



## **Planning Proposal – May 2016**

### **Greenwood Place, Lennox Head**

**Lot 12 DP 581159 and part Lot 21, DP 1007134, Greenwood  
Place, Lennox Head**

Exhibition 16/37558

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## INTRODUCTION

### Summary of Planning Proposal

This planning proposal relates to Lot 12, DP 581159 and part Lot 21, DP 1007134 (the subject land) Greenwood Place, Lennox Head, as shown on the Site Identification Map contained within Appendix 1. The subject land is located on the north – eastern corner of the intersection of Greenwood Place and Byron Bay Road, Lennox Head.

The proponents are the Trustees of the Roman Catholic Church, Diocese of Lismore. Council records indicate that the Roman Catholic Church is shown as the owners of Lot 12 DP 581159 whereas part Lot 21 DP 1007134 is owned by Mr N F and Ms M K Condon.

The LEP amendment request (Refer Appendix 2) has been prepared by Planners North.

Lot 12 has a total area of 1.62 hectares and frontages to Byron Bay Road and Greenwood Place. Part Lot 21 has an area of approximately 8,100m<sup>2</sup> and adjoins the southernmost end of Blue Horizon Drive. The total site area is approximately 2.23 hectares.

The amendment as originally proposed by the proponent involves the rezoning of Lot 12 and that part of Lot 21 designated as a Strategic Urban Growth Area (SUGA) from RU2 Rural Landscape to R3 Medium Density Residential zone (see Existing and Proposed Zoning Maps in Appendix 1). A minimum lot size for subdivision of 450m<sup>2</sup> was nominated.

A subdivision concept plan was subsequently submitted by Planners North which provided for a minimum lot size of 600m<sup>2</sup> and extended that part of Lot 21 affected by the rezoning proposal in a north easterly direction so as to facilitate a road link with Blue Horizon Drive. This extension has incorporated approximately 1050m<sup>2</sup> of land designated as a deferred matter under the provisions of Ballina LEP 2012, and which retains its 1(d) Rural (Urban Investigation) zone under the provisions of Ballina LEP 1987. Of this deferred matter area approximately 660m<sup>2</sup> is required to facilitate a road link to Blue Horizon Drive and the additional 400m<sup>2</sup> is incorporated within the proposed residential subdivision (Part of Lot 8 as shown on Plan 1 in Appendix 9).

The proponent did not provide any justification for the initial 450m<sup>2</sup> or subsequent 600m<sup>2</sup> minimum lot size proposals. When the Council considered this issue, at its Ordinary Meetings on 26 February 2015 and 26 March 2015, it resolved that for the purpose of supporting further investigation, the planning proposal is to identify a minimum lot size for subdivision of 800m<sup>2</sup> with ultimate lot size being determined after the assessment of technical information. Council also resolved to apply an R2 Low Density Residential zone to the site instead of the requested R3 Medium Density Residential zone.

The reasons which support a minimum 800m<sup>2</sup> lot size, at this stage of the rezoning process, include the following:

- The R3 Medium Density Residential zone which adjoins the sites northern most boundary (i.e. lots having frontage to Blue Horizon Drive) has an 800m<sup>2</sup> minimum lot size requirement.
- The subject site's eastern most boundary adjoins a "deferred matter" area under the provisions of Ballina LEP 2012. This area is zoned 1(d) Rural (Urban Investigation) under the provisions of Ballina LEP 1987 and has at times been used for animal grazing purposes. There may therefore be a need for buffer areas between any proposed dwellings and the adjoining rural undertaking if animal grazing is proposed to again take place.

- The subject site has a cross fall of approximately 25 metres from the north-eastern to the south-western corner. The amount of fall and the subject site's designation as a Category 1 and 3 landslip susceptible area may require larger minimum lot sizes.

Council has further investigated the most appropriate minimum lot size through consideration of various environmental assessments post Gateway determination. An independent assessment of the technical documentation submitted in support of the planning proposal, by Rob van Iersel, Environmental Planner, has concluded that a 600m<sup>2</sup> minimum lot size optimises the use of the land and could be supported. The Gap Analysis Report prepared by Rob van Iersel is contained within Appendix 21.

Planners North have submitted three subdivision concept plans which are contained within Appendix 6. These plans contain subdivision concepts based on a proposed 600m<sup>2</sup>, 800m<sup>2</sup> and a mixed 600m<sup>2</sup> to 800m<sup>2</sup> minimum lot size approach.

This planning proposal contains two proposed minimum lot size maps within Appendix 1. The maps provide for either a 600m<sup>2</sup> or an 800m<sup>2</sup> minimum lot size standard to be applied to the site. Council will make a final determination as to the appropriate minimum lot size for this site following public consultation.

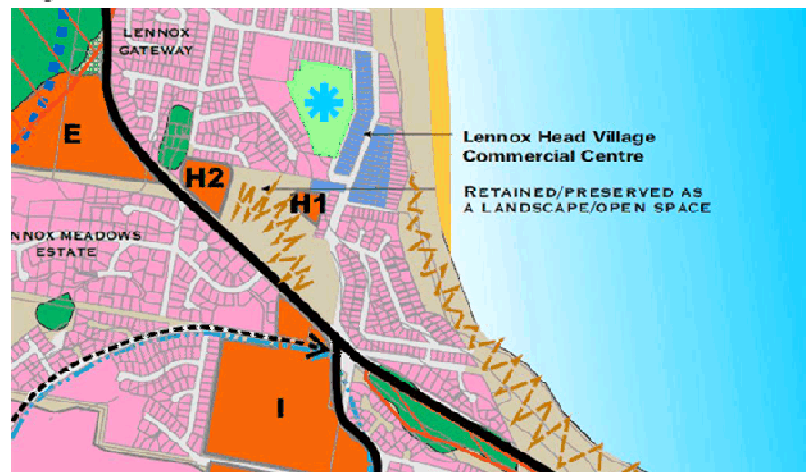
The Department of Planning and Environment issued a Gateway determination on 14 April 2015 enabling the planning proposal to proceed through the assessment and exhibition process. A copy of the Gateway determination is contained within Appendix 11.

### Planning Context

#### Site History

The subject land forms part of Candidate Release Area H2 within the Lennox Head Structure Plan (2004) as shown in the diagram below:

Diagram 1 – Extract from Lennox Head Structure Plan



Area H2 refers to the south-western portion of the "the hill behind the Lennox Head Village Centre" site, being the land located generally between Greenwood Place and the existing stand of Banksia trees. Subject to more detailed assessment (via the rezoning process) to confirm the suitability of area H2 as suitable for development, the Lennox Head Structure Plan proposed the following for this area:<sup>1</sup>

<sup>1</sup> Lennox Head Structure Plan p25

*A combination of low and medium density residential development (L2 and M1 pursuant to Ballina DCP No.1) is the preferred use for this site. Any such development would need to ensure adequate buffering for road traffic noise and be well screened from the Coast Road. Access to area H2 is to be via Greenwood Place. A built form of light weight construction with little or no excavation to minimise disruption to the landform, is considered appropriate for this site. Any buildings on this site shall have a building height lower than the red roof of the duplex building to north of site at 14 Blue Horizon Drive, so as to minimise the visual impact of development in this area.*

The minimum subdivision lot size applicable within an L2 area was 600m<sup>2</sup>, it was also 600m<sup>2</sup> for a dwelling or 800m<sup>2</sup> for a duplex within an M1 area.

The area to the east of area H2 designated as *being retained / preserved as landscape / open space* within the structure plan has significant scenic amenity value. These qualities ultimately resulted in an environmental zone being proposed for this land in the draft Ballina Local Environmental Plan (as endorsed by Council in 2011). This land is currently designated as a deferred matter within Ballina LEP 2012 and retains its 1(d) Rural (Urban Investigation) zoning under the provisions of Ballina LEP 1987.

The subject land is also identified as having potential for urban development under the Ballina Shire Growth Management Strategy and the Far North Coast Regional Strategy (as outlined below).

#### **Council Resolution – Planning Proposal for Rezoning of Lot 12 and Part Lot 21**

The request for rezoning of the subject site was reported to Council's Ordinary Meeting held on 26 February 2015. At that meeting, the Council resolved as follows [Minute No: 260215/10]:

1. *That Council prepare a planning proposal for the application of an R2 Residential zone over Lot 12 DP 581159 and that part of Lot 21 DP 1007134 designated as a Strategic Urban Growth Area in Ballina LEP 2012 as well as incorporating the met link to Blue Horizon Drive and the area of the proposed Lot 8.*
2. *That the subdivision potential and associated minimum lot size for the possible future development of Lot 12 DP 581159 and part of Lot 21 DP 1007134 be determined following assessment of additional technical information.*
3. *That for the purpose of supporting further investigation, the planning proposal is to identify a minimum lot size for subdivision of 800 m<sup>2</sup>.*
4. *That a further report be presented to the Council documenting the planning proposal prior to its submission for Gateway determination.*

Appendix 5 contains a copy of the report to Ballina Shire Council's Ordinary Meeting on 26 February 2015.

The Council again considered this matter at its Ordinary Meeting on 26 March 2015 and resolved as follows [Minute No. 260315/13]:

1. *That Council authorises the submission of a planning proposal, to amend the Ballina Local Environmental Plans 1987 and 2012, to apply an R2 Residential zone over Lot 12 DP 581159 and part of Lot 21 DP 1007134, and alter the Strategic Urban Growth Area boundaries including buffer areas, as indicated in maps which form a part of the planning proposal, to the Department of Planning and Environment for review and Gateway determination.*
2. *The planning proposal to make provision for the proposed R2 zone being subject to a minimum lot size of 800m<sup>2</sup> and the ultimate minimum lot size being subject to further investigation and determination by the Council after public exhibition.*
3. *That upon an affirmative Gateway determination being received, the procedural steps associated with the progression of the planning proposal, including public exhibition, be undertaken.*
4. *That a further report be presented to the Council in relation to this matter following the mandatory community consultation.*
5. *That the Department of Planning and Environment be advised that, at this stage of the process, it is the Council's intention to exercise its delegated plan making functions.*

The report considered by Council at its meeting on 26 March 2016 is provided at Appendix 10.

**Consistency with Strategic Planning Policy**

The proposed rezoning 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) and Draft North Coast Regional Plan*

The subject land is located within a proposed future urban release area and is also indicated as being within an area of high level constraints under the FNCRS. The proposed rezoning for residential purposes is consistent with this strategy subject to constraints being able to be mitigated. Constraints in this case consist of potential land slip susceptibility and in respect to the sea ward side of the hill (not part of this planning proposal) its visual significance.

The Draft North Coast Regional Plan locates the site within an Urban Growth Area and designates the site as Proposed Urban Land consistent with the FNCRS.

*Ballina Shire Growth Management Strategy 2012 (GMS)*

The majority of the site is identified as a strategic urban growth area under the GMS. A small section of the site, which provides the link to Blue Horizon Drive, is located outside of the area identified as a strategic urban growth area. This minor inconsistency with the GMS is considered to be justifiable given the proposals consistency with the FNCRS and the neighbourhood connectivity benefits that arise from a road connection with Blue Horizon Drive.

*Lennox Head Structure Plan (LHSP)*

A discussion of the relevant provisions of the LHSP is contained within the previous site history section. Part of the subject land (Lot 12, DP 681169) is designated as a Candidate Release Area within the LHSP.

*Ballina Local Environmental Plan 2012 (BLEP 2012) and Ballina Local Environmental Plan 1987 (BLEP1987)*

This planning proposal relates to the whole of lot 12, DP 681169 and part of lot 21, DP 1007134. The major part of the site is zoned RU2 Rural Landscape and is designated as a Strategic Urban Growth Area (SUGA) under the provisions of BLEP 2012. Part of lot 21 which has been incorporated within the rezoning proposal is designated as a Deferred Matter (DM) under the provisions of BLEP 2012 and retains its 1(d) Rural (Urban Investigation) zoning under the provisions of Ballina LEP 1987. The incorporation of approximately 1060m<sup>2</sup> of DM land has been done so as to achieve a road link with Blue Horizon Drive.

A building height limit of 8.5 metres is applicable to the subject site and adjacent residential zoned areas under the provisions of BLEP2012. The building height limit of 8.5 metres is proposed to be extended so as to also apply to that part of the site currently designated as a Deferred Matter under the provisions of BLEP 2012.

A minimum 40ha lot size for subdivision is applicable to the RU2 zone under the provisions of BLEP2012.

Appendix 1 contains Existing and Proposed Zoning Maps.

**Key Planning Issues**

Key planning issues considered in relation to the proposal to date include the following:

Issue	Comment	Further Investigation Required
Coastal Zone Impacts and Visual Amenity Impacts	<p>The site is located within the coastal zone.</p> <p>The visual assessment has been completed within the context of SEPP 71 matters for consideration, the NSW Coastal Policy 1997, the NSW Coastal Zone Design Guidelines 2003, and the Lennox Head Structure Plan 2004.</p> <p>The report concluded that the proposed development:</p> <ul style="list-style-type: none"> <li>• will not have any impact upon amenity from sensitive visual receptors such as the headland or beach;</li> <li>• does not encroach upon the hill behind Lennox Head which will remain a visually prominent element of the local landscape,</li> <li>• is of a design which is consistent with the adjoining residential areas;</li> <li>• can be easily screened from the Coast Road in keeping with other areas along this significant tourism route.</li> </ul>	No – Refer Technical Report 1 Coastal Zone Impacts and Visual Amenity Assessment at Appendix 12
Due Diligence Aboriginal Heritage Assessment	<p>The Due Diligence Aboriginal Heritage field inspection found no evidence of Aboriginal Cultural Heritage within the study.</p> <p>The Office of Environment and Heritage (OEH) has reviewed the assessment and responded that it had no further concerns in regards to Aboriginal cultural heritage.</p>	No - Refer Technical Report 3 Due Diligence Aboriginal Heritage Assessment at Appendix 13 and letter from the Office of Environment and Heritage dated 10 December 2015 at Appendix 22
Ecological Matters	<p>A Flora and Fauna Assessment has been undertaken and reviewed by the OEH and Council's Environmental Scientist.</p> <p>The OEH recommended that Council clarify the significance of the vegetation to the east of the planning area and if necessary, adjust the planning proposal to ensure that future development enabled by the rezoning does not indirectly impact on any significant biodiversity. Council's Environmental Scientist has subsequently inspected the site and concurs with the findings contained within the submitted Flora and Fauna Report that there is no significant vegetation upon the subject site.</p>	No - Refer Technical Report 4 – Flora and Fauna Assessment at Appendix 14
Geotechnical Investigation	This issue is discussed in the consideration of land slip below.	No - Refer Technical Report 5 – Geotechnical Investigation at Appendix 15



