome.

A GIS software program was used to compare a number of options using contour lines, on-ground features, consideration of engineering requirements and the like to establish the best outcome for the wetland.

Calculations could be summarised as follows:

- Original wetland area identified by JWA 2013 (i.e. honeycomb hatch): 9,400m² (approx);
- Area of reduction in "fingers" (being the best of various solutions): 2,700m² (approx) (that is: 5,400m² required for replacement);
- Area re-acquired to compensate for reduction of "fingers", in favour of 1:2 replacement ratio = 5,700m² (approx);
- Total area for new proposed wetland (which mimics the terrain contour) = 1.23 ha (approx) (i.e., 9,400 - 2,700 + 5,600 = 12,300). Thus, 2,000m² greater than original area);
- Final area of wetland reserve to suit engineering design layout = 1.23 ha (approx) (Attachment A).

Please refer to Figure 1.

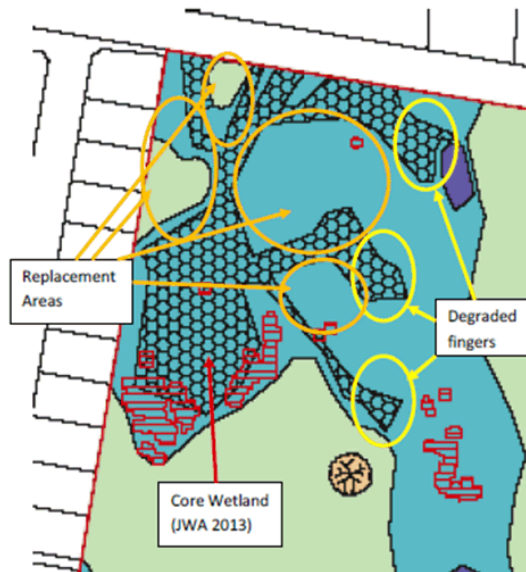


Figure 1. Wetland core area and areas for loss and compensation.

Hairy Joint Grass Compensation Areas

The compensatory and translocation area proposed by JWA (2013) measures approximately 9,900m². Approximately 3,900m² lies within the proposed Wetlands Reserve and covers the same area as that identified by JWA (2013) (Attachment A). No alterations to this area are proposed. The remaining compensatory area (6,000m²) can be located around the edges of the wetland and around the edges of the bioretention basins. An example layout of the compensatory areas is shown on Attachment A. Final locations of Hairy Joint Grass translocation areas will be designed in conjunction with the final designs of the bioretention basins and the final landscaping requirements of any remaining areas within Lots 101 to 104. Given hydrology is of primary importance to this species, numerous areas will be available in the vicinity of the existing wetland and adjacent to the proposed (numerous) bioretention basins. That is, this species is better suited on the edges and slightly upslope of the wet areas which corresponds to better areas of each of these areas.

Conclusion

It is considered appropriate areas are available on the site for the design of stormwater detention and treatment for the subdivision. Additionally, these designs allow for the provision of required environmental flows to the wetland.

Considerable effort has been undertaken to balance the loss of highly degraded wetland areas in lieu of establishing areas of wetland that would provide greater environmental benefit while also allowing for some ease to management to the area.

Similarly, Hairy Joint Grass compensatory areas can be established across a broad area of the site in conjunction with proposed wetland management and with the design(s) of stormwater bioretention basins.

Thus, it is our considered view that the loss of degraded wetland areas and the proposed Hairy Joint Grass compensation areas will adequately enhance the environmental features at the site.

If any further information is required or issues require clarification, please do not hesitate to contact the undersigned.

Yours faithfully,
Melaleuca Group



.....
Dr. Melissa Van Zwieten
Senior Environmental Scientist
Attachments:

A. Proposed Subdivision Layout

9.1 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head.DOC



Planning Proposal – April 2016
 Reservoir Hill Site Lennox Head

Appendix I – Proponent’s Stormwater Treatment Report



HAMMOND & ASSOCIATES PTY LTD
 5/61 Centennial Circuit (PO Box 362) Byron Bay NSW 2481
 Tel: 02 6680 7510 Fax: 02 6680 7560 Mb: 0402 755 770
 bruce@hammondassoc.com.au www.hammondassoc.com.au
 ABN: 81 130 428 732

08/10/2015

Northern Rivers Land Surveying
 Tamar St
 Ballina NSW

Dear Sir

Re: Stormwater Treatment – Proposed Rezoning for Subdivision – Lot 1 DP517111

Existing Site Catchments

The existing site is contained within two (2) distinct larger catchments northern (A1) and southern (A2) as shown attached. Both catchments A1 & A2 extend outside of the subject property.

The existing northern A1 catchment measures approx. 12.6 Ha and drains to the freshwater wetland. The southern catchment A2 measures approx. 18.6 Ha and drains through the second order water course.

Proposed Development

The proposed rezoning for the subdivision is conceptually shown on NRS plan 15007-02 issue K as attached.

Development works will slightly modify the catchments due to subdivision road works however all effort will be made during detailed design to match the existing catchment areas. It is expected that the variation in catchment areas will be less than 0.5Ha.

In order to provide the required quality and quantity stormwater controls it is proposed to treat the sites northern and southern catchments as per below.

Site Northern Catchment

The subdivision road and drainage network will be designed in a manner that splits the northern catchment into two (2) further sub catchments. Preliminary design has catchments measuring approximately 3.9Ha and 3.4Ha that drain to the northern and southern ends of the proposed wetland. See NRS drawing 15007-02(K). Each of these sub-catchments will be treated using bio retention basins designed in accordance with the South Queensland WSUD Technical Design Guidelines.

Water quality treatment measures to be achieved for waters entering the wetlands are 80% TSS load reduction, 60% TP load reduction and 45% TN reduction. For concept design purposes the WSUD guidelines (Fig 5.3, 5.4 & 5.5) nominate the required available basin filter media area for each of these load reduction measures as 1.5%, 1.0% and 5.0% of catchment area respectively.

CATCHMENT	TSS (1.5%)	TP (1.0%)	TN (5.0%)
3.9 Ha	585 m ²	390 m ²	1950 m ²
3.4 Ha	510 m ²	340 m ²	1700 m ²

Table of Required filtration Areas

It should be noted that for TN reduction in each catchment, achieving 40% reduction requires only 2.5% of catchment area (approx. 900 m²) compared with 5.0% of area for 45% reduction. There is only a marginal gain in TN reduction for a doubling of the filter area.

The areas proposed for bio retention treatment are 2700m² for each of these sub catchments. Based on these available areas the necessary bio retention structures can be built in order to achieve suitable water quality treatment to ensure the wetlands are not damaged.

BH15145 Hydrology Water Quality & Quantity Controls



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The proposed bio retention basins on Lots 101 & 102 will allow the capture, treatment and then release of all stormwaters entering into the proposed wetland. Catchment stormwaters are not

being diverted away from the wetlands but are merely being filtered prior to release. In this way the quantity of flow into the wetland will not be substantially changed thus ensuring the integrity of the wetland is not compromised.

Detention and slow release of the stormwater so as to not increase flow rates entering the wetlands will also be achieved by utilising the bio retention basins. In order to do preliminary calculations of required storage volumes both BASHA & BOYD equations were used. BOYD provides the most conservative estimates of required storage volumes. Calculations for both are attached and summarised below.

CATCHMENT	BASHA (m3)	BOYD (m3)
3.9 Ha	805	1140
3.4 Ha	702	994

Table of required storage volumes

These indicate that on average approximately 1000m3 of storage is required in each bio retention basin. If 20% void storage is available within the 600mm deep bio retention filter medium and 800mm depth of storage above the medium then approximately 1400m2 of basin is required for each catchment. The 2700m2 of designated space for each catchment provides a suitable land area to construct these basins.

In summary, 2700m2 of available area is sufficient to construct bio retention basins that can provide the necessary filtration areas and storage volumes for each of these catchments.

Site Southern Catchment

The sites southern catchment of 6.8 Ha is part of a larger catchment (A2) as shown on the Hammond Assoc. drawing. It is proposed to maintain and enhance the existing second order water course through this catchment. The water course has an area of 1.7 Ha and the proposed developed catchment an area of 4.9 Ha.

The proposed subdivisions drainage network will provide inflows into the water course at various points along its reach as shown on 15007-02. By utilising gross sediment traps at the ends of the pipe discharges into the water course and the 300m of overland flow length along the water course, a treatment train approach can be utilised to provide the required water quality treatment for flows from the development.

A series of cascading weirs and detention structures will be provided along the water course to slow the flow of water from the developed 4.9Ha and together with suitable planting will create a natural stream environment.

Using BASHA and BOYD equations, a conservative estimate of the total detention volume required for quantity control is 1433m3. This detention volume can be achieved within the cascading weirs together with a detention pond at the lower end of the water course.

The hydrology assessment provided above details the methods in which the subdivision development can be undertaken in a manner that incorporates best practice Water Sensitive Urban Design. It pays particular attention to providing sustainable flows into the wetlands and not adversely affecting downstream infrastructure.

