



Ballina Shire Council

Planning Proposal BSCPP 12/001
September 2012

160-190 North Creek Road, Lennox Head

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Planning Proposal – September 2012
160-190 North Creek Road, Lennox Head

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Introduction

Summary of Planning proposal

This planning proposal relates to lots 2, 3 and 4 DP 241585 and Lot 6 DP 598177, 160-190 North Creek Road, Lennox Head, as shown on the locality map below.



Source: Gateway Planning proposal Report, Newton Denny Chapelle, December 2011

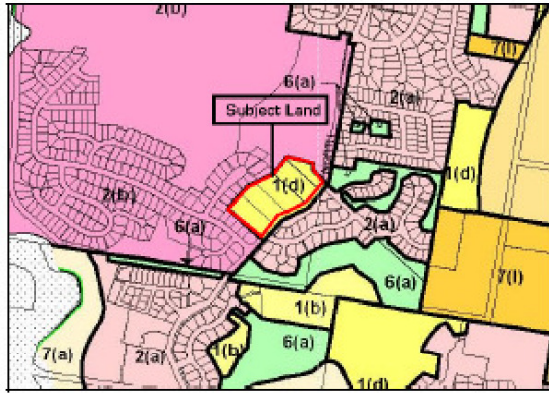
Land ownership within the area subject of the planning proposal area is as described in the following table. As outlined in the table 1, the total area of the land subject to the planning proposal is 3.23 ha.

Table 1 – Subject land information

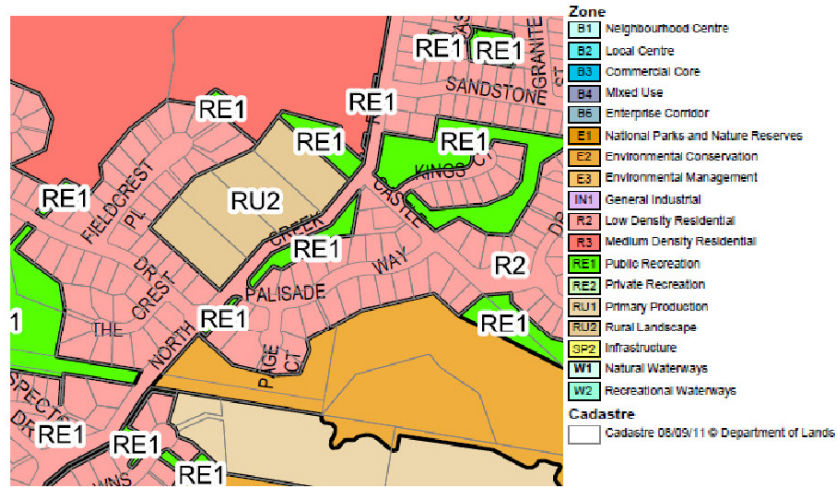
Owner	Land Parcel	Area (Ha)
Mr K Howard	Lot 2 DP 241585, No. 160 North Creek Road, Lennox Head	0.81 ha
Mr D and Mrs L Walsh	Lot 3 DP 241585, No. 170 North Creek Road, Lennox Head	0.81 ha
Mr P and Mrs D Fahey	Lot 4 DP 241585, No. 180 North Creek Road, Lennox Head	0.81 ha
Mr A Lewis and Mrs D Zorse	Lot 6 DP 598177, No. 190 North Creek Road, Lennox Head	0.8 ha
Total		3.23 ha

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The site is currently zoned 1(d) Urban Investigation under the provisions of the Ballina Local Environmental Plan 1987 (Ballina LEP 1987) as shown in the excerpt map below.

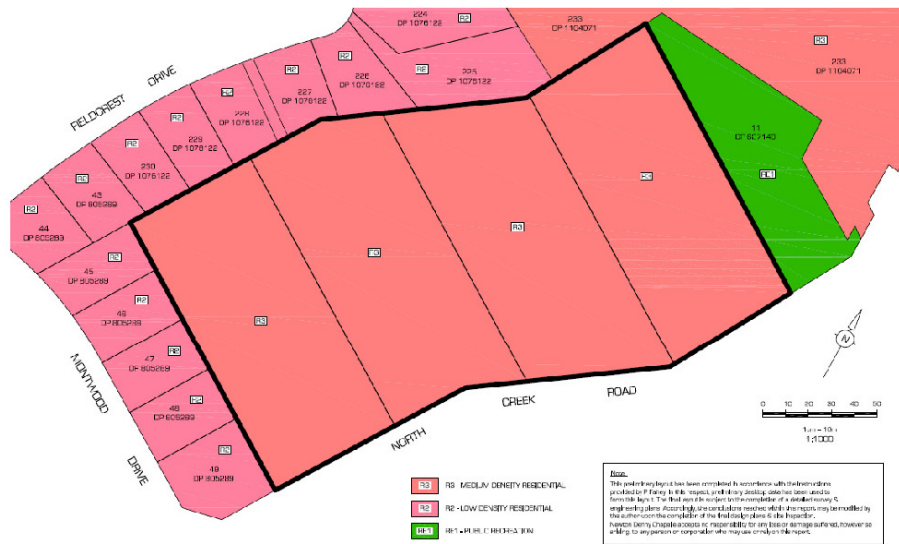


Under the provisions of the draft Ballina Local Environmental Plan 2011 (Draft Ballina LEP 2011), an RU2 Rural Landscape Zone has been proposed for application to the subject land, as shown in the excerpt below.



