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DARLING PARK, 201 SUSSEX ST
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

11 September 2018

Mr Klaus Kerzinger
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Klaus,

PLANNING PROPOSAL – 20 NORTH CREEK ROAD, LENNOX HEAD

We act on behalf of Ballina Island Developments Pty Ltd (the applicant) and submit the following Planning Proposal to Ballina Shire Council. Please find attached the following documentation:

- Application Form;
- Owners consent;
- Cheque for **\$3,690**;
- Planning Proposal;
- Subdivision Plan - Appendix A;
- Ecological Report – Appendix B;
- Traffic Impact Assessment – Appendix C; and
- LEP Mapping – Appendix D

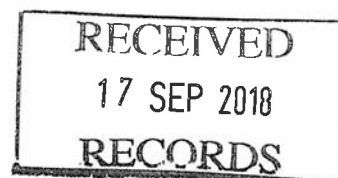
Should you have any queries regarding this application or require anything further please contact me on 8233 9900 or rbarry@urbis.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "R Barry".

Richard Barry
Senior Consultant

Planning Proposal Application – 20 North Creek Road, Lennox Head



Planning Proposal / LEP Amendment Request Proponent & Proposal Information Form

Lodge Applications at Ballina Shire Council • 40 Cherry Street • Ballina (Mon-Fri 8.15am to 4.30pm)
mail PO Box 450 Ballina 2478 • **f** 02 6686 7035 • **e** council@ballina.nsw.gov.au
t 1300 864 444 • **w** www.ballina.nsw.gov.au • **abn** 53 929 887 369



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

Proponent Details

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

Proponent's Name

Address

Postal Address

Telephone (w) (h) Mobile

Email Address Fax

Signature Date

Consultant / Representative Details

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

Name

Address

Telephone (w) Mobile Fax

Email Address

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

Description of the Land

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

Property Address

Lot/Portion Section DP

Property Address

Lot/Portion Section DP

Property Address

Lot/Portion Section DP

Office Use Only		
Proposal Name:	Type: <input type="checkbox"/> Major <input type="checkbox"/> Minor	Pre-Lodgement Discussion: <input type="checkbox"/> Y <input type="checkbox"/> N
Fee Paid: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Amount: \$ 3690	Date Received: 17/9/18	Receipt No: 985008
Code 6 Job No: 20001.1001.061		

Landholder Details and Consent

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

Owner's Name(s)	Ballina Island Developments Pty Ltd		
Address	PO BOX 3574 Robina Town Centre Queensland 4230		
Lot/Portion	Section	DP	
Telephone (w)	07) 5591 1300	(h)	Mobile
Email Address	simon@ccg.com.au		Fax
<input checked="" type="checkbox"/> I/we being the owner(s) of the property identified above, consent to the submission of this planning proposal/LEP amendment.			
Signature	PETER BENSON SOLE DIRECTOR		Date 21/8/2018

Summary of the LEP Amendment Request / Planning Proposal

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

This Planning Proposal seeks to amend the zone boundary of RU1 land and R2/R3 Residential land to rationalise LEP mapping boundaries to fit within an efficient subdivision layout (DA 2018/51).

A Development Application (DA 2018/51) proposing the residential subdivision of the site was lodged on 2 February 2018 and is currently under assessment. The application comprises the first stage (Stage 1) of development and includes the creation of super lots for future residential development (Stage 2).

This Planning Proposal seeks to facilitate access to the future development of Stage 2 for residential dwellings located wholly within land currently zoned R2 – Low Density Residential. The planning proposal for a minor LEP amendment of BLEP 2012 seeks to facilitate the desired outcome by:

- Amending the LEP zoning map to facilitate a minor realignment of the existing irregular shaped RU1 – Primary Production zoning boundary;
- Amending the LEP zoning map to facilitate minor realignment of various R3 Medium Density Residential zoning boundaries; and,
- Amending the LEP Minimum Lot size map to facilitate consistency with the zone boundary realignment.

- Appendix A – Indicative Subdivision Plans prepared by Urbis.
- Appendix B - Ecological Report prepared by JWA Pty Ltd.
- Appendix C - Traffic Impact Assessment prepared by Ardill Payne & Partners.
- Appendix D - LEP Mapping prepared by Urbis.

Privacy Protection Notice

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

Disclosure of Political Donations and Gifts

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

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

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

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

Is a disclosure statement to accompany your application? Yes No

[Empty form area for additional information]

BALLINA ISLAND DEVELOPMENTS PTY. LTD. 154 923 887
ASIC - Current Extract - BALLINA ISLAND DEVELOPMENTS PTY. LTD. ACN: 154 923 887

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001.
Please advise ASIC of any error or omission which you may identify.

IDENTIFICATION

ACN: 154 923 887
ABN:
Current Company Name: BALLINA ISLAND DEVELOPMENTS PTY. LTD.
Registered in: New South Wales
Place of Registration:
Registration Date: 23/12/2011
Previous State Number:
Governance Type:
Review Date: 23/12/2018

CURRENT COMPANY DETAILS

Name: BALLINA ISLAND DEVELOPMENTS PTY. LTD. Doc# 1E8008186
Period from: 23/12/2011
Name Start: 23/12/2011
Status: REGISTERED
Type: AUSTRALIAN PROPRIETARY COMPANY
Class: LIMITED BY SHARES
Subclass: PROPRIETARY COMPANY
Disclosing Entity: N

CURRENT COMPANY ADDRESS

Address Type: Registered Office Doc# 028 386 224
Address: BYRNE & MILLER
G
2 EIGHTH AVENUE
PALM BEACH QLD 4221
Period from: 14/12/2012

Address Type: Principal Place of Business Doc# 3E1789670
Address: CREDIT CONNECT PTY LTD
SUITE 60
1 ARBOUR AVENUE
ROBINA QLD 4226
Period from: 22/03/2017

CURRENT COMPANY OFFICERS

Role: Director Doc# 028 386 224
Name: BENSON, PETER JOHN
Address: 26 NICKLAUS COURT
MERRIMAC QLD 4226
Date of Birth: 24/01/1967
Place of Birth: NAMBOUR QLD
Appointment Date: 05/12/2012
Cease Date:

Role: Secretary Doc# 028 386 224
Name: BENSON, PETER JOHN
Address: 26 NICKLAUS COURT
MERRIMAC QLD 4226
Date of Birth: 24/01/1967

Place of Birth: NAMBOUR QLD
 Appointment Date: 05/12/2012
 Cease Date:

CURRENT SHARE CAPITAL

Class: ORD ORDINARY
 Number of Issued "Shares" : 20
 Amount Paid: \$20.00
 Amount Due: \$0.00

Doc# 1E8008186

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

CURRENT(SHAREHOLDERS/MEMBER)

Class: ORD
 Number of Shares Held: 20
 Beneficially Owned: Y
 Fully Paid: Y
 Name: WINDOE PTY LTD
 ACN: 114 718 053
 Address: SUITE 64
 2 ARBOUR AVENUE
 ROBINA QLD 4226
 Joint Holding: N

Doc# 2F6104955

DOCUMENTS RELATING TO EXTERNAL ADMINISTRATION AND/OR APPOINTMENT OF CONTROLLER

Note: This extract may not list all documents relating to this status. State and Territory records should be searched.

No record

SATISFIED CHARGES

Note: On January 30, 2012 the Personal Property Securities Register (PPS Register) has commenced. The details of current charges will only be available from the PPS Register and the details of satisfied charges (as at 30th January 2012) can be obtained from ASIC. Further information can be obtained from www.ppsr.gov.au.

No record

ASIC DOCUMENTS (except charges)

Notes:

- A date or address shown as UNKNOWN has not been updated since the ASIC to over the records in 1991.
- Data from Documents with no Date Processed are not included in the Extract.
- Documents with "****" pages have not yet been imaged and are not available via DOCIMAGE. Imaging takes approximately 2 weeks from date of lodgement.
- Documents already listed under charges are not repeated here.

Form Type	Date Received	Date Processed	Effective Date	Pages	Doc No
484 Change to Company Details Change of Principal Place Of Business (Address)	10/04/2017	10/04/2017	22/03/2017	2	3E1789670
484 Change to Company Details Changes to (Members) Share Holdings	28/10/2016	28/10/2016	20/10/2016	2	2E6104955
484 Change to Company Details Change of Registered Address Change of Principal Place of Business (Address) Appointment or Cessation of a Company Officeholder	07/12/2012	10/12/2012	10/12/2012	5	028 386 224
201 Application For Registration as a Proprietary Company	23/12/2011	23/12/2011	23/12/2011	3	1E8008186

PRE-ASIC DOCUMENTS

No record

ANNUAL RETURNS

No record

FINANCIAL REPORTS

No record

CURRENT CONTACT ADDRESS FOR ASIC USE ONLY

Note: Section 146A of the Corporations Act 2001 states 'A contact address is the address to which communications and notices are sent from ASIC to the company.'

Address Type: Contact address for ASIC use only

Address: PO BOX 257
ELANORA QLD 4221

Period from: 25/01/2013

URBIS

RESERVOIR HILL SITE LENNOX HEAD PLANNING PROPOSAL

PREPARED FOR
BALLINA ISLAND DEVELOPMENT
11 SEP 2018

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Peter Strudwick
Senior Consultant	Richard Barry
Assistant Planner	Charlotte Ryan
Project Code	SA6774 Planning Proposal
Report Number	Draft V3

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1. INTRODUCTION

1.1. OVERVIEW

This Planning Proposal has been prepared by Urbis Pty Ltd (Urbis) on behalf of Ballina Island Developments (the Proponent), to initiate an amendment of Ballina Local Environmental Plan (BLEP) 2012 regarding the land at 20 North Creek Road, Lennox Head (the site).

The site was subject to a Planning Proposal in 2014. The original Planning Proposal was prepared in association with an indicative subdivision master plan as a guide to the type of development that could occur on the land if rezoned. The relevant LEP mapping was subsequently amended in accordance with the indicative subdivision master plan, resulting in the existing irregular shaped zone and minimum lot size boundaries of the RU1 Primary Production land within the site.

A Development Application (DA 2018/51) proposing the residential subdivision of the site was lodged on 2 February 2018 and is currently under assessment. The application comprises the first stage (Stage 1) of development and includes the creation of super lots for future residential development (Stage 2).

The Planning Proposal seeks to facilitate access to the future development of Stage 2 for residential dwellings located wholly within land currently zoned R2 – Low Density Residential. The planning proposal for a minor LEP amendment of BLEP 2012 seeks to facilitate the desired outcome by:

- Amending the LEP zoning map to facilitate a minor realignment of the existing irregular shaped RU1 – Primary Production zoning boundary;
- Amending the LEP zoning map to facilitate minor realignment of various R3 Medium Density Residential zoning boundaries; and,
- Amending the LEP Minimum Lot size map to facilitate consistency with the zone boundary realignment.

1.2. REPORT STRUCTURE

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment (DPE) including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It includes the following:

- Description of the site and its context;
- Overview of the strategic context of the site;
- Summary of the local planning controls;
- Description of concept proposal
- Statement of the objectives and intended outcomes of the proposal;
- Explanation of the provision of the proposal;
- Justification for the proposal;
- Mapping to accompany the proposal;
- Description of the expected community consultation process; and
- An approximate project timeline.

The Planning Proposal is accompanied by the following documents to provide a comprehensive analysis of the site opportunities and constraints. These reports should also be read in conjunction with the documentation submitted for development application DA 2018/51.

- Appendix A – Indicative Subdivision Plans prepared by Urbis.
- Appendix B - Ecological Report prepared by JWA Pty Ltd.
- Appendix C - Traffic Impact Assessment prepared by Ardill Payne & Partners.
- Appendix D - LEP Mapping prepared by Urbis.

2. SITE & SURROUNDING CONTEXT

2.1. SITE LOCATION

The site is known as 20 North Creek Road, Lennox Head and is legally described as Lot 1 in DP 517111. The site is generally rectangular and has an area of approximately 15.07 hectares. The site is bound by unformed Hutley Drive on the northern boundary, North Creek Road to the East, Henderson Lane on the southern boundary and residential dwellings fronting Silkwood Road to the west.

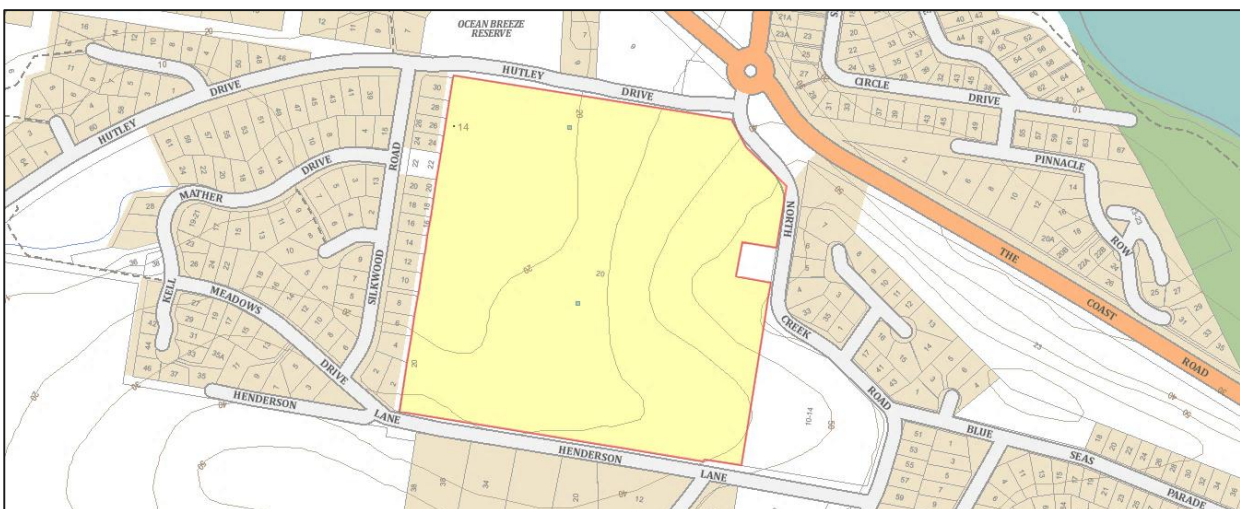
The site was formerly agricultural land used for cattle grazing however the cattle have since been removed. The aerial photograph of the site shown in Figure 1 below illustrates the site is generally vacant, with minimal clusters of vegetation and a watercourse traversing the site from east to west, in close proximity to the southern boundary. The site was subject to a previous Planning Proposal prepared in accordance with an indicative subdivision master plan as a guide to the type of development that could occur on the land if rezoned. This has resulted in the existing irregular shaped zone boundaries.

Figure 1 – Site Aerial Photo



Source: NearMap 2017

Figure 2 – Site Plan



Source: SixMaps 2017

The site is subject to a significant elevation change, with the highest point near the water tower on the eastern boundary, and falling towards the western boundary.

Figure 3 – Photographs of the Site and Surrounds



Picture 1 – From North Creek Road, with water tower in foreground, looking directly West across site.

Source: Urbis



Picture 2 – From North Creek Road, looking north towards Lennox Head Local Centre

Source: Urbis



Picture 3 – From North Creek Road, near water tower, looking south west towards Henderson Lane.

Source: Urbis



Picture 4 – From Henderson Lane, looking north east towards the water tower on North Creek Road.