Bruce Hammond BE (Civil); MIE (Aust); RPEQ(8781)
 Civil/structural engineer

BH15145 Hydrology Water Quality & Quantity Controls



 HAMMOND & ASSOCIATES CIVIL & STRUCTURAL ENGINEERS Telephone: 02 6690 7510 Facsimile: 02 6690 7560 e-mail: info@hammondassoc.com.au ABN: 81 130 428 732	Project: PROPOSED REZONING LOT 1 DP517111 NORTH CREEK ROAD, LENNOX HEAD		
	Client: CREDIT CONNECT CAPITAL		
Scale at A4 1:2000	Cad File No. BH15145-SW-5K01	Title EXISTING STORMWATER CATCHMENT	No. S1 OF 1

Appendix J – Peer Review: Stormwater

Greg Alderson & Associates
Chartered Professional Engineers and Scientists

civil / structural / environmental / traffic / acoustics



PEER REVIEW: STORMWATER
For
RESERVOIR HILL REZONING PROPOSAL

Lot 1 DP517111,
20 North Creek Road, Lennox Head

For
Mike Svikis Planning and Ballina Shire Council

Copyright 2014 Greg Alderson & Associates

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Planning Proposal – April 2016
Reservoir Hill Site Lennox Head

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Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

DOCUMENT CONTROL SHEET

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Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

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FIGURE 1: SITE LOCATION PLAN 5

Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

1 INTRODUCTION

Greg Alderson and Associates have been commissioned by Mike Svikis Planning on behalf of Ballina Shire Council to provide a peer review of the resubmitted rezoning documentation supplied by the applicants for rezoning of Reservoir Hill. Specifically this review covers stormwater matters.

The **purpose** of this report is to:

- Document the information reviewed
- Consider the proponents methodology against relevant standards
- Identify any information gaps and deficiencies
- Recommend amendments to the technical reports (where required)
- Recommend alternative options for the development site to facilitate rezoning.

The findings of this report will be used as inputs for Mike Svikis Planning to further consider the suitability of the site for the proposed zone regime and identify and recommend zoning outcomes and development standards for the land under Council's Standard Instrument LEP.

1.1 Background

TGM Group Pty Ltd submitted a rezoning request to Ballina Shire Council for residential development of the Reservoir Hill site which was first considered by Council in August 2013. Council prepared a planning proposal and resolved to forward the proposal to the Department of Planning and Environment for Gateway determination. Approval to proceed was received on 17 April 2014; however Council did not fully support the concept plan in the form submitted.

Greg Alderson and Associates undertook a peer review of the original submission (TGM, 2013) with respect to Stormwater, Noise and Traffic matters. The Peer Review report was accepted by Council and submitted to the applicant in order to address identified gaps and deficiencies.

1.2 Site description

The site, known as the Reservoir Hill site and shown below in Figure 1, is approximately 15 hectares and is described as Lot 1 DP517111 North Creek Road, Lennox Head. The site is bounded by road reserve to the north (future Hutley Drive extension), Henderson Lane to the south, North Creek Road to the east and the Meadows residential estate to the south. The Lennox Head water reservoir is contained in a separate allotment fronting North Creek Road.

The site has been cleared and predominantly used for cattle grazing. A natural water course runs from the southeast corner of the site to the mid-western boundary. There is also a low lying wetland located in the North West portion of the site.

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Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

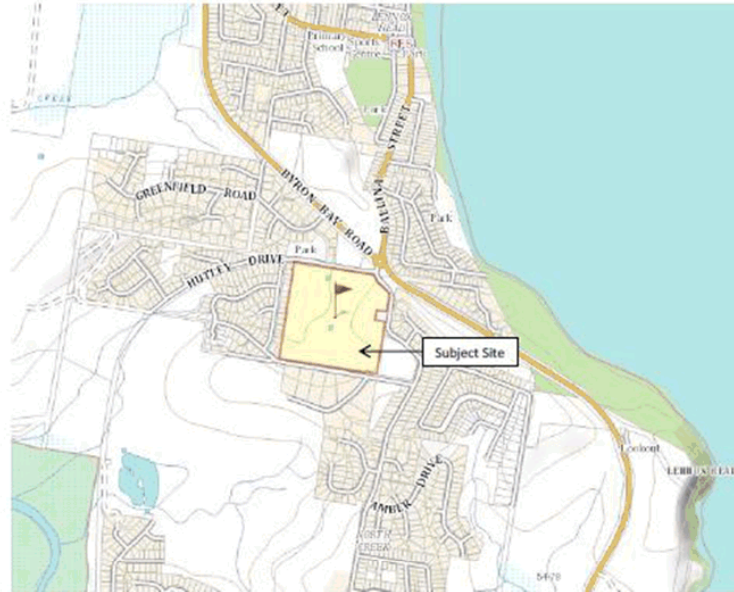


Figure 1: Site location plan
(Source: NSW LPI, 2014)

1.2.1 Land Zoning

The amendment as proposed by the landowner (proponent) involves the rezoning of the land from RU1 Primary Production to enable residential development on the site via a mix of R3 Medium Density Residential zone and R2 Low Density Residential zonings along with an RE1 Public Recreation zone in the north western part of the site.

1.3 Development description

The revised residential subdivision proposal shown on NRS Plan 15007-02 issue K is for 94 conventional residential allotments that range from 600 to 1159m². Five medium density lots ranging from 1867 to 8346m² are also proposed.

The proposal includes a wetlands reserve of 1.23 hectares, two bio-retention areas of 2700m² each (incorporating detention) and a 1.7ha drainage reserve over the southern water course ultimately connecting to the drainage network for the Meadows estate to the west. The southern drainage reserve is proposed to incorporate detention, stormwater and bio-retention basins. It is proposed to incorporate peripheral retention planting of Hairy Joint Grass in these areas, some of which is proposed to be removed within the lower slopes of the western portion of the land.

Following the initial peer review, the proposal includes the revised alignment of North Creek Road to the west of the existing reservoir and a roundabout to connect North Creek Road and Hutley Drive

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Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

to the existing Coast Road roundabout. The northern end of existing North Creek road would be closed and subject to a Voluntary Planning Agreement (VPA).

2 STORMWATER

2.1 Documents reviewed

- Hammond and Associates letter to Northern Rivers Surveying (NRS); *Stormwater Treatment – Proposed Rezoning for Subdivision – Lot 1 DP517111*, dated 8 October 2015.
- Melaleuca Group Pty Ltd letter to NRS; *Additional Information Regarding Hairy Joint Grass and Freshwater Wetlands Endangered Ecological Community at Lot 1 DP517111, 20 North Creek Road, Lennox Head and proposed Subdivision Proposal*, dated 21 September 2015.
- NRS Plan Showing Proposed Subdivision of Lot 1 in DP517111, dwg 15007-02 issue K, dated 24 September 2015.

2.2 Existing Site Catchments

The catchments defined by Hammond and Associates have been reduced compared with the original submission by TGM. The primary change is removal of the majority of the catchment to the east of North Creek Road and north of the Coast Road which results in a total catchment of 31.2 hectares (compared with 41 ha in the TGM report).

The southern boundary of Catchment A2 has not quite picked up the extent of the ridge line and should extend approximately 50m further south. It is our opinion that catchment A2 should be closer to 20.7 hectares. Apart from this, the change in catchment definition is considered reasonable on the basis that North Creek Road and the Coast Road have the capacity to convey 100 year storm flows. The upstream street drainage system arrangement and catchment boundary needs to be confirmed prior to development application submission.

2.3 Proposed Development

The subdivision layout has been conceptually shown on NRS plan 15007-02 Issue K. The subdivision layout seeks to maintain the catchment boundaries as close as possible to the existing scenario.

The layout addresses first round peer review comments regarding buffers to the southern water course per NSW Office of Water, July 2012, *Guidelines for riparian corridors on waterfront land*. It is noted that the 20m buffer is compromised in the location of Lot 63; however the overall width of 40m is achieved.

2.4 Detention

2.4.1 Southern Catchment

The southern catchment is proposed to drain via gross pollutant traps (GPT's) directly to the southern water course which discharges to the southern culvert under the Meadows estate. It is proposed that detention be provided by a series of weirs/detention structures along the water

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Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

course. The riparian guidelines (NSW OEH, 2012) allow stormwater detention within the riparian vegetation zone and on-line for first and second order streams, subject to Controlled Activity Approval under the Water Management Act. Therefore this approach is considered feasible provided consultation is undertaken with the NSW Office of Water before lodgement of the development application.

Hammond and Associates have estimated 1430m³ detention volume is required for the southern catchment of 4.9 hectares. This temporary storage volume is considered achievable through the use of multiple temporary storages along the length of the watercourse.

2.4.2 Northern Catchment

The northern catchment so named because it drains to the existing northern culvert, has been split into two sub catchments of 3.4ha (central) and 3.9ha (north) respectively. Stormwater detention is proposed to be provided within the area nominated for two bio retention basins. Hammond and Associates have estimated approximately 1000m³ of detention storage is required for each sub catchment equivalent to approximately 1400m² of surface area within the 2700m² bioretention area provided.