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Issue	Comment	Further Investigation Required
Land Contamination	<p>Coffey Geotechnics Pty Ltd have provided advice that a Phase 1 Environmental Site Assessment, which included analysis of soil samples from across the site, has identified no areas of concern.</p> <p>Coffey Geotechnics Pty Ltd have assessed the site as having a low potential for contamination and the Gap Analysis report indicates that no further information is required at this stage of the process relating to land contamination.</p>	No – Refer Technical Report 6 – Contaminated Land Assessment at Appendix 16
Land Slip	The subject land is located within an area identified as being susceptible to land slip (Coffey Partners Pty Ltd 2008 report). Coffey Geotechnics Pty Ltd have reviewed the 2008 report and concluded that the Assessed Landslide Risk to property on this site to be very low.	No – Refer Technical Report 5 – Geotechnical Investigation at Appendix 15
Land Use Conflicts	The compatibility of agricultural land uses, if proposed to be undertaken upon part Lot 21, with residential uses proposed for Lot 12 and part lot 21 required consideration. A Land Use Conflict Risk Assessment (LUCRA) was undertaken to determine the extent of any buffer areas required if agricultural uses such as cattle grazing are proposed. Potential conflict areas were identified and it has been concluded that they can be mitigated effectively with appropriate control/physical separation and therefore results in a 'Low' likelihood of conflict and impact.	No – Refer Technical Report 9 – Land Use Conflict Assessment at Appendix 17
Mosquito Management Report	<p>DCP 2012 – Chapter 2 requires subdivisions of more than 10 lots to be assessed from a mosquito's impact perspective. Issues such as the need for mosquito buffers or stormwater design features are required to be considered by an entomologist.</p> <p>A Mosquito Impact Assessment report prepared by Mosquito Consulting Services Pty Ltd has found that the closest known mosquito hazard / breeding area is located at least 400 metres from the subject site. The report has concluded that the site is not likely to be subject to significant mosquito risk.</p>	No – Refer Technical Report 8 – Mosquito Management Assessment at Appendix 18
Road Noise Issues	<p>A Road Traffic Noise Impact Assessment has been undertaken. The report recommends the construction of an acoustic barrier / earth mound having a height of 2 metres along the Coast Road frontage of the site together with building shell treatment to mitigate road noise issues.</p> <p>Road noise issues may be appropriately managed for this site. Details of available management options will be considered further at the development application – subdivision stage of this project.</p>	No – Refer Technical Report 7 – Road Noise Assessment at Appendix 19
Services and Stormwater Management Report	Stormwater issues have been found not to present an impediment to the rezoning of this site for residential purposes.	No – Refer Technical Report 3 – Services and Stormwater Assessment at Appendix 20

Issue	Comment	Further Investigation Required
Traffic Impact	A formal traffic study is not required given the relatively small number of lots involved and the dual links with existing roads proposed. Council's Development Engineers requested that access to Blue Horizon Drive be incorporated within the subdivision concept as the original proposal did not provide for such access. Subsequent subdivision concept plans show the requested access and that this outcome can be achieved as part of the development of the site.	No
Bushfire Threat	The land is not identified as being bush fire prone.	No
Flood Impact Assessment Report	The site is not identified as being flood affected.	No
Acid Sulfate Soils Investigation	The site is not identified as being subject to acid sulfate soils.	No
Obstacle Limitation Surface (OLS) and ANEF	Current site levels do not breach the OLS which ranges from 46.5m to 60m AHD south to north across the site. Future development may breach this level if built to the currently applicable maximum height limit on that part of the site closest to Byron Bay Road.  The OLS increases to 60m AHD within approximately 50 metres of the southernmost end of Blue Horizon Drive. No breach of the OLS will occur at this point as a consequence of future residential development having regard to existing site levels of 40 to 42m AHD.  The subject land is not within ANEF contours of 20 or greater.	No
Farmland loss	The site is identified as regionally significant non-contiguous farmland. However, no further investigation of this issue is required given the strategic context of the subject land.	No

Technical information associated with this planning proposal has been independently assessed for adequacy in a Gap Analysis Report prepared by Rob van Iersel, Environmental Planner. The Gap Analysis Report is contained within Appendix 21 to this report.

**PART 1 – OBJECTIVES & INTENDED OUTCOMES**

The objectives of this planning proposal are to:

- enable residential development on the subject site through the application of a R2 Low Density Residential zone;
- determine a suitable minimum lot size for the subject site being either 600m<sup>2</sup> or 800m<sup>2</sup>;
- amend the Strategic Urban Growth Area Map as it relates to the removal of areas rendered redundant in relation to this mapping after the rezoning of the subject site;
- amend the Height of Building Map so as to apply height of building requirements to that part of the subject site under the provisions of Ballina LEP 1997 but proposed to be now incorporated within Ballina LEP 2012; and

- amend the Land Application Map so as to incorporate that part of the subject site currently under the provisions of Ballina LEP 1987.

## PART 2 – EXPLANATION OF THE PROPOSAL

This planning proposal relates to the whole of Lot 12 DP 581159 and part of lot 21, DP 1007134, being land having frontage to Greenwood Place and south- west of Blue Horizon Drive, Lennox Head (see Site Identification Map in Part 4).

The LEP amendment request has been prepared by Planners North on behalf of the proponent the Roman Catholic Church, Diocese of Lismore who are the owners of Lot 12 DP 581159. Lot 21 DP 1007134 is owned by Mr N F and Ms M K Condon.

Council has kept Mr N F and Ms M K Condon informed of this rezoning request and via an email dated 4 May 2015 has been advised by Margaret Condon that the Condon family agrees with the rezoning of part Lot 21 DP 1007134.

The proponent has submitted comprehensive information which addresses the various site constraints identified in Part 1 and required by the Gateway determination. This information forms Appendices 11 to 18 to this report. Appendix 3 contains photos of the site and surrounds.

The amendment to the LEP as proposed by the proponent involves the rezoning of the site from part RU2 Rural Landscape zone (BLEP 2012) and part 1(d) Rural (Urban Investigation) (BLEP 1987) to enable residential development on the land via application of a R3 Medium Density Residential zone. Council has however resolved that an R2 Low Density Residential zone be applied to the subject site.

The proposed zoning amendment is generally consistent with applicable local and State government urban planning policy.

The proponent's initial LEP amendment request proposed a minimum lot size of 450m<sup>2</sup>. This was later changed to a minimum lot size of 600m<sup>2</sup> in accordance with details contained within a subdivision concept plan. Council when it considered the LEP amendment request resolved that an 800m<sup>2</sup> minimum lot size be applied and that the ultimate minimum lot size be subject to further investigation and determination by the Council after public exhibition. To enable public review of the merits of either a 800m<sup>2</sup> or 600m<sup>2</sup> minimum lot size for residential subdivision for this site maps showing both proposals have been prepared and are contained within Appendix 1.

The proponent's subdivision concept plans based on a 600m<sup>2</sup>, a mixed 600m<sup>2</sup> to 800m<sup>2</sup>, and an 800m<sup>2</sup> minimum lot size concept are contained within Appendix 9.

No change is proposed at this stage to the maximum permitted building height of 8.5 metres currently applicable to the majority of the subject land. A 8.5 metre high dwelling erected on the lot with the highest elevation (approx. RL 42m AHD) would be below the crest of the adjoining hill (approx. RL 58m AHD). It is therefore unlikely that it would be visible from Lennox Village. Vegetation may further act to obscure the visibility of future dwellings.

Appendix 8 contains an extract from the Site Contour Map.

The degree of visual impact of proposed residential development has been considered by the proponent in a Coastal Zone Impacts and Visual Amenity Report – refer Appendix 12. Specific recommendations are contained within this report to ensure that the proposed residential development on the subject land remains compatible with adjoining and nearby residential development and adequately considers its coastal location.

**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 Ballina Shire Growth Management Strategy and the Far North Coast Regional Strategy as a potential area for urban development. The Lennox Head Structure Plan also designates the subject land as a Candidate Release Area. The proposed rezoning for residential development purposes is considered to be 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 the land is identified as a proposed future urban release area albeit subject to high level constraints.

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

The proposed is consistent with the Ballina Shire Growth Management Strategy as the land is identified as a potential urban release area (see further detail under Planning Context).

The proposal is considered to be consistent with the following Prosperous Economy and Healthy Environment outcomes contained within Council's Community Strategic Plan 2013 - 2023:

PE3	<b>WE CAN WORK CLOSE TO HOME</b>	
PE3.1	Facilitate and provide economic land and infrastructure to support business growth	Increased availability of land and locations to support business activity
PE3.2	Facilitate and provide affordable infrastructure, both business and residential	More residents living close to where they work, with more affordable options available
HE3	<b>OUR BUILT ENVIRONMENT BLENDS WITH THE NATURAL AND CULTURAL ENVIRONMENT</b>	
HE3.1	Develop and implement plans that balance the built environment with the natural environment	More people are satisfied with our management of development
HE3.2	Minimise negative impacts on the natural environment	Retention of our natural environment
HE3.3	Match infrastructure with development	No under supply of community infrastructure

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

The proposal is considered to be generally consistent with applicable State Environmental Planning Policies (SEPP's).

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

The proposal is not consistent with the following relevant Section 117 Directions:

- 1.2 Rural Zones;
- 1.5 Rural Lands;
- 4.2 Mine Subsidence and Unstable Land
- 5.3 Farmland of State or Regional Significance on the NSW Far North Coast.

Inconsistencies have been documented in a Section 117 Direction checklist for this planning proposal contained in Appendix 4.

Inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 5.3 Farmland of State or Regional Significance on the NSW Far North Coast have been found to be justified and of minor significance by the Department of Planning and Environment in the Gateway determination dated 14 April 2015.

In respect to S117 Direction 4.2 Mine Subsidence and Unstable Land Council has been required to obtain the agreement of the Department's Secretary prior to the plan being made. It is noted here that an assessment of the sites land slide risk, by Coffey Geotechnics Pty Ltd in 2008 and confirmed in their subsequent advice dated 25 June 2015, has found the risk to be very low.

Appendix 11 contains a copy of the Gateway determination dated 14 April 2015 and an altered Gateway determination, which extended the time to complete the LEP dated 23 March 2016.

**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?**

No. The subject site does not contain critical habitat or threatened species, populations or ecological communities, or their habitats.

The proponent has submitted a detailed Flora and Fauna Assessment following Gateway which has been reviewed by Council staff and the Office of Environment and Heritage. Issues raised have been considered within the Gap Analysis report (Appendix 21) and have been found capable of determination at the development application stage

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

There are a number of potential environmental effects associated with the proposal which include stormwater management issues. The extent of impacts and associated mitigation measures has been further considered by the proponent in a Services and Stormwater Management Report (Appendix 20). No issues have been identified which are unable to be resolved at the development application stage.

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

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

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

**Section D - State and Commonwealth Interests.**

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

Development of the subject land will require the extension of existing water, sewerage, electricity and telephone infrastructure. There may also be a need for onsite stormwater management infrastructure such as on site detention and bio filtration areas. These issues have been further considered in the proponent's Services and Stormwater Management Assessment Report (Appendix 20). No issues have been identified which are unable to be resolved at the development application stage.

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

Consultation has been undertaken with NSW Primary Industries and the Office of Environment and Heritage as required by the Gateway determination. Responses received are contained within Appendix 22 and have been considered in the Gap Analysis report contained within Appendix 21.

The OEH has recommended that prior to exhibition of the planning proposal that Council should clarify the significance of vegetation east of the planning area. Council's Environmental Scientist has subsequently inspected the site and indicated agreement with the findings of the proponent's Flora and Fauna Report. In respect to vegetation east of development site, Council's Environment Scientist has recommended that this be retained, buffered and rehabilitated. These comments have been addressed in the Gap Analysis report which has concluded that these items are matters to be addressed at the development application stage.

NSW Primary Industries – Agriculture has provided comments relating to Land Use Conflict Risk Assessment. Comments provided indicate that buffer distances between residential areas and grazing stock require consideration together with site specific factors such as topography. Detailed consideration of required buffer distances is a matter for the DA process.

**PART 4 – MAPPING**

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

- Map 1 – Site Identification Map (Aerial);
- Map 2 – Site Identification Map (Cadastral);
- Map 3 – Existing Combined Zoning Map Ballina LEP 1987 and Ballina LEP 2012;
- Map 4 – Existing Zoning Map Ballina LEP 2012;

- Map 5 – Existing Zoning Map Ballina LEP 2012 (zoomed);
- Map 6 – Proposed Land Zoning Map Ballina LEP 2012 (zoomed);
- Map 7 – Existing Strategic Urban Growth Area Map;
- Map 8 – Proposed Strategic Urban Growth Area Map;
- Map 9 – Proposed Strategic Urban Growth Area Map (zoomed);
- Map 10 – Existing Lot Size Map;
- Map 11 – Proposed Lot Size Map 800m<sup>2</sup> Option (zoomed);
- Map 12 – Proposed Lot Size Map 600m<sup>2</sup> Option (Zoomed);
- Map 13 – Existing Height of Building Map;
- Map 14 – Proposed Height of Building Map;
- Map 15 – Proposed Height of Building Map (zoomed);
- Map 16 – Proposed Land Application Map; and
- Map 17 – Proposed Land Application Map (zoomed).

Council will determine which lot size map option (600m<sup>2</sup> or 800m<sup>2</sup>) will be applied following public exhibition.

#### PART 5 – COMMUNITY CONSULTATION

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

#### PART 6 – TIMELINE

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

Plan Making Step	Estimated Completion
Gateway Determination	April 2015
Government Agency Consultation	November 2015
Public Exhibition Period	June 2016
Public Hearing	N/A
Submissions Assessment	July 2016
RPA Assessment of Planning Proposal and Exhibition Outcomes	July 2016
Submission of Endorsed LEP to DP&E for Finalisation	NA
RPA Decision to Make the LEP Amendment (delegated)	August 2016
Forwarding of LEP Amendment to DP&E for Notification (delegated)	August 2016

