



Ballina Shire Council

Planning Proposal – April 2013

Dual Occupancy Lots Lennox Head

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Gateway



Introduction

Summary of Planning Proposal

This planning proposal relates to four existing allotments of land and three approved (but not created allotments) at Lennox Head as described below:

- Existing allotments described in real property terms as lots 182, 183 & 184 DP 1165078 and Lot 168 DP 1166175.
- Two approved lots in DA 2008/628 within existing Lot 177 DP 1172682 and one approved lot in DA 2007/503 within existing Lot 20 DP1121759 and Lot 3 DP 253428.

The location of the subject land is shown in Figure 1 below.

The need for the planning proposal has arisen from delays and staging involved in the processing and introduction of the Ballina Local Environmental Plan 2012 and subdivision works and lot creation having occurred during the interim stage of implementation of the LEP.

Planning Context

Ballina LEP 2012

The Ballina LEP 2012 provides for the following residential zones:

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

The subject land is currently zoned R2 under the terms of the Ballina LEP 2012. The subject allotments (mixture of newly created and approved lots) are nominated in the respective development approvals as comprising dual occupancy lots for the purpose of future residential development. Consequently, the planning proposal seeks to acknowledge these approvals by the application of the R3 Medium Density Residential Zone to the land.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 provides the strategic planning context for urban development in Ballina Shire. The development of the land, to which the planning proposal relates, is consistent with Council's Growth Management Strategy.

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Figure 1. Land to which the planning proposal relates

Part 1 - Objectives or Intended Outcomes

The objective of this planning proposal is to enable residential development for the purposes of dual occupancy, as defined in the Ballina LEP 2012, on allotments of land that created for the purpose of dual occupancy development, consistent with the planning context and history of the land.

Part 2 - Explanation of the Proposal

This planning proposal relates to four existing allotments of land and three approved (but not created allotments) at Lennox Head as described below:

- Existing allotments described in real property terms as lots 182, 183 & 184 DP 1165078 and Lot 168 DP 1166175.
- Two approved lots in DA 2008/628 within existing Lot 177 DP 1172682 and one approved lot in DA 2007/503 within existing Lot 20 DP1121759 and Lot 3 DP 253428.

The subject land is currently zoned R2 Low Density Residential under the terms of the Ballina LEP 2012. The subject allotments (mixture of newly created and approved lots) are nominated in the respective development approvals as comprising dual occupancy lots for the purpose of future residential development. Consequently, the planning proposal seeks to acknowledge these approvals by the application of the R3 Medium Density Residential zone to the land.

The R3 zone will permit dual occupancy development on the land with development consent, whereas the current R2 zone does not.

Part 3 - Justification

Section A - Need for the Planning Proposal

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

The need for the planning proposal has arisen from delays and staging involved in the processing and introduction of the Ballina Local Environmental Plan 2012 and subdivision works and lot creation having occurred during the interim stage of implementation of the LEP.

Essentially, the subject lots were not created at the time the land was zoned under the LEP. As such, the land was not recognised as being for dual occupancy purposes under the LEP.

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The proposal is consistent with Ballina LEP 2012 and the Ballina Shire Development Control Plan 2012 (including previous iterations of these plans).

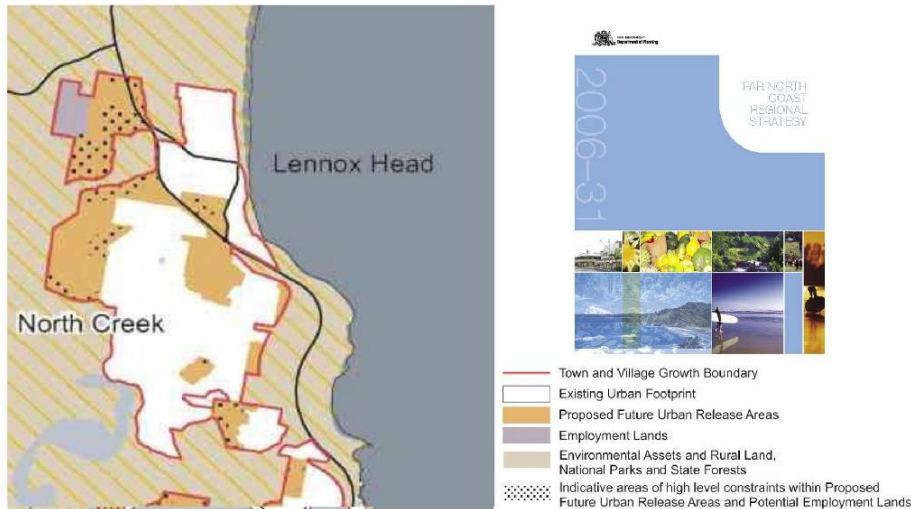
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the most appropriate means of enabling dual occupancy development on the land. An alternative option would involve the identification of the land via the Additional Permitted Uses mechanism in the LEP, however, this is not preferred.