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As it is likely that the Draft Ballina LEP 2011 will be adopted prior to completion of the subject LEP amendment, it is proposed that the R3 Medium Density Zone will be applied to the land, as shown below.



Source: Planning proposal Report, Newton Denny Chapelle, December 2011.

The subject planning proposal seeks to amend the Draft Ballina LEP 2011 (once made) on the basis that completion of the proposed rezoning, if it proceeds to finalisation, is likely to occur following the completion of Council's new Local Environmental Plan (being the Draft Ballina LEP 2011).

Under this approach, the proposal involves the rezoning of land from an RU2 – Rural Landscape Zone to an R3 – Medium Density Residential Zone.

It is also proposed that a minimum lot size for subdivision of 600m² be applied to the subject land and that the land also be removed from designation as a potential urban growth area under the LEP upon its rezoning. The proposed changes are detailed in Table 2 below.

In the event that the Draft Ballina LEP 2011 is not completed within a suitable timeframe, the planning proposal enabling the rezoning of the land may proceed under the Ballina LEP 1987 (which is presently applicable to the land). Under this approach, the proposal involves the rezoning of the land from a 1(d) Rural (Urban Investigation) Zone to a 2(b) Residential (Village Area) Zone.

Table 2 – Proposed LEP Amendments

Planning Provision	Existing BLEP (BLEP 1987)/Draft Ballina LEP 2011	Proposed Amendment	
		Draft Ballina LEP 2011	Ballina LEP 1987
Landuse Zone	1(d) – Rural (Urban Investigation)/RU2 Rural Landscape	R3 – Medium Density Residential	2(b) Residential (Village Area)
Minimum Lot Size for Subdivision	Not within BLEP 1987/ 40ha minimum	600m ²	N/A
Strategic Urban Growth Area	Not within BLEP 1987/ Nominated as a potential urban growth area	Land removed from designation as a potential urban growth area	N/A

Planning Context

Council has identified the subject land as having urban development potential since the introduction of the Ballina LEP 1987. Additionally, future urban zoning of the land has been contemplated in a number of planning policies.

Ballina LEP 1987

The subject land is zoned 1(d) Rural (Urban Investigation) under the terms of the Ballina Local Environmental Plan 1987. A key aim of the zone is to avoid inappropriate development that may limit the urban potential of the land prior to detailed urban investigation being undertaken. The 1(d) Zone has been used by Council to indicate areas considered to have potential for urban development.

The objectives of the 1(d) zone are outlined in Part 3 Section B of this planning proposal.

Ballina Growth Management Strategy 2012

The subject land is located within the Lennox Head Planning Precinct and is identified as having potential for rezoning for urban purposes with a short to medium term time frame recommended.

Lennox Head Structure Plan 2004

The Lennox Head Structure Plan (LHSP) provides a framework for the development of new urban land release areas within the Lennox Head locality and includes the subject land. The implications of the LHSP for the subject proposal are discussed further in section B of this report.

Far North Coast Regional Strategy

The Far North Coast Regional Strategy (FNCRS) provides the regional framework for the consideration of rezoning land for urban purposes in Ballina Shire. The FNCRS identifies the subject land as a 'Proposed Future Urban Release Area' within the 'Town & Village Growth Boundary' for Ballina Shire.

Draft Ballina LEP 2011

The subject land is zoned RU2 Rural Landscape under the provisions of the Draft Ballina LEP 2011. The Lot Size Map contained in this plan applies a 40 hectare minimum lot size to the site. The site is also identified on the 'Strategic Urban Growth Areas Map as being a "potential urban growth area".

Council has typically applied rural zones under its draft LEP to areas currently zoned 1(d) as there is no zone equivalent to the 1(d) zone under the standard instrument. Under this approach, potential urban release areas are identified in the relevant strategic planning policy documents.

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to rezone the subject land to enable density residential development and associated infrastructure.

Part 2 - Explanation of the Proposal

This planning proposal relates to land located at 160-190 North Creek Road, Lennox Head. The site is currently zoned 1(d) Rural (Urban Investigation) under the provisions of the Ballina LEP 1987. The proposal involves an infill development outcome within an established urban area in Lennox Head.

The Draft Ballina LEP 2011 proposes to zone the subject land RU2 Rural Landscape Zone. This planning proposal seeks to rezone the subject land to an R3 Medium Density Zone to enable future development for residential purposes.

An amendment to the Minimum Lot Size Map and the Strategic Urban Growth Areas Map under the Draft Ballina LEP 2011 are also proposed. In relation to the Minimum Lot Size Map, it proposed to change the application of the 40 Hectare minimum lot size that is currently nominated for the site to a 600m² minimum lot size that is consistent with the surrounding locality. Should the site be rezoned, its nomination on the

Strategic Urban Growth Areas Map will no longer be required, as such, the land would be removed from this map set.