APPENDICES

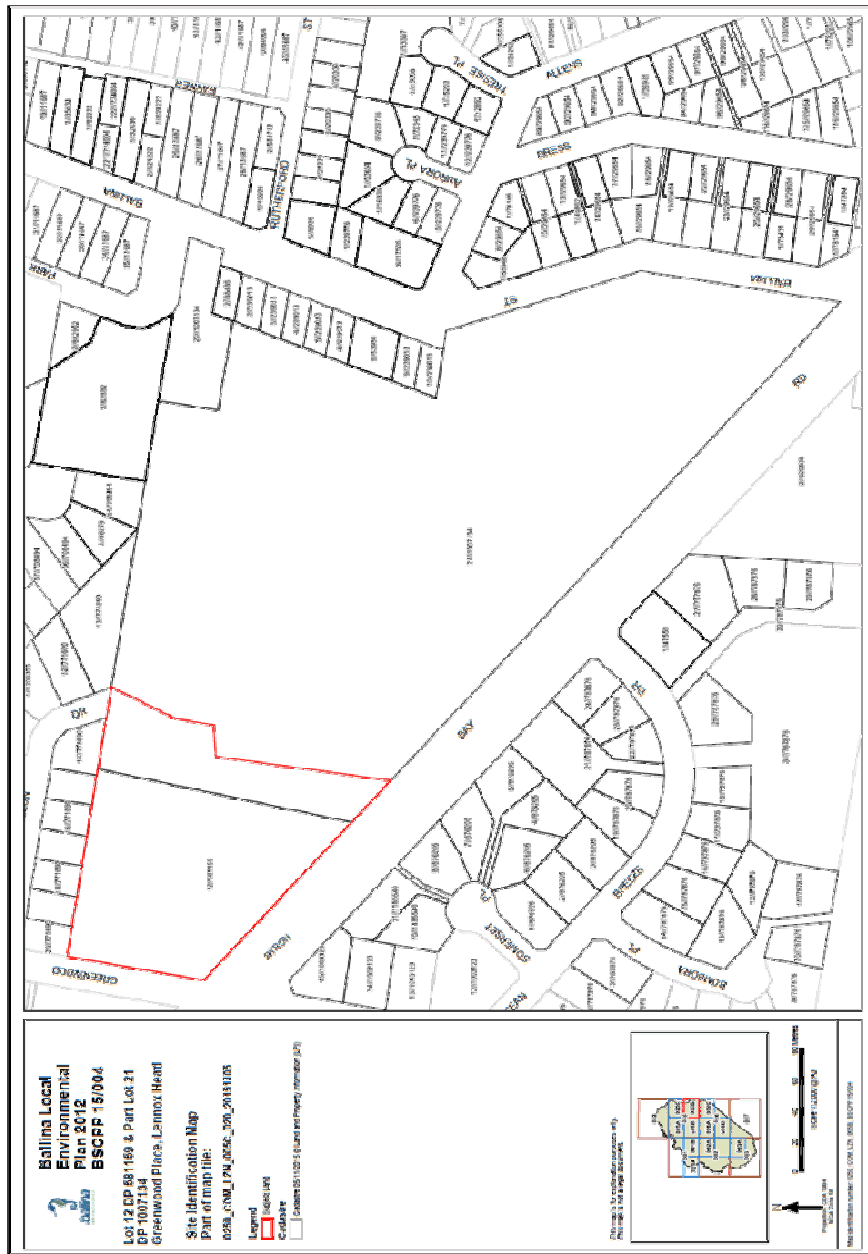
**Appendix 1 – Maps**

**Map 1 – Site Identification Map (Aerial)**



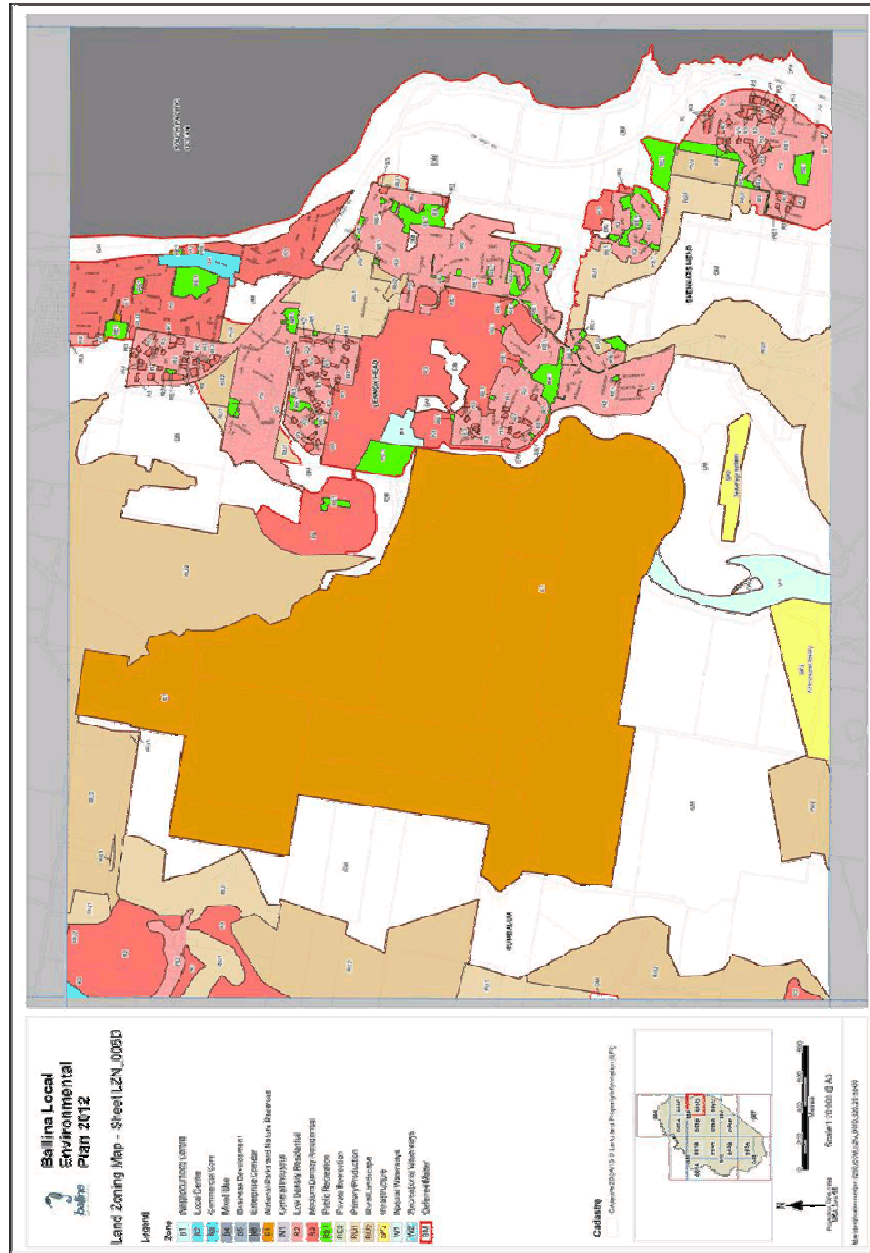


**Map 2 – Site Identification Map (Cadastral)**

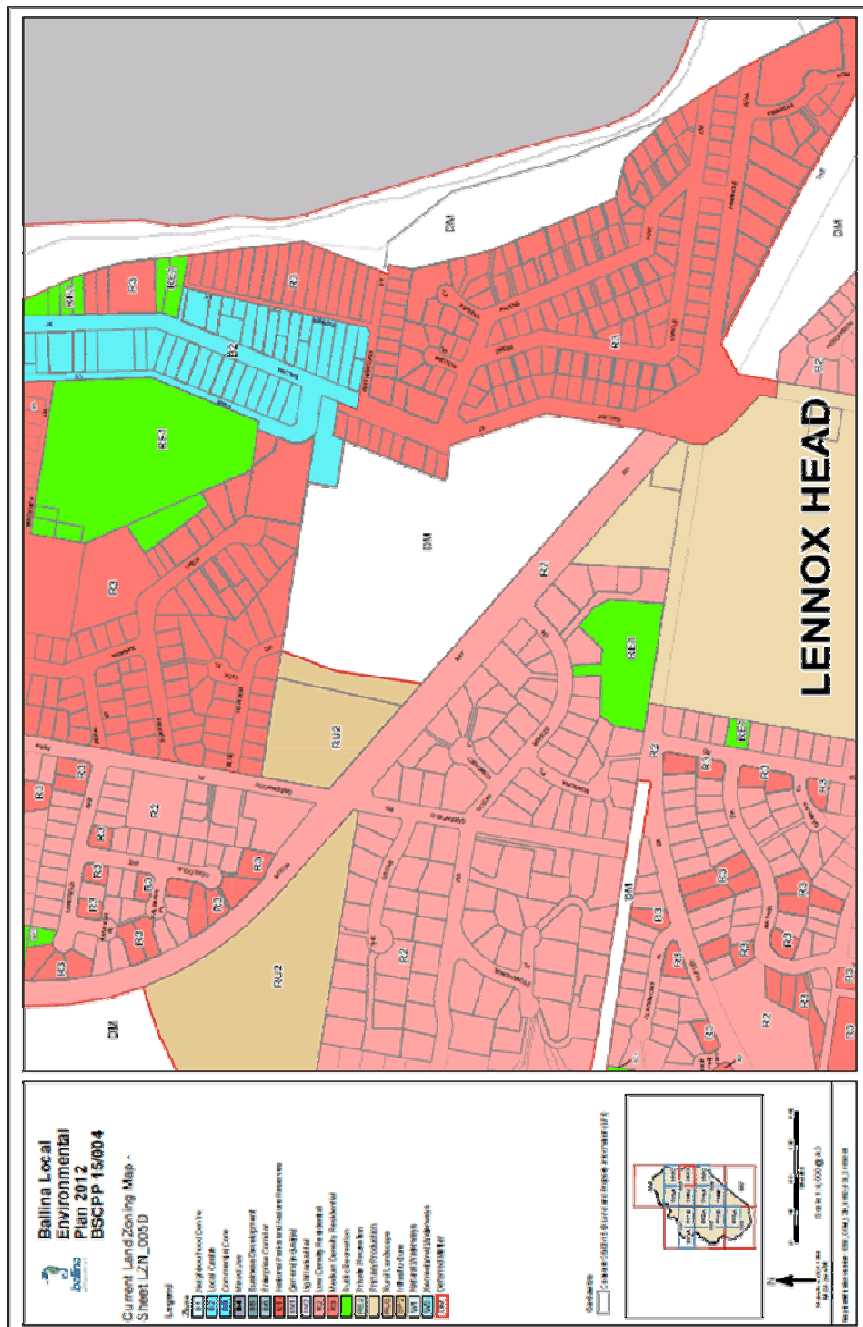




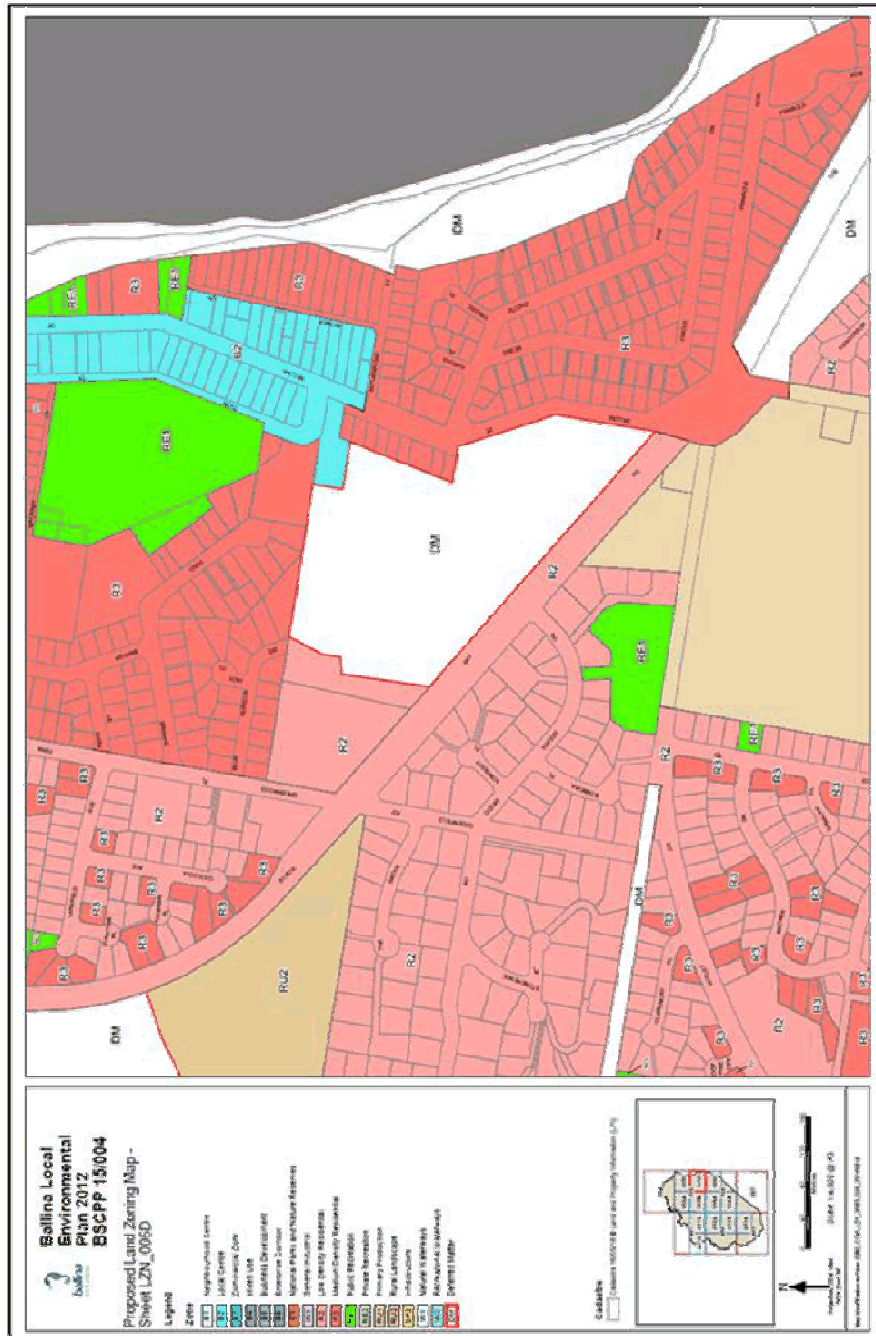
**Map 4 – Existing Land Zoning Map Ballina LEP 2012**



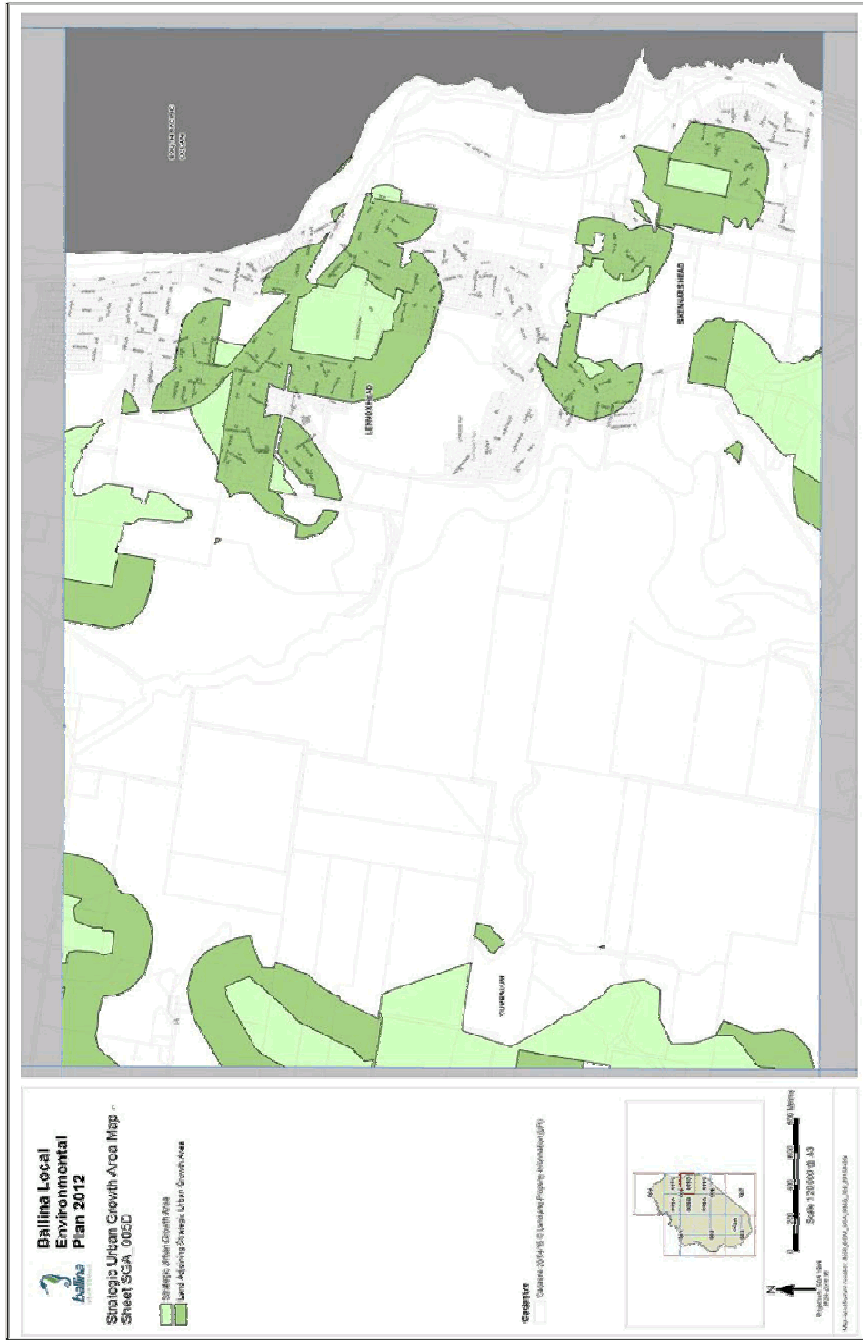
Map 5 – Existing Land Zoning Map Ballina LEP 2012 (zoomed)



