



18 April 2012

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The General Manager
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Attn: Matthew Wood

Dear Mr Wood

Preliminary Planning Proposal, Blues Seas Parade Lennox Head

Further to our recent discussions, I am writing on behalf of the landowners, DM and RD Dossor (the Dossors), regarding their now consolidated allotment of land which was part of the former Crown road reserve and Lot 10 within the Coastal Grove Development. The Dossors are seeking to prepare a planning proposal for the subject land to "tidy up" the two zones that apply to their consolidated site.

The allotment is now known as Lot 1 in DP 1173776 and was consolidated and registered with NSW Land and Property Office on 27 March 2012. It covers an area of 1,162sqm. I have attached for your information the certificate of title and plan of consolidation of Lot 1 in DP 161550 and Lot 10 in DP1168665 (see Attachments 1 and 2).

In preparing this preliminary submission, SAKE Development has reviewed Council's "Process Guidelines for Planning Proposals and LEP Amendments" dated March 2011 and is also familiar with the NSW Department of Planning's "guide to preparing planning proposals". This letter is therefore Step 1 in the process and forms part of the LEP Amendment Initiation, formally advising council of the basic concept to rectify a minor zoning anomaly for the subject land. SAKE Development would also be pleased to prepare a draft planning proposal if this concept is endorsed.

Background

The Dossors applied to the former Department of Lands to close and purchase the Crown road (application number W411174) on the 25 September 2008. The Land and Property Management Authority agreed to the sale and the land was transferred and registered to the Dossors on 24 March 2011. The closure of the public road also appeared in the Government Gazette No 20 on 25 February 2011.

The Dossors then sought to consolidate Lot 10 in DP 1168665 that formed part of the Coastal Grove development with the former Crown road allotment to create a more suitable sized building block for the Lennox Head market. The plan of consolidation was registered on 27 March 2012. The consolidated allotment now has two proposed zonings under the Draft Ballina LEP 2011 (see attachment 3).

SAKE Development lodged a rezoning request late last year as part of the second round exhibition of the Draft Ballina LEP 2011 to consider rezoning the former Crown road land to a low density residential zone (R2), similar to Lot 10. Council's resolution of December 2011 noted that further assessment of site constraints would likely to be required and that the owners could undertake a separate planning proposal accompanied by a more detailed assessment of site constraints.

Preliminary Environmental Assessment of the Consolidated Allotment

A full environmental assessment of Lot 10 within the Coastal Grove development occurred and a limited environmental assessment was undertaken for the purchase of the Crown road reserve from the former Department of Lands. A discussion of the key environmental matters is provided below, to support a low density zoning, which would be embellished as part of a planning proposal submission:

- In terms of visual impact, the land forms the end of a row of housing along the escarpment. The addition of one dwelling house on the consolidated allotment is considered very minor and the Visual Assessment completed by HASSELL for the Coastal Grove development determined the visual impact as low. The land is also below the ridgeline (RL 60) and any future dwelling will be setback in line with existing housing.
- In terms of contamination, comprehensive Phase 1 and 2 Environmental Site Assessments were completed by Coffey Geosciences Pty Ltd for the Coastal Grove development to assess the potential for contamination to exist on the site from previous and current land uses, and to provide recommendations on the need for remediation as required. The assessments examined Lot 10. The Phase 1 environmental site assessment was initially carried out and information was obtained by a number of methods including a site walk over by an experienced geoscientist, historical title search reviews and a review of aerial photographs. The site history revealed a low risk that the site had been exposed to contamination from current and past land uses.

On this basis, it was considered that the shed, formerly located to the north of the Coastal Grove site, was the main area of environmental concern due to the potential storage of normal farm chemicals and therefore sampling was targeted to this area. Targeted sampling occurred across the site (the contamination assessment included a bore hole test on Lot 10 – sample H1), and concentrated in the area near the shed. Soil samples were tested for a suite of contaminants including:

- > Heavy Metals (arsenic, cadmium, chromium, copper, lead, nickel, zinc, and mercury);
- > Organochlorine Pesticides (OCPs);
- > Total Petroleum Hydrocarbons (TPH);
- > Benzene, Toluene, Ethyl-benzene, Xylene (BTEX);
- > Poly-Aromatic Hydrocarbons (PAH).

The Phase 1 samples indicated that concentrations of the chemicals of concern were below the adopted guideline criteria for human health. Only one sample taken near the shed had a zinc concentration which mildly exceeded the provisional phytotoxicity criteria. A Phase 2 Assessment of the shed and surrounds was therefore completed and measures were put in place to remediate this area.

