



*Planning Proposal 18/002*

» **Attached Dual  
Occupancy  
Alstonville**

December 2018 (V1 Council) 18/69065

**ballina**  
shire council



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# 1. Introduction

## 1.1 Summary of Planning Proposal

This planning proposal seeks to amend the Ballina Local Environmental Plan 2012 (BLEP 2012) to permit attached dual occupancy development on certain R2 zoned lots at Alstonville having a minimum area of 900m<sup>2</sup>.

A draft amendment to Ballina Shire DCP 2012 seeks to further limit attached dual occupancy development at Alstonville to those R2 zoned lots which have a slope of less than 20%.

The planning proposal has been prepared in response to the outcomes of the Alstonville Planning and Environmental Study and the adopted Strategic Action No. 8 within the Alstonville Strategic Plan 2017-2037.

## 1.2 Background

The Council adopted the Alstonville Strategic Plan 2017-2037 at its Ordinary Meeting held in December 2017 [Minute No. 141217/3]. This strategic plan is informed by the outcomes of the Alstonville Planning and Environmental Study. The Alstonville Strategic Plan is used to guide Council's strategic planning and decision making relating to Alstonville Village for the period 2017 to 2037. The recommendations and strategic actions identified in the plan reflect the community's vision for the future development of Alstonville to 2037.

The provision of new housing opportunities that are affordable and provide choice for people to meet changing life needs is one of five locality objectives contained within the Alstonville Strategic Plan. Strategic Action No. 8 within the plan provides as follows:

*Initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m<sup>2</sup> or more.*

## 1.3 Land to Which the Planning Proposal Applies

This planning proposal relates to all land within Alstonville Village zoned R2 Low Density Residential under the provisions of Ballina LEP 2012 with a minimum lot area of 900m<sup>2</sup>.

## 1.4 Council Resolutions

To be completed following the submission of the planning proposal to Council.

## 1.5 Gateway Determination

To be completed following the Gateway determination.

## 2. Objectives & Intended Outcomes

The objective and intended outcome of this planning proposal is to amend the Ballina LEP 2012 to enable attached dual occupancy development to be carried out on certain lots within the Alstonville village.

## 3. Explanation of Provisions

### 3.1 The Proposal

The proposed outcome will be achieved by amending the Ballina LEP 2012 to permit, with consent, attached dual occupancy development on certain lots within Alstonville that meet the following criteria:

- Located within the R2 Low Density Residential zone; and
- Lots that have a minimum area of at least 900m<sup>2</sup>.

One method of achieving the outcome sought by this planning proposal is to include a local provision that confirms that the controls relate only to lots zoned R2 Low Density Residential having a minimum lot area of 900m<sup>2</sup>.

### 3.2 Mapping Overview

There is no map associated with this planning proposal. It was initially proposed to include a map which showed the lots subject to this planning proposal. In excess of 400 lots were identified as meeting the proposed dual controls of lot size (LEP control) and land slope (DCP control). Mapping such lots is not favoured due to difficulties associated with identifying lots that do not meet the proposed slope criteria and the potential exclusion of future lots created through subdivision and land consolidation.

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## 4. Justification

### 4.1 Section A – Need for the Planning Proposal

#### Q1 Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal has been prepared in response to the outcomes of the Alstonville Planning and Environmental Study 2016 (APES) and the Alstonville Strategic Plan 2017-2037. Strategic Action No. 8 within the plan provides that Council 'initiate a planning proposal to permit dual occupancy development within the R2 Low Density Residential zone upon lots having an area of 900m<sup>2</sup> or more'.

The above strategic action was included within the APES so as to facilitate greater housing choice within the existing village. It also provides a means through which limited population growth may be achieved through a consolidation strategy as opposed to a greenfield land release strategy.

#### Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the appropriate mechanism for achieving the intended development outcomes for the subject land.

### 4.2 Section B – Relationship to Strategic Planning Framework

#### Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal is consistent with the North Coast Regional Plan 2036 (NCRP), which provides the regional framework for the consideration of policy development and the overall vision of the future.

The NCRP encourages housing diversity through an action which stipulates that 40 per cent of new housing is to be delivered in the form of dual occupancies, apartments, townhouses, villas, or dwellings on lots less than 400 square metres by 2036. Given that no future urban release areas were identified for Alstonville in the NCRP 2036, any additional dwellings can presently only be achieved through infill development within existing appropriately zoned areas.

#### Q4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

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

##### Ballina Shire Council Community Strategic Plan 2017-2027

The planning proposal is consistent with the elements and specified outcomes contained within Council's Community Strategic Plan 2017-2027 as indicated in the table below:

Element and Reference	Outcomes	Benefits
PE3 Prosperous Economy	Improve liveability in the shire	

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PE3.1	Support residential development that delivers services close to home	Lower cost of living
PE3.2	Facilitate and provide affordable infrastructure	More affordable housing
PE3.3	Improve connectivity within the shire	Reduced transport costs
<b>HE3 Healthy Environment</b>	<b>Our built environment blends with the natural 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

Ballina Shire Growth Management Strategy 2012 (BSGMS)

The planning proposal is consistent with the locality objectives and strategic actions identified for Alstonville within the BSGMS relating to maintenance of the village scale and character, retention of the village footprint, accommodation of further infill development in a manner that is sensitive to the village character and heritage values, provision for changing housing needs and investigation of the potential for infill development intensification.