**Map 6 – Proposed Zoning Map Ballina LEP 2012 (zoomed)**



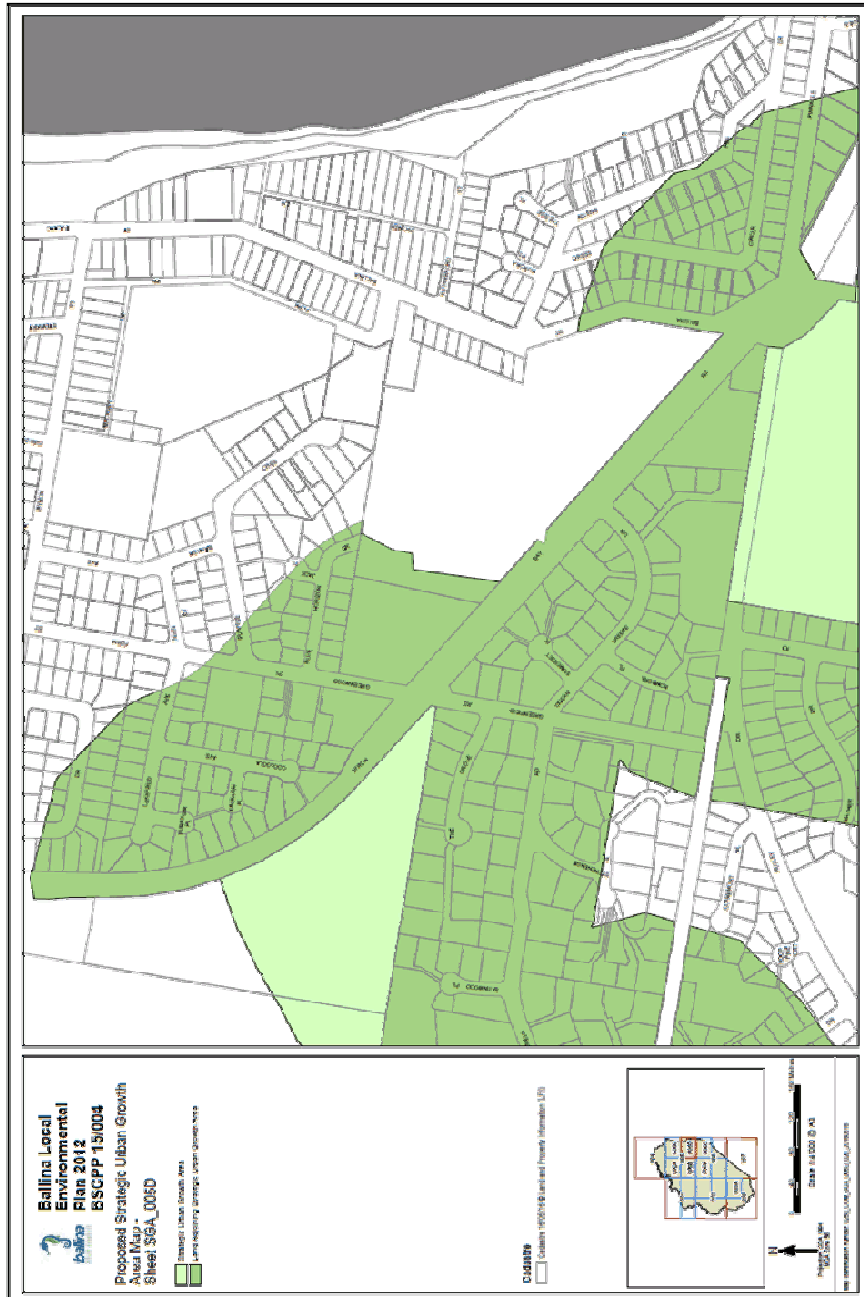
**Map 7 - Existing Strategic Urban Growth Area Map**



**Map 8 – Proposed Strategic Urban Growth Area Map**



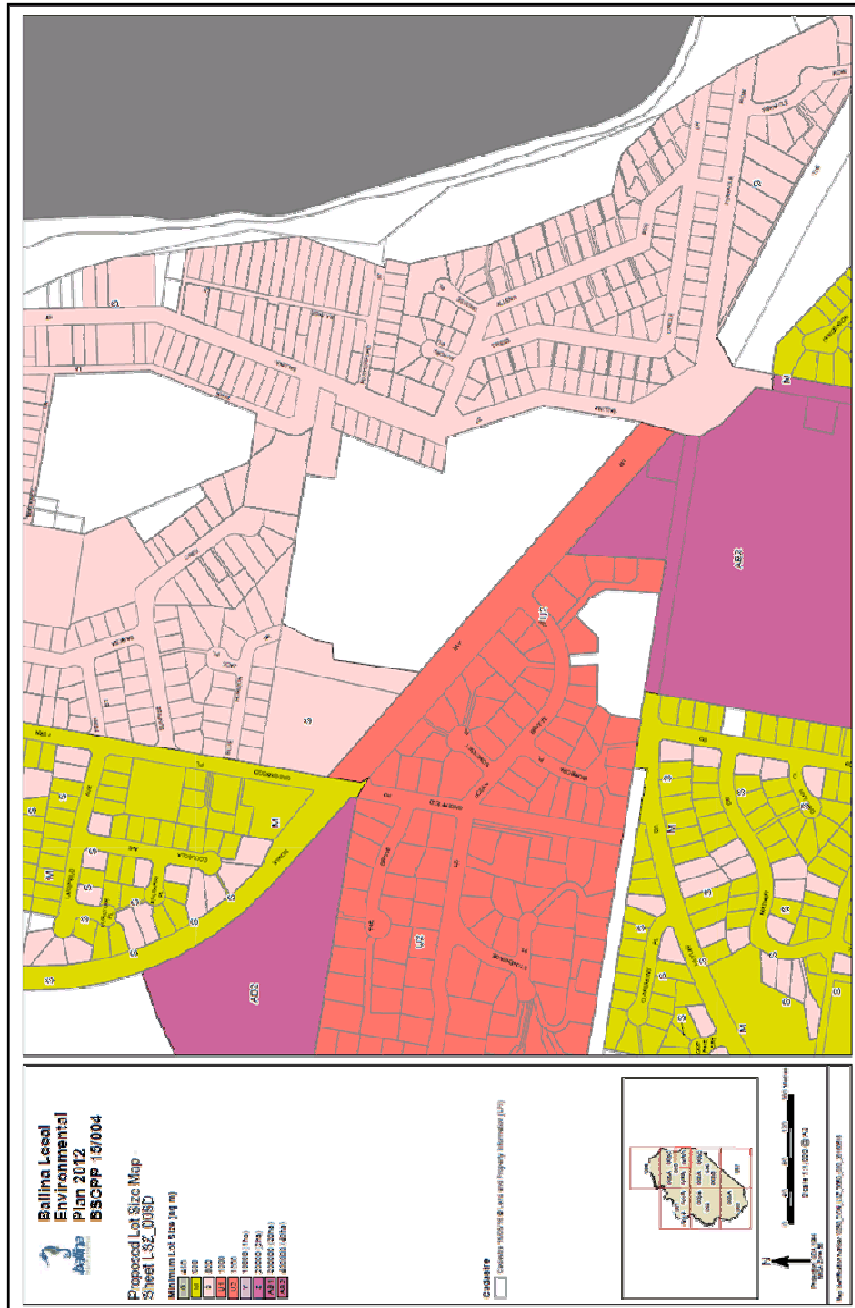
**Map 9 – Proposed Strategic Urban Growth Area Map (Zoomed)**



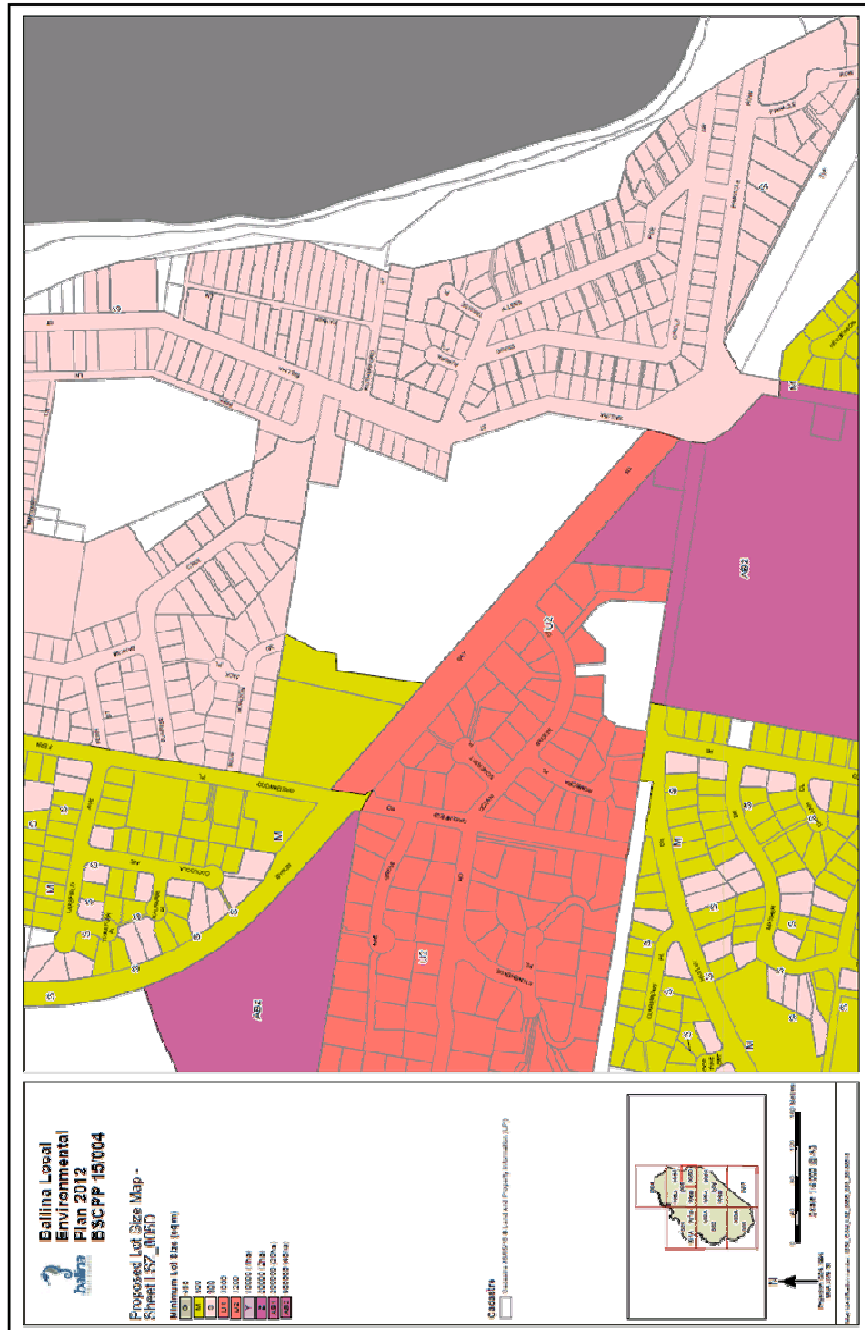




**Map 11 – Proposed Lot Size Map 800m<sup>2</sup> Option (zoomed)**



**Map 12 – Proposed Lot Size Map 600m<sup>2</sup> Option (zoomed)**



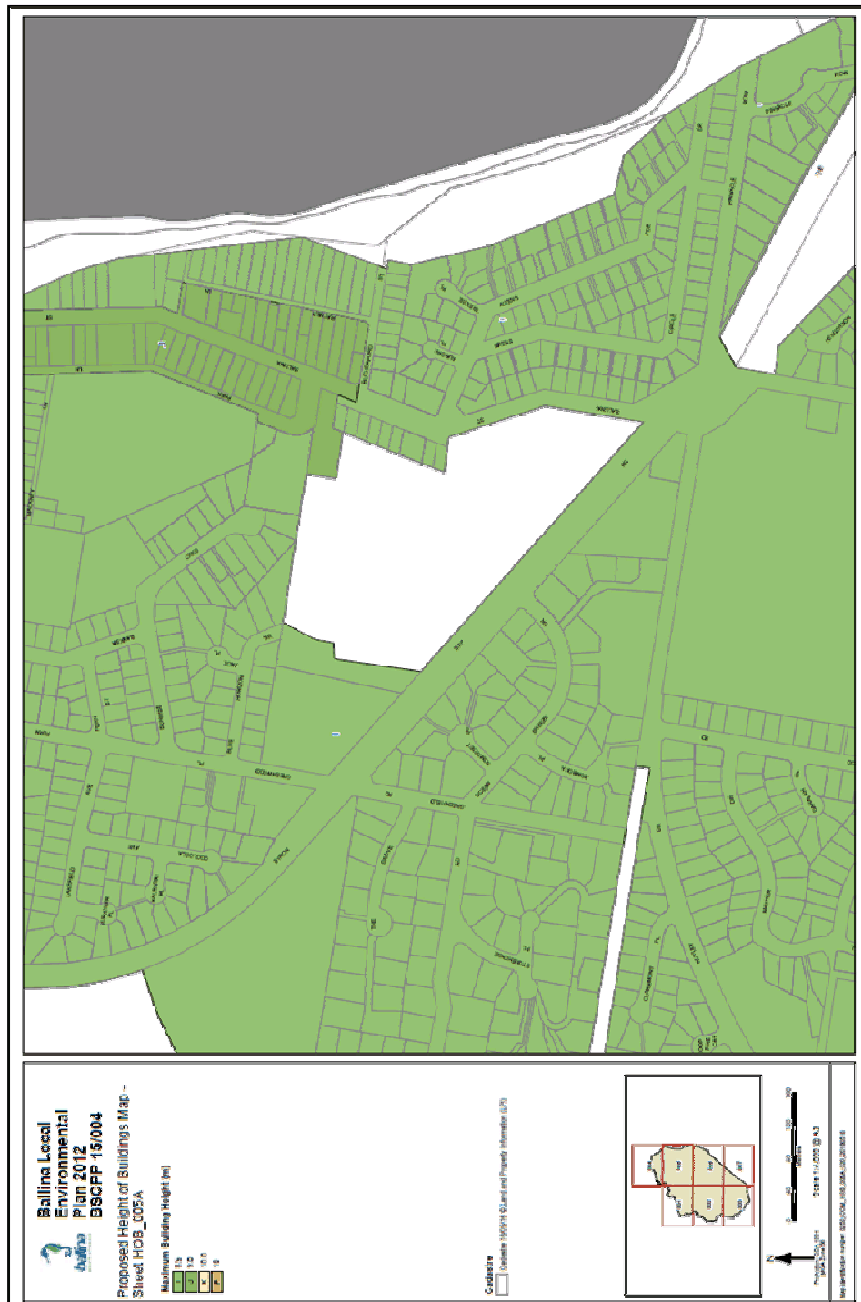
**Map 13 – Existing Height of Building Map**