As a ‘rule of thumb’, we understand Council is in agreement that for a greenfield site such as this an area of 4% of catchment can generally provide a basin with volume adequate to attenuate the full range of ARI’s from pre to post development; however it does not necessarily apply to a circumstance which is limited to capacity of the downstream network. Although detention areas reported are slightly under 4%, the bio-retention areas available are larger than 4% and as such it is considered adequate area has been set aside that could be used for additional detention (if deemed necessary by future modelling). A comparison of the detention areas nominated versus 4% of the developed site area is shown below.

Table 1 Comparison of Bio-retention/detention areas

Discharge point	Internal Catchment	Area (ha)	Bio-retention area provided (m ²)	Detention area nominated (m ²)	4% of developed catchment (m ²)
Northern culvert	North	3.9	2700	1400	1560
	Central	3.4	2700	1400	1360
Southern culvert	South	4.9	2700*	1430	1960
	Total	12.2	8100	4230	4880

* not specified by Hammond but proposed drainage reserve is 1.7ha, therefore 2700m² could be available.

2.4.3 Methodology

The Hammond and Associates methodology does not consider external contributing catchments in the detention calculations but rather focuses on the increase in impervious area within the subject site only (residential land and roads).

The preliminary sizing of basins was conducted using the methodology from the Queensland Urban Drainage Manual (2007, Section 5.05). ‘Boyd’ and ‘Basha’ modified rational methods were adopted. The assessment sought to address storm durations from 6 minutes to 3 hours which is the range Council’s DCP requires to be considered for detention calculations.

Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

However, the modified rational method is an empirical storage calculation which is intended to target only one specific storm or one specific ARI, as opposed to a range of durations and ARI's which is taken into account with modelling. Nevertheless, the areas nominated are approximately equivalent to 4% of the developed catchment area.

Council has previously given a direction that their preference is for the use of dry basins due to the benefit of reducing mosquito impacts and the potential maintenance burden. The bio retention basin proposal which is proposed to incorporate detention could be configured to be able to drain within 48 hours and potentially could be built with a grass substrate that is able to be mown. Due to void storage and necessary cross fall longitudinally along the basin, careful consideration will need to be given to western lot and road levels to ensure discharge invert levels can be achieved to the wetland at the development application phase.

2.4.4 Downstream system

The site currently drains via two piped outlets under the Meadows Estate. The assessment does not include a hydraulic assessment of the capacity of the downstream system. There should be some assessment made as to whether the existing system is capable of catering for the proposed drainage scheme. Specifically, the design criteria for minor system design (5yr ARI) needs to be contained within the downstream, piped drainage system and the major system design (100yr ARI) needs to be safely conveyed through the urban area along designated overland flow paths (Refer to Northern Rivers Design Specifications – D5 and D10).

If the existing downstream network is restrictive to discharge from the developed site, then additional throttling back and therefore additional detention area would be required.

2.5 Council network model

Council has indicated their intention to include the subject site in a larger network model. This site is a priority area that is yet to be assessed.

It is recommended that this modelling consider any historic complaints data and whether there is any additional capacity within the existing downstream detention basin for the Meadows Estate. It is unknown what parameters were used to size the Meadows detention basin and it may be that allowance has already been made (at least in part) for upstream catchments. It is noted that the Meadows Estate is approximately 12 hectares, whilst the detention basin is approximately 1.2 hectares (i.e. 10% of estate catchment).

2.6 Water quality

Hammond and Associates have made reference to *the South Queensland WSUD Technical Design Guidelines* to estimate water quality treatment measures. They have demonstrated that the areas provided for bio-retention are greater than that required to achieve the preliminary load reduction measures for TSS, TP and TN.

2.7 Ecological impacts

With reference to Figure 2, Blackwood Ecological, and Figure 1, Melaleuca Group Pty Ltd, the following comments are made:

- The northern end of the proposed Lot 101 bio-retention basin is directly over a portion of core hairy joint grass (HJG) habitat and core Freshwater wetland EEC. If Council's ecologist requires, it is possible that the nominated footprint be reconfigured over part or whole of Lot 49, 50 and 51, to the detriment of residential yield.

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Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

- A portion of the HJG is located in the vicinity of proposed Lot 86-90 and the road at their frontage.
- The proposed Lot 102 bio-retention basin is located directly over a portion of core Freshwater wetland EEC. Portions of the EEC appear to be located where the road and Lot 32/33 and 90 are proposed.

Due to the ‘fingers’ of degraded EEC in this area, it is difficult to locate this bio-retention basin clear of identified EEC. If Council’s ecologist does not agree with the proposed preservation and enhancement recommendations by Melaleuca Group, an alternative location will need to be found.

The Melaleuca Group report proposes to replace areas of wetland EEC (to be removed for residential land) on the basis of a 2:1 replacement. However, it is not clear how biodiversity offset requirements regulated under the *Native Vegetation Act 2003* and/or the *Threatened Species Conservation Act 1995* have been considered. It may be that the biodiversity offset ratio is greater than that proposed.

If the batters of the bio-retention basins are proposed to be mown then it is unknown how the hairy joint grass substitution areas will respond. If they are not mown, Council needs to be satisfied that the narrow hairy joint grass areas can be managed (weeded) in perpetuity, as the large perimeter area of the narrow plantings will provide increased opportunity for weed ingress.

2.8 Recommendation

It is considered that the assessment by Hammond and Associates sets aside adequate future areas of at least 8100m² across three locations for stormwater quality and quantity management. Although the downstream hydraulic capacity has not been assessed, the area set aside is considered adequate to undertake this as part of the development application stage.

The following detail needs to be assessed as part of any future development application:

- The upstream street drainage system arrangement and catchment boundary needs to be confirmed.
- The downstream hydraulic capacity, including the existing detention storage capacity of the Meadows Estate needs to be considered as part of determining detention basin specifications within the subject site.
- Consideration of road and allotment levels upstream of bio-retention basins and their outlet drainage levels to the existing wetland EEC;
- Future modelling would need to ensure discharge to the wetland EEC occurs in a manner which mimics existing flow conditions as close as possible.

The location of the bio retention basins, parts of roads and lots clearly impacts on identified wetland EECs and threatened species. It is not clear that this is the best ecological outcome for the site.

Therefore, the primary constraint remaining in our view is for Council to determine whether the proposed HJG and wetland EEC preservation proposal by Melaleuca Group is acceptable and also compatible with Council’s future basin asset maintenance. Once this is determined appropriate zone boundaries should be able to be nominated by Council.

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Reservoir Hill Rezoning Proposal – Peer Review: Stormwater

3 REFERENCES

Blackwood Ecological, 2014, *Ecological Assessment, Reservoir Hill; North Creek Road, Lennox Head, Ballina Shire Council.*

NSW Office of Water, July 2012, *Guidelines for riparian corridors on waterfront land*

TGM Group Pty Ltd, June 2013, *Planning Proposal – Reservoir Hill Site Lennox Head, Ref No 11490-01, Rev 1, Attachment 9 – Reservoir Hill Stormwater Management Plan – TGM Group (May 2013)*

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Planning Proposal – April 2016
Reservoir Hill Site Lennox Head

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Appendix K – Environmental Assessment and Planning Report

Under Separate Cover

Appendix L – Report to Council 25 February 2016

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

Delivery Program Strategic Planning

Objective To seek the Council's direction with respect to the further processing of a planning proposal relating to Lot 1 DP 517111 at Lennox Head.

Background

The Council, at its Ordinary Meeting held on 22 August 2013 considered a request to rezone Lot 1 DP 517111 from RU1 Primary Production under the provisions of the Ballina Local Environmental Plan 2012 (BLEP 2012) to enable residential development of the land to be further considered. The Council at that time resolved to prepare a planning proposal [Minute No. 220813/12] which was then considered further at the Council's Ordinary Meeting held on 27 March 2014. At that meeting the Council resolved as follows [Minute No. 270314/1]:

1. That, with respect to Lot 1 DP 517111, Council endorses the application of a mixed R2 Low Density Residential and R3 Medium Density Residential zone, and an open space and/or an environmental protection zone being applied to the land as the basis for a planning proposal (as contained in Attachment 3).
2. That Council authorises the submission of the planning proposal relating to Lot 1 DP 517111 to NSW Planning and Infrastructure for review and Gateway determination.
3. That upon an affirmative Gateway determination being received from Planning & Infrastructure, Council initiates a third party review and preparation of an environmental study for the land.
4. That Council receive a further report on the outcomes of the third party review process prior to public exhibition of the planning proposal.
5. That Council confirms that it does not support the current concept plan based on layout, high density, lack of open space and road network etc.

The planning proposal considered by the Council, at its meeting held on 27 March 2014, proposed the application of a mixture of R2 Low Density Residential, R3 Medium Density Residential and RE1 Public Open Space zones over the site. The split between the R2 and R3 zones aligned with the then proposed location of the realignment of North Creek Road through the middle of the site. A minimum lot size standard of 600m² for the R2 and 450m² for the R3 zone was also proposed.