Section B - Relationship to the Strategic Planning Framework

3. 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 Far North Coast Regional Strategy (FNCRS), which provides the regional framework for the consideration of policy development and the overall vision of the future. The proposal is not in conflict with the outcomes or actions of the strategy.



4. 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:

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Ballina LEP 2012

The Ballina LEP 2012 provides for the following residential zones:

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

The subject land is currently zoned R2 under the terms of the Ballina LEP 2012. The subject allotments (mixture of newly created and approved lots) are nominated in the respective development approvals as comprising dual occupancy lots for the purpose of future residential development. Consequently, the planning proposal seeks to acknowledge these approvals by the application of the R3 Medium Density Residential zone to the land, thereby enabling dual occupancy development on the lots with development consent.

Ballina Shire Growth Management Strategy 2012

The Ballina Shire Growth Management Strategy 2012 provides the strategic planning context for urban development in Ballina Shire. The development of the land, to which the planning proposal relates, is consistent with this strategy.

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

Yes, the proposal is generally consistent with applicable State Environmental Planning Policies (SEPP).

6. 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 1.

Section C - Environmental, Social and Economic Impact

7. 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 subject land is zoned for the purposes of low density residential development (single detached dwellings and secondary dwellings) and is approved for subdivision for residential purposes. The planning proposal will enable development for two dwellings to occur on each subject lot rather than one. The planning proposal is unlikely, therefore, to have any greater environmental impact than is anticipated from the development of the land under the current zoning arrangement.

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

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

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

As a consequence of its minor nature, no broad positive or negative social or economic impacts are likely to arise as a result of the planning proposal.

Section D – State and Commonwealth Interests

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

The planning proposal does not create the need for any additional public infrastructure.

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

Consultation will be undertaken with relevant agencies during the public exhibition stage of the LEP amendment.

Part 4 - Mapping

As outlined above, the subject planning proposal involves amendment of the Zoning Map, under the terms of the Ballina LEP 2012, from R2 Low Density Residential to R3 Medium Density Residential Zone.

The proposal also includes amendment to the Lot Size Map to change the minimum lot size for subdivision of the subject land from 600m² to 800m². This provides for consistency in lot size standards associated with land zoned R3 for similar purposes in the locality.

Mapping showing the existing and proposed Land Zoning and Lot Size maps under the Ballina LEP 2012 are contained in Appendix 2.

Part 5 – Community Consultation

It is proposed that this planning proposal will be exhibited in accordance with the Gateway determination and the terms of the *Environmental Planning and Assessment Act 1979*.

Part 6 – Project Timeline

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

Plan Making Step	Estimated Completion (Before)
Gateway Determination (Anticipated)	May 2013
Public Exhibition Period	July 2013
Submissions Assessment	July 2013
RPA Assessment of Planning Proposal and Exhibition Outcomes	August 2013
Submission of Endorsed LEP to DP&I for Finalisation	September 2013
RPA Decision to Make the LEP Amendment (if delegated)	N/A – Council is not seeking delegation for the amendment
Forwarding of LEP Amendment to DP&I for Notification (if delegated)	N/A – Council is not seeking delegation for the amendment