Source: Urbis

2.2. FLORA AND FAUNA

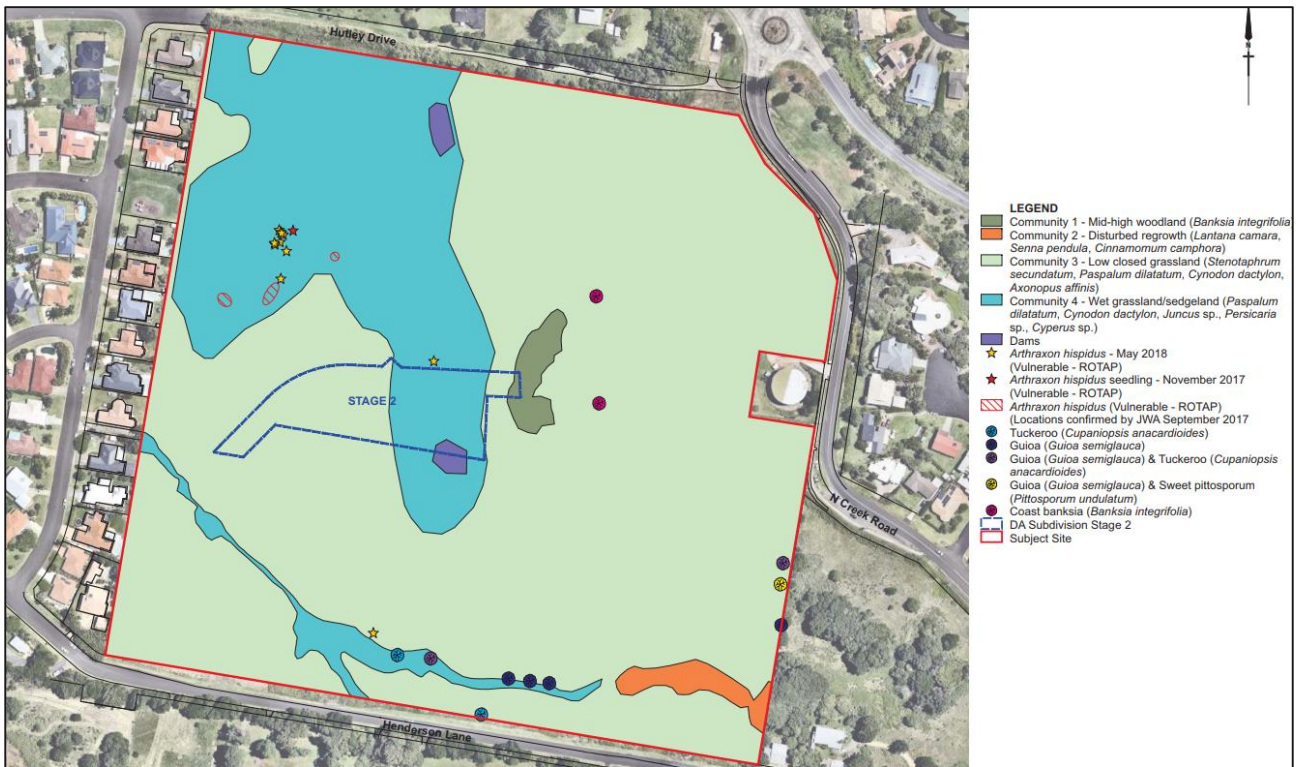
The site has been subject to ongoing flora and fauna surveys between 2004 and 2018. In 2008, Landmark Ecological Services Pty Ltd was commissioned by Ballina Shire Council (BSC) to investigate all occurrences of *Athraxon hispidus* (Hairy joint grass) in the Lennox Head district. As part of the ongoing studies, the location of Hairy joint grass has been mapped on the subject site.

An Ecological Assessment was undertaken by JWA Pty Ltd (JWA) in 2017/2018 to map and ground truth the previous studies of the site in support of DA 2018/51. JWA conducted a site inspection in August 2017 to assess whether any significant changes had occurred in the distribution or conditions of previously mapped vegetation communities, and whether the native vegetation communities including Hairy joint grass (HJG) were still intact.

An additional site survey was undertaken in January 2018 which included a plot-based survey over an area of vegetation suggested by BSC as potentially representing a patch of littoral rainforest, and a further targeted site survey was completed in May 2018 to assess the current status of the HJG distribution.

The surveys identified four (4) vegetative communities on the site, which confirm the previous vegetation mapping. However, the removal of the cattle grazing pressure from the site has resulted in the growth of the pasture species to over 1 metre tall. Therefore, JWA has revised the community descriptions for Community 3 and Community 4 to reflect this growth and is shown in Figure 4 below.

Figure 4 – Mapped Vegetation Communities



Source: JWA Pty Ltd, August 2018

It is noted previous ecological assessments of the site have indicated Community 4 may be representative of the EEC – Freshwater Wetlands on Coastal floodplain, as listed under the NSW Threatened Species Conservation (TSC) Act 1995. It is now understood this area of Freshwater wetland does not occur on a floodplain and therefore is not representative of an EEC (JWA 2018, pg 23). As such, this community is considered to have a moderate conservation value due to its degraded nature.

The mid-high woodland (i.e Community 1) on the site contains some species that are representative of the EEC – Littoral rainforest in the NSW North Coast, Sydney Basin and South-East Corner bioregions, as listed within schedules of the TSC Act 1995. Notwithstanding, this community was reviewed and the small size and condition of this community means it is considered to be a degraded representative of this EEC and reduced conservation value.

105 flora species were recorded on site, including one (1) Threatened species – being HJG. Fauna surveys recorded various fauna on site but no threatened fauna species were identified. Overall the site is considered to provide relatively poor habitat for native fauna in the locality.

One (1) species listed as vulnerable within schedules of the NSW TSC Act (1995) and the EPBC Act 1999 – Hairy joint grass, has historically been recorded sporadically across the site and predominantly within the area identified as Community 4. The condition of the HJG has been monitored over a number of years including 2007, 2008, 2009, 2010, 2013, 2017.

Areas of the site known to be suitable habitat for HJG were slashed and raked in Spring 2017 to provide the greatest chance of finding HJG on site. An updated Ecological Assessment (Appendix B) has been prepared by JWA to assess potential ecological impacts arising from the proposed Stage 2 rezoning. The updated report has identified no HJG within the Stage 2 development footprint.

It is noted that the development footprint of Stage 2 is proposed to be cleared as part of works in DA 2018/51. This is discussed further in Section 9.3.1 of this report.

2.3. DRAINAGE

An existing wetland is located within the north western portion of the site and adjacent to the Stage 2 development footprint. Water currently discharges into this wetland from Ocean Breeze Drive from the north. The wetlands discharge into an existing piped watercourse under the adjoining local park on the western boundary of the site.

In addition, a first order creek is located within the southern portion of the site, running east to west and is outside of the Stage 2 development footprint.

2.4. HERITAGE

There are no heritage items located on or in proximity to the site.

2.5. BUSH FIRE

The site is not mapped as bush fire prone, and is predominantly vacant of vegetation.

2.6. LOCALITY

The site is located less than 1km south of Lennox Head Local Centre, which includes local retail, schools, medical facilities and community centre. In addition, the site has high accessibility to arterial roads to the region. Ballina Town Centre is approximately 12km south of the site, and Ballina Byron Gateway Airport is approximately 14km drive to the south west.

The site is generally surrounded by residential land, with the area to the south west is also experiencing large-scale residential development. The character and transition of the immediate local rural grazing lands to residential land uses is considered to be the most efficient and economically viable use of the land.

Figure 5 – Location Plan



Source: Google

2.7. SITE SURROUNDS

- To the north of the site is Ocean Breeze Reserve, and Hutley Drive which is an unsurfaced road. In addition, there are a number of dwellings accessed via Byron Bay Road/Ocean Breeze Drive.

- To the east of the site is North Creek Drive and a number of residential dwellings overlooking the site. Further to the east is the Pat Morton Lookout.
- To the south are a number of rural residential lots within a highly vegetated area, rising above Henderson Lane. Beyond the rural residential lots are low density residential dwellings.
- On the western boundary of the site is an area of low density residential dwellings, which are orientated away from the site. Immediately at the site boundary is a small local park. Further to the west is the Ballina Nature Reserve.

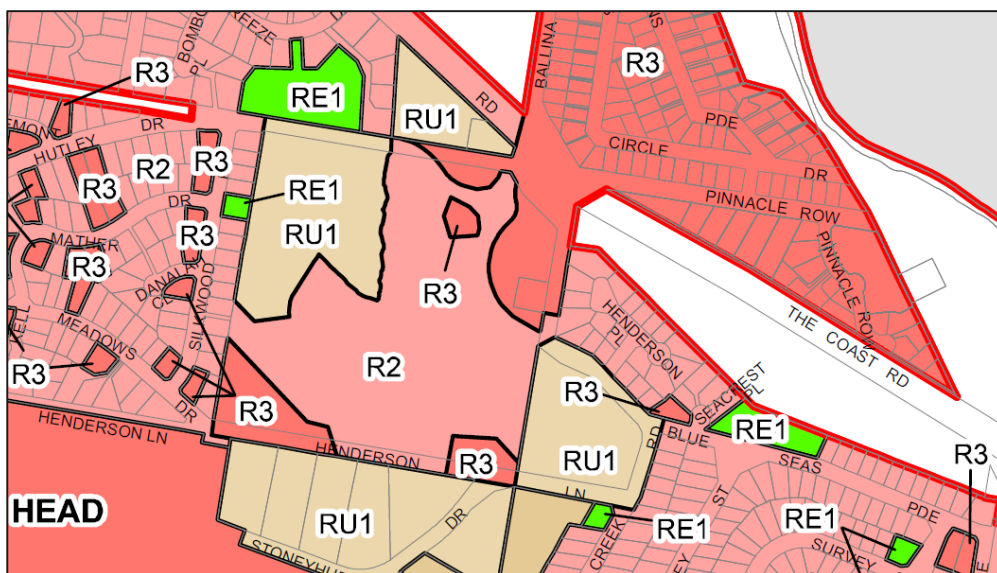
3. BACKGROUND

3.1. SITE REZONING

The site was subject to a planning proposal in 2014. Subsequently the Department of Planning and Environment made a Gateway Determination to rezone the site and delegated authority to Ballina Shire Council to finalise the planning proposal. As such, most of the site was rezoned in December 2016 from RU1 Primary Production to a mix of R2 Low Density Residential, R3 Medium Density Residential, with a portion of RU1 land retained to incorporate the existing wetland.

The original planning proposal was prepared in association with an indicative subdivision master plan as a guide to the type of development that could occur on the land if rezoned. In consultation with Council, the previous landowner revised the indicative master plan during the rezoning process and the relevant LEP mapping was amended in accordance with the revised layout. This has resulted in the existing irregular shaped zone boundaries as shown in Figure 6 below. The indicative master plan identified as part of the rezoning process for the site is no longer considered a desirable design outcome by Council.

Figure 6 – Extract of current BLEP 2012 Zoning Map – Sheet LZN_005D



Source: NSW Government

3.2. ORIGINAL LODGEMENT OF DA 2018/51 – JANUARY 2018

Development application DA 2018/51 currently under assessment with Council was subject to extensive consultation with Ballina Shire Council. Prior to the lodgement of the application, a Pre-DA Lodgement meeting took place on 15 November 2017 with representatives from Council and the applicant. DA 2018/51 was subsequently lodged with Ballina Shire Council on 2 February 2018.

The original development application under DA 2018/51 comprised:

New Subdivision – Torrens (Residential Subdivision of land to create 103 residential lots and seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage.

Central to the original subdivision design (Figure 7) was the accommodation of a planned road corridor for the realignment of North Creek Road and the extension of Hutley Drive. These road works were identified in the Ballina Shire Council Roads Contribution Plan, in response to a growing population and projected increase in traffic generation across the wider road network. Within this schedule, it was identified that Hutley Drive would be upgraded and extended along the northern boundary of the site. In addition, North Creek Road was identified for realignment and upgrade to eliminate existing substandard road geometry. These road works were identified to intersect with a new 2-lane roundabout, which was to connect with The Coast

Road, Ballina Road and Byron Bay Road. These road works were to be located within the north eastern corner of the site.

Figure 7 – Original Proposed Subdivision



Source: Urbis 2017

3.3. SUBDIVISION REDESIGN

On 16 February 2018, Council issued a request for additional information related to DA 2018/51.

The letter advised that Council no longer requires the realignment of North Creek Road and Hutley Drive through the site (Lot 1 DP 517111). As Council acknowledged, this had significant implications on the original subdivision layout and advised:

The placement of your current development application on public exhibition will be withheld pending your further considerations in this regard.

DA 2018/51 was subsequently placed on 'Stop the Clock' in accordance with Clauses 54 and 109 of the *Environmental Planning and Assessment Regulation 2000*. However, DA 2018/51 remained 'live' and Council provided the opportunity for a revised design package to be submitted under the existing application. The applicant took the opportunity to prepare a revised subdivision concept in response to the changing circumstances, and also address a number of matters raised in the request for additional information through ongoing correspondence with Council.

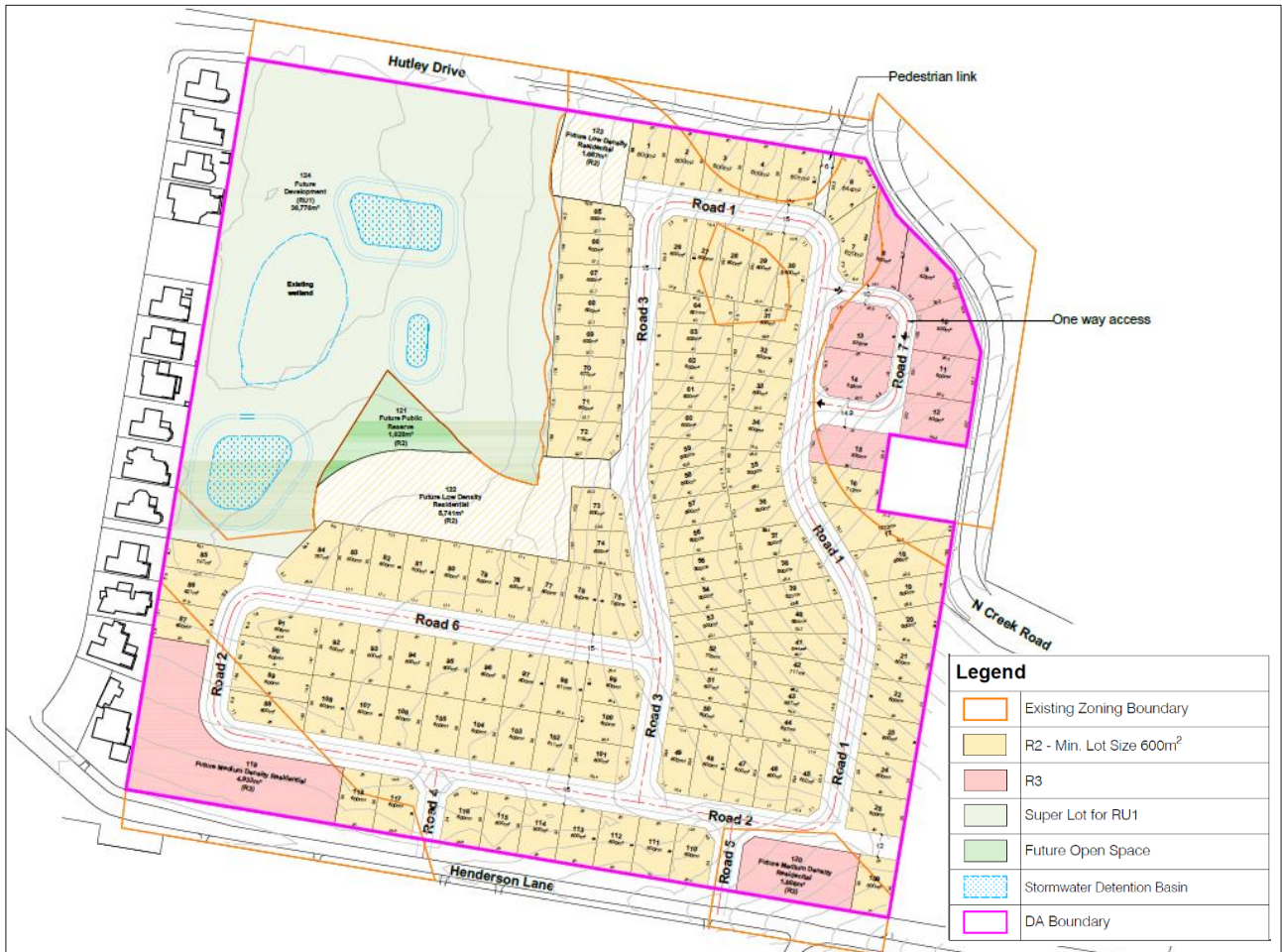
3.4. REVISED DEVELOPMENT APPLICATION

Prior to lodging the revised application, a second Pre-DA meeting took place on 24 April 2018 with representatives from Council and the applicant. A revised concept subdivision plan for the proposed development was presented to the Council Subdivision Panel. In preparation for the Pre-DA meeting, the applicant provided a letter addressing the overall revised vision for the site and identified the requirement for minor rationalisation to existing zoning boundaries.