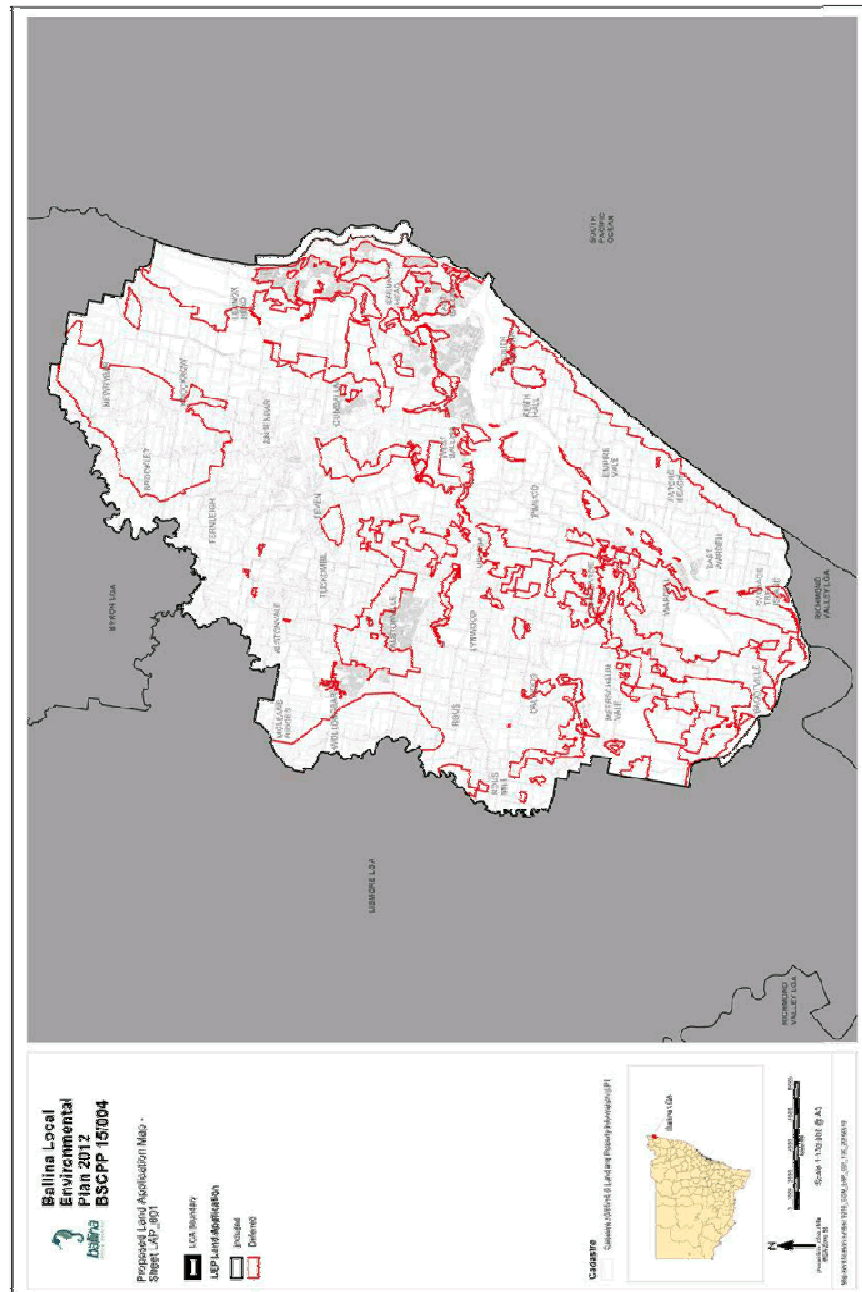
**Map 14 – Proposed Height of Building Map**



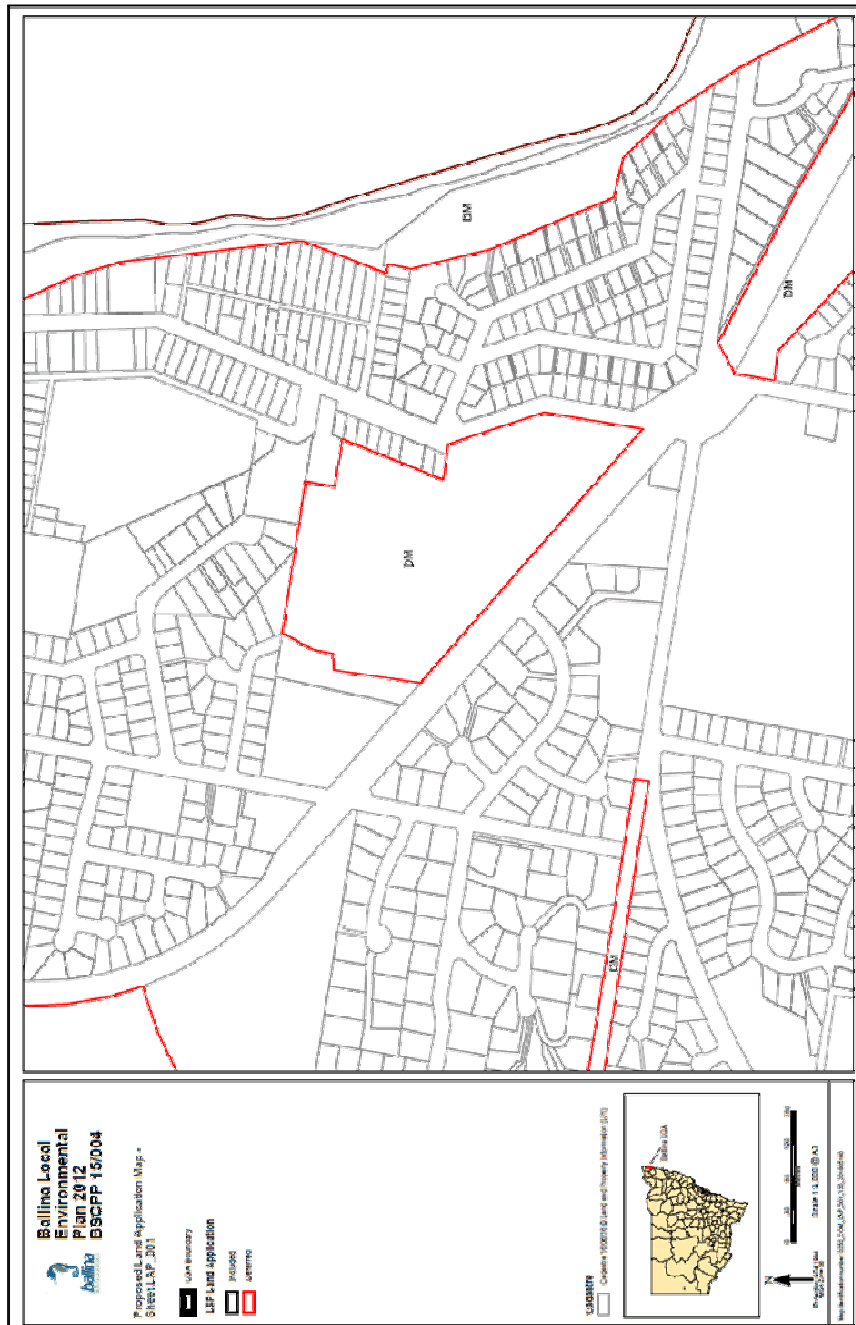
Map 15 – Proposed Height of Building Map (zoomed)



**Map 16 – Proposed Land Application Map**



Map 17 – Proposed Land Application Map (zoomed)





**Appendix 2 – LEP Amendment Request**

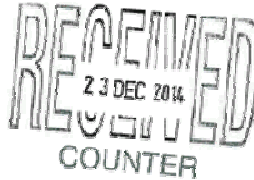


**PLANNERS  
NORTH**

ahn: 36 291 496 553  
6 Byron Street, PO Box 553,  
Lennox Head, NSW 2478  
Telephone: 1300 66 88 87

23rd December 2014  
Our reference: 1371-025

The General Manager  
Ballina Shire Council  
PO Box 458  
BALLINA NSW 2478



Dear Sir,

**Re: Greenwood Place, Lennox Head - Planning Proposal**

Planners North acts for the Trustees of the Roman Catholic Church, Diocese of Lismore. The Church has instructed us to prepare a Planning Proposal in relation to land in its ownership at Lennox Head. Please find attached one "black and white hard copy" of the Planning Proposal document, together with council's standards initial processing fee of \$2 700. Please note that the Planning Proposal also includes land held by the Condon Family immediately to the east. It was thought that whilst the Condon Family are not a party to this application, the 'rounding off' of the zoning in the subject locality would be appropriately addressed via the subject Planning Proposal.

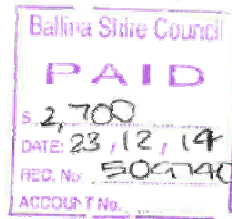
Please advise us as to how many hard copies and digital copies of this documentation council requires.

Should you require any additional information or wish to clarify any matter raised by this request, please feel free to contact the writer.

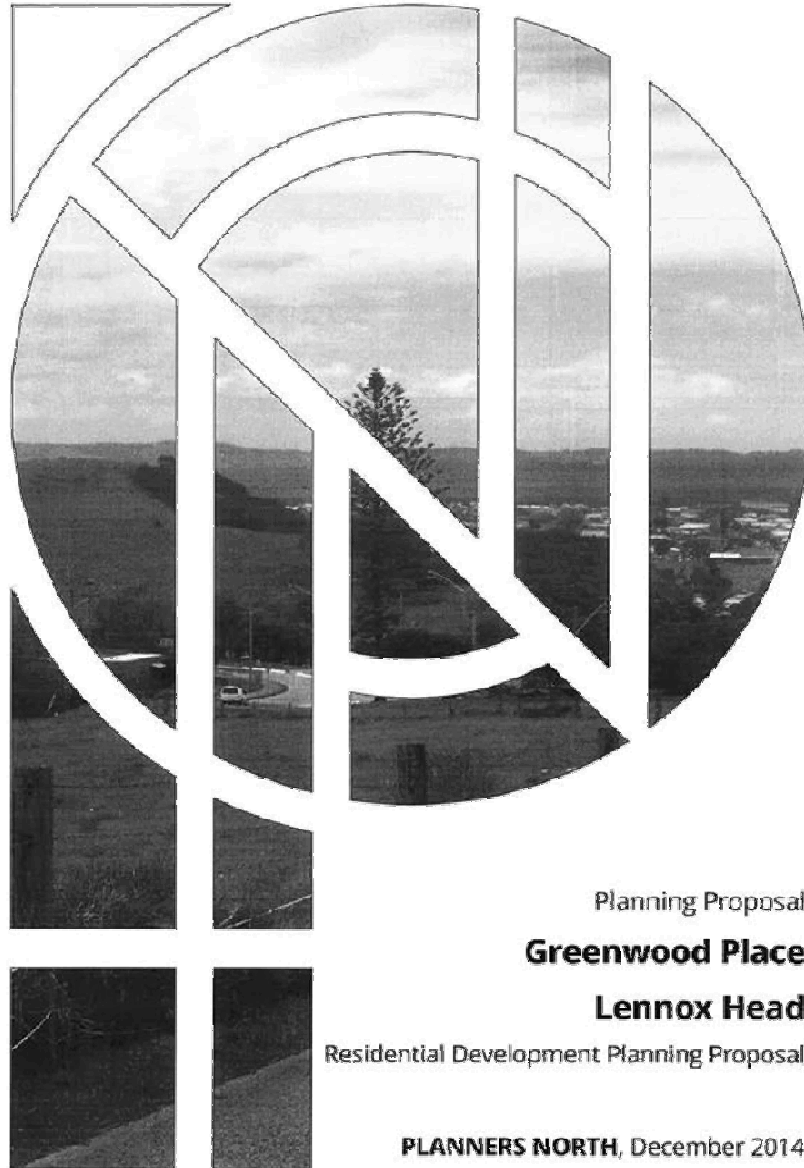
Yours faithfully,

**PLANNERS NORTH**

Stephen Connelly FPIA CFP  
PARTNERSHIP PRINCIPAL  
(m) 0419 237 982  
(e) stevc@plannersnorth.com.au



Enc: Planning Proposal



**COMPLIANCE AND USAGE STATEMENT**

This Planning Proposal has been prepared and submitted under Part 3 of the *Environmental Planning and Assessment Act 1979* by:

**Preparation**

Name: S J Connelly  
Company: PLANNERS NORTH  
Address: P.O. Box 538  
Lennox Head NSW 2478

**Application**

Proponent: Trustees of the Roman Catholic Church, Diocese of Lismore  
Address: C/- PLANNERS NORTH  
P.O. Box 638, Lennox Head NSW 2478  
Land to be developed: Lot 12, DP 581159 and Part Lot 21, DP 1007134  
Proposed zoning: Residential Re-zoning Proposal

**Certificate**

I certify that I have prepared the content of this Planning Proposal and to the best of my knowledge:

- it is in accordance with the Act and Regulations, and
- it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

**Notice**

The plans in this document were prepared for the exclusive use of the proponent and are not to be used for any other purpose or by any other person or corporation. PLANNERS NORTH accepts no responsibility for any loss or damage suffered however arising to any person or corporation who may use or rely on this document for purposes other than the proposed development.

Plans accompanying this document may not be reproduced, stored or transmitted in any form unless this note is included.

PLANNERS NORTH declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 147(3) of the Act to declare.

No extract of text from this document may be reproduced, stored or transmitted in any form without the prior consent of PLANNERS NORTH.



Stephen Connelly [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)  
Partnership Principal



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W: [plannersnorth.com.au](http://plannersnorth.com.au)

Ref: 1371-503  
Date: December 2014

**Greenwood Place, Planning Proposal**

**EXECUTIVE SUMMARY**

This Planning Proposal has been prepared by PLANNERS NORTH on behalf of the Trustees of the Roman Catholic Church, Diocese of Lismore for land at Greenwood Place, Lennox Head zoned RU2 – Rural Landscape being Lot 12, DP 581159 and Part Lot 21, DP 1007134. Lot 12, DP 581159 is held by the Trustees of the Roman Catholic Church, Diocese of Lismore. The church is the Proponent for the purposes of this Planning Proposal. The owners of Lot 21 DP 1007134 are aware of the lodgement of this application but are not a formal party to the Planning Proposal.