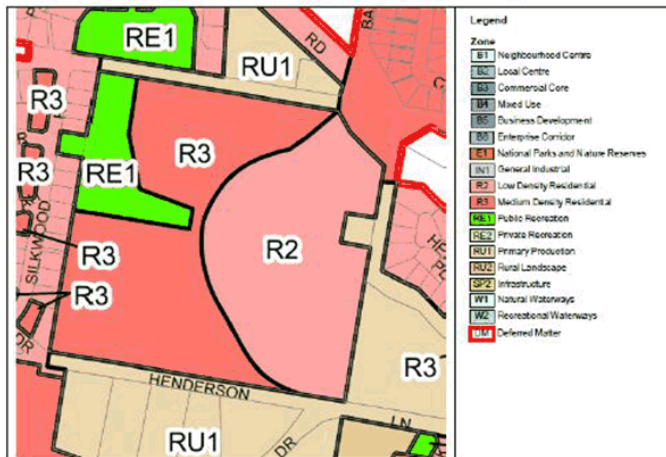
The site the subject of this report is illustrated by the red outline in Diagram 1 below. Diagram 2 is an extract from the proposed Land Zoning Plan (reflecting the initial planning proposal) which was the subject of a Gateway determination on 17 April 2014. Diagram 3 is an extract from the proposed Lot Size Plan which was also the subject of a Gateway determination on 17 April 2014.

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

Diagram 1 – Site Plan

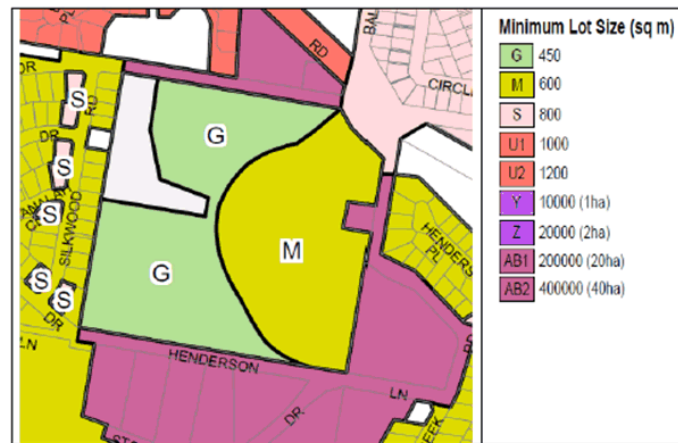


Diagram 2 – Extract from Land Zoning Plan subject of Gateway Determination



9.3 **Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head**

Diagram 3 – Extract from Lot Size Plan subject of Gateway Determination



The assessment of the planning proposal has highlighted several key issues that require further consideration. These issues include the suitability of the proposed open space area for dedication to the public, the presence of Hairy Joint Grass and site ecology, the location and mechanisms for stormwater management, road design and function, access/linkages to adjoining land, geotechnical conditions, scenic values and amenity, and road noise implications for residential buildings associated with the proposed redirection of North Creek Road. The third party review process was envisaged as being the mechanism through which these land suitability issues would be further examined.

Mike Svikis Planning was appointed by Council in June 2014 to undertake an independent review of the proponent's documentation and prepare an Environmental Planning Assessment Report (being the third party review process). As part of the process Mike Svikis Planning engaged Greg Alderson and Associates to review civil engineering issues, and Blackwood Ecological Services to review site ecology issues.

The proponent has reimbursed Council for all costs incurred as a consequence of the document review and planning assessment report process, as well as associated Council staff costs.

The finalised Reservoir Hill Environmental Assessment and Planning Report prepared by Mike Svikis Planning was received by Council in December 2015. It was subsequently the subject of a Councillor briefing held on 1 February 2016. The Mike Svikis Planning report forms Attachment 1 to this report.

This report provides an overview of the technical assessment of the planning proposal and seeks direction on progressing this matter to public exhibition.

Key Issues

- Processing of LEP amendment request.

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

- Provision of land for residential development.
- Changes to Gateway determination.
- Public exhibition of the planning proposal.

Information

The subject site has an approximate area of 14.96 hectares. The proponent's most recent proposed site layout plan as shown in Diagram 4, and the subject of the Mike Svikis Planning Report, makes provision for 93 residential lots which range in size from 600m² to 1159m². Five medium density lots are also incorporated into this plan with densities proposed ranging from 250m² to 300m² per lot. Assuming development of medium density lots, in accordance with the proposed minimum lot sizes, then these lots could provide housing opportunities for an additional 82 dwelling units.

The gross neighbourhood residential density proposed on the Reservoir Hill site is approximately 12 dwellings per hectare. This is slightly below the 15 dwellings per hectare density target nominated within the Council-endorsed Ballina Shire Growth Management Strategy for new urban release areas. However, if ultimately achieved, it is suggested this housing density fairly reflects the characteristics of the site.

The proposed site layout plan also designates areas for drainage purposes, riparian zones adjoining water courses and a neighbourhood park. These areas occupy approximately 3.6ha or 24% of the available site area.

Diagram 4 – Proponent's Site Layout Plan (Issue K)



9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

Mike Svikis Planning Environmental Assessment and Planning Report

The report considers 11 main issues which are outlined in the table below, together with Council Officer comments.

Issue	M Svikis Comments / Position	Officer Comments
Ecological Attributes	<p>The site contains a Freshwater Wetland EEC, and a population of Hairy Joint Grass which is a Vulnerable species listed under the NSW Threatened Species Conservation Act.</p> <p>The position has been taken, in the absence of a bio-banking agreement, or VPA, that land containing this vegetation should not be rezoned but retain its RU1 zoning. This approach will enable the proponent to pursue a rezoning of this area subject to bio-banking assessment at a future time.</p> <p>It is recommended that an additional area of 5400m² in total (above that nominated by the proponent for wetland reserve and drainage purposes) be retained in the existing RU1 zone.</p> <p>The small waterway and riparian area may be zoned residential.</p> <p>A single mature small leave fig tree is also contained on the site.</p>	<p>The approach proposed is supported. It would result in areas proposed to be utilised for drainage and having higher biodiversity values retaining the current RU1 zone.</p> <p>In terms of the land containing the small leave fig tree, this land may form a part of a future neighbourhood park. It is in an area designated as a proposed R2 zone. This allows precise park boundaries to be determined as part of a future subdivision application process.</p> <p>The zoning approach in response to ecological attributes is supported.</p>
Public Open Space	<p>An area of not less than 0.13 hectares in the vicinity of a mature small leaved fig tree has been identified as suitable for a local park. A residential zone may be applied to this land at this stage.</p>	<p>The amount of local open space required will be determined by lot yield at the subdivision stage. The retention of the fig tree in a neighbourhood park, as part of a future subdivision proposal, is supported as is the proposed R2 zone.</p>
Road Infrastructure	<p>The proponent's site layout plan incorporates a realignment of North Creek Road.</p> <p>Notes that the s94 contribution plan has been amended to incorporate the construction costs for the realigned North Creek Road. The reporting notes that preferred alignment has been agreed in principle, subject to valuations and land swap arrangements. Recommends that all likely roads be zoned R2.</p>	<p>Acquisition of the road corridor to facilitate the realignment of North Creek Road and its link with the extension of Hutley Drive is under negotiation and will be the subject of a separate report to the Council.</p> <p>The application of an R2 Low Density zone to proposed roads, including the realigned North Creek Road is supported.</p>

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

Issue	M Sviki's Comments / Position	Officer Comments
Noise Impacts	<p>Recommends that noise related issues, from the proposed realigned North Creek Road, should not limit the rezoning of the site for residential purposes at this stage.</p> <p>A revised noise assessment is indicated as being required for Council's consideration as part of the submissions consideration process following public exhibition.</p>	<p>It is considered that further work in relation to road noise issues is not required as part of the rezoning process. Consideration of road noise issues in this case is more appropriate for the land subdivision development process.</p> <p>Council will shortly be requested to give consideration to proposed new road noise standards which have been developed following concerns raised in respect to the noise wall approach in Cumbalum.</p> <p>There are various engineering approaches available to mitigate road noise which is considered to be most appropriately considered as part of the DA and not rezoning process in this case.</p>
Stormwater Management	<p>Review of documentation has concluded that the proponent's approach was basically sound. Information gaps were identified which should be addressed as part of a future DA process.</p> <p>Land recommended to be retained for stormwater management should retain the current RU1 zone until all stormwater related issues have been resolved.</p> <p>The existing southern watercourse should be retained to manage stormwater from upstream catchments. The watercourse can be zoned R2 or R3 but it should not be assumed that it can be filled and piped.</p> <p>Recommends that an additional 5400m² be retained in the RU1 zone for stormwater management purposes.</p>	<p>Conclusions reached in respect to stormwater management issues are supported.</p>
Obstacle Limitation Surface (OLS) and Aircraft Noise	<p>Consultation with Federal authorities has found that OLS is not an issue that should affect future rezoning and development. Consultation was based on an 8.5m height limit but it is not anticipated that a 9 metre height will create any concerns.</p> <p>The site is not affected by any noise contours (ANEF) associated with the Ballina Byron Gateway Airport.</p> <p>Recommends that OLS and aircraft noise should not limit the zoning of the site for residential purposes.</p>	<p>A change to a 9 metre building height (which is not recommended) would trigger further consultation with airport authorities.</p> <p>Other aspects associated with the OLS and aircraft noise are supported.</p>
Land Contamination	<p>The site has been cleared since at least 1947 and is still used for beef cattle grazing. A phase one site contamination study, including preliminary soil sampling has been undertaken. No areas of concern have been identified.</p>	<p>Noted.</p>

9.3 **Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head**

Issue	M Svikis Comments / Position	Officer Comments
Aboriginal Archaeology and Non Aboriginal Heritage	A Cultural Heritage Report has been prepared and consultation with Jali LALC and the Office of Environment and Heritage undertaken. No areas have been identified as having heritage significance.	Noted.
Agricultural Land	The subject land has been identified as regionally significant agricultural land according to the Northern Rivers Farmland Project. The land is not contiguous to other agricultural areas and has not been identified in mapped biophysical strategic agricultural land. The best use of the land is no longer considered to be for agriculture and this issue should not affect the future zoning of the land.	Noted.
Coastal Protection	The land is within the coastal zone as identified in the Coastal Protection SEPP and is subject to the NSW Coastal Policy 1997. The matters required to be considered in clause 8 of the Coastal Protection SEPP have been considered and should not limit the zoning of the site for residential purposes.	Noted.
Soenic Values and Amenity	An assessment of this issue has concluded that the site does not include significant public viewing locations and is not a significant soenic landscape area or view corridor. Soenic values and impacts should not limit the zoning of this site for residential purposes at this stage.	Noted.