The LEP amendment request prepared on behalf of the applicant has demonstrated that the site is relatively unconstrained and is capable of supporting low and medium density residential land uses. The proposal provides various conceptual subdivision options to enable an assessment of the potential impacts associated with future residential uses and are considered appropriate in supporting the conceptual stages and planning proposal phase of the LEP amendment process.

A preliminary contamination assessment was prepared to support the LEP amendment request. A review of this assessment indicated that additional information was required to ensure that there will be no increased risk to human health or the environment from contamination. Accordingly, an updated contamination assessment was prepared by ELA Consulting Services dated 29 August 2012 which concluded that *"no targeted analyte exceeded the composite/individual acceptable limit &/or the acceptable background range. Hence, the Investigation Area is considered to be below acceptable residential guidelines and therefore does not represent a significant risk to the end user"*.

A single access point onto North Creek Road is proposed. Given that North Creek Road is an important collector road for the Lennox Head locality, consideration of an appropriate access point was identified as a potential constraint to the release of the subject land. A number of road configuration and intersection options were identified in the LEP amendment request which demonstrate that an intersection arrangement compliant with *Austroads Part 5 Intersection at Grade* can be achieved to service a future residential subdivision. The conceptual location of an intersection to the south of the subject land onto North Creek Road is considered acceptable at this stage and will be more suitably determined at the development application stage.

It is noted that the conceptual subdivision options provided in the LEP amendment report identifies the need for removal of existing mature Norfolk Island Pine trees to accommodate the integrated road and subdivision design for the site. It is considered appropriate that this matter be further considered as part of the planning proposal exhibition process and development application stages, should this matter proceed.

Part 3 - Justification

Section A - Need for the Planning proposal

1. Is the planning proposal a result of any strategic study or report?

The subject land is identified in the Far North Coast Regional Strategy 2006 (FNCRS) as being a "Proposed Future Urban Land Release Area".

The subject land is considered in the Ballina Urban Growth Management Strategy 2000 and in the Lennox Head Structure Plan 2004, with both policies identifying the subject land as having potential for urban development.

2. Is the Planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As noted above, the proposal is consistent with a range of strategic planning studies that identify the site for future urban investigation. The LEP amendment request and supporting documentation which informed the preparation of this planning proposal demonstrate that this process is the best means to enable development for future residential uses.

3. Is there a net community benefit?

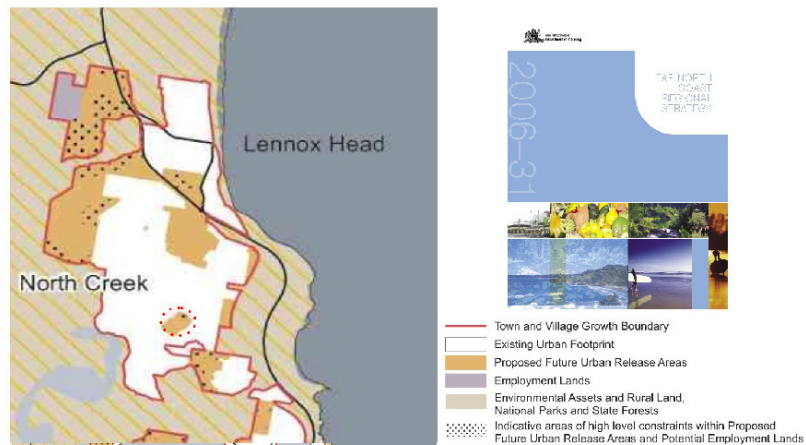
The following net community benefits will be achieved by the planning proposal:

- Additional economic activity generated by the development of the land for urban purposes, and
- Additional land available for residential development and ancillary (home-based) commercial uses.

Section B - Relationship to the Strategic Planning Framework

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

The proposal is consistent with the FNCRS, which provides the regional framework for the consideration of rezoning land for urban purposes in Ballina Shire. The FNCRS identifies the subject land as being a "Proposed Future Urban Release Area" within the 'Town & Village Growth Boundary Map – Sheet 3, as shown in the excerpt below;



The FNCRS notes that land identified in the Town and Village Growth Area Boundary will be subject to more detailed investigations to determine capability and future yield. Accordingly, investigation of the subject land for future urban development through the statutory rezoning process, involving assessment of the land's capability to accommodate urban development is consistent with the regional planning framework.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

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

The Ballina Local Environmental Plan 1987

The subject land is currently zoned 1(d) Rural (Urban Investigation) under the provisions of the Ballina LEP 1987. The primary zone objectives are:

- a. *to identify land which may be needed in the future and will be thoroughly investigated with respect to its suitability or otherwise for urban land uses and the environmental consequences associated with the land's release for urban purposes;*
- b. *to regulate the subdivision and use of land so as to prohibit development which could prejudice the possible future release of land within this zone for urban purposes; and*
- c. *to ensure that the release of land for urban purposes, by rezoning, shall not take place unless –*
 - i. *urban structure planning has been completed by Council;*
 - ii. *the Council reviews urban suitability investigations for individual planning units, and detailed land use allocations for each planning unit have been determined by the Council;*
 - iii. *sufficient demand exists for the release of urban land; and*
 - iv. *appropriate urban infrastructure and facilities are available to the land or can be provided to the land in a manner which does not create an unreasonable or uneconomic demand, or both, for the provision or extension of such services.*

In applying the 1(d) Zone, Council recognises that the subject land has potential for urban development, subject to detailed investigation being undertaken.