Appendices

Appendix 1 - Section 117 Direction Checklist

Section 117 Direction Checklist	
Planning Proposal – Dual Occupancy Lots Lennox Head	
DIRECTION NO.	Compliance of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	Does not apply to planning proposal.
1.2 Rural Zones	Does not apply to planning proposal.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply to planning proposal.
1.4 Oyster Aquaculture	Does not apply to planning proposal.
1.5 Rural Land	Does not apply to planning proposal.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Does not apply to planning proposal.
2.2 Coastal Protection	Consistent.
2.3 Heritage Conservation	Consistent.
2.4 Recreation Vehicle Areas	Does not apply to planning proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The planning proposal proposes to increase to permissible dwelling density on the land. The delivery of appropriate urban infrastructure to service the land has been secured by existing development consents relating to the creation of the subject allotments.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply to planning proposal.
3.3 Home Occupations	Does not apply to planning proposal.
3.4 Integrated Land Use and Transport	Does not apply to planning proposal.
3.5 Development Near Licensed Aerodromes	Does not apply to planning proposal.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent.
4.2 Mine Subsidence and Unstable Land	Does not apply to planning proposal.
4.3 Flood Prone Land	Does not apply to planning proposal.
4.4 Planning for Bushfire Protection	Consistent. The subject land is within areas approved for residential subdivision and development.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent.

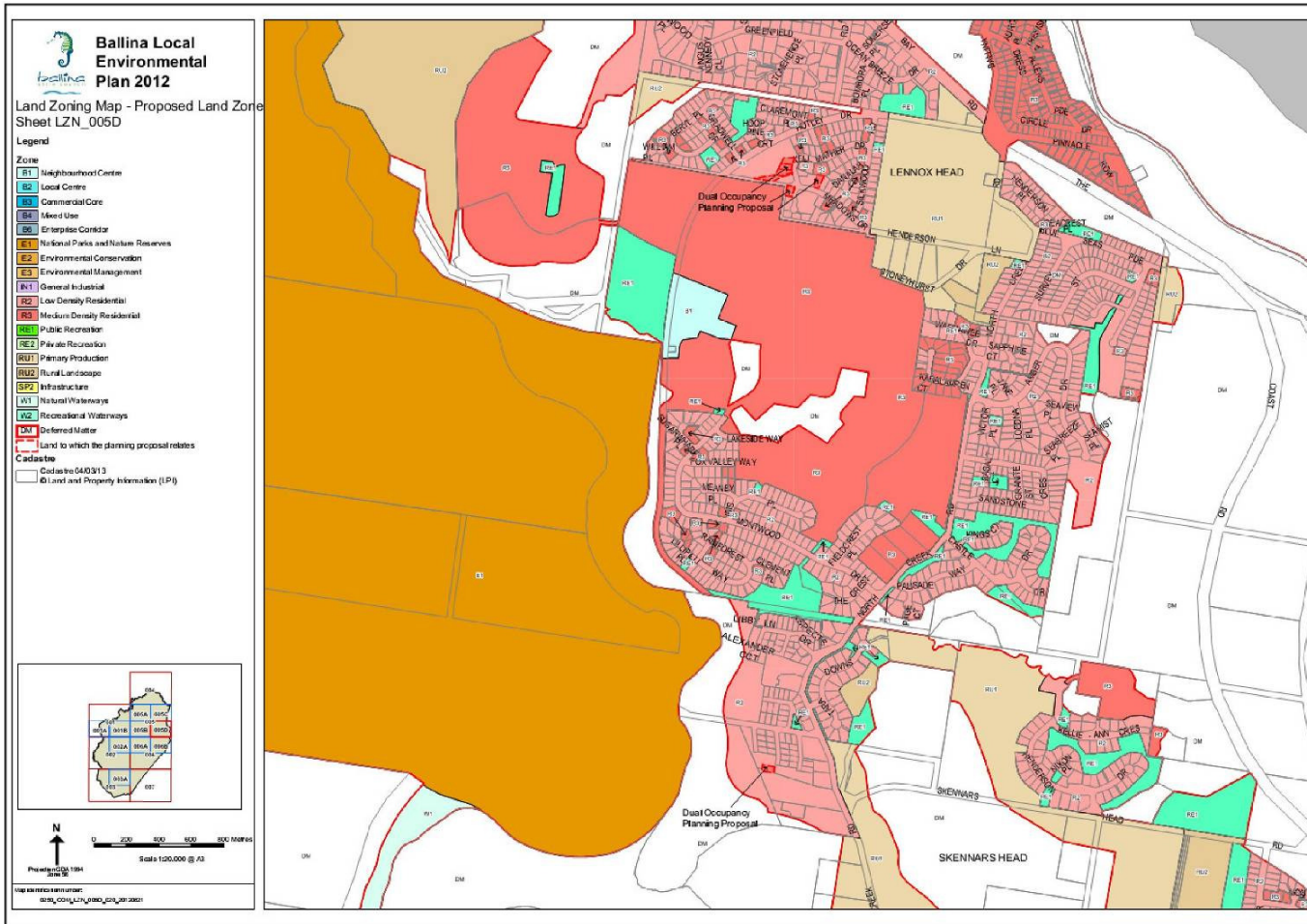
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5.2 Sydney Drinking Water Catchments	Does not apply to Ballina Shire.
5.4 Commercial and Retail Development	Does not apply to planning proposal.
5.5 Development in the vicinity of Ellalong Paxton and Millfield (Cessnock LGA).	Repealed.
5.6 Sydney to 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	Consistent.
6.2 Reserving Land for Public Purposes	Consistent.
6.3 Site Specific Provisions	Does not apply to planning proposal.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	Does not apply to Ballina Shire.