Having considered the above issues and relevant statutory matters such as the Minister's directions pursuant to Section 117 of the *Environmental Planning and Assessment Act 1979*, Mike Svikis Planning has made a series of recommendations for the Council's consideration. A summary of the recommendations which relate to proposed zones, minimum lot sizes, height of buildings, and floor space ratios is provided below.

Attachment 2 to this report contains copies of the Zoning, Minimum Lot Size and Height of Building Maps as recommended by Mike Svikis Planning.

Zones

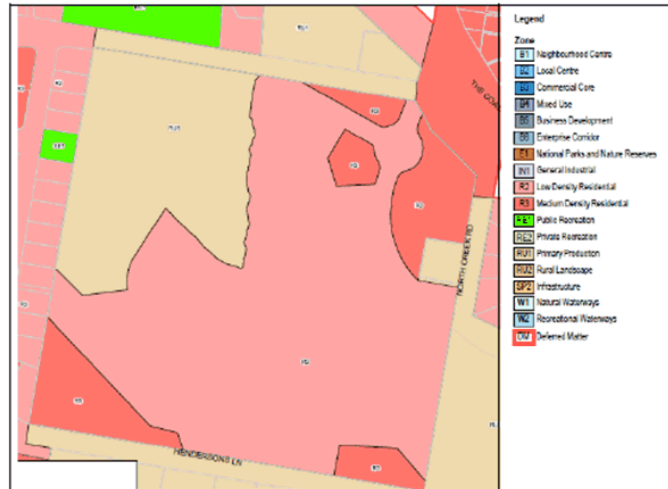
The RE1 Public Recreation zone is not recommended for use on this site because areas nominated by the proponent are required for either drainage and stormwater detention, or are ecologically important. These areas are proposed to be retained within the existing RU1 Primary Production zone.

With respect to future local park requirements in the vicinity of the Fig Tree, a residential zone is recommended to allow for boundaries to be determined as part of the subdivision process (Council's typical approach in this regard is to consider applying an open space zoning once land has been dedicated to Council).

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

A mixed R2 and R3 zoning approach has been recommended which would result in five locations, with a total area of 2.33 hectares, zoned for R3 Medium Density purposes. The location of the R3 zones reflects the locations nominated by the proponent. Diagram 5 shows the zonings recommended for the site by Mike Svikis Planning.

Diagram 5 – Mike Svikis Planning - Recommended Site Zoning Plan



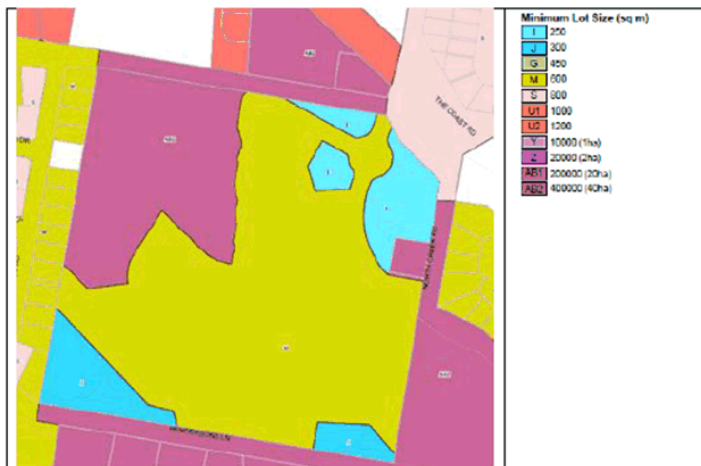
The proposed zones are supported. A change to the previously designated zoning regime for this site will require an altered Gateway determination to be obtained from the Department of Planning and Environment. That being the case, the opportunity could be taken to incorporate zoning changes for the Council's water reservoir site which is currently zoned RU1. This site could be designated R3 Medium Density Residential (simply because this would be consistent with the proposed zoning of the contiguous land). In addition, roads which adjoin the Reservoir Hill site could also be rezoned to reflect the proposed adjoining zones. Such a strategy is considered to provide greater flexibility at the land subdivision stage if minor boundary alterations are required.

Minimum Lots Sizes

The minimum lot sizes recommended by Mike Svikis Planning are 600m² for the R2 zone and a mixture of 250m² and 300m² for the proposed R3 zoned areas. Diagram 6 shows the recommended minimum lot sizes for the site as well as minimum lot sizes applicable in close proximity.

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

Diagram 6 – Mike Svikis Planning - Recommended Lot Size Plan



When considering this matter it is noted that the predominant minimum lot size for older established R3 zoned areas at Lennox Head (Lennox Village and Meadows Estate) to the north and west of the site is 800m². The newer Epiq Estate, to the west, includes an area of R3 zoned land with a minimum lot size of 450m² adjoining the commercial zone, and 600m² elsewhere within this estate.

When considering the minimum lot size issue it is noted that the minimum lot size requirements do not apply to strata subdivisions within the R3 zone under the provisions of Ballina LEP 2012. In addition, clause 4.1A of Ballina LEP 2012 provides additional flexibility in cases involving the creation of 4 or more lots and the associated erection of dwelling houses, attached dwellings or semi-detached dwellings. In such cases the minimum lot size for the erection of a dwelling house may be 400m² or, in the cases of attached dwellings or semi-detached dwellings, as low as 300m².

In the context of the flexibility already provided by Ballina LEP 2012, and to achieve consistency with minimum lot sizes applicable in close proximity to the site, a minimum lot size of 600m² for the R2 and R3 zoned areas is recommended. There do not appear to be compelling arguments in favour of 250m² or 300m² minimum lot sizes for proposed R3 zoned areas. It is noted that the proponent has requested such minimum lot sizes and Council has previously endorsed a 450m² minimum for the R3 zone.

Building Height

The maximum building height recommended by Mike Svikis Planning for the proposed R3 zoned areas is 9 metres and 8.5 metres for R2 zoned areas. Diagram 7 below shows the recommended maximum building heights as well as applicable maximum building heights in close proximity.

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

Diagram 7 – Mike Sviki Planning - Recommended Height of Building Plan



The maximum building height for R2 and R3 zoned areas under Ballina LEP 2012 is typically 8.5 metres. This is the height applicable to most of Lennox Head, except for the Lennox Head commercial centre, and the Epiq Estate commercial centre and immediately adjoining R3 zone, where a 9 metre maximum building height applies.

It is considered that no compelling reasons have been advanced to support an increase above the 8.5 metre building height that is generally applicable within Lennox Head residential areas. Site specific variations, if required due to topography issues, can be considered by the Council using clause 4.6 *Exceptions to development standards of Ballina LEP 2012*. It is recommended that the currently applicable 8.5 metres maximum building height be retained for this site.

Floor Space Ratio

Application of a floor space ratio aside from existing applicable provisions under the BLEP 2012 has not been recommended. This approach is supported and consistent with Council's general strategic planning approach for residential areas. This approach results in building design controls contained within Ballina DCP 2012 *Chapter 4 Residential and Tourist Development* providing the relevant controls. Controls such as those relating to building envelopes, landscaping, setbacks and car parking will be relevant.

Planning Conclusions

The main conclusion reached by Mike Sviki Planning is that the subject land is well located and serviced and has excellent potential for residential development. No constraints have been identified which are of such magnitude as to preclude the rezoning of a substantial portion of the site for residential purposes.

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

The above conclusions are supported.

Outstanding issues identified by Mike Svikis Planning are as follows:

1. The noise impact of the realigned North Creek Road requires assessment and this could occur during the planning exhibition period.
2. The proponent's suggestion to allow residential development on some areas containing Hairy Joint Grass and Freshwater Wetland, being the areas which are recommended to retain their current RU1 zoning. It is suggested that future residential development of this land could be considered in the context of a biobanking assessment, or alternatively Council could apply an E2 Environmental Conservation or an E3 Environmental Management zone to the land at some future time.
3. The need for an amended Gateway determination and extension of time to finalise the planning amendment.