The proposal addresses the provisions on the zone objectives in that a future development of the site with a combination of low and medium density residential uses is consistent with the Council's adopted Lennox Head Structure Plan.

The proposal demonstrates that the site is physically capable of supporting future residential development with regard to environmental constraints and servicing.

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Ballina Growth Management Strategy 2012 (GMS)

The GMS provides the framework for the release of land for urban development in the Ballina local government area. The land release program contained within the Strategy has been agreed with the former Department of Infrastructure Planning and Natural Resources as required by Cl. 38(3) of the North Coast Regional Environmental Plan 1988 (the REP).

The subject land is identified within the Lennox Head Planning Precinct and anticipates the rezoning of this land to commence in the short to medium term, being within the period of 2005 – 2010. The consideration of the site is therefore within the framework of the ULRS.

Lennox Head Community Aspirations Strategic Plan 2002

The Lennox Head Community Aspirations Strategic Plan is an umbrella document which provides guidance for future Council activities, including town planning, works programs and annual budgets. The document was prepared in close consultation with the Lennox Head Community.

The planning proposal is consistent with the objectives of this plan.

Lennox Head Structure Plan 2004 (LHSP)

The LHSP outlines Council's broad strategies in relation to urban land release within the Lennox Head locality. All development of new release areas in Lennox Head should comply with the framework established by the Structure Plan. The subject land is identified as "Candidate Release Area L" as shown in the map excerpt below.



With respect to Area L, the LHSP advises;

Area L is approximately 4ha in size and currently comprises four rural/residential land holdings in separate ownership. It is currently zoned 1(d) Rural (Urban Investigation) Zone pursuant to the Ballina Local Environmental Plan 1987.

Whilst constrained by a number of planning factors, the Structure Plan recognises that Area L appears to be suited to accommodating future urban development. Should detailed assessment (via the rezoning process) confirm this to be the case, residential development comprising a range of low and medium density housing is the preferred use for this site.

The following planning factors will require particular attention as part of the rezoning and redevelopment of this site:

- Any rezoning of Area L is to occur on an integrated basis and should involve all land holdings within the area;
- Vehicular access to the site is to be via a single integrated access point from North Creek Road; and
- Stormwater management will need to address both the retention and quality of stormwater generated on the site.

The planning proposal is consistent with the outcomes envisaged for the site in the LHSP and demonstrates that future development of the site is capable of satisfying the intent and planning factors outlined for 'Candidate Release Area L'.

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

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP). A SEPP checklist for the planning proposal is contained in Appendix 1.

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

Yes, the proposal is consistent with the relevant Section 117 Directions. A Section 117 Direction checklist for the Planning proposal is contained in **Appendix 2**.

Section C - Environmental, Social and Economic Impact

8. 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?

Preliminary advice relating to the environmental characteristics of the site identify the site as being predominately cleared and dominated by exotic and extra-regional native species.

Consequently, this planning proposal and subsequent development of the subject land is not expected to result in any adverse impacts on any critical habitat, threatened species, populations or ecologically communities.

There is a large Fig tree located to the north of the land. This specimen is likely to be a remnant individual and is considered to be significant from a conservation, scenic and historical perspective. Whilst the tree is located on Council reserve, the root zone extends into the subject land and consideration of impacts from earth works and other associated development activities will need to be addressed.

Further detailed environmental assessment will be required to support a development application for subdivision of the subject land.

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

Other potential environmental effects of the proposal are as follows:

- Disposal and treatment of stormwater;
- Impacts on existing residential amenity.

These and other issues have been addressed in the LEP amendment request.

A preliminary stormwater assessment has been prepared to support the LEP amendment request that demonstrates that stormwater treatment measures can be accommodated within the site to address potential stormwater impacts on both downslope neighbouring lands and the receiving natural environmental environment.

The site is located within an already established residential neighbourhood and therefore has the potential to impact on the residential amenity of existing dwellings on adjoining properties. Given that the site has been identified in a number of strategic plans for the shire as having urban development potential, the potential for development outcomes on the subject land has been in the public domain for a significant period of time.

The final subdivision and dwelling design will need to address the potential for overshadowing and privacy impacts on adjoining dwellings.

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

The rezoning of the land for urban purposes will likely have positive social and economic effects. In particular, the development of the land for housing will assist in meeting regional dwelling targets. Further, as an infill development outcome, efficiencies are likely in relation to infrastructure provision.

11. Is there adequate public infrastructure for the planning proposal?

A future development on the subject land can be economically serviced with the full range of infrastructure.

Community and open space infrastructure can be provided by way of payment of Section 94 Contribution levies.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The NSW Rural Fire Service has been consulted as requested by the Department of Planning & Infrastructure in its gateway determination.

Section D - Community Consultation

Extensive community consultation was undertaken during the preparation and exhibition of the *Ballina LEP 1987* in the mid 1980s. This process involved the introduction of the 1(d) Rural (Urban Investigation) Zone. The subsequent land release strategies, including the ULRS 2000 and the LHSP 2004 were also subject to community engagement processes.