Council provided comment and recommended the proposal would require a 'staged approach' and the requirement for a minor LEP amendment to facilitate the Stage 2 development of Lot 122.

In July 2018, a revised DA package including new subdivision plan (Figure 8) was submitted to Council in response to Council's comments and advice. This application is currently under assessment.

Figure 8 – Revised Subdivision Plan



Source: Urbis (July 2018)

4. EXISTING PLANNING CONTROLS

This section provides a summary of the existing local planning controls that apply to the site under the current legislative framework.

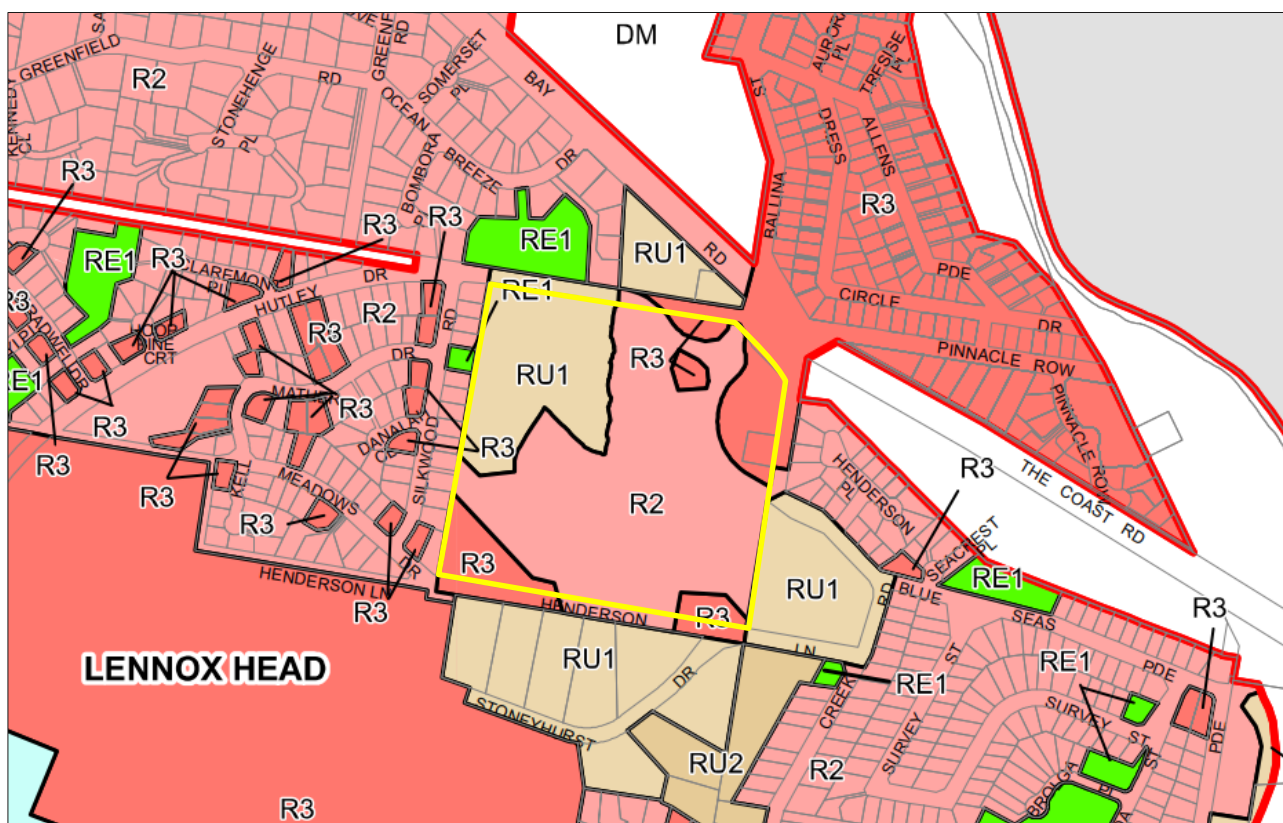
4.1. BALLINA LOCAL ENVIRONMENTAL PLAN 2012

The Ballina Local Environmental Plan 2012 (BLEP 2012) is the principal Environmental Planning Instrument governing development on the site.

4.1.1. Zoning

The site is subject to three land use zones, being R2 Low Density Residential, R3 Medium Density Residential and RU1 Primary Production (Figure 9).

Figure 9 – Zoning



Source: BLEP 2012

4.1.1.1. R2 – Low Density Residential

The majority of the proposed development under DA 2018/51 comprises residential subdivision within the area of the site zoned R2. The proposed land use, categorised as dwelling houses, is permissible with consent within the R2 zone and consistent with the objectives of the R2 zone:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- To provide for development that meets the social and cultural needs of the community.
- To encourage development that achieves the efficient use of resources such as energy and water.

The following uses are permissible with consent in the R2 zone:

Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Dwelling houses; Extensive agriculture; Group homes; Home industries; Hospitals; Hostels; Kiosks; Markets; Respite day care centres; Roads; Roadside stalls; Secondary dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.

4.1.1.2. R3 – Medium Density Residential

The majority of the proposed subdivision (DA 2018/51) comprises land zoned R2- Low Density Residential however there are small portions of the site zoned R3 – Medium Density Residential. This proposal seeks to make minor adjustments to the R3 zone boundary. The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

The following uses are permissible with consent in the R3 zone:

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Extensive agriculture; Group homes; Home industries; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Roadside stalls; Seniors housing; Any other development not specified in item 2 or 4

4.1.1.3. RU1 – Primary Production

The north-western portion of the site to which this proposal relates is zoned RU1 – Primary Production. The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural, cultural and landscape character of the locality.*
- *To enable development that is compatible with the rural and environmental nature of the land.*
- *To ensure that there are not unreasonable or uneconomic demands for the provision of public infrastructure.*

The following uses are permissible with consent in the RU1 Zone:

Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Car parks; Cellar door premises; Cemeteries; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Markets; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems

As proposed within DA 2018/51, the RU1 land will contain stormwater drainage works (including stormwater basins). In accordance with clause 7.10 of BLEP, development for the purpose of *stormwater management systems* may be granted development consent on any land.

4.1.2. Clause 4.1 - Minimum subdivision lot size

The Minimum Lot Size Map in BLEP 2012 indicates two (2) minimum lot size areas within the site. The minimum lot size for all residential zoned land is identified as "M" – 600sqm. The area zoned RU1 is identified as "AB2" – 400000 (40ha).

The RU1 zoned land has a minimum lot size of 40ha which cannot be achieved when subdividing the rural land from the residential zoned land. All proposed residential lots are 600sqm or greater and therefore comply with the minimum lot size standard in accordance with BLEP 2012.

4.1.3. Clause 4.2C – Exceptions to minimum subdivision lot sizes for split zones

The site consists of more than one zone, being primarily R2 and RU1 land. The RU1 zoned land has a minimum lot size of 40ha required under clause 4.1 of BLEP 2012. The area of the RU1 land is significantly less than 40ha and it is not possible for it to comply with this minimum lot size requirement. Clause 4.2C of BLEP 2012 is identified as the mechanism by which the RU1 land can be subdivided with an area less than 40ha. This clause permits the subdivision of lots that are within more than one zone but cannot be subdivided under Clause 4.1 due to not meeting the minimum lot size.

Clause 4.2C (3) states the following:

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:

(a) one of the resulting lots will contain all of the land in Zone RU1 Primary Production or Zone RU2 Rural Landscape that was in the original lot, and

(b) each of the other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

5. INDICATIVE DEVELOPMENT OUTCOME

The objective of this Planning Proposal is to amend the zone boundary of RU1 land and R2/R3 Residential land to rationalise LEP mapping boundaries to fit within an efficient subdivision layout (DA 2018/51).

5.1. DEVELOPMENT CONCEPT SCHEME

DA 2018/51 currently being assessed by Council proposes:

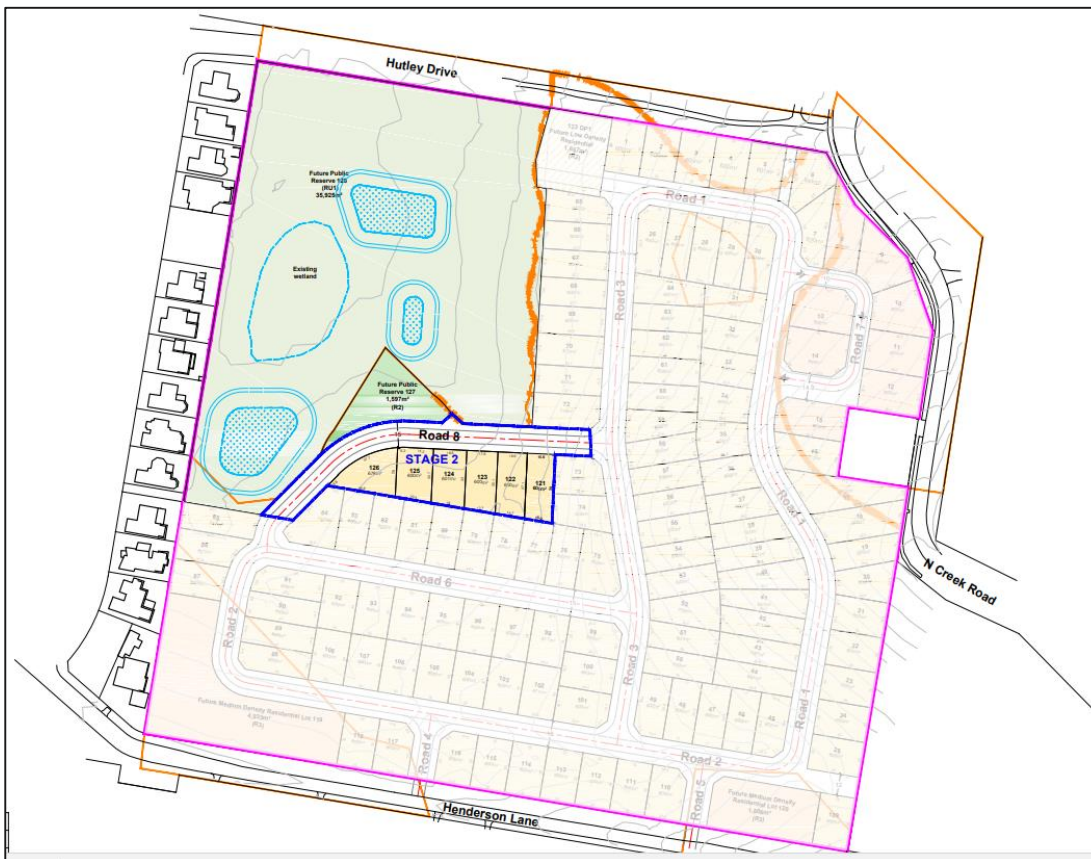
- 118 residential lots, five (5) super lots subject to future development, and one (1) lot for the purpose of public open space.

The proposed Planning Proposal facilitates the future development of:

- An additional six (6) residential lots within R2 zoned land.
- A new road (Road 8) connecting Road 3 and Road 6 to provide access to the new residential lots.

Minor LEP zoning boundary amendments are also proposed to the various R2/R3 zone boundaries within the site to provide consistency with the proposed subdivision layout under DA 2018/51 (Figure 10).

Figure 10 – Proposed development outcome for Stage 2



Source: Urbis August 2018

5.2. DESIGN CONSIDERATION

5.2.1. Zoning

The Planning Proposal seeks to facilitate a development outcome to rationalise the LEP zoning boundary. The proposed minor amendment is considered appropriate in the context of:

- The strategic context of the site being identified for residential development.

- The proposed amendment of RU1 land to R2 is minor and rationalises the irregular zoning boundary, which would otherwise create inefficient use of land.
- Therefore, the proposal is site specific in terms of resolving arbitrary and irrelevant zoning boundary lines no longer supported by Council and does not set a precedence for future development.
- The position of Road 8 provides access to the RU1 land for maintenance of the wetlands/drainage system.
- Road 8 will allow future dwellings to orientate overlooking the wetlands, rather than backing onto the wetlands. This will facilitate passive surveillance and minimise the likelihood of conflict due to illegal dumping, weed and pest management.
- The proposed minor LEP amendment resolves the constraints of clause 4.2C of BLEP 2012, which requires all RU1 land to be included in a single lot.

5.2.2. Ecological

- The proposed does not impact on the overall use of the RU1 land for the retention of the wetlands and stormwater management purposes.
- Stage 2 is located within the impact area of the proposed development under DA 2018/51 and is subject to approval.
- The Ecological Assessment by JWA has identified no additional impacts are anticipated as a result of the proposed minor LEP amendment.
- Amelioration measures for hairy joint grass are proposed under DA 2018/51 to protect and manage the native vegetation on the site. The proposed rezoning would not limit or hinder the recommended groundwater amelioration measures.
- Mosquito Impact Assessment was also undertaken in support of DA 2018/51 and concluded there is minimal risk in terms of nuisance and disease transmission by mosquitos within the site.

5.2.3. Groundwater Dependent Ecosystems

- A Hydrological Regime Assessment was undertaken by Gilbert + Sutherland (G+S) in support of DA 2018/51.
- The assessment took into consideration the future Stage 2 development subject to this proposal. G+S confirmed that provided the proposed measures under the assessment are properly implemented, minor changes to the hydrological regime for the onsite groundwater dependent ecosystems (GDE) can be mitigated and/or managed.

5.2.4. Traffic and Access

- A Traffic Impact Assessment has been undertaken by Ardill Payne & Partners in support of the proposed Planning Proposal.
- The assessment took into consideration the proposed Stage 2 development subject to this proposal.
- The report concluded that the proposed development will not reduce the Level of Service on adjoining streets to below acceptable performance standards and the additional traffic movements do not warrant further analysis of any intersections.
- After the completion of Stage 1 and 2, the estimated peak hour traffic volume of Henderson Lane could increase however the maximum peak hour volume would not be exceeded.
- Stage 2 will generate only a small additional demand for public transport services however these services can easily be accommodated if required.
- A pedestrian path will be provided on one side of the new local street in accordance with the recommendations by Ardill Payne & Partners.

5.3. PUBLIC BENEFIT

The Planning Proposal will deliver significant public benefit including:

- New housing opportunities through the provision of an additional six R2 zoned lots in a planned residential subdivision;
- The delivery of a new road which will facilitate an improved internal road network and formal direct public access to the future public reserve; and,
- The provision of a required drainage management system within the RU1 zoned land.

6. PLANNING PROPOSAL ASSESSMENT

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A with consideration of DPE's *A guide to preparing Planning Proposals* (August 2016).

Accordingly, the proposal is discussed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification for the planning proposal and the process for the implementation.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following chapters.

7. PART 1 - OBJECTIVES & INTENDED OUTCOMES

This section identifies the objectives and intended outcomes of the Planning Proposal.

7.1. OBJECTIVES

The primary objective of the Planning Proposal is the minor amendment to the Ballina Local Environmental Plan (BLEP) 2012 to enable the future Stage 2 development at 20 North Creek Road, Lennox Head, and facilitate the efficient design and layout for the proposed residential subdivision currently under assessment by Council (DA 2018/51).

7.2. INTENDED OUTCOMES

The proposed minor amendments to BLEP 2012 will have the following key outcomes:

- A high quality residential subdivision development: To create new housing and a desirable neighbourhood for the local community.
- Consistency with strategic planning: The site has been identified within the Lennox Head Structure Plan for residential land release.
- Rationalise existing LEP mapping boundaries for efficient use of land: The current LEP mapping boundaries are irregular and are the result of a planning scheme which is no longer supported by Council. The proposal facilitates the efficient use of the site for future dwellings.
- Address unintended constraints of clause 4.2C: Whilst roads are permissible within RU1 land, clause 4.2C unintentionally restricts the proposed alignment of Road 8 due to minimum lot size constraints.
- Timely delivery of the development of the site: An opportunity to manage development of the site in a timely, logical and comprehensive manner integrated into the wider vision for the site.
- Landscape Opportunities: The development provides opportunity for the residential development of the site to orient towards the existing wetlands and the future public reserve, in turn maximising the enjoyment of the amenity.