In respect to the outstanding issues identified, it is suggested that the need for additional noise assessment work can be satisfactorily addressed at the land subdivision/development application stage in accordance with any new noise assessment standards that the Council may have adopted.

Outstanding issues 2 and 3 are reflected in the recommendations to this report. That is, certain areas subject to ecological considerations are recommended for retention in an RU1 Primary Production zone for the time being, and a request for an altered Gateway determination is proposed.

Sustainability Considerations

- **Environment**
The subject land contains various attributes which are considered to have environmental value. These matters have been assessed in detail in expert ecological reports. Such reports will form a part of the planning proposal when it is exhibited for public comment.
- **Social**
Social issues of relevance, such as the site's scenic and amenity values, have been considered in the Environmental Planning and Assessment Report.
- **Economic**
The proposal has the potential to result in a number of positive economic impacts associated with construction and infrastructure, including the realignment of North Creek Road and extension of Hutley Drive.

Legal / Resource / Financial Implications

There are no significant resourcing or financial implications associated with the proposed LEP amendment. The further processing of the amendment can be accommodated within the work program of the Strategic and Community Facilities Group. To date, the proponent has funded all work associated with the processing of this planning proposal. This arrangement will continue as provided for in Council's adopted Fees and Charges.

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The processing of the amendment does not involve specific legal implications beyond compliance with the *Environmental Planning and Assessment Act*. It is noted here that as part of the Gateway determination, an authorisation for Council to exercise delegation to make the plan has been issued. The acceptance of the delegation of authority, to enable the planning proposal to be finalized, is proposed to be further considered in the report to the Council after public exhibition.

Consultation

Consultation has already been undertaken with the Office of Environment and Heritage, Ballina Byron Gateway Airport, Air Services Australia and CASA. Responses received have been considered by Mike Svikis but have not raised issues that would suggest that residential zones as proposed to be applied to the subject site are inappropriate. Responses received will be incorporated into the planning proposal documentation prior to exhibition.

A minimum public exhibition period of 28 days is recommended for this planning proposal.

Options

When giving consideration to this matter, options available to the Council include the following:

1. That the Council submits the planning proposal, as amended based on the recommendations arising from this report, to the NSW Department of Planning and Environment for an altered Gateway determination and then proceed to public exhibition.
2. That the Council requires additional technical reports or examination of issues prior to committing to seek an altered Gateway determination and or exhibiting the planning proposal.
3. That the Council defers or discontinues the planning proposal.

Option 1 is the preferred option. The planning proposal has been examined in detail by independent experts in planning, ecology and engineering as well as by Council staff. The conclusions reached are that the majority of the site is suitable for residential rezoning.

Prior to public exhibition the planning proposal should be amended to exclude the areas containing significant vegetation communities, alter the proposed site zoning regime and minimum applicable lot size, and incorporate the offsite areas which consist of the adjoining roads and the reservoir site within the planning proposal. These changes will require an altered Gateway determination to be obtained as well as an extension of time in which to complete the LEP amendment process.

If it is decided to proceed to public exhibition, it is recommended that the proposal be reported back to the Council at the conclusion of the exhibition for further consideration. This further consideration should include examination of the status and circumstances associated with the realignment of North Creek Road and extension of Hutley Drive before proceeding with further steps in the LEP amendment process.

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Option 2 is not supported as there have been no additional technical reports identified as required prior to making a decision to seek an altered Gateway determination. Mike Svikis Planning has recommended that an updated noise assessment be obtained to take account of the alterations to the proposed relocation of North Creek Road. For reasons previously stated, no updated report is considered to be warranted at this stage of the process.

Option 3 is also not supported. The site is identified as a Strategic Urban Growth Area within Ballina LEP 2012, and prior to this was identified as a candidate release area within the 2004 Lennox Head Structure Plan prepared by Council. No issues have arisen during the independent assessment of this planning proposal that are of such significance that would warrant deferral or discontinuance.

RECOMMENDATIONS

1. That the planning proposal relating to land comprising Lot 1 DP 517111, North Creek Road, Lennox Head be amended to make provision for the altered zoning regime as shown in Diagram 5 within this report as well as the incorporation of the reservoir site (Lot 2, DP 517111) with an R3 zone, and public roads which adjoin the site to be assigned the nearest proposed zone and associated planning provisions.
2. The planning proposal be amended to provide for a minimum lot size of 600m² for all proposed R2 and R3 zoned areas.
3. The existing maximum building height of 8.5 metres applicable to the site be retained.
4. Following the amendment of the planning proposal, it be submitted to the NSW Department of Planning and Environment for an altered Gateway determination and an extension of time request.
5. Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal for a minimum period of 28 days.
6. That the matter be reported for further consideration by Council following the mandatory public exhibition period.
7. That issues relating to the negotiation process for the acquisition of the road corridors associated with the realignment of North Creek Road and the extension of Hutley Drive, as well as any associated land swap proposals, be reported to Council for consideration once the negotiation process has reached a stage where a firm proposal requires consideration.

Attachment(s)

1. Attachment One - Mike Svikis Planning Report
2. Attachment Two - Mike Svikis Planning Recommended Planning Control Maps

Ballina Shire Council
25/02/16

Ordinary Meeting of Ballina Shire Council
Page 13

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head

9.3 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head
250216/2 Resolved
(Cr Paul Worth/Cr Sharon Cadwallader)

1. That the planning proposal relating to land comprising Lot 1 DP 517111, North Creek Road, Lennox Head be amended to make provision for the altered zoning regime as shown in Diagram 5 within this report as well as the incorporation of the reservoir site (Lot 2, DP 517111) with an R3 zone, and public roads which adjoin the site to be assigned the nearest proposed zone and associated planning provisions.

2. The planning proposal be amended to provide for a minimum lot size of 600m² for all proposed R2 and R3 zoned areas.

3. The existing maximum building height of 8.5 metres applicable to the site be retained.

4. Following the amendment of the planning proposal, it be submitted to the NSW Department of Planning and Environment for an altered Gateway determination and an extension of time request.

5. Upon an altered Gateway determination being received, Council authorise the public exhibition of the planning proposal for a minimum period of 28 days.

6. That the matter be reported for further consideration by Council following the mandatory public exhibition period.

7. That issues relating to the negotiation process for the acquisition of the road corridors associated with the realignment of North Creek Road and the extension of Hutley Drive, as well as any associated land swap proposals, be reported to Council for consideration once the negotiation process has reached a stage where a firm proposal requires consideration.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson and Cr Susan Meehan

Appendix M – Proponent’s Planning Report (TGM June 2013)
(Includes Attachments 1 to 7)

Under Separate Cover

Appendix N – Proponent’s Servicing Strategy Report (2013)

(Under Separate Cover)

Appendix O – Proponent’s Stormwater Management Plan (2013)

(Under Separate Cover)

Planning Proposal – April 2016
Reservoir Hill Site Lennox Head

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Appendix P – Proponent’s Cultural Heritage Assessment (2013)

(Under Separate Cover)

Appendix Q – Proponent’s Flora and Fauna Assessment (2013)

(Under Separate Cover)

Appendix R – Proponent’s Hairy Joint Grass Compensatory Habitat Plan (2013)

(Under Separate Cover)

Appendix S – Proponent’s Environmental Noise Impact Report (2013)

(Under Separate Cover)

Appendix T – Proponent’s Traffic Impact Assessment (2013)

(Under Separate Cover)

Appendix U – Proponent’s Bushfire Assessment (2013)

(Under Separate Cover)

Appendix V – Proponent’s Geotechnical Assessment (2013)

(Under Separate Cover)

Appendix W – Proponent’s Phase 1 Site Contamination Assessment (2013)

(Under Separate Cover)

Appendix X – Peer Review Report - Ecological Assessment

(Under Separate Cover)

Attachment Two – Submission Copies

ARDILL PAYNE

& Partners
www.ardillpayne.com.au e:info@ardillpayne.com.au
ABN: 51 808 558 977
bscpp 14.002 - condon submission (may 2016)



13 May 2016

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

Attn: Mr Klaus Kerzinger

Dear Klaus

**re: BSCPP 14/002 – Reservoir Hill, Lennox Head
Lots 1 & 2 DP 51711, North Creek Road, Lennox Head**

Ardill Payne & Partners has been commissioned by Mr Mark Condon to prepare a submission in respect of the subject Planning Proposal which is currently on public exhibition until the 13th May 2016.

Mr Condon owns Lot 2 DP 620838, No. 9 Bryon Bay Road, Lennox Head which is separated from the land that is subject of the Planning Proposal by the Hutley Drive road reserve ('paper road'), as shown below:



Source: SixMaps (13 May 2016)

Engineers | Planners | Surveyors | Environmental | Project Management

BALLINA
45 River Street
PO Box 20
BALLINA NSW 2478
Ph: 02-6686 3280

BRISBANE
Level 1, The Design Bank
89 Grey Street
SOUTH BRISBANE QLD 4101
Ph: 07-3123 6675

GUNNEDAH
Germane House,
285 Conadilly Street,
GUNNEDAH NSW 2380
Ph: 02-6742 9955

2.
bscpp 14.002 - condon submission (may 2016)
13 May 2016

This submission has been prepared based on the exhibition documentation provided on Council's web-page titled Documents on Exhibition. As detailed in such, the Planning Proposal proposes to rezone the subject land to part R2 – Low Density Residential and part R3 – Medium Density Residential and to apply a minimum lot size/subdivision standard of 600m² to both the R2 and R3 zoned land.