The purpose of this Planning Proposal is to amend the current town planning controls that apply to the site. The intended outcome of the Planning Proposal is to permit residential development of the land currently zoned RU2. No submissions are made with this Planning Proposal relating to the 'DM' classification of land in the eastern part of the Lot 21 DP 1007134.

The Planning Proposal is a site specific amendment to the BLEP12 to change zoning and minimum lot area controls that apply to the site. The intended outcome of the Planning Proposal is to amend the existing planning controls to facilitate use of the land for 'R3' purposes.



Two amendments to the BLEP12 are proposed:

- amend the zoning of the site to "R3" consistent with the zoning of land immediately to the north of the subject site, and
- amend the lot size map to identify the site as "G" – 450m<sup>2</sup> minimum lot size.

The proposed rezoning is consistent with a long history of local strategic planning for the locality including:

- Ballina Local Environmental Plan 1987 1(d) Urban Investigation Zone designation;
- Lennox Head Community Aspirations Strategic Land Use Plan, 2002;
- Lennox Head Structure Plan of 2004;
- Ballina Shire Affordability Housing Strategy of 2010; and
- Ballina Shire Growth Management Strategy of 2012. This plan sets out Council's framework for managing population growth in the Shire and identifies the land as appropriate for residential rezoning. This plan was endorsed by the Department of Planning and Infrastructure in May 2013.



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Greenwood Place, Planning Proposal

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Greenwood Place - Planning Proposal

1

**1 INTRODUCTION**

*This section of the report provides a brief preamble in relation to the nature of the Planning Proposal.*

**1.1 PREAMBLE**

This Planning Proposal has been prepared by PLANNERS NORTH on behalf of the Trustees of the Roman Catholic Church, Diocese of Lismore for land at Greenwood Place, Lennox Head zoned RU2 – Rural Landscape being Lot 12, DP 581159 and Part Lot 21, DP 1007134. Lot 12, DP 581159 is held by the Trustees of the Roman Catholic Church, Diocese of Lismore. The church is the Proponent for the purposes of this Planning Proposal. The owners of Lot 21 DP 1007134 are aware of the lodgement of this application but are not a formal party to the Planning Proposal.

The purpose of this Planning Proposal is to amend the current town planning controls that apply to the site. The intended outcome of the Planning Proposal is to permit residential development of the land currently zoned RU2. No submissions are made with this Planning Proposal relating to the "DM" classification of land in the eastern part of the Lot 21 DP 1007134.

This Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required by Section 55 this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument;
- an explanation of the provisions that are to be included in the proposed instrument;
- the justification for those objectives, outcomes and provision and the process for their implementation (including whether the proposed instrument will comply with relevant directions under Section 117);
- draft LEP amendment map, and
- details of community consultation.

The Planning Proposal has been prepared having regard to the Departmental publications "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals".

**1.2 FURTHER INFORMATION**

Should Council or the Department require any additional information in which to clarify any matter raised by this Planning Proposal please consult with Stephen Cowie.



*Photograph of the subject site from Greenwood Place looking east.*



*Photograph of the subject site taken from Byron Bay Road looking from the south west corner towards the northeast.*



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Greenwood Place - Planning Proposal

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**2 SITE DESCRIPTION**

*This section of the report briefly describes the site and the current planning regime which applies to the land.*

**2.1 THE SITE**

The site is located at Lennox Head adjacent to the intersection of Byron Bay Road and Greenwood Place. Vehicular access to the land is available from Greenwood Place. The land is approximately 2ha in area. The site is an irregular shape with a 180m frontage to the Byron Bay Road and 100m boundary to Greenwood Place.

A site location plan is shown at **Plan 2.1** and an aerial photo of the site is shown at **Plan 2.2**.

**Legal Description**

The site comprises the following allotments of land:

- Lot 12 DP 581159 and
- Part Lot 21 DP 1007134

The land is not subject to any covenants or easements.

**2.2 CURRENT PLANNING CONTROLS**

Ballina Local Environmental Plan 2012 (BLEP12) is the key instrument applying to the site. It has generally replaced the former Ballina Local Environmental Plan 1987 (BLEP87). However, land immediately eastward of the land the subject of this Planning Proposal remains zoned under the Ballina Local Environmental Plan 1987 (BLEP87), being a Deferred Matter (shown as "DM" on the BLEP12 maps) from the recent BLEP12 gazettal.

**Zoning**

The site the subject of this Planning Proposal is zoned RU2 with a minimum subdivision area of 40 hectares.

**Building Height**

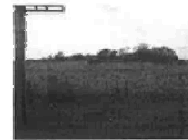
Pursuant to clause 4.3 of BLEP12 the site has an 8.5 metre height limit applying.

**Floor Space Ratio**

There is no maximum floor space ratio applying to any part of the site.

**Strategic Urban Growth**

Clause 7.8 of the BLEP12 seeks to ensure that strategic development opportunities are maintained. To this end it identifies land that enjoys strategic urban growth potential. The whole of the subject land is identified as a "strategic urban growth area" in the Strategic Urban Growth Area Maps.



*View of the subject site taken from Greenwood Place.*

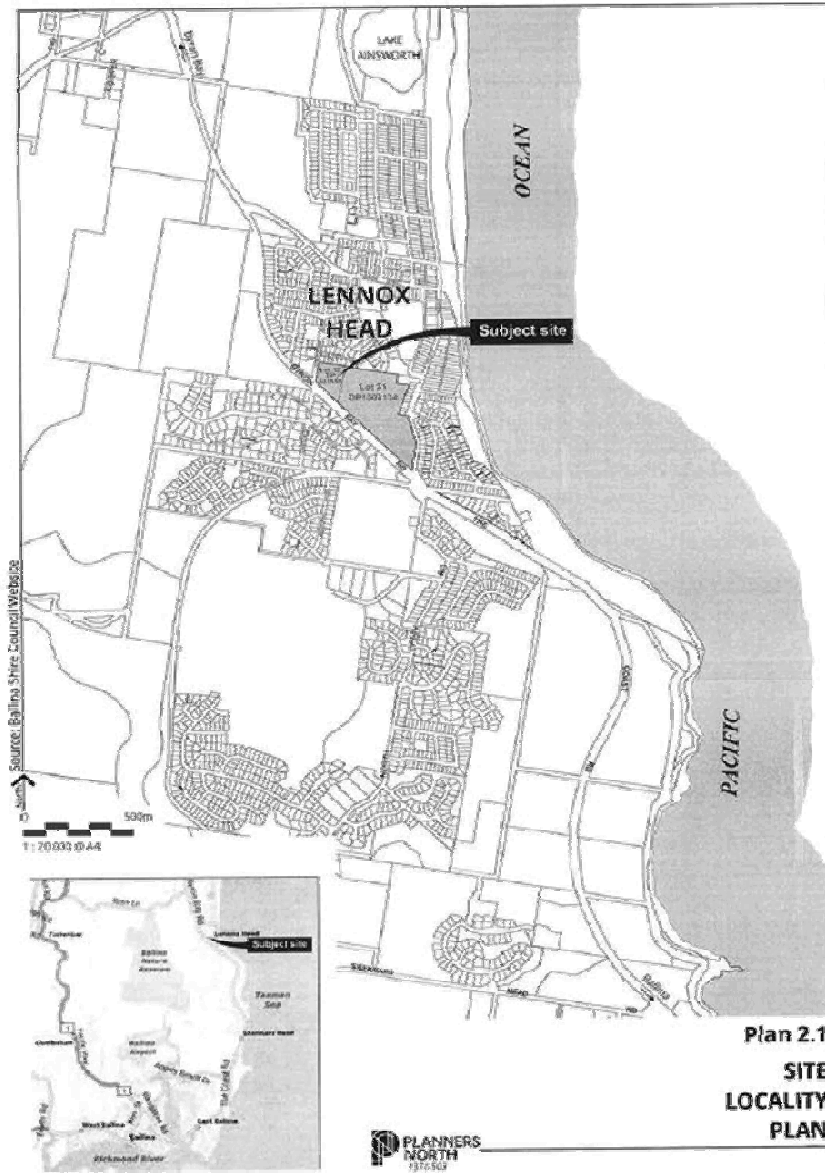


*View from the southern boundary of Greenwood Place towards the Byron Bay Road.*



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Greenwood Place, Planning Proposal

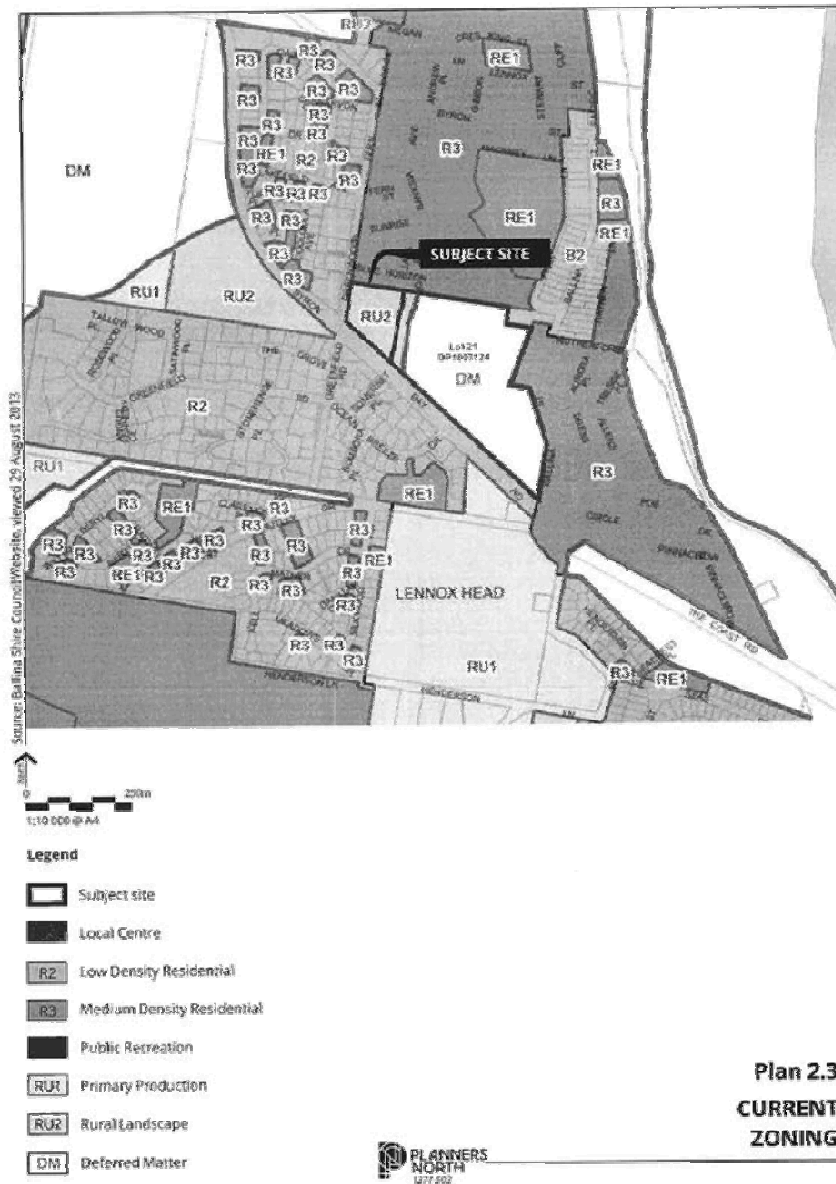




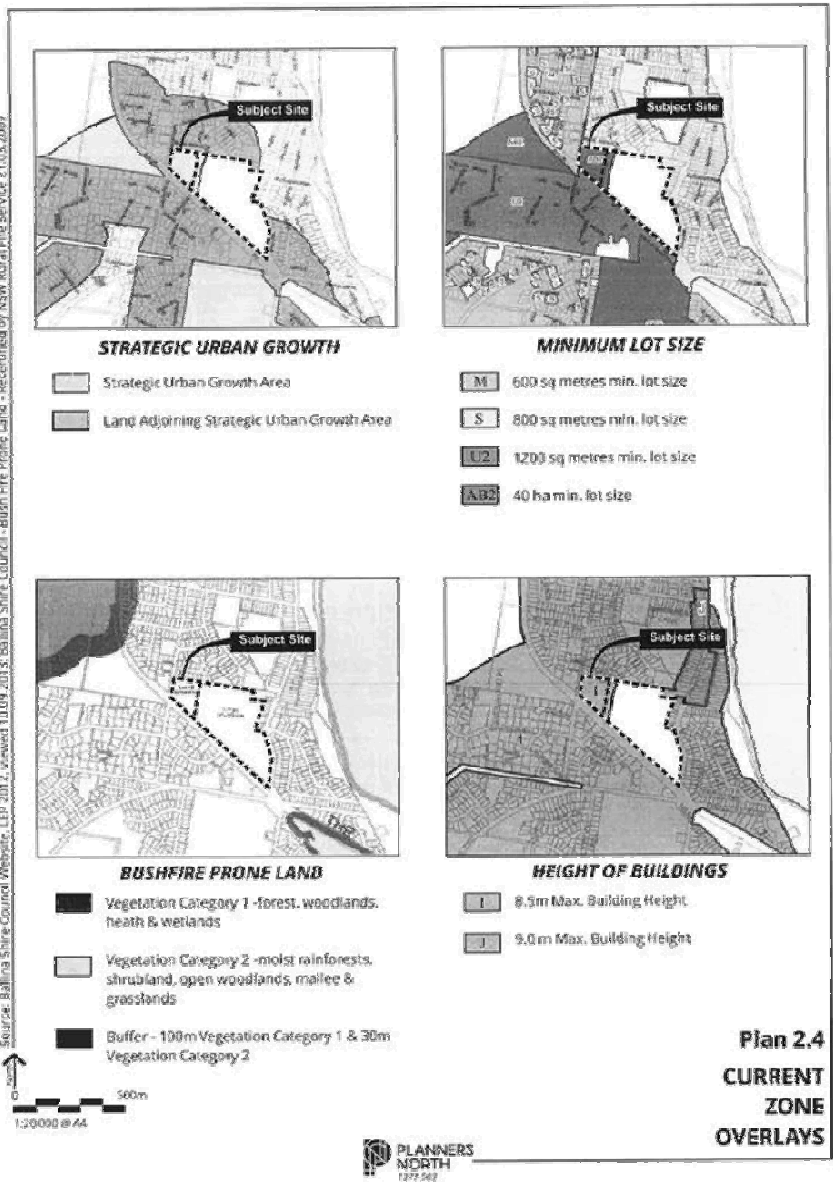
Greenwood Place, Planning Proposal



Greenwood Place, Planning Proposal



Greenwood Place, Planning Proposal



Greenwood Place • Planning Proposal

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**3 PLANNING PROPOSAL**

*This section of the Planning Proposal describes intended outcomes and provisions sought by this submission.*

**3.1 OBJECTIVE**

To provide for the orderly amendment of BLEP12 for residential purposes consistent with the planning strategies adopted at Local and State Government level.

**3.2 INTENDED OUTCOME**

The Planning Proposal is a site specific amendment to the BLEP12 to change zoning and minimum lot area controls that apply to the site. The intended outcome of the Planning Proposal is to amend the existing planning controls to facilitate use of the land for 'R3' purposes.