8. PART 2 - EXPLANATION OF PROVISIONS

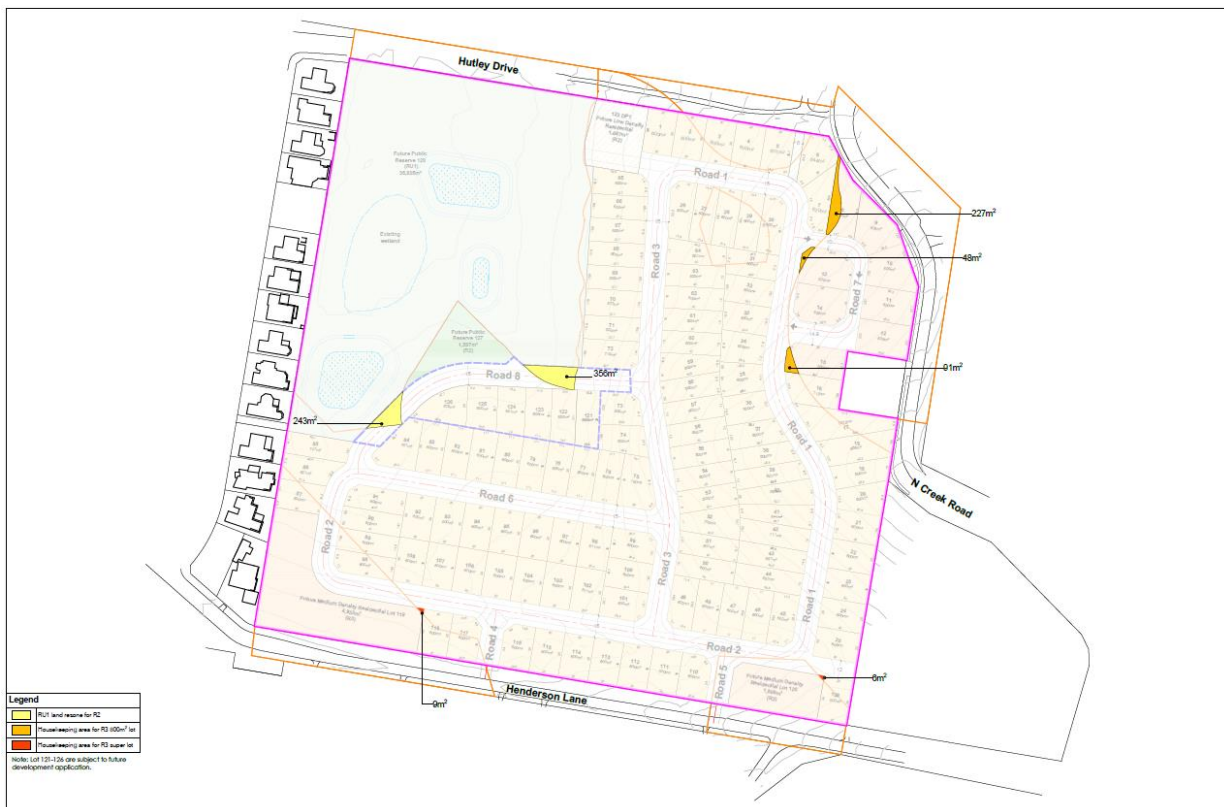
This section provides an explanation of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed through an LEP amendment.

The Planning Proposal incorporates amendments to the BLEP 2012 as it relates to the site at 20 North Creek Road, Ballina. To achieve the objectives outlined in Part 1 and in Figure 11, this Planning Proposal seeks to:

- Amend the LEP zoning map to facilitate a minor realignment of the existing irregular shaped RU1 – Primary Production zoning boundary;
- Amend the LEP zoning map to facilitate minor realignment of various R3 Medium Density Residential zoning boundaries; and,
- Amend the LEP Minimum Lot size map to facilitate consistency with the zone boundary realignment.

No changes are proposed to the text in the Ballina Local Environmental Plan 2012.

Figure 11 – Explanation of proposed zoning boundary amendments

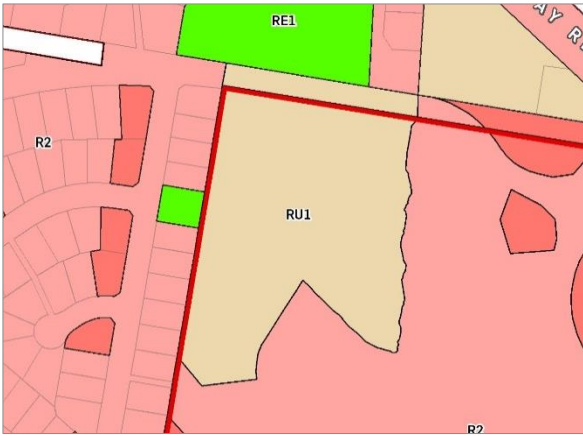


Source: Urbis August 2018

8.1. RU1 PRIMARY PRODUCTION ZONING BOUNDARY AMENDMENT

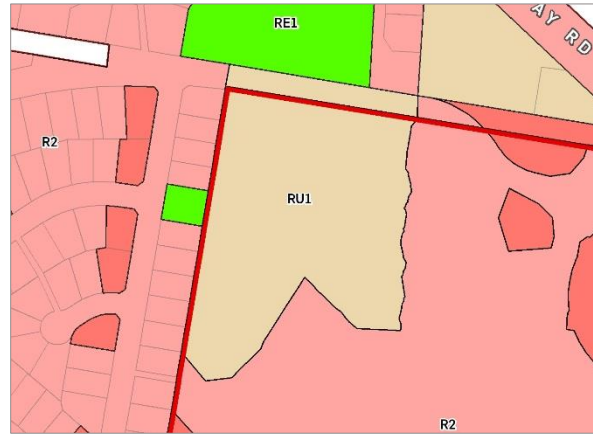
It is proposed to amend the LEP zoning boundary interface between the RU1 and R2 zones, by amending the BLEP 2012 Zoning Map – (refer to Figure 12 below)

Figure 12 – Existing and Proposed RU1 and R2 zones



Picture 5 – Existing RU1 and R2 zones

Source: Urbis 2018



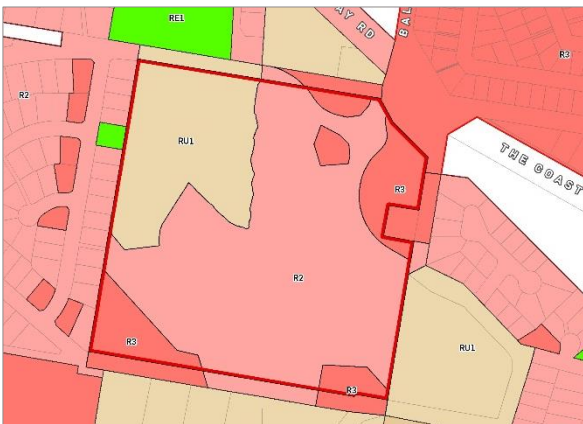
Picture 6 – Proposed RU1 and R2 zones

Source: Urbis 2018

8.2. VARIOUS R2 AND R3 BOUNDARY AMENDMENTS

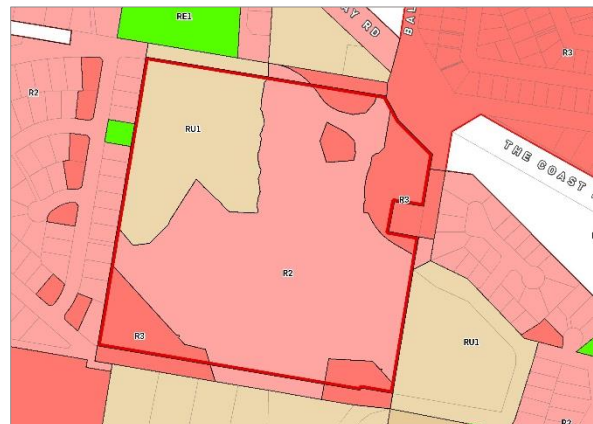
It is proposed to amend the LEP zoning boundary interface between the R2 and R3 zones, by amending the BLEP 2012 Zoning Map – (refer to Figure 13 below)

Figure 13 – Existing and Proposed Zoning Map



Picture 7 – Existing R2 and R2 zones

Source: Urbis 2018



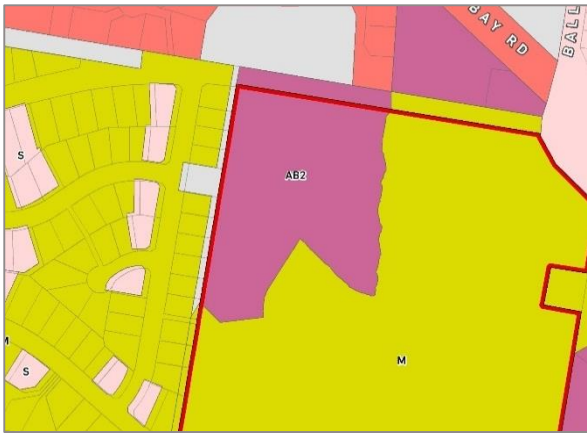
Picture 8 – Proposed R2 and R3 zones

Source: Urbis 2018

8.3. MINIMUM SUBDIVISION LOT SIZE BOUNDARY AMENDMENT

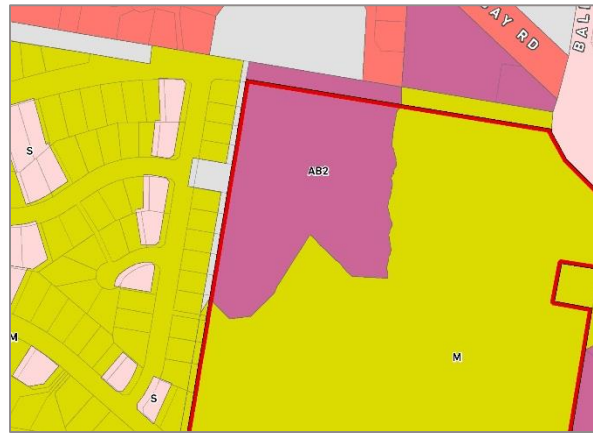
It is proposed to amend the LEP Minimum Subdivision Lot size boundary interface between the RU1 and R2 zones, by amending the BLEP 2012 Minimum Subdivision Lot size Map – (refer to Figure 14 below)

Figure 14 – Existing and Proposed Lot Size Map



Picture 9 – Existing Lot Size Map

Source: Urbis 2018



Picture 10 – Proposed Lot Size Map

Source: Urbis 2018

9. PART 3 - JUSTIFICATION

9.1. NEED FOR THE PLANNING PROPOSAL

9.1.1. Q1 - Is the planning proposal a result of any strategic study or report?

No. This Planning Proposal is not the result of any strategic study or report.

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

Yes. Clause 4.2C of the BLEP 2012 permits the subdivision of lots that are within more than one zone but cannot be subdivided under Clause 4.1 due to not meeting the minimum lot size. The site contains more than one zone. The RU1 zoned land has a minimum lot size of 40ha under Clause 4.1. This minimum lot size cannot be achieved when subdividing the rural land from the residential zoned land.

The overall subdivision concept plan (DA 2018/51) proposes the alignment of Road 8 with a minor encroachment of the RU1 zoned land to achieve an efficient subdivision layout. Whilst roads are a permissible land use within RU1 land (addressed within the SEE for DA 2018/51), in accordance with clause 4.2C of the LEP, the resulting lot created encompassing the RU1 land must contain all RU1 zoned land. In order to comply with this requirement, an alternative mechanism is required to facilitate a rational and efficient road layout.

Accordingly, a Planning Proposal is required to amend the current RU1 zone and minimum lot size boundary to align with the extent of roads proposed within the concurrent DA being assessed (DA 2018/51). Without an amendment to the planning controls, the opportunity to redevelop this site for its highest and best use as a residential subdivision would be lost.

Preliminary consultation with Ballina Shire Council has identified the original zone boundary is obsolete and the proposed minor LEP amendments are logical and would provide an improved outcome, subject to environmental impact assessment. Accordingly, the above pathway is identified as the most efficient and appropriate pathway to achieve the boundary re-alignment and facilitate an appropriate subdivision layout.

9.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

9.2.1. Q3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

a) *Does the proposal have strategic merit?*

The strengthened strategic merit test criteria require that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria:

1. *Consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment*
2. *Consistent with a relevant local council strategy that has been endorsed by the Department.*
3. *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The Planning Proposal demonstrates strategic merit through its consistency with the objectives and actions of the applicable strategic plans and policies discussed below.

North Coast Regional Plan 2036

The proposal is consistent with the North Coast Regional Plan 2036 which is the NSW Government's vision for the North Coast. The Plan will provide the framework that guides land use planning priorities, development proposals and infrastructure funding until 2036. The Planning Proposal aligns with the following goals and objectives of the Plan:

Goal 3: Vibrant and engaged communities

Direction 15: Develop health, safe, socially engaged and well-connected communities

Goal 4: Great housing choice and lifestyle options

Direction 22: Deliver greater housing supply

Direction 23: Increase housing diversity and choice

Direction 24: Deliver well-planned rural residential housing estates

Ballina is identified as a 'strategic centre' earmarked for new housing, employment opportunities and major infrastructure. The Planning Proposal is consistent with the North Coast Regional Plan as it will deliver greater housing supply by facilitating an additional six residential lots. It will also assist in the delivery of a well-planned residential subdivision by allowing for a more functional internal road network.

Lennox Head Structure Plan 2004

The Lennox Head Structure Plan was released by Council in December 2004 to provide a strategic vision for growth in Lennox Head. The Structure Plan identified the site as *Area 1 – Adjacent to the Water Reservoir*. The Structure Plan recognises the site is suitable for accommodating future urban development, and should be subject to a planning proposal to facilitate rezoning of land to low and medium density residential development.

It is noted that since the release of the Structure Plan, a planning proposal to rezone the land and associated planning controls has been approved by the Department of Planning and Environment in 2014, and BLEP 2012 mapping was amended accordingly in 2016. A development application for a residential subdivision is currently under assessment by Council. This Planning Proposal seeks to facilitate the development of the site for this purpose and allow for a more rational and efficient road layout consistent with the strategic outcome for the site.

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

Yes. The key directions and objectives of the relevant local strategies are addressed below.

Ballina Shire Community Strategic Plan

The Ballina Community Strategic Plan was released in 2017 and identifies the main priorities and aspirations of the local community and the strategies to achieve these goals. The plan aims to create a connected community, a prosperous economy and a healthy environment. The direction of most relevance to the proposal is:

Direction 2: Prosperous Economy

PE3.1 Support residential development that delivers services close to home.

PE3.2 Facilitate and provide affordable infrastructure

PE3.3 Improve connectivity within the shire

The proposal is consistent with this direction as the objective of the Planning Proposal is to provide a more efficient subdivision layout for future residential development, provide an additional six R2 zoned lots and improve connectivity to the shire by facilitating an alternative internal road network to Councils standards.

Ballina 2035 - Ballina Major Regional Centre Strategy

The Ballina 2035 - Ballina Major Regional Centre Strategy was released by Council to guide the growth of the regional centre whilst preserving local assets and supporting the economic and social needs of the community. The following objectives are of relevance to the proposal:

Objective F1 – Ensure future housing stock is appropriate, accessible and affordable.

The proposal will facilitate a residential development in close proximity to regional road networks, local amenities and services.

Objective C4 – Protect and enhance the qualities that contribute to the amenity and character of Ballina.

The proposed boundary adjustment will ensure adequate separation between the proposed internal road network and the RU1 zoned land in the north-west corner of the site. This will allow for the preservation of

natural assets that contribute to the amenity of Ballina, such as the retained wetlands and the threatened flora species in the north-western portion of the site.

The underlying vision of the strategy is to create an inclusive, resilient, sustainable and vibrant community. The proposal is consistent with this vision as it will support the growth of the area for residential development whilst preserving the local character and identity of Ballina as a growing and prosperous regional centre.

9.2.3. Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs are identified below in **Table 1**. The Planning Proposal's consistency with Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed SEPPs, is summarised in **Table 2**.

Table 1 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent
SEPP Amendment (Child Care) 2017	Consistent
SEPP (State and Regional Development) 2011	Consistent
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Rural Lanes) 2008	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Infrastructure) 2007	Consistent
SEPP (Miscellaneous Consent Provisions) 2007	Consistent
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. This planning proposal seeks to facilitate an additional six (6) R2 zoned lots. BASIX assessment will be undertaken for each dwelling as part of future development.