From the exhibition documentation, it is evident that the Planning Proposal is also proposing to rezone that section of the Hutley Drive road reserve which adjoins Mr Condon's land to part R2 and part R3 and to apply a 600m² lot size.

Mr Condon is not objecting to the proposed residential zoning of Lots 1 & 2 or the Hutley Drive road reserve, however wants to ensure that his property maintains formal dual road frontage, and specifically maintains an existing frontage to the Hutley Drive road reserve. Mr Condon is currently exploring the opportunity for rezoning of his land to enable future residential subdivision and development, and the retention of this road reserve and access opportunity is considered to be of critical importance to such.

Notwithstanding that the "Current Indicative Subdivision Layout Plan" is indicative at this point in time, significant concerns are raised in respect of the proposed alignment of the eastern extension of Hutley Drive (which does not adjoin and actually veers away from Mr Condon's land) and the notation on the plan "Proposed Closed Road (Subject of Voluntary Planning Agreement)". Mr Condon will likely strenuously object to the closure and purchase of the road reserve, should it be deleterious to or compromise the future development opportunities for his land.

Council is therefore requested to consider the progress of the subject Planning Proposal in the context of preserving and/or providing formal public road frontage to his land.

Should you require any further information, please contact me on 6686 3280 or pauls@ardillpayne.com.au.

Yours faithfully



Paul Snellgrove
Ardill Payne & Partners

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BALLINA
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285 Conadilly Street,
GUNNEDAH NSW 2380
Ph: 02-6742 9955

-----Original Message-----

From: John Kirra

Sent: Tuesday, 3 May 2016 4:13 PM

To: Ballina Shire Council

Subject: Development BSCPP 14/002 Reservoir Hill Lennox

I disagree with this development application there are already three development housing estates under construction in Lennox at the moment this will make 4. There is no infrastructure put in place by council to create this many new residents for Lennox head. There is no more room to put any more parking anywhere in the Main Street of Lennox Head every new house that gets built here has 2 to 5 people and average of 2 to 3 car where will the council put these hundreds of people that want to use our main street of Lennox when you can show a good infrastructure plan for the community that's when I be interested in saying yes

From: allison goodman

Sent: Monday, 2 May 2016 10:12 AM

To: Ballina Shire Council

Subject: Reservoir Hill Proposal

I am not sure of the department to address this concern to, can you please assist by forwarding it to the correct people.

Currently there is a design on display at council for the Reservoir Hill Estate in Lennox Head. The Storm-water Management Plan (attachment 9) shows in Section 1A, that there is to be a reserve on this new estate. This reserve is to have a retention pond and is a Macrophyte Zone- Wetland.

Directly across the future road of Hutley Drive is Ocean Breeze Reserve. Land that is currently physically connected to the farm named Reservoir Hill.

My concern & request is in regard to the existing current storm water swale drain that runs from the end of Bombora Drive pedestrian track, between Hutley Drive and Ocean Breeze Reserve.

This drain has been never been fully fixed despite council planting wetland grasses in it to try to help with the permanent water ponding. Council has only recently removed all the plants & started to attempt to mow the swale drain.

This has NOT aided the permanent ponding that occurs on Ocean Breeze Reserve. Today there is a deep hole of stagnant water on the reserve.

I would like to know what councils plans for this stormwater problem are and think that it should be addressed with the current stormwater management plans for Reservoir Hill Estate. As that is where the water is draining towards. If wetlands and retention ponds are being dealt with on that site then you must also consider this council space within the ponding plans.

This is not the first time that we have raised this with council. Many times for many reasons (mozzies & child safety) have we asked for this drain to be fixed. The natural flow of the land will mean that more water is trapped on this public reserve if it is not to flow thru to the farm (wetland).

Allison Goodman.

-----Original Message-----

From: council@ballina.nsw.gov.au [mailto:council@ballina.nsw.gov.au]

Sent: Tuesday, 26 April 2016 1:16 PM

To: Ballina Shire Council

Subject: New response for survey 'Feedback for Documents on Exhibition'

GENERAL RESPONSE INFORMATION - Andrew Wafer

Response Start Time: 4/26/2016 1:07:06 PM Response End Time: 4/26/2016 1:15:56 PM IP Address: 115.70.59.175 Completed Survey: Yes

SURVEY RESPONSES

1. Name of exhibited document you want to make comment on.
Reservoir Hill Lennox Head
2. Your name (anonymous submissions may be disregarded by Council) Andrew Wafer
3. Phone number (optional)
4. Email (confirmation of your email address is required to provide feedback from Council)
5. Having read the document, is it easy to read and understand?
Yes
6. Please provide any suggestions for improvement.
A picture tells a thousand words, the maps and diagrams are very helpful.
7. Do you support the overall objectives and content of the document?
Yes
8. Please provide further comments if you wish.

The need to modify the current bend in North creek road just south of the water tower is urgent and I am grateful that council is doing so. I have seen multiple accidents in the last twelve months on this section and the increased traffic flow associated with developments in the Meadows and Montwood estates have amplified the problem. I look forward to the redirection of traffic along North Creek Road's new path and to the new safety it brings for residents.

From: Wendy Wilkins
Sent: Wednesday, 20 April 2016 1:13 PM
To: Ballina Shire Council
Subject: RE: Planning proposal BSCPP 14/002 - Reservoir Hill Lennox Head

Dear General Manager,

I'm writing as a resident of the Lennox Head Meadows estate since 2014.

Since we have lived here we have questioned two things in regards to the public infrastructure in the estate.

1; why there isn't a properly paved footpath from the end of eastern end of Hutley Drive up to the Coast Road roundabout, and 2; the lack of a decent children's playground with sun protection for the residents of the estate.

I would like to request that you include a footpath for pedestrian access along the proposed new extension of Hutley Drive. This would enable residents to have safe walking access (pram and bike friendly) to the village. This would also stop people walking (as they currently do) dangerously on the road up Henderson Lane to get access to the path into the village.

I would also like to request some improvements be made to the existing children's playground on Silkwood Rd. It desperately needs sun protection as well as better access (paved pathway) for prams entering from the road.

I hope you will consider these requests as part of the new Reservoir Hill development plans.

Many
thanks,

GENERAL RESPONSE INFORMATION - Patrice Allman

Response Start Time: 4/13/2016 8:59:57 AM Response End Time: 4/13/2016 9:06:43 AM IP Address: 101.180.1.193 Completed Survey: Yes

SURVEY RESPONSES

1. Name of exhibited document you want to make comment on.

Exhibition of Planning Proposal 14/002 - Reservoir Hill Lennox Head

2. Your name (anonymous submissions may be disregarded by Council) Patrice Allman

3. Phone number (optional)

4. Email (confirmation of your email address is required to provide feedback from Council)

5. Having read the document, is it easy to read and understand?

yes

6. Please provide any suggestions for improvement.

nil

7. Do you support the overall objectives and content of the document?

No

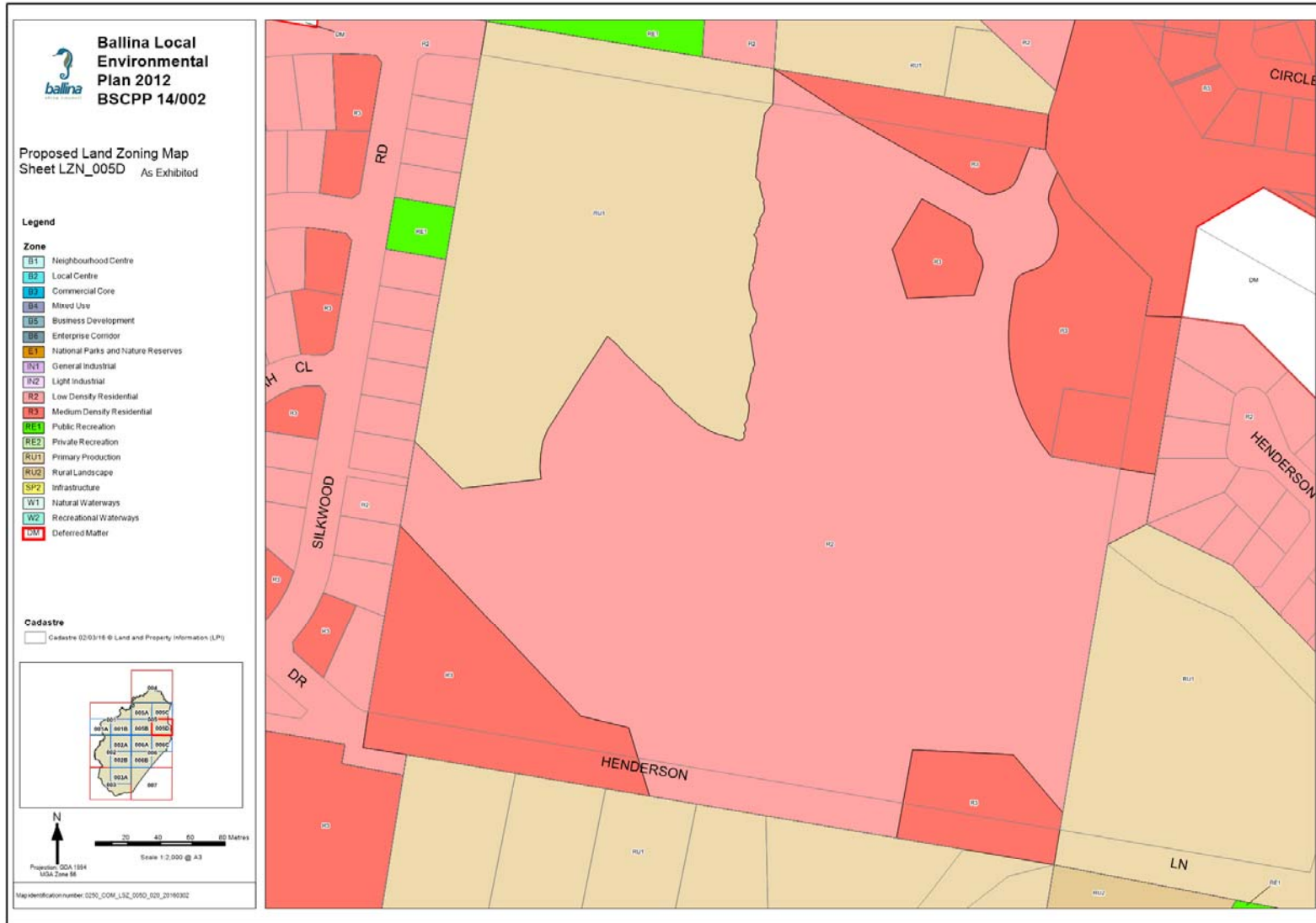
8. Please provide further comments if you wish.

