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**DA 2016/601 - Lot 1 DP 204760, North Teven
 Road, Teven**

ballina shire council
 geographical information system

Project: 631494 / MGA zone 95
 Date: 14/02/2017

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Mr P Hickey
General Manager
Ballina Shire Council
PO Box 458
BALLINA NSW 2478

Our ref: 16/15190
Your ref: DA. 2016/601

Attention: David Tyler

Dear Mr Hickey

Application under State Environmental Planning Policy No 1 for dwelling house and swimming pool on Lot 1 DP 204760, North Teven Road, Teven

I refer to your letter dated 18 November 2016 seeking the Secretary's concurrence in the above matter.

Following consideration of the application, concurrence has been granted to vary the 40 ha development standard that applies to land zoned 1(b) Rural (Secondary Agricultural Land) Zone in clause 13 (a)(ii) of Ballina LEP 1987 to permit a dwelling house on the above land.

Concurrence was granted in this instance for the following reasons:

1. The proposal is not inconsistent with the objectives of the 1(b) Rural (Secondary Agricultural Land) Zone;
2. The proposal does not further fragment rural land, and
3. The allotment had previously had a dwelling eligibility

Should you have any further enquiries in relation to this matter, please contact Gina Davis of the Department's Northern Region office on 6701 9687

Yours sincerely

A handwritten signature in black ink that reads 'T. Prentice'.

28/11/16

Tamara Prentice
Team Leader
Northern Region

enquiries refer
Craig Bradridge
in reply please quote
PN 263

11 March 2015

John Gillott
24 Swyla Street
BALLINA NSW 2478



Dear John

Re: Dwelling Entitlement Request - Lot 1 DP 204760, 290 North Teven Road

I refer to your letter received by Council on 16 February 2015 requesting a dwelling entitlement search for the abovementioned property.

Lot 1 DP 204760, 290 North Teven Road is currently identified as a *deferred matter* under Ballina Local Environmental Plan 2012 and therefore the land at present remains subject to the provisions of the Ballina Local Environmental Plan (BLEP) 1987. Clause 12 of BLEP 1987 governs the dwelling entitlement status of rural properties located on land identified as a *deferred matter* in the Shire. The subject property does not satisfy any of the current BLEP 1987 requirements for a dwelling on the subject land, consequently Lot 1 DP 204760 does not currently enjoy a dwelling entitlement.

A search of council's records recovered the **attached** letter from 25 October 1999 where it states the following in regards to the subject Lot – '*pursuant to Clause 12(3A) the dwelling entitlement remains even if a change of ownership (from the original owner) occurs*'. Clause 12(3A) has since been repealed and this is no longer the case. However, Council has resolved to recognise dwelling entitlements under clause 12(3A) previously acknowledged in writing by incorporating provisions into the BLEP 2012. Because Lot 1 DP 204760 is currently deferred from application of BLEP 2012, the dwelling entitlement cannot be reinstated until this deferral is rectified. The resolution of the deferral is currently pending completion of a process being managed by the NSW Department of Planning and Environment.

If you have any enquiries in regard to this matter please contact Craig Bradridge of Council's Development and Environmental Health Group on Ph. No. 6686 1254.

Yours faithfully

Rod Willis
Group Manager
Development and Environmental Health

40 cherry street, po box 450, ballina nsw 2478
t 02 6686 4444 • f 02 6686 7035 • e council@ballina.nsw.gov.au • w ballina.nsw.gov.au



enquiries refer
Craig Bradridge
in reply please quote
PN 263



21 April 2015

John Gillett
24 Suvla Street
BALLINA NSW 2476

Dear John

Re: Dwelling Entitlement Request - Lot 1 DP 204760, 290 North Teven Road

I apologise for the delay in response to your letter dated the 19 March 2015.

As the subject land identified as a deferred matter under Ballina Local Environmental Plan 2012 the only other means by which a dwelling house could be approved under the current system is that a State Environmental Planning Policy No 1 (SEPP 1) objection be applied to Clause 12 of BLEP 1987.

A SEPP 1 is a written objection that accompanies a development application that explains why compliance with that development standard is unreasonable or unnecessary in the circumstance. To be granted approval Council would require concurrence from the Director of the NSW Department of Planning and Environment (DPE).

Considering the necessity of concurrence from the DPE it is recommended that this be achieved before a development application is submitted. It is recommended that comment in relation to this matter be sought from the DPE by submitting the correspondence already received from council and making enquires as to whether support from the DPE would be granted.

If you have any enquiries in regard to this matter please contact Craig Bradridge on 66861254.

Yours faithfully

Rod Willis
Group Manager
Development and Environmental Health

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PN 263

18 June 2015

John Gillett
24 Suvla Street
BALLINA NSW 2478



Dear John

Re: Dwelling Entitlement Request - Lot 1 DP 204760, 290 North Teven Road

I refer to your letter dated 2 June 2015 requesting a letter from Council advising that it would be supportive of a SEPP 1 objection to vary the minimum lotsize development standard contained in Clause 12 of Ballina LEP 1987 to enable consent to be granted to erect a dwelling house on Lot 1 DP 204760, 290 North Teven Road.

In consideration of the correspondence received from the Department of Planning and Environment dated 7 May 2015 and as a result of the Council identifying the property to be placed on the Dwelling Opportunity Reinstatement map once the deferred status of the zone has been rectified. Council would be prepared to favourably consider a SEPP 1 application. This SEPP 1 application would need to be submitted with a development application seeking approval to erect a dwelling house on the subject allotment.

Please contact Council's Craig Bradridge to discuss the necessary plans and information needed to accompany your development application and obtain a development application fee quote.

Yours faithfully

Rod Willis
Group Manager
Development and Environmental Health

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