State Environmental Planning Policy	Comment
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP No. 1 Development Standards	Not applicable
SEPP No. 14 Coastal Wetlands	Consistent. Relevant at time of lodgement of DA 2018/51. Now repealed upon commencement of <i>State Environmental Planning Policy (Coastal Management) 2018</i> on 3 April 2018.
SEPP No. 19 Bushland in Urban Areas	Not applicable
SEPP No. 21 Caravan Parks	Not applicable
SEPP No. 26 Littoral Rainforests	Consistent. Relevant at time of lodgement of DA 2018/51. Now repealed and replaced by the Coastal Management SEPP 2018.
SEPP No. 30 Intensive Agriculture	Not applicable
SEPP No. 33 Hazardous and Offensive Development	Not applicable
SEPP No. 36 Manufactured Home Estates	Not applicable
SEPP No. 44 Koala Habitat Protection	Consistent. Refer to Ecological Assessment prepared by JWA (Appendix B).
SEPP No. 47 Moore Park Showgrounds	Not applicable
SEPP No. 50 Canal Estate Development	Not applicable
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No. 55 Remediation of Land	Not applicable
SEPP No. 62 Sustainable Aquaculture	Not applicable
SEPP No. 64 Advertising and Signage	Consistent
SEPP No. 65 Design Quality of Residential Apartment Development	Not applicable

State Environmental Planning Policy	Comment
SEPP No. 70 Affordable Housing (Revised Schemes)	Not applicable
SEPP No. 71 Coastal Protection	Not applicable
State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)	Not applicable.
State Environmental Planning Policy (Integration and Repeals) 2016	Not applicable.
State Environmental Planning Policy (Rural Lands) 2008	Not applicable.
State Environmental Planning Policy (Coastal Management) 2018	Not applicable. DA 2018/51 was lodged prior to the commencement of the Coastal Management SEPP, and therefore it is applicable to continue assessment of this proposal against the provisions of the repealed SEPP 14, SEPP 26 and SEPP 71, and repealed Clause 5.5 of BLEP 2012.

Table 2 – Consistency with Regional Environmental Plans

Regional Environmental Plan	Comment
Sydney REP No. 8 – Central Coast Plateau Areas	Not applicable
Sydney REP No. 9 – Extractive Industry	Not applicable
SREP No. 16 – Walsh Bay	Not applicable
SREP No. 20 – Hawkesbury-Nepean River	Consistent
SREP No. 24 – Homebush Bay Area	Not applicable
SREP No. 26 – City West	Not applicable
SREP No. 30 - St Marys	Not applicable
SREP No. 33 – Cooks Cove	Not applicable
Sydney (SREP) (Sydney Harbour Catchment) 2005	Not applicable

9.2.4. Q6 - Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in **Table 3**.

Table 3 – Section 9.1 Compliance Table

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable.
2.2 Coastal Protection	Consistent. Littoral rainforests and state protected wetlands are identified within the locality of the site. However, these are not contained within the Stage 2 area subject to this assessment.
2.3 Heritage Conservation	Not applicable.
2.4 Recreation Vehicle Areas	Not applicable.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Consistent.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The proposal involves the re-alignment of R2 and R3 zoned land. The proposal is consistent with this direction as it will facilitate a large scale residential subdivision on which dwelling houses are to be constructed.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The proposal will not reduce the existing availability of land for caravan parks or manufactured home estates.
3.3 Home Occupations	Consistent. The proposal will not affect the carrying out of small, home-based businesses in dwelling houses.
3.4 Integrating Land Use and Transport	Consistent. The proposal will facilitate an internal road network that will provide access to future residential lots within the subdivision.
3.5 Development Near Licensed Aerodromes	Consistent. The proposal does not involve any change to the allowable building heights on the site and therefore will not impact on the effective and safe operation of aerodromes.
3.6 Shooting Ranges	Not applicable.
4. Hazard and Risk	

Ministerial Direction	Comment
4.1 Acid Sulphate Soils	Consistent. The planning proposal does not involve land that contains acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	Not applicable.
4.3 Flood Prone Land	Consistent. The planning proposal relates to a subdivision which has been designed to manage stormwater discharge in a matter that minimises flood damage and risk to people and property.
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The proposal is consistent with the North Coast Regional Plan. Refer to Section 9.2.1.
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Consistent. The planning proposal relates to land zoned for residential purposes. Accordingly, the proposal will not result in land use conflicts between agricultural and non-agricultural land uses.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Consistent. The proposal is consistent with the North Coast Regional Plan 2036. Refer to Section 9.2.1.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The proposal does not introduce any new concurrence, consultation or referral provisions.
6.2 Reserving Land for Public Purposes	Consistent. The proposal does not alter existing zonings or reservations of land reserved for public purposes.
6.3 Site Specific Provisions	Consistent. The site does not introduce any site specific planning controls.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Not applicable.

Ministerial Direction	Comment
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Wilton Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable.

9.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

The land to which this proposal relates comprises largely vacant land with a few small vegetated areas. An Ecological assessment undertaken by JWA has been completed and has informed the preparation of the planning proposal. The assessment has identified the Stage 2 area as highly unlikely to contain any significant populations of threatened fauna species or significant habitat. However, a potential habitat for threatened flora species, Hairy Joint Grass (*Arthraxon hispidus*) has been identified within the Stage 2 area.

Notwithstanding, the Stage 2 area is proposed to be cleared under DA 2018/51 and a Compensatory Habitat Plan (CHP) (JWA 2018b) has been prepared and submitted to manage the Hairy Joint Grass habitat on the site. The CHP recommends a combination of translocation actions and the establishment of additional propagated plants into suitable nearby habitats.

In summary, the report concludes no additional impacts are anticipated as a result of the proposed minor boundary adjustments and the future development of six R2 lots and internal road. Provided best practice measures for management of impacts on the sites ecological values are adhered to, the assessment has demonstrated that JWA consider the site to be suitable for the Planning Proposal.

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

Refer to Section 9.3.1 above in regards to biodiversity values. Other detailed environmental matters such as soil and water management, contamination, site drainage and stormwater have been addressed as part of the original development application for the proposed residential subdivision (DA 2018/51).

9.3.3. Q9 - Has the planning proposal adequately addressed any social and economic effects?

Yes. The social and economic effects of the Planning Proposal are considered to be positive. The proposal will facilitate an additional six (6) R2 zoned lots and a more functional and efficient subdivision layout. This will provide for increased social and economic outcomes through the provision of increased housing supply and improved accessibility whilst minimising impacts to RU1 zoned land.

9.4. STATE AND COMMONWEALTH INTERESTS

9.4.1. Q10 - Is there adequate public infrastructure for the planning proposal?

Yes. The subdivision will be fully serviced with reticulated urban infrastructure including water, sewer, drainage, electricity and telecommunication infrastructure. Accordingly, there is adequate existing and planned public infrastructure for the Planning Proposal.

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

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal. It is acknowledged that Ballina Shire Council will consult with relevant public authorities following the Gateway determination.

10. PART 4 - MAPPING

The following LEP maps are included in the Planning Proposal.

Table 4 – Summary of LEP Mapping Amendments

Ballina Shire Local Environmental Plan 2012	Amendments
Land Zoning Map LZN_005D	<ul style="list-style-type: none">• Amend the Ballina LEP Land Zoning Map 005D.
Lot Size Map LSZ_005D	<ul style="list-style-type: none">• Amend the Ballina LEP 2012 Lot Size Map 005D.

11. PART 5 - COMMUNITY CONSULTATION

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the Planning Proposal will be publicly exhibited for at least 28 days in accordance with DP&E's *A Guide to Preparing Local Environmental Plans*.

At a minimum, the notification of the public exhibition of the Planning Proposal is expected to involve:

- A public notice in local newspaper(s);
- Notification on the Ballina Shire Council website; and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

12. PART 6- PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided below.

Table 5 – Indicative Project Timeline

Stage	Timeframe and/or Date
Consideration by Ballina Shire Council	August 2018
Planning Proposal referred to DPE for Gateway Determination	September 2018
Gateway Determination by DPE	To be determined
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Consideration of submissions	6 weeks
Consideration of the Planning Proposal post-exhibition	6 weeks
Submission to DPE to finalise the LEP	To be determined
Gazettal of LEP Amendment	To be determined

13. CONCLUSION

This Planning Proposal seeks a minor amendment to Ballina Local Environmental Plan 2012 to amend the zone boundary of RU1 land and R2/R3 Residential land to rationalise LEP mapping boundaries to fit within an efficient subdivision layout (DA 2018/51).

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It sets out the justification for the proposed LEP amendments applicable to the site.

The Planning Proposal seeks to rationalise existing LEP mapping boundaries which are irregular and the result of a planning scheme no longer supported by Council. This proposal supports the State Government's current direction of increasing housing supply in Ballina Shire by assisting in the delivery of a high quality residential subdivision, creating a more functional internal road network and facilitating an additional six residential lots.

The Planning Proposal seeks to deliver positive social and economic benefits for Ballina Shire and on this basis, it is requested that Council resolve to forward this planning proposal to the Department of Planning and Environment for LEP Gateway determination.

DISCLAIMER

This report is dated 11 September 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Ballina Island Developments (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.




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Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A SUBDIVISION PLANS



Legend	
	DA Subdivision Stage 2
	Existing Zoning Boundary
	Stormwater Detention Basin

APPENDIX B

ECOLOGICAL REPORT



VEGETATION MANAGEMENT PLAN

20 North Creek Road, Lennox Head
Lot 1 on DP 517111

A Report Prepared for
Ballina Island Developments

AUGUST 2018

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DOCUMENT CONTROL

Document

Title	Vegetation Management Plan
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Client	Ballina Island Developments

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Client Issue

Version	Date	Author		Approved by	
		Name	Initials	Name	Initials
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1 INTRODUCTION

1.1 Background

JWA Pty Ltd has been engaged by Ballina Island Developments to complete a Vegetation Management Plan (VMP) for land located at 20 North Creek Road, Lennox Head, formally referred to as Lot 1 DP 517111. This report has been produced to respond to issues raised by Ballina Shire Council (BSC) in a pre-lodgement meeting held on the 24th April 2018 (refer **Section 1.4**).

This VMP details specific measures for mitigating and/or minimising the potential impacts on vegetation occurring on the adjoining property to the immediate east of the subject land (i.e. Lot 1 DP 878933) as a result of development activities on the subject site. The VMP also aims to ensure the long-term health and safety of the trees that occur adjacent to the subject site.

1.2 The Subject Site

The Subject site comprises Lot 1 DP 517111 which covers an area of approximately 15 hectares and consists of agricultural land. Historically the subject site has been grazed by cattle, however the cattle have since been removed from the site. Little native vegetation occurs within the site. An aerial photograph of the subject site is shown in **FIGURE 1**.

The site is bounded by North Creek Road and Lot 1 DP 878933 to the east, Henderson Lane to the south, Hutley Drive to the north and residential housing to the west.

1.3 The Development

The proposed development is for a subdivision comprising one hundred and eighteen (118) residential lots, five (5) super lots subject to future development, and one (1) lot for the purpose of public open space (**FIGURE 2**).

1.4 Council Pre-lodgement Meeting Requirements

As previously discussed a pre-lodgement meeting was held between the proponent and representatives of BSC on the 24th April 2018. **TABLE 1** below provides a summary of the relevant ecological issues raised by BSC, a response to each relevant issue and identifies where in this report further details can be found.



LEGEND
 [Blue dashed line] Lot 1 DP878933
 [Red solid line] Subject Site

1
 DP878933



SOURCE: Near Map 06 Dec 2017 Aerial
 SCALE: 1 : 2000 @ A3
JWA PTY LTD
Ecological Consultants

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 Ballina Island Developments Pty Ltd
 PROJECT
 Vegetation Management Plan
 Lot 1 on DP517111
 20 North Creek Road, Lennox Head, NSW
 Ballina Shire Council LGA

FIGURE 1
 PREPARED: BW
 DATE: 20 July 2018
 FILE: N20068_VMP_Aerial.cdr

TITLE
AERIAL PHOTOGRAPH



- LEGEND**
- R2 - Min. Lot Size 600m²
 - R3
 - Super Lot for RU1
 - Future Open Space
 - Existing Zoning Boundary
 - Stormwater Detention Basin
 - Lot 1 DP878933
 - Subject Site



SOURCE: Urbis Pty Ltd - DA Subdivision Plan Dwg No 02 (Ref: PLN_02_DA Subdivision-Rev I.pdf)

SCALE: 1 : 2000 @ A3

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Ballina Island Developments Pty Ltd

PROJECT
Vegetation Management Plan
Lot 1 on DP517111
20 North Creek Road, Lennox Head, NSW
Ballina Shire Council LGA

FIGURE 2

PREPARED: BW
DATE: 20 July 2018
FILE: N20068_VMP_Layout.cdr

TITLE
**STAGE 1
PROPOSED
DEVELOPMENT
LAYOUT**

TABLE 1
RESPONSES TO RELEVANT PRE-LODGEMENT MEETING ISSUES (DA 2018/51: 24/04/2018)

Council Requirements	Response	Relevant Section of Report
<p>The development application needs to address the matter of vegetation growing on the boundary of development site and Lot 1 DP 878933. In addressing this matter compliance with Australian Standards AS 4373-2007 (Pruning of amenity trees) and AS 4970-2009 (Protection of trees on development sites) will be required.</p>	<p>A survey has been undertaken of all trees occurring along the relevant boundary. The tree species, trunk diameter, height, spread and habitat features were all recorded and well as position.</p> <p>This VMP has been prepared to ensure the protection and appropriate pruning of vegetation identified along this boundary in compliance with Australian Standards AS 4373-2007 (Pruning of amenity trees) and AS 4970-2009 (Protection of trees on development sites).</p>	<p>Survey methodology and data - Section 2.2</p> <p>Vegetation Protection Measures - Section 2.3, 3.1 - 3.4</p>

2 MANAGEMENT OF VEGETATION

2.1 Introduction

At the pre-lodgement meeting (24/04/2018) council requested that the development application address the matter of vegetation growing on the boundary between the development site and Lot 1 DP 878933. In addressing this matter, compliance with Australian Standards AS 4373-2007 (*Pruning of amenity trees*) and AS 4970-2009 (*Protection of trees on development sites*) will be required.

2.2 Identification of Retained Vegetation

All trees on Lot 1 DP 878933 that occur within approximately 20m of the subject site have been surveyed (RCS Group 2018). For the purposes of this VMP all native trees ≥ 100 mm dbh were then identified to species level by a JWA Ecologist on the 19th July 2018. The following data were recorded for each surveyed tree and are provided in TABLE 2:

- species name;
- common name;
- diameter at breast height (dbh);
- canopy spread;
- height; and
- habitat values of each tree.