Based on this information, it is considered highly unlikely that the former Crown road reserve would contain contamination based on its site history and land use, as an area of former road reserve that was basically inaccessible and land locked. No agricultural practices have occurred on this land, which has simply been maintained as a reserve. Notwithstanding, as part of any planning proposal submission, SAKE Development would engage a suitably qualified contamination consultant to review this aspect more closely and ensure any further residential development would meet the requirements of SEPP 55 – Remediation of Land.

- In terms of slope stability, Lot 10 was categorized as zone 1 with a very low to low risk of slope instability. The land is therefore least constrained in terms of slope stability hazard and suitable for residential development.
- In terms of bushfire hazard and ecological constraints, the site is located in a low bushfire hazard area. The area to the north along the escarpment contains bitou bush and does not contain littoral rainforest in the immediate area. An appropriate asset protection zone and buffer would be provided to support a dwelling on the site. An asset protection zone would be provided from the edge of the escarpment.
- In terms of servicing, both water and sewer are available to Lot 10 and therefore the subject land.

Draft Ballina LEP 2011

We therefore believe that the subject land can support low density residential development and the future urban investigation zone recognized this. As the Dossors have now consolidated the allotments to create one single residential allotment, this would remove any ambiguity and uncertainty associated with cross zonings and future questions about the location of a dwelling house.

We also note that council has not adopted Clause 5.3 – development near zone boundaries in the Standard LEP Instrument in the draft Ballina LEP which would have provided some future flexibility for any dual or cross zonings. Whilst the current draft zoning, RU1 Primary Production, does permit the erection of a dwelling house, the minimum lot size provision would cause uncertainty.

We therefore request that a single consistent zone apply across Lot 1 in DP 1161550 to remove this dual zoning anomaly. It is considered that rezoning this land from 1 (d) Urban Investigation to R2 Low Density Residential is suitable. It is further considered that this land can support low density housing, particularly from a visual impact and bushfire threat perspective, and that services are available to support a dwelling house. We trust that Council will review this matter favourably and proceed with the planning proposal for the subject land.

Please feel free to contact me if you require any further information.

Yours faithfully



Sarah Kelly
Director

Attachment 1 – Photos of the Subject Land



View from Crown Reserve looking west across the consolidated allotment, Lot 1 in DP 1173776. Note the land is clear of vegetation, level and grassed.



View from the consolidated lot looking east toward the Crown Reserve.