The planning proposal is being formally exhibited between 27 September 2012 and 12 October 2012. This meets the Department of Planning & Infrastructure's specification for a 14 day exhibition period.

Appendices

Appendix 1 – State Environmental Planning Policy Checklist

State Environmental Planning Policy Checklist Planning proposal – 160-190 North Creek Road, Lennox Head

SEPP Title	Compliance of Planning Proposal
SEPP (Affordable Rental Housing) 2009	The planning proposal is not inconsistent with the provisions of this SEPP. The full range of residential land uses will be permissible with consent in the proposed R3 – Medium Density Residential zone.
SEPP (Exempt and Complying Development Codes) 2008	The planning proposal is not inconsistent with the provisions of this SEPP. The Codes SEPP will apply to detached, attached and semi-detached dwellings within the proposed R3 – Medium Density zoned land.
SEPP (Rural Lands) 2008	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Infrastructure) 2007	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Temporary Structures) 2007	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Major Development) 2005	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	The planning proposal is not inconsistent with the provisions of this SEPP. The full range of residential land uses will be permissible with consent within the R3 Medium Density zoned land.
SEPP No. 1 - Development Standards	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 4 - Development without Consent and Miscellaneous Complying Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 6 - Number of Storeys in a Building	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 14 - Coastal Wetlands	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 15 - Rural Land-Sharing Communities	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 21 - Caravan Parks	The planning proposal is not inconsistent with the provisions of this SEPP.

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SEPP Title	Compliance of Planning Proposal
SEPP No. 22 - Shops and Commercial Premises	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 26 - Littoral Rainforests	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 30 - Intensive Agriculture	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 33 - Hazardous and Offensive Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 36 - Manufactured Home Estates	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 44 - Koala Habitat Protection	The planning proposal is not inconsistent with the provisions of this SEPP. No known koala habitat exists on the subject site.
SEPP No. 50 - Canal Estates	The Planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 55 - Remediation of Land	The planning proposal is not inconsistent with the provisions of this SEPP. The provisions of SEPP No. 55 – Remediation of will need to be considered in detail following the gateway determination phase and prior to rezoning the land.
SEPP No. 60 - Exempt and Complying Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 62 - Sustainable Aquaculture	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 64 - Advertising and Signage	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 65 - Design Quality of Residential Flat Development	The planning proposal is not inconsistent with the provisions of this SEPP.
SEPP No. 71 - Coastal Protection	The planning proposal is not inconsistent with the provisions of this SEPP and supports the intent of the SEPP. The subject land is located within the coastal zone. The rezoning to enable residential development is consistent with the objectives of the SEPP.
North Coast Regional Environmental Plan (NCREP) (deemed SEPP)	The NCREP now has the status of a SEPP. This SEPP provides local government with state and regional policy guidelines for the preparation of local environmental plans and for certain types of development. The plan sets the basis for new urban and rural development. The planning proposal is not inconsistent with the provisions of this SEPP.

Appendix 2 - Section 117 Direction Checklist

Section 117 Direction Checklist
 Planning Proposal – 160 – 190 North Creek Road, Lennox Head

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
1. Employment and Resources		
1.1 Business and Industrial Zones	Applies to Ballina Shire. Does not apply to Draft Plan.	
1.2 Rural Zones	In summary, this Direction provides that Draft LEPs shall retain existing zones and provisions relating to the control of traffic generating developments or access to major roads and shall not rezone rural land for urban purposes unless the land has been identified in a Strategy, is justified by an Environmental Study or is in accordance with an approved Regional Strategy.	It is considered that the rezoning is consistent with this Direction because the proposed residential area is identified in the Ballina Urban Land Release Strategy and the Far North Coast Regional Strategy for urban development.
1.3 Mining, Petroleum Production and Extractive Industries	Applies to Ballina Shire. Does not apply to Draft Plan.	
1.4 Oyster Aquaculture	Applies to Ballina Shire. Does not apply to Draft Plan.	
1.5 Rural Land	In summary, this Direction provides that a planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The Policy further provides that a planning proposal may be inconsistent with the terms of the Direction only if the relevant planning authority can satisfy the Director General of the Department of Planning that the provisions of the proposal are justified by a strategy which gives consideration to the objectives of the Direction of identifies the land which is the subject of a planning proposal or is approved by the Director General of the Department of Planning or is of minor significance.	The table in Appendix 1 addresses the Planning Principles contained in State Environmental Planning Policy (Rural Lands) and demonstrates compliance. In addition, this rezoning is of relatively minor significance and is consistent with the Far North Coast Regional Strategy 206 – 2031.
2. Environment and Heritage		
2.1 Environmental Protection Zones	Applies to Ballina Shire. Does not apply to Draft Plan.	
2.2 Coastal Protection	In summary this Direction provides that a Draft LEP shall give effect to and be consistent with the Coastal Management Manual 1990, the NSW Coastal Policy 1997 and the Coastal Design Guidelines 2003.	The rezoning is consistent with this Direction. The proposal demonstrates that the subject land can accommodate stormwater management, effluent disposal and will not impact on public foreshore access.
2.3 Heritage Conservation	In summary this Direction provides that a Draft LEP shall contain provisions to facilitate the	There a no items of environmental or cultural heritage identified by Council within the site that are considered to warrant

TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
	conservation of items of environmental heritage significance and aboriginal objects, areas of aboriginal heritage significance or aboriginal places.	specific LEP based protection based on the information currently available.
2.4 Recreation Vehicle Areas	Applies to Ballina Shire. Does not apply to Draft Plan.	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	In summary, this Direction provides that Draft LEPs shall contain requirements that broaden the choice of building types and locations, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development, are of good design, not permit residential development until the land is adequately services and not contain provisions which will reduce the permissible residential density of the land.	The planning proposal is consistent with this Direction in that adequate infrastructure is available to service the area and a future Development Control Plan could address urban design and density considerations. The rezoning is therefore consistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	Applies to Ballina Shire. Does not apply to Draft Plan.	
3.3 Home Occupations	In summary, this Direction provides that a Draft LEP shall permit home occupations to be carried out in dwelling houses without the need for development consent.	This Plan is consistent as it simply adopts the provisions of the current Ballina Local Environmental Plan 1987 or the Draft Local Environmental Plan 2011.
3.4 Integrated Land Use and Transport	In summary, this Direction provides that a Draft LEP shall locate zones for urban purposes and include provisions that give effect to or are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001). The Direction also provides that a Draft LEP may be consistent with the Direction if the land has been identified in the Strategy prepared by Council and approved by the Director General or, the rezoning is justified by an Environmental Study or the rezoning is in accordance with the relevant regional strategy.	It is considered that the proposed rezoning is consistent with this Direction because the land is identified in the Ballina Urban Land Release Strategy, the Far North Coast Regional Strategy and the site is located within an existing residential area and fronts North Creek Road, which provides a public transport route.
3.5 Development Near Licensed Aerodromes	Applies to Ballina Shire. Does not apply to Draft Plan.	
4. Hazard and Risk		
4.1 Acid Sulphate Soils	Direction requires Councils to consider the Acid Sulphate Soils Planning Guidelines and include provisions which are consistent with the Acid Sulphate Soils Model Local Environmental Plan.	The study site does contain Acid Sulphate Soils.

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TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
4.2 Mine Subsidence and Unstable Land	Applies to Ballina Shire. Does not apply to Draft Plan.	
4.3 Flood Prone Land	Applies to Ballina Shire. Does not apply to Draft Plan.	
4.4 Planning for Bushfire Protection	Applies to Ballina Shire. Does not apply to Draft Plan.	
5. Regional Planning		
5.1 Implementation of Regional Strategies	This Direction provides that when a Council prepares a Draft LEP the Plan shall be consistent with a Regional Strategy released by the Minister for Planning.	The site is identified in the Far North Coast Regional Strategy as a proposed future urban release area and therefore the rezoning is entirely consistent with this Direction.
5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Applies to Ballina Shire. Does not apply to Draft Plan.	
5.4 Commercial and Retail Development	Applies to Ballina Shire. Does not apply to Draft Plan.	
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Does not apply to Ballina Shire	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Repealed	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Repealed	
5.8 Second Sydney Airport: Badgerys Creek	Does not apply to Ballina Shire	
6. Local Plan Making		
6.1 Approval and Referral Requirements	In summary, this Direction provides that a Draft LEP shall minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or Public Authority, not contain these provisions unless Council has obtained approval from the relevant Authority and not identify development as designated development unless certain prerequisites can be met.	The planning proposal is consistent with this Direction in that it does not introduce any new concurrence or consultation provisions or any additional designated development types.
6.2 Reserving Land for Public Purposes	This Direction provides that a Draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant Authority among other things.	The planning proposal is not inconsistent with this provision as it does not include creation, altering or reduction of land for public purposes.

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TABLE 1 – SECTION 117 DIRECTIONS		
DIRECTION NO.	REQUIREMENTS	COMMENTS
6.3 Site Specific Provisions	This Direction provides that a Draft LEP that amends another Environmental Planning Instrument in order to allow a particular development proposal shall either allow that land use to be carried out in the zone that the land is situated on or rezone the site to an existing zone already applying in the Environmental Planning Instrument that allows that land use without imposing any development standards or requirements in addition to those already existing or allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal Planning Instrument being amended.	The planning proposal is consistent with this direction as it seeks to apply a land use zone and standards compatible with the residential development of the site.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire	



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10 October 2012

Ballina Council
cnr Tamar & Cherry Streets,
Ballina NSW 2478

Attention: Sally McGarry/Matthew Wood

12/39158 BSC PP 12/001

Re: Planning Proposal BSCPP 12/001, North Creek Road, Lennox Head.

Dear Sally/Matthew,

I wish to raise a strong objection in relation to the above proposal to rezone 3.23ha of land located at 160-190 North Creek Road Lennox Head.