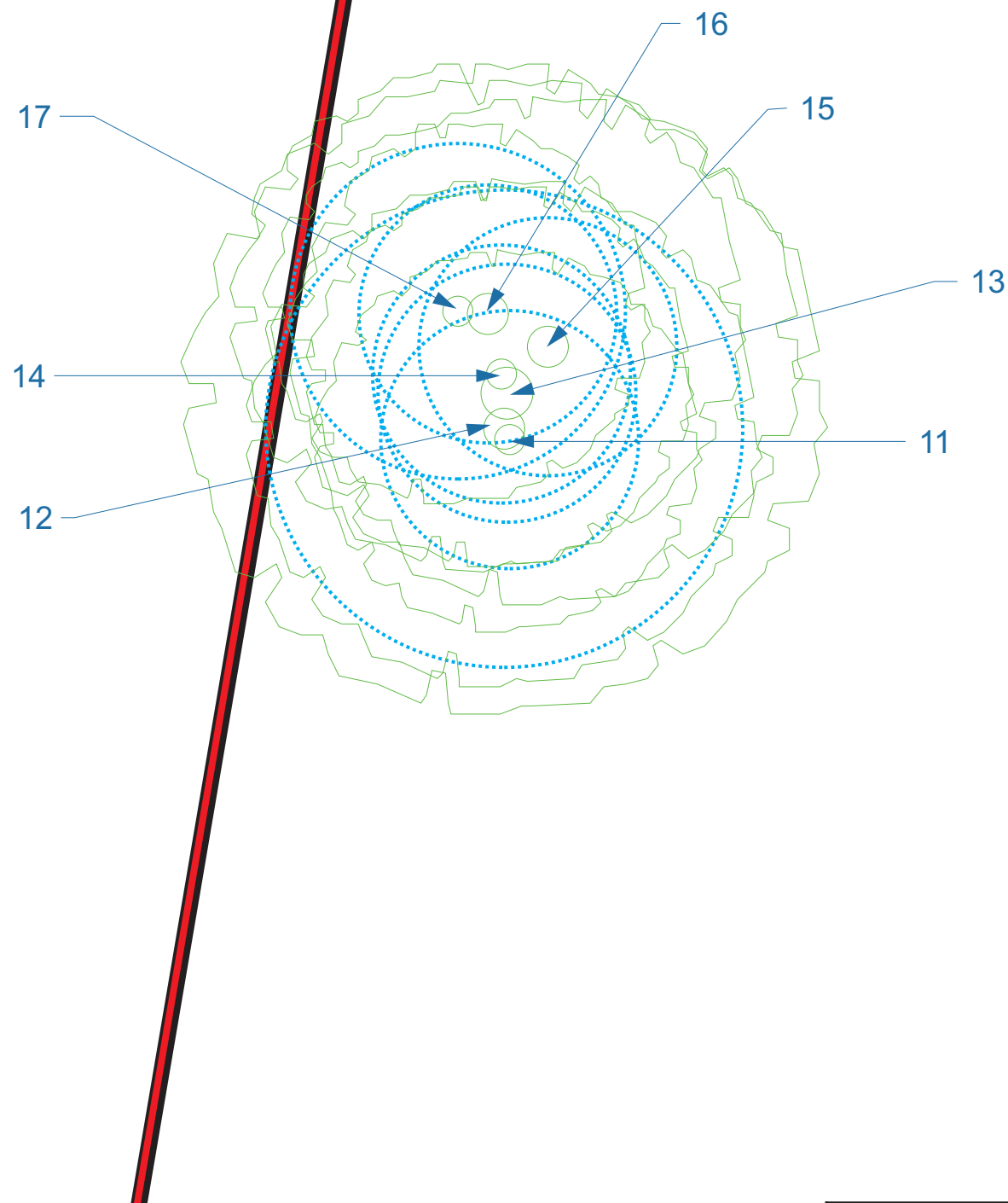
Tree Protection Zones (TPZ) have also been calculated for each tree in accordance with *Australian Standard AS 4970-2009 (Protection of trees on development sites)* and are included in TABLE 2. A Tree Retention Plan (TRP) has been prepared for the subject site (FIGURE 3). In the event that construction works will result in greater than 10% encroachment on the TPZ of a tree, the tree has been designated for assessment by a suitably qualified arborist (minimum AQF Level 5 Diploma in Arboriculture).






TABLE 2
TREES ON ADJOINING PROPERTY

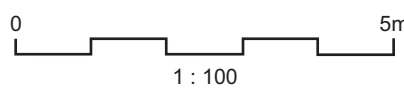
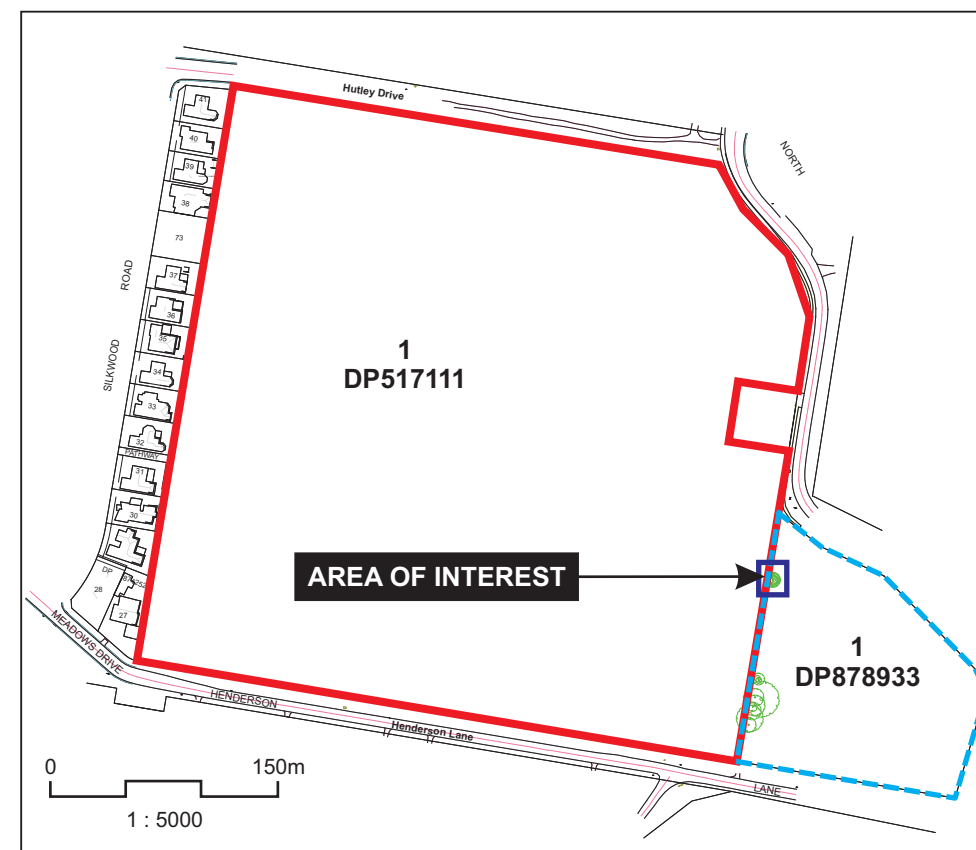
Tree No.	Species	Common Name	Height	DBH	Canopy Spread	Estimated TPZ
1	<i>Mallotus philippensis</i>	Red kamala	12 m	24 cm	4 m	2.9 m
2	<i>Ficus macrophylla</i>	Moreton Bay fig	25 m	1.2 m	15 m	14.4 m
3	<i>Mallotus philippensis</i>	Red kamala	14 m	34 cm	6 m	4.1 m
4	<i>Ficus coronata</i>	Creek sandpaper fig	8 m	12 cm	2 m	2.0 m



1
DP878933



- LEGEND**
-  Surveved Native Trees to be Retained
 -  Tree Protection Zone (TPZ)
 -  Cadastre
 -  Lot 1 DP878933
 -  Subject Site



SOURCE: JWA Site Investigations July 2018;
RCS Group (Ref: 18047-8.dwg); Near Map 06
Dec 2017 Aerial
SCALE: 1 : 100 @ A3

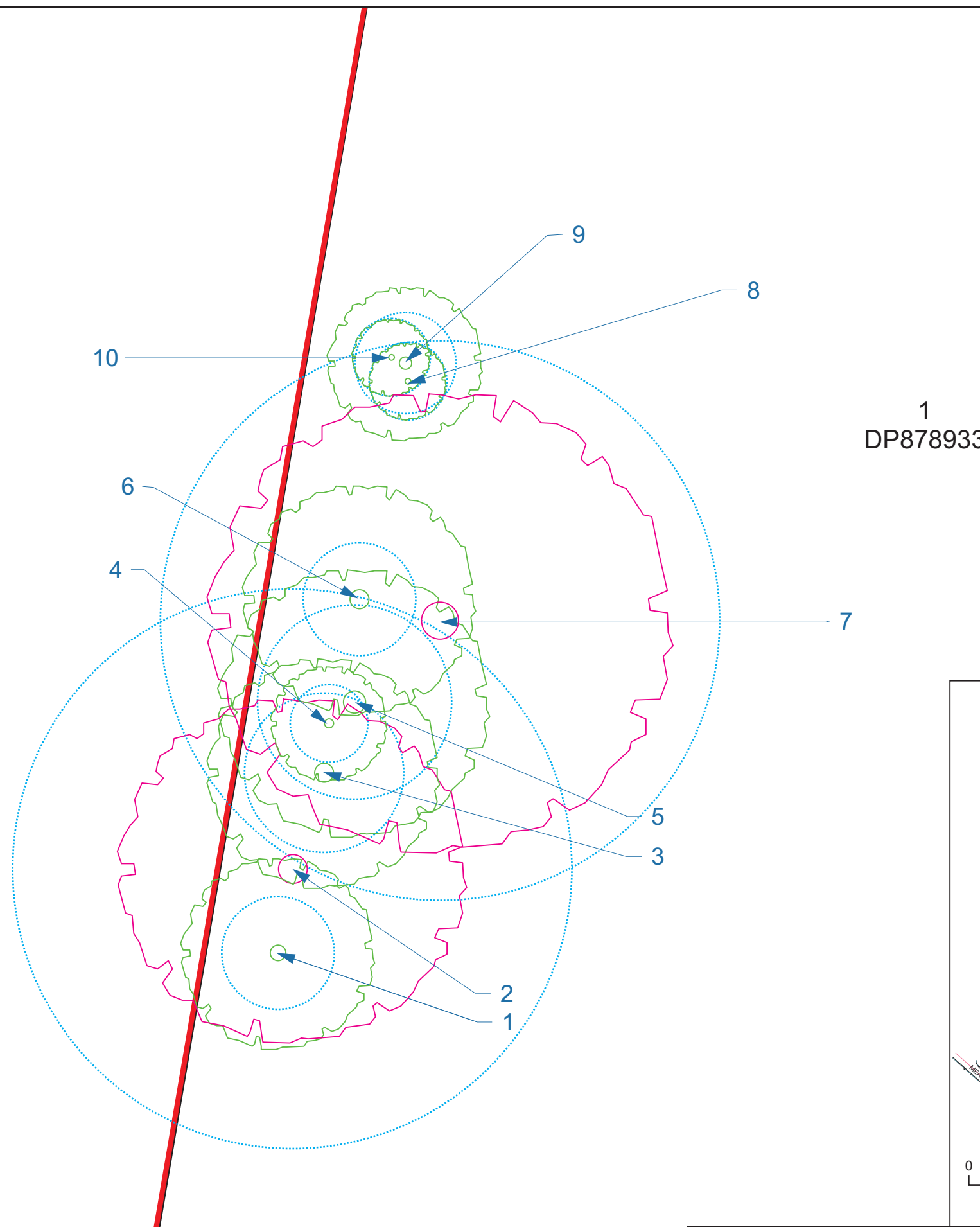
JWA PTY LTD
Ecological Consultants

CLIENT
Ballina Island Developments Pty Ltd
PROJECT
Ecological Assessment
Lot 1 on DP517111
20 North Creek Road, Lennox Head, NSW
Ballina Shire Council LGA

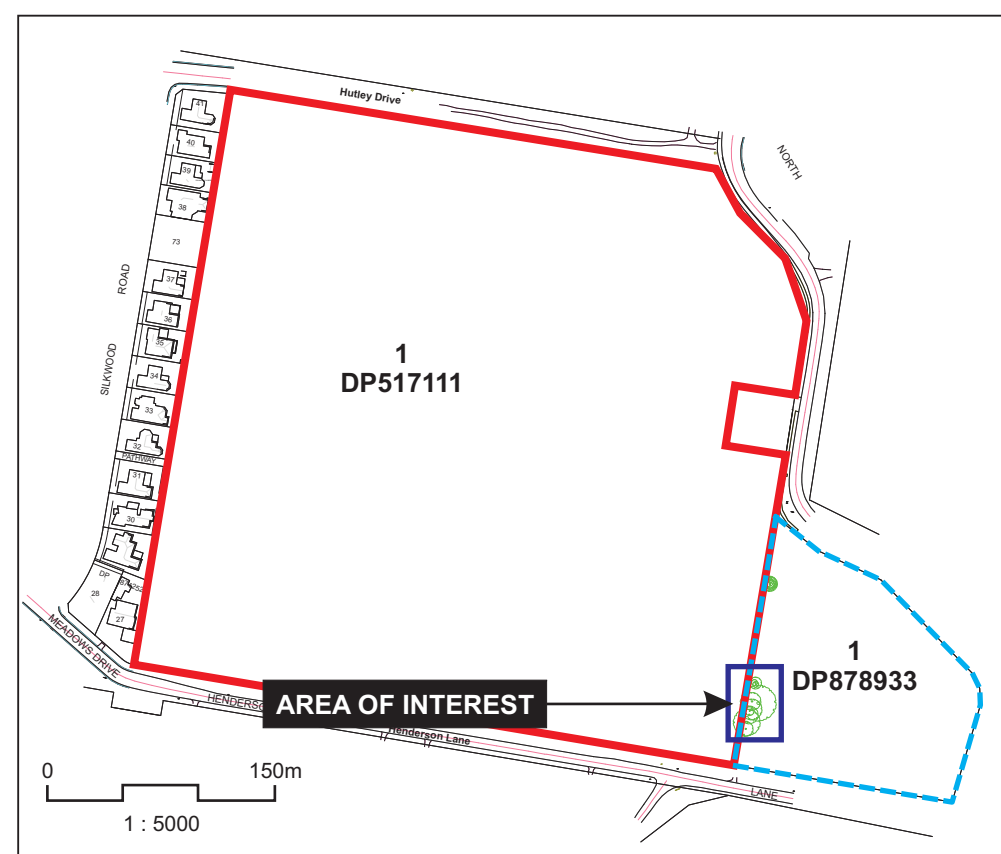
FIGURE 3A

PREPARED: BW
DATE: 18 July 2018
FILE: N20068_TRP.cdr

TITLE
**TREE
RETENTION
PLAN**



- LEGEND**
- Surveyed Native Trees to be Retained
 - Surveyed Native Trees to be Retained Subject to Arborist Assessment
 - Tree Protection Zone (TPZ)
 - Cadastre
 - Lot 1 DP878933
 - Subject Site



SOURCE: JWA Site Investigations July 2018;
RCS Group (Ref: 18047-8.dwg); Near Map 06
Dec 2017 Aerial
SCALE: 1 : 250 @ A3

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Ecological Consultants

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Ballina Island Developments Pty Ltd

PROJECT
Vegetation Management Plan
Lot 1 on DP517111
20 North Creek Road, Lennox Head, NSW
Ballina Shire Council LGA

FIGURE 3B

PREPARED: BW
DATE: 18 July 2018
FILE: N20068_TRP.cdr

TITLE

**TREE
RETENTION
PLAN**

Tree No.	Species	Common Name	Height	DBH	Canopy Spread	Estimated TPZ
5	<i>Syzygium luehmannii</i>	Riberry	8 m	42 cm	4 m	5.0 m
6	<i>Commersonia bartramia</i>	Brown kurrajong	6 m	24 cm	3 m	2.9 m
7	<i>Ficus macrophylla</i>	Moreton Bay fig	25 m	1.2 m	12 m	14.4 m
8	<i>Guioa semiglauca</i>	Guioa	7 m	10 cm	1 m	2.0 m
9	<i>Cryptocarya triplinervis</i> var. <i>triplinervis</i>	Three-veined cryptocarya	6 m	22 cm	3 m	2.6 m
10	<i>Cupaniopsis anacardioides</i>	Tuckeroo	6.5 m	10 cm	2 m	2.0 m
11	<i>Guioa semiglauca</i>	Guioa	6 m	17 cm	2 m	2.0 m
12	<i>Guioa semiglauca</i>	Guioa	7 m	31 cm	3 m	3.7 m
13	<i>Guioa semiglauca</i>	Guioa	5 m	12 cm	1 m	2.0 m
14	<i>Guioa semiglauca</i>	Guioa	6 m	16 cm	1 m	2.0 m
15	<i>Cupaniopsis anacardioides</i>	Tuckeroo	4 m	10 cm	1 m	2.0 m
16	<i>Guioa semiglauca</i>	Guioa	5 m	10 cm	1 m	2.0 m
17	<i>Guioa semiglauca</i>	Guioa	6 m	22 cm	2 m	2.6m

Notes:
Trees shown in **bold** will need to be assessed by a suitably qualified arborist (minimum AQF Level 5 Diploma in Arboriculture) to determine any further appropriate mitigation measures.

2.3 Vegetation Protection Guidelines

All vegetation on adjoining Lot 1 DP 878933 that is likely to be impacted by construction works on the subject site will be managed in accordance with the following tree protection guidelines. These procedures will ensure that retained trees adjacent to the development site will survive construction works and remain in a healthy condition.