**3.3 EXPLANATION OF THE PROVISIONS OF THE DRAFT PLAN**

Two amendments to the BLEP12 are proposed:

- amend the zoning of the site to 'R3' consistent with the zoning of land immediately to the north of the subject site, and
- amend the lot size map to identify the site as 'G' – 450m<sup>2</sup> minimum lot size.



*View of the subject site from the Byron Bay Road looking northwards.*

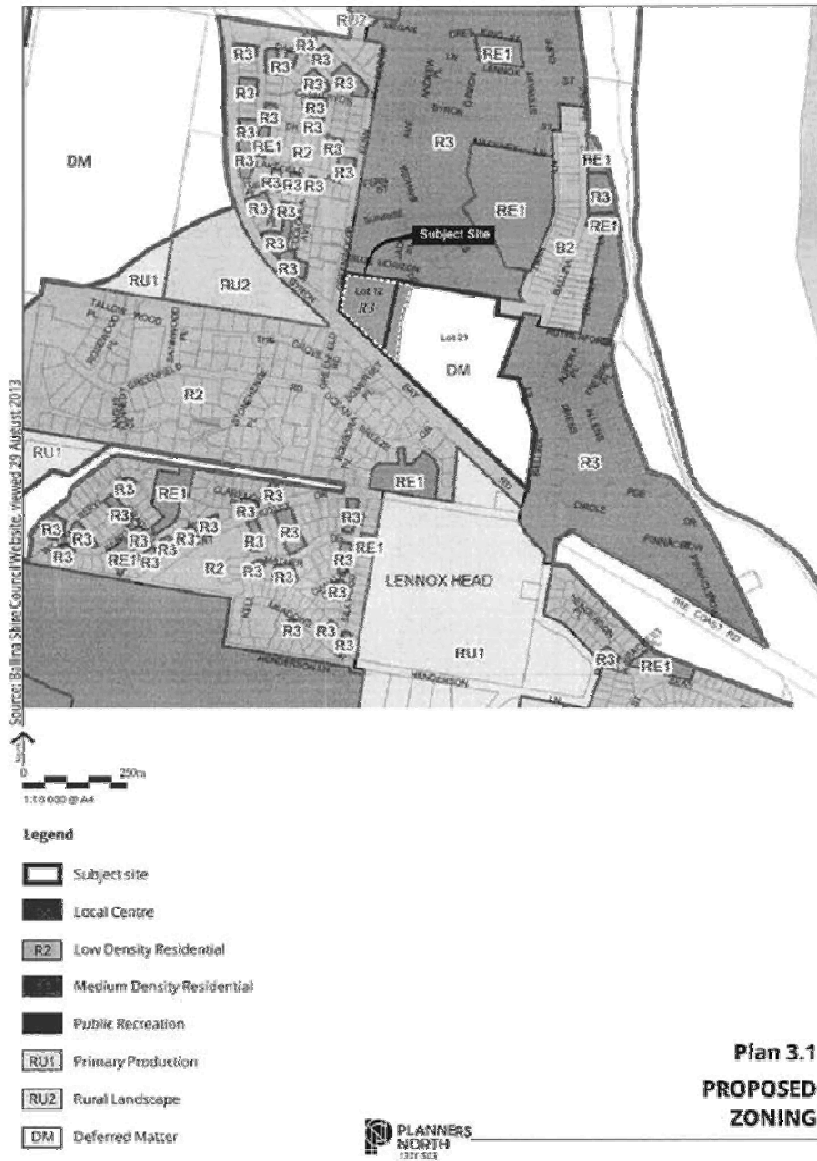


*Preliminary Concept Sketch for Lot 12, DP 581158.*



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Greenwood Place. Planning Proposal



Greenwood Place • Planning Proposal

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**4 JUSTIFICATION**

*This section of the Planning Proposal looks at the strategic context of the application and its consistency with relevant sub-regional and local strategies as well as State Environmental Planning Policies and directions issued by the Minister pursuant to Section 117 of the Act.*

**4.1 NEED FOR THE PLANNING PROPOSAL**

**4.1.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?**

The proposed rezoning is consistent with a long history of local strategic planning for the locality including:

- Ballina Local Environmental Plan 1987 1(d) Urban Investigation Zone designation;
- Lennox Head Community Aspirations Strategic Land Use Plan, 2002;
- Lennox Head Structure Plan of 2004;
- Ballina Shire Affordability Housing Strategy of 2010; and
- Ballina Shire Growth Management Strategy of 2012. This plan sets out Council's framework for managing population growth in the shire and identifies the land as appropriate for residential rezoning. This plan was endorsed by the Department of Planning and Infrastructure in May 2013.

**4.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES?**

Rezoning of the land in the manner proposed will permit the orderly and economic development of the parcel for residential purposes. In this regard it is consistent with the strategic planning for the locality spanning some 3 decades.

**4.1.3 IS THERE ANY COMMUNITY BENEFIT?**

The primary community benefit will be the continuity of housing supply. This parcel is strategically located north of the Byron Bay Road and east of Greenwood Place and accordingly has excellent linkages to the Lennox Head and associated community facilities.



**4.2 RELATIONSHIP TO STRATEGIC PLANNING PROPOSAL**

**4.2.1 CONSISTENCY WITH RELEVANT SUBREGIONAL AND METROPOLITAN PLANNING STRATEGIES**

The strategic planning context for the consideration of this Planning Proposal includes:

**Far North Coast Regional Strategy**

The Regional Strategy is an initiative of the NSW Government to guide sustainable growth across the Far North Coast Region. The aims of the Strategy are to:

- Identify and protect important environmental assets, landscape and cultural values and natural resources.
- Limit development in places constrained by coastal processes, flooding, wetlands, important farmland, and landscapes of high scenic, cultural and conservation value.

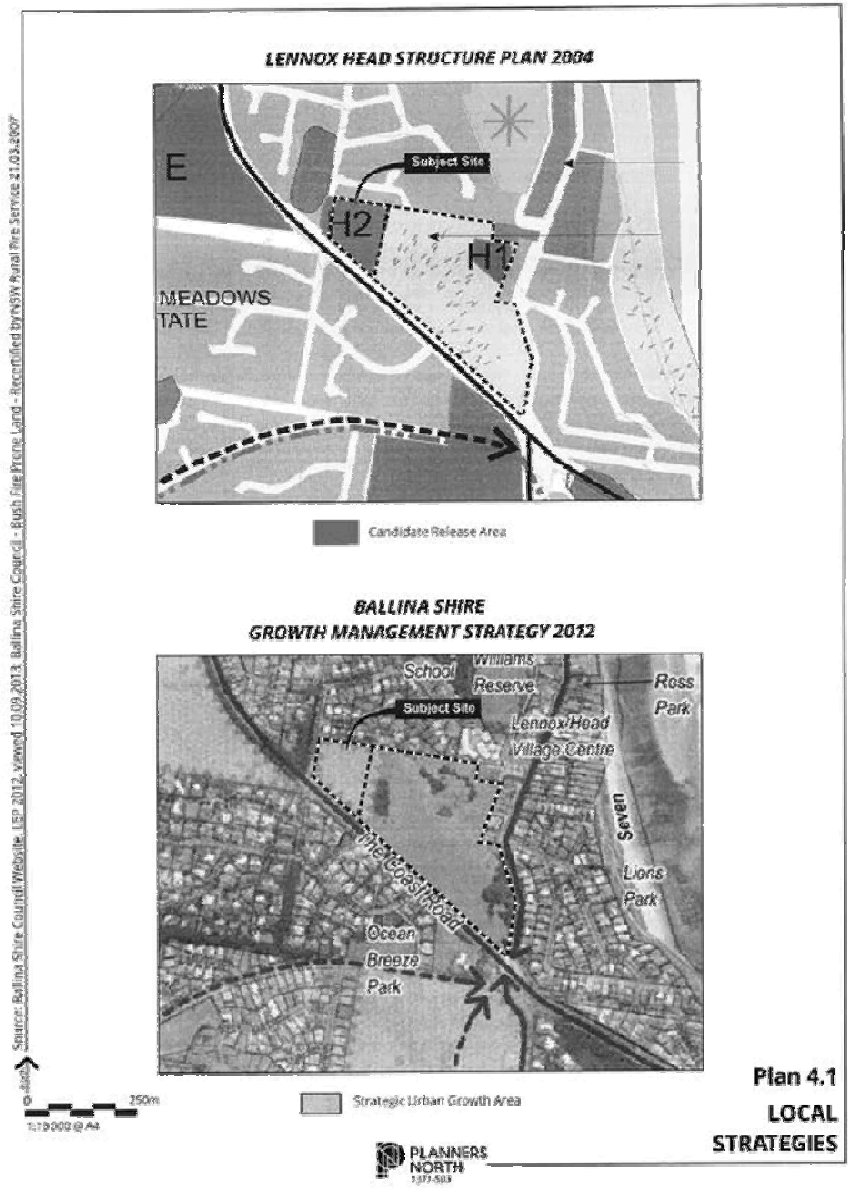


*Process of views towards the subject site from North Creek Road near the Lennox Head reservoir. The site is not visible from this location.*



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Greenwood Place, Planning Proposal



**Greenwood Place - Planning Proposal**

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- Cater for the extra 60 000 people expected to be living in the Region over the next 25 years—a population increase of 26%.
- Allocate 35% of future housing to the three major regional centres—Tweed Heads, Lismore and Ballina—and reinforce their role as employment and service centres.
- Protect the coast from overdevelopment by identifying a Coastal Area (generally east of the Pacific Highway and including Tweed Heads urban areas — as shown on the Strategy Map) which limits the spread of urban development by reducing additional future housing within this area from around 75% (based on current trends) to around 60%.
- Ensure the 51 000 new homes expected to be built by 2031 are provided in a variety of suitable locations, and offer a choice in form and affordability.
- Provide appropriately located rural residential opportunities around existing settlements (excluding the Coastal Area unless part of an approved rural residential release strategy).
- Encourage growth of non-coastal towns and villages by identifying potential lands for new housing and industry to boost local economies without compromising environmental values or quality of life.
- Ensure the provision of adequate land for new business and industry that is well linked to transport and services, takes advantage of the opportunities arising from the upgrading of the Pacific Highway and which will support the creation of the projected additional 32 500 jobs needed in the Region.
- Contain areas for potential future development to within the Town and Village Growth Boundary.
- Require that any development proposals for greenfield sites west of the Coastal Area and outside of the Town and Village Growth Boundary be subject to satisfying the Sustainability Criteria.

As illustrated in **Plan 4.2**, the rezoning of the subject land was envisaged by the Far North Coast Strategy. The strategy identified the site as part of an area for future development in the town and village growth boundary.



View immediately southward of the subject site looking north along the Ryan Bay Road.

**4.2.2 CONSISTENCY WITH COUNCIL'S COMMUNITY AND STRATEGIC PLANS**

**The Ballina Shire Community Strategic Plan**

The Ballina Shire Community Strategic Plan 2013/23 identifies values and future visions for Ballina Shire. The Plan looks at community needs and aspirations and describes what the Shire wants to occur during the next 10 years to promote a positive lifestyle and improve the amenity of residents and visitors. That Plan sits above all other Council plans and policies in the planning hierarchy. The Community Strategic Plan identifies the community's main priorities and aspirations for the future to promote a positive lifestyle and improve the amenity of residents of the shire. This plan is key to Council's decision making and planning for the next decade.

Key aspects of the Community Strategic Plan which are supported by this proposal include outcomes:

- Connected Community, particularly outcome CC3 where services and facilities and transport options suit community needs;
- Prosperous Economy, particularly outcome PE3 concerning the ability to work close to home; and
- Healthy Environment, particularly HE1 and HE3 concerning an understanding of the environment and the creation of a built environment that blends with the natural environment.

**4.3 CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES**

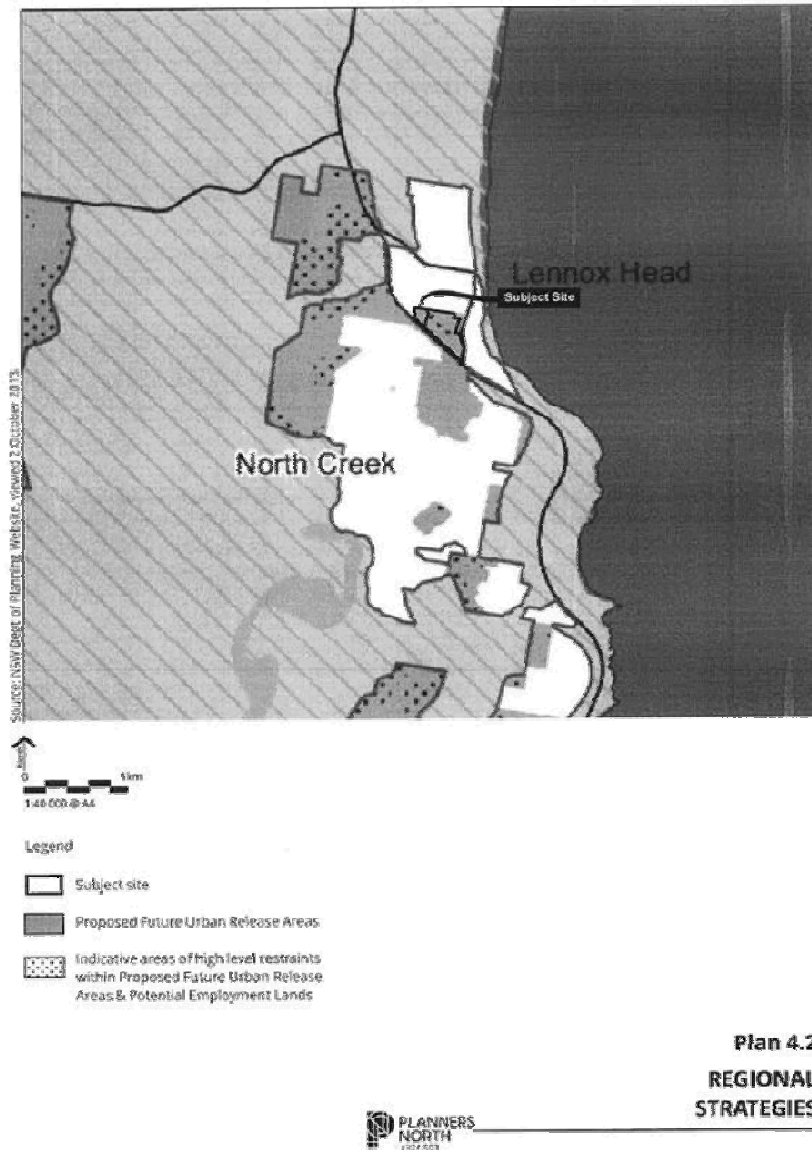
An assessment of the Planning Proposal against applicable State Environmental Planning Policies (SEPPs) is provided in **Table 4.1** below.