Of major concern is the proposed rezoning of the land located at 160-190 North Creek Road to '**R3 Medium Density**'. This land adjoins my property and many others along Fieldcrest Place and Montwood Drive which are currently zoned 'R2 Low Density'. It seems extremely unfair to all of us adjoining the North Creek Rd land and to those in the immediate vicinity to make such a jump from the current zoning of 1(d) Rural to R3 Medium Density, not keeping within 'at least', the same R2 Low Density zoning as our surrounding properties are.

The proposal to rezone to R3 Medium Density seems unnecessary and unreasonable in that it would create sudden excessive noise, congestion, impede upon our privacy and possibly devalue our properties for which we have paid considerable amounts of money for. Suitable access, traffic and safety issues onto North Creek Road are also of concern. My property and others along Fieldcrest Place currently enjoy a quiet, relaxing, safe and rural like environment with average block sizes being around 1000 square metres or more. Rezoning to R3 Medium Density and hence allowing '**some 28 blocks of such a small size of approximately 600sqm**', which I strongly object to, seems ridiculously unfair and not at all anywhere near 'fitting in' with the current surrounding properties. If allowed to proceed, the real possibility of numerous townhouses and units and subsequent increase in population in such a small area will almost definitely destroy the current 'rural, spacious & unique feel' that so many of us obviously purchased our properties for in the first place and hence paid considerable amounts of money to achieve. Not only would this disappear it would be replaced by excessive traffic noise directly backing onto my backyard, ruin the feeling of safety and security and be visually unattractive.

If rezoning is necessary at all, surely a fair and reasonable outcome for mine and other existing adjoining and surrounding properties would be to rezone to R2 Low Density '**not R3**' and keep the block sizes at around 1000 square metres with single houses only, keeping within what is already there. This would certainly assist in reducing excessive noise, traffic and help the area to remain aesthetically pleasing whilst still maintaining some of the current rural like environment currently enjoyed.

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Whilst on the subject of being aesthetically pleasing I would also like to raise my objection in relation to the removal of any further trees from the above mentioned land, especially 'Pine Trees'. The trees are home to an array of birdlife. Pine trees are rare, they represent the estate's identity and are like an 'icon' if you like. It would be a shame to destroy them for no valid reason.

Thank you for taking the time to read my thoughts and concerns in relation to the above issue. I hope council will carefully consider the points I have raised and support them. I look forward to your reply.

Ms Danielle Harris

Owner – 6 Fieldcrest Place, Lennox Head NSW 2478.

Phone - 0420393113

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07/10/12

Mark and Sharon Crimmins
8 Fieldcrest Place Lennox Head Nsw 2478

Ballina Council
Cnr Tamar & Cherry Street Ballina Nsw 2478

Attention – Sally McGarry

Re: BSCPP 12/001

Dear Sally,

We wish to raise an objection for the proposed rezoning of the 3.23ha's of land at 160 -190 North Creek Road Lennox Head.

Our reasons for this objection are as follows.

1/ Subdividing of Four unique blocks.

We purchased our land lot 229 in Fieldcrest place in 2005 because of its unique location. We felt the 3.23ha of rural zoned land adjoining our block would offer wind protection and privacy for our future home. The said land creates an amazing park like setting that is home to an array of interesting birdlife. We feel that the owners of these four lots have something very unique in their current form. Where else could you raise your family on a 2acre rural lot with ocean views and be only a minute away from the shops or the beach. These four lots are one of a kind and it would be a shame to loose such a unique situation.

2/ Rezoning to R3 Medium Density.

The 3.23ha of rural zoned land in question currently adjoins land in Fieldcrest Place, Palisade way and Mont wood drive, all of which are zoned R2 low density Residential land; this also applies to all the other surrounding streets. For reasons of Congestion, excess noise, access onto North creek road, resale and safety, all being negative, we see no reason for the land in question to be zoned R3 Medium Density. The thought of units on the any of the proposed 28 lots seems a complete nightmare and would ruin the unique harmony of the area.

3/Removal of the Pines and the Fig Tree.

It would be disappointing to see the removal of any more trees on the land in question. For reasons being we feel they provide a safe haven for several different types of birdlife as well as act a huge wind break for surrounding blocks along the top side of Fieldcrest place as well as North creek road and Montwood drive. We also feel the pines are part of the hills identity and can be used a as reference point from afar. While we are on the topic of trees we would like to ask, was the mass removal of trees from No 170 North Creek Road carried out in accordance with Ballina's tree preservation act?

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4/ Small lot sizes from 543msq proposed.

We don't agree with the small lot sizes proposed for the said site. We feel it would be too densely housed and out of scale for the area, which would destroy surrounding streets character and ruin neighbours Privacy. Many of the surrounding streets lot sizes range from 990msq -1500msq.

In Summary we cannot see how the proposed rezoning/subdivision of the said land would reflect in a positive way towards the surrounding lands owners and their families.

Thankyou

Kind Regards

Mark and Sharon Crimmins.

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Sally McGarry

From: ian mcfee [ian.mcfee@hotmail.com]
Sent: Friday, 12 October 2012 3:53 PM
To: Lee Hillyard
Subject: 160- 190 North Creek Road Lennox Head

To Whom it may concern,

I am writing in reference to 160 -190 North Creek Road Lennox Head BSCPP 12/001

I am APPOSING the REZONING of this area. I have been a residence in Lennox Head for 11 years. Moving to the area from the Great Ocean road, where they protect alot of their coastal towns from over development!!!