In order to protect vegetation on the adjoining site, the following procedures are to be followed:

1. **Tree Protection Fencing:** Temporary fencing consisting of high visibility webbing and star pickets will be installed at the edge of works line prior to construction works. Temporary fencing will remain in place until all tree clearing and earthworks within or immediately adjacent to the trees to be retained have been completed, or permanent fencing is installed, whichever occurs first.

Taping (red colour) may also be utilised during the construction phase to ensure the boundary fencing is highly visible.

2. *Pre-start meeting:* Prior to commencement of clearing works, the applicant will arrange a pre-start meeting with BSC Environmental Assessment Officers (or other relevant BSC Officer). Prior to the pre-start meeting, the applicant (or appointed contractor) should ensure that all individual or groups of trees to be retained are flagged and all approved protection measures are installed.
3. *Arborist:* A suitably qualified Arborist (minimum AQF Level 5 Diploma in Arboriculture) will be appointed to carry out an inspection prior to commencement of works to ensure adequate protection measures are in place. The Arborist is also to direct the civil works contractor in relation to any works within or adjacent to the applicable TPZs.
4. *Pruning:* Prior to establishing a TPZ, trees to be protected will be pruned with focus on removal of dead or broken branches. The primary purpose of this activity is safety, but it also serves as a monitor for any damage that may occur during construction. Construction contractors are prohibited from undertaking any pruning as this activity, if not performed properly, can be harmful to the tree. Any pruning works are to be carried out by a qualified arborist (minimum AQF Level 5 Diploma in Arboriculture). All works will adhere to the *Australian Standards (AS) 4373 - 1996 (Pruning of Amenity Trees)*.
5. *Additional Tree Protection Measures:* The following measures will be taken to protect the trees in the long term:
 - Mulching - 100mm of composted mulch cover over any retained natural ground levels within the TPZ in order to retain soil moisture and encourage microbial activity.
 - Signage - as follows:
 - Tree Protection zone
 - No vehicle movement
 - No storage of building materials
 - No washing of equipment
 - Contact name and number for enquires
6. *Activities within the Tree Protection Zone:* Within the TPZs the following activities shall not be permitted:
 - storage and mixing of materials;
 - vehicle parking;
 - liquid disposal;
 - machinery repairs and/or refuelling;
 - construction site office or shed;
 - combustion of any material;

- stockpiling of soil, rubble or debris;
- any filling or excavation including trench line, topsoil skimming and/or surface excavation/filling, unless otherwise approved by a suitably qualified Arborist; and
- unauthorised pesticide, herbicide or chemical applications.

If during the course of a project, it becomes unavoidable for activities to take place inside the protection zone, then consent should first be gained from a qualified Arborist. Such activities may include the erection of scaffolding, vehicle movement, trenching or excavation/filling. An arborist can determine whether it is appropriate to undertake that activity and advise of the most appropriate way to undertake such activities or suggest possible alternatives. Pruning of branches and/or roots may be required; if so these activities should be undertaken under the direction of an Arborist. Council is to be notified if any activity is likely to adversely impact on the health of retained trees.

7. *Trenching and Excavation:* If trenching or excavation is to be undertaken within the root zone of any tree, roots will be severed cleanly rather than torn with a backhoe or other excavation equipment. All roots are to be exposed first and then cut cleanly with a sharp saw or loppers. Exposed roots are to be kept moist and covered with hessian for the duration of the exposure. Where roots with a diameter larger than 50mm are encountered excavation should be undertaken by hand or small implements. All works are to be carried out or supervised by a qualified arborist (minimum AQF Level 5 Diploma in Arboriculture).
8. *Activities Adjacent to Retained Trees:* All activities in an area adjacent to any retained tree or area are to be carried out in such a manner as to minimise any damage to trees. Trees to be removed will be felled in a direction away from trees to be retained. Where an individual tree to be retained may be impacted by the removal of another tree located at close proximity, the roots of the tree to be disturbed (and the tree to be retained, where required) are to be severed cleanly by a qualified Arborist. All roots are to be exposed first and then cut cleanly with a sharp saw or loppers.
9. *Clearing Works:* Site works shall occur in the following sequence; cutting, shearing of felled vegetation and tub grinding. Where vegetation is cleared or removed, vegetation waste shall be mulched and retained on site for re-use in landscape works. Each area is to be mulched immediately upon completion of clearing and grubbing works. Any vegetation not suitable for mulching (i.e. fertile material from weed species) will not be mulch and will be transported to an appropriate facility.

Hollow logs shall not be mulched until inspected by a qualified Ecologist. If any hollow logs are located on site they will be relocated to areas proposed for landscaping.

10. *Disposal of Debris:* Clearing and disposal of vegetation to be in accordance with Council requirements and conditions. Prior to the commencement of operational works all rubbish and foreign matter from the area is to be removed and appropriately disposed of off-site.
11. *Stockpile Location:* Cleared vegetation and site mulch must not be stored within TPZs.
12. *Prevention of Erosion:* Erosion and sediment control works shall be undertaken in accordance with any Sediment Control Management Plan prepared for the subject site.

As construction activities may cause potential sedimentation impacts on retained vegetation, temporary erosion and sedimentation control fencing is to be provided on site. All sediment fencing is to be in place before site preparation and other earthworks commence. Prior to any site preparation operations, the Project Manager (or other suitably qualified personnel) shall undertake an inspection of all sediment fencing. The erosion and sediment control measures are not to be dismantled until the works on site have been completed and disturbed areas have been covered by mulch to a minimum depth of 100mm.

The applicant is responsible for the restoration of the site and any adjoining affected lands where sediment deposition has occurred as a consequence of construction activity associated with the development for the duration of works and until the site has been stabilised. Such restoration must be completed in a reasonable timeframe.

3 MONITORING AND REPORTING REQUIREMENTS

3.1 Introduction

This section provides details of the performance indicators, controls and corrective actions, and the monitoring and reporting requirements under this VMP. Success of the VMP will be monitored and assessed against the performance indicators.

3.2 Performance Indicators

The following performance indicators will be used to assess the effectiveness of the VMP:

1. All contractors are to be fully aware of responsibilities under this VMP and other relevant management plans.
2. Tree protection fencing erected as per the Vegetation Protection Guidelines (SECTION 3.3).
3. No trees designated for retention will be damaged or removed during construction or landscaping activities.
4. No unauthorised activities to be undertaken within tree protection zones as listed in SECTION 3.3.

3.3 Controls and Corrective Actions

The following controls and corrective actions will be implemented:

1. All contractors will be supervised by an on-site representative from the Applicant.
2. Relevant provisions of Local, State and Commonwealth Government Legislation/Policies to be adhered to by the Contractor.
3. A copy of the approved Vegetation Management Plan, approved documents and Council's conditions shall be retained on site at all times.
4. Contractors undertaking site works, including tree removal are to be instructed directly of all Council's relevant conditions prior to works commencing.
5. The boundaries of all TPZ shall be clearly defined either by fencing or taping (red colour) or a combination of both.
6. The Contractor shall provide fences and/or trunk girdles to prevent unintended physical damage to the root system, trunk or canopy of native vegetation identified for retention, which may be impacted upon by clearing works. All vegetation protection fencing must remain on site until all operational works are completed.

7. All works carried out on either foliage or root systems of trees to be retained are to be in consultation with a qualified arborist or horticulturist. All works must adhere to the *Australian Standards (AS) 4373 - 1996 (Pruning of Amenity Trees)*. The subject trees are not to be topped nor lopped. Spur climbing of any tree to be pruned should also be avoided.
8. All vegetation management works shall be carried out so as not to offend any conditions of the approved sediment and erosion control plan for the site.

3.4 Monitoring and Reporting

The Applicant shall appoint suitable Contractor(s) to undertake the clearing operations. The contractor shall monitor vegetation clearance and earthworks components of the proposed works on a continual basis to confirm that specific controls have been implemented and appropriate work practices are being adopted to achieve the Vegetation Management Objectives specified in **SECTION 2**.

The Applicant shall be responsible for periodic condition monitoring of all retained vegetation, with a maximum interval between inspections of one (1) month, addressing the health and vigour of all retained vegetation for six (6) months after the commencement of operational works. Annual inspections will continue for three (3) years, at which point the requirement for further monitoring and inspection intervals shall be determined. Inspections will be undertaken and documented by a suitably qualified arborist. Records of all inspections are to be provided to the Applicant. The Applicant is responsible for the submission of a report to Council addressing the health and vigour of all retained vegetation at the end of the monitoring period.

The Contractor shall formally report to the Applicant on a weekly basis. The report will discuss the following:

1. Works undertaken;
2. Progress against stated objectives;
3. Compliance with Performance Indicators;
4. Significant problems encountered;
5. Success or failures of measures implemented to rectify previously identified problems; and
6. Measures to be taken to rectify new problems.

During clearing operations, the Applicant shall report to Council on a monthly basis or at the conclusion of clearing operations, whichever is first. The report will discuss the following:

1. Works undertaken;
2. Progress against stated objectives;

3. Compliance with Performance Indicators;
4. Significant problems encountered;
5. Success or failures of measures implemented to rectify previously identified problems; and
6. Measures to be taken to rectify new problems.

If in the opinion of Council, any retained vegetation shows signs of decline or ill health the subject vegetation shall be removed immediately by the Applicant and at the Applicants expense. In the event of the need to remove retained vegetation, the Applicant shall submit to Council an amended Plan for approval detailing the proposed restoration works and replacement plantings prior to the commencement of restoration works.

4 SUMMARY AND CONCLUSIONS

JWA Pty Ltd has been engaged by Ballina Island Developments to complete a Vegetation Management Plan (VMP) for land located at 20 North Creek Road, Lennox Head, formally referred to as Lot 1 DP 517111. This report has been produced to respond to issues raised by BSC in a pre-lodgement meeting held on the 24th April 2018.

This VMP details specific measures for mitigating and/or minimising the potential impacts on vegetation occurring on the adjoining property to the immediate east of the subject land (i.e. Lot 1 DP 878933) as a result of development activities on the subject site. The VMP also aims to ensure the long-term health and safety of the trees that occur adjacent to the subject site.

Specific actions include:

- Identification and demarcation of subject vegetation to be retained;
- The use of fencing and other measures to protect retained vegetation;
- Tree No's 2 and 7 should be assessed by a suitably qualified arborist prior to commencement of construction works to determine any further appropriate mitigation measures;
- Any works occurring within identified TPZs must be completed under the supervision, or with consent from, a suitably qualified arborist;
- Any pruning works are to be carried out by a qualified arborist and in adherence to the *Australian Standards (AS) 4373 - 1996 (Pruning of Amenity Trees)*; and
- Monitoring and reporting against performance indicators.

The implementation of this VMP will result in the minimisation of impacts on retained vegetation due to development activities on the subject site.

REFERENCES

Standards Association of Australia (2007). *Pruning of amenity trees, AS 4373-2007*. Standards Association of Australia, Homebush, NSW

Standards Australia Limited (2009). *Protection of trees on development sites, AS 4970:2009*. Standards Australia, Sydney

APPENDIX C

TRAFFIC IMPACT ASSESSMENT

Ref/Job Number: 8481
8481 2018_08_10 stage 2 traffic

10 August 2018

Impact Group
Suite 15, Level 3
924 Pacific Highway
GORDON NSW 2478

Attention: Josh Partridge

Dear Josh

**RE: RESERVOIR HILL DEVELOPMENT
ASSESSMENT OF STAGE 2 TRAFFIC**

At your instruction, we have undertaken a traffic assessment of the proposed Stage 2 rezoning of the Reservoir Hill development at Lennox Head, as shown on the URBIS plan ND1932-03, revision E, dated 11/07/18.

1. The Proposal

The proposed Stage 2 rezoning of the site is to cover some minor LEP boundary adjustments. The proposed rezoning will facilitate the future development of six (6) R2 lots and Road 8 located within Stage 2.

Details of the proposal are attached to this letter.

2. Proposed Traffic Generation

This assessment shall be read in conjunction with the *'Traffic Impact Assessment, Lot 1 DP 517111, North Creek Road, Lennox Head'* (Ardill Payne & Partners, May 2018), submitted as part of DA 2018/51.

Annual average daily traffic (AADT) and peak vehicle trip volumes per hour generated by the development are based on the traffic generation rates provided in the RMS *'Technical Direction TDT 2013/04: Guide to Traffic Generating Developments, Updated Traffic Surveys'*, as shown in **Table 1** below.

Table 1 – Traffic Generation Rates

Development level	AADT	Peak Hour Vehicle Trips Volume
Low Density Residential Dwellings	7.4 trips/dwelling	0.78 trips/dwelling

(According to the RMS Guide, a trip is defined as a one-way vehicular movement from one point to another excluding the return journey. Therefore, a return trip to/from a land use is counted as two trips).

The traffic generation is summarised in **Table 2**.

Table 2 – Proposed Traffic Generation

Development level	Rate	Predicted daily traffic	Predicted peak hourly traffic
Low Density Residential Dwellings	6	44.4	4.7

3. Impacts of Proposed Development

The impacts of the proposed development are assessed in accordance with the RMS 'Guide to Traffic Generating Developments' (2002).

3.1 Impact on Traffic Efficiency

Mid-block road capacity Levels of Service are defined in the RMS Guide for urban areas and are shown in **Table 3**.

Table 3 – RMS Traffic Levels of Service

Level of Service	One Lane (vph)
A	200
B	380
C	600
D	900
E	1400

Estimated peak traffic movements (one way) on Henderson Lane, after Stage 1 (from the APP report for Stage 1) are approx. 225.2vph. Therefore, the Level of Service is Level A. Additional traffic movements from Stage 2 of 2.35vph (one way) will not alter the Level of Service.

The development does not reduce the Level of Service on adjoining streets to below acceptable performance standards.

3.2 Impact on Intersections

Additional traffic movements from Stage 2 of 4.7vph do not warrant further analysis of any intersections.

3.3 Impact on Amenity

Table 4.6 of the RMS Guide specifies the following recommended environmental capacity performance standards for a collector street (in this case, Henderson Lane):

- the maximum speed shall be 50km/hr and the environmental goal shall be 300vph (maximum peak hour volume shall be 500vph).

Table 4.6 takes into account both amenity and safety considerations.

After the completion of Stage 1 and Stage 2 of the development, the estimated peak hour volume on Henderson Lane could increase to a maximum of 455vph (including approved traffic from Epiq development).

If these traffic volumes are reached, surrounding residents would experience an increase in traffic as a result of the proposed development. The increase in traffic would exceed the environmental goal for Henderson Lane but the maximum peak hour volume would not be exceeded. It should be noted that additional land releases within the Epiq development that would generate traffic above the approved limit cannot proceed until Hutley Drive is linked to North Creek Road. At that time, it is expected that traffic volumes on Henderson Lane would reduce to below the environmental goals.

3.4 Impact on Safety

Any safety issues associated with the proposed development have been addressed in the APP report for Stage 1. There are no additional safety issues associated with the proposed Stage 2 rezoning.

3.5 Impact on Public Transport

The proposed Stage 2 rezoning will facilitate an additional six residential lots and therefore only a small additional demand for public transport services, including school bus services. These services will be catered for by the bus companies based on demand, and can easily be accommodated within the development if required.

3.6 Impact on Pedestrians and Cyclists

A pedestrian path shall be provided on one side of the new local street.

3.7 Henderson Lane

The APP report for Stage 1 recommended that Henderson Lane be widened to provide a 9m wide sealed carriageway. It was further recommended that only a portion of the cost of widening be attributed to the Reservoir Hill, as it contributes only 24% of the potential maximum traffic volume.

Additional traffic movements from Stage 2 of 4.7vph do not warrant further upgrades of Henderson Lane.




Should you have any further questions or wish to discuss this assessment, please contact the undersigned.