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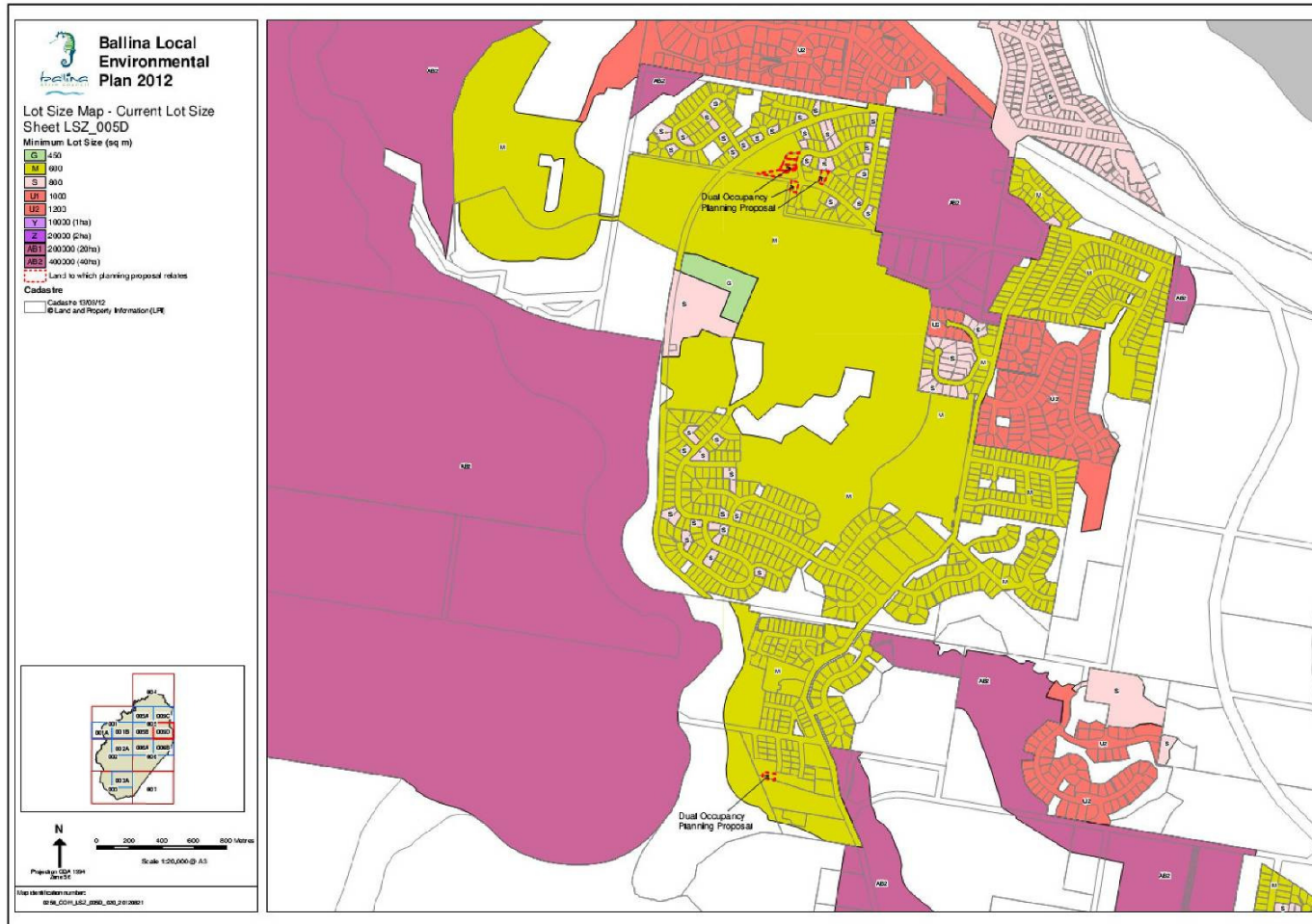
Appendix 2 – Current and Proposed Map Sheets Ballina LEP 2012