Lennox Head needs to maintain some greenspace for aesthetic and environmental reasons.

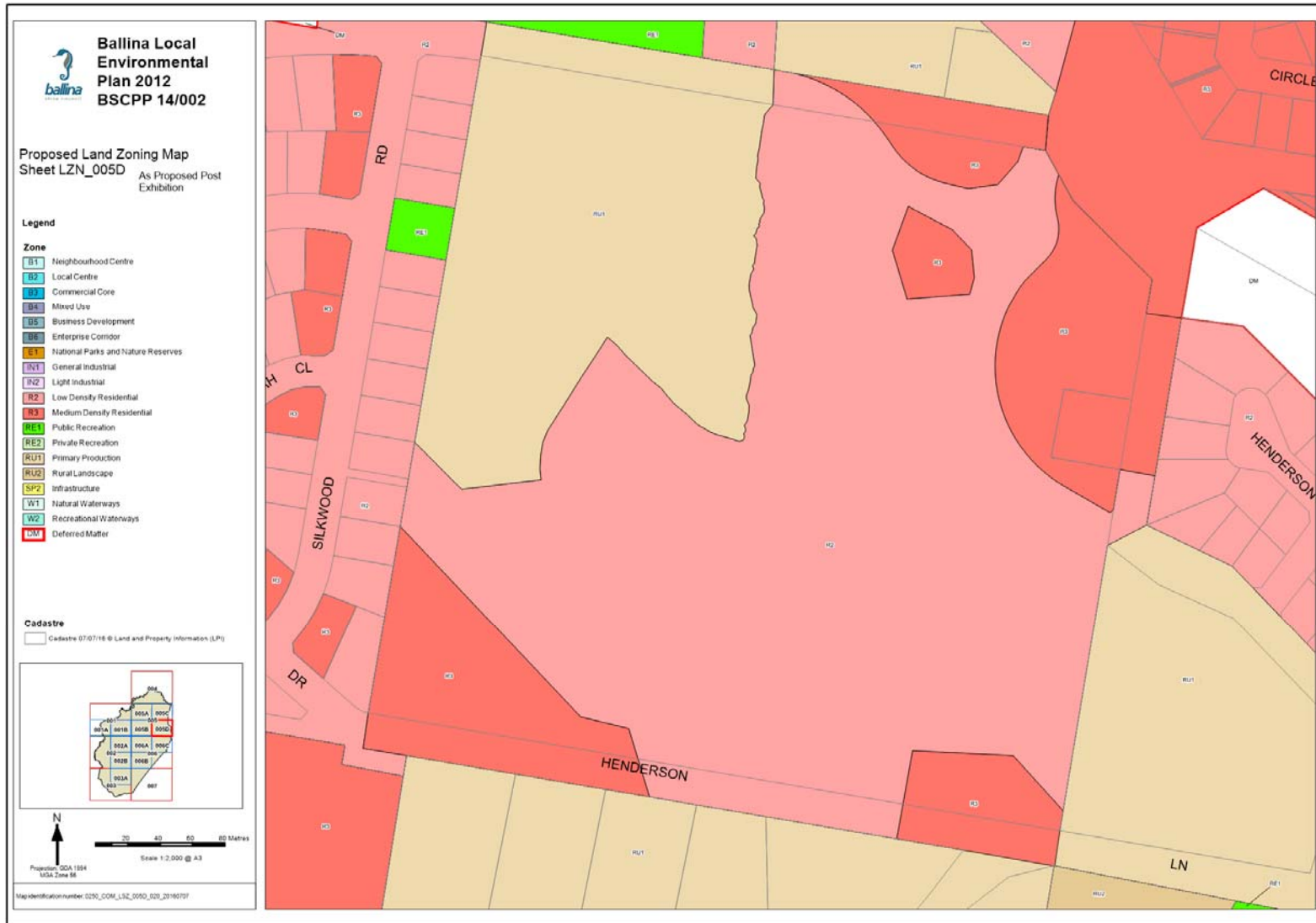
Further housing in the Meadows estate will create traffic problems.

The community infrastructure cannot cope with further development.

9.1 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head.DOC



9.1 Planning Proposal (BSCPP 14/002) - Reservoir Hill, Lennox Head.DOC



Mr David Kelly
Ballina Shire Council



RE: Reservoir Hill Planning Proposal

Dear Mr Kelly,

Upon recent review of the updated proposal for the redevelopment of Reservoir Hill it was noted that the Appendix A: Original Indicative Subdivision Layout Plan has been superseded by a Current Indicative Subdivision Layout Plan. The current plan involves a road continuing from the Hutley Road roundabout up the Reservoir Hill to the west of the watertower and links with the current North Creek Road just south of the watertower.

As a nearby resident of North Creek Road this raises several concerns.

Initially, safety whilst leaving our driveway and the driveways of our neighbouring properties is already extremely dangerous due to drivers accelerating to get up North Creek Road with limited visibility and once cresting the hill being immediately on our driveways with a lot of momentum. I have witnessed several accidents across the road from my property and have narrowly avoided some myself. The Current Indicative plan whilst removing the bend from the road will still have drivers speeding up the hill and although coming from the west, cresting in the same location and still creating an unsafe section of road for current residents. With the proposed changes to the area this effect will be vastly amplified by the huge numbers of new residents living in the new developments from Reservoir Hill through to the Meadows and the Epic development.

It is also a concern that the Planning proposal that was mailed to all residents on the 11 of April 2016 did not include the Current Indicative Subdivision Plan even though the footer of that page (Page 30) is dated April 2016, only the Original Indicative Subdivision Plan was available at that time to my knowledge. Residents thereby have had no opportunity to voice concerns on this amended plan. It was only when a neighbour mentioned their distaste for the changes that I realised they had seen a different plan in council office.

Upon reading the reasoning behind the amendment it is noted that there were noise concerns for future residents of the Reservoir Hill subdivision and thereby traffic has been diverted further east ie; along North Creek Road. The noise impact on non-existent residents has (it seems) been placed ahead of residents who currently have noise issues relating to traffic and will be further impacted by an increase in traffic volume.

See page 8. Key Site Issues, Noise Impacts below:

"The proponent's supporting material assessed noise impacts related to the realignment of North Creek Road through the middle of Lot 1 as originally proposed. This report indicated that some future dwellings on land adjoining the realignment of North Creek Road would require mitigation measures in the design and construction of the buildings. Appendix S contains the proponent's Environmental Noise Report.

Following the relocation of the realignment of North Creek Road further to the east noise impacts associated with the revised route have not been further assessed."

The fact that following the relocation of the road noise impacts have not been further assessed reiterates the fact that the needs of future residents of the new development it would appear have been placed ahead of current North Creek Road residents. Surely if the report indicated that buildings may require noise mitigation (with the Original Indicative Subdivision Layout) it is easier to implement these measures into yet to be built houses rather than established homes along North Creek Road.

In conclusion due to safety, community consultation and noise concerns for current residents I request a reassessment of the Original Indicative Subdivision Layout as the plan of choice. It would seem we have the perfect opportunity to improve the safety of a section of Ballina Shire road for both current and future residents. I would value your thoughts and appreciate a response.

Kind Regards,



Andrew Wafer
35 North Creek Road
Lennox Head

Ph: 0422208152