Yours faithfully



Tony Cromack
ARDILL PAYNE & PARTNERS
Encl. Stage 2 plan



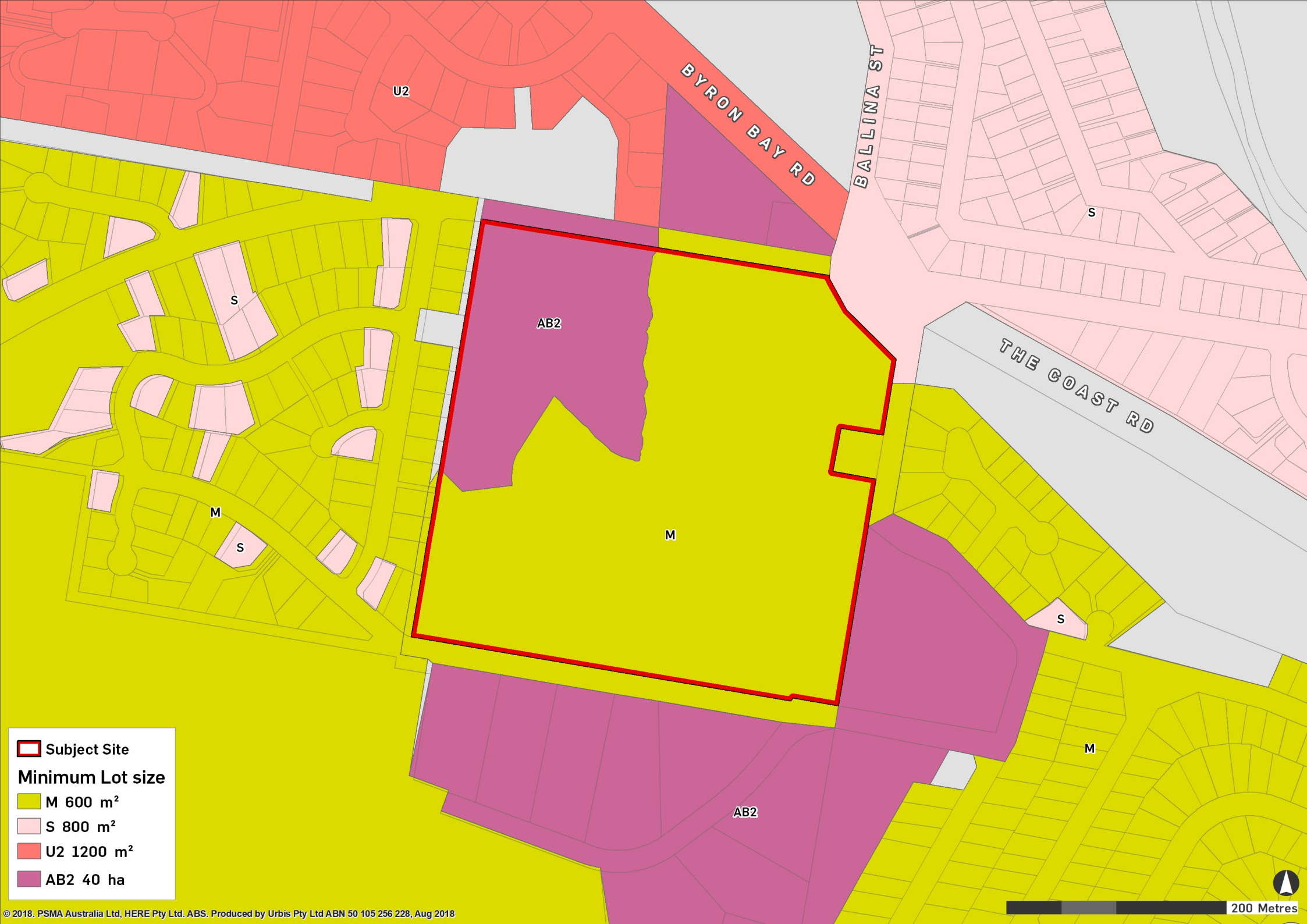
Legend	
	DA Subdivision Stage 2
	Existing Zoning Boundary
	Stormwater Detention Basin

APPENDIX D

LEP MAPPING

EXISTING LOT SIZE MAP

DATE: 01/15/2020 10:00 AM



U2

BYRON BAY RD

BALLINA ST

S

S

AB2

THE COAST RD

M


S

M





S

M

AB2

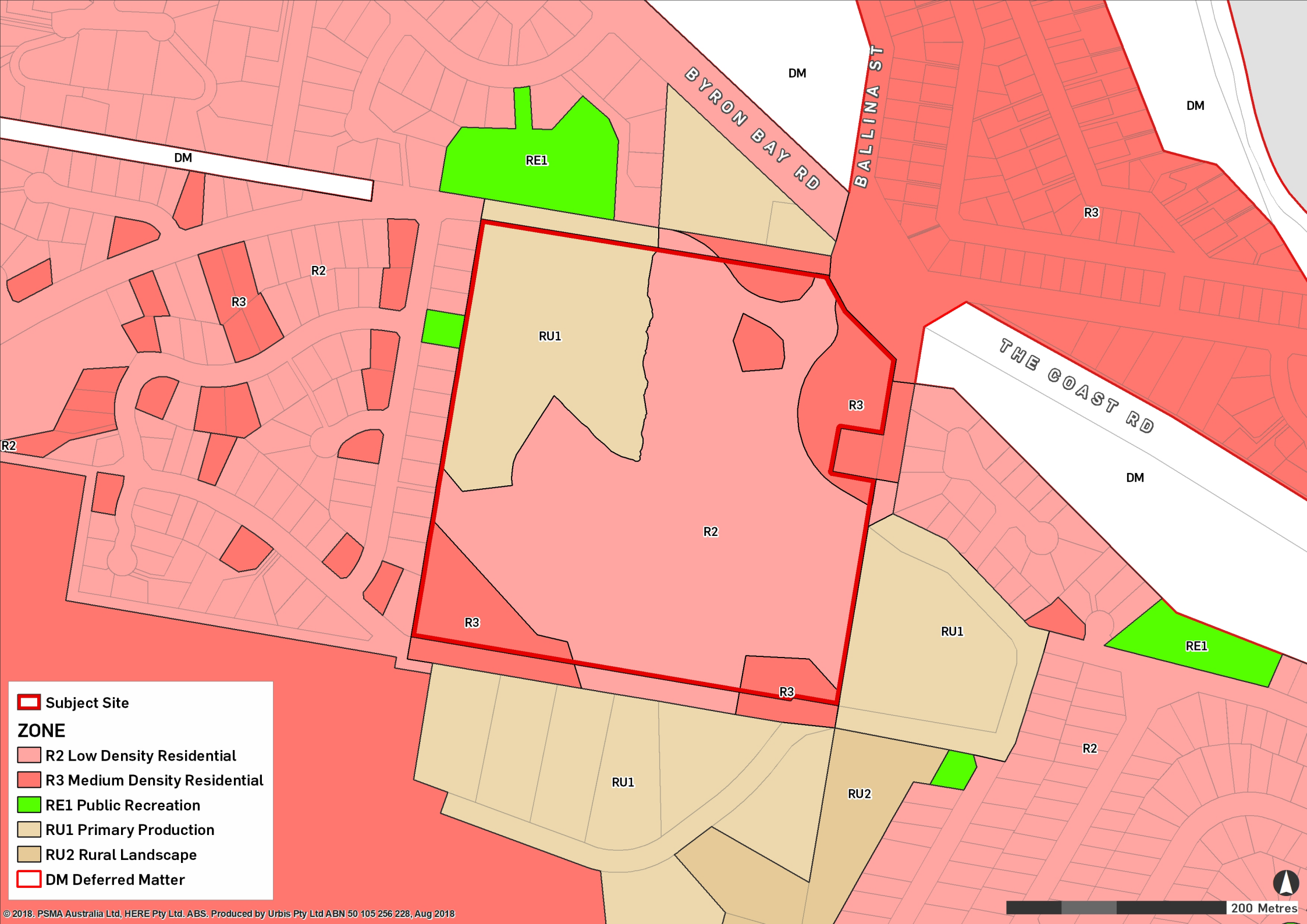
 Subject Site

Minimum Lot size

-  M 600 m²
-  S 800 m²
-  U2 1200 m²
-  AB2 40 ha


 200 Metres

EXISTING ZONING MAP

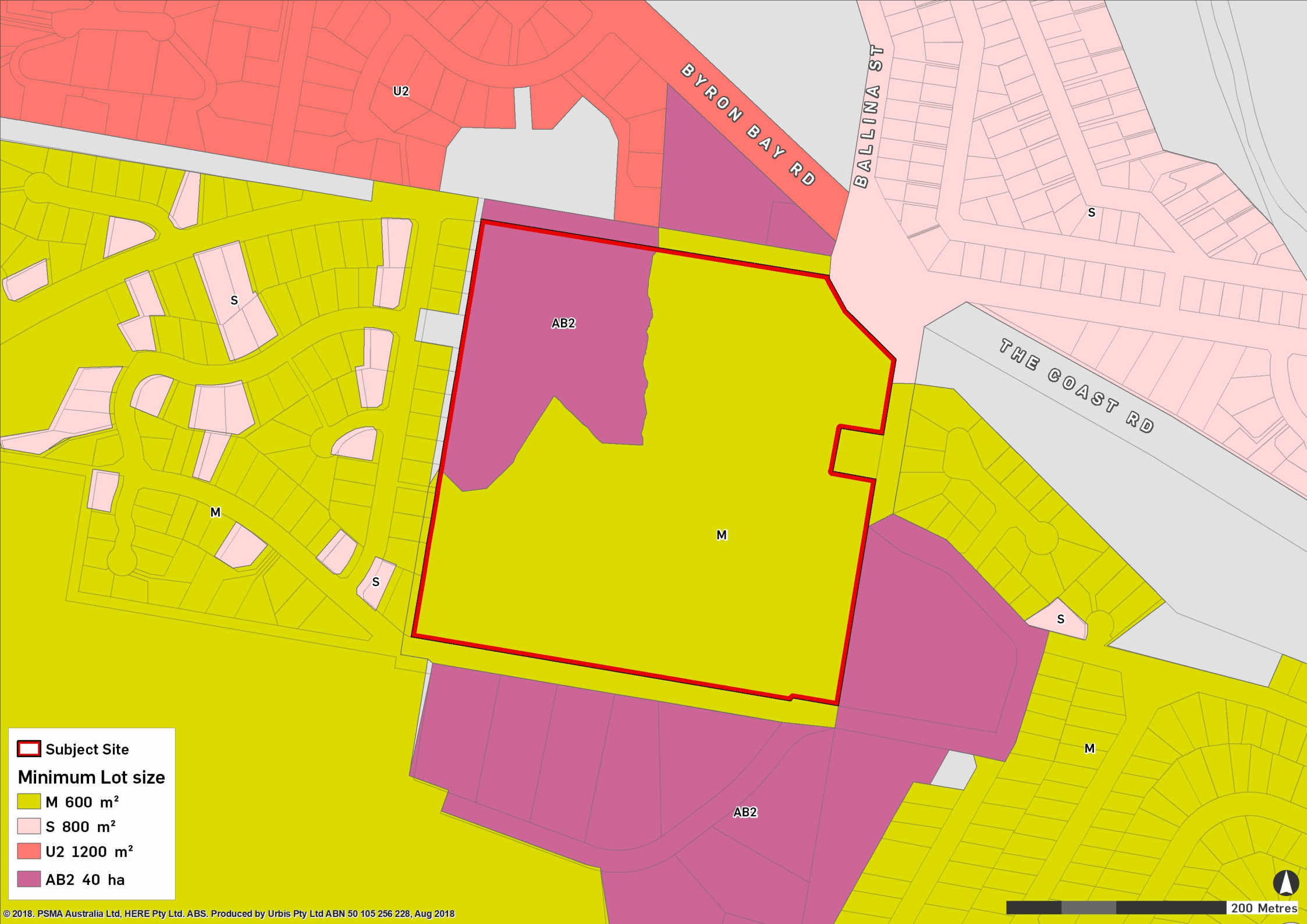


 Subject Site

ZONE

-  R2 Low Density Residential
-  R3 Medium Density Residential
-  RE1 Public Recreation
-  RU1 Primary Production
-  RU2 Rural Landscape
-  DM Deferred Matter

PROPOSED LOT SIZE MAP



U2

BYRON BAY RD

BALLINA ST

S

S

AB2

THE COAST RD

M


M

S





S

M

AB2

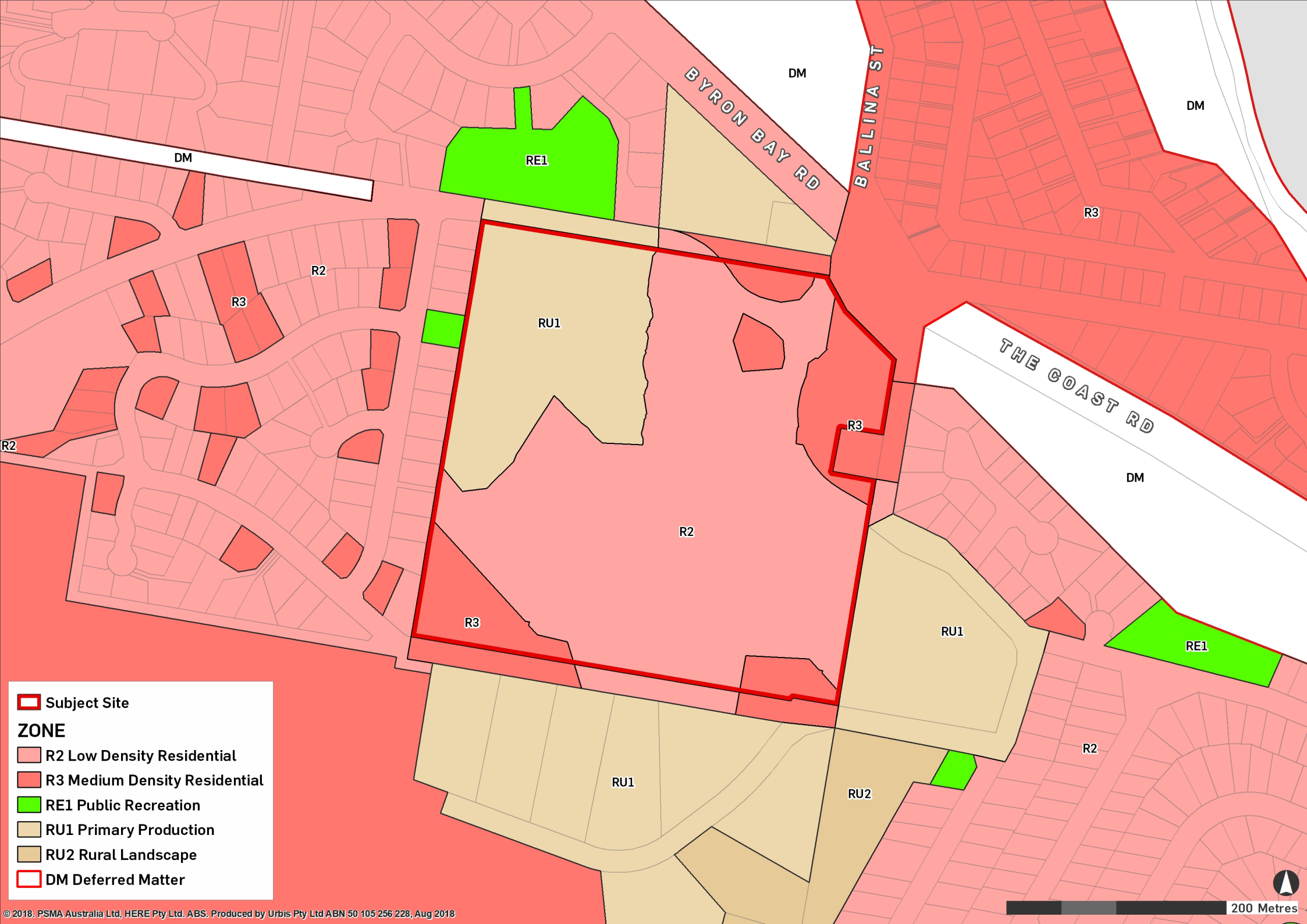
 Subject Site

Minimum Lot size

-  M 600 m²
-  S 800 m²
-  U2 1200 m²
-  AB2 40 ha

 200 Metres

PROPOSED ZONING MAP



 Subject Site

ZONE

-  R2 Low Density Residential
-  R3 Medium Density Residential
-  RE1 Public Recreation
-  RU1 Primary Production
-  RU2 Rural Landscape
-  DM Deferred Matter



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