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Greenwood Place, Planning Proposal



Greenwood Place - Planning Proposal  
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TABLE 4.1 – CONSISTENCY WITH RELEVANT SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to Ballina LEP 2012.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	Applies to the whole of the State. Will apply to future development of the site.
SEPP No 6 Number of Storeys			✓	Standard instrument definitions apply.
State Environmental Planning Policy No 14—Coastal Wetlands			✓	The subject site is not located adjacent to any coastal wetland.
State Environmental Planning Policy No 15—Rural Landsharing Communities			✓	No "hamlet development" is envisaged pursuant to this proposal.
SEPP No 19 Bushland in Urban Areas			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 22 Shops and Commercial Premises			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 26 Littoral Rainforests			✓	Applies to the whole of the State. Not relevant to proposed amendment.
State Environmental Planning Policy No 28—Western Sydney Recreation Area			✓	
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			Urban consolidation is contemplated particularly with reference to the minimum area of subdivision proposed.
SEPP No 33 Hazardous and Offensive Development			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 36 Manufactured Home Estates			✓	Applies to the whole of the State. Not relevant to proposed amendment.
State Environmental Planning Policy No 39—Spit Island Bird Habitat			✓	
State Environmental Planning Policy No 44—Koala Habitat Protection			✓	The land is not identified as koala habitat protection area.



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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
State Environmental Planning Policy No 47—Moore Park Showground SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment.
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas SEPP No 55 Remediation of Land	✓		✓	The history of use of the site for low scale, low intensity agricultural uses is not suggestive of any potentially contaminating actions at the land.
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential SEPP No 60 Exempt and Complying Development	✓		✓	The subject area is not located within the Central Western Sydney precinct. Applies to the whole of the State. Will apply to future development of the site.
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 64 Advertising and signage			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 65 Design Quality of Residential Flat Development	✓			The proposal is consistent with the outcomes for design quality. However, no residential flat buildings of the scale specified in SEPP 65 are envisaged at this site.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Applies to the whole of the State. Not relevant to proposed amendment.
State Environmental Planning Policy No 71—Coastal Protection			✓	The proposal is consistent with the provisions of SEPP 71. For ease of examination, Table 4.2 sets out relevant SEPP considerations in the subject circumstances.
SEPP (Affordable Rental Housing) 2009	✓			Applies to the whole of the State. May apply to future development of the site.
SEPP (BASIX) 2004	✓			Applies to the whole of the State. Will apply to future



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Greenwood Place - Planning Proposal

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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
				residential development of the site.
SEPP (Exempt and Complying Development Codes) 2006	✓			Applies to the whole of the State. May apply to future development of the site.
SEPP(Housing for Seniors or People with a Disability) 2004	✓			Applies to the whole of the State. May apply to future development of the site.
SEPP (Infrastructure) 2007	✓			Applies to the whole of the State. May apply to future development of the site.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007			✓	
State Environmental Planning Policy (Kurnell Peninsula) 1989			✓	
SEPP (Major Development) 2005	✓			Applies to the whole of the State.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment.
State Environmental Planning Policy (Pennith Lakes Scheme) 1989			✓	
State Environmental Planning Policy (Rural Lands) 2008	✓			The subject land is currently zoned for rural purposes but has been identified for some three decades as appropriate for residential purposes and accordingly its development for residential purposes is consistent with the outcomes for the Rural Residential Land SEPP.
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011			✓	
State Environmental Planning Policy (State and Regional Development) 2011			✓	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011			✓	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006			✓	
SEPP (Temporary Structures) 2007	✓			Applies to the whole of the State. May apply to future development of the site.



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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
State Environmental Planning Policy (Urban Renewal) 2010			✓	
State Environmental Planning Policy (Western Sydney Employment Area) 2009			✓	
State Environmental Planning Policy (Western Sydney Parklands) 2009			✓	
<b>Deemed SEPPs</b>				
North Coast Regional Environmental Plan			✓	The North Coast Environmental Plan no longer applies to the land the subject of this application.

**4.3.3 CONSISTENCY WITH APPLICABLE MINISTERIAL DIRECTIONS**

A summary assessment of the Planning Proposal against the Directions issued by the Minister for Planning under Section 117 of the EP&A Act is provided in Table 4.2 below.

**TABLE 4.2 – ASSESSMENT AGAINST SECTION 117 DIRECTIONS**

Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
<b>1. Employment and Resources</b>				
1.1 Business and Industrial Zones			✓	
1.2 Rural Zones	✓			Because of the historic planning for the locality the rezoning for rural to an urban zone is not at odds with good rural land planning practice.
1.3 Mining, Petroleum Production and Extractive Industries			✓	
1.4 Oyster Aquaculture			✓	
1.5 Rural Lands	✓			Because of the historic planning for the locality the rezoning for rural to an urban zone is not at odds with good rural land planning practice.
<b>2. Environment and Heritage</b>				
2.1 Environment Protection Zones			✓	
2.2 Coastal Protection	✓			The site is located some 500m from the coastline.



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Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
2.3 Heritage Conservation	✓			
2.4 Recreation Vehicle Areas			✓	
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1 Residential Zones	✓			The proposal provides for a residential zone consistent with the zoning of land immediately to the north and a minimum lot size which is consistent with Council's affordable housing and community strategic plan goals and objectives.
3.2 Caravan Parks and Manufactured Home Estates			✓	
3.3 Home Occupations			✓	
3.4 Integrating Land Use and Transport	✓			
3.5 Development Near Licensed Aerodromes			✓	
3.6 Shooting Ranges			✓	
<b>4. Hazard and Risk</b>				
4.1 Acid Sulfate Soils			✓	
4.2 Mine Subsidence and Unstable Land			✓	
4.3 Flood Prone Land			✓	
4.4 Planning for Bushfire Protection			✓	
<b>5. Regional Planning</b>				
5.1 Implementation of Regional Strategies	✓			
5.2 Sydney Drinking Water Catchments			✓	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓			
5.4 Commercial and Retail Development along the Pacific Highway, North Coast			✓	
5.8 Second Sydney Airport: Badgerys Creek			✓	
<b>6. Local Plan Making</b>				



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Ministerial Directions	Consistent		N/A	Comment
	YES	NO		
6.1 Approval and Referral Requirements	✓			
6.2 Reserving Land for Public Purposes			✓	
6.3 Site Specific Provisions	✓			
<b>7. Metropolitan Planning</b>				
7.1 Implementation of the Metropolitan Plan for Sydney 2036	✓			

**4.4 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**4.4.1 IMPACT ON CRITICAL HABITAT, THREATENED SPECIES AND ECOLOGICAL COMMUNITIES**

The subject site is grazing land which has been used for agricultural purposes for some five decades. No critical habitat or threatened species exist at the site.

**4.4.2 SOCIAL AND ECONOMIC IMPACTS**

Rezoning of the land will provide for the orderly development of land for residential housing purposes and accordingly should impact positively in terms of the social economic environment of the Lennox Head locality.

**4.5 STATE AND COMMONWEALTH INTERESTS**

**4.5.1 PUBLIC INFRASTRUCTURE**

The land has been identified for urbanisation for some three decades and accordingly all the necessary public infrastructure is available or near to the site.

**4.6 COMMUNITY CONSULTATION**

No site specific community consultation has been undertaken in relation to the rezoning of the land by the owners. Recently Council's BLEP12 Exhibition and Growth Management Strategies both clearly identify the land for future urban purposes and these studies follow from earlier strategic planning for the Lennox Head Structure Plan and Lennox Head Community Aspirations which all involve comprehensive community consultation.



View immediately southward of the subject site looking north along the Byron Bay Road.



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**3 CONCLUSION**

The subject land has been "on the books" for residential zoning for some three decades. The proposal is consistent with a raft of strategic planning including:

- Ballina Local Environmental Plan 1987 1(d) Urban Investigation Zone designation;
- Lennox Head Community Aspirations Strategic Land Use Plan, 2002;
- Lennox Head Structure Plan of 2004;
- Ballina Shire Affordability Housing Strategy of 2010;
- Ballina Shire Growth Management Strategy of 2012. This plan sets out Council's framework for managing population growth in the shire and identifies the land as appropriate for residential zoning. This plan was endorsed by the Department of Planning and Infrastructure in May 2013;
- Far North Coast Regional Strategy; and
- Ballina Shire Community Strategic Plan.



*Aerial view of the land the subject of this Planning Proposal in the context of existing urban development in Lennox Head.*

Zoning amendment as proposed is consistent with relevant State Environmental Planning Policies and the directions issued by the Minister under Section 117 of the Environmental Planning and Assessment Act. Having regard to the above strategic planning context, we respectfully submit that this Planning Proposal is another step forward in the orderly and economic development of the Shire.

Stephen Connelly FRIA CPP  
PARTNERSHIP PRINCIPAL  
PLANNERS NORTH



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**REFERENCES**

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- BSC, 2004 *Lennox Head Structure Plan*, Ballina Shire Council, 2004 and amended January 2006.
- BSC, 2006(a) *Lennox Head Community Aspirations Strategic Land Use Plan*, Ballina Shire Council, 2006
- BSC, 2006(b) *People Place Prosperity: A Framework for a More Sustainable Ballina Shire 2025*, Ballina Shire Council, September 2006.
- BSC, 2010 *Ballina Shire Affordability Housing Strategy*, Ballina Shire Council, 25 March 2010.
- BSC, 2012 *Ballina Shire Growth Management Strategy*, Ballina Shire Council, endorsed by the Department of Planning and Infrastructure, May 2012.
- BSC, 2013 *Our Community Our Future, Ballina Shire Community Strategic Plan 2013/ 2023*, Ballina Shire Council, 2013.
- DoPI, 2012 *A Guide to Preparation of Local Environmental Plans*, Department of Planning and Infrastructure, October 2012.
- DoP, 2009 *A Guide to Preparing Planning Proposals*, Department of Planning, July 2009.
- DoP, 2006 *Far North Coast Regional Strategy*, Department of Planning, December 2006.



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**Appendix 3 – Photos of Site and Surrounds**



Photo 1 – View across Lot 12 from Greenwood Place towards rear of properties which front Blue Horizon Drive



Photo 2 – South – East view from Greenwood Place across Lot 12 towards Byron Bay Road



Photo 3 – Southerly view along Greenwood Place towards Byron Bay Road



Photo 4 – Pedestrian access way at the southern end of Greenwood Place leading to Byron Bay Road underpass



Photo 5 – View along northern boundary of the subject site from Blue Horizon Drive looking towards the west



Photo 6 – View across part Lot 21 looking south from Blue Horizon Drive



Photo 7 Southern most end of Blue Horizon Drive



Photo 8 Duplex at 14 Blue Horizon Drive, Lennox Head, which adjoins the subject site.



Photo 9 – “The hill behind Lennox shops” as viewed from Park Lane, Lennox Head



Photo 10 – Close up of “The hill behind Lennox shops” as viewed from Park Lane, Lennox Head (Note: This part of Lot 21 is not a part of this planning proposal.)

**Appendix 4 – Section 117 Direction Checklist**

<b>Section 117 Direction Checklist</b>	
<b>Planning Proposal Lot 12 DP 581159 and part Lot 21 DP 1007134, Greenwood Place Lennox Head</b>	
<b>Direction No.</b>	<b>Compliance of Planning Proposal</b>
<b>1. Employment and Resources</b>	
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 and the Ballina Shire Growth Management Strategy. The land is located adjoining the Lennox Head urban footprint area and has limited agricultural production values.
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 planning proposal is, however, considered to be of overall minor significance. In addition 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 and the Ballina Shire Growth Management Strategy. The land is located adjoining the Lennox Head urban footprint area and has limited agricultural production values.
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Consistent The land is not considered to be an environmentally sensitive area on the basis of current information.
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 has been evaluated by the proponent and has not been found to be an impediment to the rezoning of the land for residential purposes.
2.3 Heritage Conservation	Consistent There are no known items of environmental or Aboriginal cultural heritage value on the land. An Aboriginal Cultural Heritage Assessment has been submitted by the proponent and reviewed by the OEH.
2.4 Recreation Vehicle Areas	Consistent The proposed LFP 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 An E zone or an environmental overlay is not proposed to be introduced by this planning proposal.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Consistent The proposed LEP amendment seeks to provide for additional residential development opportunities in the Lennox Head locality. The subject site is located close to existing services and adjoins the existing Lennox Head urban footprint area. The proposal involves a rezoning from rural land (RU2) to residential (R2). The Ballina LEP 2012 include an existing provision (Clause 7.7) that requires that adequate servicing be in place, or suitable arrangements to have been made for such servicing, before development proceeds.

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3.2 Caravan Parks and Manufactured Home Estates	<p>Consistent.</p> <p>Caravan parks are permitted under the current R2 Rural Landscape and 1(R) Rural (Urban Investigation) zones, which apply to the land. Caravan parks will continue to be permitted within the proposed R2 Low Density Medium Density Residential zone.</p>
3.3 Home Occupations	<p>Consistent.</p> <p>Home occupations are permitted in the R2 Low Density Residential.</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 able to be considered in the environmental assessment and planning report following submission of technical reports by the proponent.</p>
3.5 Development Near Licensed Aerodromes	<p>Consistent.</p> <p>Current site levels do not breach the OLS which ranges from 46.5m to 60m AHD south to north across the site. Future development may breach this level if built to the currently applicable maximum height limit of 8.5 metres on that part of the site closest to Byron Bay Road.</p> <p>The OLS increases to 60m AHD within approximately 50 metres of the southernmost end of Blue Horizon Drive. No breach of the OLS will occur at this point as a consequence of future residential development having regard to existing site levels of 40 to 42m AHD and the imposition of an 8.5metre building height limit over the far north – eastern corner of the land.</p> <p>If future development of the land exceeds the OLS this would then trigger the provisions of clause 7.5 Airspace operations, of Ballina LEP 2012, which requires consultation with the relevant Commonwealth body.</p> <p>The subject land is not affected by ANEF contours of 20 or greater.</p> <p>Refer Appendix 6 for extracts from the Obstacle Limitation Surface Map and a site contour map.</p> <p>Refer Appendix 7 for the ANEF map.</p>
3.6 Shooting Ranges	Does not apply to planning proposal.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	Does not apply to planning proposal.
4.2 Mine Subsidence and Unstable Land	<p>Inconsistent.</p> <p>Lot 12 and part Lot 21 are located within an area identified as being susceptible to land slip (Coffey Partners Pty Ltd report Categories 1 and 3). More detailed investigation has found that the site has a very low risk of land slip.</p> <p>Notwithstanding the conclusion by Coffey and Partners Pty Ltd that the site has a very low risk of landslip in advice dated 25 June 2015 (post Gateway) it is a requirement of the Gateway determination that the agreement of the Department's Secretary be obtained prior to the plan being made.</p>
4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	<p>Consistent.</p> <p>The subject site is not designated bush fire prone land.</p>
<b>5. Regional Planning</b>	
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 Growth Management Strategy.</p>
5.2 Sydney Drinking Water Catchments	Does not apply to planning proposal.



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5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Inconsistent The subject land is identified as significant regional non-contiguous farmland under the Northern Rivers Farmland Protection Project mapping. However, the subject land is also identified as a proposed future urban release area under the Far North Coast Regional Strategy and is identified as a potential urban area under the Ballina Shire Growth Management Strategy. Accordingly it is considered that the planning proposal complies with the planning principles contained in Section 4 of the report titled Northern Rivers Farmland Protection Project – Final Recommendations, February 2005. Refer Appendix 8 for an extract from Final Map 4.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Poxton 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.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Consistent The planning proposal does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	Consistent This planning proposal does not create, alter or reduce existing zonings or reservations of land public purposes. The planning proposal does not propose to reserve land for a public purpose.
6.3 Site Specific Provisions	Does not apply to planning proposal.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of the Metropolitan Strategy	Does not apply to planning proposal.