LAND AND PROPERTY INFORMATION NSW. - INTEGRATED TITLING SYSTEM

CERTIFICATES OF TITLE DELIVERED
on 28/3/2012 7:16:20 AM

1W DAVID MALCOM DOSSOR
1306/61 MACQUARIE STREET
SYDNEY 2000

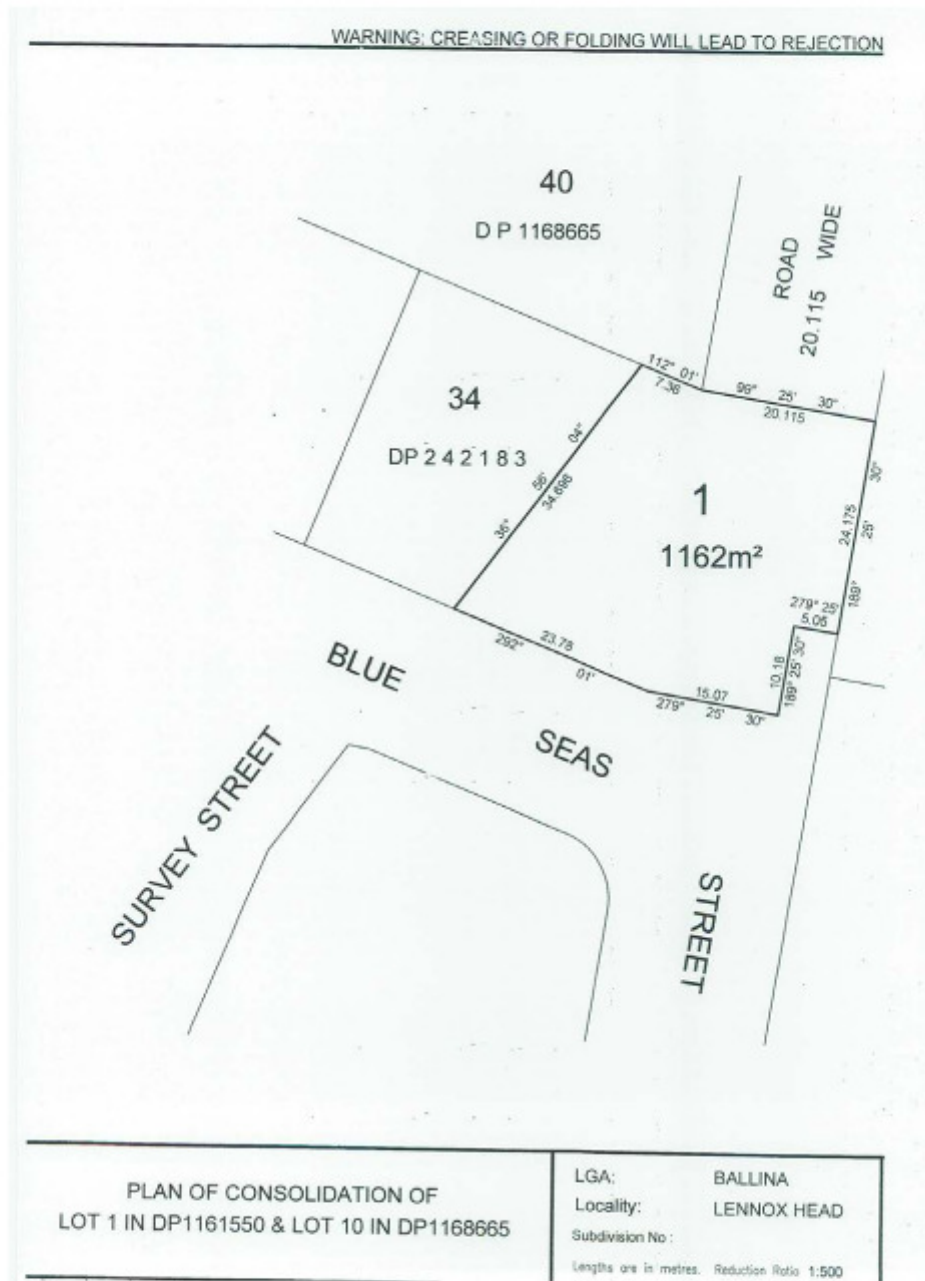
<u>Dealing</u>	<u>Certificate(s) of Title</u>	<u>Lodging Party Reference</u>	<u>Invoice</u>
DP1173776	1/1173776	6919DP03	CL77230

PRIOR REFERENCE: 1/1161550
PRODUCED ON:
REFERENCE:
PRODUCED FOR: CONNECTION TO DP1173776

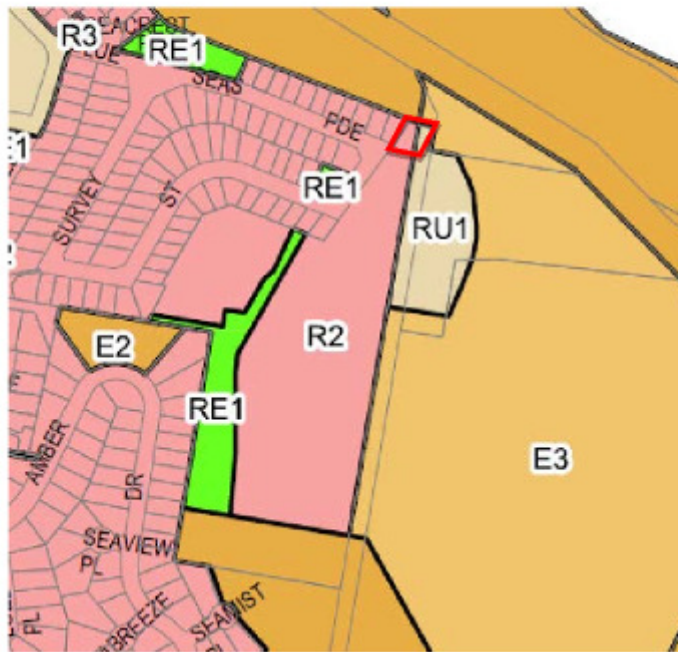
CERTIFICATE(S) OF TITLE: 1

MULTI PAGE CERTIFICATE(S) OF TITLE: 0

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Attachment 3 Proposed Dual Zonings – Draft Ballina LEP 2011



Approximate location of dual zones, R2 Low Density and RU1 Primary Production.