9.2 **LEP Amendment - Dual Occupancy Lots, Lennox Head.DOC**



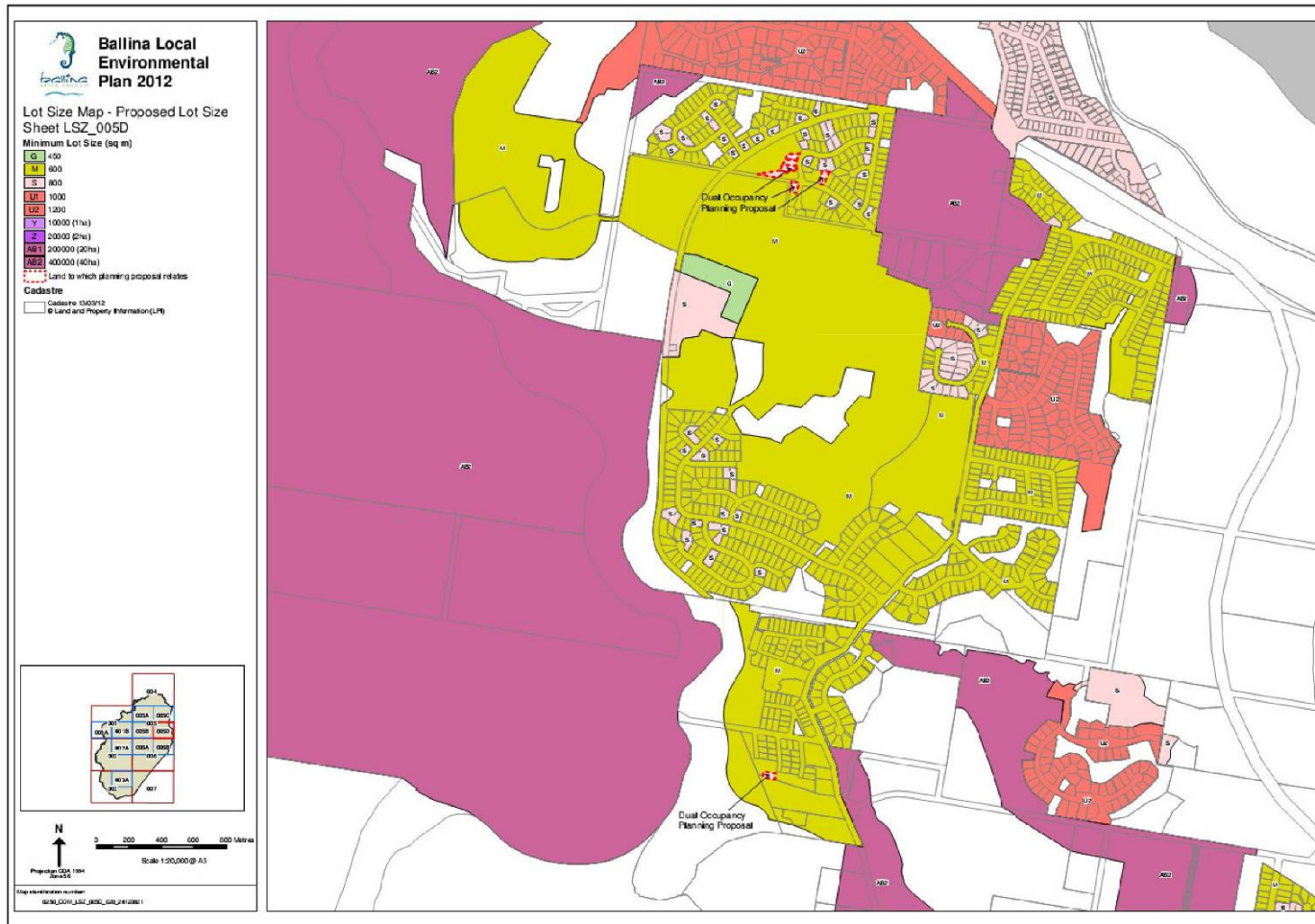
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