There has been several estates start up in Lennox since we arrived which has impacted on the growth of the town ship? i am not against development if it is done in the correct way. in the correct areas. There is plenty of room to move out from Lennox that will not impact on the residence as much?

Options at ASPECT NORTH Options at ELEVATION Options at HEADLANDS, the MEADOWS?

This part of Lennox Head gives the residence, which i am one, a buffer from being another suburb. WE bought here 6 years ago for that reason NOW you want to change the ZONE around us. There are some well established trees in this area that break up the old farm land look & give this town its charm.

LETS TRY & salvage what made this town the town we wanted to live in because of that charm!! we don`t need another estate!!

Living at 14 Fieldcrest place we have issues with water pressure, being weak!
Also there is a lot of water run off from these blocks above which collect into a spoon drain that runs the full length from No 16 to 4, this drain has filled over several time (ask Peter Moore he lives at no18) so there could be a storm water issue.

OK thank you for the opportunity

regards
Ian McFee

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Sally McGarry

From: Janeane Burke on behalf of Ballina Shire Council
Sent: Thursday, 11 October 2012 3:32 PM
To: Lee Hillyard
Subject: FW: re - Planning Proposal BSCPP 12/001

From: Mick Denny [mailto:MDenny@tweed.nsw.gov.au]
Sent: Thursday, 11 October 2012 1:15 PM
To: Ballina Shire Council
Subject: re - Planning Proposal BSCPP 12/001

To whom it may concern.

I wish to have registered my Objection to the Planning Proposal (BSCPP 12/001) at 160-190 North Creek Road, Lennox Head.

The rezoning of this land to R3 - Medium Density is inappropriate and not in character to the surrounding residential developments which is predominantly zoned R2. Such a rezoning is more appropriate to the Village of Lennox Head and around the future Commercial Hub of the Pacific Pines development, not along North Creek Road. The land should be zoned R2 .

If rezoned and developed to optimise a R3 zoning, the additional number of residents generated by such a development would have significant traffic safety and loading impacts, especially due to the sites closeness to Palisade Way and Montwood Drive (which will only become more overburden once the Pacific Pines development goes ahead - which is suppose to start early next year).

The increased density will also have a significant, negative impact on the amenity of surrounding residents (i.e. privacy impacts, overlooking and overshadowing). This is simply not the appropriate location to introduce such a zoning.

I hope Council maintain the character of the area and do not endorse the exhibited proposal. The land should be zoned R2 , not R3.

I appreciate your consideration of my objection letter.

Regards
Mick Denny
13 Fieldcrest Place, Lennox Head
02 66877137

All official correspondence requiring a formal written response should be addressed to the General Manager, PO Box 816, Murwillumbah, 2484; or emailed to tsc@tweed.nsw.gov.au; or faxed to 02 6670 2429.

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Matthew Wood

From: syhughes@tpg.com.au
Sent: Friday, 28 September 2012 11:53 AM
To: Matthew Wood
Subject: Proposal BSCPP 12/001 North Creek Road Lennox Head

4 Castle Drive
Lennox Head
NSW 2478

Dear Matthew & Fellow Council Members,

Thank you for your letter dated 25th September 2012 regarding the proposed changes and re-zoning of the land at 160-190 North Creek Road, Lennox Head.

Please may the blocks remain as large parcels of land with one residential home on each block. We appreciate the more spacious and country atmosphere the larger blocks give to North Creek Road. My children visit the horse paddock and we see it every day as we travel on North Creek Road. We love our neighbourhood just as it is.

We chose to live in this area because we wanted to get away from the city life style. Please protect our country life style from over crowding and compact urban style living. We appreciate the council and all the services you provide to our community.

Yours faithfully,

Suzanne Hughes

Sally McGarry

From: Janeane Burke on behalf of Ballina Shire Council
Sent: Monday, 15 October 2012 8:14 AM
To: Lee Hillyard
Subject: FW: Planning Proposal BSCPP 12/001, North Creek Road, Lennox Head.

From: Lorraine Shand [mailto:lorraineshand6@gmail.com]
Sent: Friday, 12 October 2012 5:24 PM
To: Ballina Shire Council
Subject: Planning Proposal BSCPP 12/001, North Creek Road, Lennox Head.

TO MR.MATTHEW WOOD,

Dear Matthew,

I am the owner of 10 Fieldcrest Place, Lennox Head, and I am concerned about Council's proposal to rezone 3.23ha of land at 160-190 North Deep Creek Road.

If I am correct, at least 12 owners will be affected and the peace that now exists will be no longer.

Will the Moreton Bay Fig remain along with the Norfolk Pines and the Hoop Pine . I thought Council wanted to preserve trees not fell them to be replaced by housing and roads.

Do we need to live cheek by jowl and back to back ? What happened to privacy ? The way the plan looks, we will be able to hear each other breathe, let alone any other activity.

I ask Council to consider this proposal very carefully as we don't want to end up looking like Suffolk Park--- the slums of to-morrow because of no fore thought and very poor planning.

Yours Sincerely,
Lorraine Shand.

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