Ballina Local Environmental Plan 2012 (BLEP 2012)

The BLEP 2012 provides for the following residential zones:

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

Dual occupancy development is currently only permissible in the R3 Medium Density Residential zone.

Rather than alter the zoning of the identified properties, the planning proposal seeks to increase housing choice by permitting attached dual occupancy development on certain sized lots (900m<sup>2</sup> or larger). Limiting the proposal to attached dual occupancies and certain larger lots is designed to assist to maintain the existing character and amenity of the village.

Attached dual occupancy development is considered to be a low impact form of denser housing which would provide greater diversity in housing choice within Alstonville. Permitting attached dual occupancy development as infill development is an alternative option to lateral expansion and will assist with facilitating low scale planned population growth without compromising the existing footprint of the village and thereby maintaining the scale and character of Alstonville.

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**Q5 Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The planning proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs).

**Q6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?**

A Section 9.1 Direction checklist for the planning proposal is contained in Appendix Three.

**4.3 Section C – Environmental, Social and Economic Impact**

**Q7 Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject land is currently zoned for the purposes of low density residential development (single detached dwellings and secondary dwellings) and is within an established residential area. The planning proposal will enable development for two attached dwellings to occur on each lot that meets the minimum lot size criteria. The planning proposal is unlikely to have any greater environmental impact than is anticipated from the development of the land under the current zoning arrangement.

**Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

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

**Q9 Has the planning proposal adequately addressed any social and economic effects?**

The social and economic impacts of the planning proposal are considered to be generally positive and were addressed in the Alstonville Planning and Environmental Study.

**4.4 Section D – State and Commonwealth Interests**

**Q10 Is there adequate public infrastructure for the planning proposal?**

The planning proposal does not create the need for any additional public infrastructure. Existing infrastructure such as water and sewerage are adequate to cater for any future development.

**Q11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Consultation will be undertaken with relevant agencies as required by the Gateway determination during the public exhibition stage of the LEP amendment.



## 5. Mapping

No mapping is associated with this planning proposal.

## 6. Community Consultation

This proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*. It is anticipated that a minimum public notification period of 28 days will be applied to this planning proposal.

## 7. Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination (anticipated)	February 2019
Government Agency Consultation	February 2019
Public Exhibition Period	March 2019
Public Hearing	N/A
Submissions Assessment	April 2019
RPA Assessment of Planning Proposal and Exhibition Outcomes	May 2019
Submission of Endorsed LEP to DP&E for Finalisation	June 2019
RPA Decision to Make the LEP Amendment (if delegated)	June 2019
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	June 2019

Council is proposing to exercise plan finalisation functions under delegation.

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## 8. Appendices

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## Appendix One – Maps

No mapping is associated with this planning proposal.

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## Appendix Two – Council Reports

(To be completed following Council meeting).

## Appendix Three – Section 9.1 Direction Checklist

<b>Section 9.1 Direction Checklist</b>	
<b>Planning Proposal – Attached Dual Occupancy, Alstonville</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	Does not apply to planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	Does not apply to planning proposal.
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Consistent. The planning proposal does not involve the development of land identified as being of environmental significance.
2.2 Coastal Protection	Does not apply to planning proposal. Land is not within the coastal zone.
2.3 Heritage Conservation	Consistent. The planning proposal does not involve the development of land on which a heritage item is located, within a heritage conservation area or within the vicinity of a heritage item or conservation area.
2.4 Recreation Vehicle Areas	Consistent. The planning proposal does not involve the development of land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Does not apply to planning proposal.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Consistent. The planning proposal proposes to increase the permissible dwelling density on the subject land parcels which are currently zoned R2 Low Density Residential. The proposal is consistent with the objectives of this direction as it will provide variety and choice in housing types and makes efficient use of existing infrastructure and services whilst minimising the impacts on the environment and resource lands.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. This proposal will not result in any reduction in the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect any existing permissibility or exemptions for home occupations.
3.4 Integrating Land Use and Transport	Consistent. This proposal will not result in any negative impacts on accessibility or transport movements.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
3.6 Shooting Ranges	Does not apply to planning proposal.

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<b>Section 9.1 Direction Checklist</b>	
<b>Planning Proposal – Attached Dual Occupancy, Alstonville</b>	
<b>Direction No.</b>	<b>Compliance of Planning Proposal</b>
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	Does not apply to planning proposal.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	Justifiably Inconsistent. Part of the subject land is mapped as bush fire prone land. The subject land is within an existing residential area containing fully constructed urban roads and a reticulated water supply system (including fire hydrants). The proposal will be referred to the NSW Rural Fire Service for comment subject to the requirements of the Gateway determination.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies (Revoked 17 October 2017)	Revoked.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply to planning proposal.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked.
5.6 Sydney to Canberra Corridor	Revoked.
5.7 Central Coast	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire.
5.9 North West Rail Link Corridor Strategy	Does not apply to Ballina Shire.
5.10 Implementation of Regional Plans	Consistent. The planning proposal is consistent with the North Coast Regional Plan 2036.
<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. The planning proposal does not create, alter or reduce existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. The planning proposal is consistent with this Direction as it seeks to allow a land use that is compatible with the residential development of the site.
<b>7. Metropolitan Planning</b>	

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<b>Section 9.1 Direction Checklist Planning Proposal – Attached Dual Occupancy, Alstonville</b>	
<b>Direction No.</b>	<b>Compliance of Planning Proposal</b>
7.1 Implementation of A Plan for Growing Sydney	Does not apply to Ballina Shire.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to Ballina Shire.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to Ballina Shire.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to Ballina Shire.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to Ballina Shire.
7.8 <i>There is no information relating to 7.8</i>	<i>There is no information relating to 7.8</i>
7.9 Implementation of Bayside West Precincts 2036 Plan	Does not apply to planning proposal.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Does not apply to planning proposal.

**Recommended Draft Amendments to Ballina Shire Development Control Plan 2012**

Draft Amendments to Chapter 2 – General and Environmental Considerations

- *Insert the following text as a note in Part 3.5 Land Slip / Geotechnical Hazard:*



**Note:**

Attached dual occupancy development within the Alstonville R2 Low Density Residential Zone upon lots having a slope gradient of 20% or greater is deemed to be an inappropriate form of development having regard to land slip risk factors and the degree of site works (cut and fill / retaining walls) required.

Draft Amendments to Chapter 3 – Urban Subdivision

- *Amend Table 3.1 in Part 3.1.2 Minor Subdivision Control Elements, Element G: Minimum Lot Size and Shape, as shown below in yellow:*

Table 3.1 – Lot Size Requirements				
Built Form	Zone	Min. Lot Size	Min. Lot Width	Requirements
<i>Detached Dwelling Houses</i>	R2, R3	450m <sup>2</sup>  550m <sup>2</sup> – per corner lot	12m	– Irregular shaped lots to contain a building envelope nominating rectangle with minimum dimensions of 10m x 15m
<i>Dual Occupancies</i>	R3	450m <sup>2</sup> – per attached <i>dual occupancy</i>  600m <sup>2</sup> – per detached <i>dual occupancy</i>	12m	– Must be capable of containing a building envelope nominating rectangle with minimum dimensions of 10m x 15m
<i>Dual Occupancy (Attached)</i>	R2 (Alstonville)	900m <sup>2</sup>	12m	– 20% maximum slope gradient permitted
<i>Dual Occupancy (Attached)</i>	R2 (Wardell)	450m <sup>2</sup> – per attached <i>dual occupancy</i>	12m	– Must be capable of containing a building envelope nominating rectangle with minimum dimensions of 10m x 15m
<i>Semi-Detached Dwellings</i>	R3	300m <sup>2</sup> per dwelling	10m	– Integrated development requirements (Chapter 4 Section 3.2)
<i>Attached Dwellings</i>	R3	300m <sup>2</sup> per dwelling	10m	– Integrated development requirements (Chapter 4 Section 3.2) – Parent lot to be nominated at the subdivision stage – Dwellings to be



				accessed via rear laneway
<i>Multi Dwelling Housing</i>	R3	1000m <sup>2</sup>	10m	- Density provisions regarding site area per unit are provided in Chapter 4
<i>Residential Flat Buildings</i>	R3	1000m <sup>2</sup>	On merit	- Density provisions regarding site area per unit are provided in Chapter 4

**Draft Amendments to Chapter 4 – Residential and Tourist Development**

- Amend Table 4.6 in Part 3, Element N – Minimum Lot Area, as shown below in yellow:

Table 4.6 - Minimum Lot Areas for Residential Accommodation		
Type of Residential Accommodation	Zone	Minimum Lot Area
<i>Dwelling House</i>	R2, R3	450m <sup>2</sup> 550m <sup>2</sup> – corner lots
<i>Dual Occupancy</i>	R3	450m <sup>2</sup> - attached 600m <sup>2</sup> - detached
<i>Dual Occupancy (Attached) (Alstonville)</i>	R2	900m <sup>2</sup>
<i>Dual Occupancy (Attached) (Wardell)</i>	R2	450m <sup>2</sup>
<i>Semi-Detached Dwelling (per dwelling)</i>	R3	300m <sup>2</sup>
<i>Attached Dwelling (per dwelling)</i>	R3	300m <sup>2</sup>
<i>Multi Dwelling Housing</i>	R3	1000m <sup>2</sup>
<i>Residential Flat Building</i>	R3	1000m <sup>2</sup>